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Chairman: Mr. Roberto URDANETA ARBELÁEZ (Colombia).

Duties of States in the event of the outbreak of hostilities (*continued*)

[Item 72]*

GENERAL DISCUSSION (*continued*)

1. Mr. KISELEV (Byelorussian Soviet Socialist Republic) said that his delegation would vote against the Yugoslav draft resolution (A/C.1/604), which was unacceptable for several reasons.

2. First, the proposal did not resolve the basic question, which was how to determine the aggressor. Moreover, the provisions of the proposal would be to the advantage of the aggressor State. It would only have to declare itself ready to withdraw its troops inside its own frontier to cease automatically to be regarded as an aggressor. In the meantime, however, it would have been able to have taken advantage of the time-limits envisaged in the draft resolution before making its declaration and to have brought its aggression to a successful conclusion while being guaranteed impunity. For example, a powerful State, after having attempted unsuccessfully to intervene in the domestic affairs of a small neighbouring State, might decide to attack the latter after secret preparations. In that case, the former State would choose the best time to invade the territory of the latter State and destroy its industrial centres and rail junctions by air and naval bombardment. A time-limit of forty-eight hours would be long enough for the aggressor to break the entire resistance of the State which had been attacked, after which the former would be able to declare itself ready to withdraw its forces, and would thus be automatically absolved of the crime of aggression.

3. The Yugoslav draft resolution was unacceptable for another reason. It did not contain any unconditional prohibition of aggression.

4. Lastly, the draft resolution did not take into account the provisions of the Charter with respect to the pacific settlement of disputes. Under Chapter VI, the

Security Council must not only prevent threats to the peace from coming to a head, but must take steps to see that such threats did not arise. The provisions of Chapters VI and VII of the Charter placed unsurmountable obstacles in the path of aggression. Moreover, they authorized and even compelled the Security Council to take steps at any stage in a dispute. The provisions of the Charter regarding the first phase of the dispute, namely pacific settlement, could not be disregarded as they were in the Yugoslav proposal.

5. The amendments suggested by the representative of Costa Rica (384th meeting) and those submitted by the representative of Cuba (A/C.1/609) were also unacceptable and harmful, since they would enable the aggressor to act with impunity for a certain length of time. Those amendments were designed to bring in the Secretary-General and the Peace Observation Commission to determine the date and the hour of the cease-fire and to verify the withdrawal of the armed forces beyond the frontier: but they did not even fix any time-limit. It was certain that, before the Secretary-General would be able to establish the date and hour of the cessation of hostilities and to succeed in having his observers accredited so that they could proceed to the area, the aggressor would have had time to swallow up his victim without having been denounced as an aggressor.

6. Moreover, it was obvious that whenever two States were engaged in hostilities, immediate, speedy and effective steps would have to be taken against the aggressor State. The USSR draft resolution (A/C.1/608) provided a solution to that problem by defining all cases of aggression. That point of view had been adopted by the USSR seventeen years ago, when it had submitted a proposed definition of aggression to the Committee on Security Questions of the Disarmament Conference in 1933.¹ At that time, seventeen other States had adopted an identical point of view when

¹ See League of Nations, Conference for the Reduction and Limitation of Armaments, Report of the Committee on Security Questions, Conf. D/C.G.108, published in *Conference Documents Vol. II*, p. 679 (League of Nations Series 1935.IX.4).

* Indicates the item number on the General Assembly agenda.

the international Convention for the Definition of Aggression was signed in London in 1933.²

7. The USSR draft resolution enumerated all the acts which could be termed aggression. That was why the Byelorussian SSR delegation would support that draft, it being understood that, when the Security Council was called upon to take decisions, in the event of hostilities, it would use that definition of aggression as a basis.

8. Mr. WINIEWICZ (Poland) said that he intended to examine the two draft resolutions in the light of Poland's unwavering policy in support of peace and the United Nations. The Yugoslav draft resolution (A/C.1/604) was likely to confuse the issue of aggression, whereas the USSR draft resolution (A/C.1/608) was quite unambiguous.

9. Despite the high-sounding terms of the Yugoslav draft resolution, its contents were inconsistent, as the statements of most speakers had shown. Instead of placing obstacles to the realization of the aggressor's aims, the draft resolution was based on the obligation of every State engaged in hostilities to proclaim its readiness to cease firing and to issue immediately a cease-fire order. The aggressor and the victim were thus placed on an equal footing, and the victim was prevented from having recourse to the indisputable right of self-defence. The draft resolution thus favoured the aggressor, and was a violation of Article 51 of the Charter.

10. The representative of the USSR had rightly pointed out (385th meeting) that a war of aggression was not a matter of chance, but was carefully prepared beforehand. Aggression would not be discouraged by putting victim and aggressor on the same footing. It was hardly conceivable that after Pearl Harbor, for example, the United States of America should have been compelled to proclaim and to maintain in force a cease-fire order until an international body had denounced Japan as the aggressor.

11. The use of the atomic bomb and modern weapons of mass destruction made the role of the aggressor still easier. In the circumstances, the pacific settlement of disputes acquired increasingly greater importance, but the Yugoslav draft made no reference to such settlement.

12. The provisions of the second paragraph of the operative part of the Yugoslav draft resolution were ambiguous and would lead to confusion. They did not in fact indicate at what time, and by what body, the demarcation line would be fixed. The draft resolution also lacked logic, for it not only disregarded the provisions of Chapter VI of the Charter regarding the pacific settlement of disputes, and of Article 51 regarding the right of self-defence, but also the provisions of Chapter VII, which conferred upon the Security Council the responsibility for determining the existence of threats to the peace, breaches of the peace and acts of aggression, and for taking measures to repel them. By bringing in the Secretary-General, the Yugoslav draft resolution substituted him for the Security Council.

13. The fifth paragraph of the operative part of the Yugoslav resolution paid lip-service to the provisions

of the Charter but actually contradicted other provisions of the draft resolution which disregarded the principles of the Charter relating to the maintenance of international peace and security.

14. The amendments of the Cuban delegation (A.C.1/609) were designed to replace certain controversial paragraphs of the Yugoslav draft resolution, but they also were not consistent with some provisions of the Charter and with the General Assembly resolution entitled "Uniting for peace" (A/1456, resolution A) since those amendments violated the terms of reference of the Peace Observation Commission. That resolution specified that the Commission's task was to observe and report, whereas the Cuban amendments invited the Peace Observation Commission in fact to exercise the functions of the Security Council, by giving it the power to fix the hour for the cease-fire and to determine the aggressor. Thus, those amendments did not do away with either the inconsistency or the illogicality of the Yugoslav draft resolution.

15. Although that draft resolution had the serious defect of assisting the aggressor, it was still true that aggression must be defined so as to assist the Security Council in carrying out its duties speedily, in accordance with the provisions of Article 39 of the Charter. A definition of aggression must cover all the examples of aggression committed in the past and must be acceptable to all Members. The USSR draft resolution answered those requirements.

16. Paragraph 1 of the USSR draft resolution (A/C.1/608) contained a complete list of all kinds of aggression. Paragraph 2 was intended to ensure respect for the principle of non-intervention in the domestic affairs of States, for although the purpose of the United Nations was to maintain international peace and security, that purpose could not be accomplished by provoking intervention in civil wars. Lastly, paragraph 3 envisaged the case of threats of aggression and made provision for recourse to diplomatic methods or to the machinery provided in Chapter VI of the Charter for the pacific settlement of disputes.

17. The USSR draft resolution was not new. Its definition of aggression was already contained in the London Convention, signed on 3 July 1933 by seventeen governments. It was not irrelevant to point out that three of the countries which had refused to accede to that Convention, on the pretext that its provisions were too rigid, had later committed acts of aggression. Those countries were none other than Germany, Italy and Hungary.

18. The enumeration in the USSR draft resolution covered all the acts of aggression committed before the outbreak of the Second World War. It also referred to such intervention in the domestic affairs of States as the colonial wars. The whole history of mankind could be invoked in support of that definition of aggression.

19. Nor was it inappropriate to draw attention to the preamble of the USSR draft resolution, which recognized that all States had equal rights to the defence of their independence and territorial integrity, laid stress on the inalienable right of self-defence and by defining aggression made it possible to contemplate a reduction in armaments.

² See *League of Nations Treaty Series*, Vol. 147, No. 3391.

20. The delegation of Poland called upon all Member States to support the USSR draft resolution, which was of great importance for the strengthening of international peace and security.

21. Mr. LODGE (United States of America) said that, since the Yugoslav draft resolution (A/C.1/609) was intended to strengthen the provisions of the Charter for the maintenance of international peace and security, it merited most careful and serious attention. His delegation believed that, although an automatic cease-fire order whenever hostilities had broken out might, in principle, serve to deter a possible aggressor or to put an end to hostilities, the Yugoslav draft resolution presented certain difficulties, to which reference had already been made and which called for some comment.

22. In the first place, the Yugoslav draft resolution placed aggressor and victim on the same footing. It was hardly logical to impose upon the victim of an aggression the unconditional obligation to cease firing. On the contrary, the Security Council or the General Assembly should examine the situation and whichever of those two bodies was competent in the matter should, acting on the basis of the specific case involved and with full knowledge of the facts, lay down the terms for a cease-fire order.

23. It could not be assumed that a State which was fully intent on committing an act of aggression and on ignoring the principles of the Charter could be deterred by a general recommendation to cease fire. Indeed, an automatic cease-fire order might even aid the aggressor and hamper action by the United Nations, because the aggressor might well declare that it would cease fire without actually intending to do so, in order to lull the victim into security. It would then be very easy for the aggressor to find some pretext to justify its failure to observe its own cease-fire declaration. The draft resolution did not provide for any machinery for observing or supervising the cease-fire. The time-limit of forty-eight hours within which the States would have to withdraw their troops might be used by the aggressor to improve its strategic position. An automatic cease-fire order might also hamper the action of the Security Council and General Assembly, since those organs would be obliged to await the expiration of the time-limit before taking other measures, and such a delay could be fatal.

24. The Yugoslav draft resolution also presented a legal difficulty, in that it provided that the General Assembly should automatically brand as an aggressor any State which failed to issue a cease-fire declaration without regard to action which the Security Council might take under Article 39 of the Charter.

25. As the representative of Colombia (385th meeting) had pointed out, none of the past efforts to define aggression had led to a satisfactory result because no single definition was applicable to all cases which might arise.

26. The fear of being branded an aggressor might possibly have a deterrent effect. But if such a determination of the aggressor was to be binding upon the Security Council or the General Assembly, the latter would be encroaching upon the prerogatives of the Council. If

the matter should subsequently come before the General Assembly, that body would be committed in advance without having been able to determine, on the basis of the facts, whether aggression had actually occurred. What would happen if both parties refused to issue a cease-fire order? Were both to be branded as aggressors? The outcome would be great confusion.

27. It was also possible that a State which was the victim of aggression might find itself branded as the aggressor. If one State bombed the territory of another and the victim, in reprisal, dispatched land forces against the aggressor, the latter might indicate that it was prepared to cease firing while the victim of aggression might deem it impracticable unconditionally to cease firing. Yet, under the Yugoslav draft resolution it was the victim which would be branded as the aggressor in such a case.

28. In brief, the Yugoslav draft resolution overlooked the complex factors which might go into a determination of aggression. Such a determination required findings of facts and considered judgment by the Security Council or the General Assembly on the basis of those facts.

29. Nevertheless, the idea underlying the Yugoslav draft resolution might be retained if the amendment proposed by the United Kingdom delegation (384th meeting) were accepted. There was considerable merit in the suggestion that belligerent States should be obliged to take steps to bring hostilities to a close and to settle their disputes by peaceful methods.

30. Of course, the victim should not be expected to cease firing unless the aggressor had agreed to comply with certain legitimate conditions. As the representative of Cuba had noted, at the same time both parties would be expected to heed orders of the Security Council or recommendations of the General Assembly. A provision in such terms would be consistent with the principles of Article 2 of the Charter concerning the settlement of disputes by peaceful means.

31. Another meritorious idea in the Yugoslav draft resolution was the suggestion that States engaged in hostilities should proclaim their good will to the judgment of the United Nations. The Security Council or the General Assembly meeting in special session, as provided in the resolution on "Uniting for peace" (A/1456, resolution A), could call upon the parties to explain why they were engaged in hostilities. Such a requirement would recognize that the use of force, unless in legitimate defence, was inconsistent with the principles of the Charter. The victim of aggression could easily justify its position by invoking the provisions of Article 51, which dealt with legitimate defence. Any attempt by the aggressor to mask an aggressive act by invoking the provisions of the Charter could thus be easily unmasked. A provision which would make such a declaration obligatory might deter a possible aggressor and would help the Security Council to determine what steps should be taken to restore peace.

32. The Cuban amendments (A/C.1/609) did not eliminate all the difficulties inherent in the automatic issuance of a cease-fire order. Moreover, those amendments appeared to modify the provisions of the resolution "Uniting for peace", since they called for the

dispatch of the Peace Observation Commission without regard to whether the Security Council was acting in the case. There was, however, great merit in the idea of bringing the Peace Observation Commission into the scheme developed by the Yugoslav draft resolution. States engaged in hostilities should be required to declare whether they were prepared to receive and co-operate with the Peace Observation Commission. The making of such a declaration would in itself create a presumption of innocence for the State making it.

33. If the Yugoslav draft resolution were amended in the sense indicated, it would supplement the two resolutions already adopted by the General Assembly on "Uniting for peace" (A/1456, resolution A) and "Peace through deeds" (A/1490).

34. The USSR draft resolution (A/C.1/608) was of a character basically different from that of the Yugoslav proposal and was admittedly an attempt at a comprehensive definition of aggression. It was not entirely clear to the United States delegation why the delegation of the USSR should have submitted that proposal under an item entitled "Duties of States in the event of the outbreak of hostilities".

35. The USSR proposal was almost identical with the one submitted to the League of Nations by Mr. Litvinov in 1933.³ At that time there had been a difference of opinion concerning the desirability of a comprehensive definition of aggression. In San Francisco, the competent Committee had concluded that the question went beyond the purposes of the Charter and it had been decided to let the Security Council determine whether a given set of facts constituted an act of aggression.⁴

36. The Government of the United States had always considered, and was still of the opinion, that no definition of aggression could be exhaustive and that any omission might encourage an aggressor. It would be noted, for example, that the definition proposed by the USSR delegation contained no reference to indirect aggression, to subversion or to the fomenting of civil strife. Any attempt at a comprehensive definition of aggression was inconsistent with the provisions of the Charter, particularly with Article 39, which provided that the Security Council should determine the existence of any act of aggression and take the necessary steps to put an end to it. A definition of aggression adopted by the General Assembly could not be binding upon the Security Council and would not even bind the General Assembly itself when it considered whether there had been aggression in a particular case. If the definition of aggression proposed by the USSR had already been adopted, the Soviet Union would no doubt have attempted to claim that there had been no aggression against the Republic of Korea on 25 June 1950 or that it had been the forces of the United Nations which had committed aggression in Korea. It was not a definition of aggression which was needed, but the deter-

mination of all the Member States to live up to the principles of the Charter.

37. Mr. VOYNA (Ukrainian Soviet Socialist Republic) said that the Yugoslav draft resolution (A/C.1/604) was ostensibly intended to supplement the juridical machinery of the United Nations by requesting Members to assume obligations which would become operative automatically in the event of aggression, regardless of any decisions that might be taken by the organs of the United Nations. As those obligations related to every State which had become "engaged in hostilities", an expression which applied to the victim as well as to the aggressor, the aggressor country would, despite the fact that it had unleashed the war, be in a privileged position. That situation would be inadmissible since the victim of aggression would have been involved in military operations against its will.

38. In fact, both the preamble and the operative part of the Yugoslav draft resolution were based on the pernicious idea of equality of treatment of the two parties, which could only favour the aggressor. It was idle to expect that the aggressor State would make the public statement called for in the first paragraph of the operative part, and still less likely that it would suspend hostilities. An aggressor made preparations long in advance, secured military bases, speeded up the production of aircraft and tanks, strengthened and trained its armed forces and placed its economy on a war footing. As had been indicated by the statements of certain warmongers, the aggressor staked its all on the success of a lightning war and might make use of the two or three days' breathing space accorded it to penetrate deep into the territory of the victim and force the latter to surrender. It was in that way that Hitler had attempted, by the suddenness of his attack, to repeat against the Soviet Union the successes he had obtained against France and Belgium. As Generalissimo Stalin had declared on 3 July 1941, fascist Germany had hurled 170 fully mobilized divisions against armies of the Soviet Union, which had still to be mobilized and to be moved into position.

39. No doubt the sponsors of the draft resolution (A/C.1/604) assumed that, if the aggressor did not comply with the requirements of the Yugoslav proposal, its moral position would be undermined. But they overlooked the fact that, if those provisions were applied unilaterally by the victim, the aggressor's position would be immensely strengthened. There was therefore some justification for the view of the United Kingdom (384th meeting) that the provisions regarding a ceasefire would assist the aggressor. The same was true, however, of the provisions for the withdrawal of troops, to which the United Kingdom delegation had raised no objection. With all deference to the representative of Egypt (384th meeting), strategic or tactical considerations might lead the victim of aggression to cross the frontier in order to carry out a flanking movement to encircle the forces of the aggressor or to cut their communications. Moreover, in the first few days of hostilities, the line between the opposing forces might be fluid, so that the required withdrawal of troops would work to the advantage of the aggressor alone. It would therefore be incorrect to regard a State as an aggressor solely because it had not made the statement required of it. Reliance on an incorrect definition based only on

³ See League of Nations, Conference for the Reduction and Limitation of Armaments, Report of the Committee on Security Questions, Conf. D/C.G.108, published in *Conference Documents, Vol. II*, p. 679 (League of Nations Series 1935.IX.4).

⁴ See *Documents of the United Nations Conference on International Organization*, San Francisco, 1945, document 881, III/3/46.

secondary circumstances might result in a possible victim being classified as an aggressor.

40. The delegation of the Ukrainian SSR therefore believed that the Yugoslav delegation had deliberately included in its draft resolution provisions designed to favour the aggressor. That delegation regarded the Yugoslav proposal (A/C.1/604) and the Cuban amendments (A/C.1/609), which were open to the same criticism, as unacceptable. In fact, the Yugoslav draft resolution was directed solely against the Security Council, which it would paralyse, and against the normal machinery of the Charter which would be made inoperative.

41. If adopted, such provisions would be an immense step backward compared to the Convention concluded in 1933 by the USSR on the basis of a comprehensive definition of aggression which had been proposed by the Soviet Union and accepted by the Committee on Security Questions of the Disarmament Conference. If the great Powers had accepted those principles, which were as timely as ever, the cause of peace would have been greatly strengthened. In order to be able to accuse a State of aggression, it was essential to have a clear definition, accepted by all States, a fact which current international complications served merely to emphasize. Only in that way would the Security Council, which had the primary responsibility for the maintenance of peace, be provided with the necessary basis for rapid action without the risk of that action being weakened by specious arguments designed to justify aggression. For that reason the Soviet Union had submitted a proposal based on the principles accepted on 24 May 1933 by a committee of the Disarmament Conference and giving solemn sanction to a definition of aggression.

42. The delegation of the Ukrainian SSR was in favour of the USSR draft resolution (A/C.1/608) which afforded the most lucid definition of aggression.

43. Mr. FRIS (Czechoslovakia) was of the opinion that the Yugoslav draft resolution (A/C.1/604), completely ignored the essential characteristics of aggression and tended to obscure the concepts of aggression and of the aggressor which had been recognized in international law. Under that draft resolution, the aggressor would be determined on the basis of illegitimate criteria, the application of which would necessarily work to the advantage of the aggressor. On the basis of such premises, it was futile to attempt to frame a correct definition of the duties of States in the event of the outbreak of hostilities, or to strengthen action against war. Moreover, the Yugoslav proposal was a new link in the chain of actions directed against the Security Council, which would be thwarted in its right to check aggression by the adoption of a new procedure which placed aggressor and victim on the same legal footing.

44. It was unlikely that a State which disregarded the principles of democratic international co-operation in favour of aggressive imperialistic designs, and which opened hostilities, would make the statement or notify the Secretary-General, as required under the Yugoslav draft resolution. Meanwhile, the victim, since it was subject to the same obligations, would be deprived of any opportunity to defend itself. Moreover, action by the Security Council would be held up for four days

during which time, regardless of moral and legal considerations, the two parties would be on an equal footing with the result that the Security Council's assistance might well be *post mortem*.

45. Under the Yugoslav draft resolution, the determination of aggression would be dependent on an entirely secondary circumstance, the observance of the measures provided for in the draft resolution, which was based on the absolutely erroneous principle that, in the event of the outbreak of hostilities, the determination of the aggressor would be the unknown factor. There were, in fact, well-defined criteria for determining the aggressor which were listed in the USSR draft resolution (A/C.1/608), which had been based on principles forming an integral part of international law. On the basis of those principles, the Soviet Union had in 1933, concluded a number of treaties regarding the definition of aggression, a definition based on the Soviet concept. Yugoslavia was one of the signatories to those treaties, which provided that any attack whatsoever, even one not accompanied by a declaration of war, constituted an act of aggression. An annex listed a number of circumstances which were not to be regarded as justifying aggression. It was a well-known fact that aggressors were in the habit of providing all manner of excuses for their attacks.

46. The work of the Disarmament Conference and the adoption, by the seventeen States members of the Committee on Security Questions, of the essential elements of the Soviet proposal had helped to expose the aggressive policy of the fascist States and to mobilize the democratic forces against the aggressors. Events like the Ethiopian war or the attack on Pearl Harbor showed how aggressors strove to camouflage their actions by excuses based on international events or internal policy.

47. When the representative of the United States of America expressed his opposition to a definition of aggression, it was legitimate to ask whether it was not the party with aggressive designs which had to fear elucidation in a field where it was attempting to sow confusion.

48. In the light of the tragic experience of recent years and in order to safeguard the objectives of the Charter, the Assembly should adopt the USSR draft resolution (A/C.1/608), which, on the one hand, described various forms of aggression and, on the other, exposed the excuses which were normally given to justify acts of aggression. The delegation of Czechoslovakia would therefore support the draft resolution, which contained a clear definition of aggression and would constitute an important contribution to the struggle for the maintenance of international peace.

49. Mr. PEARSON (Canada) pointed out that the USSR draft resolution, re-embodiment of a proposal considered many years ago at Geneva, did not deal with indirect aggression which, at the present time, was proving much more dangerous than aggression of the old type, which was preceded by a declaration of war and was now as out-of-date as a cavalry charge.

50. The tendency to rely on automatic provisions instead of passing a separate judgment in each situation was shown in extreme form in the USSR draft

resolution, which contained two highly detailed lists designed to provide criteria for determining aggression. Similar attempts had been made in the past, but, as the representative of Colombia had pointed out (385th meeting), they had usually led to protracted discussions and eventual failure, which made it very doubtful whether such automatic action could ever be achieved in such a way as to satisfy the demands of justice.

51. The numerous difficulties raised by the criteria proposed by the Soviet Union could be seen by reference to certain concrete historical situations. In 1939, for example, France and the United Kingdom had formally declared war on Germany. Was it, however, to be denied, on the basis of the principles contained in the USSR draft resolution, that the nazis were the aggressors?

52. Similarly, the western sectors of Berlin had been subjected to economic blockade in 1948. Paragraph 1 (d) of the operative part of the USSR draft resolution—which, incidentally, was regrettably silent on the subject of land blockade—condemned as an act of aggression the landing or leading of land, sea or air forces inside the boundaries of another State without the permission of the latter's government. Was it to be claimed, in that case also, that the movement of supplies through the eastern zone of Germany to Berlin by military convoys, an action which might have become necessary to maintain the position of the Western Powers in Berlin, would have constituted an act of aggression? Nor would the USSR draft resolution have been of any greater utility at the time of the outbreak of war in Korea in June 1950. Whereas the United Nations Commission on Korea had stated on 25 June that North Korean forces had attacked and had crossed the 38th parallel, the Soviet Union continued to claim that it was the territory of North Korea which had first been invaded. The USSR draft would have been of no help in deciding on a question of fact of that kind and, indeed, all that an aggressor would have to do to frustrate the purpose of the Soviet proposal would be to claim that the other party had attacked first, which was what North Korea had actually alleged.

53. While past efforts to define aggression had proved unsuccessful, it could also be seen that to apply the Soviet criteria to recent acts of aggression would merely lead to ludicrous or, at any rate, to unhelpful results. The delegation of Canada therefore considered that, to solve that serious problem, it would be better to rely upon the United Nations to pass judgment and determine the aggressor in each individual case, in accordance with the principles of the Charter. A Peace Observation Commission had been set up under the resolution on "Uniting for peace", which his delegation had warmly supported. One of the foremost bulwarks for a State threatened by aggression would be the presence, within its boundaries of representatives of that Commission, who would be able, with their own eyes, to observe acts of aggression and to report their findings to the Security Council and the General Assembly.

54. Furthermore, the USSR proposal which was obviously a re-issue of a document put before the League

of Nations many years before, forgot about the United Nations and took no account of the Security Council action provided for under Article 42 of the Charter. As it stood, the USSR draft resolution (A/C.1/608) would make it illegal for a Member of the United Nations to take any kind of enforcement measures which it might be expected to take as a result of action by the Security Council. That omission showed that the USSR draft resolution had been presented without adequate reference to the practical situation which existed in the world in 1950.

55. Moreover, the Soviet Union proposal did not appear to be reconcilable with the distinction between just and unjust wars which had been made by Generalissimo Stalin on 9 February 1946, in a speech to which Mr. Vyshinsky had referred in the First Committee on 28 October 1950 (380th meeting). That theory took no account of which country was the aggressor and which was the victim of the attack. Mr. Pearson wondered which of those two incompatible theories represented the position of the USSR.

56. Lastly, modern war was so complicated that a list of the measures specified as aggressive might merely lead an intending aggressor, as the representative of France had pointed out (385th meeting), to resort to new measures, in order to be technically innocent.

57. It was legitimate, however, for States which felt themselves threatened to endeavour to bolt their gates against aggression. The delegation of Canada had therefore looked with sympathy at the draft resolution submitted by Yugoslavia (A/C.1/604), which attempted, at one point, to set up an automatic criterion for determining aggression.

58. While the wisdom of such a provision was doubtful for the reasons he had already mentioned, Mr. Pearson saw some merit in the attempt contained in the earlier part of the same draft resolution to establish a procedure whereby acts of aggression could be brought, with the least possible delay, to the attention of the world. A public declaration of that kind might tighten the mesh which they had been endeavouring to close around a would-be aggressor. The attacking country and the country attacked, however, were placed on the same footing, whereas it was necessary to allow the United Nations to determine which was the aggressor so as to give the authorities of the country attacked more latitude in conducting its defence, in order to resist the attack successfully, without being unduly hampered by automatic provisions. It would be sufficient, in his delegation's view, to amend the Yugoslav draft resolution, which was soundly conceived in its basic principles, to secure the requisite freedom of action for a country which was the victim of aggression.

59. Several suggestions designed to remove the doubts raised by the Yugoslav draft resolution had already been put forward. The representative of Canada expressed the hope that the proposal could be altered in a way that would enable it to secure that general approval to which its aims and purposes entitled it.

The meeting rose at 1.5 p.m.