



Chairman: Mr. Paul Bamela ENGO (Cameroon).

AGENDA ITEM 87

**Report of the Special Committee on the Question of
Defining Aggression (continued) (A/8019)**

1. Mr. ZOTIADIS (Greece) said that his country took a keen interest in the definition of aggression because it believed that such a definition would be helpful in eliminating the element of indecision and subjectivity which characterized any political judgement for which the law failed to lay down specific provisions. Moreover, the existence of a widely-accepted definition could only further the cause of peace. The work of the Special Committee on the Question of Defining Aggression had enabled the sponsors of the various definitions proposed to clarify their positions. The progress achieved was due to the general desire of the members of the Special Committee to arrive at an objective and generally acceptable definition of aggression. Despite the substantial differences still remaining, it might be hoped that the spirit of co-operation prevailing in the Special Committee would enable it to complete its work successfully.

2. If it was to serve the cause of international peace and security, any definition of aggression must be based on the Charter of the United Nations. That would not necessarily mean a restrictive interpretation of its provisions. On the contrary, the definition should develop the principles of the Charter in the light of the principles of international law. It should also win the support of the greatest possible number of States Members of the United Nations, because the political and legal value of the definition would depend, in practice, on the extent of such support.

3. The definition should stipulate that any act of aggression, including the employment by the authorities of a State of armed force against another State for any purpose other than national or collective self-defence or in pursuance of a decision or recommendation of a competent organ of the United Nations, constituted a crime against the peace and security of mankind. That statement, taken from the draft Code of Offences against the Peace and Security of Mankind prepared by the International Law Commission,¹ was rooted in the principle that the Security Council had a monopoly on the use of armed force, save for the exercise of the right of self-defence under Article 51 of the Charter. The discretionary power of the Security Council should not, however, be regarded as exclusive. The Security

¹ See *Official Records of the General Assembly, Sixth Session, Supplement No. 9*, para. 59 (art. 2, para. 1).

Council had the primary responsibility, but not the exclusive responsibility, for the maintenance of international peace and security.

4. The principle of priority formed the fundamental criterion for determining the identity of the aggressor State. That criterion was applied in all systems of municipal law and should take a prominent place in any objective and realistic definition of aggression.

5. In principle the definition should apply only to States, as being the normal subjects of international law. The problem nevertheless remained that the history of international relations had shown that political entities other than States could also be responsible for acts of aggression. With regard to the question of aggressive intent, although the competent organ of the United Nations should take into account the intentions by which States were actuated, that criterion introduced a subjective element often difficult to establish. A State which was the victim of an act of aggression could not be expected to wait until it was established that the act had been committed in bad faith before taking counter-measures. It would therefore be preferable not to include any reference to that element in the definition. On the other hand, the principle of proportionality seemed to provide the only safe guarantee that a defensive action did not turn into aggression.

6. Any definition of aggression should include a mention of infiltration into the territory of a State by armed bands, subversion, terrorism or other indirect uses of force intended to violate the political independence and territorial integrity of a State. War itself should be included in the definition because, while it was true that a declaration of war did not necessarily coincide with the commencement of hostilities, war was nevertheless a patent manifestation of the existence of belligerent intent. It was, moreover, necessary to stress once again the illegality of war. Lastly, it seemed dangerous and unrealistic for the State against which war had been declared to be forced to wait for an actual attack before taking defensive measures in accordance with the Charter.

7. No definition could serve the cause of international peace and security unless it recognized the immediate legal consequences of aggressive action. Any definition should therefore affirm the international responsibility of the aggressor and the principle of the non-recognition of territorial or other gains resulting from an act of aggression.

8. His delegation supported the recommendation of the Special Committee in its report (A/8019, para. 147) that the Committee be given a chance to resume its work as early as possible in 1971. It hoped that the Committee

would produce results as satisfying as those arrived at by the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.

9. Mr. CHAILA (Zambia) said that while the definition of aggression should be in accordance with the provisions of the Charter and should aim at strengthening the machinery for the maintenance of international peace and security, it was not essential that it should be acceptable to the permanent members of the Security Council. While hoping that the definition formulated would be adopted by consensus, Zambia believed that if unanimity could not be reached, the definition should be put to the vote according to the majority rule.

10. It was not desirable for the definition to refer to the intent of the aggressor, because that would place the burden of proof on the victim of aggression. Aggressive intent on the part of the aggressor should rather be presumed. Provisions of municipal law designed for other ends could not be cited as a precedent at the international level.

11. The definition should also affirm once again the right of peoples to self-determination. Dependent countries and peoples had the right to fight for their liberation. In that regard, colonialism qualified as aggression. The inclusion of provisions to that effect was of paramount importance to countries which were prepared to give support to liberation movements. The definition of aggression should also take into account the situation of oppressed peoples, particularly those who were the victims of discrimination. It was clear that if a country adopted a policy which denied a people its fundamental rights, that people was the victim of aggression and was therefore entitled to use any means, including force, to recover its rights.

12. Mr. LAYAS (Libya) said that his country supported the efforts made to define aggression, because a definition would provide guidance for the behaviour of States and for the Security Council. His delegation felt that the definition should recognize the legitimacy of the use of force by peoples subjected to colonial or foreign occupation and should condemn the use of force against oppressed peoples and military occupation. It should affirm the criminal responsibility of the aggressor and the non-recognition of any gains resulting from aggression. His delegation did not consider the provision of assistance to national liberation movements as an act of aggression.

13. The definition of aggression must be based on the principles contained in the Charter, which would ensure its objectivity and give it binding force. It should include the principle of priority, which established a presumption of guilt on the part of the State which first committed an act of aggression. It should be restricted to the direct use of force, since indirect aggression could better be dealt with under the principle of non-intervention in the affairs of States. It should be a legal instrument conducive to strengthening the prohibition of the use of force and furthering the rule of law in international relations. It should proclaim the legal consequences of aggression as conceived in Articles 1 and 2 of the Charter. Bacteriological

and chemical weapons should be expressly mentioned in the definition, as their use was not only a direct act of aggression but a violation of human rights. The definition should be as comprehensive as possible and drafted in such a way as to allow other typical acts of aggression to be added later.

14. His delegation hoped that the Special Committee should be authorized to continue its work in 1971.

15. Mr. POTOLOT (Central African Republic) welcomed the fact that for the first time the Special Committee's report showed that there was general agreement on the need to define aggression. He supported the working method used, but regretted that the Working Group had not been set up at the opening of the session, which would have made it possible to incorporate in a single document the results it had achieved and the views expressed by delegations. He supported the Special Committee's recommendation that the General Assembly invite it to resume its work as early as possible in 1971. In his view, it was utopian to try to adopt a definition of aggression by consensus; it would be more realistic to use the procedure of a majority vote.

16. With regard to the substance, his delegation believed that the definition of aggression must above all be in conformity with the Charter. The first task should therefore be to define armed aggression, the examination of other forms of aggression being left to a later stage. For the same reason the definition should not include the concept of political entities, which did not appear in the Charter and might be a source of difficulty for the interpretation of the text. His delegation supported the inclusion of the principle of priority, which had the twofold advantage of providing an objective criterion for determining the existence of aggression and of placing the burden of proof on the party which attacked first. On the other hand, his delegation opposed the inclusion of aggressive intent, which would give rise to all kinds of abuses, since the aggressor could always plead absence of intent in order to exonerate himself. In his delegation's view, a compromise could be found between the three draft texts submitted to the Special Committee on the subject of legitimate resort to force. Military occupation and annexation of territory were acts of aggression by any standards and should feature in the definition.

17. With regard to the discretionary power of the Security Council, he considered that the powers conferred on it by the Charter should not be affected, but he believed that the definition ought to be worded in such a way as to prevent the Security Council from taking arbitrary decisions.

18. Mr. LARÉ (Togo) considered that for the international community a definition of aggression was not merely useful but a matter of urgency. Not only would it establish more clearly the obligations incumbent on all States, but it would provide the Security Council with an instrument which both upheld and limited its discretionary power. It was desirable that the definition should be adopted by consensus, which would give it greater authority; but if that proved impracticable, the majority rule should be applied.

19. As a matter of convenience it was preferable in the first instance to define direct armed aggression, the definition to be rapidly followed by another covering indirect armed aggression and other forms of aggression such as infiltration by armed bands or external participation in acts of terrorism or subversion. His delegation strongly supported the idea that the definition should recognize the lawfulness of wars of liberation waged by colonial peoples, since the maintenance of a colonial administration by armed force was tantamount to direct armed aggression.

20. The definition should also reaffirm the principle of non-recognition of territorial gains acquired by force, for it was inadmissible that situations created by acts performed in violation of the Charter should be legalized. The principle ought to be reaffirmed even if it already appeared in other documents. In addition, the international responsibility of the author of an act of aggression should be proclaimed.

21. On balance, the Special Committee's work, despite certain delays, had been positive and he hoped it would succeed in producing a satisfactory definition of aggression.

22. Mr. PRAT DE MARIA (Uruguay) pointed out that for twenty years the United Nations and many eminent jurists had toiled unceasingly over a definition of aggression. The slow progress bore witness to the difficulties involved and underlined the need for continued effort. His delegation wished to pay a tribute to the Special Committee, to which the credit was due for the progress achieved.

23. The first question that arose was the desirability of a definition of aggression. To define was to circumscribe, which perhaps entailed a danger of restricting the discretionary power conferred by the Charter on the Security Council to determine the existence of any act of aggression. Could the General Assembly, which was empowered only to make recommendations, restrict the powers of the Security Council? Whether the result was an abstract definition or a list of acts of aggression, it would certainly have a definite moral value for public opinion and for the Security Council, though it could never enjoy binding legal force.

24. It appeared extremely difficult to find the proper relationship between the notions of aggression, armed attack and self-defence contained in Article 51 of the Charter and the act of aggression referred to in Article 39. A literal reading of Article 51 showed that self-defence, individual or collective, was an "inherent right", which therefore did not arise from the Charter's covenant and should be set above the other rights conferred by that instrument. That did not mean that self-defence was not subject to regulation, since it must by definition be legitimate, but it did mean that its regulation was extremely difficult. Furthermore, the right of self-defence in case of armed attack was not limited by any provision of the Charter; in accordance with Article 51, it existed until the Security Council had taken measures necessary to maintain international peace and security. That aspect of the question, which had made possible the formulation and entry into force of the Inter-American Treaty of Reciprocal Assistance, was of the highest importance and should be studied with great care.

25. The definition of aggression implied the definition of a whole series of notions that were extremely difficult to pin down, such as armed attack, territory, self-defence, aggressive intent, et cetera.

26. Despite all the difficulties which he had just enumerated, his delegation felt that the thirteen-Power draft (see A/8019, annex I, draft proposal B) was the most acceptable at that stage of the Committee's work, although it could be further improved.

27. Mr. FREELAND (United Kingdom) observed that the elaboration of a definition of aggression involved issues of the highest importance in international relations and certain fundamental provisions of the Charter. The question had first been studied by the League of Nations and later taken up by the United Nations. On taking stock of the position now reached it was, as the representative of Liberia had said (1203rd meeting), legitimate to ask whether the establishment and continuation of the Special Committee was a worth-while undertaking. The answer would depend on the eventual product. His delegation considered that if the product were a "good" definition, i.e. a definition which would genuinely assist the Security Council in the exercise of its special responsibilities under Article 39 of the Charter, the effort would have been justified.

28. Some delegations had suggested that the need for a definition of aggression was somehow independent of the role of the Security Council and that a major purpose of such a definition was to deter States from committing acts which might constitute aggression. His delegation felt that there was no need for a definition on that ground, in view of the guidance already available on inter-State behaviour in this field. For example, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations adopted by the General Assembly (resolution 2625 (XXV)) was a document which covered many more of the fundamental rules of international conduct than the obligation not to commit aggression. It would hardly be said that the purpose of a definition was to cover again, in a different way, matters already dealt with in that Declaration.

29. The Special Committee's 1970 session had been marked by substantial advances. It had adopted a working approach which enabled it to study on a basis of equality the various elements underlying each of the three proposed definitions; moreover, the setting up of the Working Group in which the positions reflected in the three drafts were represented had been a useful step. In view of the concrete progress made, it was difficult to understand why there had been suggestions that present dissatisfaction might lead to recourse in the Special Committee to the method of adopting by majority vote a definition which did not have the support of all members. The value of the consensus procedure, already demonstrated in the case of the Declaration on Friendly Relations, would be all the greater in the case of a definition of aggression. Indeed it was questionable what usefulness such a definition would have if it did not command general support, including in particular the support of all the permanent members of the Security Council.

30. With regard to the substance of the question, his delegation wholeheartedly associated itself with the views expressed by the representative of the United States (1203rd meeting) to the effect that any definition of aggression must cover all uses of force, whether or not they were direct. It could not accept the proposition that direct uses of force constituted the most dangerous forms of aggression. On the contrary, it felt that the most serious threats to international peace and security at the present time stemmed from the less direct and less overt uses of force. It was for that reason, and also because Article 2 (4) of the Charter recognized no distinctions between the various unlawful uses of force, that the six-Power draft (see A/8019, annex I, draft proposal C) covered all uses of armed force without exception.

31. With regard to aggressive intent, which was said to be referred to by implication in paragraph IV, section A, of the six-Power draft and which, according to some delegations, might lend itself to an unduly subjective interpretation, his delegation would like to remind the Committee, first, that that element was also implicit in the other drafts submitted to the Special Committee and, indeed, in the text proposed in paragraph 9 of the report of the Working Group (see A/8019, annex II). Furthermore, the element of intent was not necessarily subjective: intention was generally inferred, especially in criminal law, from the objective circumstances of the offence. His delegation therefore welcomed as a significant advance the widespread recognition in the Working Group and the Special Committee that the element of intent was an important factor which must always be taken into consideration in determining whether, in a particular case, aggression had or had not been committed.

32. With reference to the principle of priority, embodied in two of the three draft definitions, his delegation felt that that element could not be unconditionally accepted without implying a controversial interpretation of the right of self-defence recognized in Article 51 of the Charter. Moreover, it was not the task of the Special Committee to define the scope of that right. In the view of his delegation, the Special Committee could not elaborate a "good" definition of aggression if, in the process, it sought not merely to define the right of self-defence but to do so in a way which would be interpreted by many States as circumscribing that fundamental right. For similar reasons, it doubted whether the question of proportionality, which was linked to the notion of self-defence, should be dealt with in a definition of aggression. Nevertheless, he was pleased to note the emergence of a general view in the Special Committee that the principle of priority was one of the elements which should, in each case, be taken into consideration in determining whether an act of aggression had been committed, although it would not in itself be sufficient to serve as the basis for such a determination.

33. In introducing in paragraph II of their draft definition the phrase "or other political entity delimited by international boundaries or internationally agreed lines of demarcation" the six Powers had simply wished to ensure that it would not be possible to argue that, by reason of the disputed status of a particular political entity by or against which force had been used, that use of force did not constitute aggression. It was not, of course, the intention of

the sponsors unduly to extend the concept of aggression or to prejudice in any way the position of a State with regard to recognition of other States or political entities. Some members of the Special Committee, arguing that recognition was not in itself constitutive of statehood, had said that in their view the expression "State" was sufficiently broad to encompass the political entities in question and it had been suggested there that the scope of the term "State" could be specified in an explanatory note. His delegation felt that considerable progress had been made as a result of the deliberations of the Special Committee on that point and it hoped that the problem could soon be settled to the satisfaction of all.

34. To those who maintained that the use of force to assist a people to achieve self-determination did not constitute aggression but that resort to force by a State in territories subject to its authority could be so described if its action was alleged to be aimed at suppressing a national liberation movement, his delegation would like to point out that the problems of international legal principle raised by those arguments had been satisfactorily solved in the drafting of the Declaration on Friendly Relations. He wondered whether there remained further problems in this area which required resolution as part of a definition of aggression.

35. While the various outstanding problems to which he had referred did not seem to him insurmountable, he felt that it would be unwise to make the Special Committee's task even more difficult by insisting that the legal consequences of aggression should be included in the definition of aggression itself. He said his delegation was convinced that the Special Committee could make substantial progress in the future and it would therefore support the continuation of its work.

36. Mr. DEBERGH (Belgium) said that the atmosphere which had prevailed at the 1970 session of the Special Committee had been more favourable to the accomplishment of serious and constructive work than had been the case in the past. The report that had been drawn up showed that much thought had been given to questions of contemporary international law and to the United Nations Charter; it contained an impressive amount of information, ideas and theses on the use of force in international relations. However, his delegation noted with regret that little progress had been made by the Special Committee in establishing a definition of aggression. It was indeed difficult to specify in clear terms the elements which constituted aggression, to determine its scope and to assess its consequences, and in that respect his delegation considered the report of the Working Group to be a failure, since no agreement had been reached on most of the basic questions it had examined.

37. The three draft proposals before the Special Committee contained more or less the same elements. The general definition of aggression proposed in each one of them was, however, unsatisfactory, as was shown by the fact that a list of acts of aggression or of means used for aggression was contained in each one of them, for the purpose of determining the scope of the general definition. His delegation wished to point out in that connexion that recourse to the principle of priority in order to relate the

specific acts mentioned in the draft proposals to the general definition was not acceptable in so far as such a principle could not and should not be applied automatically.

38. The fundamental difficulty which the Special Committee had to face was that a legal and abstract definition had to be found for a problem that was political and practical. That was borne out by the fact that in each of the three draft proposals the definition was considered in terms of the powers conferred on the Security Council by Article 39 of the Charter on the one hand, and of the right of self-defence, as laid down in Article 51 of the Charter, on the other. The discretionary but not arbitrary powers of the Security Council were of a political character. It would not be logical to impose a binding definition of aggression on the Security Council or on any other body of the United Nations, assuming that such a definition could be found.

39. He expressed the hope that the statement beginning with the words "thus, according to Article 51,..." in paragraph 82, would never be quoted out of its context, in which its precise scope was specified.

40. He thought the costs of the Special Committee's work very high, bearing in mind the results that might be expected of it and the low level of the funds allotted to other United Nations bodies dealing with the codification and progressive development of international law.

41. Mr. OFSTAD (Norway) expressed satisfaction at the progress made by the Special Committee in spite of the difficulties of its task. The fact that the efforts previously made by various bodies to define aggression had not succeeded was no proof that such attempts were doomed to failure; it only showed that, in searching for a definition, one must not endeavour to reach an unduly high degree of perfection. The Special Committee must find a definition which would help the competent organs of the United Nations and, in particular, the Security Council to fulfil the purposes of the Charter, namely, the maintenance of peace and international security and the protection of the territorial integrity and political independence of States against all aggression. His delegation considered that the definition of aggression must be based on the Charter, must safeguard the authority of the Security Council and be supported by the large majority of States Members of the United Nations, including all the permanent members of the Security Council. It should not be limited to the direct use of armed force, since cases of "indirect" recourse to force were in fact also acts of aggression.

42. In the opinion of his delegation, it was not essential, in order to define aggression, to answer the very difficult question of how far the fact that a State engaged in subversive activities against another State would justify the latter in invoking the right of self-defence. In practice, a reasonable application of the principle of proportionality should make it possible to solve such difficulties. To be acceptable, a definition must comprise direct and indirect aggression, without, however, expressly distinguishing between the two or specifying what consequences should follow in each case.

43. There were two theories on the scope of the right of self-defence provided for in Article 51 of the Charter. The

first theory was that the right of self-defence was a right enjoyed by all States according to international law, independently of Article 51 which, in any case, did not in any way limit that right. It could therefore be invoked not only in cases of armed aggression but also in certain other cases to prevent such aggression. The second theory was based on the idea that the Charter had modified the traditional conception of the right of self-defence, so that that right could be invoked only in cases of armed aggression, in accordance with the provisions of Article 51. His delegation did not think that the Special Committee would have to make a choice between those two theories in order to work out a satisfactory definition of aggression, and it would therefore refrain from associating itself with either one or the other, the more so since the scope of Article 51 had never been made quite clear either by the Security Council or the General Assembly. It considered none the less that, in view of its special importance, the natural right to self-defence should be mentioned in the definition of aggression. Paragraph III of the six-Power draft seemed fully adequate for that purpose.

44. His delegation hoped that the Special Committee would continue its work during 1971 and that it would be possible to agree on a draft resolution to that effect which could be adopted unanimously by the Sixth Committee.

45. Mr. BARRY (Guinea) stressed the special importance of establishing a definition of aggression for countries which had just been freed from foreign rule and the economic and social progress of which depended on the maintenance of international peace and security. Such countries could not concentrate all their efforts on development if they were at the same time obliged to allocate a large part of their budgetary funds to defence activities. A definition of aggression was therefore a matter of urgency.

46. Such a definition must not only comply with the Charter but must in particular enlarge the discretionary powers of the Security Council, due account being taken of the priority of the act of aggression. The most dangerous and serious form of aggression was undoubtedly that of armed aggression. However, his delegation considered that any of the following acts that a given State was the first to commit, even in the absence of a declaration of war, constituted aggression: the use of any weapons of mass destruction, whether nuclear, chemical or bacteriological; the bombing or machine-gunning of the territory or population of another State, any attack against the military forces or the means of defence of another State, or the violation of air space by the military aircraft of another State; the invasion or attack of a territory of another State, and the military occupation or partial or total annexation of the territory of a State by another State; and the use of mercenaries or any other forms of subversive activity having as their aim an internal political change in another State.

47. On the other hand, the use of force by dependent peoples should not be regarded as an act of aggression since their right to liberty was an inalienable and indefeasible right.

48. His delegation regarded intent as proof of the existence of aggression. As for the principle of priority, it warned against the use by certain States of the right of self-defence to conceal aggression.

49. In view of the importance and urgency of the matter, his delegation hoped that the term of the Special Committee would be extended.

50. Mr. ZEMANEK (Austria) said that he would speak first about the question of the powers of the Security Council. In his delegation's view, once the General Assembly had adopted a definition of aggression, the Security Council should not be free to decide whether or not to apply it. If all the conditions set forth in the definition were fulfilled, the members of the Security Council would be bound to affirm the existence of an act of aggression. The refusal to accept this obligation of the Security Council would be tantamount to making work on the definition of aggression a simple intellectual exercise devoid of any practical value. On the other hand, in its determination of an act of aggression, the Security Council should not be limited to the list of acts in the definition; in all cases not fully covered by the definition, the Security Council should be free to determine the existence of an act of aggression.

51. Another problem was that of the political entities to which the definition should apply. His delegation was of the opinion that the definition should be applicable to any author or victim of an aggression. The problem of recognition of States was too difficult to be taken into account in the determination of an act of aggression. For the victim of an aggression it was irrelevant whether the aggressor was a State or some other political entity. States should not be allowed to commit aggression by denying the statehood of an entity they were about to attack.

52. His delegation attached great importance to the inclusion of the concept of "indirect armed aggression" in the definition. That was a form of aggression that Austria had experienced before 1938.

53. Although the principle of priority in determining the existence of an act of aggression was certainly useful, it should not be applied automatically in all circumstances. His delegation would prefer a more flexible approach which would make it possible for a State threatened by imminent armed attack by another State to prove that it had no choice but to resort to armed force.

54. His delegation did not support the inclusion of the concept of "aggressive intent" in the definition. The application of that concept would place the burden of proof on the victim. While it was already difficult to supply proof of purposes and motives in criminal proceedings, it was even more so in the case of a State. Moreover, small States did not like to be occupied by foreign armed forces, even if there was no aggressive intent on the part of those forces.

55. As far as the proportionality of the measures used in self-defence was concerned, his delegation pointed out that there was no mention of that in Article 51 of the Charter. That Article placed no limitation upon the means that the victim of an armed aggression could use to repel the aggressor. That question, which became particularly difficult when it came to the point of whether or not the victim of an aggression could use weapons of mass destruction first, could not be settled in the context of the definition of aggression. It was to be hoped that it would be settled in

the course of the disarmament negotiations. That was the more necessary in that neighbouring States might suffer from the use of such weapons even when they were used in self-defence.

56. It had been argued that regional organizations could legitimately use force under Article 53 of the Charter in cases other than collective self-defence, even when the authorization of the Security Council was posterior and implied. His delegation did not think that the practice of one regional organization should necessarily be extended to all other regions of the world.

57. There was no need for the right of self-determination to be mentioned in the definition of aggression since it was adequately dealt with in other instruments. If, however, the majority of the Committee thought otherwise, his delegation would agree to the inclusion of the formulation used in paragraph 6 of the Declaration on the Occasion of the Twenty-fifth Anniversary, adopted by the General Assembly in resolution 2627 (XXV), on the understanding that the term "appropriate means" signified "means in accordance with the Charter".

58. In the light of his country's experience in 1938, his delegation would like it to be stated in the definition that territorial acquisitions obtained by force would not be recognized.

59. Mr. PERSSON (Sweden) said that his delegation had stated on several occasions that, while it was not opposed to the work undertaken and appreciated the sincere efforts made, it remained unconvinced of the necessity and usefulness of a definition of aggression. *A fortiori* it did not agree about the urgency of such a definition, especially since only three days earlier the General Assembly had adopted the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, in which it was decreed that every State had the duty to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. The adoption of that principle confirmed the position that his delegation had taken at the twenty-third session (1079th meeting) when it had said that it would be of more importance to define what was meant by the "threat or use of force" and "armed attack" in the Charter than to try to define aggression. That principle could serve as a useful guide to the Security Council when it was called upon to determine whether or not there existed an act of aggression. There could be no doubt in the mind of his Government that the Security Council had complete authority to determine the existence of an act of aggression and that its freedom of action could not in any case be restricted by a definition of aggression, whatever that definition might be.

60. It would of course have been desirable and preferable to establish a much more exhaustive list of acts constituting aggression than those appearing in the three definitions proposed. Special attention should be given to the question of the extent to which subversive and terrorist acts by irregular, volunteer or armed bands organized by another State should be treated as acts of aggression, for such acts

could be used as a pretext for the use of force by invoking the right of self-defence. Some representatives in the Special Committee had therefore acted wisely in suggesting that the definition should refer only to the use of armed force, without qualifying it as “direct” or “indirect”.

61. His delegation also attached considerable importance to the principle of proportionality, which was of the greatest value for setting limits to measures that could be used in self-defence.

62. While it welcomed the optimistic tone that had been discernible in the Sixth Committee’s deliberations, his delegation considered it imperative that a definition of aggression should be supported, if possible, by all Members of the United Nations, or at least by an overwhelming majority of them. That was yet another reason for retaining the method of consensus in the Special Committee.

63. Mr. ZALDIVAR BRIZUELA (El Salvador) spoke of the importance of drawing up a definition of aggression, of the high quality of the efforts that had been made in that direction and of the special value that the definition would have for the United Nations, for which it would mark the achievement of one of its most important purposes.

64. His delegation thought that it was of the utmost importance that a detailed study should be made of the inherent right of individual or collective self-defence which Article 51 of the Charter vested in States. Efforts should be made to establish limitations of that right in order to prevent any possible ambiguity between any kind of military action and an aggression in the proper sense of the word. The following elements had to be taken into account in defining aggression: the inherent right of self-defence; the principle of priority; the concept of aggressive intent; the relevant provisions of the Charter; the need to arrive at a definition in keeping with contemporary realities and capable of development; the objective and subjective elements of aggression; and the legal responsibilities of aggression.

65. His delegation noted that the three definitions proposed had a number of points in common and it was optimistic about the results of the future work of the Special Committee. It therefore hoped that the Special Committee would be authorized to resume its work as early as possible in 1971.

The meeting rose at 5.20 p.m.