



**REPORT OF THE SPECIAL COMMITTEE
ON THE QUESTION OF DEFINING AGGRESSION**

24 February - 3 April 1969

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-FOURTH SESSION

SUPPLEMENT No. 20 (A/7620)

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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- I. REPORT OF THE WORKING GROUP OF THE WHOLE
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I. INTRODUCTION^{1/}

1. At its 1676th plenary meeting, on 27 September 1968, the General Assembly decided to include in the agenda of its twenty-third session the report of the Special Committee on the Question of Defining Aggression on the work of its session held at the United Nations Office at Geneva from 4 June to 6 July 1968. ^{2/} In addition, it referred the report to the Sixth Committee, which considered it at its 1028th meeting, on 2 October 1968, and at its 1073rd to 1082nd meetings, held from 18 to 27 November 1968. ^{3/} At its 1746th plenary meeting, on 18 December 1968, the General Assembly adopted resolution 2420 (XXIII), which reads as follows:

"The General Assembly,

"Having considered the report of the Special Committee on the Question of Defining Aggression,

"Taking note of the progress made by the Special Committee in its consideration of the question of defining aggression and on the draft definition reflected in the report of the Special Committee,

"Considering that it was not possible for the Special Committee to complete its consideration of the question of defining aggression and of the draft definition before the end of 1968,

"Considering that in its resolution 2330 (XXII) of 18 December 1967 the General Assembly recognized the widespread conviction of the need to expedite the definition of aggression,

"1. Decides that the Special Committee on the Question of Defining Aggression shall resume its work, in accordance with General Assembly resolution 2330 (XXII), as early as possible in 1969;

"2. Requests the Secretary-General to provide the Special Committee with the necessary facilities and services;

"3. Decides to include in the provisional agenda of its twenty-fourth session an item entitled 'Report of the Special Committee on the Question of Defining Aggression'."

^{1/} For a survey of previous United Nations action on the question of defining aggression, see document A/AC.134/1 and Add.1.

^{2/} For the report, see Official Records of the General Assembly, Twenty-third Session, agenda item 86, document A/7185/Rev.1.

^{3/} For the report of the Sixth Committee to the General Assembly, see ibid., Annexes, agenda item 86, document A/7402.

2. In accordance with that resolution, the Special Committee on the Question of Defining Aggression, whose composition is given in paragraph 2 of its report on the work of its 1968 session, met again at United Nations Headquarters in New York and held twenty-seven meetings, from 24 February to 3 April 1969. All the States members of the Special Committee took part in its work. The list of representatives to the 1969 session is annexed to this report (annex II).

3. At its 25th meeting, on 24 February, the Special Committee elected the following officers:

<u>Chairman:</u>	Mr. Fakhreddine Mohamed (Sudan)
<u>Vice-Chairmen:</u>	Mr. Leopoldo Benites (Ecuador)
	Mr. Roeslan Abdulgani (Indonesia)
	Mrs. Elena Gavrilova (Bulgaria)
<u>Rapporteur:</u>	Mr. Matti Cawén (Finland)

4. The 1969 session was opened on behalf of the Secretary-General by Mr. Constantin A. Stavropoulos, Legal Counsel of the United Nations. Mr. Anatoly P. Movchan, Director of the Codification Division of the Office of Legal Affairs, and Mr. Chafic Malek served respectively as Secretary and Deputy Secretary of the Special Committee. Mr. Tatsuro Kunugi and Mr. Eduardo Valencia-Ospina served as assistants to the Secretary.

5. At the same meeting, the Special Committee adopted the following agenda (A/AC.134/L.9):

- (a) Opening of the session;
- (b) Election of officers;
- (c) Adoption of the agenda;
- (d) Organization of work;
- (e) Consideration of the question of defining aggression (General Assembly resolutions 2330 (XXII) and 2420 (XXIII));
- (f) Adoption of the report.

On the proposal of the representative of Cyprus, the Special Committee also decided to resume its work at the stage it had reached at the end of the 1968 session by continuing debate on the draft proposals before it at that time, on the understanding that representatives would still be free to express their views on the whole question of defining aggression.

6. At its 35th meeting, on 14 March, a draft proposal on the organization of the work was submitted to the Special Committee by the following countries: Colombia, Ecuador, Haiti, Mexico and Uruguay (A/AC.134/L.14 and Corr.1 and 2 and Add.1). The Committee took no decision on the draft proposal. It read as follows:

"The Special Committee,

"Decides to establish a Working Group composed of all its members;

"Requests the Working Group, applying the rules of procedure of the General Assembly for the conduct of its work, to prepare at this first stage a draft definition of aggression bearing in mind:

"A. The various documents and specific suggestions submitted by its members or which may be submitted in the Working Group;

"B. The following points, as far as they are an expression of the general wishes of the majority of the Committee:

"1. This definition of aggression should include only the concept of the use of armed force;

"2. The definition should contain an abstract formula setting forth, in a condensed form, the essential and characteristic elements constituting aggression;

"3. The definition of aggression should contain a non-exhaustive enumeration of the most common types of aggression;

"4. The idea should be expressed that the definition cannot prejudice the powers of evaluation and decision of the competent international organs which may be called upon to determine the aggressor;

"5. The idea should be expressed that no consideration of a political, economic, strategic, social or security nature can justify the commission of the acts constituting aggression."

"The principles enumerated above will in no way prejudice the position of States either in the Working Group or in the Special Committee and the Assembly, and will not restrict their right to submit the same proposals or new proposals or to alter those already in existence or to submit amendments."

7. At its 37th meeting, on 18 March, the Special Committee, on the proposal of the representative of the United Arab Republic, decided to establish a working group of the whole, and instructed it to pursue the Special Committee's task by giving more detailed consideration to the proposals, suggestions and points of view presented. The report of the working group, which was adopted by the Special Committee, at its 48th meeting, on 27 March (A/AC.134/L.19), is annexed to the present report (annex I).

II. PROPOSALS AND AMENDMENTS

8. The Special Committee had before it various draft proposals. The draft proposals listed below, which had been submitted during its 1968 session, are reproduced in paragraphs 7 to 10 of its report on the work of that session: 4/

(a) A draft proposal submitted by the following twelve countries: Algeria, Congo (Democratic Republic of), Cyprus, Ghana, Guyana, Indonesia, Madagascar, Sudan, Syria, Uganda, United Arab Republic and Yugoslavia.

(b) A draft proposal submitted by the following four countries: Colombia, Ecuador, Mexico and Uruguay.

(c) A draft proposal submitted by the following thirteen countries: Colombia, Congo (Democratic Republic of), Cyprus, Ecuador, Ghana, Guyana, Indonesia, Iran, Mexico, Spain, Uganda, Uruguay and Yugoslavia.

(d) A draft amendment to the draft proposal mentioned in sub-paragraph (c) above, submitted by Sudan and the United Arab Republic.

9. During the 1969 session, at its 27th meeting, on 26 February, the Special Committee had before it the following draft proposal, submitted by the Union of Soviet Socialist Republics (A/AC.134/L.12 and Corr.1 (Spanish only)):

"The General Assembly,

"Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace,

"Noting that according to the principles of international law the planning, preparation, initiation or waging of an aggressive war is a most serious international crime,

"Bearing in mind that the use of force to deprive dependent peoples of the exercise of their inherent right to self-determination in accordance with General Assembly resolution 1514 (XV) is a denial of fundamental human rights, is contrary to the Charter of the United Nations and hinders the development of co-operation and the establishment of peace throughout the world,

"Considering that the use of force by a State to encroach upon the social and political achievements of the peoples of other States is incompatible with the principle of the peaceful coexistence of States with different social systems,

4/ Official Records of the General Assembly, Twenty-third Session, agenda item 86, document A/7185/Rev.1.

"Recalling also that Article 39 of the Charter states that the Security Council shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security,

"Believing that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances in each particular case, it is nevertheless appropriate to formulate basic principles as guidance for such determination,

"Convinced that the adoption of a definition of aggression would have a restraining influence on a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to stop them and would also facilitate the rendering of assistance to the victim of aggression and the protection of his lawful rights and interests,

"Considering also that armed aggression is the most serious and dangerous form of aggression, being fraught, in the conditions created by the existence of nuclear weapons, with the threat of a new world conflict with all its catastrophic consequences and that this form of aggression should be defined at the present stage,

"Declares that:

"1. Armed aggression (direct or indirect) is the use by a State, first, of armed force against another State contrary to the purposes, principles and provisions of the Charter of the United Nations.

"2. In accordance with and without prejudice to the functions and powers of the Security Council:

"A. Declaration of war by one State, first, against another State shall be considered an act of armed aggression;

"B. Any of the following acts, if committed by a State first, even without a declaration of war, shall be considered an act of armed aggression:

"(a) The use of nuclear, bacteriological or chemical weapons or any other weapons of mass destruction;

"(b) Bombardment of or firing at the territory and population of another State or an attack on its land, sea or air forces;

"(c) Invasion or attack by the armed forces of a State against the territory of another State, military occupation or annexation of the territory of another State or part thereof, or the blockade of coasts or ports.

"C. The use by a State of armed force by sending armed bands, mercenaries, terrorists or saboteurs to the territory of another State and engagement in other forms of subversive activity involving the use of armed force with the aim of promoting an internal upheaval in another State or a reversal of policy in favour of the aggressor shall be considered an act of indirect aggression.

"3. In addition to the acts listed above, other acts by States may be deemed to constitute an act of aggression if in each specific instance they are declared to be such by a decision of the Security Council.

"4. No territorial gains or special advantages resulting from armed aggression shall be recognized.

"5. Armed aggression shall be an international crime against peace entailing the political and material responsibility of States and the criminal responsibility of the persons guilty of this crime.

"6. Nothing in the foregoing shall prevent the use of armed force in accordance with the Charter of the United Nations, including its use by dependent peoples in order to exercise their inherent right of self-determination in accordance with General Assembly resolution 1514 (XV)."

10. At its 42nd meeting, on 24 March, the Special Committee had before it the following draft proposal submitted by the following thirteen countries: Colombia, Cyprus, Ecuador, Ghana, Guyana, Haiti, Iran, Madagascar, Mexico, Spain, Uganda, Uruguay and Yugoslavia (A/AC.134/L.16 and Corr.1 (Spanish only) and Add.1 and 2):

"The General Assembly,

"1. Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace,

"2. Convinced that armed attack (armed aggression) is the most serious and dangerous form of aggression and that it is proper at this stage to proceed to a definition of this form of aggression,

"3. Further convinced that the adoption of a definition of aggression would serve to discourage possible aggressors and would facilitate the determination of acts of aggression,

"4. Bearing in mind also the powers and duties of the Security Council, embodied in Article 39 of the Charter, to determine the existence of any threat to the peace, breach of the peace, or act of aggression, and to decide the measures to be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,

"5. Considering that, although the question whether aggression has occurred must be determined in the circumstances of each particular case, it is nevertheless appropriate to facilitate that task by formulating certain principles for such determination,

"6. Reaffirming further the duty of States under the Charter of the United Nations to settle their international disputes by pacific methods in order not to endanger international peace, security and justice,

"7. Convinced that no considerations of whatever nature, save as stipulated in operative paragraph 3 hereof, may provide an excuse for the use of force by one State against another State,

"Declares that:

"1. In the performance of its function to maintain international peace and security, the United Nations only has competence to use force in conformity with the Charter;

"2. For the purpose of this definition, aggression is the use of armed force by a State against another State, including its territorial waters or air space, or in any way affecting the territorial integrity, sovereignty or political independence of such State, save under the provisions of paragraph 3 hereof or when undertaken by or under the authority of the Security Council;

"3. The inherent right of individual or collective self-defence of a State can be exercised only in case of the occurrence of armed attack (armed aggression) by another State in accordance with Article 51 of the Charter;

"4. Enforcement action or any use of armed force by regional arrangements or agencies may only be resorted to if there is decision to that effect by the Security Council acting under Article 53 of the Charter;

"5. In accordance with the foregoing and without prejudice to the powers and duties of the Security Council, as provided in the Charter, any of the following acts when committed by a State first against another State in violation of the Charter shall constitute acts of aggression:

"(a) Declaration of war by one State against another State;

"(b) The invasion or attack by the armed forces of a State, against the territories of another State, or any military occupation, however temporary, or any forcible annexation of the territory of another State or part thereof;

"(c) Bombardment by the armed forces of a State against the territory of another State, or the use of any weapons, particularly weapons of mass destruction, by a State against the territory of another State;

"(d) The blockade of the coasts or ports of a State by the armed forces of another State;

"6. Nothing in paragraph 5 above shall be construed as entitling the State exercising a right of individual or collective self-defence, in accordance with Article 51 of the Charter, to take any measures not reasonably proportionate to the armed attack against it;

"7. When a State is a victim in its own territory of subversive and/or terrorist acts by irregular, volunteer or armed bands organized or supported by another State, it may take all reasonable and adequate steps to safeguard its existence and its institutions, without having recourse to the right of individual or collective self-defence against the other State under Article 51 of the Charter;

"8. The territory of a State is inviolable and may not be the object, even temporarily, of military occupation or of other measures of force taken by another State on any grounds whatever, and that such territorial acquisitions obtained by force shall not be recognized;

"9. Armed aggression, as defined herein, and the acts enumerated above, shall constitute crimes against international peace, giving rise to international responsibility;

"10. None of the preceding paragraphs may be interpreted as limiting the scope of the Charter's provision concerning the right of peoples to self-determination, sovereignty and territorial integrity."

11. At its 44th meeting, on 25 March, the Special Committee had before it the following draft proposal submitted by the following six countries: Australia, Canada, Italy, Japan, the United States and the United Kingdom (A/AC.134/L.17 and Corr.1 (Spanish only) and Add.1):

"I. Under the Charter of the United Nations, 'aggression', is a term to be applied by the Security Council when appropriate in the exercise of its primary responsibility for the maintenance of international peace and security under Article 24 and its functions under Article 39.

"II. The term 'aggression' is applicable, without prejudice to a finding of threat to the peace or breach of the peace, to the use of force in international relations, overt or covert, direct or indirect, by a State against the territorial integrity or political independence of any other State, or in any other manner inconsistent with the Purposes of the United Nations. Any act which would constitute aggression by or against a State likewise constitutes aggression when committed by a State or other political entity delimited by international boundaries or internationally agreed lines of demarcation against any State or other political entity so delimited and not subject to its authority.

"III. The use of force in the exercise of the inherent right of individual or collective self-defence, or pursuant to decisions of or authorization by competent United Nations organs or regional organizations consistent with the Charter of the United Nations, does not constitute aggression.

"IV. The uses of force which may constitute aggression include, but are not necessarily limited to, a use of force by a State as described in paragraph II.

"A. In order to:

- (1) diminish the territory or alter the boundaries of another State;
- (2) alter internationally agreed lines of demarcation;
- (3) disrupt or interfere with the conduct of the affairs of another State;
- (4) secure changes in the Government of another State; or
- (5) inflict harm or obtain concessions of any sort;

"B. By such means as:

- (1) invasion by its armed forces of territory under the jurisdiction of another State;
- (2) use of its armed forces in another State in violation of the fundamental conditions of permission for their presence, or maintaining them there beyond the termination of permission;
- (3) bombardment by its armed forces of territory under the jurisdiction of another State;
- (4) inflicting physical destruction on another State through the use of other forms of armed force;
- (5) carrying out deliberate attacks on the armed forces, ships, or aircraft of another State;
- (6) organizing, supporting or directing armed bands or irregular or volunteer forces that make incursions or infiltrate into another State;
- (7) organizing, supporting or directing violent civil strife or acts of terrorism in another State; or
- (8) organizing, supporting or directing subversive activities aimed at the violent overthrow of the Government of another State."

12. At its 49th meeting on 28 March, the Special Committee had before it the following draft resolution submitted by: Colombia, Congo (Democratic Republic of), Cyprus, Ecuador, Ghana, Guyana, Haiti, Madagascar, Mexico and Uruguay (A/AC.134/L.18):

"The Special Committee on the Question of Defining Aggression,

"Bearing in mind resolutions 2330 (XXII) and 2420 (XXIII) of the General Assembly,

"Recognizing the progress made during this session in the consideration of the question of defining aggression and on the draft definition, as reflected in the report of the Special Committee,

"Noting that new proposals concerning a draft definition of aggression were submitted in 1969,

"Noting further that there was not enough time in which to complete its important task,

"Recommends to the General Assembly, at its twenty-fourth session, that the Special Committee be asked to resume its work early in 1970."

III. DEBATE

13. The debate dealt essentially with the draft proposals before the Special Committee. During the consideration of those proposals, views were expressed on certain general aspects of the question of defining aggression. Part A of this section will contain an account of the views expressed on those general aspects; parts B and C will deal with the views expressed on the draft proposals submitted.

A. VIEWS EXPRESSED ON CERTAIN GENERAL ASPECTS OF THE QUESTION OF DEFINING AGGRESSION

14. Some representatives expressed doubts regarding the possibility of agreeing on a definition of aggression and regarding the usefulness of a definition, even if it could be agreed upon. Indeed, the value of trying to define the term was questioned and it was stated that it would not be useful to continue to do so. It was emphasized that although a substantial majority of the members of the Special Committee clearly wished to submit a draft definition to the General Assembly, it would be wise to consider whether, in view of the manifest differences of opinion reflected in the texts which had been submitted, it was really necessary to adopt a definition at the present time. The fact that the Security Council's power to act under Articles 41 and 42 of the Charter in no way depended upon a determination that an act of aggression had been committed had been one of the major reasons why the San Francisco Conference had rejected proposals to include a definition of aggression in the Charter. Moreover, there was some doubt that the adoption of a definition would discourage potential aggressors; it might have the opposite effect.

15. On the other hand, several representatives expressed the view that a definition of aggression would constitute a basic element of international law and would be indispensable for purposes of ensuring order in the international community. There were constitutional, legislative and political reasons, they said, for completing the task of defining aggression by an early date. From the constitutional point of view, the General Assembly had already accomplished much substantive work in elaborating certain basic concepts of the Charter such as human rights, self-determination and the sovereign equality of States. Legislatively, the General Assembly had taken a number of important steps to develop international criminal law, but had deferred action on the draft code of offences against the peace and security of mankind and on international criminal jurisdiction, since it considered those subjects related to the question of defining aggression. It was stated that the political reasons for expediting a definition of aggression were cogently stated in the seventh preambular paragraph of the USSR draft proposal.

16. Some argued that there was no longer any question, at the present stage, of wondering whether or not a definition of aggression was necessary because the task of the Special Committee, as stated by the Committee itself in the resolution it had adopted at its first session, was to define aggression at the earliest possible

date and to submit a report to the General Assembly containing a draft definition of aggression. Others disagreed with this interpretation of the mandate of the Special Committee.

17. Some representatives, while reserving their positions regarding the utility and wisdom of defining aggression, said that they were not against working out a definition which could contribute to the maintenance of international peace and security by means of the system of collective security provided for in the Charter, and the protection of the territorial integrity and political independence of States. To achieve that objective, a definition should above all: be compatible with the Charter and be based on the Charter; not affect the discretionary power of the Security Council and, generally speaking, the division of powers and functions made by the Charter between the organs of the United Nations; fully recognize the right of self-defence; not be so restrictive in its enumeration of what constituted aggression as to exclude certain specific cases of armed attack; enjoy the support of all the permanent members of the Security Council. The section of this report which follows and which deals with the discussion of the draft definitions proposed will reflect the various views expressed concerning those conditions and others regarded by some representatives as indispensable for a satisfactory definition.

18. It should be indicated here, however, that all the members of the Special Committee agreed that the definition should be compatible with the Charter and based on the Charter. The view that the definition should have the support of all the permanent members of the Security Council was challenged by several representatives. While they recognized that the definition should be acceptable to the overwhelming majority of Member States of the United Nations, they wondered why the support of the great Powers was particularly necessary. Moreover, the Charter contained no provision justifying such a requirement. It was stated that there was no reason to think that the definition of aggression would be used only by the Security Council; to make that assumption would be to prejudge a question which was for the General Assembly to decide; it was therefore astonishing, in view of General Assembly resolution 2330 (XXII) and the fact that one permanent member of the Security Council was not a member of the Committee, to hear it asserted that the definition would have to be approved by all the permanent members of the Council. It was also said that a definition of aggression supported by the vast majority of Member States, even if it was opposed by the great Powers, would give notice to world public opinion of the restrictions placed on the use of violence in international relations; the definition would enable individual citizens to judge the foreign policy decisions of Governments and would encourage them to exert pressure for changes in policies which deviated markedly from acceptable international conduct. A definition of aggression, even if it was only adopted by majority vote, would help to bring about a better legal order. In response it was pointed out that, in order to be satisfactory, the definition would have to be useful to the Security Council and that the concurrence of its permanent members would be indispensable.

P. VIEWS EXPRESSED ON THE DRAFTS SUBMITTED AT THE 1968 SESSION
AND ON THE USSR DRAFT (A/AC.134/L.3, 4, 6, 8 and 12)

19. The discussion centred mainly on the USSR draft (A/AC.134/L.12) and the thirteen-Power draft (A/AC.134/L.6), both of which were supported in principle by a large number of members of the Special Committee. With respect to the USSR proposal, submitted to the Special Committee on 26 February 1969, several representatives stressed its constructive character and considered that it furnished a good working basis. The views expressed on those drafts, including their preambles, are set forth below under the appropriate headings.

1. Application of the definition

(a) The definition and the power of the Security Council

20. Most representatives felt that the definition should preserve the discretionary power vested in the Security Council as the organ of the United Nations with primary responsibility for the maintenance of peace; it should not restrict the power of the Council to determine the existence of an act of aggression in cases of threats to or breaches of the peace. It was further argued that the definition should in no circumstances apply automatically; it should leave the task of deciding whether or not it should be applied to the Security Council. It was stressed that, according to the USSR draft proposal, whereas the Security Council enjoyed a certain measure of latitude with respect to acts other than those enumerated in the draft proposal, it did not enjoy the same latitude with respect to the application of the definition to the acts specifically mentioned; thus, the effect of the Soviet draft proposal might be to force the Security Council to act in a certain way in certain circumstances, and thereby diminish its power of discretion. It was also held that it would be desirable for the definition to be founded entirely on respect for that discretionary power; not only should the definition contain a specific provision in that regard, but it should also contain nothing which would actually run counter to that principle and destroy the freedom of action of the Security Council. The element of automaticity in the application of the idea of priority contained in the Soviet draft proposal might create serious difficulties. It had also been said that any wording similar to that in operative paragraph 1 of the twelve-Power draft proposal, for example, or operative paragraph 3 of the four-Power text or operative paragraph 2 of the thirteen-Power draft proposal would not be acceptable if it did not place sufficient emphasis on the exclusive power vested in the Security Council under Article 39 of the Charter both to determine the existence of aggression and to make recommendations or take measures accordingly. The Council's exclusive jurisdiction in that respect was beyond question.

21. Other representatives felt that operative paragraph 10 of the thirteen-Power draft and operative paragraph 3 of the USSR text should be reworded because they might be construed as empowering the Security Council to add, or to classify as aggression, acts other than those enumerated in the definition. If the present

wording was retained, those two paragraphs would not only make any definition useless, but they would also destroy its *raison d'être*, because to lay down a legal definition implied limiting a field of competence. In working out a definition of aggression, they said, the Special Committee should choose once and for all between two alternatives: either a definition had its own intrinsic value, in which case the Security Council should respect it, or, if the Security Council was to retain its freedom of action in the matter, the conclusion should be that a definition was of no value whatsoever, for it was illogical to accept a definition and then to authorize non-compliance. It was pointed out that regardless of the value of a definition of aggression from the standpoint of international law, international law played a lesser role in the United Nations than in the League of Nations because the purpose of the United Nations was not to restore the legal order once it had been violated, but rather to maintain peace. Since that was so, a practical effort should be made to bring political action as closely as possible into line with international law. For instance, instead of insisting on the power of discretion vested in it by the Charter, which authorized it even to go against a general principle of law, the Security Council should endeavour to abide by the principles of international law and, consequently, a definition of aggression should not have regard to the power of discretion vested in the Security Council.

22. One representative expressed the view that while a reference to the powers of the Security Council could really do no harm, it was not necessary. The powers of the Council, like those of the other organs of the United Nations, he explained, derived from the Charter, and the provisions of the Charter could not be modified in any circumstances except those specified in Article 108. Consequently, the definition could not modify the powers which the Charter vested in the Security Council. Nor could it confirm the existence of those powers. In any event, far from reducing the Council's power of judgement, it would enable it to discharge its task more effectively. The same representative pointed out that the Charter conferred two distinct powers on the Security Council, namely, a sovereign power of assessment, exercised by the Council in judging the situation under consideration, and the discretionary power to take whatever measures it thought best; that distinction was clearly fundamental if it was borne in mind that the Security Council's power of assessment could not be strengthened by the existence of a definition of aggression, while, on the other hand, its discretionary power could not be lessened by such a definition. Furthermore, it was argued, the General Assembly was also legally empowered, under the Charter, to determine the existence of an act of aggression. To be strictly correct, it would perhaps be better to omit any reference to the General Assembly from the definition of aggression. Such an omission, however, would not diminish the generally recognized competence of the General Assembly to consider questions concerning the maintenance of peace.

(b) Political entities to which the definition should apply

23. Some representatives considered that any definition of aggression should be specifically applicable to political entities which were not generally recognized as States or whose status in international law could be questioned in some other way, but which were bound to respect the obligations imposed by international law as regards the use of force. It was pointed out that the Soviet draft proposal

was less flexible than the Charter, which envisaged the possibility of aggression committed by an entity which was not universally recognized as a State or of aggression committed against such an entity.

24. It was stated, on the other hand, that if the term "political entity" was interpreted in the usual way, it might encompass any opposition party in a democracy. But if it was intended to mean a "geopolitical entity" that term should be used. In any case, any definition of aggression strictly in conformity with the Charter should necessarily exclude any geopolitical entity not envisaged by the provisions of the Charter - in short, all entities which were not States - the only exception being the United Nations itself.

2. Acts proposed for inclusion in the concept of aggression

25. Most representatives expressed the view that the definition should be limited, at least for the time being, to the idea of armed aggression as envisaged in the Charter. However, different interpretations were given as regards the scope of that idea. One of the problems was to decide whether, for purposes of exercising the right of self-defence, the idea of aggression included what was generally known as indirect armed aggression. The question whether the concept of aggression extends to forms of aggression not involving the actual use of armed force was also raised.

26. With regard to that point, some representatives held that the concept of aggression applied only to the use of force in violation of Article 2 (4) of the Charter, that is, the use of armed force or physical force, direct or indirect. The Soviet draft proposal, it was said, appeared to extend the concept of aggression to acts not involving the use of force within the meaning of that provision of the Charter. While it was true that the operative provisions of that proposal were limited to acts which were regarded as constituting "armed aggression", the very use of the expression "armed aggression" seemed to imply that there were other forms of aggression within the meaning of the Charter than "armed" aggression, which was confirmed by the last preambular paragraph. It was further pointed out that the same applied to the thirteen-Power draft, which enlarged the concept of aggression in its operative paragraph 1 by extending it to all forms of the use of force in international relations, which clearly went beyond the provisions of Article 2 (4) of the Charter. It was also stated that the concept of aggression which emerged from the Charter was based on two essential factors: the use of armed force and an attack on the territorial integrity or political independence of another State. If, therefore, the definition of aggression was to conform to the Charter, it should contain no indication or qualification which might give the impression that forms of aggression other than armed aggression remained to be defined; nor should it appear to exclude certain serious, less direct, uses of force in violation of paragraph 4 of Article 2 of the Charter. It was also pointed out that the concept of aggression included only armed attack as discussed in Article 51 of the Charter. The aggression with which the Committee was concerned, they noted in that connexion, was "armed attack", the phrase used in the English text of the Article, which alone would establish the connexion between aggression and self-defence, the latter right being established under the Charter only if the attack was armed. In any other case, there might be a threat, but it was not precisely within the

purview of the Special Committee. Enumerating the essential characteristics of "armed attack", they stated that the attack should constitute a breach of the peace, in other words, it should be of sufficient seriousness, the degree of which could be gauged by the Security Council; that the connexion between the idea of aggression and a breach of the peace followed from Article 1 (1) of the Charter which, by referring to "acts of aggression or other breaches of the peace", put aggression in the category of breaches of the peace; that such a breach of the peace should be the result of action taken by the aggressor. In that connexion, it was suggested that the first sentence introducing the enumerations in all the drafts submitted to the Committee (it would be added to paragraph 2 B of the USSR text) should be reworded as follows: "Any one of the following acts, committed by a State first, as a breach of the peace and without its adversary having committed such an act, shall be considered an act of armed aggression". It was felt that the expression "contrary to the purposes, principles and provisions of the Charter" in operative paragraph 1 of the Soviet draft, would present some danger as it might induce States to invoke those purposes and principles in order to justify the use of force. It was therefore suggested that more precise and restricted wording should be used, such as the following, which would replace the end of operative paragraph 1 of the USSR draft. "... in any manner other than in application of the relevant provisions of the Charter, as essentially contained in Chapter VI".

27. Furthermore, while they recognized that the definition should be restricted to armed aggression within the meaning of Article 51 of the Charter, several representatives pointed out that there were other forms of aggression. In that connexion, it was argued that economic and political pressure should be regarded as part of the concept of force. Economic pressure, it was asserted, could mean starvation and starvation killed as surely as the atomic bomb. There could therefore be no doubt that such pressure constituted an unlawful act which violated the Charter. Even if it was accepted that the concept of force as used in the Charter was restricted to armed force, that did not necessarily lead to the conclusion that armed aggression was the only form of aggression. Aggression implied an attack, which could take many forms. By limiting the exercise of the right of self-defence solely to the cases of armed attack under Article 51, the Charter had recognized that there were other types of aggression. However, those forms of aggression could not be equated with the recognized forms of armed aggression within the meaning of Article 51 of the Charter.

28. With regard to armed aggression in its indirect form, some representatives argued that the definition should be applicable to that form of aggression, as well as to direct armed aggression. It was pointed out that the thirteen-Power draft referred to the indirect use of force in its general definition of aggression in operative paragraph 1, but did not include any such act in its enumeration in paragraph 5. Moreover, it explicitly denied the right of self-defence in most cases where the aggressor indirectly used force; that approach was, in some essential respects, inconsistent with the Charter and, in any event, mistaken. Similarly, it was stated, the Soviet draft was not true to the Charter when it drew a distinction between "direct aggression" and "indirect aggression"; if a State used force in violation of Article 2 (4) of the Charter, that act constituted aggression; to speak of "direct" or "indirect" aggression in a definition was to introduce a distinction which was both alien to the Charter and superfluous. Though an obvious improvement on the thirteen-Power draft, the Soviet proposal

still has serious shortcomings in that respect. Paragraph 2 C did treat the indirect use of force as an act of aggression in certain circumstances, but it did not recognize as acts of aggression the support of armed bands, the encouragement of subversive activity against another State or the refusal to take all necessary measures to deny armed bands aid or protection. Moreover, the intent referred to in operative paragraph 2 C of the Soviet draft seemed too narrow to be compatible with the Charter; the aggression described in that provision could be due to many other reasons, such as threats to the territorial integrity or political independence of a State or attempts totally to destroy that State. It was pointed out that the failure to give adequate space to the question of the indirect use of force in the text of the Soviet draft probably made it unacceptable to a number of Member States, and in particular to some permanent members of the Security Council. Apart from the fact that it defined the concept of indirect use of force too narrowly, the Soviet draft placed such acts in a separate legal category. Whether it was direct or indirect, however, aggression had precisely the same legal consequences under the Charter and a definition of aggression should not suggest otherwise; if the indirect use of force was included, as it should be, in the definition of aggression within the meaning of Article 39 of the Charter, it followed that it would naturally give rise to the right of individual or collective self-defence provided for in Article 51 of the Charter; the validity of operative paragraph 8 of the thirteen-Power draft was therefore questionable.

29. Some representatives expressed the view that the words "direct" and "indirect" used in operative paragraph 1 of the thirteen-Power draft and operative paragraph 1 of the Soviet draft to qualify armed aggression should be deleted; those words did not appear in the Charter and might cause confusion. In the view of those representatives and of several others, the definition should relate only to direct armed aggression, which alone, according to Article 51 of the Charter, would justify the exercise of the right of self-defence. Nevertheless, it was argued that the definition should mention types of action which a State should be prohibited from taking when confronted with unfriendly measures falling short of armed attack and of the counter-measures which are permissible. Subversion and terrorism by another State undoubtedly threatened the territorial integrity and independence of the victim State; acts of that kind were prohibited by the Charter but, if they were equated with armed attack, that might jeopardize the restriction in Article 51 placed on the right of self-defence. It was noted that, while the wording of operative paragraph 8 of the thirteen-Power draft might be confusing, its inclusion was based on the distinction between those measures which could be adopted by a State, in exercising the right of sovereignty, against subversive and terrorist acts, on the one hand, and the exercise of the right of self-defence against armed attack, on the other. The definition should indicate that distinction without any possible ambiguity. It was true that the Soviet draft designated certain acts of indirect armed aggression; however, it might be concluded, on the basis of operative paragraph 1 of that draft, that such acts justified the exercise of the right of self-defence, and that was unacceptable.

30. One representative emphasized the difficulties inherent in defining indirect armed aggression. The greatest uncertainty lay in the difficulty of providing proof; yet the fact that what was involved was not merely non-intervention but the more serious idea of aggression made the importance of proof all the more decisive, and the sponsors of the texts which had been submitted had not tried to solve that problem.

31. On the question whether the concept of aggression applied only to acts of armed aggression or whether it also included preparations for aggression, it was stated that it would be more in accordance with modern legal ideas and contemporary international practice to consider aggression in its broadest sense, as a complex of interrelated acts, i.e., the planning, preparation and launching of an aggressive war. The second preambular paragraph of the Soviet draft was clearly based on such modern principles of international law.

32. The question of "provocation" was raised. One representative observed that the question, whether, and how far, provocation exonerated an attacking State from the charge of aggression had been much discussed in the time of the League of Nations and since that time. The Soviet draft took no account of the vital element of provocation in the definition of aggression. Another representative emphasized that any use of force was prohibited, except in the case of a United Nations action in conformity with the Charter or in the case of the exercise of the right of self-defence, Article 51 of the Charter precisely defined the limits of that right, which a State could use only if an armed attack occurred, and not in the event of threats, provocations or preparations for an armed attack against it.

33. With regard to the actual enumeration of acts of aggression in the Soviet draft, some representatives observed that declaration of war, annexation of territory and the blockade of coasts or ports were an extremely serious matter, and in most cases constituted a threat within the meaning of Article 2 (4) of the Charter, but that none of them necessarily involved the actual use of force, and they might amount to nothing more than a claim for a certain right which, being in violation of international law and the Charter, was without international legal effect. When those acts did result in the use of force in violation of the Charter, it was the use of force itself which was to be regarded as aggression.

34. Some representatives considered it inappropriate to mention in the definition the kind of weapons used. It was, they said, clearly not just the use of weapons of mass destruction, referred to in operative paragraph 2 B (a) of the USSR draft, which constituted aggression, but their use by one State against another in violation of the Charter; but that was true of weapons of any kind, and it was therefore not relevant in a definition of aggression to include certain kinds of weapons to the exclusion of others. Whether aggression had been committed was determined not by the kind of weapons used, but by the nature of the acts committed. On the other hand, it was stated that, while aggression could be committed otherwise than by the use of nuclear weapons or other weapons of mass destruction, it was nevertheless necessary to place the emphasis in the definition on the prohibition of the use of such weapons, which were beyond any doubt by far the most horrible weapons, since there was not at the present time a special convention prohibiting the use of nuclear weapons, it would be useful to indicate in the definition of aggression that, from the legal point of view, the use of such weapons was inadmissible, that would help to prevent the outbreak of nuclear conflicts and would also pave the way for the subsequent conclusion of a special convention in that field.

35. The opinion was expressed that if a State permitted another State to use its territory in order to attack a third State, that constituted an act of indirect aggression, it was also said that States should refrain from using force by

mobilizing or concentrating their armed forces near the border of another State, a point which should be regarded as a concrete proposal for the consideration of the Committee.

3. Aggressive intent

36. Some representatives took the view that animus aggressionis would be a characteristic element of the use of force. In addition to the unlawful act, the definition should take into account intent - two elements which, when combined, would constitute aggression. Other representatives expressed a different view, stating that a definition of aggression could not take into account the element of intent if the criterion of strict interpretation of the Charter was to be maintained. The context in which the Charter had been drafted and the wording of Article 2 (4) argued against the view that intent was a necessary component of aggression. If that element were included in the definition, it might tempt an aggressor to rely on such spurious defences as anticipatory self-defence, duress per minas or mistake. No legitimate defence of mistake could be open to a State inadvertently unleashing a nuclear attack.

37. It was also stated that the idea which was implicit in the fourth preambular paragraph of the USSR draft could be interpreted as sanctioning the doctrine of limited sovereignty; it would be better to use the broader terminology of the Charter and to refer, for instance, to acts which might encroach upon the territorial integrity or political independence of States. As worded, that paragraph of the Soviet draft, by speaking of the peaceful coexistence of States with different social systems, would imply that the use of force was permissible between States with similar social systems. Nowhere did the Charter distinguish between uses of force which encroached upon the social and political achievements of peoples and other uses of force. Any use of force in international relations, it was noted, was incompatible with the principle of peaceful coexistence of States, all States, irrespective of their political or social systems, had the right to a peaceful existence. That was a principle of jus cogens, because it was directly related to the maintenance of international public order, and hence affected all States.

38. It was stated, on the other hand, that the purpose of the fourth paragraph of the USSR draft was to highlight the necessity of preventing any attempt by one State to change the social and political system of another. That was of particular importance to countries which had recently acquired their independence, the use of force by a State to encroach upon the social and political achievements of peoples was, in all circumstances, contrary to international law, whether the States involved had different social systems or similar ones. The principle of good-neighbourliness laid down by the Charter covered the principle of peaceful coexistence, and to criticize the latter would be to criticize a principle of the Charter. The fourth preambular paragraph of the Soviet draft was designed to protect the sovereignty and independence of all countries, including those which were not yet regarded as States. In that connexion, it should be noted that the term "State" used in operative paragraph 1 of the Soviet draft should be interpreted as applying also to States in the process of formation.

4. The principle of priority

39. Several representatives argued that the principle of priority or "first use" should be included in the definition, and felt that the USSR draft was satisfactory

on that point. In the view of those representatives, that principle should be the main criterion in determining who was the aggressor in an international conflict; even greater problems would be created by trying not to include it in the definition. Those who argued that the question was not who had crossed the frontier first or who had attacked first but who had prepared for war were overlooking the fact that, in the present age of the armaments race, with that criterion it would be impossible to identify the aggressor unless a historical or strategical study was made of the reasons why each side had started to add to its arsenal. The "first use" principle must be included also because Article 51 of the Charter endorsed it as a condition for exercising the right of self-defence: the words "if an armed attack occurs against a Member of the United Nations" clearly meant that the right of self-defence derived exclusively from an armed attack. Hence, while recognizing the incredible variety of strategical implications, they concluded that the "first use" principle must be included in the definition, as it was in the Soviet draft.

40. It was also stated that the principle of priority was not a new principle; it was referred to in some of the deliberations of the League of Nations; it was also affirmed in certain treaties and was recognized by renowned experts on international law. In short, those holding these views pointed out that it was generally recognized that a State which was the first to resort to armed force against another State was the aggressor; and that view was confirmed by the studies of the International Law Commission, the Special Committee and other United Nations bodies. The omission of that principle from a definition of aggression would have the effect of justifying the theory of preventive war, but acceptance of that theory would render meaningless not only the definition of aggression but also all the measures which the United Nations took under Chapters I and VII of the Charter. Even assuming that it would be difficult to determine who had committed armed aggression first, investigation and evidence would be required in order to determine priority; and the Security Council, which was responsible for that task, had several means of establishing who had committed aggression first.

41. On the other hand, the principle of priority was disputed by some representatives, who took the view that it was incompatible with the Charter and might be dangerous. It was stated that the consequence of that principle was that the right of self-defence would be arbitrarily restricted either to a response by the same methods as those used by the aggressor or to the use of some means of defence not covered by any of the acts enumerated in operative paragraph 2 B of the USSR draft. Perhaps aggression should be taken to mean the commission by a State of any one of the acts enumerated, if none of those acts had already been committed against it, in that case, a victim of any one of those enumerated acts could defend itself by any one or several of those acts, since in so doing it would not be considered to be the first to commit one of those acts. However, an even more serious difficulty would then arise: if a State committed one relatively inconsequential act (say, an attack on a ship or a single shot across a border), the victim could respond with the whole of his military might, including nuclear weapons, without being held an aggressor; such was not the rule of the Charter, under which defensive measures should be proportionate to the attack and the use of force greatly exceeding that used by the aggressor might constitute aggression. If the Soviet draft was not to be interpreted as modifying or restricting the right of self-defence, which was the express intention of the general saving clause in operative paragraph 6, paragraphs 1 and 2 B should be regarded as ruling out first uses of force except

in self-defence. However, such an interpretation would imply that States could use force first in self-defence, in anticipation of the use of force. It was also pointed out that the principle of priority raised problems of interpretation and would not be appropriate in the case of frontier incidents. Since its application in specific cases would be very difficult, it would be desirable to leave it to the Security Council to determine whether an act of aggression had been committed.

42. One representative stated that he did not agree with the emphasis on the principle of priority in operative paragraphs 1 and 2 B of the USSR draft. Since the legitimate use of force, under Article 51 of the Charter, necessarily involved a response to an illegal military move, it was hard to conceive of a situation in which the aggressor would be any other than a State first resorting to force in contravention of the relevant Charter provisions. Moreover, operative paragraph 2 B of the Soviet draft did not appear to express the intention of its sponsor, since a State could resort first to any of the acts enumerated pursuant to a determination of the Security Council, as operative paragraph 6 appeared to recognize. Another representative observed that the principle of priority appeared valid if considered in the abstract, since the idea of armed aggression was inseparable from that of initiative in the use of armed force. As formulated in the Soviet draft, however, that principle appeared to involve dangers. The fundamental danger was that it might be taken to imply that if a State was attacked by the armed forces of another State it was entitled to counter-attack in self-defence. Although an aggressor must be censured and its victim protected, both nevertheless remained subject to the provisions of the Charter, in particular with regard to the peaceful settlement of disputes. Self-defence should only be considered to cover acts necessary to halt aggression; beyond that point it became unlawful and itself constituted aggression.

5. Legitimate use of force

(a) Self-defence

43. Several representatives stressed the need to include in the definition of aggression a clear and precise provision recognizing the right of self-defence as provided for in Article 51 of the Charter. The absence of clear and undisputed criteria for distinguishing aggression from the legitimate use of force would not only make the definition meaningless but would also be fraught with dangerous consequences. Both types of action involved the physical use of armed force, but they were fundamentally different in their legal, moral and political nature. Under Article 51 of the Charter and in accordance with generally accepted international rules, a State had the right to use armed force in its own defence only to repel an armed attack against it. It could not do so in order to take preventive measures or to respond to violations of its rights other than armed attack. The Soviet draft, it was stated, made a clear distinction between the legal and illegal use of force.

44. It was pointed out, on the other hand, that the USSR draft did not expressly mention individual or collective self-defence, which was referred to only indirectly in operative paragraphs 1 and 6. Express mention should be made of the provisions of the Charter that were referred to in operative paragraph 6 of the draft.

45. It was also stated that operative paragraph 6 of the USSR draft, mentioning the use of force in accordance with the Charter as an exception to the principle of the prohibition of the threat or use of force, significantly effected the legal content of the principle of the prohibition of war as an instrument for the settlement of international disputes. Only the competent organs of the United Nations had the right to use force in order to maintain international peace and security. Accordingly, the use of force by any State constituted the crime of aggression and entailed the liability deriving from the rules of law in force, just like a crime under a national system of law. The definition of aggression should begin by referring to the monopoly of force vested in the United Nations, which was the point of departure taken in the thirteen-Power draft. In that respect, the Soviet draft raised some difficulties. It was also stated that the right of self-defence was not an exception to the principle laid down in Article 2 (4) of the Charter, just as it was not an exception to the criminal code of any country with respect to the crime of homicide. Under the Charter, no State was empowered to use force, Article 51 recognized the right of self-defence only to the extent that it exempted the State using force to repel an armed attack from liability until the Security Council had determined what means were to be employed to maintain international peace and security. The thirteen-Power draft carefully placed the only two cases in which the Charter recognized the use of force as legitimate in the legal context of the system of security set up by the United Nations.

(b) Organs empowered to use force

46. Some representatives stressed the importance of the principle, originally included in the four-Power draft, that, in the performance of its functions to maintain international peace, the United Nations alone had competence to use force, except when States exercised their right of self-defence. That extremely important principle was embodied in the thirteen-Power text, although in a slightly modified form, but was missing from the Soviet draft, although it might be implicit in the fifth preambular paragraph.

47. One representative stated that operative paragraph 1 of the thirteen-Power draft appeared to exclude the General Assembly, without any valid legal reason, from United Nations organs which might authorize the use of force in accordance with the Charter, by including the words "other than when undertaken by or under the authority of the Security Council or in the exercise of the right of individual or collective self-defence".

48. Several representatives stressed that operative paragraph 4 of the thirteen-Power draft concerning regional agencies should be included in the definition of aggression. In the view of other representatives, however, that paragraph deviated from the Charter, in that it referred to "any use of armed force", whereas Article 51 of the Charter spoke only of "enforcement action". One of the consequences of that variation was to deny the possibility of collective self-defence, as recognized in Article 51 of the Charter, through regional agencies.

6. Acts considered not to constitute acts of aggression

49. Several representatives stated that the definition should include a clause providing for an exception when the use of force was necessary to ensure the

exercise of the right of peoples to self-determination. The definition should be based on the principle that the use of force against people exercising their right to self-determination was a violation of the Charter and gave those peoples the right to act in self-defence. Some delegations, however, argued that such a provision would be out of place in a definition of aggression that was limited to inter-State relations. Accordingly, one representative felt that the last part of operative paragraph 6 of the Soviet draft, beginning with the word "including", should be deleted. Another representative expressed the view that the amendment submitted by the Sudan and the United Arab Republic, and operative paragraph 6 of the Soviet draft, would be improved if they were worded as follows: "Nothing in the foregoing may be interpreted as restricting the scope of the provisions of the Chapter relating to the right of peoples to self-determination." It was also stated that repelling an invader and resisting occupation forces should not be considered acts of aggression.

7. Legal consequences of aggression

(a) The question of responsibility

50. Some representatives expressed objections to operative paragraph 5 of the USSR draft. It was stated that that paragraph raised the problem of the responsibility of individuals under international law - a very difficult and complex problem, consideration of which was outside the terms of reference of the Special Committee, whose task was to define aggression, and not to consider the various legal consequences of the commission of an act of aggression. In the view of other representatives, those objections were groundless as it was impossible, after defining a crime, to say nothing at all about its consequences. Reference was made to the principle nullum crimen nulla poena sine lege, and it was stated that, since the law could not define a crime without prescribing the punishment for it, there could not be any crime without a punishment or, conversely, any punishment without a crime. That meant that there was no crime without responsibility, and that was the principle applied in the Soviet draft. The inclusion of that principle in the draft was also based on another consideration. As it was essential to produce a definition which was clear and precise, all points relating to aggression must be included in the draft definition, and it would therefore be wrong to set aside certain elements for incorporation in other instruments.

(b) Non-recognition of territorial gains

51. The idea expressed in operative paragraph 4 of the USSR draft was considered by some delegations to be out of place in a definition of aggression. Non-recognition of advantages resulting from aggression could not form part of a definition of aggression. Other delegations, however, stated that the question of the consequences of aggression and the question of responsibility were essential elements of the definition of aggression. It was stressed that the definition would be of no value unless it indicated to the organ empowered to apply it - namely, the Security Council - what the responsibility of the aggressor was and what political and moral sanctions should be applied to it under the Charter. Without provisions of that kind, the definition would lose its preventive character and would not be the effective instrument it should be in the hands of the United Nations.

C. VIEWS EXPRESSED ON THE NEW THIRTEEN-POWER DRAFT AND
THE SIX-POWER DRAFT (A/C.134/L.16 and 17)

52. Following its consideration of the draft proposals submitted at the 1968 session and beginning of the 1969 session, summarized above in section III B, the Special Committee held a preliminary discussion on the two additional draft proposals submitted respectively by thirteen and six Powers at the concluding stage of the session (see paras. 10 and 11 above).

53. With regard to the first of the additional drafts, namely, that submitted by the thirteen Powers (A/C.134/L.16 and Add.1 and 2 - hereinafter referred to as the "new thirteen-Power draft"), several representatives pointed out that it was in a sense a revision of the draft submitted likewise by thirteen Powers at the 1968 Geneva session (A/C.134/L.6), while taking into account the views set forth in the USSR draft (A/C.134/L.12) as well as those expressed during the debate on these two latter drafts. On the other hand, some representatives considered that the submission of the second additional draft, namely, that sponsored by six Powers (A/C.134/L.17 and Add.1 - hereinafter referred to as the "six-Power draft") had been prompted by the fact that none of the other drafts before the Committee had taken account of the views expressed by the delegations of the sponsoring Powers on a number of important issues.

54. Some representatives were of the view that the new thirteen-Power draft, far from encouraging general agreement, only widened the differences of opinion between certain members of the Committee. Several other representatives regarded the six-Power proposal as one which was negative in spirit and could under no circumstances serve as a basis for the Committee's future work. A number of representatives, however, welcomed the submission of the two drafts as a positive contribution to the fulfilment of the Committee's task. In particular, the six-Power proposal was regarded by several representatives as evidence that no delegation had any longer a negative attitude to the principle that aggression should be defined. It was, however, emphasized in this respect that the sponsorship of that proposal did not mean a change in long-standing reservations regarding the usefulness of a definition of aggression.

55. Those representatives who expressed general support for either of the two drafts including the preambular part of one of them, did so mainly in so far as one or the other met the criteria which in their opinion any proposed definition should fulfil. Several representatives were of the view that the new thirteen-Power proposal was compatible with and based on the Charter of the United Nations. Some other representatives held a similar view regarding the six-Power draft. Some representatives stressed that the new thirteen-Power draft represented a considerable step forward and that there was a basis for bringing closer together the provisions of that draft and the provisions of the USSR draft during the course of the Committee's further work. Others felt that the new thirteen-Power draft represented an increasing divergence from sound and reasonable interpretations of the Charter.

56. Some representatives clarified their position on the question of the desirability that a draft definition of aggression should be acceptable to the permanent members of the Security Council emphasizing that that was not a legal requirement but a political one. The minimum constitutional requirement was that the definition should be acceptable to the General Assembly and the Security Council.

57. The lack of a preamble in the six-Power draft was regarded by some representatives as a retrograde step. For some other representatives, the absence of a preamble should not be taken to indicate a negative attitude towards having one or towards the idea of defining aggression.

58. In the opinion of some representatives, the six-Power draft treated aggression merely as a term which was "applicable" or "to be applied", thus reducing the importance of the definition and the work done by the Committee, which had been established not to deal with terminological points but with the principal crime in international law. Other representatives, however, pointed out that the Committee was dealing with the problem of defining the term aggression, that is, with the problem of its proper application, and not with the problem of aggression itself.

1. Application of the definition

(a) The definition and the power of the Security Council

59. In the opinion of a number of representatives, the provisions in the two drafts were without prejudice to the powers and duties of the Security Council as provided in the Charter. It was stated that the words "facilitate that task" had been used in the new thirteen-Power draft instead of "as a guidance" in order to indicate that there was no question of limiting the Security Council's power of determination. Some representatives expressed the view that the Charter did not grant the Security Council discretionary powers; it simply stated that the Council should determine the existence of an act of aggression; the new thirteen-Power draft referred to the "powers and duties" of the Security Council in order to remain faithful to the purposes and principles of the Charter. It was also stated that the six-Power draft preserved the discretionary power of the Security Council as the organ having primary responsibility for the maintenance of peace; this draft would not require the Council to determine the existence of aggression in every case of a breach of the peace, since it allowed for the application of the definition "when appropriate", nor would it require the Council to find that an act of aggression existed even in a case where the circumstances were clearly covered by the definition, that is, there was no element of automaticity in the definition; the non-exhaustive list of possible cases contained in paragraph IV of the proposal was meant to provide general guidance only. It was also pointed out that the six-Power draft was of a very abstract and artificial character which did not contribute towards a clearer idea of the definition of aggression and that the draft could therefore hardly serve to help the Security Council in the discharge of its functions.

(b) Political entities to which the definition should apply

60. A number of representatives drew attention to the second sentence of paragraph II of the six-Power draft, which was intended to ensure that a definition of aggression covered acts by or against those political entities whose claims to statehood might not be universally recognized but upon which the obligations of the Charter and international law as regards the use of force nevertheless fell. Regret was expressed in this connexion that the new thirteen-Power draft had failed to deal with such aspect of the definition of aggression. Other representatives, however, considered that the introduction of

new and irrelevant concepts such as "political entity" complicated instead of facilitating the Committee's task. It was also said that that concept was difficult to accept from the point of view of positive international law. The term "state" should be retained, in keeping with the framework and language of the Charter, without prejudice to the possibility of its interpretation in a broader sense, that is, not requiring that the "State" concerned should be totally and unanimously recognized by all Member States of the United Nations.

2. Acts proposed for inclusion in the concept of aggression

51. Some representatives considered that any definition of aggression must be based on Article 2 (4) of the Charter and it should state clearly the unlawful nature of any unjustified use of force. The definition, therefore, should fully cover aggression involving indirect or covert uses of illegal force intended to infringe the territorial integrity and the political independence of States. It was stated that this point was amply covered, first, by the inclusion of the phrase "overt or covert, direct or indirect" in paragraph II of the six-Power proposal and, secondly, by the enumeration of certain typical cases of such acts in paragraph IV; the uses of force which could not constitute aggression under the terms of the Charter were defined in paragraph III of the proposal. Some representatives stated that a definition which did not contain an adequate provision regarding armed bands would make little contribution to the task of applying the Charter to contemporary facts.

52. Several representatives were of the opinion that acts constituting what was generally known as indirect aggression should not be placed on the same plane as direct armed aggression, in particular with respect to the right of self-defence. It was stated that this point was indicated by operative paragraphs 5 and 7 of the new thirteen-Power proposal, paragraph 5 was designed to permit the exercise of the right of self-defence in accordance with Article 51 of the Charter, and paragraph 7 indicated that certain acts, including those of armed bands, in the territory of a State were not sufficient cause for that State to have recourse to the right of self-defence by military action by virtue of Article 51. It was said in this connexion that the expression "armed attack" used in Article 51 of the Charter referred directly to the expression "act of aggression" used in Article 59. In support of this position, a reference was made to the draft Code of Offences against the Peace and Security of Mankind, in which a distinction was drawn between acts of aggression, on the one hand, and the organization of armed bands and coercive measures of an economic or political nature, on the other. Some representatives further emphasized the danger that indirect armed aggression such as invasion by armed bands might be invoked not only to exercise the right of self-defence but also, under cover of that right, to commit interventions.

53. Other representatives were opposed to the inclusion of any provision relating to indirect aggression for various reasons such as the following: indirect aggression fell within the scope of another principle of international law - namely, the duty of State to refrain from interference in the internal affairs of other States; the circumstances could differ greatly from one case of indirect aggression to another, State responsibility was not incurred by moral support or even overt condonement of acts of indirect aggression; the principle relating to indirect aggression was irrelevant at the present state of the Committee's work. Some representatives also expressed doubt about the

advisability of including indirect use of force to the scope of a definition, in view of the difficulties in establishing proof. In this respect, it was pointed out, however, that even in cases of open conflict, it was at times difficult to establish which side had fired first.

64. According to several representatives the concept of aggression as stated in operative paragraph 2 and certain other provisions of the new thirteen-Power draft, if adopted, would amount to a revision of the relevant articles of the Charter such as Articles 2 (4), 51, 53. The approach of the draft was considered also unacceptable to some representatives as it seemed to declare that the question of whether force had been used or not and whether a State had the right to defend itself depended simply on the methods employed.

65. The principle of proportionality was raised concerning the question of subversion by armed bands organized or supported by another State. It was argued that to deny the victim of armed subversion the right to determine for itself whether it was justified to exercise its right of self-defence was fraught with danger at a time when armed subversion was increasingly becoming a substitute for the more conventional methods of armed aggression. Some representatives considered therefore that paragraph 7 of the new thirteen-Power draft should be modified to take account of the fact that, in certain circumstances, the presence of armed bands constituted an imminent danger similar to an armed attack. In this respect it was stated that a formula could be considered which would specify that in the event of a large-scale invasion by armed bands involving imminent danger comparable to that resulting from an armed attack, the victim of the invasion could react as if it were exercising its right of self-defence under Article 51, without first bringing the matter before the Security Council.

66. With regard to the enumeration of acts which constituted acts of aggression, some representatives expressed the view that a legal connexion should be established between the various elements of the enumeration in such a way that, if a State which was the victim of an act of aggression not featuring in the acts enumerated resorted to self-defence, it would not for that reason be considered an aggressor itself. As to the specific enumeration in paragraph IV of the six-Power draft, some representatives considered that insufficient account had been taken of the basic differences among the various means listed in part B, since they alone helped to clarify the very difficult question of distinguishing internal revolts or dissident movements from acts of aggression of external origin. It was also stated that some of the activities listed in paragraph IV B should not be included in the same paragraph with invasion or bombardment, for such activities would not create the same emergency as an open attack against a State.

67. The six-Power proposal was criticized for its failure to refer to the most dangerous aspects of aggression, namely the use of weapons of mass destruction as a means of committing an act of aggression.

3. Aggressive intent

68. Some representatives considered that a definition of aggression should focus on the two elements of unlawful intent and illegality of the act itself. It was stated that that point was met by the formula employed in the six-Power proposal, reference to intent was made in paragraph II, which spoke of acts of aggression

by a State against the territorial integrity or political independence of any other State; in paragraph III, which dealt with the use of force in self-defence or pursuant to decisions of the United Nations or other competent organizations, and in much greater detail in paragraph IV, part A of paragraph IV described the intended effects of a breach of the peace which justified the Security Council in concluding that an act of aggression had been committed and part B listed examples of specific means whereby the intentions described in part A were carried out.

69. Some representatives pointed out that while paragraph IV of the six-Power draft took full account of the wide variety of the forms of illegal use of force which could constitute aggression under the Charter, the enumeration of intentions and means was illustrative and not exhaustive, there must therefore be cases in which one would have to rely on Article 2 (4) of the Charter, which was the keystone of the six-Power proposal. Some representatives emphasized that it was essential to exclude acts which were unintentional, and that that requirement was met by paragraph IV (5) of the six-Power proposal. With regard to the view that intentions were often difficult to prove, it was stated that, if the facts of the case were really so unclear that the Security Council could not determine even that the act was intentional, i.e., calculated to inflict the harm which it in fact inflicted, then presumably no one would wish the Security Council to decide that aggression had occurred.

70. Several representatives, however, did not agree that the approach taken in the six-Power proposal was satisfactory. It was said that, while the intentions of an accused aggressor were no doubt relevant to make a determination of aggression dependent on them would be highly dangerous in the present state of the international community. Moreover such a criterion would hardly be an effective deterrent to potential aggressors. Not only would it be impossible to list all possible intentions, but aggressors always claimed that their goal was a legitimate one. In the view of some representatives the introduction of such subjective elements in the criteria for determining aggression would serve to encourage invasions or other acts ostensibly carried out for purposes not mentioned in paragraph IV of the six-Power proposal. It was also said that the definition must be based on objective, not subjective, criteria, deriving from the nature of the act itself. In that connexion, it was observed that the USSR draft and the new thirteen-Power draft had the advantage of taking only material facts into account, basing themselves particularly on the principle of priority. It was also pointed out that only the Latin American draft (A/AC.134/L.4) and the two thirteen-Power drafts used solely objective criteria.

4. The principle of priority

71. Certain representatives pointed out that the principle of the first use of force had been incorporated in operative paragraph 5 of the new thirteen-Power draft but had been omitted from the six-Power proposal. In the opinion of several representatives, that was the only principle on which a definition of aggression could be based. It was further stated that the new thirteen-Power draft, basing itself particularly on the principle of priority, had taken only material facts into account, which made it possible to avoid the difficulties arising from a list of objectives such as that included in paragraph IV of the six-Power draft. Other representatives, however, recalling their previous objections on the matter (see para. 41 above), stressed that the new

thirteen-Power draft had failed to avoid the anomalies attendant upon any effort to substitute the concept of "first use" for the inherent right of self-defence as a criterion for determining the legitimacy of acts of force in international relations. The definition should focus rather than on "first use" on the two elements of unlawful intent and illegality of the act itself as had been done in the six-Power draft.

5. Legitimate uses of force

(a) Self-defence

72. Several representatives noted with satisfaction the inclusion of the inherent right of self-defence in the two additional draft proposals. In the opinion of some representatives the only legitimate exceptions to the Charter's prohibition of the use of force were the inherent right of individual or collective self-defence and participation in measures to maintain or restore international peace and security decided on by the appropriate organs of the United Nations or by other competent bodies. As regards self-defence, the view was expressed that the key questions were at what point in time the right came into being and what kind of action constituted aggression: whether it was sufficient to ask merely who fired the first shot, whether there must be an actual use of force; whether a threat of force could be so serious as to constitute a threat to the peace and, as such, aggression; whether a State which massed troops on its border in order to menace a neighbouring State was guilty of aggression; and whether a country must await the actual use of force before invoking its right of self-defence. It was further stated that the right of self-defence could be exercised, not in response to threats and provocations, but only in response to an armed attack, which must therefore precede it; those who maintained the contrary were drawing their arguments either from analogy with domestic law, where the concept of self-defence was highly developed, or from international law as it had existed prior to the Charter, when force had been accepted as a means of pursuing national policies. Some representatives considered that paragraph III of the six-Power draft had followed a wise course by indicating the general exceptions to the prohibition of force and leaving the Security Council to determine whether those exceptions were applicable in any given instance. In the view of some representatives, it would be even wiser to reproduce in its entirety, in paragraph III, the language of the first paragraph of Article 53 of the Charter.

73. Several representatives supported the inclusion of the principle of proportionality in operative paragraph 6 of the thirteen-Power draft. It was stated that the purpose of the principle was to oblige a State which was the victim of an armed attack and which was using armed force in self-defence to control its reactions and to keep them within the bounds of what was necessary and sufficient to halt the aggression. The view was further expressed that as for the scale of the attack, no one claimed that the right of self-defence was an unlimited right and that it justified an action of any scale without regard for the scale of the attack suffered. Some representatives, however, reserved their position with regard to the principle since in their opinion such a notion was difficult to handle, except if it was regarded as signifying that there was aggression only when the operations were sufficiently serious.

(b) Organs empowered to use force

74. Referring to operative paragraph 1 of the new thirteen-Power draft, some representatives emphasized that it did not prejudice the question of the respective rights and duties of the Security Council and the General Assembly with regard to the maintenance of peace; that was why the text stated that the United Nations only had competence to use force in conformity with the Charter, without specifying the competent body; similarly, the fact that the Security Council was mentioned in operative paragraph 2 of the same draft did not imply that the draft adopted any particular position on the question. In the opinion of some representatives, however, although operative paragraph 1 of the thirteen-Power draft did not prejudice the issue, it was a little too broad. It would be preferable to state unequivocally that the Security Council had competence to determine an act of aggression in accordance with Article 39 of the Charter. It was also argued that operative paragraph 2, read together with operative paragraph 1, clearly decided the issue, depriving the General Assembly of its most important responsibilities for the maintenance of international peace and security. In this connexion reference was made to Article 11 of the Charter and General Assembly resolution 377 (V) "Uniting for Peace".

75. Some representatives referred to the difference of language in paragraphs I and III of the six-Power draft, which referred respectively to the Security Council and "the competent United Nations organs". The latter provision was said to mean that United Nations bodies other than the Security Council could authorize the use of force, a view unacceptable to some representatives. In this respect some representatives pointed out that the Charter conferred "primary" but not sole responsibility on the Council; in certain cases such as those concerning colonial problems the General Assembly could play a role; paragraph III of the six-Power draft covered the cases in which a decision on the use of force had to be made by organs other than the Security Council without prejudging the various points of view regarding the competence of other United Nations organs.

76. In the view of some representatives, operative paragraph 4 of the new thirteen-Power draft, unlike paragraph III of the six-Power draft, was compatible with Article 53 of the Charter. Some representatives considered, however, that the Charter provision had been inaccurately paraphrased in the new thirteen-Power draft, particularly by the use of the terms "armed force" and "decisions" instead of "enforcement action" and "authorization" respectively. In the opinion of some representatives, paragraph III of the six-Power draft was contrary to the letter and spirit of the Charter since it placed regional organizations on the same footing as the United Nations. In their view, the Charter made it perfectly clear that the coercive measures decided upon by regional organizations could not be taken until they were authorized by the Security Council. In this respect, some representatives indicated that the six-Power text used the phrase "consistent with the Charter of the United Nations". It was further stated that a provision authorizing the use of force by regional organizations or arrangements was contained in Article 52 of the Charter, and Article 53 envisaged the granting of a similar authorization in specific circumstances.

6. Acts considered not to constitute acts of aggression

77. Several representatives noted with approval that the new thirteen-Power draft contained, in operative paragraph 10, the principle of the right of peoples to self-determination, sovereignty and territorial integrity. In their view, the exercise of the right of self-determination was rightly included in a draft definition of aggression since it often involved more than one State and helped make clearer that definition by stating what did not constitute aggression; in many instances, colonial situations constituted continued aggression since an external Power was maintaining its domination over the people by military force. A reservation was however made to the second part of paragraph 10 for if there was to be a mention of sovereignty and territorial integrity it should be made plain that it concerned States, and reference should also be made to Article 2 (1) and (4) of the Charter. The six-Power draft was criticized by some representatives not only for completely ignoring the struggle of peoples for their national independence, self-determination and sovereignty, but also for attempting, in their view to give legal sanction to the colonial system by using the expression "territory under the jurisdiction of another State" in paragraph IV B (1) and (3). They considered that in so doing, the six-Power draft introduced a new idea intended to claim that the territory of colonial dependencies was under the jurisdiction of metropolitan Powers, thus contributing to perpetuate the colonial system and encouraging aggression. This interpretation was however rejected by some representatives who considered that the Charter provisions were clear as regards the progress of dependent peoples towards self-government and independence, and who saw no difference between the expression in question and the expression "territory of another State".

7. Legal consequences of aggression

(a) The question of responsibility

78. Some representatives noted with satisfaction the inclusion in the new thirteen-Power draft of the concept of international responsibility for acts of aggression since, in their opinion, the Special Committee's task was to show what was the international crime of aggression and to indicate the consequences of that crime. Other representatives expressed the view that such a notion was no part of a definition of aggression and consequently did not fall within the Committee's terms of reference.

(b) Non-recognition of territorial gains

79. In the opinion of several representatives, the principle of non-recognition of territorial acquisitions obtained by force, contained in operative paragraph 8 of the new thirteen-Power draft and in operative paragraph 4 of the USSR draft, was an essential ingredient in a definition of aggression; it was a principle fully in accordance with the provisions of the Charter, well established by a number of basic international legal instruments and emphasized by the Security Council; further the retention by the aggressor of the fruits of his action made the aggression a continuing crime, a concept which existed in all systems of criminal law. Some representatives, however, regarded the reference to non-recognition as irrelevant or thought that the principle might be placed more appropriately in the preamble rather than in the definition itself since it concerned a legal consequence of the act of aggression.

IV. RECOMMENDATION OF THE SPECIAL COMMITTEE

80. At its 50th meeting, on 28 March, the Special Committee considered the draft resolution submitted by Colombia, Congo (Democratic Republic of), Cyprus, Ecuador, Ghana, Guyana, Haiti, Madagascar, Mexico and Uruguay (A/AC.134/L.18). At the same meeting the representative of Cyprus on behalf of the sponsors orally submitted a revised text of the above draft resolution which the Committee adopted without objection.

The text of the resolution adopted by the Special Committee reads as follows:

"The Special Committee on the Question of Defining Aggression,

"Bearing in mind resolution 2330 (XXII) and 2420 (XXIII) of the General Assembly,

"Recognizing the progress made during this session in the consideration of the question of defining aggression and on a draft definition, as reflected in the report of the Special Committee,

"Noting that new proposals concerning a draft definition of aggression were submitted in 1969,

"Noting also the common will of the members of the Special Committee to continue consideration of the question of defining aggression,

"Noting further that there was not enough time in which to complete its task,

"Recommends to the General Assembly, at its twenty-fourth session, that the Special Committee be asked to resume its work as early as possible in 1970".

ANNEX I

Report of the Working Group of the Whole

1. The Working Group of the Whole, established by a decision of the Special Committee taken at its 37th meeting on 18 March 1969, held nine meetings from 19 to 27 March 1969.
 2. At its 4th meeting on 20 March 1969 the Working Group, on the basis of a proposal made by the representative of the USSR as amended by the representative of Canada concerning the method of work, decided as follows:
 - To concentrate first, with a view to their formulation, on those paragraphs with respect to which agreement can be reached among all members of the Working Group, not only as to their content but also as to their actual form of words;
 - To take up next those paragraphs with respect to which agreement can be reached among all members of the Working Group as to their content although not as to their actual form of words and on which two or more formulations could be submitted;
 - To consider then those paragraphs with respect to which there are grave differences among members of the Working Group and on which alternative formulations could be submitted;
 - To have an initial consideration of all paragraphs to ascertain whether or not there is general agreement on the concepts reflected in each paragraph, leaving aside questions of terminology if there is some disagreement to second reading.
- At its 5th meeting on 21 March 1969 the Working Group reaffirmed the foregoing procedural decision.
3. The representative of Canada in referring to the procedural decision reflected in paragraph 2 above explained that his understanding of the amended proposal as decided on by the Committee, was that the Working Group would leave aside until second reading all disputed questions relating to the actual language of those provisions which might be included in a definition of aggression and would confine itself during first reading to an attempt to place the provisions in the appropriate categories, intended to reflect varying degrees of agreement, as set out in the amended proposal. He was prepared, however, to accept the decision as reflected in paragraph 2 above. The Committee then adopted the proposal as contained in paragraph 2 above.
 4. A number of representatives further expressed the view that the procedural decision referred to in paragraph 2 above, as well as any decisions which the Working Group might take regarding provisions of the proposals under its consideration, would be without prejudice to their positions on the question of their ultimate adoption for inclusion in a definition of aggression.

5. The Working Group agreed to include the first preambular paragraph of the USSR proposal among those provisions in regard to which there was general agreement as to their content but not as to their particular formulation.

6. The Working Group agreed to include the fifth preambular paragraph of the USSR proposal, as amended by the representative of France, among those provisions in regard to which there was general agreement both as to their content and to the form of words. As amended, this preambular paragraph includes the words "make recommendations, or" before the word "decide". Thus this paragraph, as amended, reads as follows:

"Recalling also that Article 39 of the Charter states that the Security Council shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security".

7. The Working Group agreed to include the sixth preambular paragraph of the thirteen-Power proposal, as well as the seventh and eighth preambular paragraphs of the USSR proposal, among those provisions in regard to which there was general agreement as to their content but not as to their particular formulation. It was generally accepted that there was a common core of agreement expressed in these paragraphs, although a number of delegations entered reservations that certain aspects of some of the particular formulations of these paragraphs considered in the Working Group would prejudice their positions of substance in a way unacceptable to them.

ANNEX II

Membership of the Special Committee

ALGERIA

Representative: Mr. Nourredine Harbi
Alternate: Mr. Mohamed Berrezoug

AUSTRALIA

Representative: Sir Kenneth Bailey
Alternate: Mr. David Wyke Evans

BULGARIA

Representative: Mrs. Elena Gavrilova
Alternate: Mr. D. Kostov

CANADA

Representative: Mr. John Alan Beesley
Alternates: Mr. D.M. Miller
Mr. A.W.J. Robertson

COLOMBIA

Representative: Mr. José María Morales Suárez

CONGO (DEMOCRATIC REPUBLIC OF)

Representative: Mr. Vincent Mutuale

CYPRUS

Representative: Mr. Zenon Rossides
Alternates: Mr. A.J. Jacovides
Mr. Michael El Sherifis

CZECHOSLOVAKIA

Representatives: Mr. Ladislav Jahoda
Mr. Jíří Mladek

ECUADOR

Representatives: Mr. Leopoldo Benites
Mr. Gonzalo Alcívar
Mr. Hugo Játiva

FINLAND

Representative: Mr. Matti Cawén
Advisers: Mr. Erik Castrén
Mr. Tapani Brotherus

FRANCE

Representatives: Mr. Charles Chaumont
Mr. Claude Chayet
Miss Sylvie Alvarez

GHANA

Representative: Mr. R.M. Akwei
Alternate: Mr. Emmanuel Sam

GUYANA

Representative: Sir John Carter
Alternate: Mr. Duke Pollard

HAITI

Representative: Mr. Max Duplessy

INDONESIA

Representative: Mr. H. Roeslan Abdulgani
Alternates: Mr. J.B.P. Maramis
Mr. Partono
Mr. Suroso Prawirodirdjo

IRAN

Representative: Mr. Davaud Hermidas Bavand

IRAQ

Representative: Mr. Mustafa Kamil Yasseen
Alternate: Mr. Adnan Raouf
Adviser: Mr. A.A.R. Munir

ITALY

Representatives: Mr. Francesco Capotorti
Mr. Vincenzo Starace

Alternate: Mr. Joseph Nitti

JAPAN

Representative: Mr. Hisashi Owada

Alternate: Mr. Kojiro Takano

Adviser: Mr. Hiromu Nitta

MADAGASCAR

Representative: Mr. Armand Rafalihery

Alternate: Mrs. Reine Raelina

MEXICO

Representative: Mr. Sergio González Gálvez

Alternate: Mr. José Luis Vallarta Marrón

NORWAY

Representatives: Mr. Peter M. Motzfeldt
Mr. Per G. Ravne
Mr. Per E.S. Tresselt

ROMANIA

Representative: Mr. Gheorghe Diaconescu

Alternate: Mr. Gheorghe Badescu

Adviser: Mr. Vergiliu Ionescu

SIERRA LEONE

Alternate: Miss Meliora Taylor

SPAIN

Representative: Mr. Gabriel Cañadas

Alternate: Mr. Fernando Arias-Salgado

SUDAN

Representative: Mr. Fakhreddine Mohamed
Alternate: Mr. Omer El-Sheikh

SYRIA

Representative: Mr. M. George J. Tomeh
Alternates: Mr. Dia-Allah El-Fattal
Mr. Rafic Jouejati

TURKEY

Representative: Mr. Ahmet Akyamac
Alternate: Mr. Erkut Onart

UGANDA

Representatives: Mr. A.M. Ogola
Mr. S. Twine-Bigombe

UNION OF SOVIET SOCIALIST REPUBLICS

Representative: Mr. Viktor H. Chkhikvadzé
Alternates: Mr. E.N. Nasinovsky
Mr. D.N. Kolesnik
Advisers: Mr. V.I. Menjinsky
Mr. O.V. Bodganov

UNITED ARAB REPUBLIC

Representative: Mr. Abdullah El-Erian
Alternate: Mr. M.M. El Baradei

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

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Alternates: Mr. P.J.S. Moon
Miss S.M. Harden

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Alternates: Mr. Robert B. Rosenstock
Mr. Everett E. Briggs

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Alternate: Mr. Alberto D. Fajardo

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Representative: Mr. Živojin Jazič
Adviser: Mrs. Gordana Diklić-Trajković

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