

Nations", in an international conflict that State should be declared the attacker which, "if not acting in pursuance of instructions by the United Nations", first committed one of the enumerated acts; and

(3) provide that a State which was threatened might also in the meantime adopt requisite measures of a military nature similar to those described, without, however, crossing the frontier "unless it is acting in self-defence or on the authority of the United Nations".

(b) An amendment by Egypt (A/C.6/L.213 and Corr.1) would:

(1) insert a new preamble and a declaration that any act whereby a State infringed the territorial integrity or political independence of another State constituted aggression;

(2) state that in any international dispute, situation or conflict that State should be declared the attacker which first committed, "inter alia", one of the enumerated acts; and

(3) add a new provision stating that the exercise of the right of self-defence referred to in Article 51 of the Charter should not be deemed to be an act of aggression.

(3) Bolivian Draft Resolution

This draft resolution (A/C.6/L.211) would have the Assembly resolve:

(1) that apart from the determination of acts of aggression by the competent organs of the United Nations, an aggression should in all cases be considered to have been committed when any State invaded the territory of another State, crossing the frontiers established by treaty or by judicial or arbitral decisions and demarcated in accordance therewith, or when, in the absence of frontiers thus demarcated, the invasion affected the territories under the effective jurisdiction of a State;

(2) that a declaration of war, an armed attack by land, sea or air forces against the territory, ships or aircraft of another State and support given to armed bands for the purposes of invasion, as well as action taken by a State, overtly or covertly, to incite the people of another State to rebellion with the object of changing the political structure for the benefit of a foreign Power, should also be qualified as aggressive acts;

(3) that any threat or use of force against the territorial integrity or political independence of any State, or any threat or use of force which is in any other way incompatible with the purposes of the United Nations, including unilateral action to deprive a State of the economic resources derived from the fair practice of international trade, or to endanger its basic economy, thus jeopardizing the security of that State or rendering it incapable of acting in its own defence and co-operating in the collective defence of peace, should also be considered as an aggressive act; and

(4) that apart from the cases described in paragraphs (1) and (2), which should justify the automatic exercise of the right of collective self-defence, other acts of aggression should be determined when they occurred by the competent organs established under the Charter of the United Nations in accordance with its provisions.

(4) Joint Draft Resolution by France, Iran and Venezuela

This draft resolution (A/C.6/L.209) had a preamble in five paragraphs which would state:

(1) that the question of defining aggression had been referred to the ILC by the General Assembly at its fifth session;

(2) that the Commission had not furnished an express definition but had merely included aggression in its draft Code of Offences against the Peace and Security of Mankind;

(3) that the problem of defining aggression was important for the development of international criminal law;

(4) that the General Assembly had decided not to examine the draft Code at its sixth session and had included it in the provisional agenda of its seventh session; and

(5) that the problem of defining aggression had important political aspects.

The operative part provided that the General Assembly would:

(1) decide to study the question of defining aggression when it examined the draft Code of Offences against the Peace and Security of Mankind; and

(2) request Member States, when transmitting their observations on the draft Code to the Secretary-General, to give in particular their views on the problem of defining aggression.

The following amendments were submitted to the joint draft resolution:

(a) By India (A/C.6/L.212).

It proposed to substitute for the third paragraph of the preamble a paragraph stating that the problem of defining aggression was within the scope of international criminal law.

(b) By Colombia (A/C.6/L.214/Rev.1). It would:

(1) substitute for the first paragraph of the operative part a paragraph whereby the General Assembly would decide to include the question of defining aggression in the agenda of its seventh session; and

(2) add two new paragraphs to the operative part, providing for the appointment of a special committee of fifteen members, to meet at the Headquarters of the United Nations, to consider the records of the debates in the First and Sixth Committees on the question of defining aggression and the draft resolutions, amendments and other documents relating to this question, to study the problem further, and to submit a draft definition of aggression, together with a report, to the Assembly's seventh session.

(c) By Syria (A/C.6/L.215). It would:

(1) replace the third paragraph of the preamble with a paragraph stating that, although the notion of aggression might be inferred from the circumstances peculiar to each case, it was nevertheless desirable, for the development of international criminal law, to define aggression by reference to the elements which constituted it;

(2) delete the fourth paragraph of the preamble;

(3) replace the fifth paragraph of the preamble with a paragraph stating that it would be of definite advantage if directives were formulated for the future guidance of such international bodies as might be called upon to determine the aggressor;