

In any case, it was very doubtful that a definition, if adopted, would prevent aggression. An aggressor could only be determined by the general impression created by its behaviour and policies. Some representatives, in particular the representative of Argentina, thought that the "animus aggressionis" was a subjective element, and therefore the determination that an act of aggression had been committed would have to be made primarily by the State victim of the aggression. This element, it was added, would not be taken into consideration if a definition was to be applied automatically.

Representatives opposing the adoption of a definition also contended that the concept of aggression changed with time; therefore, a rigid definition could serve no useful purpose and would not facilitate the task of the United Nations organs which had the responsibility under the Charter for determining the existence of acts of aggression and for taking measures against them. On the contrary, a definition of aggression would delay the action of such organs. Furthermore, the Charter provided adequate procedures for the determination of the aggressor by the Security Council and by the General Assembly.

The representative of Iraq stated that his delegation, in the belief that no definition would succeed in preventing aggression in the future, would not declare itself for or against definitions that might be proposed.

Other representatives, including, in particular, those of Thailand, Lebanon, Chile, Israel and Mexico, concluded that it was necessary to proceed with further studies on the question and not to show undue haste.

Certain representatives, including, among others, those of Afghanistan, Indonesia, Iran, Cuba, Chile and China, declared that they would favour the adoption of a definition only if it included cases of indirect aggression, and they mentioned the possibility of economic, cultural or ideological aggression. The representatives of Afghanistan, Cuba and Iran, in particular, stressed the importance of economic aggression as a form of indirect aggression. While all States were equal in law, they stated, there was no equality in the economic sphere and economically powerful States were thus able to exercise pressure which in fact amounted to aggression. In such cases there was certainly no direct attack, but the end in view was the same as that of any aggression: to force the victim to yield to the aggressor's will.

Some representatives, for example the representative of China, while in principle favouring

the adoption of a definition, stressed the necessity of ensuring that a victim should never be prevented from exercising the right of self-defence in cases of direct aggression, or "reprisal" in cases of indirect aggression.

It was the view of the representatives of France, Sweden and the Union of South Africa, among others, that a definition should be linked with the development of international criminal law, in particular with the draft Code of Offences against the Peace and Security of Mankind and the creation of an international criminal jurisdiction.

The representatives of France, Greece, Israel and the Netherlands, among others, stressed the difficulties which had to be solved before a definition of aggression could be adopted. It would first be necessary, in their opinion, to ascertain whether a definition could be included within the framework of the Organization and to determine what effect it might have on the application of Articles 39 and 51 of the Charter.²²

It was also stated, in particular by the Netherlands representative, that the new notion of indirect aggression raised a difficult problem as, although it could readily be contrasted with armed aggression, there was no common agreement on what it meant. Economic aggression, the representative of the United Kingdom emphasized, was a vague concept which was bound to involve the question of what measures constituted legitimate economic self-defence. Moreover, the representative of Bolivia pointed out, there was no economic equality between States and it would therefore be difficult to apply such a doctrine.

The representative of Argentina emphasized the relationship between aggression and intervention in the domestic affairs of other States, while other representatives, in particular the representative of Greece, stressed the relationship between aggression, self-defence and collective action by the United Nations.

The representative of the Netherlands cited the following specific questions to be studied in connexion with the definition of aggression: the meaning of aggression as referred to in the United Nations Charter, the Judgment of the Nürnberg Tribunal and the draft Code of Offences against the Peace and Security of Mankind; the purpose of the definition—whether it was to be used by political or judicial organs; the relationship between aggression, self-defence and collective action by the United Nations; and the possible existence of other forms of ag-

²² For text of Articles, see pp. 13 & 14.