

terion in determining the aggressor, as Article 51 of the Charter endorsed it as a condition for exercising the right of self-defence.

On the other hand, the principle of priority was disputed by some members—including Australia, the United Kingdom and the United States—which held the view that it was incompatible with the Charter and that it might be dangerous. They stated that by this principle, if a State committed one relatively inconsequential act, the victim could respond with the whole of its military might without being held an aggressor; such was not the rule of the Charter, which held that defensive measures should be proportionate to the attack. They also pointed out that the principle of priority raised problems of interpretation and would not be appropriate in the case of frontier incidents.

Most members considered that a definition of aggression should include clear and undisputed criteria distinguishing aggression from the legitimate use of force. They asserted that 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, as decided by the appropriate organs of the United Nations or other competent bodies.

Some States, including Cyprus and Mexico, stated that the definition should begin by referring to the monopoly of the use of force vested in the United Nations, as did the 13-power draft. In this respect, they said, the USSR draft raised some difficulties. These States also pointed out that the USSR draft did not expressly mention self-defence, although it made a distinction between the legal and illegal uses of force.

Several members noted with satisfaction the inclusion of the inherent right of self-defence in the new 13-power draft and in the six-power draft. The Democratic Republic of the Congo, Iraq and Sudan, among others, supported the inclusion in the new 13-power draft of the principle of proportionality, obliging the State victim of an armed attack to keep its reactions within the bounds of what was necessary and sufficient to halt the aggression.

France and the United States, among others, stated that the Charter provisions concerning the competence of regional agencies were paraphrased inaccurately in the new 13-power draft.

Others, including Iraq, believed that the six-power draft was incompatible with the Charter since the draft would grant to regional organizations, as well as to the United Nations, the right to authorize the use of force.

Spain, Sudan, the United Arab Republic and Uganda, among others, stated that the definition of aggression should provide for an exception where the use of force was necessary to ensure the exercise of the right of peoples to self-determination. This provision, they noted, was included in the USSR draft and the new 13-power draft. Some members—including Italy and the United Kingdom—argued that such a provision would be inappropriate in a definition of aggression that was limited to inter-State relations. The six-power draft was criticized by Bulgaria and the USSR, among others, for ignoring the struggle of peoples for self-determination and for attempting, in their view, to give legal sanction to the colonial system by incorporating the expression "territory under the jurisdiction of another State."

While several members noted with satisfaction the inclusion in the USSR draft and the new 13-power draft of the concept of international responsibility for acts of aggression, others believed that such a concept should not be part of a definition of aggression and did not fall within the Special Committee's terms of reference.

Algeria, Spain, Sudan and Syria, among others, considered that the principle of non-recognition of advantages resulting from aggression, as contained in the USSR draft and the new 13-power draft, was essential to a definition of aggression. Other members, including Indonesia and the United Kingdom, considered the reference to non-recognition to be inappropriate in the definition.

On 28 March 1969, the Special Committee approved a draft resolution submitted by Colombia, the Democratic Republic of the Congo, Cyprus, Ecuador, Ghana, Guyana, Haiti, Madagascar, Mexico and Uruguay. By this, the Special Committee, among other things, recognized the progress made during the 1969 session in the consideration of the question of defining aggression and on a draft definition, as reflected in its report, and noted the common will of the members of the Special Committee to continue consideration of the question of defining