

great importance to the question of indirect aggression, which was of particular interest to small countries, which were especially vulnerable to that form of aggression, and to countries still under colonial domination.

Other Members, including the United Kingdom and the United States, maintained that any definition must cover all uses of force, whether or not they were "direct." It was said that the labels "indirect aggression" for covert forms of aggression and "direct aggression" for overt armed attack were at variance with the Charter. The most serious threats to international peace and security currently stemmed from the less direct and less overt uses of force; a partial definition covering only "direct" aggression would therefore not be acceptable.

The representatives of Sweden and Yugoslavia, among others, felt that, at the current stage, the definition should cover only the use of force, without qualifying it as "direct" or "indirect." In the opinion of some representatives, including those of Cyprus and France, the proposed definition of indirect aggression could not be exhaustive and therefore the definition of aggression should include a minimum list of the most serious cases of aggression under Articles 39 and 51 of the Charter;⁴ the inclusion of certain serious cases of indirect aggression, for instance the infiltration of armed bands, would be acceptable in such a list.

Afghanistan and Pakistan were among Members holding that the definition should cover various other forms of aggression, such as economic, financial, political, cultural and ideological pressures. The value of including such forms was contested by other Members, however.

In the opinion of some Members, including Bolivia and Greece, a declaration of war was intrinsically an act of aggression. Others, Canada and Ceylon for instance, felt that a declaration of war did not necessarily constitute aggression per se and was not necessarily relevant to the existence of aggression.

Some Members, including Libya, considered that weapons of mass destruction should be expressly mentioned in a definition, while others thought that weapons represented only a means of committing aggression and were not a constituent element of it.

The United Arab Republic and Yugoslavia,

among others, considered that invasion, attack, military occupation and annexation of territory constituted flagrant acts of aggression which should be incorporated in any definition. An opposing view was expressed by Canada and others, which held that military occupation and annexation were essentially consequences of either the legitimate use of force or acts of aggression and therefore should not be included. The representative of Romania maintained that the definition should mention a form of aggression whereby a State made its territory available to another State for the purpose of an armed attack against a third State.

The introduction of the concept of priority (first use of force) into the definition did not meet, in principle, any opposition. However, different views were expressed regarding the degree of importance which should be accorded to that concept in the definition.

Greece, Iran, Iraq and the USSR, among others, held that the priority principle, which was sanctioned by many international instruments and was based directly on the provisions of the Charter, constituted the only objective criterion applicable in determining the aggressor; it laid the burden of proof on the State that attacked first, and its purpose was to prevent States from committing acts of aggression in the guise of preventive wars. Other Members, including Italy, Japan and the United Kingdom, maintained that the priority principle should figure in the definition only as one element among others.

A number of representatives, including those of Colombia, Cyprus, France and Iraq, were opposed to including the element of aggressive intent in the definition. It was observed that the element of priority was irreconcilable with the subjective element of intent; the two elements, therefore, should not be placed on the same footing in the definition, even though it was conceivable that the Security Council might take into consideration expressions of intent by the States involved. It was pointed out that the inclusion of the concept of aggressive intent in the definition would have the effect of placing the burden of proof on the victim, and would

⁴ Ibid.