

the ultimate discretion of the Security Council in making a determination under Article 39 of the Charter as to whether or not an act of aggression has been committed in a particular instance. However, the definition if adopted will serve as a useful guide to the Security Council, when it is required to make a determination under Article 39 of the Charter as to whether the direct or indirect use of armed force by a state has been such as to constitute an illegal use of force in contravention of the Charter. The definition should also have some deterrent effect on the resort to force by states as it will serve as notice to all U.N. members which particular uses of armed force are likely to be deemed by the Security Council to be illegal and thereby possibly result in measures being taken under Chapter 7 of the Charter.

The definition is not so general as to be merely repetitious of Charter language, and at the same time not so specific as to suggest that it is exhaustive of those acts constituting aggression. It incorporates the concepts of both direct and indirect aggression (in Articles 3(f) and 3(g)) and contains a useful reference to state complicity in acts of international terrorism (in Article 3(g)). It also includes, as the penultimate article a so-called self-determination "escape clause" which recognizes the right of peoples "to struggle" for self-determination in accordance with their rights as derived from the Charter and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States. It is perhaps worth noting that the definition does not make any reference to acts of so-called "economic aggression".

The definition as approved by the Special Committee is reprinted as Annex I to this paper.