

We believe that any definition to be really effective would have to be agreed upon by the General Assembly and the Security Council, including the permanent members of the Council, and so as not to pose an obstacle to these organs it must not restrict the wide discretion which we consider the Security Council and the General Assembly possess. We submit that both these organs, under their present constitution embodied in the Charter, have the power to decide in each concrete case and in the light of the particular facts and circumstances of the case whether an act of aggression has been committed by a state. Any definition which would "automatically" brand certain acts or classes of acts as aggression, might, we suggest, seriously hamper these bodies in maintaining or restoring the peace, as the case may be, which function necessarily calls for the exercise of very broad political discretion. In our view, furthermore, in order to be in harmony with the scheme of the Charter, more particularly with Articles 39 and 51, any definition of aggression must be restricted to the notion of armed attack and must not embrace or be applicable to any other form of aggression so-called.

We would also like to point out that any definition of aggression can hardly be examined otherwise than in the light of any proposal for a Code of Offences against the peace and security of mankind and for some international criminal jurisdiction to interpret and enforce such a code. This in turn again raises the question of harmonizing such a jurisdictional scheme with the existing functions and powers of existing organs of the United Nations under the Charter.

In conclusion whilst my delegation entertains the doubt above expressed as to the helpfulness of any definition to the competent organs of the United Nations in deciding whether an act of aggression has occurred, it is not opposed to a definition which would appear likely to be agreed upon by the General Assembly and the Security Council, including the permanent members of the Council, which would not be at variance with the existing scheme of the Charter and which would meet the other tests I have outlined. Any other definition, or one which had very limited approval, would we think, instead of helping to ensure international peace and security, have a tendency towards the opposite effect.

Voting Results Following is the text of a resolution (U.N. Doc. No. A/C.6/L.337 Rev.1) adopted by the Sixth Committee on November 10, 1954, by a vote of 33 in favour to 3 against (United States, Australia and Brazil), with 14 abstentions (including Canada and the United Kingdom); and in a plenary session of the General Assembly on December 4, 1954, by a roll-call vote of 43 in favour (including Canada) to 3