

Page 2.

We remain unconvinced, however, on the basis of past experience, that it will prove possible to reach consensus on a definition.

Mr. Chairman, my delegation appreciates fully that the lengthy consideration already given by the International Community to this question does not necessarily indicate that it will never be possible to define aggression adequately. Studies of the past, as reflected in the related international legal literature have contributed significantly to a greater understanding of the difficulties involved. An illustration of the practical problems in defining aggression is that most of the proposed definitions submitted on the subject have contained terms that themselves require definition. A further continuing and thus far insurmountable problem has been that an enumerative definition does not prove sufficiently comprehensive, while a general definition is of little utility and does nothing more than duplicate the provisions of the Charter. There is, therefore, no compelling functional reason for a definition. Indeed, a danger arising out of both approaches is that an aggressor might be able to justify his aggressive acts by arguing that they did not fall within the definition of aggression.

The framers of the Charter were very careful to leave it to the competent organs of the United Nations to decide what constituted a threat to peace, a breach of peace, or an act of aggression. It still seems to my delegation that it would be unhelpful if the unfettered discretion now exercised by these organs in determining the existence of aggression should be limited or unduly complicated by a definition which of necessity would call for assessing the blame at the same time as deciding upon effective action required to preserve peace. Moreover, there would be a danger that differing interpretations regarding the definition, might delay action which might be vital for maintenance of international peace. It remains our view that a definition would be more likely to interfere with than to assist the competent organ of the United Nations to take quick and effective action to ensure the maintenance of peace. A definition could have the unintended effect of limiting the Security Council's discretion in determining the existence of aggression in light of the special circumstances surrounding each particular case. At the San Francisco Conference in 1945, the majority view had been to leave it to the Security Council to decide what constituted a breach of the peace or an act of aggression. Events have supported the wisdom of this decision.

The ability of the United Nations to deter aggression or where aggression has taken place, to assist in peaceful settlement and to bring to an end aggression itself, is of much greater import to the survival of the organization than is a definition. It is our considered view, therefore, that the importance of "expediting" the drafting of a definition of aggression is perhaps being somewhat over-stated. After all, member

... 3