



STATEMENTS AND SPEECHES

INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS
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No. 50/46 Statement on the Question of Duties of States in the Event of the Outbreak of Hostilities, made in the First (Political and Security) Committee on November 7, 1950, by Mr. L.B. Pearson, Secretary of State for External Affairs, and Chairman of the Canadian Delegation to the United Nations General Assembly.

There has been considerable discussion of the Yugoslav resolution; the purposes and objectives of which we must all support. There has not been so much discussion of the Soviet resolution which lays down certain provisions for defining aggression. These are taken from a Soviet resolution discussed many years ago at the League of Nations - but they omit one very important provision of that resolution which attempted to define "indirect aggression", the form of aggression which in the circumstance of our time, is most dangerous and which has been recognized as such by the United Nations. As a matter of fact aggression of the old type, after a declaration of war with armies crossing frontiers without attempting to conceal or excuse that fact, may be as out of date as the charge of the Light Brigade.

As international affairs become more complex, there is a temptation to seek refuge from the continual acts of judgment which complicated and dangerous situations demand and to substitute for them automatic provisions which will render separate judgments unnecessary. This tendency is seen, I think, in extreme form in the Soviet resolution which attempts by way of two schedules of minute particularity to set up automatic criteria for determining the aggressor in any international conflict. The previous attempts of this kind which have been made have been so protracted and inconclusive, notably in the discussions at Geneva over the Geneva Protocol, as was well pointed out by the delegate of Colombia, that the Canadian Delegation are sceptical whether such automatic action can ever be successfully achieved and in a way to satisfy the demands of justice.

The difficulties in the way are well illustrated if we test the criteria which have been proposed by the Soviet Delegation by attempting to apply them to certain concrete historical situations, the details of which are familiar to us. It is common ground, I take it, that in the war which opened in 1939, Nazi Germany was the aggressor. Yet if we apply retrospectively the criteria proposed by the Soviet Delegate and examine the historical evidence in that light, we will find ourselves in considerable confusion. It will be recalled that it was the United Kingdom and France which formally declared war on Germany rather

than the other way about. Were these two countries then aggressors against the Nazis? That fantastic conclusion would be suggested by the principles contained in the Soviet resolution. Surely we would be mistaken to adopt a resolution which would result in such sensational and topsy-turvy conclusions.

An equally unacceptable conclusion would be reached if we were to apply the Soviet criteria to the economic blockade of the western sectors of Berlin which was enforced against them during 1948. (Incidentally, why should a naval blockade be stigmatised in the Soviet resolution as aggression while a land blockade is not mentioned). One of the tests suggested in the Soviet resolution is "the landing or leading of its land or sea or air forces inside the boundaries of another state without permission of the Government of the latter or the violations of the conditions of such permission particularly as regards the length of their stay or the extent of the area in which they may stay". In order to bring succor to the citizens of the western zones of Berlin, it might have been necessary to move supplies by military convoy through the eastern zone of Germany to Berlin; action required also in order to maintain the status of the western power in Berlin which had been secured by quadripartite agreement. If the Soviet resolution had been in effect at that time, that action might have been branded as aggression, and attacked as such.

Nor would the Soviet resolution have been of any greater utility at the time of the outbreak of war in Korea last June. The United Nations Commission for Korea declared on June 25 that the forces of North Korea had attacked across the 38th parallel. It has continued, however, to be the claim of the Soviet Union that it was territory of North Korea which was first invaded. The criteria which have been suggested in this resolution would obviously be of no help in deciding a question of fact of this kind. As a matter of fact, the easy way to frustrate the purpose of the Soviet resolution is for the aggressor merely to say that he was attacked first and is merely defending himself - as was the case in North Korea.

As a result then of unsatisfactory experience in the past in attempting to define aggression and also as a result of the results of either a ludicrous or at least unhelpful character which are obtained if the criteria included in the Soviet resolution are applied to recent acts of aggression, the Canadian Delegation are more than doubtful of the wisdom of this method of approach to what is admittedly a serious and unsolved problem. We are inclined rather to place our trust in determination and judgment applied through United Nations in each case that arises, and in the principles of the Charter. This is one of the reasons that we have supported so strongly the resolution as "Uniting for Peace". One of the foremost bulwarks for states threatened by aggression in our view would be the presence within their boundaries of representatives of the newly established United Nations Peace Observation Commission who would be able with their own eyes to observe acts of aggression and report their findings to the Security Council or the General Assembly.

There is another serious omission in the Soviet resolution. This omission is possibly a consequence of the fact that the Soviet resolution is obviously a re-issue of a document put before the League of Nations many years ago. The U.S.S.R. resolution takes no account of the United Nations and of its role in maintaining peace and restraining aggression, especially Article 42 which provides for sea, air and land enforcement action. As it stands, the U.S.S.R. resolution would make it illegal for a member of the United Nations to take any of the enforcement measures which it might be expected to take as a result of action by the Security Council. This may, of course, be a mere oversight in the drafting of the U.S.S.R. resolution. It is, however, further evidence of the fact that this resolution has been presented without adequate reference to the practical situation which exists in the world of 1950.

I might add that I am somewhat at a loss to reconcile the Soviet resolution with some of the remarks made by the Soviet Foreign Minister when he spoke in this Committee on Saturday, October 28. Referring to the speech delivered by Marshall Stalin on February 9, 1946, Mr. Vishinsky expounded for us the Leninist distinction between just and unjust wars. Within the category of just wars, he said, were to be included wars against capitalist slavery. This theory of the distinction between just and unjust wars, which takes no account of which country is the aggressor and which country is the victim of attack, seems to be at wide variance from the theory which is embodied in the Soviet draft resolution. It is not for me to determine which theory is accepted more wholeheartedly by the Soviet delegate. What I must point out, however, is that they are different and incompatible.

There is a further and even more important reason why we are sceptical of the value of attempting to define precisely aggression before it occurs. Modern war is so various and complicated that a list of aggressive measures which are specified and forbidden might merely lead an intending aggressor, as the French Delegate pointed out so skilfully, to concoct a mode of aggression which would fall outside these prohibited measures. Then, ipso facto, he becomes technically innocent, though in every other respect guilty.

Nevertheless, we sympathize profoundly with the wish of states which feel themselves threatened to bolt as many gates against a possible aggression as they can. For this reason we have looked with sympathy at the resolution which has been submitted by the Delegation of Yugoslavia. At one point it, too, attempts to set up an automatic criteria for determining the aggressor. For the reasons which I have mentioned already we are doubtful of the wisdom of this paragraph in the Yugoslav resolution. On the other hand, we can see merit in the attempt contained in the earlier part of the Yugoslav resolution to establish a procedure by which an act of aggression could be brought, with the least possible delay, to the attention and conscience of the world. The provisions whereby both states engaged in hostilities should be obliged to make a public statement proclaiming their readiness to issue a "cease-fire" might tighten the mesh which we have been endeavouring to close around any would-be aggressor. As this part of the resolution stands at present, I am not sure whether we would find it entirely acceptable. It

places, as has been noticed, the attacking country and the country which has been attacked on the same footing. It would seem to us to be necessary, as I have said, to allow the United Nations to determine who is the aggressor and then to give rather more latitude than would be allowed in this resolution to the authorities of the countries attacked to conduct their defence in as effective a way as possible without being unduly hampered by automatic provisions in order to resist the attack successfully. In our view, however, the requisite freedom of action might be secured for a country subject to attack by amendment to the Yugoslav resolution, which, as I have said, seems to us to be in its basic principles soundly conceived.

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