

Document:-  
**A/CN4/L.12**

**Proposition de M. J. M. Yepes**

Topic:  
**Question of defining aggression**

Extract from the Yearbook of the International Law Commission:-  
**1951, vol. II**

*Downloaded from the web site of the International Law Commission  
(<http://www.un.org/law/ilc/index.htm>)*

63. I will say, in conclusion, that with reference to the question of the desirability or necessity of a definition of aggression, I am in full accord with the statements of those who for the last thirty years or so have been labouring for it. Nicholas Murray Butler, cited by Kormanicki in a lecture given at the Hague Academy in 1949, opined: "With the signing of the Pact of Paris, the need for a definition of aggression has become imperative."<sup>3</sup> Commenting upon the Nürnberg Charter, Justice Jackson said: "It is perhaps a weakness in this Charter that it fails to define a war of aggression." And

<sup>3</sup> *Recueil des cours de l'Académie de droit international*, 1949 (II).

way back in 1924, Politis had said in his report: "In the event of international bodies being called upon to determine in fact the aggressor in any given conflict, the existence of a precise definition of the notion which these bodies would have to apply, would render the determination of the aggressor much easier and there would be less risk of an attempt to shield or to excuse the aggressor for various political reasons without appearing to break the rule to be applied. It would considerably strengthen the authority of the prohibition to resort to force by enabling public opinion and other States to judge with greater certainty whether this prohibition had been respected or not."

#### DOCUMENT A/CN.4/L.10

Proposal by Mr. Roberto Córdova

[Original text: English]  
[4 June 1951]

#### CRIME I

Aggression, that is, the direct or indirect employment by the authorities of a State of armed force against another State for any purpose other than national or

collective self-defence or execution of a decision by a competent organ of the United Nations.

The threat of aggression should also be deemed to be a crime under this article.

#### DOCUMENT A/CN.4/L.11\*

Proposal by Mr. Shuhsi Hsu

[Original text: English]  
[4 June 1951]

Aggression, which is a crime under international law, is the hostile act of a State against another State, committed by (a) the employment of armed force other than in self-defence or the implementation of United Nations

enforcement action; or (b) the arming of organized bands or of third States, hostile to the victim State, for offensive purposes; or (c) the fomenting of civil strife in the victim State in the interest of some foreign State; or (d) any other illegal resort to force, openly or otherwise.

\* Incorporating document A/CN.4/L.11/Corr.1.

#### DOCUMENT A/CN.4/L.12

Proposition de M. J. M. Yepes

[Texte original en français]  
[4 juin 1951]

Pour les effets de l'Article 39 de la Charte des Nations Unies, constitue un acte d'agression tout usage direct ou indirect de la violence\* par un État ou groupe d'États contre l'intégrité territoriale ou l'indépendance politique d'un autre État ou groupes d'États.

La violence (force) exercée par des bandes irrégulières organisées dans le territoire d'un État ou à l'étranger avec la complicité active ou passive de cet État sera

considérée comme agression au sens du paragraphe précédent.

Ne constitue pas un acte d'agression l'emploi de la violence (force) en exercice du droit de légitime défense, individuelle ou collective, reconnu par l'Article 51 de la Charte ou en exécution de la décision régulièrement prise par un organe compétent des Nations Unies.

\* On pourrait substituer le mot « violence » par le mot « force », qui est celui dont se sert la Charte des Nations Unies (Art. 2, par. 4).

Aucune considération d'ordre politique, économique, militaire ou autre ne pourra servir d'excuse ou de justification pour un acte d'agression.