

put forward for postponing the discussion of the item. Thus it was proposed that the 1956 Special Committee on aggression be reconstituted and asked to attempt once more to draw up a definition of aggression, reporting back their results to the fourteenth session of the General Assembly. A proposal was also put forward to place the item on the agenda of the fourteenth session, without reconstituting the 1956 Special Committee. However, as neither of these proposals found sufficient support to be adopted, the majority of the Legal Committee agreed upon a somewhat different approach to the problem, which had been proposed jointly by the United States, six Latin American countries and the Philippines. The resolution sponsored by these eight countries and adopted by the Legal Committee called for the establishment of a committee, composed of member states, the representatives of which had served on the General Committee of the most recent regular session of the General Assembly, which would study the views of members (to be communicated to the Secretary-General), for the purpose of determining at what time not earlier than the fourteenth session it would be appropriate for the General Assembly to consider once again the question of a definition. This resolution of the Legal Committee was subsequently adopted by the General Assembly by a vote of 42 in favour (including Canada), 24 against with 15 abstentions.

### The Draft Code of Offences

The General Assembly, at its first session in 1946, adopted a resolution affirming the principles contained in the Charter and Judgment of the Nuremberg Tribunal. At the following session of the General Assembly, the formulation of these principles was entrusted to the International Law Commission, which was also requested to prepare a draft code of offences against the peace and security of mankind. The International Law Commission submitted to the General Assembly at its fifth session in 1950, its formulation of the Nuremberg principles, comprising seven basic propositions concerning international crimes and the personal responsibility of individuals who commit them<sup>1</sup>. Two drafts of a code of offences were prepared by the Commission, the first of which was submitted to the General Assembly in 1951<sup>2</sup> and the second, which was a revised version of the earlier draft prepared after comments had been received from governments, was submitted to the Assembly in 1954<sup>3</sup>. The basic offence in the draft code is that of aggression and many acts which the Commission considered to constitute aggression are also listed as separate offences in the Code.

At its ninth session, the General Assembly, recognizing the close relationship between the question of defining aggression and of a draft code of offences, adopted a resolution, co-sponsored by Canada, which postponed the question of defining aggression until a special committee, established at that session to draft a definition of aggression<sup>4</sup> had reported to the General Assembly.

The draft code of offences was again considered by the Legal Committee at its twelfth session, but the debate did not touch upon the substantive provisions of the code. It seemed generally agreed that while it might be theoretically possible to dissociate the draft code from the question of defining aggression, any attempt to proceed with the code must almost inevitably involve a consideration of many of the basic problems arising in connection with the definition of aggression. The Committee considered

<sup>1</sup>See *Canada and the United Nations 1950*, pp. 139-141.

<sup>2</sup>See *Canada and the United Nations 1951-52*, p. 133.

<sup>3</sup>See *Canada and the United Nations 1954-55*, pp. 106-7.

<sup>4</sup>See *Canada and the United Nations 1956-57*, pp. 120-121.