

states and international organizations, the laws relating to "*ad hoc diplomacy*" and the relationship between the rules governing diplomatic intercourse and immunities and those relating to consular intercourse and immunities.

### The Question of Defining Aggression

The question of defining aggression has been before the General Assembly since 1950 when the subject was first introduced by the Soviet Union. Originally discussed in the International Law Commission which was unable to agree upon a definition, the question was thereafter studied by the Legal Committee of the General Assembly and by two special committees set up in 1953<sup>1</sup> and 1956<sup>2</sup>, neither of which were able to agree on any one definition of the term.

At the twelfth session another attempt to agree on a definition was made by the Legal Committee. While during the course of the six weeks debate over fifty-five delegations participated, only two formal definitions of aggression were submitted, one by the Soviet Union and the other jointly by Iran and Panama. The Soviet bloc and several Middle Eastern, Asian and Latin-American states argued strongly that the adoption of a definition was both desirable and possible. However, even the advocates of a definition were unable to agree on such fundamental questions as whether a definition should be limited to armed aggression or should include "economic" and "ideological" aggression, or whether it should name as an aggressor that country which first commits a stated act. Several European delegations were in favour of the Committee concentrating their efforts not on defining aggression but the term "armed attack" in relation to the right of self-defence provided for in Article 51 of the Charter. Other delegations were either opposed to a definition of aggression (for example, the United States, Australia and Brazil) or were sceptical about whether a really satisfactory definition could be agreed upon. In the latter group were a number of Commonwealth countries (Canada, United Kingdom, New Zealand, India and Pakistan), as well as several European and Latin American states. These delegations considered that it was not possible in the present international situation to reach agreement on a satisfactory definition of aggression and that, in any case, a definition would not necessarily be of assistance to the organs of the United Nations in the performance of their functions of settling disputes and restoring international peace. In fact, by the end of the debate, it appeared that many delegates in favour of defining aggression had come to accept the view that the possibility of a definition being agreed upon was intimately connected with the international political situation.

The Canadian Representative in the Sixth Committee pointed out that as the record of discussion on the question of the definition of aggression testified to wide and seemingly irreconcilable disagreement on whether and how aggression should be defined, his Delegation concluded that the attempt to attain agreement on this matter should, for the time being, at any rate, be set aside. Even if it were possible to reach agreement on a definition, his Delegation had serious doubts as to whether it might help further the aims of the Charter, particularly in view of the fact that a definition might limit the discretion of the competent United Nations organs to determine the existence of aggression in the light of all the circumstances surrounding a particular case.

As it became evident during the course of the debate that it would not be possible to reach an agreement on a definition, several proposals were

<sup>1</sup>See *Canada and the United Nations 1954-55*, p. 105.

<sup>2</sup>See *Canada and the United Nations 1956-57*, pp. 120-121.