

purpose in furthering the aims of the Charter; and the organs competent to make a finding of aggression (i.e. the General Assembly and the Security Council) have a wide discretion to decide each case in the light of the facts of each particular case; thus, in the Canadian view, a definition which automatically branded certain acts as aggression would interfere with that discretion and might very well seriously hinder these bodies in restoring the peace.

There was a measure of general agreement that the only concept which should be included in a definition of aggression is "armed force"; there was virtually no support for the idea that a threat to use force should be considered an act of aggression; there was very limited support for the concepts of ideological and economic aggression. A number of definitions were proposed, but all were objected to on one ground or another and none of them attracted sufficient support to be adopted. The Legal Committee eventually recommended that the question of the definition of aggression be referred to a special committee of fifteen<sup>1</sup> which was requested to submit to the eleventh session of the General Assembly in 1956 a detailed report accompanied by a draft definition of aggression. Canada abstained on the vote on this recommendation because the special committee's terms of reference did not empower it to reopen the question of the desirability of a definition of aggression.

### International Criminal Code

In 1946 the General Assembly unanimously approved the principles of international law recognized by the Charter and judgment of the Nuremberg Tribunal. In 1947, the General Assembly directed the International Law Commission to formulate these principles and draft a code of offences against the peace and security of mankind. The formulation of the Nuremberg principles<sup>2</sup> was submitted to the General Assembly in 1950<sup>3</sup>, and a draft code of offences<sup>4</sup> was submitted in 1951<sup>5</sup>. However, consideration of the draft code was postponed by the General Assembly in 1951 and again in 1952, on the understanding that the matter would continue to be studied by the International Law Commission. In 1954, the Commission made some revisions<sup>6</sup> to the text which it had adopted earlier in view of comments which had been received from governments.

The first article in the original text had provided that "Offences against the peace and security of mankind as defined in this code, are crimes under international law, for which the responsible individuals shall be punishable". The word "punishable" was changed to "punished" in order to emphasize the obligation to punish perpetrators of international crimes. The scope of some offences was widened. In addition to the incursion of armed bands, the organization of armed bands and the encouragement of the organization of them were made offences. Inhuman acts such as murder, extermination, enslavement, deportation, or persecutions committed against any civilian population on social, political, racial, religious or cultural grounds, became offences in themselves, whereas previously they had been offences only when committed in execution of or in connection with other offences. An additional offence was included: "The intervention by the authorities of or a state in the internal or external affairs of another state, by means of coercive measures of an economic or political character, in order to force its will and thereby obtain advan-

<sup>1</sup>The committee is comprised of Representatives of China, Czechoslovakia, Dominican Republic, France, Iraq, Israel, Mexico, Netherlands, Norway, Panama, Paraguay, Peru, Philippines, Poland, Syria, U.S.S.R., U.K., U.S., Yugoslavia.

<sup>2</sup>General Assembly document A/1316.

<sup>3</sup>See *Canada and the United Nations 1950*, pp. 139-141.

<sup>4</sup>General Assembly document A/1858.

<sup>5</sup>See *Canada and the United Nations 1951-52*, p. 133.

<sup>6</sup>General Assembly document A/2693.