

were of the opinion that provision should be made whereby parties might have the choice of agreeing in advance that the award be considered final<sup>1</sup>.

The Legal Committee had before it a number of suggestions concerning the disposition which might be made of the draft Convention. One was that the Convention should be re-drafted by the International Law Commission in the light of suggestions and discussion in the Committee. Another was that the General Assembly should take note of the draft Convention and refer it to states as a guide, and a third was that an international conference should be convened with a view to having a convention on arbitral procedure adopted. In the Canadian view, the last of these proposals was preferable. However the majority of members preferred that the draft be returned to the International Law Commission for reconsideration, and that the Commission's report, including the problem of the desirability of convening a conference, be taken up at the twelfth session of the General Assembly in 1957. This proposal was adopted by the General Assembly by a vote of 31 in favour, 8 against, with 16 abstentions (including Canada).

### Definition of Aggression

At its ninth session in 1954, the Legal Committee studied the report of a special committee on the definition of aggression<sup>2</sup>. This special committee was set up by the General Assembly at its seventh session<sup>3</sup> and had been requested to submit a "draft definition of aggression or draft statements on the notion of aggression".

The committee's report pointed up the differing point of view on the diverse types of definitions and the various forms of aggression. It examined two things—the connection between a definition of aggression and the maintenance of international peace and security, and the effect of a definition on the exercise of the jurisdiction of the various United Nations organs. There was general agreement that any definition of aggression which might be adopted by the General Assembly would not be binding on the other organs of the United Nations. There was unanimous agreement that the committee should not vote upon the various definitions submitted to it, but that all of them should be transmitted to the General Assembly.

The Legal Committee at the ninth session debated the issue for four weeks. There was wide support, particularly on the part of the Soviet bloc and most Arab, Asian and Latin American states, for the adoption of a definition. These countries argued that a definition would be helpful in deterring aggression. A number of European members—France, Belgium, the Netherlands, Sweden, Norway and Greece—were prepared to support a satisfactory definition which might find wide acceptance. The United States and some other countries including Brazil and Venezuela were opposed to a definition. Some Commonwealth nations (Australia, India, South Africa) were opposed to a definition, and other Commonwealth countries (Canada, New Zealand, Pakistan, United Kingdom) were dubious that a really satisfactory definition could be evolved. The main arguments against a definition were that it would not contribute to world peace and that a definition might well hinder rather than help the competent organs of the United Nations to restore the peace.

The Canadian Representative reiterated the view expressed at the sixth session in 1952: Canada doubted that a definition was possible; even if it were possible, we had serious misgivings as to whether it would serve a useful

<sup>1</sup>For the comments of the Canadian Government, see General Assembly document A/2899 p. 6.

<sup>2</sup>General Assembly document A/2638.

<sup>3</sup>See *Canada and the United Nations 1951-52*, pp. 132-3, 1952-53, p. 88