

Definition of Aggression

It is anticipated that the General Assembly will, at its twenty-ninth session this autumn, adopt a definition of aggression in the form of a solemn Declaration. If this is done it will represent a significant achievement and a source of encouragement for those concerned with the progressive development of international law. The search for a generally acceptable definition of aggression was begun by the League of Nations over fifty years ago, and has been continued intermittently since then by the International Law Commission and four U.N. Special Committees. The draft definition which is to be considered this year by the Sixth (Legal) Committee, and hopefully forwarded without amendment to the General Assembly for adoption, was drafted by the 35-member U.N. Special Committee on the Question of Defining Aggression which was established in 1967 with a membership chosen to reflect the principal legal systems and geographical areas of the world.^{1/}

The draft definition is the result of extremely difficult negotiations in which Canadian representatives played an active part, particularly at the past two sessions when the Special Committee has been engaged in putting together a "package" definition containing elements from all three competing draft definitions proposed to it at various times by a thirteen-power non-aligned group, a six-power Western group (which included Canada), and by the Soviet Union. As the final result is a product of compromise, of necessity it contains some elements which some Special Committee members would have preferred to see omitted and does not go as far in other areas as some members had hoped; never-the-less, it received consensus approval from the Special Committee on the last day of its 1974 Session in April and is generally considered to be quite adequate.

As Canada had insisted upon at the outset, the definition as drafted does not purport in any way to limit the primary responsibility of the Security Council for the maintenance of international peace and security further to Article 24 of the U.N. Charter, nor does it purport to fetter