

Development of International Law

A first Conference of Government Experts was convened by the International Committee of the Red Cross in Geneva from May 24 to June 12, 1971, to consider the four Geneva Conventions of 1949 with a view to reaffirming, as well as developing, international humanitarian law applicable in armed conflicts. In the Canadian view, the main gap in the Geneva Conventions was the lack of humanitarian laws governing situations that could not be classified as international armed conflicts. The Canadian delegation proposed a draft protocol to the Geneva Conventions that would set minimum standards of conduct in non-international as well as international armed-conflict situations. Owing to lack of time, however, substantive consideration could not be given to the Canadian draft articles. The Canadian delegation will follow up this initiative at the second Conference, which will be held in May 1972.

The 35-member United Nations Special Committee on the Question of Defining Aggression, of which Canada is a member, met in New York for its fourth session from February 1 to March 5, 1971, but was still unable to reach agreement on many of the basic issues. The report of the Special Committee was discussed in some detail during the twenty-sixth session of the United Nations General Assembly. The Canadian delegation, while continuing to believe that a definition might hinder rather than assist the competent organs of the United Nations, declared that Canada was willing to continue serving on the Special Committee. However, a breakthrough could not be made unless there was more readiness to seek out the common ground upon which a generally-acceptable definition might be based. In this perspective, the Canadian delegation outlined compromise solutions on the various outstanding issues, which, if accepted by all sides, would greatly increase the probability of early agreement on a definition. The resolution passed by the General Assembly invited the Special Committee to continue its work in 1972.

A resolution passed during the twenty-fifth General Assembly invited member states to submit their comments and views on the future role of the International Court of Justice. The Canadian submission to the Secretary-General outlined proposals that, in the Canadian view, would increase the effectiveness of the Court. Among the Canadian suggestions were proposals that would establish an international system of legal aid, permit the Court to give advisory opinions to international institutions, make greater use of oral evidence in lieu of written submissions, and create functional and regional chambers of the Court. In the Canadian view, states should not consider the recourse of another state to the Court as an "unfriendly act" but rather as a contribution to the advancement of the rule of law among nations. The Canadian delegation at the twenty-sixth session of the General Assembly co-sponsored a resolution to set up an *ad hoc* committee to study the various proposals submitted by governments and to make recommendations to increase the Court's effectiveness. However, a number of delegations seemed to prefer the *status quo* and the General Assembly resolution, which was finally accepted without objection, invited comments on the future role of the Court from member states that had not yet submitted them and postponed a decision on an *ad hoc* committee until the twenty-seventh session of the General Assembly.

The report of the United Nations Commission on International Trade Law (UNCITRAL) on the work of its fourth session was considered by the General