

A related problem is the question of defining "aggression". The Charter of the United Nations uses the term but deliberately avoids a definition, leaving it to the Security Council to decide in each case whether a particular act constitutes a threat to the peace or a violation of the peace. All attempts thus far at a definition have failed -- possibly because it is difficult to establish aggression apart from the circumstances in which the act takes place. Not only may the act itself assume innumerable forms but the element of intention is an essential factor. The Canadian view has been that a definition along the lines considered thus far would serve no useful purpose in furthering the aims of the Charter.

At this point I would like to outline briefly the Canadian attitude towards a problem with legal implications which has been discussed from time to time in the debates of the United Nations. It is one with which I am familiar as a Canadian representative during the period when the question was under consideration in the Assembly.

I refer to the question of domestic jurisdiction, which was well illustrated in connection with the items on Morocco and Tunisia and the problem of racial discrimination in South Africa. These two issues pointed up the basic difficulty of reconciling Article 2(7), the domestic jurisdiction clause, with other articles in the Charter -- notably Article 10 which empowers the Assembly to discuss any questions or matters within the scope of the Charter and, except for Article 12, to make recommendations. Article 12, as most of you are no doubt aware, specifies that the General Assembly shall not make any recommendation on a dispute or situation while the Security Council is exercising the functions assigned to it by the Charter in respect of the matter.

Canada has taken a firm stand regarding the competence of the General Assembly to consider certain matters. We maintained, for instance, during the seventh session of the General Assembly in 1952, that the Assembly had authority to discuss any question, even the Moroccan and Tunisian items and the South African racial discrimination issue, provided it had been placed on the agenda of the Assembly. Nevertheless we indicated our respect for the sovereign rights of individual members by clearly distinguishing between the propriety of discussion of a problem in the Assembly and interference by the United Nations in the purely domestic affairs of a member state.

As Acting Chairman of the Canadian Delegation, I explained our position in this way:

".....we feel that a distinction must necessarily be drawn between the right of the Assembly to discuss any matters within the scope of the Charter and its competence to intervene.

"..... As I see it, once the General Assembly has decided to place an item on its agenda, it has decided, in effect, that it has competence to discuss it..... We do not believe that the provisions of the Charter are to