

that in view of the decision taken by the Assembly at its ninth session linking together the two questions, and of the fact that the item concerning aggression was again postponed at the twelfth session, the attempt to establish a draft code should also be postponed until such time as the Assembly takes up once more the question of defining aggression. The General Assembly, by an almost unanimous vote (74 in favour, including Canada, 1 against, with 3 abstentions) adopted a resolution to this effect.

### International Criminal Jurisdiction

In 1948 the General Assembly requested the International Law Commission to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction would be conferred by international agreements. Subsequently two special committees were set up by the General Assembly, the first to draw up a draft statute of an international criminal jurisdiction<sup>1</sup>, and the second to explore the implications of establishing a court and methods by which this might be accomplished. The reports of these committees were examined by the General Assembly in 1952 and again in 1954<sup>2</sup>; on the latter occasion the General Assembly decided to postpone the question of an international criminal jurisdiction until it took up the report of a special committee established in 1954, to study the question of defining aggression<sup>3</sup>. The Canadian view, as expressed at the time, was that it would not be practicable, during a period of international tension, to establish an international criminal court.

The subject was taken up again at the twelfth session of the General Assembly. During the course of a very brief debate in the Legal Committee, it was generally agreed that as the Committee had again postponed consideration of the draft code of offences, which, to a large extent would be the law which the proposed court would apply, it would be logical, particularly in view of the Assembly's decision in 1954 linking together the questions of an international criminal court, draft code of offences and a definition of aggression, to postpone also the question of establishing an international judicial organ. The General Assembly therefore decided by an almost unanimous vote (74 in favour, including Canada, 2 against with 4 abstentions), that the question of an international criminal jurisdiction be deferred until such time as it takes up again the questions of defining aggression and of a draft code of offences.

### Interpretation of Voting Procedures in the General Assembly

The Fourth Committee, in connection with its consideration of the subject of information transmitted from non-self-governing territories under article 73(e) of the Charter, requested the Legal Committee to give an opinion on the voting majority that is applicable to resolutions of the General Assembly on matters concerning non-self-governing territories. This request involved an analysis of Article 18, paragraphs two and three, of the Charter<sup>4</sup>.

<sup>1</sup>See *Canada and the United Nations 1951-52*, p. 135.

<sup>2</sup>See *Canada and the United Nations 1954-55*, p. 107.

<sup>3</sup>See *Canada and the United Nations 1956-57*, pp. 120-121.

<sup>4</sup>Article 18, paragraphs 2 and 3 read as follows:

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.