

Chapter V, which deals with the General Assembly. It reads as follows:

Composition: All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter.

As honourable members will have noticed, over the week-end the newspapers published statements, whether well-founded or not, to the effect that the principle of "one state, one vote" would not be adhered to, but that instead Great Britain, the United States and Soviet Russia might each be given several votes. Later it was declared, authoritatively or otherwise, that the United States would not take the initiative in asking for more than one vote. Whatever may be the practical issues on that question, I intend to discuss the principles which are involved and which will remain true, independently of any policy that may be adopted. I have just mentioned the first principle of the proposals, namely, the principle of the sovereign equality of all peace-loving states, and I wish to remark at once that too broad an interpretation should not be given to that principle or doctrine. We all realize perfectly well, I think, that in fact all states are not equal to one another. This truth becomes absolutely obvious if we look, for instance, at the map of our western hemisphere. The democracies of the new world are unequal by whatever test we assess and measure them: they differ completely in natural resources, size, population, industrial and agricultural production, commercial and financial power, military strength, standards of living and of civilization, and so on. If the contemplated international organization persisted in treating all states as being perfectly equal, that rule would, I submit, be as unjust as a rule which would give equal voting power to every shareholder in a company, irrespective of the number of his shares. That analogy is cited from a work entitled "The League of Nations," second edition, page 61, by the well-known author Pollock. Another authority, Brierly, referring to the doctrine of equality, states in "The Law of Nations," second edition, pages 91 and 92, that

is a true theory only if it means that the rights of one state, whatever they may be, are as much entitled to the protection of law as the rights of any other, that is to say, if it merely denies that the weakness of a state is any excuse in law for disregarding its legal rights. This is the only sense in which any system of law can be said to recognize legal equality; all Englishmen are equally entitled to have their rights upheld by the law, but they do not have equal rights.

A few lines further on Brierly adds that by giving too wide an interpretation to the theory of equality the smaller states have proffered:

—unreasonable claims which have seriously hampered the improvement of international organization. One such incident occurred at the Hague Conference in 1907, when the scheme for an international court of justice, upon which agreement had been almost reached, was wrecked by the refusal of some of the smaller powers to agree to anything less than equal representation of every state upon the court. The doctrine was innocuous so long as there existed practically no co-operative management of affairs of general international interest; if it is to be used to justify a claim by every state to an equal voice in the further organization of international society, it will be not only indefensible and unjust in principle, but obstructive of progress.

In other words, on the basis of the doctrine that all men in the so-called "state of nature" are equal to one another—a proposition entirely untrue, according to Brierly, page 90—jurists of the so-called "naturalist school" of international law, such as Pufendorf, Vattel and others, have professed the theory of equality of states.

But let us remark here that this false equalitarian doctrine has never in fact afforded any real protection to a weak state; it has never prevented effectively any act of aggression. Therefore, while I claim that the rights of the weakest of all the states of the earth are entitled to the full protection of international law, with all the sanctions provided by the new charter, on the other hand, I am a firm believer in the doctrine which is sometimes described as the "functional theory"—the theory of representation upon a functional basis. This means that duties always correspond to rights; that the assumption of heavier responsibilities in any particular field of action entitles a given state to a greater voice in the deliberations of the international community. In other words it does not seem fair that all members of the international community should have equal voting power irrespective of their contributions to the maintenance of justice and order in the world.

I would refer to the contributions of nations in the past and to the part those nations will probably play in world affairs as the guardians of peace. In view of their past contributions, it seems quite logical to grant more than one vote in the General Assembly of the United Nations to first-class powers, such as the United Kingdom of Great Britain and Northern Ireland and the United States of America. Even a secondary or middle power like Canada, as honourable members know has made much greater sacrifices and put forth a much greater war effort than the majority of the other minor powers, and in fairness to the Canadian people such a fact should in some way be recognized.

Some Hon. SENATORS: Hear, hear.