

CANADIAN INFLUENCE ON THE CHARTER:

Without examining in detail how the Charter took shape at the San Francisco Conference--a fascinating study in itself--a few instances in which the Canadian position was of particular interest might be noted.

It was recognized at the Dumbarton Oaks meeting that any permanent security system must depend on the continued collaboration of the greatest military powers. This recognition underlay the wide powers given to the Security Council and the privileged position the permanent members were accorded by virtue of the veto. Nevertheless, at San Francisco, the rule of unanimity--that on all questions of substance the votes of the five permanent members must be included in the total of seven votes required--aroused great controversy. As some of the smaller states pointed out, this veto power would permit any one of the Big Five to paralyze the activities of the Security Council and thus to weaken the peaceful settlement provisions of the Charter. The Canadian Delegation could not regard the voting procedure as entirely satisfactory, but considered that it was not too high a price for an international organization that was satisfactory in other respects. Along with other participants, Canada was influenced by the statement of the Great Powers that they would use their special privilege with a sense of responsibility and a full recognition of the rights of smaller states.

In endeavouring to achieve the most effective security system, Canada pressed strongly for a method of election to the Security Council which would recognize the principle that power should be combined with responsibility. Other states of middle power with wide international interests shared the Canadian view that some distinction should be made between the contribution such states could make to the Organization and that of the smallest and weakest states. Otherwise, there would simply be two groups: the five Great Powers with the special advantage of the veto, and the rest of the members of the United Nations. Largely as a result of Canadian initiative, Article 23 of the Charter provides for the election of non-permanent members with due regard to their contribution to peace as well as to geographical distribution.

It was Canada's pursuit of the question that also led to the inclusion of Article 44 under which the Security Council is required to invite a member to participate in decisions concerning the employment of that member's armed forces. These provisions appear less important at the present time when, unhappily, the Security Council has not been able to exercise the powers given to it. They remain, nevertheless, important parts of the machinery for keeping the peace.

Canada also supported an objective, sought by many, of linking the preservation of the peace in a more direct way with the maintenance of justice and international law, and helped to secure amendments in Article 1 to that effect. Prior to the Conference, a Committee of Jurists of the United Nations met in Washington to prepare a draft statute of the International Court of Justice. Canada was represented by Mr. Justice John E. Read, Q.C., a distinguished alumnus and former Dean of Law of Dalhousie