

## F. LEGAL QUESTIONS

### 1. CHARTER REVIEW

In a statement on October 19, 1978 the Canadian Representative, Mr. M.D. Copithorne, noted the progress made by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. He pointed out however that this Committee could further improve its work methods. Concerning the peaceful settlement of disputes, Mr. Copithorne stated Canada's preference for proposals advocating the enhancement or greater utilization of existing mechanisms; as opposed to proposals for the establishment of new procedures under a new legal framework, which involve amendments to the Charter or the adoption of new international legal instruments. With respect to the rationalization of procedures, the Canadian Representative urged the Sixth Committee to concentrate on measures to avoid the multiplication of items on the General Assembly's agenda and to improve their allocation. Mr. Copithorne also spoke in favour of the renewal of the Special Committee's mandate and hoped that the Committee could at least complete the lists of proposals for the subjects on the agenda at its next session. The following are portions of Mr. Copithorne's statement:

Canada has carefully reviewed the report of the Committee on its last session and welcomes the improved methods of work and the progress accomplished. The Committee's decision to establish an open-ended working group to concentrate on various topics in a systematic fashion has clearly proved worthwhile. We have noted the progress made towards the elaboration of a list of proposals on the question of peaceful settlement of disputes, as well as the proposals made by various delegations on rationalization of procedures and maintenance of international peace and security.

We believe however that the Committee could further improve its work methods. Several delegations have already pointed out that the "compilation" of 51 proposals on peaceful settlement of disputes, by the informal working group, the only tangible result of the Committee's one-month session, does not appear to be much more than a fairly routine listing of national proposals. When it is further specified that it was not the intention of the participants in the working group to make final statements on the substance of the proposals, one might wonder why 9 meetings were required to produce this compilation. It is the hope of my delegation that the Committee will benefit from its experience this year and adopt procedures which will enable it to improve the use of its time.

The Committee at its 1978 session has devoted most of its time to the question of the peaceful settlement of disputes. We have noted that the proposals advanced by states can be divided generally into two categories: those advocating enhancement or greater utilization of existing mechanisms, and those proposing the establishment of new procedures under a new legal framework, either by amendments to the Charter or the adoption of new international legal instruments. Generally speaking, our preference would be that the Committee give priority to the first category of proposals. This approach necessarily involves an examination of the effectiveness of existing mechanisms and