

that the use of the Council would not only be fruitless but would undermine the chance of a bilateral settlement between India and Pakistan. "As long as they are engaged in periodic revivals of the debate in the Security Council, they will be more concerned with establishing the righteousness of their case in the eyes of the world than they will be to make some serious progress towards a settlement."³ His counterpart in Pakistan, H.O. Moran, argued from precisely the opposite premise: since the Commonwealth would not deal with the dispute, Pakistan had nowhere else to take the case but to the Security Council. The situation would be aggravated if Pakistan did not have this outlet. Moreover, it would reflect badly on the Security Council to avoid such an important issue. The Department ultimately adopted a position which reflected Moran's view, affirming the principle of maximum use.

Canada acknowledged that regional bodies had a legitimate role in the maintenance of international peace and security. Not being a member of a regional organization itself, Canada viewed their security functions with some reservations. It insisted that, in any conflict of jurisdiction between a regional organization and the Security Council, the latter should exercise predominant responsibility. In line with this principle, the Canadian government vigorously refuted the so-called Lodge Doctrine, the argument propounded by Henry Cabot Lodge, the US Permanent Representative, during the 1954 Guatemala crisis. According to Lodge's interpretation of Article 52 of the Charter, it was mandatory for the Security Council to turn over to the appropriate regional organization any dispute brought to it under Article 35. The Council should avoid further consideration of the dispute while it was being dealt with by the regional body. The Canadian government refused to treat a referral by the Security Council to a regional body as mandatory. It also rejected the idea that the Council was prohibited from acting whenever a matter was under consideration by a regional agency.⁴

On the question of Security Council reform, Canada's position is that making more effective use of the existing instrument is preferable to the more ambitious but elusive goal of a formal revision of the Charter:

The UN can be made more dynamic without rewriting the Charter; its effectiveness and vitality depend not so much upon changing the basic structure of the organization as upon the political resolve of the member states to fulfil the obligations and responsibilities each one has taken up in subscribing to the provisions of the Charter . . . No documentary revision in itself can be a substitution for that will; nor can it be shown that where the will exists the present form of the Charter frustrates it.⁵

At San Francisco, Canada had reluctantly accepted the veto rights of permanent members of the Security Council as a birth defect of the UN, but one which had made the birth possible. Subsequent Canadian policies have not been

directed to the elimination of the veto, a strategy deemed illusory, but to persuading the Great Powers to minimize their use of the veto and, whenever possible, to dilute its consequences when cast. In December 1949, Canada gave the first demonstration of how a Great Power veto could be circumvented. The Soviet Union had vetoed a proposal to maintain the UN Commission on Indonesia after Indonesia had achieved independence. General McNaughton, Canada's Permanent Representative and, at the time, President of the Council, argued that the original mandate of the Commission had been sufficiently broad that it could continue operation despite the Soviet veto.

On a related reform issue concerning the number of members of the Security Council, Canada accepted the 1965 amendment which increased the number of non-permanent members from six to ten. This change was designed to reflect the disproportionate growth of small powers in the overall membership of the UN. But Canada has remained opposed to subsequent proposals to change the composition of the Security Council, arguing that any further expansion would be counterproductive as it would impair the flexibility and rapidity of decision-making. If it were further enlarged, the Security Council would be converted into a mini-General Assembly, upsetting the carefully crafted system of checks and balances among non-aligned, East and Western groups. The Canadian government has let it be known that its own interest in serving on the Council would diminish if membership were to be increased.

THE FUNCTION OF NON-PERMANENT MEMBERS ON THE SECURITY COUNCIL

Although the ten non-permanent members command a technical majority in decision-making, the central questions — what items go on the agenda, what courses of action are taken — are dominated by the five permanent members. They act as the pacesetters for the Council. As Arthur Lall, the former Indian Permanent Representative to the UN, has noted, the permanent members set the guidelines on how much the Council will consult with the parties to a dispute, and how deeply involved it will become in any particular issue.⁶ Permanent members have an enormous advantage over non-permanent ones by virtue of their global influence and their superior experience, stemming from uninterrupted service on the Council. The right to veto, even if it is not used or explicitly threatened, greatly affects the nature of deliberations and decisions by the Council. The situation in the Security Council represents a tyranny of the minority, with permanent members blocking the work of the Council.

The non-permanent members rarely act as a cohesive bloc. When the reform of procedures and practices have been discussed, however, non-permanent members have often shown a degree of "class solidarity" by expressing a common desire to curtail the excessive reliance on the veto. One may cite the 1948/49 Berlin crisis as an instance when