

F. LEGAL QUESTIONS

1. Report of the Special Committee on The Charter Review and On The Strengthening of the Role of the United Nations

The U.N. Charter, which was written in 1945, has proved to be a flexible instrument and has been altered only slightly over the years. Where amendments have been made, they have been technical in nature. Changes included an increase in the membership of the Security Council and the Economic and Social Council, in response to the greatly increased membership of the U.N. itself.

In 1975, the General Assembly set up the Special Committee on the Charter Review and on the Strengthening of the Role of the U.N. At its first two sessions, in 1976 and 1977, the Special Committee studied an analytical report on this topic prepared by the Secretary-General, as well as observations and proposals submitted by States.

On October 26, 1977, Professor R. St. J. Macdonald, Canadian Representative to the Sixth Committee, delivered the following statement.

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There have been fundamental changes in the international community since the United Nations Charter was drafted more than thirty years ago, and membership in the Organization has almost tripled. The Government of Canada wishes to make the United Nations a more effective instrument for international cooperation and to improve the capacity of the Organization to meet its responsibilities.

There are, we believe, several ways to improve the effectiveness of the Organizations. The first is to make better use of the machinery we now have. There are articles in the Charter which lie virtually dormant and which might be brought back to life. For example, the Security Council might meet more often at the political level, as prescribed in Article 28 (2).

The second way of improving the effectiveness of the Organization is to improve its machinery. A number of innovative proposals have emerged from the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System. For the most part, the changes envisaged are intended to give fuller effect to existing provisions of the Charter, to strengthen the relationship between the Economic and Social Council and the specialized agencies, and to improve coordination of operational activities at the intergovernmental, secretariat and country levels. Some of the proposals of the Ad Hoc Committee would require changes in the Charter. In particular, the Committee may recommend that consideration be given to expanding the membership of ECOSOC to compensate for the loss of representation on any disbanded subsidiary bodies, and to take into account the increase in membership since 1973.