

CANADA AT THE UNITED NATIONS

**CZECHOSLOVAK QUESTION:** Following is the text of the statement on the Czechoslovak question made by General A.G.L. McNaughton, Permanent Delegate of Canada to the United Nations, in the Security Council, on May 21;--

"I should like warmly to uphold your ruling that the Council's decision on this resolution is a procedural matter and should, therefore, be regarded as having been adopted.

"As has already been stated in this debate, Article 29 of the Charter is quite specific on the question of setting up a sub-committee of the Council to aid the Council in examining the case; it reads 'The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions'. This Article, in other words, which comes under a sub-division of Chapter V entitled 'Procedure', provides for precisely the kind of procedure proposed in the resolution submitted by the distinguished representative of Chile.

"If any additional argument is required to this clear provision of the Charter, an important precedent taken by the Council in a similar situation has already been quoted by the distinguished representative of the United States when he cited the Corfu case. On that occasion the Council agreed on a resolution to set up a committee of the Council, this decision deemed to be a procedural decision.

**FOUR-POWER STATEMENT**

"Reference has been made to the Four-Power Statement made at San Francisco on 7 June 1945. In the view of the Canadian delegation, this document was of importance for the purpose of clarifying the view of the sponsoring governments at the San Francisco Conference. In fact, as has been pointed out a number of times, it was on the clear understanding on the part of the sponsoring governments that they would not use their veto 'willfully to obstruct the operation of the council' that the other Members of the United Nations acquiesced in the voting procedure proposed, which, otherwise, would have been far from satisfactory to them.

"The question of procedure, as I have said, in our opinion is completely covered by Article 29. The decision involved is clearly procedural and not substantive. As the Charter's provision in this case is specific and clear, the Four-Power Statement, in our view, is therefore irrelevant. Supposing, however, that the Four-Power Statement were applicable in this case, then this Statement, in our opinion, should like other documents be considered as a whole and not merely applied in regard to those paragraphs which suit a particular argument. Paragraph 8 in Part I of this Statement is just as applicable as Part II paragraph 2. It is stated in paragraph 8 'It

is not to be assumed, however, that the Permanent Members any more than the Non-Permanent Members will use their veto power willfully to obstruct the operation of the Council'. This portion of the Statement has been more honoured in the breach than in the observance by one of the Permanent Members of the Council. Where one portion of this statement has been violated as in this case, the validity of the document as a whole is certainly brought into question.

"The representative of the Argentine gave us a timely reminder at the last meeting on this question, that fifty-three Members of the United Nations are not bound in any sense by the provisions of the Four-Power Statement. For our part, the Canadian Government certainly does not consider itself bound by this Statement.

**PROCEDURAL MATTER**

"I think that I have said enough, Mr. President, to show that I share the view of those who maintain that the Four-Power Statement is not applicable in the case before us. As the proposal to establish a sub-committee, as suggested in the resolution of the hon. representative of Chile, was clearly under Article 29 of the Charter, there is no doubt in my mind that this matter should be deemed procedural and should be decided by an affirmative vote of any seven Members. Perhaps as an additional argument I might refer the attention of the Permanent Members to the provisions of Article 103 which states that 'In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.' If the Four-Power statement is regarded by the Permanent Members as in some sense constituting an international agreement, then surely the obligations under the Charter of the Permanent Members of the United Nations shall, as stated in Article 103, prevail over any obligations assumed under the Four-Power statement or 'any other international agreement.' "

**PALESTINE STATEMENT:** Following is the text of the statement made by General McNaughton in the Security Council, May 20, in the course of the debate on Palestine:--

"The issue before the Council, Mr. President, is a grave one and I agree that the Council should take prompt measures which would meet this most serious situation. It is of the first importance that whatever measures we take should be appropriate and effective.

"It has been urged that the Council should determine 'that the situation in Palestine constitutes a threat to the peace and a breach of the peace within the meaning of Article 39 of the Charter'. No one disputes that, as the

distinguished representative of the United States has said, 'a condition of warfare' is actually in existence in Palestine. This is not at all in question in our minds but what must be decided by us is the practicable method which the Council should pursue to bring peace and order to the Holy Land.

"So far, the Council has sought to bring an end to the hostilities in the Holy Land by way of a truce, standstill agreement and negotiation through the Truce Commission which has been set up by the Council as a body of conciliation. It is now proposed in the draft resolution submitted by the distinguished representative of the United States that the Council should issue an order to all concerned in Palestine to 'desist from any hostile military action.' This is a serious step for the Council to contemplate. If this procedure is adopted, it means that the Council would now take action under Chapter 7. In other words, that the Council might attempt to proceed by war of coercion instead of by the procedures of pacific settlement which we have followed heretofore.

"The order proposed in the draft resolution of the United States must, of course, if adopted, be regarded as mandatory upon those to whom it is addressed. It would be hoped that such an order would be obeyed, for neglect in obedience for any reason would be defiance of the Charter.

"The grave question arises, therefore, - what is the Council to do if the order is rejected and defied by one or other of the parties or by both? The Charter envisages, in Chapter 7, various coercive measures which it would be within the discretion of the Council to impose to give effect to its decision. But we all know, Mr. President, that any action under Chapter 7 requires the concurring votes of all permanent members to enable the Council to reach a decision.

**BASIS OF AGREEMENT**

"I submit, therefore, Mr. President, that before the Council embarks upon a course of action under Chapter 7, there needs to be consultation between the permanent members of the Council with a view to establishing a basis of agreement which at present evidently does not exist, as to what consecutive steps, in the way of diplomatic, economic or even military pressure, might follow should an order of the Council to cease military action in Palestine fail to be obeyed. In this way the Council would be apprised in advance and have an opportunity of considering in advance as to what obligations and responsibilities it might incur if it were to take the initial step of issuing an order which also contemplates measures of coercion, under Chapter 7, to give effect to its decision.

"In the meantime, we have, from the distinguished representative of the United Kingdom, a proposal to amend the United States draft resolution. This proposal, like the one

submitted by the United States representative, would call upon all parties to cease hostile military action. But, unlike the proposal of the United States delegation this is, as I see it, a continuation of the efforts of the Security Council to provide an opportunity to both parties to arrive at a just and lasting settlement in Palestine by means of negotiation. It does not involve measures of coercion by the Council. And so I think this is a useful step which we should take now.

"But, whether the Council proceeds on the basis of the approach proposed in the draft resolution submitted by the delegation of the United States or continues along the lines suggested by the United Kingdom delegate, surely it must be realized that in the end only a negotiated settlement will lead to a just and lasting peace in Palestine. And it is for this reason, Mr. President, that I continue to lay the greatest emphasis on the full organization of the Truce Commission and on the appointment of the mediator as called for by the General Assembly."

**AGRICULTURE DEPT. APPOINTMENT:** Appointment of Harry Stoneman Gutteridge, M.Sc., B.Sc.A., by the Dominion Department of Agriculture, to the position of Dominion Poultry Husbandman, Poultry Division, Experimental Farms Service, was announced May 26. Mr. Gutteridge has been Acting Dominion Poultry Husbandman since January, 1947.

**HEALTH AND WELFARE APPOINTMENT:** J.R. Menzies of Montreal has been promoted by the Civil Service Commission to head the public health engineering division of the Department of National Health and Welfare.

Announcement of the Promotion was made here May 27 by Hon. Paul Martin, Minister of National Health and Welfare. Formerly supervising engineer, Atlantic region, Mr. Menzies has been acting chief of the division since the retirement of G.H. Ferguson of Ottawa last October.

Since 1930 Mr. Menzies has been in charge of the public health engineering division's work from Brockville, Ont., to the Atlantic coast. This involved examination of food and water supplies used on railways, ships and airplanes, sanitary services in national parks, camps of the Department of National Defence and federally-financed housing projects, and sanitary surveys connected with the shellfish industry.

**"ATHABASKAN" SAILING:** Two men who served in the original "Athabaskan", Canadian Tribal class destroyer which was torpedoed and sunk in a bitter English Channel engagement April 29, 1944, were on board the second ship of the name when she sailed from Halifax May 19 for her future operational base at Esquimalt, B.C.