

and 42, to maintain or restore international peace." Article 41 deals with measures not involving the use of armed force—the Security Council may decide what measures are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply them.

It is true that the measures necessary to create new states in a mandated territory from which the mandatory power is withdrawing are not listed in the second sentence of Article 41. Nor indeed was a situation of this character visualized at San Francisco. However, the measures listed in the second sentence are clearly not exhaustive. The sentence begins "These may include." It seems to me that a restrictive meaning ought not to be attached to the first sentence of Article 41. It is, of course, abundantly clear from the Charter that the limitation on the authority of the United Nations in matters "essentially within domestic jurisdiction" is not applicable to measures taken under Chapter VII. Canadian delegations have consistently taken the general position that provisions in the Charter relating to the powers and authorities of the organs of the United Nations ought to be construed broadly, in the manner best calculated to enable the United Nations to discharge most effectively its high responsibilities for the maintenance of peace and security. In our view, therefore, it would clearly be within the competence of the Security Council, under its responsibility in regard to peace and security, to take the necessary action.

There are, however, some practical difficulties which result from the use of the Security Council at this stage in the solution of this problem. The Security Council could not take effective action unless there were agreement amongst the permanent members that the present situation (as distinguished from any situation which might develop), constitutes an existing "threat to the peace". It would be necessary also that the permanent members agree as to the means for implementation. Before we make recommendations to the Security Council we should, I think, make quite sure that there was general agreement amongst the permanent members, in principle, and to some extent also in detail on these two points.

The Canadian delegation had some suggestions of its own which it felt might serve to bridge the gap between other proposals which have been made. We shall be glad to submit these in writing at the proper time to any working group which is set up. Since any Canadian observations would be partly in answer to questions which have already been posed to another delegation, it might be preferable to reserve them till the answer to these questions has been obtained.

In bringing these considerations to the attention of the sub-committee, the Canadian delegation has no thought of delaying or complicating its work. It seems to us that we must scrutinize carefully any plan we contemplate in order to anticipate the difficulties it may create, and it is to assist in this process that we have analyzed the various procedures that are open to us. Clearly we must discuss these questions further before we adopt final positions. In particular, I think, we must develop further and in greater detail the views we hold of the role the mandatory power shall play until the time of its withdrawal, and of the methods which are to be employed to maintain order in the period immediately following the withdrawal of the mandatory power.