

liquid air machines.

A shipment of wheat flour valued at \$66,600 has already left this country for displaced persons in China. Fruit juices, canned fruits and vegetables, dehydrated soups and peanut butter, totalling \$117,080 are awaiting shipment to the same destination.

A \$74,728 contract has been placed for pearl barley, canned fruits, juices and vegetables, spices, salt, flavouring, garlic salt, canned meat and meat paste, biscuits and jam, which will be sent to displaced persons in Italy.

With these purchases, which are to be de-

livered by November 30th and ocean shipped not later than December 31st, of this year, the Canadian Commercial Corporation will have concluded a three year procurement programme in Canada on behalf of UNRRA, in the course of which Canadian commodities to a total value of approximately \$254,000,000 will have been supplied to needy areas, under UNRRA administration. Of this sum, \$154,000,000 was contributed by Canada; and the remaining \$100,000,000 obtained from the Free Funds placed by the contributing nations at the disposal of the parent organization.

## CANADA AT THE UNITED NATIONS

**PALESTINE PARTITION:** Canada, during the week, sought to bridge the gap between United States and U.S.S.R. proposals on measures to partition Palestine. The United States proposed that partition of Palestine become effective July 1 next with Great Britain remaining as mandatory in the meantime. The Russians proposed that the British mandate in Palestine end Jan. 1 next; that administration of Palestine be handed over to the U.N. Security Council pending creation of independent Arab and Jewish states; that British troops be withdrawn from Palestine not later than May 1 next.

In committee One of the U.N. ad hoc committee on Palestine, Nov. 5, L.B. Pearson, Under-Secretary of State for External Affairs, stated the Canadian position. Subsequent to his statement, the committee adjourned to permit an informal working group (Canada, Guatemala, the U.S. and U.S.S.R.) to start work immediately on coordination of proposals.

Mr. Pearson's statement follows:

The Canadian delegation understands the position to be as follows. The sub-committee has been asked to consider what adjustments in the plan for a settlement in Palestine outlined in the majority report are necessary to make it workable. The sub-committee has also been asked to determine the means whereby this plan can be brought into effect and the steps necessary to administer Palestine during the transitional period.

The urgency of determining the methods of implementation is magnified by the declared intention of the mandatory power to withdraw from Palestine in the near future. Whatever plan is adopted for the settlement of the Palestinian question, there is danger that events will over-reach us, that we will be unable to take effective action in time, and that confusion and disorder will follow upon the withdrawal of the mandatory power. It is with these possibilities in mind that the sub-committee must consider how best the majority report could be put into effect; leaving it for the ad hoc committee and the Assembly to

decide whether or not these or other measures shall be adopted.

### THREE SETS OF PROPOSALS

We now have three sets of proposals before us - one presented by the Delegate of Guatemala, one by the United States delegation, and a third by the USSR delegation. None of us, I think, is at this stage prepared to do more than discuss the merits of these various proposals and in the hope that it may assist in the process of finding common ground on which to base a solution for the Palestine problem the Canadian delegation wishes to add its comments to the general discussion.

In the first place, we must recognize that what is contemplated by the report is a major political operation for the successful execution of which, if the General Assembly decides to take affirmative action, the United Nations itself must assume grave responsibilities. We are now confronted with a problem which will strain the resources and endanger the prestige of this organization, and it is urgently necessary, not only for the people of Palestine but for the whole United Nations that we find a solution.

If the political operation recommended in the majority report is to be undertaken, we must make sure that the means chosen have three qualities, in particular, namely, that they are constitutionally sound, practicable and effective. In our view, the withdrawal of the mandatory would create a legal vacuum in Palestine. The legal question, therefore, resolves itself into the question of what action the United Nations can take, or institute, whereby the legal vacuum may be filled in the manner contemplated by the majority report. In regard to the second point, the means chosen must be practicable. They must be the means best calculated to bring about a rapid and peaceful settlement in Palestine when the mandatory withdraws. There will be great administrative difficulties under any system. We must, by anticipatory action, endeavour to make sure that these admin-

istrative difficulties are kept to a minimum. Careful consideration should also be given, in advance, to the steps which could or might be taken by the United Nations should the settlement not work out peaceably in the manner contemplated.

What then could the United Nations do to take or initiate action whereby this major political operation might be brought about? Both the Guatemalan and United States delegations have suggested that the General Assembly itself might take responsibility for the administration of Palestine and carry into effect the majority report. However, the powers of the General Assembly, under Articles 10 and 14 of the Charter, are, explicitly, powers of "recommendation". To argue that it may establish subsidiary organs to enforce its decisions without reference to whether or not these decisions are acceptable to the parties concerned is to assume that these decisions are not recommendations, but commands. Our delegation, therefore, cannot reconcile such a construction with the plain language of the provisions of the Charter.

The United States delegation has proposed that the General Assembly "recommend" the emergence of the two states on the withdrawal of the mandatory power, and that the mandatory "hand over" governmental responsibility to the provisional governments immediately on withdrawal. The mandatory power would also be responsible, under the United States proposal, for maintaining law and order until withdrawal and for making preliminary arrangements, in consultation with an advisory commission appointed by the General Assembly, for the emergence of two states in Palestine under the arrangements proposed by the General Assembly.

The Canadian delegation believe that under Article 14 of the Charter, the General Assembly would be competent to make the proposed recommendation. Article 14 recites that:

"Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations".

It seems to me that the General Assembly could recommend the contemplated measures to the members of the United Nations (including the mandatory power) and also to the Arab and Jewish people of Palestine. I do not think that the General Assembly is limited legally under this Article, as to the states or persons to whom it may address its recommendations, or as to the measures it may recommend to adjust situations peacefully, or as to the situations it may deem likely to impair the general welfare. This authority is, of course, subject to the qualification I have already mentioned, that the Assembly cannot enforce its own decisions.

The position under the United States proposal, as I understand it, would be that the mandatory power, on withdrawal, would terminate the mandate, thus creating a legal vacuum in

Palestine which would however (all necessary preliminary arrangements having been made) be immediately filled by the emergence of the two projected states. The mandatory would, in effect, merely hand over the keys. The question of the international identity of the two states would presumably require to be followed by some ex post facto action by way of recognition (e.g. by admission to the United Nations) no legal obligation would be created by the proposed Assembly resolution and, from the legal point of view, the success of the United States plan would depend on the willingness of the parties concerned to co-operate in initiating it. The Canadian delegation believes, nevertheless, that the emergence of these two states could be accomplished in the way contemplated in the United States plan, if the necessary co-operation were forthcoming. On the other hand, unless there is this cooperation, the desired results might not be achieved. Failure of the mandatory, or of the Jewish or the Arab people to co-operate, or the active resistance of any of these, would prevent the accomplishment of the objective. The legal vacuum would not be wholly or satisfactorily filled.

This delegation is inclined to agree with the United States view that there should be no further transitional period following withdrawal of the mandatory. It seems to us that whatever settlement is decided upon, the sooner the people of Palestine accept direct responsibility for their government, the better. It now appears to us also that great practical difficulties would arise in administering Palestine during a transitional period under an international authority as provided in any of the three plans before us. It should be realized, however, that we cannot avoid a transitional period of some kind, between the date upon which a plan is adopted by the Assembly and the date upon which the mandatory power withdraws. It does not seem to us that the problem of this period can be dismissed quite as easily as has been done by the representative of the United States in response to questions which were asked on this point. What the situation calls for is a clear definition of the measures to be taken during the period of transition between the date of the Assembly resolution and the date of the withdrawal of the mandatory power.

### TWO FURTHER POSSIBILITIES

Two further possibilities should be considered, one of these is the trusteeship system, to which the Canadian delegate referred briefly in his address before the ad hoc committee. The second is action through the Security Council, which is the basis of the Soviet proposal laid before this sub-committee.

If there were to be a further transitional period following the withdrawal of the mandatory power, an appropriate machinery, juridically speaking, would, I think, be available in the trusteeship system. I need not remind the members of this sub-committee that, under