

"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 believes 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 this 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 co-operation, 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...."