

calls for is a clear definition of the measures to be taken during the period of transition between the date of the withdrawal of the mandatory power.

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, and 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 Article 76, one of the basic objectives of the trusteeship system is to promote "progressive development towards self-government or independence as may be appropriate to the circumstances of each territory and its people." By Article 77, the trusteeship system clearly applies to such mandated territories as may be placed under that system. A trusteeship agreement is of course called for: Clause 2 of Article 77 recites that "it will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms". The terms of the trusteeship agreement could thus appropriately include provisions looking to independence such as are contained in the Majority Report. However, under Article 79, the terms of the Trusteeship Agreement have to be agreed upon by the "states directly concerned, including the mandatory power" and approved by the General Assembly, or the Security Council, as the case may be. Thus, while the trusteeship system would provide an appropriate means, juridically, for implementing the Majority Report, there may be practical difficulties in identifying the "states directly concerned", unless this expression, in the peculiar circumstances of the Palestine issue, is given a limited construction by the Assembly. If a transitional period is unnecessary, except in so far as it may be utilized for the city of Jerusalem, the trusteeship system would, moreover, be equally unnecessary.

The delegation of the U.S.S.R. has suggested that the Security Council could competently carry into effect the recommendations of the Majority Report. The General Assembly could, we believe, under Articles 10 and 14 of the Charter, recommend this course to the Security Council. The Canadian delegation has given very serious consideration to the proposal that this organ of the United Nations be used to bring about the change in Palestine. At this stage, I think it distinctly arguable that Articles 24, 39, 41 and 42 of the Charter, in their combined effect, authorize the Security Council to take the necessary action, either now, or later if serious difficulties arise. The Security Council, acting on behalf of all the Members of the United Nations, has, under Article 24, primary responsibility for the maintenance of international peace and security. Article 39 states that the Security Council shall determine the existence of any threat to the peace. The Council would, it seems to me, be competent to determine that the situation in Palestine in the circumstances resulting from the proposed withdrawal of the mandatory power, constitutes such a threat. Article 39 then states that the Council shall either make recommendations or "decide what measures shall be taken, in accordance with Articles 41