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CANADA  
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1947

REPORT ON THE SECOND SESSION OF THE  
GENERAL ASSEMBLY OF THE UNITED NATIONS  
HELD IN NEW YORK  
SEPTEMBER 16—NOVEMBER 29  
1947



DEPARTMENT OF EXTERNAL AFFAIRS  
OTTAWA, CANADA

CONFERENCE SERIES 1947, No. 1



OTTAWA  
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
CONTROLLER OF STATIONERY  
1948



*To His Excellency  
The Governor General in Council*

YOUR EXCELLENCY:

I have the honour to lay before Your Excellency the attached report on the Second Session of the General Assembly of the United Nations, which was held in New York from September 16 to November 29, 1947. This report describes the work of the Second Session of the Assembly and outlines the attitude and contribution of the Canadian delegation.

I have the honour to be, Sir,

Your Excellency's obedient servant,

L. S. ST. LAURENT,  
*Secretary of State for External Affairs.*

OTTAWA, February 26, 1948.





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## GENERAL SURVEY

The attitude of the delegations which assembled for the Second Session of the General Assembly in September, 1947, reflected the desire of many Member States of the United Nations to give substance to the work of organization which had been carried out during the previous two and a half years.

An elaborate and complicated structure of international legislative and executive machinery had been established. The constitution had been written; the various organs had been set to work; the responsibilities had been apportioned and accepted; officials had been appointed. On the other hand, however, there were grave misgivings because, in regard to its main function as an instrument for the maintenance of peace, the United Nations had not fulfilled the expectations of those who drafted the Charter at San Francisco.

The record of activities was indeed impressive. The General Assembly itself had, during the two parts of its First Session in 1946 and during the special session on Palestine in 1947, shown an encouraging willingness to perform the functions of an international legislature. The agenda for 1947 was even longer than that which the Assembly had considered in 1946, and many of the items gave support to the theory that the Assembly is a body in which laws governing the relations among states will be written.

Encouragement could also be found in the fact that the structure of the United Nations, as it had originally been designed, was now almost complete. All the principal organs—the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat—were now in operation. Each had undertaken the tasks for which it had been designed, and had begun to work out techniques and procedures for fulfilling its functions.

In the Economic and Social Council, in particular, an energetic attempt was being made to develop an agency capable of being of great assistance to the nations of the world in their efforts to resolve



the economic and social causes of international friction. The Council had established a series of commissions and sub-commissions, and had worked out agreements with all the existing international specialized agencies. These agreements did not provide as close a relationship with the United Nations as had originally been intended, but a network of connected agencies had nevertheless been created among a group of associated international organizations.

In the Security Council too, in spite of the discouraging inability of that organ of the United Nations to reach constructive conclusions, there had been no lack of activity. Both the variety and the urgency of the subjects which had been placed on the agenda of the Security Council gave evidence of the need in which the world stands of a body with the functions of the Security Council.

There were nevertheless serious causes for misgivings. In its First Session, the Assembly had shown a tendency to become a forum for public controversy in an ever-extending area of international dispute. Differences of opinion which might in private have resulted in nothing more serious than a regrettable temporary disagreement were transformed in public into major issues which not only engaged the attention of the Assembly itself, but which were extended and enlarged in open controversy in many parts of the world. The agenda of the Second Session gave promise of renewed debate of this character. It was probable therefore that for each hour spent in the consideration of constructive measures for international co-operation, the Assembly would spend many others listening to protracted debates on subjects which gave little promise of an agreed solution but served only the purpose of placing on the record the irreconcilable views of the exponents of competing social and economic systems.

The record of the Security Council was even more disquieting. The original intention had been that the members of the Security Council should constitute themselves as a body especially charged with the removal of threats to the peace by negotiation and conciliation, if possible, or by force if necessary. The members of the Security Council had not agreed on a solution to any one of the really dangerous situations which had been brought before them, nor had they reached agreement on the measures of enforcement they should use

if they did agree to a course of action. This frustration was brought about by the use made by the permanent members of the Security Council of the privileged position which they enjoyed under the voting procedure in that body, a position which is commonly described as the right to veto.

It was generally recognized, however, that the veto itself was merely symptomatic of the existence of unresolved issues among the Great Powers and of their unwillingness or inability to use the Security Council as an instrument for the settlement of disputes among them. The veto had been applied most frequently by the representative of the Soviet Union, and it was the U.S.S.R. which insisted most firmly that the voting procedures as they are now established must remain unchanged. The result was a growing conviction that the Security Council might fail to perform the functions for which it was designed, and that when a real emergency arose it would have neither the ability nor the experience to reach effective decisions.

The delegations which attended the opening meetings of the Second Session of the General Assembly knew that behind these problems of organization in the United Nations lay the political problems which had arisen since the end of the war between the eastern European states and the western democracies, and in particular between the Union of Soviet Socialist Republics on the one hand and the United States on the other. The controversy between these two groups of states had now come fully into the open. It resulted in a persistent debate which reached into almost every activity of the United Nations, complicating and hindering the work of the organization.

Faced by these problems, many delegations asked themselves urgently what action could be taken to transform the United Nations into the effective organization which was originally contemplated. In a series of opening statements, it was made clear that many states would seek the means, during the Second Session of the General Assembly, to circumvent the obstacles which had fallen in the path of the United Nations.

The initiative in this regard was taken by the delegation of the United States. The Secretary of State, General Marshall, proposed

that action should be taken by the Assembly on a number of urgent problems which threatened the peace of the world. As a specific proposal he added an offer on the part of the United States to limit by voluntary action the use which it would make of its privileged voting position in the Security Council, in the hope that other permanent members of that body would accept a similar self-denying ordinance. The United States delegate said also that his Government desired the Assembly to take action in relation to Greece, Korea and Palestine, and that it would propose that the Assembly seek means to increase the effectiveness of its own authority through the establishment of a new subsidiary body.

This desire to strengthen the United Nations through an increased use of the powers of the Assembly was shared by many delegations. It found expression in a series of important political debates and was embodied, in particular, in three resolutions, those affecting Greece, Korea and the establishment of an Interim Committee. The action taken was not in every case adequate or wise, and the Assembly at times seemed to grope in an uncertain and experimental manner toward the objective of increasing the effectiveness of its authority.

The decision taken in regard to Greece had the most demonstrable results. The reports of the Balkan Commission of the Security Council and the circumstances concerning Greece, brought out in debate during the Assembly, gave clear indication of the danger in which the Greek Government stands as a consequence of external intervention. The Security Council was incapable of coming to the assistance of the Greek Government because of the exercise of the veto by the Soviet member of the Council. The action taken by the Assembly was unquestionably of assistance to Greece in helping to prevent interference in its affairs from across its borders.

In the case of Korea, the Assembly was asked to intervene in an area where the situation was governed by a wartime agreement among the great powers. The refusal of the U.S.S.R. to permit action by the United Nations within territory occupied by its armed forces had the effect of carrying the Soviet veto into the Assembly, although it did not become certain that this would be the result until

the Temporary Commission on Korea had made an attempt to fulfil its mandate and been refused admission to the areas occupied by Soviet troops.

The discussions about the Interim Committee raised a question of more far-reaching consequence. Could the machinery of the General Assembly be developed so that its influence could be exercised continuously throughout the year and not simply during its sessions? In other words, could the authority given to the Assembly under the Charter be developed so that the Assembly could act effectively to deal with the problems of peace and security which the Security Council had not been able to settle?

The effort to provide for greater use of the Assembly in relation to these three subjects proved a difficult and contentious task. The result, however, was a constructive one. It represented the beginnings of a process of constitutional development which may in time greatly alter the relationships between the various organs of the United Nations.

The desire to make more effective the authority of the General Assembly was more than an expression of concern over the inadequate functioning of other branches of the United Nations. It was also an indication that Member States were disturbed because the United Nations had fallen short of providing the guarantee for their security which had originally been anticipated. In the minds of many delegates therefore the question was raised whether, by some means within the structure of the United Nations, the machinery for collective security could not be strengthened and developed in a manner which would, without weakening the organization, enable it to provide benefits, which until the present, have been lacking.

It was not, of course, possible for the Assembly to avoid being involved in the controversies which have arisen between the states of eastern Europe and the western democracies. The effects of the controversy were even more apparent during the Second Session of the Assembly than they had been in 1946. The attempt to strengthen the authority of the Assembly provided occasions for this controversy, and the debates on Greece, Korea, and the Interim Committee included discussions not only on the merits of these subjects but

also on the question whether the Assembly should be permitted to take action in regard to them. Other subjects, such for example as the Soviet resolution concerning incitement to war, were so basically propagandist in character and intent that they could produce little else than a political dispute.

Similarly, in the debates on South West Africa, and on the Indian resolution concerning the treatment of Indians in South Africa, racial antagonisms and the issues between colonial powers and subject peoples became involved in the discussion and confused with the broader political divisions in the Assembly. It was not possible to avoid the controversy, even in the debates on economic and social questions. Subjects of immediate practical concern from an administrative point of view, such as the resettlement of refugees or the agenda of the proposed Conference on Freedom of Information and of the Press, raised sharp issues between the Soviet Union and the Western Powers in the Social Committee, and the Economic Committee spent many hours in discussing, from a political point of view, the effect of the Marshall Plan on the economic reconstruction of Europe.

The accomplishments of the Second Session of the General Assembly were, nevertheless, of significance. The importance of the effort to increase the influence of the Assembly has already been mentioned. The debates on Palestine and the recommendations which resulted represented a serious effort to find a solution to a major problem in world affairs. Whether or not the plan for partition with economic union, as embodied in the Assembly resolution, is ever put into effect, there can be no doubt that a settlement based on international agreement must be found for Palestine, if that part of the world is to escape catastrophe.

Elsewhere in the agenda there were other topics that were discussed with constructive results. In the field of economic and social affairs, the methods by which the Assembly might exercise a co-ordinating function in relation to the growing and complex structure of international organization were explored and developed. The Trusteeship Committee considered and passed for approval new trusteeship agreements. The Committee on Administrative and

Budgetary Questions undertook a workmanlike and effective scrutiny of the finances of the United Nations, and among other things, gave approval to the arrangement for the construction of a new headquarters. The Legal Committee carried forward the proposal for the codification of international law. It also gave final reading in Committee to a revision of the rules of procedure which, when they come into effect at the next session of the Assembly, will greatly increase the efficient conduct of business.

### The Canadian Attitude

The Chairman of the Canadian delegation to the United Nations in an address made in Ottawa on the eve of his departure for the Second Session of the Assembly, and again in his opening statement at the Assembly, gave renewed assurances that membership in the United Nations is a basic principle in Canadian foreign policy, taken most seriously by the Government of Canada.<sup>1</sup>

The Canadian delegation was conscious, as were other delegations, that the Security Council had so far failed to provide the means of ensuring peace, and it shared the hope that the Assembly would provide the means for developing a strong United Nations. It therefore contributed as much as possible to the constructive work of the session, and used its influence to help offset, when possible, the influence of delegations which sought to obstruct the business of the Assembly. It endeavoured to avoid the premature development of issues which might divide the Assembly to the point where the existence of the United Nations would be endangered and gave its support to measures which were designed to strengthen the structure and operation of the organization.

The decision to accept membership on the Security Council was taken in the full realization of the heavy obligations which rest upon members of the Council. These obligations were accepted because it was considered that Canada should accept the responsibilities as well as the benefits of membership in the United Nations.

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<sup>1</sup> The text of these statements by the Chairman of the Canadian delegation is given in Appendix I, A and B, pp. 175 to 180.

The Canadian delegation also gave its support to proposals for increasing the usefulness of the Assembly. In his opening statement, the Chairman of the Canadian delegation said that his delegation would support the suggestion of the United States delegate that a subsidiary body of the Assembly should be established to carry on some of its functions when the Assembly was not in session. He stressed the fact that contentious issues for which the Security Council was intended to take primary responsibility could receive the benefit of free and frank discussion and of thorough investigation in the Assembly or in a continuing committee of the Assembly.

The Chairman of the delegation concluded his opening statement by pointing out that, in their search for security, peace-loving states might consider it necessary to form associations within the United Nations, for their collective self-defence. He said:

“Nations, in their search for peace and co-operation, will not and cannot accept indefinitely and unaltered a Council which was set up to ensure their security, and which, so many feel, has become frozen in futility, and divided by dissension. If forced, they may seek greater safety in an association of democratic and peace-loving states willing to accept more specific international obligations in return for greater national security. Such associations, if consistent with the principles and purposes of the Charter, can be formed within the United Nations. It is to be hoped that such a development will not be necessary. If it is unnecessary, it will be undesirable. If, however, it is made necessary, it will take place. Let us not forget that the provisions of the Charter are a floor under, rather than a ceiling over, the responsibilities of Member States. If some prefer to go even below that floor, others need not be prevented from moving upwards.

“Two, or more, apartments in the structure of peace are undoubtedly less desirable than one family of nations dwelling together in amity, undivided by curtains or even more substantial pieces of political furniture. They are, however, to be preferred to the alternative of wholly separate structures.

“This, you may say, is defeatism of the worst kind. It is not. It is merely sober realism. It is folly to deny that certain events of the last twelve months have weakened the position of our organization. It would equally be folly to deny that a continuation of this trend may cause it ultimately to collapse.

“Our delegation, our Government, and our Canadian people are determined to do everything they can to prevent this tragic development. Our faith and hope still shine, though now through an overcast of anxiety. The work of this Assembly, to which we pledge our contribution, will, we trust, remove that anxiety, justify that faith, and heighten that hope.”

In spite of the difficulties which lay before the United Nations when the General Assembly met in September, 1947, the Second Session was a constructive one. Decisions were taken on important questions, and issues of great consequence in regard to the role which the General Assembly will play in the work of the United Nations were raised. The questions discussed at the Second Session and the Canadian attitude to them are described in detail in this report. The report is supplemented by the texts of a number of Canadian statements and Assembly resolutions, which appear in the appendices.



The first of the three is the "General  
 Report" which is a summary of the  
 work done during the year. It is  
 followed by the "Financial Statement"  
 which gives a detailed account of the  
 income and expenditure of the  
 Society. The "Annual Report" is  
 then a collection of articles and  
 notices of interest to the members.  
 The "General Report" is the most  
 important of the three and is  
 read at the annual meeting. It  
 is a valuable document which  
 gives a clear and concise  
 account of the work done during  
 the year. It is a must for all  
 members of the Society.

The "Financial Statement" is a  
 document which gives a detailed  
 account of the income and  
 expenditure of the Society. It  
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 document which gives a clear  
 and concise account of the  
 work done during the year. It  
 is a must for all members of  
 the Society.

THE TREATY TO THE POLITICAL ECONOMY  
AND INSTITUTIONAL STRUCTURE  
OF GERMANY

In the Treaty of 1949 the Government of Germany was the  
successor of the Reich Government under the name of the  
Federal Republic of Germany. The Treaty was signed by the  
Government of Germany on behalf of the German people and  
the Government of the United States of America on behalf of  
the United States of America. The Treaty was signed in  
Washington, D. C., on September 20, 1949. The Treaty was  
approved by the United States Senate on September 30, 1949.  
The Treaty was signed in Berlin on October 5, 1949.

**Political Questions**

The Treaty of 1949 was signed by the Government of Germany  
and the Government of the United States of America. The  
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# 1. THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF GREECE

On December 3, 1946, the Government of Greece drew to the attention of the Security Council, under Articles 34 and 35 of the Charter, the situation in Northern Greece where warfare was being waged by guerrilla bands, allegedly with the assistance of bordering states. In the discussions before the Security Council, the Greek representative stated that the insurgent bands were using the territories of Bulgaria, Albania, and Yugoslavia as operational bases for raids into Greek territory and argued that this situation was likely to endanger international peace and security. The Yugoslav, Albanian, and Bulgarian representatives denied the Greek charges and attributed the disturbances in Northern Greece variously to "the reactionary Greek administration", the presence of foreign troops in Greece, and the struggle for liberty and justice being waged by free Greeks, which the Greek Government was endeavouring to suppress. Faced with this contradictory evidence, the Security Council decided to set up a Commission of Investigation which should go to Greece to ascertain the facts relating to the alleged border violations and to submit a report to the Council. The Commission was composed of representatives of Member States of the Council; the Governments of Greece, Albania, Bulgaria, and Yugoslavia were invited to assist the Commission by providing officials in a liaison capacity. Just prior to the conclusion of the Commission's investigations in Greece, the United States member of the Security Council proposed that a subsidiary group of the Commission should be maintained in the area pending further decision by the Security Council. This resolution was opposed by the representatives of the Soviet Union and Poland, who, however, abstained in the final voting. The United States proposal with minor amendments was adopted.

The report presented to the Security Council by the Commission of Investigation on May 27, 1947, contained majority and minority findings on the causes of the situation in Northern Greece and recommendations, on which there was not complete agreement, on measures to be taken to avert further disturbances. The representatives on the Commission of Australia, Belgium, Brazil, China, Colombia, Syria, the United Kingdom, and the United States had concluded that Yugoslavia, and to a lesser extent Albania and Bulgaria, had supported the guerrilla warfare in Greece by giving military training to refugees from Greece, supplying arms, food, clothing, transportation to the border, and hospitalization. The conclusions of the Soviet and Polish representatives were along the lines of the statements made earlier by Albania, Yugoslavia, and Bulgaria before the Security Council and were based on the contention that the evidence supplied to the Commission in Greece was not trustworthy. These representatives reported that the guerrillas were armed and supplied with goods captured from regular Greek units, and not from external sources.

In the discussion which followed the presentation of the report to the Security Council, the Soviet and Polish representatives continued to hold the Greek Government responsible for the internal disorders in Greece. They vetoed various resolutions proposed by other members of the Council, certain of which called on Albania, Bulgaria, and Yugoslavia to cease from rendering further assistance to the Greek guerrillas and directed the subsidiary group of the Commission of Investigation to report to the Security Council on the compliance of these countries with this direction. After all proposals made in the Council had been voted on without agreement being reached the President ruled that there would be no further meetings on the Greek question if none were requested, and suggested that there was nothing left for the Council to do except report progress achieved on the question to the General Assembly. As a result of the failure of the Security Council to take any action in spite of various efforts at compromise, the United States, on August 20, 1947, requested the inclusion in the agenda of the General Assembly of an item entitled "Threats to the Political Independence and Territorial Integrity of Greece".

In the First Committee (Political and Security) of the General Assembly, where the situation in Greece was considered, the United Kingdom and the United States representatives argued that, as a result of the Commission's investigations, it was clear that Yugoslavia and to a lesser extent Albania and Bulgaria, had openly aided the guerrillas in Greece. In reply, the Soviet and Polish representatives denied the majority findings of the Commission and questioned the reliability and integrity, not only of the witnesses before the Commission and their evidence, but also of certain members of the Commission itself. The charge was repeated that the Greek Government was corrupt and tyrannical, and was responsible for the internal disorders in Greece, as well as for the frontier incidents. It was argued that the United Kingdom and the United States were the main supporters of the Government of Greece and that this whole question had been raised merely as an excuse for United Kingdom and United States intervention in Greece for the purposes of gaining political and military advantage. These charges were refuted in detail by Greece, the United Kingdom, and the United States, all three pointing out that British troops had been invited into Greece in 1944 to help drive out the Germans and to assist in maintaining order and that they were remaining in Greece as a result of the Greek Government's request. Similarly, United States economic and military aid to Greece was stated to be the direct result of a specific request for such aid by the Greek Government.

To these main issues a subsidiary one was added which provoked equally acrimonious debate. In the second meeting of the Political Committee, the Soviet representatives asked for the admission of representatives of Albania and Bulgaria to the Committee's discussions so that they could answer any charges brought against them. Various western states wished to have a declaration made by the representatives of Albania and Bulgaria that, prior to their admission to the discussions of the Committee, they would agree to abide by the decision of the General Assembly in the solution of this problem on the basis of the principles of the pacific settlement of disputes as laid down in the Charter. The replies of the representatives of these two governments to this invitation were equivocal. It was finally decided that the representatives of Albania and Bulgaria

should be admitted on the understanding that they would reply to questions which might be put to them, but that they would not take part in the discussion on a basis of equality with the other members of the Committee. The Soviet and certain other eastern European representatives objected to any conditions being attached to the admission of these representatives, but these objections were overruled.

The United States, which had placed this question on the agenda of the General Assembly, introduced a resolution which was based upon the record of the Security Council proceedings in connection with the complaints of the Greek Government, and also on the reports submitted by the Commission of Investigation and its subsidiary group. The resolution found that Albania, Bulgaria, and Yugoslavia, in contravention of the principles of the Charter of the United Nations, had given assistance and support to the guerrillas fighting against the Greek Government and called upon Albania, Bulgaria, and Yugoslavia to cease from rendering assistance or support in any form to the insurgents. The Governments of these three countries on the one hand and Greece on the other were called on to co-operate in the settlement of their disputes by peaceful means, and the resolution recommended that they re-establish both normal diplomatic relations and frontier conventions and that they should settle between themselves the various problems arising out of the presence of refugees and of minorities. The United States draft resolution further called for the establishment of a special committee to observe the compliance by the four Governments concerned with the foregoing recommendations, and to assist the four Governments in their implementation. It was also resolved that the Special Committee should be authorized, if it were considered necessary, to recommend to the Members of the General Assembly that they should consider the problem of Greece. Under this proposal the Committee was to have its headquarters in Salonika and to report to the next regular session of the General Assembly or to any special session called.

The Soviet Union introduced a counter-resolution based on the claim "that the existing situation in Greece was to a great extent the result of foreign interference in the international affairs of

Greece". This resolution called for the bilateral settlement of the various minority problems, for the withdrawal of all foreign troops and military personnel from Greece and, within three months, for a report to the Secretary-General by the governments concerned on the implementation of these recommendations. Finally, the Soviet resolution would have established "a special commission to guarantee by appropriate supervision the utilization [of foreign] economic aid solely in the interests of the Greek people".

As the debate on these two resolutions proceeded, it became clear that the specific condemnation of Albania, Bulgaria, and Yugoslavia, as proposed in the United States draft resolution, was not favoured by all the delegates in the Committee. As a result, the French delegate, supported by M. Spaak of Belgium, in an endeavour to reach a compromise that would be acceptable to both sides, advocated an amendment removing the specific condemnation in the United States draft resolution and setting up a special committee merely to facilitate the peaceful settlement of the problem by the four Governments. He further suggested that an enquiry should be made as to whether the four Governments concerned would co-operate with such a committee and would subscribe to the principles of the peaceful settlement of the problem. The United States delegation accepted this modification of its proposal with the proviso that if the governments concerned refused their co-operation, the United States would support its original resolution. The Soviet Union denounced this proposal as a "horse trade", and its representative claimed that this retreat from the original United States stand constituted an admission by the United States of inability to prove the guilt of Albania, Bulgaria, and Yugoslavia. Greece accepted the invitation to co-operate with the projected committee, while the other three Governments made no such undertaking.

With the close of the general debate, it was finally decided to commence voting on the last half of the United States resolution which dealt with the proposed means of settling the disputes and with the establishment of a special committee. The paragraphs were all adopted, in spite of the opposition of the eastern European States. Further discussion then took place in regard to the membership of this committee. The original United States proposal had been that



the committee should be composed of the five Great Powers and of the representatives of Australia, Brazil, Mexico, the Netherlands, Pakistan, and Poland. There were various other suggestions from some Latin-American States that the committee should be composed of the non-permanent members of the Security Council on the one hand and of selected experts on the other. As soon as the United States had made its proposal, the representatives of the Soviet Union and other eastern European States announced that they would neither participate in the committee nor in the election of its members. A Canadian proposal was finally adopted to the effect that the Special Committee should be composed of Australia, Brazil, China, France, Mexico, the Netherlands, Pakistan, the United Kingdom and the United States, two seats being held open for Poland and the Soviet Union.<sup>1</sup>

When the time came to vote on the section of the United States resolution which laid blame upon Albania, Bulgaria and Yugoslavia for having assisted the guerrillas in Greece, various amendments were offered in an attempt to remove the specific condemnation of the three Governments named. A United Kingdom-French amendment was accepted which read:

“taking account of the report of the Commission of Investigation which found by majority vote that Albania, Bulgaria and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government; ‘calls upon Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas’”.

The resolution, as amended, was finally adopted by 36 votes to 6, with 10 abstentions.

When the resolution on the Greek question was discussed in the plenary session of the General Assembly, the delegation of the U.S.S.R. reiterated its view and reintroduced its original resolution condemning United States and United Kingdom interference in Greece and calling for the withdrawal of United Kingdom and United

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<sup>1</sup>The text of the Canadian statement on the Composition of the Special Committee is given in Appendix I, C, pp. 180 and 181.

States troops. Poland also presented a resolution which called simply for the withdrawal of United States and United Kingdom troops and missions from Greece.

The United States resolution, as amended in committee, was finally adopted, 40 to 6, with eleven Members abstaining, the abstentions including the Arab States, the Scandinavian States and India.<sup>1</sup> The Polish and Soviet resolutions were then decisively rejected. Canada voted with the majority in each case.

### The Canadian Attitude

Canada's attitude to the Greek problem was defined on October 6 when the Canadian delegate said that after careful study the Canadian delegation had accepted the conclusions of the Commission of Investigation. Furthermore, the Assembly could take action under Articles 11 and 14 of the Charter and the establishment of a commission to co-operate on the spot with the various states could not be considered as an infringement of their sovereignty. The following paragraphs from the Canadian statement sum up the attitude of the delegation in regard to the United States resolution and the French amendment:

"In view of the serious situation which has been shown to exist in the Balkan peninsula, the Canadian delegation considers that the Assembly should take action immediately towards the maintenance of peace and security in that area. We do not, however, consider that the resolution submitted by the Soviet delegation, insofar as it is based on mere countercharges against the Greek Government, contributes towards the solution of the problem.

"We have come to the conclusion therefore that we should support the operative parts of the United States resolution and especially the proposal to establish a special committee.

"We have, however, been impressed by the amendment put forward by the French delegation to Paragraphs 3 and 4 of the preamble to that resolution and by the argument that what is required now in respect to this unhappy business is conciliation rather than condemnation, prevention rather than punishment, a forward rather than a backward look . . . ."

"If, however, Yugoslavia, Bulgaria, and Albania refuse to accept this special committee and undertake to co-operate in its work, great doubt would arise as to the willingness of these three States to reach a

<sup>1</sup>The text of this resolution is given in Appendix I, D, p. 181.

peaceful solution of the problem and the case for the acceptance of the United States proposal in its original form would then be compelling, and we would be prepared to support it."

As the debate developed, however, the desire for a more conciliatory resolution than that proposed by the United States became generally prevalent. The Canadian delegation modified its position and voted for the United Kingdom-French amendment which was incorporated in the United States resolution.

## 2. THE INDEPENDENCE OF KOREA

At the Cairo Conference in December, 1943, the United States, the United Kingdom, and China agreed "that in due course Korea should become free and independent" and the three Powers undertook to ensure the future security, independence and economic well-being of Korea. The Cairo pledge was reaffirmed in the Potsdam Declaration of July, 1945, and subscribed to by the Soviet Union when it entered the war against Japan.

At the Moscow Conference in December, 1945, the Foreign Ministers of the Soviet Union, the United Kingdom, and the United States issued a declaration concerning the establishment of an independent Korea. The Government of China later adhered to this statement. In the declaration on Korea it was agreed to establish a joint United States-Soviet Commission to meet in Korea and, through consultations with Korean democratic parties and social organizations, to decide on methods for establishing a Provisional Korean Government. The Joint Commission was then to consult with the Provisional Government in order to work out measures to assist the political, economic and social development of the Korean people. It was agreed that the proposals of the Joint Commission to achieve these ends should be submitted for consideration to Governments of the United States, the U.S.S.R., the United Kingdom, and China with a view to the establishment of a four-power trusteeship for Korea for a period of up to five years. It was envisaged that the trusteeship period would precede the granting of absolute independence.

In the ultimate event, it proved impossible for the United States and Soviet representatives to co-operate through the Joint Commission to achieve the objective of the Moscow Agreement. As a result, the temporary division of Korea at the 38th parallel between the United States and Soviet authorities was continued. This arbitrary division, which was introduced for purposes of the occupation at the end of the war, has seriously crippled the Korean economy, since the industrial centres are in the north and the agricultural areas in the

south. Normal intercourse between the two zones of occupation has not been possible. The Joint Commission met on a limited number of occasions and failed to agree on any question of importance.

In an effort to achieve some progress towards the establishment of an independent Korean State, the United States proposed the convening of a four-power conference to discuss proposals for implementing the Moscow Agreement. The Soviet Union, however, declined this invitation. The United States then proposed that the agenda of the Second Session of the General Assembly should include an item entitled "The Problem of the Independence of Korea". In his opening speech before the plenary session of the General Assembly on September 17, 1947, the United States representative stated:

"Although we shall be prepared to submit suggestions as to how the early attainment of Korean independence might be effected, we believe that this is a matter which now requires the impartial judgment of the other Members. We do not wish to have the inability of two Powers to reach agreement delay any further the urgent and rightful claims of the Korean people to independence".

In the First Committee of the General Assembly, the United States representative introduced a resolution which proposed that elections should be held in North and South Korea, not later than March 31, 1948, under the control of the United Nations, as an initial step towards the creation of a National Assembly and the establishment of a National Government in Korea. It was proposed to set up a United Nations Temporary Commission, to be present in Korea during the elections and to be available for such consultations as were appropriate in connection with the elections, the subsequent organization of a National Assembly and the formation of a Government.

The Soviet representative responded to the United States initiative on the subject of Korea by himself proposing a resolution which called for the withdrawal of all Soviet and other occupation troops in Korea at the beginning of 1948, in order that the Korean people might establish a National Government without foreign interference. This proposal was not acceptable to a majority of the Members of United Nations.

At this juncture a procedural issue was introduced into the debate by the Soviet representative, who requested the Committee to invite elected Korean representatives to attend the Committee's

discussions of the problem and present their views. As no elected Korean representative was available, this proposal obviously was designed merely to delay the consideration of the question in the United Nations. On these grounds, the majority of the Committee, including Canada, objected to the Soviet suggestion, although subscribing to the principle that Korean representatives should eventually be heard.

The United States thereupon introduced an amendment to the Soviet resolution which affirmed the principle of consultation with elected Korean representatives and proposed the setting up of a Temporary United Nations Commission, similar to that proposed in the original United States resolution, to go to Korea to ensure that the representatives elected in Korea, were, in fact, duly elected and not the mere appointees of military authorities. Against Soviet opposition this amendment was finally adopted by a large majority. The Soviet Union and the other eastern European States refused to participate in the voting and thereafter announced that they would take no part in the United Nations Temporary Commission which had been proposed in the resolution.<sup>1</sup>

When the problem of Korean representation in the discussions had been resolved in this way, the United States reintroduced its original resolution, revised to conform with the procedural decision which had established the United Nations Temporary Commission on Korea. This revised resolution embodied Indian and Chinese suggestions which called for the Korean general elections to be held on a national, and not a zonal basis, under the control of the United Nations Commission. It was further proposed that, with the establishment of a Korean National Assembly and of a Korean National Government, the Government of Korea should then constitute its own security forces and should arrange for the withdrawal of all occupation troops in consultation with the United Nations Commission. This amendment was designed to make possible the participation of China in the eventual establishment of Korea's independence. The United States also accepted a Philippine amendment which forbade foreign interference in Korea, except at the request of the United Nations.

<sup>1</sup>The text of the United States amendment is given in Appendix I, E, p. 183.

The United States proposed that Australia, Canada, China, El Salvador, France, India, the Philippines, Syria, and the Ukraine should be represented on the Temporary Commission. These States, with the exception of the Ukrainian Soviet Socialist Republic, agreed to serve. The Ukraine refused to participate in the work of the Commission.

The United States resolution, as amended, was adopted in Committee by 46 votes to 0 with 4 abstentions, the latter including the Scandinavian countries. Canada voted for the resolution and the U.S.S.R., Poland, Yugoslavia, Byelorussia, the Ukraine, and Czechoslovakia did not participate in the voting.<sup>1</sup>

The two resolutions setting up the United Nations Temporary Commission on Korea and outlining the plans for Korean independence under the guidance of this Commission were adopted in plenary session by 43 to 0 with 6 Members abstaining. The abstentions included the Scandinavian States and some Arab States. Canada voted in the affirmative, and those States which had not participated in the voting in the First Committee again took no part in the proceedings. The Soviet Union then reintroduced its original resolution, calling for the evacuation of all occupation troops from Korea by January 1, 1948. This resolution was rejected.

### The Canadian Attitude

The Canadian representative, in a statement in the First Committee on October 30, said that the failure of bilateral negotiations over the independence of Korea had resulted in this question being placed on the agenda of the General Assembly. He noted the United States and Soviet agreement over the fact that the present occupation forces in Korea must be withdrawn, as well as the important differences over the methods of procedure to be adopted to give effect to this withdrawal. The Canadian representative summed up the Canadian attitude to the United States proposal in the following words:

<sup>1</sup> The text of the United States resolution as adopted by the First Committee and approved by the General Assembly on November 14 is given in Appendix I, F, pp. 183 to 185.

"The Canadian delegation will support the approach of the United States rather than the proposal of the Soviet Union. It seems to our delegation that a premature withdrawal of occupation forces, which were originally put in that country to enable the Korean people to achieve the degree of unity of purpose and stability necessary to the establishment of a national and independent government, would serve only to precipitate chaos and disunity, especially in view of the political and economic division which has been imposed upon the country during the occupation. Moreover, the reference to 'foreign' interference hardly seems a valid objection to apply to the United States proposal to establish a United Nations Temporary Commission on Korea, to supervise the freedom of elections in the country, to assist in the organization of a democratic form of government and the withdrawal of the occupying forces. Surely the very purpose of such a commission would be to provide observers to ensure that the Korean people could, in fact, establish their own government by free elections without foreign interference."



### 3. TREATMENT OF INDIANS IN SOUTH AFRICA

The question of the treatment of Indian nationals in the Union of South Africa was debated during the second part of the 1946 session of the General Assembly and the following resolution was adopted:

*The General Assembly,*

*Having taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter:*

1. *States that, because of that treatment, friendly relations between two Member States have been impaired and, unless a satisfactory settlement is reached, these relations are likely to be further impaired;*

2. *Is of the opinion that the treatment of the Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter;*

3. *Therefore requests the two Governments to report at the next session of the General Assembly the measures adopted to this effect.*

The complaint of the Indian Government to the United Nations, which resulted in the adoption of this resolution, was made under Articles 10 and 14 of the Charter, which give the Assembly power to discuss and make recommendations for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from the violation of provisions of the Charter which set forth the purposes and principles of the United Nations. The Indian representative alleged that the South African Government was responsible for discriminatory treatment of Asiatics in general and Indians in particular on the grounds of their race. This, it was stated, constituted a denial of human rights and fundamental freedoms and was contrary to the United Nations Charter. The policy of the South African Government in general, and the enactment of the Asiatic Land Tenure and Indian Representation Act, 1946, in particular, were said to impair friendly relations between South Africa and India.

During the debate of the First Session, the South African Government claimed, under Article 2, paragraph 7 of the Charter<sup>1</sup>, that the United Nations had no right to intervene in regard to the treatment of Indians in South Africa, although no objection was taken to the matter being freely discussed. South Africa proposed that an advisory opinion should be sought from the International Court of Justice as to whether or not the matters complained of were within the domestic jurisdiction of the Union of South Africa. This proposal was supported by the Canadian delegation, as well as by the delegations of the United Kingdom and the United States, but was defeated.

The resolution of the First Session had no effect on the situation in regard to Indians in South Africa or on the relations between the Indian and South African Governments. The Indian Government therefore placed the subject again on the agenda of the General Assembly. In the First Committee where the question was considered, South Africa opened the debate by presenting its defence as regards the implementation of the Assembly resolution. The South African representative claimed that this failure could be attributed to a difference of opinion concerning the interpretation of the resolution, to the non-return of the Indian High Commissioner to South Africa and to the trade embargo which India had placed against South Africa in goods. He stated that South Africa could not accept the condemnation implicit in the 1946 resolution as a basis for further discussions. His Government could not enter a conference room already condemned as a violator of international agreements and of the Charter.

The Indian representative, Mrs. Pandit, said that the Indian Prime Minister had done everything in his power, through his correspondence during the last six months with Field Marshal Smuts, to bring the two parties together. She stated that there would be no point in sending an Indian High Commissioner to South Africa for the purpose of further negotiations when the Smuts-Nehru correspondence showed that no basis existed for a settlement;

<sup>1</sup> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter."

furthermore, India had only broken off her trade relations with South Africa after having given due warning and as a result of the repeated persecution of Indian residents in South Africa by the Union Government. The Indian representative concluded her statement by saying that South Africa was dividing the United Nations, that South African legislation was highly discriminatory, and that the General Assembly must now take steps to make last year's resolution effective. An Indian resolution was then introduced for this purpose.

When the South African and Indian positions had been defined in these statements, various delegations suggested solutions which might be acceptable to both Governments. Two courses, in particular, were proposed. One was to refer the matter to the International Court for an advisory opinion. It was pointed out, however, that this proposal had been rejected in 1946, and that it would be difficult to reverse this decision. The other suggestion was that a resolution might be prepared which would take note of last year's resolution and ask the two Governments to undertake the negotiations which had then been suggested. It was hoped by some delegations that it might be possible to secure the adoption of a resolution of this nature as an alternative to the more critical Indian proposal. This movement of conciliation was led by Norway and Mexico, which submitted amendments to the Indian resolution, and was supported by Pakistan. Belgium, Brazil, and Denmark, supported by the United States, introduced a joint alternative resolution. This resolution contained no condemnation, explicit or implicit, of South Africa's past actions.<sup>1</sup> Its operative paragraph expressed the wish that

“the parties should continue their efforts with a view to reaching an agreement directly settling their dispute, and that, should they fail to reach such an agreement, they should submit the dispute to the International Court of Justice”.

The debate ended when the South African representative, in an endeavour to reach some mutually acceptable basis for the resumption of negotiations with India, asked whether India would agree to negotiate on the basis of no prejudice to either party. The Indian delegate replied that so long as the Asiatic Land Tenure Act of 1946 remained on the Statute Books of South Africa, India could enter into

<sup>1</sup>The full text of this resolution is given in Appendix I, G. p. 185.

no relations with South Africa. She concluded that the only basis on which India was prepared to start discussions was that of the Assembly resolution of 1946.

In the voting on the proposals before the Committee, the Norwegian amendment was defeated and India then accepted the Mexican amendment which deleted a paragraph from the Indian resolution, expressing regret over the failure of the South African Government to give effect to the resolution of the Assembly in 1946.

A Colombian proposal to establish a seven-member committee to examine with India, Pakistan, and South Africa the basis on which negotiations between India and South Africa could be resumed was defeated, Canada voting for this proposal. The Indian resolution, as amended by Mexico, was then adopted in Committee, 29 to 15 with 5 abstentions. Canada, together with the United States and the United Kingdom, Australia, Belgium, the Netherlands, and New Zealand, voted against the resolution, basing its objection on those paragraphs of the resolution which reaffirmed last year's resolution and which expressed regret that South Africa had failed to take steps to implement the Assembly's previous resolution.

In the plenary session of the General Assembly on November 21, 1947, the Indian resolution, as amended by Mexico, which had been adopted in Committee, gained only 31 votes with 19 votes being cast against it, and 6 abstentions. The affirmative votes were less than the two-thirds majority required for adoption and the resolution was rejected. A counter-proposal, presented jointly by Belgium, Brazil, Cuba, Denmark, and Norway, which called upon the two Governments and the Government of Pakistan to continue their efforts to reach an agreement through conference, mediation or conciliation, and, failing that, to submit the question to the International Court, was also defeated. The vote was 24 in favour and 29 against with 3 abstentions. Canada voted against the Indian proposal and in favour of the joint proposal.

The Assembly thus took no action in regard to the Indian-South African dispute.

## The Canadian Attitude

In the First Committee, on November 17, the Canadian representative stated that Canada's principal concern was to see a friendly settlement of the dispute between the two parties.<sup>1</sup> He said that the Assembly resolution should not contain a judgment against either party, since the facts and the law in dispute had not been established by an impartial tribunal. As a result, Canada could not support the Indian resolution which contained such a judgment against South Africa. The Canadian delegation supported the joint Belgian, Brazilian, and Danish resolution, and also the Norwegian amendment to the Indian resolution which proposed deletion of the last four paragraphs of that resolution and which substituted paragraphs calling for a round-table conference and, failing agreement there, reference of the question to the International Court.

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<sup>1</sup>The text of the Canadian statement is given in Appendix I, H, pp. 185 and 186.

#### 4. PALESTINE

The question of Palestine was referred on April 2, 1947, to the Secretary-General of the United Nations, for inclusion on the agenda of the General Assembly, by the Government of the United Kingdom, which asked the Assembly to make recommendations concerning the future government of Palestine. The Assembly began its study of the question at a special session, April 28 to May 15, 1947, when it set up a Special Committee on Palestine (UNSCOP) to prepare the ground for fuller consideration of the matter during the second regular session of the Assembly.

The Special Committee, composed of persons chosen from eleven countries, including Canada, visited Palestine in June and July and subsequently prepared a set of agreed principles on which a Palestinian settlement should be based, together with majority and minority proposals as to how these principles should be applied. The majority, seven members including the Canadian member, favoured partition with economic union. The minority, three members, favoured a federal state. The eleventh member, nominated by Australia, maintained that in the absence of a unanimous decision all plans for the future government of Palestine studied by the Special Committee should have been outlined for consideration by the Assembly, since only the Assembly was competent to decide which of them could be carried out.

In September the Assembly created an *ad hoc* Committee on the Palestinian Question, which found for its consideration three matters—the original submission of the United Kingdom, the report of UNSCOP and a proposal of Saudi Arabia and Iraq that the mandate should be terminated and Palestine recognized as an independent unitary state. During the general debate in the *ad hoc* Committee, little was heard of the UNSCOP minority plan for a federal state. Only two proposals received general consideration at this stage of the proceedings—the UNSCOP majority plan for partition with economic union, which the Jewish Agency accepted, and the proposal of Iraq

and Saudi Arabia for an independent unitary state, which the Arab Higher Committee supported. The Chairman, Dr. Evatt of Australia, accordingly appointed two sub-committees which were instructed to work out practical plans for partition and a unitary state respectively, before the *ad hoc* Committee should be called upon to make its choice between these two principles. Sub-committee I was composed of delegations which had supported partition in principle, Sub-committee II of delegations which had supported or seemed likely to support a unitary state. The Chairman himself presided over a third sub-committee, which was authorized to explore the possibilities of conciliation, and which eventually reported that it had been unable to make progress.

Sub-committee II brought in three draft resolutions, none of which was adopted by the *ad hoc* Committee. The first called for advisory opinions from the International Court of Justice on eight questions relating to the justice or legality of measures already adopted in Palestine or proposed for the future. Reference to the Court of the last question—whether the United Nations or any of its Members were competent to recommend or enforce partition or any other proposal against the wishes of the inhabitants—was rejected by a vote of 20 to 21, with 13 abstaining and 3 absent. Canada voted against the reference of any of the eight questions to the International Court of Justice.

The second draft resolution presented by Sub-committee II concerned the settlement of Jewish refugees elsewhere than in Palestine. It contained three articles. A majority of the *ad hoc* Committee favoured two of these, which proposed that countries of origin should be requested to take Jewish refugees and displaced persons back and that unrepatriated Jewish refugees and displaced persons should be absorbed in territories of the Members of the United Nations. The third article proposed that resettlement in the territory of Member States should be arranged on a quota basis by a special United Nations Committee. This was defeated.

Canada voted against all three articles, since it has always maintained that there should be no discrimination on racial grounds in dealing with European refugees. After rapid and confused voting on clauses of the preamble, the resolution as a whole was put and

The proposal was supported by a motion of adjournment until January 13, brought forward by the delegate of Iran. The motion for adjournment was set aside, however, by the Chairman's ruling that the vote on partition must be put first. Adoption of the partition proposal immediately afterward made it unnecessary to consider the Lebanese compromise proposal. It was not clear to what extent this plan commanded the support of other Arab States or of the Arab Higher Committee and it was brought forward too late for its adequate scrutiny. After the Assembly's decision was taken, representatives of Pakistan and the Arab States declared one by one that they regarded the Assembly resolution as a violation of the Charter, not binding upon their respective governments. They reserved their rights under the Charter to oppose the carrying out of partition.

The plan for the future government of Palestine embodied in the Assembly resolution of November 29 included the following provisions:

- (a) Palestine would be divided into a Jewish State, an Arab State and the City of Jerusalem. The Jewish State—about 55 per cent of the whole—would be composed of three segments connected at two intersection points. The three main segments of the Arab State would be joined at the same points of intersection. The city of Jaffa, however, would be an enclave separated from the remainder of the Arab State. The City of Jerusalem, including the town of Bethlehem, would be a demilitarized area administered by a United Nations Governor, who was to be appointed by the Trusteeship Council and remain responsible to that body.
- (b) Freedom of transit and visit throughout the whole of Palestine would be guaranteed to all residents and citizens of the Jewish and Arab States and of the City of Jerusalem, but immigration and residence would be controlled by the Administration of each political unit.
- (c) An economic union comprising the Arab and Jewish States and the City of Jerusalem would be administered by a Joint Economic Board of nine members. Three would be foreigners appointed by the Economic and Social Council, three would represent the Jewish State and three the Arab State. Their function would be to create a customs union, manage a joint currency system, plan joint economic development, ensure access to water and power facilities for both States and for the City of Jerusalem, and operate railways, interstate highways, ports and airports, posts, telephone and telegraphs. They would allocate surplus customs revenues, giving the Arab State up to £4,000,000 annually from this source for at least the first five years.



- (d) Existing rights in respect of holy places would be maintained. To protect the holy places and maintain order the Governor of the City of Jerusalem would recruit a special police force outside of Palestine.
- (e) Arabs living in the Jewish State or in the City of Jerusalem might opt for citizenship of the Arab State. Conversely, Jews living in the Arab State or in the City of Jerusalem, might opt for citizenship of the Jewish State.
- (f) The mandate would be terminated as soon as possible, but not later than August 1, 1948, when the withdrawal of British forces was to be completed. After the mandate came to an end, the British would hand over administrative authority, in the areas from which their forces had actually withdrawn, to a five-man Commission of the United Nations which would be responsible for determining the boundaries of the two States. The Commission in turn, would transfer administrative authority to Jewish and Arab Provisional Councils of Government. Each of the latter, under the supervision of the Commission, would recruit an armed militia and hold elections for a Constituent Assembly. Each Assembly would choose a Provisional Government and proceed with the task of drawing up a constitution. The Constituent Assemblies were to be elected by October 1, 1948, at the latest.

### The Canadian Attitude

As has been indicated, the discussion on Palestine, leading to the adoption by the General Assembly of the plan for partition with economic union, took place in three stages. When the session opened, an *ad hoc* Committee on Palestine, consisting of all Member States, was established, and a preliminary general debate took place in this Committee. The second stage was discussion in detail of a plan for partition in a sub-committee and in several working groups, notably one of four members set up by the sub-committee to deal with the question of implementation. A second sub-committee, consisting of Arab States and some of their supporters, worked out a detailed plan for the establishment in Palestine of a unitary state in which the existing Arab majority would have a dominant position. These plans, one for partition and one for a unitary state, were then debated in the *ad hoc* Committee and in the Assembly during the concluding stage of the discussion.

When the debate on Palestine opened in the *ad hoc* Committee, the first object of the Canadian delegation was to determine as soon as possible the attitude towards the Palestine problem of the major powers, which had not been made completely clear during the special

received only 16 favourable votes, tying with 16 opposed. There were 23 abstentions. The vote was reported to the General Assembly but the matter was not discussed again since the Assembly had already dealt with the question of resettlement of refugees and displaced persons in general.

The third draft resolution of Sub-committee II provided for the establishment of a single provisional government in Palestine representing all important sections of the citizenry in proportion to numerical strength. This government would hold elections for a Constituent Assembly as soon as practicable and be responsible to the latter body until elections to a regular legislature were held. Basic principles guaranteeing minority rights and democratic elections were to be written into the constitution. This proposal was rejected by a vote of 12 to 29 with 14 absentions. Canada voted with the majority against it. Delegates voting for the proposal included the representatives of ten Asiatic States, Egypt and Cuba.

The proposal of Sub-committee I for partition with economic union was then adopted by the *ad hoc* Committee, with a number of amendments, by a vote of 25 to 13 with 17 abstentions. Four days later, in the General Assembly, the same proposal was adopted by a vote of 33 to 13 with 10 abstentions. Thirteen European and thirteen Latin American States as well as four Commonwealth countries and the United States favoured it. All Asiatic States opposed it except China which abstained and Siam which was absent. On the second last day of the session the French delegation moved a twenty-four-hour adjournment in order that an opportunity might be given for a final effort to reach an agreed solution. Canada voted in favour of adjournment, although the motion was opposed by the United States and the Soviet Union. The Lebanese delegate then produced on the closing day of the Assembly a proposal for a federal state with separate Arab and Jewish cantonal governments. The constitution of the United States and the organic laws of the States of the Union were to serve as guides to the constituent assembly of Palestine in planning the federal and cantonal governments respectively.

session of the Assembly in April and May, 1947, and in particular to discover whether any measure of agreement now existed amongst them. The statements made during the opening debate together with information gained through private enquiry, showed that the initial position was, briefly, as follows:

- (a) The United States supported partition, generally along the lines of the majority plan of UNSCOP. The United States statement was vague in regard to details, but implied that partition should be put into effect by the mandatory power, with United Nations assistance in meeting economic and financial problems and problems of law and order during the transition period. The latter might be done through a volunteer international constabulary recruited by the United Nations.
- (b) The U.S.S.R., which in the spring had expressed its preference for a bi-national state, now also supported partition, on the grounds that the prevailing tension made co-operation in a bi-national state difficult to achieve. The Soviet statement stressed the importance of the plan for economic union, expressed the hope that the boundaries might be drawn on a different plan, and pointed out that some authority should be appointed to implement the plan for partition after the termination of the mandate.
- (c) The United Kingdom announced its intention to surrender the mandate and to withdraw from Palestine at the earliest possible date. The United Kingdom delegate added that if the plan adopted were not acceptable to Jews and Arabs the United Kingdom Government would not feel able to implement it. The United Kingdom Government was not itself prepared to impose a settlement by force of arms and if asked to participate with others in enforcing it would have to take into account both the inherent justice of the plan and the amount of force that would be needed to impose it.
- (d) The Jewish Agency accepted the plan for partition with economic union although it represented a "serious attenuation" of their original demand for an undivided Palestine under Jewish control, in which responsibility for immigration and economic development would be transferred without delay to the Jewish Agency.
- (e) The Arab States denied the legality of the Balfour Declaration, the mandate and the right of the United Nations under the Charter to partition Palestine. They asserted that the only juridically sound solution would be the immediate establishment of an independent unitary state under the control of an elected government, in which Arabs and Jews would serve together in the proportions which the electorate desired.

The Canadian delegation did not adopt any position on Palestine until the debate during the first stage of the discussion was well advanced. On the basis of the statements of general principle which had been made, the delegation came to the conclusion that the only

proposal that gave any promise of providing a settlement was partition and that this plan in some form would probably be adopted. The delegation in forming this judgment did not overlook the fact that partition would almost certainly be resisted, and would at best lead to a measure of disorder. No other proposal, however, seemed more likely to avoid disorder, least of all a suggestion to the effect that the authority, both civil and military, of the mandatory power should be withdrawn without any attempt being made by the United Nations to make adequate provision for a successor government.

The delegation therefore accepted partition as a basis for discussion.<sup>1</sup> It pointed out, however, that no plan should be adopted finally until the method of its application had been considered and defined. The delegation therefore proposed that discussions of the partition plan in sub-committee should include an examination of methods for implementation and enforcement. This suggestion was in contradiction to the attitude of some delegations, which preferred to proceed on the assumption that all Members would co-operate in carrying out a recommendation of the Assembly and that the United Kingdom would be responsible for suppressing any disturbances which might arise. This attitude seemed to the Canadian delegation to be unrealistic and impractical. The Canadian view in this regard was accepted and when the second stage of the discussion began in sub-committee, one of the details to which consideration was given was the method by which partition could be put into effect and, if necessary, enforced.

During the second stage of the discussion, the attitudes and objectives of the major powers became clearer and more specific. As in the earlier discussions the Canadian delegation considered that its first responsibility was to determine and analyse these policies. The conclusions which the delegation reached were, briefly:

- (a) The proposals of the United States delegation for the settlement of the Palestine question would not specifically commit any Member State to direct intervention in that area. The United States delegate, Mr. Herschel Johnson, offered to the sub-committee a plan for implementation which made the date of termination of the mandate coincide with the date of independence of the two States. This arrangement implied that although a Commission of the Assembly would supervise the process of setting up

<sup>1</sup>The text of the opening statement by the Canadian representative on the Palestinian question is given in Appendix I, I, pp. 186 to 189.

the two States, the mandatory administration would provide orderly government and United Kingdom forces would back up the work of the Commission, although this was precisely what the United Kingdom delegate had stated his Government would not be able to do. The United States delegation was also opposed to the Security Council being given any responsibility for the settlement in Palestine.

- (b) In accepting partition, an important objective for the Soviet Union seemed to be to secure the withdrawal at the earliest possible date of the United Kingdom forces. The Soviet delegate therefore proposed that the mandate should terminate on January 1, that the United Kingdom should withdraw its troops by April 30, and that a Commission of the Security Council should prepare the new States for independence. The U.S.S.R. seemed to consider it particularly important that the United Nations Commission in Palestine should be able to ensure that United Kingdom forces were completely and unequivocally withdrawn. Although the original proposals of the U.S.S.R. contained references to the role of "democratic" parties in Palestine which suggested that new political organizations must be sought in that area, as the discussions developed the Soviet delegation did not prevent the adoption of proposals which would enable the United Nations Commission to transfer power directly to indigenous political bodies.
- (c) During the detailed discussions, the United Kingdom Government maintained its official attitude of detachment. In general, the United Kingdom delegates avoided being drawn into the discussions at any point and continued to refrain from expressing any views on the merits of the proposal for partition.

The Canadian representative in the sub-committee made an analysis of the various plans which had been presented for putting partition into effect and pointed out weaknesses which existed in all of them.<sup>1</sup> He stated that any plan of implementation must be constitutionally sound, practicable and effective, and he suggested that no plan at all would be preferable to one which had little chance of being put into practice. A working group consisting of Canada, the United States, the U.S.S.R. and Guatemala was appointed to give further consideration to the matter.

The delegation in the sub-committee and in the working group gave particular attention to a number of considerations which it regarded as being of primary importance to the Canadian Government:

<sup>1</sup>The text of the statement by the Canadian representative in Sub-committee I is given in Appendix I, J, pp. 189 to 194.

- (a) The juridical basis for the proposals should be made as adequate as possible. This seemed of practical importance to the Canadian delegation, since doubt in regard to the legal competence of the United Nations to put into effect a settlement for Palestine might at some later stage arise.
- (b) Although it had at one time considered that a trusteeship agreement might be established for Palestine, the delegation finally came to the conclusion that the United Nations should not attempt to take over the mandate in Palestine or to provide for the administration of that territory without the support of some kind of international military force. Various proposals of this nature were under consideration. One delegation, for example, suggested that the United Kingdom troops in Palestine should be replaced by an international army controlled by a United Nations Commission. This force would be made up of contingents provided by Member States other than permanent members of the Security Council and paid for by the permanent members. It seemed essential to the Canadian delegation that any proposal of this nature should be avoided. For this reason the delegation urged that in the first instance responsibility for the maintenance of order in Palestine should devolve as quickly as possible upon the people of Palestine themselves. If a situation were to develop in Palestine which proved too difficult for the people themselves to control, the problem should then be dealt with in the Security Council by the methods provided for the settlement of threats to the peace, that is, under Chapter VII of the Charter. It appeared to the delegation that in the event of serious trouble in Palestine, the situation could not be dealt with unless the permanent members of the Security Council agreed to use the machinery of the Security Council in this way.
- (c) The delegation sought also to have the views of the United Kingdom delegation taken into consideration whenever possible and in situations in which the United Kingdom was not able to speak for itself. This was particularly the case in the formulation of plans concerning the termination of the mandate, the withdrawal of troops and the transfer of authority. This proved difficult, partly because of uncertainty as to the intentions of the United Kingdom Government and partly because of the attitude of some other delegations, which seemed to assume that the United Kingdom could be informed of the plan after it had been completed and could be expected to co-operate thereafter in putting it into effect. The Canadian delegation kept in as close touch as possible with the United Kingdom delegation, informed the United Kingdom representatives of progress being made in the discussions and endeavoured to have the views of the United Kingdom taken into account in the work of the working group where Canada was represented and the United Kingdom was not.

The final stages of the discussions took place when the detailed plan for partition was considered in full committee and in plenary

session. The Canadian representatives speaking in committee<sup>1</sup> and plenary session<sup>2</sup> gave the general reasons which led the Canadian delegation to support the resolution. There were, however, certain other considerations of a more particular kind to which no direct public reference was made. These were:

- (a) No practicable alternative was seriously discussed. The Arab plan for a unitary state with a permanent Jewish minority (even with guaranteed rights) was completely unacceptable to the Jewish Agency, and the Arab States at no time indicated that they would consider any alternative which offered control of immigration and land regulations to the Jews within a Jewish area.
- (b) The plan was also the only one put forward which seemed to offer any possibility of securing a settlement in Palestine on the basis of an international agreement and of preventing direct unilateral intervention in that area. Disorder in Palestine because of the failure to adopt any plan would have left an inadequate basis for international intervention to control this situation. Disorder consequent on the adoption of a United Nations plan would imply United Nations action and would therefore make it difficult for any state to intervene unilaterally.
- (c) Even though the adoption of the plan for partition was accompanied by a threat of war by the Arabs in Palestine and their supporters in the Arab States, refusal to adopt the plan would not have avoided the danger of disorder. The adoption of other proposals, or failure to adopt any proposal at all, carried the possibility of civil war which would present to the world a problem fully as difficult as that arising from resistance to partition.

The policy followed by the delegation was admittedly pragmatic. It was designed on the one hand to assist the Assembly in reaching some constructive conclusion to the problem which it must be remembered, had been brought before it by the United Kingdom and to avoid the discredit that would have come upon the United Nations if no proposal had emerged from the discussion. It was equally intended that the plan evolved should not be one that made unrealistic demands upon the United Kingdom or which left Canada or other smaller states involved in the operation of a plan to which the permanent members of the Security Council did not give united support. Whenever the delegation took part in the discussion of the Palestine question, it was with these objectives in view.

<sup>1</sup>The text of the statement of the Canadian representative in the *ad hoc* Committee is given in Appendix I, K, pp. 194 to 198.

<sup>2</sup>The text of the Canadian statement in plenary session on the partition plan for Palestine is given in Appendix I, L, pp. 198 to 200.

## 5. MEASURES TO BE TAKEN AGAINST PROPAGANDA AND THE INCITERS OF A NEW WAR

In his opening speech before the Second Session, delivered on September 26, 1947, the Chairman of the Soviet delegation made a number of allegations to the effect that efforts were being made in the United States and the United Kingdom to incite a new war. These attacks included charges levelled against individuals in the United States and the United Kingdom whose articles and speeches had advocated a strong and determined resistance to Soviet foreign policy.

The statements of the Soviet representative, together with supporting statements by other eastern European delegations, advanced the theory that a deliberate and calculated attempt was being made in the press of the western democracies to provoke an attack on the U.S.S.R. These charges were levelled in particular against individuals in the United States and the United Kingdom many of whom were mentioned by name, including a member of the United States delegation to the General Assembly.

This phase of what was recognized as an anti-United States-United Kingdom propaganda campaign was only a preparation for further Soviet manoeuvres which occurred in the First Committee after the introduction of a Soviet resolution on the subject of war propaganda. The text of this resolution was as follows:

"The United Nations

1. Condemn the criminal propaganda for a new war, carried on by reactionary circles in a number of countries and, in particular, in the United States of America, Turkey and Greece, by the dissemination of all types of fabrications through the press, radio, cinema, and public speeches, containing open appeals for aggression against the peace-loving democratic countries.

2. Regard the toleration of, and—even more so—support for this type of propaganda for a new war, which will inevitably become the third world war, as a violation of the obligation assumed by the Members of the United Nations whose Charter calls upon them 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take



other appropriate measures to strengthen universal peace' and not to 'endanger international peace and security, and justice' (Article 1, paragraph 2; Article 2, paragraph 3).

3. Deem it essential that the governments of all countries be called upon to prohibit on pain of criminal penalties the carrying on of war propaganda in any form and to take measures with a view to the prevention and suppression of war propaganda as anti-social activity endangering the vital interests and well-being of the peace-loving nations.

4. Affirm the necessity for the speediest implementation of the decision taken by the General Assembly on December 14, 1946, on the reduction of armaments, and the decision of the General Assembly of January 24, 1946, concerning the exclusion from national armaments of the atomic weapon and all other main types of armaments designed for mass destruction, and consider that the implementation of these decisions is in the interests of all peace-loving nations and would be a most powerful blow at propaganda and the inciters of a new war."

For a variety of reasons, the Soviet resolution was unacceptable to most delegations. By some it was considered inappropriate to single out certain states for condemnation on so indefinable a charge as war-mongering. Others, including Canada, pointed out that any effort to limit free discussion of international political issues would infringe liberties which were regarded as basic in western civilization. It was considered also that the fourth paragraph of the Soviet resolution, containing a reference to disarmament and the control of atomic energy, was both misleading and irrelevant.

### The Canadian Attitude

The Canadian delegation, although it was opposed to the Soviet resolution, was unwilling to have it simply voted down, without any effort having been made to meet the problem which the Soviet delegation had raised in regard to the harmful effects of provocative and irresponsible discussion of international affairs, no matter where it originated. The Canadian representative outlined the Canadian position in the First Committee on October 23, 1947. In his speech he took up each paragraph of the Soviet resolution in turn, expressing his disagreement both with the allegations made and the solutions proposed. He then suggested that a positive rather than negative approach to the problem should be taken. The obligations set forth

in the Charter to practise tolerance, to observe the fundamental freedoms, and to promote friendly relations among states should be reasserted in this connection. The Canadian representative concluded his statement with the following words:

“It will be clear, I hope, from what I have said, that we will not be able to support the Soviet resolution. I imagine other delegations will be in the same position. I venture to express the hope, however, that *all* delegations will wish to condemn war-mongering in all its forms, including civil war-mongering. I feel certain, also, that *all* delegations would wish to support a declaration in a positive sense in favour of propaganda for peace; peace-mongering, if you like.

“In the hope that we may all unite on these aims, the Canadian delegation is submitting a short, straightforward, non-controversial resolution as follows:

“The United Nations condemn all propaganda inciting to aggressive war or civil strife which might lead to war, and urge Members to promote, by all means of publicity and propaganda available to them, friendly relations among nations on the basis of the purposes and principles of the Charter.”<sup>1</sup>

The French and Australian delegations submitted alternative resolutions. When the Committee adjourned on October 25, therefore, it had four resolutions before it. On the following day, an informal joint meeting of Australian, Canadian and French representatives took place in which a joint resolution was prepared for presentation to the Committee on October 27.<sup>2</sup> This joint resolution corresponded closely to the original Canadian proposal, except that the reference to “civil strife” was omitted.

At the meeting of the Committee on October 27, the representative of Poland introduced an amendment to paragraph 1 of the Soviet proposal. The amended paragraph contained no reference to the actions of particular states and was accepted by the U.S.S.R. However, the U.S.S.R. proposal, as amended by the representative of Poland, was rejected by a majority vote of the Committee.

The Committee then proceeded to consider the draft joint resolution submitted by Australia, Canada and France. With the addition of minor amendments, the resolution was adopted unani-

<sup>1</sup>The full text of the statement of the Canadian representative is given in Appendix I, M, pp. 200 to 206.

<sup>2</sup>The full text of this resolution is printed in Appendix I, N, p. 206.

mously by the Committee.<sup>1</sup> In the plenary session of the General Assembly on November 3 the resolution was again adopted with unanimity and virtually without debate. This was the only occasion during the Second Session of the General Assembly on which unanimity was achieved on a controversial issue.

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<sup>1</sup>The final text of the resolution on War Propaganda is given in Appendix I, O, p. 207.

## 6. ESTABLISHMENT OF AN INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

In his opening address before the Second Session of the General Assembly, the United States Secretary of State indicated that the United States delegation would introduce a resolution proposing the creation of a Standing Committee of the General Assembly, consisting of all the Members of the United Nations, for the purpose of dealing with situations and disputes under Articles 11 and 14 of the Charter.<sup>1</sup> With similar ideas in mind, the Chairman of the Canadian delegation, in his opening address on September 18, stated that the Canadian delegation saw no reason why the functions of the Assembly should not be put to greater use for the solution of problems of peace and security which were not being dealt with elsewhere. He said:

“Our delegation also supports the United States proposal designed to extend the usefulness of the Assembly. We think that its acceptance would infuse new life and vigour into the whole organization.”

The principle of the United States proposal was not new since somewhat similar suggestions had been made as early as 1945, in particular by the Netherlands delegation, during the meetings of the Preparatory Commission in London. In these early and formative stages of the United Nations, however, no action was taken to create any interim body.

Two years experience clearly had demonstrated that the organ of the United Nations which is primarily concerned with preserving the peace of the world, the Security Council, frequently had been unable to act even in matters of seemingly minor importance, because of the use of the veto power. It had also become evident that the agenda of each succeeding session of the General Assembly had increased to the extent that the period allotted to ordinary sessions was not sufficient to permit adequate study of every item. In consequence, many delegations came to the 1947 session

<sup>1</sup>The texts of Articles 11, 12, and 14 of the United Nations Charter are given in Appendix I, P, pp. 207 and 208.

of the Assembly, prepared to discuss the possible establishment of a body for the purposes suggested by Mr. Marshall in his opening address.

Opening the debate on this item in the First Committee, the United States representative introduced the original United States proposal<sup>1</sup> which outlined the suggested functions for the Interim Committee. These functions were:

- (a) to consider as it may determine, such situations as may come to its attention within the purview of Article 14, or such questions as are brought before the General Assembly by the Security Council pursuant to Article 11 (2), and to report thereon, with its recommendations to the General Assembly;
- (b) to consider and to make recommendations to the General Assembly upon general principles of co-operation in the maintenance of international peace and security under Article 11 (1) and to initiate studies and make recommendations for the purpose of promoting international co-operation in the political field under Article 13 (1) (a);
- (c) to consider whether occasion may require the calling of a special session of the General Assembly and, if it deems that such session is required, to so advise the Secretary-General;
- (d) to conduct investigations and appoint commissions of enquiry within the scope of its duties and functions as it may deem useful and necessary;
- (e) to study, report and recommend to the third regular session of the General Assembly on the advisability of establishing a committee of the General Assembly on a permanent basis, to perform the duties and functions of the Interim Committee with any changes considered desirable in the light of its experience;
- (f) to perform such other functions and duties as the General Assembly may assign to it.

The United States representative emphasized that the creation of such a Committee for 1948 would be in the nature of an experiment and that any decision to establish it permanently would have to be taken after the experience of the Interim Committee's operations in this period.

The main discussion in Committee centered around the powers to be allocated to this Committee and the matters which it would be permitted to discuss. Various delegations warned against giving the proposed Committee powers that properly belonged either to the Security Council or to the General Assembly. The United States delegation, however, made it clear that, according to its proposal, the

<sup>1</sup>The text of the United States proposal is given in Appendix I, Q, pp. 208 to 210.

Committee would be a subsidiary organ of the General Assembly and would in no way infringe upon the powers of the Security Council. The U.S.S.R. delegation objected to the proposal on the grounds that it was a violation of the Charter and a deliberate attempt to circumvent the Security Council. Other eastern European States made similar objections, Yugoslavia claiming that this proposal was a disguised attack on the rule of unanimity amongst the permanent members of the Security Council.

Amendments to the United States proposal were put forward by various delegations, including a Canadian amendment<sup>1</sup> which would have added to the functions of the proposed Committee the tasks of considering the extent to which resolutions of the General Assembly had been put into effect and of initiating preliminary consideration of provisional items on the Assembly's agenda. It was decided to establish a sub-committee to consider the various proposals which had been advanced, to discuss the practical application of the United States proposal, and to prepare a resolution for consideration by the Committee. This sub-committee, under the chairmanship of the Canadian representative, consisted of the representatives of Argentina, Australia, Bolivia, Canada, China, Czechoslovakia, France, India, Lebanon, Mexico, the Netherlands, Norway, U.S.S.R., the United Kingdom, and the United States. The representatives of the U.S.S.R. and Czechoslovakia, however, refused to attend.

In the discussions of the sub-committee careful consideration was given to the terms of reference which should be adopted for the proposed Interim Committee. It was eventually decided that the Interim Committee should consider only those items within its competence which had been placed on the provisional agenda of the General Assembly and which the Committee regarded as both important and requiring preliminary study, this decision to be made by a two-thirds majority. It was further decided that the Interim Committee would include within its competence the consideration of disputes as well as of situations under Articles 11 (2), 14 and 35 of

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<sup>1</sup>The text of the Canadian amendment to the United States proposal for an Interim Committee of the Assembly is given in Appendix I, R, p. 210.

the Charter and that the Committee might make a study of the methods to be adopted to give effect to Articles 11 (1) and 13 (1) (a) of the Charter, rather than to study the principles of these Articles.

The sub-committee came to the conclusion that the Interim Committee might recommend the calling of a special session of the General Assembly to deal with matters under discussion by the Committee itself and that the Committee could by a majority of two-thirds arrange for investigations to be made on the condition that any investigation outside of the headquarters of the United Nations should not be conducted without the consent of the State or States in whose territory it was to take place.

Finally it was decided that "the Interim Committee shall not consider any matter of which the Security Council is seized". This, in effect, meant that if an item is removed from the Council's agenda, then the Interim Committee may take up consideration of the item, providing the matter comes within its terms of reference.

The proposal of the sub-committee was finally adopted in the First Committee by 43 votes to 6, with 6 abstentions. The Soviet Union and the other eastern European States voted against the proposal and the Arab States abstained.<sup>1</sup> The Soviet representative then announced that, since the establishment of the Interim Committee was a violation of the Charter, the U.S.S.R. would take no part in its work. Similar statements were made by the representatives of other States which had opposed the resolution.

When final discussion of the establishment of an Interim Committee of the General Assembly took place in plenary session, the U.S.S.R., Poland, Yugoslavia, Byelorussia, the Ukraine, and Czechoslovakia again announced their refusal to take part in the work of the Committee, and reiterated their view that the establishment of an Interim Committee was a breach of the Charter. The resolution was voted upon as a whole and was approved 41 to 6, with 6 abstentions, as in the Committee. Canada voted for the resolution.

<sup>1</sup>The text of the resolution on the Interim Committee approved by the First Committee and adopted by the General Assembly is given in Appendix I, S, pp. 210 to 212.

## The Canadian Attitude

The Canadian representative made known the Canadian attitude to the proposed establishment of an Interim Committee on October 18. He said that the failure of the United Nations to achieve success was largely due to the failure of the Security Council to agree within itself. One way of escape from this dilemma lay in expanding and in strengthening the functions of the General Assembly and it was in this light that he saw the value of the Interim Committee. Further reasons for the establishment of this Committee were the Assembly's crowded agenda and the need for careful study of some of the more complicated items on this agenda. In the Canadian view there was no doubt that the Interim Committee was constitutional. The Committee should not be given wide powers at its inception but should be allowed to take up all matters relating to peace and security which were within the competence of the General Assembly. He concluded by saying:

"Mr. Chairman, we are building in the United Nations a structure for international co-operation which must endure. Our hopes depend upon its success. Its weakness lessens the security of each one of us. If the experiment which we are contemplating will have the effect of making the organization more effective, and that is our only purpose in supporting it, it will repay a thousand-fold the effort which we shall expend upon it. The Canadian delegation will gladly co-operate in making the experiment in the hope that the instrument we are creating may help speedily to remove the circumstances which make it necessary."<sup>1</sup>

<sup>1</sup>The full text of the statement by the Canadian representative is given in Appendix I, T, pp. 212 to 215.



## 7. CONSIDERATION OF THE VETO

In 1946 at the second part of the First Session of the General Assembly, a number of proposals were made with regard to the right of veto possessed by the permanent members of the Security Council. It was, however, the view of the majority that it was premature to call in question the rule of unanimity among the permanent members of the Security Council as set forth in the Charter. The discussions revealed, however, that almost all the Members of the United Nations believed that the Security Council should reform its practices and procedures. In the end a resolution was adopted which requested the permanent members of the Security Council to ensure that the use of their special voting privilege should not impede the effective operation of the Security Council and which recommended to the Security Council the adoption of procedures to ensure the prompt and effective exercise by the Security Council of its functions. During the debate in the First Committee, preceding the adoption of this resolution, the Canadian delegation submitted an eight-point programme containing certain procedural suggestions which it was considered might be adopted by the Security Council.<sup>1</sup>

At the Second Session of the General Assembly, as a result of the continued use of the veto in the Security Council during the preceding months, the Argentine delegation proposed that a general conference of the United Nations be called under Article 109 of the Charter, which deals with the procedure for amendment, to consider the abolition of the veto. A second approach to the problem of the voting procedure of the Security Council was made by the United States delegation. In his opening speech before the General Assembly on September 17, 1947, the United States delegate announced that the United States would waive its right of veto on all subjects in the Security Council, except on those which came under Chapter VII of the Charter concerning action to be taken with respect to threats

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<sup>1</sup>For a full discussion of the proceedings concerning the practices and procedures of the Security Council at the First Session see "United Nations 1946", Conference Series No. 3, Department of External Affairs, pp. 41 to 46.

to the peace, breaches of the peace, and acts of aggression. When the subject was discussed in the First Committee the United States delegation proposed that the whole problem of voting procedure in the Security Council should be referred for detailed study to the Interim Committee.

The debate in the First Committee was directed for the most part to the Argentinian and United States proposals. The United States resolution included provisions for consultation by the Interim Committee with any committee designated by the Security Council to co-operate in a study of the veto, and for a report by the Interim Committee on its study to the Secretary-General by July 15, 1948. The United States proposal also requested the permanent members of the Security Council to consult together in order to secure agreement on the problem.<sup>1</sup> In introducing this proposal the United States representative made it clear that this was not an attempt to alter the Charter but merely an attempt to clarify the issues involved in the voting procedure in the Security Council and to facilitate an objective study of this question at the next session of the General Assembly.

Most delegations were of the view that the Argentine proposal for a general conference to abolish the veto was neither opportune nor practical, since it would not be possible to amend the Charter without the concurring votes of all the permanent members of the Security Council, including that of the U.S.S.R. In consequence, the United States' approach to the problem received general support. The U.S.S.R. and the other eastern European States defended the use of the veto in the Security Council at length. In the course of the debate, the Soviet representative argued that the Soviet Union, in its use of the veto in the Security Council, had defended the rights of smaller states. He categorically refused to take part in any committee discussing this question and would not agree to any proposal either for a conference to amend the Charter or for any limitation of the veto, or even any study of the question.

The United States resolution was adopted in the Committee by a large majority, Canada voting for the proposal. The Arab States, Egypt and Chile abstained from the voting on this resolution, the

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<sup>1</sup>The full text of the United States proposal is given in Appendix I, U. p. 216.

latter claiming that there was little point in having the Interim Committee study the question if the U.S.S.R. would not participate in the discussion.

In the plenary session the United States proposal was adopted 38 to 6, with 11 abstentions. Canada voted for the proposal.

### **The Canadian Attitude**

The Canadian representative, in discussing the problem of the veto in the First Committee, said that the time was ripe for a fuller study of the various problems connected with the voting procedure in the Security Council. The Canadian delegation, he said, had various proposals to make but he was of the opinion that the question could not be dealt with effectively without fuller discussion and consultation with the permanent members of the Security Council than was possible during the remainder of the Second Session. He stated, however, that the removal of this item from the agenda altogether would be both undesirable and unfortunate and supported the United States' proposal that the question should be referred to the Interim Committee.

## 8. RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN

At the second part of its First Session, the General Assembly, after lengthy discussion concerning the relations of Members of the United Nations with Spain, adopted a resolution which embodied three principal recommendations:<sup>1</sup>

- (1) The Franco Government should be "debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies . . .
- (2) If within a reasonable time, there is not established (in Spain) a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation, and regardless of party, may express their will, the Security Council [should] consider the adequate measures to be taken in order to remedy the situation . . .
- (3) All Members of the United Nations [should] immediately recall from Madrid their Ambassadors and Ministers Plenipotentiary accredited there."

In compliance with this resolution, the Secretary-General, on December 20, 1946, sent a circular telegram to Member Governments requesting that he be informed as soon as possible of action taken in accordance with the Assembly resolution relating to the recall from Madrid of Ambassadors and Ministers Plenipotentiary accredited there. Replies were received from the United Kingdom, the Netherlands and El Salvador stating that they had recalled their Ambassadors or Ministers. Nineteen States stated that they had no Ambassadors nor Ministers Plenipotentiary accredited to Spain at the time of the General Assembly resolution. Thirty States, including Canada, informed the Secretary-General that they had had no diplomatic relations with the Franco Government at the

<sup>1</sup>For a full summary of discussions at the Second Part of the First Session of the General Assembly concerning relations with Spain, see *The United Nations 1946*, published by the Department of External Affairs, Conference Series No. 3, 1946, pp. 51 to 58.

time of the General Assembly resolution. One State, Liberia, stated that it had adhered to the General Assembly resolution and had so advised its representative at Madrid. The Dominican Republic replied that proper consideration would be given to the resolution of the General Assembly and that the Secretary-General would be informed in due course of action to be taken and the Argentine simply acknowledged receipt of the communication and did not recall its diplomatic Head of Mission from Madrid.

Since the Franco regime continued in power in Spain and since the General Assembly's request for the recall of Ambassadors and Ministers Plenipotentiary had not been fully implemented, the question of the relation of Members of the United Nations with Spain was brought to the attention of the General Assembly in the Secretary-General's annual report and placed on its agenda.

In the First Committee which considered this item, the U.S.S.R. and the other eastern European States repeated the declaration made in 1946 that the Franco regime was fascist in character and a threat to the peace. These delegations claimed in consequence that action was necessary by the Security Council. To this end, Poland introduced a resolution reaffirming the 1946 resolution and calling upon the Security Council to consider the Spanish question within a month. It also called for the Security Council to take adequate measures under Article 41 of the Charter to remedy the present situation. The Yugoslav delegation added an amendment to this proposal calling for economic sanctions against Spain. Many delegations, however, and particularly Pakistan, denied that the Franco regime constituted a threat to the peace and concluded that the imposition of sanctions would therefore be illegal.

A more moderate resolution was introduced jointly by the delegations of Belgium, Luxembourg and the Netherlands which regretted that the recommendation of the First Session of the Assembly, inviting all United Nations Members to recall their Ambassadors, had not been fulfilled and which expressed the confidence that the Security Council would exercise its responsibility on this question. A further proposal was introduced by various Latin American States which reaffirmed the resolution of the previous Assembly and expressed confidence that the Security Council would

exercise its responsibility accordingly. A sub-committee was eventually established which presented the following resolution to the First Committee:

Whereas the Secretary-General in his annual report has informed the General Assembly of the steps taken by the States Members of the organization in pursuance of its recommendations of December 12, 1946;

*The General Assembly*

Reaffirms its resolution adopted on December 12, 1946, concerning relations of Members of the United Nations with Spain and

Expresses its confidence that the Security Council will exercise its responsibilities under the Charter as soon as it considers that the situation in regard to Spain so requires.

This resolution was adopted in Committee by 29 votes to 6 with 20 abstentions. Canada, joined by the United States, Australia, Pakistan, South America, France and the Netherlands, voted for paragraphs 1 and 3 and against paragraph 2, and abstained on the whole resolution, since paragraph 2 was adopted. However, in the plenary session, although paragraphs 1 and 3 were adopted by heavy majorities, paragraph 2, reaffirming the 1946 resolution, failed to obtain the necessary two-thirds majority. The resolution, thus modified, was adopted by the General Assembly 36 to 5 with 12 abstentions. Canada voted for the amended resolution.

### The Canadian Attitude

The Canadian position was stated in Committee on November 11 when the Canadian representative said that the imposition of sanctions against Spain would be unconstitutional unless it was first determined by the Security Council that Spain presented a threat to the peace under Article 39 of the Charter.<sup>1</sup>

No case had been made to substantiate this allegation and, therefore, the question of Spain could not be considered under Chapter VII of the Charter. The adoption of the Polish proposal, he said, would result only in the United Nations making a futile gesture. He expressed the view further that intervention such as was proposed by Poland would strengthen rather than weaken the

<sup>1</sup>The full text of the statement by the Canadian representative is given in Appendix I, V, pp. 216 and 217.

government of Franco in Spain. Finally, although Canada wished to reaffirm its dislike of the present regime in Spain, the delegation considered that it was unwise to restate the provisions of last year's resolution, especially with regard to those provisions which excluded Spain from membership in the specialized agencies. This section of the resolution was deleted in plenary meeting and the Canadian delegation supported the proposal as finally adopted.

## 9. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

During 1947 the Security Council was charged with the re-examination of applications for admission to the United Nations submitted by Albania, Eire, the Mongolian Peoples' Republic, Transjordan and Portugal, all of which were referred to the Security Council by the General Assembly in a resolution of November 19, 1946. In addition to these applications, which had been previously submitted, the Security Council had before it during 1947 new applications from the following states: <sup>1</sup>

Hungary, Italy, Austria, Roumania, Yemen, Bulgaria and the Dominion of Pakistan.

The five previously rejected applications, together with those from Yemen and Pakistan, were considered by the Security Council on August 18, 1947. The other five applications were considered on August 21. The results of the voting in the Security Council were as follows:

- (1) Yemen and Pakistan were unanimously recommended for membership in the United Nations by the Council.
- (2) The voting for Albania was 3 in favour (Poland, Syria, and the U.S.S.R.); 4 against (Australia, Belgium, the United Kingdom and the United States); and 4 abstentions (China, Colombia, Brazil and France). The application was accordingly rejected as not having received the required 7 affirmative votes.
- (3) Mongolian Peoples' Republic: 3 votes in favour (Poland, Syria and the U.S.S.R.); 3 against (China, the United Kingdom and the United States); and 5 abstentions. The application was therefore rejected.
- (4) Transjordan: 9 votes in favour; 1 against (the Soviet Union) and 1 abstention (Poland). The application was accordingly rejected because of the negative vote of a permanent member of the Security Council (the U.S.S.R.).
- (5) The vote for Eire was the same as for Transjordan. Application rejected.
- (6) The vote for Portugal was the same as for Transjordan, except that Poland voted against instead of abstaining. Application rejected.

<sup>1</sup> The background of discussion on the admission of new members to the United Nations is given in *The United Nations 1946*, Conference Series No. 3, 1946, Department of External Affairs, pp. 46 to 50.



- (7) Austria: 8 votes in favour; 1 against (the Soviet Union); 2 abstentions (France and Poland). Application rejected due to the veto of the Soviet Union.
- (8) Hungary: 1 in favour (Syria); 1 against (the United States); 9 abstentions. Application rejected.
- (9) Italy: 9 in favour; 1 against (the Soviet Union); 1 abstention (Poland). Application rejected by the Soviet veto.
- (10) Bulgaria: 1 in favour (Syria); 1 against (the United States); 9 abstentions. Application rejected.
- (11) Roumania: 1 in favour (Syria); 10 abstentions. Application rejected.

The Security Council thus rejected ten of these twelve applications, approving only Yemen and Pakistan.

At a meeting of the Security Council on September 25, consideration was given to letters from representatives of the United States and Poland. The United States letter requested the reconsideration of the application of Italy for membership. The Polish letter requested that the applications of Hungary, Roumania and Finland (whose request for admission had been received on September 19, 1947) be placed on the agenda, in view of the fact that the peace treaties with these countries had now been ratified. Mr. Herschel Johnson, supported by the United Kingdom, Belgium, France, Brazil and Australia, suggested that since the peace treaty with Italy had entered into force and since Italy was fully sovereign and a peaceful member of the family of nations, there was no valid reason for a further postponement of Italy's admission to the United Nations. Mr. Gromyko, in reply, stated that the U.S.S.R. was ready to agree to the admission of Italy to the United Nations, but only on condition that all the other countries in the same position, i.e. Bulgaria, Hungary, Roumania and Finland, were also admitted. He claimed that all these applications should be considered together and that by considering the case of Italy separately the United Kingdom and the United States were deviating from the Potsdam Agreement. This proposal was rejected by the majority of the Security Council, and no decision was taken in regard to the admission of any applicants except Yemen and Pakistan.

On September 30 the General Assembly adopted the report of the First Committee on the admission of Yemen and Pakistan. Yemen was admitted with unanimous approval, the admission of

Pakistan being approved by a vote of 53 to 1. Afghanistan voted in the negative as the result of a territorial grievance held against Pakistan. Canada voted for the admission of each Member.

Several resolutions concerning the admission of new members were placed on the agenda of the General Assembly and considered in the First Committee. The main issues in the debate in Committee centred around the use of the veto by the U.S.S.R. to prevent the admission of new members and on the practice adopted by the Soviet representative in the Security Council of attaching conditions to the Soviet vote on new members. Individual applications were also discussed on their merits. The United States and the United Kingdom argued that it was unwarranted to reject the application of any one State, such as Eire, because this State had not entered into diplomatic relations with the Soviet Union. Objection was also voiced to the condition attached to the Soviet vote for the application of Italy, namely the simultaneous admission of Bulgaria, Hungary, Roumania and Finland. On this latter point the Belgian delegation introduced a resolution which proposed that the following questions be referred to the International Court of Justice for an advisory opinion:

- (a) Whether a Member should make its vote upon the application of a new member subject to extraneous conditions, e.g. lack of diplomatic relations with the Soviet Union, rather than upon the conditions outlined in paragraph 1 of Article IV of the Charter, and
- (b) Whether a state might attach a further condition to its favourable vote, that the admission of an applicant should depend upon the admission of other applicant states.

Swedish and Argentine resolutions were also introduced. Argentina, together with Brazil and Chile, wished the General Assembly to admit Eire, Transjordan, Portugal, Italy and Finland because the applications of these States had received seven votes in the Security Council and also because they were peace-loving states. The proposal was clearly unconstitutional since under Article IV of the Charter the Security Council has to recommend applications for membership to the General Assembly before the latter may admit new members, and in these cases no such recommendation had been

made. Sweden, on the other hand, proposed adoption of the principle of universality, claiming that all states should be admitted to the United Nations.

In an attempt to resolve the obstruction to the admission of new members arising from the use of the veto in the Security Council, the Canadian representative proposed that the five permanent members of the Security Council should waive their right of the veto in the case of applications for membership. Four permanent members, the United Kingdom, the United States, France and China, accepted this suggestion and indicated their willingness to forego their right of veto on all applications in the future. The Soviet representative misinterpreted this suggestion as an invitation for Big Five consultations on the subject, to which he agreed. However, he later refused to give up the right to exercise a veto on applications for membership.

After extensive discussion the Committee finally rejected the Swedish resolution, the earlier Argentine resolutions having been withdrawn. Instead, the Committee adopted eight resolutions, one each sponsored by Belgium, Poland and the United States, and five resolutions sponsored jointly by Australia, the Argentine, Brazil and Chile.

These were:

- (a) An amended Polish resolution recommending the permanent members of the Security Council to consult together with a view to reaching agreement on the subject of membership and submit their conclusions to the Security Council.
- (b) The Belgian resolution referring to the International Court of Justice requesting the advisory opinion as to whether members of the Security Council might attach conditions, other than those contained in Article IV (1) of the Charter to their affirmative vote for any application for membership.
- (c) Three joint Argentine, Australian, Brazilian and Chilean resolutions stating that Eire, Portugal and Finland are peace-loving states and able and willing to carry out the obligations of the Charter and should, therefore, be admitted to membership in the United Nations. These resolutions further request the Security Council to reconsider the applications of these three countries in the light of this determination of the Assembly.
- (d) Two joint resolutions which present the same case with regard to the applications of Transjordan and Italy and which contain the added request that the Security Council reconsider their applications "before the end of the present session of the General Assembly".

- (e) A United States resolution which states that Austria is peace-loving within the meaning of Article IV of the Charter and which consequently requests the Security Council to reconsider the application of Austria in the light of this expression of opinion of the Assembly.

India voted against these resolutions since it considered that their acceptance by the General Assembly would prejudice the reconsideration of these questions in the Security Council. India, however, stated that these negative votes were not to be considered as votes against the applicants themselves. It should be added that the Argentine resolution requesting deferment of the consideration of the applications of Albania, Bulgaria, Hungary, Roumania and Mongolia was withdrawn, and as a result no action was taken to request Security Council reconsideration of these applications.

The eight resolutions were presented to the plenary session and were adopted by large majorities. Canada voted for all the resolutions. When the resolutions had been adopted by the General Assembly, Australia withdrew its resolution on the protection of the rights of the General Assembly in relation to the admission of new members, on the grounds that the Assembly had exercised its powers and protected its rights in approving the eight resolutions which had been submitted by the First Committee.

### The Canadian Attitude

The Canadian representative said in Committee that the Canadian attitude in regard to the admission of new members was based on Article IV of the Charter and that all applications for membership in the United Nations should be judged upon their merits, in the light of the conditions to be fulfilled under Article IV. He suggested that there was little point in the General Assembly requesting the Security Council to reconsider its views when disagreement in the Security Council was almost a foregone conclusion. The Canadian position was that consideration of single applications in the General Assembly, as was proposed by Australia and some other delegations, could only be justified if the permanent members of the Security Council would agree to waive their right of the veto on such applications. He concluded by saying:<sup>1</sup>

<sup>1</sup> The full text of the statement of the Canadian representative is given in Appendix I, W, pp. 217 to 219.

"If the permanent members of the Security Council were to give such an assurance, the Canadian delegation would be happy to state its position with regard to each applicant mentioned in the resolutions before it and to participate in a vote in order to record a decision of the Assembly recommending the Security Council to consider the particular cases in question. In the absence of such an assurance, the Canadian delegation considers that it would be futile to go through the process once again expressing opinions on the eligibility of various applicants and unless the discussion brings out more points which we have missed in our consideration of the matter, we would be disposed to abstain from voting."

When it became clear that, in spite of the refusal of the Soviet Union to waive its veto right on this subject, the Committee would vote on some resolutions requesting the Security Council to reconsider six of the applications, the Canadian representative made a further statement on November 10, in order to explain the Canadian vote on the resolutions before the Committee. In doing this he said:

"In the absence of an assurance from all five of the permanent members that they will not exercise their right of veto we still retain our doubts as to the usefulness of requesting the Security Council to reconsider individual applications. But we feel that an abstention on our part might be interpreted as meaning that our delegation is not in favour of the admission of the members concerned. Our delegation is most definitely in favour of a favourable consideration of the applications covered by the Australian resolutions, viz., Eire, Finland, Italy, Portugal and Transjordan. In particular, we would draw attention to what we regard as the completely unjustifiable grounds which have been advanced for the rejection of the application of Eire. On the other applications that have been rejected by the Council, we shall have an opportunity to make our position clear on these applications in the Security Council. We shall also be glad to support the resolution of the representative of Belgium."<sup>1</sup>

*The Assembly also considered rules of procedure for the admission of new members.*—Article 4 of the United Nations Charter contains the provisions governing the admission of new members. It reads as follows:

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

<sup>1</sup> The full text of the statement by the Canadian representative is given in Appendix I, X, pp. 219 and 220.

Under other articles of the Charter it is provided that the recommendation by the Security Council requires an affirmative vote of seven members, including the concurring votes of all five permanent members. A decision by the Assembly in favour of the admission of a new member requires a two-thirds majority of the members present and voting.

On November 19, 1946, the General Assembly requested the Security Council to appoint a committee to confer with the Committee on Procedure of the General Assembly with a view to "preparing rules governing the admission of new members which will be acceptable both to the General Assembly and to the Security Council". Joint meetings of the Security Council and General Assembly Committees on Procedure for the Admission of New Members were held in June, 1947, in order to draft proposals relating to rules of procedure. The Committees agreed that the General Assembly was not entitled, under Article 4 (2) of the Charter, to admit a new member except upon an affirmative recommendation of the Security Council. It was also agreed by a majority of the Members of the Committee that:

- (a) The Committee could not suggest any procedural rules which would have the effect of defining or limiting powers of jurisdiction of the Security Council in relation to the admission of new members, and
- (b) The Security Council was entitled to consider each application before the Assembly did.

The Joint Committee adopted unanimously the amendments proposed to the rules of procedure, with the exception of the Soviet delegate who reserved his position. Under these new rules an application from a state desiring to become a member must contain a formal declaration that it accepts the obligations in the Charter. Membership will become effective on the date on which the Assembly approves the application.

The new rules of procedure as recommended by the Committee of the General Assembly on Procedure for Admission of New Members were adopted by the First Committee at the Second Session of the General Assembly virtually without objection, Canada voting for each new rule. The Soviet Union and the other Slav States also accepted the proposals. The rules of procedure for the admission of new members were adopted without discussion by the General Assembly.<sup>1</sup>

<sup>1</sup> The full text of the new provisional rules of procedure on the Admission of New Members is given in Appendix I, Y, p. 220.

## 10. ELECTIONS TO THE SECURITY COUNCIL

In accordance with Article 23 (2) of the Charter, the General Assembly elected three non-permanent members of the Security Council to replace the non-permanent members, Australia, Brazil and Poland, which retired on December 31, 1947. Retiring members of the Security Council are not eligible for immediate re-election. Elections are by secret ballot and a two-thirds majority vote is required for election. Non-permanent members so elected hold office for two years.

The elections for the Security Council at this session of the General Assembly were of particular interest to Canada in view of the fact that the Canadian Government had made known its willingness to accept membership. The Secretary of State for External Affairs, in indicating the attitude of the Canadian Government in this regard, in an address before the Ottawa Branch of the United Nations Association in Canada on September 12, 1947, said:

"This decision in respect of the Security Council has been made only after the most careful consideration. We realize, in the first place, that if we are elected the people of Canada will be confronted with new and onerous responsibilities. We realize also that we shall have the weaknesses and difficulties from which the United Nations suffers brought home to us in an urgent and direct manner that will test to the utmost our confidence in that organization."

At the 92nd plenary meeting of the General Assembly held on September 30, voting commenced for election of the three new members. On the first ballot Canada and Argentina obtained 41 of a possible 57 votes and were duly elected. The two-thirds majority required was 38 votes. The results of the vote on the first ballot were as follows: Argentina, 41 votes; Canada, 41 votes; Ukrainian S.S.R., 33 votes; India, 29 votes; Czechoslovakia, 8 votes; Uruguay, 8 votes; Chile, 2 votes; with Ethiopia, Greece, Guatemala, and the Philippines each receiving 1 vote. As no other candidate received the necessary two-thirds majority vote on the first ballot, a further ballot was necessary.

Rule 84 of the Provisional Rules of procedure for the General Assembly, provides that votes on the second and subsequent ballots can be cast only for the countries which were the leading unsuccessful candidates on the preceding ballot. The number of candidates which remain on the second and subsequent ballots is restricted to twice the number of places remaining to be filled. Consequently further balloting on this occasion was restricted to the Ukrainian S.S.R. and India. On the second ballot the Ukrainian S.S.R. obtained 29 votes, and India obtained 24 votes. The two-thirds majority vote on this ballot was 36. Neither candidate obtained the required majority, and further balloting was therefore necessary.

In nine subsequent ballots, held during sessions on September 30, October 1 and October 20, the Assembly failed to elect a third member. The result of the voting on the subsequent ballots was as follows:

	September 30					October 1		October 20	
	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Ukrainian S.S.R. ...	29	30	33	34	33	31	32	29	30
India .....	25	25	23	22	23	23	24	24	25
<i>Two-thirds majority required</i> .....	38	37	38	38	38	36	38	35	37

On November 13, 1947, the Indian delegate announced the withdrawal of India from the election and on the ballot which followed the Ukrainian SSR received 35 of the 52 valid votes cast, and was therefore declared elected. Two members voted for India and 15 abstained.

The Indian delegate, speaking after the voting on November 13, said that India's candidature for the Security Council had been based solely on its desire to have this important organ of the United Nations, on which special responsibilities are laid, fully representative of all the important regions of the world.

The Secretary of State for External Affairs for Canada, in commenting on the occasion of the election of Canada to the Security Council expressed the view that:

"Canada's election to the Security Council of the United Nations confronts the Government and people of Canada with new and grave responsibilities. During the years 1948 and 1949 the Government will be faced, as never before, with the necessity of making decisions on the major questions affecting the peace and security of the world."



The membership of the Security Council for 1948 will be:

Permanent Members—China, France, U.S.S.R., the United Kingdom, and the United States.

Non-permanent Members—Belgium, Colombia, and Syria (retiring at the end of 1948); Argentina, Canada and the Ukrainian S.S.R. (retiring at the end of 1949).

## ECONOMIC AND SOCIAL QUESTIONS

At the second Session of the General Assembly of the United Nations the report of the Economic and Social Council was presented for consideration in the Second Committee (Economic and Social) of the Assembly. A number of resolutions were adopted in these two Committees, arising from that report, and also other matters in the economic and social field referred to them by the General Assembly. A Joint Second and Third Committee was formed to consider questions in which both economic and social problems were involved. The substance of these resolutions and decisions leading up to their adoption are set out in this volume.

## Economic and Social Questions

The membership of the Society Council for 1948 will be:  
 President: Mrs. J. W. ... U.S.A. ...  
 and the United States  
 Vice-President: ...  
 Secretary: ...  
 Treasurer: ...  
 Executive Committee: ...

Economic and Social Questions

## ECONOMIC AND SOCIAL QUESTIONS

At the Second Session of the General Assembly of the United Nations the report of the Economic and Social Council was referred for consideration to the Second Committee (Economic) and to the Third Committee (Social) of the Assembly. A number of resolutions were adopted in these two Committees, arising from this report and from other matters in the economic and social field referred to them by the General Assembly. A Joint Second and Third Committee was formed to consider questions in which both economic and social problems were involved. The substance of these resolutions and the discussions leading up to their adoption are outlined below under the appropriate headings.<sup>1</sup>

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<sup>1</sup>The text of two Canadian statements of a general nature concerning the work of the Economic and Social Council which were presented in the Second and Third Committees are given in Appendix II, A and B, pp. 221 to 228.

## 11. SURVEYS OF WORLD ECONOMIC CONDITIONS

In the Second Committee the Australian representative submitted a resolution concerning the desirability of surveys on world economic conditions. The Australian resolution requested the Assembly to direct the Economic and Social Council to consider world economic conditions and trends at each session and to propose that the Secretary-General should provide the Council with the necessary economic surveys and analyses.

In a resolution submitted by Poland which called upon Members to carry out recommendations of the Assembly and which dealt with economic and social matters, there was also a proposal that periodic economic surveys be prepared by the Council in co-operation with the Secretary-General, specialized agencies and non-governmental organizations. The Committee decided to consider this portion of the Polish resolution in conjunction with the Australian proposal and after preliminary debate by the Committee a joint Australian and Polish resolution was submitted. This resolution provided that the Economic and Social Council should prepare annually a survey of world economic conditions and that the survey should include an analysis of the major dislocations of needs and supplies in world economy. It also provided that the Council should recommend measures to be taken by the General Assembly Member States through the appropriate specialized agencies. This resolution was approved by the Committee and adopted unanimously by the General Assembly, October 31, 1947.<sup>1</sup>

In considering the necessity for surveys on world economic conditions and trends, the Canadian delegation held that the initiative for such surveys should normally rest with the Economic and Social Council which was the appropriate United Nations organ to deal with such matters. It was considered, however, that if the General Assembly saw fit to direct the Council on this question, instructions given by the Assembly to the Council should be precise and specific and indicate exactly what information the Council was to provide.

<sup>1</sup>The text of this resolution is given in Appendix II, C, p. 228.

## 12. IMPLEMENTATION OF RECOMMENDATIONS ON ECONOMIC AND SOCIAL MATTERS

In a resolution presented by the Polish delegation it was proposed that the General Assembly should call upon Member States to implement all recommendations of the General Assembly on economic and social matters and make use of the machinery of the United Nations in settling international economic problems. It was also proposed that Member States should be advised not to establish for these purposes machinery outside of the United Nations. The debate on this resolution gave rise to a vigorous discussion in the Second Committee, in particular concerning the work of the Committee on European Economic Co-operation which had been set up as a result of the Marshall offer of economic assistance in Europe.

The representatives of Poland, Yugoslavia and Byelorussia claimed that this Committee was deciding major matters of economic policy outside of the United Nations and that undue importance was being given to the reconstruction of Germany. It was contended that the existence of this Committee was dividing Europe and aggravating political differences between nations. The Soviet representative contended that the European Recovery Programme was a weapon of "imperialistic" United States policy designed to undermine the independence of democratic countries in Europe. This was categorically denied by the United States representative, who in turn was supported by representatives of those countries which took part in the Paris Conference on European Economic Co-operation.

The Canadian representative expressed the view that the work of the European Economic Committee appeared to be constructive and that international economic action need not be carried out entirely through United Nations machinery. He reserved the Canadian position on the Polish resolution as a whole. Eventually, the United States amendment deleted from the resolution reference

to the use of United Nations machinery in settling international economic problems; it was adopted, and the provision that Member States should not establish machinery outside the United Nations to settle economic problems was also rejected. The resolution as amended was then approved by 36 votes to 2, with 8 abstentions, and in plenary session of the General Assembly on October 31 the resolution was adopted unanimously. As approved by the General Assembly the resolution calls upon Member States to carry out all recommendations of the General Assembly on economic and social matters and provides that the Secretary-General should report annually to the Economic and Social Council on steps taken by Member Governments to give effect to recommendations of the Council and of the General Assembly on matters falling within the Council's competence.<sup>1</sup>

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<sup>1</sup>The text of this resolution is given in Appendix II, D, p. 229.

### 13. REGIONAL ECONOMIC COMMISSIONS

At the fourth session of the Economic and Social Council in February, 1947, it was decided to establish Regional Economic Commissions for Europe and for Asia and the Far East to ensure co-operation on problems of reconstruction and economic development in those areas. At the first session of the Economic and Social Council in July, 1947, an *ad hoc* Committee was set up to consider the establishment of a similar Economic Commission for Latin America. Arising from the report of the Economic and Social Council, this question was considered at the Second Session of the General Assembly in the Second Committee. The representative of Chile, the state which was the original advocate of the establishment of the Commission, informed the Committee that, pending receipt of the report of the *ad hoc* Committee, the matter would not be pressed.

In the Second Committee, an Egyptian resolution was introduced inviting the Economic and Social Council to study the establishment of an Economic Commission for the Middle East. In this resolution reference was made to the need for close co-operation between the United Nations and the Arab League. In its original form, the resolution was not acceptable to the Committee and numerous amendments were proposed. The Canadian delegation suggested that all reference in the resolution to collaboration between the United Nations and the Arab League should be deleted since it would be inappropriate to emphasize the position of this organization. The Egyptian delegation, in an effort to meet the various amendments, submitted a second resolution which was eventually adopted by the Committee.

This resolution provides for study by the Economic and Social Council of factors bearing on the establishment of an Economic Commission for the Middle East and notes the instructions already given to the Economic and Employment Commission of the Council to study the general problems connected with the establishment of



Regional Commissions as a means of promoting the aims of the United Nations. The resolution as adopted mentions the decision of the Economic and Social Council to set up an *ad hoc* Committee to study the question of an Economic Commission for Latin America and records the favourable reception given to this proposal by the Second Committee. The U.S.S.R., Byelorussia and the Ukraine objected to the inclusion of this latter notice on the ground that the mention of the Economic Commission for Latin America in a resolution concerning a commission for the Near East was contrary to the rules of procedure and was intended to imply approval for the establishment of an Economic Commission for Latin America. For this reason these three countries refused to participate in the voting on the resolution. In plenary session of the General Assembly, however, this resolution<sup>1</sup> was adopted by a vote of 45 in favour with 4 abstentions. Canada voted for the proposal.

During the discussion of the question of Regional Commissions, the Soviet representative introduced a resolution that the Assembly should recommend that the Economic and Social Council supplement the original membership of the Economic Commission for Asia and the Far East by including all countries in this geographical area which were Members of the United Nations but did not participate in existing Regional Commissions. This resolution did not receive the support of the states which would have been affected. The Soviet resolution also proposed that the Economic and Social Council should revise the procedure for communication between the Economic Commission for Asia and the Far East and the non-self-governing territories in that area. The purpose of this latter provision was to allow direct communication between the Commission and a non-self-governing territory irrespective of the wishes of the metropolitan power concerned.

The metropolitan powers (the United Kingdom, the Netherlands and France) took exception to the means proposed by the U.S.S.R. for direct communication between the Commission and non-self-governing territories. It was pointed out that in international law the metropolitan government was responsible for non-self-govern-

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<sup>1</sup>The text of the resolution as adopted is given in Appendix II, D, p. 229.

ing territories within its jurisdiction and that communication would therefore have to be directed to the metropolitan power. All these States, however, gave assurance that all applications to the Commission from non-self-governing territories would be forwarded as received. It seemed clear to the majority of members of the Committee that the Soviet proposals had been introduced for the purpose of embarrassing the States controlling territories in the Far East. In the voting, both parts of the Soviet proposal were defeated.

#### 14. APPLICATIONS BY ITALY AND AUSTRIA FOR MEMBERSHIP IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Prior to the opening of the Second Session of the General Assembly, applications had been received from Italy and Austria for admission to the International Civil Aviation Organization. In accordance with the agreement between the United Nations and this organization, these applications were forwarded to the Secretary-General of the United Nations for consideration. This matter was discussed in the Second Committee and again in plenary session of the General Assembly and the application from the Government of Italy was unanimously approved. As for Austria, however, the Soviet representative argued that admission would be inappropriate since it possessed no civil aviation and control was exercised in Austria by the Allied authorities.

The representatives of the United Kingdom and the United States, the other occupying powers in Austria, supported the Austrian application since the interests of air safety required that international conventions should be applied wherever possible. In the final vote the admission of Austria to the International Civil Aviation Organization was approved with 39 in favour, 5 opposed and 2 abstentions. Canada voted with the majority.

## 15. RELIEF NEEDS AFTER THE TERMINATION OF UNRRA

At the first part of the First Session of the General Assembly in 1946, a long discussion took place concerning the relief needs after the termination of UNRRA.<sup>1</sup> The existence of a continuing problem of international relief was accepted generally. After prolonged consideration, the Assembly in its resolution of December 11, 1946, called upon all Members of the United Nations to assist in meeting the need by developing their individual relief programmes with the greatest possible speed. In this resolution, which was adopted unanimously, it was recognized:

- (a) that certain countries would need financial assistance in 1947 to provide imports of food;
- (b) that such needs for assistance might not in all cases be entirely met by international agencies or by other public and private agencies available for this purpose;
- (c) that in some countries in which assistance was not provided there would be hunger, privation and suffering during the spring and summer of 1947;
- (d) that there was an urgent necessity for meeting this need and that Members of the United Nations had expressed willingness to do their part in attaining this end.

The resolution moreover explicitly reaffirmed the principle that "at no time should relief supplies be used as a political weapon and that no discrimination be used in the distribution of relief supplies because of race, creed or political belief".

In accordance with the provisions of this resolution the Secretary-General in the early part of 1947 convened a Special Technical Committee of Experts to study the minimum import requirements of the countries needing aid. The Committee reported relief needs as follows:

	(Millions of U.S. dollars)
Austria .....	\$143.5
Greece .....	84.3
Hungary .....	40.2
Italy .....	106.9
Poland .....	139.9
Yugoslavia .....	68.2

<sup>1</sup>See *The United Nations 1946*, Department of External Affairs, Conference Series 1946, No. 3, p. 83.

The findings of this Committee were transmitted by the Secretary-General during the last week of January, 1947, to all Members of the United Nations.

The Secretary-General on May 24, 1947, addressed a formal communication to all Members of the United Nations requesting information concerning their plans for meeting relief needs in 1947. From the information received up to July 15, 1947, it was evident that plans adequate to meet approximately one-half of total financial assistance needed for the minimum imports required to supply the basic essentials of life were receiving consideration by Member Governments.

At the fifth session of the Economic and Social Council held July and August, 1947, action was taken to place the question of relief needs again on the agenda of the General Assembly at its Second Session. When the Assembly met, the subject was referred to the Second Committee where the Soviet, Yugoslav and Byelorussian representatives attacked the United States post-UNNRA relief policy on the grounds that relief had been granted for political reasons rather than on the basis of need. The representatives of these Slav States were particularly bitter on this point since Poland, Hungary and Yugoslavia had not received United States aid.

Yugoslavia introduced a resolution reaffirming the principles of the previous General Assembly resolution on post-UNRRRA relief, expressing regret that the 1946 resolution had not been implemented in the way indicated and calling upon all Member States to adhere in future to the principles of this resolution. In reply to the contentions of the Slav representatives, the United States and other countries which had granted post-UNRRRA relief gave details of the aid granted by them during the period prior to the Second Session of the Assembly. It became apparent, after long and bitter debate, that general support would not be forthcoming for the Yugoslav resolution and it was rejected when put to the vote by 24 to 26 with 12 abstentions. Canada voted against the resolution. The General Assembly in plenary session on November 15, 1947, took note of the report of the Second Committee on relief needs after the termination of UNRRRA. Since the report made no recommendation to the Assembly, there was no resolution to be voted upon.

## 16. AGREEMENTS WITH SPECIALIZED AGENCIES

Under Articles 63 and 64 of the Charter of the United Nations, the Economic and Social Council is charged with the co-ordination of the work of the specialized agencies in their various fields of international activity. To this end, provision is made for the conclusion of agreements between each of the specialized agencies and the United Nations. At the second part of the First Session of the General Assembly in 1946 agreements of this nature were approved with the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization and the International Civil Aviation Organization.<sup>1</sup>

At the Second Session of the General Assembly five draft agreements with specialized agencies were submitted for consideration. These agreements had been approved by the Economic and Social Council at its fifth session in July and August, 1947. They had been negotiated with the World Health Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, the International Telecommunications Union and the Universal Postal Union. The draft agreement with the World Health Organization followed closely agreements already entered into with other specialized agencies. In negotiating agreements with the Universal Postal Union and the International Telecommunications Union, however, the Economic and Social Council recognized that in structure these two organizations are not entirely comparable to other specialized agencies. As a result agreements with these two organizations omit certain provisions common to the other agreements which had been previously negotiated. In general these are less detailed and provide for a relationship with the United Nations which is more loosely defined. These differences were adopted partly because the International Telecommunications Union

<sup>1</sup>See *The United Nations 1946*, Department of External Affairs, Conference Series No. 3, 1946, p. 100.

and the Universal Postal Union have been functioning effectively for many years and did not consider it necessary to accept a close relationship with the United Nations.

In recommending that the General Assembly approve the agreements with these two organizations, the Economic and Social Council observed that the policies and activities of the specialized agencies and the organizations of the United Nations should be co-ordinated. The special circumstances making impossible an agreement in closer conformity with other agreements with specialized agencies were noted but these agreements were not to be regarded as precedents. The arrangements with the Universal Postal Union and with the International Telecommunications Union were approved unanimously by the General Assembly as was the agreement with the World Health Organization.

In the Joint Second and Third Committees, the draft agreements with the International Bank for Reconstruction and Development and with the International Monetary Fund gave rise to protracted debate. These agreements had been negotiated during the fifth session of the Economic and Social Council by its Committee on Negotiations with Specialized Agencies and had received the Council's approval. They were drawn up in a form which differed considerably from that of previous agreements, in view of the responsibility placed upon the Bank and Fund, the confidential character of their operations and of the fact that they are financed from a general operating fund and not from annual contributions by United Nations Members. In the agreement with the Bank, the United Nations recognized that action to be taken by the Bank on any loan is a matter for the independent exercise of the Bank's own judgment and that it would therefore be inappropriate for the United Nations to make recommendations to the Bank concerning specific loans. It is provided, however, that recommendations relevant to technical aspects of the Bank's projects might be made. The agreements negotiated did not give to the United Nations the same powers of co-ordination and recommendation as did other agreements with specialized agencies. Lengthy discussion took place on the articles dealing with recommendations by the United Nations on reciprocal representation and budgetary con-

trol. The view of the Soviet Union and of the other Slav States was that the agreements violated the provisions of the Charter of the United Nations dealing with specialized agencies. The representatives of the United Kingdom and the United States and the majority of the members of the Committee took the view that the agreements did not violate the Charter since the proposed limitations on United Nations powers with respect to the Bank and the Fund were discretionary under the Charter. Furthermore, special budget terms were appropriate, because of the unique operating and financial status of the Bank and the Fund. Yugoslav and Soviet proposals which would have reopened discussion of these agreements were rejected by the Committee and the arrangements were eventually approved by a vote of 39 in favour with 4 against and 2 abstentions. Canada voted with the majority. The Canadian position was that the agreements, while not ideal were the best which could be obtained in the circumstances. In plenary session of the General Assembly the agreements were approved with the Soviet Union abstaining.



## 17. INCREASE IN THE MEMBERSHIP OF THE ECONOMIC AND SOCIAL COUNCIL

The Argentine proposal to increase the membership of the Economic and Social Council from 18 to 24 was referred by the General Assembly to the Joint Second and Third Committee for consideration. The Argentine representative in supporting this proposal argued that the increase in membership was made necessary by the increasing scope and complexity of the work of the Council and by the increased membership of the United Nations. Discussion indicated that the majority of delegations thought this move inappropriate since it involved an amendment to the Charter. The present membership of the Economic and Social Council was considered adequate for the effective discharge of its responsibilities. As a consequence of these views the Argentinian representative withdrew the proposal on the understanding that Argentina reserved the right to reintroduce the proposal at a future meeting of the General Assembly. During the course of the debate in the Second and Third Committee on the Argentine proposal, the Indian representative attempted to introduce a further resolution for "a more equitable geographic distribution of the membership of the Council". It was suggested that this resolution could not properly be discussed since it had not been referred to the Committee by the General Assembly. The Chairman concurred in this view and ruled that this was a new item and could not be considered.

In the plenary session of the General Assembly on November 15, the Argentinian representative stated that the resolution would again be presented at the Third Session of the Assembly.

## 18. SOCIAL WELFARE SERVICES

By a resolution of December 14, 1936, the General Assembly authorized the Secretary-General, in consultation with the Economic and Social Council, to make provision for the continuance of the advisory social welfare functions of UNRRA wherever the need was particularly urgent. Accordingly, the Secretary-General was authorized to include in the budget of the United Nations for 1947 the necessary funds to make social welfare experts available to governments requesting their services, to grant fellowships to welfare officials, to provide advice in the manufacture of prosthetic appliances and to furnish technical assistance in the recruiting of social welfare workers for governments of Member States devastated by war.<sup>1</sup>

In February, 1947, the Economic and Social Council, on the advice of the Social Commission and the Temporary Social Welfare Committee, recommended that the Secretary-General make no distinction when considering applications for advisory social welfare services between countries formerly receiving assistance from UNRRA except in terms of their need. The Council also recommended that some of the funds available should be used to assist certain of the Member States which had not received UNRRA assistance but, which, being less developed areas, required social welfare service. At the Second Session of the General Assembly, in the discussions in the Third Committee (Social) arising from the report of the Economic and Social Council on social welfare services, the representative of the United Kingdom proposed a large scale reduction in the budgetary provision for these services. It was the United Kingdom view that the United Nations in the field of advisory social welfare should act only as a stimulating influence rather than as an operating agency. This view, however, did not find favour with the majority of the Committee.

<sup>1</sup> See *The United Nations, 1946*, Department of External Affairs, Conference Series No. 3, 1946, pp. 100 and 101.

The Canadian representative stated that these functions of the United Nations should not be considered permanent; they were designed as emergency measures and it did not yet appear advisable to terminate them. He expressed the view that these services should be continued for at least another year at a cost not larger than provided for in the 1948 budget.<sup>1</sup> In the vote, the United Kingdom resolution for reduction in the appropriation for social welfare services was rejected.<sup>2</sup>

<sup>1</sup>The full text of the Canadian statement is given in Appendix II, E, p. 229.

<sup>2</sup>See *United Nations Budget for 1948*, page 131 below for the appropriation approved for social welfare services during 1948.

## 19. RATIFICATION OF THE CONSTITUTION OF THE WORLD HEALTH ORGANIZATION

The Constitution of the World Health Organization requires 26 ratifications before the organization can be brought into existence. Until the time of the Second Session of the General Assembly the required number of ratifications had not been received and the World Health Organization continued as an Interim Commission. The United Kingdom in the Third Committee recommended that all Members of the United Nations who had not already done so accept the Constitution of the World Health Organization at the earliest possible date. The proposal also authorized the Secretary-General to transmit this recommendation to all States whether Members of the United Nations or not. This resolution was approved unanimously by the Committee and later by the General Assembly on November 17, 1947.

## 20. CONFERENCE ON FREEDOM OF INFORMATION

At the fifth session of the Economic and Social Council in July-August, 1947, a resolution was adopted providing for the convening of a United Nations Conference on Freedom of Information and approving a provisional agenda which had been prepared by the Sub-commission on Freedom of Information at its first session in May and June, 1947. Mr. G. F. Ferguson, editor of a Canadian newspaper, serves as an expert on this Sub-commission. During the meetings of the Economic and Social Council there was extensive discussion on the inclusion of certain items in the provisional agenda and on the method of voting at the conference. In regard to voting, the Council decided that States not Members of the United Nations which were invited to the Conference on Freedom of Information would not be granted the right to vote. This decision was opposed by the Soviet Union which at the Second Session of the General Assembly, introduced a resolution in the Third Committee to reverse the decision of the Council concerning voting rights and to place on the agenda of the forthcoming conference a statement of Soviet views on the principles of freedom of information and of the press.

These principles had already been proposed by the Soviet representative at both meetings of the Sub-commission on Freedom of Information and in the Economic and Social Council. It was the view of the United States representative and of the majority of members of the Third Committee that it would be preferable to leave detailed consideration of the Soviet proposals to the conference itself. The Soviet resolution was rejected by the Committee with the exception of the following words, "the proposal of the Economic and Social Council that the conference be held at Geneva beginning March 23, 1948, be accepted". This part of the resolution was approved.

The Indian representative eventually introduced a resolution which merely took note of the provisional agenda of the forthcoming

conference and invited the attention of the Economic and Social Council to the discussion of this matter in the Third Committee of the General Assembly. This resolution was adopted by the Committee. The Canadian representative did not participate in any discussion on the question of the Conference of Freedom of Information but supported the Indian resolution both in the Committee and in the General Assembly on November 17 when it was adopted unanimously.

## 21. EXCHANGE OF WORKERS

In the Third Committee consideration was given to a French resolution concerning exchange of manual workers between countries. The French resolution invited the Secretary-General to consider "the terms on which Members who are agreeable could arrange an exchange of manual workers who wish to take courses to improve their knowledge of their trade and to study on the spot the economic and social problems confronting their comrades in other countries". The representative of the United Kingdom proposed an amendment placing the responsibility for such an exchange of workers on individual governments through direct agreements. This amendment was adopted by the Committee as was an Argentine proposal to delete the word "manual" from the French resolution. The resolution as amended was approved in the Third Committee and by the plenary session of the General Assembly. It urges Member States which so desire to arrange with each other by direct agreement such terms and conditions as will facilitate the maximum possible exchange of workers wishing to take a period of training in order to improve their knowledge of their trade.<sup>1</sup>

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<sup>1</sup>The text of this resolution is given in Appendix II, F. p. 230.

## 22. ENQUIRY CONCERNING THE MASTICATION OF COCA LEAVES

The representative of Peru submitted in the Third Committee a resolution asking the Economic and Social Council to consider the advisability of sending a committee of experts to study the effects of the habit of chewing coca leaves on the inhabitants of certain Andean regions. In submitting this resolution the Peruvian representative stated that, in this respect, a social problem of the first order existed. The Peruvian resolution was approved in committee without discussion and was unanimously adopted in the plenary session of the General Assembly of November 17, 1947.



### 23. RATIFICATION OF THE PROTOCOL CONCERN- ING CONTROL OF NARCOTIC DRUGS

The representative of Chile introduced in the Third Committee a resolution which urged all Member States who had signed the Proccol on Narcotic Drugs of December 11, 1946, to deposit their Instruments of Acceptance as soon as possible so that amendments to previous International Agreements, Conventions, together with the Proccol, might enter into force by the end of 1947. The representative of Chile stated that the deposit of 34 Instruments of Acceptance was required before the Protocol could have effect but that 26 States only had so far taken this action. The Chilean resolution was adopted unanimously both in the Third Committee and in plenary session of the General Assembly. The Protocol was signed by Canada on December 11, 1946.

## 24. INTERNATIONAL CHILDREN'S EMERGENCY FUND

In accordance with the decision of the General Assembly of December 11, 1946, a report on the activities of the International Children's Emergency Fund was submitted to the General Assembly.<sup>1</sup> This report was considered in the Third Committee. Mr. Maurice Pate, Executive Director of the International Children's Emergency Fund, informed the Committee that the Fund would be operating in 12 European countries and in China and that it had received contributions of \$5,650,000 from UNRRA, \$15,000,000 from the United States and \$10,000,000 from other countries (the Canadian contribution was \$5,000,000). The Committee unanimously adopted a resolution submitted by the French delegation expressing satisfaction with the work done by the Children's Fund, approving the report of its Executive Board, endorsing the United Nations Appeal for Children and recommending that all countries cooperate in making the appeal successful. This resolution was adopted unanimously by the General Assembly on November 20. The United Nations Appeal for Children is a world-wide voluntary appeal to secure resources for the International Children's Emergency Fund, in addition to government contributions.

<sup>1</sup>For a discussion of the establishment of the International Children's Emergency Fund see *The United Nations 1946*, Department of External Affairs, Conference Series, No. 3, pp. 86 to 87.

## 25. TRANSFER TO WORLD HEALTH ORGANIZATION OF CERTAIN LEAGUE OF NATIONS ASSETS

At a meeting of April 22, 1947, the Interim Commission of the World Health Organization adopted a resolution concerning the transfer of functions, activities and assets of the League of Nations Health Organization. By this resolution the Executive Secretary of the Interim Commission was instructed to take the necessary steps with the Secretary-General, the Economic and Social Council and the General Assembly of the United Nations to:

- (1) transfer title and ownership of the health and medical sections of the League of Nations Library from the United Nations to the World Health Organization;
- (2) transfer title and ownership of archives and correspondence files of the League of Nations Health Section from the United Nations Registry to the World Health Organization;
- (3) transfer ownership of publications of the League of Nations Health Section to the World Health Organization;
- (4) transfer the archives, furniture and financial assets of the Eastern Bureau of Epidemiological Intelligence of the League of Nations in Singapore;
- (5) transfer the assets of the Darling Foundation and the Leon Bernard Fund to the World Health Organization.

This resolution was recommended to the General Assembly for approval by the Economic and Social Council and was adopted by the General Assembly without discussion.

## 26. SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN AND IN OBSCENE PUBLICATIONS<sup>1</sup>

At the fourth and fifth sessions of the Economic and Social Council resolutions were adopted which requested the Secretary-General to take the steps necessary to transfer to the United Nations the functions formerly exercised by the League of Nations with regard to the Conventions for the suppression of traffic in women and children and in obscene publications. This matter was considered by the Third Committee of the General Assembly. The Soviet representative proposed the deletion of those articles in the Conventions concerning the application of the Conventions to colonies and protectorates. It was the Soviet view that the application of these Conventions to non-self-governing territories should be automatic, precisely as to metropolitan powers, since otherwise metropolitan powers would not be bound to suppress the traffic in their colonies and protectorates.

The United Kingdom and the United States argued that it was not the function of the General Assembly to amend the Conventions but merely to transfer the former functions of the League of Nations under the Conventions to the United Nations. On a roll call vote the amendment of the Soviet Union was adopted with 16 votes in favour, 12 against and 18 abstentions. The resolution as amended was then adopted by 45 in favour with 2 abstentions. The Canadian representative opposed the Soviet amendment but voted for the resolution as a whole. When this resolution was discussed in plenary session the United Kingdom submitted an amendment to omit from the report of the Third Committee those sections deleting from the Conventions the colonial application clauses. The United Kingdom representative wished to preserve, as he stated, the constitutional right of the colonies to decide for themselves whether they

<sup>1</sup> International Convention of September 30, 1921, on the traffic of women and children, Convention of October 11, 1933, on the traffic in women of full age, and Convention of September 12, 1933, on the traffic in obscene publications.

should or should not adhere to conventions of this nature. This, he said, was a right in accordance with good democratic practice and consistent with the progressive development of real self-government. This amendment was defeated in plenary session and the resolution was then adopted by 52 votes in favour, none against and 3 abstentions. In approving this resolution the Assembly urged that the amended international Conventions be signed without delay and instructed the Secretary-General to perform the functions conferred upon him by these Protocols when they entered into force. The resolution also directed the Economic and Social Council and the Secretary-General to suspend all action under these Conventions and Protocols with respect to Spain.

## 27. REPORTS FROM REGIONAL CONFERENCES AND ASSEMBLIES

In discussing the report of the Economic and Social Council, the Argentine representative submitted a resolution which referred to regional conferences. It recommended that Members of the United Nations which participated in regional conferences or assemblies should not discuss items already under consideration in the Economic and Social Council but should instead communicate to the Council data in their possession which would make possible a general solution for such problems. To this proposal a number of amendments were submitted in the Third Committee. The Argentine representative stated that he would agree to these amendments provided that the reference to regional conferences was retained as the basis for any final resolution. As approved by unanimous vote of the General Assembly, the resolution recommends to Members of the United Nations holding regional conferences or assemblies that the conclusions reached or studies made falling within the competence of the Economic and Social Council should be reported to the Council in order to facilitate comprehensive solutions of economic and social problems.

## 28. PREVENTION OF FALSE OR DISTORTED REPORTS

The subject of false or distorted reports was raised in a resolution proposed by the Yugoslav delegation for the "Prevention of the Dissemination to the Detriment of Foreign States of Slandorous Statements which are Harmful to Good Relations between States and in Conflict with the Purposes and Principles of the United Nations". The resolution recommended that the General Assembly advise Member States to take urgent legislative and other measures to establish the responsibility of the persons publishing or circulating false and contentious reports calculated to impair relations between nations and incite to war. The resolution further recommended that States should take measures to prevent the publication and dissemination through the channels of governmental bodies of reports not carefully and conscientiously verified. The debate in the Third Committee on this resolution was similar to that in the First Committee on the Soviet resolution on war propaganda. The resolution was criticized for the absence of a precise legal definition of the words "contentious and slanderous reports".

Another criticism was that the Conference on Freedom of Information to be held in 1948 was the appropriate occasion for discussion of the issues raised by the Yugoslav representative. The Canadian delegate stated that the Yugoslav resolution was not acceptable since it implied the necessity for legislative action on the part of governments which would restrict the rights of freedom of the press.<sup>1</sup> The French delegation in a conciliatory effort to combine the many amendments which had been made to the Yugoslav resolution submitted a new proposal which invited governments to study such measures as might be taken on the national plane to combat, within the limits of constitutional procedure, the diffusion of false or distorted reports likely to injure friendly relations between states.

<sup>1</sup>The full text of the statement by the Canadian representative on this subject is given in Appendix II, G, p. 231.

This resolution also recommended that reports on this subject be submitted to the Conference on Freedom of Information which should consider with a view to their co-ordination, the measures taken or advocated by the various states. This resolution was approved unanimously by the General Assembly on November 15, 1947, and the title of the resolution was amended to read "False or Distorted Reports".<sup>1</sup>

<sup>1</sup>The text of this resolution is given in Appendix II, H, p. 231.



## 29. TRADE UNION RIGHTS (FREEDOM OF ASSOCIATION)

The question of trade union rights had been placed on the agenda of the fourth session of the Economic and Social Council in February, 1947, by the World Federation of Trade Unions. This matter was referred by the Economic and Social Council to the International Labour Organization for study. The Economic and Social Council, at its fifth session, received the report of the I.L.O. and endorsed the findings of the organization with respect to trade union rights. In the Third Committee at the Second Session of the General Assembly, this section of the Council's report gave rise to a lengthy and at times acrimonious debate. The Soviet representative and the representative of the Slav States were opposed to endorsing the work done in the field of trade union rights in the Economic and Social Council and by the International Labour Organization. The Soviet representative criticized the action of the Economic and Social Council in referring memoranda of the World Federation of Trade Unions to the I.L.O. In addition, he stated that the I.L.O. report dealt with the right of association in general and not specifically with trade union rights.

During the debate, the Argentine representative sought to have included in the resolution on this subject a declaration on the rights of workers. This was opposed by the majority of the members of the Committee. Finally, a French resolution which endorsed the work of the I.L.O. and of the Economic and Social Council was approved by a vote of 31 in favour, 5 against, and 6 abstentions. Canada voted for this proposal. The resolution as adopted by the General Assembly, in addition to approving the Council's decisions on trade union rights stated that "the inalienable right of trade union freedom of association is, as well as other social safeguards, essential to the improvement of the standard of living of workers

and to their economic well being".<sup>1</sup> On the suggestion of the Argentine representative, it was agreed in plenary session of the General Assembly to annex to this resolution a declaration of the rights of workers.

<sup>1</sup>The text of this resolution is given in Appendix II, I, p. 232.

### 30. PREVENTION OF IMMIGRATION LIKELY TO DISTURB FRIENDLY RELATIONS BETWEEN STATES

The question of immigration likely to disturb friendly relations between States was placed on the agenda of the General Assembly by Egypt, Iraq and Lebanon. The resolution introduced by these countries recalled the Assembly's decision of 1946 condemning racial and religious discrimination and charged that groups of self-appointed committees and organizations were interfering with the task being discharged by the Preparatory Commission for the International Refugee Organization. The resolution proposed that Member States should cease aiding such organizations and that the General Assembly should recommend the principle that population movements which might affect friendly relations should take place only with the consent of the state or peoples directly involved.

The resolution went on to propose that the Economic and Social Council should immediately call an international conference to expedite a solution of the refugee problem through the I.R.O. The concern of these Near Eastern countries with the problem of immigration arose directly from their opposition to the movement of refugee Jews to Palestine. The United States representative suggested that since the Palestine question was being discussed in another committee of the Assembly, it would be inappropriate for the Social Committee to adopt any resolution on this subject. This view was not acceptable to the Arab States.

In the debate, the Soviet Union and certain other east European states proposed that all obstructions to the repatriation of displaced persons should be removed and that Member States should cease recruiting displaced persons from other countries. The United Kingdom proposed that the Assembly should recommend that Member States adopt urgent measures to settle a fair share of displaced persons in their countries and report what action had been taken with respect to a similar recommendation approved by the General

Assembly in 1946. This resolution also recommended that Member States should develop through I.R.O. overall plans to effect resettlement of refugees and displaced persons. A fourth resolution was introduced by the Indian delegation. It was eventually decided that a sub-committee should be set up to consolidate the various proposals into a single resolution. The sub-committee reported unanimously to the Third Committee which adopted its proposed resolution by a vote of 3 in favour, 1 against and 12 abstentions. Canada which had been a member of this sub-committee voted for the proposed resolution. It was approved by the General Assembly in plenary session on November 17, 1947.<sup>1</sup> The resolution as approved noted that two resolutions on the refugee question and a third calling on governments to take action against discrimination, all of which had been approved at the second part of the First Session of the General Assembly, "have not been fully implemented".<sup>2</sup>

The operative part of the resolution calls upon governments to implement the 1946 resolution on discrimination and reaffirms the Assembly's position on repatriation of displaced persons. The resolution also invites Member States not to accord aid and protection to individuals or organizations which are engaged in promoting or conducting illegal immigration. The resolution recommends that Member States take measures to return repatriable refugees to their countries of origin and to report without delay on the possibility of their receiving a fair share of non-repatriables.

<sup>1</sup> The text of this resolution is given in Appendix II, J, p. 234.

<sup>2</sup> A full account of the discussions concerning the problem of refugees and displaced persons at the second part of the First Session of the General Assembly is given in *The United Nations 1946*, Department of External Affairs Conference Series, No. 3, pp. 77 to 82.

### 31. TEACHING OF THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS IN THE SCHOOLS OF MEMBER STATES

The Norwegian representative, in submitting a resolution on the subject of the teaching of the purposes and principles of the United Nations in the schools of Member States, expressed the view that the public gave too much attention to the political differences in the United Nations and largely ignored the positive work being accomplished by the organization. The resolution recommended that Member Governments encourage teaching on the United Nations Charter, the purposes and principles, the structure, background, and activities of the organization, in the schools and institutions of higher learning of their countries, particularly in the elementary and secondary schools. This draft resolution met with general approval.

However, when the vote was taken, the Canadian representative abstained on the grounds that within the federal system in Canada each of the provincial governments had complete control over educational matters. Before it was approved in plenary session after unanimous vote, an amendment was made in the resolution on the initiative of Cuba requesting Member States to furnish the Secretary-General with information on measures taken to implement the resolution.<sup>1</sup>

The Canadian representative in voting for the resolution in plenary session explained that Canada had abstained in the Third Committee to draw attention to the constitutional limitations of the federal government of Canada in the field of education. In voting for the resolution in plenary session, Canada desired to support the principles enunciated and to indicate the willingness of the Canadian Government to fulfil the purposes of the resolution insofar as the Canadian constitutional system permitted.

<sup>1</sup> The text of this resolution and of the two Canadian statements on this matter is given in Appendix II, K, p. 235.

## 32. ELECTIONS TO THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council of the United Nations is composed of 18 elected members. At the Second Session of the General Assembly, the United Kingdom and the Soviet Union were re-elected to the Council for three-year periods and Australia, Brazil, Denmark and Poland for a similar period. Canada is a member of the Economic and Social Council until the end of 1948.

Trusteeship Questions and  
Non-Self-Governing Territories

AS ELECTIONS TO THE ECONOMIC AND SOCIAL  
COUNCIL

The Council is elected by the General Assembly of the United Nations. At the Second Session of the General Assembly the Council was elected by the United Nations General Assembly to the Council for the first time. The Council is composed of 18 members, 12 of whom are elected by the General Assembly and 6 are elected by the Economic and Social Council at the end of 1945.

The Council is the principal organ of the United Nations for the promotion of economic and social cooperation and development. It is responsible for the coordination of the economic and social work of the United Nations and for the promotion of the economic and social development of all countries.

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## TO THE TRUSTEESHIP COUNCIL

### **Trusteeship Questions and Non-Self-Governing Territories**



Trusteeship Questions and  
Non-Self-Governing Territories

### 33. THE TRUSTEESHIP COUNCIL

The Fourth (Trusteeship) Committee of the United Nations General Assembly undertook for the first time in October, 1947, the routine examination of a report to the Assembly by the Trusteeship Council, which had been established in December, 1946. The Trusteeship Council had met in its first session from March 26 to April 28, 1947, with representatives of three specialized agencies in attendance in addition to nine of the ten members of the Council itself. The U.S.S.R., in protest against certain features of the existing trusteeship agreements which it regarded as being contrary to the Charter, did not attend.

The Trusteeship Council:

- (1) revised extensively the draft rules of procedure which had been prepared for it in London by the Preparatory Commission;
- (2) drew up a questionnaire to form the basis of annual reports from trust territories;
- (3) made arrangements to send a visiting mission to Western Samoa in response to a petition asking for the political unification and independence of the Samoan Islands;
- (4) upheld the decisions of the administering authority regarding exclusion from Tanganyika of persons who had petitioned the Trusteeship Council in the hope of being permitted to live in that territory;
- (5) referred to the I.L.O. other petitions relating to its draft convention on social policy in non-metropolitan territories;
- (6) appointed a committee of three to maintain close relations with the Economic and Social Council;
- (7) authorized the appointment of another committee to participate in future negotiations with inter-governmental organizations;
- (8) adopted a resolution recommending that regular budgetary provision should be made for periodic visits of inspection to trust territories.

In the Fourth Committee the rules of procedure of the Trusteeship Council and the proposed questionnaire were criticized by central and eastern European, Iraqi and Indian delegates, on the ground that they did not emphasize sufficiently or safeguard the interests of inhabitants of trust territories. It was finally agreed that the comments offered by these delegates should be transmitted to the Trusteeship Council for consideration.

Some difficulty was experienced by the Assembly in choosing two new "non-administering" members for the Trusteeship Council. Their election became necessary to restore the required balance between administering and non-administering members when islands formerly under Japanese mandate came officially under United States trusteeship on April 2, 1947. Up to that date the Trusteeship Council had been composed of five administering and five non-administering members. Thereafter the ratio had been 6 to 4. The Philippines, Norway, Costa Rica and Siam were candidates for election to the two vacant seats. After repeated balloting the Philippines and Costa Rica were declared elected, but this result was not reached until November 13, earlier attempts of each of the candidates to secure a two-thirds majority having failed. The two new members will hold their seats for a three-year period.

The members of the Trusteeship Council as presently constituted are as follows:

Administering Trusteeship Territories:

Australia  
Belgium  
France  
New Zealand  
United Kingdom  
United States

Non-Administering Trusteeship Territories:

China  
Costa Rica  
Iraq  
Mexico  
Philippines  
U.S.S.R.

### 34. TRUSTEESHIP AGREEMENT FOR NAURU

Nauru, a small phosphate island in the Pacific about 26 miles below the equator directly south of the Marshall Islands and formerly under British Empire mandate, came under the jurisdiction of the Trusteeship Council when the Assembly, at its Second Session, approved with slight amendments the trusteeship agreement which had been submitted by the Governments of Australia, New Zealand and the United Kingdom.

In the Fourth Committee, where this matter had been discussed, the Soviet, Polish, Yugoslav and Ukrainian delegates had opposed the draft agreement on the ground that it reproduced most of the objectionable features of the eight trusteeship agreements approved by the Assembly in December, 1946. These agreements concerned New Guinea, Ruanda-Urundi, Cameroons (French), Togoland (French), Western Samoa, Tanganyika, Cameroons (British) and Togoland (British).<sup>1</sup> The Soviet delegate offered amendments providing for periodic visits to Nauru by representatives of the Trusteeship Council or the Assembly, "the development of free political institutions" and of "democratic organs of representation", and the inclusion of a reference to Article 83 of the Charter. This was designed to prevent the administering powers from taking any military measures in Nauru unless the island had first been declared a strategic area under the jurisdiction of the Security Council. The three proposed amendments were defeated by large majorities, Canada voting against all three. In place of the reference to Article 83 desired by the Soviet Union, a modification was introduced into Article 7 of the agreement invoking the authority of Article 84 of the Charter for any military measures the administering authority might choose to take in the island. This Article provides that the administering authority must ensure that a trusteeship territory is in a position to play its part in the maintenance of international peace and security.

<sup>1</sup> See *The United Nations 1946*, Department of External Affairs publication, Conference series 1946, No. 3, p. 106.

The Chinese delegate wished to secure for the large number of Chinese workers employed in Nauru, whose movements in the island are controlled, the same rights as are enjoyed by nationals of the three administering States. In this regard a formal statement was made on behalf of the three Governments, in which it was pointed out that in the interests of the native inhabitants it was necessary to maintain "appropriate non-discriminatory controls and restrictions on non-Nauruan residents". It was stated, however, that there would be no discrimination as between nationals of States, Members of the United Nations.

The trusteeship agreement for Nauru is one of the briefest documents of its kind. It covers adequately, however, the requirements of the Charter. It is expected that Australia will continue under the trusteeship agreement, as in the past under the mandate, to act as agent for the other two administering authorities and as their spokesman in matters concerning the administration of Nauru.

## 35. SOUTH WEST AFRICA

In December, 1946, the General Assembly, at the second part of its First Session, refused to approve a South African proposal to incorporate the mandated territory of South West Africa in the Union.<sup>1</sup> It recommended instead that the territory be placed under trusteeship and invited South Africa to propose a draft trusteeship agreement for consideration by the Assembly.

On April 11, 1947, the South African Parliament decided that instead of incorporating South West Africa in the Union as a new province it would merely permit representatives of the territory to sit in the Union Parliament "as an integral portion" of that body. The mandated territory would not be placed under trusteeship. Instead the Union Government would send annual reports on South West Africa to the Secretary-General of the United Nations and continue to administer the territory in the spirit of the League of Nations mandate.

At the Second Session of the General Assembly the South African delegate argued that his Government was neither legally nor morally bound to submit a trusteeship agreement for South West Africa. The people of the territory, he explained, were opposed to trusteeship and the Union Government must abide by their wishes to that extent, although it had not acceded to their request for incorporation in the metropolitan area.

Delegates of twenty states, including the U.S.S.R., expressed the view that South Africa was under both legal and moral obligation to place South West Africa under trusteeship. They maintained that the provisions of Chapter XI of the Charter regarding the establishment of trusteeship agreements for former mandated territories were compulsory. Eleven delegates, including those of Canada, the United Kingdom, and the United States, opposed this view, the delegate of Canada citing the records of the San Francisco Conference to prove that the transfer of mandated territories to the

<sup>1</sup> See *The United Nations 1946*, Conference Series, 1946, No. 3, pp. 111 to 113.

trusteeship system was not obligatory.<sup>1</sup> Many delegates, however, and notably those of France and the United States, felt that the Assembly recommendation of December, 1946, laid on South Africa at least a moral obligation to submit a trusteeship agreement for South West Africa.

The delegate of India proposed a resolution expressing disapproval of the failure of South Africa to comply with the Assembly resolution and urging that state to submit a trusteeship agreement for consideration at the next regular session of the Assembly. To the Danish representative this seemed too severe. He therefore proposed an alternative resolution expressing the "hope" that South Africa would submit a draft agreement "at an early date". The Fourth Committee adopted the original Indian proposal, amended by a Polish resolution which pointed out that it was the "clear intention" of Chapter XII of the Charter that former mandated territories should be placed under trusteeship. Canada voted against the Indian proposal, together with the United Kingdom and other Members whose representatives considered it inappropriate in this case to set a time-limit for compliance with the wishes of the Assembly, since the circumstances did not warrant the delivery of an ultimatum. The Canadian delegate said he regretted that the Union Government had not seen fit yet to accept the invitation of the United Nations and expressed the hope that South Africa might reverse its previous decision.

In the Assembly the representative of Denmark succeeded in having the resolution modified so that it expressed the "hope" that the Union might "find it possible" to submit a trusteeship agreement at the Third Session of the Assembly. Canada voted against the amended resolution because it still seemed to imply that South Africa had refused to fulfil a definite obligation and because the imposition of a time-limit for submitting a draft trusteeship agreement would do nothing to help change public opinion in South Africa. The amended resolution was adopted by the Assembly, by a vote of 41 to 10 with 4 abstentions.<sup>1</sup>

<sup>1</sup> The text of the Canadian statement on this issue is given in Appendix III, A, p. 238.

<sup>2</sup> The text of the Assembly resolution on South West Africa is given in Appendix III, B, p. 239.

The resolution as adopted by the Assembly authorized the Trusteeship Council to examine a report on the administration of South West Africa in 1946 already submitted by the Union of South Africa.



### 36. NON-SELF-GOVERNING TERRITORIES

A resolution calling upon colonial powers to place under trusteeship those of their dependencies not yet ready for self-government was adopted by the Fourth Committee after lengthy debate by the narrow margin of 25 votes to 23. The resolution, sponsored by the Indian delegate and amended by the delegate of Cuba, was opposed by the colonial powers and eventually failed of adoption in the Assembly, where the vote was 24 to 24 with one abstention. Its adoption by the Assembly would have required the support of a two-thirds majority.

The proposal to place all dependent territories under trusteeship was defended on the ground that it provided a sure and quick way of enabling inhabitants of dependent territories to reach the goal of self-government or independence and all should therefore enjoy its benefits, particularly those territories where the population was backward or where racial discrimination existed. Opponents of the resolution argued that the proposal was an attempt to rewrite the Charter. At San Francisco it had been foreseen that many dependent territories would remain outside the trusteeship system and it was for the sake of these territories that a special declaration had been embodied in Chapter XI of the Charter. To insist now that all dependent territories should come under trusteeship agreements was, in their view, contrary to the provisions of Chapter XI. Representatives of this group stated that some 500,000,000 people had either achieved or were about to achieve independence in conformity with the principles of Chapter XI, while no people had yet achieved it under the trusteeship system. Many dependencies would resent transfer to the trusteeship system as a retrograde step. There was no legal obligation to make the transfer, yet if the proposed resolution were adopted, Members who failed to conform would be brought into disrepute, even if their policy served the best interests of the dependent territories in question.

Canada voted throughout with the representatives of administering powers against the resolution but did not participate in the debate.

By a resolution of the General Assembly adopted on December 14, 1946, an *ad hoc* Committee had been formed for the purpose of examining the Secretary-General's analysis of information submitted for non-self-governing territories by colonial powers in accordance with Article 73(e) of the Charter. The Committee was invited to assist the Assembly in its consideration of information of this nature during the Second Session and to make recommendations regarding procedures to be followed in the future. The *ad hoc* Committee met at Lake Success before the opening of the Second Session and drew up a report containing five draft resolutions which were subsequently referred to the Fourth Committee.

The first resolution recommended that information transmitted under Article 73(e) should be as complete and up-to-date as possible and should be arranged according to a standard form set out as an appendix to the resolution. A few minor additions to the form were made in the Fourth Committee and the resolution was carried unanimously both in Committee and in the General Assembly.

The second resolution authorized the Secretary-General to make use of official statistical information supplementary to that transmitted under Article 73 (e) of the Charter if it was available in the Secretariat and the Member concerned agreed. In the Fourth Committee a Soviet amendment was adopted which would have permitted the use of this material for purposes of comparing conditions prevailing in dependent territories with those prevailing in the territory of the metropolitan power. In the Assembly this amendment was replaced by another permitting comparisons to be made between conditions in dependent areas and conditions in sovereign territories similarly situated, where it was felt that more useful comparisons might be made.

There was prolonged discussion of the third resolution, which noted that some Members had voluntarily transmitted information, not asked for in Article 73(e) of the Charter, on the development of political institutions in their territories and added that since this

was in conformity with the spirit of Article 73 it should be duly "noted and encouraged". In the Fourth Committee an amendment was adopted which would have obliged administering powers to develop self-governing institutions in their dependencies and to transmit information on the results achieved in the political sphere. Those who opposed this move pointed out that many dependencies would bitterly resent the transmission to the United Nations of reports on their constitutional progress since they were already conscious of nationhood. At San Francisco, moreover, there had been prolonged debate on the type of information to be transmitted and the decision had been to limit it to information of an economic, social and educational nature. The omission of the word "political" had been deliberate. In the General Assembly this argument was upheld. The amendment of the Fourth Committee was rejected by 25 votes (including that of Canada) to 17 and the original resolution of the *ad hoc* Committee was then carried by 44 votes to 2 with 5 abstentions.

The fourth resolution suggested methods by which collaboration of the specialized agencies with the Secretary-General might be facilitated to ensure the fullest possible use of information concerning dependent territories. The resolution was carried unanimously both in Committee and in the Assembly.

The fifth recommendation was for the creation of a special committee to succeed the *ad hoc* Committee and to meet some weeks before the opening of regular sessions of the Assembly to examine information transmitted under Article 73(e) and to make reports on the subject to the Assembly. The Committee might make procedural recommendations or recommendations relating to functional fields generally, but it was not to make recommendations relating to individual territories. In the Fourth Committee the proposal was amended so that no restriction was placed on the kind of recommendation the special committee might make to the Assembly. The United States delegate described this as an attempt to set up for dependent territories generally a body resembling the Trusteeship Council itself—a proposal which went considerably beyond the scope of the Charter. The amendment was rejected in the Assembly by 24 to 17, Canada voting with the majority. The

Canadian delegate had suggested that in the interests of economy the special committee should meet during the next regular session rather than a minimum of two weeks earlier, but this proposal was not adopted. Members of the special committee are administering powers (Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, and the United States) and an equal number of elected members, (China, India, U.S.S.R., Egypt, Cuba, Sweden, Nicaragua and Colombia).

Administrative and Budgetary Questions

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the persons who have taken part in it.

The second part of the report deals with the financial situation of the organization. It gives a detailed account of the income and expenditure for the year and shows how the funds have been used. It also contains a list of the names of the persons who have contributed to the work and a list of the names of the persons who have received the funds.

## 37. UNITED NATIONS BUDGET 1947 AND 1948

The Second Session of the General Assembly adopted a proposed budget of \$24,825,000 for the year 1947 and approved supplementary estimates of \$5,000,000 for the year 1947. It was estimated, however, that actual revenues would amount to the United Nations to the extent of \$23,642,000 during 1947, and \$20,000,000 in 1948. The balance to be made by contributions from Members are therefore \$2,183,000 and \$4,825,000 for 1947 and 1948, respectively. The following is the budget for 1947 including supplementary estimates approved by the General Assembly and the budget for 1948 as approved.

### Administrative and Budgetary Questions

Category	Description	Amount
I	For expenses of travel of representatives to the General Assembly and travel of members of the Trusteeship and Commission for Information of Foreigners Service	\$ 1,227,000
II	For expenses of Permanent Service	1,000,000
III	For expenses of representatives to the Staff Conference, Peace Conference, Staff Conference, Staff Conference and other events	1,400,000
IV	For salaries of General Secretaries	8,750,000
V	For salaries of administrative staff	2,975,000
VI	For salaries of interpreters, stenographers, translators, etc.	2,400,000
		\$20,152,000
	Part II—For expenses of Secretariat of the United Nations	
VII	For expenses of the International Office of Statistics	4,000,000
VIII	For expenses of the Economic and Social Service of the International Office of Statistics	2,000,000
		\$6,000,000
		\$26,152,000

Administrative and Budgetary Questions

### 37. UNITED NATIONS BUDGET 1947 AND 1948

The Second Session of the General Assembly adopted a proposed budget of \$34,825,195 for the year 1948 and approved supplementary estimates of \$876,568 for the year 1947. It was calculated, however, that casual revenues would accrue to the United Nations to the extent of \$325,621 during 1947, and \$761,727 in 1948. The balance to be made by contributions from Members are therefore \$550,947 and \$34,063,468 for 1947 and 1948, respectively. The following is the budget for 1947 including supplementary estimates adopted by the General Assembly and the budget for 1948 as approved:

#### FOR FINANCIAL YEAR 1947

##### PART I—UNITED NATIONS

Appropriation Section	Purpose of Appropriation	Amount
I.	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions .....	\$ 1,022,129
II.	For expenses of Personnel Services .....	15,954,364
III.	For expenses of contributions to the Staff Provident Fund, Provisional Staff Retirement Scheme and related benefits .....	1,435,683
IV.	For expenses of Common Services .....	6,116,223
V.	For expenses of establishment of Headquarters and initial recruitment of staff ...	2,974,915
VI.	For expenses of Advisory Social Welfare Functions .....	554,842
		28,058,156

##### PART II—INTERNATIONAL COURT OF JUSTICE

VII.	For expenses of the International Court of Justice .....	332,894
VIII.	For expenses of the Registry and Common Services of the International Court of Justice .....	225,518
		558,412
		\$28,616,568



## FOR FINANCIAL YEAR 1948

## A. THE UNITED NATIONS

PART I—SESSIONS OF THE GENERAL ASSEMBLY, THE COUNCILS,  
COMMISSIONS AND COMMITTEES

Section	Amount
1. The General Assembly and Commissions and Committees thereof .....	\$ 2,260,725
2. The Security Council and Commissions and Committees thereof .....	246,374
3. The Economic and Social Council and Commissions and Committees thereof .....	324,117
4. The Trusteeship Council and Commissions and Committees thereof .....	69,380
	<hr/>
	\$ 2,900,596

## PART II—SPECIAL CONFERENCES, INVESTIGATIONS AND ENQUIRIES

Section	Amount
5. Special Conferences .....	\$ 32,286
6. Investigations and Enquiries .....	1,112,472
	<hr/>
	\$ 1,154,758

## PART III—THE SECRETARIAT

Section	Amount
7. Executive Office of the Secretary-General .....	\$ 338,000
8. Department of Security Council Affairs .....	659,917
9. Military Staff Committee Secretariat .....	156,830
10. Department of Economic Affairs .....	1,689,159
11. Department of Social Affairs .....	1,225,555
12. Department for Trusteeship and Information from Non-Self-Governing Territories .....	741,262
13. Department of Public Information .....	3,339,915
14. Department of Legal Affairs .....	669,490
15. Conference and General Services .....	7,425,962
16. Administrative and Financial Services .....	1,529,000
17. Geneva Office .....	1,430,562
18. Information and Correspondent Centres .....	488,758
19. Overseas Recruitment Programme .....	57,736
20. Hospitality .....	20,000
21. Common Staff Costs .....	5,010,000
	<hr/>
	24,782,146

## PART IV—COMMON SERVICES

Section	Amount
22. Telephone and Postage .....	388,487
23. Rental and Maintenance of Premises .....	923,900
24. Stationery, Office Supplies, Rental and Maintenance of Office Equipment .....	233,193
25. Internal Reproduction and Printing .....	275,800
26. Maintenance and Operation of Transport .....	74,400
27. Miscellaneous Supplies and Contractual Services	407,518
	<hr/>
	2,303,298

## PART V—CAPITAL EXPENSES

Section	Amount
28. Office Furniture, Fixtures and Equipment ....	265,400
29. Motion Picture, Photographic, Radio Recording and Translation Equipment .....	169,500
30. Library Books and Equipment .....	129,000
31. Purchase of Motor Vehicles .....	82,000
32. Miscellaneous Capital Equipment .....	97,300
	<hr/>
	743,200

## PART VI—ECONOMIC COMMISSIONS, ADMINISTRATION OF THE FREE TERRITORY OF TRIESTE, AND ADVISORY SOCIAL WELFARE FUNCTIONS

Section	Amount
33. Economic Commissions for Europe and for Asia and the Far East .....	1,430,000
34. Administration of the Free Territory of Trieste	150,000
35. Advisory Social Welfare Functions .....	670,186
	<hr/>
	2,250,186
	<hr/>
	\$34,134,184

## B. INTERNATIONAL COURT OF JUSTICE

## PART VII—THE INTERNATIONAL COURT OF JUSTICE

Section	Amount
36. Salaries and Expenses of Members of the Court	390,943
37. Salaries, Wages and Expenses of the Registry ..	221,388
38. Common Services of the Court .....	66,604
39. Capital Expenses of the Court .....	12,076
	<hr/>
	691,011
	<hr/>
	\$34,825,195

The major changes in the 1948 budget figures adopted as compared with those originally submitted by the Secretary-General are as follows:

- (1) Part II. Special Conferences, Investigations and Inquiries.  
An increase of approximately \$1,000,000 due to the setting up of a Special Committee on the Greek Question and a Temporary Commission on Korea.
- (2) Part III. The Secretariat.  
A reduction of over \$5,200,000 made up of approximate cuts as follows:
 

(a) Department of Economic Affairs .....	\$ 260,000
(b) Department of Social Affairs .....	557,000
(c) Department of Public Information .....	900,000
(d) Conference and General Services .....	1,500,000
(e) Information and Correspondent Centres .....	367,000
(f) Common Staff Costs .....	980,000
(g) Miscellaneous .....	636,000
- (3) Part IV. Common Services.  
A reduction of \$161,000 after absorbing the increase of \$330,225 transferred from the 1947 budget.
- (4) Part V. Capital Expenses.  
A reduction of \$96,000, most of it in office furniture, fixtures and equipment.
- (5) Miscellaneous net reductions of \$121,000.

Savings made in Part I of the budget which deals with sessions of the General Assembly, the Councils, Commissions, and Committees were offset by the decision to set up an Interim Committee. Economies in the fields of conferences and general services are accounted for by the decision taken to limit written verbatim records to certain important meetings and to make distribution of some documents in mimeograph rather than printed form.

During the debate on the 1948 budget a determined effort was made by the United Kingdom to have the gross figure limited to not more than \$30,000,000. This objective was not met since it was found in the Administrative and Budgetary Committee that its achievement would have resulted in a curtailment of services which in the opinion of the Fifth Committee were essential to the proper functioning of the United Nations. Every item in the estimates was, however, subjected to close scrutiny and the figure approved was approximately \$4,500,000 less than the total of over \$39,000,000 originally submitted by the Secretary-General. As the approved

total includes several new items added during the Second Session, the actual reductions made were substantially in excess of this figure.

The Canadian delegation played an active role in the Fifth Committee which dealt with all administrative and budgetary questions. In general, Canada held the view that the Secretary-General's budgetary proposals should not be reduced by an arbitrary sum but that individual items should be carefully examined to see whether economies could be made which would not adversely affect the operation of the United Nations. The Canadian representatives were instrumental in focussing attention on a number of estimates in the proposed budget which it was possible to reduce without impairing the essential functions of the organization.

The Canadian delegation was concerned with the problem of budgetary control in the United Nations, particularly with the tendency which had become apparent to take decisions in political and other fields involving considerable expenditure without adequate information as to the financial and budgetary implications of these decisions. The Canadian representative on the Fifth Committee stated in this connection that:

"Although the imposition of an arbitrary financial limitation on projected United Nations activities is undesirable, it is acknowledged by everyone that costs must be given full consideration in arriving at policy decisions. The financial implications of each resolution must be fully considered to ensure that the resources of the organization are being economically and wisely spent. It has become apparent during the past two years that the existing U.N. machinery and procedures have not been fully effective in achieving this objective. It is important, therefore, that at this session of the Assembly steps be taken to remedy this situation."

He therefore proposed that the rule of procedure, which was designed to ensure that there should be no lapse in the financial control of the General Assembly but which in practice had not been effective, should be amended in the sense that no resolution could be recommended by any committee for approval by the General Assembly unless such committee had itself obtained an estimate of expenditures from the Secretary-General. The Canadian delegation also recommended that the Secretary-General keep all committees informed of the detailed estimated cost of all resolutions recom-

mended by any committee for the approval of the General Assembly. The views expressed by the Canadian delegation on this subject were supported by the majority of Members of the United Nations and the substance of the Canadian amendment is incorporated in the new rule of procedure.

Because of its budgetary implications, the Fifth Committee examined the programme that was submitted by the Economic and Social Council for the meetings of its various commissions and sub-commissions. A determined effort was made by several delegations, in particular those of the United Kingdom and Soviet Russia, to secure agreement to a reduction in the number of meetings of these commissions for reasons of economy. The Canadian delegation took the view that the Fifth Committee should not, in its eagerness to effect reductions in the budget, limit the meetings of the Economic and Social Council and its subsidiary bodies without close examination of the necessity and desirability of such reductions. In the absence of strong evidence to the contrary, the Canadian delegation was prepared to accept the proposals of the Economic and Social Council. In this, Canada was supported by the United States, Australia, and other delegations. Although most of the proposed reductions in meetings of the commissions of the Economic and Social Council were rejected it was agreed that the meetings of the Social Commission and the Transport and Communications Commission should be reduced from two to one in 1948.

In voting on the 1948 budget, ten members abstained. These included the U.S.S.R. and other eastern European delegations whose main objection stemmed from the inclusion of items for the establishment of an Interim Committee, of a Temporary Commission on Korea and of a Special Committee on the Greek Question. These delegations contended that these bodies were either unnecessary or contrary to the Charter and accordingly registered their disapproval by abstaining from voting on the whole budget.

### 38. SCALE OF CONTRIBUTIONS TO THE BUDGET

The General Assembly on December 14, 1946, adopted Resolution 69 (1) whereby it agreed:

That, notwithstanding the provisions of rule 43 of the provisional rules of procedure, the scale of assessments for the apportionment of expenses of the United Nations shall be reviewed by the Committee on Contributions in 1947 and a report submitted for the consideration of the General Assembly at the session to be held in September, 1947.

With few exceptions, which did not affect the large contributors, the Committee on Contributions recommended a scale of assessments similar to that for 1947. The United States delegation agreed to accept for one more year the allocation of 39.89 per cent in view of the present state of world economy. It reiterated, however, the conviction expressed at the First Session that in an organization of sovereign equals no single member should pay more than 33½ per cent of an administrative budget.

The recommended scale received unanimous support with the proviso that the scale be reviewed again in 1948 by the Committee on Contributions and their report submitted to the next regular session of the General Assembly.

Under the scale adopted the contributions of the seven largest contributors for 1948 are:

	Per cent
United States .....	39.89
United Kingdom .....	11.48
U.S.S.R. ....	6.34
China .....	6.00
France .....	6.00
India and Pakistan (total) .....	3.95
Canada .....	3.20

It will be noted in this connection that the Canadian contribution is more than half of that of the U.S.S.R.

### 39. UNITED NATIONS WORKING CAPITAL FUND

The purpose of this revolving fund is to finance the United Nations pending the receipt of annual contributions and to enable the Secretary-General to make advances to certain specialized agencies for financing their initial operations and to meet emergency, unforeseen and extraordinary expenditures, deemed necessary by the Councils of the United Nations for which no provision had been made in the budget of the then current year.

The fund was set up at the first meeting of the General Assembly in February, 1946, and fixed at \$25,000,000, but in December of that year it was reduced to \$20,000,000. During the 1947 session the U.S.S.R. delegation proposed reducing it still further, first to \$10,000,000, then to \$15,000,000. The majority of the Members, however, agreed that it should be retained at \$20,000,000 since experience had shown that it would be unsafe to reduce it below that figure.

Provision was made at the 1947 session for the advance of sums, not to exceed \$5,000,000, for emergency assistance in 1948 to the Free Territory of Trieste as the Security Council may approve. Replenishment of the fund for any such advances is to be according to a special operational scale, to be established at the next regular session of the General Assembly.

During the discussion of this item the Canadian delegation was concerned with the dangerous precedent which might be set if the United Nations assumed financial responsibility for the prospective balance of payments' deficit in the Free Territory. The Canadian representative suggested that the \$5,000,000 should not be authorized for purely economic reasons. However, he said, "if the Security Council, on the request of the Governor (of Trieste), deems it necessary to advance sums of money for the discharge of its duties and functions it would be quite proper to follow such a course". In part, as a result of the Canadian intervention in the debate on this

subject, the resolution as finally adopted is such as to avoid the implication that the United Nations, and particularly the Security Council, would be responsible for deficits which might be incurred in the future by new States or areas which might be set up under the responsibility of the United Nations.



## 40. REPORT OF THE BOARD OF AUDITORS FINANCIAL YEAR 1946

On December 7, 1946, the General Assembly appointed the Auditors-General of three Member States to form the Board of Auditors. One of these was Mr. Watson Sellar, Auditor-General of Canada, whose term of office expires on June 30, 1949. Mr. Sellar was chosen as chairman of the Board.

The Board's first report, covering the financial year 1946, was approved by the General Assembly on October 20, 1947. It showed a total of \$19,330,287.48 for expenditures and obligations incurred in that year.

This report was examined by the Advisory Committee on Administrative and Budgetary Questions, which took up the points raised in the report with the Secretariat.

The chairman of the Advisory Committee, in commenting on the Report of the Board of Auditors, paid a tribute to Mr. Sellar who, he said, as chairman of the Board had rendered much assistance to the Advisory Committee.

#### 41. SPECIAL ITEMS INVOLVING EXPENDITURES

A few of the more important decisions of this session of the General Assembly which involve expenditures for new items are as follows:

- (a) Establishment of an Interim Committee of the General Assembly. Estimated to cost \$169,500.
- (b) Establishment of a United Nations Temporary Commission on Korea. Cost estimated at \$114,350 for 1947 and \$533,280 for 1948.
- (c) Establishment of a General Assembly Special Committee on the Greek Question. Cost estimated at \$72,840 for 1947 and \$538,600 for 1948.

The Soviet delegation which opposed the establishment of these Commissions and of the Interim Committee stated that they would not participate in any examination of the budgetary estimates for these items and would vote against the allocation of funds for these purposes. The representatives of Poland, Yugoslavia, Byelorussia, and the Ukraine associated themselves with the views of the Soviet delegation.

Another item involving increased expenditure was the decision taken to hold the 1948 regular session of the General Assembly in Europe. It was estimated that the extra cost to the United Nations of holding the next meeting in Europe, elsewhere than in Geneva, would be \$1,047,875. If held in Geneva it was estimated that the extra cost would be reduced by about \$146,000.

In plenary session the Canadian delegate abstained from voting on this question. The Canadian representative, while noting that the possibility of meeting in Europe was foreseen in the rules of procedure, considered that the additional cost, the dislocation of the Secretariat and the strain on European resources with the transfer of over 2,000 people were all factors militating against holding the 1948 meeting in Europe. However, since it was considered that Canada was an interested party because of the proximity of Ottawa to the headquarters of the United Nations, the Canadian delegate felt that he should abstain in this vote.

## 42. FINANCING OF THE HEADQUARTERS OF THE UNITED NATIONS

Having approved the general plan for the permanent headquarters of the United Nations, the Assembly (with the exception of the Netherlands) unanimously adopted a resolution authorizing the Secretary-General to negotiate and conclude an agreement with the Government of the United States, for an interest-free loan in an amount not to exceed \$65,000,000.<sup>1</sup> The loan is to be for a term of not less than thirty years, repayable in annual instalments from the ordinary budget of the United Nations. The first instalment is to be met from the budget for 1951.

In carrying out its responsibilities in connection with this loan the General Assembly established an Advisory Committee of sixteen Members, including Canada, to assist the Secretary-General.

<sup>1</sup>The text of the agreement with the United States relative to the permanent headquarters in New York is given in Appendix V, C, pp. 250 to 260.

### 43. BUDGETARY AND FINANCIAL CO-ORDINATION WITH THE SPECIALIZED AGENCIES

The co-ordination of the work of the United Nations and of its specialized agencies was discussed at the Second Session of the Assembly and a proposal was adopted, which Canada supported, requesting Members to take measures to ensure, on the national level, a co-ordinated policy for their delegations to the United Nations and to the specialized agencies. It was considered that only if such co-ordination were achieved could there be any well-integrated approach to problems affecting more than one United Nations agency. This resolution also emphasized the necessity for avoiding overlapping and duplication of effort; and requested the specialized agencies to submit annually to the Economic and Social Council their reports on past activities and their programmes of operation for the subsequent fiscal year. Finally, the resolution asked the Specialized Agencies to transmit their budgets for 1949 and for each subsequent year to the Secretary-General of the United Nations before July 1 of the preceding year.

In the Fifth Committee, the specific question of financial co-ordination between the United Nations and its specialized agencies was studied in detail. Most of the discussion centred around the interpretation of Article 17, paragraph 3, and Articles 57 and 58 of the Charter. Article 17 (3) states:

The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Article 58 states:

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

The Canadian representative took the position that it would be dangerous to interpret these sections of the Charter in a manner which would lead to direct interference by the United Nations in

the fields of competence of the specialized agencies. It was also the Canadian view that it would be incorrect to permit States, not members of the specialized agencies, to exercise through their membership in the United Nations an undue influence on the policies of organizations to which they did not belong. The Canadian delegation emphasized the necessity for maintaining a clear distinction between budgetary co-ordination by the United Nations and that of the co-ordination of the general policies of specialized agencies. Canada supported a proposal, which was subsequently adopted, that a comparative study should be made of the various administrative and financial systems of the United Nations and the specialized agencies to determine the most effective budgetary system. It was the Canadian position that the greatest possible uniformity in financial and administrative methods need not jeopardize the autonomy of the specialized agencies as far as policy questions were concerned.

#### 44. TAX EQUALIZATION

Considerable time was spent on the question of tax equalization with respect to the United Nations and its employees since difficulties had arisen from inequalities of taxation treatment as between various Member States and between staff members.

Members of the staff of the United Nations now have a clause in their contracts which requires the Organization to refund national income taxation to nationals of those Members which have not granted tax exemption on United Nations salaries. In this connection a resolution was adopted by the Assembly re-affirming the desirability of Members granting tax exemption, and recommending that pending such action Member States grant relief from double taxation to their nationals employed by the United Nations. It also asked the Secretary-General to omit the refund clause from all future personnel contracts, but to continue to make refunds on salaries received during the years 1946, 1947 and 1948. The Secretary-General is also requested to prepare and submit to the next regular session of the General Assembly a Staff Contributions Plan, designed to remove any criticism of the present policy of tax exemption.

A sum of \$500,000 is included in the 1948 budget for the refund of income taxation.

## 45. QUESTIONS RELATING TO THE SECRETARIAT

A matter which caused considerable discussion in the Fifth Committee was the unbalanced geographical distribution of members of the Secretariat. The Latin-American and Middle Eastern delegations emphasized their dissatisfaction with the comparative lack of representation of their nationals in the Secretariat. Colombia accordingly proposed to fix national quotas in the Secretariat on the basis of the percentage of the scale of contributions. For instance the nationals of a state which was assessed for 1.93 per cent of the budget would under this plan be entitled to 1.93 per cent of the posts in the Secretariat. This proposal was defeated by 20 votes to 19. The Canadian delegation opposed the Colombian proposal, basing its opposition on Article 101 of the Charter which provides that the paramount considerations in the employment of staff and in determining the conditions of service are to be efficiency, competence and integrity, "due regard" being paid to geographical distribution. Accordingly, Canada, together with other delegations including those of Mexico, the Argentine and the United States, submitted a proposal requesting the Secretary-General "to examine the recruitment policy that has been followed to date, with a view to improving the present geographical distribution of the posts within the various departments". This proposal emphasized the paramount considerations of efficiency, competence and integrity and was unanimously adopted by the Assembly.<sup>1</sup>

Consideration was given in the Fifth Committee to the question of the staff rules governing home leave. The regulations provide that, in addition to annual leave of thirty working days, a staff member with his wife and dependent children may be granted twelve working days of home leave (plus travelling time) every second year. His travelling costs and those of his dependents are paid by the United Nations. The Canadian delegation took the view that these rules were too liberal in comparison with similar regulations

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<sup>1</sup>The text of this resolution is given in Appendix IV, A, p. 241.

for the foreign services of most countries. The Canadian representative therefore introduced a proposal requesting the Secretary-General to amend the staff rules so that home leave would be granted in future at three-year instead of two-year intervals. This proposal was defeated by 22 votes to 15 with 4 abstentions. A similar New Zealand proposal, that home leave be granted only every thirty months' was defeated also. In opposing the Canadian proposal, several delegations, principally European, emphasized the importance of frequent home leaves in order to preserve the international character of the Secretariat.

As regards the retirement age for members of the United Nations staff, the Secretary-General proposed that the normal age for retirement should be fixed at 65 instead of 60. A number of delegations, including the Canadian, opposed this suggestion on the ground that 60 is a better average age for retirement for an international civil servant than 65. In the event, while not accepting the Secretary-General's proposal, the Assembly recognized that he could retain an employee beyond 60, subject to the present staff regulations.

The Fifth Committee concurred in the proposed new regulations submitted by the Secretary-General and by the Advisory Committee, which clarified the Secretary-General's competence in regard to the termination of the appointment of staff members employed on probation or under temporary contracts. In this connection several delegations expressed the view that the granting of permanent contracts to staff members should be accelerated since uncertainty of tenure of office would have an adverse effect on the morale of the Secretariat.

On the initiative of the Canadian delegation, the Assembly requested the Secretary-General to submit to all Members, four months before its next session, a codification of the staff rules now in force. During the Second Session, the Secretary-General had submitted a document containing references to the staff rules which he had developed. The Canadian delegation did not believe that



this document fulfilled the requirements of Staff Regulation 29 whereby the Secretary-General is required to report annually *such* staff rules and amendments.

When the Fifth Committee discussed the budget estimates, a number of criticisms were levelled at the administration of the Secretariat. In particular, many European delegations were of the opinion that the administrative practices were wasteful, over-specialized and too rigid. The Bureau of Personnel was particularly criticized for the method in which it dealt with applications for employment. It appeared that while some of these criticisms were not without basis, many of them were directly attributable to the newness of the United Nations. The consensus was that it would be premature to criticize too severely the internal administration of the Secretariat. It was considered that Mr. Byron Price, the new Assistant Secretary-General in charge of the Department of Administrative and Financial Services, who had been in office for only six months, should be given full support in developing administrative methods which would lead to greater efficiency.

## 46. INFORMATION QUESTIONS

When the activities of the Department of Public Information were discussed in the Fifth Committee, the Canadian representative stated that, in order to judge whether the United Nations information programme was adequate, a survey should be made of the degree to which national press, radio and film organizations actually use United Nations information programmes. He pointed out that only after such a survey could the Assembly judge the efficiency of the Department. Consequently he asked the Secretary-General to make such a survey and to submit a report on it at the next session. This the Secretary-General undertook to do.<sup>1</sup>

Most delegations were agreed that an information programme was required. There was some feeling, however, among the European delegations, particularly those of the United Kingdom and Belgium, that the Department of Public Information was expanding too rapidly. These delegations proposed large reductions in the budget estimates for this department. Although most of these proposals were rejected, the programme for the establishment of overseas Information and Correspondent Centres was curtailed. Thus only three new Correspondent Centres will be opened in 1948. Most delegations considered that overseas Correspondent Centres should be established in the first instance on a minimum basis and expanded only in the light of proven needs.

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<sup>1</sup>The text of this statement is given in Appendix IV, B, p. 242.

## 47. APPOINTMENTS TO SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY

### *Advisory Committee on Administrative and Budgetary Questions.*—

The following three persons were appointed to serve for a period of three years beginning January 1, 1948:

- M. André Ganem (France);
- Dr. Jan Papanek (Czechoslovakia);
- Mr. N. Sundaresan (India).

The function of this Committee is to examine United Nations administrative and financial questions between sessions of the Assembly and to assist the Fifth Committee during the Assembly.

*Committee on Contributions.*—The following three persons were appointed to serve for a three-year period, effective January 1, 1948:

- Mr. H. Champion (United Kingdom);
- Mr. R. Asha (Syria);
- Dr. M. Z. N. Witteveen (Netherlands).

This Committee examines all economic data concerning the relative capacity to pay of individual Members and makes recommendations to the Assembly on the scale of contributions.

*The Board of Auditors.*—The Auditor-General of Colombia was appointed to replace the Auditor-General of the Ukraine on the Board of Auditors. He will serve for a three-year term beginning July 1, 1948. The function of the Board is to audit the United Nations accounts, those of the International Court of Justice and all such specialized agencies as may be designated by the appropriate authority.

*United Nations Staff Benefit Committee (alternate members).*—The following three persons were appointed as alternate members for a period of two years beginning January 1, 1948:

- Mr. E. de Holte-Castello (Colombia);
- Mr. Edward A. Ghorra (Lebanon);
- Mr. J. Katz-Suchy (Poland).

The Staff Benefit Committee is charged with the administration of the Provisional Retirement Scheme. It will administer the Joint Staff Pension Scheme when it comes into force.

*Investments Committee.*—The Assembly appointed the three following prominent financial experts to advise the Secretary-General on the investments policy of the Pension Fund to be established under the Joint Staff Pension Scheme:

Mr. Jacques Rueff, Honorary Governor of the Bank of France;

Mr. Ivar Roth, Managing Director, Bank of Sweden;

Mr. Marriner S. Eccles, Chairman of the Board of Governors, Federal Reserve System of the United States.

#### 48. SIMULTANEOUS INTERPRETATION

In compliance with an Assembly resolution adopted in 1946, the Secretary-General submitted to the Fifth Committee certain recommendations concerning the extent to which the simultaneous interpretation procedure should be used in the Assembly and its committees. There was general agreement on the advantages of the simultaneous system in saving time and enabling representatives who knew only one of the official languages to follow the debates more closely. It was recognized however that a continuing need exists for consecutive interpretation when a more precise and literal interpretation is required. A resolution approving simultaneous interpretation as a permanent service to be used alternatively, or in conjunction with, consecutive interpretation as the nature of the debates required, was unanimously adopted by the Assembly on November 15, 1947. The Secretary-General was also authorized to provide mobile wireless equipment for use in the Assembly and for servicing conferences which are held away from the headquarters.

#### 49. THE QUESTION OF SPANISH AS A THIRD WORKING LANGUAGE

The Philippine delegation proposed the adoption of Spanish as a third "working" language in addition to English and French. This question was referred to the Advisory Committee, which estimated that the adoption of a third working language would entail an additional cost to the United Nations budget of approximately \$2,000,000 per annum. The adoption of a third working language would also raise administrative, political and legal questions of a serious nature. The Advisory Committee accordingly recommended that this subject be held over for one year and that the Secretary-General submit a report on all aspects of the problem to the next session of the Assembly. The Philippine delegate agreed to a one-year's postponement; the Advisory Committee's recommendations were unanimously adopted by the Assembly on November 15, 1947.

## 50. UNITED NATIONS POSTAL ADMINISTRATION

The delegation of Argentina introduced a proposal calling for the establishment of a United Nations Postal Administration. Under this proposal, the United Nations would issue, sell and use its own postage stamps and the resulting revenues would be a reimbursement of the Working Capital Fund. The Secretary-General noted that this scheme differed from the arrangements made for the issuance of over-printed stamps by the League of Nations. Because of the detailed administrative legal and financial implications of establishing a United Nations Postal Administration, the Secretary-General suggested that he be authorized to study this question and to report to the Third Session of the Assembly and this was agreed.

## 51. UNITED NATIONS TELECOMMUNICATIONS SYSTEM

At its First Session the General Assembly adopted a resolution approving the principle that the United Nations should have its own broadcasting facilities for communication with Members and with its branch offices, and for the transmission of United Nations radio programmes. In accordance with this resolution, the Secretary-General appointed an Advisory Committee of radio experts to assist in carrying out preliminary investigations for the establishment of such a telecommunications system. Following receipt of the report from this Advisory Committee, the Secretary-General submitted a proposal requesting authority to take all the necessary steps to negotiate for the obtaining of wave-lengths, call signs and other facilities necessary for the operation of a United Nations telecommunications system. The Assembly unanimously agreed to this proposition and the Secretary-General is to report on this subject to the Third Session.



## 52. EXPENSES OF NATIONAL REPRESENTATIVES ON UNITED NATIONS COMMISSIONS OF ENQUIRY

A question which has arisen at each session of the Assembly concerns the extent to which the travel expenses of national representatives on United Nations Commissions of Enquiry should be paid by the United Nations. In the case of the Special Committee on Palestine, provision had been made to pay the travel expenses of one representative and one alternate from each country, as well as *per diem* allowance. The same procedure was followed in regard to the Special Committee on the Greek Question and the Temporary Commission on Korea. Despite these precedents, the Belgian delegation proposed that the United Nations should pay the travel and *per diem* expenses of only one representative from each participating country. This proposal was supported by Canada and a number of other delegations. The Fifth Committee decided to refer the question of principle to the Advisory Committee on Administrative and Budgetary Questions for examination and report to the Third Session of the Assembly. In the reference to the Advisory Committee it was emphasized that existing precedents should not prejudice consideration of this issue.

## 32. PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

In the Sixth Committee (Legal) of the Second Session of the General Assembly, five closely related matters were considered in connection with the progressive development and codification of International Law. These were the establishment of an International Law Commission, the preparation of the Commission's work by the secretariat, a draft declaration of the Rights and Duties of States, plans for the formulation of the principles of the Danubian Charter and Tribunal and the teaching of international law. These matters were first examined by a sub-committee of which Mr. Liu (China) was the Chairman. The Commission was subsequently referred to the 24th Committee, which made recommendations to the General Assembly.

### Legal Questions

On November 21, 1947, the Assembly decided by a vote of 48 in favour and none against, with 9 abstentions, to establish an International Law Commission of fifteen persons to promote the development and codification principally of public international law. The Commission will operate in accordance with a statute annexed to the Assembly resolution.<sup>1</sup>

The members of this Commission elected will serve for three years in a manner analogous to those of the International Court of Justice, will receive salary expenses and a per-diem allowance on a scale comparable to those of members of the Economic and Social Council. Each government may nominate one of its nationals and two other persons of like standing as desired. The first election will take place at the Third Session of the Assembly.

There was a strong feeling among members of many delegations that the Interim Committee on Codification, which had been established at the First Session to recommend measures which the Assembly could discharge its obligations to promote the realization

<sup>1</sup> The text of the statute is given in Appendix I, p. 20. It is also in a separate document on the subject of Appendix II, p. 20.



## 53. PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

In the Sixth Committee (Legal) of the Second Session of the General Assembly, five closely related subjects were considered in connection with the progressive development and codification of International Law. These were the establishment of an International Law Commission, the preparation of this Commission's work by the Secretariat, a draft declaration of the rights and duties of states, plans for the formulation of the principles of the Nuremberg Charter and Tribunal and the teaching of international law. These matters were first examined by a sub-committee of which Mr. Liu Chieh (China) was the chairman and were subsequently debated in the full Committee, which made recommendations to the General Assembly.

On November 21, 1947, the Assembly decided by a vote of 44 in favour and none against, with 6 abstentions, to establish an International Law Commission of fifteen persons to promote the development and codification principally of public international law. The Commission will operate in accordance with a statute annexed to the Assembly resolution.<sup>1</sup>

The members of this Commission selected and elected for three years in a manner analogous to those of the International Court of Justice will receive travel expenses and a *per diem* allowance on a rate comparable to those of experts of the Economic and Social Council. Each government may nominate two of its nationals and two other persons on June 1 preceding an election. The first election will take place at the Third Session of the Assembly.

There was a strong feeling among members of some delegations that the Interim Committee on Codification, which had been established at the First Session to recommend measures whereby the Assembly could discharge its obligations to promote the codification

<sup>1</sup> The text of the statute is given in Appendix V, A, pp. 244 to 249; for a Canadian statement on this subject see Appendix V, B, p. 250.

of International Law, should be continued until the next year to prepare the work of the International Law Commission. This view prevailed in the sub-committee but was rejected by the Legal Committee. By a unanimous decision, the Assembly accordingly instructed the Secretary-General to do the necessary preparatory work, having regard to questions referred to the Commission by the Assembly, such as the draft declaration on the rights and duties of states.

On November 21, 1947, the Acting President of the Assembly, Dr. Wellington Koo, declared unanimously adopted a resolution requesting states to forward their comments on a draft declaration on the rights and duties of states which had previously been circulated. The Assembly also asked the Secretary-General to undertake the necessary preparatory work and entrusted the further study of this subject to the International Law Commission which it instructed to prepare a draft declaration "taking as a basis of discussion the draft declaration . . . presented by Panama and taking into consideration other documents and drafts on this subject".<sup>1</sup> The action of the Acting President in declaring this resolution adopted unanimously caused the representatives of the Ukraine, the U.S.S.R., Byelorussia, Poland and Yugoslavia to declare, in quick succession, that had the matter been put to a vote they would have voted against it. However, the action of the Chairman was upheld.

At its First Session, the Assembly adopted a resolution which affirmed the principles contained in the Charter of the Nuremberg Tribunal and its judgments and directed the Interim Committee on Measures for Codification to formulate plans for a general codification of offences against the peace and security of mankind.<sup>2</sup> On November 21, 1947, the Assembly (by a vote of 42 in favour and 1 against, with 8 abstentions) entrusted the formulation of these principles to the International Law Commission and asked it to prepare a draft code of offences against the peace and security of mankind. Canada voted in favour of this resolution.

<sup>1</sup>The Panamanian draft declaration referred to is given in *The United Nations 1946*, Conference Series, 1946, No. 3, prepared by the Department of External Affairs pp. 222-4.

<sup>2</sup>See p. 140 of *The United Nations 1946*, Conference Series, 1946, No. 3, prepared by the Department of External Affairs.

In plenary session of the General Assembly, Canada abstained from voting on a proposal by Bolivia, adopted by a vote of 48 in favour and none against with 7 abstentions whereby the Assembly requested governments to extend the teaching of international law in universities and other institutions "that are under government control . . . or to initiate such teachings where it is not yet provided". It was the view of the Canadian delegation that it would be improper for it to support this resolution if by so doing it might imply that universities in Canada were under federal control. The resolution concerned a field lying directly within provincial jurisdiction in Canada.

## 54. PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

The privileges and immunities to be accorded in connection with international organizations were considered by the Legal Committee and the General Assembly under two headings: the agreement between the United Nations and the United States concerning the permanent headquarters of the United Nations in the United States, and the co-ordination of the privileges and immunities of the United Nations with those of specialized agencies.

With respect to the permanent headquarters, the Secretary-General submitted for the approval of the General Assembly the agreement which he had negotiated and concluded with the United States in accordance with a previous decision of the Assembly.<sup>1</sup> The agreement was signed on June 26, 1947, and on August 4, 1947, Congress authorized the President of the United States to bring it into effect. The agreement was considered at length by the Legal Committee which presented a detailed report to the General Assembly. On October 31, 1947, the General Assembly unanimously endorsed the opinions contained in the report, approved the agreement and authorized the Secretary-General to bring it into force in the manner provided and to perform the functions required by it.

The agreement between the United Nations and the United States concerns primarily the permanent headquarters to be built between 42nd and 48th Streets on the East River, New York City; this area is called the "headquarters district". While the district will be under the control and authority of the United Nations, the laws of the United States, except as modified by regulations made by the United Nations, will prevail in the district. The district is to be inviolable, however, and the United Nations will enjoy the necessary facilities for its operations, including facilities for communication, transit and police protection. The agreement provides

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<sup>1</sup> The text of this agreement is given in Appendix V, C, pp. 250 to 260.

that any person who has abused the privileges of residence, whether a representative of a Member or an official of the United Nations or of a specialized agency, may be subject to the laws and regulations of the United States regarding the continued residence of aliens. The privileges and immunities of resident representatives of Members of the United Nations and of specialized agencies have been defined further. The agreement is complementary to the General Convention on privileges and immunities of the United Nations and it provides for the conclusion of supplementary agreements concerning amongst other things the temporary headquarters at Flushing and Lake Success.

The Legal Committee also considered at length the co-ordination of the privileges and immunities of the United Nations and those of specialized agencies brought into relation with the United Nations. It decided to draft a convention, the main or "standard" clauses of which are patterned largely on the General Convention on the Privileges and Immunities of the United Nations.<sup>1</sup> To it was added an annex for each of the nine specialized agencies. These annexes modify to a certain extent some of the privileges and immunities enumerated in the "standard" clauses. The General Assembly, at its meeting of November 21, 1947, approved the draft convention by a vote of 45 for, including Canada, and none against, with 5 abstentions, and proposed it for acceptance by the specialized agencies and for accession by Members of the United Nations and other states, members of the agencies. The Assembly further recommended that constitutions of future specialized agencies should not contain detailed provisions for privileges and immunities but that these should be settled in accordance with the proposed convention. Finally the Assembly recommended that its members should immediately accord, as far as possible, pending accession to the convention, the benefit of these privileges and immunities with respect to specialized agencies.

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<sup>1</sup>The text of this General Convention is given in *Report of the First Part of the First Session of the General Assembly of the United Nations*, Department of External Affairs, Conference Series, 1946, No. 1, pp. 79-85.



## 55. THE CRIME OF GENOCIDE

The resolution covering genocide adopted by the General Assembly on December 11, 1946, recites that genocide is a denial of the right of existence of entire human groups, similar to homicide for the individual. The Assembly affirmed that it was an international crime for which all responsible for its perpetration are punishable.<sup>1</sup> The resolution invited Member States to enact the necessary legislation and requested the Economic and Social Council to undertake studies with a view to submitting a draft convention on genocide to the Second Session of the Assembly.

A draft convention was accordingly submitted by the Council to the Assembly with a request for further instructions.

The Legal Committee considered what measures could best be taken in connection with the convention on genocide. Some delegations stressed the sociological aspects of the study and the political nature of the problem. Other delegations, emphasizing the legal nature of the work, suggested that the convention be referred to the International Law Commission. On November 21, 1947, the Assembly noted that many governments had not submitted observations on the draft convention and requested the Economic and Social Council to continue its work, taking into account that the International Law Commission has been charged with the formulation of the principles of the Charter of the Nuremberg Tribunal as well as the preparation of a draft code of offences against peace and security. The Assembly informed the Council it need not await the observation of all Members before commencing its work and requested the Council to submit a report and the convention at the Third Session of Assembly.<sup>2</sup> Canada supported this resolution which was adopted by the Assembly by 38 in favour and none against with 14 abstentions.

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<sup>1</sup> The text of this resolution is given on p. 268 of *The United Nations, 1946*, Conference series, 1946, No. 3 prepared by the Department of External Affairs.

<sup>2</sup> The text of this resolution is given in Appendix V, D, p. 260.

## 56. NEED FOR GREATER USE OF THE INTERNATIONAL COURT OF JUSTICE

The question of the need for greater use of the International Court of Justice was placed on the agenda of the General Assembly on the initiative of Australia. It was stated that the Court was the only organ of the United Nations which had not then been used and this was attributed, by the Australian representative, to an indifference toward the legal aspects of situations and toward the Court as a means of peaceful adjustment of these situations. In the Legal Committee some delegations, notably those from eastern Europe, insisted that the main problems facing the United Nations were of a political nature and that it would be improper to seek legal solutions to them through the Court. The majority of the representatives, however, expressed agreement with the views of the Australian delegate.

On November 14, 1947, the Assembly adopted three resolutions.<sup>1</sup> The first, based on the Australian proposals, recommended that United Nations organs and specialized agencies should review, from time to time, the "difficult and important points of law" which arise in the course of their activities, including the interpretation of the Charter and the constitutions of agencies, and to request advisory opinions of the Court, if so authorized. The second resolution authorized the Trusteeship Council to request advisory opinions of the Court. The third resolution, based on a Franco-Iranian proposal, drew attention to the desirability of accepting the compulsory jurisdiction of the Court and of inserting arbitration clauses in treaties, for the submission to the Court of disputes arising from the interpretation of such treaties. It also recommended that States should, as a general rule, submit their legal disputes to the Court.

The second resolution was adopted in the Assembly on November 14, 1947, by a vote of 54 in favour and none against and the first

<sup>1</sup> The text of these resolutions is given in Appendix V, E, p. 261.

and third resolutions were adopted by votes of 45 in favour and 6 against. The main objection stated to the first resolution was that the Court was not competent to interpret the Charter. In support of this thesis the U.S.S.R. delegation based its argument on the reports of the San Francisco Conference. On the basis of these same documents, however, other delegates, including the Canadian representative, spoke in support of the contrary thesis, which was accepted by the Assembly.<sup>1</sup>

<sup>1</sup> The text of the statement by the Canadian representative is given in Appendix V, F, p. 263.

## 57. SURRENDER OF WAR CRIMINALS

On February 13, 1946, the Assembly recommended that Member States take necessary measures to arrest war criminals and to send them back for trial and punishment to the countries where they perpetrated the deeds of which they were accused.

At the Assembly session of 1947, Yugoslavia requested the insertion in the agenda of an item concerning the "recommendations to be made to ensure the surrender of war criminals, traitors and quislings" and it presented a draft resolution on the subject. The draft resolution considered the "factual state" of affairs in the light of the Assembly's resolution of February 13, 1946, regretted that certain governments were not carrying out this resolution and, in the most vigorous terms, "called upon" all Member States, and states applying for United Nations membership, to hand over war criminals and to conclude bilateral agreements to this effect and to live up to these agreements.

When the subject was discussed in the Legal Committee, the Yugoslav, Soviet, Ukrainian, Byelorussian, and Polish delegations cited a number of instances where war criminals were alleged to have been protected by the United Kingdom, the United States, France and Italy. The debate, far from being juridical, consisted mainly of accusations and denials between these two groups of states. In the event, the Legal Committee, and subsequently the Assembly, refused to judge the allegations and on October 31, 1947, the Assembly adopted, by a vote of 42 in favour and 7 against, what had originally been a United Kingdom proposal. By this resolution the Assembly reaffirmed its resolution of February 13, 1946, on war criminals and recommended that Members continue with "unabated energy" to carry out their responsibilities in this respect. The Assembly also recommended to those Members seeking the surrender of alleged war criminals that they request their surrender as soon as possible and support their request with "sufficient evidence to establish that a reasonable *prima facie* case exists as to identity and guilt".<sup>1</sup>

<sup>1</sup>The full text of this resolution is given in Appendix V, G, p. 264.

## 58. THE REGISTRATION AND PUBLICATION OF TREATIES

On December 14, 1946, the General Assembly adopted regulations in connection with the Secretariat's duty, under Article 102 of the Charter, to register and publish treaties and international agreements.<sup>1</sup> At this session the Secretary-General reported that up to September 30, 1947, 408 treaties had been received for registration or filing and recording, of which 113 had been registered, 44 filed and recorded while the balance were still the subject of correspondence between the governments concerned. The Assembly noted this report on November 14, 1947, and drew the attention of Members to the obligations imposed by Article 102 of the Charter.

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<sup>1</sup>See pp. 269-273 of *The United Nations 1946*, Conference series, 1946, No. 3, prepared by the Department of External Affairs.

## 59. RULES OF PROCEDURE

When the Canadian Government requested, at the second part of the First Session of the Assembly, the inclusion of an item entitled "Measures to economize the time of the General Assembly" it emphasized the importance of reforming the Assembly's rules of procedure. The Assembly subsequently established a Committee on Procedures and Organization which was instructed to meet two weeks before the opening of the Second Session to discuss the possibility of improving the existing rules.<sup>1</sup>

On September 8, 1947, this Committee on Procedures met and elected Mr. Escott Reid (Canada) as its chairman. The Committee, after 15 meetings, presented its report for consideration by the Assembly.<sup>2</sup> The Assembly referred part three of the report, except Chapters VII, IX, and X of the Rules of Procedure (which were referred to the Administrative and Budgetary Committee) to the Legal Committee for report in sufficient time for the full consideration by the Assembly before adjournment. The Legal Committee then formed a sub-committee of eleven members, including Canada, to review the Rules of Procedure referred to it and to review those referred to the Administrative Committee in order to ensure consistency. It was principally on the initiative of the United Kingdom delegation that a number of further improvements were made to the Rules of Procedure, particularly in respect to their order, the preparation of a more complete table of contents and marginal notes to the rules. On November 17, 1947, the Assembly approved and adopted the Rules of Procedure, declaring that they would come into force on January 1, 1948. The Assembly also invited the Secretary-General to prepare in consultation with the Economic and Social Council, draft rules for the calling of international conferences for consideration at the Assembly's Third Session.

<sup>1</sup>See pp. 159 to 161 of *The United Nations, 1946*, Conference series, 1946, No. 3, prepared by the Department of External Affairs.

<sup>2</sup>The text of the statement by the Chairman of the Committee, Mr. Reid, is given in Appendix V, H, pp. 265 to 268.

The principal changes in the Rules of Procedure embody a clarification of the three methods of placing items on the agenda; the election of vice-presidents of the Assembly after committee chairmen have been elected; the right of the chair to declare the closure of the list of speakers; the order in which motions or proposals shall be put to vote; the definition of amendments; the reconsideration of proposals adopted at a session; the definition of the phrase "members present and voting"; the method of carrying out a roll-call vote; the authority of the president and of committee chairmen over meetings; the clarification of the term of office of members of the Trusteeship Council, and the elucidation of rules concerning the committees. The rules concerning the admission of members were unchanged, as were those concerning languages and interpretation.

The Legal Committee rejected a Norwegian proposal for a nominations committee whose task would be to present to the Assembly lists of competent persons to fulfil the offices of committee chairmen, vice-chairmen and rapporteurs. It also rejected four provisions which would have limited the right of voting on parts of proposals separately and of requesting roll-call votes, by making such decisions subject to the approval of two-thirds of the members present and voting.

## 60. UNITED NATIONS FLAG AND UNITED NATIONS DAY

During the Second Session of the General Assembly proposals concerning the United Nations Flag and United Nations Day were referred to the Legal Committee which reported unanimously to the General Assembly on the flag problem but was unable to reach agreement as to whether the United Nations Day ought to be held on June 26, the date of the signature of the Charter, or on October 24, the date the Charter came into force.

The Assembly adopted, as the United Nations Flag, the official United Nations emblem, a circular projection of the world area, centred on a light blue background. It directed the Secretary-General to draw up regulations concerning the dimensions and proportions of the flag and authorized him

“to adopt a flag code, having in mind the desirability of a regulated use of the flag and the protection of its dignity”.

As regards United Nations Day, the proposals of the Secretary-General, referred to the Legal Committee, were to commemorate both a United Nations “Charter Day” (June 26) and a United Nations “Peace Day” (October 24). The Assembly, however, accepted unanimously the recommendation of the Legal Committee which proposed that October 24 should be known as United Nations Day, during which a particular effort should be made to inform the peoples of the world of the aims and achievements of the United Nations. The Assembly also invited its Members to co-operate with the United Nations in securing observance of this anniversary.





## APPENDIX I

### A. Text of Address given in Ottawa by the Chairman of the Canadian Delegation to the Second Session of the General Assembly of the United Nations, September 10, 1947

## Appendices



## APPENDIX I

### A. Text of Address given in Ottawa by the Chairman of the Canadian Delegation to the Second Session of the General Assembly of the United Nations, September 12, 1947

...There is one further evidence of the seriousness with which we view our obligations under the United Nations that I should like to make known to you. This is the fact that we intend, at the forthcoming session of the Assembly, to stand as a candidate for membership on the Security Council. Some comment about this possibility has already been made in Canada, but the Government has not previously made known its intentions in this respect formally and publicly. I think it appropriate that I should do so now in the presence of this group of Canadian citizens, and I know that this is once in my life, at least, when I can announce an election campaign and be confident of the good wishes of every person present. We have already informed other members of the United Nations of our candidacy for membership on the Security Council. We have not asked any state to pledge its vote to us, because it is not the policy of the Canadian Government either to seek or to give pledges of this nature. We have, however, asked that sympathetic consideration be given to our candidature and that our qualifications be judged on our record. I may say that the response has been most gratifying.

This decision in respect of the Security Council has been made only after the most careful consideration. We realize, in the first place, that if we are elected the people of Canada will be confronted with new and onerous responsibilities. We realize also that we shall have the weaknesses and difficulties from which the United Nations suffers brought home to us in an urgent and direct manner that will test to the utmost our confidence in that organization. I am sure that the members of this organization are sufficiently familiar with the activities of the United Nations to understand the heavy responsibilities which we are offering to assume. We shall have to increase our delegation in New York, and this will be an added burden on a Department of Government which is already carrying a heavy load. We shall have, at the same time, to maintain at full strength the facilities in Ottawa and elsewhere through which we shall inform our delegation in New York concerning the problems which are on the agenda of the Security Council. Most important of all, we shall be forced, as never before in Canada in times of peace, to make decisions on major questions of policy arising from situations which exist far from our shores and which some may feel do not directly affect us.

Our faith in the organization will also be tested by the practical experience which we will have of the frailties of the United Nations. I know of no more frustrating experience, either for an individual or a nation,

than to be engaged in an enterprise which is not prospering. We should indeed be misrepresenting the situation if we did not make clear our realization that we are standing for membership on a body with a discouraging record. We must not delude either ourselves or anyone else about the fact that membership on the Security Council will embody greater risks and responsibilities and fewer rewards and honours than it seemed to offer two years ago when Canada withdrew its candidacy in the original elections, in order to enable Australia to be elected without further contest.

The Security Council was established in the hope that it would provide means to dissolve threats to the peace through that gradual process of negotiation and discussion which is at the heart of the democratic process. It was founded in the faith that there is no problem in human relations which it is beyond the power of human ingenuity and intelligence to solve. It was also established in the belief that the nations which constituted it would be able and ready to judge world problems, not only in the light of their own national interests but in terms of the welfare of the world community.

It is a great disappointment to us all that the organization has fallen so far short of realizing these expectations. The Security Council has become a forum in which the issues of world politics have been subjected to public debate. It has so far failed to provide a conference table at which reconciliation might be achieved through compromise. There has been little evidence of sincere desire to reach agreed solutions. All too frequently, on the other hand, there has been the continual restatement in uncompromising terms of inflexible positions. The misuse of the veto, which we all so much regret, has been a disturbing symptom of the failure to reach agreed solutions on any of the major problems brought before the United Nations.

I would not like to suggest that, in seeking membership on the Security Council, we feel ourselves in a position to provide the remedy for these difficulties. The remedy can only lie in the attitude of the Permanent Members of the Council. There is no form of words, nor method of procedure which will be proof against the determination of any state to misuse its position as a Member of the Council. The Security Council is essentially a democratic political device. It is basic in democratic practice that no member of a democratic community shall so use his privileges that the system by which his community is governed is weakened or discredited. In a true democracy there is no end which justifies a means that brings into contempt the instrument of government. It is only by the practice of these restraints that the Security Council can be redeemed.

We have, of course, our own ideas about the ways in which the operations of the United Nations could be improved and we shall make these views known, wherever and whenever it is possible, in our contacts with that organization. In this respect, I think our record is particularly good. From the very inception of the United Nations, Canadian delegations have advocated methods of procedure which would simplify and expedite its work. We shall continue to make these views known and to press for the improvements in organization which we think would be beneficial. We have views, also, about constitutional problems such as the veto. We realize that this provision of the Charter was a necessary expedient for resolving, on a temporary basis at least, the basic problem of voting procedure in a world of unequal powers. We shall never be

reconciled, however, to a permanent situation in which a distinction is made between five nations of the world which are defined as Great Powers and all other nations, which, despite the great differences amongst them, are placed together in a less privileged position. The solution of this problem will not be easy, and I do not think that any simple constitutional amendment nor any mere reform in procedure will solve it. Our difficulties will be removed only by the establishment, over a period of time, of precedents and practices which will lead to a modification of the veto power. We are fully conscious, therefore, that if we are elected to the Security Council, our influence on that body will be limited by the superior voting powers which are enjoyed by some members of that body.

You may well ask, therefore, why the Government, in the presence of these difficulties, has decided to make known its readiness to serve on the Security Council. We shall become involved directly with questions such as the Balkan dispute and the Indonesian problem which do not now come immediately before our attention. We shall be endeavouring to find solutions to problems which are complicated by the unresolved differences amongst the Great Powers and we shall be taking part in the activities of a body which the world knows to be far from perfect. Why should we state our willingness to serve?

To my mind there is only one answer to this question. In spite of its shortcomings, we in this country continue to believe that the best hope for mankind lies in the establishment of a world organization for the maintenance of peace. We ourselves in this country have built a nation which is as wide as the continent and which is based on the consent of many diversified groups. There is no reason to believe that our experience here and the experience of other peoples who have built political organizations over wide areas cannot be repeated amongst the nations. We believe that, particularly for a people such as our own which wishes to maintain its freedom and to leave other people in the enjoyment of theirs, the greatest hope for our survival lies in the development of machinery for international cooperation.

If we wish to enjoy the benefits of such a development we must also accept its responsibilities. We must even be prepared to accept these responsibilities at a time when the going is hard and when the future is by no means certain. I do not think that the people of this country would tolerate any other attitude on the part of its representatives to the United Nations. I am certain that we carry the support of every thoughtful Canadian in our determination to make every effort towards the success of this new experiment in international organization. I have already made a statement to this general effect in Parliament during the debate on the estimates of the Department of External Affairs on July 4th last, and I should like to repeat now what I said at that time, because it seemed to meet with approval from all parts of the House:

It has been hoped, and indeed it is still hoped, at least as far as I am concerned, that the United Nations can be the agency to counteract these dividing forces, that it can act as an organization of civilized states within which universal and friendly co-operation will become possible and should be realized. It is because it still thinks that this can be done that the Canadian Government feels that the growth and strengthening of the United Nations must be a real cornerstone of Canada's policy in foreign affairs. It would be folly to disparage

the organization merely because it has not, in its short history, already accomplished all that we hoped for from it. The weaknesses which have been displayed make it all the more necessary that support for it be strong and steadfast with a view to removing those weaknesses. At the same time we must not complacently allow any one state or group of states to use the United Nations for their own selfish national or propagandist purposes. It must be a forum for the expression of the collective will of all peoples and not a sounding board for false and misleading propaganda.

I conclude, then, on a note of reserved optimism. We in Canada, regard our membership in the United Nations not as a temporary expedient but as a permanent partnership. At the same time, we are conscious of the effort which must be made to offset the danger in which this partnership lies.

### **B. Statement by the Chairman of the Canadian Delegation in the Opening Debate, in the General Assembly, September 18, 1947**

A Canadian statement in the general discussion at the opening of the Assembly should, I think, give an account of our stewardship as a Member of the United Nations, and our view whether the organization is fulfilling the high purposes and noble ideals which inspired its creation.

As to the former, Canada has endeavoured to discharge both its formal and implied obligations as a Member State. Our Parliament has passed legislation necessary for this purpose, including an appropriation of twenty millions of dollars for post-UNRRA international relief. We have also carried out our duty in implementing a resolution of the Assembly which was passed by a substantial majority and was in accord with the Charter, even though we opposed it unsuccessfully when it was introduced.

We do not, of course, feel that we are entitled to any particular credit for the discharge of obligations which we have undertaken, by signing the Charter of the United Nations. I hope that we, and all others, take these obligations seriously. The proof of this, however, in our case, and in the case of other Members, will be found in deeds, not words. So nothing more need be said on this point.

The Canadian people also believed that in signing the Charter, they, and all other Member States, accepted an obligation to reconcile views and policies concerning national welfare with those concerning the needs of mankind, as a whole. In the light of recent developments, it is perhaps not superfluous to reassert this obligation. It is a mandate to guide ourselves by the principle that in the long run each nation can benefit most from those measures which benefit all nations. It is a commitment constantly to scrutinize our domestic and external policies on the national level so that we may be certain of bringing them into harmony with the high purposes to which this organization is dedicated.

My second purpose in speaking is to give you, in a few words, the view of my Government on the present position of our world organization. There is a growing feeling in my country, as in other countries, that the

United Nations, because of the experience of the Security Council, is not showing itself equal to the discharge of its primary task of promoting international confidence and ensuring national security. The Economic and Social Council is functioning fairly successfully. The specialist organizations are doing good work. But the Security Council, founded on what is called the unanimity of its permanent members, has done little to strengthen the hopes of those who saw in it the keystone of the structure of peace. It has done much to deepen the fears of those who felt that, with the veto, it could not operate effectively in an international atmosphere of fear and suspicion, where pride is often allowed to take precedence over peace and power over reason.

This veto privilege, attacked and defended with equal vigour, if it continues to be abused, may well destroy the United Nations, because it will destroy confidence in the ability of the Security Council to act internationally, to act effectively, and to act in time. There is no point in deceiving ourselves. Our peoples cannot be expected to accept indefinitely and without alteration, voting procedures and practices which, in the name of unanimity, underline disunity; and which reduce agreement to a lowest common denominator of action that in practice often means inaction. For this reason, the Canadian delegation warmly supports the United States suggestions concerning voting procedure in the Security Council.

Our delegation also supports the United States proposal designed to extend the usefulness of the Assembly. We think that its acceptance would infuse new life and vigour into our whole organization.

In the concentration of attention on the vital role of the Security Council, it should not be forgotten that the Assembly, or a continuing committee of the Assembly, can do many of the things for which the Security Council was intended to take primary responsibility. It can discuss a dispute or situation at open meetings and at small private committee meetings. It can investigate by calling witnesses and by sending out commissions of enquiry. It can publish the findings of its committees as soon as the Security Council ceases to deal with a dispute or situation. The General Assembly can make recommendations and can send these recommendations to the Security Council or to the nations concerned, or to both. The Canadian delegation sees no reason, therefore, why these functions of the Assembly should not be put to greater use for the solution of problems when they are not being solved elsewhere.

The fact remains, however, that these problems must be solved, and that procedures and practices which obstruct such solutions must be changed. This can be done by the voluntary abandonment of these practices; by agreed conventions or understandings which will regulate them; or, if necessary, by amendments to the Charter. We hope that no member of the Security Council will flout clearly expressed world opinion by obstinately preventing change, and thus become responsible for prejudicing, and possibly destroying, the organization which is now man's greatest hope for the future.

Nations, in their search for peace and co-operation, will not, and cannot, accept indefinitely an unaltered Council which was set up to ensure their security, and which, so many feel, has become frozen in futility and divided by dissension. If forced, they may seek greater safety in an association of democratic and peace-loving states willing to accept more specific international obligations in return for a greater measure of national security.



Such associations, it has already been pointed out, if consistent with the principles and purposes of the Charter, can be formed within the United Nations. It is to be hoped that such a development will not be necessary. If it is unnecessary, it will be most undesirable. If, however, it is made necessary, it will have to take place. Let us not forget that the provisions of the Charter are a floor under, rather than a ceiling over, the responsibilities of Member States. If some prefer to go even below that floor, others need not be prevented from moving upwards.

Two, or more, apartments in the structure of peace are undoubtedly less desirable than one family of nations dwelling together in amity, undivided by curtains or even more substantial pieces of political furniture. They are, however, to be preferred to the alternative of wholly separate structures.

This, you may say, is defeatism of the worst kind. It is not. It is merely sober realism. It would be folly to deny that certain events of the last twelve months have weakened the position of our organization. It would be folly not to admit that a continuation of this trend may cause it ultimately to collapse.

Our delegation, our Government, and our Canadian people are determined to do everything they can to prevent this tragic development. Our faith and hope still shine, though now through an overcast of anxiety. The work of this Assembly, to which we pledge our contribution, will, we trust, remove that anxiety, justify that faith, and heighten that hope.

## C. Canadian Statement, October 10, 1947

### COMPOSITION OF THE SPECIAL COMMITTEE FOR GREECE

The statements regrettably made in this Committee yesterday by the representatives of the Union of Soviet Socialist Republics and certain other governments indicating that they would neither participate in the establishment of the Special Committee nor co-operate with it after it has been established, make it all the more important to reflect carefully before we decide upon the composition of this Committee.

Now that we have agreed by a large majority to establish this Committee for the purpose of endeavouring to apply procedures of conciliation to the explosive situation which exists on the northern borders of Greece, and to supervise and facilitate the implementation of the resolution of the General Assembly, we must not be diverted from our purpose.

It was suggested yesterday in this Committee that our purpose might best be served by the exclusion of all permanent members of the Security Council from the Special Committee.

In this connection, a parallel was drawn between this Special Committee and the Committee which was sent by the General Assembly to Palestine to investigate and recommend solutions of the Palestine problem.

Surely we have now reached a point in the Greek case, in which it is not further investigation that is required, but action, urgent action, to conciliate and bring about adjustment in the relations between Greece and her northern neighbours.

In the present situation, which involves the maintenance of international peace and security, the permanent members of the Security Council bear a primary and special responsibility in trying to find a solution.

The representative of the United States said that "The United States was motivated by the desire to press as far as possible for conciliation among the permanent members".

The significant statement in our view is sufficient ground for asking that all the permanent members that are willing to serve should be members of this Special Committee and that the door should be left open to that permanent member which has expressed its intention not to co-operate in this effort, to serve as a member of the Committee as well.

Another important factor which must be taken into account is that if this Special Committee is to be effective, it must have real prestige and authority and its composition must be such as to assure that this is the case. One cannot read Paragraphs 5 and 6 of the resolution without realizing how desirable it is that the Great Powers be represented on this Committee. Under Paragraph 5, Greece and her northern neighbours are called upon to carry out certain specific measures of co-operation in the settlement of their disputes and under Paragraph 6, the Special Committee is set up not wholly and not mainly to observe and report whether they do or not, but mainly to assist them in doing so. The Committee will have grave and high responsibilities. It may even recommend that a special session of the United Nations be convoked to deal with the situation, should it further deteriorate.

I would therefore urge that this Committee, after reflection, might accept as a basis for the composition of the Committee the view expressed by the United States.

Specifically my proposal is that the Special Committee shall consist of representatives of Australia, Brazil, China, France, Mexico, the Netherlands, Pakistan, the United Kingdom and the United States, seats being held open for Poland and the U.S.S.R.

## D. Resolution of the Assembly, October 21, 1947

### THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF GREECE

1. *Whereas* the peoples of the United Nations have expressed in the Charter of the United Nations their determination to practise tolerance and to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security; and to that end the Members of the United Nations have obligated themselves to carry out the purposes and principles of the Charter,

#### 2. *The General Assembly of the United Nations,*

*Having considered* the record of the Security Council proceedings in connection with the complaint of the Greek Government of December 3, 1946, including the report submitted by the Commission of Investigation established by the Security Council resolution of December 19, 1946 and information supplied by the Subsidiary Group of the Commission of Investigation subsequent to the report of the Commission;

3. *Taking account* of the report of the Commission of Investigation which found by a majority vote that Albania, Bulgaria and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government;

4. *Calls upon* Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas;

5. *Calls upon* Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other to co-operate in the settlement of their disputes by peaceful means, and to that end recommends:

(1) That they establish normal diplomatic and good neighbourly relations among themselves as soon as possible;

(2) That they establish frontier conventions providing for effective machinery for the regulation and control of their common frontiers and for the pacific settlement of frontier incidents and disputes;

(3) That they co-operate in the settlement of the problems arising out of the presence of refugees in the four States concerned through voluntary repatriation wherever possible and that they take effective measures to prevent the participation of such refugees in political or military activity;

(4) That they study the practicability of concluding agreements for the voluntary transfer of minorities;

6. *Establishes* a Special Committee:

(1) To observe the compliance by the four Governments concerned with the foregoing recommendations;

(2) To be available to assist the four Governments concerned in the implementation of such recommendations;

7. *Recommends* that the four Governments concerned co-operate with the Special Committee in enabling it to carry out these functions;

8. *Authorizes* the Special Committee, if in its opinion further consideration of the subject matter of this resolution by the General Assembly prior to its next regular session is necessary for the maintenance of international peace and security, to recommend to the Members of the United Nations that a special session of the General Assembly be convoked as a matter of urgency;

9. *Decides* that the Special Committee

(1) *Shall consist* of representatives of Australia, Brazil, China, France, Mexico, the Netherlands, Pakistan, the United Kingdom and the United States of America, seats being held open for Poland and the Union of Soviet Socialist Republics;

(2) *Shall have* its principal headquarters in Salonika and with the co-operation of the four Governments concerned shall perform its functions in such places and in the territories of the four States concerned as it may deem appropriate;

(3) *Shall render* a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject matter of this resolution, and shall render such

interim reports as it may deem appropriate to the Secretary-General for transmission to the Members of the Organization; in any reports to the General Assembly the Special Committee may make such recommendations to the General Assembly as it deems fit;

(4) *Shall determine* its own procedure, and may establish such sub-committees as it deems necessary;

(5) *Shall commence* its work within thirty days after the final decision of the General Assembly on this resolution, and shall remain in existence pending a new decision of the General Assembly.

#### 10. *The General Assembly*

*Requests* the Secretary-General to assign to the Special Committee staff adequate to enable it to perform its duties, and to enter into a standing arrangement with each of the four Governments concerned to assure the Special Committee, so far as it may find it necessary to exercise its functions within their territories, of full freedom of movement and all necessary facilities for the performance of its functions.

### E. United States Amendment to Draft Resolution of Union of Soviet Socialist Republics, October 29, 1947

#### THE PROBLEM OF THE INDEPENDENCE OF KOREA

Inasmuch as the Korean question which is before the General Assembly is primarily a matter for the Korean people itself and concerns its freedom and independence, and recognizing that this question cannot be correctly and fairly resolved without the participation of representatives of the indigenous population.

The First Committee recommends that: elected representatives of the Korean people from northern and southern Korea *be invited* to take part in the consideration of the question.

Further recommends that in order to facilitate and expedite such participation and to insure that the Korean representatives will in fact be duly elected by the Korean people and not mere appointees from military authorities in Korea, there be forthwith established a United Nations Temporary Commission on Korea, to be present in Korea with right to travel, observe and consult throughout Korea.

### F. Resolution of the Assembly, November 14, 1947

#### THE PROBLEM OF THE INDEPENDENCE OF KOREA

##### I

*Inasmuch* as the Korean question which is before the General Assembly is primarily a matter for the Korean people itself and concerns its freedom and independence, and

*Recognizing* that this question cannot be correctly and fairly resolved without the participation of representatives of the indigenous population;

*The General Assembly,*

1. *Resolves* that elected representatives of the Korean people be invited to take part in the consideration of the question;

2. *Further resolves* that in order to facilitate and expedite such participation and to observe that the Korean representatives are in fact duly elected by the Korean people and not mere appointees by military authorities in Korea, there be forthwith established a United Nations Temporary Commission on Korea, to be present in Korea, with right to travel, observe and consult throughout Korea.

II

*The General Assembly,*

*Recognizing* the urgent and rightful claims to independence of the people of Korea;

*Believing* that the national independence of Korea should be re-established and all occupying forces then withdrawn at the earliest practicable date;

*Recalling* its previous conclusion that the freedom and independence of the Korean people cannot be correctly or fairly resolved without the participation of representatives of the Korean people, and its decision to establish a United Nations Temporary Commission on Korea (hereinafter called the "Commission") for the purpose of facilitating and expediting such participation by elected representatives of the Korean people:

1. *Decides* that the Commission shall consist of representatives of Australia, Canada, China, El Salvador, France, India, Philippines, Syria, Ukrainian Soviet Socialist Republic;

2. *Recommends* that the elections be held not later than 31 March 1948 on the basis of adult suffrage and by secret ballot to choose representatives with whom the Commission may consult regarding the prompt attainment of the freedom and independence of the Korean people and which representatives, constituting a National Assembly, may establish a National Government of Korea. The number of representatives from each voting area or zone should be proportionate to the population, and the elections should be under the observation of the Commission;

3. *Further recommends* that as soon as possible after the elections, the National Assembly should convene and form a National Government and notify the Commission of its formation;

4. *Further recommends* that immediately upon the establishment of a National Government, that Government should, in consultation with the Commission: (a) constitute its own national security forces and dissolve all military or semi-military formations not included therein; (b) take over the functions of government from the military commands and civilian authorities of north and south Korea, and (c) arrange with the occupying Powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within ninety days;

5. *Resolves* that the Commission shall facilitate and expedite the fulfilment of the foregoing programme for the attainment of the national independence of Korea and withdrawal of occupying forces, taking into account its observations and consultations in Korea. The Commission shall report, with its conclusions, to the General Assembly and may consult with the Interim Committee (if one be established) with respect to the application of this resolution in the light of developments;

6. *Calls upon* the Member States concerned to afford every assistance and facility to the Commission in the fulfilment of its responsibilities;

7. *Calls upon* all Members of the United Nations to refrain from interfering in the affairs of the Korean people during the interim period preparatory to the establishment of Korean independence, except in pursuance of the decisions of the General Assembly; and thereafter, to refrain completely from any and all acts derogatory to the independence and sovereignty of Korea.

## G. Joint Resolution Proposed by Belgium, Brazil and Denmark, November 14, 1947

### TREATMENT OF INDIANS IN SOUTH AFRICA

*The General Assembly,*

*Considering* the reports submitted by the Governments of India and of the Union of South Africa following the resolution of the General Assembly of December 8, 1946, which drew their attention to the desirability of their reaching an agreement;

*Considering* that, according to the opinion expressed by the said resolution, the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter; that, in consequence, it is above all necessary to determine the rights and obligations of the two States; that, according to the Charter and to the Statute of the International Court of Justice, the Court is particularly designed to deal with such questions;

*Expresses* the wish that the parties should continue their efforts with a view to reaching an agreement directly settling their dispute, and that, should they fail to reach such an agreement, they should submit the dispute to the International Court of Justice.

## H. Canadian Statement, November 17, 1947

### TREATMENT OF INDIANS IN SOUTH AFRICA

Mr. Chairman, while our delegation has refrained from giving advice to either country whose dispute is now under consideration, this is not because our delegation is lacking in views on how the dispute might be settled. Our principal concern is that these two countries, with which Canada has special ties of association and friendship, should break the

deadlock in their dispute and enter, as soon as possible, into direct discussions with a view to arriving at a friendly settlement on all the questions at issue between them.

If the decision of the Assembly is to have this constructive effect, the resolution which embodies it should be composed in such terms as not to imply judgment against one party or the other, especially since the facts and the law in the dispute have not yet been established by an impartial international tribunal.

As we believe that the draft resolution submitted by the Indian delegation is capable of this interpretation and is therefore not likely to serve to break the present deadlock, the Canadian delegation regrets that it cannot support it at least in its present form.

A number of helpful suggestions have been made in this Committee. The Canadian delegation favours the approach suggested both in the joint draft resolution, submitted by the delegations of Belgium, Brazil and Denmark, and in the amendment offered by the delegation of Norway. Both proposals contained a request that both parties enter into direct negotiations to reach an agreement. In addition they also provide that, in the event of failure to reach an agreement in this way, the dispute should be submitted to the International Court of Justice.

The Canadian delegation contended last year, and still maintains the position, that where, as in this case, there is a dispute between the parties as to the law and the facts or at least as to the interpretation given by one party as to the law and the facts, a reference of the case to the International Court of Justice would be entirely appropriate. Moreover, if, as is likely, the Assembly will be called upon to deal with the matter again, it would in our opinion be very desirable, as others have pointed out, that we should deal with this case on the basis of impartially established law and fact rather than upon charges and opinions expressed in debate.

The Canadian delegation would hope that the Indian delegation, together with those delegations who have offered amendments to its resolution, might reach agreement on a mutually acceptable text with the authors of the joint resolution submitted by Belgium, Brazil and Denmark. Moreover, we would earnestly hope a resolution could be evolved which would be acceptable both to India and South Africa as the basis for their renewed discussions.

With regard to the draft resolution submitted by Iraq, dealing with the general question is not on the agenda and should be submitted if at all as a separate item.

## I. Canadian Statement, October 14, 1947

### PARTITION PLAN FOR PALESTINE

The Report of the United Nations Special Committee on Palestine contains the considered judgment of a group of conscientious investigators on a problem of world importance. The Canadian delegation feels that it must express its views on the report, if for no other reason, because the lives and hopes of countless persons and the tranquillity of great areas depend upon our ability to find a constructive answer to the question before us.

The Canadian delegation has approached the Palestine question at this session of the Assembly without commitments. The Canadian representative on the Special Committee on Palestine was in no way bound by instructions from the Canadian Government and his freedom to use his own judgment and to reach independent conclusions was made known publicly at the time of his appointment. The Canadian Government appointed to this Committee a Justice of the Supreme Court of Canada, Mr. Justice Rand, who was specially qualified to consider evidence and to form impartial judgments, and who, in addition, was known to bring no preconceptions or prejudices to the consideration of the Palestine problem.

The conclusions which the Canadian Government has reached in regard to the question of Palestine and which I now propose to outline to the Committee are based on a careful consideration of the report as a whole, and the important discussion which has taken place in this Committee.

The Canadian delegation agrees in principle with the eleven recommendations of the Committee which were unanimously approved and with the twelfth which was approved by a substantial majority. In particular, in our view, the Special Committee established beyond doubt the need to end as soon as practicable the mandate for Palestine, to grant independence in Palestine and to clear out rapidly by concerted international action the assembly centres for displaced persons in Europe so as to relieve distress and create a better climate in which to carry out a final solution of the Palestine problem.

The discussion which has taken place in this Committee has, in our view, tended to confirm the principal argument given by a majority of the Committee in support of its proposal for partition with economic union. The report says: "The basic premise underlying the partition proposal is that the claims to Palestine of the Arabs and Jews, both possessing validity, are irreconcilable, and that among all of the solutions advanced, partition will provide the most realistic and practicable settlement, and is the most likely to afford a workable basis for meeting in part the claims and national aspirations of both parties." In the debate to which we have listened, strong arguments have been advanced in support of both Zionist and Arab positions, on the basis of geographical, historical, legal, social, ethnological and other considerations. These arguments lead in opposite directions rather than pointing the way to a mutually satisfactory adjustment. There has been much discussion of the principle of self-determination and of the areas and groups to which this principle should apply, much debate on the character, the interpretation and the priority of commitments. While these considerations are of great importance and cannot be ignored, we have come to the conclusion that the most important question for our consideration is what arrangement will best enable two peoples living within the confines of a restricted geographical area to avoid obstructing one another's development and most conduce to their welfare and freedom. In Canada we have had to work out a problem which while not analogous has points of resemblance to that which confronts the Committee for we ourselves are a nation of two peoples with two cultural traditions. During almost two centuries, both before and after the attainment of self-government in Canada, a number of solutions have been tried, including both partition and complete union. Eventually we reached a



satisfactory working arrangement in a federal state which is now 80 years old. Every year which passes confirms the wisdom of the decision we made and strengthens the interdependence and the mutual respect which made it possible. Confederation in Canada, was, however, based on agreement. The representative of Pakistan has said here that partition should not take place without consent but the question arises as to whether it is any better to try to maintain unity without consent. There is no evidence yet in anything we have seen or heard that both Arabs and Jews will accept accommodation within the framework of a single state. We maintain the hope, based on our own experience in federation, that they will some day find in federation a means of solving their problems. For the moment, however, we must accept the fact that they have emphatically rejected even the form of federation suggested in the minority report. In the circumstances, we have been led to accept, somewhat reluctantly, the majority proposals for partition as a basis for discussion.

Since the report of the United Nations Special Committee on Palestine was written, the problem has been greatly altered by the announcement by the mandatory power of its intention to withdraw from Palestine. This is a statement of serious import and we must take it into full account in making our decisions.

Confronted with the situation which will arise when the mandatory power withdraws, we must, I think, consider urgently three problems. First, how can we work out quickly and efficiently the details of the plan for Palestine which we are preparing to adopt? Secondly, who will take over the responsibility for the administration of Palestine which the mandatory power proposes to surrender? And thirdly, how shall we go about putting our decisions into effect in the absence of agreement by both Jews and Arabs to accept them?

In regard to the first of these questions, we share the views of other delegations that the partition scheme must be made workable if either political pacification or economic unity is to be achieved in Palestine. Therefore, a sub-committee should be set up without delay, as the United States delegation has suggested, to work out the details of a scheme, particularly in respect of boundaries, for recommendation to the Committee and, if approved, the Assembly.

There remain to be considered the other two questions, the acceptance of responsibility for administration and the problem of implementation. Various suggestions have been put forward in the course of discussions in this committee as regards possible measures for giving effect to a settlement in Palestine. In particular we note that the United States has expressed its willingness to participate in a United Nations programme for meeting economic and financial problems and the problem of internal law and order during the transition period. For the purpose of meeting the problem in internal law and order the United States delegation has suggested the establishment of a special constabulary recruited on a voluntary basis by the United Nations.

From a preliminary examination of this proposal, we believe that such a scheme has possibilities which must certainly be explored. It should be recognized, however, that the authority of the United Nations over such a force must be established beyond doubt, while the basis of recruitment should be such that it will not further inflame either community in Pales-

tine. To establish United Nations authority it may be necessary to explore the possible application of Chapter 12 of the Charter during the period of transition to independence.

The Security Council has also been mentioned as an appropriate organ which might be charged with the responsibilities of implementation since the immediate question involved would be that of safe-guarding peace and security.

It is to be hoped, however, that in spite of the uncompromising words which have been used in this Committee, the executive functions of the Security Council will not have to be invoked. We must assume that the decision we make will be a collective and responsible one. Once that decision has been reached, all members of the United Nations will realize that precipitate action to challenge it in violation of the Charter would set in train events of serious and unpredictable consequence not only to Palestine, but also the United Nations itself.

The problems raised by these questions concerning administration after the withdrawal of the mandatory power and the implementation of whatever plan we adopt should in our view be the subject of special and separate study by a second sub-committee in which the five permanent members of the Security Council should be included. This sub-committee would take into consideration, among other things, the suggestions regarding methods of implementation which have been made in the course of this debate.

In conclusion, I must reiterate with emphasis the view I have already expressed that only through compromise and accommodation can the people of Palestine hope to find the freedom and the control of their destinies which they so rightly and urgently desire. The United Nations, for its part, will have to be prepared collectively to support the decisions reached during this Assembly. Only in this way will it be possible to provide the conditions of stability which are necessary if Arabs and Jews are to be enabled eventually to find peace and understanding within the arrangement which is made.

## J. Canadian Statement, November 4, 1947

### PARTITION PLAN FOR PALESTINE

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.

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 U.S.S.R. 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 administrative 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 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 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 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. 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 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

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.

The suggestion has been made that the delegates of the United States, the U.S.S.R. and Guatemala should form a working party to discuss in detail their various plans. The Canadian delegation supports this proposal, and hopes that the subject may be referred to this working party as soon as possible, in the hope that an agreed proposal may be reported back to the sub-committee.

## K. Canadian Statement, November 22, 1947

### PARTITION PLAN FOR PALESTINE

I think, Mr. Chairman, that it might be of some use to the Committee if I gave my view, as a member of the Sub-committee, on some of the changes that were made yesterday in our Report, and which have been referred to by previous speakers. These changes, as you mentioned this morning, Mr. Chairman, appear in a supplementary document, and they do, it is true, introduce three or four new ideas which, in the opinion of our delegation, make this Report of ours, in Sub-committee I, more workable in character. They also, we think, improve the chances of effective co-operation between the United Nations Commission and the mandatory power, without which any scheme of the United Nations General Assembly would be very difficult to operate successfully.

It is clear that one important change has been made to our Report, in that, to all appearances at least, though it is not down in black and white, the date of the termination of the mandate—and that is a very important factor in these discussions and in the decision we are going to take—can hardly be the same as the date of withdrawal of the mandatory's armed forces. That date of termination is now to be determined by the Mandatory alone.

In the amended Report of Sub-committee I the responsibility for administration in areas still occupied by the mandatory now rests solely on the mandatory. Nevertheless, I think that our revised Report does emphasize, more than the original Report did, the importance of co-operation, planning and preparation for the new states, between the mandatory and the United Nations Commission.

The fact, of course, that we do not know, and the General Assembly probably will not know, when it has to decide finally on this matter, what the date of the termination of the mandate is going to be, provides a very real difficulty. We have acted, however, in the Sub-committee, on the assumption—and I think it was a reasonable assumption—that the Mandate, in the words of the United Kingdom representative "will be terminated at a very early date." That seems to me to imply that the mandate will be terminated before the mandatory power withdraws its forces completely from any area of Palestine.

If that is the case, then some of the inconsistencies and possible contradictions which have been mentioned by the representative of Pakistan and others, do not exist in our Report. The inconsistency which he mentioned in Section A, paragraph 3, does not, it seems to me, become important, if the mandate terminates before the evacuation of any area is completed. A possible inconsistency in Section B, paragraph 12, was also mentioned.

That paragraph provides: "During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the mandate, the mandatory power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces."

I would suggest to the Committee, however, that there is no real practical difficulty here, because if the mandate were not terminated, and if, by some chance, the armed forces and the civil administration of the mandatory had been withdrawn from an area, how could the mandatory, how could the Government of the United Kingdom discharge full responsibility in any more than a legal sense? I think, therefore, that we were correct in assuming that the mandate would be terminated before any area was completely evacuated by the mandatory power.

After termination of the mandate, none of these difficulties arise, because the responsibility for administration is shared between the mandatory and the Commission as the former progressively withdraws and the latter takes over.

The representative of Syria, speaking this afternoon, said that the work of our Sub-committee was difficult. He was right. It *was* difficult. He said it was difficult because we were trying, in that Sub-committee, to convert wrong into right, and injustice into justice. In saying that, I think he did the members of the Sub-committee less than justice. It was not that. We were quite aware in the Sub-committee, of the difficulties of the position, the legal difficulties, the moral difficulties, and the physical difficulties. What we were trying to do in that Sub-committee was to carry out a duty, imposed on us by the full Committee, to draw up the most practicable solution possible for the partition of Palestine, and to try to work out a plan which would provide for a peaceful and orderly transfer of power from the mandatory to the people of Palestine.

Well, that is a difficult problem for anyone to solve. It was a difficult problem for Sub-committee II to solve. The representative of Pakistan, in answer to my first question, said this afternoon, when I asked him whether the members of Sub-committee II were certain that there could be a peaceful and orderly transfer of power from the mandatory to the people of Palestine, on the basis of their recommendations, said that this would depend, of course, on how the people of Palestine reached to their recommendations, how they accepted the recommendations, and how they would co-operate in working them out. That applies also to our Report. We also recommend solutions, in the hope that the people of Palestine will cooperate in working them out. The answer the delegate from Pakistan gave to me to that question would be exactly the same as the answer I should give to the representative of Iraq when he asks us on Sub-committee I the same question.

The representative of New Zealand this afternoon told us that, while he was in favour of partition in principle, nevertheless, since there is nothing in our Report to provide for effective implementation or enforcement, unless that Report were amended to make such provision, his government would be unable to support it. He said that it was weak; he said that he wanted some amendments to make the Report strong—strong practically, as well as legally strong.



The representative of New Zealand is a man of agile intellect and ripe political wisdom, and I would hope that, having expressed a desire for that kind of amendment, he might be able to produce one. However, I should like to point out to him that the plan recommended in Sub-committee I Report is not quite as feeble in regard to enforcement as he seems to think it is. We have made some provisions for enforcing this plan, if it is adopted by the General Assembly. I do not need to go into details. I think that most of the Committee, who have studied the plan, are aware of them. I should like to point out one fact however: Quite apart from the provisions which we have agreed on for the setting up of provisional councils of government and a militia, we have also in our plan imposed on the Security Council the duty of giving guidance and general instructions to the United Nations Commission.

There is also the right of the United Nations Commission to refer matters back to the Security Council and ask for help from the Security Council. I hope that in relying on the Security Council in regard to these matters, the United Nations Commission will get more than that "desultory assistance" which the United States delegate mentioned when he referred to the cooperation that we have received in our work here from the United Kingdom. I am sure he did not mean assistance from the United Kingdom delegation, because as he knows—and he would be the first to admit—we have received, I think, every assistance possible from the United Kingdom delegation in the work of our Sub-committee. The fact that we did not receive more assistance from the United Kingdom delegation in the work of our "working group" was because we never invited the United Kingdom delegation to appear before that group.

Whatever may be the verdict of the members of the Committee in regard to the assistance which we have received from the United Kingdom Government—and maybe on one or two occasions that might without too much exaggeration be described as desultory—we have certainly received very hearty and valuable co-operation from the United Kingdom delegation.

This, however, is a digression. What I really wanted to emphasize was that we do have behind our proposed Commission, the Security Council. I, for one, would welcome a declaration from the permanent members of the Security Council that they are willing and determined to stand behind any action which the Security Council may have to take to back up the work of this Commission in Palestine, and to support any decision that the United Nations General Assembly may have to take in this matter. A declaration to that effect might be very helpful.

We all must admit that, in putting forward this plan of Sub-committee I, we are asking the General Assembly to take a calculated risk, as it has been called. But it is at least a plan, and that leads me to the consideration of the plan of Sub-committee II. I asked the members of that Sub-committee a question this afternoon; whether they felt that there was any legal authority behind their recommendations which would impose a unitary sovereign state on the people of Palestine. The representative of Pakistan answered that question to my complete satisfaction. I wish I were quite as satisfied as to the legal and constitutional validity of the plan of Sub-committee I. But in answering this legal question to my satisfaction, he convinced me that the plan of Sub-committee II does not really mean anything at all. It is a recommendation; it is only a recommendation, and

because it is only a recommendation, it does not seem to me to have any practical effect. The first recommendation of the plan of Sub-committee II is that a provisional government—from representatives of all important sections of the citizenry in proportion to their numerical strength—should be set up as early as possible in Palestine. How? By whom? In what way? Who is going to implement that? Not even the United Nations.

This proposed provisional government is to be worked out on the spot by some method, as I understand it, which remains to be determined. Also in this plan, a constituent assembly is to work out a constitution for the people of Palestine. That constitution will include certain basic principles which are designed to protect the rights of the minority in Palestine. But there is no guarantee that the constituent assembly will do that. There is merely a recommendation out of the blue and into the blue. That is why it would be extremely difficult for my delegation to accept the plan put forward by Sub-committee II as providing a workable and effective solution for the Palestine problem. Therefore, we come back to the plan of Sub-committee I.

I ask myself the question which most representatives no doubt are asking themselves. Can this plan work? Will it bring peace and order and some form of stability to Palestine? As I said a few days ago, it seems to me that on paper it is workable. But no plan that is workable only on paper is a very good one. Yet, I think it could be workable in practice as well, providing we obtain three conditions which I think we are entitled to expect, or at least to hope for. The first is the cooperation of the mandatory power. I, for one, have every confidence that the Commission in Palestine will receive that co-operation. We like to think in Canada that we know something about the British. So I am satisfied that, once the United Nations Commission gets to Palestine, the Commission will deserve and secure the co-operation of the mandatory power in working out any plan which has been accepted by two-thirds of the members of the United Nations.

The second condition to make this plan workable in practice is the active backing and support of the permanent members of the Security Council; the great powers which have to accept a special responsibility in this matter.

The third condition—and this may be the most difficult of all, but we must hope to secure it—is that this plan will be accepted by the people of Palestine and by *all* members of the United Nations if it receives a two-thirds majority vote of the members of our organization.

The Canadian delegation has only one desire in this matter—to bring peace and security to this unhappy land of Palestine, which is a Holy Land for us all and from which has come to so many millions spiritual security and peace.

Please do not think our delegation is happy about the situation we find ourselves in, especially after some of the statements that have been made in this Committee this afternoon. Nevertheless, Mr. Chairman, we must take some action in this matter. Therefore, we do feel that, in spite of what has been said, the plan that has been recommended by Sub-committee I, and which is based on the Majority Report of the United

Nations Special Committee which investigated this matter for many months, has the best chance of success of any that has been submitted to us; the best chance of bringing peace and order to that torn and troubled country. In that spirit, Mr. Chairman, our delegation will support the plan of Sub-committee I.

## L. Canadian Statement, November 26, 1947

### PARTITION PLAN FOR PALESTINE

I should like to state as simply and briefly as possible the position of my Government and delegation on the resolution before the General Assembly. We are voting for the partition plan because, in our judgment, it is the best of four unattractive and difficult alternatives. These alternatives are to do nothing, to set up a unitary Arab state in accordance with the plan of Sub-committee II, to set up a federal state in accordance with the minority recommendations of the United Nations Special Committee on Palestine, and partition.

Let me take these one by one. First, the objections to doing nothing are obvious. For the United Nations to do nothing in this situation would be an abdication, a shirking of its responsibilities in a situation which is pregnant with peril to peace. It would invite not only confusion but widespread violence involving not merely the people of Palestine but people elsewhere. It would, not improbably, result in bloodshed and a kind of irregular and murderous warfare which might spread far. We dismiss this first alternative as not worthy of the United Nations, as highly dangerous in its probable consequences—indeed, as virtually unthinkable.

The second alternative is to set up a unitary Arab state along the lines recommended by Sub-committee II of the *ad hoc* Committee, or, at least, to let such a unitary Arab state emerge at the time of the termination of the mandate. This course would have been the normal and natural one to pursue had it not been for the Balfour Declaration, the League of Nations mandate, the encouragement given to the immigration of Jews into Palestine over a quarter of a century, the establishment of a well-rooted community of nearly 700,000 Jews in Palestine who, as we are told, have invested there \$600,000,000, and the devotion on the part of Jews all over the world to the idea of a Jewish National Home in a country which once, at least, was a Jewish land. These factors cannot be ignored. They make the Palestine problem *sui generis* and unique, and they constitute a vital flaw in the otherwise unanswerable Arab case. It is because of these factors that the project of a unitary state has been repeatedly dismissed by a multiplicity of commissions on the Palestine problem, of which the United Nations Special Committee on Palestine was the latest, and decisively rejected by the *ad hoc* Committee. There is not a chance that this alternative can find acceptance by any but a small minority of the nations of the world. As a solution by this General Assembly it is, therefore, beyond the realm of the practical.

Similarly, the third alternative—a federal state—while, in our judgment, more defensible than the one which I have just discussed, has made very little appeal in this organization. Espoused by Yugoslavia, which has

argued the case with care, patience and conviction, the minority report of the United Nations Special Commission on Palestine has made no headway, received little support from other nations, and was not presented for consideration by a section of the *ad hoc* Committee large enough even to justify the setting up of a sub-committee to explore its possibilities.

Embodying as it does the essential features of a federal scheme, the Yugoslav plan, as I shall call it, has certain elements of attractiveness to Canadians. As I indicated in my opening speech on the Palestine question before the *ad hoc* Committee, the Canadian delegation wished that a federal plan could be worked out along these or similar lines. They are the lines along which our own national development has proceeded, with reasonable satisfaction to both racial elements in our population.

But Palestine is not Canada, and the Yugoslav plan has received no support whatever either from the Jewish Agency or from the Arab Higher Committee. A plan which appeals to neither Jews nor Arabs, and which opens up vast vistas of difficulty in adjustment and administration, is not a plan upon which this General Assembly would be justified in concentrating further attention.

This leaves the fourth plan, the plan of partition, which we have decided to support as the least objectionable of the four. We support this plan with heavy hearts and many misgivings. No responsible delegation could do otherwise after listening to the threat of reprisals and all the talk of fire and sword which we have heard from both parties to this controversy in the *ad hoc* Committee and which, I assume, we shall probably hear again today. But it would be folly to assume that there would be any less likelihood of disorder if any of the other alternatives were adopted. Indeed, in our judgment, this likelihood, in the case of every one of the other alternatives, would be not less, but greater.

The fact that after twenty-five years of international action in relation to Palestine, culminating in months of consideration by the General Assembly of the United Nations, we should find ourselves in this atmosphere of acrimonious recrimination, is a melancholy one. The air is heavy with gloomy forebodings, represented by one side or the other as savage threats or responsible predictions. But something must be done with this problem—and we are satisfied that, full of difficulties as the partition solution is, any other solution would be worse.

There is, of course, the hope that, once definitive action is taken, there will be a change of heart on the part of the responsible leaders of the two opposing camps. This is the more likely from the fact that, of all the solutions proposed, partition alone has received the support of the two greatest world powers. We must take it as certain that well-meant and fervent exhortations to conciliation, the kind of exhortation that we have heard during the last two months, are getting nowhere. These appeals and entreaties may make more progress after a decision by this organization on the partition solution is arrived at. This is the ray of hope in the situation.

It is not for Canada to advise other nations on the course they should take in this vote, and we doubt whether such advice would be either welcome or effective. But we find it difficult to understand the large number of abstentions which, we assume, will take place when we come to the vote. In the case of some nations, reasons have been given. In other cases, the

explanation probably is that nations like our own, far removed from Palestine, which had no part in the events leading up to this *denouement*, which made no promises to the Arabs and no promises to the Jews—and, least of all, to both—which played no politics with the situation, and which have nothing but the kindest feelings toward both Arabs and Jews, find it difficult to see why there should be thrown upon their shoulders a profoundly disturbing responsibility for a grave and far-reaching decision.

The Canadian delegation appreciates these sentiments on the part of many delegations. Indeed, to some extent, we share them. But we do not feel that they would justify us in abstaining from this vote. We have, as members of the General Assembly know, taken our full share of responsibility in this matter throughout the entire session. We have worked unremittingly in an attempt to obtain a solution which would be practical and workable, and we feel that our obligations, not only to this organization but to our own people, are such that we could not justify an abstention and are such that we should vote for the resolution. This we propose to do.

## M. Canadian Statement, October 23, 1947

### WAR PROPAGANDA

One reason, though a comparatively unimportant one, why I have asked for permission to speak on the matter before us, arises out of a statement made by Mr. Gromyko in this Committee last Saturday. He asked why the Canadian delegate objected to having delegations to the United Nations carry on the struggle against war-mongers and war propagandists. He apparently asked that question because he misinterpreted, no doubt purely accidentally, certain remarks made earlier by our representative that day. Mr. Gromyko said that he "had developed the thought in these remarks that we should not accuse anybody of war-mongering and so forth and so on". Of course, as a reading of the Canadian statement would show, no such thought was developed, nor was it suggested that we should not discuss war-mongering. What we said, in reference to the terms of reference of the proposed Interim Committee of the Assembly, and I quote from the text, was simply that "if the Interim Committee were to be used by certain delegations . . . for the endless repetition of groundless assertions that certain individuals are war-mongers, then it might become a liability rather than an asset." That has nothing whatever to do with the suggestion that we should not discuss this resolution or any other resolution which concerns war-mongering. I hope that Mr. Gromyko will interpret my intervention in this discussion as an indication that we do not object to such a discussion.

I must indicate at once, however, that I am unable to support the Soviet resolution before us, quite conscious of the fact that any statement of this kind leaves one open at once to the accusation of being in favour of war mongering and a friend of war mongers. In order to protect oneself as best one can from such an accusation and to justify a refusal to vote for this resolution, it is essential to look at it carefully, paragraph by paragraph.

The resolution of the delegation of the Soviet Union regarding measures to be taken against propaganda for a new war contains various ideas, some of which are of a highly contentious character both in form and in substance. These ideas have been crowded into the small space of a single resolution. In this resolution we are being asked to do two things. First, to declare that a certain type of propaganda amounts to a violation of the obligations we have assumed under the Charter. Second, we are asked to agree that each Government here represented should undertake to make the carrying on of such propaganda a criminal offence by legal definition.

In paragraph 1 of its resolution, the Soviet delegation ask us to condemn "the criminal propaganda for a new war . . . containing open appeals for aggression against the peace-loving democratic countries". To this appeal, I am sure, there will not be a dissenting voice. But if the Soviet delegation are genuinely anxious to get a ringing, unanimous verdict against "war-mongering", why do they single out three countries for special and dishonourable mention? Are they seriously suggesting that there are no misguided individuals in other countries, including their own, who, influenced by fear or hate, have counselled or may counsel violent policies against another State?

Furthermore, this paragraph of the Soviet resolution defines and interprets incitement to war in a way which makes one suspect that its authors are more interested in its propaganda value against certain countries and certain views than they are in stopping "war-mongering". This suspicion is strengthened by the nature and tone of statements made at this Assembly by the Soviet and certain other delegations.

This endeavour to particularize, to name certain countries and specify certain "circles" was further developed by Mr. Vishinsky in his statement on September 18 when he nominated certain individuals to the category of "war-mongers". Mr. Vishinsky, it will be noted, was careful at the same time to dissociate the responsibility of Governments from such reprehensible activity.

A wealth of press comment, much of it of a shabby and unimpressive character, was offered to us to establish the culpability of certain individuals and to sketch the outline of the geometrical design which Mr. Vishinsky refers to as a reactionary "circle". But all that we were given was a judgment made by the Soviet delegation, as to what circles in what countries are to be termed reactionary, and what kind of propaganda is criminal. A cynic might feel that when certain people talk about a "reactionary circle" they mean any group which, putting the individual above the state, and freedom before despotism, rejects totalitarian tyranny in all its forms; that when they talk of "criminal propaganda" they mean any expression of opinion hostile to their own foreign policies.

But if we are to accept this subjective approach, is it not open to other delegations to draw circles of equal validity around individuals or groups in the Soviet Union or in any other country, and condemn their expressions of opinion as equally reprehensible, insofar as such opinions are hostile, aggressive and not calculated to develop "those friendly relations" which, the second paragraph of the Soviet resolution reminds us, we are all obliged by the Charter to develop in our international relationships under the Charter?

The Canadian delegation feels that *all* propaganda from any source which is designed to provoke international ill-feeling is to be deprecated and condemned without reservation. Such propaganda is, of course, especially to be condemned when it is sponsored and directed by governments. It defeats the purposes for which this organization was established. These purposes as stated in Article I not only bind us to develop friendly relations among nations, but to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character.

Any kind of propaganda, I repeat, which deliberately defeats the peaceful purposes and principles of the Charter should be condemned along with the particular kind singled out by the Soviet resolution.

There is, for instance, the spreading of false and malicious reports by one government, through press and radio, about the people and government of another country. This practice is even more dangerous to peace and international goodwill when the offending government prevents normal social and cultural relations with the people of the country it misrepresents; when it stops the full and free exchange of information; when it puts obstacles in the way of visits by foreigners to its own country and refuses permission for its own citizens to visit other countries.

We have had some experience of all this in Canada. We have, for instance, been disheartened and discouraged in our sincere wish for friendly relations with the courageous Soviet people, to learn that false and misleading statements have appeared in the U.S.S.R. press and radio about our country; statements designed to stir up ill-feeling toward and misunderstanding about our people, and which in that sense might be termed war mongering. The official organ of the Soviet Government has said that German prisoners of war and the Government of Canada (a country which, incidentally, helped to capture these prisoners) form a "kinship of Nazi souls". The Soviet people, who seem to have only one source of news about Canada, are told for instance that my country is using its supplies of wheat to profiteer at the expense of starving Europeans, although Soviet officials must know that Canada, when it has not been giving wheat away as relief, has been selling it abroad at one, two or three dollars a bushel below the price charged by certain other countries. They have also been told—though Soviet press representatives and officials in Canada know it is untrue—(we let people travel wherever they wish to go in Canada and find out about things)—that instead of a few hundred soldiers, there are great formations of U.S. troops on our soil; that we have sold ourselves out to the U.S.A.—"lackeys of Wall Street" is their favourite if unoriginal expression—and that we have allowed large foreign military and air bases to be established on our territory from which the U.S.S.R. is to be attacked. The whole picture is being distorted, to build up enmity toward my country in the mind of the Soviet people. That, Mr. Chairman, is war-mongering, though the authors of this resolution obviously did not have it in mind when they presented it to us.

There is another kind of war-mongering not covered by the Soviet resolution, Mr. Chairman; a most insidious and evil kind. It might be called "civil war-mongering". This kind of war-mongering sometimes works in the open; more often it works in the dark. Its aim is to stir up domestic strife; to set class against class; to turn the people against their freely

elected governments; to instil hatreds and fears; in short, to do everything that can be done to stir up unrest which will lead to revolution and civil war. The exploitation by a foreign power, acting directly or through domestic agents, of the hopes and aspirations, the political fears and economic anxieties of peoples of other countries, in the interest of its own selfish national purposes and of its own power politics is possibly the worst war-mongering of all.

We are certain that this Committee will unanimously wish to condemn it.

The second paragraph of the Soviet resolution invites us to agree to the principle that "toleration" of, and even more so, "support" of the type of propaganda which contains open appeals for aggression, should be regarded as a violation of the Charter.

The Canadian delegation certainly affirms that all Governments, signatories of the Charter, should observe and apply the purposes and principles of the organization to which they are bound.

There is a distinction, however, between "toleration" of and "support" for propaganda for aggressive war. No peace-loving government should or would support such propaganda. Toleration, which, of course, does not mean approval and can be coupled with the strongest condemnation, is a different matter; at least in free societies.

One of the essential principles of such societies is that expression of opinion, whether to the liking or not to the liking of the Government, should be tolerated, unless it contravenes the law which the people themselves make. In a free society, citizens are free to judge as to the various opinions expressed and to agree to disagree with such opinions. We do not intend to change that position, or to follow certain other states in reverting to the dark ages of reaction, when despots attempted to control the conscience and the mind of men. We admit, however, that there is a difference between democratic and totalitarian states in this matter. In the latter, a warlike declaration or a bellicose pronouncement can be made only with the authority of the government, which has total control of all the mechanisms of propaganda and where there is no freedom of opinion. Therefore, there can be no possibility of wild and irresponsible statements being countered and neutralized by statements of sober, peace-loving persons who represent the great majority in every state. In my own country, and in others, there have been made and no doubt will be made rash and provocative statements by men driven to such things, they may feel, by the aggressive policies and arrogant attitudes of other states. Such statements we all condemn just as we condemn aggressive and unfriendly policies which provoke them. Such statements, however, in free countries, are refuted by others as soon as they are made and the damage that they do would be small if they were not seized upon and used by other states for their own purposes, one of which is the artificial creation of fear of attack from abroad as a buttress to despotism at home.

We do not agree, then, that laws which guarantee civil liberties should be changed for purposes such as those visualized in the true meaning of the Soviet proposal.

In most democratic countries, however, there are laws of libel and laws preventing seditious utterances. Not long ago a statement was made in a Canadian city which, as an incitement to class hatred and strife, was



considered by the Department of Justice of my government as rendering the speaker liable to prosecution. Here was a case where the author of a war-mongering statement could have been prosecuted under the law had it not been for the unfortunate fact that he was a member of a foreign Embassy in Ottawa and therefore escaped from legal prosecution. Fortunately, such cases are very rare.

In coming to paragraph 3 of the Soviet proposal we find the suggestion that Governments should be invited to prohibit "on pain of criminal penalties" the "carrying-on of war propaganda in any form".

This proposal apparently means that Governments should take it upon themselves to determine whether certain statements of their citizens, mainly statements of opinion, are to be deemed to be war propaganda and should see to it that criminal penalties are imposed on those who make such statements.

I must say that the assumption or exercise of any such authority by the government would be out of the question in a country such as ours where liberty of the press and freedom of speech have been and continue to be regarded as fundamental freedoms. The cure is not to be found in suppression but in freedom to counter falsehood by truth. The people of Canada are quite able to judge as between opinions that may be expressed and form their own views as their conscience may direct. It seems a pity indeed that the Soviet delegation which has asked governments to undertake this serious responsibility, has not on its own record shown itself to feel under any obligation to exercise restraint on press and radio comment in its own country. This is all the more strange because as we understand it the press of the Soviet Union exercises its functions with a special sense of responsibility to the Government. And yet we hear every day hostile expressions of opinion which are not calculated, to say the least, to develop friendly relations among nations, nor to strengthen the desire for universal peace.

We now turn to the fourth paragraph of the Soviet resolution. The Canadian delegation notes in the first place that this paragraph contains an interpretation of the Assembly resolutions of January 24 and December 14, 1946, which does not accord with the text of these documents. These resolutions do not concern only the question of the exclusion from national armaments of the atomic and all other main types of armaments designed for mass destruction. Both resolutions explicitly refer to the establishment of a system of international control along with elimination of atomic weapons from national armaments.

I know that it has been the endeavour of the Soviet delegation to persuade us over many months that the control of atomic energy to the extent necessary to ensure its use for peaceful purposes only, can be made the subject of a separate convention, which would follow an international agreement outlawing the use and manufacture of atomic weapons.

The majority of the Atomic Energy Commission, in spite of repetitious argument on this point, have not been persuaded and still maintain the view that effective international control of atomic energy is the real issue which must be solved, and that this cannot be achieved either by a mere diplomatic document saying that the manufacture and use of atomic weapons is being prohibited, nor by the later Soviet proposal that periodic inspection and check is sufficient.

The reports of the Commission, now two in number, both recognize that a convention prohibiting the manufacturing and use of atomic weapons should be included as a part, indeed as a necessary part, of a general international agreement establishing effective control of atomic energy. But so long as we face up to the essential fact that atomic energy can be used equally for industrial as well as military purposes, and that for this reason controls must be established over the distribution of materials, the operation of plants and facilities and over all the processes involved from the mining of the materials to the release of atomic energy for peaceful purposes, we cannot accept the over-simplification of the problem which once again is presented to us within the text of paragraph 4 of the Soviet resolution. The Canadian delegation, therefore, does not feel that any useful purpose would be served by reaffirming a garbled and inaccurate interpretation of this Assembly resolution.

As regards the reference in paragraph 4 to the implementation of the Assembly resolution of December 14 on the reduction of armaments, we would like to point out that the Canadian delegation was among those which, at the Second Session of the General Assembly, drew attention to the urgent necessity of securing an international agreement for the regulation and reduction of armaments. It was our contention then, and it still is, that the regulation and reduction of national armaments can only become a reality if collective security under the United Nations is built up. The problem of security and disarmament in our view is a single problem, which cannot be dealt with in parts, or separately in water-tight compartments. For instance, how are nations to judge as to the extent of the national armaments or forces which they should maintain until the military agreements are entered into under Article 43, whereby Members undertake to make armed forces, assistance and facilities available to the Security Council. We have waited, and so far in vain, for agreement in the Military Staff Committee to enable the essential preliminary planning to be done. We insist that the plans of the Military Staff Committee for the purpose of implementing Article 43 are an essential prerequisite to the regulation and reduction of national armaments. No useful purpose, in our view, can be served by trying to apportion blame for lack of progress in the Commission for Conventional Armaments, but it is evident to us that so long as fundamental differences of view persist on questions of important principle, and above all on the relation between the establishment of conditions of international security and disarmament, little progress can be expected. The Canadian delegation, however, as member of the Security Council will do its best to expedite the implementation of the resolutions of the Assembly to which reference is made in paragraph 4 of the Soviet resolution.

It will be clear, I hope, from what I have said, that we will not be able to support the Soviet resolution. I imagine other delegations will be in the same position. I venture to express the hope, however, that *all* delegations will wish to condemn war-mongering in all its forms, including civil war-mongering. I feel certain, also, that *all* delegations would wish to support a declaration in a positive sense in favour of propaganda for peace; peace-mongering, if you like.

In the hope that we may all unite on these two aims, the Canadian delegation is submitting a short straightforward, non-controversial resolution as follows:

The United Nations condemn all propaganda inciting to aggressive war or civil strife which might lead to war,

and urge

Members to promote, by all means of publicity and propaganda available to them, friendly relations among nations on the basis of the purposes and principles of the Charter.

## N. Joint Resolution Submitted by Australia, Canada and France, October 26, 1947

### MEASURES TO BE TAKEN AGAINST PROPAGANDA AND THE INCITERS OF A NEW WAR

*Whereas* in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practise tolerance and live together in peace with one another as good neighbours; and

*Whereas* the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms including freedom of expression, all members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms,

#### *The General Assembly*

1. *Condemns* all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression.

2. *Requests* the Government of each Member to take appropriate steps:

(a) to promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the purposes and principles of the Charter;

(b) to encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace.

3. *Directs* that this resolution be communicated to the forthcoming Conference on Freedom of Information, with a recommendation that the Conference consider methods for carrying out the purposes of this resolution.

## O. Resolution of the Assembly, November 3, 1947

### WAR PROPAGANDA

*Whereas* in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practise tolerance and live together in peace with one another as good neighbours; and

*Whereas* the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms which include freedom of expression, all Members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms,

*The General Assembly,*

1. *Condemns* all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression.

2. *Requests* the Government of each Member to take appropriate steps within its constitutional limits:

(a) to promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the purposes and principles of the Charter;

(b) to encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace.

3. *Directs* that this resolution be communicated to the forthcoming Conference on Freedom of Information.

## P. Text of Articles 11, 12 and 14 of the Charter of the United Nations

### *Article 11*

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any question relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

#### *Article 12*

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

#### *Article 14*

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 and friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the purposes and principles of the United Nations.

### Q. United States Proposal, September 26, 1947

#### ESTABLISHMENT OF AN INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

##### *The General Assembly*

*Conscious* of the responsibilities specifically conferred upon it by the Charter in relation to the maintenance of international peace and security (Article 11), the promotion of international co-operation in the political field (Article 13), peaceful adjustment of any matters likely to impair the general welfare and friendly relations among nations (Article 14):

*Deeming it necessary* for the effective performance of these functions to establish a Committee for study, inquiry and discussion on its behalf during the period between the adjournment of the present session and the convening of the next regular session of the General Assembly (Article 22);

*Recognizing* fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24);

*Resolves that*

1. An Interim Committee is created composed of all the Members of the United Nations, each Member to have one representative:

2. The Interim Committee shall assist the General Assembly by performing the following duties and functions:

- (a) To consider, as it may determine, such situations as may come to its attention within the purview of Article 14, or such questions as are brought before the General Assembly by the Security Council pursuant to Article 11 (2), and to report thereon, with its recommendations to the General Assembly;
- (b) To consider and to make recommendations to the General Assembly upon general principles of co-operation in the maintenance of international peace and security under Article 11 (1) and to initiate studies and make recommendations for the purpose of promoting international co-operation in the political field under Article 13 (1) (a);
- (c) To consider whether occasion may require the calling of a special session of the General Assembly and if it deems that such session is required, to so advise the Secretary-General;
- (d) To conduct investigations and appoint commissions of enquiry within the scope of its duties and functions as it may deem useful and necessary;
- (e) To study, report and recommend to the Third Regular Session of the General Assembly on the advisability of establishing a Committee of the General Assembly on a permanent basis to perform the duties and functions of the Interim Committee with any changes considered desirable in the light of its experience;
- (f) To perform such other functions and duties as the General Assembly may assign to it.

3. In discharging its duties and functions, the Interim Committee shall at all times take cognizance of the responsibilities of the Security Council under the Charter for the maintenance of international peace and security, and it shall also take duly into account the duties and functions assigned by the General Assembly or by the Security Council to any committee or commission, such as the Atomic Energy Commission, and the Commission for Conventional Armaments.

4. The provisional rules of procedure of the General Assembly shall, so far as applicable, govern the proceedings of the Interim Committee and such sub-committees and commissions as it may set up. The Interim Committee shall elect its Chairman, Vice-Chairman, Rapporteur and such other officers as it may deem necessary. The Interim Committee shall be convened by the Secretary-General within fifteen days following the close of the Second Regular Session of the General Assembly, and it shall continue to serve until the beginning of the Third Regular Session of the General Assembly.

5. The Secretary-General shall enter into suitable arrangements with the appropriate authorities of any Member State in whose territory the Interim Committee or its sub-committees or commissions may wish to sit or to travel. He shall provide necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.

## R. Canadian Amendment to United States Proposal, October 17, 1947

### ESTABLISHMENT OF AN INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

(1) Sub-paragraph 2 (a) of the U.S. Resolution to be revised to read as follows:

To consider, as it may determine, such situations as may come to its attention within the purview of Article 14 or Article 35 of the Charter, or such questions as are brought before the General Assembly by the Security Council pursuant to Article 11 (2) and to report thereon, with its recommendations to the General Assembly;

(2) The following functions and duties to be added to paragraph 2 of the United States Resolution:

- (i) to consider and report to the General Assembly on the implementation of resolutions referred to it by the General Assembly for such consideration and report.
  - (ii) to give preliminary consideration, as the committee may determine, to any item which has been placed on the provisional agenda of the General Assembly, and to make reports and recommendations to the General Assembly as a result of this consideration.
- (3) Sub-paragraph 2 (b) of the United States resolution to be deleted.

## S. Resolution of the Assembly, November 13, 1947

### ESTABLISHMENT OF AN INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

#### *The General Assembly*

*Conscious* of the responsibility specifically conferred upon it by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13) and the peaceful adjustment of any situations likely to impair the general welfare or friendly relations among nations (Article 14);

*Deeming it necessary* for the effective performance of these duties to establish an Interim Committee to consider and report with its conclusions on such matters to the General Assembly during the period between the closing of the present session and the opening of the next regular session of the General Assembly;

*Recognizing* fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24);

*Resolves that*

1. There shall be established, for the period between the closing of the present session and the opening of the next regular session of the General Assembly, an Interim Committee on which each Member of the General Assembly shall have the right to appoint one representative.

2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties:

- (a) To consider and report, with its conclusions, to the General Assembly on such matters as have been referred to it by the General Assembly;
- (b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any Member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of those present and voting, unless the matter is one referred by the Security Council under Article 11 (2), in which case a simple majority will suffice;
- (c) To consider, as it deems useful and advisable, and report with its conclusions to the General Assembly on methods to be adopted to give effect to that part of Article 11 (1) which deals with the general principles of co-operation in the maintenance of international peace and security, and to that part of Article 13 (1) (a) which deals with the promotion of international co-operation in the political field;
- (d) To consider, in connection with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it deems that such session is required so to advise the Secretary-General in order that he may obtain the views of Members thereon;
- (e) To conduct investigations and appoint commissions of enquiry within the scope of its duties, as it may deem useful and necessary provided that decisions to conduct such investigations or enquiries shall be made by a two-thirds majority of the members present and voting. An investigation or enquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place;



- (f) To report to the next regular session of the General Assembly on the advisability of establishing a permanent committee of the General Assembly to perform the duties of the Interim Committee as stated above with any changes considered desirable in the light of experience.

3. In discharging its duties the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized.

4. Subject to paragraphs 2 (b) and 2 (e) above, the Rules of Procedure of the General Assembly shall, so far as they are applicable, govern the proceedings of the Interim Committee and such sub-committees and commissions as it may set up. The Interim Committee shall, however, have authority to adopt such additional rules as it may deem necessary provided that they are not inconsistent with any of the Rules of the General Assembly. The Interim Committee shall be convened by the Secretary-General not later than six weeks following the close of the second regular session of the General Assembly. It shall meet as and when it deems necessary for the conduct of its business.

5. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.

## T. Canadian Statement, October 18, 1947

### ESTABLISHMENT OF AN INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

In his opening statement in plenary session, the Chairman of the Canadian delegation stated that he saw no reasons why the functions of the Assembly should not be put to greater use for the solution of problems of peace and security which were not being solved elsewhere. He said, "Our delegation also supports the United States proposal designed to extend the usefulness of the Assembly. We think that its acceptance would infuse new life and vigour into the whole organization". The Canadian delegation has already, therefore, accepted the principle which is embodied in the United States resolution.

We think that the circumstances fully justify an attempt at this time to make greater use of the functions of the Assembly. There are threats to peace and security in the world and to the success of our organization. The character and the tone of debates in this Assembly have unhappily given us no reason to believe that these threats will decrease in the near future. As a secondary power, Canada has special reasons for fixing her hopes for peace and security on the United Nations. Politically we are vulnerable to the shock of international conflict and economically we can be shaken by the instabilities of a disturbed world. Like the people of other secondary states, Canadians look to the United Nations as an instru-

ment through which we can co-operate to remove these dangers and to establish an orderly and peaceful world community. It is clear to all that this instrument is not now adequately performing that function, and that the failure arises principally from the inability of the Security Council to take effective action on the matters which come before it. Into the reason for that failure we do not now need to go. A clue to it was, however, given by certain words heard yesterday from a representative of a permanent member of the Council, "On this matter", he said, "we do not compromise."

It has been said here that the system of collective security provided within the framework of the Security Council is based upon the assumption of the unanimity of the Great Powers, and that nothing should be done here to undermine this principle which is fundamental to the Charter. Our delegation, of course, supports the principle of unanimity as we understood its intention to be when the Charter was drafted. We are all vitally concerned that unanimity should prevail amongst the Great Powers, especially on measures necessary for the maintenance of peace. The fact is, however, that such unanimity does not exist. Indeed its most characteristic feature is its absence. We are in a situation where the unanimity rule has become, in effect, both a rule of dissent, and a guarantee of inaction. We must therefore ask ourselves whether those countries which have waited with patience but with growing uneasiness for effective action on behalf of the United Nations by the Security Council, should continue to stand idly by and see their hopes for peace and security dissolved by the acids of controversy which have been distilled during the discussion in the Security Council of international problems. It seems to us that we must act, or surrender ourselves to perils of negation and frustration which we ourselves cannot influence. There are two things we may do. First, we may continue our efforts to remedy the situation which has arisen in the Security Council in such a way that it will fulfil the functions for which it was designed. We face here, however, the formidable obstacle of the veto which cannot be changed except by amendment to the Charter or by self-denying ordinances by the permanent members. Secondly, we may seek means to expand and strengthen the functions of the Assembly, so that it may stand as a second line of defence when the Security Council has failed.

I have mentioned first this major cause for concern because, like the delegate from Australia, I think we should be quite honest with ourselves in admitting that it is primarily the paralysis which has fallen upon the Security Council that leads us to contemplate the establishment of an Interim Committee of the Assembly. There are, however, other reasons for expanding the functions of the Assembly. In the short space of two years we have brought our organization into full operation and we are now finding that it has even more responsibilities than we had anticipated. Even if the political and security questions which might be discussed in an Interim Committee, are, as we hope, settled elsewhere, there are other urgent matters with which a committee of this nature might usefully occupy itself. Our agendas are crowded and there is evidence that they will be even more crowded in the future. The experience of our own committee is not such as to warrant any exaggerated optimism that the regular session of the Assembly will deal with these additional items with energy and despatch. Furthermore, our agendas will include complicated items which

require more careful consideration than can be given within the short space of time at our disposal during a regular session. Even more important is the fact that many of these items require preparatory work by way of study and investigations between sessions to enable delegations to form considered judgments. Finally the full membership of the United Nations should be concerned to know from month to month whether or not the more important recommendations which it has embodied in its resolutions are being observed. In the course of a regular session, the Assembly adopts many resolutions, some of which are of great importance. It would be desirable to have between sessions a committee specifically charged with observing and reporting on the implementation of the most important of these resolutions.

There remains the question: Are we entitled to take action of the kind we contemplate? Is it legal and constitutional? Serious questions have been raised in this connection, and we should not dismiss them lightly. The only limitations which we face are the provisions of Articles 12 and 24. In our opinion and in spite of dogmatic but unsupported statements to the contrary, the U.S. proposal does not contravene either of these Articles. On the contrary, it falls within that provision of the Charter, Article 22, which provides for the establishment of subsidiary organs of the Assembly. Assertions, therefore, that in accepting the principle of the U.S. proposal we are breaking the Charter are without foundation. Their constant repetition does not make them more convincing. The intention at San Francisco was to provide in the Assembly an instrument with the necessary power and flexibility for the performance of the important duties assigned to it.

There are, of course, other ways within the Charter by which the General Assembly could fulfil the continuing responsibilities which we think it should discharge. The General Assembly might, by simple adjustments in the Rules of Procedure, be kept in session throughout the year, meeting as the occasion required. It would be possible also for us to depend on special sessions of the Assembly, and there is the third expedient establishing a committee of the whole Assembly to meet between regular sessions. There are advantages and disadvantages to be found in each of these methods. We have been led to the conclusion, however, that an Interim Committee is the method best suited in the circumstances for developing the functions of the Assembly in the manner which we are contemplating.

The terms of reference to be given to such a committee must be studied carefully. We do not agree entirely with those which have been suggested in the United States resolution and for this reason have submitted (in Document A/C. 1/217) certain amendments to that proposal. It seems to the Canadian delegation that there are important functions which might be performed by an Interim Committee and which are not mentioned in the proposal before us. The United States delegate, himself, in introducing his proposal, referred to the important duties which an Interim Committee might perform in preparing the way for regular session of the General Assembly. He has not, however, made provision for performance of these duties in the resolution which he has presented. It seems to us also that the Interim Committee should consider the extent to which the more important resolutions of the General Assembly are being carried out. We realize that these resolutions are no more than recommendations to member nations. They are, however, expressions of international opinion which must carry

great weight. During the experimental year which is proposed, it is probable that the Interim Committee should consider the effect of only such important resolutions as are referred to it by this Assembly. The Committee itself might later consider whether, in the long run, it would be useful for the Assembly to have before it, when it meets, a report on the implementation of its resolutions.

There are also certain parts in the United States resolution which we think might be deleted. The Interim Committee will be both temporary and experimental in character, and we are not satisfied that at this stage it should be asked to assume the very general responsibilities which arise from Article 11 (1) and 13 (1) (B) of the Charter. The instrument which we are proposing to create may well prove so useful that we shall wish to extend its duties in this respect. At first, however, we should like to see excluded from its terms of reference the wide-ranging responsibilities which were suggested by these two Articles. The Canadian delegation is, however, in full agreement with the idea that the terms of reference of the Committee should give it full authority to consider all matters in regard to peace and security which come within the competence of the General Assembly. For this reason we would favour a reference to Article 35 as well as to Article 14 in the terms of reference of the Committee.

Within the areas which I have suggested, we consider that the Interim Committee should be given clearly defined responsibilities. It should have the right to discuss fully any subject which comes on its agenda, to conduct investigations and to make reports and recommendations to the General Assembly, either in regular or special session. We do not think that it should have any other powers, nor do we consider that it should be established at this time for longer than an experimental period of one year. We agree with the United States proposal that it should be a committee of the whole Assembly.

Before I conclude may I support the appeal, or was it a warning, made yesterday by the delegate from France: that this committee should not become a platform for the rehashing of political propaganda of the kind we are becoming all too familiar with in this Assembly. If the Interim Committee were to be used by certain delegations merely for the reading and distortion of press statements by and about individuals, well-known and obscure, or for the endless repetition of groundless assertions that certain individuals are war-mongers and certain peoples straining at the leash to overthrow their free and democratic systems of government, then the committee might become a liability rather than an asset and its discussions as intolerable as they have once or twice threatened to become in this committee.

Mr. Chairman, we are building in the United Nations a structure for international co-operation which must endure. Our hopes depend upon its success. Its weakness lessens the security of each one of us. If the experiment which we are contemplating will have the effect of making the organization more effective, and that is our only purpose in supporting it, it will repay a thousandfold the effort which we shall expend upon it. The Canadian delegation will gladly co-operate in making the experiment in the hope that the instrument we are creating may help speedily to remove the circumstances which make it necessary.

## U. United States Proposal, November 18, 1947

### CONSIDERATION OF VOTING PROCEDURE IN THE SECURITY COUNCIL BY THE INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

The General Assembly, in the exercise of its power to make recommendations relating to the powers and functions of any organs of the United Nations (Article 10),

Requests the Interim Committee of the General Assembly, in accordance with paragraph 2 (a) of the resolution of the General Assembly of 13 November, 1947, establishing that Committee, to:

(1) Consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by Members of the United Nations to the Second Session of the General Assembly or to the Interim Committee;

(2) Consult with any committee which the Security Council may designate to co-operate with the Interim Committee in the study of the problem;

(3) Report with its conclusions to the Third Session of the General Assembly, the report to be transmitted to the Secretary-General by 15 July, 1948, and by the Secretary-General to the Members and to the General Assembly.

Requests the permanent members of the Security Council to consult with one another on the problem of voting in the Security Council in order to secure agreement among them on measures to ensure the prompt and effective exercise by the Security Council of its functions.

## V. Canadian Statement, November 11, 1947

### RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN

I should like to say a few words in explanation of the vote that the delegation of Canada proposes to pass on these resolutions that are before the Committee.

We feel that we will have to vote in opposition to the resolution of Poland. If we were to select speeches that come closest to representing our point of view, they would be the speeches by the representatives of Pakistan and the Netherlands made this morning.

Briefly stated, the reasons why we feel that we must oppose the Polish resolution are:

First, because nothing in the way of effective sanctions can flow from it. The Security Council cannot apply Article 41 without first determining that there is a threat to the peace under Article 39, and there is no serious allegation of a threat to the peace. It would be very doubtful if any such allegation could be proved if it were made.

Therefore we feel that the resolution, if passed, would be entirely ineffective and could not properly be acted upon. It would be a futile gesture by the United Nations, much as if we were making a face at

Franco, making a face across the Atlantic at him. We do not think it is likely that a step of that kind would add to the dignity or the prestige of the United Nations, and we think that it would go some distance in discrediting the United Nations. That is our first reason.

Our second reason for voting against that resolution is because the passing of such a resolution would, we think, be helpful rather than harmful to the Franco regime. We do not want to help Franco in any way. Last year we expressed our abhorrence of the Franco regime. The words which our representative used were these:

We abhor the record and the present policies of the Franco dictatorship.

We earnestly hope that the Spanish people may be able to rid themselves of Franco by peaceful means and establish a democratic, responsible and enlightened administration.

We are *not* prepared to support at this time outside intervention in Spain which might impede European recovery, or revive in Spain the horrors and sufferings of civil war.

Our delegation sees no reason to change its position as stated last year.

The Canadian people and Government do not favour authoritarian or totalitarian government, whatever may be its political complexion. If we are to spend our time in passing ineffective resolutions, we are afraid that they would simply cause the Spanish people to rally to the support of Franco, instead of bringing the Franco regime into disrepute. That is the reason why we think passing a resolution of this kind would help him rather than hurt him.

Our third reason is that last year we voted against this provision of last year's resolutions with respect to specialized agencies. We did not think it was wise to pass that part of the resolution, and we still are of that opinion. We would not like to vote for a reaffirmation of last year's resolution for that reason. While we abstained in the vote last year, we feel that the reasons, under the present circumstances, for opposing the resolution are so strong that we should vote against it this year.

## W. Canadian Statement, November 7, 1947

### ADMISSION OF NEW MEMBERS

The attitude of the Canadian delegation towards admission of new members to the United Nations is based on Article 4 of the Charter. Applicants should be considered on their merits. Their qualifications should be judged on the principles defined in the Charter. The applicant must be a peace-loving state, it must accept the obligations of the Charter and it must be able and willing to carry out these obligations. This basis of judgment was approved by the General Assembly itself in a resolution of November 19, 1946, which states that each application must be examined on its merits "as measured by the yardstick of the charter in accordance with Article 4". We therefore reject any considerations extraneous to the Charter, such as whether or not the applicant state is in diplomatic relations with certain members of the United Nations.

This delegation also recognizes that a decision of the General Assembly with regard to the admission of any state membership requires under Article 4, a recommendation of the Security Council. I say that after listening carefully to the argument of the representative of Argentina, who contends that the General Assembly can admit new members without a recommendation of the Security Council. We do not think that that is correct. We think that the recommendation of the Security Council required by Article 4 involves a decision to make such a recommendation, and that such decision is governed by the provisions of Article 27 of the Charter and requires the concurrent vote of the permanent members. Whether that legal contention is correct or not, if a state of co-operation is to exist between the General Assembly and the Security Council, the General Assembly should certainly secure the recommendation of the Security Council before attempting to admit new members itself. The question arises: What is the Assembly to do about applications for admission of states which fail to secure the necessary approval in the Security Council?

Confronted by this situation, we could take up each rejected application and consider its qualifications in the light of the criteria established in Article 4 and come to a decision in the Assembly recommending that the Security Council re-examine the applications of those states which have been favourably considered by the General Assembly. We feel, however, that there is no use in adopting this procedure if the conclusions which we reach here in the Assembly are to be judged in the Security Council and altered on the basis of an entirely different set of considerations. I think that we might very well reach agreement by an overwhelming majority that the Security Council was not justified in rejecting the application of certain states which have applied for membership. Indeed, this delegation would favour the admission of a number of new states, and I think that the Assembly might well find itself in agreement on quite a comprehensive list. As matters stand, however, we may be certain that no matter how impressive a majority may be recorded here in the Assembly, some or all of the applicants we may favour will continue to be vetoed in the Security Council.

Now we recognize, Mr. Chairman, that there is a real difficulty in determining in some cases as to whether in fact an applicant qualifies under the criteria of Article 4, particularly whether the applicant can be regarded as "able and willing to carry out" the obligations of the Charter. This difficulty exists even if the most objective judgment is applied in determining each case. Discussions in the Security Council as well as in this Committee at the last session, as well as today, amply demonstrate that such a difficulty exists. But surely this is exactly where the discussion of individual applications in the Assembly is particularly relevant in making a proper determination of whether a state is eligible for membership under Article 4 or not. Where, after full discussion of the relevant facts, an overwhelming majority of the members of this organization have stated as their judgment that an applicant is a peace-loving state and able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership, this would be a fairly solid basis for a proper determination of the case, a basis, I submit, which would justify favourable consideration being given to an application by the Security Council.

On the other hand, if after a favourable determination with respect to any application by the General Assembly the application is to be vetoed in the Security Council, then, in the opinion of the Canadian delegation,

action on the subject of membership by this Committee or the Assembly serves little or no useful purpose. The Canadian delegation therefore believes that consideration of each application rejected by the Security Council on the part of the Assembly can be justified only if all the members of the Security Council will agree not to use their veto to prevent the admission of a state which has been approved by two-thirds of the General Assembly as having qualified under the conditions of Article 4, paragraph 1.

If the permanent members of the Security Council were to give such an assurance, the Canadian delegation would be happy to state its position with regard to each applicant mentioned in the resolutions before us and to participate in a vote in order to record a decision of the Assembly recommending the Security Council to reconsider the particular cases in question. In the absence of such an assurance, the Canadian delegation considers that it would be futile to go through the process once again of expressing opinions on the eligibility of various applicants and unless the discussion brings out more points which we have missed in our consideration of the matter, we would be disposed to abstain from voting.

With regard to the proposal of the Belgian delegation for reference of certain points of law to the court, we should be disposed to support that resolution.

## X. Canadian Statement, November 10, 1947

### ADMISSION OF NEW MEMBERS

I should like to say a very few words to explain the vote which the Canadian delegation intends to cast on the resolution before us.

As I said in my statement last Friday, our delegation felt that it was somewhat futile to recommend the Security Council to reconsider applications for membership previously rejected in the Council, unless the permanent members would agree not to use their veto to prevent the admission of a state which had been approved by two-thirds of the General Assembly as having qualified under the conditions of Article 4, paragraph 1. In effect if I understand them correctly, four of the permanent members have said that they would waive their right of veto in the Security Council in the matter of admission of new members. This in the view of our delegation, is a significant step forward. In view of the statement of the Soviet delegate expressing willingness to consult with his colleagues on this matter, we can only hope that ultimately there will be unanimity between the permanent members on this point.

Our delegation believes that the Assembly is perfectly within its rights in expressing its opinion on the individual applications for membership and in making requests on recommendations to the Security Council. Of the various resolutions on individual applications which have been submitted, we believe that those submitted by Australia most correctly interpret the rights and duties of the Assembly under the Charter. In the absence of an assurance from all five of the permanent members that they will not exercise their veto, we still retain our doubts as to the usefulness of requesting the Security Council to reconsider individual applications. But we feel that an abstention on our part might be interpreted as meaning that our delegation is not in favour of the admission of the members



concerned. Our delegation is most definitely in favour of a favourable consideration of the applications covered by the Australian resolutions, viz., Eire, Finland, Italy, Portugal and Transjordan. In particular we would draw attention to what we regard as the completely unjustifiable grounds which have been advanced for the rejection of the application of Eire. On the other applications that have been rejected by the Council, we shall have an opportunity to make our position clear on these applications in the Security Council. We should also be glad to support the resolution of the representative of Belgium.

For reasons which I have stated already on a previous occasion our delegation will not be able to give support to the proposal of the delegation of Argentina, nor to the proposal of the delegation of Sweden. We will vote on the other resolutions before the Committee in accordance with the principles I stated the other day and those I have just stated.

## Y. Provisional Rules of Procedure Adopted on the Admission of New Members, November 21, 1947

### *New Rule 113*

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration, made in a formal instrument, that it accepts the obligations contained in the Charter.

### *New Rule 114*

The Secretary-General shall send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session.

### *New Rule 116*

If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

### *New Rule 117*

The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is proved, membership will become effective on the date on which the General Assembly takes its decision on the application.

## APPENDIX II

### A. Canadian Statement, September 29, 1947

#### WORK OF THE ECONOMIC AND SOCIAL COUNCIL

I wish to indicate briefly the steps which have been taken by the Canadian Government in regard to a number of questions which are mentioned in the report of the Secretary-General and which have been raised in this discussion.

At the last meeting of the Assembly, the Canadian delegation held strongly the view that the continuing problem of relief in war devastated areas should be accepted as an international responsibility. Canada therefore participated in the activities of the Technical Committee which was established to determine the extent to which relief was needed, and participated informally in meetings which were summoned by the Secretariat for the purpose of reviewing the problem. Finally, a decision was taken by the Canadian Government to grant \$20 million for the distribution of supplies in needy countries. Of this sum \$5 million has been allotted to the International Children's Emergency Fund, and I am glad to say that supplies of milk and fish and other products have already been made available for the purpose of this Fund. The Canadian supplies are also making their way to Italy, Austria and Greece. The total amount has not yet been allocated, and consideration is now being given to the additional measures which the Canadian Government can take for the relief of people who are in need. Except in the case of the International Children's Emergency Fund, no international machinery has existed for the distribution of these relief supplies and, for this reason, it has been difficult for us, in all cases, to arrange for distribution as quickly and in as satisfactory a manner as we would like. We are happy, however, to be able to report that to the extent of \$20 million worth of Canadian supplies, we have been able to respond to the appeal made a year ago for further contributions to international relief.

We have also played a part in the settlement of the refugee problem. The Canadian signature appears first amongst the signatory states to the constitution of the International Refugee Organization. The Canadian Parliament has since ratified that signature, and has made available the sum of approximately \$5,500,000 which is our contribution to this organization. We have, moreover, taken positive action to help find new homes for persons who are charges of this organization. Some reference has been made in these discussions to the movement of labourers to Canada. In this connection, I should like to make clear beyond all possibility of contradiction that no person has come to Canada except of his own free will. There is no means by which we can compel refugees to accept our hospitality, and we have no desire to have any men or women come to our shores except of their own choice. Moreover, we are fully aware of the shortage of labour which exists in eastern European countries. We have

not and shall not take any steps to discourage the repatriation to their places of origin of all persons who are willing to accept repatriation. If there are Ukrainians or other workers in displaced persons camps who will return freely to the fields and forests of eastern Europe, we earnestly hope that they will do so. Countries of origin are welcome to every refugee who will accept repatriation willingly, provided neither force nor guile are used to influence individual decisions.

I can go further, Mr. Chairman, and say that as far as Canada is concerned, residents of my country, either refugees or otherwise, are, under the laws of Canada, at perfect liberty to leave Canada tomorrow and to go and live in the Ukrainian Soviet Socialist Republic for instance, or in any other part of the world. Indeed, within the past two years, representatives in Canada of U.S.S.R. and of Yugoslavian interests have gone about freely on Canadian soil and gathered together groups of people of European origin whom they have led back to the U.S.S.R. or Yugoslavia. Not only have these persons been free to go, they have also been allowed to carry with them the resources, money, and machinery, which they had accumulated on Canadian territory. There has been some talk here, Mr. Chairman, of slavery in the forests of Canada. Will my Ukrainian colleague tell me that I could go freely into the Ukraine and ask people to emigrate to Canada; and even if I were permitted to organize such a migration, would the persons whom I persuaded to migrate be permitted to bring with them to my country whatever possessions they may have managed to accumulate in the Ukraine? Until my Ukrainian colleague can give me such assurances, he has little right to come here and talk of slavery in Canada. No refugee, of Ukrainian origin or otherwise, is enslaved in the forests of my country and anyone who doubts this fact is at liberty to go there and see for himself. I invite my Ukrainian colleague to do so and until he has made his observations, we should hear less in this Committee of slavery.

There has been some talk also about refugees being exploited in the labour market of Canada. Mr. Chairman, the labour conditions in my country are open to examination at any time. As far as refugees are concerned, they have been assured the right to work in Canada at prevailing rates of wages and under existing labour regulations. Those regulations are established in a free labour market in which free labour unions have the right to organize. In return for the assurance of employment, the refugees have in some cases entered into agreements to do work which has been offered them for stated periods of a short duration. It is nothing new in history for men to enter into agreements to undertake specified work in return for certain remuneration. Such agreements are a matter of everyday practice. They have the force only which the law gives to any contract amongst citizens. They do not impose a form of servitude nor do they establish inferior working conditions. I am sure that my Ukrainian colleague will not wish me to enter here upon a comparison, in terms of purchasing power or in terms of freedom of movement, of the conditions of labour of refugees in Canada and in other countries. I would, however, be quite happy to have such a comparison made.

It is a sad reflection, however, that the fortunes of these unhappy peoples should become the occasion for controversy in the United Nations. We regard them as genuine refugees, cast adrift by the flood of war which has overtaken their homelands, torn from their moorings, without hope

except as new homes can be found for them. We are not anxious to complicate the social and economic pattern of our own community by introducing more persons than we can take care of, but within our means we are endeavouring to respond to appeals which have been made on behalf of these refugees.

Another aspect of the work of the Economic and Social Council that I should like to mention is the subject of human rights which has been considered in the Human Rights Commission and in the Commission on the Status of Women. This is an important subject but it is one in which we cannot hope to make progress rapidly. We believe that there is great value in defining by international agreement as precisely as we possibly can the basic freedoms which the individual should enjoy within society. We are happy to participate in so far-reaching an undertaking, and in this connection I may say that the Parliament of Canada has this year established a special committee to give consideration to this question. During the session of Parliament which has recently ended, this committee met under the chairmanship of the Rt. Hon. J. L. Ilsley, Minister of Justice, who is a member of our delegation. It examined reports from a number of persons, including an official of the United Nations. The work of this special committee is an indication that we are seeking in Canada to give practical expression to our obligations under the Charter of the United Nations.

At the fourth session of the Economic and Social Council, approval was given to the establishment by the Commission on Human Rights of a Sub-commission on Freedom of Information and of the Press. This Sub-Commission was charged with two main functions:

(1) To examine what rights, obligations and practices should be included in the concept of freedom of information and to report to the commission was charged with two main functions: examination; and

(2) To prepare a draft annotated agenda and make proposals concerning preparations for the United Nations Conference on Freedom of Information.

As you well know, the Sub-commission considered that its most urgent duty was to plan for the Conference which has been proposed and to draw up recommendations concerning its agenda. At the fifth session of the Economic and Social Council and in pursuance of Resolution 59(1) of the General Assembly, the Council having considered the report of the Sub-commission on Freedom of Information and of the Press, adopted a resolution which set forth a provisional agenda for the Conference. The Canadian Delegation is satisfied that within the confines of the provisional agenda adopted by the Council for the world Conference on Freedom of Information and of the Press, sufficient scope is given for a full and forthright discussion of the principles which should govern the press in a truly democratic country. The people and the Government of Canada believe that freedom of information and freedom of the press are basic freedoms and are essential for the protection of other freedoms. It is the discussion of this question which is called for in the proposed agenda of the Conference. The delegation of the U.S.S.R. has put forward a resolution revising the agenda. It seems to me, however, that they are attempting to direct our attention to a different problem—that is, the reaction of the

press of the world to the issues which exist amongst the nations. We shall be discussing that question in connection with other items on the agenda. For our part, we think it important to protect the right of the press everywhere to discuss freely these issues in world affairs and we consider that the proposed agenda, which I may wish to refer to again, is a good basis for these discussions.

We have noted with interest the various resolutions which have been put forward, and wish to assure the members of the Committee that such resolutions, and all others which may be put forward, will receive careful study and consideration by the Canadian Delegation.

In Plenary Session of the Assembly the leader of the Canadian Delegation referred to the useful work which is being done by the Economic and Social Council. An examination of the report which is now before us, and of reports of its previous sessions, provide ample evidence that the Economic and Social Council has justified to a greater extent than any other United Nations agency, our continued faith in international co-operation. My country has given its full measure of support to the Economic and Social Council and to its related commissions and agencies. We have done so because of our profound conviction that security and economic well-being are two sides of the same coin, and because we believe that a valid basis for world peace can only be found in an extension of co-operation between all nations in their economic and social relations with one another.

## B. Canadian Statement, October 6, 1947

### ECONOMIC QUESTIONS

The Canadian Government believes that if the Economic and Social Council effectively discharges its obligations it will come to be regarded more and more as the most constructive single organ of the United Nations, (with the exception of course of the General Assembly itself). While we in no sense underestimate the supreme importance of the tasks for which the Security Council is responsible, these tasks are preventive rather than constructive—to prevent aggression and threats to the peace. The tasks of the Economic and Social Council, on the other hand, are essentially positive and constructive—to promote human well-being, high standards of living, and human progress generally. Of course the work of the Security Council is fundamental to any real and lasting progress. It is the main organ designed to prevent mankind from ever again slipping backward into conditions which provoke war. No lasting progress can be made towards bettering the lot of mankind if it is to be plagued with constantly recurring and ever more dreadful and cruel war. But if a basis of lasting and unquestioned peace can be established steady progress becomes possible. The Economic and Social Council has been given the function of pointing the way towards that progress, of helping mankind to move forward toward a fuller and richer life and toward the attainment of those larger human freedoms to which we all pledged ourselves in our Charter.

As we all know Article 24 of the Charter states explicitly that the Security Council in carrying out its duty for the maintenance of international peace and security acts on behalf of all the Members of the

United Nations. This principle I suggest applies with no less force to the Economic and Social Council in the exercise of its own powers in its own field. I think all my colleagues here will agree that the record of its work thus far shows that the members of the Council have approached its problems fully aware of this provision in the Charter and have considered themselves as trustees in a very real sense for all Members of the United Nations, whether represented on the Council or not.

The work of the Economic and Social Council while vitally important has not been of such a dramatic nature as to draw the full attention of the public and thereby have the benefit of an aroused public opinion. However, as the work of the Council progresses, its importance will more and more come to be recognized and will more and more win such support. It can hope to go forward steadily, for unlike the Security Council its rules of voting are not such that an obdurate minority can nullify any action which the majority may consider necessary and wise. When we examine the activities of the Economic and Social Council, we see a picture of work in progress. Admittedly there have been instances of disappointing and costly, if sometimes inevitable, delay; but happily there has been no suggestion of the frustration or stalemate. While there has as yet been little, in the way of completed achievements, a careful examination of the work in progress reveals developments that may prove profoundly significant in the gradual establishment of a truly successful international organization.

Because much of the Council's work thus far has necessarily been concerned with the preliminary problems of organization, progress has been slower than many hoped or expected. While this organizational period has not even yet been completed, during the past year particularly, real progress in problems of substance has admittedly been made.

The Council, with the assistance of its appropriate commissions and sub-commissions, has begun to seek the solution of many problems which have a direct bearing on the social well-being and economic stability of all nations. The forthcoming conference in Havana, to complete the establishment of an international trade organization, is one example of the important work sponsored by the Council. This specialized agency when established will be a landmark in the development of multilateralism—an achievement worthy of note in a world in which nationalism and the jealous protection of sovereignty and states' rights seem at the moment to be even on the increase, incredible as this may seem in the light of the experience of mankind since the fateful year 1914. Many difficulties certainly lie ahead but these in no way discourage us from hoping that the successful attainment of the important aims embodied in the draft charter of the I.T.O. may be prosecuted with energy and determination.

However, we should never lose sight of the fact that international action if it is to be successful in this field must be upheld by vigorous programs by each nation within its own borders to build up optimum production and by a willingness to accept payment from other nations in goods and services for its own surplus production.

During the past year the Council received and considered for the first time reports from the various functional commissions which it had set up in 1946. Some of these reports are, in the opinion of the Canadian delegation well thought-out and workman-like documents, on the basis

of which useful projects may be commenced, for example, the first reports of the Statistical and Population Commissions. We expect that the World Statistical Congress which convened in September will be most useful in its field. To date the actual accomplishments of other commissions have been somewhat disappointing to many who perhaps were too optimistic as to the possibility of speedy action in the international field. But this realization should not blind us to progress actually made. We have a right to expect that as the members of these commissions become more familiar with their tasks, more experienced at working together, their work will become increasingly useful. Great responsibilities have been placed by the Council on the Economic and Employment Commission with its two sub-commissions. In regard to this I would like to quote from the Report of the Economic and Social Council to the Assembly. I quote: "The Council at its fourth session considered the report of the first session of the Economic and Employment Commission and adopted a resolution on employment and economic development which embodied many of the points referred to above. The resolution requested the Economic and Employment Commission:

(a) To investigate and report, taking full account of the responsibilities of the specialized agencies and the intergovernmental organizations regarding the most appropriate forms of international action for facilitating the better utilization of world resources of manpower, materials, labour and capital in order to promote higher standards of living throughout the world, more particularly in undeveloped and under-developed areas.

(b) To initiate regular reports to the Council on world conditions and trends, giving particular attention to any factors that are preventing or are likely to prevent in the near future the maintenance of full employment and economic stability, together with analyses indicating the casual factors involved and recommendations as to desirable action; action; and

(c) To consider and report to the Council as early as practicable regarding the most appropriate forms of international action to maintain world full employment and economic stability . . .

I will not take time now to enumerate the preliminary steps already taken to pursue these objectives which are obviously of such far-reaching importance but I would like particularly to commend two of them:

(1) The Commission has expressed the intention of making a comprehensive review of world economic conditions and trends in the light of recommendations from its sub-commissions and to include in its report to Council its comments and recommendations.

(2) The Secretariat is expected to prepare, in co-operation with the specialized agencies, reports and analyses of current conditions and trends as it might find necessary and feasible in the light of changing world economic conditions for use at each meeting of the Council.

It seemed to me that the resolution of the Australian delegation in large measure endorsed these steps and the Canadian delegation also heartily endorses them as a prerequisite of effective action by the Economic and Social Council to carry out its great objectives.

In our task of co-ordinating international economic and social planning and activity, agreements bringing important international agencies into formal relationship with the United Nations constitute an essential preliminary step. We welcome the progress the Economic and Social Council has made in this regard. The Council has recommended for approval since its inception eleven agreements with specialized agencies.

As direct operating responsibilities in many functional fields of international society are undertaken by these various specialized agencies, some of which are new and some of which are yet to be formed, tasks of international co-ordination will inevitably become more important. The Canadian Government feels that primary responsibility for successful co-ordination must inevitably lie with each member government. Consistency begins at home. Representatives of states meeting in many parts of the world as delegates to different organizations, must be so instructed by their governments that they speak with consistent voices and do not contradict in one body what they say in another. This consistency is not always easy to attain. It alone, however, can provide the degree of co-ordination necessary to prevent inefficient and expensive overlapping of work.

Canadians subscribe to the belief that prosperity, like peace, is indivisible. The truth of this has again been brought home to us by our present position. By some economic criteria Canadians are fortunate. Our people by energetic efforts have been able to maintain our standard of living, and at the same time to grant substantial amounts of relief to countries devastated by war. We have been able to extend large credits to western European and other countries to enable them to obtain food and supplies from Canada. Production and employment are at high levels; external trade is at its highest peacetime level. But in spite of this, we, in common with so many other countries, have a serious exchange problem. It arises from the heavy deficit that cannot be covered today as it was in the past mainly by the surplus in our trade with the rest of the world. These countries cannot now, as they could in the past, furnish us with the exchange to make good this deficit. Unless Europe again becomes prosperous, our present high level of prosperity, so largely dependent on trade, cannot last.

We must then, having in mind both the good of our world neighbours and that of our own country, welcome the constructive approach of the Marshall Plan, as we understand it. It seems to us to hold out the promise of a multilateral solution of the economic problems of Europe, to offer the hope of correcting the unbalance in the commercial relations of many countries, including our own, and, in solving the problems of some, of solving the problems of all.

We are indeed like mountain climbers. We are roped together by economic ties. But economic ties cannot be cut like a rope. We cannot, even if we were so inhuman as to be willing to do so, drop into the abyss the climbers who have momentarily lost their footing. The economic ties of this hemisphere with Europe, cannot be severed. We must rise together or we shall fall together.

In regard to the resolution introduced by Poland, the Canadian delegation endorses the general principle of the economic interdependence of European countries. Indeed we would go further and emphasize the economic interdependence of all countries if the highest possible measure



of development and well-being is to be attained. My delegation also endorses the desirability of international action preferably through the United Nations. But this does not mean that the veto or refusal to co-operate by any nation or group of nations can be permitted to prevent other nations or group of nations from promoting the principles, ideals and objectives of the Charter. The peoples of the world who are ready to co-operate are determined that they will not be thwarted by opposition or non-co-operation from any one nation or group of nations, whether by the use of the veto or otherwise. They will have action. Again I say that the Canadian delegation would prefer to see such action taken within the United Nations. But, we think it is better to have action outside the framework of the United Nations than to have no action at all. The resources of the world if intelligently developed, utilized and distributed, are sufficient to banish much of the privation and misery now prevailing in so many parts of the world. In this field we can work together and we intend to work together.

## C. Resolution of the Assembly, October 31, 1947

### REPORTS ON WORLD ECONOMIC CONDITIONS AND TRENDS

#### *The General Assembly*

1. *Notes with approval* that the Economic and Social Council has made arrangements for the initiation of regular reports to the Council on world economic conditions and trends;

#### 2. *Recommends to the Council*

(a) That it consider a survey of current world economic conditions and trends annually, and at such other intervals as it considers necessary, in the light of its responsibility under Article 55 of the Charter to promote the solution of international economic problems, higher standards of living, full employment and conditions of economic and social progress and development,

(b) That such consideration include an analysis of the major dislocations of needs and supplies in the world economy,

(c) That it make recommendations as to the appropriate measures to be taken by the General Assembly, the Members of the United Nations and the specialized agencies concerned;

3. *Requests* the Secretary-General to assist the Council and its subsidiary organs by providing factual surveys and analyses of world economic conditions and trends.

## D. Resolution of the Assembly, October 31, 1947

### STUDY OF FACTORS BEARING UPON THE ESTABLISHMENT OF AN ECONOMIC COMMISSION FOR THE MIDDLE EAST

#### *The General Assembly,*

1. *Considering* the interest of the United Nations in problems relating to the economic development of all under-developed regions;
2. *Taking note* of the resolution adopted by the Economic and Social Council during its fifth session requesting the Economic and Employment Commission to study the general problems connected with the establishment of regional commissions as a means to promote the aims and purposes of the United Nations;
3. *Taking note* with satisfaction of the decision by the Council at that session to establish an *ad hoc* Committee for the purpose of studying the factors bearing upon the establishment of an economic commission for Latin America;
4. *Taking note* of the general favourable reception given to the proposal for an economic commission for Latin America by the Second Committee;
5. *Recognizing* that co-operative measures among all the countries of the Middle East can be of practical assistance in raising both the level of economic activity and the standard of life in the Middle East and in strengthening the economic relations of these countries both among themselves and with other countries of the world, and that such measures would be facilitated by close co-operation with the United Nations and its subsidiary organs as well as with regional organizations in the Middle East such as the Arab League;
6. *Invites* the Economic and Social Council to study the factors bearing upon the establishment of an Economic Commission for the Middle East.

## E. Canadian Statement, October 3, 1947

### SOCIAL WELFARE SERVICES

The Canadian delegation has considered the resolution presented to this Committee by the delegation of the United Kingdom most carefully and shares with that delegation the opinion that the transfer to the United Nations of the advisory welfare functions of UNRRA has served a valuable and constructive purpose in meeting urgent and important emergency needs in the field of social welfare.

The Secretariat have presented us with a report on the functions performed up to the present and have indicated the programme of work for the remaining part of this year. We have been pleased to note that the recommendations set forth in Resolution 58 (1) of December 14, 1946, have been implemented and that the scope of the work has been

not only widespread, but of a character which should do much to eliminate misapprehensions, fears and doubts that the United Nations is not able to carry out an effective programme of work in the field of social welfare. As a representative of a country which has recently welcomed two fellows under the fellowship scheme, we are not lacking in sympathy towards the programme as carried forth during the past year.

UNRRA had established an efficient organization in the field of social welfare and it would have been obviously wasteful to abandon and ignore the preliminary work done by that organization. Consequently the Canadian view was that it would be useful to have the United Nations carry on in this field of endeavour for a limited period of time. However, I do not think it necessary to contemplate the continuation of this plan indefinitely, or indeed beyond another year or two. The programme is of an emergency character; its scope and functions should be subject to review. However, we feel that at the present time it should be continued on a scale and at a cost no greater than last year.

The Canadian delegation, therefore, would be in favour of its continuance, providing it is clearly understood that it is not to become in its present form a permanent feature of the work of the Social Division of the United Nations.

## F. Resolution of the Assembly, November 17, 1947

### EXCHANGE OF WORKERS

*The General Assembly,*

*Having examined* Chapter III of the report of the Economic and Social Council;

*Considering* that among the functions of the Economic and Social Council is that of developing international co-operation "with respect to economic, social, cultural and educational matters";

*Considering* that such international co-operation must be based on a better mutual understanding among peoples;

*Considering* that the proper method of achieving such understanding is to increase direct contacts between the various elements of the populations of all countries; and

*Considering* that workers too often lack means of learning about technical and social experiments which are being carried out in foreign countries;

*Urges* those Members which are agreeable to arrange with each other, by direct agreement, such terms and conditions as will facilitate the maximum possible exchange of workers wishing to take a period of training in order to improve their knowledge of their trade and to study on the spot the economic and social problems confronting their comrades in other countries.

## G. Canadian Statement, October 28, 1947

### PREVENTION OF FALSE OR DISTORTED REPORTS

Since the beginning of this debate, we had intended to move a proposal analogous to the one moved by the delegate of Guatemala. We felt, however, that we should avoid embarking on a second discussion of the same point. In the First Committee the representative of Canada has expressed our point of view on tendentious reports and war propaganda.

Our delegation represents a country in which the freedom of the press and freedom of speech are fundamental. We would therefore refuse to accept any proposal which would ask the Government to judge and punish its people for the views they have expressed. The remedy, to our mind, is not to impose restrictions but to guarantee the right to reply to falsehood by truth.

I was not impressed by the interpretation imagined by the delegate from the U.S.S.R. According to the delegates from the Soviet and the Ukraine (and I do not wish to offend them as I certainly have nothing against their people), their country alone is in possession of virtue and only they enjoy true freedom of speech.

In a free press all sorts of quotations can be chosen and it is just because of this that the delegate from the Ukraine could find opinions championing his cause. But the same press could produce arguments to the contrary which would have destroyed all the points which he made.

The delegate from Belgium raised the question as to how you define what is false and tendentious. Despite the efforts of the delegate of Poland, I was not convinced by his explanation nor could I follow the explanation of the delegate from the Ukraine. Some people have complained here that certain newspapers have misrepresented their statements or have not given them enough space. This is admittedly one of the drawbacks in a country where there is freedom of the press. We feel, however, that the disadvantages are more than outweighed by the advantages.

We feel that the broadest possible discussion will take place on this whole question at the Conference on the Freedom of the Press. Competent delegates will attend that Conference and the agenda is such that all these matters may be discussed fully at that time.

I should like to give my full support to the resolution that was passed yesterday in the First Committee. I shall vote against the Yugoslav resolution which is before us—I am sorry that it was not withdrawn. When the French resolution and various amendments come up for discussion we will give them our consideration.

## H. Resolution of the Assembly, November 15, 1947

### FALSE OR DISTORTED REPORTS

*The General Assembly,*

*Considering that, under Article 1 of the Charter, Members are bound to develop friendly relations amongst themselves and to achieve international co-operation in promoting and encouraging respect for human rights and fundamental liberties;*

*Considering* that to attain this end it is essential to facilitate and increase the diffusion in all countries of information calculated to strengthen mutual understanding and ensure friendly relations between the peoples;

*Considering* that substantial progress in this sphere can be achieved only if measures are taken to combat, within the limits of constitutional procedures, the publication of false or distorted reports likely to injure friendly relations between States,

*Invites* the Governments of Member States

1. To study such measures as might with advantage be taken on the national plane to combat, within the limits of constitutional procedures, the diffusion of false or distorted reports likely to injure friendly relations between States;

2. To submit reports on this subject to the Conference on Freedom of Information so as to provide the Conference with the data it requires to enable it to start its work immediately on a concrete basis;

*Recommends* to the Conference on Freedom of Information that it study, with a view to their co-ordination, the measures taken or advocated in this connection by the various States, as being relevant to the discussion of items 2(d) and 5 (c) of section II of its provisional agenda.

## I. Resolution of the Assembly, November 17, 1947

### TRADE UNION RIGHTS

#### *The General Assembly*

*Taking note* of resolution 52 (iv) adopted by the Economic and Social Council at its fourth session, whereby it was decided to transmit the views of the World Federation of Trade Unions and the American Federation of Labor on "Guarantees for the Exercise and Development of Trade Union Rights" to the Commission on Human Rights, "in order that it may consider those aspects of the subject which might appropriately form part of the bill or declaration on human rights",

*Taking note* also of resolution 84 (v) adopted by the Council at its fifth session, whereby it was decided to transmit to the General Assembly of the United Nations the report of the International Labour Organization entitled "Decisions concerning freedom of association adopted unanimously by the thirtieth session of the International Labour Conference on 11 July, 1947", to recognize the principles proclaimed by the International Labour Conference and to request the International Labour Organization to continue its efforts in order that one or several international conventions may be adopted,

*Approves* these two resolutions;

*Considers* that the inalienable right of trade union freedom of association is, as well as other social safeguards, essential to the improvement of the standard of living of workers and to their economic well-being,

*Declares* that it endorses the principles proclaimed by the International Labour Conference in respect of trade union rights as well as the principles the importance of which to labour has already been recognized and which are mentioned in the Constitution of the International Labour Organization and in the Declaration of Philadelphia and in particular sub-section (a) of Section II and sub-sections (a) to (j) inclusive of Section III which are given in the Annex to this Resolution;

*Decides* to transmit the report of the International Labour Organization to the Commission on Human Rights with the same objects as those stated in resolution 52 (IV) of the Economic and Social Council; and

*Recommends* to the International Labour Organization on its tripartite basis to pursue urgently, in collaboration with the United Nations and in conformity with the resolution of the International Labour Conference concerning international machinery for safeguarding trade union rights and freedom of association, the study of the control of their practical application.

#### ANNEX

- (a) Full employment and the raising of standards of living;
- (b) The employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) The provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- (d) Policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- (e) The effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) The extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (g) Adequate protection for the life and health of workers in all occupations;
- (h) Provision for child welfare and maternity protection;
- (i) The provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) The assurance of equality of educational and vocational opportunities.

## J. Resolution of the Assembly, November 17, 1947

### THE PREVENTION OF IMMIGRATION LIKELY TO DISTURB FRIENDLY RELATIONS BETWEEN NATIONS

#### *The General Assembly*

*Having noted* that its resolutions of 8 (I) of February 12 and 62 (I) of December 15, 1946, on the question of refugees, and its resolution 103 (I) of November 19, 1946, condemning racial and religious discrimination, have not been fully implemented, and that hundreds of thousands of victims of aggression remain in displaced persons camps;

*Recalling* that one of the principles of the International Refugee Organization is that it "should exercise special care in cases in which the re-establishment or resettlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question";

*Invites* the Member States to implement the General Assembly resolution of 19 November 1946;

*Reaffirms* its position that the main task concerning displaced persons is to encourage and assist in every possible way their early return to their countries of origin, in accordance with the General Assembly resolution of 12 February 1946, and that no obstacles be placed in the way of the early fulfilment of this task;

*Invites* the Member States not to accord aid and protection to individuals or organizations which are engaged in the promoting or operating of illegal immigration, or in activities designed to promote illegal immigration;

*Recommends* each Member of the United Nations to adopt urgent measures for the early return of the repatriable refugees and displaced persons to their countries of origin, having regard to the General Assembly resolution of 12 February, 1946, and for settling a fair share of the non-repatriable refugees and displaced persons in its country; to inform the Secretary-General without delay of the results of the consideration it has given, in implementation of Resolution 62 (I) of the General Assembly, paragraph (e), to receiving, in conformity with the principles of the International Refugee Organization, its fair share of non-repatriable persons; and to collaborate with other nations, for instance through the International Refugee Organization or its Preparatory Commission, in the development of over-all plans to accomplish this end;

*Requests* the Secretary-General to submit, in collaboration with the Director-General of the International Refugee Organization, or the Executive Secretary of its Preparatory Commission, a report on the progress and prospect of repatriation, resettlement and immigration of the refugees and displaced persons, for consideration by the Economic and Social Council at its seventh session.

## K. (1) Resolution of the Assembly, November 17, 1947

### TEACHING OF THE PURPOSES AND PRINCIPLES, THE STRUCTURE AND ACTIVITIES OF THE UNITED NATIONS IN THE SCHOOLS OF MEMBER STATES

*The General Assembly,*

*Considering* that knowledge and understanding of the aims and activities of the United Nations are essential in promoting and assuring general interest in, and popular support of, its work;

*Recommends* to all Member Governments that they take measures at the earliest possible date to encourage the teaching of the United Nations Charter and the purposes, principles, structure, background and activities of the United Nations in the schools and institutes of higher learning of their countries, with particular emphasis on such instruction in elementary and secondary schools;

*Requests* the Secretary-General and UNESCO, in full consultation with one another and within the limits of their capacity, to furnish Member Governments upon request with advice and assistance in the implementation of this programme;

*Requests* Member States to furnish the Secretary-General with information as to the measures which have been taken to implement this recommendation, such information to be presented in the form of a report to the Economic and Social Council by the Secretary-General in consultation with, and with the assistance of UNESCO.

## (2) Canadian Statement, November 10, 1947

### TEACHING OF THE PRINCIPLES OF THE UNITED NATIONS CHARTER

I would like to state the position of my delegation in connection with this proposal. It recommends the teaching of the purposes and principles, the structure and activities of the United Nations in the schools of Member States, with particular emphasis on such instruction in elementary and secondary schools.

In Canada, under our system of confederation, there is a federal government and nine provincial legislative assemblies. By our constitution, the government of each province has complete and exclusive jurisdiction and control over educational matters.



Therefore, everyone will understand that my Government could not, if this proposal is adopted, take measures to encourage the teaching of the United Nations Charter, etc. in the schools of Canada.

We will refrain from expressing our opinion on the merits of the proposal. If it is adopted, my Government will gladly transmit the recommendation to the proper authorities in each of our nine provincial governments. As it is for them, and for them only, to decide what to do, as far as its implementation is concerned, my Government will gladly communicate to the Secretary-General whatever information our provincial governments will care to send in as to the measures or steps, if any, taken by them to implement the recommendation. The contribution of my Government would necessarily be confined to acting as correspondent between the Secretary-General and the competent authorities over educational matters in Canada, namely, our nine provincial governments.

I am sure that the honourable delegate of Norway, who introduced the proposal, and other members of this Committee will understand and appreciate the scrupulous respect which my Government entertains towards provincial rights.

It has been suggested that the proposal be amended by adding such words as: "Within the framework of their constitution". We do not think that an amendment of this form would change our position. We contend that such an amendment is unnecessary because anything that we do here must be, and it cannot be otherwise, within the framework of our respective constitutions. This view has already been expressed by the head of our delegation in the First Committee.

We feel, sir, that the proper course for us to follow is to abstain on the Norwegian proposal and amendments to it.

### (3) Canadian Statement, November 17, 1947

#### THE TEACHING OF THE PRINCIPLES OF THE UNITED NATIONS

When this subject was under discussion in the Third Committee, the Canadian delegation considered it necessary to make clear the constitutional position in Canada in regard to the control and administration of educational matters, and because of the limitations which exist upon the federal authorities in regard to education, we thought it proper at that time to abstain.

We should be sorry, however, if our action in this regard were interpreted as indicating any unwillingness on the part of the Canadian Government to take any possible action for the purpose of making known in Canada the principles of the United Nations Charter. The Canadian Government each year makes a contribution towards the support of the United Nations Association in Canada and the Department of External Affairs has made a practice of publishing and distributing widely documents which give an account of the work of the United Nations. In this and many other ways the Canadian Government is endeavouring to present the United Nations to the people of Canada.

The Norwegian resolution received very wide support in the Third Committee. The amendment proposed by the delegation of Cuba elabor-

ates the last paragraph of the resolution contained in the report of the Third Committee by requesting the Secretary-General and UNESCO to furnish all possible assistance that may be asked for and requesting Member States to advise the Secretary-General of measures taken in this regard.

The Canadian delegation is, however, of the opinion that as other speakers have pointed out, the task of furnishing advice and assistance in the implementation of such a programme is more properly the function of UNESCO than of the Secretary-General. We are therefore prepared to oppose the third paragraph of the amendment of the delegation of Cuba but are prepared to support the final paragraph of this amendment.

Since by our absention on the vote in the Third Committee we have drawn our constitutional position to the attention of other delegations, the Canadian delegation wishes to give its support now in plenary session to the principles contained in this resolution because of our desire, so far as our constitutional system permits, to fulfil the purposes we are seeking to achieve.

## APPENDIX III

### A. Canadian Statement, October 8, 1947

#### QUESTION OF SOUTH WEST AFRICA

Mr. Chairman, since we shall vote shortly upon the resolutions now before the committee, I desire to make clear the position of the Canadian delegation on this subject.

In the debate which has taken place on this matter in this committee, learned and interesting opinions have been offered over the question of the Union of South Africa having failed to honour an obligation to place the territory of South West Africa under the trusteeship system. It is the opinion of my delegation, Mr. Chairman, that there is absolutely no question of the Government of the Union of South Africa being under any legal obligation, either now or in the past, to submit the territory of South West Africa to inclusion within the trusteeship system. I do not see how any other conclusion can be drawn from the discussion on this subject which took place in San Francisco and the decision which was reached there.

I should like to draw your attention to these discussions, held at San Francisco in Committee Four of Commission Two during May, 1945. It was in this committee that the various delegations resolved their differences over what classes of territory should be placed under the trusteeship system and under what condition such agreements should be governed. The discussion over what territories should be placed under the trusteeship system, which occurred in the eighth meeting of the committee on 22 May, 1945, centred in general around paragraph B3 of document 323, the paragraph which was the original blueprint for the present Article 77 of the Charter. In particular, the crux of the discussion was whether or not to include an amendment proposed by the Egyptian delegate which would have substituted for the present initial paragraph of Article 77 which reads, "The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements, (a) territories now held under mandate," the words "The trusteeship system shall apply to *all* territories now held under mandate". I should like to emphasize the word "all" in this context.

There was a good deal of debate over this amendment: it occupied the whole of one meeting and some thirty pages of verbatim records. But the remarks made by the various delegates at the time, and the outcome of the issue, left no doubt as to what was intended and, therefore, as to what should guide us in our present discussions. I should like to quote from the remark of the Australian delegate in these discussions. He summed up the matter very concisely: "The assumption is that there is an identity between the terms of the mandate and the terms of this trusteeship system, but there is not. In many respects the terms of this

trusteeship system differ from the terms of the mandate. As members of the committee know, there are three classes of mandates, A class, B class and C class, and in some important respects the trusteeship system is not the same as the mandate system . . . I do not think it is a question of voluntary action or compulsory action so much as a broad difference in approach to what is the practical question . . . but I want to emphasize a point at this stage that there are differences of substantial import between the trusteeship system which is now being erected as a framework and the mandate system . . . we cannot alter the mandatory system. The only body that could possibly have altered it, and I don't think it was ever really conceded, would be the League, and that illustrates the difficulty we are in in this problem . . . it is not a question, therefore, of merely continuing the mandates. That cannot be done under this and, therefore, comes in relation to the mandates preserving the same right or concept that you are preserving for other classes to be put under this trusteeship system. The mandate system is a trusteeship system but it differs in important respects from this system and therefore . . . you cannot as an act of an organization such as this alter the existing terms of these mandate without the authority of the person carrying out the trust."

The outcome of this debate was that the Egyptian motion was lost on a vote of 6 to 20. The word "all" was removed, and the original paragraph B3 of document 323 became Article 77 of the Charter, and, consequently, I submit that in the light of this my honourable friend from China should reconsider his argument of yesterday when he claimed that all mandated territories must be placed under the trusteeship system.

With this clarification of the main issue to hand, I cannot help feeling that the resolution proposed by the honourable delegate from Denmark is more in keeping with the constitutional position whose foundation was laid so firmly in May, 1945, and to which by signing the Charter of the United Nations, we have all subscribed. Furthermore, on the basis of this position, there can be no validity for the inclusion of paragraph 6 in the Indian resolution, nor for the inclusion in the same resolution of the recommendation that the Union of South Africa submit a trusteeship agreement for South West Africa by this time next year.

Therefore, Mr. Chairman, although I would regret that the circumstances are such that the Union of South Africa has not seen fit to accept the invitation of the General Assembly of the United Nations, I should like, in supporting the Danish resolution, to express the hope that the Government of the Union will give this weighty matter further consideration, and, that as a result, it may be able to reconsider its initial judgment.

## B. Resolution of the Assembly, November 1, 1947

### QUESTION OF SOUTH WEST AFRICA

*Whereas*, in its resolution dated 9th February, 1946, the General Assembly invited all States administering territories then held under mandate to submit Trusteeship agreements for approval;

*Whereas*, in its resolution dated 14th December 1946, the General Assembly recommended, for reasons given therein, that the mandated territory of South West Africa be placed under the International Trustee-

ship System and invited the Government of the Union of South Africa to propose, for the consideration of the General Assembly, a trusteeship agreement for the aforesaid territory;

*Whereas* the Government of the Union of South Africa has not carried out the aforesaid recommendations of the United Nations;

*Whereas* it is a fact that all other States administering territories previously held under mandate have placed these territories under the Trusteeship System or offered them independence;

*Whereas* the Government of the Union of South Africa in a letter of 23 July, 1947, informed the United Nations that it has decided not to proceed with the incorporation of South West Africa in the Union but to maintain the *status quo* and to continue to administer the territory in the spirit of the existing mandate, and that the Union Government has undertaken to submit reports on its administration for the information of the United Nations:

*The General Assembly, therefore,*

*Takes note* of the decision of the Government of the Union of South Africa not to proceed with the incorporation of South West Africa;

*Firmly maintains* its recommendation that South West Africa be placed under the Trusteeship System;

*Urges* the Government of the Union of South Africa to propose for the consideration of the General Assembly a Trusteeship agreement for the territory of South West Africa and expresses the hope that the Union Government may find it possible to do so in time to enable the General Assembly to consider the agreement at its Third Session.

*Authorizes* the Trusteeship Council in the meantime to examine the report on South West Africa recently submitted by the Government of the Union of South Africa, and to submit its observations thereon to the General Assembly.

## APPENDIX IV

### A. Resolution of the Assembly, November 15, 1947

#### COMPOSITION OF THE SECRETARIAT AND THE PRINCIPLE OF GEOGRAPHICAL DISTRIBUTION

*Whereas* it is desirable to attain a balanced geographical distribution in the composition of the Secretariat, thus improving the present distribution, which results from unavoidable difficulties encountered in the initial stages of organization;

*Whereas* the above consideration does not conflict with the paramount consideration of employment of the staff, as laid down in Article 101, paragraph 3 of the Charter, namely, the necessity of securing the highest standard of efficiency, competence and integrity;

*Whereas*, in view of its international character and in order to avoid undue predominance of national practices, the policies and administrative methods of the Secretariat should reflect, and profit to the highest degree from, assets of the various cultures and the technical competence of all Member nations:

*The General Assembly,*

1. *Reaffirms* the principle of securing the highest standard of efficiency, competence and integrity in the staff of the Secretariat, as well as the importance of recruiting the staff on as wide a geographical basis as possible; and

2. *Requests* the Secretary-General:

- (a) To examine the recruitment policy that has been followed to date with a view to improving the present geographical distribution of the posts within the various Departments;
- (b) To take, as soon as possible, the necessary steps with a view to engaging staff members from those countries which have not yet any of their nationals in the Secretariat;
- (c) To review, in accordance with the recommendations of the Advisory Committee on Administrative and Budgetary Questions, the qualifications, background and experience of the present members of the staff, with a view to replacing those who do not reach the high standards fixed by the Charter;
- (d) To take all practicable steps to ensure the improvement of the present geographical distribution of staff, including the issuance of such rules and regulations as may be necessary to comply with the principles of the Charter as elaborated in this resolution;
- (e) To present to the next regular session of the General Assembly a report of the action taken under this resolution.

## B. Canadian Statement, October 13, 1947

### ESTIMATES FOR THE DEPARTMENT OF PUBLIC INFORMATION AND THE INFORMATION CORRESPONDENT CENTRES

The delegation of Canada desires to record its belief in the importance of providing clear, factual and objective information as a means of achieving the aims of the United Nations set forth in the Preamble of our Charter.

The delegation of Canada feels that the Department of Public Information of the United Nations is the main medium of the Secretariat (and, hence, of the organization itself) for the provision of this information. It is also our view that the Fifth Committee of the General Assembly is the substantive committee which has the responsibility of examining the policies, practices and administration of the Department of Public Information.

With these principles in mind, the Canadian delegation wishes to emphasize the importance of maintaining as careful a check as possible on the degree to which the information materials provided by the Department of Public Information and the Correspondent Centres are in fact used throughout the world.

The budget estimates make provision for the dissemination of a great deal of material in the form of publications, documentary films and radio broadcasting programmes. We do not dispute the necessity or the value of such information material being made available on a world-wide basis. We do, however, agree with the idea stated in paragraph 162 of the Advisory Committee's report, that it is possible to spend an almost unlimited amount in the field of information; and that it is desirable for us to determine at this stage how much should be done and how much money should be set aside for information programmes. Unless systematic reports are received as to the extent to which such information material is used for informing world opinion, a great deal of our United Nations information programme must be considered to some extent as "a shot in the dark".

I am sure that the necessity for determining the extent to which this material is being used effectively has not been overlooked by the Department of Public Information. The Assistant Secretary-General in charge of the Department may be in a position to make useful comments in this connection. He might tell us the extent to which his Department has developed methods for co-operating with press, film and radio services within Member States. Not only this delegation, but many representatives, would be glad to hear the Assistant Secretary-General for Public Information on this subject.

In addition, we recommend that the Secretary-General should make an annual survey and then report on the use which is being made of material produced by the Department of Public Information. Only in this way will it be possible to formulate an efficient information programme with a view to priorities and thus to decide on the appropriate size and

character of the United Nations information establishments throughout the world. Such a survey would provide a realistic basis for future information budgets of the United Nations.

Essentially, this boils down to the simple fact that we must not only provide information facilities, but must also ensure that these facilities are being employed to the fullest possible advantage.

The recommendation which we make to the Secretary-General obviously involves both the Department of Public Information and the overseas Correspondent Centres themselves. In regard to these centres, our view is that their effectiveness will depend on the extent to which coverage is obtained in the countries concerned. We have noted that the Advisory Committee felt that in certain respects, the original programme was premature and that it has accordingly recommended that the estimates for this section be reduced from \$855,102 to \$600,000. We agree with the Advisory Committee that it would be inadvisable to open additional information centres before the needs in each country had been ascertained and that these information centres should be established, in the first instance, on a minimum basis and expanded only in the light of proved needs.

To sum up, Mr. Chairman, the Canadian delegation urges upon the Secretary-General that he review annually the use which is being made throughout the world of the information material provided by the United Nations. We hope that the Secretary-General will be in a position to report on this subject to the third regular session of the General Assembly. With such information available Members of that Assembly will then be able to assess more accurately the character and size of the information programme required and the resulting budget estimates.

In making these suggestions the Canadian delegation has been guided by the view that the success of the United Nations will depend not only on its practical achievements, but also on the degree to which its purposes and performances are understood and supported by an informed public opinion within each member state.



## APPENDIX V

### A. Statute of the International Law Commission

#### *Article 1*

1. The International Law Commission shall have for its object the promotion of the progressive development of international law and its codification.

2. The Commission shall concern itself primarily with public international law, but is not precluded from entering the field of private international law.

#### CHAPTER I. ORGANIZATION OF THE INTERNATIONAL LAW COMMISSION

#### *Article 2*

1. The Commission shall consist of fifteen members who shall be persons of recognized competence in international law.

2. No two members of the Commission shall be nationals of the same State.

3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights.

#### *Article 3*

The members of the Commission shall be elected by the General Assembly from a list of candidates nominated by the Governments of Members of the United Nations.

#### *Article 4*

Each Member may nominate for election not more than four candidates, of whom two may be nationals of the nominating State and two nationals of other States.

#### *Article 5*

The names of the candidates shall be submitted in writing by the Governments to the Secretary-General by the first of June of the year in which an election is held, provided that a Government may in exceptional circumstances substitute for a candidate whom it has nominated before the first of June another candidate whom it shall name not later than thirty days before the opening of the General Assembly.

*Article 6*

The Secretary-General shall as soon as possible communicate to the Governments of Members the names submitted, as well as any statements of qualifications of candidates that may have been submitted by the nominating Governments.

*Article 7*

The Secretary-General shall prepare the list referred to in Article 3 above, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit this list to the General Assembly for the purposes of the election.

*Article 8*

At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

*Article 9*

1. The fifteen candidates who obtained the greatest number of votes and not less than a majority of the votes of the Members present and voting shall be elected.

2. In the event of more than one national of the same State obtaining a sufficient number of votes for election the one who obtains the greatest number of votes shall be elected and if the votes are equally divided the elder or eldest candidate shall be elected.

*Article 10*

The members of the Commission shall be elected for three years. They shall be eligible for re-election.

*Article 11*

In the case of a casual vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in Articles 2 and 8 of this Statute.

*Article 12*

The Commission shall sit at the headquarters of the United Nations. The Commission shall, however, have the right to hold meetings at other places after consultation with the Secretary-General.

*Article 13*

Members of the Commission shall be paid travel expenses and shall also receive a per diem allowance at the same rate as the allowance paid to members of commissions of experts of the Economic and Social Council.

*Article 14*

The Secretary-General shall, so far as he is able, make available staff and facilities required by the Commission to fulfil its task.

## CHAPTER II. FUNCTIONS OF THE INTERNATIONAL LAW COMMISSION

*Article 15*

In the following articles the expression "progressive development of international law" is used for convenience as meaning the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States. Similarly, the expression "codification of international law" is used for convenience as meaning the more precise formulation and systematization of rules of international law in fields where there already has been extensive state practice, precedent and doctrine.

## A. PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW

*Article 16*

When the General Assembly refers to the Commission a proposal for the progressive development of international law, the Commission shall follow a procedure on the following lines:

- (a) The Commission shall appoint one of its members to be Rapporteur;
- (b) The Commission shall formulate a plan of work;
- (c) The Commission shall circulate a questionnaire to the Governments, and shall invite them to supply within a fixed period of time data and information relevant to items included in the plan of work;
- (d) The Commission may appoint some of its members to work with the Rapporteur on the preparation of drafts pending receipt of replies to this questionnaire;
- (e) The Commission may consult with scientific institutions and individual experts; these experts need not necessarily be nationals of Members of the United Nations. The Secretary-General will provide, when necessary and within the limits of the budget, for the expenses of these consultations of experts;
- (f) The Commission shall consider the drafts proposed by the Rapporteur;
- (g) When the Commission considers a draft to be satisfactory, it shall request the Secretary-General to issue it as a Commission document. The Secretariat shall give all necessary publicity to this document which shall be accompanied by such explanations and supporting material as the Commission considers appropriate. The publication shall include any information supplied to the Commission in reply to the questionnaire referred to in subparagraph (c) above;
- (h) The Commission shall invite the Governments to submit their comments on this document within a reasonable time;

- (i) The Rapporteur and the members appointed for that purpose shall reconsider the draft taking into consideration these comments and shall prepare a final draft and explanatory report which they shall submit for consideration and adoption by the Commission;
- (j) The Commission shall submit the draft so adopted with its recommendations through the Secretary-General to the General Assembly.

#### *Article 17*

1. The Commission shall also consider proposals and draft multi-lateral conventions submitted by Members of the United Nations, the principal organs of the United Nations other than the General Assembly, specialized agencies, or official bodies established by inter-governmental agreement to encourage the progressive development of international law and its codification, and transmitted to it by the Secretary-General.

2. If in such cases the Commission deems it appropriate to proceed with the study of such proposals or drafts, it shall follow a procedure on the following lines:

- (a) The Commission shall formulate a plan of work, and study such proposals or drafts and compare them with any other proposals and drafts on the same subject;
- (b) The Commission shall circulate a questionnaire to all Members of the United Nations and to the organs, specialized agencies and official bodies mentioned above which are concerned with the question, and shall invite them to transmit their comments within a reasonable time;
- (c) The Commission shall submit a report with its recommendations to the General Assembly. It may also, if it deems it desirable, before doing so make an interim report to the organ, agency or body which has submitted the proposal or draft;
- (d) If the General Assembly should invite the Commission to proceed with its work on a proposal, the procedure outlined in article 16 above shall apply. The questionnaire referred to in paragraph (c) of that article may not, however, be necessary.

### B. CODIFICATION OF INTERNATIONAL LAW

#### *Article 18*

1. The Commission shall survey the whole field of international law with a view to selecting topics for codification, having in mind existing drafts whether governmental or not.

2. When the Commission considers that the codification of a particular topic is necessary or desirable, it shall submit its recommendations to the General Assembly.

3. The Commission shall give priority to requests of the General Assembly to deal with any question.

*Article 19*

1. The Commission shall adopt a plan of work appropriate to each case.

2. The Commission shall, through the Secretary-General, address to Governments a detailed request to furnish the texts of laws, decrees, judicial decisions, treaties, diplomatic correspondence and other documents relevant to the topic being studied and which the Commission deems necessary.

*Article 20*

The Commission shall prepare its drafts in the form of articles and shall submit them to the General Assembly together with a commentary containing:

- (a) Adequate presentation of precedents and other relevant data, including treaties, judicial decisions and doctrine;
- (b) Conclusions relevant to:
  1. The extent of agreement on each point in the practice of States and in doctrine;
  2. Divergencies and disagreements which exist, as well as arguments invoked in favour of one or another solution.

*Article 21*

1. When the Commission considers a draft to be satisfactory, it shall request the Secretary-General to issue it as a Commission document. The Secretariat shall give all necessary publicity to the document including such explanations and supporting material as the Commission may consider appropriate. The publication shall include any information supplied to the Commission by Governments in accordance with article 19. The Commission shall decide whether the opinions of any scientific institution or individual expert consulted by the Commission shall be included in the publication.

2. The Commission shall request Governments to submit comments on this document within a reasonable time.

*Article 22*

Taking such comments into consideration, the Commission shall prepare a final draft and explanatory report which it shall submit with its recommendations through the Secretary-General to the General Assembly.

*Article 23*

1. The Commission may recommend to the General Assembly:
  - (a) To take no action, the report having already been published;
  - (b) To take note of or adopt the report by resolution;
  - (c) To recommend the draft to Members with a view to the conclusion of a convention;
  - (d) To convoke a conference to conclude a convention.
2. Whenever it deems it desirable, the General Assembly may refer drafts back to the Commission for reconsideration or redrafting.

*Article 24*

The Commission shall consider ways and means for making the evidence of customary international law more readily available, such as the collection and publication of documents concerning State practice and of the decisions of national and international courts on questions of international law, and shall make a report to the General Assembly on this matter.

## CHAPTER III. CO-OPERATION WITH OTHER BODIES

*Article 25*

1. The Commission may consult, if it considers necessary, with any of the organs of the United Nations on any subject which is within the competence of that organ.

2. All documents of the Commission which are circulated to Governments by the Secretary-General shall also be circulated to such organs of the United Nations as are concerned. Such organs may furnish any information or make any suggestions to the Commission.

*Article 26*

1. The Commission may consult with any international or national organizations, official or non-official, on any subject entrusted to it if it believes that such a procedure might aid it in the performance of its functions.

2. For the purpose of distribution of documents of the Commission, the Secretary-General, after consultation with the Commission, shall draw up a list of national and international organizations concerned with questions of international law. The Secretary-General shall endeavour to include on this list at least one national organization of each Member of the United Nations.

3. In the application of the provisions of this article, the Commission and the Secretary-General shall comply with the resolutions of the General Assembly and the other principal organs of the United Nations concerning relations with Franco Spain and shall exclude from both consultations and from the list, organizations which have collaborated with the nazis and fascists.

4. The advisability of consultation by the Commission with inter-governmental organizations whose task is the codification of international law, such as those of the Pan-American Union, is recognized.

## B. Canadian Statement, September 26, 1947

### PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

The delegation of Canada supports the principles of the resolution proposed by the representative of the U.S.A.

As we understand the resolution, the Commission is to be set up for the purpose of carrying out the progressive development of international law and its eventual codification. With this purpose, this delegation is wholly in accord. Indeed, something of the kind, initiated for this purpose, must be undertaken by, or under the support of, the General Assembly if it is to discharge the obligations which it assumed in the Charter. It occurred to me, however, and I speak subject to correction, that the purpose or objects of the Commission are not stated, at least clearly, in the resolution. We therefore have a slight amendment to propose (of which notice has been given) which will make this purpose clear. In drafting the amendment we followed the language used in paragraph 3 of the report of the Committee on the progressive development of international law and its codification which there expressed itself in deciding unanimously to recommend the General Assembly to establish a single Commission for the purpose of carrying out the progressive development of international law and its eventual codification.

I have just a word to add as to the attitude of the Canadian delegation to the setting up of this Commission.

We believe that its terms of reference should be as clear and definite as possible. We assume that these will be contained largely in the Assembly Resolutions to be passed from time to time.

We think we should start with a more limited and less elaborate organization than that recommended by the Committee. Generally speaking, the U.S. resolution with some of the amendments suggested by the U.K. meets our views in this respect.

And finally, we think careful consideration should be given to the suggestion of the Netherlands representative that the Commission do not enter the field of private international law, at least in the earlier stages of its work.

## C. Agreement Between the United Nations and the United States of America Regarding the Headquarters of the United Nations

### THE UNITED NATIONS AND THE UNITED STATES OF AMERICA:

Desiring to conclude an agreement for the purpose of carrying out the resolution adopted by the General Assembly on 14th December 1946 to establish the seat of the United Nations in the City of New York and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The United Nations:

Trygve LIE, Secretary-General, and

The United States of America:

George C. MARSHALL, Secretary of State,

Who have agreed as follows:

## ARTICLE I

### *Definitions*

#### *Section 1*

In this agreement:

(a) The expression "headquarters district" means:

(1) the area defined as such in Annex 1;

(2) any other lands or buildings which from time to time may be included therein by supplemental agreement with the appropriate American authorities;

(b) the expression "appropriate American authorities" means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) the expression "General Convention" means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations on 13 February 1946, as acceded to by the United States;

(d) the expression "United Nations" means the international organization established by the Charter of the United Nations hereinafter referred to as the "Charter";

(e) the expression "Secretary-General" means the Secretary-General of the United Nations.

## ARTICLE II

### *The Headquarters District*

#### *Section 2*

The seat of the United Nations shall be the headquarters district.

#### *Section 3*

The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in Section 22 in the event that the United Nations ceases to use the same, provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.



*Section 4*

(a) The United Nations may establish and operate in the headquarters district:

- (1) its own short-wave sending and receiving radio broadcasting facilities, including emergency link equipment, which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radio-telegraph, radio-teletype, radio-telephone, radio-telephoto, and similar services;
- (2) one point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programmes and inter-office communications;
- (3) low power, micro wave, low or medium frequencies, facilities for communication within headquarters buildings only, or such other buildings as may temporarily be used by the United Nations;
- (4) facilities for point-to-point communications to the same extent and subject to the same conditions as committed under applicable rules and regulations for amateur operation in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with inviolability of the headquarters district provided by Section 9 (a);
- (5) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunications Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected Governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district. The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

*Section 5*

In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

*Section 6*

In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.

## ARTICLE III

*Law and Authority in the Headquarters District**Section 7*

(a) The headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under Section 8.

*Section 8*

The United Nations shall have the power to make regulations, operative within the headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

*Section 9*

(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or Article IV of this agreement, the United Nations shall prevent

the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavouring to avoid service of legal process.

### *Section 10*

The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under Section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

## ARTICLE IV

### *Communication and Transit*

#### *Section 11*

The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials; (2) experts performing missions for the United Nations or for such specialized agencies; (3) representatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States; (4) representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter; or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in Section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

#### *Section 12*

The provisions of Section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

#### *Section 13*

(a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. When visas are required for persons referred to in that Section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11 and, specifically, shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in Section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

- (1) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in Section 11;
- (2) A representative of the Member concerned, the Secretary-General or the principal Executive Officer of the appropriate specialized agency, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;
- (3) Persons who are entitled to diplomatic privileges and immunities under Section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by Section 11 come within the classes described in that section, or the reasonable application of quarantine and health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary-General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

*Section 14*

The Secretary-General and the appropriate American authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the United States, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters district and do not enjoy the rights referred to in this Article.

## ARTICLE V

*Resident Representatives to the United Nations**Section 15*

- (1) Every person designated by a Member as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary.
- (2) Such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned,
- (3) Every person designated by a Member of a specialized agency, as defined in Article 57, paragraph 2, of the Charter, as its principal resident representative, with the rank of ambassador or minister plenipotentiary at the headquarters of such agency in the United States, and
- (4) Such other principal resident representatives of members of a specialized agency and such resident members of the staffs of representatives of a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned, shall whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it. In the case of Members whose governments are not recognized by the United States, such privileges and immunities need be extended to such representatives, or persons on the staffs of such representatives, only within the headquarters district, at their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

## ARTICLE VI

*Police Protection of the Headquarters District**Section 16*

- (a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

## ARTICLE VII

### *Public Services and Protection of the Headquarters District*

#### *Section 17*

(a) The appropriate American authorities will exercise to the extent requested by the Secretary-General the powers which they possess with respect to the supplying of public services to ensure that the headquarters district shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly, to ensure that the work of the United Nations is not prejudiced.

(b) Special provisions with reference to maintenance of utilities and underground construction are contained in Annex 2.

#### *Section 18*

The appropriate American authorities shall take all reasonable steps to ensure that the amenities of the headquarters district are not prejudiced and the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district. The United Nations shall on its part take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters district are not prejudiced by any use made of the land in the headquarters district by the United Nations.

#### *Section 19*

It is agreed that no form of racial or religious discrimination shall be permitted within the headquarters district.

## ARTICLE VIII

### *Matters Relating to the Operation of this Agreement*

#### *Section 20*

The Secretary-General and the appropriate American authorities shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this agreement and other questions affecting the headquarters district, and may enter into

such supplemental agreements as may be necessary to fulfil the purposes of this agreement. In making supplemental agreements with the Secretary-General, the United States shall consult with the appropriate state and local authorities. If the Secretary-General so requests, the Secretary of State of the United States shall appoint a special representative for the purpose of liaison with the Secretary-General.

*Section 21*

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

ARTICLE IX

*Miscellaneous Provisions*

*Section 22*

(a) The United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States. If the United States is unwilling to consent to a disposition which the United Nations wishes to make of all or any part of such land, the United States shall buy the same from the United Nations at a price to be determined as provided in paragraph (d) of this section.

(b) If the seat of the United Nations is removed from the headquarters district, all right, title and interest of the United Nations in and to real property in the headquarters district or any part of it shall, on request of either the United Nations or the United States be assigned and conveyed to the United States. In the absence of such a request, the same shall be assigned and conveyed to the sub-division of a state in which it is located or, if such sub-division shall not desire it, then to the state in which it is located. If none of the foregoing desire the same, it may be disposed of as provided in paragraph (a) of this section.

(c) If the United Nations disposes of all or any part of the headquarters district, the provisions of other sections of this agreement which apply to the headquarters district shall immediately cease to apply to the land and buildings so disposed of.

(d) The price to be paid for any conveyance under this section shall, in default of agreement, be the then fair value of the land, buildings and installations, to be determined under the procedure provided in Section 21.

### *Section 23*

The seat of the United Nations shall not be removed from the headquarters district unless the United Nations should so decide.

### *Section 24*

This agreement shall cease to be in force if the seat of the United Nations is removed from the territory of the United States, except for such provisions as may be applicable in connection with the orderly termination of the operations of the United Nations at its seat in the United States and the disposition of its property therein.

### *Section 25*

Wherever this agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

### *Section 26*

The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this agreement and any provisions of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this agreement shall prevail.

### *Section 27*

This agreement shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently to discharge its responsibilities and fulfil its purposes.

### *Section 28*

This agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress.

In witness whereof the respective representatives have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and French languages, both authentic, at Lake Success, this twenty-sixth day of June, 1947.



## ANNEX I

The area referred to in Section 1 (a) (1) consists of:

(a) the premises bounded on the East by the western side of Franklin D. Roosevelt Drive, on the West by the easterly side of First Avenue, on the North by the southerly side of East Forty-Eighth Street, and on the South by the northerly side of East Forty-Second Street, all as proposed to be widened, in the Borough of Manhattan, City and State of New York, and

(b) an easement over Franklin D. Roosevelt Drive, above a lower limiting plane to be fixed for the construction and maintenance of an esplanade, together with the structures thereon and foundations and columns to support the same in locations below such limiting plane, the entire area to be more definitely defined by supplemental agreement between the United Nations and the United States of America.

## ANNEX 2

## MAINTENANCE OF UTILITIES AND UNDERGROUND CONSTRUCTION

*Section 1*

The Secretary-General agrees to provide passes to duly authorized employees of the City of New York, the State of New York, or any of their agencies or sub-divisions, for the purpose of enabling them to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters district.

*Section 2*

Underground constructions may be undertaken by the City of New York, or the State of New York, or any of their agencies or sub-divisions, within the headquarters district only after consultation with the Secretary-General, and under conditions which shall not disturb the carrying out of the functions of the United Nations.

## D. Resolution of the Assembly, November 21, 1947

## DRAFT CONVENTION ON GENOCIDE

*The General Assembly,*

*Realizing* the importance of the problem of combatting the international crime of genocide;

*Reaffirming* its resolution 96 (1) of 11 December, 1946, on the crime of genocide;

*Declaring* that genocide is an international crime entailing national and international responsibility on the part of individuals and States;

*Noting* that a large majority of the Governments of Members of the United Nations have not yet submitted their observations on the draft convention on the crime of genocide prepared by the Secretariat and circulated to those Governments by the Secretary-General on July 7, 1947;

*Considering* that the Economic and Social Council has stated in its resolution of 6 August, 1947, that it proposes to proceed as rapidly as possible with the consideration of the question of genocide, subject to any further instructions which it may receive from the General Assembly;

*Requests* the Economic and Social Council to continue the work it has begun concerning the suppression of the crime of genocide, including the study of the draft convention by the Secretariat, and to proceed with the completion of a convention, taking into account that the International Law Commission, which will be set up in due course in accordance with the Assembly Resolution of November, 1947, has been charged with the formulation of the principles recognized in the Charter of the Nuremberg Tribunal, as well as the preparation of a draft code of offences against peace and security;

*Informs* the Economic and Social Council that it need not await the receipt of the observations of all Members before commencing its work; and

*Requests* the Economic and Social Council to submit a report and the convention on this question to the third regular session of the General Assembly.

## E. Resolutions of the Assembly, November 14, 1947

### NEED FOR GREATER USE BY THE UNITED NATIONS AND ITS ORGANS OF THE INTERNATIONAL COURT OF JUSTICE

#### I

##### *The General Assembly,*

*Considering* that it is a responsibility of the United Nations to encourage the progressive development of international law;

*Considering* that it is of paramount importance that the interpretation of the Charter of the United Nations and the constitutions of the specialized agencies should be based on recognized principles of international law;

*Considering* that the International Court of Justice is the principal judicial organ of the United Nations;

*Considering* that it is also of paramount importance that the Court should be utilized to the greatest practicable extent in the progressive development of international law both in regard to legal issues between States and in regard to constitutional interpretation;

*Recommends* that organs of the United Nations and the specialized agencies should, from time to time, review the difficult and important points of law within the jurisdiction of the International Court of Justice which have arisen in the course of their activities and involve questions of principle which it is desirable to have settled, including, in particular, points of law relating to the interpretation of the Charter of the United Nations or the constitutions of the specialized agencies, and, if duly authorized according to Article 96, paragraph 2, of the Charter, should refer them to the International Court of Justice for an advisory opinion.

## II

Under Article 96, paragraph 2, of the Charter, the General Assembly is empowered to authorize other organs of the United Nations and specialized agencies to request advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities.

The Trusteeship Council, as one of the principal organs of the United Nations, and in view of the functions and powers conferred upon it by Chapters XII and XIII of the Charter, should be authorized to request advisory opinions on legal questions arising within the scope of its activities.

*The General Assembly, Therefore,*

*Authorizes* the Trusteeship Council to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the activities of the Council.

## III

*The General Assembly,*

*Considering* that, in virtue of Article 1 of the Charter, international disputes should be settled in conformity with the principles of justice and international law;

*Considering* that the International Court of Justice could settle or assist in settling such disputes if, by the full application of the provisions of the Charter and of the Statute of the Court, more frequent use were made of its services;

1. *Draws the attention* of the States which have not yet accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraphs 2 and 5 of the Statute to the desirability of the greatest possible number of States accepting this jurisdiction with as few reservations as possible;

2. *Draws the attention* of States Members to the advantage of inserting in conventions and treaties arbitration clauses providing, without prejudice to Article 95 of the Charter, for the submission of disputes which may arise from the interpretation or application of such conventions or treaties, preferably and as far as possible to the International Court of Justice;

3. *Recommends* as a general rule that States should submit their legal disputes to the International Court of Justice.

## F. Canadian Statement, November 14, 1947

### NEED FOR GREATER USE OF THE INTERNATIONAL COURT OF JUSTICE

The point at issue concerning the first resolution contained in Document A/459 has been clearly and ably brought out by our distinguished colleague, the Rapporteur of Committee VI.

The opinion held by the delegation of Poland and the U.S.S.R. is, firstly, that the International Court of Justice has no jurisdiction to interpret the Charter and, secondly, that the resolution which recommends that organs of the United Nations should refer to the Court difficult and important points of law (including the interpretation of the Charter) is contrary to the Charter and therefore illegal.

As to the first point, has the Court jurisdiction to interpret the Charter? Article 92 of the Charter states that the Court, being the principal judicial organ of the United Nations, shall function in accordance with its Statute which is made an integral part of the Charter. Article 96 of the Charter authorizes the Assembly or the Security Council to request advisory opinions of the Court on any legal question and that other organs or specialized agencies may be authorized by the Assembly to request advisory opinions on legal matters arising within the scope of their activities.

Article 34, paragraph 3 of the Statute of the Court (which forms an integral part of the Charter) declares that "whenever the construction of the constituent instrument of a public international organization... is in question in a case before the Court..." the Registrar shall take certain steps. Clearly, then, the Court has jurisdiction to interpret the Charter in cases submitted by States to the Court.

But can the Court give an interpretation of the Charter in an advisory opinion requested of it? Article 65 of the Statute says quite clearly that "The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request."

It may not be without use to underline that Article 65 provides "The Court may give an advisory opinion on *any* legal question...."

The construction of the constituent instrument of a public international organization, specifically mentioned in Article 34 of the Statute, is certainly a subject for the legal determination of the Court. It follows then that the Court has jurisdiction to interpret the Charter (which is the constituent instrument of the United Nations itself) either in a case brought to it by two states or when an organ of the United Nations has requested an advisory opinion on an interpretation of the Charter.

Now it has been inferred that a proposal, such as is before the Assembly, was rejected at San Francisco. I have looked through the records of the San Francisco Conference and, for my part, have been unable to find that such a proposal was rejected by that Conference on International Organization.

The question asked at San Francisco was:

How and by what organ or organs of the organization should the Charter be interpreted?

You have before you document A/474, submitted by the Soviet delegation, which contains the transcript of what was said in answer to that question. This document sets forth the conclusions adopted by Committee IV at San Francisco. These conclusions prepared by the Committee responsible for framing this part of the Charter show that it is abundantly clear that the organs of the United Nations may, in the course of day to day operations, interpret *such parts* of the Charter as are applicable to their *particular functions*. It is also clear that the Charter contains nothing which prevents the Court from interpreting the Charter. Finally, it is equally clear that States may put a case before the Court, or organs may request an advisory opinion of the Court, concerning the interpretation of the Charter.

Since the Assembly, by virtue of Article 13 of the Charter, may make recommendations for the purpose of promoting the development of international law, there can be no possible illegality in the Assembly recommending to the organs of the United Nations and to the duly authorized agencies that they should place difficult and important questions of law (including the interpretation of their constituent instruments) before the International Court of Justice for an advisory opinion.

We feel strongly, Mr. President, that not only is the resolution proposed by Committee VI quite within the letter and spirit of the Charter but it is also designed to develop the rule of law and order based on justice. This rule, the Canadian delegation supports wholeheartedly.

## G. Resolution of the Assembly, October 31, 1947

### SURRENDER OF WAR CRIMINALS AND TRAITORS

#### *The General Assembly,*

*Noting* what has so far been done in the matter of the surrender and punishment, after due trial, of the war criminals referred to in its resolution adopted on 13 February, 1946:

*Reaffirms* the aforementioned resolution;

*Reaffirms* also its resolutions on the subject of refugees adopted on 12 February, 1946, and on 15 December, 1946;

*Recommends* Members of the United Nations to continue with unabated energy to carry out their responsibilities as regards the surrender and trial of war criminals;

*Recommends* Members of the United Nations which desire the surrender of alleged war criminals or traitors (that is to say nationals of any State accused of having violated their national law by treason or active collaboration with the enemy during the war) by other Members, in whose jurisdiction they are believed to be, to request such surrender as soon as possible and to support their request with sufficient evidence to establish that a reasonable *prima facie* case exists as to identity and guilt; and

*Reasserts* that trials of war criminals and traitors, like all other trials, should be governed by the principles of justice, law and evidence.

## H. Statement by the Chairman of the General Assembly's Committee on Procedures and Organization, September 25, 1947

The report of the Committee on Procedures and Organization of the General Assembly (Document A/388 of September 23, 1947) is a very bulky document. The reason for this is that it contains a complete revision of the present provisional rules of procedure of the General Assembly. It also contains a number of suggestions and recommendations on measures to economize the time of the General Assembly which are not covered by the proposed changes in the rules of procedure.

The number of revisions recommended in the rules of procedure is very great. The total number of rules is increased from 117 to 150. Of the existing 117 rules the Committee has recommended the revision or deletion of 59. The Committee has also recommended a considerable number of new rules.

Because the number of changes recommended is so great it is hard for anyone who did not serve on the Committee to distinguish the important recommendations from the relatively unimportant.

In an effort to help the members of the General Assembly and the representatives of the press and radio to find their way through the Committee's report, the Canadian delegation prepared an analysis of the revised provisional rules recommended by the Committee. This analysis was circulated the day before yesterday (Document A/393 of 23 September, 1947).

In the analysis the revisions recommended by the Committee are listed under three headings: first, the six main drafting changes recommended; second, the six main changes recommended in order to codify useful existing practices; and third, the nine main recommendations for substantial changes in the rules.

Clearly these last nine recommendations are the most important. They are dealt with in paragraphs 21 to 30 of the analysis. Another important recommendation is dealt with in paragraph 19 of the analysis: that is the recommendation that members who abstain from voting are to be considered as not voting.

The reasons for the efforts which the Members of the General Assembly are making to eliminate procedural debates in the plenary and committee meetings of the Assembly are obvious to you all. Long procedural debates protract unnecessarily the duration of a session of the Assembly and lower the prestige of the Assembly, because people cannot understand how it is that the Assembly cannot get down to business but instead wastes its time on procedural debates.

The question is also a matter of dollars and cents. The longer a session lasts the greater is the financial burden on the budget of the United Nations. The holding of a session of the General Assembly adds to the ordinary costs of running the Secretariat, between \$130,000 and \$150,000 for every week the Assembly is in session.

The financial cost to individual member states of an unnecessarily protracted session is, of course, not only each state's share of that part of the annual budget of the U.N. which is attributable to the extra unnecessary week or so during which the Assembly is in session, but also the much heavier, direct expense to the state of maintaining its delegation in New York for that extra week—cost of hotel rooms, office space, meals for the members of the delegation, telegram and cable tolls, etc. These costs probably total—for all fifty-five nations—about \$120,000 a week.

If a regular session of the General Assembly can on the average be reduced in length by one week without diminishing the effectiveness of the Assembly, but indeed increasing its effectiveness and prestige, the individual citizens of the member states will not only benefit by reductions in the financial costs of membership in the U.N. They will also benefit indirectly in another way. The kind of representatives, alternate representatives and advisers who are most useful at meetings of the U.N. are the very men who are most needed at home to help solve pressing domestic problems and to deal with problems of foreign policy.

Improvements in the rules of procedure and in the practices and the organization of the General Assembly will not only cut down the length of sessions of the General Assembly, they will also result in cutting down the unnecessary prolongation of the meetings of the other organs of the U.N. and of the U.N.'s various commissions. The same thing should apply to the meetings of all the specialized agencies.

The governments which are represented in the Assembly of the U.N. are the same governments which are represented in the Economic and Social Council, the Trusteeship Council, the Security Council, the various commissions of the Economic and Social Council and the specialized agencies which will soon number a dozen. If experience at the Assembly demonstrates that the adoption by the Assembly of reforms in its rules, practices and organization economizes the time of the Assembly, these governments will instruct their representatives on other international bodies to press for the adoption of similar reforms in those bodies.

Thus, though we are dealing in this Assembly only with the problem of streamlining the Assembly, our work, if successful, should lead to a similar streamlining of all the other numerous international, deliberative bodies.

No member of the Committee on Procedures and Organization would contend that the reforms proposed by the Committee are final or the last word in wisdom. The fact that the Committee has recommended, in the draft resolution which it has presented to the Assembly, that the Assembly set up towards the middle of this session an *ad hoc* committee on rules of procedure to propose further reforms demonstrates that the members of the Committee realize that the reforms which they have recommended are merely a first step, that some of them are stop-gaps, and that further reforms should be made at this session to come into force at the beginning of the next session.

The Committee has thus recommended not merely the adoption of reforms immediately but also the establishment of machinery for making further reforms. It is indeed to be hoped that the Assembly will every year continue to improve its rules of procedure, its practices and its organization.

In order to estimate the probable benefit to the U.N. and to its member states and their taxpayers of the Committee's proposals, it is necessary to take into account not only the probable value of the immediate reforms proposed by the Committee but also the probable value of the further reforms which will be proposed by the *ad hoc* committee at the end of this session.

The Committee on Procedures and Organization was composed of fifteen states. It received suggestions from the governments of six other states, as well as from the Secretary-General. Over thirty of the fifty-five Members of the U.N. have still to be heard from. These Members will have valuable proposals for reform to be put before the *ad hoc* committee. It can therefore be expected that the reforms advocated by the *ad hoc* committee will exceed in their comprehensiveness and value the reforms proposed by the fifteen-nation Committee on Procedures and Organization.

Thus it is not unreasonable to hope that the total effect of the reforms in procedures, organization and practices adopted during this session of the Assembly will be that the next session will last for a week less than it otherwise would have and that the application of these reforms to other international meetings should reduce the duration of these meetings by a corresponding amount.

It seems to me that one of the most valuable results of the work of the Committee on Procedures and Organization is that its report will serve to dissipate the fears which existed last year that those who press for measures to economize the time of the Assembly are thinking in terms of the adoption of a very drastic *closure system* in the plenary and committee meetings of the Assembly. My impression is that a careful study of the recommendations and suggestions contained in the Committee's report will lead to the conclusion that the adoption of all these suggestions and recommendations would not limit in any way the existing rights of the members of the Assembly to discuss questions brought before the Assembly.

A valid criticism of the report might indeed be that it does not contain recommendations or suggestions on how to avoid the danger which exists at present that questions which are placed towards the end of the agendas of the various committees come up at a time when the committees are trying to complete their work quickly and these questions may, therefore, not be discussed at adequate length.

This is probably the biggest single problem which the *ad hoc* committee on rules of procedure will have to face. Experience at past meetings of the Assembly and of other international conferences demonstrates that the almost invariable pattern of an international meeting is as follows. The international meeting begins with unrestricted freedom of discussion and with normal working hours for committees. It ends by operating under the most rigid rules for limiting the number and length of speeches; and it holds meetings of its committees morning, evening, noon and night. It would therefore seem obvious that some rules must be adopted under which the pressure of work throughout a session of the Assembly will be maintained fairly constant from the very beginning to the very end of the session.

The proceedings of the Committee on Procedures and Organization mark a great advance over the proceedings of similar committees two years ago. Two years ago many members of such committees acted on



the assumption that the rules of procedure to which they were accustomed at home were accepted throughout the world in all legislative bodies. They were therefore often at a loss to understand why representatives from other countries did not immediately accept a proposal that the United Nations adopt as a rule of procedure, a rule of procedure of the national legislature with which they were familiar.

All Members of the U.N. have by now come to realize that there are scarcely any rules of procedure which are accepted in all legislative bodies throughout the world; that none of us can hope to solve the procedural problems of the U.N. by trying to persuade the U.N. to adopt the parliamentary procedures to which we are each accustomed, but that, instead, all of us must pool our knowledge and intelligence in an effort to find for the U.N. the procedures which are most appropriate for it.

The one serious obstacle which still makes difficult complete agreement among all Members of the U.N. on further reforms in the procedures, practices and organization of the Assembly is that there are still misconceptions in the minds of some Members of the U.N. of the fundamental purpose which rules of procedure serve in legislative bodies in which more than one political party is represented.

Those who are accustomed to a multiple-party system realize that the main purpose of many of the most important rules of procedure in a legislative body is to protect the minority against the majority. These parliamentary rules of procedure are self-denying ordinances which the majority accepts—self-imposed limitations. Perhaps one reason the majority party in a national legislature accepts these limitations of its power to ride rough-shod over the opposition in the legislature is that it knows that it will some day be the opposition.

The essential basis of democracy in a democratic legislature is that the majority preserve respect and defend the rights of the minority. But, while the minority has rights which the majority must respect, another basic principle of democracy is that the majority also has rights which the minority must respect. The minority in a legislature has the right to insist that there be adequate discussion before the majority presses a proposal to a vote, but the minority has not the right to carry obstruction to such lengths that the parliamentary machine cannot carry out its task. After all, the work of the United Nations must be carried on.

There is nothing in this whole business of reforms in the procedures, practices and organization of the Assembly which should divide the Members of the U.N. Here we are not dealing with questions of substance but with questions of procedure. Here we have not only the common aim, the preservation of peace, but the common desire that the General Assembly of the United Nations should operate with dignity and despatch.

The interests of all the Members of the U.N. in the future discussions of reforms in the procedures, practices and organization of the General Assembly are identical. Differences exist and will continue to exist on how the Members of the Assembly can best accomplish the end which they all have in view. But if those who advocate changes and those who oppose them each give reasoned statements in support of their positions, there is always a very good chance that the views can be reconciled.

It is only when reasoned statements are not given that there is no possibility of reconciliation.

## APPENDIX VI

### Canadian Delegation to the Second Session of the General Assembly

#### *Representatives*

- The Right Hon. L. S. St. Laurent, M.P.  
Secretary of State for External Affairs  
Chairman of the Delegation
- The Right Hon. J. L. Ilesley, M.P.  
Minister of Justice
- Senator, the Honourable Norman P. Lambert  
Chairman of the Senate Standing Committee on External Affairs
- Walter A. Tucker, M.P.  
Parliamentary Assistant to the Minister of Veterans Affairs
- Joseph A. Bradette, M.P.  
Chairman of the House of Commons Standing Committee  
on External Affairs

#### *Alternate Representatives*

- L. B. Pearson  
Under-Secretary of State for External Affairs
- Dr. George F. Davidson  
Deputy Minister of National Health and Welfare
- L. R. Beaudoin, M. P.
- Sidney D. Pierce  
Canadian Ambassador to Mexico
- Escott Reid  
Department of External Affairs

#### *Parliamentary Advisers*

- Senator, the Honourable A. J. Léger
- J. T. Hackett, M.P.
- W. E. Harris, M.P.
- S. E. Low, M.P.
- Angus MacInnis, M.P.

#### *Principal Adviser to the Delegation*

- R. G. Riddell  
Department of External Affairs

*Advisers*

- J. H. Armstrong, Department of External Affairs  
 H. H. Carter, Department of External Affairs  
 J. M. E. Clarkson, Department of National Defence  
 E. A. Côté, Department of External Affairs  
 C. M. Drury, Department of External Affairs  
 G. K. Grande, Department of External Affairs  
 E. R. Hopkins, Department of External Affairs  
 G. Ignatieff, Department of External Affairs  
 Miss E. P. MacCallum, Department of External Affairs  
 L. Mayrand, Department of External Affairs  
 S. Pollock, Department of Finance  
 A. C. Smith, Department of External Affairs  
 S. F. Rae, Department of External Affairs  
 M. Wershof, Department of External Affairs  
 B. M. Williams, Department of External Affairs

*Information Officer*

- S. F. Rae  
 Department of External Affairs

*Assistant Information Officers*

- S. A. Freifeld  
 Department of External Affairs  
 Miss F. Carlisle  
 Department of External Affairs

*Secretary-General*

- C. M. Drury  
 Department of External Affairs

*Secretaries*

- L. J. H. Hébert, Department of External Affairs  
 A. Plouffe, Staff of the House of Commons  
 B. M. Williams, Department of External Affairs

## APPENDIX VII

### Officers of the General Assembly and Members of the Security Council, the Economic and Social Council, the Trusteeship Council and of the International Court of Justice

#### GENERAL ASSEMBLY

##### I

#### *General Assembly*

President: Dr. Oswaldo Aranha (Brazil).

Vice-Presidents (7): The heads of the Delegations of China, France, United Kingdom, U.S.S.R., U.S.A., Cuba and Mexico.

#### *First Committee (Political and Security)*

Chairman: Mr. Joseph Bech (Luxembourg).

Vice-Chairman: Dr. Adolfo Costa du Rels (Bolivia)

Rapporteur: Mr. Per Federspiel (Denmark).

#### *Second Committee (Economic and Finance)*

Chairman: Mr. Hernan Santa Cruz (Chile).

Vice-Chairman: Dr. C. L. Patijn (Netherlands).

Rapporteur: Mr. Joseph Hanc (Czechoslovakia).

#### *Third Committee (Social, Humanitarian and Cultural)*

Chairman: Dr. Oscar Lange (Poland).

Vice-Chairman: Mr. A. D. Wilson (Liberia).

Rapporteur: Dr. Charles Malik (Lebanon).

#### *Fourth Committee (Trusteeship)*

Chairman: Sir Carl Berendsen (New Zealand).

Vice-Chairman: Mr. Kuzma V. Kiselev (Byelorussia).

Rapporteur: Mr. Max H. Dorsinville (Haiti).

#### *Fifth Committee (Administrative and Budgetary)*

Chairman: Mr. Justice Fazli Ali (India).

Vice-Chairman: Dr. Joza Vilfan (Yugoslavia).

Rapporteur: Mr. Gosta Bagge (Sweden).

#### *Sixth Committee (Legal)*

Chairman: Mr. Faris el Khoury (Syria).

Vice-Chairman: Dr. Max Henriquex-Urena (Dominican Republic).

Rapporteur: Mr. Georges Kaeckenbeeck (Belgium).

*Ad Hoc Committee on Headquarters*

Chairman: Mr. Warren R. Austin (United States).  
 Vice-Chairman: Mr. Finn Moe (Norway).  
 Rapporteur: Mr. Alexis Kyrrou (Greece).

*Ad Hoc Committee on Palestinian Question*

Chairman: Dr. H. V. Evatt (Australia).  
 Vice-Chairman: Prince Subhasvasti Svastivat (Siám).  
 Rapporteur: Mr. Thor Thors (Iceland).

## II

## PROCEDURAL COMMITTEES

*General Committee*

President of General Assembly.  
 Vice-Presidents of General Assembly.  
 Chairmen of Six Main Committees.

*Credentials Committee*

Chairman: Iran

Members:

Chile  
 Czechoslovakia  
 Honduras  
 The Netherlands  
 New Zealand  
 Norway  
 Siam  
 United Kingdom

## III

## STANDING COMMITTEES

*Advisory Committee on Administrative and Budgetary Questions*

To serve until December 31, 1948:

Thanassis Agnides (Greece).  
 C. L. Hsia (China).  
 V. I. Kabushko (U.S.S.R.).

To serve until December 31, 1949:

O. Machado (Brazil).  
 Sir William Matthews (United Kingdom).  
 Donald C. Stone (United States).

To serve until December 31, 1950:

Mr. André Ganem (France).  
 H. E. Dr. Jan Papanek (Czechoslovakia).  
 Mr. N. Sundaresan (India).

*Committee on Contributions*

To serve until December 31, 1948:

J. P. Brigden (Australia).  
G. Martinez Cabanas (Mexico).  
Seymour Jacklin (Union of South Africa).  
Nicolai V. Orlov (U.S.S.R.).

To serve until December 31, 1949:

K. V. Dzung (China).  
Jan Papanek (Czechoslovakia).  
James E. Webb (United States).

To serve until December 31, 1950:

Mr. Rafik Asha (Syria).  
Mr. H. Champion (United Kingdom).  
Dr. M. Z. N. Witteveen (Netherlands).

## IV

*Ad Hoc* COMMITTEE*Headquarters Advisory Committee*

Australia	India
Belgium	Norway
Brazil	Poland
Canada	Syria
China	U.S.S.R.
Colombia	United Kingdom
France	United States of America
Greece	Yugoslavia

## ATOMIC ENERGY COMMISSION

*Permanent Members:*

Canada  
China  
France  
U.S.S.R.  
United Kingdom  
United States

*Non-Permanent Members:*

Two Year Term: Argentina  
Ukrainian S.S.R.

One Year Term: Belgium  
Colombia  
Syria

## SECURITY COUNCIL

*Permanent Members:*

China  
France  
U.S.S.R.  
United Kingdom  
United States

*Non-Permanent Members:*

Two Year Term: Argentina  
Canada  
Ukrainian S.S.R.

One Year Term: Belgium  
Colombia  
Syria

## ECONOMIC AND SOCIAL COUNCIL

*Members:*

Canada, Chile, China, France, Netherlands and Peru to serve until December 31, 1948.

Byelorussian S.S.R., Lebanon, New Zealand, Turkey, United States and Venezuela to serve until December 31, 1949.

Australia, Brazil, Denmark, Poland, U.S.S.R., United Kingdom, to serve until December 31, 1950.

(i) *Economic and Employment Commission:*

Representatives of Australia, Belgium, Brazil, Byelorussian S.S.R., Canada, China, Cuba, Czechoslovakia, France, India, Norway, Poland, U.S.S.R. United Kingdom, United States.

*Sub-Commission on Employment and Economic Stability:* Experts from Australia, France, Norway, Poland, U.S.S.R., United Kingdom, United States.

*Sub-Commission on Economic Development:* Experts from Brazil, China, Czechoslovakia, India, Mexico, U.S.S.R., United States.

(ii) *Transport and Communications Commission:*

Representatives of Brazil, Chile, China, Czechoslovakia, Egypt, France, India, Netherlands, Norway, Poland, Union of South Africa, U.S.S.R., United Kingdom, United States, Yugoslavia.

(iii) *Fiscal Commission:*

Representatives of Belgium, China, Colombia, Cuba, Czechoslovakia, France, India, Lebanon, New Zealand, Poland, U.S.S.R., United Kingdom, Union of South Africa, Ukrainian S.S.R., United States.

(iv) *Statistical Commission:*

Representatives of Canada, China, France, India, Mexico, Netherlands, Norway, Turkey, U.S.S.R., United Kingdom, Ukrainian S.S.R., United States.

*Sub-Commission on Statistical Sampling:* Experts from France, India, U.S.S.R., United Kingdom, United States.

*Committee on Statistical Classification:* Experts from Canada, China, France, Netherlands, Norway, U.S.S.R., United Kingdom, United States.

(v) *Population Commission:*

Representatives from Australia, Brazil, Canada, China, France, Netherlands, Peru, Ukrainian S.S.R., U.S.S.R., United Kingdom, United States, Yugoslavia.

(vi) *Social Commission:*

Representatives from Canada, China, Colombia, Czechoslovakia, Denmark, Ecuador, France, Greece, Iraq, Netherlands, New Zealand, Peru, Poland, Union of South Africa, U.S.S.R., United Kingdom, United States, Yugoslavia.

*(vii) Commission on Human Rights:*

Representatives from Australia, Belgium, Byelorussian S.S.R., Chile, China, Egypt, France, India, Iran, Lebanon, Panama, Philippine Republic, Ukrainian S.S.R., U.S.S.R., United Kingdom, United States, Uruguay, Yugoslavia.

*Sub-Commission on Freedom of Information and of the Press:* Experts from Canada, China, Czechoslovakia, France, Netherlands, Norway, Panama, Philippine Republic, U.S.S.R., United Kingdom, United States, Uruguay.

*Sub-Commission on Prevention of Discrimination and Protection of Minorities:* Experts from Australia, Belgium, China, Ecuador, France, Haiti, India, Iran, Sweden, U.S.S.R., United Kingdom, United States.

*(viii) Commission on the Status of Women:*

Representatives from Australia, Byelorussian S.S.R., China, Costa Rica, Denmark, France, Guatemala, India, Mexico, Syria, Turkey, U.S.S.R., United Kingdom, United States, Venezuela.

*(ix) Commission on Narcotic Drugs:*

Representatives of Canada, China, Egypt, France, India, Iran, Mexico, Netherlands, Peru, Poland, Turkey, U.S.S.R., United Kingdom, United States, Yugoslavia.

*(x) Economic Commission for Europe:*

Representatives of Belgium, Byelorussian S.S.R., Czechoslovakia, Denmark, France, Greece, Iceland, Luxembourg, Netherlands, Norway, Poland, Sweden, Turkey, U.S.S.R., United Kingdom, Ukrainian S.S.R., United States, Yugoslavia.

*(xi) Economic Commission for Asia and the Far East:*

Representatives of Australia, China, France, India, Netherlands, Pakistan, Philippine Republic, Siam, U.S.S.R., United Kingdom, United States.

## INTERNATIONAL CHILDREN'S EMERGENCY FUND

*Member Governments:*

Argentina	Netherlands
Australia	New Zealand
Brazil	Norway
Byelorussian S.S.R.	Peru
Canada	Poland
China	Sweden
Colombia	Switzerland
Czechoslovakia	Ukrainian S.S.R.
Denmark	Union of South Africa
Ecuador	U.S.S.R.
France	United Kingdom
Greece	United States
Iraq	Yugoslavia



## TRUSTEESHIP COUNCIL

*Administering Trust Territories*

Australia  
Belgium  
France

New Zealand  
United Kingdom  
United States

*Non-Administering Members*

China  
Costa Rica  
Iraq

Mexico  
Philippine Republic  
U.S.S.R.

## MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

*Nine Year Term*

Alejandro Alvarez (Chile).  
José Philadelpho de Barros e Azevedo (Brazil).  
Jules Basdevant (France).  
José Gustavo Guerrero (El Salvador).  
Sir Arnold Duncan McNair (United Kingdom).

*Six Year Term*

Isidro Fabela Alfaro (Mexico).  
Green H. Hackworth (United States).  
Helge Klaestad (Norway).  
Sergei Borisovitch Krylov (U.S.S.R.).  
Charles de Visscher (Belgium).

*Three Year Term*

Abdel Hamid Badawi Pasha (Egypt).  
Hsu Mo (China).  
John E. Read (Canada).  
Bogdan Winiarski (Poland).  
Milovan Zoričić (Yugoslavia).



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