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DEPARTMENT OF EXTERNAL AFFAIRS

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REPORT

on the

FIRST PART OF THE FIRST SESSION

of the

GENERAL ASSEMBLY OF THE UNITED NATIONS

Held in London, January 10 - February 14, 1946

OTTAWA
EDMOND CLOUTIER
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1946

THE UNITED NATIONS
GENERAL ASSEMBLY OF

REPORT

DEPARTMENT OF EXTERNAL AFFAIRS

To His Excellency
the Governor General in Council

YOUR EXCELLENCY:

I have the honour to lay before Your Excellency the attached report on the first part of the First Session of the General Assembly of the United Nations, which was held in London from January 10 to February 14, 1946. The report was transmitted to me by the Right Honourable L. S. St. Laurent, Minister of Justice and Chairman of the Canadian Delegation to the General Assembly.

The attached report also contains an account of the preparatory work of the Executive Committee and the Preparatory Commission of the United Nations, which held their meetings in London from August 16 to October 27, 1945, and from November 24 to December 23, 1945, respectively.

I have the honour to be, Sir,

Your Excellency's obedient servant,

W. L. MACKENZIE KING,
Secretary of State for External Affairs.

OTTAWA, April 24, 1946.

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REPORT ON THE FIRST PART OF THE FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

SECTION I

INTRODUCTION

On June 26, 1945, the Charter of the United Nations was signed at San Francisco. This act concluded the first stage in the creation of the United Nations.* The fundamental principles of the organization designed to maintain peace and to promote co-operation among the nations had been agreed upon by the fifty states assembled at the San Francisco Conference.

The second stage in creating a functioning organization began immediately. On the day the United Nations Charter was signed, the same fifty nations signed an Agreement on Interim Arrangements establishing machinery to bring the Charter into effective operation. The Agreement provided for the setting up of a Preparatory Commission, consisting of all the Members of the Organization, and of an Executive Committee of fourteen members to exercise the functions and powers of the Commission when the latter body was not in session.

Subsequently, the Executive Committee recommended that the First Session of the General Assembly should be divided into two parts. The first part, which was held in London from January 10th to February 14, 1946, completed the organizational work for the United Nations, in order that the second part of the First Session, which will begin early in September of this year, should be free to deal with main problems of policy.

This report contains an account of the three organizational stages in the setting up of the United Nations. The work of the Executive Committee, the Preparatory Commission and the first part of the First Session of the General Assembly is discussed in Section II as one continuous process, under headings which correspond in the main to the titles of the technical committees of the Preparatory Commission. Section III of the report contains an account of the elections in the General Assembly to the various organs of the United Nations. Section IV deals wtih the main problems of policy which came up at the first part of the First Session of the General

*The Report of the Canadian delegation to the San Francisco Conference has been published as Conference Series 1945, No. 2. Copies may be obtained from the King's Printer, Ottawa.

Assembly. Appendix A contains the text of the speech delivered by the Rt. Hon. L. S. St. Laurent, Chairman of the Canadian delegation, at the plenary session of the General Assembly on January 18, 1946, and the text of the speech given by the Hon. Paul Martin before the Economic and Social Council on January 29, 1946. The texts of the more important resolutions passed by the General Assembly will be found in Appendix B. Appendix C contains the list of the members of the Canadian delegations to the Executive Committee, the Preparatory Commission and the first part of the First Session of the General Assembly. In Appendix D are listed the principal officers of the General Assembly, the members of the Security Council, of the Economic and Social Council, and the judges of the International Court of Justice, as well as the committees and commissions established by the United Nations.

While Canada was represented at all the three organizational stages and the Canadian delegations played an important role in the solution of the many problems involved, the report is not confined to a statement of the Canadian point of view, but attempts to give a broader picture of the whole process of bringing the United Nations into existence.

The functions of the Preparatory Commission were defined by the Agreement on Interim Arrangements. These were first, to study and make recommendations on certain problems which could not be handled conveniently at San Francisco; and second, to make all necessary arrangements and preparations for the first sessions of the principal organs of the United Nations. Under the first heading, the Commission was to formulate recommendations concerning the possible transfer of certain functions, activities and assets of the League of Nations to the new Organization; to study the problems involved in bringing the specialized intergovernmental organizations into relationship with the United Nations; and to make studies and recommendations concerning the location of the permanent headquarters of the United Nations. Under the second heading, the Preparatory Commission was required to prepare the provisional agenda for the first sessions of the principal organs of the United Nations and the necessary documentation relating to all the matters on these agenda; to prepare recommendations concerning arrangements for the Secretariat of the Organization; to issue invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court; and finally, to convene the First Session of the General Assembly.

The Executive Committee was composed of representatives of the same fourteen nations which constituted the Executive Committee of the San Francisco Conference—i.e., Australia, Brazil, Canada, Chile, China, Czechoslovakia, France, Iran, Mexico, the Netherlands, Union of Soviet Socialist Republics, United Kingdom, United States and Yugoslavia. It met in London on August 16,

1945, and completed its work on October 27th. Its recommendations and studies were embodied in a detailed report which was submitted for consideration to the full Preparatory Commission. On October 24, 1945, the Charter came into force following the deposit of the required number of ratifications, and the Preparatory Commission met a month later, on November 24th. The Commission subjected the Report of the Executive Committee to detailed study and debate, as a result of which a number of substantial amendments were made in its recommendations. Then the revised Report of the Executive Committee became the Report of the Preparatory Commission. On December 23, 1945, the Preparatory Commission terminated its labours.

The first part of the First Session of the General Assembly, was held from January 10th to February 14, 1946. The Report of the Preparatory Commission was the basic document before the Assembly, and for the most part the latter adopted the recommendations of the Report with little change.

An encouraging aspect of the meetings of the Executive Committee, the Preparatory Commission and the first part of the First Session of the General Assembly was the steady progress made by the various committees in resolving the many difficult technical issues with which they had to deal. This was made possible by the readiness of all the delegations to recognize the validity of the points of view of other delegations, and by their determination to seek solutions which would be generally acceptable. Complete freedom of discussion prevailed even on such delicate issues as the advantages and disadvantages of locating the permanent headquarters in the United States. This was one of the most valuable features of the meetings. It did much to convert the United Nations from a blue print into an effective international centre for harmonizing the actions of nations in the attainment of their common ends.

Throughout these meetings the United Nations enjoyed the generous hospitality of the United Kingdom Government. The excellence of the arrangements was all the more remarkable in view of the fact that the resources of London had been so severely strained by enemy bombing. The admirable manner in which Mr. Gladwyn Jebb, Executive Secretary of the Preparatory Commission, and the temporary secretariat of the United Nations discharged their onerous duties contributed greatly to the success of the meetings. Their competence, devotion and fairness have set a high standard for future sessions of the United Nations.

SECTION II

ORGANIZATIONAL PROBLEMS

The work of the Executive Committee and the Preparatory Commission was almost entirely organizational in character. The first part of the First Session of the General Assembly was also intended to be largely organizational, but as it happened, and as was foreseen by the Canadian representatives to the two preparatory bodies, it was found impossible, even had it been desirable, to exclude from consideration the more urgent problems of substance. In the event, the General Assembly spent almost as much time on questions of policy as on organizational problems.

The organizational phase in the establishment of the United Nations is of considerable interest since it was in a sense a review and a test of the principles embodied in the Charter. Discussions of details of application of these principles brought out in a few instances some inadequacies in the Charter. This was particularly so in the case of the Trusteeship Council, which could not be set up at the same time as the other Councils owing to a procedural gap in the Charter. In the great majority of cases, however, the terms of the Charter were found to provide a practicable basis for the creation of an effective organization.

In a number of instances discussions during the organizational phase confirmed the views on general principles which were expressed by the Canadian delegation at the San Francisco Conference. Two issues, in particular, provided the underlying themes of much of the discussion: (1) The problem of reconciling the criteria of personal competence with the representation of different geographical areas in the selection of chairmen of committees and members of the Secretariat. A similar issue arose in the election of states to the Councils. Here it was necessary also to consider the contribution which individual states could make to furthering the purposes of the Organization and at the same time to take into account the need to make the Councils as broadly representative as possible of different geographical areas. (2) The problem of reconciling divergent views of the powers of the General Assembly. Some delegations took a restrictive view of its competence in the field of international peace and security, while others emphasized the position of the Assembly as the principal organ of the United Nations, and maintained that no limitations should be placed upon any of the powers granted to it under the Charter.

1. The General Assembly

Differences of views concerning the extent of the Assembly's activities emerged in the discussions concerning its committee structure, its rules of procedure and the agenda for the first part of the First Session.

Committee Structure

Most of the work of the Assembly is done in committees, of which there are four types: main, procedural, standing and *ad hoc* committees. The main committees consider substantive matters referred to them by the plenary meetings of the General Assembly. Since every Member of the United Nations is represented on each of the main committees, they constitute, in effect, the General Assembly divided up for purposes of efficiency and economy into working groups, each dealing with a specified field of activity. Thus the Political and Security Committee considers all matters relating to international security, armaments, membership in the United Nations, and the general principles of international co-operation for the maintenance of peace and security. Similarly, the Economic and Financial Committee is concerned with any economic and financial questions before the Assembly. Six main committees were agreed upon. These are:

(1) Political and Security Committee;
(2) Economic and Financial Committee;
(3) Social, Humanitarian and Cultural Committee;
(4) Trusteeship Committee;
(5) Administrative and Budgetary Committee;
(6) Legal Committee.

In addition to the main committees, procedural committees are required to deal with the organization and conduct of business of the General Assembly. Two of these were set up: the General Committee to assist the President in drawing up the agenda, in co-ordinating the proceedings of the main committees and in conducting the work of the Assembly, and a Credentials Committee to verify the credentials of the delegates. These committees are smaller than the main committees.

Continuing problems which must of necessity be dealt with not only during the sessions of the Assembly but in the intervals between them require the establishment of standing committees. It was agreed that the General Assembly should set up two standing committees: the Advisory Committee for Administrative and Budgetary Questions to assist the main committee in examining the budget of the United Nations, and a Committee on Contributions to report to the General Assembly on the apportionment of the expenses of

the Organization among the Members. At the first part of the First Session only the second of these committees was set up. The Advisory Committee for Administrative and Budgetary Questions will be constituted at the second part of the First Session in September, 1946, when the first annual budget of the United Nations will be voted.

To deal with special matters which do not fall clearly within the competence of any of the committees described above, the General Assembly may at any time set up *ad hoc* committees. Two such committees were established at the first part of the First Session, one to deal with the question of the permanent headquarters of the United Nations and the other to consider the transfer of certain functions and assets of the League of Nations. All Members of the United Nations were represented on the *ad hoc* committees.

Discussions concerning the committee structure of the General Assembly revolved around four main issues: (*a*) the question whether economic and social questions should be dealt with together or in separate committees; (*b*) the composition and functions of the General Committee; (*c*) the proposal of the Netherlands delegation that there should be a standing committee of the General Assembly on peace and security; and (*d*) the proposal to establish a Nominations Committee which should present to the General Assembly an agreed slate of Vice-Presidents of the Assembly and of chairmen of the various committees.

The Canadian delegations to the Executive and Preparatory Commissions supported the proposal that there should be two committees of the General Assembly, one to deal with economic and the other with social, cultural and humanitarian problems. While recognizing that there might be a certain amount of overlapping between them, the Canadian delegation felt that different types of experience and technical competence would be required for the thorough consideration of such problems as trade, economic stabilization, price levels, and full employment on the one hand, and public health, social insurance, educational standards, and cultural relations on the other. The proposal to set up two committees was supported by the majority of the Preparatory Commission and was adopted by the General Assembly.

There was unanimous agreement that a General Committee should be set up and that its functions should be to assist the President of the General Assembly in drawing up the agenda, in coordinating the proceedings of the main committees of the General Assembly, and in conducting the work of the Assembly. Controversy developed, however, over the composition of this committee and the extent of its powers. Some delegates feared that the General Committee might tend to encroach upon the powers of the General Assembly. They therefore pressed for the widening of the committee

to make it include all the Members. The majority of the delegations, on the other hand, including the Canadian, argued for a smaller committee whose tasks would be strictly technical and procedural. Under the compromise which was finally adopted, the composition of the General Committee was fixed at fourteen members, no two of whom would be nationals of the same state. These fourteen members would be the President, the seven Vice-Presidents of the General Assembly and the chairmen of the six main committees. The functions of the committee were carefully defined as purely advisory, the Assembly retaining full power in its own hands.

The experience of the first part of the First Session of the General Assembly proved the importance of this committee and the necessity of maintaining strictly the limitations on the powers granted to it. There appeared to be some confusion as to the nature of its reports. In several cases, the General Committee took upon itself the responsibility of recommending decisions on policy, rather than reporting back to the Assembly on the procedural aspects of the question. It was not intended, of course, that it should have this power.

The Netherlands proposal that the committee structure of the General Assembly should include a standing committee on peace and security was fully debated by the Preparatory Commission. This committee was intended to function when the General Assembly was not in session, thus reducing the need for special sessions of the Assembly to discuss urgent political problems. While welcoming a discussion of the proposal, the Canadian delegation doubted whether such a committee was needed. The Canadian delegate pointed out that the General Assembly would always have the power under the Charter of taking such action with regard to international peace and security as seemed necessary. If a standing committee proved necessary, the Assembly could appoint it at any time. At the suggestion of the Canadian delegate, the Netherlands proposal was withdrawn.

The proposal of the Executive Committee to set up a Nominations Committee was rejected by a large majority in the Preparatory Commission. The Canadian delegation supported the setting up of this committee on the general grounds that it could best ensure the selection of competent chairmen for the main committees, while at the same time maintaining the principle of equitable geographical distribution. The Canadian delegation emphasized the importance of selecting chairmen of committees who would be able to conduct meetings expeditiously and well; the real work of the Assembly would be done in committees, and the authority of the Assembly would, therefore, depend in a large measure upon the competence and impartiality of the chairmen of its committees. Those who opposed the appointment of a Nominations Committee did so on the grounds that the committee structure of the General Assembly should be kept as simple as possible and that the elections of chairmen should

be kept as much as possible in the hands of the General Assembly itself. The result of the rejection of the proposal for a Nominations Committee was that the five Great Powers acted, in effect, as an informal nominations committee, by agreeing among themselves on slates of officers which were adopted by acclamation. This informal "nominations committee" had all the disadvantages of a formal committee and none of its merits.

Rules of Procedure

The efficiency of any international organization depends to a large extent upon its rules of procedure, which cover such matters as the preparation of the agenda, the order for the conduct of business, the order of voting on main motions and amendments, methods of conducting elections and the functions of the committees. Clear and detailed rules covering all these and related questions can do much to cut down the amount of time consumed in discussions over procedure.

The drawing up of a set of adequate rules for the General Assembly involved the problem of reconciling the constitutional practices and traditions of fifty-one nations. The Executive Committee and the Preparatory Commission drew upon the experience of the League of Nations and of other international organizations, and produced a fairly detailed set of provisional rules of procedure for the General Assembly.

The effectiveness of these rules was subsequently demonstrated by the smooth and expeditious manner in which the meetings of the General Assembly were conducted. For this, a large measure of credit is also due to the skill and authority of the first President of the General Assembly, M. P. H. Spaak, the Foreign Minister of Belgium.

On the other hand, the experience of the First Session of the Assembly made clear the need for greater precision in the drafting of some of the rules and for the addition of new rules, especially for the conduct of business. At its subsequent sessions, the General Assembly will no doubt give further consideration to these matters.

The Preparatory Commission also drew up a set of supplementary provisional rules of procedure for the General Assembly. These were designed to meet the requirements of the First Session. They were made necessary by the decision to divide the First Session of the Assembly into two parts, the first of which would be primarily organizational in character. When they had served their purpose they could be discarded, while the main body of rules would form the core around which the permanent rules of procedure would be built up. One of the supplementary rules proposed by the United States delegation empowered the Economic and Social Council to call

international conferences on matters falling within the competence of the Council, and in particular on international trade and employment, and health.

Provisional Agenda

The contents of the provisional agenda were determined by the recommendation of the Executive Committee as to the nature of the First Session of the General Assembly. Some delegations, especially those of the United States and the Soviet Union, believed that the First Session should be divided into two parts, the first of which should be entirely organizational in character. The Canadian representative argued that, in view of the many pressing world problems which clamoured for attention, the General Assembly could not refuse to deal with problems of substance even at its first meeting. He advocated, therefore, the inclusion in the agenda of an item providing for the discussion of major questions of policy.

The Executive Committee finally recommended that while the first part of the First Session should be primarily organizational, it should also include consideration of such urgent world problems as might be raised by any Member. On the initiative of the United Kingdom delegation, the provisional agenda drawn up by the Preparatory Commission referred specifically to the problem of refugees. The experience of the General Assembly has justified the Canadian position. The Assembly devoted almost as much time to the consideration of urgent problems of policy as to discussions of matters of organization.

Discussions regarding the agenda of the Assembly in the appropriate committee of the Preparatory Commission revolved therefore around three main points: (*a*) the order in which the various items should be set down; (*b*) the competence of the General Assembly to discuss any portion of the Report of the Preparatory Commission, and (*c*) the inclusion in the agenda of an item relating to urgent problems, including the problem of refugees.

After considerable discussion, agreement was reached on the first of these points. With regard to the second point, the Soviet delegation wished the General Assembly to confine its discussion of the Report to those sections which directly concerned the activities of the Assembly, thus, in effect, removing from consideration by the Assembly that section of the Report which dealt with the Security Council. Eventually the compromise proposed by the Canadian delegation, altering the relevant item in the agenda to read "discussion of those sections of the Report which the General Assembly may decide to consider" was adopted. This wording safeguarded the right of the General Assembly, under Article 10 of the Charter to "discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter..."

On the third point at issue, the question of refugees, the Canadian delegation supported on humanitarian grounds the initiative of the United Kingdom delegation in pressing for inclusion of the item as a matter of urgent importance. This was supported by the Preparatory Commission. (For the discussion of the problem of refugees in the General Assembly, see page 52 below.)

Languages

Another matter which produced a lengthy debate was the problem of languages to be used by the General Assembly. In the end the General Assembly supported the recommendation of the Executive Committee that the language rules should be based on the practice of the San Francisco Conference. As a result, English and French are the working languages of the Organization, while Chinese, English, French, Russian and Spanish are the official languages. Speeches may be made in any language and are translated into English and French.

2. The Security Council

The main issue debated in the Executive Committee was the extent of the preparatory work which should be done for the Security Council. It was argued by some delegations, particularly those of the Soviet Union and the United States, that since the Security Council, unlike the General Assembly, was so organized as to be able to function continuously, the preparatory work for the Council should be confined to drawing up a provisional agenda limited to the initial organizational stage of its first meeting, and to the drafting of a bare minimum of rules of procedure.

The Canadian representative on the Executive Committee urged that the documentation for the initial meetings of the Security Council should be expanded. Otherwise, in view of the key position of the Security Council, as the organ to which is given, under Article 24 of the Charter, "the primary responsibility for the maintenance of international peace and security," the Council might be called upon to deal with urgent political questions before it was thoroughly documented or had worked out its rules of procedure. The absence of adequate rules for the conduct of business alone might involve the Council in lengthy debates on procedure which would reduce its authority and effectiveness. Moreover, the Security Council had to be set up and in operation before some of the other organs of the United Nations could be established. For example, the Security Council must nominate the Secretary-General, while the election of the judges of the International Court of Justice had to be carried on simultaneously by the Security Council and the General Assembly. The Canadian representative urged, therefore, that a set of provisional rules of procedure be worked out as completely as possible, and presented as a recommendation to the Security Council. The Australian representative took the same line.

The documentation finally recommended by the Preparatory Commission was a compromise between conflicting points of view. It consisted of a provisional agenda for the first meetings of the Security Council, a draft directive to the Military Staff Committee, and a very brief and inadequate set of provisional rules of procedure. The experience of the Security Council meetings in London and New York appears to have borne out the views of the Canadian delegation.

Among other issues which arose in the Preparatory Commission, those which precipitated most controversy were (*a*) provisions for private meetings of the Council; (*b*) the right of access by Members of the United Nations which are not members of the Council to records of its private meetings; (*c*) the chairmanship of the Council; and (*d*) languages to be used in the Council.

The Preparatory Commission recommended that "unless it decides otherwise, the Security Council shall meet in public." Private meetings would thus be an exception. The delegate for Syria championed the right of all Members of the United Nations to consult the records of private meetings of the Security Council. The Canadian position, like that of the majority of the committee, was that the Security Council should be free to decide this question for itself. The Preparatory Commission recommended that the chairmanship of the Security Council should be held by each of its members for one month at a time, in the English alphabetical order of countries. On the question of languages the Preparatory Commission recommended the adoption of rules based on the practice of the San Francisco Conference.

The Canadian delegation to the Preparatory Commission submitted two amendments to the rules of procedure. One of these provided for an orderly procedure for the suspension and amendment of the rules. It was rejected by the committee dealing with the Security Council at the same time as the committee on the Economic and Social Council was adopting the identical amendment, also proposed by the Canadian delegation. The usefulness of such an amendment was demonstrated during the first part of the First Session of the General Assembly.

The other Canadian amendment, providing that decisions of the Council relating to individuals should be taken by secret ballot, was also voted down.

The Canadian delegation proposed that a commentary drafted by the Preparatory Commission on the provisional rules of procedure should be transmitted to the Security Council for its information, and submitted a draft commentary as a basis for discussion. The purpose of the commentary was to provide an explanatory background of the rules for the benefit of those representatives on the Council who had not participated in drawing them up. It was

thought that such a commentary would serve the purpose of clearing up possible misconceptions and misapprehensions about the rules. This proposal was not adopted.

3. The Economic and Social Council

It has long been recognized that no international organization for the maintenance of peace and security can be adequate which does not include effective machinery for dealing with the world's major economic and social problems. At the San Francisco Conference, the Canadian delegation took an active and energetic part in drafting the section of the Charter which provides for a Council to act as a co-ordinating centre for handling such problems.

Article 55 of the Charter sets forth the obligations of the United Nations in the fields of economic and social co-operation. They include the promotion of higher standards of living, full employment and conditions of economic and social progress; the solution of various international economic, social, health, and related problems; the promotion of international and cultural co-operation; and the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

The responsibility for the discharge of these functions is vested in the General Assembly. The Economic and Social Council, composed of eighteen members elected by the General Assembly, acts, in a sense, as the executive organ of the Assembly in the fields of economic and social co-operation.

There are three principal methods by which the Economic and Social Council may carry out its functions. The first is purely advisory. The Council may make or initiate studies, and make recommendations to the General Assembly, to the Members of the United Nations and to other international organizations with respect to matters falling within its general competence. Secondly, the Economic and Social Council may co-ordinate the activities of international organizations set up by separate intergovernmental agreements to deal with specific problems. These international organizations, referred to in the Charter as specialized agencies, include such bodies as the Food and Agriculture Organization, the International Labour Organization, the International Monetary Fund, etc. The Charter provides that these specialized agencies shall be brought into relationship with the United Nations. For this purpose the Economic and Social Council may conclude agreements with them, subject to the approval of the General Assembly.

Finally, the Economic and Social Council may set up commissions or committees under its own direct jurisdiction to deal with problems which are not already being handled by existing special-

ized agencies, or it may call international conferences to discuss particular problems and to set up additional specialized agencies which may be required.

In making preparations for the setting up of the Economic and Social Council, the Executive Committee and the Preparatory Commission had to complete two main tasks: (*a*) define the structure of the Council and prepare all the necessary documentation for its first meetings; and (*b*) examine the problems involved in bringing the specialized intergovernmental agencies into relationship with the United Nations.

The Structure of the Economic and Social Council

The Preparatory Commission recommended that the Economic and Social Council should establish the following commissions at its first session:

(*a*) COMMISSION ON HUMAN RIGHTS, to make studies and formulate recommendations in such matters as civil liberties, freedom of information, protection of minorities, prevention of discrimination, etc.;

(*b*) ECONOMIC AND EMPLOYMENT COMMISSION, to advise the Council on such problems as economic reconstruction, full employment, and other related matters which are not already being dealt with by any single specialized agency;

(*c*) TEMPORARY SOCIAL COMMISSION, to survey the general field of social welfare and make recommendations regarding the organization of international co-operation in this field, and also to deal on an interim basis with such problems as the international traffic in women and children;

(*d*) STATISTICAL COMMISSION, to assist in co-ordinating statistical practices of the various international agencies and of the Members of the United Nations;

(*e*) COMMISSION ON NARCOTIC DRUGS, to take over from the League of Nations such activities in this field as the Economic and Social Council may find necessary.

In addiiton to these five commissions to be set up at the first session of the Council, the Preparatory Commission recommended that the Economic and Social Council should establish at an early date three other commissions:

(*a*) DEMOGRAPHIC COMMISSION, to make studies and advise the Council on matters pertaining to population changes and migration;

(*b*) TEMPORARY TRANSPORT AND COMMUNICATION COMMISSION, to survey this entire field and to recommend means of developing international co-operation in matters of communication and transport;

(*c*) FISCAL COMMISSION, to advise the Council on questions of international taxation, fiscal techniques to assist in the prevention of depressions or inflation, and related subjects. In proposing the setting up of of this commission the Canadian delegation drew particular attention to the problem of double taxation which had been greatly aggravated by the heavy increase of tax levies in many nations.

Problems of Co-ordination

The Preparatory Commission also recommended that the Council should consider setting up a commission to organize the machinery for co-ordinating the activities of the various organs of the Council and of the specialized agencies. The membership of this commission would be open to the representatives of the specialized agencies. Since, however, the membership of several of these agencies does not fully coincide with the membership of the United Nations, strong opposition developed to the proposal. It was argued that since the function of co-ordination belonged to the Council itself, there was no need for a separate commission for this purpose. In the end the proposal was rejected.

While recognizing that the United Nations, and particularly the Economic and Social Council, has the task of co-ordinating the policies and activities of specialized agencies, the Canadian delegation pointed out that "the primary responsibility for making such co-ordination possible rests with the Members individually". The Canadian amendment urged each government to ensure that its delegates to specialized agencies should carry with them instructions which harmonize as far as possible with the instructions given to its delegates to the United Nations. The substance of the amendment was adopted by the Preparatory Commission in a slightly altered form, and now reads as follows:

"While the United Nations, and particularly its Economic and Social Council, has the task of co-ordinating the policies and activities of specialized agencies, this task can be performed only if Members individually will assist in making co-ordination possible. The acceptance by each Member of this responsibility for harmonizing its policies and activities in the different fields covered by the specialized agencies and the United Nations will prevent confusion and conflict and enable the United Nations to achieve the purposes of Chapter IX of the Charter."

Provisional Agenda and Rules of Procedure

The Preparatory Commission also drew up a provisional agenda for the first session of the Economic and Social Council. While most of the agenda dealt with organizational matters, one of the items, included at the instance of the United Kingdom delegation, provided

for the discussion of the problem of refugees and of such other urgent matters in the Council's field of competence as might be referred to the Council by the General Assembly, or which the Council might find desirable to put on its agenda. This gave the Council full scope to deal with urgent matters of substance at its first session.

The provisional rules of procedure drawn up for the Council by the Preparatory Commission required the Council to meet at least three times a year, and provision was made for special sessions. Its meetings are to be held at the seat of the United Nations, unless a majority of the Council decide to meet elsewhere. The Preparatory Commission also recommended that the first meeting of the Council should be held within fifteen days after the election of its eighteen members.

The Canadian delegation took an active part in drawing up the provisional rules of procedure for the Economic and Social Council. It submitted two working papers embodying a complete revision of the rules. The papers were designed to simplify them and to bring them into harmony with those of the General Assembly, so as to ensure that the experience in procedure acquired in the Council and in the Assembly would be shared by both these bodies. In the end, a uniform body of recognized international practice would be built up, which would greatly simplify the conduct of international conferences.

The organizational structure recommend for the Council by the Preparatory Commission, the provisional agenda and the provisional rules of procedure were adopted by the General Assembly. Elections to the Council took place on January 14, 1946, and the first session of the Council began in Church House, Westminster, on January 23 (See pages 45-46 below.)

Relations with Specialized Agencies

The Agreement on Interim Arrangements instructed the Preparatory Commission to examine the problems involved in the establishment of the relationships between specialized intergovernmental agencies and the United Nations. The Report of the Preparatory Commission contains an analysis of the whole matter and sets forth a number of general principles, designed to guide the Economic and Social Council in its negotiations with the specialized agencies.

The Preparatory Commission suggested that the agreements negotiated with the specialized agencies should include provisions for the exchange of representatives and secretarial staff between the agency concerned and the United Nations; exchange of information and documents; reciprocal facilities for making recommendations; assistance by the agency in carrying out measures arising from decisions of the Security Council and the Trusteeship Council; conditions under which the agency might request advisory opinions

from the International Court of Justice, and an undertaking by the agency to provide the International Court with such information as might be relevant to the cases being considered by the Court.

The Preparatory Commission also expressed the view that close financial and administrative co-ordination between the agencies and the United Nations would be in the interests of economy and efficiency. It suggested, in particular, that the General Assembly might be empowered to examine the administrative budgets of all specialized agencies. In some cases it might be advisable to go further and to consolidate the budgets of several agencies with the budget of the United Nations. Common administrative services and common technical and statistical services might even be established.

A question which produced much discussion was whether all the specialized agencies should be located at the headquarters of the United Nations. In this matter, as in the suggestions summarized above, the Preparatory Commission recognized that a uniform pattern of relationship could not be established in view of the differences in structure and functions of the various specialized agencies.

The General Assembly transmitted the suggestions of the Preparatory Commission to the Economic and Social Council, which approved them, and at its first session appointed a committee of twelve members, including Canada, to enter into immediate negotiations with a view to bringing five of the specialized agencies into relation with the United Nations on the basis of these principles. These agencies are the Food and Agriculture Organization, the International Labour Organization, the International Monetary Fund, the International Bank for Reconstruction and Development, and the United Nations Educational, Scientific and Cultural Organization. The negotiating committee will report to the Council at its next regular session beginning on May 25, 1946.

4. The Trusteeship System

At the San Francisco Conference three chapters were included in the Charter which were designed to promote the well-being of dependent peoples. Chapter XI contains a declaration regarding all non-self-governing territories administered by Members of the United Nations; Chapter XII outlines the United Nations trusteeship system under which some of these non-self-governing territories are to be administered, and Chapter XIII makes provision for a Trusteeship Council to supervise the administration of trust territories under the United Nations system.

In the case of all dependencies of Members of the United Nations the interests of the inhabitants are recognized as being paramount. Their political, economic, social and educational advancement is to be promoted. International peace and security are to be furthered. Even in the case of dependencies not administered under the trusteeship system the development of self-

government is a declared aim, and assistance is to be given in the development of free political institutions according to the circumstances of each territory and its peoples and their varying stages of advancement. Protection of the inhabitants against abuse, the encouragement of research, and co-operation with specialized international agencies with a view to promoting the welfare of dependent territories are also undertaken as obligations, while statistical and other technical information relating to social, economic and educational conditions is to be transmitted regularly to the Secretary-General.

In the case of territories placed under the trusteeship system, the inhabitants are to be aided in their progressive development toward self-government or independence, as may be appropriate to the circumstances of each territory and the wishes of the people, and as may be provided in each trusteeship agreement. The principle of equal treatment for all Members of the United Nations in social, economic and commercial matters in trust territories is recognized, and respect for human rights and fundamental freedoms for all is to be encouraged.

Three types of territory may be placed under the trusteeship system: (*a*) territories now held under mandate; (*b*) territories which may be detached from enemy states as a result of the second World War; and (*c*) territories voluntarily placed under the system by states responsible for their administration.

To place any of these territories under the trusteeship system, an individual agreement covering each area must be concluded by the administering state. The agreement must contain the terms under which the particular territory will be administered, and it must designate the authority which will be responsible for the administration. The terms must be agreed upon by the "states directly concerned" and must be approved by the Security Council in respect of areas within the territory which may be designated as strategic, and by the General Assembly in respect of non-strategic areas.

The Trusteeship Council is to consist of all Members of the United Nations administering trust territories, those permanent members of the Security Council which do not administer trust territories, and as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that one-half of the members of the Trusteeship Council are non-administering states. Thus, the number of states to be elected to the Trusteeship Council will vary with the number of states administering trust territories, and this cannot be determined until a minimum of trusteeship agreements have been concluded and approved. Before a trusteeship agreement can be approved, however, the Trusteeship Council must be already in existence, since under Article 85 of the Charter, the Trusteeship Council is required to assist the General

Assembly in the performance of its functions, including the approval of trusteeship agreements.

It was this procedural difficulty which made it impossible for the General Assembly to set up the Trusteeship Council at the first part of its First Session. To bridge the gap the Executive Committee recommended the creation of a Temporary Trusteeship Committee. The Preparatory Commission, however, was unable to agree to this recommendation. The resolution adopted by the Commission pointed out that the status of two of the categories of trusteeship territories, those which may be detached from enemy states as a result of the war and those voluntarily placed under the trusteeship system by states responsible for their administration, was for the time being uncertain. Immediate action, therefore, could be taken only in respect of the third class of territories, those held under League of Nations mandate. The resolution, therefore, called upon Members of the United Nations which are administering mandates to conclude trusteeship agreements with the "states directly concerned" and to submit these agreements for the approval of the General Assembly.

The United Kingdom took the initiative in this matter when Mr. Bevin, the Foreign Secretary, announced at the Plenary Session of the General Assembly on January 17, 1946, that his Government had decided to enter forthwith into negotiations for placing Tanganyika, the Cameroons and Togoland under the trusteeship system and had started negotiations to this end. The delegates for New Zealand, Australia, Belgium and France followed suit by announcing the readiness of their Governments to negotiate trusteeship agreements concerning certain of their mandates. The delegate for South Africa, however, declared that before his Government could undertake to negotiate a trusteeship agreement concerning South-West Africa, the population of that territory would be consulted as to their wishes, and that arrangements for such consultation had been initiated. Thus at the first part of the First Session of the General Assembly steps were taken by the mandatory powers in the spirit of the recommendation of the Preparatory Commission to set up the Trusteeship Council in the near future.

A problem which produced much discussion in the General Assembly was the interpretation of the phrase "states directly concerned", the expression used in Article 79 of the Charter to describe those governments whose concurrence in the terms of trusteeship agreements is expressly required. The delegate for Iraq wished to broaden the interpretation of this phrase to include not only the mandatory and colonial powers, but also states which had legitimate claims to be consulted on grounds of "cultural, linguistic, economic, social and historical ties". This led to a prolonged and unproductive debate.

In an effort to break the impending deadlock, the Canadian delegate, Mr. Massey, proposed that Members of the United Nations

which desired to place territories under the trusteeship system should issue a declaration of intention naming the states involved. The declaration would be circulated to all Members of the United Nations. Those Members who felt that they were directly concerned could then file their claim to be included in the negotiations. A report on the action taken with regard to such claims would be submitted to the General Assembly for its approval. This proposal was put forth as an interim measure only, until the Trusteeship Council was established and had itself defined the phrase. It was withdrawn, however, when the delegates who had raised the question decided not to press for a definition of the criteria which constituted a state "directly concerned".

A great number of amendments were proposed to the resolution on trusteeship drafted by the Preparatory Commission. All the amendments expressed the genuine concern of their sponsors for the welfare of non-self-governing peoples. A drafting sub-committee, of which Canada was a member, was appointed to draft a final text for adoption by the General Assembly. (See page 71.)

The final text drew attention to the fact that the obligations accepted by the Members of the United Nations under Chapter XI of the Charter "are in no way contingent upon the conclusion of trusteeship agreements or upon the bringing into being of the Trusteeship Council and are, therefore, already in full force". It welcomed the declarations already made by mandatory powers and invited states administering mandates to conclude trusteeship agreements in order that these might be submitted for approval "preferably not later than during the second part of the First Session of the General Assembly". It also instructed the Secretary-General to include information regarding non-self-governing territories in his annual report and to transmit the provisional draft rules of procedure to the Trusteeship Council as soon as it is constituted.

Rules of Procedure

The draft rules of procedure were drawn up by the Preparatory Commission but were not discussed by the General Assembly, since under the Charter the Trusteeship Council must adopt its own rules. Suggested provisions include periodic official visits by representatives of the Trusteeship Council to each of the trust territories and full reports on the activities of the Council. Where terms of trusteeship agreements provide for it, periodic surveys are to be made of the development of political institutions and the capacity for self-government or independence of the inhabitants.

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5. Legal Questions

Under this heading the Executive Committee and the Preparatory Commission drew up recommendations concerning the registration and publication of treaties, the nomination and election of judges to the new International Court, and the facilities, privileges and immunities to be granted by Members of the United Nations and by the host state to the representatives of Members and to officials of the Organization. In addition, the committees on legal questions of the Executive Committee, the Preparatory Commission and the General Assembly functioned as advisory bodies on all legal problems which arose in the other committees. Most of these problems were of a purely technical and practical character. The two questions which require some comment are the procedure for the nomination and election of judges and the problem of facilities, privileges and immunities.

Nomination and Election of Judges

The Executive Committee had recommended that the election of judges should be held during the first part of the First Session of the General Assembly, so that the International Court could be set up as soon as possible. The Australian delegate objected to this recommendation on the grounds that National Groups would not have enough time to select their candidates, while governments would not have enough time to study the qualifications of the candidates nominated by all the National Groups. This objection was rejected on the grounds that the need for the services of the Court might arise at a very early date and that any avoidable delay in setting up the organs of the United Nations would have an unfortunate effect on public opinion. Moreover, the postponement of the First Session of the General Assembly for a month mitigated to some extent the force of the Australian objection.

The Executive Committee recommended that the election of judges should take place towards the end of the first part of the First Session of the General Assembly. Accordingly, the Executive Secretary was authorized to issue invitations to National Groups to submit the names of their candidates. This was a departure from the text of the Statute of the International Court, under which the Secretary-General is the official authorized to approach National Groups, but was in accord with the provisions of the Interim Arrangements Agreement. The Preparatory Commission approved the action taken by the Executive Committee. The election of judges took place on February 6, 1946. (See page 47.)

Convention on Privileges and Immunities

A large measure of success was achieved by the legal committees of the Preparatory Commission and the General Assembly in drafting the text of a comprehensive convention dealing with the privileges,

immunities and facilities to be accorded to the United Nations by its Members. Under Articles 104 and 105 of the Charter the Members of the United Nations have undertaken to grant to the Organization, its officials and the representatives of its Members the legal capacity, immunities, facilities and privileges necessary for the accomplishment of its purposes. The first draft of the convention was submitted to the Preparatory Commission by the Canadian delegation, and served as the basis of the General Convention which was adopted by the General Assembly.

The Canadian draft emphasized not privileges and immunities, but facilities in such matters as rates on mail, cables, telephone and other communications and freedom from censorship of official correspondence. It also defined such details of the application of Article 105 of the Charter, as the juridical status of the Organization, its immunities from judicial process, search and seizure and restrictions of assets; exemption from certain forms of taxation; and the application of these privileges and immunities to the representatives of Members of the United Nations and officials of the Organization.

The General Assembly also adopted several related resolutions, particularly on the privileges and immunities to be accorded to the members of the International Court of Justice, and on the unification of the privileges and immunities enjoyed by the United Nations and the various specialized agencies. The final texts of these resolutions and of the General Convention, are printed in Appendix B of this report. (See pages 78-87.)

Draft Convention with the Host State

The committee of the Preparatory Commission on the headquarters of the Organization had already discussed the facilities, privileges and immunities to be accorded to the Organization by the host state. The discussion was continued in the legal committee of the General Assembly and resulted in the drawing up of a draft convention between the United Nations and the United States.

The United States delegate, however, made reservations to certain of its sections on the grounds that the right to exempt United States nationals, even if they were officials of the Organization, from taxation and national service obligations was a prerogative of the Congress of the United States. The draft convention was therefore adopted only as a basis for discussion in negotiating with the United States Government. A committee for this purpose was set up by the General Assembly, consisting of the Secretary-General and representatives of Australia, Belgium, Bolivia, China, Cuba, Egypt, France, Poland, the United Kingdom and the Soviet Union.

6. The Secretariat

The key importance of an efficient international administration to serve the complex organization of the United Nations is recognized in Article 7 of the Charter which designates the Secretariat as one of the principal organs of the United Nations. Article 99 of the Charter emphasizes the importance of the Secretary-General by giving him the special power, which the Secretary-General of the League of Nations never had, of bringing to the attention of the Security Council "any matter which in his opinion may threaten the maintenance of international peace and security." The Charter also sets forth certain fundamental principles for establishing and maintaining the truly international character of the Secretariat: the Secretary-General and the staff are not to seek or receive instructions from any government or from any other authority external to the Organization; each Member of the United Nations undertakes to respect the exclusively international character of the Secretariat and not to seek to influence it in the discharge of its responsibilities; in the employment of the staff "the paramount consideration . . . shall be the necessity of securing the highest standards of efficiency, competence and integrity," due regard being paid to the importance of recruiting the staff on as wide a geographical basis as possible.

There was general agreement on these principles in the Executive Committee and the Preparatory Commission. Differences of opinion emerged, however, on the relative importance to be attached to the criteria of personal competence and geographical distribution in selecting the staff, as well as on the part to be played by governments in recommending their nationals for positions on the Secretariat.

The Canadian position throughout these discussions was consistent with Canada's attitude at San Francisco. The Canadian representatives urged that the Secretariat should be a truly international civil service and that the clear language of the Charter, in which the necessity of securing the highest standards of efficiency, competence and integrity is the paramount consideration in the selection of the staff, should be strictly adhered to.

Structure of the Secretariat

The Executive Committee prepared a detailed plan for the organization of the Secretariat, covering such points as the terms and period of appointment of the Secretary-General, the departmental structure of the Secretariat, methods of grading, promotion and recruitment of staff, as well as conditions of employment, including salaries and duration of contracts.

In the Preparatory Commission, however, the United States delegation objected to the plan drawn up by the Executive Committee as restricting too greatly the discretion of the Secretary-

General, and proposed instead that the Secretary-General should be free to organize the Secretariat as he chose. The Canadian delegation felt that the proposals of the Executive Committee still left ample latitude to the Secretary-General and that in organizing the Secretariat he would be greatly assisted if he were provided with at least a skeleton scheme which represented in broad outline the views of the Members of the United Nations.

One of the most contentious issues was the Soviet proposal that each organ of the United Nations should have a separate secretariat. The Executive Committee by a majority vote had recommended a single unified Secretariat, organized on functional lines, to serve all of the organs of the United Nations. The Soviet delegation, however, continued to press for the establishment of a separate secretariat for the Security Council. Since the adoption of the Soviet proposal might tend to place the Council in a privileged position, the debate which ensued became, in a sense, a debate over the relative importance of the Security Council and the General Assembly in the field of international peace and security.

An amendment proposed by the Canadian delegation became the basis of a satisfactory compromise. The basic unity of the Secretariat was maintained but the need of the Security Council for special services from the Secretariat was recognized, both because the Council must be so organized as to be able to function continuously, and also because of its special responsibility for the maintenance of peace and security. To emphasize the special functions of this department it is to be called "Department of Security Council Affairs". As the Report of the Preparatory Commission makes clear, however, only those special units of this department which are concerned with military and enforcement measures will serve the Security Council exclusively. The department as a whole is in reality a political and security department which will serve any organ of the United Nations when it deals with political and security matters.

The General Assembly approved the whole of the Preparatory Commission's Report on the organization of the Secretariat without any amendment of substance. The Secretariat, therefore, consists of six departments and two administrative services, each in charge of an Assistant Secretary-General, as follows:

Department of Security Council Affairs
Department of Economic Affairs
Department of Social Affairs
Department of Trusteeship and Information from Non-Self-Governing Territories
Department of Public Information
Legal Department
Conference and General Services
Administrative and Financial Services

Other Organizational Problems

A number of other important organizational problems were solved satisfactorily by the Preparatory Commission. One question was whether both economic and social problems should be handled by a single department of the Secretariat or by two separate departments. In view of the broad scope of social problems and the specialized knowledge required for dealing with economic problems, the Preparatory Commission decided in favour of two departments, but the Secretary-General was specially directed to ensure the necessary co-ordination between them.

The Yugoslav delegation proposed that appointments to the Secretariat should be restricted to nationals of Members of the United Nations and that Member governments should be consulted over the appointment of their nationals. This proposal was defeated after a spirited debate. The Canadian delegation took the position that it would not be desirable that governments should intervene directly in putting forward national candidates for the Secretariat, since this might lead to competitions among governments to secure the greatest number of posts for their nationals. The Secretary-General, however, was instructed not to appoint persons "discredited by association with Nazism and Fascism".

The United Kingdom delegation proposed the establishment of a Civil Service Commission to provide recruitment facilities to the United Nations and the specialized agencies. This proposal was supported by Canada and was approved by the Preparatory Commission and the General Assembly.

The Executive Committee recommended that the staff should be appointed on a long-term basis. The Soviet delegation opposed permanency of tenure, partly in order to ensure adequate geographical representation in the Secretariat—which might be difficult to achieve in the initial stages—and partly on the ground that some uncertainty of tenure would improve the quality of work. A subcommittee of the General Assembly, of which a Canadian delegate was chairman, recommended employment on the basis of five-year-term renewable contracts for higher officials, other staff to be appointed for an indeterminate period, subject to an initial probationary period and to review every five years.

The Preparatory Commission set up an expert Technical Advisory Committee on Information on which a member of the Canadian delegation served. The committee recommended that an Information Department should be included in the Secretariat. It suggested that the work of this department should not be "propagandist" and that it should not compete with existing news agencies. An advisory committee should assist the Secretary-General in formulating policy.

Salaries and Emoluments of Officials and Staff

In determining the salaries for the principal posts of the Secretariat, the General Assembly took into account the special factors mentioned in the Report of the Preparatory Commission. These are the wide range of remuneration for comparable work prevailing in the government services of the Members of the United Nations; the more limited prospects of promotion to the highest posts in the Secretariat compared with the prospects of promotion in some of the national services; the cost of living at the headquarters of the United Nations; and the additional expenses which a large proportion of the staff would incur by living away from their own country. Above all, the Assembly recognized the necessity of securing the services of persons of the highest standards of efficiency, competence and integrity.

The General Assembly provided for salaries and emoluments in terms of net amounts in United States dollars. The Secretary-General will receive a salary of $20,000 together with a representation allowance of $20,000 per annum. He will, in addition, be provided with a furnished residence. An Assistant Secretary-General will receive a net salary of $13,500 with allowances ranging from $7,000 to $11,500. A Senior Director's salary was set at $11,000 with allowance of from $3,000 to $6,000. The salaries of the staff are to be fixed by the Secretary-General. They will range between those of Directors and the best salaries paid for stenographic, clerical and manual work at the seat of the United Nations.

An Advisory Group of experts on administrative and budgetary questions, under the chairmanship of Mr. Eric Biddle of the United States Treasury Department, was set up by the Preparatory Commission and continued to function during the first part of the First Session of the General Assembly. Its duties included the development of a broad classification plan for all posts of the Secretariat, for grouping the posts by main categories, and within categories by grades, and for the assignment of appropriate salaries to the main categories and grades. These functions are to be continued by an Advisory Group appointed by the Secretary-General.

The General Assembly approved in principle the adoption of schemes for the payment of children's allowances and education grants to members of the staff, as well as a plan for a Provident Fund. The Secretary-General was directed to prepare for submission to the second part of the First Session of the Assembly proposals for a permanent staff retirement scheme, and for injury compensation and compassionate benefits. The Canadian delegation took an active part in the discussions regarding these matters.

Tax Equalization: Exemption from Tax of Salaries of the Staff

This question arose in connection with the problem of salaries and the special convention to be concluded with the United States concerning privileges and immunities. The United States delegation objected to any recommendation to exempt officials from taxation on the grounds that the question whether salaries should be exempt from tax was entirely and exclusively within the jurisdiction of the countries of which the officials were nationals. As an alternative the United States delegation proposed that the budget should carry a contingent appropriation, out of which those officials who had to pay taxes to their national governments would be compensated, so that their earnings would be equalized with the earnings of those officials who had been exempted from taxation.

The Canadian delegation supported a plan originally put forward by the United States and revised by the Advisory Group of experts. Under this plan salaries would be paid on a gross basis and deductions equivalent to income tax would be made by the Organization itself. Pending the exemption of salaries by the Member nations, the employee would be able to claim from the United Nations a refund equivalent to the amount which he paid in taxation to his government; the amount of the refund would be added to the total contribution payable by the Member state which collected the tax. When general exemption by the Member states had been granted, the employees would continue to contribute according to a staff contribution plan. These funds would be available to the Organization. The purpose of making deductions at this stage would be to retain the relationship of salaries and taxes with that prevailing for employees outside the United Nations. This proposal, however, was not generally supported.

The General Assembly finally adopted the proposal to compensate staff for taxes paid from a staff contribution fund.

At the same time the Assembly directed the Secretary-General to "explore with the Members concerned methods of ensuring as soon as possible the application of the principles of equity amongst all Members."

Staff Rules and Regulations

Draft provisional staff regulations were drawn up by the Preparatory Commission and approved by the General Assembly with only minor amendments. They are, however, subject to further amendments in the light of future experience.

The regulations are confined to a statement of general principles on such matters as responsibilities of the staff in the performance of their duties, terms of appointment, probation, promotion and dismissal, salaries, travelling expenses and other related matters. They also include the text of an oath or declaration of loyalty to the

United Nations. One regulation provides that men and women shall be equally eligible for appointments to the staff on a competitive basis; another directs the Secretary-General to make arrangements for in-service training for probationary members of the staff whose earlier educational opportunities have been inadequate or whose language qualifications are deficient.

The latter provision was inserted at the instance of the Canadian delegation. It was designed to benefit particularly those candidates of high character and ability, who owing to various forms of war service would not have the required academic qualifications and would be at a disadvantage in formal examinations. It would also have the long term effect of reconciling the two criteria for appointments, personal capacity and geographical distribution.

The Preparatory Commission drew up detailed draft provisional staff rules to implement these regulations. Unlike the regulations, the staff rules were intended merely as suggestions to the Secretary-General to be applied at his discretion. They were, therefore, not examined in detail by the General Assembly, but were merely transmitted to the Secretary-General for his information, together with some minor amendments submitted by the Canadian delegation.

7. Financial and Budgetary Questions

In preparing the budgetary and financial provisions for the United Nations, the Executive Committee and the Preparatory Commission as well as the General Assembly were guided by three general principles: (*a*) the permanent financial arrangements should be so designed as to promote efficient and economical administration; (*b*) there must be an orderly budgetary procedure which would ensure thorough preparation and examination of the budget, with adequate controls over expenditures; (*c*) financial controls should not be so used as to frustrate or hinder the execution of policies.

The plan submitted by the Preparatory Commission and elaborated by the General Assembly falls into two main parts: provisional arrangements for financing the United Nations in the initial period pending the adoption of the first annual budget at the second part of the First Session of the General Assembly, and permanent arrangements for the formulation, presentation and execution of the budget, and for the apportionment of expenses among the Members.

Provisional Arrangements

The plan adopted by the General Assembly for the initial period calls for the establishment of a Working Capital Fund of $25,000,000 (U.S.). This figure was considered sufficiently large to cover the estimated expenditures for the calendar year 1946, the costs of the Preparatory Commission, and the costs incurred before

December 31, 1945, in connection with the convening of the first meeting of the General Assembly, together with a suitable margin. The Fund will consist of advances which will be credited to each Member and which eventually, though not in the first year, may be set off against assessed contributions.

The regular budgets for 1946 and 1947 will be voted by the General Assembly at the second part of its First Session. At the same time the Assembly will give consideration to the level at which the Working Capital Fund should be maintained. The purpose of maintaining the Fund would be to cover possible delays in payment of contributions by Members and to finance supplementary programmes approved by the General Assembly, pending assessment and collection of contributions to cover these items.

A sub-committee under the chairmanship of a Canadian delegate, Mr. L. D. Wilgress, recommended that on a purely provisional basis and without creating any precedents, the initial scale of contributions to the Working Capital Fund should be the average between the first and second year scales of assessments of the Food and Agriculture Organization. This sub-committee also fixed the contributions to be made by those Members of the United Nations who are not members of the Food and Agriculture Organization. Under the provisional scale Canada's share is 4.362% of the total, or $1,090,500 (U.S.)

The provisional budget of the United Nations for 1946, submitted by the Advisory Group, was approved after considerable discussion in the appropriate committee of the General Assembly at $21,500,000 (U.S.). This is broken down into the following main items:

(1) For the expenses of sessions, commissions and committees of the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council.....	$ 1,500,000
(2) For the Secretariat.....	16,510,750
(3) For the International Court of Justice.....	617,250
(4) For unforeseen expenses.....	2,000,000
(5) For the estimated expenses of the Preparatory Commission and the convening of the first part of the First Session of the General Assembly up to and including January 31, 1946.....	872,000

It should be emphasized that all the figures given above are purely tentative. The allotment for the Secretariat, for example, is based upon a rough estimate, and includes, moreover, such non-recurring items as rental of temporary office space, purchase of furniture and equipment, as well as transportation and *per diem* costs incidental to the initial movement of staff to the temporary headquarters. Since appointments will be made only as staff is required

to meet the developing needs of the United Nations, this amount is likely to undergo some revision. Items which may need to be met under the heading of unforeseen expenses include indemnities to employees killed or injured while in the service, special meetings not yet provided for, and other similar contingencies.

In view of the provisional nature of the estimates, the Secretary-General was given wide latitude to effect transfers of funds between the various items of the provisional budget. In this matter he will be advised by an Advisory Group of experts, appointed by him.

Permanent Arrangements

The General Assembly approved several resolutions covering not only the provisional budget, but also the main features of the permanent arrangements for financing the United Nations. There are four essential features of this system:

(*a*) A Standing Advisory Committee for Administrative and Budgetary Questions, composed of nine members, at least two of whom should be financial experts of recognized standing, will be elected by the General Assembly during the second part of the First Session. The committee will examine and report on the budget submitted by the Secretary-General, and advise the General Assembly on any administrative and budgetary matters referred to it, including the budgets of specialized agencies and the financial arrangements between the agencies and the United Nations. This committee will succeed the Advisory Group appointed by the Secretary-General to assist him in the initial stages of organization.

(*b*) A Standing Expert Committee on Contributions, composed of ten members, was elected by the General Assembly at the first part of the First Session on the basis of broad geographical representation and experience. Its composition is given on page 93 of this report. The main function of this committee will be to prepare a detailed scheme for the apportionment of expenses among the Members according to their capacity to pay, subject to such considerations as income per head of population, temporary dislocation of national economies arising out of the war, and other pertinent factors. The committee will also recommend the contributions to be paid by new Members and report to the General Assembly on appeals by Members for changes in assessment, and on action to be taken if Members default on their contributions.

(*c*) The annual budget of the Organization will be presented at the second part of the First Session of the General Assembly. It will supersede the provisional budget and neither the form nor the contents of the latter will be considered in any way as a precedent in formulating the regular budget. The General Assembly recommended that the financial year of the United Nations should coincide with

the calendar year and that the budget should be expressed in United States dollars, since most of the administrative expenses will be incurred at the headquarters. After the annual budget has been adopted and the scale of contributions has been approved by the General Assembly, Members will be called upon to make their first annual contributions. At the same session the General Assembly will authorize the second annual budget for the year 1947. Contributions to the second budget will become payable after January 1, 1947.

(*d*) The Working Capital Fund will be continued as a permanent feature of the financial system. At the second part of the First Session, however, the General Assembly will determine the amount at which the Working Capital Fund should be maintained, the method of timing of consequential set-offs against contributions of Members, and other adjustments.

Other Financial Provisions

With a view to equalizing the opportunities of Members to participate in the activities of the United Nations, the General Assembly decided that the actual travelling expenses of representatives or their alternates to and from meetings of the General Assembly should be borne by the United Nations. The number of persons whose expenses will be so paid is limited to five per Member. Only actual transportation costs by an approved route, exclusive of subsistence, will be reimbursed. This will be done by means of an adjustment in the Member's annual contribution.

The Canadian delegation proposed an amendment to the provisional financial regulations, designed to ensure centralized cash control from the start. This amendment was adopted.

8. Functions, Assets and Activities of the League of Nations

The Agreement on Interim Arrangements concluded at San Francisco provided that the Preparatory Commission should formulate recommendations concerning the possible transfer of certain functions, activities and assets of the League of Nations which it might be considered desirable for the United Nations to take over on terms to be arranged. The only major point of difference which arose in this connection was over the use of the word "transfer." Certain delegations objected to this word on the grounds that it implied juridical continuity between the League and the United Nations. The Report of the Preparatory Commission speaks, therefore, of the "assumption" by the United Nations of certain functions and powers of the League, the intention being to free the proposed arrangements of any implication of continuity or obligation on the part of the United Nations and to leave the initiative for assuming or refusing to assume certain functions of the League clearly with the new Organization.

The problem falls into three main parts: secretarial functions of the League; powers of a technical and non-political character; and the transfer of League assets to the United Nations.

The secretarial functions of the League are largely formal in character. They include such matters as the custody of international documents; the issue of certified copies; receipt of additional signatures and of instruments of ratification, accession and denunciation; and the circulation of information or documents which the parties to international agreements have undertaken to communicate to each other. It was felt that any interruption in the performance of these functions would be contrary to the interests of all the parties. The General Assembly, therefore, declared its willingness to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing these functions.

The General Assembly requested the Economic and Social Council to survey the technical and non-political functions of the League in order to determine which of them should be assumed by organs of the United Nations or be entrusted to specialized agencies brought into relationship with the United Nations. In the interval between the dissolution of the League and the adoption of measures recommended by the Economic and Social Council, the Council is to continue on a provisional basis the work of the Economic, Financial and Transit Departments of the League, particularly the research and statistical work; the Health Section, particularly the epidemiological service; the Opium Section and the Secretariats of the Permanent Central Opium Board and Supervisory Body. The Secretary-General was requested to take over and maintain the Library and Archives and to complete the League of Nations Treaty Series. For this purpose authorization was granted to the Secretary-General to engage such members of the League personnel as he might select.

The Preparatory Commission set up an *ad hoc* committee of eight members to discuss with the Supervisory Commission of the League of Nations the transfer of the assets of the League to the United Nations, and to draw up parallel recommendations to be made both to the League of Nations Assembly and to the General Assembly of the United Nations.

The common plan, agreed to jointly by the United Nations Committee on League Assets and the Supervisory Commission of the League, is based on three main principles. The first is that the settlement should, as far as possible, be a clean sweep, excluding all questions that might lead to later complications. The second principle is that a definite and final settlement should be sought, particularly as regards the financial aspects of the question. The third principle is that the settlement should be "both just and convenient."

The common plan provides for the transfer to the United Nations of all the land, buildings, equipment, library and archives of the League at Geneva, as well as the premises of the Permanent Court of International Justice at The Hague. The valuation of these assets is based on cost price, in accordance with the recommendation of the Preparatory Commission that the transfer should "in principle imply neither profit nor loss for the United Nations." The provisional valuation of the assets, including gifts, which, however, are to be transferred without cost, was set at about forty-eight million Swiss francs (about $12,000,000 Canadian).

The common plan provides that the shares in the total credit resulting from the transfer would be distributed in accordance with percentages to be decided by the League of Nations Assembly. The shares of members of the League who are also Members of the United Nations will be credited to them in the books of the United Nations. The General Assembly of the United Nations will then decide on the disposition of these credits and on the date when they should become available. The United Nations, however, will have nothing to do with the claims of non-Members of the United Nations.

It was agreed that the League would use its liquid assets to meet its liabilities and would distribute the remainder under a scheme it would itself decide upon. The United Nations would have no claims whatever to these liquid assets.

Discussions were also held with the Governing Body of the International Labour Organization. It was agreed that the League should, where possible, separate all interests the I.L.O. might have in the assets of the League before the transfer takes place. Provision was made for the transfer to the I.L.O. of its own building in Geneva and for the use by the I.L.O. of the League Assembly Hall, the Library, office accommodation and other facilities. The actual details are to be negotiated later between the I.L.O. and the United Nations.

The question of public loans guaranteed by the League, or issued under its auspices, was discussed in the Preparatory Commission, but no specific recommendation was made in view of the contention of some delegates that these loans were political in character. The General Assembly, however, adopted a resolution which provides that "any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements and other instruments having a political character" will be examined either by the General Assembly itself or by an appropriate organ of the United Nations.

9. The Permanent Headquarters of the Organization

This question aroused probably more controversy in the Preparatory Commission than any other. The Executive Committee had discussed at some length the considerations which should govern the selection of the site for the permanent headquarters of the Organization and had prepared a report on the buildings and facilities required by the United Nations. Only one afternoon's meeting, however, had been devoted to the question of the actual site. Nevertheless, at the end of this one meeting, a vote was taken on the proposal that the site should be located in the United States. It was carried by nine votes against three, with two abstentions. Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, the Soviet Union and Yugoslavia voted for the resolution; France, the Netherlands and the United Kingdom voted against. The United States abstained. The Canadian delegation felt that to vote on this issue without more thorough consideration was premature. It therefore abstained.

Thus, when the Preparatory Commission met it had before it the recommendation of the Executive Committee that the site of the headquarters should be in the United States. This created a difficult situation for those who believed that the headquarters should be in Europe, since they felt that their position might be misconstrued as being unfriendly to the United States. It was decided, therefore, that the question should be discussed as though no recommendation had been made. The United States delegation helped to ease the situation by inviting complete frankness and by adopting an attitude of neutrality throughout the discussion.

Almost all the delegations participated in the debate. The Canadian delegation advocated the location of the headquarters in Europe, primarily on the grounds that the most urgent problems with which the United Nations would have to deal related largely to that continent and that, therefore, the location of the headquarters in Europe would be in the best interests of the Organization as a whole. On the other hand, the advocates of a site in the United States argued that the United Nations should be located in a new country free from associations with past conflicts.

Opinion appeared to be so evenly divided that a deadlock threatened to develop. In an effort to avoid this, the Canadian delegation proposed that voting should not take place for countries or continents, but that a series of ballots should be taken on specific sites. Each delegation would write the names of any cities, counties or islands on a secret ballot. The results would be announced after each ballot, and the process would be repeated. The result of a day's voting would tend to narrow down the field of possibilities to

only a few sites, one of which might then secure the necessary two-thirds majority. In this way all the possible sites in the world would have an equal opportunity of being selected.

The Canadian proposal did not, however, win general support. At the conclusion of the debate, a vote was taken on a motion that the headquarters should be in Europe. This was defeated by 25 votes to 23, the Canadian delegation voting for Europe. A vote was then taken on the motion that the headquarters should be in the United States. This was carried by 30 votes to 14, the Canadian delegation voting with the minority. Since the required two-thirds majority had been obtained for this motion, the Canadian delegate moved that the vote should be made unanimous. This was seconded by Mr. Noel-Baker, delegate for the United Kingdom, and carried unanimously. In a subsequent vote it was decided that the headquarters should be located in the eastern part of the United States. Canada voted in favour of this resolution.

While the debate was in progress a number of municipalities on the North American continent sent invitations to the Preparatory Commission to establish the United Nations within their respective communities. A list of localities which had been proposed in this manner was prepared and transmitted to every delegation. Included in this list were the names of several sites in Canada.

At the same time a number of these communities sent delegations to lay their case before the Preparatory Commission. As a matter of courtesy, a sub-committee was set up to hear these representations. The Canadian delegation took the attitude which was adopted by all the delegations, including that of the United States, that the choice of a permanent site was a matter for collective decision and that the broad interests of the United Nations should be the paramount consideration. Consequently, the members of the United Nations were agreed in refraining from pressing the claims of their own countries.

After the decision that the headquarters of the United Nations should be in the eastern part of the United States had been taken, the Preparatory Commission appointed an interim committee of twelve members to submit to the General Assembly a list of up to six cities or areas from which a final choice would be made, and in the interval between the end of the Preparatory Commission and the opening of the General Assembly an inspection group composed of seven members of the interim committee visited the United States to report on suitable areas near Boston and New York. Using the criteria suggested by the interim committee, particularly accessibility to a large metropolis and availability of broad cultural facilities, the inspection group recommended unanimously the North Stamford-Greenwich area, near New York City, as the general area within

which the site of the permanent headquarters should be located. New York City was recommended as the site of the temporary headquarters.

The General Assembly set up an *ad hoc* committee, of which Mr. Wilgress was vice-chairman, to consider the report of the inspection group. A warm discussion took place over the right of the inspection group to recommend only one site, and on the Australian proposal that the temporary headquarters should be located in San Francisco. The French delegation proposed that the decision on the location of the permanent headquarters should be deferred until the second part of the First Session of the General Assembly. Finally, a vote was taken on the recommendation of the interim committee that the temporary headquarters should be in New York City. It was carried by 29 votes against 13 with one abstention, Canada voting for the recommendation. The vote was then made unanimous.

The General Assembly also approved the proposal of the Netherlands delegation, as amended by the Canadian delegation, to set up a Headquarters Commission consisting of nine members. The commission is to make an exhaustive study of the general area recommended by the inspection group and draw up five plans based on the varying assumptions that the United Nations will require an area of 2, 5, 10, 20 or 40 square miles. These plans will be submitted to the second part of the First Session of the General Assembly, and a final decision will then be made as to the exact area required and the exact location of the permanent headquarters. The commission will be assisted by experts, including planning engineers, lawyers, financial advisers, etc., to be designated by the Government of the United States.

10. Other Organizational and Procedural Questions

Nomination of Candidates

The Preparatory Commission, as was mentioned above, rejected the proposal to establish a Nominations Committee. The provisional rules of procedure were thus silent on the question whether or not there should be nominations of candidates for official positions and for membership in the Councils. The need to fill this gap became apparent at the first part of the First Session of the General Assembly.

The Ukrainian Delegation proposed that nominations should be obligatory for all elections in the Assembly and that discussion of the qualification of candidates should be permitted. The United Kingdom delegation put forward a compromise proposal requiring nominations of individuals, but allowing these to be made either publicly from the floor of the Assembly, or secretly in writing. In elections to Councils, all Members of the United Nations would be considered as candidates.

A lengthy debate ensued. Those who supported the principle of nominations argued that Members were entitled to know who the candidates were and to discuss openly their qualifications. They felt that open nominations would prevent the drawing up of unofficial lists of candidates and the formation of rival voting blocs. Those who opposed nominations maintained that complete secrecy was the best method of ensuring the absolute freedom and independence of the vote. They argued that if nominations were made in public the prestige of the Member making the nominations would be involved as well as that of the person or state nominated.

The General Assembly rejected the proposal to require nominations and adopted an amendment expressly prohibiting the nomination of individuals. The position with regard to the nomination of states, however, remained undefined as before. The Canadian delegation voted in favour of nominations.

Terms of Office of Members of Councils

The provisional rules of procedure for the General Assembly provided that the term of office of members of the Councils should end on the day their successors were elected. They also provided that the General Assembly should meet in regular session every year on the first Tuesday after September 2. Under these provisions the next elections to the Council should take place at the second part of the First Session of the Assembly in September, 1946.

Owing to the fact, however, that the first elections took place in January, 1946, the question arose whether states elected at that time to the Security Council and the Economic and Social Council should serve their full term of twelve, twenty-four and thirty-six calendar months, or only until the election of their successors at the regular September session of the Assembly. The Assembly was faced with the alternative of either curtailing by four months the terms of office of members of the Councils elected at the first meeting, or dropping the rule that members of Councils should take office immediately upon their election.

The decision of the Assembly was to adhere strictly to the provisions of the Charter. Members will hold office for the full calendar period for which they have been elected. Elections will be held at the regular September meetings, but members of Councils will take their seats when the full terms of office of their predecessors have expired, or in January of the following year. This allows a period of four months between the election of states to the Councils and their assumption of office. This "lame duck" interval might have the positive advantage in some cases of enabling incoming members to arrange for adequate representation on the Councils.

Structure and Language of United Nations Documents

Efforts were made in London during the meetings of the Executive Committee, the Preparatory Commission and the General Assembly to ensure that the form of presentation and the language used in the official documents of the United Nations should be as simple and direct as possible. This involved breaking with legal and technical jargon and with a number of formal traditional usages which create a sense of artificiality and are confusing to the general public. The Canadian delegation played a leading part in these efforts to make United Nations documents more easily understandable by the ordinary man.

SECTION III

ELECTIONS TO THE ORGANS OF THE UNITED NATIONS

1. The General Assembly

The first General Assembly met on the afternoon of January 10, 1946, under the chairmanship of Dr. Eduardo Zuleta Angel, of Colombia, President of the Preparatory Commission. It proceeded at once to elect M. Paul-Henri Spaak, Belgian Minister for Foreign Affairs, as President of the Assembly. He received 28 votes, including that of Canada. M. Trygve Lie, Foreign Minister of Norway, received 23 votes.

The General Assembly then authorized the Executive Secretary of the Preparatory Commission, Mr. H. M. Gladwyn Jebb, to continue in that capacity until the appointment of the Secretary-General, and to employ the staff he had recruited for the Preparatory Commission as the provisional Secretariat of the United Nations. After adopting its provisional rules of procedure and agenda, the General Assembly elected its seven Vice-Presidents. These are the chief delegates of China, France, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom, the United States and Venezuela. The chairmen, vice-chairmen and rapporteurs of committees were elected separately by their respective committees. A list of these officials is contained in Appendix D of this report.

2. The Security Council

On January 12, 1946, the General Assembly proceeded to elect the six non-permanent members of the Security Council. Under Article 23 of the Charter, three non-permanent members were to be chosen at the first elections for a term of one year and three members for a term of two years. In these elections due regard was to be paid "in the first instance to the contributions of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution".

The first ballot gave the following results: Brazil, 47 votes; Egypt and Mexico, 45 votes each; Poland, 39 votes; The Netherlands, 37 votes; Canada, 33 votes; Australia, 28 votes. Iran, Norway and Czechoslovakia obtained six, five and four votes respectively. Two votes were cast for Denmark and one vote each for Belgium, Ethiopia, Greece, Luxembourg, New Zealand, Turkey and Yugoslavia. As the required majority of two-thirds was 34 votes, the following states were declared elected: Brazil, Egypt, Mexico, Poland and The Netherlands.

A second ballot was then taken for the sixth seat. Under the rules of procedure when only one seat remains to be filled the balloting is confined to the two candidates who have obtained the largest number of votes short of the required majority. The voting was, therefore, between Canada and Australia. On the second ballot Australia obtained 27 votes and Canada 23 votes.

A third ballot gave Australia 28 votes and Canada 23. Thereupon, the Canadian delegate, Mr. St. Laurent, moved that no further ballots be taken and that the election of Australia to the Security Council should be made unanimous. In making this motion Mr. St. Laurent said: "The members of the Canadian delegation fully realize how embarrassing it must be to their fellow delegates to go on balloting between two Dominions of the Commonwealth with each of which they have always had such cordial and mutually satisfactory relations". This statement was warmly applauded by the General Assembly. The Australian delegate responded by expressing his personal appreciation as well as the appreciation of his Government for Canada's gesture. Under the rules, however, elections must take place by secret ballot. Accordingly, even after Canada's candidature was withdrawn, a further vote was held which gave Australia 46 votes and Canada 3 votes.

A final series of ballots was taken to determine which of the six non-permanent members should serve the one-year and two-year terms. Brazil, Australia and Poland were chosen for two years; The Netherlands, Egypt and Mexico for one year. Non-permanent members of the Council are not immediately eligible for re-election.

3. The Economic and Social Council

The Economic and Social Council consists of eighteen members, with six members elected annually for a term of three years. Article 61 of the Charter provides that in the first election six members should be chosen for one year, six members for two years and six members for three years. There are no permanent members of the Council, and retiring members are eligible for immediate re-election.

The voting, which began on January 12, and concluded on January 14, resulted in the election for the three-year term of China, Peru, France, Chile, Canada, and Belgium; for the two-year term, the Soviet Union, the United Kingdom, India, Norway, Cuba, and Czechoslovakia; and for the one-year term, the Ukrainian S.S.R., Greece, Lebanon, the United States, Colombia and Yugoslavia. Canada received 46 votes out of 51 on the first ballot, and 29 votes out of 48 in the balloting for the three-year term.

A similar situation developed in the election to the eighteenth seat on the Economic and Social Council as had developed in the

election to the sixth non-permanent seat on the Security Council. The election of Yugoslavia was made possible only by the withdrawal of New Zealand from the contest.

The Economic and Social Council held its first meeting on January 23, 1946, and chose Sir Ramaswami Mudaliar, the delegate for India, as its first President. Dr. Andrija Stampar of Yugoslavia and M. L. Restrepo of Colombia were elected Vice-Presidents. Canada was represented by the Hon. Paul Martin, Secretary of State, with Mr. L. Rasminsky, Executive Assistant to the Governor of the Bank of Canada, as alternate delegate.

The Economic and Social Council took steps at its first session to establish the five commissions mentioned on page 19, as well as the Temporary Transport and Communications Commission, and a sub-commission on the status of women to report to the Commission on Human Rights. With the exception of the Commission on Narcotic Drugs, which was fully established, and which consists of government representatives, the composition of the other commissions was confined to a relatively small nucleus of members named in their individual capacity by the Council for a term of one year. These "nuclear" commissions are to make recommendations regarding the definitive composition of the commissions at the next session of the Council.

Canada is represented on the Narcotic Drugs Commission and on the Economic and Employment Commission.

The Economic and Social Council also appointed the members of five committees: a Negotiating Committee to enter into immediate negotiations with a view to bringing five specialized agencies into relationship with the United Nations; the Committee on Consultation with Non-Governmental Organizations; the Technical Preparatory Committee of the International Conference on Health; the Committee on Refugees and Displaced Persons; and the Preparatory Committee of the International Conference on Trade and Employment. Canada is a member of each of these committees with the exception of the Committee on Consultation with Non-Governmental Organizations.

The tasks assigned to these committees and the decisions of the Council and of the General Assembly on questions of policy are described in Section IV of the Report. The complete list and composition of the commissions and committees of the Economic and Social Council appears on pages 95-96.

4. The Secretary-General

Under Article 97 of the Charter, the Secretary-General, who is the chief administrative officer of the Organization, is appointed by the General Assembly upon the recommendation of the Security

Council. On January 29, the Security Council decided in private meeting to recommend Mr. Trygve Lie, Foreign Minister of Norway, and on February 1, the General Assembly appointed Mr. Lie by a secret vote of 46 in favour, 3 opposed, with 2 abstentions.

On the following day Mr. Lie was installed at a brief ceremony in the General Assembly. In assuming office Mr. Lie took the following oath of loyalty to the United Nations:

"I, Trygve Lie, solemnly swear to exercise in all loyalty, discretion and conscience the functions entrusted to me as Secretary-General of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Organization."

5. The International Court of Justice

Under the provisions of the Statute of the International Court of Justice, the election of its fifteen members is carried on by both the General Assembly and the Security Council independently of one another. To be elected, candidates must obtain an absolute majority of votes in the two organs. Judges are ordinarily elected for nine years and may be re-elected. At the first election, however, five judges were to be elected for a three-year term, five for a six-year term, and five for the regular nine-year term. The decision as to terms of office was made by drawing lots from among the fifteen successful candidates.

Article 2 of the Statute reads as follows: "The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law." Article 9 further provides that the composition of the Court as a whole should be such as to ensure "the representation of the main forms of civilization and of the principal legal systems of the world."

Candidates are nominated by National Groups appointed for this purpose by their governments. Only one of these candidates may be of the same nationality as the nominating group.

The Canadian Government appointed a National Group consisting of the Hon. Thibaudeau Rinfret, Chief Justice of Canada, Chairman; the Hon. Mr. Justice J. C. McRuer of the Supreme Court of Ontario; Mr. E. K. Williams, K.C.; Mr. C. J Burchell, K.C.; and Mr. W. Kenneth Campbell, Secretary. The Canadian Group nominated the following four candidates: John E. Read, Esq., K.C. (Canada); Mr. Manley O. Hudson (United States); M. Jules Basdevant, LL.D. (France); and Dr. Jose Philadelpho de Barros Azevedo (Brazil).

Elections to the International Court took place on February 6, 1946. Three of the candidates nominated by the Canadian National Group were elected on the first ballot. Among them was Mr. John E. Read, of Halifax, N.S., who had served since 1929 as Legal Adviser in the Department of External Affairs at Ottawa. Before that he was Professor of Law at Dalhousie University and Dean of the Faculty of Law. As a member of the Drafting Committee, Judge Read took part in formulating the Statute of Westminster, and he was Legal Adviser at the Imperial Conferences of 1930, 1932 and 1937. In 1945 he served as Canadian representative on the Committee of Jurists which met in Washington to draft the Statute of the International Court of Justice. Judge Read was also a member of the Canadian delegation to the General Assembly and was elected rapporteur of the sixth committee on legal questions.

At the subsequent drawing of lots for the terms of office, Judge Read drew a three-year term. The full list of the fifteen members of the International Court of Justice is given on page 96.

The Assembly directed the Secretary-General to make arrangements for convening the first session of the Court at The Hague on April 3, 1946.

SECTION IV

MAIN QUESTIONS OF POLICY

1. Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy

On November 15, 1945, the President of the United States, the Prime Minister of the United Kingdom and the Prime Minister of Canada issued in Washington a joint declaration proposing the establishment of a commission of the United Nations to study the problems raised by the discovery of atomic energy. In December, 1945, at the Moscow Conference of the Foreign Ministers of the United Kingdom, the United States and the Soviet Union, and in subsequent diplomatic negotiations with China and France, agreement was reached on the terms of a joint resolution dealing with this subject, to be presented to the General Assembly.

This resolution was presented by the delegation of the United Kingdom on behalf of the five permanent members of the Security Council and Canada. It was referred to the Political and Security Committee where it was adopted without change by 46 votes to none, with one abstention. On January 24, 1946, the resolution was adopted unanimously by the General Assembly.

In his address to the General Assembly on January 18, Mr. St. Laurent, the Canadian delegate said:

"The possibility of harnessing atomic energy to the purposes of mankind has been demonstrated, and it is now proposed, and proposed by the very nations who appear to have made the greatest advances in that field—and my country is one of them—that the vast problems and possibilities which this discovery has opened before us shall be dealt with within the framework of the United Nations.

"This appears to be a most striking instance of a world problem which is of direct concern to every human being and also of the manner in which it should be handled."

The resolution provides that with the exception of Canada, which will have the same permanency of membership in the commission as the permanent members of the Security Council, the composition of the commission will be identical with that of the Security Council.

The resolution directs the commission to make specific proposals for extending between all nations the exchange of scientific information for peaceful ends; for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes; for the elimina-

tion from national armaments not only of atomic weapons, but of all other weapons adaptable to mass destruction; and for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

The commission will submit its reports and recommendations to the Security Council, which is authorized to issue directions to the commission in matters affecting security. The decision as to whether the reports and recommendations of the commission shall be made public rests with the Security Council.

2. The United Nations Relief and Rehabilitation Administration

The United Kingdom delegation drew the attention of the General Assembly to the urgent need for the extension of relief by U.N.R.R.A. to the peoples of countries devastated by war. A draft resolution submitted by the United Kingdom proposed (*a*) that states signatory to the U.N.R.R.A. Agreement which had not already done so should contribute without delay the further one per cent of their national income to U.N.R.R.A.'s funds, as recommended in August, 1945, by Resolution No. 80 of the U.N.R.R.A. Council; (*b*) that other peace-loving states which are not signatories to the Agreement should join U.N.R.R.A.; and (*c*) that the General Assembly should be furnished with full periodic reports on the work of U.N.R.R.A.

Two main amendments were made to this proposal. The Soviet delegation wished to limit the states which were to be invited to join U.N.R.R.A. to Members of the United Nations. The United States delegation proposed the inclusion in the draft resolution of a specific reference to the completion of the work of U.N.R.R.A. by the end of 1946 in Europe, and by March 1947 in the Far East. Both amendments were adopted.

Speaking on the United Kingdom resolution, the Hon. Paul Martin, the Canadian delegate, outlined Canada's contribution to the work of U.N.R.R.A., and supported the proposal that all peace-loving states whether Members of the United Nations or not, should be afforded the opportunity of joining in the work of U.N.R.R.A. The Canadian delegation also proposed some drafting changes to make clear the fact that some states, including Canada, had already contributed the additional funds called for under the Council Resolution of August, 1945.

The resolution, as finally adopted, provides for a committee consisting of Canada, China, the Dominican Republic, France, Greece, New Zealand, Norway, Poland, U.S.S.R., United Kingdom and United States, to consult with states signatory to the U.N.R.R.A. Agreement regarding the additional contribution requested by the Council of U.N.R.R.A., and to urge upon Members of the United

Nations who are not signatories of the U.N.R.R.A. Agreement to join that organization. The resolution also directs the Secretary-General to make arrangements with the Director-General of U.N.R.R.A. with a view to providing the General Assembly with full reports on the work of U.N.R.R.A. and on the progress of rehabilitation in devastated countries.

In the course of the debate on this resolution in the General Assembly, a number of delegates paid warm tribute to the work of U.N.R.R.A., in particular the delegates of Czechoslovakia, Greece, Poland and Yugoslavia, who testified to the vital importance of its work for the peoples of these countries.

3. The Food Crisis

One of the most serious problems which face the world is the alarming fall in world production of wheat and rice, due to the damage caused by war, the shortage and dislocation of labour, the removal of draught animals, and serious droughts in a large number of grain producing countries.

The delegations of China, France, the Soviet Union, the United Kingdom and the United States presented jointly a draft resolution on wheat and rice, setting forth the seriousness of the situation and calling upon all governments and peoples to take "immediate and drastic action to conserve supplies, by securing adequate collection of crops from the producers, by saving food and avoiding waste, and to ensure the maximum production of grain in the coming season." The resolution also urges governments and international organizations concerned with food and agriculture to publish full information on this subject and to take the necessary steps to alleviate the crisis in food.

In submitting the resolution to the General Assembly, Mr. Bevin, the Foreign Secretary of the United Kingdom, declared: "I regard this resolution as a call to the nations in the greatest common cause that ever faced us. Imposed upon war, nature has intervened. She has deprived us of rain. She has restricted our crops. It seems almost as if she had imposed a penalty upon us for our stupidity in fighting. Be that as it may, it is a call from her to use our ingenuity, our resources, our ability and our organization in order that millions of humans may not die, that they may not only survive, but may contribute to the future happiness of mankind."

The Canadian delegation warmly supported this resolution. Speaking on this subject at the plenary session of February 14, Mr. Martin reviewed the food policies of the Canadian Government during the war years, and stated that every effort would be made by Canada to make as much wheat as possible available at the earliest date.

4. Refugees

On the initiative of the United Kingdom delegation the question of refugees was included in the agenda of the first part of the First Session of the General Assembly and of the Economic and Social Council as a matter requiring urgent consideration. The United Kingdom delegation pointed out the inadequacy of the existing international machinery for dealing with the problem of refugees and displaced persons, and proposed that the question should be referred to the Economic and Social Council for thorough examination in all its details and for report to the second part of the First Session of the Assembly.

A sharp cleavage of opinion developed between those delegations which, like the Yugoslav and the Soviet delegations, regarded the problem of refugees and displaced persons as primarily political in character, and those delegations which considered the problem to be primarily humanitarian.

The Yugoslav delegation argued that with the defeat of the Axis there was no reason why refugees should not return to their previous homes with the assistance of U.N.R.R.A. If, however, they refused to return for political reasons, it would be unfortunate if the United Nations became responsible for perpetuating the presence outside their own countries of groups of persons who were hostile to the governments of their countries, and therefore, in the view of the Yugoslav delegate, to the purposes of the United Nations.

Those who wished the problem of refugees and displaced persons to be considered primarily in humanitarian terms referred to the preamble of the Charter which speaks of the determination of the United Nations "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person." They insisted that political dissenters who were not war criminals, quislings or traitors should neither be forced to return home nor left to starve. The Canadian delegation supported the proposals and the arguments in this sense advanced by the United Kingdom and the United States delegations.

The resolution which was finally adopted appears on page 69 of this report. It recognizes that the problem is international in scope and nature. It further recognizes that any action taken to assist genuine refugees should not be such as to interfere in any way with the punishment of war criminals, quislings and traitors. *Bona fide* refugees are to be assisted in every way to return to their countries of origin. If, however, after receiving full information about their countries of origin, these refugees should refuse to return, they should not be compelled to do so. In the latter event, they should become the concern of an international body which might be recognized or established by the Economic and Social Council.

In accordance with the terms of this resolution the Economic and Social Council set up a Committee on Refugees and Displaced Persons to carry out promptly a thorough examination of all aspects of the problem, and to report to the second session of the Council to be held in New York on May 25, 1946. The committee, which began its meetings in April, 1946, is composed of the representatives of twenty Members of the United Nations, including Canada. The full list of members is printed on page 95. The Director of the Inter-Governmental Committee on Refugees, the body which was set up at the Evian Conference in 1938 to deal with this problem, and the Director-General of U.N.R.R.A. are to be invited to sit in a consultative capacity. The Committee will be free to carry out investigations and field trips and to take evidence from, or consult with, such persons or bodies as it deems advisable.

5. Economic Reconstruction

A resolution submitted by the Polish delegation pointed out that the destruction caused by war had resulted in a dangerous lowering in the standards of living and health of nearly one-half of the total population of the world, and that only the full-scale and whole-hearted co-operation of all the United Nations could cope with the problem of reconstruction in the shattered areas.

In adopting this resolution, the General Assembly recognized the problem of reconstructing the countries of Members of the United Nations which had suffered damage as "a grave and urgent matter which should be given very high priority among post-war problems." The Economic and Social Council was directed to examine fully this problem and to present a report embodying its conclusions to the General Assembly.

6. International Conference on Trade and Employment

The representative of the United States on the Economic and Social Council proposed a resolution which, after some textual modification, was adopted unanimously by the Council. The resolution provides that the Economic and Social Council should call an International Conference in the latter part of 1946 for the purpose of promoting the expansion of production and the exchange and consumption of goods. This conference is intended to supplement the co-operative economic measures which have already been taken, by further international measures dealing directly with trade barriers and discriminations which stand in the way of an expansion of multilateral trade and by an undertaking on the part of nations to seek full employment.

One of the specific purposes of the conference will be to examine the question of setting up an international trade organization, as a specialized agency of the United Nations. This organization would

have responsibilities in such matters as international agreements relating to (*a*) the achievement and maintenance of high and stable levels of employment and economic activity; (*b*) regulations, restrictions and discriminations affecting international trade; (*c*) restrictive business practices, and (*d*) intergovernmental commodity arrangements.

The resolution provides further for the establishment of a preparatory committee, of which Canada is a member, to prepare a draft annotated agenda of the conference, including a draft convention, and to report to the Council regarding possible participation of any states which are not Members of the United Nations.

In proposing the resolution, the United States delegate stressed the need for co-operative action if the purposes of the United Nations in the economic field were to be achieved. He explained that the primary purpose of the resolution was to bring under the auspices of the United Nations a project which his Government had initiated before the principal organs of the United Nations had been established.

In seconding the resolution, the Canadian representative welcomed the assumption by the Economic and Social Council of the responsibility for promoting concerted action in this field. In some general observations on the subject matter of the conference, Mr. Martin stressed the importance of the employment aspects of trade, the special responsibility of creditor countries to set the pace in a movement towards less restrictive commercial policies, and the unique opportunity available at the present time for the adoption of more liberal trade arrangements.

7. International Health Conference

The San Francisco Conference had unanimously approved a joint resolution of the Brazilian and Chinese delegations that the United Nations should sponsor a conference for the establishment of an international health organization. Several Members of the United Nations had already taken some preparatory steps for the creation of such an organization.

The Economic and Social Council accepted the sponsorship of the International Health Conference and established a technical preparatory committee of sixteen members to prepare a draft annotated agenda and specific proposals for the consideration of the conference. An expert on health from Canada is included in this committee.

8. Relations with Non-Governmental Organizations

Although the question of relations between the United Nations and non-governmental organizations is primarily an organizational

matter, the discussion which it produced in the General Assembly raised an important question of policy touching on the very structure of the United Nations.

The World Federation of Trade Unions addressed a request to the President of the General Assembly that representatives of their organization should be allowed to sit in the Assembly in a consultative capacity, and to collaborate regularly, under the provisions of Article 71 of the Charter, in the work of the Economic and Social Council, in the hope that at a later stage they would be granted full participation in the work of the Council, including the right to vote.

Article 71 of the Charter reads as follows: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned."

The request of the W.F.T.U. was supported by the Ukrainian delegation, which asked that it should be placed on the agenda of the General Assembly. It was agreed unanimously that there could be no question of granting any organization the right to vote in the various organs of the United Nations since this would mean a modification of the Charter. There was, however, a sharp division of opinion on the question of representation in the General Assembly. It was felt strongly by many delegations, including the Canadian, that the principle of representation by governments, which underlies the whole constitution of the United Nations, as set forth in the Charter, would be infringed if this right were granted to a non-governmental organization.

Other delegations proposed that the W.F.T.U. and other international organizations should be represented at meetings of the General Assembly as "official guests", with the privilege of addressing the Assembly on subjects within their special field of interest, but without the right to vote. While the W.F.T.U. request was being discussed several other non-governmental organizations, in particular the American Federation of Labour, and the International Co-operative Alliance, asked that they also should be granted the same status as might be granted to the W.F.T.U. The request of the American Federation of Labour was supported by the United States delegation, and that of the International Co-operative Alliance by the United Kingdom delegation. While all the participants in the debate welcomed every opportunity to draw upon the assistance of non-governmental organizations in achieving the aims of the Charter,

the United Kingdom and United States delegations argued that no special privileges should be given to the W.F.T.U. which could not at the same time be extended to the other organizations.

The resolution which was finally adopted, and which is printed on pages 74-75 of this report, recommends that the Economic and Social Council should, as soon as possible, make arrangements enabling the W.F.T.U., the International Co-operative Alliance, the American Federation of Labour and other non-governmental organizations "whose experience the Economic and Social Council will find necessary to use", to collaborate for purposes of consultation with the Council.

Acting upon this resolution the Economic and Social Council appointed a committee to submit to its next session detailed proposals to implement the recommendation of the General Assembly, particularly with regard to the organizations named in the resolution.

9. Extradition and Punishment of War Criminals

The General Assembly adopted unanimously a resolution proposed by the Byelorussian delegation dealing with the extradition and punishment of war criminals. As originally worded, the resolution was not considered by many delegations to be sufficiently precise, especially in its definition of war criminals. Accordingly, the resolution, as redrafted in sub-committee, refers to the definition of war crimes and crimes against peace and humanity contained in the Charter of the International Military Tribunal, of August 8, 1945.

The resolution calls upon both Members and non-Members of the United Nations to take all necessary measures with a view to the apprehension of war criminals and their immediate removal to the countries in which the crimes were committed for the purpose of trial and punishment according to the laws of those countries.

10. Spain

On the motion of the delegation of Panama, the General Assembly adopted a resolution endorsing the declaration of the San Francisco Conference which debarred from membership in the United Nations "states whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power." The declaration issued at the Potsdam Conference by the United Kingdom, the United States and the Soviet Union had already stated that these powers would not support the application for admission to the United Nations of the present Spanish Government.

The resolution recommends that the Members of the United Nations "should take into account the letter and the spirit of these statements in the conduct of their future relations with Spain."

APPENDIX A

STATEMENTS OF CANADIAN POLICY

I. Address by the Rt. Hon. L. S. St. Laurent, M.P., Before the Plenary Session of the General Assembly, January 18, 1946

Many speakers have already stated how appropriate it is that the first session of the General Assembly of the United Nations, meeting during the course of the first year of peace, should meet here in London, one of those historic cities which shows so many war scars. These reminders that the idea of nations united in the cause of peace was conceived during the course of the terrible world conflict which has just come to an end, are indeed apt. Is not this Organization the unanimous protest of the civilized peoples against the worthlessness of the mass slaughter of human beings, against the mass destruction of things created to improve human lives? War can no longer be the moral means of establishing, maintaining or restoring justice and order in international relations.

Among the nations here assembled several have drunk deeply of the horror of the war, and it is precisely from one of these nations that we have selected our President. The Canadian delegation desires, Mr. President, to express to you its congratulations and good wishes. We are happy to be presided over by a statesman, whose tact and wisdom are equalled only by his long experience of parliamentary and international assemblies where he has so often expressed his horror of war.

After ratification of the Charter by the Governments which had signed it at San Francisco, much preliminary work remained to be done before it could bear fruit. The Preparatory Commission diligently undertook this essential task and from its work has resulted the report that we are now examining. The Commission worked in an atmosphere of practical and friendly co-operation. The Assembly has excellent reasons to show gratitude to this Commission, the Executive Secretary and the Secretariat. For our part, we also wish to express our admiration for the outstanding contribution, both to the work of the Preparatory Commission and to its spirit, by its President, Dr. Zuleta Angel, representative of Colombia.

The first weeks in the life of the Assembly of the United Nations are bound to be of special significance. We have to pass from the abstract ideal of a world Organization to ensure peace to its concrete realization.

We have the instrument created at San Francisco and we know that the fifty-one nations who signed it there have now ratified it in the most formal manner in which international undertakings can be

made. We must now demonstrate to the millions of common men and women throughout the world, whose eyes are upon us at this time, that this instrument will be strong enough and supple enough for the formidable tasks which appear to await us; that it will be capable of defeating those eternal enemies of any advance in human affairs—fear, suspicion, mistrust, cynicism, despondency, selfish greed and overweening ambition.

It is true that all Member States have pledged themselves in this most solemn manner to fulfil in good faith the obligations assumed by them under the Charter, that they are to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

It is true that they have undertaken to ensure that States which are not Members of the United Nations shall act in accordance with the same principles so far as may be necessary for the maintenance of international peace and security.

They have undertaken to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression, or other breaches of the peace, and to bring about by peaceful means and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

They have also undertaken not to intervene in matters which are essentially within the domestic jurisdiction of any State, or to require Members to submit such matters to settlement under the Charter, with the sole exception that this principle is not to prejudice the application of enforcement measures properly adopted by the Security Council.

We have also agreed that in order to ensure prompt and effective action by the United Nations there shall be a Security Council and that the Security Council shall have conferred upon it primary responsibility for the maintenance of international peace and security; that it shall be assisted by a military staff committee and shall have available, on its call, armed forces, assistance and facilities provided by each of us in accordance with special agreements, to the extent deemed necessary for the purposes of maintaining international peace and security.

We have agreed that the five great powers, whose participation is at all times essential to world security, shall be permanent members of the Security Council.

It is true we have also agreed that, on most important matters, the decisions of the Security Council shall be made by an affirmative vote of seven members including the concurring votes of the per-

manent members, and we have called that the "veto" right of the great powers, and there are many to whom it has given some concern. But is not the Charter itself, its purposes and its principles, solemnly accepted and ratified by those great powers, a firm pledge on which each one of us can implicitly rely that they will use their privileged position only as a sacred trust for the whole of mankind?

We have also provided machinery to deal with the economic and social disorders which produce wars and each one of us has pledged the people of his nation to international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion.

Did we not, therefore, have before this meeting opened, the basis for the extension of the rule of law throughout the world, which we regard as essential to free mankind from the dreadful scourge of war, and may we not hope to build upon that basis the structure of an international order that will be both sound and strong?

We can already look back with some satisfaction at some measure of accomplishment. Two of the organs of the United Nations, the Security Council and the Economic and Social Council, have now been brought into being.

The Security Council meets at a time in the world's history when the nations are still recovering from the shock of a terrible convulsion, when the suspicions and fears which war leaves behind it are still in the minds of many men. Its first task will be to see that in this transition period these evil legacies of war are not the cause of further enmities among nations.

The Economic and Social Council, with the network of specialized agencies and commissions which are to be associated with it, will be faced with most formidable tasks and with far-reaching opportunities. It is in a large measure to the Economic and Social Council that we in Canada look to foster those conditions of well-ordered prosperity which will eliminate some of the most dangerous causes of wars, and bring men and nations into new paths of constructive activity.

We sincerely hope that the Council may give speedy and effective leads in the task of world reconstruction and that it will at once welcome, as the Canadian delegation does so warmly, the initiative taken by the United States to bring about an early meeting of an international conference on trade and employment.

The Charter of the United Nations enshrines two principles which are explicitly stated in Article 23 in connection with the election of non-permanent members to the Security Council. It is stated that due regard should specially be paid in these elections "in the first instance to the contribution of Members of the United

Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution."

Our Government has always attached great importance to the first of these criteria: to what has been called the functional principle. It is not really an abstract principle at all, but a commonsense prerequisite for the success of the Organization. We believe that special responsibilities within the framework of the Organization should be entrusted to those nations which have the means and the will to make the greatest contribution to the solution of the special problem in hand, and that is not because of any selfish interest in the application of the principle involved. It is because we wish to see the greatest possible measure of achievement, believing, as we do, that the interests of our country can best be served by that which best serves the whole community of nations.

Fortunately there is no contraction between this principle and that of equitable geographical distribution. There are enough nations, widely dispersed throughout the world, which have contributions to make to the different sides of the work of the Organization. There is plenty of work and plenty of responsibility for all of us.

May I express the hope that membership in the various organs and agencies of the United Nations will always be regarded as no mere prize or token of prestige, but as an honourable and arduous responsibility to the world community. In the same line of thought the Canadian delegation desires to associate itself unreservedly with what was said yesterday by the Secretary of State for Foreign Affairs of the United Kingdom. We also feel that it is essential to the success of the United Nations that it should have in its Secretariat a strong international civil service.

At the beginning of this, a new venture in international co-operation with an Organization which will increasingly become the world community in action, we should recognize that the achievement of our aims may ere long require some amendment of the Charter. Changes may be needed if we are to give effect in a changing world to the purposes and principles of the United Nations. Let us, therefore, keep our minds open on this subject.

We cannot foresee the nature of all the tasks that may confront us in the future. They may well be on a scale which will necessitate some voluntary abatement of the narrower conceptions of national sovereignty. Sovereignty must not mean liberty to defeat the purposes of international peace and security, to which we are all so solemnly dedicated.

Within democratic and well ordered states, to ensure that the individual shall have free scope to exercise all his activities, except of course those which might interfere with the similar liberty of his fellow citizens, or injure the welfare of the community, it has been

necessary to replace personal redress and privately armed retainers by laws and courts of justice and by officers of the peace. So it should be in the sphere of international affairs.

If this be the way to world government, then the Canadian delegation wholeheartedly supports world government.

Since we met at San Francisco, a new discovery with immense potentialities for good and evil has shaken the world. The possibility of harnessing atomic energy to the purposes of mankind has been demonstrated, and it is now proposed, and proposed by the very nations who appear to have made the greatest advances in that field —and my country is one of them—that the vast problems and possibilities which this discovery has opened before us shall be dealt with within the framework of the United Nations.

This appears to be a most striking instance of a world problem which is of direct concern to every human being and also of the manner in which it should be handled. But it does not stand alone. The achievement of prosperity and of peace, the alleviation of human suffering, and the protection of individual liberty, are also world-wide in their scope and implications. They must also be approached in a boldly imaginative spirit if we are truly to achieve the purposes stated in the preamble to the Charter, "to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind."

II. Address by the Hon. Paul Martin, M.P., Before the Economic and Social Council, January 29, 1946

The Canadian Goverment believes that the Report and recommendations of the Preparatory Commission provide a useful basis for the work of the various committees which it is proposed to set up to consider the organization of the work of the Economic and Social Council and the difficult and complicated question of the relationship with the specialized agencies. The Executive Committee and the Preparatory Commission have expended a great deal of time and thought on the matter and, in the opinion of the Canadian Government, the Council, without feeling in any sense bound to accept their recommendations, should give them every consideration. We shall need all the help we can get in organizing our work, for there are few tasks concerning the United Nations of more vital importance than those to be undertaken by this Council. We represent, one might say, the positive side of the work of the Organization. Our task is not so much to prevent as to do, not so much to avoid the undesirable as to accomplish the good.

The organization of our work must be based in part on the experience of the past and in part on the necessities and practicalities of the present and of the future. The direct forebear of this Council is the

Central Committee recommended in 1939 by the Bruce Committee on the organization of the economic and social work of the League of Nations. The report of the Bruce Committee recommended that executive control of these activities of the League be removed from the Council, which was concerned primarily with diplomatic and political questions, and entrusted to a more technical body. In the set-up of the present organization this separation is the more vital since it removes the work in these technical fields from the special voting procedure which characterize the operations of the Security Council. We should be making a serious mistake in this body if we were to fall into the habit of assigning special prerogatives to any nation or group of nations.

The Charter assigns two types of functions to the Economic and Social Council: the function of recommendation, including study, and the function of co-ordination. The Council is not an executive agency in the ordinary sense of the word. The actions taken to accomplish the high purposes set out in article 55 of the Charter: "to promote higher standards of living, full employment and conditions of economic and social progress and development"—are actions which will be taken by national governments and by those specialized agencies which have executive functions.

To say this is in no sense to deprecate or minimize the importance of our work. But it is essential that we should, from the beginning, keep a sense of proportion and not promise ourselves or others more than we are able to perform. I repeat that the primary responsibility for the pursuit of policies which are designed to accomplish the purposes I have indicated rests and will for the time being continue to rest on national governments. No government can divest itself of this responsibility or use the existence of this body as an excuse for inaction.

In fact no government is likely to attempt to do so. In all parts of the world, whatever may be their shade of political thought, there is a strong and growing sense of the responsibility of the State for maintaining conditions of economic and social well-being throughout its territories. Opinions differ as to the methods by which this should be done and there are of course wide differences (particularly at the present time, as between countries which were ravaged by the war and those which escaped its physical destruction) between the economic resources available to achieve this object. But the purpose in all parts of the world is the same: every government in every country wants to achieve the maximum of economic and social well-being for its own people.

And this very identity of purpose and the strength with which it is held makes our task here the more difficult and the more important.

For the danger lies in the likelihood that countries will be so intent on accomplishing their purpose that they will adopt national

policies without regard to the effect of these policies on other people. It will, therefore, be our task, and it is by no means an easy one, to attempt to harmonize the progressive policies of various Member countries and to ensure that prosperity and well-being in one is not achieved at the cost of depression and poverty in another.

More positively, it will be our task to see that through our commissions and committees the best in modern knowledge and modern science is made available to all parts of the world. It will be our task to see that help, in the way of expert knowledge and advice, is provided to all Members of the Organization who wish to have it, and that those great tasks which can only be undertaken by co-operative action among nations are effectively initiated and effectively carried through.

If we are to accomplish these great purposes we shall obviously have to give the most careful consideration to the structure of our organization. The commission and committee structure recommended by the Preparatory Commission seems, on the whole, a good one. We have some doubts, however, regarding the recommendation contained in paragraph 37 of section 4 of chapter III of the Preparatory Commission's Report to the effect that most commissions should contain a majority of responsible highly-qualified governmental representatives. For the reasons given in the Report we agree that in most cases one would want a majority of the members of a commission to be senior governmental officials who are capable of exerting a certain influence on national policy and who will bring to the commission a sense of what is in fact practical. We also agree that it would be unreasonable to nominate for such purposes a particular official who is unacceptable to his own government. But it would seem to us that most of these commissions should function as expert bodies and not bodies of government representatives. We feel that while it is obviously important that the geographical distribution of the members of the commissions should be so selected as to obtain a fully representative composition, it should not be States but individuals who are selected for membership, though in many cases there would be preliminary consultation with the government of the country of which they are nationals.

Another slight misgiving we have regarding the Preparatory Commission's recommendation regarding commissions is in connection with the recommendation that they be established at this session of the Economic and Social Council. We assume that this means merely that we should now decide to constitute them and lay down their terms of reference, and if so, the Canadian Government is satisfied. But if it were interpreted to mean that the personnel of the commissions should now be named, we doubt whether the Economic and Social Council, which has itself just been constituted, is really equipped to make the best selection at the present time.

The second main part of our problem is the relationship with specialized agencies and the degree and manner of co-ordination. On this question too we feel that the Preparatory Commission has done helpful work and that its observations on this subject will serve as a helpful guide to us in our detailed consideration of the matter.

It is obvious that there are two opposite dangers to be avoided here: the danger of chaotic proliferation of agencies, each going its own way, and the danger of an attempt at excessive centralization. Clearly we must avoid the wasteful duplication of work, the confusion of conflicting recommendations and the undue strain on qualified personnel, which will be difficult enough to find, that would result from complete decentralization of the work in the various specialized branches of the economic and social field.

On the other hand, we must be mindful of the fact that there may be cases where greater vitality and strength will result from greater independence. And we must not forget that some of these agencies are established by the intergovernmental treaty with their authority fairly specifically defined; and in certain cases, such as the International Monetary Fund and the International Labour Organization, there is a specially weighted system of voting which has been designed in relation to the functions of these agencies. Nor can we be unmindful of the fact that membership in the specialized agencies is not common to all Members of the United Nations and that it differs from agency to agency. For all these reasons we feel that there can be no question of the United Nations centralizing all the specialized agencies to the point of absorption, or of our attempting to give these specialized agencies policy directives on matters lying within their own sphere of competence.

On the other hand, it does seem to us of basic importance that the United Nations and the Economic and Social Council should hold the position of the central body in the whole constellation of intergovernmental institutions concerned with economic and social problems. We feel that the task of co-ordination is extremely important. In the final analysis, as is pointed out in paragraph 43 of section 5 of chapter III of the Report of the Preparatory Commission, the task of co-ordinating the policies and activities of the specialized agencies can be performed only if Members will insist on harmonizing their own policies and activities in the different fields. The agreements we are to work out with the specialized agencies should be carefully drawn so as to preserve the co-ordinating strength of the Council, without transgressing on the legitimate rights and duties of the specialized agencies themselves. In the long run we believe that co-ordination and co-operation can be achieved not so much as a result of the precise words which are written into a legal instrument of relationship as through the selection

of men of good will and good sense as the operating heads of the various agencies and through that intimate day-to-day association which, when directed to the accomplishment of great tasks in common, will create its own esprit de corps. If the commissions and the specialized agencies are as fortunate as the Economic and Social Council in the selection of their Presidents, the Canadian Government have no misgivings regarding the relationship problem.

Mr. President, may I say this in conclusion: in the establishment of the Economic and Social Council, in the setting up of its commissions, in the negotiation of relationships with the special-purpose agencies established by intergovernmental agreement, we are opening up a new chapter in the long struggle of mankind to master his environment to the end that the material and economic resources of the world are used for the enrichment and not the destruction of humanity. Our task is not an easy one. We shall have to overcome not only the internal forces in various countries which resist change, but also the scepticism that we shall encounter in many parts of the world regarding the possibility of success in a co-operative effort of this sort. There are those who, notwithstanding the grim experience of the inter-war period, which should have shown that no nation can achieve prosperity in isolation, are still prepared to repeat the old errors. We must turn deaf ears to the false counsels that reach us from such groups. There are those who will maintain that it is unrealistic, idealistic, to strive for a common solution to our problems, that the only realistic course is to recognize that each country will go its own way, carry out its own policies without regard to their effect on others. This, I submit, is a false realism. What the experience of recent generations teaches us is the bitter consequences of such realism. The so-called "realists" were in the saddle during the inter-war period, with results which are only too apparent. The genuinely realistic course for the world to pursue at the present time is to recognize that it is only through co-operation, through mutual understanding and mutual aid that all countries can in fact achieve their maximum potential in economic and social well-being. It is for us to embark resolutely on that course, to let nothing make us swerve from the straight line to our goal. It is in this spirit, with this determination to do all that lies within its power to achieve the success of our work, that the Canadian Government welcomes the formation of the Economic and Social Council and will approach the task of helping to organize its work.

APPENDIX B

PRINCIPAL RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS AT THE FIRST PART OF THE FIRST SESSION JANUARY 10—FEBRUARY 14, 1946.

I

Resolution on the Establishment of a Commission to Deal With the Problems Raised by The Discovery of Atomic Energy

Resolved by the General Assembly of the United Nations to establish a commission, with the composition and competence set out hereunder, to deal with the problems raised by the discovery of atomic energy and other related matters:

1. *Establishment of the Commission*

A Commission is hereby established by the General Assembly with the terms of reference set out under Section V below.

2. *Relations of the Commission with the organs of the United Nations*

(*a*) The Commission shall submit its reports and recommendations to the Security Council, and such reports and recommendations shall be made public unless the Security Council, in the interest of peace and security, otherwise directs. In the appropriate cases the Security Council should transmit these reports to the General Assembly and the Members of the United Nations, as well as to the Economic and Social Council and other organs within the framework of the United Nations.

(*b*) In view of the Security Council's primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, the Security Council shall issue directions to the Commission in matters affecting security. On these matters the Commission shall be accountable for its work to the Security Council.

3. *Composition of the Commission*

The Commission shall be composed of one representative from each of those States, represented on the Security Council, and Canada when that State is not a member of the Security Council. Each representative on the Commission may have such assistance as he may desire.

4. *Rules of Procedure*

The Commission shall have whatever staff it may deem necessary, and shall make recommendations for its rules of procedure to the Security Council, which shall approve them as a procedural matter.

5. *Terms of Reference of the Commission*

The Commission shall proceed with the utmost despatch and enquire into all phases of the problem, and make such recommendations from time to time with respect to them as it finds possible. In particular the Commission shall make specific proposals:

(*a*) for extending between all nations the exchange of basic scientific information for peaceful ends;

(*b*) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

(*c*) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

(*d*) for effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

The work of the Commission should proceed by separate stages, the successful completion of each of which will develop the necessary confidence of the world before the next stage is undertaken.

The Commission shall not infringe upon the responsibilities of any organ of the United Nations, but should present recommendations for the consideration of those organs in the performance of their tasks under the terms of the United Nations Charter.

II

Resolution on the United Nations Relief and Rehabilitation Administration

The General Assembly, impressed with the imperative urgency that action to facilitate the final stages of the work of UNRRA be taken at the earliest possible date in view of the understanding of the Council of UNRRA that the work of that organization will be completed in Europe by 31 December 1946, and in the Far East by March 1947:

1. Establishes a Committee,

(*a*) to consult with States signatory to the UNRRA agreement who have not made or arranged to make the further contributions to UNRRA recommended in Council resolution No. 80 of August 1945, and to urge upon them that they make such contributions with the least possible delay;

(*b*) to urge upon Members of the United Nations who are not signatories to the UNRRA agreement to join that organization and thereby to make their contributions to this great humanitarian task.

2. Appoints as members of this committee the representatives of the following countries: Canada, China, Dominican Republic, France, Greece, New Zealand, Norway, Poland, Union of Soviet Socialist Republics, United Kingdom, United States of America, and instructs the Committee to begin its work as soon as possible.

3. Instructs the Secretary-General to seek to make arrangements with the Director-General of UNRRA whereby the General Assembly may be furnished with full reports on the work of UNRRA and on the progress made towards economic rehabilitation in the countries being assisted by UNRRA.

III

Resolution on Wheat and Rice

The damage caused by war and the dislocation of agricultural production resulting from the shortage and dislocation of labour, the removal of draught animals, the shortage of fertilizers and other circumstances connected with the war have caused a serious fall in world production of wheat. In addition, a large number of countries, including some of those which are normally the largest producers of grain, have suffered serious droughts and have therefore reaped abnormally small crops. The supply of rice is also so short as to threaten a famine in certain areas. There is, moreover, a serious risk of grain production in the coming season being insufficient to prevent continuing hunger. For these reasons the world is faced with conditions which may cause widespread suffering and death and consequently set back all plans for reconstruction.

The General Assembly therefore:

1. Urges all governments and peoples to take immediate and drastic action, both directly and through the international organizations concerned, to conserve supplies, by securing adequate collection of crops from the producers, by saving food and avoiding waste, and to ensure the maximum production of grain in the coming season.

2. Notes that several of the United Nations have recently announced measures to reserve grain supplies for direct human consumption and to secure increased production.

3. Urges all governments to publish as full information as possible regarding their own supplies and requirements of cereals and the steps they have taken or are prepared to take to achieve the objectives expressed in paragraph 1.

4. Requests the international organizations concerned with food and agriculture to publish full information in their possession on the world food position and the future outlook, and to intensify efforts to obtain as full information as possible on this subject, in order to assist governments in determining their short term and long term agricultural policy.

IV

Resolution on Refugees

The General Assembly,

recognizing that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons, on the one hand, and the war criminals, quislings and traitors referred to in paragraph (*d*) below, on the other:

(*a*) *decides* to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the Agenda for the first session of the Council and for report to the second part of the first session of the General Assembly;

(*b*) *recommends* to the Economic and Social Council that it establish a special Committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (*a*);

(*c*) *recommends* to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) this problem is international in scope and nature;

(ii) no refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the fact, including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (*d*) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (*a*) and (*b*) above, except in cases where the government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (*c*) (ii) above;

(*d*) *considers* that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements;

(*e*) *considers* that Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this declaration in so far as their situation may be decided by Allied forces of occupation in Germany, in agreement with the governments of the respective countries.

V

Resolution on Reconstruction of States Members of the United Nations Devastated by War

Considering:

that the war of aggression waged on the territories of many Members of the United Nations resulted in the destruction of vast areas of these countries on an unprecedented scale;

that these peace-loving nations, which suffered such an extensive damage, represent nearly one-half of the total population of the world;

that the vast areas representing a big consuming power are virtually eliminated from the normal flow of world trade, so that the whole world economy must be seriously affected;

that the great scale of destruction resulted in most cases in a dangerous lowering in the standard of living and in the health of the population, in a substantial loss of productive capacity and sometimes in the complete destruction of the normal economic activities of the respective countries;

that in order to make good the destruction and so to restore the shaken world economy vast amounts of new capital goods must be invested in the destroyed areas;

that in most cases it would be impossible to deal with the work of reconstruction with the necessary speed and efficiency if the affected countries were limited in this respect to their internal resources and possibilities alone;

that only a full-scale and whole-hearted co-operation of all the United Nations can bring about the right solution of this grave problem;

the General Assembly:

1. recognizes the problem of full reconstruction of the countries belonging to Members of the United Nations which suffered substantial war damage as a grave and urgent matter which should be given very high priority among post-war problems;

2. decides to discuss generally this matter under paragraph 17 of its agenda and to transmit it for full examination, to the second committee which shall present to second part of the first session of the General Assembly a report resulting from this examination;

3. asks the Economic and Social Council to place this subject on the agenda of its first meeting, as an urgent matter in the economic and social field, according to paragraph 10 of the provisional agenda of the first meeting of the Council, as proposed by the Preparatory Commission.

VI

Resolution on Non-Self-Governing Peoples

I

Non-self-governing peoples

The United Nations, meeting in its first General Assembly, is keenly aware of the problems and political aspirations of the peoples who have not yet attained a full measure of self-government and who are not directly represented here.

Chapters XI, XII and XIII of the Charter recognize the problems of the non-self-governing peoples as of vital concern to the peace and general welfare of the world community.

By Chapter XI, all the Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount. They accept, as a sacred trust, the obligation to promote to the utmost the well-being of the inhabitants of these territories. To that end they accept certain specific obligations, including the obligation to develop self-government and to assist the inhabitants in the progressive development of their free political institutions.

By Chapters XII and XIII, the Charter provides for the establishment of an international trusteeship system, the basic objectives of which are, among others, to promote the political, economic, social and educational advancement of the inhabitants of trust territories, and to promote their progressive development towards self-government or independence.

The General Assembly regrets that the Trusteeship Council cannot be brought into being at this first part of the first session, not because of any lack of desire to do so but because, before the Trusteeship Council can be established, trusteeship agreements must be concluded.

The General Assembly holds the view that any delay in putting into effect the system of international trusteeship prevents the implementation of the principles of the trusteeship system, as declared in the Charter, and deprives the populations of such territories as may be brought under the trusteeship system of the opportunity of enjoying the advantages arising from the implementation of these principles.

With a view to expediting the conclusion of these agreements and the establishment of the Trusteeship Council, the Preparatory Commission recommended that the General Assembly should call on those Members of the United Nations which are now administering territories held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of article 79 of the Charter.

Without waiting for the recommendation of the Preparatory Commission to be considered by the General Assembly, the Members of the United Nations administering territories held under mandate took the initiative in making declarations in regard to these territories.

Therefore:

with respect to chapter XI of the Charter, the General Assembly,

1. Draws attention to the fact that the obligations accepted under chapter XI of the Charter by all Members of the United Nations are in no way contingent upon the conclusion of trusteeship agreements or upon the bringing into being of the Trusteeship Council and are, therefore, already in full force;

2. Requests of the Secretary-General to include in his annual report on the work of the Organization, as provided for in article 98 of the Charter, a statement summarizing such information as may have been transmitted to him by Members of the United Nations under article 73 (*e*) of the Charter relating to economic, social and educational conditions in the territories for which they are responsible other than those to which Chapters XII and XIII apply.

With respect to chapters XII and XIII of the Charter, the General Assembly:

3. Welcomes the declarations, made by certain States administering territories now held under mandate, of an intention to negotiate trusteeship agreements in respect of some of those territories, and in respect of Trans-Jordan to establish its independence.

4. Invites the States administering territories now held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval, preferably not later than during the second part of the first session of the General Assembly.

In conclusion, the General Assembly:

5. Expects that the realization of the objectives of chapters XI, XII and XIII will make possible the attainment of the political, economic, social, and educational aspirations of non-self-governing peoples.

II

Provisional Rules of Procedure of the Trusteeship Council

The General Assembly requests the Secretary-General to transmit the "Provisional rules of procedure of the Trusteeship Council" (section 2 of Chapter IV of the Preparatory Commission's Report) to the Trusteeship Council as soon as it is constituted.

VII

Resolution on the Extradition and Punishment of War Criminals

The General Assembly

taking note of the Moscow Declaration of 1 November 1943 by President Roosevelt, Marshal Stalin and Prime Minister Churchill concerning enemy atrocities in the course of the war, and of the declaration by certain allied governments of 13 January and 18 December 1942 concerning the same matter;

taking note of the laws and usages of warfare established by the Fourth Hague Convention of 1907;

taking note of the definition of war crimes and crimes against peace and against humanity contained in the Charter of the International Military Tribunal dated 8 August 1945;

believing that certain war criminals continue to evade justice in the territories of certain States,

recommends

that Members of the United Nations forthwith take all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in the above crimes, and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries;

and calls upon

the governments of States which are not Members of the United Nations also to take all necessary measures for the apprehension of such criminals in their respective territories with a view to their immediate removal to the countries in which the crimes were committed for the purpose of trial and punishment according to the laws of those countries.

VIII

Resolution on Spain

1. The General Assembly recalls that the San Francisco Conference adopted a resolution according to which paragraph 2 of article 4 of Chapter II of the United Nations Charter "cannot apply to States whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power."

2. The General Assembly recalls that at the Potsdam Conference the Governments of the United Kingdom, the United States of America and the Soviet Union stated that they would not support a request for admission to the United Nations of the present Spanish Government "which, having been founded with the support of the Axis powers, in view of its origins, its nature, its record and its close association with the aggressor States, does not possess the necessary qualifications to justify its admission."

3. The General Assembly, in endorsing these two statements, recommends that the Members of the United Nations should act in accordance with the letter and the spirit of these statements in the conduct of their future relations with Spain.

IX

Resolution on Representation of Non-Governmental Bodies on the Economic and Social Council

In connection with the requests of the World Federation of Trade Unions, the American Federation of Labor, the International Co-operative Alliance, and other non-governmental organizations, that their representatives shall be allowed to take part in the work of

the Economic and Social Council, and in accordance with article 71 of the Charter providing for the carrying out by the Economic and Social Council of appropriate consultations with non-governmental organizations,

The General Assembly recommends

(*a*) that the Economic and Social Council should, as soon as possible, adopt suitable arrangements enabling the World Federation of Trade Unions and the International Co-operative Alliance as well as other international non-governmental organizations whose experience the Economic and Social Council will find necessary to use, to collaborate for purposes of consultation with the Economic and Social Council;

(*b*) that the Economic and Social Council should likewise adopt as soon as possible suitable arrangements enabling the American Federation of Labor as well as other national and regional non-governmental organizations whose experience the Economic and Social Council will find necessary to use, to collaborate for purposes of consultation with the Economic and Social Council.

X

Resolutions on the Transfer of Certain Functions, Activities and Assets of the League of Nations

I.

Functions and powers belonging to the League of Nations under international agreements

Under various treaties and international conventions, agreements and other instruments, the League of Nations and its organs exercise, or may be requested to exercise, numerous functions or powers for the continuance of which, after the dissolution of the League, it is, or may be, desirable that the United Nations should provide.

Certain Members of the United Nations, which are parties to some of these instruments and are Members of the League of Nations, have informed the General Assembly that at the forthcoming session of the Assembly of the League, they intend to move a resolution whereby the Members of the League would, so far as this is necessary, assent and give effect to the steps contemplated below.

Therefore:

1. The General Assembly reserves the right to decide, after due examination, not to assume any particular function or power, and to determine which organ of the United Nations or which specialized agency brought into relationship with the United Nations should exercise each particular function or power assumed.

2. The General Assembly records that those Members of the United Nations which are parties to the instruments referred to above assent by this Resolution to the steps contemplated below and express their resolve to use their good offices to secure the co-operation of the other parties to the instruments so far as this may be necessary.

3. The General Assembly declares that the United Nations is willing, in principle and subject to the provisions of this resolution and of the Charter of the United Nations, to assume the exercise of certain functions and powers previously entrusted to the League of Nations, and adopts the following decisions, set forth in A, B, and C below.

A. *Functions Pertaining to a Secretariat*

Under certain of the instruments referred to at the beginning of this resolution, the League of Nations has, for the general convenience of the parties, undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions, pertaining to a secretariat, which do not affect the operation of the instruments and do not relate to the substantive rights and obligations of the parties. These functions include: the receipt of additional signatures and of instruments of ratification, accession and denunciation; receipt of notice of extension of the instruments to colonies or possessions of a party or to protectorates or territories for which it holds a mandate; notification of such acts to other parties and other interested States; the issue of certified copies; and the circulation of information or documents which the parties have undertaken to communicate to each other. Any interruption in the performance of these functions would be contrary to the interests of all the parties. It would be convenient for the United Nations to have the custody of those instruments which are connected with activities of the League of Nations and which the United Nations is likely to continue.

Therefore:

The General Assembly declares that the United Nations is willing to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing for the parties the functions, pertaining to a secretariat, formerly entrusted to the League of Nations.

B. *Functions and Powers of a Technical and Non-Political Character*

Among the instruments referred to at the beginning of this resolution are some of a technical and non-political character which contain provisions, relating to the substance of the instruments whose due execution is dependent on the exercise, by the League of Nations or particular organs of the League, of functions or powers conferred by the instruments. Certain of these instruments are intimately connected with activities which the United Nations will or may continue.

It is necessary, however, to examine carefully which of the organs of the United Nations or which of the specialized agencies brought into relationship with the United Nations should, in the future, exercise the functions and powers in question, in so far as they are maintained.

Therefore:

The General Assembly is willing, subject to these reservations, to take the necessary measures to ensure the continued exercise of these functions and powers, and refers the matter to the Economic and Social Council.

C. *Functions and Powers Under Treaties, International Conventions, Agreements and Other Instruments Having a Political Character*

The General Assembly will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements and other instruments having a political character.

II.

NON-POLITICAL FUNCTIONS AND ACTIVITIES OF THE LEAGUE OF NATIONS OTHER THAN THOSE MENTIONED IN SECTION I

1. The General Assembly requests the Economic and Social Council to survey the functions and activities of a non-political character which have hitherto been performed by the League of Nations in order to determine which of them should, with such modifications as are desirable, be assumed by organs of the United Nations or be entrusted to specialized agencies which have been brought into relationship with the United Nations. Pending the adoption of the measures decided upon as the result of this examination, the Council should, on or before the dissolution of the League, assume and continue provisionally the work hitherto done by the following League departments: The Economic, Financial and Transit

Department, particularly the research and statistical work; the Health Section, particularly the epidemiological service; the Opium Section and the secretariats of the Permanent Central Opium Board and Supervisory Body.

2. The General Assembly requests the Secretary-General to make provision for taking over and maintaining in operation the Library and Archives and for completing the League of Nations Treaty Series.

3. The General Assembly considers that it would also be desirable for the Secretary-General to engage for the work referred to in paragraphs 1 and 2 above, on appropriate terms, such members of the experienced personnel by whom it is at present being performed as the Secretary-General may select.

III.

TRANSFER OF THE ASSETS OF THE LEAGUE OF NATIONS TO THE UNITED NATIONS

The General Assembly having considered the Report of the Committee set up by the Preparatory Commission to discuss and establish with the Supervisory Commission of the League of Nations a Common Plan for the transfer of the assets of the League of Nations, approves of both the Report of the Committee set up by the Preparatory Commission and of the common plan submitted by it.

IV.

APPOINTMENT OF A NEGOTIATING COMMITTEE

The General Assembly approves of the setting up of a small negotiating committee to assist the Secretary-General in negotiating further agreements in connection with the transfer of certain assets in Geneva, and in connection with the premises in the Peace Palace in The Hague. This committee shall consist of one representative designated by the delegations, if they so desire, of each of the same eight Members as previously constituted the Committee created by the Preparatory Commission: Chile, China, France, Poland, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom and United States of America.

XI

Resolutions on the Privileges and Immunities of the United Nations

I

The General Assembly approves the annexed convention on the privileges and immunities of the United Nations and proposes it for accession by each Member of the United Nations.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

Whereas article 104 of the Charter of the United Nations provides that the Organisation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes, and

Whereas article 105 of the Charter of the United Nations provides that the Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of the functions in connexion with the Organisation.

Consequently the General Assembly by a resolution adopted on the 13th February, 1946, approved the following convention and proposes it for accession by each Member of the United Nations.

ARTICLE I

Juridical Personality

Section 1. The United Nations shall possess juridical personality. It shall have the capacity:

(*a*) to contract;

(*b*) to acquire and dispose of immovable and movable property;

(*c*) to institute legal proceedings.

ARTICLE II

Property, Funds and Assets

Section 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive. administrative, judicial or legislative action.

Section 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Section 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(*a*) The United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(*b*) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Section 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Sectoin 7. The United Nations, its assets, income and other property shall be:

(*a*) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(*b*) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(*c*) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Section 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III

Facilities in Respect of Communications

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government, including its diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams,

radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

The Representatives of Members

Section 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(*a*) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(*b*) inviolability for all papers and documents;

(*c*) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(*d*) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions;

(*e*) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(*f*) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also,

(*g*) such other privileges, immunities and facilities, not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts

done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a State for the discharge of their duties shall not be considered as periods of residence.

Section 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15. The provisions of Sections 11, 12 and 13 are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.

Section 16. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V

Officials

Section 17. The Secretary-General will specify the categories of officials to which the provisions of this article and article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18. Officials of the United Nations shall:

(*a*) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(*b*) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(*c*) be immune from national service obligations;

(*d*) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(*e*) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the government concerned;

(*f*) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(*g*) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19. In addition to the immunities and privileges specified in section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

ARTICLE VI

Experts on Missions for the United Nations

Section 22. Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(*a*) immunity from personal arrest or detention and from seizure of their personal baggage;

(*b*) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(*c*) inviolability for all papers and documents;

(*d*) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(*e*) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(*f*) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII

United Nations Laissez-Passer

Section 24. The United Nations may issue United Nations *laissez-passer* to its officials. These *laissez-passer* shall be recognized and accepted as valid travel documents, by the authorities of Members, taking into account the provisions of section 25.

Section 25. Applications for visas (where required) from the holders of United Nations *laissez-passer,* when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer,* have a certificate that they are travelling on the business of the United Nations.

Section 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations *laissez-passer* on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under article 63 of the Charter so provide.

ARTICLE VIII

Settlement of Disputes

Section 29. The United Nations shall make provisions for appropriate modes of settlement of:

(*a*) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;

(*b*) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Section 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with article 96 of the Charter and article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE

Section 31. This convention is submitted to every Member of the United Nations for accession.

Section 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Section 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Section 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Section 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Section 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

II

PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL COURT OF JUSTICE

1. THE GENERAL ASSEMBLY, with a view to ensuring that the International Court of Justice shall enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purposes, in the country of its seat and elsewhere, invites the members of the Court at their first Session to consider this question and to inform the Secretary-General of their recommendations.

2. THE GENERAL ASSEMBLY decides that the question of the privileges and immunities of the Court shall be considered as soon as possible after the receipt of the recommendations of the Court.

3. THE GENERAL ASSEMBLY recommends that, until further action has been taken, the rules which have been applied to the Permanent Court of International Justice should be observed by Members in relation to the International Court of Justice.

III

UNIFICATION OF PRIVILEGES AND IMMUNITIES ENJOYED BY THE UNITED NATIONS AND THE VARIOUS SPECIALIZED AGENCIES

THE GENERAL ASSEMBLY considers that there are many advantages in the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies.

While recognizing that not all specialized agencies require all the privileges and immunities which may be needed by others, and that certain of these may, by reason of their particular functions, require privileges of a special nature which are not required by the United Nations itself, the General Assembly considers that the privileges and immunities of the United Nations should be regarded, as a general rule, as a maximum within which the various specialized agencies should enjoy such privileges and immunities as the appropriate fulfilment of their respective functions may require, and that no privileges and immunities which are not really necessary should be asked for.

THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL to open negotiations with a view to the reconsideration in the light of both the General Convention adopted by the United Nations and of the considerations above, of the provisions under which the specialized agencies at present enjoy privileges and immunities.

IV

INSURANCE AGAINTS THIRD-PARTY RISKS

It has been found that a frequent source of difficulty is road accidents in which motor cars, owned or driven by persons possessing immunity from legal process, are involved.

It is the intention of the United Nations to prevent the occurrence of any abuse in connection with privileges, immunities and facilities granted to it under Articles 104 and 105 of the Charter and the General Convention on privileges and immunities, which determines the details of the application of these Articles.

THEREFORE THE GENERAL ASSEMBLY instructs the Secretary-General to ensure that the drivers of all official motor cars of the United Nations and all members of the staff, who own or drive motor cars, shall be properly insured against third-party risks.

V

PRESERVATION OF ACCRUED PENSION RIGHTS OF PERSONS ENTERING THE SERVICE OF THE UNITED NATIONS AFTER HOLDING OFFICIAL POSITIONS IN THE TERRITORIES OF MEMBERS

In order to facilitate the engagement, as members of the staff of the United Nations, of persons who have accrued pension rights as officials, either of the central Government of Members, or of subordinate governmental or other administrative authorities within the territory of Members, it is desirable that arrangements should be made to secure that accrued pension rights are not lost when such persons accept posts on the staff of the United Nations, by way either of transfer or of secondment.

THEREFORE, THE GENERAL ASSEMBLY RECOMMENDS THAT:

After such discussion with the Secretary-General as may be necessary to settle details the Governments of Members adopt such legislative or administrative measures as may be required to preserve such pension rights.

APPENDIX C

CANADIAN DELEGATIONS

TO THE EXECUTIVE COMMITTEE, THE PREPARATORY COMMISSION AND THE FIRST PART OF THE FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

1. Canadian Delegation to the Executive Committee

Delegate

Mr. L. B. Pearson, O.B.E., Canadian Ambassador to the United States (August 16-August 29, 1945).
The Hon. W. F. A. Turgeon, K.C., Canadian Ambassador to Belgium (September 17-October 27, 1945).

Alternate Delegate

Mr. Escott Reid, Department of External Affairs (Acting Chief Delegate from August 30 to September 16, 1945).

Advisers

Mr. D. V. LePan, Office of the Canadian High Commissioner, London.
Mr. J. W. Holmes, Office of the Canadian High Commissioner, London.

II. Canadian Delegation to the Preparatory Commission

Delegate

Mr. L. D. Wilgress, Canadian Ambassador to the U.S.S.R.

Alternate Delegates

Senator the Hon. A. K. Hugessen, K.C.,
Mr. H. W. Winkler, M.P.,
Mr. Gordon Graydon, M.P.,
Mr. L.-P. Picard, M.P.,
Mr. S. H. Knowles, M.P.

Advisers

Mr. Escott Reid, Department of External Affairs,
Mr. A. F. W. Plumptre, Wartime Prices and Trade Board,
Mr. T. W. L. MacDermot, Department of External Affairs,
Mr. E. A. Côté, Department of External Affairs.

Secretary of the Delegation

Mr. L. Malania, Department of External Affairs.

Assistant-Secretary
Mr. T. L. Carter, Department of External Affairs.

Administrative Officer
Miss M. Robertson, Department of External Affairs.

ASSIGNMENT TO COMMITTEES OF THE PREPARATORY COMMISSION

Committee 1. General Assembly.
Mr. Picard,
Mr. Knowles,
Assisted by Mr. Carter.

Committee 2. Security Council.
Mr. Wilgress,
Mr. Winkler,
Assisted by Mr. Reid.

Committee 3. Economic and Social Council.
Mr. Graydon,
Mr. Knowles,
Assisted by Mr. Plumptre,
Mr. MacDermot,
Mr. Carter.

Committee 4. Trusteeship.
Mr. Winkler,
Mr. Knowles,
Assisted by Mr. Côté.

Committee 5. Court and Legal.
Senator Hugessen,
Assisted by Mr. Côté.

Committee 6. Administrative and Budgetary.
Senator Hugessen,
Assisted by Mr. Plumptre,
Mr. MacDermot.

Committee 7. League of Nations.
Mr. Knowles,
Mr. Picard,
Assisted by Mr. Côté.

Committee 8. General Questions and Headquarters.
Mr. Wilgress,
Mr. Winkler,
Assisted by Mr. Reid,
Mr. Malania.

Co-ordination Committee.
Mr. Escott Reid.

III. Canadian Delegation to the First Part of the First Session of the General Assembly

Delegates

The Right Hon. L. S. St. Laurent, M.P., Minister of Justice.
The Hon. J. G. Gardiner, M.P., Minister of Agriculture.
The Hon. Paul Martin, M.P., Secretary of State.
The Right Hon. Vincent Massey, High Commissioner for Canada in the United Kingdom.
Mr. H. H. Wrong, Associate Under-Secretary of State for External Affairs.

Alternate Delegates

Mr. J. E. Read, K.C., Legal Adviser, Department of External Affairs.
Mr. L. D. Wilgress, Canadian Ambassador to the U.S.S.R.
Mr. Pierre Dupuy, C.M.G., Canadian Minister to the Netherlands.
Mr. Gordon Graydon, M.P.
Mr. S. H. Knowles, M.P.

Advisers

Mr. Alfred Rive, Office of the High Commissioner for Canada, London.
Mr. L. Rasminsky, Bank of Canada.
Mr. Escott Reid, Department of External Affairs.
Mr. C. S. A. Ritchie, Department of External Affairs.
Mr. G. C. Andrew, Canadian Information Service.
Mr. J. W. Holmes, Office of the High Commissioner for Canada, London.
Mr. R. A. D. Ford, Department of External Affairs.
Mr. J. E. Jones, Department of Finance.
Mr. E. A. Côté, Department of External Affairs.
Mr. D. V. LePan, Office of the High Commissioner for Canada, London.

Press Officers

Mr. G. C. Andrew, Canadian Information Service.
Mr. Campbell Moodie, Office of the High Commissioner for Canada, London.

Secretary-General

Mr. L. Malania, Department of External Affairs.

Assistant Secretary

Mr. T. L. Carter, Department of External Affairs.

Administrative Officer

Miss M. Robertson, Department of External Affairs.

ASSIGNMENT TO COMMITTEES OF THE GENERAL ASSEMBLY

Committee 1. Political and Security Questions.
Mr. St. Laurent,
Mr. Wrong,
Assisted by Mr. Reid,
Mr. Ritchie,
Mr. Holmes.

Committee 2. Economic and Financial Questions.
Mr. Martin,
Mr. Graydon,
Assisted by Mr. Rasminsky,
Mr. Rive,
Mr. LePan.

Committee 3. Social, Humanitarian and Cultural Questions.
Mr. Gardiner,
Mr. Knowles,
Assisted by Mr. Rive,
Mr. Andrew,
Mr. Ford,
Mr. Carter.

Committee 4. Trusteeship.
Mr. Massey,
Mr. Dupuy,
Assisted by Mr. Holmes,
Mr. Côté.

Committee 5. Administrative and Budgetary Questions.
Mr. Wilgress,
Mr. Rasminsky,
Assisted by Mr. Reid,
Mr. Jones,
Mr. Malania,
Mr. Ford.

Committee 6. Legal.
Mr. Read,
Mr. Dupuy,
Assisted by Mr. Côté,
Mr. Carter.

League of Nations Committee.
Mr. Wrong,
Assisted by Mr. Rive,
Mr. Jones.

Headquarters Committee.
Mr. Wilgress,
Assisted by Mr. Ritchie.

APPENDIX D

OFFICERS OF THE GENERAL ASSEMBLY AND MEMBERS OF THE SECURITY COUNCIL, OF THE ECONOMIC AND SOCIAL COUNCIL AND OF THE INTERNATIONAL COURT OF JUSTICE

I.

General Assembly

President

H. E. M. Paul-Henri Spaak (Belgium)

Vice-Presidents

Chief Delegates of the following countries:

China
France
The Union of South Africa
The Union of Soviet Socialist Republics
The United Kingdom
The United States of America
Venezuela.

Secretary-General

Mr. Trygve Lie.

I. MAIN COMMITTEES

Committee I (Political and Security):

Chairman: H. E. Dr. Dmitro Z. Manuilsky (Ukrainian Soviet Socialist Republic)
Vice-Chairman: H. E. M. Joseph Bech (Luxembourg)
Rapporteur: H. E. Dr. Homero Viteri Lafronte (Ecuador)

Committee II (Economic and Financial):

Chairman: M. Waclaw Konderski (Poland)
Vice-Chairman: The Hon. Pedro Lopez (Philippine Commonwealth)
Rapporteur: Sr. Eduardo del Portillo (Bolivia)

Committee III (Social, Humanitarian and Cultural):

Chairman: The Rt. Hon. Peter Fraser (New Zealand)
Vice-Chairman: H. E. Lic. Fernando Soto Harrison (Costa Rica)
Rapporteur: Mme. Frieda Dalen (Norway)

Committee IV (Trusteeship):

Chairman: H. E. Dr. Roberto E. MacEachen (Uruguay)
Vice-Chairman: H. E. Blatta Ephrem Tewelde Medhen (Ethiopia)
Rapporteur: Dr. Ivan Kerno (Czechoslovakia)

Committee V (Administrative and Budgetary):
Chairman: H. E. M. Faris Al-Khoury (Syria)
Vice-Chairman: Dr. Ales Bebler (Yugoslavia)
Rapporteur: H. E. M. Thanassis Aghnides (Greece)

Committee VI (Legal):
Chairman: H. E. Dr. Roberto Jiménez (Panama)
Vice-Chairman: H. E. M. Per Federspiel (Denmark)
Rapporteur: Mr. J. E. Read (Canada)

II. PROCEDURAL COMMITTEES

General Committee:
President of General Assembly
Vice-Presidents of General Assembly
Chairmen of Six Main Committees

Credentials Committee:
Chairman: Denmark
Members:
Byelorussian Soviet Socialist Republic
China
France
Haiti
Paraguay
Philippine Commonwealth
Saudi Arabia
Turkey.

III. STANDING COMMITTEES

Advisory Committee for Administrative and Budgetary Questions:
(Members are to be elected at the second part of the First Session of General Assembly)

Committee on Contributions:
Three-Year Term:
Mr. J. P. Brigden (Australia)
Mr. Seymour Jacklin (Union of South Africa)
Dr. Martinez Cabanas (Mexico)
Mr. Nicolai V. Orlov (U.S.S.R.)

Two-Year Term:
M. M. Baumont (France)
Sir Cecil Kisch (U.K.)
Sayid Nedim el Pachachi (Iraq)

One-Year Term:
Mr. Paul H. Appleby (U.S.A.)
Dr. Chi Chao-ting (China)
M. Pavle Lukin (Yugoslavia)

IV. AD HOC COMMITTEES

League of Nations Committee:

Chairman: H. E. M. Erik Andreas Colban (Norway)
Vice-Chairman: H. E. Sheikh Hafiz Wahba (Saudi Arabia)
Rapporteur: Mr. H. T. Andrews (Union of South Africa)

Headquarters Committee:

Chairman: H. E. Dr. Eduardo Zuleta Angel (Colombia)
Vice-Chairman: H. E. Mr. L. D. Wilgress (Canada)
Rapporteur: H. E. M. Nasrollah Entezam (Iran)

V. COMMISSION OF THE GENERAL ASSEMBLY

Atomic Energy Commission:

Permanent Members:	*Non-Permanent Members:*	
Canada	*Two Year Term:*	Australia
China		Brazil
France		Poland
U.S.S.R.	*One Year Term:*	Egypt
United Kingdom		Mexico
United States		The Netherlands

II

SECURITY COUNCIL

Permanent Members:	*Non-Permanent Members:*	
China	*Two Year Term:*	Australia
France		Brazil
U.S.S.R.		Poland
United Kingdom	*One Year Term:*	Egypt
United States		Mexico
		The Netherlands

III

ECONOMIC AND SOCIAL COUNCIL

President:

The Hon. Dewan Bahadur Sir Ramaswami Mudaliar (India).

Vice-Presidents:

Dr. Andrija Stampar (Yugoslavia)
H. E. Dr. Carlos Lleras Restrepo (Colombia).

Members:

Three Years	*Two Years*	*One Year*
Belgium	Cuba	Colombia
Canada	Czechoslovakia	Greece
Chile	India	Lebanon
China	Norway	Ukrainian S.S.R.
France	U.S.S.R.	United States
Peru	United Kingdom	Yugoslavia

COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL

(i) *Commission on Narcotic Drugs:* Representatives of Canada, China, Egypt, France, India, Iran, Mexico, Netherlands, Peru, Poland, Turkey, United Kingdom, United States, U.S.S.R., and Yugoslavia.

(ii) *Commission on Human Rights:* Experts from the following countries—Belgium, China, France, India, Norway, Peru, United States, U.S.S.R., Yugoslavia.
Sub-Commission on the Status of Women: Experts from the following countries—China, Chile, Denmark, Dominican Republic, France, India, Lebanon, Poland, U.S.S.R.

(iii) *Economic and Employment Commission:* Experts from the following countries—Belgium, Canada, China, Colombia, Czechoslovakia, Greece, United Kingdom, United States, U.S.S.R.

(iv) *Statistical Commission:* Experts from the following countries —Brazil, China, France, India, Norway, Ukrainian S.S.R., United Kingdom, United States, U.S.S.R.

(v) *Temporary Social Commission:* Experts from the following countries—Colombia, Cuba, Czechoslovakia, France, Greece, Peru, Ukrainian S.S.R., United Kingdom, Yugoslavia.

(vi) *Temporary Transport and Communications Commission:* Experts from the following countries—Chile, China, Czechoslovakia, India, France, Norway, United Kingdom, United States, U.S.S.R.

COMMITTEES OF THE ECONOMIC AND SOCIAL COUNCIL

(i) *Negotiating Committee with Specialized Agencies:* The President, Belgium, Canada, Chile, China, Colombia, Czechoslovakia, France, Norway, United Kingdom, United States, U.S.S.R.

(ii) *Committee on Consultation with Non-Governmental Organizations:* The President, China, Cuba, France, Greece, Lebanon, Peru, Ukrainian S.S.R., United Kingdom, United States, U.S.S.R., Yugoslavia.

(iii) *Technical Preparatory Committee of the International Health Conference:* Experts from the following countries—Argentine, Belgium, Brazil, Canada, China, Czechoslovakia, Egypt, France, Greece, India, Mexico, Norway, Poland, United Kingdom, United States, Yugoslavia.

(iv) *Committee on Refugees and Displaced Persons:* Australia, Belgium, Brazil, Byelorussian S.S.R., Canada, China, Colombia, Czechoslovakia, Dominican Republic, France, Lebanon, Netherlands, New Zealand, Peru, Poland, Ukrainian S.S.R., United Kingdom, United States, U.S.S.R., Yugoslavia.

(v) *Preparatory Committee of the International Conference on Trade and Employment:* Australia, Belgium, Luxembourg, Brazil, Canada, Chile, Cuba, Czechoslovakia, France, India, Lebanon, Netherlands, New Zealand, Norway, South Africa, United Kingdom, United States, U.S.S.R.

IV

Members of the International Court of Justice

Nine Year Term:

M. Jules Basdevant (France)
H.E. Dr. Jose Gustavo Guerrero (El Salvador)
Sir Arnold Duncan McNair (U.K.)
Dr. Alejandro Alvarez (Chile)
Dr. J. Philadelpho de Barros Azevedo (Brazil).

Six Year Term:

Lic. Isidro Fabela Alfaro (Mexico)
Dr. Helge Klaestad (Norway)
M. Charles de Visscher (Belgium)
Mr. Green H. Hackworth (U.S.A.)
Prof. Sergey Borisovich Krylov (U.S.S.R.).

Three Year Term:

Dr. Miloran Zoricic (Yugoslavia)
Mr. John E. Read (Canada)
Dr. Bogdan Winiarski (Poland)
H.E. Dr. Abdel Hamid Badawi Pasha (Egypt)
Dr. Hsu Mo (China).

THE UNITED NATIONS
1946

REPORT ON THE SECOND PART OF
THE FIRST SESSION OF THE GENERAL ASSEMBLY
OF THE UNITED NATIONS HELD IN NEW YORK,
OCTOBER 23 - DECEMBER 15, 1946

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DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA, CANADA

CONFERENCE SERIES 1946—No. 3

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

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 part of the First Session of the General Assembly of the United Nations, which was held in New York from October 23 to December 15, 1946.

The report on the first part of the First Session of the General Assembly, held in London from January 10 to February 14, 1946, was transmitted to you on April 24, 1946. The report on the San Francisco Conference, which took place from April 25 to June 26, 1945, was transmitted to you on September 1, 1945.

These three reports describe the progress of the United Nations and Canada's participation in it from the opening of the San Francisco Conference to the end of 1946.

I have the honour to be, Sir,

Your Excellency's obedient servant,

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

OTTAWA, March 1, 1947.

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PREFACE

THE STRUCTURE OF THE UNITED NATIONS

Principal Organs

The General Assembly

The General Assembly consists of the fifty-five states which are Members of the United Nations. Each Member has one vote in Assembly. Each Member may send to a session of the Assembly five representatives, five alternate representatives and as many advisers and experts as it considers necessary.

The regular annual sessions of the Assembly begin on the third Tuesday in September. The average length of a session will probably be five to eight weeks. Special sessions may be held. Thus a special session will eventually be held to adopt disarmament treaties or conventions based on plans drawn up by the Security Council.

Each regular session opens with a general debate during which the head of almost every delegation gives a speech outlining the approach of his delegation to the questions on the agenda of the session. The items on the agenda are then referred to the committees of the Assembly. The committees report back resolutions to the Assembly.

The Assembly has six main committees, on which each delegation is represented:—

First Committee—Political and Security (including the regulation of armaments);
Second Committee—Economic and Financial;
Third Committee—Social, Humanitarian and Cultural;
Fourth Committee—Trusteeship;
Fifth Committee—Administrative and Budgetary;
Sixth Committee—Legal.

The Assembly also has two special permanent committees: an Advisory Committee on Administrative and Budgetary Ques-

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tions, consisting of nine persons; a Committee on Contributions, consisting of ten persons. The steering committee of the Assembly is called the General Committee. It consists of the President of the Assembly, seven vice-presidents and the chairmen of the six main committees. These officers are elected at each session.

The committees take decisions by a majority of the members present and voting. The Assembly decides important questions by a two-thirds majority of the members present and voting, and other questions by a majority.

The Security Council

The Security Council consists of five permanent members (China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America), and six non-permanent members selected for two-year terms by the Assembly at its regular annual session. Non-permanent members are not eligible for immediate re-election. The present non-permanent members are Australia, Brazil, Poland, Belgium, Colombia and Syria. The terms of office of the first three expire on December 31, 1947, and of the other three on December 31, 1948.

The Security Council is so organized as to be able to function continuously.

The Economic and Social Council

The Economic and Social Council consists of eighteen Members of the U.N. elected for three-year terms by the Assembly at its regular annual session. Members are eligible for immediate re-election. The present members are: Cuba, Czechoslovakia, India, Norway, the U.S.S.R., and the United Kingdom, which serve until December 31, 1947; Canada, Chile, China, France, the Netherlands, and Peru, which serve until December 31, 1948; and Byelorussia, Lebanon, New Zealand, Turkey, the U.S.A., and Venezuela, which serve until December 31, 1949.

The Economic and Social Council holds at least three sessions a year.

It has established nine commissions. Some have twelve members; some fifteen and some eighteen. The Council elects states as members of the commissions and each state appoints an expert to serve on the commission. The nine commissions are:—

Economic and Employment
Fiscal
Human Rights
Narcotic Drugs
Population
Social
Statistical
Status of Women
Transport and Communications.

The Trusteeship Council

China, France, the U.S.S.R., the United Kingdom, and the U.S.A. are permanent members of the Trusteeship Council. Australia, Belgium and New Zealand are also permanent members, since they administer trust territories. Any other state which becomes the administrator of a trust territory will become a permanent member of the Trusteeship Council. The Assembly elects to the Trusteeship Council whatever number of other states is required to create an equal balance in the Council between states which administer trust territories and those which do not. These elected members serve for three-year terms and are eligible for immediate re-election. The present elected members are Iraq and Mexico, which will serve until December 31, 1949.

The International Court of Justice

The International Court of Justice is the principal judicial organ of the United Nations. It consists of fifteen judges, elected by the General Assembly and the Security Council for nine-year terms. Judges are eligible for immediate re-election.

Since, at the first election in February, 1946, all fifteen judges were being elected, it was necessary to choose by lot five to serve for nine years, five for six, and five for three. Five judges will therefore be elected at the regular session of the Assembly in 1948, and five every three years thereafter. The present judges are:—

Dr. J. G. Guerrero (El Salvador), President*
Dr. A. Alvarez (Chile)*
Dr. J. Azevedo (Brazil)*

H. E. Dr. Abdel Hamid Badawi Pasha (Egypt)
Professor Jules Basdevant (France)*
Lic. I. Fabela Alfaro (Mexico)†
The Honourable G. H. Hackworth (U.S.A.)*
Dr. M. Hsu (China)
Dr. H. Klaestad (Norway)*
Professor S. B. Krylov (U.S.S.R.)*
Sir Arnold D. McNair (U.K.)*
Mr. J. E. Read (Canada)
Dr. C. de Visscher (Belgium)†
Dr. Bogdan Winiarski (Poland)
Dr. M. Zoricic (Yugoslavia)

The seat of the Court is at The Hague, but the Court may sit elsewhere.

The Secretariat

The Secretariat consists of the Secretary-General (Mr. Trygve Lie), eight assistant secretaries-general, and about three thousand other employees.

The Secretary-General is appointed for a five-year term by the General Assembly on the recommendation of the Security Council He is eligible for appointment for a further five-year term. He appoints the other members of the Secretariat, under regulations established by the Assembly and in accordance with the provision of the Charter that the "paramount consideration . . . shall be the necessity of securing the highest standards of efficiency, competence and integrity".

The Secretariat is divided into eight departments, each of which is directed by an assistant secretary-general:

(1) Security Council Affairs, Mr. A. A. Sobolev;
(2) Economic Affairs, Mr. David Owen;
(3) Social Affairs, M. Henri Laugier;
(4) Trusteeship and Information from Non-Self-Governing Territories, Dr. Victor Hoo;
(5) Public Information, Mr. Benjamin Cohen;
(6) Legal, Dr. Ivan Kerno;
(7) Conference and General Services, Mr. Adrian Pelt;
(8) Administrative and Financial Services, Mr. Byron Price.

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* Nine-year term.
† Six-year term.

Subsidiary Organs

The Military Staff Committee

The Military Staff Committee is a subsidiary organ of the Security Council. It consists of the Chiefs of Staff of the permanent members of the Security Council, or their representatives.

The Atomic Energy Commission

The Atomic Energy Commission was created by the General Assembly by a resolution of January 24, 1946,[1] and is a subsidiary organ of the Assembly. It consists of six permanent members (Canada, China, France, the U.S.S.R., the United Kingdom, and the U.S.A.), and the non-permanent members of the Security Council.

It is responsible for proposing specific solutions of the problems raised by the discovery of atomic energy and related matters.

The International Children's Emergency Fund

The International Children's Emergency Fund was established by the General Assembly by a resolution of December 11, 1946, to provide assistance to children and adolescents, especially of countries which were victims of aggression. The Fund is to be administered by an Executive Director under policies established by an Executive Board, in accordance with principles laid down by the Economic and Social Council. The Executive Director is to be appointed by the Secretary-General of the U.N. The Executive Board consists of the representatives of twenty-five states designated by the General Assembly.

Budget

The expenses of the U.N. are, at present, about $28,000,000 (U.S.) a year. The budget must be approved by a two-thirds vote of the General Assembly. The Assembly, also by a two-thirds vote, approves of the apportionment of the expenses among the Members of the U.N.

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[1]The text of the resolution creating the Atomic Energy Commission is given in the Canadian report on the London Assembly, pp. 66-7. (The official title of this report is "Report on the first part of the First Session of the General Assembly of the United Nations held in London, January 10-February 14, 1946. Department of External Affairs, Conference Series, 1946, No. 1.")

Constitution

The U.N. has a written constitution, the Charter of the United Nations, drawn up at the San Francisco Conference in 1945 on the basis of the Dumbarton Oaks Proposals.[1] This constitution is supplemented by resolutions of the nature of constitutional statutes passed by the various organs. Thus the Assembly, the three Councils and the Court each has its rules of procedure. There are staff regulations and financial regulations which have been adopted by the Assembly.

The Constitution of the U.N. is not a rigid document. It is couched in such terms that it is capable of growth from within by the development of custom and precedent, as well as by the adoption of rules and regulations.

Formal amendments of the Charter come into force only when they have been adopted by a vote of two-thirds of the members of the Assembly and ratified by two-thirds of the Members of the U.N., including all the permanent members of the Security Council.

Specialized Agencies

Specialized agencies are bodies which are not established by the Charter of the U.N. but are established by other inter-governmental agreements and have wide international responsibilities in economic, social, cultural, health and related fields. In order that their activities may be coordinated to a common end, they are brought into relationship with the U.N. by agreements negotiated with the agencies by the Economic and Social Council and approved by the General Assembly. Some of these agreements have already been concluded.

The twelve present or contemplated specialized agencies are:

(1) Universal Postal Union
(2) International Telecommunication Union
(3) International Labour Organization
(4) Food and Agriculture Organization
(5) International Bank for Reconstruction and Development
(6) International Monetary Fund

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[1]The text of the Charter and of the annexed Statute of the International Court of Justice is given in the Canadian report on the San Francisco Conference. (The official title of this report is "Report on the United Nations Conference on International Organization held at San Francisco, 25th April-26th June, 1945. Department of External Affairs, Conference Series, 1945, No. 2.")

(7) United Nations Educational, Cultural and Scientific Organization
(8) International Civil Aviation Organization
(9) World Health Organization
(10) International Refugee Organization
(11) World Trade Organization
(12) World Shipping Organization

The first seven are now in existence. It is expected that during 1947 the present Provisional International Civil Aviation Organization will be replaced by the International Civil Aviation Organization. The constitutions of the health and refugee organizations have been agreed upon and it is expected that these two organizations will come into existence in 1947. The constitutions of the trade and shipping organizations are now being drawn up and it is hoped that they will come into existence in 1948.

Non-Governmental Organizations

The Economic and Social Council is given power by the Charter to make suitable arrangements for consultation with non-governmental organizations which are concerned with international economic, social, cultural, educational, health and related matters. A very large number of such organizations have applied for recognition. The General Assembly has informed the Economic and Social Council that it agrees that four of these organizations should receive preferential treatment: the World Federation of Trade Unions, the International Cooperative Alliance, the American Federation of Labor, and the International Chamber of Commerce.

GENERAL SURVEY

The San Francisco Conference on June 26, 1945, after two months of study and debate, adopted a Charter of the United Nations based on the Dumbarton Oaks Proposals. This Charter came into force on October 24, 1945. Even before it had come into force the Executive Committee of the Preparatory Commission of the United Nations had met in London to prepare for the First Session of the General Assembly. The meetings of the Executive Committee were followed by the meetings of the Preparatory Commission. By the end of 1945 preparations for the holding of the First Session of the General Assembly were complete.

The first part of the First Session of the General Assembly of the United Nations met in London in January and February of 1946. It carried the work of organizing the U.N. a stage further. The Assembly created its main committees and adopted provisional rules of procedure, staff regulations and financial regulations. It brought four of the other principal organs of the U.N. into operation—the Security Council, the Economic and Social Council, the International Court of Justice and the Secretariat. It decided that the temporary headquarters of the U.N. should be New York and that the permanent headquarters should be near New York. It discussed a number of urgent questions of substance.

Between the first and second parts of the First Session of the General Assembly the Security Council held numerous meetings in New York; the Economic and Social Council completed its first session in London and held its second and third sessions in New York; the Court met at The Hague and organized itself; the Secretariat was recruited and organized.

On October 23, 1946, sixteen months after the Charter had been signed and twelve months after it had come into force, the second part of the First Session of the General Assembly opened in New York. The organizational work of the Assembly had been virtually completed in London. The Assembly had now to tackle the job for which it had

been created—to promote co-operation between the peoples and nations of the world so that they might be able to live together as good neighbours, free from fear and want and with liberty of thought and worship.

The second part of the First Session of the Assembly accomplished more than could reasonably have been expected when it opened. In spite of difficulties it was able to establish the Trusteeship Council, the only one of the principal organs of the U.N. which had not been brought into operation at the London Assembly. It approved, after a long debate, the constitution of the International Relief Organization. It worked out a compromise on the vexed question of international relief needs after the termination of UNRRA. It created a new subsidiary organ, the International Children's Emergency Fund which in the long run may do much to restore the devastated countries by improving their primary asset, the younger generation.

It increased notably what may be called the "quasi-legislative" functions of the Assembly. Thus it "affirmed" the "principles of international law" recognized by the Charter of the Nuremberg Tribunal for the trial of the major war criminals of the European Axis; it "declared" that genocide is a crime under international law; and it "adopted" regulations for carrying out Article 102 of the Charter on the registration and publication of international agreements. The Charter does not confer upon the Assembly any legislative power, in the strict sense, in the general field of international law, and no specific authority can be found in the Charter for resolutions of this character. Nevertheless, it was generally agreed that the Assembly possessed inherent power to adopt resolutions expressing its views on contemporary international law, and giving effect to Article 102 of the Charter. It is doubtful whether such resolutions have, in international law, an absolute juridical force. There can be no doubt, however, that important precedents were established and that these resolutions, representing the collective opinions of fifty-five Members of the U.N., will carry great weight in practice.

The resolutions passed during the second part of the First Session, notably those on non-self-governing territories and on India's complaint against South Africa, demonstrate that there is little or no danger that the Assembly will restrictively interpret its own powers

or broadly interpret provisions which, like the domestic jurisdiction clause (paragraph 7 of Article 2 of the Charter), derogate from its authority. The Assembly was, indeed, in no mood to accept what Sir Hartley Shawcross, Attorney-General of the United Kingdom, termed "narrow, pedantic legalism" in interpreting the provisions of the Charter.

Most important of all, the Assembly demonstrated that, when it had delicate political questions to deal with, it would usually deal with them with moderation and restraint. It was, for instance, faced with the fact that the abuse of the right of veto during the first nine months of the existence of the Security Council had impaired the confidence of the world in the efficiency of the Security Council as an instrument for the maintenance of international peace and security. The Assembly did not take the easy course of adopting by an overwhelming majority a resolution censuring the abuse of the right of veto. Realizing that harsh words were of no avail in a resolution whose effectiveness would depend upon its persuasiveness, the Assembly concentrated its efforts on discussing specific reforms which the Security Council might adopt in its practices and procedures especially in relation to the pacific settlement of international disputes and the peaceful adjustment of international situations.

The Assembly thus demonstrated in its dealings with the Security Council that it realized the limitations of its powers and was concerned to find the most effective way in which it could exercise its limited powers. It is too soon to say how effective the Assembly's discussions of the abuse of the veto were. Nevertheless the veto has not once (up to March 1, 1947) been invoked in the Security Council since the opening of the second part of the First Session of the General Assembly.

When the Assembly was faced with the fact that a member of the Security Council had clearly violated the spirit of the Charter by vetoing on improper and irrelevant grounds the admission to the U.N. of three states, the members of the Assembly, instead of formally censuring the action of that power, expressed their opinion in a series of forceful speeches given by national representatives and then passed a resolution which drew attention in its preamble to the precise terms of the article of the Charter governing the admission of new Members,

and requested the Security Council to re-examine all the applications for membership before it on their respective merits as measured by the yardstick of the Charter.

Likewise the Assembly, early in its discussions, came to the conclusion that it ought not to accede to the South African suggestion that it approve the incorporation of South West Africa in the Union of South Africa. Some of the members wished to express this conclusion in terms which were unnecessarily offensive to South Africa and involved a questionable interpretation of the Charter. These members were willing, however, not to press their point and the result was the unanimous adoption by the Assembly of a resolution which stated, in terms which while firm were courteous, that the Assembly was unable to accede to the incorporation and invited South Africa to place South West Africa under trusteeship.

It would, of course, be idle to claim that in all delicate political matters the Assembly acted with moderation and restraint. That would be too much to expect of any deliberative body when it is dealing with questions which arouse deep feelings. Appeals to passion and prejudice were made by representatives in the debates on the Spanish question and on India's complaint against the treatment of Indians in South Africa. These appeals were not confined to the advocates of any particular resolution.

In both these issues it became apparent that, under present conditions, issues of this character cannot be properly settled in a deliberative body such as the Assembly by counting heads. Thus, in the Spanish debate, a moderate resolution which undoubtedly reflected the views of all but a small minority of the members of the Assembly was rejected by a combination of the votes of those who desired no condemnation of the Franco Government and those who desired a more extreme statement. This rejection was immediately followed by a rejection of a more extreme statement.

Similarly, although the final resolution on India's complaint against South Africa was carried by a two-thirds vote, many remained unconvinced that the Assembly would not have done more to improve the condition of the Indians in South Africa if it had passed unanimously, as it could have done, a resolution suspending a vote of censure on South Africa until the International Court of Justice had,

after sending a commission of enquiry to South Africa to establish the facts, decided the preliminary question of the jurisdiction of the Assembly to deal with the substance of India's complaint.

What appears to be the most important accomplishment of the second part of the First Session of the General Assembly was its unanimous adoption on December 14 of a resolution on the principles covering the general regulation and reduction of armaments. The unanimous adoption of this resolution was made possible only by joint and sustained efforts by many delegations to reconcile the separate proposals which each had advanced. These efforts were based on a common recognition of the fact that, if an Assembly resolution on disarmament was to have practical results, it had to be concurred in by all the heavily armed powers and by the great majority of all the other powers.

One encouraging feature of the second part of the First Session of the Assembly was that in voting on important questions there were few hard and fast blocs of states. A study of ten significant votes shows that the twenty Latin-American republics did not cast a solid vote on any one of these ten questions. The nearest they came to it was in two issues where sixteen voted the same way, none the other way, two or three abstained, and the rest were absent. On these two issues, however, the rest of the Assembly, with the exception of the six Eastern European states, was likewise unanimous. The largest number of votes the Latin-American republics cast on the same side on any one of the other eight issues was thirteen. Australia, Canada, New Zealand, South Africa and the United Kingdom voted the same way on only four of the ten votes. The five Arab states voted the same way on six. The six Eastern European states voted the same way on eight votes; on the other votes Czechoslovakia abstained.

Much of what the First Session was able to accomplish was due to the wisdom, patience and understanding of its President, M. Spaak, the Foreign Minister of Belgium. In his closing address to the Assembly on December 16 he said:

> "In presiding over these debates, what struck me forcibly was the difference between our meetings and those of Geneva. I went to

Geneva a few times before the war, and I had the impression of being at a meeting of diplomats. Here I have had the distinct impression of being at a meeting of statesmen.

"I really do think that we have set up a tentative world parliament. I am not quite sure yet that the system is entirely good, but I must admit that the first attempt which we have witnessed here inspires me with confidence. . . .

"You are about to separate, and in a few hours, or days, you will be back in your own countries. I am convinced that you all feel that the message you are able to take back to your governments and to your peoples is a message of confidence.

"I have often said, in the speeches I have made, that we shall not succeed in carrying out our task unless we practice those two great international virtues: understanding and co-operation. In closing this session, I wish to say that I have seen the representatives as a whole practising understanding and the virtue of co-operation in a way I have never seen before.

"To-day, we are on the right road. The message which we are sending out from here to the world is a message of confidence and hope. And I trust that one day, when we look back on the work we have done, we shall feel proud that we took part in this second part of the First Session."

The Canadian Attitude

The approach of the Canadian delegation to the problems on the agenda of the second part of the First Session of the General Assembly was set forth in the statement made by the Chairman of the Canadian delegation on October 29, 1946, in the opening debate in the General Assembly.[1]

The Canadian delegation urged that it was more important for the Assembly to take steps to remedy the shortcomings of the U.N., of which the peoples of the U.N. were so conscious, than to derive too great satisfaction from what had been accomplished. One of these shortcomings was the failure of the Security Council and the Military Staff Committee to make substantial progress towards concluding the special agreements with individual Members which were necessary in order to put world force behind world law. Not only was it necessary that the Security Council should be equipped and ready in fact to enforce proper decisions for the maintenance of world peace, but it was also in the interest of all Members that serious consideration should be given to the reduction of national armaments.

[1]The text of this statement is given in Appendix I, pp. 165 to 167.

The Security Council had unfortunately not so far given the impression that it was taking positive action to promote the peaceful settlement of disputes. While the time had not yet come to try to amend the Charter, the time had come for the Assembly to make practical recommendations on how, within the framework of the present Charter, the Security Council could more effectively discharge its vital functions.

It would be necessary for the Assembly to interpret some of the more important provisions of the Charter. In establishing these precedents it was essential to remember that it was a constitution which was being interpreted and not a domestic statute, and that the Charter to be successful must be interpreted in such a way as to encourage its growth and adaptation to changing circumstances. Provisions which added to the authority of the U.N. should be broadly interpreted and those which detracted from its authority should be given a restrictive interpretation.

The Assembly should satisfy public opinion throughout the world that the finances of the Organization were being employed in the best interests of the U.N. The Secretariat should possess the highest standards of efficiency, competence and integrity and the budgetary and financial administration of the U.N. should be beyond reproach.

Every possible precaution should be taken against the unnecessary multiplication of international organizations, conferences, councils and commissions and the unnecessary prolongation of international meetings in terms of their accomplishment. Otherwise there would be wasteful diversion of effort and of resources and this would impose unnecessary burdens not only on the international organizations concerned, but also on the national governments and their delegations.

The people of Canada looked upon the U.N. not as a temporary expedient, but as a permanent partnership—a partnership among the peoples of the world for their common peace and common well-being.

The statement of the Chairman of the Canadian delegation concluded with the following passage:

> "Each state represented here has its own ideals, its own standards, its own ways of life. Differences of outlook are therefore inevitable. It is what we do about these differences that is crucial. Attempts to exploit them to the advantage of any nation or group of nations can accomplish nothing wholesome or constructive. Let us beware of

recrimination, of charge and counter-charge. Let us, with good-will, patience and forbearance, pursue the course which leads to resolution and not exploitation of differences. Let us proceed with the business of this Assembly, all of us determined to work together in the interests of peace and understanding among the nations. In this way alone can we produce a record of accomplishment worthy of the respect of all the peoples of a united world."

The attitude set forth by the Chairman of the delegation in this opening speech was reflected in the statements and votes of the Canadian representatives on the various committees of the Assembly. The contribution of the Canadian delegation to the specific problems which were discussed is set forth in this report and the text of a number of statements made by Canadian representatives in the committees and at the plenary meetings of the Assembly is given in the appendices.

Political Questions

1. DISARMAMENT

What appears to be the most important accomplishment of the second part of the First Session of the General Assembly was its unanimous adoption on December 14, 1946, of a resolution on the principles governing the general regulation and reduction of armaments.[1] No one expected, when the second part of the First Session opened on October 23, that it would be possible for all the Members of the United Nations to agree, before the end of 1946, to take this first step towards general disarmament. The unexpected ability of the Members of the U.N. to reach unanimous agreement in the Assembly on this step has done much to restore confidence in the ability of the nations to keep the peace and in the value of the United Nations, and especially its Assembly, as an instrument for the maintenance of international peace and security.

Speaking of the action of the Assembly in adopting this resolution, the President of the Assembly, M. Spaak, the Foreign Minister of Belgium, said in his address on the closing day of the session:—

> "The decision for which we have voted has raised great hopes. Since San Francisco, since the time when we adopted the Charter, we have accomplished nothing so important as the motion on disarmament. If in the months and weeks to come the competent organs [of the United Nations] really succeed in making the text we have submitted to them a living reality, I think that mankind will have entered a new era, which you have ushered in—a fact of which you may well be proud."

The passage of a disarmament resolution by a unanimous vote of the Assembly is, as M. Spaak implied, no more than a first step. It is now the responsibility of the Security Council, with the assistance of the Atomic Energy Commission and the Military Staff Committee, to take the second and more difficult step—to conclude the special agreements putting armed forces at the disposal of the Security Council, and to draw up concrete plans or draft conventions on disarmament for submission to a special session of the General Assembly. It will then be necessary for the Members of the U.N.,

[1]The text of this resolution is given in Appendix II, pp. 173 to 175.

meeting in special session of the General Assembly, to agree on the texts of the necessary international conventions. Finally, the conventions adopted by the Assembly will have to be ratified by the signatory states before they can come into force and the actual reduction, regulation or prohibition of armaments be accomplished.

Speaking on this point in the General Assembly on December 14, 1946, just before the adoption of the disarmament resolution, the Canadian representative said:—

> "Let us not mislead ourselves and our peoples about the difficulties of the task which lies ahead of us. We will today only have laid an essential stone in the foundation of a just and stable world order, in which it may be possible for men and nations by their joint and sustained efforts to live together as good neighbours, free from fear and want and with liberty of thought and worship.
>
> "The task of completing the edifice of peace will be heavy. It will be long and dreary. It will be full of setbacks and heartbreaks. There will be brief moments of elation, such as that of last night and of today, but there will also be periods of despair. If we, the peoples of the United Nations, are to succeed in our task we must be willing to experiment, and to run great risks to attain great objectives. We must be resolute and display in our just cause a holy obstinacy.
>
> "We must have faith in ourselves and in each other. Above all we must remember that all men are brothers and that upon the dignity, the liberty, the inviolability of the individual men, women and children of the world depend the welfare of the people, the safety of the state and the peace of the world."

The resolution adopted by the Assembly deals with four related aspects of the disarmament problem:

(1) the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction;
(2) the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;
(3) the placing of armed forces at the disposal of the Security Council;
(4) the general regulation and reduction of armaments and armed forces.

So far as the first two aspects are concerned, the resolution reaffirms the Assembly resolution of January 24, 1946, which set up the Atomic Energy Commission; it urges the Commission to fulfill its terms of reference as set forth in section 5 of that resolution;[1] it recommends that the Security Council expedite consideration of a

[1]These terms of reference are quoted in paragraph 3 of the draft resolution on disarmament presented by the Canadian delegation on November 28, 1946. See page 170. The complete text of the Assembly resolution of January 24, 1946 is given in the Canadian report on the London Assembly, pp. 66-7.

draft international convention, or conventions, based on the reports of the Commission; and it states that these conventions should create, within the framework of the Security Council, an international system of control and inspection operating through special organs deriving their powers and status from the conventions.

On the third aspect of the problem, "the General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter."[1]

The first two aspects of the problem had already been dealt with by the Assembly in its resolution of January 24, 1946. It was not therefore necessary for the Assembly to deal with these two aspects in detail in its December resolution. However, on the fourth aspect —the general regulation and reduction of armaments and armed forces—the Assembly was breaking new and difficult ground. It was therefore necessary for the Assembly to go into considerable detail if its work was to be constructive.

The resolution sets forth the four stages of the process of general disarmament. The first stage is that which the Assembly took in adopting, in virtue of its powers under Article 11 of the Charter, a resolution on the principles which should govern the general regulation and reduction of armaments. The second stage is the formulation by the Security Council, under Article 26 of the Charter, of plans for the establishment of a system for the regulation and reduction of armaments. During this stage the Security Council will be doing the work of a preparatory commission on disarmament. The third stage is the consideration by all the Members of the U.N.,

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[1]Article 43 of the Charter reads as follows:

4. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

at a special session of the General Assembly, of the plans formulated by the Security Council. The fourth stage in the process of general disarmament is the ratification by the signatory states and the coming into force of the disarmament treaties or conventions approved by the General Assembly in special session.

The resolution establishes four principles of general disarmament:—

(1) An early general regulation and reduction of armaments and armed forces is necessary in order to strengthen international peace and security;

(2) Practical measures shall be agreed upon to assure that the regulation and reduction of armaments and armed forces will be generally observed by all participants and not by some only;

(3) Practical and effective safeguards by way of inspection and other means shall be provided to protect complying states against the hazards of violations and evasions;

(4) The international convention or conventions on disarmament shall create, within the framework of the Security Council, an international system of control and inspection, operating through special organs deriving their powers and status from the convention or conventions.

These principles, which are stated explicitly in the resolution, clearly imply that the international system of control and inspection of general disarmament will have to be clothed with all the powers required to implement practical and effective safeguards by way of inspection and other means and to detect and report on any breach or threatened breach of the disarmament convention or conventions. There can be no requirement of unanimity in the organs of the international system of control and inspection since, if any state had a veto over inspection and report, other states would obviously not be protected against violations and evasions by that state or by states which it was attempting to shield. Nor would there be assurance that the conventions were being generally observed by all participants and not by some only.

Not only does the resolution set forth the four stages of general disarmament and establish four explicit principles and one implicit conclusion, it also puts the responsibility for speedily completing the next stage in the process of disarmament squarely on the shoulders of the Security Council. The Security Council is

asked by the Assembly to "give prompt consideration" to working out the "practical measures" referred to in the second principle and the "practical and effective safeguards" referred to in the third principle. In their turn the Members of the U.N. are called upon to render every possible assistance to the Security Council in its work.

The task of securing unanimous agreement in the Assembly on a useful disarmament resolution was one of very great difficulty. The issues were complex in themselves and were further complicated by the introduction by the Soviet delegation of a resolution on the presence in foreign territories (other than ex-enemy territories) of armed forces of Members of the U.N. The debate on this in the Political Committee immediately preceded the debate on disarmament. Later the two issues became inextricably intertwined and the final result was the passage by the Assembly on December 14, 1946, of a resolution which merely called upon the Security Council to determine, as soon as possible, the information which the Members of the U.N. should be called upon to furnish in order to implement the disarmament resolution as soon as possible.

To the Soviet delegation belongs the credit of initiating discussion of a disarmament resolution, but the Soviet resolution,[1] both in its original form of October 29 and as amplified on November 26, was unsatisfactory even as a basis of discussion. It, like the United States substitute resolution of November 30,[1] stated objectives in general terms but did not sufficiently point the way to a speedy attainment of the objectives. A comparison of either resolution with the text of the final Assembly resolution demonstrates how large were the gaps in both the Soviet and the United States resolutions. The Soviet and United States resolutions not only contained gaps; they were also, in important respects, ambiguous.

Experience, particularly during the past few years, has amply demonstrated that international declarations which can be given a number of conflicting meanings cause international resentment and create obstacles to the attainment of the ends which their authors

[1] The text of the Soviet resolution is given in Appendix II, p 168, and the text of the United States resolution on p. 171.

had in view. Even in its final form, the disarmament resolution passed by the Assembly has caused difficulty in the Security Council. This has, at least in part, been due to the fact that a number of the paragraphs of the resolution deal with both (*a*) the control of atomic energy and the prohibition of weapons of mass destruction and (*b*) the general regulation and reduction of armaments and armed forces. (The Canadian delegation protested without avail against this drafting). It is clear that had the final resolution contained not only this imperfection but also the other ambiguities present in the original Soviet and United States resolutions, the debates which would have been precipitated in the Security Council and the Atomic Energy Commission on what the words of the resolution meant and what it was the Assembly had recommended the Security Council and the Atomic Energy Commission to do would have been long, harassing and probably sterile.

What appeared to the Canadian delegation to be a major fault in the Soviet resolution was that it stated that the primary objective was "the prohibition to produce and use atomic energy for military purposes". Two other references were made in the Soviet resolution to "the prohibition of the use of atomic energy for military purposes". No reference was made to the control of atomic energy to ensure that it may be used but only for peaceful purposes. The processes involved in the development of atomic energy for peaceful and for military uses are the same until the final stages. Therefore, unless the production and use of atomic energy are to be prohibited for both peaceful and military purposes, means must be provided to ensure that atomic energy is controlled to the extent necessary to ensure its use only for peaceful purposes. The primary objective was therefore not, as the Soviet delegation urged, "the prohibition to produce and use atomic energy for military purposes", but the expeditious fulfilment by the Atomic Energy Commission of all its terms of reference, which included both the elimination of atomic weapons and also the control of atomic energy.[1]

[1]The weaknesses in the Soviet resolution are analyzed in the statements made by the Canadian representative on November 28 and 30, 1946. See Appendix II, pp. 183 to 189.

This error which originated in the Soviet resolution, persisted until almost the final draft of the Assembly resolution. Thus it was still present, though couched in different language, in the draft submitted on December 11, 1946, by the drafting group of nine states to the sub-committee of twenty states.[1]

The United States resolution also gave rise to difficulties. The second paragraph contained a recommendation that "the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946". This might be taken as supporting the view that the report which the Atomic Energy Commission had decided should be submitted to the Security Council before December 31 should not be a progress report, covering only matters which had been fully explored by the Commission, but should cover virtually the whole field dealt with in the original United States proposals submitted to the Commission by Mr. Baruch on June 14, 1946, many aspects of which had not been studied by the Commission. Moreover, in view of the known opposition of the Soviet Government to some of the principles in Mr. Baruch's proposals, (notably the proposal that the veto be abolished in relation to enforcement action by the Security Council in the event of violation of the future international agreement on atomic energy), the insistence that priority be given by the Security Council to the Atomic Energy Commission's report was an almost certain obstacle to agreement by the Assembly on a disarmament resolution.

Moreover, the United States resolution contained a recommendation that the Security Council should "give prompt consideration to the working out of proposals to provide . . . practical and effective safeguards in connection with the control of atomic energy". This might be construed to imply that the Atomic Energy Commission had failed to do the job assigned to it by the Assembly in January, which included the making of "specific proposals . . . for effective safeguards" and that the Security Council should take over.

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[1]The text of the report of the drafting group is given in Appendix II, pp. 172 to 173. Some of the weaknesses in this draft are analyzed in the statement made by the Canadian representative on December 12, 1946. See below, pp. 192 to 194.

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In the final text of the resolution on disarmament the first difficulty present in the original United States resolution was removed by the substitution of the words "expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council", for the words "give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946". The second passage was retained in the final text of the disarmament resolution but the danger of misconstruction was lessened by the addition to the resolution of two provisions which did not appear in the original United States resolution: the Atomic Energy Commission was urged to fulfill its terms of reference as set forth in the Assembly's resolution of January; and it was stated that nothing in the disarmament resolution altered or limited the resolution passed by the Assembly in January establishing the Atomic Energy Commission.

The Canadian Contribution

A comparison of the final text of the disarmament resolution with the various preceding drafts, and a study of the Canadian proposals and amendments and of the speeches given in explanation of them, indicate the nature and significance of the contribution which Canada made to the disarmament discussions which took place during the second part of the First Session of the General Assembly.[1]

On October 29, in the opening debate in the General Assembly, the chairman of the Canadian delegation expressed the concern of the Canadian delegation over the failure of the Security Council and the Military Staff Committee to make substantial progress towards a conclusion of the special agreements with Members of the U.N. required to make armed forces and other facilities available to the Security Council. He went on to say:

> "It would be in the interest of all Members of the United Nations to see the Security Council equipped and ready in fact to enforce proper decisions for the maintenance of world peace and also to see serious consideration given to the reduction of national armaments so that the productive capacity of the world thus conserved may be used for improving the living conditions of all peoples."

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[1]The stages in the development of the various paragraphs of the final disarmament resolution are set forth in Appendix II, pp. 175 to 182. The text of the Canadian speeches is given in the same appendix, pp. 183 to 198.

Later in the day on which this statement was made, Mr. Molotov put the Soviet proposal for disarmament before the Assembly. This proposal, coming as it did from one of the two most heavily armed powers of the world, made it appear that immediate progress towards disarmament should be envisaged at once as a political possibility.

The Soviet resolution, because of its inadequacies and ambiguities, required amendment. Canada did not, however, consider it appropriate that a nation with a comparatively small population which had never had armed forces which might constitute a threat to the peace of the world should take the lead in putting forward the necessary amendments. Canada considered it more appropriate that that lead should be taken by the United States, both because it was one of the two most heavily armed powers, and because its interests were especially affected by what appeared to be the Soviet proposal that the atomic bomb should be abolished before measures were agreed upon to carry out other terms of reference of the Atomic Energy Commission.

However, since the proposals made in the Soviet resolution were of direct concern to all nations and not only to the most heavily armed, there was prepared in the Canadian delegation a "working paper" setting forth a tentative draft of a possible substitute for the Soviet resolution. This "working paper" of November 4[1] was prepared as a basis of discussion within the Canadian delegation and was also shown as a provisional and tentative draft to a few other delegations whose general approach to the problem was thought to be much the same as that of the Canadian delegation.

An interval of a month elapsed between the presentation of the Soviet proposal on October 29 and the opening of the debate on disarmament in the Political Committee on November 28. When that debate opened, the United States was not ready to introduce a substitute resolution. The Canadian substitute resolution[2] which was a revision of the working paper of November 4 was therefore immediately introduced. Two days later the United States introduced its substitute resolution[3].

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[1] The text of the working paper is given in Appendix II, pp. 169 to 170.

[2] The text of the Canadian resolution on November 28 is given below, pp. 170 to 171.

[3] The text of the United States resolution of November 30 is given below, p. 171.

After devoting five meetings to a debate on disarmament (November 28, 29, 30, December 2 and 4), the Political Committee appointed a sub-committee of twenty states to study all the relevant resolutions submitted to the committee and to draft, if possible, a unanimously acceptable resolution. This sub-committee took as the basis of its discussion the United States resolution. After four open meetings (December 5, 6, 7 and 9) it appointed a drafting group consisting of the Chairman (M. Spaak of Belgium), the rapporteur (Mr. Clementis of Czechoslovakia), the five great powers, Canada and Egypt. The drafting group held three meetings (December 9, 10 and 11) and reported a provisional draft resolution back to the sub-committee on December 11[1]. Two further meetings of the sub-committee were held (December 11 and 12), to discuss this draft resolution. Three Canadian amendments and one United States amendment to the report of the drafting group were accepted, a number of improvements were made in the language and structure of the resolution and a draft resolution was adopted for presentation to the Political Committee. The Political Committee on December 13, after making a few minor drafting improvements, adopted unanimously and by acclamation the resolution submitted by the sub-committee; and this resolution was likewise adopted unanimously and by acclamation by the General Assembly on December 14.

The critical stage in the discussions was the period of December 9 to 12. At its meetings on December 9 and 10, the drafting group adopted paragraphs 2 and 3 of its draft resolution. The Canadian representative was unable to persuade the other members of the group that the amendments which he was putting forward to these two paragraphs were more than drafting amendments. He therefore had to reserve the position of the Canadian delegation on these two paragraphs. These essential Canadian amendments were, however, accepted unanimously by the sub-committee on December 12. The first was to add at the end of what became paragraph 4 of the final resolution a reference to the necessity of the international conventions providing not only for the prohibition of weapons of mass destruction but also for the control of atomic energy to the

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[1] See pp. 172 to 173 for the text of this provisional draft resolution.

extent necessary to ensure its use only for peaceful purposes. The second was a consequential amendment to what became paragraph 6 of the final resolution.[1]

Canada also secured on December 12 the adoption by the sub-committee of the substance of its amendments to the first paragraph of the draft resolution submitted by the drafting group. This first paragraph became paragraphs 1 and 2 of the final resolution. The purpose of these amendments was to make clear that the action of the Assembly in adopting a resolution on disarmament was only the first of four stages in the process of disarmament. This would help to lessen the danger that the resolution would unintentionally mislead the public into believing that the task of disarmament was a simple one. Moreover it was desirable, in order to avoid unnecessary debate in the future over procedure, to state explicitly the nature of the third stage in the process of disarmament—the submission of the disarmament plans formulated by the Security Council to all the Members of the U.N. for consideration at a special session of the General Assembly at which disarmament treaties or conventions would be adopted. The Canadian amendment to state explicitly the nature of this third stage was adopted by the sub-committee by a vote of ten to eight.

Another contribution made by Canada to the disarmament debate was over the vexed question of a great power veto over the imposition of sanctions. There was danger that the interjection of this question into the Assembly's discussion of the disarmament resolution might make the attainment of unanimous agreement impossible. The Canadian representative therefore urged, at a meeting of the Political Committee on December 4, that this question be approached realistically. If, under present conditions, "there came about a situation where it was felt that sanctions would have to be applied against one of the great powers, it would be a condition of imminent war whether the opposition of that power took the form

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[1]The importance of the first of these amendments is explained in the statement made by the Canadian representative to the sub-committee on December 12, 1946. See pp. 192 to 194.

of resistance or of the veto. The only way by which it could be overcome would be by the use of force and the use of force against a great power means war."[1]

The same issue arose in the Atomic Energy Commission a few days after the adoption by the Assembly of the disarmament resolution. Canada, at that time, circulated to the members of the Commission a memorandum which contained an elaboration of the arguments which it had advanced in the Assembly.[2]

[1]The text of this speech is given below, pp. 189 to 192.
[2]The text of that part of this memorandum of December 19, which dealt with sanctions is given pp. 196 to 198.

2. THE PRACTICES AND PROCEDURES OF THE SECURITY COUNCIL[1]

The Political Committee of the General Assembly was presented with two sets of proposals on the practices and procedures of the Security Council.

The aim of the first set of proposals was to eliminate by amendment of the Charter the right of veto possessed by the permanent members of the Security Council. The aim of the second set of proposals was to reform, within the limits of the Charter as it is, the practices and procedures of the Security Council, especially in relation to the pacific settlement of international disputes and the peaceful adjustment of international situations likely to endanger the maintenance of international peace and security. Both sets of proposals had a common origin—the abuse of the right of veto during the first nine months of the existence of the Security Council.

The view of the great majority of the Assembly was that it was premature to call in question at the very first session of the Assembly the rule of great power unanimity set forth in Article 27 of the Charter. The Cuban proposal that, under Article 109 of the Charter, a General Conference of the Members of the U.N. be held at the end of 1947 for the purpose of reviewing the Charter and of recommending alterations in it, was therefore decisively defeated in Committee. It received the support of only seven members—Argentina, Bolivia, Cuba, Dominican Republic, El Salvador, Honduras, and the Philippine Republic. Twenty-seven members (including Canada) voted against it and eight abstained. A related proposal by Cuba for the appointment of a special committee to recommend amendments of the Charter to the Assembly was rejected by a vote of thirteen in favour, twenty opposed (including Canada) and nine abstentions.

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[1]The background of this question is given in the following sections of the Canadian report on the San Francisco Conference:
Voting in the Security Council (pp. 30-32);
Pacific Settlement of Disputes (pp. 33-35);
Amendments (pp. 66-68).

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From the very outset of the discussions in the Political Committee this result was a foregone conclusion. The members of the Committee were not interested, at this stage in the history of the U.N., in proposals to amend the provisions of the Charter relating to voting in the Security Council. They were, however, "very much concerned", as the spokesman for the Canadian delegation put it in his statement of November 15, "by the impairment of world confidence in the efficiency of the Security Council, as an instrument for the maintenance of international peace and security, which has resulted from the so frequent display of its inability to reach prompt and satisfactory decisions"—an inability which was in large part consequential on the abuse of the right of veto.

The discussions in the Political Committee demonstrated that almost all the Members of the U.N. believed that the Security Council should reform its practices and procedures. It was therefore hoped that the permanent members of the Security Council could reach agreement on a self-denying ordinance, which they would submit to the Committee for its approval, under which each would voluntarily undertake to restrict in future the exercise of its right of veto, and to support improvements in the rules of procedure of the Security Council designed to ensure its more effective functioning. In an effort to secure this agreement, Mr. Bevin, the Foreign Secretary of the United Kingdom, who was then in New York, communicated on November 15, to the other permanent members of the Security Council, a memorandum suggesting seven reforms in the practices and procedures of the Security Council. The permanent members of the Security Council having failed to agree on these suggestions, the memorandum was presented by the United Kingdom to the Political Committee.[1] In presenting this memorandum, the United Kingdom representative stated that the United Kingdom intended to act in accordance with the suggestions contained in it.

The discussions in the Political Committee were resumed and the final result was the passage of an amended version of an Australian resolution. The resolution as passed by the Committee and later by the Assembly reads as follows:

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[1] The text of the memorandum is given in Appendix III, p. 201.

The General Assembly,

Mindful of the Purposes and Principles of the Charter of the United Nations, and having taken notice of the divergencies which have arisen in regard to the application and interpretation of Article 27 of the Charter,

Earnestly requests the permanent members of the Security Council to make every effort, in consultation with one another and with fellow members of the Security Council to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly;

Recommends to the Security Council the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions; and

Further recommends that, in developing such practices and procedures, the Security Council take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.

This resolution was approved by the Assembly by a vote of thirty-six to six, with nine abstentions. Canada voted in favour. The states which voted against were the three Soviet republics and Czechoslovakia, Poland and Yugoslavia. The states which abstained were Chile, China, Denmark, Ethiopia, France, Haiti, Iceland, India and Norway. Costa Rica, Panama and Sweden were absent when the vote was taken.

The resolution as submitted to the Committee had contained a second paragraph in the preamble:—

Considers that, in some instances, the use and the threatened use of such power of veto have not been in keeping either with the general purposes and principles of the Charter or with the understanding of the United Nations Conference on International Organization held at San Francisco.

This paragraph was rejected by the Committee by a vote of ten in favour, nineteen opposed (including Canada), and thirteen abstentions. The views of those who voted against the paragraph were well expressed by the United States representative, who said that it implied a condemnation of past events, that it reflected on members of the Security Council, and that harsh words were of no avail in a resolution whose effectiveness would depend on its persuasiveness.

It is too soon to say how persuasive and effective the resolution will be. It is, as the Canadian representative said in the debate in

the plenary meeting of the Assembly on December 13, "couched in the traditional diplomatic language of understatement". "It clearly means, however," he went on to say, "that we, the members of this Assembly, believe that the Security Council has yet to demonstrate that it is capable of doing the job the United Nations has a right to expect of it, and which is expected of it by the peoples of the world."

The essential part of the resolution is the final recommendation that the Security Council, in developing its practices and procedures, take into consideration the views expressed by Members of the U.N. during the second part of the First Session of the General Assembly. If the Security Council adopts the proposals for reform in its practices and procedures which received at the Assembly the explicit or implicit approval of the great majority of the members of the Assembly, the Security Council will be in a position to fulfill the functions of the supreme world agency for international conciliation.

The Canadian Position

A clear and comprehensive statement of the reforms which the Security Council might adopt is contained in the memorandum on pacific settlement by the Security Council which was submitted by the Canadian delegation to the Political Committee on November 30.[1] This memorandum sets forth in an eight-point program the proposals made by the Canadian representative at the meeting of the Political Committee on November 16. At that time he said,

> "I have thought that, speaking towards the conclusion of this discussion, I might try to bring together as many specific suggestions as possible for improving the practices and procedures of the Security Council within the framework of the Charter as it is, even though some of these suggestions have already been put forward by other delegations. I put these suggestions forward in the hope that they may be of assistance to the members of the Security Council. They, I know, recognize as do the rest of us that difficulties in the practical application of the provisions of the Charter relating to pacific settlement have impaired the confidence of the public in the readiness and ability of the Security Council to fulfill adequately and promptly the obligations imposed on it by all the Members of the United Nations, that the experience of the past nine months has demonstrated that the provisions of the Charter

[1] The text of the memorandum is given in Appendix III, pp. 204-206. It is preceded by extracts from the statement made by the Canadian representative on November 16.

relating to pacific settlement require clarification, and that the procedures followed by the Security Council in dealing with the pacific settlement of disputes and situations require to be more closely defined."

The United Kingdom delegation formally announced in Committee that it gave general support to the Canadian memorandum of November 30. The Australian delegation also associated itself with the principles contained in it. The following is a summary of the memorandum.

The Charter has imposed on each individual member of the Security Council the obligation to exercise its rights and responsibilities as a member of the Council not in defence of its own special national interests but in defence of the interests of the U.N. as a whole.

Permanent members have special responsibilities since failure by any one of them to agree with certain decisions supported by the requisite number of other members of the Council might prevent the Council from exercising its functions as the supreme agency of international conciliation.

In order that a permanent member may not have to veto a proposal which it feels it cannot actively support, the right of a permanent member to refrain from supporting a proposal, without by so doing exercising a veto, shall be formally recognized in the rules of procedure of the Security Council.

The rules of procedure should further provide that, when a state brings a dispute or situation to the attention of the Security Council, it should submit in writing a preliminary statement showing in what manner the continuance of the dispute or situation might endanger the maintenance of international peace and security and setting forth the steps which have been taken by the states concerned to carry out their obligation under the Charter to seek a solution by peaceful means of their own choice before coming to the Security Council.

Since the Security Council's jurisdiction (except on reference by both parties to a dispute) is restricted by the Charter to disputes and situations which are likely to endanger the maintenance of international peace and security, the Security Council should work out agreed procedures to ensure that the early stages of its consideration of a dispute or situation are directed towards settling the preliminary question of the Council's jurisdiction to deal with the matter.

Since the primary responsibilty of the Security Council for the maintenance of international peace and security was conferred on it by the Members of the U.N. to ensure prompt and effective action, the rules and practices of the Council should be based on a recognition of the Security Council's obligation to deal with disputes and situations once it has decided that they come within its jurisdiction.

The Security Council should work out agreed procedures to ensure that no state is judge in its own cause.

3. THE ADMISSION OF NEW MEMBERS[1]

Under Article 3 of the Charter the fifty states represented at the San Francisco Conference, together with Poland, were given the right to become original Members of the U.N. All fifty-one states availed themselves of this right. Article 4 of the 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.

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 great powers (i.e., any one of them can veto the admission of any state), and the decision by the Assembly requires a two-thirds majority of the members present and voting.

Eight applications for membership were voted on by the Security Council on August 29, 1946. After a stormy meeting the Council voted unanimously (with Australia abstaining) in favour of recommending the admission to membership af Afghanistan, Iceland and Sweden, but rejected the applications of Albania, Ireland, Outer Mongolia, Portugal and Transjordan.

The application of Albania was approved by only five members (including the U.S.S.R.). The application of Outer Mongolia was approved by only six members (including the U.S.S.R.). These applications, having failed to secure seven votes, would have been defeated even if the right of veto by an individual great power had not existed. They were not therefore rejected as the outcome of the exercise of the veto.

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[1]The background of this question is given in the Canadian report on the San Francisco Conference, pp. 19-20.

Eight states voted for the admission of Transjordan and Portugal. Poland and the U.S.S.R. voted against their admission and Australia, for peculiar constitutional reasons, abstained from voting on all eight applications. In the voting on the application of Ireland for admission, the only state which voted against the application was the U.S.S.R.

Thus one member of the Security Council, by its individual veto had prevented a great majority of the members of the Council from recommending to the Assembly the admission of Ireland, Portugal and Transjordan.

The sole reason given by the Soviet representative in the Security Council for voting against the admission of Ireland, Portugal and Transjordan was that these countries did "not have normal diplomatic relations with the Soviet Union".

The General Assembly was, therefore, faced with two questions. The first was whether it would concur with the recommendation of the Security Council that Afghanistan, Iceland and Sweden should be admitted to the United Nations. The second was what, if anything, it should do about the applications for admission of the other five states which had failed to secure the approval of the Security Council.

On the first question there was no doubt as to the decision which should be made and the Assembly, unanimously and with virtually no debate, decided that Afghanistan, Iceland and Sweden should be admitted to the United Nations. Canada wholeheartedly endorsed this decision. Later in the session Siam was admitted into the U.N. by unanimous vote of the Security Council and of the Assembly.

The other question was, however, more complex. A member of the Security Council had clearly violated the spirit of the Charter by vetoing on improper and irrelevant grounds the admission to the U.N. of Ireland, Portugal and Transjordan. The Assembly could pass a vote of censure on that member for its action and could recommend to the Security Council that it admit all or some of those three states. It could also express its concurrence or non-concurrence in the action of the Security Council in rejecting the applications of Albania and Outer Mongolia. However, while the Assembly would

be constitutionally competent to take such action, it was doubtful whether the action would serve any useful purpose. Under the terms of the Charter any great power could veto the admission of any state. Nothing which the Assembly could do could change this. In this, as in other aspects of the abuse of the veto in the Security Council, the effectiveness of any discussion or action by the Assembly would depend upon its persuasiveness.

Faced with this situation, the Political Committee of the Assembly took the only useful course open to it. There was no censure by formal resolution but a series of speeches were delivered which made clear the opinion of the great majority of the members of the Committee. The Committee then passed a resolution which drew attention in its preamble to the precise terms of Article 4 of the Charter and went on to recommend to the Security Council that it re-examine the applications of the five states, whose admission had not been recommended by the Security Council, "on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4". This resolution was adopted by the Committee by forty-two votes (including Canada's) to nothing, with seven abstentions. It was subsequently adopted unanimously by the Assembly.

The Canadian Position

The attitude of the Canadian delegation was set forth clearly in the Canadian statement of November 5 to the Political Committee.[1] Canada rejected as wholly improper and contrary to the Charter the creation by any Member of the U.N. of a new criterion for membership in the United Nations which was not set forth in the Charter, this new criterion being the maintenance of normal diplomatic relations with that Member. Canada insisted that the San Francisco Conference had decided against including in the Charter criteria for membership more specific than those now set forth in the Charter.

Moreover, the new criterion relied upon was one which could not be defended. The Charter specifically referred to membership in the U.N. of " all *other* peace-loving states". This meant that, for the purposes of the Charter, the term "peace-loving" described all

[1]The text of the speech is given in Appendix IV, pp. 207-208.

the original Members of the U.N. A number of these fifty-one states entitled to become original Members did not, at the time of the signing of the San Francisco Charter, have normal diplomatic relations with all the permanent members of the Security Council. Therefore, it was wholly unconstitutional and improper for a permanent member now to contend that a state was not peace-loving if it did not maintain normal diplomatic relations with it.

Canada, therefore, considered that the action of the Soviet Union in vetoing the admission to the U.N. of Ireland, Portugal and Transjordan on the ground that they did not have normal diplomatic relations with the Soviet Union was a violation of the Charter.

This did not mean that Canada necessarily favoured the admission of all three states. It was clear, however, that Ireland, Portugal and Transjordan were peace-loving states within the meaning of Article 4 of the Charter. Therefore, their applications for membership should be examined from the standpoint of whether or not they satisfied the second criterion of Article 4 of the Charter—ability and willingness to carry out the obligations of the Charter. The Canadian representative went on to say:—

> "In this connection a principal factor in our view is that the state concerned should possess a sufficient degree of sovereignty to enable it to carry out the obligations imposed by the Charter. The degree of dependence of an applicant upon another state, therefore, is relevant to the enquiry."

Canada had no doubts as to the eligibility of Ireland and Portugal. The information available to the Committee indicated, however, that some doubt existed as to the ability of Transjordan to carry out independently the obligations of the Charter. Canada stated that it would, therefore, like to have an opportunity of examining more closely the position of Transjordan from this point of view before advocating its admission to the U.N.

As this was the first time that the Assembly was dealing with the applications of states for membership in the U.N., it was essential that nothing which the Assembly did should create a dangerous precedent. It was for this reason that Canada emphasized the importance of an applicant state possessing a sufficient degree of

sovereignty to enable it to carry out independently the obligations imposed by the Charter and insisted that the degree of dependence of an applicant upon another state was a relevant consideration.

Experience in the Assembly has already demonstrated that the admission of Members so dependent upon another Member of the U.N. that they do not, in fact, possess a sufficient degree of sovereignty to enable them to carry out independently the obligations imposed by the Charter does not serve the general interest.

4. RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN

The San Francisco Conference adopted by acclamation a resolution barring from membership in the U.N. states "whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power". The purpose of this resolution was to bar Franco Spain from membership in the U.N.

The General Assembly on February 9, 1946, at its London meeting endorsed this declaration and the declaration subsequently made by the United Kingdom, the United States of America and the Soviet Union at Potsdam that they would not support a request for admission to the U.N. of the present Spanish Government "which, having been founded with the support of the Axis powers, in view of its origins, its nature, its record and its close association with the aggressor states, does not possess the necessary qualifications to justify its admission."

After endorsing these two declarations, the General Assembly in London recommended that "the Members of the United Nations should act in accordance with the letter and the spirit of these statements in the conduct of their future relations with Spain.[1]

On March 4, 1946, France, the United Kingdom and the United States issued a joint declaration on Spain. They stated that they had "no intention of interfering in the internal affairs of Spain". They hoped that "the Spanish people will not again be subjected to the horrors and bitterness of civil strife" but that "leading patriotic and liberal-minded Spaniards may soon find means to bring about a peaceful withdrawal of Franco, the abolition of the Falange, and the establishment of an interim or caretaker government under which the Spanish people may have an opportunity freely to determine the type of government they wish to have and to choose their leaders".

[1]The General Assembly's resolution of February 9, 1946, was adopted by a vote of forty-five in favour (including Canada), two against (El Salvador and Nicaragua), and four states absent.

The declaration concluded with the statement that "the question of the maintenance or termination by the Governments of France, the United Kingdom and the United States of diplomatic relations with the present Spanish regime is a matter to be decided in the light of events and after taking into account the efforts of the Spanish people to achieve their own freedom."

During April, May and June of 1946 the Security Council discussed the Spanish question. Poland asked the Council to declare the activities of the Franco regime a threat to international peace and security and to direct all Members of the U.N. to sever diplomatic relations with Franco immediately. This resolution was defeated by a vote of seven to four (France, Mexico, Poland and the Soviet Union) after a compromise resolution recommended by a sub-committee had been vetoed by the Soviet Union on the ground that it did not go far enough.

The sub-committee composed of Australia, Brazil, China, France and Poland had reached the conclusion that "the activities of the Franco regime do not at present constitute an existing threat to the peace within the meaning of Article 39 of the Charter". It followed from this that the Security Council did not have power under the Charter to direct the Members of the U.N. to impose any kind of sanction against Franco Spain, for it has power to require the Members to impose sanctions only if it has decided that there exists a threat to the peace, a breach of the peace or an act of aggression. In the opinion of the sub-committee, the most the Security Council could do was to recommend to the Assembly that it pass a resolution *recommending* to the Members of the U.N. (but not *requiring* them) to terminate diplomatic relations with the Franco regime.

The relations of the Members of the U.N. and of the U.N. itself to the Franco regime was also discussed at various meetings of the Economic and Social Council in the spring and summer of 1946. Thus the Soviet Union contended that the International Civil Aviation Organization ought not to be brought into relation with the U.N. until the Aviation Organization had expelled Franco Spain from its membership. The Council rejected this proposal by a vote of eleven

(including Canada) to four (U.S.S.R., Czechoslovakia, Ukraine and Yugoslavia) with three abstentions. Similarly the Council rejected a proposal of the U.S.S.R. that the International Chamber of Commerce should not be given the status of a recognized non-governmental organization so long as it had a branch in Spain. Canada voted against the Soviet proposal. On the other hand the Council decided that the revised narcotics conventions should not be open to signature by the Franco Government; Canada abstained on this vote.

A prolonged debate on Spain took place in the Political Committee of the Assembly. The proposals ranged from that of Byelorussia, that the Assembly should recommend that each Member terminate diplomatic and economic relations with Franco Spain, to that of Colombia that the Assembly should defer until its next session discussion and adoption of proposals for diplomatic and economic sanctions, and instead recommend to the Latin-American Republics that they offer to the Government of Spain their good offices, should the Government of Spain think them useful in order to achieve the establishment in Spain by peaceful means of "the new social and political conditions necessary to enable Spain to be admitted" to the U.N.

Ten votes were taken in Committee on various proposals or parts of proposals. The delegations on the average abstained from about a quarter of the votes. Canada voted in favour of four proposals against three, and abstained on three. The final result was the passage of a compromise resolution[1] which contained three recommendations: (*a*) 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"; (*b*) "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

[1] The text of the resolution is given in Appendix V, pp. 211-212.

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"; (*c*) "all Members of the United Nations [should] immediately recall from Madrid their Ambassadors and Ministers Plenipotentiary accredited there".

The Canadian Position

The attitude of the Canadian Government was set forth clearly in the Canadian statement of December 3 to the Political Committee.[1] This attitude can be summarized as follows:

> 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.
>
> A new civil war in Spain is not likely to result in the establishment of a moderate and democratic regime. We do not wish to be instrumental in substituting one form of despotic or totalitarian rule for another. We want the Spanish people to enjoy the blessings of freedom—freedom from dictatorships whatever their form, by whatever name they may be called.

A Break in Diplomatic Relations.—In the view of the Canadian Government a break in diplomatic relations is a traditional but ineffective way of exerting pressure on a foreign government. It means that the outside world severs its connection with a government of which it disapproves at the very time that it is most important for the governments of the rest of the world to have direct knowledge of conditions in that country. Canada, therefore, voted against the proposal that the Members of the U.N. should sever diplomatic relations with the Franco Government. This proposal was defeated by a vote of twenty to twenty, with ten abstentions. Among those voting against the proposal were the Netherlands, the United Kingdom and the United States.

Withdrawal from Madrid of Ambassadors and Ministers.—The proposal for a break in diplomatic relations having been defeated in the Political Committee, a compromise proposal was put forward by

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[1] The text of the speech is given in Appendix V, pp. 209-211.

Belgium, under which it would be recommended to the Members of the United Nations that they should withdraw from Madrid their ambassadors or ministers and leave their missions under a chargé d'affaires. This proposal was not open to the same objections as the proposal for a break in diplomatic relations since governments which so desired could continue in existence their diplomatic missions in Madrid even though they withdrew their heads of missions. Since Canada has no diplomatic relations with Spain, the proposal for the withdrawal of heads of mission did not affect Canada directly and Canada hesitated to advise others as to the course which they should pursue. However, most of the important powers, with the exception of the United Kingdom, had already withdrawn their heads of mission from Madrid; and the United Kingdom, when this question came before the Political Committee, supported it and urged that, as a compromise, the other members of the Committee should also support it. In these circumstances Canada voted in favour of the proposal, which was carried by a vote of twenty-seven to seven, with sixteen abstentions.

Economic Sanctions.—The Byelorussian delegation had proposed that the Members of the U.N. should break off economic relations with Spain but it did not press its proposal to a vote and there was substituted in its place a French proposal that Members of the U.N. cease to import from Spain "foodstuffs and their products until the United Nations is assured that these products are no longer an immediate necessity for the food requirements of the Spanish people". The United Kingdom delegation pleaded that this resolution should not be approved since the United Kingdom had no alternative source of supply than Spain for oranges, bananas and apricots—foods which were essential to the preservation of the health of the people of Great Britain. The Canadian delegation voted against the proposal which was defeated by thirty-two votes to ten, with four abstentions.

Offer of Good Offices by the Latin-American Republics.—The Colombian delegation proposed that the Assembly recommend to the Latin-American Republics that they offer their good offices to the Franco Government in order to assist in a peaceful transfer of power from the Franco regime. The Latin-American Republics were, however, split on this proposal, a number of them vigorously opposing

it. In view of the opposition of these republics, no useful purpose would, in the view of the Canadian Government, have been served by the adoption of this proposal. The Canadian delegation therefore abstained when the proposal was put to a vote. It was defeated by a vote of twenty-six to five, with eighteen abstentions. Four Latin-American republics voted in favour of the proposal, ten against, and four abstained.

Intervention by the Security Council.—When proposals for more active intervention in Spain had been defeated in the Political Committee, the Belgian delegation proposed that the Assembly, in addition to recommending the withdrawal from Madrid of heads of mission, should recommend to the Security Council that if, within a reasonable time, the Franco regime had not been replaced by a satisfactory government the Security Council should consider "the adequate measures to be taken in order to remedy the situation". The term "measures" has a special meaning in the Charter. It means sanctions. The Belgian proposal, therefore, meant that the Assembly should recommend to the Security Council that the Security Council should consider imposing sanctions against Franco Spain if the Franco regime were still in power after a reasonable time.

Under Chapter VII of the Charter, however, the Security Council *must,* before deciding whether to impose sanctions against a state, first decide whether there exists "any threat to the peace, breach of the peace or act of aggression". It was, therefore, constitutionally improper for the Assembly to recommend to the Security Council that it violate this Article (Article 39 of the Charter).

Moreover, the adoption of such a proposal, or action by the Security Council under it, would constitute a dangerous precedent for those Members of the U.N. which are not permanent members of the Security Council. Under the Charter, the Members of the U.N. have undertaken to carry out the decisions of the Security Council to impose diplomatic, economic or military sanctions. If the Security Council calls upon the Members of the U.N. to impose these sanctions, each individual Member must do so or violate a treaty obligation which it has incurred by joining the U.N. The Members of the U.N. undertook this obligation on the express condition, written into the Charter in Article 39, that the Security Council would demand that

they impose diplomatic, economic or armed sanctions only when the Security Council had determined that there existed a threat to the peace, a breach of the peace or an act of aggression, which made it necessary that sanctions should be imposed. The Canadian delegation therefore abstained from voting on this Belgian proposal, which was carried in Committee by a vote of twenty-seven to eight, with sixteen abstentions, and in plenary session of the General Assembly by a vote of twenty-nine to eight, with eleven abstentions.

Condemnation of Franco.—The United States delegation presented to the Political Committee the following proposal:—

> *The General Assembly,*
>
> *Desiring* to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations;
>
> *Recognizing* that it is for the Spanish people to settle the form of their government;
>
> *Places on record* its profound conviction that in the interest of Spain and of world co-operation the people of Spain should give proof to the world that they have a government which derives its authority from the consent of the governed and is pledged to respect human rights and fundamental freedoms, as referred to in Article 1 of the Charter; and that to achieve that end General Franco should surrender the powers of government to a provisional government broadly representative of the Spanish people, 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.
>
> *And invites* the Spanish people to establish the eligibility of Spain for admission to the United Nations.

The Canadian delegation voted in favour of this proposal, which was, however, defeated by the votes of those who wished sterner measures to be taken against Franco. The vote was twenty-two in favour, twenty-two against, and six abstentions.

Specialized Agencies.—A proposal was presented debarring Franco Spain from membership in any specialized agency (e.g., I.L.O., F.A.O., P.I.C.A.O. and the contemplated World Trade Organization) and from participation in conference or other activities arranged by either the U.N. itself or by any of these specialized agencies. In Committee the Canadian delegation voted against this proposal after making the following statement:—

> "We feel that the question of the participation of *any* state which is not a Member of the United Nations in *any* specialized agency should be decided on one basis only—the practical advantages to the

peoples of the United Nations of the government of *that* state being committed to the obligations of membership in *that* agency. This is the position which the Canadian Government has consistently maintained in the meetings of the Economic and Social Council and of the specialized agencies. In our opinion no useful purpose is served by limiting the scope or weakening the effectiveness of the specialized agencies in order to debar the Franco Government from the obligations of membership in them."

The proposal, however, was passed by a vote of thirty-two to five, with eight abstentions. Those who voted against the proposal were: Canada, Colombia, Costa Rica, the Dominican Republic and Ecuador. Among the abstainers were the Netherlands and Peru. In view of this overwhelming vote in Committee in favour of the proposal, Canada considered that no useful purpose would be served by continued opposition to it and, therefore, having made its position clear twice in the Committee, did not raise the issue again when it came before the plenary session of the General Assembly.

Final Resolution.—Canada was therefore prepared to vote in favour of the resolution on Spain, which was presented to the plenary session of the General Assembly by the Political Committee, even though it contained the objectionable section on relations with the specialized agencies. The resolution, however, also included the Belgian proposal on the action which should be taken by the Security Council in the event that the Franco regime continued in power after a reasonable time. Canada therefore abstained in the plenary session of the Assembly from voting on the resolution on Spain. The resolution was adopted by a vote of thirty-four to six, with thirteen abstentions. Those who voted against the resolution were: Argentina, Costa Rica, Dominican Republic, Ecuador, El Salvador and Peru.

5. INDIA'S COMPLAINT AGAINST SOUTH AFRICA

The Indian Government on June 22, 1946, requested that the question of the treatment of Indians in the Union of South Africa be included in the agenda of the Assembly. The Indian Government claimed that, under South African legislative and administrative measures, Indians were discriminated against on grounds of their race; amongst the disabilities were the lack of the franchise, restrictions of the rights of ownership and occupation of property, restrictions on trading, on employment in public services and on travel, and lack of educational facilities; the discriminations had reached their climax in the passage in 1946 of the Asiatic Land Tenure and Indian Representation Act, the result of which was the complete segregation of Asiatics as regards both trade and residence; the passage of this act constituted a unilateral repudiation by South Africa of the Capetown Agreement concluded between the two governments in 1927 and of the joint statement of 1932 renewing it; the reactions in India to these measures had been so serious that the Government of India had had to give notice of the termination of the trade agreement between the two countries and to recall the Indian High Commissioner for consultation. The Indian Government concluded by stating that a situation had thus arisen "which is likely to impair friendly relations between India and South Africa and, under Articles 10 and 14 of the Charter, is submitted for the consideration of the General Assembly."

India's complaint was referred to a Joint Committee of the Political and Legal Committees, on which each member of the Assembly was represented.

India requested approval of a resolution under which the Assembly would state that South Africa's "discriminatory treatment of Asiatics in general and Indians in particular on the grounds of their race constitutes a denial of human rights and fundamental freedoms and is contrary to the Charter" and that the Assembly therefore considers that the South African Government "should revise their general policy and their legislative and administrative measures affecting Asiatics in South Africa, so as to bring them into conformity with the

principles and purposes of the Charter, and requests the Union Government to report at the next session of the General Assembly the action taken by them in this behalf".

In presenting this resolution the Indian representative, Mrs. Pandit, stated that the actions of South Africa against which India complained constituted a violation of the provisions of the Charter which, in its preamble, reaffirmed "faith in fundamental human rights" and expressed a determination "to promote social progress and better standards of life in larger freedom". It also ran counter to the resolution recently adopted unanimously by the Assembly regarding the abolition of racial and religious persecutions and discrimination.[1]

In reply, the South African representative, Field-Marshal Smuts, contended that paragraph 7 of Article 2 of the Charter[2] provided that (subject to three exceptions) a state, within the domain of its domestic affairs, was not subject to control or interference and its actions could not be called in question by any other state. The first exception was the imposition of sanctions by the Security Council. A second exception was to be found in treaty obligations but the so-called Capetown Agreement of 1927 and the joint communique of 1932 were not instruments giving rise to treaty obligations. A third exception to the rule of domestic jurisdiction might be violations of such elementary human rights and fundamental freedoms as the right to exist, the right to freedom of conscience and freedom of speech and the right of free access to the courts. The Government of South Africa, however, denied that it had in any way infringed any of these elementary human rights.

South Africa therefore proposed that the Assembly should ask the International Court of Justice for an advisory opinion on the

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[1]This resolution was adopted unanimously by the Assembly on November 19, 1946, without reference to a committee. It reads as follows:

The General Assembly declares that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination, and calls on the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end.

[2]Paragraph 7 of Article 2 reads as follows:

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; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

question whether India's complaint was concerned with matters which, under paragraph 7 of Article 2 of the Charter, were "essentially within the domestic jurisdiction" of South Africa.

The presentation of these two proposals gave rise to a long and, at times, acrimonious debate which lasted for six sessions of the joint committee. It was not surprising that representatives of countries, whose peoples are not Europeans or descended in the main from European stock, took advantage of the debate to make clear their hatred of racial discriminations.

Towards the end of the debate South Africa withdrew its resolution in favour of one introduced by the United States, the United Kingdom and Sweden, and India withdrew its resolution in favour of a resolution introduced by France and Mexico.

The U.S.-U.K.-Swedish resolution read as follows:

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, is of the opinion that, since the jurisdiction of the General Assembly to deal with the matter is in doubt and since the questions involved are consequently of a legal as well as of a factual nature, a decision based on authoritatively declared juridical foundations is the one most likely to promote realization of those purposes of the Charter to the fulfilment of which all Members of the Organization are pledged as well as to secure a lasting and mutually acceptable solution of the complaints which have been made.

The Assembly therefore resolves that

The International Court of Justice is requested to give an advisory opinion on the question whether the matters referred to in the Indian application are, under Article 2, paragraph 7 of the Charter, essentially within the domestic jurisdiction of the Union.

The French-Mexican resolution read as follows:

The General Assembly

Taking 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 the 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 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.

In supporting the resolution of the United States, the United Kingdom and Sweden, Field-Marshal Smuts stated that the South African Government had consented to the matter being referred to the International Court. It would agree to that reference being enlarged to include the facts as well as the law. If the Court wished, it could send a commission of enquiry to South Africa so as to establish the true facts in order to arrive at its determination of the law.

The Indian delegation, however, stated that, while it would be prepared to consider a suggestion from Field-Marshal Smuts that the General Assembly appoint a commission to conduct enquiries in South Africa, the Indian delegation was of the opinion that it would be a great mistake to permit the International Court to become involved in political issues.

The joint committee adopted the French-Mexican proposal by twenty-four votes to nineteen (including Canada), with six abstentions.

When the matter came before the Assembly, the U.S.-U.K-Swedish resolution was moved as an amendment to the French-Mexican proposal. The amendment was rejected by twenty-one votes for (including Canada), thirty-one against, and two abstentions. Of the Latin-American republics, eight voted for the amendment, eleven against, and one abstained. The Western European and Scandinavian countries were divided: Belgium, Denmark, Luxembourg, the Netherlands and Sweden voted for the amendment; France, Iceland and Norway against. The United States and the nations of the British Commonwealth, with the exception of India, voted for the amendment; China, the five Arab states, Iran, India, the U.S.S.R. and the five Eastern European states against.

The French-Mexican proposal was then carried by a vote of thirty-two for, fifteen against (including Canada), and seven abstentions.

The Canadian Position

The Canadian position had been made clear in the statement made by the Canadian representative to the joint committee on November 25, 1946.[1] The statement may be summed up as follows.

> The right of the Assembly 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 is of the utmost importance. This right among many others would be seriously impaired if too great an effect were given to the domestic jurisdiction clause set forth in paragraph 7 of Article 2 of the Charter.
>
> The domestic jurisdiction clause could only, however, be eliminated from the Charter by a formal amendment of the Charter. So long as it remains in the Charter it cannot be disregarded.
>
> Each Member of the United Nations has undertaken under the Charter an unqualified obligation to promote international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. The question before the Assembly, however, is whether the domestic jurisdiction clause precludes the Assembly from intervening in the Indian dispute against South Africa even though it is clear that there is in existence in South Africa legislation under which inhabitants of South Africa are discriminated against on the grounds of their race.
>
> In this issue both the law and the facts are in doubt. Therefore what is obviously required is a proper determination of the facts, an authoritative exposition of the law and a judicial application of the law to the facts so determined.
>
> The United Nations has set up a body, the International Court of Justice, for the express purpose of making such a determination of the facts, such an exposition of the law and such an application of the law to the facts so determined. The Canadian delegation therefore urges that the preliminary question of the jurisdiction of the Assembly to deal with the substance of India's complaint should be referred to the International Court.

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[1] The text of the speech is given in Appendix VI, pp. 213-216.

6. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

There are a number of references to human rights and fundamental freedoms in the Charter of the United Nations. The first occurs in the preamble of the Charter, which states:

> We, the peoples of the United Nations, determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ... have resolved to combine our efforts to accomplish these aims.

One of the basic purposes of the United Nations is stated, in Article 1, paragraph 3, to be:

> To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.

Article 13 provides that:

> The General Assembly shall initiate studies and make recommendations for the purpose of ... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 55 states:

> With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples, the United Nations shall promote: ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Under Article 56 all Members of the U.N. "pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55".

Responsibility for the discharge of the functions of the U.N. set forth in Articles 55 and 56, is, under Article 60, "vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council...." Article 62, paragraph 2, states that the Economic and Social Council "may make recommendations for the purpose of promoting respect for, and observance of, human

rights and fundamental freedoms for all", and Article 68 instructs the Economic and Social Council to set up a Commission "for the promotion of human rights".

Accordingly, the Economic and Social Council on June 21, 1946, established a Commission on Human Rights, and instructed it to submit "proposals, recommendations and reports to the Council regarding:

(*a*) an international bill of rights;

(*b*) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;

(*c*) the protection of minorities;

(*d*) the prevention of discrimination on grounds of race, sex, language or religion;

(*e*) any other matter concerning human rights not covered by items (*a*), (*b*), (*c*) and (*d*)."[1]

The delegation of Panama submitted to the First Session of the General Assembly for consideration the statement of essential human rights which had been drafted in 1943 and 1944 by a committee appointed by the American Law Institute.[2] This committee was composed of lawyers and political scientists representing most of the principal cultures of the world. Dr. Alfaro, the chairman of the Panamanian delegation to the Assembly, had been a member of this committee. Other members of the committee were: M. Henri Laugier, who is now the Assistant Secretary-General of the U.N. in charge of the department of social affairs; Dr. P. E. Corbett, formerly of McGill University and now of Yale University; Mr. C. Wilfred Jenks, the legal adviser of the I.L.O.; Dr. Rajchman of Poland; Dr. Hu Shih of China; Senor del Vayo of Spain; and Professor Quincy Wright of the University of Chicago.

Since the Economic and Social Council had established a Commission on Human Rights and had instructed that Commission to work on the problem of drafting an international bill of rights, the Assembly decided to refer to this Commission for consideration the statement of essential human rights submitted by the delegation

[1] The text of the resolution of June 21, 1946, establishing the Commission on Human Rights is given in Appendix VII, below, pp. 219 to 221. This appendix also gives the membership of the Commission.

[2] The text of the statement is given in Appendix VII, pp. 217 to 218.

of Panama. The Assembly expressed the hope that the question would be referred back to it in order that it might be included in the agenda of the 1947 session of the Assembly.[1]

There was no convenient opportunity in New York for a statement by the Canadian delegation on the substance of the question of human rights and fundamental freedoms. However, early in 1947, the Secretary of State for External Affairs in an address delivered in Montreal on February 24, 1947, in the presence of Mrs. Roosevelt, president of the Commission on Human Rights, made a statement which can be summarized as follows:

> Each Member of the U.N. has, by signing the Charter, contracted, by treaty, a solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion.
>
> Each national government has, in the name of its people, accepted the obligation knowing the difficulties likely to be encountered in honouring it to the full. The Members of the U.N. have pledged themselves to act together in overcoming these difficulties; they have likewise pledged themselves to act separately.
>
> The interest of the Canadian Government in the question is indicated by the announcement made by the government at the opening of the session of Parliament in January 1947 that it intended to propose the establishment of a special committee of both houses of parliament to study the question and to report on the best way of ensuring the complete fulfilment of the obligations in respect of human rights and fundamental freedoms which have been accepted by all the Members of the U.N.

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[1] The General Assembly's resolution is given in Appendix VII, page 218. See also the General Assembly's resolution on the abolition of racial and religious persecutions and discrimination, page 60, above, footnote [1].

7. RIGHTS AND DUTIES OF STATES

The delegation of Panama submitted to the Assembly for consideration a draft declaration of the rights and duties of states.[1] In submitting this draft declaration, Dr. Alfaro, the chairman of the Panamanian delegation, stated that he had attempted to embody in it the cardinal principles of a number of previous drafts. Thus nine of the first ten articles were based on the declaration of the American Institute of International Law published in 1916 or on the Convention of Montevideo on the Rights and Duties of States agreed to in 1933. Ten of the last thirteen articles were based on the ten principles set forth in "The international law of the future" drawn up by a group of North American lawyers in 1942 and 1943.[2]

The Assembly decided that the Members of the U.N. and national and international bodies concerned with international law should be requested to submit their comments and observations on this draft declaration before June 1, 1947. The draft, together with these comments and observations, will be referred to the committee which has been established by the Assembly to study the methods by which the Assembly should carry out the obligation laid upon it by Article 13 of the Charter to encourage "the progressive development of international law and its codification".[3] The committee will present a report on the draft declaration to the 1947 session of the Assembly and the matter will be included in the agenda of that session.

[1] The text of the draft declaration is given in Appendix VIII, pp. 222 to 224.
[2] "The international law of the future". *International Conciliation*, April, 1944.
[3] The establishment of this committee is discussed below, p. 139.

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8. THE ELECTIONS TO THE SECURITY COUNCIL

It was necessary for the Assembly to elect three members of the Security Council to fill the places of Egypt, Mexico and the Netherlands whose terms expired on December 31, 1946. Retiring members of the Security Council are not eligible for immediate re-election. A two-thirds vote is required for election.

Only one ballot was necessary for the elections. Fifty-four votes were cast. Colombia (51 votes), Syria (45 votes) and Belgium (43 votes) were elected. The leading unsuccessful candidate was India with 13 votes.

Economic and Social Questions

9. THE WORK OF THE ECONOMIC AND SOCIAL COUNCIL

Under Article 55 of the Charter, the U.N. has an obligation to promote:

(*a*) higher standards of living, full employment and conditions of economic and social progress and development;

(*b*) solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and

(*c*) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The responsibility for carrying out this obligation is vested, under the authority of the General Assembly, in the Economic and Social Council. The Council consists of eighteen states elected by the Assembly for three-year terms. Canada's term of office expires on December 31, 1948. Members are eligible for immediate re-election.

The creation of the Economic and Social Council as a principal organ of the U.N. to deal with economic and social problems is a reflection of the growing importance of international co-operation in such matters and of the realization that overlapping, and possibly conflicting, policies on the part of the operating agencies can be avoided only if there is a central consultative body to facilitate co-ordination. The need of this kind of body had made itself felt in the League of Nations. Just before the war, a special committee under the chairmanship of Mr. Stanley Bruce of Australia had been appointed to examine the question and had recommended the establishment of a "central committee for economic and social questions" which should be chosen by the League Council and to which all the League committees and commissions working in this field should report.

During 1946 the Economic and Social Council held three sessions: the first during and just after the London meeting of the Assembly, the second in New York in May, and the third in New York in September. The Canadian representative at the first and third

sessions was the Honourable Paul Martin, and at the second session the Honourable Brooke Claxton. At these sessions the Council organized itself and began to deal with urgent economic and social problems.

It elected its officers and agreed upon its rules of procedure, its committee structure and the composition and functions of its commissions and sub-commissions. It negotiated agreements with a number of specialized agencies in order to bring these agencies into relationship with the U.N. The Council also made a beginning in determining its methods of consultation with non-governmental organizations, especially the World Federation of Trade Unions, the American Federation of Labor, the International Cooperative Alliance, and the International Chamber of Commerce.

In order to assist in the repatriation or resettlement of those left homeless by the war, the Council worked out a draft constitution for an international refugee organization which was presented to the General Assembly for further examination. It called an international health conference which drew up a constitution for a world health organization. It established a temporary subcommission which has examined and reported on conditions in the devastated areas of Europe and is now engaged in doing the same for the Far East. It set up a preparatory committee for an international conference on trade and employment which has recently been engaged in almost continuous work.

Nine commissions of the Economic and Social Council were established and began, early in 1947, to get down to work. These nine are: economic and employment, fiscal, human rights, narcotic drugs, population, social, statistical, status of women, transportation and communications. Canada was designated by the Council to appoint members to five of these commissions. The Canadian members are:

Economic and Employment Commission—Mr. J. J. Deutsch,
Narcotic Drugs Commission—Colonel C. H. L. Sharman,
Population Commission—Mr. J. T. Marshall,
Social Commission—Dr. G. F. Davidson,
Statistical Commission—Mr. Herbert Marshall.

The full commissions will set up certain subcommissions with specialized terms of reference. Up to the present time the sub-

commissions established or planned are: one on economic development and one on economic stability and full employment (by the Economic and Employment Commission), one on statistical sampling (by the Statistical Commission), one on freedom of information and the press, and one on prevention of discrimination and protection of minorities (by the Human Rights Commission).

The Council designates for each commission a number of states each of which is entitled to nominate one expert to serve on the commission. Though these experts are nominated by governments, the appointment is subject to the concurrence of the Secretary-General of the U.N. and of the Economic and Social Council. One step further away from direct governmental representation was taken in requesting the Economic and Employment Commission to set up its subcommissions. The members of these subcommissions are to be chosen by the Commission itself, though the consent of the government of which the proposed member is a national must be secured.

Suggestions for international action on economic or social questions are introduced by Members of the U.N. either at the General Assembly or directly into the agenda of the Economic and Social Council. In either case the matter is likely to be channelled through the Economic and Social Council to the appropriate commission of the Council for detailed study at the technical level. Discussion in the commissions may lead to recommendations for the approval of the Economic and Social Council, and eventually of the General Assembly. Some of the recommendations may be concerned with the carrying out of technical services; for example, the Statistical Commission at its first meeting, under the chairmanship of the Canadian member, Mr. Herbert Marshall, recommended the continued publication of three of the statistical reports formerly issued by the Statistical Committee of the League of Nations. The commissions may also advise further study of any given question by special committees or by full scale international conferences. Thus the Statistical Commission has recommended that a world statistical congress be held in Washington in September, 1947.

Recommendations made by the Economic and Social Council and approved by the General Assembly have the same status as all

other resolutions of the U.N. (with the exception of those of the Security Council on sanctions), that is to say, their implementation, in so far as they require action by national governments, is within the discretion of the governments themselves. In some cases the Economic and Social Council may be expected to recommend the drawing up of formal international agreements which would become legally binding on Members of the U.N. after the usual process of acceptance and ratification.

The scope of the work of the U.N. in economic and social collaboration is very much wider than that of the League. Collaboration is being extended to new fields. Collaboration which was previously partial or between a few nations only is being extended to embrace all the Members of the U.N. which are concerned. The result is that the structure of organized intergovernmental co-operation on economic and social questions is more complex today than it was before the war.

The Assembly of the U.N. and the Economic and Social Council are international forums for the discussion of economic and social questions. Discussions during sessions of the Assembly take place at plenary meetings of the Assembly and at meetings of its Social Committee and its Economic Committee, each of which normally appoints a number of sub-committees. The Economic and Social Council meets three times a year. In between its sessions there are meetings of its nine commissions and of their sub-commissions. Special conferences are called by the Council to deal with special questions, usually for the purpose of drawing up a new intergovernmental agreement. The department of economic affairs of the U.N. Secretariat and its department of social affairs provide all these bodies with expert advice.

In addition to these bodies set up under the Charter, there are a rather complex set of international organizations which are specialized and functional and to which large areas of international collaboration have been entrusted. Of these *specialized agencies* there are at present seven and there may soon be twelve. Their names indicate the special economic or social problem with which they are concerned: the International Labour Organization; the Food and Agriculture Organization; the International Monetary

Fund; the International Bank for Reconstruction and Development; the Universal Postal Union; the International Telecommunication Union; the International Civil Aviation Organization; the World Shipping Organization; the World Health Organization; the International Refugee Organization; the International Trade Organization; the United Nations Educational, Scientific and Cultural Organization. Each agency is set up by a separate intergovernmental agreement establishing its own constitutional structure and its own set of member governments in whom final authority over its operations rests. Each will have an assembly representing all its members, a council or executive board and a secretariat. The nature of their operations will differ according to the tasks given them by their constitutions. Most are financed by contributions assessed on their members; but two, the Fund and the Bank, have capital subscribed and will have earnings adequate for their normal expenses.

This great series of organizations, if brought into effective operation, provides for comprehensive and varied attack on those economic and social problems to the solution of which international collaboration can contribute. It provides for greater experiment and initiative than would be possible under a more centralized system. Its range and complexity, however, carry with them certain dangers. Governments may find it difficult to send adequate representatives to all the meetings of the organs of the U.N. and of the specialized agencies, and to prepare adequately for the discussions at those meetings. The costs of running the U.N. and the agencies and of sending representatives to their meetings will be considerable. There may be overlapping between the agencies, inconsistent policies and actions which are not synchronized.

It is one of the major functions of the Economic and Social Council to bring these agencies and their policies and activities into co-ordination. This is not to be done by giving the Council over-riding authority but rather by exchange of information, by reciprocal representation, and special consultation. The Council is obliged to negotiate with these agencies agreements for this purpose. Each agency will be entitled to be represented at meetings of the Council and of those commissions whose work is related to that of the agency. The Council on its part will be entitled to be

represented at the meetings of the agency. Exchange of information, co-ordination of personnel standards, and special consultation will also be provided for. Such agreements have already been negotiated with the I.L.O., F.A.O., U.N.E.S.C.O. and I.C.A.O. In addition, the General Assembly is charged with the responsibility of examining the administrative budgets of the specialized agencies.

It is hoped that by these means specialized agencies and the organs of the U.N. will be acting on a common body of knowledge. Each will be conversant with the steps taken and contemplated by others. Overlapping can be eliminated and inconsistencies in policy can be brought to light. High standards of efficiency and economy in administration can be established; certain fiscal and administrative services may be shared. The Economic and Social Council has no power to direct the policies and activities of the agencies. It can exert strenuous efforts to reach agreement and, in case of conflict, it can bring the situation to the attention of member governments. It is in their hands that the remedy ultimately lies. It is for each national government to see that effect is given to sound recommendations and that its representatives on the governing bodies of various agencies and on the various organs of the U.N. are not pursuing inconsistent or conflicting policies. Co-operation begins at home.

The sections of this report which follow deal with the main economic and social questions which were discussed by the Assembly in New York. An effort has been made to relate the work of the Assembly to that of the Economic and Social Council.

The Canadian representative at a meeting of the Economic and Social Council on June 29, 1946, set forth the general approach of the Canadian Government to the work of that Council. He said:

> "In the establishment of the Economic and Social Council, in the setting up of its commissions, in the negotiation of relationships with the special purpose agencies established by intergovernmental agreement, we are opening up a new chapter in the long struggle of mankind to master his environment, to the end that the material and economic resources of the world are used for the enrichment and not the destruction of humanity. Our task is not an easy one. We shall have to overcome not only the internal forces in various countries which resist change, but also the skepticism that we shall encounter in many parts of the world regarding the possibility of success in a co-operative effort of this sort."

10. THE INTERNATIONAL REFUGEE ORGANIZATION

At the first part of the First Session of the Assembly the refugee question was the subject of a long and vigorous debate which revealed a sharp divergence of views on the extent to which aid should be given to people who had been displaced as a result of the war and who refused to return to their places of origin in Eastern Europe.[1] There was, however, majority agreement on four principles: the problem of refugees is an international responsibility; repatriation should be carried out to the fullest extent possible; no genuine refugee should be forced to return to his place of origin against his will; no aid should be extended to war criminals, quislings or traitors. A resolution which embodied this measure of agreement was passed by the Assembly on February 12, 1946. The resolution also referred the question to the Economic and Social Council.[2]

A further debate took place at the first session of the Economic and Social Council where the general principles adopted by the Assembly were confirmed. The Economic and Social Council established a special committee on refugees and displaced persons, which was directed to carry out promptly a thorough examination of all aspects of the problem and to make a report to the Council at its second session.

Twenty states, including Canada, were named as members of the special committee. The committee met in London in April and spent eight weeks making plans for the creation of a new international body to care for refugees. Canada was represented by Mr. (now Senator) J. G. Turgeon. One of the committee's most important tasks was to estimate the dimensions of the problem. The estimate arrived at by the committee was that there are about 3,000,000 people (excluding nationals of the defeated countries) who

[1]Canadian report on the London Assembly (pp. 52-53).
[2]Canadian report on the London Assembly (pp. 69-70).

are either homeless or away from their homes. Of these, about 1,500,000 are in the Far East. These are Chinese who were taken from their homes by Japanese occupation forces and now wish to be repatriated. The other 1,500,000 are in Europe or the Mediterranean area. About 700,000 of them were refugees before the war; these are German Jews, or German Social Democrats, Spanish Republicans, Nansen refugees—people who are already the charge of some refugee organization. (Many of these persons come within the mandate of the Intergovernmental Committee on Refugees, established at Evian in 1938). This leaves a balance of about 800,000 people who make up the new European refugee problem. They are the present inhabitants of UNRRA camps, or they receive aid from UNRRA in a manner that puts them on the roster of that organization. It was hoped that, during the summer of 1946, many of them would go home, taking advantage of better transport and a new crop year. The flow, however, has been the other way, and present indications are that the figure still remains at about 800,000.

The political issues which emerged during the debates in the special committee revealed clearly the extent to which the refugee question is a cause of international misunderstanding and distrust. The states of origin insisted that the majority of people in displaced persons camps would willingly accept repatriation if they were genuinely free to do so; if they persisted in choosing exile, it was, according to these delegations, because they were being subjected to force, or were being wilfully misinformed about conditions at home.

The response of the Western democracies, including Canada, was based primarily on the principle which had been set forth in the resolution of the Assembly, that political refugees should be assured the right of asylum. From this it followed that no innocent refugee should be forced against his will to return to his place of origin.

It is not surprising, in these circumstances, that the report of the special committee was not a unanimous document. However, a substantial measure of progress was made towards the establishment of a new refugee organization. Unfortunately, this progress was achieved for the most part by majority votes and the minority remained unreconciled to the decisions which had been taken. It

was possible, nevertheless, to produce a draft constitution for an international refugee organization, including a definition of the term "refugee", and this document was submitted to the second session of the Economic and Social Council which met in New York in May, 1946.

Further consideration was given to the problem at this session of the Council and a committee on finances was appointed which met in London in July, under the chairmanship of Senator Turgeon, the Canadian delegate to the special committee, to draft provisional budgetary and financial clauses for the proposed international refugee organization. This committee prepared a provisional budget of $258,754,000 for the I.R.O. in 1947, made up as follows: $4,800,000 for administrative expenses; $193,954,000 for Part I of operational expenses (i.e., for operations other than large-scale resettlement); and $60,000,000 for Part II of operational expenses (i.e., the estimated cost of resettlement of 100,000 refugees and displaced persons).

These estimates by the committee on finances were considered at the third session of the Economic and Social Council in September 1946. The Council reduced the estimated budget for 1947 by nearly $100,000,000 to $160,860,000, and submitted this budget to the General Assembly, together with a draft constitution. The provisional scales of contributions worked out by the committee on finances were passed on by the Council to the General Assembly without comment.

In the Social Committee of the General Assembly discussion of the I.R.O. constitution proved to be even more controversial than it had been on previous occasions. The rejection at previous conferences of the proposals made by the states of origin of refugees did not deter these states from advancing them again in the form of amendments to the draft constitution. These amendments sought in the main:

(*a*) to delete all reference to resettlement and re-establishment in the constitution, leaving repatriation as the I.R.O.'s sole function;

(*b*) to delete the clauses which safeguarded the principle of voluntary repatriation, the argument of the states of origin being not that repatriation should be compulsory but that those displaced persons who would not accept repatriation should not come within the mandate of the I.R.O.;

(c) to establish an investigating commission, under the U.N., to check on the screening of war criminals by the occupying military authorities and on the propaganda against repatriation which they alleged was being carried on in the displaced persons camps.

After more than a month of debate, the draft constitution was approved in Committee by a vote of eighteen (including Canada) to five, with many abstentions. While the attempt of the states of origin to exclude resettlement operations from the I.R.O.'s functions was defeated, certain clauses were written into the constitution which will make such operations difficult. Among them is the clause which was passed, over Canada's opposition, putting all contributions for large-scale resettlement operations (as distinct from the resettlement of individuals and family units) on a purely voluntary basis.

The constitution, as adopted by the Social Committee, was then referred to the General Assembly, together with the budgetary and financial provisions for the I.R.O. which had been considered in the Administrative and Budgetary Committee. On December 15 the General Assembly, by a vote of thirty to five with eighteen abstentions, approved the I.R.O. constitution and called on Member states to sign and approve it[1] Canada voted in favour of this resolution. The negative votes were cast by the Soviet Union, Byelorussia, Yugoslavia, the Ukraine and Poland.

Immediately after the Assembly had voted its approval of the I.R.O., the constitution and the interim arrangement for a preparatory commission were opened for signature and Canada (represented by the Honourable Paul Martin) signed both documents on December 16. Canada was the first state to sign and was immediately followed by the United States.

The constitution does not come into effect until it is signed and approved by fifteen states whose total contributions equal at least seventy-five per cent of Part I of the operational budget. This provision was based on a Canadian amendment which was adopted in committee by a large majority. The purpose of the provision is to ensure that the constitution does not come into force until it has really substantial international support. The interim arrangements (establishing the preparatory commission of the I.R.O.) come into effect when they are signed by at least eight states who have also

[1]The text of the resolution is given in Appendix IX, pp. 233 to 234.

signed the constitution. More than eight states have now signed the interim arrangements and the first meeting of the preparatory commission has been called to meet in Geneva on February 11, 1947.

The scales of contributions which were adopted by the Administrative and Budgetary Committee, and approved by the General Assembly, call for a contribution by Canada of 3·20 per cent for administrative expenses and 3·50 per cent for Part I operational expenses (i.e., operations other than large-scale resettlement). Similar scales for the United States were, respectively, 39·89 per cent and 45·75 per cent; and, for the United Kingdom, 11·48 per cent and 14·75 per cent.

A figure of $160,860,500 (U.S.) was approved for the estimated budget for the first year of the I.R.O.'s operations (i.e., 1947). This was made up as follows:

(*a*) $ 4,800,000 (for administrative expenses);
(*b*) $151,060,500 (for Part I operational expenses);
(*c*) $ 5,000,000 to be contributed on a voluntary basis for large-scale resettlement activities.

The Canadian Position

The attitude of the Canadian delegation was set forth clearly in the Canadian statement of November 8 to the Social Committee and in that of December 15 to a plenary meeting of the Assembly.[1] Throughout the debates Canada made every effort to ensure that the new organization, when it was established, would be adequately equipped to perform its functions. Specifically, the Canadian delegation had three main objectives in mind:

(*a*) to protect and strengthen those clauses of the constitution which referred to the right of political dissidents to obtain assistance from the I.R.O.;
(*b*) to safeguard the clauses concerning resettlement and re-establishment, although recognizing that repatriation would be the primary function of the I.R.O.;
(*c*) to press strongly for the adoption of the Canadian amendment which made the entry into force of the constitution conditional on its approval by at least fifteen states whose total contributions to Part I of the operational budget constituted not less than seventy-five per cent.

[1] The text of these speeches is given in Appendix IX, pp. 225 to 232.

In the main, the Canadian delegation was able to achieve these three objectives. Canada was not, however, successful in its proposal that no state should be allowed to approve the constitution with any financial reservations, contributions to large-scale resettlement operations being put on a purely voluntary basis.

11. RELIEF NEEDS AFTER THE TERMINATION OF UNRRA

The General Assembly in New York was faced with the fact that the United Nations Relief and Rehabilitation Administration (UNRRA) would cease to operate towards the beginning of 1947 but that some of the states which had been receiving relief from UNRRA would continue to need help in 1947. At the meeting of the Council of UNRRA, which took place in Geneva in August, 1946, a number of European countries tried to secure the adoption of a resolution acknowledging that relief needs in 1947 would call for some kind of agency like UNRRA. The two countries which had been the largest contributors to UNRRA (the United States and the United Kingdom) were not, however, prepared to accept this. In order to avoid the deadlock which threatened to develop, the Canadian delegation presented a compromise resolution which was adopted by the Council. By this resolution the problem of post-UNRRA relief needs was referred to the General Assembly of the U.N. with a recommendation that consideration be given both to a review of the needs for financing urgent imports of food and other essential relief supplies after the termination of UNRRA programmes and to the means for meeting the needs so determined. Subsequently the Economic and Social Council adopted a resolution requesting the Secretary-General to undertake immediately the preparation of a factual analysis of needs.

The existence of relief needs in 1947 was never seriously contested in the Economic Committee of the Assembly, nor was there any discussion of the amount of relief which would probably be required. The debate in committee and in sub-committee was almost entirely concerned with the method of dealing with such needs as might exist.

The two extreme positions in this matter were clearly stated at the very beginning of the debate. On the one hand, the United States, supported by the United Kingdom, proposed a system of

bilateral relief arrangements with no more provision for international collaboration than an "invitation" to contributing governments to "consult informally" about their respective programmes.

On the other hand, three resolutions were introduced, by Mr. La Guardia (the director-general of UNRRA), by Denmark, and by Brazil, which called for substantial degrees of international control. Mr. La Guardia's plan for an emergency food fund would have called for complete international allocation and control of relief supplies up to the point of their shipment to the receiving governments. The Danish proposal was more detailed but along the same lines. The Brazilian proposal also called for an internationally administered pool of relief supplies.

Canada had been the third largest contributor to UNRRA, both in its share of costs and as a supplier of goods. The Canadian attitude to the establishment of an international relief scheme under the U.N. was made clear in the statement made to the Economic Committee by the Canadian representative on November 16.[1] Though the end of the UNRRA stage in relief had been reached, some international agency for screening the requirements of countries asking for relief and for balancing their competing claims was still needed. This agency should be able to ensure prompt action. In the past two years the great bulk of the load had been carried by a few countries; the time had now been reached when practically every Member of the U.N. should make some contribution to the relief needs of 1947. Despite all the difficulties which had been encountered in the international organization and distribution of relief through UNRRA, Canada favoured an approach to the 1947 problem which would rest on concerted action by the U.N. The Canadian representative concluded with this undertaking: "If a concrete United Nations plan for meeting genuine relief needs in 1947 is adopted by this Assembly and is in fact international in its form and scope, Canada, to the extent that prevailing conditions permit, will participate in its implementation."

It soon became apparent from the debate in the Economic Committee that the majority of the members of the Committee

[1] The text of the statement is given in Appendix X, pp. 234 to 236.

favoured an international relief plan. Nineteen delegations made statements in support of such a plan. Only the Netherlands publicly supported the type of bilateral arrangement proposed by the United States and the United Kingdom. This was not, however, the kind of question which could be settled by counting heads. No relief plan could, in fact, be international if the United States and the United Kingdom, the two principal contributors to UNRRA, did not participate in it.

It was therefore clear that the members of the Economic Committee had to find some compromise solution. In an effort to find such a compromise, Mr. La Guardia withdrew his earlier proposal and put forward in its place a proposal for an international board with only recommendatory powers. He also offered to accept "sight unseen" any plan which Canada might put forward.

The Canadian representative met this challenge by introducing on December 6 amendments to the proposal which had by then been put forward jointly by the United States, the United Kingdom and Brazil. The Canadian amendments provided that a special technical committee of experts should be established by the Assembly to study the minimum import requirements of the basic essentials of life of countries which might be in need of relief, to survey the means available to each to finance such imports, and to report on the amount of financial assistance required by each of these countries.

The Canadian amendments were accepted by the Committee and the United States-United Kingdom-Brazilian resolution, as amended, was passed unanimously by the Committee and later by the Assembly, Yugoslavia alone abstaining.[1]

The Assembly designated ten governments each of which should appoint to the technical committee an expert in the field of finance and foreign trade. The ten governments were: Argentina, Brazil, Canada, China, Denmark, France, Poland, the United Kingdom, the United States, and the U.S.S.R.

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[1] The text of the resolution is given in Appendix X, pp. 236 to 237.

12. THE INTERNATIONAL CHILDREN'S EMERGENCY FUND

Intimately linked with the problem of post-UNRRA relief was the question of the possibility of the establishment of a special international fund to help children and adolescents in countries which had been victims of aggression during the second world war. UNRRA had been helping these children and adolescents but its help would cease about the middle of 1947.

The UNRRA Council, at its meeting in August, 1946, had resolved that funds remaining after the organization had terminated its mandate should be used for the benefit of children and adolescents in countries victims of aggression. It had appointed a committee, of which Canada was a member, to discuss with the Economic and Social Council the best method of achieving this purpose. As a result of the discussions the Economic and Social Council recommended to the Assembly that it establish an international children's emergency fund.

The Social Committee of the Assembly referred the matter to a sub-committee of twenty-one states on which Canada was represented. This sub-committee held eight meetings and as the result of its work the Assembly adopted unanimously a resolution establishing the International Children's Emergency Fund.[1]

The fund is to be used

(*a*) for the benefit of children and adolescents of countries which were victims of aggression and to assist in their rehabilitation;

(*b*) for the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration;

(*c*) for child health purposes generally, giving high priority to the children of countries, victims of aggression.

The Fund is to consist of any assets made available by UNRRA and any voluntary contributions made available by governments, voluntary agencies, individuals or other sources. It is to be

[1] The text of the resolution is given in Appendix XI, pp. 238 to 240.

administered by an Executive Director under policies, including the determination of programmes and allocation of funds, established by an Executive Board in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission. The Executive Director is to be appointed by the Secretary-General of the U.N. The Executive Board is to consist of one representative from each of twenty-five governments chosen by the Assembly. Canada is one of these. Canada is also a member of the programming committee.

13. THE WORLD SHORTAGE OF CEREALS

The General Assembly on February 14, 1946, at its London meeting, adopted a resolution submitted by the five great powers urging all governments and peoples to take action, both directly and through the international organizations concerned, to conserve supplies of bread grains and rice and to ensure maximum production.[1]

The Canadian representative on the Economic Committee at the Assembly in New York introduced a resolution which noted the action already taken pursuant to the Assembly's resolution of February and which urged governments to continue to apply, or to adopt, measures to alleviate shortages in cereals and other essential foodstuffs.

Revisions and amplifications of this proposal came chiefly from four quarters. The Latin American countries were anxious to see included a reference to the necessity of increasing the exports of farm machinery and rationalizing the export markets for primary products. The Greek delegation insisted on including an exhortation to creditor countries to facilitate credit arrangements. The United Kingdom wished to specify exactly the measures for economizing consumption (e.g. high extraction rates) which it felt were essential. The U.S.S.R. produced a resolution which, among other things, admonished the exporting countries not to seek political advantages in the distribution of foodstuffs and condemned *all* price increases as being profitable only to "monopolies and middlemen" and invariably burdensome to "small and medium peasants and farmers." The drafting of an acceptable resolution consequently took a great deal of time. In all, the major part of about fifteen meetings was devoted to this subject. The final resolution was adopted unanimously by the committee and by the General Assembly.[2]

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[1] The text of this resolution is given in the Canadian report on the London Assembly, pp. 68-9, and the resolution is discussed on p. 51 of that report.

[2] The text of this resolution is given in Appendix XII, pp. 241 to 243.

14. THE ECONOMIC RECONSTRUCTION OF DEVASTATED AREAS

The General Assembly in London asked the Economic and Social Council to take up as an urgent matter the question of the reconstruction of devastated areas of Members of the U.N.[1] The Economic and Social Council on June 21, 1946, during its second session, established a temporary sub-commission on the economic reconstruction of devastated areas. Nineteen states, including Canada, were appointed to this sub-commission. The sub-commission met in London during July and August and also visited parts of Europe. Canada was represented by Mr. J. G. Turgeon (now Senator Turgeon). Two working groups were formed, one for Europe and Africa and one for the Far East. The sub-commission's report was presented to the Economic and Social Council at its third session in September 1946. It included general recommendations on food, housing, manpower, coal, electric power, raw materials, machinery, transport, trade and long-term developments. The most important proposal to emerge was a recommendation sponsored jointly by the United Kingdom, the United States and Poland, but not formally adopted by the sub-commission, for the establishment of an economic commission for Europe.

At the Economic and Social Council, the report was strongly supported by the United Kingdom, the United States, Canada and many other countries. Canada gave particularly strong support to the proposal for the establishment of an economic commission for Europe. The U.S.S.R., however, opposed this proposal and criticized the report as a whole for failing to suggest specific short-term plans for the relief and rehabilitation of the devastated areas and for limiting itself to an academic discussion of how the nations of Europe, by planning together and pooling their resources on a co-operative basis, might work out their own economic salvation. The result of dead-

[1]The text of the Assembly's resolution is given in the Canadian report on the London Assembly, pp. 70-1.

lock in the Council was the passage of a rather meaningless resolution which, so far as possible, avoided mention of the fact that it was based on the report of the sub-commission.

At the Economic Committee of the Assembly, however, the Soviet Union did not oppose the establishment of an economic commission for Europe. The result was the unanimous adoption by the Assembly of a resolution giving a blessing to the establishment by the Economic and Social Council at its next session of an economic commission for Europe and one for Asia and the Far East. The Assembly also expressed to the International Bank for Reconstruction and Development its opinion that the Bank should come into full effective operation at the earliest possible date so that it might be able, early in 1947, to make the fullest possible contribution towards the needs of economic reconstruction.[1]

[1] The text of the resolution is given in Appendix XIII, p. 244.

15. THE WORLD HEALTH ORGANIZATION

By a resolution of February 15, 1946, the Economic and Social Council established a Technical Preparatory Committee of sixteen persons to make preparations for an International Health Conference which should meet by June 20, 1946. The purpose of the Conference was "to consider the scope of, and the appropriate machinery for, international action in the field of public health and proposals for the establishment of a single international health organization of the United Nations." The Conference met in New York from June 19 to July 21, 1946.

As a result of the Conference,

(*a*) a constitution establishing a World Health Organization was signed by fifty-one Members of the U.N. and by ten states not Members of the U.N.;

(*b*) an interim arrangement establishing an Interim Commission of eighteen members entitled to designate a person to serve on the Commission was signed by the representatives of the sixty-one states; and

(*c*) a protocol was signed by the representatives of these states whereby they agreed as between themselves to transfer to the Interim Commission and the Organization (when established) the duties and functions now performed by the Office International d'Hygiene Publique.

On September 16, 1946, the Economic and Social Council unanimously adopted a resolution noting with satisfaction the estabment of the Interim Commission of the World Health Organization and requesting the General Assembly—

(*a*) to recommend to all Members the acceptance of the constitution of the World Health Organization;

(*b*) to instruct the Secretary-General to take the necessary steps to effect the transfer of the functions and activities of the League of Nations Health Organization to the Interim Health Commission;

(*c*) to recommend to Members to accept at the earliest possible date the protocol concerning the Office International d'Hygiene Publique;

(*d*) to approve a "grant or loan" of $300,000 to the Interim Commission for its work until the end of 1946, and to approve the

inclusion of $1,000,000 in the 1947 budget of the U.N. for the purpose of "financing through a further grant or loan" the activities of the Interim Commission of the World Health Organization;

(*e*) to authorize the Secretary-General to transmit to Members, and those non-Members which were invited to attend the Health Conference as observers, any Assembly recommendations made with respect to sub-paragraphs (*a*) and (*c*) above.

This resolution was adopted unanimously by the Social Committee of the Assembly after an amendment had been made substituting the word "loan" for the words "grant or loan". In speeches on the resolution, tributes were paid to the work of Dr. G. B. Chisholm, the executive secretary of the Interim Commission and formerly deputy-minister of the Department of National Health and Welfare of Canada.

Canada has from the beginning been intimately associated with the formation of the World Health Organization. Its representative on the Technical Preparatory Committee, Dr. G. B. Chisholm, was elected rapporteur of that committee. The Canadian delegates to the International Health Conference in New York were the Honourable Brooke Claxton, who was then Minister of National Health and Welfare, and Dr. Chisholm. Following unanimous approval of the House of Commons and Senate, the Government of Canada executed on August 21, 1946, an instrument of acceptance of the constitution of the World Health Organization, and was the first state to deposit such an instrument with the Secretary-General of the U.N.[1]

[1]Mr. St. Laurent, the Secretary of State for External Affairs, in his statement to the House of Commons of Canada on August 6, 1946, outlined the steps leading up to the signature of the constitution of the World Health Organization and summarized the provisions of that constitution. (House of Commons Debates, Canada, unrevised, August 6, 1946, pp. 4422-4.) The constitution of the World Health Organization will be printed in the Canadian treaty series (Canada, Treaty Series, 1946, No. 32).

16. THE INTERNATIONAL CONTROL OF NARCOTIC DRUGS

The General Assembly at its London meeting instructed the Economic and Social Council to continue the international measures for the control of the illicit trade in narcotic drugs which had previously been organized by the opium section of the League of Nations and by the secretariats of the Permanent Central Opium Board and the Supervisory Body. The Economic and Social Council, at its first session, established a Commission on Narcotic Drugs. Canada was elected to this commission and appointed as its representative, Colonel C. H. L. Sharman.

The Economic and Social Council at its third session held in New York in September, 1946, adopted for presentation to the Assembly a resolution and a draft protocol to transfer to the U.N. the powers formerly exercised by the League of Nations under the various international agreements, conventions and protocols on narcotic drugs. The resolution and protocol were unanimously adopted by the Assembly after minor amendments had been made. The purpose of the protocol was to effect the necessary amendments in the various agreements, conventions and protocols consequent upon the dissolution of the League and the assumption by the U.N. and by the World Health Organization of the functions which the League had formerly performed in respect of narcotic drugs.

The protocol was immediately opened for signature and was signed by Canada on December 11, 1946.

17. INTERNATIONAL CONFERENCE ON FREEDOM OF INFORMATION

The Philippine delegation presented to the Assembly in London a proposal that an international press conference be held in September, 1946. Since this resolution was presented after the deadline for receiving resolutions, the Assembly decided that discussion of it should be postponed until the second part of its First Session.

At New York the Philippine delegation presented for discussion a modified version of its original resolution. As modified, the resolution called for the holding of a conference on freedom of information which would discuss not only the press but radio, motion pictures and other media for disseminating information. The resolution, with a few amendments, was adopted unanimously by the Social Committee and by the Assembly.[1] The Soviet Union abstained from voting in committee.

The resolution instructs the Economic and Social Council to arrange for an international conference on freedom of information to be held before the end of 1947. The conference is to formulate its views on the "rights, obligations and practices which should be included in the concept of freedom of information". All the states which are Members of the U.N. are to be invited to send delegations to the conference and the delegations are to include "persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information".

The United Kingdom representative on the Social Committee submitted the following points for consideration as practical objectives:—

1. To promote the widest and freest possible exchange of incoming and outgoing news, without government censorship in times of peace.
2. To extend to bona fide press, film and radio correspondents, without discrimination, all reasonable facilities to travel and reside

[1]The text of the resolution is given in Appendix XIV, p. 245.

in the respective territories of the signatory Governments, with complete freedom to carry on their activities and with equal access to all sources of news.

3. To extend, within their respective territories and without discrimination, the freest and widest possible opportunities for the distribution of news by bona fide news services.
4. To extend access to available communication facilities to bona fide correspondents and news agencies without discrimination as to nationality.

Finally, the United Kingdom representative expressed the hope that the conference would consider the recommendations which had been made by the Court of Honour for journalists at The Hague, and would draw up a code of conduct for journalists and other professional persons engaged in the distribution of news.

The New Zealand representative emphasized that freedom of the press and of other media of obtaining news was linked with the question of proper and honest presentation of the news thus obtained. Unfortunately, media of publicity were often used not to disseminate news, but to disseminate propaganda, which meant that the information, even if obtained in a proper manner, was often distorted. It was, therefore, important that a solution of the problem of presenting true news, as well as obtaining true news, should be found.

The Canadian representative welcomed the resolution submitted by the Philippine delegation. He considered that the suggestions made by the representative of the United Kingdom were worthy of careful consideration. He emphasized that responsibility in reporting must go hand in hand with freedom of information.

The representative of the U.S.S.R. remarked that the first resolution, submitted in London, dealt with proposals for an international press conference only, and considered that, under present conditions, it was not necessary to widen the scope of the conference to include questions of the radio and the films, since special conferences might be necessary to consider those specific problems. The conference should concentrate on matters connected with the press in so far as the press assisted the establishment of international co-operation and understanding, peace and security, according to the principles of the United Nations. The conference should be told that the realization of those principles in its sphere of activity should be its primary aim.

18. THE POLITICAL RIGHTS OF WOMEN

The Danish delegation introduced a resolution under which the Assembly would recommend that all Members, which had not already done so, should grant women the same political rights as men. The Danish draft resolution also contained a recommendation that the Security Council and the General Assembly in dealing with applications from states for membership in the U.N. should "give consideration to the political rights of women in the applicant states".

By the time the draft resolution came up for discussion in the Social Committee, the Political Committee had concluded its discussion of the question of the admission of new Members to the U.N. The Danish representative therefore withdrew the second part of the Danish proposal. The first part was adopted unanimously by the Committee and by the Assembly.[1]

[1]The text of the resolution is given in Appendix XV, p. 246.

19. THE WORLD FEDERATION OF TRADE UNIONS

The problem of the relations between the U.N., and especially its Economic and Social Council, and non-governmental organizations has been the cause of bitter and prolonged controversy from San Francisco on. The occasion for this controversy has been the demand of the World Federation of Trade Unions that it be accorded a specially favourable position as the representative of the majority of the organized trade unions of the world.

The Dumbarton Oaks proposals provided that specialized agencies established by intergovernmental agreement should be brought into relation with the U.N. by agreements negotiated through the Economic and Social Council. The proposals, however, did not touch on the place of nongovernmental organizations. The consultants to the United States delegation at San Francisco, representing the main organizations in the fields of agriculture, business, education and labour in the United States, suggested that a paragraph be added to the Charter providing for co-ordination and co-operation between non-governmental organizations, national and international, and the Economic and Social Council. This suggestion resulted in a four-power proposal for an addition to the Charter. The Soviet delegation attached particular importance to this proposal. It was adopted and became Article 71 of the Charter, which reads as follows:

> The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

This provision, however, deliberately gave to the non-governmental organizations a lower place than that accorded to the specialized agencies established by intergovernmental agreement. These were to be brought into "relationship" with the U.N. and the U.N. was given the duty of making recommendations for the co-

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ordination of their policies and activities. They might be allowed to participate in the deliberations of the Economic and Social Council and of its Commissions.

When the General Assembly met in London in January 1946 it was faced with a request from the W.F.T.U. which had come into existence in October 1945 that representatives from it be allowed to sit in the General Assembly in a consultative capacity and to collaborate regularly, under the provisions of Article 71 of the Charter, in the work of the Economic and Social Council, in the hope that at a later stage the W.F.T.U.'s representatives would be granted full participation in the work of the Council, including the right to vote. This request precipitated a long debate,[1] the result of which was the adoption by the Assembly of a resolution recommending that the Economic and Social Council should, as soon as possible, make arrangements enabling the W.F.T.U., the International Cooperative Alliance, the American Federation of Labor and other non-governmental organizations, "whose experience the Economic and Social Council may find necessary to use", to collaborate for purposes of consultation with the Council.

The Economic and Social Council received, before the opening of the Assembly in New York, applications for recognition from seventy-four non-governmental organizations. The Council decided that four of these organizations should be given a specially preferred treatment—the World Federation of Trade Unions, the International Co-operative Alliance, the American Federation of Labor, and the International Chamber of Commerce. These four organizations would have the right to send observers to all public meetings of the Council and to circulate written communications to members of the Council. They might be invited by the Council to consult with a standing committee of the Council. Upon the recommendation of a standing committee the Council might receive representatives of the organizations for the purpose of hearing their views.

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[1]The Canadian report on the London Assembly, (pp. 54-56), summarizes this debate and gives (pp. 74-75) the text of the resolution adopted by the Assembly in London.

The W.F.T.U. on November 12, 1946, addressed a request to the Assembly that two additional privileges be granted by the Council to the W.F.T.U.—the right to submit to the Council questions for insertion in the provisional agenda of the Council, in accordance with the procedure applicable to specialized agencies, and the right to present written and oral communications to the Council on all questions of concern to the W.F.T.U. The Soviet delegation proposed that these requests be granted.

The first request was opposed by the United Kingdom and the United States but was agreed to by the Assembly. The second request was turned down. The vote in Committee on the first request was twenty-two for, fifteen against (including Canada) and two abstentions, and in the Assembly, twenty-five for, twenty-two against (including Canada) and six abstentions. The vote in Committee on the second request was fourteen for, twenty-four against (including Canada) and one abstention, and in the Assembly fifteen for, twenty-eight against (including Canada) and ten abstentions. The Assembly also decided that all four organizations in the preferred category should receive equal treatment in respect of consultative arrangements with the Council.

The attitude of the Canadian delegation was set forth in the statement made by the Canadian representative before the Joint Economic and Social Committee on November 23, 1946.[1] Canada opposed the Soviet resolution on the ground that to give the W.F.T.U. these two privileges would be to treat the W.F.T.U. as well as or better than the specialized agencies and this would be contrary to the express provisions of the Charter. Moreover, "the basic concept underlying the organization of the United Nations and of its constituent bodies is representation on geographic and national lines.... We are not now prepared to change this concept and to take over from the corporative state—from fascism—the principle of representation on the basis of functional or occupational groups". Canada therefore voted against both parts of the Soviet resolution.

[1] The text of this statement is given in Appendix XVI, pp. 247 to 249.

20. OTHER ECONOMIC AND SOCIAL QUESTIONS

The Assembly approved the agreements entered into by the Economic and Social Council with the following specialized agencies in order to bring these agencies into relationship with the U.N.: the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, and the International Civil Aviation Organization, provided that the Aviation Organization complied with the Assembly's decision on Franco Spain.

The Assembly referred to the Economic and Social Council for study the question of providing effective ways and means for furnishing, in co-operation with the specialized agencies, expert advice on the economic, social and cultural fields to Members of the U.N. desiring this assistance. In making this reference the Assembly stated that it recognized that the Members were not all equally developed and that their development was important for the peace and prosperity of the world.

It asked the Economic and Social Council to consider the desirability of holding an international conference of experts on housing and town planning.[1]

It drew to the attention of the Members of the U.N. the importance (*a*) of encouraging and promoting the establishment and co-operation of voluntary National Red Cross and Red Crescent Societies, (*b*) of respecting in all circumstances the independent voluntary nature of these societies, and (*c*) of ensuring that in all circumstances contact may be maintained between these societies so as to enable them to carry out their humanitarian task.[2]

The Assembly authorized the Secretary-General to make provision, with the co-operation of the specialized agencies, where

[1]The text of this resolution is given in Appendix XVII, p. 250.

[2]The text of this resolution is given in Appendix XVIII, p. 251.

appropriate, for the continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA and for this purpose the Assembly included the sum of $670,186 in the budget of the U.N. for 1947.

It authorized the transfer to the U.N. of the non-political functions and activities of the League of Nations, other than those exercised pursuant to international agreements, or entrusted to specialized agencies.

21. THE ELECTIONS TO THE ECONOMIC AND SOCIAL COUNCIL

It was necessary for the Assembly to elect six members of the Economic and Social Council to fill the places of the members whose terms expired on December 31, 1946. The six retiring members were Colombia, Greece, Lebanon, the Ukraine, the United States and Yugoslavia. These members were eligible for re-election. A two-thirds vote is required for election. Under the system of voting adopted by the Assembly, 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.

On the first ballot, the United States (51 votes), Venezuela (46 votes) and New Zealand (44 votes) were elected. The six leading unsuccessful candidates were Lebanon (35 votes), Netherlands (33 votes), Turkey (30 votes), Yugoslavia (27 votes), Byelorussia (25 votes) and Poland (10 votes).

On the second ballot, Lebanon was elected with 41 votes. Since only two places now remained to be filled, the voting on the third ballot was restricted to the Netherlands, Turkey, Byelorussia and Yugoslavia. These states got on the third ballot, 29, 28, 25 and 22 votes, respectively, and on the fourth ballot 29, 28, 28 and 19.

After a two-weeks interval a fifth ballot was held which gave Byelorussia 33 votes, Turkey 26, Netherlands 26, and Yugoslavia 18. On the sixth ballot Byelorussia was elected with 39 votes. On the seventh and eighth ballots, Turkey and the Netherlands were deadlocked for the remaining place, Turkey receiving 25 votes on the seventh ballot and 28 on the eighth, and the Netherlands receiving 24 votes on the seventh and 25 on the eighth. The deadlock was broken three days later by Belgium announcing that it would resign from the Council if the Assembly agreed to elect the Netherlands and Turkey to the two vacancies which would then be open. The Assembly agreed to this.

Trusteeship Questions and Non-Self-Governing Territories

22. TRUSTEESHIP AGREEMENTS

The Charter of the U.N. created the machinery of an international trusteeship system but it neither placed any territories under the trusteeship system nor imposed any obligation on the Members of the U.N. to place territories under the system. It described, however, three categories of territory which states might bring under the trusteeship system—territories held under League of Nations mandate, territories detached from enemy states as a result of the second world war, and other territories.[1]

To place any of these territories under the trusteeship system a special agreement is required. The agreement must contain the terms under which the particular territory will be administered, and it must designate the authority which will be responsible for the administration. The terms must be agreed upon by the "states directly concerned", including the mandatory power in the case of mandated territories administered by a Member of the U.N. It must also be approved by the General Assembly in respect of non-strategic areas, or by the Security Council in respect of areas within the territory which may be designated as strategic.

At the General Assembly in London declarations were made by Australia, Belgium, France, New Zealand, and the United Kingdom of their intention to place mandated territories under the trusteeship system. These declarations covered all the territories still under mandate except Palestine (U.K. mandate), South West Africa (South African mandate) and the islands formerly under Japanese mandate now occupied by the United States.

The General Assembly in London welcomed these declarations and invited all states administering mandates to undertake the negotiation of trusteeship agreements, preferably in time for their approval during the second part of the First Session of the Assembly.

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[1]The discussions at the San Francisco Conference on the establishment of the trusteeship system are summarized in the Canadian report on the San Francisco Conference, pp. 49-53.

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On November 6, 1946, the United States Government announced in Washington its intention to submit to the Security Council a trusteeship agreement covering the Pacific islands formerly under Japanese mandate, which would be declared a strategic area. In New York, meanwhile, eight trusteeship agreements were submitted to the Assembly for approval:

Proposed Administering Authority	*Territory*
Australia	New Guinea
Belgium	Ruanda-Urundi
France	Cameroons under French mandate
France	Togoland under French mandate
New Zealand	Western Samoa
United Kingdom	Tanganyika
United Kingdom	Cameroons under British mandate
United Kingdom	Togoland under British mandate

Apparently because of constitutional difficulties no agreement has been prepared yet for the island of Nauru under British Empire mandate. The island has been administered by Australia under an agreement among the governments of the United Kingdom, Australia and New Zealand. It was included at London among the territories listed for transfer to the trusteeship system.

The agreements presented to the Assembly were subjected to close examination by the Trusteeship Committee, a sub-committee of which considered two hundred and twenty-nine modifications proposed by Byelorussia, China, India, the U.S.S.R., the United States and others. Some of these modifications were accepted voluntarily by the mandatory powers; others were rejected by Committee vote.

Three modifications which the Trusteeship Committee approved were rejected by the mandatory powers. On these points the Committee yielded, since otherwise the agreements would not have come into effect. The first of these modifications would have provided for

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[1]The discussions of the London Assembly on the trusteeship system are summarized in the Canadian report on the London Assembly, pp. 22-25.

the periodic review and revision of trusteeship agreements after an initial ten-year period. Under the second an administering authority would necessarily surrender all its powers and return to the inhabitants all public assets on the termination of a trusteeship. The third was intended to prevent administration of trust territories "as an integral part" of the territory of the administering authority. This phrase, however, was retained by the majority of the administering authorities as a matter of purely administrative convenience. The United Kingdom and French delegations explained that it did not imply sovereignty of the administering authority in the trust territory, nor was it to be regarded as diminishing the political individuality of the trust territory. Only New Zealand, in the case of Western Samoa, deleted the words to which the Committee took exception.

Among the amendments rejected by the Trusteeship Committee itself was one intended to bar fiscal or customs unions with adjacent territories under the sovereignty or control of the administering authority. It is understood, however, that the right to establish fiscal or customs unions does not imply a right to establish political associations involving annexation or extinguishing the special status of any trust territory. Another rejected amendment, proposed by the United States delegation, would have prevented the creation of private monopolies without prior notice to the Trusteeship Council. The Belgian and United Kingdom delegations declared that their governments would grant private monopolies only when it was essential for a particular type of desirable economic development in the interests of the inhabitants. These would be created for limited periods only and would be reported promptly to the Trusteeship Council.

A question which caused some controversy was the interpretation to be put on Article 84 of the Charter[1], which imposes an obligation

[1]Article 84 reads as follows:

"It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory".

on the administering authority "to ensure that the trust territory shall play its part in the maintenance of international peace and security." The mandatory powers assumed that this article implied a right to establish military bases in all trust territories, that is to say not only in strategic areas under the supervision of the Security Council but also in non-strategic areas under the supervision of the Assembly. The Soviet delegation argued, on the contrary, that under Article 83 of the Charter the establishment of any military bases in trust territories required the consent of the Security Council. In sub-committee Canada supported the contention of the mandatory powers and voted with them and the majority to permit the establishment of military bases in non-strategic areas. This decision was upheld in the Assembly by a vote of 34 to 6, with 11 absentions.

Long and fruitless debates took place both at the London Assembly and in New York on the interpretation of Article 79 of the Charter, which provides that "the terms of trusteeship for each territory . . . shall be agreed upon by the *states directly concerned*" but gives no definition of the term "states directly concerned".

Apart from the states which were consulted by the mandatory powers as being "in any event directly concerned" in individual agreements, India claimed formally that it was a "state directly concerned" in the Tanganyika agreement, while the United States and the U.S.S.R. took the position that they had good grounds to be considered as "states directly concerned" in all the agreements. Eventually, on the proposal of the United States delegation, a note was included in the Committee's report to the General Assembly indicating that approval of the trusteeship agreements by the Assembly would not prejudge the issue as to which states were directly concerned within the meaning of Article 79 of the Charter. The Assembly would recognize that no state had waived its right with respect to subsequent agreements or with respect to alteration of the present agreements. The French delegation declared that approval of the trusteeship agreements by the Assembly would constitute recognition that the agreements complied with the conditions of Article 79. The Soviet delegation insisted, on the contrary, that the provisions

of Article 79 had not been complied with, since it had not been determined yet which states were directly concerned. The Trusteeship Committee, however, approved the eight trusteeship agreements by a vote of thirty-five for (including Canada) and eight against.

When the Committee's report was brought before the General Assembly the Soviet delegation moved to reject the eight agreements on the ground that they constituted an infringement of the basic terms of Chapter XII of the Charter in three respects: military bases, the failure to interpret the term "states directly concerned" and the retention of the phrase "as an integral part" of the territory of the administering authority. The Soviet motion was rejected by a vote of six to thirty-four, with eleven abstentions. The states which voted for the Soviet resolution were: Byelorussia, Czechoslovakia, Poland, Ukraine, the U.S.S.R. and Yugoslavia. Those which abstained were Colombia, Ecuador, Egypt, Ethiopia, Guatemala, India, Iran, Iraq, Liberia, the Philippines and Saudi Arabia.

The eight agreements were then approved individually by the Assembly. On six of the agreements the vote was forty-one to six (Byelorussia, Liberia, Poland, Ukraine, U.S.S.R. and Yugoslavia), with five abstentions (Colombia, Czechoslovakia, Ecuador, India and Venezuela). On the other two agreements (the French agreements for Cameroons and Togoland) Poland abstained instead of casting a negative vote. Canada voted with the majority.

23. THE ESTABLISHMENT OF THE TRUSTEESHIP COUNCIL

When the Assembly was asked to elect two states to the Trusteeship Council, Byelorussia, the Ukraine, the U.S.S.R. and Yugoslavia declared that, since the trusteeship agreements were contrary to the Charter, they could not be used as the basis for the creation of the Trusteeship Council. All four delegations therefore refused to participate in the elections to the Council and stated that the elections were irregular.

Forty-seven Members, however, voted in the election. Seven were absent or did not take part. Mexico received thirty-six votes, Iraq thirty-four. Both were declared elected to the Council for three-year terms.

The Trusteeship Council was thus constituted to consist of the states administering trust territories (Australia, Belgium, France, New Zealand and the United Kingdom), the other great powers (China, the U.S.S.R. and the United States) and Iraq and Mexico. The Secretary-General of the U.N. was requested to summon the first meeting of the Council to meet not later than March 15, 1947.

24. THE FUTURE STATUS OF SOUTH WEST AFRICA

During the first part of the First Session of the General Assembly the representative of South Africa had declared that, although the Legislature of South West Africa (a mandated territory) had already asked for incorporation of the territory in the Union of South Africa, there would be no attempt to draft an incorporation agreement until the freely expressed will of both European and native inhabitants had been ascertained. At the New York meeting of the General Assembly a statement was presented by the South African Government on the outcome of the consultations. According to this statement 208,850 of the non-European population favoured the incorporation of their territory in the Union, 33,520 were against it, while 56,790 could not be consulted. The European population had repeatedly asked for incorporation. In view of the freely expressed wishes of the inhabitants the Government of South Africa concluded that the interests of these inhabitants would best be served by the speedy incorporation of South West Africa in the Union of South Africa. The South African representative at the Assembly therefore suggested that the step should be approved by the Assembly.

The South African proposal gave rise to sharp and strongly expressed differences of opinion. Most of the members of the Assembly came to the conclusion that the Assembly ought not to accede to the South African suggestion, but there was much difference of opinion as to the legal and practical reasons for that conclusion and as to the terms in which it should be couched.

After a long debate the question was referred to a sub-committee, whose recommendation for a virtual postponement of the issue the main Committee did not accept. Instead the Trusteeship Committee, by a vote of seventeen to fifteen, recommended that the General

Assembly should pass a resolution which, after declaring that "it is the intention of the Charter that the trusteeship system shall apply to territories now under mandate", would go on to say:

> The General Assembly rejects any solution involving the incorporation of the territory of South West Africa, in the Union of South Africa, and recommends that the mandated territory of South West Africa be placed under the international trusteeship system and that the Government of the Union of South Africa be requested to submit for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

This resolution was open to objection on several grounds. The statement that it was the intention of the Charter that the trusteeship system should apply to mandated territories was not in accord either with the express terms of the relevant provisions of the Charter or with their history. The Charter, under a "Yalta formula", merely mentioned mandated territories as one of three categories of territory which might be placed under trusteeship. The San Francisco Conference rejected proposals that the Charter should make it obligatory to place certain classes of non-self-governing territories under trusteeship. Moreover, since the effectiveness of any Assembly resolution on the subject would depend on the impression it made on South African public opinion, the use of such a term as "reject" was inappropriate. The Canadian delegation therefore voted against this resolution in Committee.

This did not mean that the Canadian delegation was in favour of the Assembly approving without further enquiry the proposed incorporation of South West Africa in the Union of South Africa. Quite apart from the merits of the particular case, the Canadian delegation felt that it would be extremely dangerous for the Assembly to establish the precedent of accepting as established facts the results of soundings of opinion or plebiscites taken solely under the auspices of interested parties. A precedent of this nature might embarrass the Assembly if it were asked to give its blessing to the annexation of an independent state as the aftermath of a questionable plebiscite.

Similar views were held by many other delegations. As a result, when the resolution which had been passed by the Trusteeship Committee by the narrow margin of seventeen to fifteen was brought before a plenary meeting of the Assembly, a substitute resolution

was introduced by Denmark, India and the United States. In place of the questionable interpretation of the Charter found in the Committee's resolution, there was substituted a correct reference to the actual provisions of the Charter and a reminder of the terms of the unanimously adopted Assembly resolution of February 9, 1946, inviting the placing of all mandated territories under trusteeship.[1] In place of the harsh rejection of the incorporation of South West Africa in the Union, the substitute resolution stated, in terms which while firm were courteous, that the Assembly was "unable to accede to the incorporation".

The substitute resolution was adopted by a vote of thirty-seven to nothing, with nine delegations abstaining and eight members absent. Canada voted with the majority. The nine states which abstained were: Australia, Brazil, France, Greece, the Netherlands, New Zealand, Turkey, the Union of South Africa, and the United Kingdom.[2]

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[1]The text of this resolution is given in the Canadian report on the London Assembly, pp. 71-3.

[2]The text of the resolution is given in Appendix XIX, p. 252.

25. NON-SELF-GOVERNING TERRITORIES

The Charter distinguishes between two groups of non-self-governing territories: territories placed under trusteeship, and all other non-self-governing territories administered by Members. The Members concerned agreed under Chapter XI of the Charter to a declaration of the principles which they would follow in administering non-self-governing territories not under trusteeship. The Charter, however, established no system by which the U.N. would investigate and report on whether these principles were being carried out. It merely imposed on the administering powers the obligation "to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible".[1]

Before the Assembly met in New York the Secretary-General wrote to all Members asking them to list the non-self-governing territories subject to their jurisdiction. Canada's reply pointed out that Article 74 of the Charter distinguishes between the territories to which Chapter XI applies and the "metropolitan areas" of Members of the U.N. It seemed clear, therefore, that Chapter XI is not applicable to territories within the metropolitan area of a Member. Canada has no jurisdiction over territories beyond its borders. It is consequently not responsible for the administration of any territory to which Chapter XI applies. At New York there was considerable discussion of the meaning of the term "non-self-governing territories". It was finally agreed not to attempt a definition for the time being, but simply to note the territories already listed by Members as subject to Chapter XI.

Two schools of thought exist among the Members of the U.N. on the interpretation which should be given to the provisions of Chapter XI of the Charter on non-self-governing territories other

[1] Article 73e of the Charter.

than trust territories. Some Members wish to give as extensive an interpretation as possible to the obligations of Members under Chapter XI, and a correspondingly extensive interpretation of the powers and duties of the U.N., thus permitting the Trusteeship Council to assume supervisory functions over all non-self-governing territories.

Other Members of the U.N. insist that the clear intent of the Charter is to make a sharp distinction between trust territories and other non-self-governing territories. Mr. Dulles, the representative of the United States, put this difference as follows at a plenary meeting of the Assembly on December 14, 1946:

> "A vital difference [between Chapter XI and Chapter XII of the Charter] is that Chapter XI depends for implementation upon the governments carrying out their pledges. The governments do not, by Chapter XI [as they do by Chapter XII], share their governmental authority with the Assembly . . . . Chapter XI, like many other provisions of the Charter, depends at the present time essentially upon the voluntary action of the Member States. The attempt to substitute the authority of the United Nations for the authority of Member States within their own territory will not, in reality, make the Charter more effective. Already there is evidence that the present attempt is creating a disposition on the part of the Member States which made the Chapter XI declaration, to restrict, rather than liberalize, the scope of that declaration."

M. Parodi, the representative of France, at this same meeting of the Assembly, said : "Chapter XI . . . contains a unilateral declaration by a certain number of states, and the Chapter merely confines itself to recording it."

The issue was joined in the Assembly in New York over two resolutions, a resolution on the transmission of information under Article 73e[1] and a resolution on the holding of regional conferences of representatives of non-self-governing territories.[2]

On the first resolution three main views were held. Some representatives contended that the Secretary-General should merely summarize, analyse and classify the information and include it in his

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[1]The text of the resolution adopted by the Assembly is given in Appendix XX, pp. 253-255.

[2]The text of the resolution adopted by the Assembly is given in Appendix XXI, p. 256.

annual report to the Assembly; the Chinese representative urged that the information should be handed over to the Trusteeship Council; other representatives proposed that the Assembly appoint an *ad hoc* committee to review the Secretary-General's summary and analysis.

The final resolution reflected the views of the third group. The General Assembly on December 14 decided to establish an *ad hoc* committee composed of the states submitting information on non-self-governing territories and an equal number of other states. This committee is to meet some weeks before the opening of the Second Session of the Assembly. It is to examine the Secretary-General's summary and analysis of the information with a view to aiding the Assembly in its consideration. The committee will also make recommendations to the Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage. The controversial part of this resolution (paragraphs 4, 5 and 6) was adopted by a vote of twenty-eight (including Canada) to fifteen and seven abstentions, and the resolution as a whole was then adopted by a vote of twenty-seven (including Canada) to seven and thirteen absentions.

The composition of the *ad hoc* committee was then decided on as follows:

> Members transmitting information—Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States.
>
> Members elected by the Assembly—Brazil, China, Cuba, Egypt, India, Philippines, U.S.S.R., Uruguay.

On the resolution proposing regional conferences of representatives of non-self-governing territories, three main views were held. One group, which included the Soviet Union, wanted the Assembly to recommend to the Economic and Social Council that it, "together with the administrative authorities concerned, organize the convocation of regional conferences of representatives of non-self-governing territories in order to give the peoples of non-self-governing territories the opportunity of expressing their wishes and aspirations". Another group, which included France and the United States, contended that Members did not share their governmental authority with the U.N.

and that the Charter was violated "the moment you speak of approaching administrative authorities", since it was the governments which ought to be approached. This group also objected that the purpose of the regional conferences should not be defined as to give the peoples "the opportunity of expressing their wishes and aspirations", since this right was already enjoyed. A third group, which included the United Kingdom, was willing to accept a compromise permitting the Assembly to recommend to Members which administer non-self-governing territories that *they* convene conferences of representatives of non-self-governing peoples "chosen or preferably elected in such a way that the representation of the peoples will be ensured to the extent that the particular conditions of the territory concerned permit, in order that the letter and spirit of Chapter XI of the Charter may be accomplished and the wishes and aspirations of the non-self-governing peoples may be expressed".

The resolution adopted by the Assembly expressed the views of the third group. The final paragraph was adopted by twenty-three votes (including Canada) to fourteen, with seventeen abstentions. Some delegations opposed the adoption of the paragraph because it did not go far enough; others because it went too far. The whole resolution was adopted by a vote of thirty-one (including Canada) in favour to one against, with twenty-one abstentions.

Administrative and Budgetary Questions

26. THE BUDGETS OF THE U.N. FOR THE FINANCIAL YEARS 1946 AND 1947

Proposed budgets of the U.N. for the financial years[1] 1946 and 1947, the first two years of the existence of the U.N., were submitted to the Assembly by the Secretary-General and were subjected to close scrutiny by the Administrative and Budgetary Committee of the Assembly. Some expenditures proposed by the Secretary-General of the U.N. were deleted from the final budget, and others were reduced. The increases that were made resulted from decisions of the General Assembly. The Members of the U.N., with few exceptions, were convinced that the budgets as passed by the Assembly were modest.

The approach of the Canadian delegation to the question of the budget and the related question of the organization of the Secretariat of the U.N. was similar to that taken by most delegations. It was expressed as follows in the statement made by the chairman of the Canadian delegation on October 29, 1946, in the opening debate of the Assembly:

> "The people of my country, in common with the peoples of many other countries, are bearing heavy financial burdens as the result of the war. We are all, I am sure, concerned over the mounting cost of participation in international organizations—the cost not only of direct financial contributions but also the cost of sending full delegations to their meetings. All of us are willing to bear our fair share of the necessary expenditures and all of us are ready to recognize that these expenditures are small as compared to the cost of war. On the other hand, this Assembly must be able to satisfy public opinion throughout the world that the finances of the Organization are being employed in the best interests of the United Nations. We must be assured that the Secretariat possesses the highest standards of efficiency, competence and integrity and that the budgetary and financial administration of the United Nations is beyond reproach."

The Canadian delegation did not advocate the elimination of any necessary expenditure but repeatedly stressed the need for careful scrutiny of proposed expenditures and efficient budgetary and financial administration.

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[1]The financial year of the U.N. is the calendar year, January 1 to December 31. The budget for the year 1946 included the expenses of the Preparatory Commission of the U.N. which was in existence from the end of the San Francisco Conference to the opening of the First Session of the General Assembly.

The following budgets for 1946 and 1947 were unanimously adopted by the General Assembly:—

FOR FINANCIAL YEAR 1946

Appropriation Section	Purpose of Appropriation	Amount
	PART I	
I	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions	$ 885,800
II	For expenses of Personnel Services	6,492,979
III	For expenses of Common Services	4,238,610
IV	For expenses of establishment of Headquarters and initial recruitment of staff	6,143,121
V	For unforeseen expenses	250,000
VI	For expenses of the Preparatory Commission and the cost of the first part of the First Session of the General Assembly to 31 January, 1946	902,282
	Total, Part I	$18,912,792
	PART II	
VII	For expenses of the International Court of Justice	320,097
VIII	For expenses of the Registry and Common Services of the International Court of Justice.	157,111
	Total, Part II	$ 477,208
	TOTAL, Parts I and II	$19,390,000 (U.S.)

NOTE: Amounts not exceeding the above are to be available for the payment of obligations incurred prior to 1 January, 1947. The Secretary-General may, by written order, transfer credits between Sections within Part I and between Sections within Part II. The Secretary-General is to report to the 1947 Session of the General Assembly all such transfers together with the circumstances relating thereto.

FOR FINANCIAL YEAR 1947

Appropriation Section	Purpose of Appropriation	Amount
	PART I	
I	For expenses of travel of representatives to the General Assembly and travel of members of Committees and Commissions	$ 1,090,500
II	For expenses of Personnel Services	13,999,223
III	For expenses of contributions to the Staff Provident Fund, Provisional Staff Retirement Scheme, and related benefits	2,301,179
IV	For expenses of Common Services	5,966,500
V	For expenses of establishment of Headquarters and initial recruitment of staff	3,074,000
VI	For expenses of Advisory Social Welfare Functions	670,186
	Total, Part I	$27,101,588
	PART II	
VII	For expenses of the International Court of Justice	387,894
VIII	For expenses of the Registry and Common Services of the International Court of Justice.	250,518
	Total, Part II	$ 638,412
	TOTAL, Parts I and II	$27,740,000 (U.S.)

NOTE: Amounts not exceeding the above are to be available for the payment of obligations incurred from 1 January, 1947 to 31 December, 1947. The Secretary-General is to make a primary allotment of the appropriations voted by objects of expenditure; transfers between the primary allotments within Sections are permissable only on the written authority of the Secretary-General.

The provisional budget for 1946 had been for $21,500,000 but this was reduced to $19,390,000. The estimates of the second annual budget for 1947 were $23,790,008 but the budget approved by the Assembly showed an increase of $3,949,992 made up as follows.

Travel of representatives, etc.		$ 300,500
Staff Provident Fund, etc.		2,301,179
Common Services		580,988
Establishment of Headquarters		382,000
Advisory Social Welfare Functions		670,186
		$ 4,234,853
Less decreases:		
Personnel services	$ 65,474	
International Court of Justice	219,387	
		284,861
Net increase		$ 3,949,992 (U.S.)

At the first part of its First Session the General Assembly established a working capital fund as a permanent feature of the financial system of the U.N. The purpose of the fund is to finance the U.N. pending the receipt of the annual contributions. Loans may also be advanced from the fund to certain specialized agencies for the purpose of financing their initial operations. The fund was fixed in February, 1946, at $25,000,000 (U.S.) to cover the estimated expenditure for 1946, the cost of the Preparatory Commission and other expenditures incurred prior to December 31, 1945. After considerable discussion in the Administrative and Budgetary Committee, the General Assembly decided on December 14, 1946, that for 1947 the fund would be fixed at $20,000,000. Canada favoured a fund of $25,000,000, but when this was defeated voted for a fund of $20,000,000. The Assembly also decided that the amounts paid by Members to the working capital fund in 1946 will be set off against the fund for 1947 and any amounts exceeding a Member's contribution to the fund for 1947 will be set off against the Member's annual contributions for 1946 and 1947, in that order. Canada paid $1,090,500 to the working capital fund for 1946. Canada's contributions to the fund for 1947, based on its scale of contributions to the 1947 budget (3·20 per cent) will be $640,000. The difference between this sum and $1,090,500 will be set off against Canada's annual contribution for 1946.

27. SCALE OF CONTRIBUTIONS TO THE BUDGETS

On February 13, 1946, the General Assembly appointed a standing expert Committee on Contributions consisting of ten persons elected by the Assembly. The Committee was instructed to prepare a detailed scheme for the apportionment of expenses among the Members according to their capacity to pay, taking into account comparative estimates of national income and of income per head, the temporary dislocation of national economies arising out of the war and the ability of Members to secure foreign currency; "if a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay".

The Committee secured the best available estimates of national income and of per capita income but these were not wholly reliable or comparable. Moreover, estimates of national income for post-war years were, of course, not available and the Committee had, in general, to rely on data for the years 1938-1940. Many of the rates of conversion into U.S. dollars and the adjustments for per capita income and for war damage were necessarily rather arbitrary. The Committee found no way of taking into account the influence of difficulties in obtaining foreign exchange. In its report it stated that it had "confined its work to making estimates of relative capacity to pay, recognizing that factors other than capacity to pay including ceiling provisions, which raise political issues, may be discussed by the General Assembly if it so desires".

The Committee recommended a scale of contributions for the years 1946, 1947 and 1948, under which the seven largest contributors would be:

	Per cent
United States	49·89
United Kingdom	10·50
U.S.S.R.	6·00
France	5·50
India	3·75
Canada	3·10
China	2·75

and the six smallest would be—Costa Rica, Haiti, Honduras, Liberia, Nicaragua, and Paraguay, each of which would pay 0·02 per cent or, on the basis of a $28,000,000 budget, $5,600.

When this report was submitted to the Administrative and Budgetary Committee of the Assembly, the United States took the position that, as a matter of sound public policy, no nation in an international organization of sovereign equals should, under normal conditions, pay more than one-third of the total cost.

A reduction of the United States contribution from 49·89 per cent to 33·33 per cent would have involved an increase of approximately one-third in the aggregate contributions of all the other Members. If this increase were spread evenly over all the other Members, each of them would have had its percentage contribution increased by a third. Canada, for example, would pay about 4·13 per cent or one-eighth of the United States contribution of 33·33 per cent. Since the population of Canada is only one-twelfth that of the United States and its national income only about one-sixteenth that of the United States, this would be clearly inequitable. It would mean that the average Canadian, whose income is somewhat less than that of the average resident of the United States, would contribute to the cost of the U.N. substantially more than the average resident of the United States.

The Canadian delegation therefore took the position that, if a ceiling was placed on the contribution of the United States, no other state should be called upon to contribute an amount which would result in a higher per capita contribution than that of the United States.[1]

The question was referred to a subcommittee consisting of the great powers and Canada, Egypt, Mexico, the Netherlands, Poland and Uruguay. After discussion in subcommittee the United States delegation stated that, while maintaining its position that no nation should under any circumstances pay in normal conditions more than a third of the cost of an international organization of sovereign equals, the United States delegation was prepared to recommend to

[1]The text of the statement made by the Canadian representative at the meeting of the Administrative and Budgetary Committee on November 12, 1946, is given in Appendix XXII, pp. 257 and 258.

Congress a contribution of not more than 39·89 per cent to the 1946 and 1947 budgets and to the working capital fund because they recognized that normal post-war economic relations had not yet been restored. The subcommittee accepted this offer and drew up a revised scale of allocations for the years 1946 and 1947. Its report was accepted by the full Committee and, when presented to the Assembly in the form of a resolution was adopted unanimously.[1] Under the scale adopted by the Assembly the contributions of the seven largest contributors for 1947 are:

	Per cent
United States	39·89
United Kingdom	11·48
U.S.S.R.	6·34
China	6·00
France	6·00
India	3·95
Canada	3·20

The contributions of the smallest contributors were increased from 0·02 per cent to 0·04 per cent. Seven states are to pay 0·04 per cent each; seven 0·05 per cent; one 0·06 per cent; two 0·08 per cent.

The allocation of 3·20 per cent to Canada applies to the 1947 budget and the working capital fund. Canada's allocation for 1946 is 3·35 per cent. Thus Canada will be called upon in 1947 to make the following contribution to the U.N.:

1946 contribution, 3·35 per cent of $19,390,000		$ 648,245
1947 contribution, 3·20 per cent of $27,740,000		887,680
		$1,535,925
Working Capital Fund		
3·20 per cent of $20,000,000	$ 640,000	
Less: amount paid in 1946	1,090,500	
		450,000 cr.
		$1,085,425 (U.S.)

The expert Committee on Contributions was instructed to review the scale of contributions and present a report to the Second Session of the Assembly in September, 1947. It is hoped that the Assembly will be able to agree on a scale to apply for the years 1948,

[1] The text of the resolution which includes the scale of assessment is given in Appendix XXII, pp 259 and 260.

1949 and 1950, so that it will not be necessary to have another debate on the subject until the Session of the Assembly in 1950.

The considerations which the Committee on Contributions should take into account in drawing up a new scale of contributions have not this time been defined by the Assembly. Consequently it is to be expected that the Committee will study not only the United States proposal for a ceiling of 33⅓ per cent but also the wisdom of establishing a floor more in consonance with the dignity of membership in the U.N. than the present floor of $\frac{1}{25}$ of one per cent. The Committee might also usefully take into account, in arriving at an equitable allocation, not only national income and per capita income, but also such items as national expenditures on armaments and the net expenses of the maintenance of diplomatic services.

28. BUDGETARY AND FINANCIAL RELATIONS OF THE U.N. WITH SPECIALIZED AGENCIES

The problem of how best to secure the greatest possible measure of economy and efficiency of administration in the U.N. and the specialized agencies was discussed by the Administrative and Budgetary Committee. The Secretary-General was asked to explore the matter with the specialized agencies and to make recommendations to the next regular session of the General Assembly. In particular, he was asked to develop at the earliest practicable date arrangements with the specialized agencies for common fiscal controls and common budgetary, administrative and financial practices.

In order that the Assembly may, in September 1947, have before it a comprehensive estimate of the total expenditures of the U.N. and of the specialized agencies, it is hoped that the Secretary-General will be able to append to the U.N. budget for 1948, as informative annexes, the budgets or proposed budgets of the specialized agencies for 1948.

Finally, the Secretary-General is to explore possible arrangements by which the budgets of the specialized agencies might be presented to the General Assembly for approval.[1]

[1]The text of the resolution is given in Appendix XXIII, p. 261.

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29. THE APPOINTMENT OF EXTERNAL AUDITORS

The General Assembly in London decided that the Secretary-General should make recommendations to the Assembly at the second part of its First Session on the scope and method of audit of the accounts of the U.N. and the procedure for the submission of the auditors' report. It further decided that the auditors should be persons not in the service of the U.N.

The Secretary-General's proposals were discussed by the Administrative and Budgetary Committee and revised in the light of suggestions made by the United States and the Soviet Union. The plan was then adopted unanimously by the Committee. It was decided that three persons should be appointed to the Board of Auditors, and the Committee by secret ballot elected the Auditor-General of Canada to serve until June 30, 1950 (36 votes), the Auditor-General of Sweden to serve until June 30, 1949 (29 votes) and the Auditor-General of the Ukraine to serve until June 30, 1948 (18 votes). The Assembly unanimously adopted a resolution embodying the Committee's decision.[1]

The three auditors constitute the Board of Auditors. The Board may engage commercial public auditors of international repute. The auditors are instructed to bring to the attention of the Assembly wasteful or improper expenditure of U.N. money or stores, expenditures likely to commit the U.N. to further outlay on a large scale, any defect in the general system or detailed regulations governing the control of receipts and expenditures or of stores and expenditures not in accord with the intention of the Assembly.

The Board's report will be submitted to the General Assembly not later than June 1 following the end of the financial year to which the accounts relate. The Advisory Committee on Administrative and Budgetary Questions will study the report and submit its comments on it to the Assembly.

[1]The text of the resolution is given in Appendix XXIV, pp. 262 to 265.

30. ELECTIONS TO STANDING FINANCIAL COMMITTEES

The Advisory Committee on Administrative and Budgetary Questions and the Committee on Contributions are the two special permanent committees of the Assembly. They are elected by the Assembly and consist of persons, not states. The first consists of nine members, the second of ten. The members are elected for three-year terms.

The Advisory Committee is responsible for submitting to the General Assembly at the beginning of each regular session a detailed report on the budget proposed by the Secretary-General for the next financial year and a detailed report on the accounts of the last financial year. It is also responsible for examining, on behalf of the General Assembly, the administrative budgets of specialized agencies and proposals for financial and budgetary arrangements between the U.N. and these agencies.

The members of the Advisory Committee were elected by the Assembly in New York for terms of one, two or three years commencing January 1, 1947:

Name	State	Votes	Term
Mr. D. C. Stone	U.S.A.	43	3 years
Sir William Matthews	U.K.	41	3 years
Mr. V. I. Kabushko	U.S.S.R.	34	2 years
Mr. O. Machado	Brazil	33	3 years
Mr. T. Aghnides	Greece	33	2 years
Mr. C. L. Hsia	China	27	2 years
Mr. A. Ganem	France	26	1 year
Mr. S. K. Kirpalani	India	26	1 year
Sr. G. M. Cabanas	Mexico	23	1 year

The Committee on Contributions is responsible for advising the Assembly on the scale of the financial contributions of the Members of the U.N. to the budgets of the U.N. and on appeals by Members for a change of assessment.

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The Assembly in London had elected the members of this Committee but the terms of office of three members expired on December 31, 1946. The Assembly in New York therefore elected three members to fill the vacancies. The present membership of the Committee is:

Name	State	Term
Mr. K. V. Dzung	China	3 years
M. Jan Papanek	Czechoslovakia	3 years
Mr. James E. Webb	U.S.A.	3 years
Mr. J. P. Brigden	Australia	2 years
Dr. Martinez Cabanas	Mexico	2 years
Mr. Seymour Jacklin	South Africa	2 years
Mr. Nicolai Orlov	U.S.S.R.	2 years
M. M. Baumont	France	1 year
Sir Cecil Kisch	U.K.	1 year
Sayid Nedim el Pachachi	Iraq	1 year

31. THE SECRETARIAT

The establishment and maintenance of an efficient and loyal international secretariat is essential to the success of the U.N. Basic principles were agreed upon in San Francisco and incorporated in the Charter of the U.N.[1] The problems involved in the practical application of these principles are many, diverse and difficult. These were examined with great care over a period of four months by the Executive Committee and the Preparatory Commission of the United Nations which met in London from August to December, 1945. The conclusions of the Preparatory Commission were embodied in detailed recommendations and suggestions which were adopted with minor changes by the Assembly at its London meeting.[2]

In accordance with resolutions adopted at the London meeting of the Assembly, the Secretary-General presented to the Assembly in New York reports on the organization and work of the Secretariat, the selection and training of staff, the establishment of an international civil service commission, an administrative tribunal, and a staff retirement scheme.

The Administrative and Budgetary Committee discussed at some length the reports on the organization and work of the Secretariat and on the selection and training of staff. A considerable

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[1]See Canadian report on the San Francisco Conference, pp. 58-60. Article 100 of the Charter reads as follows:

"1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities."

Paragraph 3 of Article 101 reads as follows:

"3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

[2]See Canadian report on the London Assembly, pp. 28-33.

number of the higher officials of the Secretariat appeared before the Committee for questioning. It became apparent that many members of the Committee were concerned over various phases of the operations of the Secretariat: Had strenuous enough efforts been made to maintain the highest possible standards in recruitment of staff? Was not the number of United States citizens in the Secretariat unduly high? Had the specialization of work not been carried to excess? Were certain branches of the Secretariat not over-staffed? However, it was recognized that the Secretary-General had had to recruit a staff quickly and that it would be wise to put off until the Second Session of the Assembly the framing of detailed constructive recommendations on how the Secretary-General may best ensure strict adherence to the principles set forth in the Charter.

The Assembly, by a resolution adopted in London on February 13, 1946, had decided that an international civil service commission should be established by the Secretary-General, after consultation with the heads of the specialized agencies, to advise on the methods of recruitment for the Secretariat, and on the means by which common standards of recruitment in the Secretariat and in the specialized agencies might be secured. The Secretary-General reported that exploratory conversations had taken place but that the general view of the specialized agencies was that more extensive experience with international recruiting would provide a firmer basis for planning and establishing an international civil service commission. The Secretary-General stated that he proposed to set up a group composed of four personnel specialists and of five representatives of specialized agencies to make recommendations to him. It is therefore to be expected that a report on this subject will be put before the Second Session of the Assembly in September, 1947.

Similarly no final action was taken on the report of an advisory committee, set up by the Secretary-General in accordance with a resolution of the Assembly of February 13, 1946, which had submitted a draft statute of a United Nations administrative tribunal. This tribunal would deal with questions of the interpretation of the contract of a member of the Secretariat and with the claims of officials for non-observance of their contract. After extended discus-

sion in Committee, the question was referred back to the Secretary-General for further study. It will come up again at the Second Session of the Assembly.

The Assembly did, however, adopt provisional regulations for a United Nations joint staff pension scheme which would apply to all regular full-time members of the Secretariats both of the U.N. and of such specialized agencies as agreed to come under the scheme. The scheme was adopted on the condition that it should be regarded as provisional during its first year and should be open to complete review at the Second Session of the Assembly. Any amendments which may be made at the Second Session will apply to all the participants in the scheme even though they were participants before the amendments were adopted.

The Assembly's resolution on the U.N. pension scheme included a request that each Member Government, pending the conclusion of a formal agreement with the U.N., take steps to preserve the existing pension rights of its national civil servants who accept posts as members of the staff of the Secretariat.

The difficult problem of the exemption of officials of the Secretariat from national income tax on the salaries and allowances which they receive from the U.N. had been discussed at length at the London meeting of the Assembly. The conclusion reached was that "there is no alternative to the proposition that exemption from national taxation for salaries and allowances paid by the Organization is indispensable to the achievement of equity among its Members and equality among its personnel". Pending the taking of action by Members, the Secretary-General had been authorized to reimburse staff members who had to pay national income tax.

The Assembly in New York requested Members to take early action to exempt from national taxation salaries and allowances paid out of the budget of the U.N. The Advisory Committee on Administrative and Budgetary Questions was asked to study the question of establishing a "staff contributions plan" to take the place of national taxation. This Committee may request the Secretary-General to submit new proposals on this subject to the Second Session.

Legal Questions

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32. THE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

Much of the time of the principal sub-committee of the Legal Committee was taken up with a study of the manner in which the General Assembly could best implement its obligation, under Article 13 (1) (*a*) of the Charter, to "initiate studies and make recommendations for the progressive development of international law and its codification". The United States had asked that this item be placed on the agenda of the Assembly. The Canadian delegation took an active part in the framing of the resolution which was eventually adopted.

The sub-committee agreed that a considered and comprehensive report on the methods which might suitably be adopted in implementing this obligation should be made available to the General Assembly before it formulated any definite plan for the progressive development of international law and its codification. It was further agreed that "international law", as it appears in Article 13 (1) (*a*) of the Charter, is not necessarily restricted to "public international law", and that a study should be made of existing projects and of the methods followed by official and unofficial bodies interested in the development and codification of both public and private international law. It was agreed, moreover, that the Assembly should appoint a committee, "genuinely representative of the main forms of civilization and of the principal legal systems of the world", to consider and report to the next regular session of the Assembly on these methods.

The recommendations of the sub-committee were adopted unanimously by the Legal Committee and by the Assembly.[1] The seventeen Members appointed to the Committee on Codification were: Argentina, Australia, Brazil, China, Colombia, Egypt, France, India, the Netherlands, Panama, Poland, Sweden, the United Kingdom, the United States, the U.S.S.R., Yugoslavia and Venezuela.

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[1]The text of the General Assembly's resolution of December 11, 1946, is given in Appendix XXV, p. 266.

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33. THE CHARTER OF THE NUREMBERG TRIBUNAL

There was placed on the agenda of the General Assembly, at the instance of the United States delegation, an item concerning the Nuremberg trials. On the recommendation of the Legal Committee, the General Assembly took note of the agreement to establish an international military tribunal for the prosecution and punishment of the major war criminals of the European Axis (signed at London, August 8, 1945), and of the annexed charter. It also took note of the fact that similar principles were recognized in the charter of the international military tribunal for the major war criminals in the Far East (proclaimed at Tokyo, January 19, 1946). The Assembly affirmed the principles of international law recognized by the charter of the Nuremberg tribunal and by the judgment of the tribunal, and directed the Assembly's Committee on Codification (referred to above) to give priority to plans for the formulation, in the context, of a general code of offences against the peace and security of mankind, or of an international criminal code, of the principles recognized in the charter and judgment of the Nuremberg tribunal.

The resolution adopted by the General Assembly was thus of a twofold character.[1] While the first part of the resolution, which affirmed the principles of international law contained in the charter of the Nuremberg tribunal, was adopted by a virtually unanimous vote, the delegations of the U.S.S.R., Byelorussia, the Ukraine and Yugoslavia strongly resisted the second part of the resolution, which contemplated the formulation of these principles in the context of an international criminal code. The Soviet delegation, in particular, insisted that the time was not ripe for any attempt at the codification of international law, and in particular of the Nuremberg principles, although no objection was voiced to preliminary consideration being given to ways and means of codification. The general opinion of the Assembly, however, including that of the Canadian delegation, was that the Nuremburg principles should be reduced to a codified form as soon as possible, while the judges and lawyers who participated in the trial were still available for counsel and guidance.

[1]The text of this resolution is given in Appendix XXVI, p. 267.

34. THE CRIME OF GENOCIDE

The delegations of Cuba, India and Panama submitted a draft resolution drawing the attention of the Economic and Social Council to the crime of "genocide" and inviting the Council to study this problem and to report on the possibility of declaring genocide an international crime. This draft resolution was fully debated in the Legal Committee and a number of amendments were proposed by various delegations. A sub-committee (with Mr. E. Gajardo, of Chile, as chairman and Mr. Charles Fahy, of the United States, as rapporteur) was accordingly appointed to draft a resolution acceptable to the Committee.

The sub-committee's report was adopted unanimously by the Legal Committee and by the General Assembly. The resolution[1] recites that genocide is a denial of the right of existence of entire human groups in the same way as homicide is the denial of the right of existence of individual human beings, and that many instances have occurred where racial, religious, political and other groups have been destroyed entirely or in part. The Assembly accordingly affirmed that genocide is an international crime condemned by the civilized world for which principals and accomplices, whether private individuals, public officials or statesmen, regardless of the ground upon which it is committed, are punishable. The resolution also invites Members to enact the necessary legislation for the prevention and punishment of this crime and requests the Economic and Social Council to undertake studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the Assembly.

During the discussions in the sub-committee, a question arose as to whether or not the responsibility of states, as distinguished from individuals, should be mentioned in the resolution. Also discussed was a proposal made by the Polish delegation concerning the dissemination of hatred against national, racial or religious groups as a step preparatory to the crime of genocide. It was agreed, however, that these matters could be left for consideration in connection with whatever draft convention or studies were made under the resolution.

[1]The text of the resolution is given in Appendix XXVII, p. 268.

35. THE REGISTRATION AND PUBLICATION OF TREATIES

The General Assembly on February 10, 1946, instructed the Secretary-General to submit proposals for detailed regulations and other measures to give effect to Article 102 of the Charter, which requires all treaties and international agreements entered into by Members of the U.N. since the coming into force of the Charter to be registered with the U.N. Secretariat and published by it.[1] By the same resolution, the Secretary-General was instructed to invite Members to transmit to him, for filing and publication, treaties and international agreements, entered into before the coming into force of the Charter, which were not included in the League of Nations Treaty Series. He was also invited to receive, for filing and publication, treaties and international agreements voluntarily transmitted by non-Member governments which were entered into before or after the coming into force of the Charter and which were not included in the League of Nations Treaty Series.

Pursuant to this resolution, the Secretary-General prepared draft regulations which were submitted to the Legal Committee for consideration. The Legal Committee referred the draft regulations to a sub-committee, delegations not represented on the sub-committee being invited to submit written proposals for the improvement of the regulations. The chairman of this sub-committee was Dr. Frede Castberg of Norway, and its rapporteur, Mr. E. R. Hopkins of Canada.

In settling the terms of the regulations, the subcommittee considered it essential to provide for the orderly registration (or filing) and publication of treaties and international agreements and

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[1]Article 102 reads as follows:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

for the maintenance of precise records on their status. It also thought it desirable to adhere closely both to the Charter and to the General Assembly's resolution of February 10, 1946; in particular to the distinction drawn in the resolution between *registration* (applicable only to treaties and international agreements subject to Article 102) and *filing* (applicable to the other treaties and international agreements covered by the regulations). The subcommittee also agreed that no attempt should be made at this time to define in detail the kinds of treaty or agreement requiring registration under the Charter, it being recognized that experience and practice would in themselves aid in giving definition to the terms of the Charter.

During the discussions the subcommittee took the position that registration is effected by the act of one of the parties and not by any action taken by the Secretariat, and also that a treaty comes into force when, by agreement, it is applied provisionally by two or more parties. With respect to treaties and agreements received from non-Member states for filing and recording, the sub-committee considered it proper to include a proviso designed to make it clear that these arrangements do not extend to Franco Spain.

The conclusions of the subcommittee were embodied in a resolution approving a set of regulations. This resolution was adopted unanimously by the Legal Committee and by the Assembly.[1]

[1]The text of the resolution and of the regulations is given in Appendix XXVIII, pp. 269 to 274.

36. THE OFFICIAL EMBLEM OF THE U.N.

The design which until the second part of the First Session had been used in practice as the emblem of the U.N. consisted of a "mappemonde" inscribed in a wreath of olive branches. This emblem was criticized in some quarters in that the map did not include certain countries and in that, as projected, it gave undue prominence to the North American continent. The General Assembly accepted an alternative design, recommended by the Legal Committee, which met these points of criticism. This corrected design was technically described in the report of the Legal Committee as—

> A map of the world representing an azimuthal equidistant projection centered on the North Pole, inscribed in a wreath consisting of crossed conventionalized branches of olive tree; in gold on a field of smoke-blue with all water areas in white.

The General Assembly adopted this design as the emblem and distinctive sign of the U.N., and authorized its use as the official seal of the U.N. Members were asked to take legislative or other appropriate action to prevent the unauthorized use, in particular for commercial purposes, of the emblem, the official seal, and the name of the United Nations and of abbreviations of that name through the use of its initial letters.[1]

[1]The text of the resolution and a reproduction of the emblem is given in Appendix XXIX, p. 275.

37. THE INTERNATIONAL COURT OF JUSTICE

The question of the terms upon which Switzerland, having indicated a desire to do so, might become a party to the Statute of the International Court of Justice was discussed by the Assembly. By Article 93 (2) of the Charter, the General Assembly determines, on the recommendation of the Security Council, the conditions upon which a state not a Member of the U.N. may become a party to the Statute. In this instance, the General Assembly, on the recommendation of the Security Council and the Legal Committee, required that Switzerland deposit with the Secretary-General an instrument, duly ratified in accordance with Swiss constitutional law, containing:

(*a*) an acceptance of the provisions of the Statute of the Court;
(*b*) an acceptance of all the obligations of a Member of the U.N. under Article 94 of the Charter (concerning compliance with the decisions of the Court);
(*c*) an undertaking to contribute to the expenses of the Court such equitable amount as the Assembly may determine after consultation with the Swiss Government.

A second item affecting the Court turned on the meaning of the word "meeting" as it appears in Articles 11 and 12 of the Statute of the Court. Article 8 of the Statute provides that the General Assembly and the Security Council shall proceed "independently of one another" to elect the members of the Court. Article 11 provides that if, after the first "meeting" held for this purpose, one or more vacancies remained to be filled, a second, and if necessary a third, "meeting" will be held for the purpose. Article 12 adds that if three "meetings" do not result in the filling of all vacancies, a joint conference between three representatives of the Assembly and three representatives of the Security Council will proceed to fill the vacancies by majority vote.

Differences of opinion arose at the London session of the Assembly as to the meaning of the word "meeting", some delegates holding the view that a meeting must be regarded as concluded as soon as the first ballot is taken. To resolve these differences, the General Assembly, on the recommendation of the Legal Committee,

adopted a new provisional rule of procedure for the Assembly, designed to make it clear that any "meeting" held by the Assembly under Articles 11 and 12 of the Statute is deemed to continue (with as many adjournments as necessary) until as many candidates as are required to fill all the vacancies have received an absolute majority of votes. This was the League of Nations practice and was regarded by the Legal Committee as in accordance with the letter and spirit of the Charter. However, since the Security Council was also concerned, the adoption of the new rule was made conditional on the adoption of a corresponding rule by the Security Council.

At one stage the United Kingdom delegation had recommended that this question be referred to the International Court itself for an advisory opinion. However, since there was no disagreement within the Legal Committee as to the meaning of the word, and as the matter was essentially one of procedure, the Legal Committee did not regard it as necessary or desirable to ask the Court for an advisory opinion.

Article 96 of the Charter authorizes the General Assembly and the Security Council to request the International Court to give an advisory opinion "on any legal question". The same article empowers the Assembly to authorize other organs of the U.N. and the specialized agencies to request advisory opinions of the Court on "legal questions arising within the scope of their activities". Under this Article the Assembly, on the recommendation of the Legal Committee, unanimously adopted a resolution authorizing the Economic and Social Council to seek the advice of the Court. The Legal Committee also advised the Economic and Social Committees, at their request, that there was no legal obstacle to including in the agreements concluded between the Economic and Social Council and the specialized agencies clauses conferring on the agencies a right of referring legal problems to the Court. As a result the Assembly approved the inclusion of these clauses in the agreements with the specialized agencies.

It was the consensus, within the Legal Committee, that this action would have the effect of extending and strengthening the rule of law in international affairs, and that the Council and the agencies

would make good use of the right of reference. The action taken was strongly supported by the Canadian representative, and was in line with the introductory address of the Chairman of the Canadian delegation and with the position taken by Canada at meetings of the Economic and Social Council.

38. THE TERMS OF OFFICE OF MEMBERS OF COUNCILS

The General Assembly unanimously agreed, on the recommendation of the Legal Committee, that the terms of office of the non-permanent members of the Councils should be from January 1 to December 31 in the appropriate year. The Provisional Rules of Procedure of the Assembly were amended accordingly. It was recognized that this change would mean a loss of several days' tenure of office on the part of Members elected to the Security Council and the Economic and Social Council on January 12 or 14, 1946. However, it was felt that the terms of office should be regularized as soon as possible on the basis of the calendar year, and it was noted that the maxim "de minimis non curat lex" was common to most legal systems.

39. THE PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

The privileges and immunities to be accorded by Members to international organizations and their staffs were considered by the Legal Committee and the General Assembly in four aspects: the general convention on the privileges and immunities of the U.N., the position of the International Court of Justice, the arrangements concluded with the Swiss Federal Council in respect of the privileges of the U.N. in Switzerland (including the agreement with the Swiss Confederation in respect of the Ariana site), and the draft agreement between the U.N. and the United States made necessary by virtue of the decision to establish the seat of the U.N. in the United States.

The Secretary-General reported that, while several Members had indicated that authority was being sought to enable them to accede to the general convention on the privileges and immunities of the U.N.,[1] only one Member, the United Kingdom, had as yet actually acceded. The General Assembly noted this report and adopted a resolution inviting Members to accede to the convention as soon as possible, and recommending that until Members had acceded they should follow as closely as possible the provisions of the general convention. (It is provided in the convention that before an instrument of accession is deposited by a Member, that Member should be in a position under its domestic law to give effect to the terms of the convention, so that legislation has to precede accession.)

The Legal Committee also considered the privileges and immunities required by the International Court of Justice for the proper discharge of its functions. The Secretary-General, by an Assembly resolution of February 13, 1946, had been charged with the duty of considering the problem and of making recommendations to the Assembly. The Legal Committee examined the report of the Secretary-General, which was prepared with the assistance of the judges and registrar of the Court. The Committee's views, which were incorporated in a resolution of the General Assembly, include

[1]The text of the convention is given in the Canadian report on the London Assembly, pp. 79-85.

a recommendation that the members and registrar of the Court should enjoy every facility to enter and leave any country where the Court is sitting, a recommendation that officials should enjoy in any country where they may be on the business of the Court such privileges, immunities and facilities as may be necessary for the independent exercise of their functions and a recommendation that Members of the U.N. should recognize the U.N. *laissez-passer* issued by the Court to its members and registrar.

The Legal Committee also considered the Secretary-General's report on negotiations with the Swiss Federal Council which contained interim arrangements on the privileges and immunities of the U.N. in Switzerland and an agreement on the Ariana site. These instruments were drawn up by the Swiss Federal Council and the Negotiating Committee of the U.N. and came into force on July 1, 1946. The Secretary-General's report also contained a review of later discussions and the text of two letters from the head of the political department of the Swiss Federal Council, dealing with the interim arrangements and with radio facilities for the U.N. The Legal Committee expressed the hope that assurances concerning the transfer to the U.N. of wave-lengths previously registered for *Radio-Nations* would be received shortly from the Swiss authorities. On this basis, the General Assembly approved the arrangements already concluded with the Swiss Federal Council.

The General Assembly in London had adopted, as a basis for discussion in negotiations with the United States, a draft convention between the U.N. and the United States setting forth the facilities, privileges and immunities to be granted to the U.N. by the United States as a result of the choice of the United States as the site of the U.N. The Assembly had also appointed a committee to negotiate the convention with the United States.

The report of this negotiating committee envisaged the establishment of the permanent headquarters in a rural site. Its recommendations therefore required revision in the light of the Assembly's decision of December 14, 1946, to establish the headquarters in New York City. Under these circumstances, the Assembly authorized the Secretary-General to negotiate an agreement with the appropriate authorities of the United States of America concerning the arrange-

ments required as the result of establishing the headquarters in New York, the Secretary-General to be guided in principle by the recommendations of the negotiating committee. He was also authorized, pending the conclusion of the agreement, to determine in consultation with the United States authorities, on a provisional basis, the privileges, immunities and facilities required for the U.N.

Other Questions

Other Questions

40. THE HEADQUARTERS OF THE UNITED NATIONS

The General Assembly in London in February, 1946, decided that the permanent headquarters of the U.N. should be established in the North Stamford-Greenwich area near New York City and appointed a Headquarters Commission of nine members to recommend specific locations of varying sizes in that area.[1] The Commission recommended five areas, all in Westchester County (New York).

This recommendation was submitted by the Assembly in New York to a special Headquarters Committee on which each of the Members of the U.N. was represented. The United States representative proposed that the Committee should consider not only the five sites recommended by the Commission but also other sites in the area of New York or of San Francisco Bay provided that these sites were offered without cost or at reasonable cost. The United Kingdom representative proposed that Boston and Philadelphia be included as well as New York and San Francisco Bay. Both proposals were agreed to.

A sub-committee was appointed to visit the sites which had been offered in or near the four cities of Boston, New York, Philadelphia and San Francisco. The sub-committee recommended as of equal merit the Belmont-Roxborough site in Philadelphia and the Presidio in San Francisco. Its third choice was the White Plains-Harrison site in Westchester County.

Discussion in the Headquarters Committee showed that a large group of delegations favoured the Presidio site. They were opposed by an equally large group who wanted a site in the east mainly because a site in the east would be closer to the capitals of a majority of the Members of the U.N. The U.S.S.R. was especially strongly opposed to the choice of a site in San Francisco.

On December 9, 1946, the United States representative urged that the decision should be deferred for a year in view of pending new offers of sites in New York and Boston. The proposal was

[1]See Canadian report on the London Assembly, pp. 39-41

attacked by the Soviet, United Kingdom and other representatives. The Canadian representative intervened to urge that due consideration be given to the views of the United States delegation in view of the delicate position of that country as host to the United Nations.

On December 10, at the next meeting, the United States representative announced that an offer had been received from Mr. John D. Rockefeller of the sum of $8,500,000. with which to purchase a site adjoining the East River in Manhattan. This offer was subject to certain conditions, one of which was that the City of New York donate the parcels of land necessary to round out the site, as well as the intervening streets. The proposed site is an area bounded by First Avenue, East 48th Street, the East River and East 42nd Street. The Committee recommended that this offer be accepted. The vote was thirty-three to seven. Canada voted in favour. Those opposed were the Arab states, Australia and India.

By a vote of forty-six to seven, on December 14, the General Assembly adopted a resolution accepting Mr. Rockefeller's offer. The resolution requested the Secretary-General to prepare plans and recommendations for the development of the site and to submit a report to Members by July 1, 1947, for consideration at the regular session of the General Assembly in 1947. An advisory committee of eighteen (including Canada) was appointed to assist the Secretary-General in this task. The Right Honourable C. D. Howe has been named as the Canadian representative on this committee.

A board of design consultants has also been appointed to assist Mr. Wallace K. Harrison, the Director of Planning. The board consists of ten architects from Australia, Belgium, Brazil, Canada, China, France, Sweden, the U.S.S.R., the United Kingdom, and Uruguay. The Canadian member is Mr. Ernest J. Cormier of Montreal.

41. THE ELECTION OF OFFICERS OF COMMITTEES

Canada took a leading part in insisting, at the meetings of the Executive Committee and the Preparatory Commission in London in 1945, on the necessity of securing officers of Assembly committees who possessed the highest standards of efficiency, competence and integrity. The Canadian delegation laid particular emphasis on the importance of selecting chairmen of committees who would be able to conduct meetings expeditiously and well; the real work of the Assembly would be done mainly in committees, and the authority of the Assembly would therefore depend, in large measure, upon the competence and impartiality of committee chairmen.

Canada believed that the establishment by the Assembly of a nominations committee would best ensure the selection of first-class chairmen for the main committees, while at the same time maintaining the principle of equitable geographical distribution of those posts which carried with them membership on the General (or Steering) Committee of the Assembly. The proposal of the majority of the Executive Committee that such a nominations committee be established was, however, rejected by the Preparatory Commission. The result was that, at the London meeting of the Assembly, the five great powers acted, in effect, as an informal nominations committee, by agreeing among themselves on slates of officers which were adopted by acclamation. This informal nominations committee had all the disadvantages of a formal committee and none of its merits.

The paramount importance of securing first-class chairmen of the main committees was amply demonstrated at the First Session of the Assembly. M. Spaak, the president of the Assembly, was a model of everything which an Assembly president should be but some of the chairmen of committees fell far short of the standard which he established. This led to confusion in debate and wasted the time of committees.

The officers of the committees had been elected in London to serve for the whole of the First Session. The only elections which were necessary in New York were to posts which had become vacant.

Though it is persons who are elected as officers of committees and not states, certain delegations in New York assumed that a state inherits a "right of succession" to an office. If the chairmanship of a certain committee had been held in London by a Ruritanian who was not attending the New York meeting, then it was, in their opinion, obvious that a Ruritanian should be elected to serve the unexpired portion of his fellow citizen's term of office. This made nonsense of the doctrine embodied in the rules of procedure of the Assembly that officers of committees should be elected on the basis not only of "equitable geographical distribution" but also of "experience and personal competence".

Canada, therefore, when the issue arose in New York, reiterated the position which it had taken in London, but it had to acquiesce in some committees in the acceptance, in part, of the doctrine of succession. However, in the Legal Committee it was possible for the Canadian delegation to carry its point. A Canadian (Mr. J. E. Read, now Mr. Justice Read), had been elected as rapporteur of this committee in London. He was later elected a member of the International Court. It was therefore necessary, in New York, to elect a new rapporteur. The Canadian representative nominated a brilliant non-Canadian for this post (Professor K. H. Bailey, Solicitor-General of Australia), and Mr. Bailey was elected unanimously.

42. MEASURES TO ECONOMIZE THE TIME OF THE ASSEMBLY

On September 24, 1946, about a month before the second part of the First Session opened, the Secretary of State for External Affairs of Canada wrote to the Secretary-General of the U.N., requesting that there be placed on the agenda of the Assembly an item entitled "measures to economize the time of the General Assembly".[1] In his letter he emphasized the importance of the Assembly reforming its practices and rules of procedure in order to ensure that its sessions would not be unnecessarily protracted. The General Assembly should set an example to all other international conferences by the efficient and expeditious conduct of its business. He expressed the hope of the Canadian Government that the Assembly would set up, as early as possible in its proceedings, a committee of about fifteen states to consider and make recommendations on measures which the Assembly might adopt to economize the time of future sessions.

Instead of establishing such an ad hoc committee the Assembly decided to refer the matter to a subcommittee of the General Assembly. This subcommittee, owing to the pressure of other work on its members, was unfortunately unable to devote sufficient time to the problem to warrant its making detailed recommendations to the Assembly. The General Assembly therefore decided to appoint a committee on procedures and organization which would meet a week before the opening of the second session of the Assembly in September, 1947, and which would present to the Assembly at the beginning of its session recommendations for economizing the time of the Assembly and for revising the provisional rules of procedure.[2] This committee consists of fifteen states. Canada is a member.

It is hoped that the General Assembly will adopt provisionally, at the very outset of its Second Session, the recommendations made

[1]The text of this letter is given in Appendix XXX, pp. 275 and 276.
[2]The text of this resolution is given in Appendix XXX, pp. 278 and 279.

by this committee so that they can be tried out during the Second Session and, if found acceptable, incorporated in the rules of procedure of the Assembly.

On the face of it this question may seem to be a procedural matter of no great importance. It is possible, however, that the appointment by the Assembly of a committee on procedures and organization may turn out to be a very constructive step. It is of the utmost importance that the time of the Assembly should not be wasted. If experience should show that much of the time of representatives to the Assembly is wasted it will become increasingly difficult for the Members of the U.N. to send adequate delegations to sessions of the Assembly. The kind of representatives and advisers who are needed at the Assembly are persons whose services are needed at home to help solve pressing domestic problems and to deal at home with problems of foreign policy. The time of these men is precious. It is not in the general interest that it be wasted. The problem is not merely one of unnecessary protraction of Assembly meetings. There is the much more important problem of how to use efficiently the time at the disposal of the Assembly.

It is not a question of whether or not one is in favour of freedom of discussion. The basis of democracy in international as in domestic politics is freedom of competition between different political ideas. But, in a deliberative body like the Assembly, unrestricted liberty of discussion cannot be attained without running the risk that the whole international deliberative process will be stultified and brought into contempt. Each member of the Assembly has the right to express its views fully but no member ought to exercise this right in a way which will destroy the rights of other members.

It is, moreover, unrealistic to contend that the Assembly has to choose between unrestricted freedom of discussion and a system of closure. Experience has demonstrated that an international conference which begins with unrestricted freedom of discussion ends by operating under the most rigid rules for limiting the length and number of speeches.

The sessions of the General Assembly should not necessarily be brief. They should last as long as is necessary for the Assembly to do its work. But they should be no longer than is necessary.

Sessions of the Assembly could clearly be shortened by eliminating unnecessary debates on procedure and unnecessary repetition of arguments, by the careful drafting of resolutions and conventions submitted to the Assembly for approval, and by recognizing that, in electing the chairmen of committees, the paramount consideration must be the necessity of securing the highest standards of efficiency, competence and integrity.

The Canadian delegation pressed its views strongly in the Assembly. It followed up the Canadian letter of September 24, 1946, with a memorandum setting forth twenty-three specific suggestions for economizing the time of the Assembly.[1] Before the resolution establishing the committee on procedures and organization was put to the vote, the Canadian representative hammered the main points of this memorandum home in a speech in the final plenary meeting of the Assembly.[2] He urged all the Members of the U.N. to forward to the Secretary-General their suggestions for reforms in the practices and rules of procedure of the Assembly. He concluded by saying: "The streamlining of the General Assembly is a question of common concern to all the Members of the United Nations. All of us wish to see the General Assembly operate with dignity as well as with despatch."

[1] A/BUR/69 of November 29, 1946.
[2] The text of this statement is given in Appendix XXX, pp. 276 to 278.

Appendices

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APPENDIX I

THE CANADIAN APPROACH

Statement by the Chairman of the Canadian Delegation in the Opening Debate in the General Assembly, October 29, 1946

Canada welcomes the forthright way in which the Secretary-General and various delegations have brought to the attention of this Assembly the failure of the United Nations to make more rapid progress in implementing some of the major undertakings of the San Francisco Charter. The public in our countries is conscious of these shortcomings and we feel it is well that we should admit them. The United Nations, sixteen months after the signature of the Charter, is still, and is apt to continue after many more months to be, on trial. Its interests will not be served by concealing any disappointment caused by its operations.

Canada is glad that attention has been drawn in this Assembly to what the United Nations has been able to accomplish. These accomplishments are impressive. But it is more important that this Assembly take steps to remedy the shortcomings of the United Nations than derive too great satisfaction from what we have been able to accomplish.

We are particularly concerned that the Security Council and the Military Staff Committee have so far failed to make substantial progress towards a conclusion of the special agreements with individual Members required to implement Articles 43 and those following of the Charter and thus make armed forces and other facilities available to the Security Council. We are all of us bound under the Charter to refrain from using armed forces except as provided by the Charter. The Government and people of Canada are anxious to know what armed forces, in common with other Members of the United Nations, Canada should maintain as our share of the burden of putting world force behind world law.

It is only when the special agreements with the Council have been concluded that we will be able to determine how large a proportion of the total annual production of our country can properly be devoted to improving the living conditions of the Canadian people.

Canada therefore urges that the Security Council and the Military Staff Committee go ahead with all possible speed in the constructive work of negotiating the special agreements and of organizing the military and economic measures of enforcement. It appears to us that it would be in the interest of all Members of the United Nations to see the Security Council equipped and ready in fact to enforce proper decisions for the maintenance of world peace and also to see serious consideration given to the reduction of national armaments so that the productive capacity of the world thus conserved may be used for improving the living conditions of all peoples.

The President of the United States in his memorable speech to this Assembly urged that the Members of the United Nations should use the Security Council "as a means for promoting settlement of disputes as well as for airing them". The Security Council has not so far given the impression that it was taking positive action to promote the peaceful settlement of disputes.

We agree that now is not the time to try to amend the Charter. But we also say that now is the time for the Assembly to make practical recommendations on how, within the framework of the Charter as it is, the Security Council can more effectively discharge the vital functions so confidently entrusted to it by all the Members of the United Nations.

This Assembly will be required to give a practical interpretation of some of the most important provisions of the Charter. In establishing these precedents, it is necessary to remember that it is a constitution which we are interpreting and not a domestic statute. I venture to suggest that the Charter, to be successful, must be interpreted in such a way as to encourgae its growth and adaptation to changing circumstances. The peoples of the United Nations have the right to expect that, wherever the meaning of a provision of the Charter is doubtful, this Assembly will interpret it in the way best calculated to strengthen the authority and prestige of the United Nations. We would like to see provisions which add to the authority of the United Nations or of its organs and officers broadly interpreted and those which detract from the authority of the United Nations given a restrictive interpretation.

There cannot be lasting peace in the absence of a system of international order based upon justice and regulated by law. We must strive to fortify the juridical functions of the United Nations. Acceptance by all Members of the compulsory jurisdiction of the International Court of Justice with a minimum of reservations would be a step in this direction. I trust we will all agree that the obligation of the Assembly under Article 13 of the Charter to encourage "the progressive development of international law and its codification" should be implemented as soon as possible. The Canadian delegation welcomes the United States request that this matter be discussed.

The people of my country, in common with the peoples of many other countries, are bearing heavy financial burdens as the result of the war. We are all, I am sure, concerned over the mounting cost of participation in international organizations—the cost not only of direct financial contributions but also the cost of sending full delegations to their meetings. All of us are willing to bear our fair share of the necessary expenditures and all of us readily recognize that these expenditures are small as compared to the cost of war. On the other hand, this Assembly must be able to satisfy public opinion throughout the world that the finances of the Organization are being employed in the best interests of the United Nations. We must be assured that the Secretariat possesses the highest standards of efficiency, competence and integrity and that the budgetary and financial administration of the United Nations is beyond reproach.

We must also take every possible precaution against the unnecessary multiplication of international organizations, conferences, councils and commissions. Our delegation has observed with satisfaction that the

Secretary General in his oral report to the Assembly drew attention to the fact that the larger the number of specialized agencies the greater will be the financial burden on member governments and the greater will be the danger of overlapping and duplication with a consequent wasteful diversion of effort and of resources.

Wasteful diversion also results from unnecessary prolongation of international meetings in terms of their accomplishment. This imposes unnecessary burdens not only on the international organizations concerned but also on the national governments and their delegations. Canada has accordingly requested that the Assembly set up without delay a committee to make specific recommendations to it at this session on measures to economize the time of future sessions.

The Canadian delegation, representing all major political parties in my country, desires to associate itself with the declaration made by the President of the United States: The people of Canada, as well as the people of the United States, look upon the United Nations not as a temporary expedient but as a permanent partnership—a partnership among the peoples of the world for their common peace and common well-being. My own Prime Minister, speaking at a plenary session a few months ago at the Paris Conference, said "Years of war have surely taught us that no man liveth to himself, and that no nation liveth to itself. We are all members one of another".

Each state represented here has its own ideals, its own standards, its own ways of life. Differences of outlook are therefore inevitable. It is what we do about these differences that is crucial. Attempts to exploit them to the advantage of any nation or group of nations can accomplish nothing wholesome or constructive. Let us beware of recrimination, of charge and counter-charge. Let us, with good-will, patience and forbearance, pursue the course which leads to resolution and not exploitation of differences. Let us proceed with the business of this Assembly, all of us determined to work together in the interests of peace and understanding among the nations. In this way alone can we produce a record of accomplishment worthy of the respect of all the peoples of a united world.

APPENDIX II

DISARMAMENT

A. Soviet Proposal, October 29, 1946

(As Revised November 29 and December 4, 1946.)

1. With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments. (October 29, 1946).

2. The implementing of the decision concerning the reduction of armaments should include as primary object the prohibition to produce and use atomic energy for military purposes. (October 29, 1946).

3. To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the Security Council, which has the primary responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

(*a*) A Commission for the control of the execution of the decision regarding the reduction of armaments;

(*b*) A Commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes. (November 26, 1946)

4. The General Assembly deems it necessary that all States Members of the United Nations Organization should submit information regarding all their armed forces and armaments, this information to be submitted when the Security Council will consider the proposals for general reduction of armaments. (December 4, 1946).

5. The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in Paragraphs 1, 2, 3 and 4 above. (Oct. 29, 1946).

6. The General Assembly appeals to the Governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions. (October 29, 1946).

B. Canadian Working Paper, November 4, 1946

POSSIBLE AMENDMENT OF THE SOVIET PROPOSAL ON DISARMAMENT

1. In the interests of consolidating international peace and security and in conformity with the Purposes and Principles of the United Nations, the General Assembly considers a general regulation and reduction of armaments necessary.

2. As an essential step towards a general regulation and reduction of armaments, the General Assembly recommends to the Security Council that the Security Council, without further delay, negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces, assistance and facilities necessary for the purpose of maintaining international peace and security.

3. As an essential step towards the urgent objective of eliminating from national armaments atomic weapons and all other major weapons adaptable to mass destruction, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of January 17, 1946.

4. A system for the general regulation and reduction of armaments must be based on an international treaty or convention on the limitation of armaments. This treaty or convention should provide two safeguards for complying states against the hazards of violation and evasion: one, international responsibility with effective guarantees for the loyal execution of the treaty or convention; and two, sanctions against states violating essential provisions of the treaty or convention.

5. In order to provide complying states with effective guarantees for the loyal execution of the treaty or convention, it should provide for the establishment of a Permanent International Commission of Control with the power to carry out investigations on the spot in the event of reasonable suspicion of a breach of the treaty or convention and of subsequent supplementary agreements on the reduction and limitation of armaments, and to appoint for this purpose special commissions of enquiry.

6. The General Assembly recommends to the Security Council that the Security Council formulate, with the assistance of the Military Staff Committee, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter so that an international treaty or convention on disarmament may be concluded as soon as possible.

7. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission in their pursuit of the objectives set forth in this Resolution, confident that the attainment of these objectives would contribute greatly to the establishment of stable

international peace and security and further serve the interests of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for armaments which are not compatible with peaceful post-war conditions.

C. Canadian Proposal, November 28, 1946

1. With a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations, the General Assembly recognizes the necessity of an early and general regulation and reduction of armaments.

2. The General Assembly recommends to the Security Council that, as the first step towards a general regulation and reduction of armaments, the Security Council, without further delay, proceed to negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces and other assistance and facilities necessary for the purpose of maintaining international peace and security.

3. In order that atomic weapons and all other major weapons adaptable to mass destruction shall be eliminated from national armaments at the earliest possible date, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference set forth in Section 5 of the General Assembly Resolution of 24 January, 1946, by which the Commission is required to proceed with the utmost despatch and to make the following specific proposals:

(*a*) for extending between all nations the exchange of basic scientific information for peaceful ends;

(*b*) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

(*c*) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

(*d*) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

4. The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states and providing for effective international safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. It further recommends that there be set up, under the treaty or convention, a Permanent International Commission of Control with power to make such investigations, including the appointment of permanent inspectors and special commissions of enquiry, as it may deem necessary to satisfy itself that no breach of the treaty or convention and of subsequent supplementary agreements on the regulation and reduction of armaments is taking place.

5. To the end that an international treaty or convention on disarmament may be concluded as soon as possible, the General Assembly recommends to the Security Council that, with the assistance of the Military

Staff Committee, it submit plans at the earliest practicable date to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter.

6. The General Assembly, being confident that the attainment of these objectives would contribute greatly to the establishment of enduring peace and the maintenance of international security, and being convinced that it would make possible a rise in the standards of living of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for national armaments which do not correspond to peaceful postwar conditions, calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to attain speedily the objectives set forth in this Resolution.

D. United States Proposal, November 30, 1946

1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all participants and not unilaterally by only some of the participants.

2. The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological discoveries to ensure their use only for peaceful purposes. Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946, and facilitate the progress of the work of that Commission.

3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

4. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

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E. Draft Resolution Submitted by the Drafting Group, December 11, 1946

1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments and armed forces. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and forces and to assure that such regulation and reduction of armaments and forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted to the States Members for ratification in accordance with Article 26 of the Charter.

2. As an essential step towards the urgent objective of eliminating from national armaments atomic and all other major weapons adaptable to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to insure their use only for peaceful purposes, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of January 24, 1946. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons, the General Assembly recommends that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction.

3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

To ensure the adoption of measures for the reduction of armaments and armed forces and prohibition of the use of atomic energy for military purposes and of other major weapons adaptable now or in the future to mass destruction there shall be established within the framework of the Security Council, who bear the main responsibility for peace and security, an international system, as mentioned at the end of Paragraph 2, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

4. The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their forces stationed in ex-enemy territories, and the withdrawal without delay of forces stationed in the territories of Member States without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements. It further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of these national armed forces.

5. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

F. Resolution of the Assembly, December 14, 1946

PRINCIPLES GOVERNING THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS

1. In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations,

The General Assembly,

Recognizes the necessity of an early general regulation and reduction of armaments and armed forces.

2. *Accordingly,*

The General Assembly,

Recommends that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

3. As an essential step towards the urgent objective of prohibiting and eliminating from national armaments atomic and all other major weapons adaptable now and in the future to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to ensure their use only for peaceful purposes,

The General Assembly,

Urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in section 5 of the General Assembly resolution of 24 January 1946.

4. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons,

The General Assembly,

Recommends that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

5. *The General Assembly,*

Further recognizes that essential to the general regulation and reduction of armaments and armed forces, is the provision of practical and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

Accordingly,

The General Assembly,

Recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and the general regulation and reduction of armaments.

6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

There shall be established, within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

7. *The General Assembly,*

regarding the problem of security as closely connected with that of disarmament,

Recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter;

Recommends the Members to undertake the progressive and balanced withdrawal, taking into account the needs of occupation, of their armed forces stationed in ex-enemy territories, and the withdrawal without delay of armed forces stationed in the territories of Members without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements;

Further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of national armed forces.

8. Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24 January 1946, creating the Atomic Energy Commission.

9. *The General Assembly,*

Calls upon all Members of the United Nations to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment and maintenance of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

G. Stages in the Development of the Disarmament Resolution[1]

Paragraph 1

Soviet Proposal, October 29, 1946

With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments.

Canadian Proposal, November 28, 1946

With a view to strengthening international peace and security, in conformity with the Purposes and Principles of the United Nations, the General Assembly recognizes the necessity of an early and general regulation and reduction of armaments.

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[1]The U.N. designation of the documents referred to is:

(i) Argentine Proposal, November 26, 1946: A/C.1/75.
(ii) Canadian Proposal, November 28, 1946: A/C.1/81.
(iii) Canadian Amendments of December 9, 1946, to Report of Drafting Group: A/C.1/Sub.3/3.
(iv) Canadian Amendments of December 11, 1946, to Report of Drafting Group: A/C.1/Sub.3/4.
(v) Egyptian Proposal, December 7, 1946: A/C.1/125.
(vi) French Proposal, November 30, 1946: A/C.1/94.
(vii) Soviet Proposal, October 29, 1946: A/BUR/42.
(viii) Supplementary Soviet Proposal, November 26, 1946: A/C.1/83.
(ix) United States Proposal, November 30, 1946: A/C.1/90 and A/C.1/90/Corr.1.
(x) Report of Drafting Group, December 11, 1946: A/C.1/Sub.3/W.1.

Final Text

The final text is the same as that of the Canadian Proposal with three changes: the words, "In pursuance of Article 11 of the Charter and" were added at the beginning; the words "and armed forces" were added at the end; and the word "and" was omitted before "general regulation".

PARAGRAPH 2

Canadian Proposal, November 28, 1946

> The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states.... To the end that an international treaty or convention may be concluded as soon as possible, the General Assembly recommends to the Security Council that, with the assistance of the Military Staff Committee, it submit plans at the earliest practicable date to the Members of the United Nations for the establishment of a system for the regulation of armaments as is provided for in Article 26 of the Charter.

United States Proposal, November 30, 1946

> Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all participants and not unilaterally by only some of the participants.

Report of Drafting Group, December 11, 1946

> Accordingly, the General Assembly recommends that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and forces and to assure that such regulation and reduction of armaments and forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted to the States Members for ratification in accordance with Article 26 of the Charter.

Canadian Amendments of December 9, 1946, to Report of Drafting Group

(i) Add after "Accordingly" in the first sentence the words:
"the General Assembly, under Article 11 of the Charter, calls to the attention of the Members of the United Nations and of the Security Council this Resolution on the principles which shall govern disarmament and the regulation of armaments".

The rest of the sentence would remain unchanged. It would begin:

> "The General Assembly recommends that the Security Council give prompt consideration to formulating the practical measures" et cetera.

(ii) The last sentence should be amended to read as follows:

"The plans formulated by the Security Council shall be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter."

Final Text

The first sentence of the final text is the same as that of the Drafting Group except that "forces" is changed to "armed forces". The substance of the Canadian amendment to that sentence was, however, accepted: the reference to Article 11 was inserted in paragraph 1; the description of the Resolution was accepted with a slight change as the official title of the Resolution in place of the title as given in the Report of the Drafting Group which was "Resolution concerning the general regulation and reduction of armaments".

The second Canadian amendment was incorporated in the final text.

PARAGRAPH 3

Soviet Proposal, October 29, 1946

The implementing of the decision concerning the reduction of armaments should include as primary object the prohibition to produce and use atomic energy for military purposes.

Canadian Proposal, November 28, 1946

In order that atomic weapons and all other major weapons adaptable to mass destruction shall be eliminated from national armaments at the earliest possible date, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference set forth in Section 5 of the General Assembly Resolution of 24th January, 1946, by which the Commission is required to proceed with the utmost despatch and to make the following specific proposals:

(*a*) for extending between all nations the exchange of basic scientific information for peaceful ends;

(*b*) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

(*c*) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction;

(*d*) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

United States Proposal, November 30, 1946

The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological discoveries to ensure their use only for peaceful purposes.

Report of Drafting Group, December 11, 1946

As an essential step towards the urgent objective of eliminating from national armaments atomic and all other major weapons adaptable to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to insure their use only for peaceful purposes, the General Assembly urges the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of January 24, 1946.

Final Text

The final text is the same as that of the Drafting Group with the words "prohibiting and" added before "eliminating", and the words "now and in the future" added after "adaptable".

PARAGRAPH 4

United States Proposal, November 30, 1946

Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before 31st December, 1946, and facilitate the progress of the work of that Commission.

Report of Drafting Group, December 11, 1946

In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons, the General Assembly recommends that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction.

Canadian Amendments of December 11, 1946, to Report of Drafting Group

Add at the end of the paragraph the words "and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes".

Final Text

The Canadian amendment was incorporated in the final text.

PARAGRAPH 5

Canadian Proposal, November 28, 1946

The General Assembly recommends a system for the general regulation and reduction of armaments based on a treaty or convention accepted by virtually all states and providing for effective international safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

United States Proposal, November 30, 1946

The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

Report of Drafting Group, December 11, 1946

[Identical with United States Proposal.]

Final Text

The final text is the same as that of the Drafting Group with the last six words changed to "the general regulation and reduction of armaments".

PARAGRAPH 6

Soviet Proposal, October 29, 1946

The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in Paragraphs 1, 2, 3 and 4 above.

Supplementary Soviet Proposal, November 26, 1946

To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the Security Council, which has the primary responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

(*a*) A Commission for the control of the execution of the decision regarding the reduction of armaments;

(*b*) A Commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.

Canadian Proposal, November 28, 1946

> It [the General Assembly] further recommends that there be set up, under the treaty or convention, a Permanent International Commission of Control with power to make such investigations, including the appointment of permanent inspectors and special commissions of enquiry, as it may deem necessary to satisfy itself that no breach of the treaty or convention and of subsequent supplementary agreements on the regulation and reduction of armaments is taking place.

Report of Drafting Group, December 11, 1946

> To ensure the adoption of measures for the reduction of armaments and armed forces and prohibition of the use of atomic energy for military purposes and of other major weapons adaptable now or in the future to mass destruction there shall be established within the framework of the Security Council, who bear the main responsibility for peace and security, an international system, as mentioned at the end of Paragraph 2, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

Canadian Amendment of December 11, 1946, to Report of Drafting Group

Substitute for the words "To ensure....to mass destruction" the words:

> To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes...

Final Text

The Canadian amendment was incorporated in the final text. Two other changes were also made: the words "the prohibition of the use of atomic energy for military purposes and" were added before the words "the elimination"; the words "the Security Council, who bear the main responsibility for peace and security" were changed to "the Security Council, which bears the primary responsibility for the maintenance of international peace and security".

PARAGRAPH 7

Argentine Proposal, November 26, 1946

> The General Assembly...resolves...to recommend to the Security Council to begin as soon as possible the study of the agreements referred to in Article 43 of the United Nations Charter, with a view to determining the number, type, and location of the armed forces which will have to be made available to it by Member States.

Canadian Proposal, November 28, 1946

The General Assembly recommends to the Security Council that, as the first step towards a general regulation and reduction of armaments, the Security Council, without further delay, proceed to negotiate with Members of the United Nations under Article 43 of the Charter the special agreements making available to the Security Council on its call the armed forces and other assistance and facilities necessary for the purpose of maintaining international peace and security.

French Proposal, November 30, 1946

The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal of the forces stationed in non-national territories and the demobilization of national forces.

Egyptian Proposal, December 7, 1946

The General Assembly, linking closely the problem of disarmament with that of peace and security, recommends the Security Council to proceed with all possible speed to make available to it the armed forces referred to in Article 43 of the Charter. It recommends Governments to commence the gradual and balanced withdrawal of their forces stationed outside their own territories, and demobilization of their own forces. However, taking into consideration the letter and the spirit of the Charter, the armed forces stationed by States Members of the United Nations on the territories of other States Members without the free consent of the latter Members, must be withdrawn without delay.

Report of Drafting Group, December 11, 1946

The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed force mentioned in Article 43 of the Charter. It recommends the Governments to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their forces stationed in ex-enemy territories, and the withdrawal without delay of forces stationed in the territories of Member States without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements. It further recommends a corresponding reduction of national armed forces, and a general progressive and balanced reduction of these national armed forces.

Final Text

The final text is the same as that of the Drafting Group with a few minor drafting changes.

PARAGRAPH 8

United States Amendment of December 12, 1946, to Report of Drafting Group

Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24th January, 1946, creating the Atomic Energy Commission.

Final Text

The final text is identical with the United States amendment.

PARAGRAPH 9

Soviet Proposal, October 29, 1946

The General Assembly appeals to the Governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions.

Canadian Proposal, November 28, 1946

The General Assembly, being confident that the attainment of these objectives would contribute greatly to the establishment of enduring peace and the maintenance of international security, and, being convinced that it would make possible a rise in the standards of living of all the peoples of the United Nations by lightening the heavy economic burden imposed on them by excessive expenditures for national armaments which do not correspond to peaceful post-war conditions, calls upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to attain speedily the objectives set forth in this Resolution.

United States Proposal, November 30, 1946

The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security with the least diversion for armaments of the world's human and economic resources.

Final Text

The final text is the United States Proposal with two changes: the words "the governments of all states" were changed to "all Members of the United Nations", and the words "and maintenance" were added after "establishment".

H. Canadian Statements

POLITICAL COMMITTEE, NOVEMBER 28, 1946

The concern of the government and people of Canada that the question of disarmament be discussed at this Assembly was expressed in the speech which the head of the Canadian delegation made in the opening debate even before the Soviet proposal on disarmament was put forward. He then said that, in the view of the Canadian delegation, "It would be in the interest of all Members of the United Nations to see the Security Council equipped and ready, in fact, to enforce proper decisions for the maintenance of world peace and also to see serious consideration given to the reduction of national armaments so that the productive capacity of the world thus conserved may be used for improving the living conditions of all peoples".

In our view, however, the resolution proposed by the Soviet delegation does not go far enough. It states the objectives in general terms but it does not sufficiently point the way to the speedy attainment of these objectives. We believe that the United Nations will make progress in disarmament only if all the Members of the United Nations agree to practical measures which will convince their peoples that their nation can be secure through reliance upon means other than large national armaments.

How can this be done? First, I submit, by working towards a system of world security which will offer protection at least as effective to the Members of the United Nations as their own national forces. Secondly, by developing such international safeguards as will give assurance to any nation that does disarm that it will not be suddenly attacked and struck down by another nation that may have evaded or violated its promises to disarm.

The Soviet resolution proposes that the General Assembly recognize the necessity of a general reduction of armaments. We assume that the Soviet proposal includes the regulation as well as the reduction of armaments in accordance with Articles 26 and 47 of the Charter. With this proposition put forward in the first paragraph of the Soviet resolution, the Canadian delegation is in cordial agreement, but we ask how is it to be implemented. The answer in the Soviet proposal is left vague. All that paragraph 3 says is that "the Security Council should ensure the effective implementing of the principles laid down in paragraphs 1 and 2".

I would recall to the Committee the suggestion contained in the remarks of the head of the Canadian delegation in the opening plenary debate "that the Security Council and the Military Staff Committee should go ahead with all possible speed in the constructive work of negotiating special agreements and of organizing the military and economic measures of enforcement".

For it is essential, I submit, that before nations deprive themselves voluntarily of the protection derived through reliance on their own national armaments they should be afforded at least a substantial measure of pro-

tection through an organized collective force at the disposal of the United Nations. Moreover, how can nations decide how far they ought to reduce their armaments if they do not know what armed forces they should maintain as their share of putting world force behind world law?

The second paragraph of the Soviet proposal states "that reduction of armaments should include as a primary object the prohibition to produce and use atomic energy for military purposes".

Here again, I submit, the means of implementation are left unnecessarily vague. All that paragraph 3 of the Soviet proposal says is that the General Assembly should recommend that the Security Council ensure the effective implementation of this principle.

I need hardly remind this Committee that the General Assembly at its 17th plenary meeting last January set up the Atomic Energy Commission for the express purpose of recommending the means to implement this very objective.

We are all well aware that over the peoples of the world hangs the menace of an armament race in atomic and other weapons adaptable to mass destruction unless the means are found for the swift implementation of the terms of reference of the resolution adopted unanimously by the General Assembly on January 24 of this year.

It is not enough, as the Soviet proposal suggests, to prohibit the production and use of atomic energy for military purposes. As my Prime Minister stated in our House of Commons in a speech on December 17, 1945, in explaining the Washington Declaration on Atomic Energy of which he was a signatory: "Up to a certain point the processes for releasing atomic energy are the same whether the purpose is an industrial, commercial, or humanitarian use, or whether it is that of mass destruction". This statement was confirmed by an international group of scientific and technical experts on the Atomic Energy Commission in their first report on "The Scientific and Technical Aspects of the Control of Atomic Energy". In the conclusions of this report it is stated "There is an intimate relation between the activities required for peaceful purposes and those leading to the production of atomic weapons; most of the stages which are needed for the former are also needed for the latter".

This was an essential fact which was fully grasped when, in drafting the terms of reference for the Atomic Energy Commission, it was provided that the Commission should make specific proposals, among other things "for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes". These terms of reference called upon the Commission to make specific proposals "for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions".

The Atomic Energy Commission, of which Canada, as one of the pioneers in the field of atomic energy is a member, has been devoting some time to discussions which will throw light on some of the practical means which may be applied to prevent atomic energy activities required for peaceful purposes being diverted to the manufacture of atomic weapons.

I understand that we may shortly expect a report from the Commission on its work to date. I submit, therefore, that the most practical step for implementing the second paragraph of the Soviet proposal concerning

disarmament in relation to atomic weapons is to urge the expeditious fulfilment by the Atomic Energy Commission of its task under the terms of reference as set forth in the second part of the resolution adopted last January.

Indeed nothing would create more confidence in international security measures than the fulfilment of these terms of reference by the Atomic Energy Commission. The Atomic Energy Commission has been given an important job to do. When the Commission has done this job the public will feel that international co-operation can be effective and is worth while.

Previous efforts at disarmament, as we know full well, failed when powers conspired against their success by secret preparations for war. If we are now to take a step forward towards general reduction of armaments, as suggested by the Minister of Foreign Affairs of the U.S.S.R., we should bear these lessons in mind. Unilateral disarmament does not increase security. Disarmament by a few nations does not increase security. To be successful, a system for the general regulation and reduction of armaments must be based on an international treaty or convention on the limitation of armaments accepted and implemented by virtually all nations.

We must ensure that all states, which accept such a treaty or convention for the regulation and reduction of armaments and comply with its terms, are adequately protected against the hazards of violations and evasions. International responsibility for security without large national armaments requires effective international safeguards. International safeguards cannot be effective without international inspection.

I propose that with this end in view the disarmament treaty should provide for the setting up of a special international commission of control with effective powers of independent inspection and inquiry to see that any programme of disarmament is carried out fully and faithfully by all nations. These powers should include freedom of access to inspect anywhere in any state in order that the Commission may satisfy itself and satisfy the whole world that no breach of the disarmament treaty is taking place.

As a necessary preliminary to the holding of a conference to draw up a treaty on the limitation of armaments, article 26 of the Charter requires the Security Council, with the assistance of the Military Staff Committee, to prepare plans. May we not invite our Soviet colleagues to join us in being specific on this point. May we not include a recommendation to the Security Council that it submit plans, at the earliest possible date, to the Members of the United Nations for the establishment of a system for the regulation of armaments.

As regards paragraph 4 of the Soviet proposals, I agree that the General Assembly should appeal to all governments to give the Security Council all the assistance necessary to enable the Security Council to discharge its responsibilities on disarmament. But, as I hope I have made clear, Member governments should also appeal to the Security Council, as well as to the Military Staff Committee and the Atomic Energy Commission, to fulfil their obligations relating to disarmament.

Finally, the Canadian delegation expresses sincere agreement with the sentiment contained in the last sentence of paragraph 4 of the Soviet proposal, that disarmament is "in the interest of the peoples who would

be released from the heavy economic burden caused by the excessive expenditure on armaments." The Canadian Government desires most earnestly that the people in all nations be spared the heavy financial burden imposed on them by excessive expenditures for national armaments. We want to see the standards of living of all the peoples of the world raised to the highest possible level. We do not want the productive resources of the world squandered on armaments. It is for this reason that the Canadian delegation has suggested practical ways by which immediate progress can be made towards a general reduction of armaments. We believe that the Soviet proposal can be improved upon in this respect.

In conclusion, Mr. Chairman, I should like to submit an amendment of the Soviet proposal on disarmament which incorporates the suggestions I have made.

POLITICAL COMMITTEE, NOVEMBER 30, 1946

. . . Mr. Vyshinsky has rightly urged that we should not waste our time haggling over forms of words. This was far from the intention of the Canadian delegation in proposing our amendments to the Soviet proposals. We would gladly yield to the Soviet delegation the rights of authorship if the matter of difference between us was merely a question of words. However, this is not the case, as I had hoped the statement which I made on November 28 would have made clear.

We share Mr. Vyshinsky's thoughts on empty words and pious resolutions to disarm. We do not wish to see this Assembly adopt a resolution that did not clearly indicate the means of its implementation. Mr. Vyshinsky has said that the "the road to hell is paved with good intentions." Let us also remember that the road to the last war was paved with pious resolutions.

Mr. Vyshinsky invited us to agree to his resolution in principle. With much of what he said in principle our delegation is happy to agree. Principle and practice, however, are necessarily intertwined.

Mr. Vyshinsky, in his remarks yesterday, I was glad to note, agreed with the principle that disarmament and security must go together. It is exactly for this reason that the Canadian delegation has submitted a paragraph, which is lacking in the Soviet resolution, calling upon the Security Council to proceed without delay to the conduct of negotiations with Members of the United Nations for the special agreements envisaged in Article 43 of the Charter. It is evident to us that nations will be unwilling to disarm unless and until effective collective measures are established which will assure them of protection against attack. Moreover, how can nations decide how far they ought to reduce their armaments if they do not know what armed forces they should maintain as their share of putting world force behind world law?

Mr. Vyshinsky has also invited us to accept the Soviet proposal as it stands, that the implementation of the decision concerning the reduction of armaments should include as a primary objective "the prohibition to produce and use atomic energy for military purposes."

I do not think that any useful purpose would be served to embark in this Committee on the reasons, which have been expounded at length in the Atomic Energy Commission and have been referred to briefly already in this Committee, why a mere prohibition to produce and use atomic weapons, by itself, is not enough. Suffice it to repeat that the very processes which are employed for the application of atomic energy to peaceful purposes produce the fissionable product which can be used directly in the manufacture of the atom bomb.

We are faced, therefore, either with the total prohibition of the use of atomic energy or its control for peaceful purposes only. I need hardly remind Mr. Vyshinsky that paragraph 2 of the Soviet proposal is already covered by paragraph "c" of Section 5 of the Assembly resolution of January 1946, where it is stated that the proposals of the Commission should provide, among other things, for the elimination of atomic weapons from national armaments. Like Mr. Vyshinsky, I do not desire to split hairs over words, and I am sure that he will agree that "elimination from national armaments" means both the prohibition of the manufacture and the use of atomic weapons. This is to be part of the plan for the control of atomic energy which the Atomic Energy Commission is charged with working out.

If the new discovery of atomic energy is, as the representative of the Soviet Union so aptly says, to be used for the benefit of mankind and not for its destruction, measures of effective control must be devised to provide safeguards for all nations. The prohibition of the production and use of atomic energy for war must not result in its prohibition for peace. At the present time the Atomic Energy Commission is earnestly engaged (as Mr. Parodi has just reminded us) in devising measures of control which would provide effective safeguards. It is for this reason that the Canadian delegation has proposed that the Assembly should urge "the expeditious fulfilment by the Atomic Energy Commission of its task"—not just part of its task but its whole task—as set forth in Section 5 of the Assembly resolution of January 24, 1946. If my Soviet colleague is willing to reaffirm the stand of his Government as expressed in the vote of the Soviet representative on January 24 last, as I am sure he will, he should have no difficulty, I submit, in accepting the substitution of the third and fourth paragraphs of the revised Canadian amendment for the second paragraph of the Soviet resolution.

As regards paragraph 5 of the revised Canadian amendment, we are glad to find ourselves in agreement with Mr. Vyshinsky that any system for the general regulation and reduction of armaments should be accompanied by provision for inspection. We are now speaking of measures of control relating to weapons other than atomic weapons. Paragraph 4 of the Canadian amendment provides for a permanent international commission of control to be set up under the terms of a disarmament treaty, with power to make investigations either through permanent inspectors or by special commissions of enquiry to detect breaches, or threatened breaches, of the disarmament treaty. The Soviet delegation proposes that one of the two special organs of inspection which should be set up under the Security Council should be a commission for the control of the execution of the decision regarding the reduction of armaments. We warmly welcome

the fact that the Soviet Union accepts in principle control by inspection of disarmament in matters of troops, weapons, and general war potential. The question, however, has been raised by other representatives as to the effectiveness of this principle if it were applied under the limitation imposed by the rule of unanimity in the Security Council.

What do the words "within the framework of the Security Council" in the Soviet proposal mean? Are we to understand that before an inspection is carried out by such a commission in the territory of any one of the permanent members, that that member would be able to exercise his veto to prevent such inspection? Are we to understand that if such inspections were not prevented by the exercise of the veto, any action resulting from a report by the inspecting commission would be subject to veto action by one of the permanent members?

If that is what "within the framework of the Security Council" means, then, I submit, the powers of the inspection commission proposed in the Soviet resolution will be quite insufficient. The Permanent International Commission of Control, established under an international disarmament treaty, envisaged in the Canadian amendment would have freedom of access to inspect *anywhere* in *any* state, in order to satisfy itself and satisfy the whole world that no breach of the disarmament treaty is taking place.

And now let me say a few words of explanation on the subject of paragraph 5 of the Canadian amendment. The discussion of principles such as those which have been so usefully enunciated by the representatives of the United States and Australia are of undoubted value as a starting point towards disarmament. But I submit that, as envisaged in the Charter, it is essential that the Members of the United Nations should have some concrete plans preliminary to the calling of a general conference to negotiate an international treaty or convention on disarmament. This is provided for in Article 26 of the Charter and we suggest, here again, that this Assembly could usefully recommend that the Security Council, with the assistance of the Military Staff Committee, expedite its work . . .

The Soviet representative has suggested in a supplementary proposal that the Assembly should declare itself in favour of the proposition that all Members of the United Nations should submit information on armed forces and armaments on their territory for submission to the Security Council when examining proposals regarding the general reduction of armaments. This is a proposition which undoubtedly has its place in the consideration of a disarmament scheme but surely what we need first are not figures but plans, or at least the outline of plans.

First, we need a plan for the effective control of atomic energy for if we succeed here we lay the foundations for that international confidence which will make possible further progress in disarmament. That is the core of the disarmament problem. We also need plans from the Security Council and Military Staff Committee for the implementation of Article 43 to protect nations by collective force in place of reliance on national armaments. We also need plans from the Security Council and Military Staff Committee for the establishment of a system for the regulation of armaments under Article 26.

Until we have plans, what use is there of turning the Security Council or any other agency into a recipient of a vast amount of detailed information.

Let these bodies get on with the work of preparing plans which we need to put disarmament into effect and when these plans are ready and carry the support and confidence of the nations then we may be sure that nations will be ready and willing to give whatever information is necessary to put the agreed plans into effect. For this reason the Canadian resolution in its final paragraph proposes that the Assembly should call upon the governments of all states to render every possible assistance to the Security Council, the Military Staff Committee and the Atomic Energy Commission to enable them to draw up concrete and effective proposals.

POLITICAL COMMITTEE, DECEMBER 4, 1946

I am convinced that the people of the whole world will be deeply grateful to the distinguished Foreign Minister of the Soviet Union for the great hope which his speech this morning holds out to us all, and especially those countries which like mine have no armaments which can constitute a menace or a threat to the peace and security of the world.

His speech holds out the hope to the world that we are attempting to go even further than had been definitely provided for in the San Francisco Charter. Paragraph 4 of Article 2 of the San Francisco Charter provides that all Members undertake to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of another state, or in any other manner inconsistent with the Purposes of the United Nations. Article 26 provides that at some future time there would be, or we might hope that there would be, accepted by all the Members of the United Nations an undertaking to reduce and to regulate their existing armaments.

Now the distinguished representative of the Soviet delegation has held out what appears to be a serious hope that we can, at this time, take a great step forward in implementing this general expression of the hope of the Members of the United Nations that not only would there be an undertaking that armed forces would not be used against the integrity or freedom of any other Member, but also that the great powers who have such tremendous armaments wish to reduce those armaments so that they will not constitute a serious menace or threat to the peace and security of the world.

When this second part of the First Session of the Assembly convened in New York, we were all at great pains in the opening debate to dispel to the utmost possible degree the general feeling of disappointment at the achievements of the United Nations. At this time, it appears to me that we are holding out to the world the prospect that not only will the high purposes provided for in the Charter be respected and lived up to, but that we will make more rapid progress than had been anticipated at San Francisco in bringing about a general reduction and regulation of those instruments of destruction which have proved so disastrous to the whole world.

As I listened with great interest and emotion to the speech this morning of Mr. Molotov, it appeared to me that we were in substantial agreement as to what is desirable for the welfare of mankind to accomplish at this time. I understood him to state that his government recognized and asserted the

desirability of an early and general reduction of armaments. I think that with that purpose we are all in full agreement.

I understood the honourable delegate to say then that his government desired the early implementation of the terms of reference assigned to the Atomic Energy Commission which, as he so well pointed out, not only deals with atomic weapons but with all weapons of mass destruction; and that it is the desire of his government that there be an early solution of that problem which has been so troubling us all. With that also I am sure everyone is in substantial agreement. That, of course, is something which cannot be accomplished rapidly because, as Sir Hartley Shawcross has pointed out, in dealing with atomic energy we not only have to provide that it shall not be used for purposes of destruction, but we have also to provide that it may be available for peaceful purposes and for the improvement of the living conditions of humanity. That makes it a problem which presents special difficulties and which cannot be solved merely by a prohibition of the development of atomic energy.

I think we will all agree that the terms of reference of the Atomic Energy Commission provide that a draft convention will eventually be submitted to the Members of the United Nations for their acceptance, and for ratification by their respective parliaments. But the very constructive suggestion from the Soviet delegation is that, while that is being proceeded with, preparation be made so that at the same time as the purposes of the Atomic Energy Commission are being achieved through the adoption and ratification of an international convention, an international convention for the regulation and reduction of other armaments may also be adopted and ratified.

I am not at all repulsed nor frightened by the existence of the veto in the Security Council in that respect because, if it is necessary that there be an international agreement, it will be necessary for each state which will become a party to that agreement to give its assent thereto. The existence of this rule of unanimity, which requires that the formulation of the plans to be submitted to the nations shall have the unanimous support of the five great powers, presents no difficulty or obstacle whatsoever in the view of the Canadian delegation.

Now the speech of the Soviet Foreign Minister this morning, as I understood it, envisages the necessity of the creation and the functioning of an international commission of control and inspection. As the representative of one of the small countries I regard that as very important. We want to feel that we are secure. We want to feel that the United Nations is responsible to us for that feeling of security, and the only way in which we can feel that there is international responsibility is by a system whereby there will be some international body that will tell us that everything is all right and that every undertaking is being respected. Now, I think that the Charter requires that this commission for control and inspection operate within the framework of the Security Council, but, as I understood the honourable delegate of the Soviet Union, he envisages that this international commission will be clothed with powers, which they will exercise autonomously and which will enable them to take the proper measures to make us feel that the international obligations are being respected everywhere. It is, I think, within the general underlying concept of the Charter that these

subsidiary organs will operate within the framework of the Security Council as being the organ of the United Nations which has the primary responsibility for the maintenance of international peace and security, and that any sanctions that might have to be adopted against a state which violated or which adopted a position that constituted a threat of violation of the disarmament convention should be adopted by and applied through the Security Council. There again, the existence of the requirement of great power unanimity appears to me to be in strict accord with the realities of the situation. The Security Council is designed to have at its disposal armed forces, but armed forces contributed by the individual Members. Now no one of the large powers can be expected to agree to something whereby forces contributed by his nation could be used against other forces of his nation. That is not realistic and we must, I think, admit that if there came about a situation where it was felt that sanctions would have to be applied against one of the great powers, it would be a condition of imminent war whether the opposition of the one power took the form of resistance or took the form of a veto. The only way in which it could be overcome would be by the use of force and the use of force against a great power means war.[1]

I think that the smaller powers, those of the category of Canada and the like, will realize that in the suggestions we have heard this morning there is as concrete an effort towards a constructive solution as the realities of the day make possible. When we have it asserted, as it was this morning, that this international control commission will be clothed with powers that it can exercise and that it can report to the Security Council, and thereby to the world at large, that there is or is being prepared a threat to peace then, if the Members of this Organization have undertaken to submit to such control and inspection any great power must realize that any obstacle it puts in the way of inspection and control would be tantamount to a declaration of war on the rest of the world. I think that all of us and all those we represent have now such a horror of unnecessary war that there is not apt to be any intereference with the working of a system which will be designed to give a feeling of security to all those concerned.

The Canadian delegation is grateful to the representative of the United Kingdom for his kind references to the draft resolution put forward by Canada; but Canada has no feeling of ownership or feeling of national pride about it. Canada is willing to take as a working basis in the sub-committee to be set up the proposal put forth by the Soviet delegation as modified by the others that have come forward. We recognize that, though we suggested in the opening debate of the General Assembly that the Security Council be as expeditious as possible in concluding the agreements provided for by Article 43 of the Charter, we did not at that time entertain the hope that has been given to us by the attitude of the Soviet Union that there could be so quickly set in motion the machinery required to bring about that reduction and regulation of all armaments which would increase and consolidate the feeling of security and trust in each other which is required for the reconstruction of the ravages of the years we have just gone through.

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[1]For an expansion of the views expressed here on the question of the existence in the Security Council of the right of veto over the imposition of sanctions against a violator of disarmament agreements, see below, pp. 196 to 198.

We have had prepared for our own use a collation of the various suggestions that have been put forward, and when this matter is before the sub-committee it may be that that collation can be of assistance to the sub-committee in their efforts to bring back to this committee for recommendation to the General Assembly a unanimous resolution which will go far towards restoring the confidence of the world at large in the sincerity of all the Members of this United Nations in the lofty statements of the purposes and principles for which we came together and for which the United Nations has been established.

SUB-COMMITTEE ON DISARMAMENT, DECEMBER 12, 1946[1]

The Canadian delegation gives place to no other in its anxious desire to see the fullest possible agreement between all nations, and especially the great powers, on the principles of disarmament which we are now considering in this General Assembly. We are confident that this sub-committee will be able to reach agreement on a single text and that the General Assembly will not have to choose between one set of proposals and another. The reason we are confident of this is that we have all, great powers and small powers alike, reached agreement on all the issues before us.

We submit, however, that we have failed, in paragraphs 2 and 3 of the draft resolution now before the sub-committee, to express clearly that large measure of agreement which we have reached. Indeed I am afraid that we may have done more than this. We may unintentionally have framed these paragraphs in such a way that they are capable of being construed to mean the precise opposite of what we all intend.

That is why the Canadian representative, when these paragraphs were being discussed by the drafting group, urged the adoption of the amendments which the Canadian delegation has now formally moved. That is why the Canadian representative on the drafting sub-committee fully reserved the position of the Canadian delegagtion on paragraphs 2 and 3 of the draft resolution.

In order to explain the reasons why we believe that the end of paragraph 2 and the middle of paragraph 3 should be amended it is necessary for me to go back to the first sentence of paragraph 2.

The first sentence of paragraph 2 sets forth two objectives for the Atomic Energy Commission. The first of these objectives is "eliminating from national armaments atomic and all other major weapons adaptable to international control of atomic energy and other modern scientific dismass destruction". The second objective is "the early establishment of coveries and technical developments to ensure their use only for peaceful purposes". After stating these general objectives the sentence concludes with the General Assembly urging "the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in section

[1]This statement was made in moving the adoption of the Canadian amendments to paragraphs 2 and 3 of the draft resolution submitted by the drafting group. The Canadian amendments were accepted and the two paragraphs, as amended, became paragraphs 3, 4, 5 and 6 of the final resolution.

5 of the General Assembly Resolution of January 24". This, I repeat, is a recommendation from the General Assembly to the Atomic Energy Commission.

The second sentence of paragraph 2 refers to recommendations from the General Assembly to the Security Council and purports to describe the nature of the draft convention or conventions required from the Security Council to implement the two objectives set forth in the first sentence of paragraph 2.

I submit, however, that the second sentence could be construed to mean that the convention or conventions, the consideration of which the Security Council is asked to expedite, will implement only the first of these two objectives and not the second.

The first objective, as stated in the first sentence, is to eliminate from national armaments atomic and all other major weapons adaptable to mass destruction. This objective is explicitly covered by the following words in the second sentence, "these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction".

I cannot, however, find language in the second sentence which covers the second objective—"The early establishment of international control of atomic energy, etc. . . to ensure their use only for peaceful purposes".

The omission from the end of paragraph 2 of a reference to the control of atomic energy *in order to ensure its use only for peaceful purposes* raises an essential matter of substance.

Let us be clear in the first place about the difference between the first sentence of the second paragraph and the second sentence. The first sentence states objectives for the Atomic Energy Commission. The second sentence contains explicit recommendations to the Security Council on what it should do with the recommendations of the Atomic Energy Commission. If we state explicitly at the beginning of the paragraph two objectives for the Atomic Energy Commission, and at the end of the paragraph we state explicitly that the Security Council implement in conventions only one of these two objectives, we may, by implication, be laying ourselves open to the charge that we do not consider the second objective as of equal importance to the first.

That I know is not the intention of any member of this sub-committee, but I am afraid that the language which we have used may be susceptible of that interpretation.

The problem can be put in another way. Could the language of the resolution now before us be interpreted as conveying any sort of endorsement of the poposition that a *mere prohibition of the production and use of atomic weapons is by itself enough?*

We must be clear on this point. Is it the intention of this sub-committee to propose that the General Assembly recommend to the Security Council that it expedite a convention *merely* for the prohibition of atomic and other weapons adaptable now or in the future to mass destruction and for the establishment of an international system of control and inspection which could merely supervise and report on the observance

or non-observance of such a convention? Or is it our intention that the General Assembly should hold to its resolution of last January and recommend to the Security Council in terms that can give rise to no doubt that the convention or conventions should *also* provide "for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes"?

If we *do* mean the latter, and I am certain we do, why do we not say so in precise terms? If we do *not* mean the latter, then I submit that the members of this sub-committee should clearly recognize that they are being asked to agree that the convention or conventions on atomic energy contain provisions for the *prohibition* of its use for military purposes and the establishment of an international system of control and inspection to supervise and report on the observance or non-observance of such a convention—and no more than that.

This issue has been argued for months in the Atomic Energy Commission. It is not necessary to repeat all the arguments in this sub-committee. Suffice it to say that the Canadian delegation cannot accept the restrictive interpretation which, I am afraid, may be implicit in the resolution now before us, of the resolution passed unanimously by the General Assembly last January, setting up the Atomic Energy Commission.

The mere prohibition of atomic weapons is not by itself enough. The very processes which are employed for the application of atomic energy to peaceful purposes produce the fissionable material which can be used directly in the manufacture of the atom bomb. Unless, therefore, we are prepared to agree to the total prohibition of the use of atomic energy, we must provide means to control atomic energy for peaceful purposes only. If the new discovery of atomic energy is to be used for the benefit of mankind and not for its destruction, measures of effective control must be devised to provide safeguards for all nations. The prohibition of the production and use of atomic energy for war must not result in its prohibition for peace.

We are, I feel sure, all agreed on this. All that the Canadian delegation asks is that this agreement should be expressed clearly in the resolution which is now before us, so that the resolution will mean what we intend it to mean and will not be susceptible of being interpreted to mean the opposite of what we intend.

In order to make the intent of all the members of the sub-committee clear, the Canadian delegation proposes two amendments. The first, which is of greater importance, is an amendment to the last sentence of paragraph 2. The second is a consequential amendment to the third sentence of paragraph 3.

Plenary Meeting of the General Assembly, December 4, 1946

At the San Francisco Conference we signed a Charter which began with an affirmation of the faith of the peoples of the United Nations in those standards of civilized life which were attacked by our enemies in the war—the worth and dignity of the individual, the rule of law and justice among nations, and respect for the pledged word. The peoples of the United Nations declare in the preamble of this Charter that they

are persuaded that men and nations can by their joint and sustained efforts live together as good neighbours, free from fear and want, and with liberty of thought and worship. They say, we are resolved to save ourselves and our children from the scourge of war which twice in our time has brought us untold loss and sorrow.

When this Assembly opened seven weeks ago there were few, perhaps none of us, who felt that we could do much in this second part of the First Session of the Assembly to save ourselves and our children from the scourge of war. Our hopes for this Assembly were limited. We were all of us conscious of the shortcomings and failures of the United Nations. My colleague, the Chairman of the Canadian delegation, said in his speech in the opening debate of the Assembly on October 29:—

> The United Nations sixteen months after the signature of the Charter, is still, and is apt to continue for many months to be on trial. Its interests will not be served by concealing any disappointment caused by its operations.

. . . There are four stages in the process of disarmament. The first stage is that on which we are now engaged—the adoption of a resolution by the General Assembly of the United Nations on the principles which should govern the general regulation and reduction of armaments. The second stage is the formulation of plans by the Security Council. During this stage the Security Council will be doing the work of a preparatory commission on disarmament. The third stage is the consideration by all the Members of the United Nations at a special session of this General Assembly of the plans formulated by the Security Council. The fourth stage in the process of disarmament is the ratification and the coming into force of the disarmament treaties or conventions approved by the General Assembly in special session.

Let us not mislead ourselves and our peoples about the difficulties of the task which lies ahead of us. We will today only have laid an essential stone in the foundation of a just and stable world order, in which it may be possible for men and nations by their joint and sustained efforts to live together as good neighbours, free from fear and want and with liberty of thought and worship.

The task of completing the edifice of peace will be heavy. It will be long and dreary. It will be full of setbacks and heartbreaks. There will be brief moments of elation, such as that of last night and of today, but there will also be periods of despair. If we, the peoples of the United Nations, are to succeed in our task we must be willing to experiment, and to run great risks to attain great objectives. We must be resolute and display in our just cause a holy obstinacy.

We must have faith in ourselves and in each other. Above all we must remember that all men are brothers and that upon the dignity, the liberty, the inviolability of the individual men, women and children of the world depend the welfare of the people, the safety of the state and the peace of the world.

ATOMIC ENERGY COMMISION, DECEMBER 19, 1946[1]

Section (*e*) of Recommendation 3 of the United States resolution reads as follows:

> The treaty should include, among others, provisions...
>
> (*e*) Specifying the means and methods of determining violations of its terms, stigmatizing such violations as international crimes, and establishing the nature of the measures of enforcement and punishment to be imposed upon individuals and upon nations guilty of violating its provisions.
>
> The judicial or other processes for determination of violations of the treaty and of punishment therefor should be swift and certain. Serious violations of the treaty should be reported immediately by the authority to the nations party to the treaty and to the Security Council. In dealing with such violations a violator of the terms of the treaty should not be protected from the consequences of his wrong-doing by the exercise of any power of veto.
>
> The provisions of the treaty would be wholly ineffectual if, in any such situation, the enforcement provisions of the treaty could be rendered nugatory by the veto of a state which has voluntarily signed the treaty.[2]

43. This deals both with violations by individuals and also with violations by nations. These problems require separate treatment.

44. The Legal Committee of the First Session of the General Assembly has already given consideration to the problem of the creation of new crimes under international law and of the machinery which should be set up for the punishment of individuals who commit these crimes. This is an extremely difficult and highly technical problem. It will probably involve making certain new crimes extraditable offences. It may involve the setting up of an International Criminal Court for the trial of persons

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[1]Paragraphs 43-55 of the Canadian memorandum of December 19, 1946, circulated on December 20, 1946, by the Canadian Delegation to the Atomic Energy Commission to the members of the Commission. The memorandum is entitled, "Observations of the Canadian Delegation on the Resolution proposed by the United States (AEC/15 of 14th December, 1946, as revised by the United States Delegation on 17th December, 1946)". There has been inserted at the beginning of the text the relevant section of the United States resolution (Section (*e*) of Recommendation 3).

[2]A number of changes were made in this section before it was adopted by the Atomic Energy Commission on December 30, 1946. The second sentence of the second paragraph was revised to read as follows:

> "Once the violations constituting international crimes have been defined and the measures of enforcement and punishment therefor agreed to in the treaty or convention, there shall be no legal right, by veto or otherwise, whereby a wilful violator of the terms of the treaty or convention shall be protected from the consequences of violation of its terms."

A new paragraph was added immediately after Recommendation 3. This paragraph reads as follows:

> "In consideration of the problem of violation of the terms of the treaty or convention, it should also be borne in mind that a violation might be of so grave a character as to give rise to the inherent right of self-defence recognized in Article 51 of the Charter of the United Nations."

Other changes of less importance were made.

alleged to have committed these new international crimes. In view of the complexities of the problem it might be wise at this stage in the work of the Commission to do no more than to establish in principle that individuals should be punished for violations of the conventions. The first sentence of this section (with the omission of the words "and upon nations") would appear to cover adequately so far as the present interim report is concerned the problem of violations by individuals.

45. The second paragraph of the Section states that "the judicial or other processes for determination of violations of the treaty and of punishment [of nations and individuals] therefor, should be swift and certain". No one would disagree with this statement of the objective. There could also be no objection to the sentence which follows and which provides that "serious violations of the treaty should be reported immediately by the authority to the nations party to the treaty and to the Security Council".

46. The meaning of the next sentence however is somewhat obscure. It reads as follows, as amended by the United States on December 17th:

> In dealing with such violations, a violator of the terms of the treaty should not be protected from the consequences of his wrong doing by the exercise of any power of veto.

47. Article 51 of the Charter of the United Nations states that "nothing in the present charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security". This means that a permanent member of the Security Council cannot protect himself from the consequences of certain types of wrong doing by the exercise of his veto in the Security Council. All he can protect himself against by his veto is the application of sanctions *by the Security Council.* His veto does not protect him, and could not possibly protect him, from condign punishment inflicted on him by his fellow Members of the United Nations.

48. Article 51 would appear therefore to cover the situation which would arise if a permanent member of the Security Council made an armed attack against another Member of the United Nations. However, this Article, by itself, does not cover acts of aggression or threats of aggression which do not constitute armed attack. One such act might be the illicit manufacture of atomic bombs in violation of the international treaties or conventions on the control of atomic energy.

49. However, paragraph 4 of Article 2 of the Charter reads as follows:—

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

50. The undertaking in Paragraph 4 of Article 2 of the Charter is an undertaking by all the Members of the United Nations—by the permanent members of the Security Council as well as by the other fifty Members of the United Nations.

51. If a permanent member of the Security Council violates its solemn undertaking under paragraph 4 of Article 2, it has violated the most important provision of the Charter of the United Nations. Any such violation would be likely to make other Members of the United Nations feel that *they* are released from *their* obligation under the Charter not to threaten or use force against that delinquent state.

52. The mere existence of the "veto" in the Security Council would make no practical difference. If there came about a situation where it was generally felt that it was necessary to take armed measures against a great power which was threatening the peace of the world, those armed measures could be taken—veto or no veto. There can be "no question of the right of complying states, veto or no veto, to take immediate action in defence of the rule of law". (The quotation is from the address delivered by Mr. Byrnes, the Secretary of State of the United States, before the General Assembly on December 13th.)

53. Thus, under present circumstances, little would be gained by trying to persuade each of the permanent members of the Security Council to give up its veto over the imposition of military sanctions against a state found to be committing serious violations of the convention or conventions on atomic energy.

54. This does not mean that in future it might not be desirable to deprive the permanent members of the Council of their present right to veto the imposition of sanctions. If the United Nations succeeds in the task on which it is now engaged—general disarmament, the prohibition of methods of mass destruction, and the implementation of Article 43—the forces at the disposal of the Security Council will be so overwhelmingly superior to the forces at the disposal of any state, large or small, that the mere threat by the Security Council to use its forces against that state would be sufficient to bring it to terms. Under such circumstances, a proposal to deprive the permanent members of the Security Council of their present veto over the imposition of military sanctions would become realistic.

55. Nor does this mean that the International Atomic Authority should not be given power, under the convention or conventions establishing it, to impose certain sanctions against states which violate the conventions—and impose these sanctions by the normal two-thirds vote. These sanctions might include withdrawal of licences, cutting off raw materials, closing down of power plants in the territory of the offending state, and so on.

I. Resolution of the Security Council February 13, 1947*

The Security Council, having accepted the resolution of the General Assembly of December 14, 1946, and recognizing that the general regulation and reduction of armaments and armed forces constitute a most important measure for strengthening international peace and security, and that the implementation of the resolution of the General Assembly on this subject is one of the most urgent and important tasks before the Security Council,

Resolves:

1. to work out the practical measures for giving effect to the resolutions of the General Assembly on December 14, 1946, concerning, on the one hand, the general regulation and reduction of armaments and armed forces, and the establishment of international control to bring about the reduction of armaments and armed forces and, on the other hand, information concerning the armed forces of the United Nations;
2. to consider as soon as possible the report submitted by the Atomic Energy Commission and to take suitable decisions in order to facilitate its work;
3. to set up a Commission consisting of representatives of the Members of the Security Council with instructions to prepare and to submit to the Security Council within the space of not more than three months, the proposals:
   (*a*) for the general regulation and reduction of armaments and armed forces and
   (*b*) for practical and effective safeguards in connection with the general regulation and reduction of armaments

   which the Commission may be in a position to formulate in order to ensure the implementation of the above-mentioned resolutions of the General Assembly of December 14, 1946, insofar as these resolutions relate to armaments within the new Commission's jurisdiction.

   The Commission shall submit a plan of work to the Council for approval.

   Those matters which fall within the competence of the Atomic Energy Commission as determined by the General Assembly Resolution of January 24, 1946, and December 14, 1946, shall be excluded from the jurisdiction of the Commission hereby established.

   The title of the Commission shall be the Commission for Conventional Armaments.

*This resolution was adopted by the Security Council at its One Hundred and Fifth Meeting, February 13, 1947.

The Commission shall make such proposals as it may deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake.

4. to request the Military Staff Committee to submit to it, as soon as possible and as a matter of urgency, the recommendations for which it has been asked by the Security Council on February 16, 1946, in pursuance of Article 43 of the Charter, and as a first step, to submit to the Security Council not later than April 30, 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations Armed Force.

APPENDIX III

PRACTICES AND PROCEDURES OF THE SECURITY COUNCIL

A. United Kingdom Proposals

(Suggestions regarding Voting in the Security Council laid before the Permanent Members by the United Kingdom Secretary of State for Foreign Affairs, November 15, 1946.)

1. The Powers possessing the right of "veto" might agree amongst themselves to consult each other, where possible, before a vote is taken, if their unanimity is required to enable the Council to function effectively.

2. If there is not unanimity, it might be agreed that the minority of the permanent members, mindful of the fact that they are acting on behalf of all the United Nations, would only exercise the "veto" where they consider the question of vital importance to the United Nations as a whole, and they would explain on what grounds they consider this condition to be present.

3. The permanent members might agree that they will not exercise their "veto" against a proposal simply because it does not go far enough to satisfy them.

4. The permanent members might agree to advocate rules of conduct for the Security Council providing that questions are only brought before the Security Council after other means of settlement have been tried and must then be presented in proper form to the Council.

5. The permanent members might agree to support the establishment of further rules of procedure for the conduct of the Security Council's business, e.g. for the consideration of any question, the Council should appoint a rapporteur, or a Committee of some of its members, to make a further attempt at conciliation before resorting to the final discussion and voting.

6. It might facilitate the work of the Security Council, and ensure that the Charter if properly applied, if a formula could be devised on which all could agree, for the definition of a "dispute".

7. It would be of great advantage if it were possible to provide, by some means, that a permanent member could abstain from voting without automatically vetoing the proposal. Similarly, that mere absence of a permanent member should not have the effect of a veto.

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B. Canadian Statement, November 16, 1946

POLITICAL COMMITTEE

The Canadian delegation does not associate itself with any proposal for the calling at this time of a conference to amend the Charter. We believe that the Charter in its present form should be given a longer period of trial than one year. But the Canadian delegation *does* join in the demand voiced by so many other delegations that the veto be employed in future with restraint and in the interests of the United Nations as a whole. The Canadian delegation feels that it would be premature to call in question in this First Session of the General Assembly the rule of unanimity set out in Article 27. What we do call in question is the manner, or perhaps rather the number of cases and the kind of cases, in which that rule of unanimity has already been applied.

We do not suggest that what has happened so far has had very serious consequences, except in respect of the admission of new members, but we are very much concerned at the impairment of world confidence in the efficiency of the Security Council, as an instrument for the maintenance of international peace and security, which has resulted from the so frequent display of its inability to reach prompt and satisfying decisions.

It has been argued in the debate that the Members of the United Nations must choose either to accept the unqualified exercise of the veto by the great powers or alternatively, to advocate the immediate amendment of the provisions of the Charter relating to the voting rules of the Security Council. That argument, I submit, is not in accord with the facts as they have been presented in several able speeches in this Committee, notably by the representative of Australia, nor is it in accord with the letter or spirit of the Charter.

First of all, it cannot be said that the exercise of the veto depends upon the mere discretion or will of each of the permanent members, since that discretion is already restricted by the terms of paragraph 2 of Article 27 of the Charter and by the second clause of paragraph 3 dealing with disputes to which one of the permanent members is a party.

It is moreover difficult to justify the charge that delegates are attempting to violate the Charter or are attacking the rule of unanimity, when they urge that the permanent members of the Security Council should exercise their discretionary power of veto in a manner consistent with the Charter, that is to say, in a manner which will enable the procedures of the Security Council to operate instead of impeding or even preventing their operation. Such delegates want to achieve *in fact* that unanimity which has so often been lauded in principle, and which will never be achieved by the irresponsible use of the veto. The irresponsible use of the veto does not achieve unanimity; it is merely disunity writ large.

The Security Council was given primary responsibility for the maintenance of international peace and security in order to ensure *prompt and effective action* by the United Nations. But the experience of the past nine months can scarcely be said to have demonstrated that the Security Council would be capable under its present practices and procedures of taking prompt and effective action.

In the unsettled state of the world which is the inevitable aftermath of the war, situations or disputes may be expected to arise where it would be important that the Security Council should be capable of taking prompt and effective action for the maintenance of peace and security. In such circumstances we would all like to feel that the Council would be ready and able to take effective action promptly and not after a dispute or a source of friction had been fanned into a conflagration; that it would not wait until it is necessary to resort to force or until men, desperate from the frustration of waiting for a decision, might take whatever action they thought apt to serve their own interests.

None of us wish to see set in motion that chain of events which might lead to sanctions—that chain of events on which so much emphasis was laid in the statement of the sponsoring powers made at San Francisco. But still less do we want to see a chain of events set in motion which might lead to war. The Security Council was given by the Charter the responsibility of trying to adjust peacefully those international disputes and situations which unless peacefully settled might lead to war. If, through the use of the veto or for some other reason, the Security Council should be unable to act effectively as an agency of conciliation when occasion requires, the chances of war are increased. No one can disagree with the implication of the sponsoring powers' statement that the members of the Security Council undertake a heavy responsibility when they agree to investigate a dispute or situation or to make recommendations on its settlement. But the members of the Security Council would undertake an even heavier responsibility if they should fail to investigate a dispute or situation the continuance of which was likely to endanger the maintenance of international peace and security.

This responsibility rests on all the members of the Security Council. It rests with particular weight on the five permanent members since failure by any one of them to agree with certain decisions supported by the requisite number of other members of the Council may prevent the Council from exercising its functions as the supreme agency of international conciliation....

We therefore join with other delegations in appealing to the permanent members of the Council to adhere scrupulously to the spirit and the language of the Charter and to refrain from using the veto except in the interests of the United Nations as a whole. We are confident that, if the permanent members take the view of their responsibilities which we suggest, the happy outcome will be that they will not find it necessary to use the veto except over measures of enforcement action under Chapter VII of the Charter....

If the permanent members of the Council were to use their veto only in the interests of the United Nations as a whole, if the veto were not to apply to decisions by the Council on whether a dispute exists and on which states are parties to a dispute, and if a permanent member could refrain from supporting a proposal without by so doing exercising the veto, many of the obstacles which have prevented the Security Council from becoming the supreme agency for international conciliation would disappear.

More, however, is required than this. The Charter contains, especially in its chapter on peaceful settlement, a number of unintentional obscurities which have led to honest differences of opinion between members of the Security Council on how the Security Council should go about its work of trying to settle peacefully international disputes and situations. It is not now possible without great difficulty, nor indeed is it necessary, to amend the Charter to remove the obscurities. It is, however, essential that the rules and practices of the Security Council be such as to carry out the intent of the provisions on peaceful settlement even though that intent is not always clearly expressed. . . .

C. Memorandum on Pacific Settlement by the Security Council

(Submitted by the Canadian Delegation on November 30, 1946, to the Political Committee)

1. By Article 24 of the Charter, the Members of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security and have agreed that, in carrying out this responsibility, the Security Council acts on their behalf. The Security Council is moreover required by Article 24 to act in accordance with the Purposes and Principles of the United Nations. The Charter has thus imposed on each individual member of the Security Council, permanent and non-permanent, the obligation to exercise its rights and responsibilities as a member of the Council not in defence of its own special national interests but in defence of the interests of the United Nations as a whole. This applies to the votes which a member casts in the Security Council as well as to its other actions in the Council.

2. The special voting position in the Security Council of its permanent members imposes on each of them special responsibilities since failure by any one of them to agree with certain decisions supported by the requisite number of other members of the Council might prevent the Council from exercising its functions as the supreme agency of international conciliation. In view of these special responsibilities, each permanent member is under an obligation to all the other Members of the United Nations not to use its special voting position to obstruct the work of the Council. Each permanent member should exercise its veto only in defence of the interests of the United Nations as a whole. If a permanent member decides, after careful consideration, to exercise its veto, it should, before exercising it, state the grounds on which it bases its conclusion that the interests of the whole Organization require that it exercise its veto in this particular instance. Since the requirement of unanimity of the permanent members can be met only if the permanent members are willing to accept compromises, a permanent member should not veto a proposal on the ground that it does not go far enough.

3. In order that a permanent member may not have to veto a proposal which it feels it cannot actively support, the right of a permanent member to refrain from supporting a proposal, without by so doing exercising the

veto, should be formally recognized in the rules of procedure of the Security Council. The rules might provide that a permanent member which, before a vote is taken, makes a statement to the following effect should be held to have cast an affirmative vote within the meaning of Article 27 of the Charter: "While I am not prepared to support this proposal, I am not prepared to prevent its acceptance if that is the desire of the majority. I am willing, in the circumstances, to have my position considered as constituting the degree of concurrence necessary in order that a decision may be reached."

4. All the Members of the United Nations have under Article 33 of the Charter undertaken that, if they are parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security, they will first of all seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. The spirit of this undertaking applies to situations which might lead to international friction or give rise to a dispute. Therefore, the rules of procedure of the Security Council should provide that, when a state brings a dispute or a situation to the attention of the Security Council, it should submit in writing a preliminary statement setting forth the steps which have been taken by the states concerned to carry out their obligation under the Charter to seek a solution by peaceful means of their own choice before coming to the Security Council.

5. The Security Council ought not to be asked to consider frivolous complaints or complaints which do not appear to be brought in the bona fide belief that they involve disputes or situations likely to endanger the maintenance of international peace and security. Therefore, the rules of the Security Council should provide that a state which brings a dispute to the attention of the Security Council should submit in writing a preliminary statement showing in what manner the continuance of the dispute is likely to endanger the maintenance of international peace and security. Similarly, a state which brings a situation to the attention of the Security Council should submit in writing a preliminary statement showing in what manner the continuance of the situation might lead to international friction or give rise to a dispute.

6. Apart from the special jurisdiction which may be conferred on it under Article 38 by all the parties to any dispute, the Security Council's jurisdiction is restricted to international disputes and situations which are likely to endanger the maintenance of international peace and security. The preliminary question to be settled therefore when a dispute or a situation is brought to the attention of the Security Council is whether the Council has jurisdiction to deal with the matter, that is to say whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. Therefore the Security Council should work out agreed procedures to ensure that the early stages of the consideration of a dispute or situation by the Security Council are directed towards settling the preliminary question whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. It may be necessary for the Council in these early stages to discuss the facts of the case and the claims and the

counter-claims, but the purpose of this initial examination should be, not to arrive at a recommendation on the settlement or adjustment of the dispute or situation, but to decide the preliminary question of jurisdiction.

7. The primary responsibility of the Security Council for the maintenance of international peace and security was conferred on it by the Members of the United Nations to ensure prompt and effective action by the United Nations. The rules and practices of the Security Council should therefore be based on a recognition of the fact that the Security Council is under an obligation to deal with disputes and situations when it has decided that they come within its jurisdiction. Every member of the Security Council is under an obligation to see that prompt and effective action is taken by the Council. These obligations of the Council as a whole and of its members individually can be discharged only if the Council without delay pursues one or more of the three courses of action set forth in the relevant provisions of the Charter (paragraph 2 of Article 24, paragraph 2 of Article 33, paragraph 1 of Article 36 and paragraph 2 of Article 37). It may pursue these courses in any order it sees fit. The three courses of action are (*a*) to remind the parties to a dispute of their undertaking to settle it by peaceful means of their own choice; (*b*) to call upon the states parties to a dispute or directly involved in a situation to adopt such particular peaceful means or methods of adjustment as the Council considers most likely to succeed; (*c*) to recommend terms of settlement to the parties to a dispute.

8. Under the proviso to paragraph 3 of Article 27 of the Charter, a party to a dispute is required to abstain from voting in decisions taken under Chapter VI. This proviso would be rendered of no effect if a permanent member of the Security Council could veto a decision that a dispute exists or that it is, itself, a party to a dispute. Therefore the Security Council should work out agreed procedures to ensure that no state is judge in its own cause.

APPENDIX IV

ADMISSION OF NEW MEMBERS

Canadian Statement, November 6, 1946

POLITICAL COMMITTEE

It is, of course, not only the right but also the undoubted duty of this Committee of the General Assembly to discuss and give careful consideration to this important matter of admitting new Members. The General Assembly is charged under Article 4 with making the decision on the admission of any state to membership in the United Nations upon the recommendation of the Security Council.

In making that decision it is not to be expected that this body, though giving earnest consideration to recommendations of the Security Council, can act merely as a rubber stamp. The Canadian delegation was glad to join with other delegations in the unanimity with which the Committee decided to accept into the membership of this organization the three members reported favourably upon by the Security Council, but we would be neglectful of our duty if we did not also examine the information contained in the report of the Security Council in relation to certain other applicants for membership. . . .

In examining the grounds upon which the Security Council reached its decision, we find that three applications were vetoed by a permanent member of the Security Council on the ground that his state had no diplomatic relations with the applicant state.

We shall have more to say about the veto on another occasion. For the present it is sufficient to state that the ground upon which the veto has been exercised in these three instances (Ireland, Portugal and Trans-Jordan) was not, in the opinion of the Canadian delegation, in accord either with the letter or the spirit of Article 4. The Article, of course, recites no such ground for the non-admission of members. Moreover, since the Article states that membership is open to all "*other* peace-loving states", the clear implication is that the states already Members of the organization are peace-loving. There are, however, among the present Members of the organization several states who have not yet established diplomatic relations with all the permanent members of the Security Council.

It is the view of the Canadian delegation that Ireland, Portugal and Trans-Jordan are peace-loving and that therefore their applications should be examined particularly from the standpoint as to whether or not they are able and willing to carry out the obligations of the Charter.

In this connection a principal factor in our view is that the state concerned should possess a sufficient degree of sovereignty to enable it to

carry out independently the obligations imposed by the Charter. The degree of dependence of an applicant upon another state, therefore, is relevant to the enquiry.

Of the three applicants for membership, the Canadian delegation is best informed on the merits of the application of Ireland, a state with which we are closely associated. It is our view that Ireland fully meets the requirement of Article 4 respecting membership in the organization. Although many of us may not agree with the attitude of Ireland during the war, this delegation believes that this attitude demonstrates two points. The first is that by their neutrality the Irish showed that they placed a high value on peace. The second is that the very fact of this neutrality shows that Ireland is fully able to carry out independently whatever policies are espoused by the Irish people. If, therefore, Ireland has expressed its willingness to accept the obligations contained in the Charter, we think that no valid grounds can be found for not accepting at the present time its application for membership.

The Canadian delegation is also of the view that Portugal is fully eligible for admission under the Charter, and moreover that its entry into the organization is desirable in order that the membership of the organization should be as broad as possible consistent with the terms of the Charter.

The information available indicates that some doubt exists as to the ability of Trans-Jordan to carry out independently the obligations of the Charter. Canada would like to have an opportunity of examining more closely the position of Trans-Jordan from this point of view before advocating its admission to the United Nations.

In conclusion, the Canadian delegation wishes to express its support of the draft resolution concerning the admission of new Members submitted by the delegation of Egypt.

APPENDIX V

THE RELATIONS OF MEMBERS OF THE U.N. WITH SPAIN

A. Canadian Statement, December 3, 1946

POLITICAL COMMITTEE

In the opinion of the Canadian delegation every proposal regarding Spain should be judged in the light of its probable effect on the welfare of the Spanish people. The Canadian delegation has examined the proposals placed before this Committee with this paramount consideration constantly in mind.

We do not forget that General Franco and those who established and supported him, including the Germany of Hitler and the Italy of Mussolini, have brought tragic losses and sorrows to the people of Spain. We do not forget that both before and during the war the Franco regime collaborated closely with those evil forces that brought such disaster to the world.

We recognize also the dangers inherent in the continued existence of organized fascism anywhere in the world. We know that so long as fascist regimes continue in power they are likely to become sources of infection to other nations.

We share the views of those who hold that the first duty of the government of any state is to preserve, respect and defend the rights of the people who live within its borders. For it is the individual man, woman and child who is the subject and the foundation of the social order. Upon his dignity, his liberty, his inviolability depend the welfare of the people, the safety of the state and the peace of the world.

The Franco government has attacked these basic rights of the people of Spain.

Our contempt for the Franco dictatorship, however, does not blind us to the difficulties facing those who, by the employment of drastic measures, would endeavour to assist the Spanish people to recover their rights.

In a better organized world, in a world free from the tremendous burdens of reconstruction which today face us all, the boomerang effects of economic sanctions would not be as important as they are today. In more normal times we might more readily discover practical means of assisting the people of Spain to gain their freedom without placing new burdens on those peoples who are still struggling under the miseries of five years of war.

We must not at this time, by interfering with the normal course of economic restoration, risk the loss of those improvements that have been achieved during the last eighteen months. With chaos still around us we must not run the risk of creating additional chaos.

Nor would the Canadian Government be prepared to share responsibility for the adoption of any policy that would cause, or be likely to cause, a revival of civil war in Spain. We are convinced that, deplorable as may be their present sufferings, the people of Spain would suffer even more if civil war were to flare up once again. Moreover, civil war is not likely to result in the establishment of a moderate and democratic regime. We do not wish to be instrumental in substituting one form of despotic or totalitarian rule for another. We want the Spanish people to enjoy the blessings of freedom—freedom from distatorships whatever their form, by whatever name they may be called.

It has been proposed that the Members of the United Nations should sever diplomatic relations with the Franco Government. Whether such a step would be likely to weaken the internal position of the Franco dictatorship is, in our opinion, open to question. As Canada has no diplomatic relations with Spain this is not a question that affects us directly. Under these circumstances we would hesitate to advise others as to the course they should pursue. It is *possible* that the breaking of diplomatic relations would convince additional elements within Spain that their country can never enjoy normal relations with the rest of the world until it is freed from its present leadership. But it is *also possible* that such concerted action might be so exploited in the controlled press and radio of an insulated Spain that the dictatorship might actually bolster its defences by calling to its aid the national pride of the Spanish people.

The breaking of diplomatic relations is a traditional but, in our view, ineffective way of exerting pressure on a foreign government. It means that the outside world severs its connection with a government of which it disapproves at the very time that it is most important for the governments of the rest of the world to have direct knowledge of conditions in that country.

It should also be recognized that once the nations impose diplomatic sanctions, they may find it difficult not to go further when it is demonstrated that diplomatic sanctions *are* in fact ineffective. One step might lead to another with consequences which might be deplorable in the present state of the world.

The attitude of the Canadian Government can be summed up as follows:

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.

This is the Canadian position on Spain.

We therefore wholeheartedly support the second part of the United States resolution calling upon Franco to surrender his powers to a broadly based provisional government.

We cannot, however, support the first part of the United States resolution. We feel that the question of the participation of *any* state

which is not a Member of the United Nations in *any* specialized agency should be decided on one basis only—the practical advantages to the peoples of the United Nations of the government of *that* state being committed to the obligations of membership in *that* agency. This is the position which the Canadian Government has consistently maintained in the meetings of the Economic and Social Council and of the specialized agencies. In our opinion no useful purpose is served by limiting the scope or weakening the effectiveness of the specialized agencies in order to debar the Franco Government from the obligations of membership in them.

We, therefore, request that the resolution of the United States be voted upon in two parts so that we may be able to oppose the first part and give support to the second part.

B. Resolution of the Assembly, December 12, 1946

RELATIONS OF MEMBERS OF THE UNITED NATIONS WITH SPAIN

The peoples of the United Nations, at San Francisco, Potsdam and London, condemned the Franco regime in Spain and decided that, as long as that regime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9th February, 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that, in May and June, 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Sub-Committee of the Security Council charged with the investigation found unanimously:

(*a*) In origin, nature, structure and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid received from Hitler's Nazi Germany and Mussolini's Fascist Italy;

(*b*) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa;

(*c*) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco's full belligerency should be postponed until a time to be mutually agreed upon.

The General Assembly,

Convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

Recommends that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

Further desiring to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations,

Recommends that, if within a reasonable time, there is not established 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 consider the adequate measures to be taken in order to remedy the situation;

Recommends that all Members of the United Nations immediately recall from Madrid their Ambassadors and Ministers plenipotentiary accredited there.

The General Assembly further recommends that the States Members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation.

APPENDIX VI

INDIA'S COMPLAINT AGAINST SOUTH AFRICA

Canadian Statement, November 25, 1946

POLITICAL COMMITTEE

As it seems to me, we are all agreed that the item presently before this joint meeting has legal and political aspects of the first magnitude.

The Indian delegation has proposed that this Assembly call upon the South African Government to revise its policy in respect of Asiatics in general, and Indians in particular, and to report to the next Session of this Assembly the Action it has taken in this regard.

The South African delegation does not deny that there exists in South Africa legislation which discriminates against Indians. Nor has the delegation desired to preclude a full and free discussion of all aspects of the question at this joint meeting. Field-Marshal Smuts has, however, taken the position that the legislation referred to concerns matters which are essentially within the domestic jurisdiction of South Africa—matters in which this Assembly by virtue of paragraph 7 of Article 2 of the Charter, is not competent to intervene. He proposes, moreover, that this preliminary question of jurisdiction be referred to the International Court of Justice for an advisory opinion.

I must, at the outset, express full agreement with the delegate of China that the question of policy involved in this issue is of greater significance than the question of law. It does not follow, however, that we can neglect to give adequate consideration to the important question of jurisdiction with which we are undoubtedly faced.

I find myself in further agreement with the Chinese delegation that the "domestic jurisdiction" clause should not be given an extensive interpretation which would render meaningless or insignificant other important provisions of the Charter. The right of this Assembly 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 is of the utmost importance. This right, among many others, would be seriously impaired if too great an effect were given to paragraph 7 of Article 2.

It is worthy of note also that Article 1 of the Charter states in clear terms that it is a purpose of the United Nations to promote international co-operation in "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". This is an unqualified obligation which rests upon each Member of the United Nations. The Canadian delegation, in common with all other delegations, regards the promotion of international action in the field of human rights and freedoms as of the utmost importance in

the establishment and maintenance of a just and lasting peace. None of us would condone, or would wish to be construed as condoning, a breach of the Charter. We welcome wholeheartedly the plea of the United Kingdom delegate that the Human Rights Commission of the Economic and Social Council bend every effort to give definition to these rights and freedoms for consideration at the next session of this Assembly.

What I have said, however, does not and cannot eliminate the "domestic jurisdiction" clause from the Charter. This could only be done by a formal amendment of the Charter. It could, of course, as we have suggested, be given a restrictive interpretation. However, whatever our respective views on its meaning and scope, it cannot be disregarded as long as it remains in the Charter. We have before us a grave issue in which the clause has for the first time been invoked before this Assembly. It is of the utmost importance that its meaning and scope be given early and authoritative definition. It is equally important that a proper determination be made of whether the circumstances of the present case support the South African contention that the matter is essentially within the domestic jurisdiction of South Africa and that therefore this Assembly is precluded by the Charter from intervening in the manner proposed by the Indian delegation.

This is a difficult question of law, or perhaps more accurately, of mixed fact and law. The manner of its solution will establish a precedent—it will affect not only the present issue, but whatever corresponding issues may be brought before the Assembly in future. I do not think that it can be easily or hastily resolved.

The type of question is not unfamiliar to lawyers in the United States or Canada, or in other countries whose federal constitutions give certain powers to the national or central authority and other powers to state, provincial or other local authorities. Under these constitutions there are some matters which are clearly assigned to the central authority. Others are clearly assigned to local authorities. These present no difficulty. Certain matters, however, are so to speak, in a doubtful category—in some respects they seem to be within the competence of the central authority, and in other respects, within the competence of the local authorities. If an issue arises, it is customarily resolved by a reference to the appropriate judicial body, which examines the facts in relation to the law and determines whether, on balance (or "in pith and substance") the matter is within the competence of the central authority or otherwise. These are juridical issues of the utmost difficulty and importance.

It seems to the Canadian delegation that we have before us a preliminary question of jurisdiction which is not unlike the constitutional questions which arise from time to time in federal states such as the United States and Canada. There may of course be brought before this Assembly in future complaints of discrimination in which there would be no doubt as to the Assembly's right of intervention; cases, for instance, in which there has been a clear breach of a treaty obligation or a flagrant violation of elementary human rights. Other cases may be brought forward in which the "domestic jurisdiction" clause would appear to govern: the discriminatory laws or practices impugned may not involve a treaty

violation and may be so temporary or local in character, or so minor in importance, that the Assembly would not have the right to intervene under the Charter.

Between these extremes there is an area of doubt—a twilight zone—in which the present issue appears to fall. What is obviously required is a *proper* determination of the facts, an *authoritative* exposition of the law and a *judicial* application of the law to the facts so determined. If the Assembly is to deal with the substance of this case, it is necessary to ascertain among other things, the nature and extent of the discriminatory laws in force in South Africa, the circumstances attending their enactment, the status of the 'Capetown' and other alleged intergovernmental agreements or arrangements involved, the meaning and scope of the "domestic jurisdiction" clause, and, finally, the answer to the question whether the Assembly, in the circumstances, is competent to intervene.

There is in existence a body set up by the United Nations for the express purpose of exercising these essentially judicial functions. I refer, of course, to the International Court of Justice.

The Court is organized and it awaits judicial business. It is competent to settle authoritatively the various questions involved. Under Article 96 of the Charter, the Assembly may request the Court "to give an advisory opinion on any legal question". Article 50 of the Statute of the Court gives the Court power, at any time, to "entrust any individual, body, bureau, commission or other organization that it may select with the task of carrying out an enquiry or giving an expert opinion."

I do not believe that it can be seriously contended that this joint meeting of the First and Sixth Committees would be more competent than the International Court of Justice to settle this preliminary issue. This joint meeting is, after all, not organized to make judicial decisions in matters which are difficult of solution and of far-reaching importance—matters in which both the facts and the law are obscure. Nor is the atmosphere of large committees conducive to the dispassionate reflection which should precede considered judgment.

Should we not, therefore, make early and proper use of the complete judicial machinery which we have set up for the settlement of just such questions as the present one? Not only would we be entitled to expect a definitive answer to our questions, but we would thereby demonstrate unmistakably our confidence that the International Court can effectively exercise, in international jurisdictional issues, the same sort of judicial function as is exercised by national courts in federal states.

I feel sure that all Members of the United Nations want to see the rule of law established and applied in international affairs.

We all want to see the Court, and indeed all the juridical functions of the United Nations, strengthened as far as possible. In my view, this Assembly would set a most valuable precedent if it were to refer to the International Court of Justice, for determination before the next session of the Assembly, the mixed questions of fact and law involved in India's complaint against South Africa.

In short, the Canadian delegation feels that this Assembly might be committing an injustice if at this session, on an issue in which both the facts and the law are in dispute, it were to pass what is in effect a vote of censure on South Africa.

With deference, I submit that this meeting has not given adequate recognition to the conciliatory aspect of the position taken by the Field-Marshal. Though he has argued that this Assembly has *no* right to intervene in this matter and that, since this is a matter which is essentially of domestic jurisdiction, this Assembly is debarred by the Charter from even discussing it, much less passing a recommendation on it, he has nevertheless not only welcomed a full discussion by this meeting, but has himself proposed that the preliminary question of jurisdiction be referred to the International Court. He has done so in the knowledge that the Court might, if it considers it wise, send to South Africa an international, expert and impartial committee of inquiry to ascertain the facts, and he has stated that South Africa would abide by the decision of the Court. I suggest that this joint meeting recommend that the Assembly adopt the proposal made by the Field-Marshal.

I feel confident that, if the Court decides that there exist grievances with which the Assembly is entitled to deal, they will be dealt with as speedily and effectively as if we were to pass at this time a resolution which South Africa might regard as beyond the competence of the Assembly.

APPENDIX VII

HUMAN RIGHTS

A. Statement of Essential Human Rights

(Drafted by a committee appointed by the American Law Institute and submitted to the General Asembly by the Delegation of Panama.)

PREAMBLE

Upon the freedom of the individual depends the welfare of the people, the safety of the state and the peace of the world.

In society complete freedom cannot be attained; the liberties of the one are limited by the liberties of others, and the preservation of freedom requires the fulfilment by individuals of their duties as members of society.

The function of the state is to promote conditions under which the individual can be most free.

To express those freedoms to which every human being is entitled and to assure that all shall live under a government of the people, by the people, for the people, this declaration is made.

Article 1. Freedom of belief and of worship is the right of every one. The state has a duty to protect this freeedom.

Article 2. Freedom to form and hold opinions and to receive opinions and information is the right of every one. The state has a duty to protect this freedom.

Article 3. Freedom of expression is the right of every one. The state has a duty to refrain from arbitrary limitation of this freedom and to prevent denial of reasonable access to channels of communication.

Article 4. Freedom to assemble peaceably with others is the right of every one. The state has a duty to protect this freedom.

Article 5. Freedom to form with others associations of a political, economic, religious, social, cultural, or any other character for purposes not inconsistent with these articles is the right of every one. The state has a duty to protect this freedom.

Article 6. Freedom from unreasonable interference with his person, home, reputation, privacy, activities, and property is the right of every one. The state has a duty to protect this freedom.

Article 7. Every one has the right to have his criminal and civil liabilities and his rights determined without undue delay by fair public trial by a competent tribunal before which he has had opportunity for a full hearing. The state has a duty to maintain adequate tribunals and procedures to make this right effective.

Article 8. Every one who is detained has the right to immediate judicial determination of the legality of his detention. The state has a duty to provide adequate procedures to make this right effective.

Article 9. No one shall be convicted of crime except for violation of a law in effect at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that applicable at the time of the commission of the offence.

Article 10. Every one has the right to own property under general law. The state shall not deprive any one of his property except for a public purpose and with just compensation.

Article 11. Every one has the right to education. The state has a duty to require that every child within its jurisdiction receive education of the primary standard; to maintain or insure that there are maintained facilities for such education which are adequate and free; and to promote the development of facilities for further education which are adequate and effectively available to all its residents.

Article 12. Everyone has the right to work. The state has a duty to take such measures as may be necessary to insure that all its residents have an opportunity for useful work.

Article 13. Every one has the right to reasonable conditions of work. The state has a duty to take such measures as may be necessary to insure reasonable wages, hours, and other conditions of work.

Article 14. Every one has the right to adequate food and housing. The state has a duty to take such measures as may be necessary to insure that all its residents have an opportunity to obtain these essentials.

Article 15. Every one has the right to social security. The state has a duty to maintain or insure that there are maintained comprehensive arrangements for the promotion of health, for the prevention of sickness and accident, and for the provision of medical care and of compensation for loss of livelihood.

Article 16. Everyone has the right to take part in the government of his state. The state has a duty to conform to the will of the people as manifested by democratic elections.

Article 17. Every one has the right to protection against arbitrary discrimination in the provisions and application of the law because of race, religion, sex or any other reason.

Article 18. In the exercise of his rights every one is limited by the rights of others and by the just requirements of the democratic state.

B. Resolution of the Assembly, December 11, 1946

DRAFT DECLARATION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The General Assembly,

Whereas the Economic and Social Council has established a Commission on Human Rights and resolved that the work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council concerning an international bill of rights:

Resolves therefore to refer the draft Declaration on fundamental human rights and freedoms to the Economic and Social Council for reference to the Commission on Human Rights for consideration by the Commission in its preparation of an international bill of rights;

Expresses the hope that the question will be referred back to it in order that it may be included in the agenda of the second regular session of the General Assembly.

C. Commission on Human Rights[1]

1. Functions

(1) The work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council regarding:

(*a*) an international bill of rights;

(*b*) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;

(*c*) the protection of minorities;

(*d*) the prevention of discrimination on grounds of race, sex, language or religion.

(2) The Commission shall make studies and recommendations and provide information and other services at the request of the Economic and Social Council.

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[1]Part 1 is from the Economic and Social Council's resolution of February 16, 1946, as revised by the Council's resolution of June 21, 1946. The remaining parts are from the resolution of June 21, 1946.

The present membership of the Commission is:

State	Term of Office	Representative
Australia	4 years	Col. W. R. Hodgson
Belgium	4 years	M. Fernand Dehousse
Byelorussia	2 years	Mr. V. K. Prokoudovitch
Chile	4 years	H. E. Mr. Felix Nieto del Rio
China	2 years	Dr. P. C. Chang
Egypt	3 years	M. Saad Kamel
France	3 years	Prof. René Cassin
India	3 years	Mr. K. C. Neogy
Iran	3 years	Dr. Charles Malik
Lebanon	2 years	Mr. R. J. Alfaro
Panama	2 years	The Hon. C. P. Romulo
Philippines	4 years	Mr. G. D. Stadnik
Ukraine	3 years	Mr. Charles Dukes
United Kingdom	2 years	Mrs. Eleanor Roosevelt
U.S.A.	4 years	Mr. V. F. Tepliakov
U.S.S.R.	3 years	Dr. Don José Mora Otero
Uruguay	2 years	Mr. M. Stilinovic
Yugoslavia	4 years	

The officers of the Commission are:
Chairman, Mrs. Roosevelt,
Vice-Chairman, Dr. Chang,
Rapporteur, Dr. Malik,
Secretary, Professor J. P. Humphrey.

Representatives of the following organizations attend the meetings of the Commission: the I.L.O., UNESCO, the American Federation of Labor, the W.F.T.U., and the International Cooperative Alliance.

(3) The Commission may propose to the Council any changes in its terms of reference.

(4) The Commission may make recommendations to the Council concerning any subcommission which it considers should be established.

2. Composition

(*a*) The Commission on Human Rights shall consist of one representative from each of eighteen Members of the United Nations selected by the Council.

(*b*) With a view to securing a balanced representation in the various fields covered by the Commission, the Secretary-General shall consult with the Governments so selected before the representatives are finally nominated by these governments and confirmed by the Council.

(*c*) Except for the initial period, the term of office shall be for three years. For the initial period, one-third of the members shall serve for two years, one-third for three years, and one-third for four years, the term of each member to be determined by lot.

(*d*) Retiring members shall be eligible for re-election.

(*e*) In the event that a member of the Commission is unable to serve for the full three-year term, the vacancy thus arising shall be filled by a representative designated by the Member Government, subject to the provisions of paragraph (*b*) above.

3. Working Groups of Experts

The Commission is authorized to call in *ad hoc* working groups of non-governmental experts in specialized fields or individual experts, without further reference to the Council, but with the approval of the President of the Council and the Secretary-General.

4. Documentation

The Secretary-General is requested to make arrangements for:

(*a*) the compilation and publication of a year-book on law and usage relating to human rights, the first edition of which should include all declarations and bills on human rights now in force in the various countries;

(*b*) the collection and publication of information on the activities concerning human rights of all organs of the United Nations;

(*c*) the collection and publication of information concerning human rights arising from trials of war criminals, quislings, and traitors, and in particular from the Nuremberg and Tokyo trials;

(*d*) the preparation and publication of a survey of the development of human rights;

(*e*) the collection and publication of plans and declarations on human rights by specialized agencies and non-governmental national and international organizations.

5. Information Groups

Members of the United Nations are invited to consider the desirability of establishing information groups or local human rights committees within their respective countries to collaborate with them in furthering the work of the Commission on Human Rights.

6. Human Rights in International Treaties

Pending the adoption of an international bill of rights, the general principle shall be accepted that international treaties involving basic human rights, including to the fullest extent practicable treaties of peace, shall conform to the fundamental standards relative to such rights set forth in the Charter.

7. Provisions for Implementation

Considering that the purpose of the United Nations with regard to the promotion and observance of human rights, as defined in the Charter of the United Nations, can only be fulfilled if provisions are made for the implementation of human rights and of an international bill of rights, the Council requests the Commission on Human Rights to submit at an early date suggestions regarding the ways and means for the effective implementation of human rights and fundamental freedoms, with a view to assisting the Economic and Social Council in working out arrangements for such implementation with other appropriate organs of the United Nations.

8. Sub-Commission on Freedom of Information and of the Press

(*a*) The Commission on Human Rights is empowered to establish a Sub-Commission on Freedom of Information and of the Press.

(*b*) The function of the Sub-Commission shall be, in the first instance, to examine what rights, obligations, and practices should be included in the concept of freedom of information, and to report to the Commission on Human Rights on any issues that may arise from such examination.

9. Sub-Commission on Protection of Minorities

(*a*) The Commission on Human Rights is empowered to establish a Sub-Commission on the Protection of Minorities.

(*b*) Unless the Commission otherwise decides, the function of the Sub-Commission shall be, in the first instance, to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of protection of minorities, and to deal with the urgent problems in this field by making recommendations to the Commission.

10. Sub-Commission on the Prevention of Discrimination

(*a*) The Commission on Human Rights is empowered to establish a Sub-Commission on the prevention of discrimination on the grounds of race, sex, language, or religion.

(*b*) Unless the Commission otherwise decides, the function of the Sub-Commission shall be, in the first instance, to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of the prevention of discrimination, and to deal with the urgent problems in this field by making recommendations to the Commission.

APPENDIX VIII

RIGHTS AND DUTIES OF STATES

Draft Declaration of the Rights and Duties of States

(Submitted by the Delegation of Panama)

1. Every state has the right to exist and the right to protect and preserve its existence; this right does not however, imply that a state is entitled to commit, or justified in committing, unjust acts towards other states in order to protect and preserve its existence.

2. Every state is entitled to have its existence recognized. The recognition of the existence of a state merely signifies that the state recognizing it accepts the person of the state recognized, together with all the rights and duties which arise out of international law. Recognition is unconditional and irrevocable.

3. The political existence of the state is independent of its recognition by other states. Even before it has been recognized, the state has the right to defend its integrity and independence, to provide for its preservation and prosperity and, consequently, to organize itself as it sees fit, to legislate in regard to its interests, to administer its services and to determine the jurisdiction and competence of its courts of justice.

4. Every state has the right to its own independence in the sense that it is free to provide for its own well-being and to develop materially and spiritually without being subjected to the domination of other states, provided always that, in so doing, it shall not impair or violate the legitimate rights of other states.

5. No state has the right to interfere in the internal or external affairs of another state.

6. Every state is, in law and before the law, equal to all the others which make up the community of states, and has the right to claim and assume, as among the powers of the world, that position of equality to which natural law entitles it.

7. Every state is entitled to exercise exclusive jurisdiction over its territory and over all nationals or foreigners within that territory. Foreigners may not claim rights different from, or more extensive than, those enjoyed by nationals.

8. Every state is entitled to intervene with another state in favour of its own nationals, acting through diplomatic channels and in a reasonable and courteous manner; it is its duty to refrain from alleging any denial of justice so long as its nationals have not claimed the right which they allege to possess from the courts of justice of the state to which such diplomatic representations are being made; if, however, this state should deny the foundation of fact or law of the intervention, and the intervening state does not accept this denial, it may only resort to the procedure of peaceful settlement for the solution of the dispute.

9. Any state which has a right under international law, is entitled to have this right respected and protected by all the other states, since rights and duties are correlative, and the right of one creates for the others the duty to respect it.

10. No other limit is set to the exercise of the rights of a state than the exercise of the rights of other states, in accordance with international law. It is the duty of every state not to overstep this limit.

11. It is the duty of every state to fulfil, in good faith, the obligations arising from public treaties, and to respect the sanctity of the pledged word.

12. It is the duty of every state to discharge, in good faith, its obligations under international law, and it may not plead limitations arising out of its own constitution or its laws as an excuse for failure to discharge this duty.

13. The sovereignty of the state is subject to the limitations of international law, and it is the duty of every state to adjust its conduct to international law in its relations with other states and with the community of states.

14. International law is at once national and international. It is national in the sense that it is the law of the country and that it is the duty of the state to apply it as such in solving questions concerned with its principles; it is international in the sense that it is the law of the community of states and that it is the duty of each state to apply it to all questions which arise among the members of that community and which are concerned with its principles.

15. It is the duty of every state to settle its international disputes by peaceful means and in such a manner that neither peace and security nor justice are imperilled.

16. It is the duty of every state to refrain from the use of war of aggression as an instrument of national or international policy, and from resorting to the threat or use of force against the territorial integrity and political independence of another state, or for the recovery of public debts from another state, or in any other form which is inconsistent with international order.

17. Every state has the inherent right of individual or collective legitimate defence, and in the exercise of this right, it may use force to counter the unauthorized use of force by another state, provided that it shall immediately advise the competent organ of the community of states.

18. It is the duty of every state to refrain from recognizing territorial acquisitions obtained through force or the threat of force.

19. It is the duty of every state to afford the community of states every kind of assistance in whatever action that community undertakes, and it should abstain from rendering assistance to any state against which the community is conducting preventive or coercive action.

20. It is the duty of every state to take, in co-operation with other states, the measures prescribed by the competent organs of the community of states in order to prevent or put down the use of force by a state in its relations with another state, or in the general interest.

21. It is the duty of every state to ensure that the conditions prevailing within its territory do not threaten international peace and order and, to that end, it must treat its own population in a manner which does not violate the dictates of humanity and justice, or offend the conscience of mankind.

22. It is the duty of every state to ensure that, within its own territory, no activities are organized for the purpose of fomenting civil strife within the territory of another state.

23. Every state has the right of access, on equal terms, to the trade, commodities and raw materials of the world which are necessary to its economic prosperity.

It is the duty of every state to eliminate from its economic activity every artificial means tending to establish differences in the acquisition of the natural products of the soil of another state, and to refrain from exercising control over means of transport, from restricting trade, or from bringing about restrictions in commercial credit and currency of another state.

24. It is the duty of every state to refrain from concluding with other states agreements, the observance of which is inconsistent with the discharge of its obligations under international law or under the constituent pact of the community of states.

APPENDIX IX

REFUGEES AND DISPLACED PERSONS

A. Canadian Statements

SOCIAL COMMITTEE, November 8, 1946

... During all the conferences which have been held on this subject the Government of Canada has consistently taken the position that the question of refugees should be solved through international action. Moreover, the condition of the vast number of refugees and displaced persons now homeless in Europe cannot be considered as an isolated question; it must be considered as part of the whole problem of relief and rehabilitation which is the inevitable legacy of war. Surely, if this is true, it is imperative for us to approach the question of refugees with sympathetic concern rather than with the cold detachment of the trained debater. Months have passed since the United Nations first discussed this problem. Yet no organization has yet been formed and no substantial progress has been made in alleviating the condition of these people. The matter is one of great urgency. Let us then work together as expeditiously as possible, in a spirit of co-operation and of good-will.

The refugee problem has been discussed so fully that it should not be necessary for us to reiterate again all the various arguments which have been made before. A considerable measure of agreement has now been reached. If I correctly interpret the sense of previous discussions, agreement has become very general on four major points: the problem of refugees is an international responsibility; voluntary repatriation should be carried out to the fullest possible extent; no genuine refugee, as distinguished from a war criminal, should be forced to return to his country of origin against his will; no aid should be extended to war criminals, quislings or traitors.

This area of agreement is sufficiently broad to give us the promise of a truly international organization, backed up by strong public opinion. Yet before this can be achieved there are three main subjects on which final agreement will have to be reached during this Assembly meeting. These are: the draft constitution of the International Refugee Organization as submitted to the Assembly by the Economic and Social Council; the creation of a Preparatory Commission, whose function will be to expedite the establishment of the new organization; and the approval of the provisional administrative and operational budgets for the International Refugee Organization.

The Canadian Government has consistently supported the establishment of the International Refugee Organization. Yet we believe that further discussion will be required in this Committee to clarify some of the clauses in the constitution as it now stands. The relationship between

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the Executive Committee and the General Council does not seem perfectly defined at the present time; nor is the constitution entirely clear as to the methods by which personnel will be recruited to carry out the functions of the organization. The Canadian delegation feels, moreover, that the constitution should be strengthened in such a way as to make the signature and approval of the constitution carry with it the obligation to contribute to its support. The new organization will not be able to carry passengers. I am sure the various delegations represented here will agree that it would be most individous if any state were able to be a party to the constitution with a reservation which would in effect allow it to avoid financial contributions. However, I believe that agreement can be reached on these and other similar points through frank and friendly discussion at this Committee.

With reference to the proposed interim arrangements, a number of questions seem to require further examination. Among these are the competence and capacity of such bodies as UNRRA and the Intergovernmental Committee on Refugees to continue their functions prior to the actual establishment of the International Refugee Organization. We will have to examine in detail the status and the functions of the suggested Preparatory Commission; and to consider the exact procedure by which the Preparatory Commission will terminate its activities and the Executive Committee, General Council, and the Director-General of the International Refugee Organization take them over. If these and other points are satisfactorily dealt with in the Committee, the Canadian delegation hopes to be in a position at this session of the Assembly, to sign with other delegations, an interim arrangement bringing into existence a Preparatory Commission of the International Refugee Organization.

The third topic concerning refugees which will receive extensive consideration at the Assembly meeting will be an examination of the provisional budget of the International Refugee Organization. The budget of the International Refugee Organization will need the most careful examination both with respect to the scales of contributions recommended for administrative and operational expenditures and the actual amounts estimated for administration, care and maintenance, repatriation, re-settlement, and the other similar figures for the first financial year of the International Refugee Organization's existence. Towards this budget, as towards the other budgets of the United Nations and its specialized agencies, the attitude of the Canadian delegation is plain and straightforward. We are prepared to accept, as we have accepted in the past, our full share of the responsibility for the financial expenditure required to make the United Nations and its specialized agencies fully effective. Subject to this, we wish to examine, in co-operation with the other delegations, all such estimated budgets in order to ensure that they are both economical and well planned. In this connection, I believe you will permit me to observe, Mr. Chairman, that no nation has more consistently and more faithfully honoured its obligations than Canada in meeting the various expenses required for the proper functioning of the United Nations and its specialized agencies.

In the first part of this speech, I referred to the necessity for urgent action rather than repetitious argument if we are to solve the refugee problem. Such a statement would be empty unless the government I

represent had already taken some considerable steps in this direction. On a previous occasion, I mentioned the arrangement by which 3,500 persons, who were granted temporary refuge in Canada during the war, were later given permanent residence in our country, and also the recent decision of the Canadian Government to admit as farm workers 4,000 ex-members of the Polish Armed Forces, who had engaged in hostilities against the Axis powers.

I would now like to refer to the most recent contribution which Canada has made. Yesterday, my Prime Minister made public a plan to make possible the movement to Canada, under existing immigration regulations, of some of the refugees and displaced persons now in displaced persons camps in Europe.

By a recent change in Canadian immigration regulations (effected by Order in Council No. P.C. 2071 of May 28, 1946) provision was made for the admission to Canada of certain categories of close relatives of Canadian residents who are in a position to care for them. The following additional classes of persons were declared admissible to Canada under this change in the regulations:

> The father or mother, the unmarried son or daughter eighteen years of age or over, the unmarried brother or sister, the orphan nephew or niece under sixteen years of age, of any person legally admitted to and resident in Canada, who is in a position to receive and care for such relatives.

Many persons on whose behalf applications have thus been made are refugees. They are now in displaced persons camps in the occupied zones or they are otherwise under the care of such organizations as UNRRA. In the past there has been no way in which these people could receive the necessary immigration inspection prior to proceeding to Canada, nor has there been any organization capable of arranging for their movement to Canada.

The Canadian Government has now completed arrangements with the Intergovernmental Committee on Refugees by which it is expected that some of these refugees, whose relatives in Canada have applied for their admission, will be enabled to proceed to Canada. Lists of persons on whose behalf applications have been made will be forwarded to the Director of the Intergovernmental Committee on Refugees. These persons will be located, identified and gathered into convenient centres in occupied territories by the Intergovernmental Committee, and they will subsequently be visited and inspected by teams of immigration officials sent especially from Canada for this purpose. The Intergovernmental Committee on Refugees will then give whatever assistance is possible in arranging for the movement to Canada of persons whose entry has been approved.

Preliminary arrangements for the purpose of bringing this plan into effect will be made at once, and the co-operation of the appropriate military authorities in Germany is now being sought. It is not expected, however, that it will be possible for persons in the occupied zones of Germany to be inspected for some time.

The despatch of teams of immigration inspection officers to occupied territories is a special measure taken in view of the difficult conditions in these areas, and because of the desire of the Canadian Government to make

a contribution to the solution of the refugee problem. It is not intended that the inspection of immigrants by travelling inspection teams will be a procedure normally adopted by the Canadian immigration authorities.

In view of the present housing shortage existing in Canada, as in so many other countries, and in view of the rigorous nature of our climate during the winter months, it would not be helpful for the Canadian Government to accept more refugees and displaced persons than can be provided with adequate shelter. For the same reasons, no further extension of Canadian immigration regulations to admit categories of persons not now admissible can be considered until there has been a substantial easing of our shelter problems. We in Canada are building as rapidly as manpower and materials will permit but much still remains to be done before we have caught up with the urgent housing requirements which already exist. Any plans for bringing refugees to Canada which overlooked this vital factor of housing would be unfair both to the refugees themselves and to the Canadian people.

Mr. Chairman, my argument has been throughout directed towards the compelling urgency of this problem. Thousands of homeless and stateless persons in Europe, together with their friends and relatives on this side of the ocean, are eagerly awaiting early action by us and are watching the deliberations of this Committee with close interest. I would urge upon my colleagues that we establish the International Refugee Organization as quickly and on as broad a basis as we can to meet this very great problem. I have made clear the position of the Canadian delegation. We are eager and anxious to see the United Nations effectively co-operate in this field and believe that, in a spirit of friendly good-will, we can achieve much during this meeting of the Assembly.

PLENARY MEETING OF THE GENERAL ASSEMBLY, DECEMBER 15, 1946

Mr. Martin (Canada): Following as I do the representative of the USSR at this rostrum, I would remind the Assembly not to forget the words of that great woman, Mrs. Roosevelt, when she introduced the discussion which is now under way. Everything that has been said by the last speaker, may or may not be true, may or may not be accurate, but it hardly touches the issue which we are called upon to deal with in considering the proposed constitution of the International Refugee Organization.

The great issues of disarmament, the veto and all these things have a long-term value and are of great importance but we are dealing now, immediately, as Mrs. Roosevelt said, with one of the unfinished tasks of the war and it would not do for us to debate this issue much longer for over a million people are looking to us for action to determine their fate. As Mrs. Roosevelt said, we are not passing judgment on the plan to take care of refugees. That plan will be submitted for final approval, or rejection by governments. But we have now had a long interminable discussion on the constitution of the IRO, in which those who have had varying views have had an opportunity of presenting them.

Last September, in the Economic and Social Council, following the meetings in London, we debated this constitution in great detail.

It was debated again in the Third Committee and I think that, enjoying as we do in this international Assembly the normal processes of decision and bearing in mind the urgency of this problem, we should be prepared to give it immediate acceptance so that the Organization can get on its way. Therefore, my country joins with the United States and that distinguished citizen of that country in urging this Assembly to realize the great opportunity for deep service that it has regarding this great issue.

There is no question in this Organization or in this proposed constitution to interfere with the right of voluntary repatriation. That right is sacredly observed but, on the other hand, while that right is observed, it is also insisted that there shall be no group of people within the refugee class who shall be forcibly repatriated. Surely, those two principles, the one of voluntary repatriation and the other that there should be no compulsory repatriation, are two principles which would be basic in the operations of any international refugee organization. There is no intention in the constitution of the IRO to give to men and women who have proved themselves quislings or traitors the right to enjoy the advantages of the other persons in the refugee camps. Those people will be placed under proper consideration for the determination as to whether or not it is justified to accuse them of having been quislings or traitors. What it is proposed to do in this constitution is nothing more than to meet the immediate problem of giving relief to a million men and women in the world who have the right to ask of an international assembly that their plight should not be overlooked.

I joined with the representative of the USSR and with a great number of other countries in urging the United States and the United Kingdom to set up a post-war relief organization on an international basis. I do not think any country was more active in that plea than Canada. Is it too much that I should renew that plea to others in respect of another problem which requires, I think, international action? If there was justification for urging that post-war relief, following the cessation of the operations of UNRAA, should be organized on an international basis—is it too much to ask that this vital problem—and that is what it is—shall be dealt with by an international organization and by international action?

Our delegation has had the opportunity in the Third Committee of expressing its views on the various articles of the IRO constitution and has done so. It is only because we attach so much importance to this subject that I think it is essential that we state here in this plenary session our reasons for voting in favour of the IRO, as we have done in the Committee and as we shall do in this Assembly meeting. Like the representative of the United States, I am able to say that my government has issued full powers to enable Canada to sign the constitution.

During the long discussions which have been held in the Third and the Fifth Committees, our delegation has consistently supported the establishment of the IRO. Our belief is that the problem of refugees should be dealt with as early as possible and on an international basis. Hundreds of thousands of people—and one cannot underline that too much—hundreds of thousands of human beings now in Europe and in the Far East are watching with vital interest the action which the United Nations is going to take in this matter. I have used the word "vital" not as a mere figure of speech but in its true sense, for the very lives of many of these people may depend

on what course we adopt. This is true not only with regard to the approval of this report but even more so concerning the willingness of governments to implement these decisions by participating fully in the functions of the new organization.

This question has been heatedly debated in many places. All points of view have been expressed and all Member nations, including a number of states who have indicated that they do not intend to vote in favour of the IRO constitution, have had a hand in its drafting. Surely it is now time for us to pass on from the stage of committees and sub-committees and drafting sub-committees to the stage of positive action. So far scarcely a single refugee has actually been aided by the United Nations, despite the millions of words which have been spoken saying how urgent this problem is. These words are true but they do not in themselves solve anything. Enough words have been spoken. Let us then get on with the great social task which is before us.

Is our course of action as the United Nations, set up to deal with problems of an international character, not clear? The General Assembly must first of all, and I am sure it will, approve this report calling on Member nations to sign the constitution of the IRO and the protocol on interim arrangements. By voting favourably on this report we come nearer to the action I have mentioned, but still ahead will be the difficult problem of having a sufficient number of states sign and approve the constitution to bring it into force. In order to do so, as the constitution now stands, fifteen such states, whose required contributions to part 1 of the operational budget are not less than seventy-five per cent of the total, must become parties to it.

We all know of cases where resolutions have been adopted by overwhelming majorities in the General Assembly only to have a long period of waiting while governments decide whether they should take the necessary legislative action to implement the Assembly's recommendations. No one will advocate that the IRO constitution should be hurried through the legislature of any country without proper scrutiny. Yet its early implementation is absolutely essential, if it is to function at all. What use will it be if this organization comes into force eighteen months or more after the General Assembly has recommended it? What will be the condition of the refugees and displaced persons themselves during this period? Eighteen months is a long time and during this period who can believe that bitterness and cynicism will not infect the camps and the persons in them? Many of these people have already spent years in their present condition. If the Member governments delay action, after the passing of this resolution, there can be little doubt that the social consequences of such a delay will be world-wide in their effect, and they will have deep implications for the United Nations.

I have said enough concerning the urgency of this problem and of the necessity for giving practical implementation to the constitution and the interim arrangements. I want to say something about Canada's specific attitude towards the constitution itself.

We voted for the constitution in the Third Committee, but in doing so we made it plain that it contained certain clauses which we did not like and which we had spoken against during the committee debates.

One such clause is the amendment to article 10, paragraph 4, providing that contributions to large-scale resettlement expenditures shall be on a voluntary basis. This is against the principle which the Canadian delegation hoped to see adopted, that is, that contributions to all the various budgets of the IRO should be on an obligatory basis according to the scales contained in annex II. We stated then, and I again state now, that the new organization will not be able to carry passengers, and that each state which signs and approves the constitution should be prepared to contribute both financially and in other ways to its implementation. For this reason we advanced an amendment to the article on "entry into force" which would have disallowed approval of the constitution accompanied by any financial reservations. The Third Committee saw fit to reject this amendment. We believe this was a mistake but we shall, nevertheless, vote for the constitution. For we are aware that it is a compromise between fifty-four states and that on specific points many individual countries will have to accede to the wishes of the majority. This is our conception of normal international procedure.

Another amendment against which the Canadian delegation spoke and which we thought it was unwise for the Third Committee to adopt was that which is now contained in annex I, paragraph 1 (*g*) concerning general principles. This amendment would inhibit the IRO from resettling or re-establishing refugees in non-self-governing territories if such plans were opposed by states adjacent to the non-self-governing territory concerned. The Canadian delegation believes that the IRO should function in such a way as not to disturb friendly relations between the nations. Yet I have some apprehension that the effect of the clause I have just referred to will be to curtail greatly the resettlement operations of the IRO.

There are two examples of amendments which were adopted against what we thought would have been a wiser course. There are several others but it is unnecessary to enumerate them at this time. Our position is clear. Like nearly every delegation in the Third Committee there are certain things about the IRO and its constitution which we do not like. Yet, in spite of this, we voted in favour of it because we thought it did provide machinery which could and should be set up to deal with this tremendous humanitarian problem on an international basis. Some other delegations took a different line and stated, in effect. that because their amendments had not been adopted they would not approve the constitution. In my view we cannot afford in our deliberations to overlook the fact that any document and any resolution approved by fifty-four states is a compromise and that there will be parts of it which we may all dislike individually. But a spirit of compromise must prevail if we are going to do the job.

We regard the IRO constitution as a guide for future operations rather than as an unchangeable text. The constitution provides for its own amendment under the clauses of article 16. Meantime we conceive its proper role to be that of a compact drawn up between friends to guide them in their joint efforts in dealing with a great world social problem. It is in this spirit that my country voted in favour of the constitution before and it is in this spirit that we shall vote again to-day.

I have made clear the position my delegation intends to take and the reasons. I have only one word to add. Beyond everything, we want to emphasize the necessity of making this organization a reality and not merely a legal fiction. Here is one way of dealing with a grave international problem under the auspices of an international organization. It seems to me, for this Assembly, a great test, and I trust that we shall meet it.

B. Resolution of the Assembly, December 15, 1946

The General Assembly,

Noting that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on February 12, 1946, as follows:

(*a*) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of February 16, 1946;

(*b*) the making of a report by the Special Committee to the second session of the Council;

(*c*) the adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21st June, 1946;

(*d*) the circulation to Members of the United Nations for their comments of the draft Constitution and the report of the Committee on Finances of the International Refugee Organization;

(*e*) the final approval by the Council of the Constitution, and of a provisional budget for the first financial year, the adoption by the Council of an Arrangement for a Preparatory Commission, and the transmittal of both these instruments to the General Assembly, under resolution of the Council of 3rd October, 1946;

Having considered the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as approved by the Economic and Social Council;

Considering that every effort should be made to provide for the early establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment:

Therefore,

(*a*) *Approves* the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as annexed hereto;[1]

(*b*) *Requests* the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;

(*c*) *Urges* Members of the United Nations to sign these two instruments and, where constitutional procedures permit, to sign the Constitution without reservation as to subsequent acceptance;

[1]Not printed.

(*d*) *Authorizes* the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;

(*e*) *Urges* Members of the United Nations to give the most favourable consideration to receiving each into its territory at the earliest possible time, so far as may be practicable for permanent resettlement, its fair share of the non-repatriable persons who are the concern of the International Refugee Organization and this in conformity with the principles of the Organization.

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APPENDIX X

RELIEF

A. Canadian Statement, November 16, 1946

The Canadian delegation feels that since Canada is the third largest contributor to UNRRA both in its share of the costs and as an actual supplier of goods, the Committee should know the Canadian view on this important problem. Narrowed down the central problem is the method of meeting such relief needs as may exist in the year 1947. There appears to be complete acceptance of the existence of need and, while there are collateral questions of the extent of those needs and the determination of countries which may require relief, the central question is clearly: should the problem be met by the United Nations acting in concert or by some other arrangement between supplying and receiving countries?

To do this job UNRRA had to be a vast affair and it kept on becoming an ever more complex one as well. It had not only to procure but it had to arrange overseas shipments and internal transportation, and supervise distribution. Admiring its success as we do, we cannot help but shudder at its present complexity.

We have come to the end of the UNRRA stage in relief. Mr. LaGuardia himself has often said that he is looking forward to the speedy winding up of the huge UNRRA administrative organization. That is sensible and proper. The governments of the receiving countries and the countries themselves have all made very real steps towards recovery during the two years of UNRRA's life. Many of the governments are now very much on their feet, in fact occasionally on their neighbour's feet as well. They are able to enter into trade arrangements with other countries and, if they choose, direct their resources in order to affect very appreciably their foreign exchange position and hence affect their ability to purchase essential supplies.

We believe, however, that one of the purposes for which the international organization of UNRRA was established is still present: namely that there must be some international machinery for the screening of requirements and the balancing of competing claims.

Furthermore, in dealing with relief problems where time is of the essence, it is important that the agency which hears the claimants should be free to make its decisions and then ensure prompt action.

Canada regards as important the suggestion of a broad extension in the number of supplying countries. In the past two years, the great bulk of the load has been carried by a few countries but surely today we have reached the point where practically every Member of the United Nations should be able to make some contribution to the relief needs of 1947.

The Members of the United Nations have up until now acted in concert in meeting these needs, but often they were far from acting in harmony. The contributing countries did not respond to the same degree in fulfilling their commitments. Promises were made and not lived up to and, in some cases, even promises were not made. Neither did the receiving countries amongst themselves show anything like the same degree of effort to get on with their recovery and bury political differences, nor did they show the same degree of appreciation and comprehension of the efforts of the suppliers; an appreciation which we certainly did not think of asking for because we did not envisage having our motives in supporting an international humanitarian endeavour attacked.

Nevertheless, despite all the difficulties which have been encountered in the international organization and distribution of relief through UNRRA, Canada favours an approach to the 1947 problem which will rest on concerted action by the United Nations.

Mr. LaGuardia said that he was here to speak of tomorrow, not of yesterday. We like the thought thus expressed but, at least as far as Canada is concerned, we cannot agree that what is to be done tomorrow can be undertaken without regard to what happened yesterday.

Canada has played an important part in supplying the needs of the world in the past two years. The extent of this contribution, however, was made possible by unusual conditions in earlier years. These resulted in the accumulation of substantial surpluses on which we were able to draw. For example, our wheat exports in 1943-44 were some sixty million bushels more than our total crop in that year. Then again, our crop this year cannot be classed as a bumper crop although fortunately it has been somewhat above average.

In making this effort we have reduced our reserves to the point where at the end of the last crop year, they were well below what could normally be called minimum working inventories.

During the past few years, our people have made a real effort to meet the world food shortage and rehabilitation needs. The acreage sown in bread grains has increased and a substantial proportion of our production in other lines has been allocated to purposes of relief and rehabilitation, despite urgent demands in our own country. In this connection, I might mention that we are still rationing butter and meat in addition to sugar.

These efforts to meet the needs of the last few years have been made cheerfully but we are now faced with convincing proof that, when an effort to meet a particular need results in a serious dislocation of the domestic economy, there are many real and continuing effects on our ability to meet other urgent demands placed upon us. To give but one example, our current transportation difficulties in the movement of cereals are in large measure occasioned by the fact that our complicated system for the movement of grain to sea-board had to be operated this year without the normal quantities in the long pipe-line through which these supplies must move.

It is unfortunately the case that, apart altogether from financial considerations (which are now, of course, a matter of grave concern to all

governments and their taxpayers) the extent to which Canada will be able to make deliveries against relief needs in the year 1947 will be largely affected by the availability of supply.

Despite the situation, if a concrete United Nations plan for meeting genuine relief needs in 1947 is adopted by this Assembly and is in fact international in its form and scope, Canada, to the extent that prevailing conditions permit, will participate in its implementation.

B. Resolution of the Assembly, December 11, 1946

Relief Needs After the Termination of UNRRA

The General Assembly,

Taking note of the UNRRA Council Resolution (No. 100) of 16 August, 1946, and of the related resolution adopted by the Economic and Social Council of 3 October, 1946;

Recognizing that certain countries will need financial assistance in 1947 to provide for imports of food and other basic essentials of life;

Taking note that this need for assistance may not, in all cases, be entirely met by international institutions and other public and private agencies available for this purpose;

Recognizing that, in some countries, if such assistance is not provided, there will be hunger, privation and suffering during the winter, spring and early summer of next year;

Taking note of the urgent necessity of meeting this residual relief need promptly, and of the expressed willingness of Members of the United Nations to do their part in attaining this end;

Recognizing the desirability of meeting this need without wasteful duplication of effort;

Considering that one of the purposes of the United Nations is to be a centre for harmonizing the actions of nations in the attainment of their common ends, including international co-operation in solving international problems of an economic and humanitarian character;

Reaffirming the principle that at no time should relief supplies be used as a political weapon, and that no discrimination should be made in the distribution of relief supplies because of race, creed, or political belief:

1. *Establishes* a Special Technical Committee whose functions shall be:
   (*a*) to study the minimum import requirements of the basic essentials of life, particularly food and supplies for agricultural production of countries which the Committee believes might require assistance in the prevention of suffering or of economic retrogression which threatens the supply of these basic essentials;
   (*b*) to survey the means available to each country concerned to finance such imports;
   (*c*) to report concerning the amount of financial assistance which it believes may be required in the light of (*a*) and (*b*) above.

2. *Decides* that the Committee shall consist of ten experts in the field of finance and foreign trade to be designated by the Governments

of Argentina, Brazil, Canada, China, Denmark, France, Poland, Union of Soviet Socialist Republics, United Kingdom and United States of America to serve in their individual capacities and not as representatives of the Governments by which they are designated; and urges each Government to select a person of outstanding competence to serve on the Committee.

3. *Directs* the Secretary-General to transmit to the Committee the information called for in the third paragraph of the above-mentioned resolution of the Economic and Social Council.

4. *Directs* the Committee to submit its report to the Secretary-General for submission to Member Governments as soon as possible, but in any event not later than 15 January, 1947.

5. *Calls upon* all Members of the United Nations to assist in the furnishing of relief, when needed and where needed during the ensuing year, by developing their respective programmes with the greatest possible speed and, in appropriate cases, by extending special credit facilities to the needy countries.

6. *Recommends* that all Members of the United Nations keep the Secretary-General informed concerning their plans for assisting in meeting relief needs in 1947, and concerning the progress of their relief activities in this respect.

7. *Directs* the Secretary-General:

(*a*) to make available to all Members of the United Nations the information received pursuant to paragraph 6 above, in order that this information, together with that transmitted pursuant to paragraph 4 above, may be used by the Members of the United Nations to facilitate the co-ordination, without wasteful duplication of effort of their respective relief programmes and activities;

(*b*) to facilitate informal consultation among Governments concerning their relief plans and programmes; and to arrange for such consultation among Governments whenever, in his opinion, the purpose of this resolution would be promoted thereby;

(*c*) to furnish, within the limitations of available staff and funds, such technical assistance in respect of the 1947 relief program as Governments may request.

8. (*a*) Directs the Secretary-General to consider the ways and means of collecting and utilizing contributions, from persons, organizations and peoples all over the world, equivalent to the earnings of one day's work, for the purpose of helping to meet relief needs during 1947; and to report on the results of such consideration to Member Governments and to the Economic and Social Council at the earliest possible date;

(*b*) *Requests* the Economic and Social Council to study the report made by the Secretary-General and to take whatever action it may deem appropriate in regard to this matter.

9. *Directs* the Secretary-General to report at each session of the Economic and Social Council on the activities being carried out under this resolution.

APPENDIX XI

INTERNATIONAL CHILDREN'S EMERGENCY FUND

Resolution of the Assembly, December 11, 1946

1. *The General Assembly,*

Having considered the resolution adopted by the Economic and Social Council at its third session recommending the creation of an International Children's Emergency Fund to be utilized for the benefit of children and adolescents of countries which were the victims of aggression, and recognizing the desirability of establishing such a Fund in accordance with Article 55 of the Charter of the United Nations,

Decides, therefore:

1. There is hereby created an International Children's Emergency Fund to be utilized and administered, to the extent of its available resources:

(*a*) for the benefit of children and adolescents of countries which were victims of aggression and in order to assist in their rehabilitation;

(*b*) for the benefit of children and adolescents of countries at present receiving assistance from the United Nations Relief and Rehabilitation Administration;

(*c*) for child health purposes generally, giving high priority to the children of countries, victims of aggression.

2. (*a*) The Fund shall consist of any assets made available by UNRRA or any voluntary contribution smade available by Governments, voluntary agencies, individual or other sources. It shall be authorized to receive funds, contributions or other assistance from any of the foregoing sources; to make expenditures and to finance or arrange for the provision of supplies, material, services and technical assistance for the furtherance of the foregoing purposes; to facilitate and co-ordinate activities relating thereto; and, generally, to acquire, hold or transfer property, and to take any other legal action necessary or useful in the performance of its objects and purposes;

(*b*) The Fund, in agreement with the Governments concerned, shall take such measures as are deemed appropriate to ensure the proper utilization and distribution of supplies or other assistance which it provides. Supplies or other assistance shall be made available to Governments upon approval by the Fund of the plans of operation drawn up by the Governments concerned. Provision shall be made for:

(i) the submission to the Fund of such reports on the use of supplies and other assistance as the Fund may from time to time require;

(ii) equitable and efficient dispensation or distribution of all supplies or other assistance, on the basis of need, without discrimination because of race, creed, nationality status or political belief;

(*c*) The Fund shall not engage in activity in any country except in consultation with, and with the consent of, the Government concerned;

(*d*) The Fund shall appeal to all voluntary relief agencies to continue and intensify their activities and shall take the necessary measures in order to co-operate with these agencies.

3. (*a*) The Fund shall be administered by an Executive Director under policies, including the determination of programmes and allocation of funds, established by an Executive Board in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission;

(*b*) The Secretary-General of the United Nations shall appoint the Executive Director, in consultation with the Executive Board;

(*c*) The Executive Board shall be composed of representatives of the following Governments:

Argentina, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Czechoslovakia, Denmark, Ecuador, France, Greece, Iraq, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia.

The Economic and Social Council, on the recommendation of the Executive Board, may designate other Governments as members of the Board. Membership may be changed by the General Assembly, on the recommendation of the Economic and Social Council, at any time after the first three years of the Fund's existence. The Board may, as occasions arise, invite representatives of specialized agencies for consultation on matters within their competence;

(*d*) The Board may designate from among its members such committees as it deems advisable in the interest of effective administration.

The Board shall elect its own Chairman and its Vice-Chairmen, and shall meet whenever convened by the Chairman, or upon the request of any three of its members. The first meeting of the Board shall be convened by the Secretary-General of the United Nations, at the earliest date feasible after the adoption of this resolution. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum and it shall vote by a majority of the members present and voting. Subject to the foregoing, the Board may establish its own rules of procedure.

4. (*a*) Staff and facilities required for the administration of the Fund shall be provided to the Board by the Secretary-General. The Fund may also utilize such staff, equipment and records as may be made available by the United Nations Relief and Rehabilitation Administration during the period of its existence;

(*b*) The United Nations shall make no charge to the Fund on account of staff and facilities, so long as these can be provided from the established services of the Secretariat and within the limits of the United Nations budget. If additional funds are necessary, money for such purposes shall be provided by the Fund;

(*c*) To the maximum extent feasible, the utilization of the staff and technical assistance of specialized agencies, in particular the World Health Organization or its Interim Commission, shall be requested, with a view to reducing to a minimum the separate personnel requirements of the Fund.

5. The Secretary-General shall not pay from the funds received to finance the United Nations budget any claims arising from the operation of the Fund, but the Executive Board is authorized to pay from the Fund, claims arising from its operation.

6. The Secretary-General shall submit to the General Assembly an annual audit of the accounts of the Fund.

7. The Executive Board shall make periodic reports of its operations at such times and in such form as the Economic and Social Council shall provide.

8. A report shall be submitted to the fourth session of the Economic and Social Council containing a recommended programme and estimate of expenses incurred and to be incurred for the Fund for 1947 which shall be subject to the approval of the Council.

9. The activities of the Fund shall be reviewed by the General Assembly at its second session upon the basis of a special report from the Economic and Social Council.

11. The effective operation of the Fund is dependent upon the financial resources which are put at its disposal;

Therefore,

The General Assembly expresses the earnest hope that Governments, voluntary agencies and private individuals will give the Fund their generous support.

APPENDIX XII

WORLD SHORTAGE OF CEREALS

Resolution of the Assembly, December 11, 1946

At its thirty-third plenary meeting on 14th February 1946, the General Assembly adopted a resolution urging action, both directly by Governments and through the international organizations concerned, to alleviate the anticipated serious shortage of bread grains and rice.

The General Assembly has learned with satisfaction of the extent to which the position in 1946 was improved, particularly with respect to bread grains, by the common effort of the United Nations, thus saving millions of lives during the critical months before the 1946 harvest.

The General Assembly recognizes, however, that the food situation is still unsatisfactory. A number of countries have not yet overcome the devastating results of the enemy occupation to which they were subjected and are obliged on this account to continue emergency imports of grains, fats and other foodstuffs. A severe shortage of these foodstuffs exists in many European countries, even in some of those which before the war were themselves exporters. In a number of countries of Asia the shortage of cereals and other foodstuffs has led to undernourishment and even famine, resulting in heavy loss of human lives, as in the case of India and China. There is also a widespread shortage of livestock.

The General Assembly notes, moreover, that in 1945 and 1946 some countries of Europe and Asia were affected by drought and bad harvest, resulting in still further deterioration of their food situation. Some countries which were not under enemy occupation have even introduced bread rationing for the first time, for instance, the United Kingdom. In addition, some countries of Latin America are experiencing food shortages and are obliged to import grain.

The General Assembly has learned with concern that expected supplies of bread grains, rice, fats and oils, dairy products, meat and sugar appear to be substantially inadequate to meet minimum requirements for human consumption in 1947. Many countries, especially those which have suffered from enemy occupation and those which do not produce sufficient foodstuffs to meet their own requirements, need agricultural supplies such as machinery, implements, fertilizers, pesticides and seeds.

In addition, international payment difficulties on the part of certain importing countries, as well as transport and other difficulties, threaten to prevent the utilization of such food supplies as may be available. At the same time, there is a tendency in some countries to reduce the areas under

cultivation of cereals and other foodstuffs, which may cause unwarranted price increases and still further aggravate the food situation. Inflationary prices, and other price factors, in many cases constitute another obstacle to the production and distribution of food supplies to those in need.

The General Assembly, therefore,

Urges the Governments and international agencies concerned to adopt or continue measures designed to overcome the deficit during 1947 in bread grains, rice, fats and oils, dairy products, meat and sugar and to achieve the equitable allocation and prompt distribution of the available supplies free from political considerations; and, in particular,

Recommends:

1. Food producing countries to take all practicable steps
   (*a*) to increase the output and collection of foodstuffs to the maximum extent;
   (*b*) to prevent reduction and encourage an increase of areas under grain cultivation;
   (*c*) to improve transportation facilities for cereals and other foodstuffs;
   (*d*) to increase exports to countries suffering from a shortage of foodstuffs;
   (*e*) to continue and strengthen international efforts and machinery with a view to utilizing exportable food supplies with due consideration for the urgency of the food requirements in the needy countries;
   (*f*) to take measures against any unwarranted increase in the price of grain and other foodstuffs, especially such as would be detrimental to the interests of consumers and would mainly favour speculative interests without resulting in any real advantages to the farming population;

2. Countries which are largely industrial and produce transportation equipment, agricultural implements, machinery, spare parts and supplies for the construction of workshops for manufacturing and repairing the essential categories of such materials, or which produce fertilizers, pesticides, seeds, and animal feeding stuffs, to take all appropriate and practicable measures for expanding production, increasing export, and facilitating transportation of such supplies to countries in urgent need of them, and for facilitating the construction in these countries of small factories and workshops for the manufacture and repair of the most essential agricultural machines, implements and spare parts, for increasing food production;

3. All countries to carry out as far as practicable appropriate and necessary measures to regulate consumption, including the maintenance of high extraction rates, the dilution of flour, restrictions on usage of bread grains for beverages and other non-essential purposes, and restrictions on the feeding of bread grains to animals;

4. Governments and international agencies concerned to continue and expand publication of the fullest possible information on supplies and requirements of foodstuffs and materials mentioned in pragaraphs 1 and 2 above and on action taken to carry out the recommendations contained in this resolution in order that future action may be guided by full knowledge of the relevant facts;

5. That attention continue to be given to the need for measures necessary to enable importing countries to overcome international payment difficulties in order that the above recommendations may be rendered effective in improving the food situation.

APPENDIX XIII

DEVASTATED AREAS

Resolution of the Assembly, December 11, 1946

The General Assembly,

Taking note of the preliminary report of the Temporary Sub-Commission on Economic Reconstruction of Devastated Areas and of the relevant resolution of the Economic and Social Council of 3rd October, 1946;

Recognizing the urgent need for international co-operation in the reconstruction of devastated areas:

1. *Approves* the general resolution of the Economic and Social Council, the resolution on the Survey of the Economic Reconstruction of Devastated Areas in Asia and the Far East, and the resolution for continuing the work of the Sub-Commission on Devastated Areas in Europe;

2. *Urges* the Members of the United Nations, the Economic and Social Council, and the specialized agencies and inter-governmental organizations concerned, to take all possible steps, within their respective fields of activity, which may lead to the early solution of the problems of economic reconstruction of devastated areas;

3. *Directs* the Secretary-General to transmit to the International Bank for Reconstruction and Development the opinion of the General Assembly that, if the economic reconstruction of devastated areas is not to be unduly delayed, the International Bank should come into full effective operation at the earliest possible date so that, in accordance with the special functions laid down for the Bank in its articles of Agreement, it may be able, early in 1947, to make the fullest possible contribution toward the needs of economic reconstruction;

4. *Recommends* that the Economic and Social Council and its Commissions consider undertaking as soon as possible, in co-operation with the specialized agencies concerned, a general survey of raw material resources needed for the economic reconstruction of devastated areas, with a view to recommending the adoption of the necessary measures to increase and promote production and to facilitate transportation of those materials from the producing areas to the devastated areas;

5. *Further recommends* that, in order to give effective aid to the countries devastated by war, the Economic and Social Council, at its next session, give prompt and favourable consideration to the establishment of an Economic Commission for Europe and an Economic Commission for Asia and the Far East.

APPENDIX XIV

FREEDOM OF INFORMATION

Resolution of the Assembly, December 14, 1946

The General Assembly,

Whereas

Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated;

Freedom of information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world;

Freedom of information requires as an indispensable element the willingness and capacity to employ its privileges without abuse. It requires as a basic discipline the moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent;

Understanding and co-operation among nations are impossible without an alert and sound world opinion which, in turn, is wholly dependent upon freedom of information;

Resolves therefore, in the spirit of paragraphs 3 and 4 of Article 1 of the Charter, to authorize the holding of a conference of all Members of the United Nations on freedom of information;

Instructs the Economic and Social Council to undertake, pursuant to Article 60 and Article 62, paragraph 4, of the Charter, the convocation of such a conference in accordance with the following guiding principles:

(*a*) The purpose of the Conference shall be to formulate its views concerning the rights, obligations and practices which should be included in the concept of the freedom of information;

(*b*) Delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information;

(*c*) The Conference shall be held before the end of 1947, at such place as may be determined by the Economic and Social Council, in order to enable the Council to submit a report on the deliberations and recommendations of the Conference to the following regular session of the General Assembly.

APPENDIX XV

POLITICAL RIGHTS OF WOMEN

Resolution of the Assembly, December 11, 1946

The General Assembly,

Whereas

In the Preamble of the Charter the peoples of the United Nations have reaffirmed faith in the equal rights of men and women, and in Article 1 it is stated that purposes of the United Nations are, among others, to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to sex, and to be a centre for harmonizing the actions of nations in the attainment of these common ends,

Whereas

Certain Member States have not yet granted to women, political rights equal to those granted to men,

Therefore:

(*a*) *Recommends* that all Member States, which have not already done so adopt measures necessary to fulfil the purposes and aims of the Charter in this respect by granting to women the same political rights as to men;

(*b*) invites the Secretary-General to communicate this recommendation to the Governments of all Member States.

APPENDIX XVI

THE WORLD FEDERATION OF TRADE UNIONS

Canadian Statement, November 23, 1946

Canada is a country in which the establishment, development and responsible operation of trade unions are fostered by legal and political measures, and encouraged by public approval. For these reasons and because a considerable part of the Canadian trade union movement is affiliated with the W.F.T.U., we are naturally inclined to sympathize with the desires and objectives of that organization. On the issue specifically before us we wish to see the W.F.T.U. placed in a position where both it and the Economic and Social Council can obtain the maximum benefit from mutual cooperation.

For this reason we were glad to see that the W.F.T.U. was placed by the Economic and Social Council in category (*a*) of those non-governmental organizations with which the Council felt it essential to provide for cooperation. We entirely approved of the granting of this preferred position, a position that is shared by only three other non-governmental organizations . . . .

Clause 1 of the substantive part of the Soviet resolution[1] means that the W.F.T.U. would have the automatic right to place on the agenda of the Economic and Social Council at any time and in any form any proposition that it may choose. This is a right enjoyed by the specialized agencies, but by the resolution it would be extended to the W.F.T.U.

This clause further provides that representatives of the W.F.T.U. would have the right to appear at the Council table to "make oral communications"—in other words to discuss "all matters of interest to the Federation". This right of intervention is not even confined to subjects proposed by the Federation. It would mean in practice that the W.F.T.U. representatives would be at every meeting of the Council and would be entitled to speak on every subject under review. In other words the W.F.T.U. would have before the Economic and Social Council all the privileges of a specialized agency and all the privileges of a sovereign state except that it would not be allowed to vote.

We are not prepared to agree that the W.F.T.U. should be treated by the Council either as a sovereign state, or as a specialized agency. To do either of these things would be contrary to the provisions of the Charter, and I must confess to a mild surprise when I observe certain delegations, that on very recent occasions have expressed the most fervent indignation,

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[1]The substantive part of the Soviet resolution read as follows:

"The General Assembly recommends the Economic and Social Council to give to the World Federation of Trade Unions:

1. the right to submit to the Economic and Social Council questions for insertion in the provisional agenda, in accordance with the procedure now applicable to specialized agencies;

2. the right to present written and verbal statements to the Economic and Social Council on all matters of concern to the Federation."

when any proposal in their view contained even a suggestion of a change in the Charter, now accepting this obvious expansion of the terms of that document with an approval amounting to enthusiasm.

May I remind you that it was the leader of the Soviet delegation who expressed the opinion that there are two principal tendencies struggling within the United Nations: the first based on fundamental respect for the principles of the Charter, while the second attempts to shake its foundations by all kinds of attacks. Yet here we have members of the same delegation, the authors of this resolution endeavouring to dodge the provisions of the Charter because at this time it suits their convenience.

It is true that the distinguished delegate from the Soviet Union on this committee has argued that there are no formal or constitutional obstacles to the granting of the request of the W.F.T.U. He also, however, seemed to suggest that even if such obstacles do exist they are only formal and technical and should be disregarded. This is a proposition to which I cannot subscribe.

The supporters of the resolution want the W.F.T.U. to be treated as well as or better than the specialized agencies. Article 57 (1) of the Charter defines these agencies as bodies "established by intergovernmental agreement". The W.F.T.U. was not established by intergovernmental agreement. It is not a specialized agency and there is no provision in the Charter for treating it as such. Those who wish to have the W.F.T.U. treated as a specialized agency should begin by amending the Charter.

Not only is there no provision in the Charter for treating other bodies as specialized agencies when they are not specialized agencies but in fact something of this sort was brought forward and was voted down at San Francisco. Article 71[1] of the Charter was prepared specifically in the light of this decision . . . .

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[1]The following are the relevant provisions of the Charter:

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of

Article 63

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 63

The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

I have not referred to the effects that might accrue from the extending of special rights to the W.F.T.U.—rights beyond those enjoyed by the other organizations in category (*a*). The possibilities of friction that this discrimination would invite are present, I am sure, in all your minds. If we extend the Charter to cover these special privileges for the W.F.T.U. what will the authors of this resolution say next year when the International Chamber of Commerce ask for similar rights; and when the following year the World Federation of Churches follows suit? You cannot have it both ways.

The basic concept underlying the organization of the United Nations and of its constituent bodies is representation on geographic and national lines. So far as Canada is concerned, we are not now prepared to change this concept and to take over from the corporative state—from fascism—the principle of representation on the basis of functional or occupational groups.

We sympathize with the desire of organized labour for close collaboration with the Economic and Social Council. We believe that effective provision for this collaboration is made especially through the I.L.O. but also through the preferred position that has already been given to the W.F.T.U.

In giving the W.F.T.U. the special recognition that is inherent in category (*a*) we have gone as far as we can go without violation of the Charter as it now stands.

So far as Canada is concerned we are not prepared to go further than the Charter permits. We will not be a party to any effort to amend its provisions by indirection or by a strained interpretation for which there is no justification either in law or in common sense.

APPENDIX XVII

HOUSING AND TOWN PLANNING

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering the magnitude and gravity of housing problems in various parts of the world, and the advisability of providing for exchange of views and constant liaison between the technical experts of the various nations;

Considering the recommendation already made by the special meeting on emergency housing problems convened by the Emergency Economic Committee for Europe, and also of the recommendations of the Housing Sub-Committee of the Emergency Economic Committee for Europe;

Decides to recommend to the Economic and Social Council that it instruct the appropriate Commissions to expedite their study of housing problems with special reference to the organization and unification of international exchanges of information relating, in particular, to town planning principles, building techniques and the climatic, economic and financial, legal and legislative aspects of housing and town planning questions, and to consider the desirability of holding an international conference of experts to advise on the need for establishing an international mechanism to collate such information, lay down guiding principles for new technical research on materials, methods of use and pre-fabrication, and to define standards capable of general application.

APPENDIX XVIII

NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

Resolution of the Assembly, November 19, 1946

The General Assembly draws the attention of the Members of the United Nations to the importance of the following, namely:

(*a*) that the States Members of the United Nations should encourage and promote the establishment and co-operation of duly authorized voluntary National Red Cross and Red Crescent Societies;

(*b*) that at all times the independent voluntary nature of the National Red Cross and Red Crescent Societies be respected in all circumstances, provided they are recognized by their Governments and carry on their work according to the principles of the Geneva and The Hague Conventions and in the humanitarian spirit of the Red Cross and Red Crescent;

(*c*) that the necessary steps be taken to ensure that in all circumstances contact may be maintained between the National Red Cross and Red Crescent Societies of all countries, so as to enable them to carry out their humanitarian task.

APPENDIX XIX

FUTURE STATUS OF SOUTH WEST AFRICA

Resolution of the Assembly, December 14, 1946

The General Assembly,

Having considered the statements of the delegation of the Union of South Africa regarding the question of incorporating the mandated territory of South West Africa in the Union;

Noting with satisfaction that the Union of South Africa, by presenting this matter to the United Nations, recognizes the interest and concern of the United Nations in the matter of the future status of territories now held under mandate;

Recalling that the Charter of the United Nations provides in Articles 77 and 79 that the trusteeship system shall apply to territories now under mandate as may be subsequently agreed;

Referring to the resolution of the General Assembly of 9 February 1946, inviting the placing of mandated territories under trusteeship;

Desiring that agreement between the United Nations and the Union of South Africa may hereafter be reached regarding the future status of the mandated territory of South West Africa;

Assured by the delegation of the Union of South Africa that, pending such agreement, the Union Government will continue to administer the territory as heretofore in the spirit of the principles laid down in the mandate;

Considering that the African inhabitants of South West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their territory:

The General Assembly, therefore,

Is unable to accede to the incorporation of the territory of South West Africa in the Union of South Africa;

Recommends that the mandated territory of South West Africa be placed under the international trusteeship system and invites the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the aforesaid territory.

APPENDIX XX

NON-SELF-GOVERNING TERRITORIES—TRANSMISSION OF INFORMATION

Resolution of the Assembly, December 14, 1946

The General Assembly, on 9 February, 1946, approved a resolution on Non-Self-Governing Peoples. By this resolution the Secretary-General was requested to include in his annual report on the work of the Organization a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73e of the Charter relating to economic, social and educational conditions in the territories for which they are responsible, other than those to which Chapters XII and XIII apply.

The General Assembly notes that information has been transmitted by the Governments of Australia concerning conditions in Papua; France concerning conditions in French West Africa, French Equatorial Africa, French Somaliland, Madagascar and Dependencies, French Establishments in Oceania, Indo-China, French Establishments in India, New Caledonia and Dependencies, Saint-Pierre-et-Miquelon, Morocco, Tunisia, the New Hebrides under Anglo-French Condominium, Martinique, Guadeloupe and Dependencies, French Guiana, and Réunion (without prejudice to the future status of these territories); New Zealand concerning conditions in the Cook Islands (without prejudice to any interpretation of the expression "Non-Self-Governing Territories" in view of the fact that the Cook Islands are an integral part of New Zealand); the United Kingdom concerning conditions in Barbados, Bermuda, British Guiana, British Honduras,[1] Fiji, Gambia, Gibraltar, Leeward Islands, Mauritius, St. Lucia, and Zanzibar Protectorate; and the United States concerning conditions in Alaska, American Samoa, Guam, Hawaii, Panama Canal Zone,[2] Puerto Rico and the Virgin Islands.

The General Assembly also notes that the following Governments have declared their intention of transmitting information: Belgium on the Belgian Congo; Denmark on Greenland; the Netherlands on the Netherlands Indies, Surinam and Curacao; New Zealand on the Tokelau Islands; and the United Kingdom on Aden (Colony and Protectorate), Bahamas, Basutoland, Bechuanaland Protectorate, British Somaliland Protectorate, Brunei, Cyprus, Dominica, Falkland Islands[3], Gold Coast (Colony and

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[1]In this connection reference is made to the *Journal of the United Nations*, No. 5, 10 December, 1946. Supplement No. 4, pages 79-80.

[2]In this connection reference is made to document A/200, dated 26 November, 1946.

[3]In regard to the Falkland Islands the delegation of Argentina at the twenty-fifth meeting of the Committee, made a reservation to the effect that the Argentine Government did not recognize British sovereignty in the Falkland Islands. The delegation of the United Kingdom made a parallel reservation, not recognizing Argentine sovereignty in these islands.

Protectorate), Grenada, Hong Kong, Jamaica, Kenya (Colony and Protectorate), Malayan Union, Malta, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Helena and Dependencies, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Swaziland, Trinidad and Tobago, Uganda Protectorate, and the High Commission Territories of the Western Pacific (Gilbert and Ellice Islands Colony, British Solomon Islands Protectorate, Pitcairn Islands).

The value of the association of Non-Self-Governing Territories in the work of the specialized agencies as a means of attaining the objectives of Chapter XI of the Charter has been stressed.

The procedures to be followed by the Organization in connection with the information transmitted by Members regarding Non-Self-Governing Peoples have been carefully examined.

The General Assembly, therefore,

1. *Invites* the Members transmitting information to send to the Secretary-General by 30th June of each year the most recent information which is at their disposal;

2. *Recommends* that the information transmitted in the course of 1947 by Members of the United Nations under Article 73e of the Charter should be summarized, analyzed and classified by the Secretary-General and included in his report to the second session of the General Assembly, in order that, in the light of the experience gained, the General Assembly may be able to decide whether any other procedure may be desirable for dealing with such information in future years;

3. *Recommends* that the Secretary-General communicate to the specialized agencies the information transmitted, with a view to making all relevant data available to their expert and deliberative bodies;

4. *Invites* the Secretary-General to convene, some weeks before the opening of the second session of the General Assembly, and *ad hoc* Committee composed in equal numbers of representatives of the Members transmitting information under Article 73e of the Charter and of representatives of Members elected, by the General Assembly at this session, on the basis of an equitable geographical distribution;

5. *Invites* the Secretary-General to request the Food and Agriculture Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meeting of the *ad hoc* committee;

6. *Invites* the *ad hoc* Committee to examine the Secretary-General's summary and analysis of the information transmitted under Article 73e of the Charter with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage.

At its sixty-fifth and sixty-sixth plenary meetings, on 14th and 15th December, 1946, respectively, the General Assembly, in accordance with the terms of the above resolution, elected eight Members of the ad hoc *Committee.*

The composition of the Committee therefore is as follows:

Members transmitting information under Article 73e of the Charter:

Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, United States of America.

Members elected by the General Assembly:

Brazil, China, Cuba, Egypt, India, Philippine Republic, Union of Soviet Socialist Republics, Uruguay.

APPENDIX XXI

NON-SELF-GOVERNING TERRITORIES—REGIONAL CONFERENCES

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering that the resolution on Non-Self-Governing Peoples adopted during the first part of the first session of the General Assembly draws attention to the fact that the obligations accepted by Members of the United Nations under Chapter XI are already in full force;

Recognizing the importance of the declaration contained in Chapter XI of the Charter especially as it concerns the peace and security of the world, and the political, economic, social and educational advancement of the peoples of Non-Self-Governing Territories as well as their just treatment and protection against abuses;

The General Assembly recommends to the Members having or assuming responsibilities for the administration of Non-Self-Governing Territories to convene conferences of representatives of Non-Self-Governing Peoples chosen or preferably elected in such a way that the representation of the peoples will be ensured to the extent that the particular conditions of the territory concerned permit, in order that effect may be given to the letter and spirit of Chapter XI of the Charter and that the wishes and aspirations of the Non-Self-Governing Peoples may be expressed.

APPENDIX XXII

SCALE OF CONTRIBUTIONS TO THE BUDGETS

A. Canadian Statement, November 12, 1946

No one can deny that in the field of the relative financial burdens to be borne by our Member states, we run the risk of non-favourable reaction, among the public and the different governments, which might jeopardize the stable and progressive development of our entire world organization. In these matters the United Nations must have and must continue to have the whole-hearted support of our respective legislatures and peoples in our respective countries. And when we ask them for that support we must be able to convince them that the recommendations agreed to here are not only wise but just.

We appreciate the very useful work done by the Committee on Contributions. It was asked to base its report on the capacity to pay, of the Member states. We are aware that there were gaps in the information available to them and that, of necessity, some reliance had to be placed on informed guesses. We felt, however, that, on the basis indicated in their terms of reference, no better job could have been done. But Senator Vandenberg, on behalf of the United States delegation, has argued very forcibly that capacity to pay cannot safely be made the only criterion for distributing the financial burden of the United Nations ordinary administrative budget, particularly when the result of that criterion places practically fifty per cent of the burden on one nation alone out of fifty-one. The Canadian delegation agrees that to do this might very well jeopardize the success of the United Nations, both because it would tend to put a strain on the principle of the sovereign equality of all nations, in dealing with budgetary problems, and because the people of that one nation might come to feel that they were being asked to do more than their fair share.

Senator Vandenberg therefore suggested that a ceiling should be established, above which no nation will be asked to contribute. In this connection, I wish to point out that this solution of the political difficulty foreseen by Senator Vanderberg tends to create like difficulties for the other Member states. Notwithstanding the gaps in the information available to the Contributions Committee, none can doubt that, if we had on our desks the most complete and up-to-date statistics of the annual income of each of our countries, they would show two things clearly and beyond question: first, that the United States has the largest national income of any nation; and second, that in the United States the national income per capita is greater than in any other nation.

To the individual taxpayer, per capita contribution is the important factor. He is concerned with the relation which his personal contribution will have to the contribution of taxpayers in other countries where capacity to pay is equal to, or greater than, his own. Therefore, it would not seem

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to be politically realistic, to expect any government or the members of any parliament to vote that their state should make a contribution to the ordinary administrative budget of this organization, which would be higher on a per capita basis than the per capita contribution of the United States.

Under the recommendation of the Contributions Committee, this difficulty does not arise, as the per capita contributions of the citizens of the United States would appear to be higher than that of the citizens of any other nation. The Canadian delegation does not ask that the exact relationship proposed by the Contributions Committee be continued, but we do say that, if a ceiling is to be placed on the percentage to be contributed by the United States, and if that ceiling is substantially below the present percentage, it will be necessary to extend a ceiling to all the Member states whose per capita contribution would otherwise exceed that of the United States taxpayers.

In other words, a ceiling on the total contributions of any Member state necessitates a ceiling on a per capita basis on the amount citizens of any other nation are required to pay. We recognize, as the United States delegation has pointed out, that there is a difference between budgets for ordinary administration and for operational purposes to help repair the ravages of war. As regards the latter category, Canada has in the past assumed substantial responsibility and is prepared to give serious and sympathetic consideration to other like problems as they rise. But when it comes to the ordinary administrative expenses of the United Nations, I submit that we cannot ask the taxpayers in any country to pay more per head than the taxpayers in the United States.

Senator Vandenberg has said, and we agree, that this is not a matter of money, but a matter of principle. We can all afford to pay whatever is necessary in material values to achieve the goals of the United Nations, if our decisions are widely regarded as right and wise and just, as between partners in this common enterprise, but I am convinced that we would be risking just the kind of reaction the Norwegian and American representatives warned against if we were to accept a scale of contributions which place on the taxpayers of any other country, a per capita rate higher than that placed on the country which is fortunate to have the highest per capita income of the whole world.

The Canadian delegation is here to help build a world organ that will stand any stress or strain that the future may bring, but we do not feel that it would be either sound or just that we or any other nation be asked to pay more per individual than the most well-to-do among us pays.

It is for this reason that I venture to say to the Committee, that if we place a ceiling on the total contribution of any nation, we must also establish a ceiling on a per capita basis which would be generally applicable to all Member states that would be unfairly affected by such a policy.

B. Resolution of the Assembly, December 14, 1946

The General Assembly resolves,

1. That the scales of assessment for (*a*) the 1946 budget and (*b*) the 1947 budget and the Working Capital Fund shall be as follows:

Country	*1946 Apportionment Per Cent*	*1947 Budget and Working Capital Fund Apportionment Per Cent*
Argentina	1·94	1·85
Australia	2·00	1·97
Belgium	1·42	1·35
Bolivia	0·08	0·08
Brazil	1·94	1·85
Byelorussian SSR	0·23	0·22
Canada	3·35	3·20
Chile	0·47	0·45
China	6·30	6·00
Colombia	0·39	0·37
Costa Rica	0·04	0·04
Cuba	0·30	0·29
Czechoslovakia	0·95	0·90
Denmark	0·81	0·79
Dominican Republic	0·05	0·05
Ecuador	0·05	0·05
Egypt	0·81	0·79
El Salvador	0·05	0·05
Ethiopia	0·08	0·08
France	6·30	6·00
Greece	0·17	0·17
Guatemala	0·05	0·05
Haiti	0·04	0·04
Honduras	0·04	0·04
India	4·09	3·95
Iran	0·47	0·45
Iraq	0·17	0·17
Lebanon	0·06	0·06
Liberia	0·04	0·04
Luxembourg	0·05	0·05
Mexico	0·66	0·63
Netherlands	1·47	1·40
New Zealand	0·52	0·50
Nicaragua	0·04	0·04
Norway	0·52	0·50
Panama	0·05	0·05

Country	*1946 Apportionment Per Cent*	*1947 Budget and Working Capital Fund Apportionment Per Cent*
Paraguay	0·04	0·04
Peru	0·21	0·20
Philippines	0·30	0·29
Poland	1·00	0·95
Saudi Arabia	0·08	0·08
South Africa	1·15	1·12
Syria	0·12	0·12
Turkey	0·93	0·91
Ukrainian SSR	0·88	0·84
USSR	6·62	6·34
United Kingdom	11·98	11·48
United States of America	39·89	39·89
Uruguay	0·18	0·18
Venezuela	0·28	0·27
Yugoslavia	0·34	0·33
Afghanistan		0·05
Iceland		0·04
Sweden		2·35
	100·00	100·00

2. 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.

3. That as it may be more convenient for the United Nations to adopt a unit basis of assessment in lieu of the percentage basis, the Committee on Contributions is directed to give consideration to the relative merits of each method.

4. That new Members be required to contribute to the annual budget of the year in which they are first admitted, at least 33⅓ per cent of their percentage of assessment determined for the following year, applied to the budget for the year of their admission.

5. That, having regard to the admission of the three new Members in 1946, the advances to the Working Capital Fund be readjusted on the basis of the scale to be adopted for the contributions of Members to the annual budget for 1947.

APPENDIX XXIII

BUDGETARY AND FINANCIAL RELATIONS

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering paragraph 3 of Article 17 of the Charter of the United Nations providing that:

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

Considering the views expressed by the various delegations at the twenty-seventh meeting of the Fifth Committee that a system of close budgetary and financial relationships between the United Nations and the specialized agencies is desirable for giving effect to the provisions of the Charter;

Requests the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions:

1. To continue exploratory discussions with the specialized agencies and to report and make recommendations to the next regular session of the General Assembly;

2. To append, if possible, to the United Nations budget for 1948, in the form of informative annexes, the budgets or proposed budgets of the specialized agencies for 1948 with a view to presenting to the General Assembly a comprehensive estimate of expenditures of the United Nations and specialized agencies;

3. To explore possible arrangements by which the budgets of the several specialized agencies might be presented to the General Assembly for approval;

4. To develop, at the earliest possible date, in accordance with the budgetary and financial provisions of the agreements with the specialized agencies, arrangements for common fiscal controls and common budgetary, administrative and financial practices.

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APPENDIX XXIV

EXTERNAL AUDITORS

Resolution of the Assembly, December 7, 1946

The General Assembly resolves,

(*a*) that the Auditor-General (or other title) of the UKRAINIAN SOVIET SOCIALIST REPUBLIC and the Auditor General (or other title) of SWEDEN and the Auditor-General (or other title) of CANADA be appointed as external Auditors of the accounts of the United Nations and of the International Court of Justice, and of such specialized agencies as may be designated by the appropriate authority. Should the necessity arise, an Auditor may designate a representative to sit on the Board in his absence;

(*b*) that the term of office of each Auditor shall continue until 30th June, 1948, 30th June, 1949, and 30th June, 1950, in the order in which they are named above;

(*c*) that in 1947, and every year thereafter, the General Assembly at its regular session shall appoint an Auditor to take office from 1st July of the following year and to serve for a period of three years;

(*d*) that the Auditors in office shall constitute the Board of Auditors, which shall elect its own Chairman and adopt its own rules of procedure;

(*e*) that the Board, subject to the budgetary provision made by the General Assembly for the cost of audit, and after consultation with the Advisory Committee on Administrative and Budgetary Questions relative to the scope of the audit, may conduct the audit under the provisions of this resolution in such manner as it thinks fit and may engage commercial public auditors of international repute;

(*f*) that if any member of the Board ceases to hold the national office described in paragraph (*a*) of this resolution he shall cease to be a member of the Board, on which he shall be succeeded by his successor in the national office described;

(*g*) that the Board of Auditors shall submit its report, together with the certified accounts and such other statements as it thinks necessary, to the General Assembly to be available to the Advisory Committee on Administrative and Budgetary Questions not later than 1st June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report;

(*h*) that the audit should be carried out by the Board of Auditors having full regard to the following requirements of the General Assembly:

(i) The Auditors should satisfy themselves:

(1) that the accounts, including the balance sheet, represent a correct record of duly authorized financial transactions of the financial year;

(2) that money has not been expended or obligated other than for the purpose or purposes for which the appropriations voted by the General Assembly were intended to provide, except in so far as the Secretary-General has authorized transfers within the budget, and that the expenditure conforms to the authority which governs it;

(3) that transfers from the Working Capital Fund or other funds have received the necessary authority.

(ii) The Auditors, after satisfying themselves that the vouchers have been examined and certified as correct by the accounting organization, may, in their discretion and having regard to the character of the examination within the department, in any particular case admit the sums so certified without further examination, provided however, that, if the General Assembly or the Advisory Committee on Administrative and Budgetary Questions on behalf of the General Assembly, requests that any accounts be examined in greater detail, the Auditors shall take action accordingly.

(iii) The Auditors shall examine such store or stock accounts as are maintained by the organization the financial accounts of which they are auditing.

(iv) The Auditors shall have free access at all convenient times to the books of account and all information relevant to the accounts of the organization concerned. Requests for official files which may deal with matters of policy should only be made through the Assistant Secretary-General for Administrative and Financial Services.

(v) The Auditors should not criticize purely administrative matters, but it is within their discretion to comment upon the financial consequences of administrative action. Audit examination should not be undertaken before accounting effect has been given to transactions, nor should accounts and vouchers be examined until they have been duly rendered available by the department concerned.

(vi) Objections to any items which may arise during audit should be communicated immediately to the accounting department concerned. As a general rule, criticism should not be made in the Auditors' report without first affording the accounting department an opportunity of explanation.

(vii) Documentary or other information obtained from a department should not be published by the Auditors without reference having been made to the duly authorized official of the organization or agency concerned.

(viii) The Auditors certifying the accounts shall prepare a joint report of each account certified, in which they should mention:

(1) The extent and character of their examination or any important changes therein;

(2) Matters affecting the completeness or accuracy of the accounts, such as:

(*a*) Information necessary to the correct interpretation of the account;

(*b*) Any amounts which ought to have been received but which have not been brought to account;

(*c*) Expenditure not properly vouched;

(3) Other matters which should be brought to the notice of the General Asembly, such as:

(*a*) Cases of fraud or presumptive fraud;

(*b*) Wasteful or improper expenditure of United Nations' money or stores (nothwithstanding that the accounting for the transactions may be correct);

(*c*) Expenditure likely to commit the United Nations to further outlay on a large scale;

(*d*) Any defect in the general system or detailed regulations governing the control of receipts and expenditure, or of stores;

(*e*) Expenditure not in accordance with the intention of the General Assembly, after making allowance for duly authorized transfers within the budget;

(*f*) Expenditure in excess of appropriations, as amended by duly authorized transfers within the budget;

(*g*) Expenditure not in conformity with the authority which governs it.

(4) The accuracy or otherwise of the stores records as determined by stock-taking and examination of the records.

In addition, the reports may contain reference to:

(5) Transactions accounted for in a previous year concerning which further information has been obtained, or transactions in a later year concerning which it seems desirable that the General Assembly should have early knowledge.

APPENDIX XXV

INTERNATIONAL LAW

Resolution of the Assembly, December 11, 1946

The General Assembly,

Recognizes the obligation laid upon it by Article 13, paragraph 1, subparagraph *a* of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

Realizes the need for a careful and thorough study of what has already been accomplished in this field as well as of the projects and activities of official and unofficial bodies engaged in efforts to promote the progressive development and formulation of public and private international law, and the need for a report on the methods whereby the General Assembly may most effectively discharge its obligations under the above-mentioned provision:

Therefore,

Resolves to establish a Committee of seventeen Members of the United Nations to be appointed by the General Assembly on the recommendation of the President, each of these Members to have one representative on the Committee;

Directs the Committee to study:

(*a*) the methods by which the General Assembly should encourage the progressive development of international law and its eventual codification;

(*b*) methods of securing the co-operation of the several organs of the United Nations to this end;

(*c*) methods of enlisting the assistance of such national or international bodies as might aid in the attainment of this objective;

and to report to the General Assembly at its next regular session.

Requests the Secretary-General to provide such assistance as the Committee may require for its work.

At the same plenary meeting, the General Assembly, on the recommendation of the President, appointed the following States to serve on the Committee:

Argentina, Australia, Brazil, China, Colombia, Egypt, France, India, Netherlands, Panama, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela, Yugoslavia.

APPENDIX XXVI

CHARTER OF NUREMBERG TRIBUNAL

Resolution of the Assembly, December 11, 1946

The General Assembly,

Recognizes the obligation laid upon it by Article 13, paragraph 1, subparagraph *a* of the Charter, to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

Takes note of the Agreement for the establishment of an International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis signed in London on 8 August 1945, and of the Charter annexed thereto, and of the fact that similar principles have been adopted in the Charter of the International Military Tribunal for the trial of the major war criminals in the Far East, proclaimed at Tokyo on 19 January1946;

Therefore,

Affirms the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgment of the Tribunal;

Directs the Committee on the codification of international law established by the resolution of the General Assembly of 11 December 1946, to treat as a matter of primary importance plans for the formulation, in the context of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal.

(ix) The Auditors, or such of their officers as they may delegate should jointly certify each account in the following terms:

"The above accounts have been examined in accordance with our directions. We have obtained all the information and explanations that we have required, and we certify, as the result of the audit, that, in our opinion, the above account is correct"; adding, should it be necessary, "subject to the observations in our report."

(x) The Auditors shall have no power to disallow items in the accounts, but shall recommend to the Secretary-General for appropriate action such disallowances as the Board is prepared to recommend to the General Assembly based on its audit of the accounts and records. The Board shall bring to the attention of the General Assembly any cases where its recommendations for disallowance have not been acted upon by the Secretary-General.

APPENDIX XXVII

THE CRIME OF GENOCIDE

Resolution of the Assembly, December 11, 1946

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

The punishment of the crime of genocide is a matter of international concern.

The General Assembly, therefore,

Affirms that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds—are punishable;

Invites the Member States to enact the necessary legislation for the prevention and punishment of this crime;

Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide, and, to this end,

Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

APPENDIX XXVIII

REGISTRATION AND PUBLICATION OF TREATIES

Resolution of the Assembly, December 14, 1946

The General Assembly,

Considering it desirable to establish rules for the application of Article 102 of the Charter of the United Nations which provides as follows:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Recognizing, in making provision therefor, the importance of orderly registration and publication of such treaties and international agreements and the maintenance of precise records;

Adopts accordingly, having given consideration to the proposals of the Secretary-General submitted pursuant to the resolution of the General Assembly of 10 February 1946, the following regulations:

PART ONE—REGISTRATION

Article 1

1. Every treaty or international agreement whatever its form and descriptive name entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these regulations.

2. Registration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto.

3. Such registration may be effected by any party or in accordance with article 4 of these regulations.

4. The Secretariat shall record the treaties and international agreements so registered in a Register established for that purpose.

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Article 2

1. When a treaty or international agreement has been registered with the Secretariat, a certified statement regarding any subsequent action which effects a change in the parties thereto, or the terms, scope or application thereof, shall also be registered with the Secretariat.

2. The Secretariat shall record the certified statement so registered in the Register established under article 1 of these regulations.

Article 3

1. Registration by a party, in accordance with article 1 of these regulations, relieves all other parties of the obligation to register.

2. Registration effected in accordance with article 4 of these regulations relieves all parties of the obligation to register.

Article 4

1. Every treaty or international agreement subject to article 1 of these regulations shall be registered *ex officio* by the United Nations in the following cases:

(*a*) Where the United Nations is a party to the treaty or agreement;

(*b*) Where the United Nations has been authorized by the treaty or agreement to effect registration.

2. A treaty or international agreement subject to article 1 of these regulations may be registered with the Secretariat by a specialized agency in the following cases:

(*a*) Where the constituent instrument of the specialized agency provides for such registration;

(*b*) Where the treaty or agreement has been registered with the specialized agency pursuant to the terms of its constituent instrument;

(*c*) Where the specialized agency has been authorized by the treaty or agreement to effect registration.

Article 5

1. A party or specialized agency, registering a treaty or international agreement under article 1 or 4 of these regulations, shall certify that the text is a true and complete copy thereof and includes all reservations made by parties thereto.

2. The certified copy shall reproduce the text in all the languages in which the treaty or agreement was concluded and shall be accompanied by two additional copies and by a statement setting forth, in respect of each party:

(*a*) the date on which the treaty or agreement has come into force;

(*b*) the method whereby it has come into force (for example: by signature, by ratification or acceptance, by accession, et cetera).

Article 6

The date of receipt by the Secretariat of the United Nations of the treaty or international agreement registered shall be deemed to be the date of registration, provided that the date of registration of a treaty or agreement registered *ex officio* by the United Nations shall be the date on which the treaty or agreement first came into force between two or more of the parties thereto.

Article 7

A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also to all signatories and parties to the treaty or international agreement registered.

Article 8

1. The Register shall be kept in the five official languages of the United Nations. The Register shall comprise, in respect of each treaty or international agreement, a record of:

(*a*) the serial number given in the order of registration;
(*b*) the title given to the instrument by the parties;
(*c*) the names of the parties between whom it was concluded;
(*d*) the dates of signature, ratification or acceptance, exchange or ratification, accession, and entry into force;
(*e*) the duration;
(*f*) the language or languages in which it was drawn up;
(*g*) the name of the party or specialized agency which registers the instrument and the date of such registration;
(*h*) particulars of publication in the treaty series of the United Nations.

2. Such information shall also be included in the Register in regard to the statements registered under article 2 of these regulations.

3. The texts registered shall be marked *"ne varietur"* by the Secretary-General or his representative, and shall remain in the custody of the Secretariat.

Article 9

The Secretary-General, or his representative, shall issue certified extracts from the Register at the request of any Member of the United Nations or any party to the treaty or international agreement concerned. In other cases he may issue such extracts at his discretion.

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Part Two—Filing and Recording

Article 10

The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

(*a*) Treaties or international agreements entered into by the United Nations or by one or more of the specialized agencies;

(*b*) Treaties or international agreements transmitted by a Member of the United Nations which were entered into before the coming into force of the Charter, but which were not included in the treaty series of the League of Nations;

(*c*) Treaties or international agreements transmitted by a party not a Member of the United Nations which were entered into before or after the coming into force of the Charter which were not included in the treaty series of the League of Nations, provided, however, that this paragraph shall be applied with full regard to the provisions of the resolution of the General Assembly of 10 February, 1946, set forth in the Annex to these regulations.

Article 11

The provisions of articles 2, 5, and 8 of these regulations shall apply, *mutatis mutandis,* to all treaties and international agreements filed and recorded under article 10 of these regulations.

Part Three—Publication

Article 12

1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered, or filed and recorded, in the original language or languages, followed by a translation in English and in French. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

2. The Secretariat shall, when publishing a treaty or agreement under paragraph 1 of this article, include the following information: the serial number in order of registration or recording; the date of registration or recording; the name of the party or specialized agency which registered it or transmitted it for filing; and in respect of each party the date on which it has come into force and the method whereby it has come into force.

Article 13

The Secretariat shall publish every month a statement of the treaties and international agreements registered, or filed and recorded, during the preceding month, giving the dates and numbers of registration and recording.

Article 14

The Secretariat shall send to all Members of the United Nations, the series referred to in article 12 and the monthly statement referred to in article 13 of these regulations.

ANNEX

Resolution Adopted by the General Assembly on 10th February, 1946, on Registration of Treaties and International Agreements

The Executive Secretary sent a circular letter to the Members of the the United Nations on 8th November, 1945, informing them that from the date of the entry into force of the Charter, treaties and international agreements would be received and filed on a provisional basis until the adoption of detailed regulations prescribing the procedure to be followed in the registration and publication of treaties and international agreements under the provisions of Article 102 of the Charter. The Executive Secretary also invited the Governments of Members to transmit to the Secretariat for filing and publication, treaties and international agreements not included in the treaty series of the League of Nations and entered into in recent years before the date of the entry into force of the Charter.

It is desirable, as a matter of practical convenience, that arrangements should be made for the publication of any treaties or international agreements which non-member States may voluntarily transmit and which have not been included in the treaty series of the League of Nations. These arrangements should not, however, extend to treaties or international agreements transmitted by any non-member State such as Spain, the Government of which has been founded with the support of the Axis Powers and does not, in view of its origin, its nature, its record and its close association with the Aggressor States, possess qualifications necessary to justify membership in the United Nations under the provisions of the Charter.

Therefore, the General Assembly instructs the Secretary-General:

1. To submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter.

2. To invite the Governments of Members of the United Nations to transmit to the Secretary-General for filing and publication, treaties and international agreements entered into in recent years, but before the date of entry into force of the Charter, which had not been included in the League of Nations treaty series, and to transmit for registration and publication, treaties and international agreements entered into after the date of entry into force of the Charter;

3. To receive, from the Governments of non-member States, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations treaty series and which they may voluntarily transmit for filing and publication; and to dispose of them in accordace with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted.

APPENDIX XXIX

OFFICIAL SEAL AND EMBLEM OF THE UNITED NATIONS

Resolution of the Assembly, December 7, 1946

The General Assembly,

1. *Recognizes* that it is desirable to approve a distinctive emblem of the United Nations and to authorize its use for the official seal of the Organization;

Resolves therefore that the design reproduced below shall be the emblem and distinctive sign of the United Nations and shall be used for the official seal of the Organization.

2. *Considers* that it is necessary to protect the name of the Organization and its distinctive emblem and official seal;

Recommends therefore:

(*a*) that members of the United Nations should take such legislative or other appropriate measures as are necessary to prevent the use, without authorization by the Secretary-General of the United Nations, and in particular for commercial purposes by means of trade marks or commercial labels, of the emblem, the official seal and the name of the United Nations, and of abbreviations of that name through the use of its initial letters;

(*b*) that the prohibition should take effect as soon as practicable but in any event not later than the expiration of two years from the adoption of this resolution by the General Assembly;

(*c*) that each Member of the United Nations, pending the putting into effect within its territory of any such prohibition should use its best endeavours to prevent any use, without authorization by the Secretary-General of the United Nations, of the emblem, name, or initials of the United Nations, and in particular for commercial purposes by means of trade marks or commercial labels.

OFFICIAL SEAL AND EMBLEM OF THE UNITED NATIONS

APPENDIX XXX

MEASURES TO ECONOMIZE THE TIME OF THE ASSEMBLY

A. Canadian Letter, September 24, 1946

Ottawa, 24 September, 1946

Sir,

1. I have the honour to request that the following item be included in the Agenda of the Second Part of the First Session of the General Assembly; "Measures to economize the time of the General Assembly".

2. The large number of international conferences which are being held makes it difficult for states to provide adequate representation at each conference. This difficulty is increased if the conferences last for a long time. Moreover, unduly protracted international conferences diminish the prestige of the international organizations which are responsible for calling them.

3. During the present period, when new international organizations are being formed, it is difficult to reduce the number of conferences which must be held. It is therefore all the more important to ensure that the various conferences accomplish their tasks as expeditiously as possible. The General Assembly of the United Nations should set an example to all other conferences by the efficient and expeditious conduct of its business.

4. It is of paramount importance that the time of representatives in the General Assembly be economized to the greatest possible extent. The General Assembly can be successful in carrying out its important tasks only if delegations include Ministers responsible for the formulating and carrying out of policy. The chances of these Ministers being able to be present during the whole period of a session of the General Assembly will be greater if the sessions are not unduly prolonged.

5. The Canadian Delegation will therefore propose under this item of the agenda that the General Assembly, as early as possible in its proceedings, elect an *ad hoc* committee of about fifteen states to consider and make recommendations to the General Assembly on measures it might adopt to economize its time.

6. It is the hope of the Canadian Government that all the members of the General Assembly will be able, by the time this committee is set up, to make specific suggestions to the committee. The following six specific suggestions have occurred to the Canadian Government:—

(*a*) Each speaker in the opening debate in plenary session on the Secretary-General's Report might be limited to ten minutes with the right to have his remarks extended in the verbatim record.

(*b*) A report of a Main Committee to the General Assembly should not be debated unless one-third of the members of the Committee request a debate.

(*c*) The Main Committees should, at their first or second meetings, establish a number of sub-committees of ten to fifteen members to study various questions referred to them by the Committee and to report back to it. In order that these sub-committees may meet simultaneously, each sub-committee should have its own chairman.

(*d*) The General Committee, in discussing matters related to the agenda of the General Assembly, should not debate the substance of a question but should confine itself to discussing whether or not it should recommend that an item be included in the agenda of the General Assembly.

(*e*) The General Committee should be required to submit its report to the General Assembly on the inclusion of an item in the agenda within, say, forty-eight hours of receiving a request that the item be included in the agenda. (The General Committee's report, being a recommendation, is debatable by the General Assembly but agreement might be reached that the debate be limited to two hours at most.)

(*f*) In order to lessen the danger that committees waste their time on procedural debates, a number of improvements in the rules of procedure on the conduct of business might be made. Thus it might be desirable to insert a new rule on the order in which resolutions, as distinct from amendments, should be put to the vote. Changes in the existing rules of procedure might be required to implement some of the suggestions made above. It might also be useful if the Secretariat prepared for the guidance of chairmen of committees and sub-committees a commentary on the rules of procedure governing the conduct of business.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) L. S. ST. LAURENT
Secretary of State for External Affairs

Trygve Lie, Esq.,
Secretary-General of the United Nations,
Lake Success, Long Island, New York.

B. Canadian Statement, December 15, 1946

The Canadian delegation hopes that the adoption of the resolution now before the Assembly will result in the accomplishment of the aim which my Government had in view when it made its original proposals last September in a letter addressed to the Secretary-General. That aim was that there should be introduced at the beginning of the next session of the Assembly opening in September, 1947, reforms in the practices and rules of procedure of the Assembly so that we would not at the next session waste as much time as I think, on occasion, we have during the present session. On the face of it, it might seem that this resolution now before the Assembly is not of great importance. I would submit, however, that

the action which this Assembly will take to-day by adopting this resolution might in a year's time, or two years', be considered as one of the constructive decisions of this first session.

The delegation of Canada was charged, when it first introduced its proposals, with the hidden aim of preventing drawn-out speeches at the General Assembly, limiting freedom of speech and hindering criticism of the anti-democratic character of a number of draft resolutions submitted to the Assembly. The Canadian proposals were labelled as proposals for "limiting freedom of speech and having an anti-democratic character." Anyone who knows anything about my country, or the people of my country, knows that these charges can have no foundation. The delegation of Canada does not wish to restrict freedom of discussion. The basis of democracy in international as in domestic politics is freedom of competition between political ideas, but, in a deliberative body of this character, unrestricted liberty of discussion cannot be attained without running the risk that the whole international deliberative process will be stultified and brought into contempt.

Each member of the Assembly has the right to express its views fully, but no member ought to exercise this right in a way which would destroy the rights of other Members. The rights of one member are limited by the rights of others and by the just requirements of a democratic Assembly. It is, morevor, unrealistic to contend that the Assembly has to choose between unrestricted freedom of discussion and a system of closure. Experience has demonstrated that an international conference which begins with unrestricted freedom of discussion ends by operating under the most rigid rules for limiting the length and number of speeches.

One thing I wish to make perfectly clear is that my Government has never suggested that the sessions of the General Assembly should necessarily be brief. They should, in the opinion of the Canadian government, be as long as is necessary for us to do the work. The sessions of the Assembly, could, however, be shortened by eliminating unnecessary debates on procedure and unnecessary repetition of arguments, by the careful drafting of resolutions and conventions and by recognizing in the election of committee chairmen, the necessity of securing the highest standards of efficiency, competence, and integrity. Unnecessarily protracted sessions will moreover affect the calibre of national delegations. It will become increasingly difficult for the Members of the United Nations to send adequate delegations to sessions of the General Assembly if it is demonstrated that much of the time of representatives is taken up unnecessarily.

The representatives and advisers we all want to see at the sessions of our Assembly are persons whose services are needed at home to help solve pressing domestic problems, and to deal at home with problems of foreign policy. The time of these men is precious. It is not in the general interest that it should be wasted. The problem is not merely one of unnecessary protraction of Assembly meetings. There is the much more important problem of how we can more efficiently use the time at our disposal. This session of the General Assembly has followed, I am afraid, the same pattern as has almost every other international conference, large or small, which has been held during the past few years, in spite of the fact that we have had as our presiding officer here, I am sure, the ablest man that we could possibly have obtained to do the job.

The first five or six weeks of this Assembly were a prolonged debauch of unorganized discussion. During the first three-quarters of this second part of the first session, we accomplished only about one-quarter of our work. That made it necessary for us to try to get through the remaining three-quarters of our work in the quarter of the time which remained to us before the *Queen Elizabeth* sailed.

It has been suggested in the General Committee that it would be sufficient if the Secretariat were to draft proposals for reforms in the practices and rules of procedure of the Assembly and to present these proposals to the next session of the Assembly. The problem, however, of persuading the next session of the Assembly to adopt improvements in its practices and rules, falls into two parts: the drafting of the necessary reforms and the acceptance of those reforms by the Assembly. The chances of the Assembly, next September, accepting the necessary reforms, will be much better if the proposals come not from the Secretariat but from a committee of the members of the Assembly, and that is not intended as a reflection on our very efficient Secretariat.

I am confident that the committee on procedures and organization which we are appointing to-day, will present to the Assembly next September most valuable recommendations for reform. I hope that the Assembly next September will be willing to adopt its recommendations unanimously and without debate, on the opening day of the next session to apply provisionally throughout that second session. The Canadian delegation has set forth at length in its memorandum of November 29, its specific suggestions for reforms in the practices and rules of procedure of the Assembly.

The Canadian delegation hopes that all Members of the United Nations will respond to the invitation contained in the resolution now before us, and will forthwith forward to the Secretary-General their suggestions for economizing the time of the Assembly and for revising the provisional rules of procedure. The streamlining of this Assembly is a question of common concern to all Members of the United Nations. All of us wish to see the General Assembly of the United Nations operate with dignity as well as with despatch.

And now, Mr. President, let me thank you in the name of my delegation for the very efficient and great way in which you have acted as President of this meeting, and as a result have enhanced very considerably the prestige of this Assembly.

C. Resolution of the Assembly, December 15, 1946

MEASURES TO ECONOMIZE THE TIME OF THE GENERAL ASSEMBLY

The General Assembly,

Recognizing that the agenda of future sessions will likely entail a heavy volume of work and that the experience acquired during the first session reveals that decisions could be reached more expeditiously through improvements in the rules of procedure and internal organization;

Taking into consideration the various proposals that have been submitted on measures to economize the time of the General Assembly and of the discussions pertaining thereto;

Invites Members of the General Assembly to forward to the Secretary-General any suggestions they may wish to make regarding measures to economize the time of the General Assembly and proposed changes in the provisional rules of procedure;

Directs the Secretary-General to make a study of measures to economize the time of the General Assembly, and of the provisional rules of procedure, taking into account:

1. The memoranda submitted by the delegation of Canada;
2. Suggestions received from Members pursuant to the above invitation;
3. The views expressed in the Sub-Committee of the General Committee during its consideration of this question;
4. The experience acquired and the precedents established during the first session;

and to prepare a report for circulation three months before the opening of the second session;

Appoints a Committee on Procedures and Organization consisting of fifteen members to be designated by the Governments of

Argentina, Belgium, Canada, China, Cuba, Denmark, France, Greece, Haiti, Peru, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia,

which shall meet one week before the opening of the second regular session for the purpose of considering the report of the Secretary-General and of studying the provisional rules of procedure and internal organization of the General Assembly and to present a report thereon to the General Assembly at the beginning of the second regular session.

APPENDIX XXXI

Table of Votes on Ten Significant Issues

The table gives the votes of each of the Members of the U.N. on ten significant issues which arose during the second part of the First Session of the Assembly. These ten issues are:

1. Voting Procedure in the Security Council.—General Assembly, December 13, 1946. Resolution adopted by thirty-six to six with nine abstentions. For discussion of resolution see above pp. 41 to pp. 45. Text of resolution is given above, p. 43.

2. Spain.—Proposal that the Members of the U.N. should sever diplomatic relations with the Franco Government. Political Committee, December 9, 1946. Proposal defeated by a tie vote of twenty to twenty with ten abstentions. For discussion of proposal see above, pp. 51 to 58 and 209 to 212.

3. India's Complaint against South Africa.—Proposal that the question be referred to the International Court of Justice for an advisory opinion. General Assembly, December 8, 1946. Proposal defeated by a vote of twenty-one for, thirty-one against, and two abstentions. For discussion of proposal, see above pp. 59 to 63. Text of the resolution is given above, p. 60.

4. Refugees.—Approval of the Constitution of the International Refugee Organization. General Assembly, December 15, 1946. Resolution of approval adopted by thirty to five with eighteen abstentions. For discussion of the resolution, see above pp. 77 to 82.

5. W.F.T.U.—Proposal that the Economic and Social Council should give the W.F.T.U. the right to make written and verbal communications to the Economic and Social Council on all questions in which it is interested. General Assembly, December 15, 1946. Proposal defeated by a vote of fifteen for, twenty-eight against and ten abstentions. For discussion of proposal see above, pp. 97 to 99.

6. W.F.T.U.—Proposal that the Economic and Social Council should give the W.F.T.U. the right to submit to the Council questions for insertion in the provisional agenda of the Council, in accordance with the procedure now applicable to specialized

Country	1	2	3	4	5	6	7	8	9	10
Afghanistan	y	a	a	a	n	y	–	y	a	a
Argentina	y	–	y	a	y	y	n	y	a	y
Australia	y	a	y	a	n	n	n	a	n	n
Belgium	y	y	y	y	n	y	n	y	n	a
Bolivia	y	y	a	a	a	y	n	y	a	y
Brazil	y	a	y	n	n	n	n	a	y	y
Byelorussia	n	y	n	y	y	y	y	y	y	n
Canada	y	n	y	n	n	n	–	y	y	y
Chile	a	y	n	a	y	y	n	y	y	a
China	a	a	n	y	a	a	a	y	y	a
Colombia	y	n	n	a	a	a	n	y	–	n
Costa Rica	–	n	y	a	a	n	n	y	y	y
Cuba	y	n	n	y	n	y	y	y	a	y
Czechslovakia	n	y	n	y	y	y	y	y	n	y
Denmark	a	a	n	y	y	y	n	–	y	y
Dominion Republic	y	n	y	n	a	n	a	–	n	a
Ecuador	y	a	n	y	n	n	a	y	y	y
Egypt	y	n	y	n	n	n	n	y	y	y
El Salvador	y	y	n	y	a	a	a	y	y	n
Ethiopia	a	y	n	a	y	a	n	a	n	n
France	a	a	y	y	a	y	a	y	a	a
Greece	y	y	y	a	y	y	n	–	–	n
Guatemala	y	a	–	y	n	n	y	n	y	a
Haiti	y	y	n	y	n	y	n	y	n	y
Honduras	a	a	a	a	n	y	a	y	y	a
Iceland	a	y	–	y	a	n	a	y	y	a
India	y	y	n	a	n	n	a	y	y	n
Iran	y	y	–	y	n	–	a	–	–	a
Iraq	y	y	y	y	–	y	n	y	n	a
Lebanon	y	y	n	y	y	n	n	y	y	y
Liberia	y	y	y	y	n	n	n	a	n	a
Luxembourg	y	y	n	y	n	n	n	–	a	y
Mexico	y	y	y	y	n	n	n	–	y	a
Netherlands	y	a	n	y	n	y	n	–	n	y
New Zealand	a	–	y	y	y	n	n	y	y	y
Nicaragua	–	y	n	y	n	n	n	–	–	a
Norway	y	y	y	y	n	n	n	y	y	y
Panama	y	n	y	y	n	n	n	–	–	a
Paraguay	y	y	y	y	n	n	n	–	–	a
Peru	y	y	y	y	n	n	n	–	–	a

agencies. General Assembly, December 15, 1946. Proposal adopted by a vote of twenty-five to twenty-two with six abstentions. For discussion of resolution see above, pp. 97 to 99.

7. Trusteeship.—Proposal to reject the trusteeship agreements. General Assembly, December 13, 1946. Proposal defeated by a vote of six to thirty-four with eleven abstentions. For discussion of proposal see above, pp. 105 to 109.

8. South West Africa.—Resolution stating that the Assembly was "unable to accede to the incorporation" of South West Africa in the Union of South Africa. General Assembly, December 14, 1946. Resolution adopted by a vote of thirty-seven to nothing with nine abstentions. For discussion of resolution see above, pp. 111 to 113. Text of resolution is given above, p. 252.

9. Non-Self-Governing Territories.—Controversial part of the resolution to establish an *ad hoc* committee to examine information on non-self-governing territories. General Assembly, December 14, 1946. This controversial part was adopted by a vote of twenty-eight to fifteen with seven abstentions. For discussion of resolution, see above, pp. 114 to 117. Text of resolution is given above, pp. 253 to 255.

10. Non-Self-Governing Territories.—Final paragraph of resolution on the calling of conferences of representatives of non-self-governing peoples. General Assembly, December 14, 1946. This paragraph was adopted by a vote of twenty-three to fourteen with seventeen abstentions. For discussion of resolution, see above pp. 116 and 117. Text of resolution is given above, p. 256.

Country	1	2	3	4	5	6	7	8	9	10
Philippine Republic	y	a	n	y	n	n	a	y	y	a
Poland	n	y	n	n	y	y	y	y	y	n
Saudi Arabia	y	n	n	a	n	n	a	y	y	y
Sweden	–	y	y	a	y	y	n	y	n	y
Syria	y	n	n	a	n	n	n	y	y	y
Turkey	y	n	y	a	n	y	y	a	a	y
Ukraine	n	y	n	n	y	n	y	a	y	n
Union of South Africa	y	n	y	n	n	y	y	a	n	n
U.S.S.R	n	y	n	y	y	n	n	a	y	n
United Kingdom	y	n	y	y	n	n	n	y	n	y
U.S.A	y	y	n	y	a	a	n	y	n	n
Uruguay	y	y	n	y	a	y	n	y	y	a
Venezuela	y	y	n	n	y	y	y	y	y	n
Yugoslavia	n	y	n	n	y	y	y	y	y	n
Key										
y—Yes	36	20	21	30	15	25	6	37	28	23
n—No	6	20	31	5	28	22	34	0	15	14
a—Abstention	9	10	2	18	10	6	11	9	7	17
– —Absent	3	4	–	1	1	1	3	8	4	–
TOTAL	54	54	54	54	54	54	54	54	54	54

APPENDIX XXXII

Canadian Delegation to the Second Part of the First Session of the General Assembly

Representatives

The Right Hon. L. S. St. Laurent, P.C., M.P.,
Secretary of State for External Affairs and
Minister of Justice. (Chairman of the Delegation.)

The Hon. Paul Martin, M.P.,
Secretary of State of Canada.

Senator the Hon. W. McL. Robertson,
Minister Without Portfolio.

John Bracken, M.P.,
Leader of the Opposition in the
House of Commons.

M. J. Coldwell, M.P.,
Parliamentary Leader of the
Co-operative Commonwealth Federation.

Alternate Representatives

Senator the Hon. J. T. Haig,
Leader of the Opposition in the Senate,

H. L. Keenleyside,
Canadian Ambassador to Mexico.

George J. McIlraith, M.P.,
Parliamentary Assistant to the Minister of
Reconstruction and Supply.

M. W. Mackenzie,
Deputy Minister of Trade and Commerce.

L. D. Wilgress,
Canadian Ambassador to the U.S.S.R.

Advisers

G. C. Andrew, Canadian Information Service.
H. J. Armstrong, Department of Finance.
Miss H. D. Burwash, Department of External Affairs.
H. H. Carter, Department of External Affairs.
E. A. Côté, Department of External Affairs.
G. E. Cox, Department of External Affairs.
E. R. Hopkins, Department of External Affairs.
G. Ignatieff, Department of External Affairs.
R. M. Macdonnell, Department of External Affairs.
Escott Reid, Department of External Affairs.

Special Advisers

J. R. Murray, Canadian Embassy, Washington.
S. Pollock, Department of Finance.
B. M. Williams, Department of External Affairs.

Secretary-General

E. A. Côté, Department of External Affairs.

Secretaries

G. E. Cox, Department of External Affairs.
B. M. Williams, Department of External Affairs.

Information Officers

G. C. Andrew, Canadian Information Service.
T. F. Newton, Canadian Information Service.

ASSIGNMENT TO COMMITTEES

First Committee (Political and Security)

Mr. St. Laurent.
Mr. Wilgress.
Mr. Keenleyside.
Assisted by Mr. Reid.
Mr. Ignatieff.
Mr. Cox.

Second Committee (Economic and Financial Questions)

Mr. Martin.
Mr. Bracken.
Mr. Mackenzie.
Assisted by Mr. Macdonnell.
Miss Burwash.
Mr. Murray.
Mr. Pollock.

Third Committee (Social, Humanitarian and Cultural Questions)

Mr. Coldwell.
Senator Robertson.
Mr. Martin (refugee questions).
Mr. Keenleyside.
Assisted by Miss Burwash.
Mr. Carter.

Fourth Committee (Trusteeship and Non-self-governing Territories)

Senator Robertson.
Mr. McIlraith.
Assisted by Mr. Côté.

Fifth Committee (Administrative and Budgetary Questions)
Mr. St. Laurent.
Mr. Bracken.
Mr. McIlraith.
Mr. Mackenzie.
Mr. Keenleyside.

Assisted by Mr. Macdonnell.
Mr. Armstrong.
Mr. Carter.
Mr. Pollock.

Sixth Committee (Legal Questions)
Senator Haig.
Mr. McIlraith.

Assisted by Mr. Hopkins.

Headquarters Committee
Mr. Wilgress.

Assisted by Mr. Macdonnell.
Mr. Williams.

Sub-Committee on Measures to Economize the Time of the General Assembly
Mr. Reid.

APPENDIX XXXIII

Publications of the Department of External Affairs on the United Nations and on Specialized Agencies

For sale by the King's Printer, Ottawa, in English and in French. Prices post-paid. Remittance should accompany order. May also be ordered through local book-stores.

United Nations

Report on the United Nations Conference on International Organization, held at San Francisco, April 25-June 26, 1945. Department of External Affairs, Conference Series, 1945, No. 2. (Includes the text of the Charter of the United Nations, the Dumbarton Oaks Proposal and the Statute of the International Court of Justice). Price, 25 cents

Charter of the United Nations, including the Statue of the International Court of Justice, together with the Interim Arrangements establishing the Preparatory Commission of the United Nations. Department of External Affairs. Treaty Series, 1945, No. 7. (The official English and French texts are printed opposite each other). Price, 25 cents

Report on the First Part of the First Session of the General Assembly of the United Nations held in London, January 10-February 14, 1946. Department of External Affairs, Conference Series, 1946, No. 1. (Includes an account of the preparatory work of the Executive Committee and the Preparatory Commission of the United Nations, which held their meetings in London from August 16 to October 27, 1945, and from November 24 to December 23, 1945, respectively). Price, 25 cents

The United Nations, 1946. Report on the Second Part of the First Session of the General Assembly of the United Nations held in New York, October 23-December 15, 1946. Department of External Affairs. Conference Series, 1946, No. 3. Price, 50 cents

Food and Agriculture Organization

First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture. Department of External Affairs. Conference Series, 1945, No. 1. Price, 25 cents

The Constitution of the Food and Agriculture Organization of the United Nations. Department of External Affairs. Treaty Series, 1945, No. 32. Price, 25 cents

International Bank for Reconstruction and Development and International Monetary Fund

Final Act of the United Nations Monetary and Financial Conference held at Bretton Woods from July 1 to July 22, 1944, with the International Monetary Fund Agreement and the International Bank for Reconstruction and Development Agreement signed at Washington on December 27, 1945. Department of External Affairs. Treaty Series, 1944, No. 37.

Price, 25 cents

International Civil Aviation Organization

Final Act of the International Civil Aviation Conference held at Chicago from November 1 to December 7, 1944, including the Interim Agreement on International Aviation, the Convention on International Civil Aviation, the International Air Services Agreement and the International Air Transport Agreement signed at Chicago on December 7, 1944. Department of External Affairs, Treaty Series, 1944, No. 36.

Price, 25 cents

International Labour Organization

Instrument for the Amendment of the Constitution of the International Labour Organization, adopted at Paris, November 5, 1945. Department of External Affairs, Treaty Series, 1946, No. 28. Price 25 cents

The Constitution of the International Labour Organization as revised at Montreal, October 9, 1946. Department of External Affairs. Treaty Series, 1946, No. 48 (In course of preparation). Price, 25 cents

International Refugee Organization

Constitution of the International Refugee Organization and Related Documents, including the Agreement on Interim Measures to be taken in respect of Refugees and Displaced Persons, done at Flushing Meadow, December 15, 1946. Department of External Affairs. Treaty Series, 1946, No. 47. (In course of preparation). Price, 25 cents

United Nations Educational, Scientific and Cultural Organization

Acts of the United Nations Conference for the Establishment of an Educational, Scientific and Cultural Organization, Held in London, November 1-16, 1945, including the Instrument establishing a Preparatory Educational, Scientific and Cultural Commission, and the Constitution of the United Nations Educational, Scientific and Cultural Organization. Department of External Affairs. Treaty Series, 1945, No. 18.

Price, 25 cents

World Health Organization

Acts of the International Health Conference held in New York, June 1-July 22, 1946, including the Final Act of the Conference, the Constitution of the World Health Organization, the Arrangement concluded by the Governments represented at the Conference, and the Protocol concerning the Office International d'Hygiène Publique. Department of External Affairs. Treaty Series, 1946, No. 32. In course of preparation).

Price, 25 cents

World Trade Organization

Proposals for Expansion of World Trade and Employment communicated by the United States Government, together with the text of the Financial Agreement between the United Kingdom and the United States, signed at Washington, December 6, 1945, and related documents. Department of External Affairs. Conference Series, 1945, No. 3.

Price, 25 cents

APPENDIX XXXIV

Selected Publications of the United Nations

For sale in Canada by the Ryerson Press, 299 Queen Street W., Toronto.

Report of the Executive Committee of the Preparatory Commission of the United Nations (London, August 28-October 27, 1945). Chinese, English, French, Russian and Spanish editions. Price $1.00

Report of the Preparatory Commission of the United Nations (London, November 24-December 22, 1945). Chinese, English, French, Russian and Spanish editions. Price $1.00

Resolutions adopted by the General Assembly during the first part of its First Session. English-French, Chinese, Russian and Spanish editions. Price 75 cents

Resolutions adopted by the General Assembly during the second part of its First Session. On March 1, 1947, available only in English-French edition. Price 75 cents

Report of the Secretary-General of the United Nations on the Work of the Organization, June 30, 1946. Chinese, English, French, Russian and Spanish editions. Price 75 cents

Weekly Bulletin of the United Nations (English, French and Spanish editions only). Price 15 cents

Official records of the proceedings of the Security Council, the Economic and Social Council and the Atomic Energy Commission are available in an English-French edition.

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