Member States to prepare terms of trusteeship. With regard to the question of United Nations machinery the effect of the draft resolution is merely to defer any solution until the meeting of the General Assembly itself . . . " (Cmd. 6734, Misc. No. 5, 1946, p. 8.)

The same analysis of the situation is presented in the report of the United States Delegation to the President of the United States:

"(e) Since establishment of the Trusteeship Council was dependent upon prior negotiation of trusteeship agreements and was therefore likely to be delayed for some time, the United States con- curred in a suggestion that a temporary trusteeship committee of the Assembly might be instituted pending establishment of the Council. Some others believed, on the contrary, that such a committee might tend to delay establishment of the Trusteeship Council and might not even be constitutional. The United States, while questioning the validity of the latter point, agreed that a temporary committee was not essential and that the early conclusion of the necessary trusteeship agreements to enable the Trusteeship Council to be established should be encouraged. This view was finally adopted." (Department of State Publication 2484, 1946, p. 4.)

The thrust of Respondent's argument about the non-inclusion of the proposal for a temporary trusteeship committee is that this omission proved that it was agreed that the United Nations had no responsibility in regard to mandated territories. As indicated in the two foregoing quotations, the British and United States Delegations reported that the non-inclusion was due to arguments based upon the unconstitutionality of the proposal and on the argument that the establishment of a temporary committee might delay instead of expediting the conclusion of trusteeship agreements. Since this point is important, it may be noted that the Yearbook of the United Nations 1946-1947, at page 36, gives the same explanation for the non-inclusion of the provision for a temporary trusteeship committee.

The point of view of the United States delegation is further revealed in an amendment which it proposed in the Preparatory Commission on 4 December 1945 (Doc. PC/TC/11):

"1. The Report by the Executive Committee makes no provision for any organ of the United Nations to carry out the functions of the Permanent Mandates Commission. In Part III, Chapter IX, dealing with the League of Nations there occurs the following statement: "Since the questions arising from the winding up of the Mandates system are dealt with in Part III, Chapter IV, no recommenda-

..." (Section 3, paragraph 5, p. 110.) No specific reference to the functions of the Permanent Mandates Commission is to be found, however, in Part III, Chapter IV, relating to the trusteeship system. Section 2, paragraph 4, of that Chapter (page 56) merely assigns to the Temporary Trusteeship Committee a general advisory function in this field: "(iv) advise the General Assembly on any matters that might arise with regard to the transfer to the United Nations of any functions and responsibilities hitherto exercised under the Mandates system."

2. In order to provide a degree of continuity between the mandates system and the trusteeship system, to permit the mandatory powers to discharge their obligations, and to further the transfer of mandated territories to trusteeship, the Temporary Trusteeship Committee (or such a committee as is established to perform its functions) and, later, the Trusteeship Council should be specifically empowered to receive the reports which the mandatory powers are now obligated to make to the Permanent Mandates Commission. The existing obligations and rights of the parties involved under the mandates system with respect to any mandated territory continue in force until such territory is placed under trusteeship by an individual trusteeship agreement or until some other international arrangement is made. To bridge any possible gap which might exist between the termination of the mandates system and the establishment of the trusteeship system, it would appear appropriate that the supervisory functions of the Permanent Mandates Commission should be carried on temporarily by the organ of the United Nations which is to handle trusteeship matters.

3. In order, therefore, that the report of the Preparatory Commission may be complete in this respect the following amendment is proposed.

4. Amendment

Add a new subparagraph (v) to paragraph 4 of Part III, Chapter IV [Trusteeship System], Section 2, to be worded as follows:

"(v) undertake, following the dissolution of the League of Nations and of the Permanent Mandates Commission, to receive and examine reports submitted by Mandatory Powers with respect to such territories under mandates as have not been placed under the trusteeship system by means of trusteeship agreements, and until such time as the Trusteeship Council is established, whereupon the Council will perform a similar function." (Italics added.)

At this stage of the debates in the Preparatory Commission, the representative of Yugoslavia introduced a substitute proposal for the appointment of an ad hoc committee of the General Assembly which would have functions like those which it had been proposed the Temporary Trusteeship Committee should discharge. The representative