

NON-SELF-GOVERNING PEOPLESREPORT OF THE FOURTH COMMITTEE TO THE GENERAL ASSEMBLY

Rapporteur: Dr. Ivan KERNO (Czechoslovakia)

The General Assembly, at its sixteenth Plenary Meeting, held on 19 January 1946, referred Chapter IV (The Trusteeship System) of the Report of the Preparatory Commission of the United Nations to the Fourth Committee for consideration and report to the Plenary Meeting.

The Committee held twelve meetings under the chairmanship of Dr. Roberto MacEachen (Uruguay). The first nine meetings were devoted to a general debate on the Draft Resolution for the General Assembly (Section 1 of Chapter IV of the Report). All speakers stressed the importance of the problems involved and pointed out that their Governments intend to act in full accordance with the letter and spirit of the Charter. General agreement was reached very soon that the substance of the proposals contained in the Draft Resolution for the General Assembly (Section 1 of Chapter IV) should be approved, but that these proposals should be expanded in the light of the declarations made in Plenary Meetings by the mandatory powers. Further, in view of the constituent nature of the First Part of the First Session of the General Assembly, the Committee was unanimously of the opinion that the General Assembly should adopt a Resolution concerning not only Chapters XIII and XIII, but also Chapter XI of the Charter.

Amendments were proposed by: the United States (A/C.4/3), Canada (A/C.4/8/Rev.1), China (A/C.4/10), Iraq (A/C.4/11), Australia (A/C.4/12), India (A/C.4/14), Belgium (A/C.4/15 and A/C.4/17), and the Netherlands (A/C.4/16).

These amendments reflected a large measure of agreement regarding the basic problems before the Committee. With respect to the implementation of the provisions of the Charter regarding the trusteeship system, there was unanimous desire to set up the Trusteeship Council as soon as possible. The Committee was in full agreement that in addition to expressing welcome for the declarations made by the mandatory powers, the General Assembly should reinforce the recommendation of the Preparatory Commission by sending invitations to the aforesaid powers to take practical steps, in concert with the other states directly concerned, for the speedy conclusion of trusteeship agreements (Article 79) preferably not later than during the Second Part of the First Session of the General Assembly.

The amendments submitted to the Committee manifested a common conviction that the Draft Resolution for the General Assembly should recognize the interest taken by the United Nations in the problems and political aspirations of all those peoples who have not yet attained a full measure of self-government and who are not directly represented in the General Assembly.

For the purpose of considering these amendments and presenting an agreed text to the Committee, a Sub-Committee, consisting of the Chairman, the Rapporteur, and the representatives of Australia, Belgium, Canada, China, France, the Netherlands, New Zealand, Syria, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia, was appointed. The Sub-Committee met four times. With the assistance of a drafting group composed of seven of its members, this Sub-Committee agreed on the text of a Draft Resolution concerning Non-Self-Governing Peoples (Chapters XI, XII, and XIII of the Charter) which was discussed and unanimously adopted by the Fourth Committee.

The Committee had before it an amendment submitted by the Iraqi Delegation (A/C.4/11) which outlined certain considerations for determining the "States directly concerned" in the negotiation of trusteeship agreements. This amendment further dealt with the procedure to be followed for the negotiation of such agreements. The Canadian and Belgian Delegations also presented amendments on the latter point (A/C.4/8/Rev.1 and A/C.4/15). In view of the limited time available to the Committee and the importance and complexity of the problems involved, these amendments were withdrawn without prejudice to their consideration at a later date.

An amendment proposed by the Netherlands (A/C.4/16) outlined certain conditions for the smooth working of the trusteeship system. The Committee considered, however, that questions of such a nature could be discussed at a later stage, when the Trusteeship Council is set up.

During the discussions the Brazilian Delegation expressed the hope that the obligations established in international recommendations and conventions on labour would be included in the trusteeship agreements.

The question of what methods might be recommended to the General Assembly for further consideration of trusteeship matters, on the basis of paragraph 2 of the Preparatory Commission's Draft Resolution, was raised by the Delegate from Mexico. The Committee considered it unnecessary to make any recommendation on this subject.

With regard to the Provisional Rules of Procedure of the Trusteeship Council (Section 2 of Chapter IV of the Preparatory Commission's Report), the Committee recommended that these Rules should be transmitted to the Trusteeship Council for its consideration when it is constituted. Article 90 of the Charter provides, indeed, that the Trusteeship Council itself "shall adopt its own rules of procedure".

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On behalf of the Fourth Committee I have the honour to recommend that the General Assembly adopt the following resolutions:

I

Non-Self-Governing Peoples
(Chapters XI, XII, and XIII of the Charter)

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 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.
