

## FOURTH COMMITTEE: SUB-COMMITTEE 1

## DRAFT REPORT FOR SUBMISSION TO THE FOURTH COMMITTEE

Rapporteur: Mr. Fily-Dabo Sissoko (France)

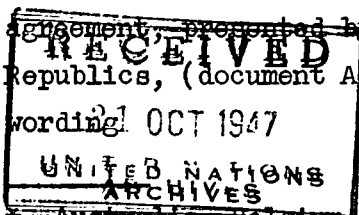
The Sub-Committee of twelve members,\* which had been appointed by the Fourth Committee at its thirty-fifth meeting for the purpose of examining the terms of the draft Trusteeship agreement for Nauru and any modifications proposed thereto, at its meeting on 4 October 1947, elected Mr. Awni Khalid (Iraq) as Chairman and Mr. Sissoko (France) as Rapporteur.

In the course of four meetings the Sub-Committee undertook a general discussion of the draft Trusteeship agreement for the mandated territory of Nauru, submitted by the Governments of Australia, New Zealand and the United Kingdom (document A/402), and considered in detail the proposed modifications presented by the delegations of China (documents A/C.4/SC.1/111, A/C.4/SC.1/111.Corr.1 and Corr.2) and the Union of Soviet Socialist Republics (A/C.4/SC.1/112).

In its article-by-article consideration of the draft agreement, the Sub-Committee approved, unanimously, the preamble and Articles 1, 2, 3 and 6. Articles 4 and 5 were approved by votes of 8 for and 4 abstentions.

With regard to the proposed modification to Article 4, presented by the delegation of China (document A/C.4/SC.1/111, A/C.4/SC.1/111/Corr.1), following an explanation by the delegation of Australia, the first part of that proposal, calling for the deletion of the clause in line 5 of the Article reading "and except and until otherwise agreed by the Governments of Australia, New Zealand and the United Kingdom..." was withdrawn. The second part of the proposal, which would add to the Article the wording "The terms of the present Trusteeship Agreement may not be altered or amended except as provided in Article 79, 83 or 85 of the Charter", was rejected by a vote of 3 for, 5 against and 4 abstentions.

The proposed modification to Article 5, paragraph (1) of the draft agreement, presented by the delegation of the Union of Soviet Socialist Republics, (document A/C.4/SC.1/112) which would add to the Article the wording



\* Australia, Belgium, China, France, India, Iraq, Mexico, New Zealand, Union of Soviet Socialist Republics, United Kingdom, United States, Yugoslavia.

"The Administering Authority undertakes to promote such periodic visits to the Trust Territory as may be arranged by the General Assembly or the Trusteeship Council; to fix the times of these visits in agreement with these Organs and also to agree with them on questions affecting the organization and conduct of such visits."

was rejected by a vote of 3 for, 6 against and 3 abstentions.

The second proposed modification to Article 5, paragraph (2) (c), presented by the Union of Soviet Socialist Republics, which offered a substitute text reading:

"To promote the development of free political institutions appropriate to Nauru. For this purpose, the Administering Authority should ensure the population of Nauru a steadily increasing share in the administrative services of the Territory, both central and local, and augment the part played by the inhabitants in the administration of the territory by developing democratic organs of representation."

was rejected by a vote of 3 for, 6 against and 3 abstentions.

The proposed modification to Article 7 of the draft agreement, presented by the delegation of the Soviet Union (document A/C.4/SC.1/112), which would add the words "in accordance with Article 83 of the Charter" after the words "Administering Authority", was rejected by a vote of 1 for, 8 against and 2 abstentions.

A revised proposed modification to Article 7, presented by the delegation of the Soviet Union, which read

"The Administering Authority may take measures to provide for local defence and maintenance of law and order in the Trust Territory"

was rejected at the thirty-third meeting of the Sub-Committee on 16 October by a vote of 2 for, 6 against, and 4 abstentions.

The delegation of Australia proposed a modification to Article 7 which was designed to meet the point raised in the suggestion submitted by the delegation of China. The Chinese suggestion would revise the original text of Article 7 to read

"The Administering Authority may take all necessary measures in the Territory, within the terms of Article 84 of the Charter, to provide for the defence of the territory and for the maintenance of international peace and security."

The Chinese suggestion was withdrawn in view of the Australian willingness  
/to revise

to revise the article to read

"In order to discharge its duties under Article 84 of the Charter and Article 4 of the present agreement, the Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security."

The Australian revised wording for Article 7 was approved by a vote of 8 for, 2 against, and 1 abstention. The Australian representative informed that Sub-Committee that this revised wording had been accepted also by the Governments of New Zealand and the United Kingdom.

The delegation of China had also presented a proposed modification for the addition of a new Article 8 to the draft Agreement which read

"The Administering Authority shall secure to all ~~nationals~~ of States Members of the United Nations the same rights as are enjoyed in the territory by their own nationals in ~~respect of~~ entry into, travel and residence in the territory, the ~~protection~~ of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of ~~public~~ order, and on condition of compliance with local law."

This proposed new article was withdrawn by the Chinese delegation at the thirty-third meeting of the Sub-Committee on 16 October following the presentation of a statement by the delegation of Australia, for inclusion in the minutes of the Sub-Committee, which related to the issue raised in the Chinese proposal. The text of the Australian declaration, which includes the addition of the word "non-discriminatory" before "controls" in the last line, in response to the suggestion of the delegation of Mexico, reads as follows:

"In reply to questions raised by the delegations of India and China, the Australian delegation affirms that Article 76 (d) of the Charter is accepted by the delegations of Australia, New Zealand and the United Kingdom as a binding obligation in relation to the Trusteeship agreement for Nauru, it being also noted that in accordance with the terms of Article 76 (d) the welfare of the inhabitants of Nauru is the paramount consideration and obligation.

"The Administration does not discriminate between the nationals of States Members of the United Nations in regard

/to the matters

to the matters referred to in document A/C.4/SC.1/111.\*

"It is the intention of the Administering Authority to continue to conduct the Administration accordingly.

"It is recognized that in the paramount interests of the Native inhabitants the Administering Authority is obliged to maintain appropriate non-discriminatory controls and restrictions on non-Nauruan residents of Nauru."

The Sub-Committee approved the draft agreement as a whole, with the revised wording of Article 7, at its thirty-third meeting on 16 October by a vote of 9 for, 2 against, and 1 abstention, and recommends its approval by the Fourth Committee.

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\* The matters referred to were contained in the following modification proposed by the delegation of China:

"2. Add the following article:

"The Administering Authority shall secure to all nationals of States Members of the United Nations the same rights as are enjoyed in the territory by their own nationals in respect of entry into, travel and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with local law."