

FOURTH COMMITTEE: SUB-COMMITTEE 1

TRUSTEESHIP

SUMMARY RECORD OF THE THIRTY-SECOND MEETING

Lake Success, New York

Monday, 13 October 1947, at 11:00 a.m.

Chairman: Mr. Awni KHALIDY (Iraq)Rapporteur: Mr. SISSOKO (France)

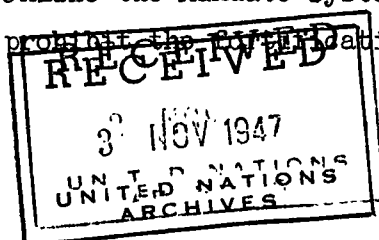
CONTINUATION OF CONSIDERATION OF THE PROPOSED TRUSTEESHIP AGREEMENT FOR THE MANDATED TERRITORY OF NAURU, SUBMITTED BY THE GOVERNMENTS OF AUSTRALIA, NEW ZEALAND AND UNITED KINGDOM (documents A/402, A/C.4/101, A/C.4/102, A/C.4/SC.1/111, A/C.4/SC.1/111/Corr. 1 and A/C.4/SC.1/112)

The CHAIRMAN invited comments on the last two Articles of the draft Agreement and observed that the Sub-Committees had still to consider modifications proposed by the representatives of the Union of Soviet Socialist Republics and China.

Article 6 was adopted without discussion.

Mr. STEIN (Union of Soviet Socialist Republics), in moving a modification to Article 7 (document A/C.4/S.C. 1 /111), recalled that last year the delegation of the Soviet Union had objected to the inclusion in the Trusteeship Agreements of provisions granting unlimited military rights to the administering authorities. Article 7 of the draft Agreement for Nauru appeared to treat the island for military purposes as an integral part of the territory of the administering authority.

The view of the Soviet delegation on the military clauses in the Trusteeship Agreements had been interpreted to mean that the Soviet Union objected to Trust Territories playing any role in the maintenance of international peace and security. That interpretation was incorrect. The attitude of the Soviet Union was that military measures not taken solely for local defence should be placed under the supervision of the Security Council. Unlike the Mandate system, the Trusteeship provisions in the Charter did not prohibit the ~~prohibit the~~ administration of Trust Territories but assigned a duty to those /territories



territories in the maintenance of international peace and security. The Soviet Union delegation had no objection to such fortification so long as the provisions of the Charter were not interpreted to convert Trust Territories into strategic areas. Article 7 of the draft Agreement, in providing for "all" measures without reference to the Charter, failed to comply strictly with the principles of the Trusteeship System.

Mr. EVATT (Australia) thought that the modification proposed by the representative of the Soviet Union was based on a misunderstanding of the Charter. Article 83 referred to strategic areas, but Nauru had not been declared a strategic area. Recalling the discussions which took place at San Francisco, he stated that the administering authorities were under an obligation to provide facilities in Trust Territories which would help in the maintenance of international peace and security. The provision made in the draft Agreement was identical to that approved in the New Guinea Agreement last year. He observed that it was difficult to draw a distinction between facilities which might be used to repel or attack an aggressor.

He noted that during the examination of the draft Agreement for Western Samoa, the representative of Canada commented upon those difficulties and proposed the approval of the Agreement without insisting on the declaration of strategic areas within Trust Territories (document A/C.4/Sub.1/66). Mr. Evatt pointed out that Nauru was not a defence base, and the provisions sought under Article 7 had already been approved in principle in the New Guinea Agreement. He further observed that, if the proposed modification were adopted, the result would be to substitute the Security Council for the General Assembly as the body to supervise the execution of the Trusteeship Agreement for Nauru.

Mr. STEIN (Union of Soviet Socialist Republics) stated that he had foreseen the arguments which might be made in support of the absence in the draft Agreement of the reference to Article 83 of the Charter. The delegation of the Soviet Union attached importance not to the label but to the substance of the problem. It would seem unreasonable if the Charter were interpreted to permit the establishment of military bases without calling them strategic areas. Such an interpretation would confuse the distinction between measures which might be taken in the former Japanese Mandated Islands by the United States and in any of the other Trust Territories in the Pacific. He felt that Trusteeship Agreements should emphasize that material difference, and that the fact that an error was made last year should not prevent discussion of the problem now.

Mr. CHENG (China) observed that Article 7 of the draft Agreement did not seem to indicate whether the area was to be considered as a strategic area or as a non-strategic Trust Territory.

/Mr. EVATT

Mr. EVATT (Australia) stated that Nauru could not be considered a strategic area because it had not been used or envisaged primarily as a defence base, and no restriction on the functions of the Trusteeship Council had been provided in the draft Agreement. He observed that although he had made reference to the arguments raised by the representative of the Soviet Union he had drawn different conclusions from them. He considered the New Guinea Agreement an important precedent because New Guinea was strategically more important than Nauru. He noted that no Article of the Charter could adequately answer the objections of the representative of the Soviet Union, and that the apparent contradiction in the provisions of the Charter could not be overcome by the declaration of strategic areas within non-strategic Trust Territories wherever a military installation existed, and placing them under the supervision of the Security Council.

Mr. CHENG (China) said that in order to make the matter clear, he wished to suggest an amendment to Article 7 by including the words "within the forms of Article 84 of the Charter" after the word "territory", and "necessary" before "measures" and the deletion of the words "which it considers desirable."

The CHAIRMAN pointed out that the deadline for receiving proposed modifications had expired and unless the Sub-Committee decided otherwise, delegations could now only present suggestions which would not be subject to voting.

Mr. NORIEGA (Mexico) enquired whether such suggestions would be treated differently from the proposed modifications.

Mr. EVATT (Australia) welcomed in principle the Chinese suggestion, and asked for time to consult with the delegations of the other States which had jointly presented the draft Trusteeship Agreement. He considered the modification presented by the Soviet Union as unacceptable.

Mr. NORIEGA (Mexico) said that questions 18, 19, 48 and 113 of the Provisional Questionnaire, approved by the Trusteeship Council, would elicit the desired information regarding the military installations in Trust Territories. On the basis of that information the Trusteeship Council and the General Assembly would determine whether the military measures taken by the Administering Power were of a normal character or could be regarded as preparation for aggression.

Mr. RYCKMANS (Belgium) said that the three Governments sponsoring the Agreement could not accept the inclusion of the reference to Article 83 as proposed by the delegation of the Soviet Union because, if they did so, they would implicitly admit the incompetence of the Fourth Committee, the General Assembly and the Sub-Committee itself, to deal with the matter. The

/Governments

Governments concerned had not asked for the privileges which are characteristic of strategic areas. If they had chosen to put the territory within the category of strategic areas, they would be able to forbid visits therein by the Trusteeship Council. He considered the Draft Agreement as completely satisfactory and in conformity with the provisions of the Charter.

Mr. STEIN (Union of Soviet Socialist Republics) pointed out that the representative of Australia had admitted the difficulty of establishing the difference between military measures concerning the maintenance of international peace and security in a strategic area and in a non-strategic area. Apparently Mr. Evatt's conception was that as regards strategic areas, no information on military installations would be forthcoming to the United Nations. Mr. Stein added that it would be improbable that the Trusteeship Council would receive information on naval and aviation bases in Trust Territories. As regards the Chinese suggestion to include a reference to Article 84, he stated that his delegation had no objection to that. That, however, would not solve the problem with which the Sub-Committee was faced.

A vote was taken on the proposed modification of the Soviet Union to Article 7 of the draft Trusteeship Agreement.

The modification was rejected by eight votes to one, with two absentions.

Mr. CHENG (China) said that he had voted against the Soviet Union's modification because the territory was not a strategic area.

Mr. STEIN (Union of Soviet Socialist Republics) referring to the text of Article 7, pointed out that the Russian equivalent of the expression "all measures" was "every and any measure", which was one of the reasons for his proposed modification. Taking advantage of the fact that new suggestions could be presented, he wished to suggest the following as a substitute draft for Article 7: "The administering authority may take measures in the Territory for local defence and the maintenance of law and order."

Mr. EVATT (Australia) asked for time to examine the suggestion by the Soviet Union representative. He could, however, state immediately that it was the duty of the administering authority to ensure that the Trust Territory should play its role in the maintenance of international peace and security. The Soviet Union's new proposal was a repetition of the original modification that the Sub-Committee had just rejected, and a re-statement of the position consistently held by the Soviet Union Government that all questions regarding the maintenance of peace and security belonged to the competence of the Security Council.

The CHAIRMAN said that as the time-limit for receiving proposed modifications was over, Australia should be consulted as to whether the

/Soviet Union's

Soviet Union's suggestion should be taken into consideration.

Mr. STEIN (Union of Soviet Socialist Republics) said that since the Chinese suggestion was to be considered, he would like his own suggestion to be considered as well.

Mr. EVATT (Australia) said that he had no objection to the course proposed by the Soviet representative.

The CHAIRMAN announced that at the next meeting the Sub-Committee would examine and vote upon the suggestions of China and the Soviet Union relating to the text of Article 7.

Mr. CHENG (China) introducing his suggested modification to include a new Article dealing with equality among all nationals of States Members of the United Nations in Nauru Island (document A/C.4/SC.1/111), pointed out that his proposal was self-explanatory and based on the provision of the Charter, especially Article 76 d. His delegation had also in mind the Chinese population living in the territory.

Sir MAHARAJ SINGH (India) supported the Chinese proposal. He asked the Australian representative what was the existing position in the Island regarding Chinese residents as compared with nationals of the United Kingdom, Australia, and New Zealand. He enquired whether those nationals were entitled to acquire property, movable and immovable, and to exercise their trades and professions.

Mr. EVATT (Australia) pointed out that the provisions of Article 76(d) were subject to the overriding consideration of the interest of the indigenous population. The Nauruans were the owners of the land in Nauru and the nationals of the United Kingdom, Australia and New Zealand who were in the Island were there in connection with the phosphate works or the Government. He asked for more time to discuss the matter with the Chinese delegate and to provide information for the Indian delegate.

Mr. CHENG (China) said that he had not intended to ask for equal treatment between the Chinese and Nauruans, but between the Chinese and the nationals of other States Members of the United Nations. He had no concern for the situation in the past, but he was anxious as to what would be done in the future. If there were any unfair treatment, he would expect it to be corrected.

After an exchange of views on the matter, it was decided to adjourn the meeting until Thursday, 16 October at 11:00 a.m.

The meeting rose at 1:25 p.m.
