

FOURTH COMMITTEE: SUB-COMMITTEE 1

TRUSTEESHIP

SUMMARY RECORD OF THE THIRTIETH MEETING

Lake Success, New York

Monday, 6 October 1947, at 3:00 p.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 and A/C.4/102.)

Rajah Sir Maharaj SINGH (India) suggested that the Committee might proceed to examine the draft agreement clause by clause if no representatives desired to make further general comments.

The CHAIRMAN inquired if there were any more general comments.

Mr. NORIEGA (Mexico), referring to document A/C.4/101 prepared by the Secretariat, inquired whether the Chinese and Native Ordinance 1922, which provided penal sanction in connection with labour contracts, was still in force.

Mr. FORSYTH (Australia) stated that the Ordinance was still in force, but wondered whether the Sub-Committee, which had been set up to discuss the terms of the draft agreement, should attempt to examine conditions in the territory. He felt that such an examination was the special function of the Trusteeship Council.

Mr. NORIEGA (Mexico) stated that his question was intended to bring forth facts to supplement information already provided. He did not intend to start an examination of the administration.

Mr. FORSYTH (Australia) did not wish his answer to be interpreted as an attempt to avoid giving information. His delegation was prepared to provide all information required, but he wished to emphasize the purpose of the work of the Sub-Committee.

The CHAIRMAN invited the Sub-Committee to begin a detailed consideration of the draft agreement, if there were no further general comments.

Mr. STEIN (Union of Soviet Socialist Republics) asked to be allowed to speak in general terms on the draft agreement as a whole. He reserved his

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right to comment on particular paragraphs at a later stage.

During the examination of the eight Trusteeship agreements in the previous year, the Soviet delegation had raised three fundamental objections against (1) the administration of Trust Territories as an "integral part" of the territories of administering powers; (2) the non-implementation of the expression "states directly concerned" in Article 79 of the Charter and (3) fortification of Trust Territories. No provision had been made in the draft agreement to administer Nauru as an integral part of any territory on account of the unique position of the island. On the other hand, Article VII of the draft agreement reiterated the military clause in other Trusteeship agreements to which the Soviet Union delegation took strong objection in 1946. If the draft agreement provided only for measures for local defence and maintenance of internal order the delegation of the Soviet Union would have no objection. It felt, however, that any military measures beyond those should be referred to the Security Council.

Each time a request had been made for a specific definition of the phrase "states directly concerned" some delegations had objected and had postponed a discussion of the question. The Soviet Union delegation felt that a refusal to define and apply Article 79 of the Charter constituted a violation of the Charter. The absence of a clear definition did not in his opinion allow individual countries to determine which States were directly concerned in the formulation of Trusteeship agreements. He reminded the Sub-Committee of the protests registered in 1946 by some delegations which felt that they ought to have been considered in the preliminary discussion of some of the Trusteeship agreements.

Some delegations had tended to consider the proposed agreement for Nauru as an improvement on the New Guinea Agreement. He felt that, in view of the cultural advancement of the inhabitants of Nauru, the attempt to impose an agreement identical to one which was described in 1946 as designed for peoples in the Stone Age could not be considered an improvement.

He argued that the New Guinea Agreement should not be regarded as a model. Other Trusteeship Agreements approved in 1946, which specifically provided for periodic visits, the promotion of free political institutions and the participation of the local inhabitants in administration, were better than the Nauru Agreement. The Soviet Union delegation had, therefore, two main objections to the present draft agreement. The first was embodied in the three fundamental principles clearly stated by the Soviet Union delegation in the previous year. The second was that the Soviet Union delegation did not regard the Nauru draft agreement as in any way an improvement on the New Guinea Agreement.

/Mr. FORSYTH

Mr. FORSYTH (Australia) stated that the General Assembly, in spite of the vagueness of the phrase "States directly concerned", had approved the previous Trusteeship Agreements, and he therefore felt that a precise definition was not essential. The Sub-Committee's specific task was to consider the draft agreement for Nauru; if that particular point needed detailed discussion it would be more appropriate to refer it to the Fourth Committee.

In connection with the provision for defence, the power to organize for defence was a necessary part of administration. Moreover, an identical text had already been approved by the General Assembly for other Trusteeship agreements. The brevity of the text of the draft agreement could not be regarded as a shortcoming. The principles common to all Trusteeship agreements had been provided in the text.

Article V (1), which referred to Articles 87 and 88 of the Charter, provided for periodic visits, and Article V (2c) also provided for increasing participation of the local inhabitants in the administration. The proposals for a more detailed text made by the Soviet Union representative would be more appropriate if Nauru were a large territory thickly populated and complex in its organization. The administration of Nauru had proved satisfactory to the Permanent Mandates Commission of the League of Nations, and its future good government was assured by the willingness of the Governments concerned to place it under the International Trusteeship System.

The CHAIRMAN invited the Sub-Committee to examine the draft agreement clause by clause.

Mr. STEIN (Union of Soviet Socialist Republics) observed that he had no objection to a discussion of each clause separately, but he hoped that would not prevent his delegation from speaking on the general significance of the Agreement when the draft agreement came up for discussion in the Fourth Committee. He inquired how amendments would be dealt with.

The CHAIRMAN recalled that last year Sub-Committee I had preferred to use the expression "proposed modifications" rather than "amendments". He pointed out that only the General Assembly could approve or disapprove an agreement. He suggested that the present Sub-Committee should follow the same procedure, also that a time-limit - perhaps Wednesday midnight - should be fixed for the receipt of proposed modifications.

Rajah Sir Maharaj SINGH (India) suggested that Thursday midnight might be more convenient for the submission of modifications. He would like an explanation of Article IV of the draft agreement, which appeared to provide for the transfer of the administration from the three Governments concerned to some other State without the consent of the United Nations. He thought that that was not the intention of the Governments proposing the Agreement. Provision might have been made to allow for a change of administrative

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responsibility among the three Governments concerned.

Mr. FORSYTH (Australia) agreed with the interpretation given to the Article in question by the representative of India. He reminded the Sub-Committee that under the Mandate the administration of the territory had originally been intended to be carried out by the three Governments in rotation. In practice Australia alone had administered the territory throughout the Mandate period. He suggested that a statement might be made after consultation among the three Governments concerned, in order to clarify the situation. He proposed Tuesday midnight as the time-limit for the submission of modifications.

Mr. SISSOKO (France) asked why the Chairman had stressed the significance between modifications and amendments.

The CHAIRMAN pointed out that amendments to the draft agreements involved lengthy negotiations between the United Nations and the Administering Authorities. Moreover, since the General Assembly alone could approve or disapprove agreements, the Fourth Committee could only suggest modifications for its consideration.

Mr. STEIN (Union of Soviet Socialist Republics) reminded the Sub-Committee that during the examination of the Agreements in the previous year some proposed modifications had been accepted by the States submitting Trusteeship Agreements. Others had been referred to the Fourth Committee, which had rejected some of the proposed modifications and accepted others. The General Assembly had approved the recommendations of the Fourth Committee, and even after the formal approval by the General Assembly it was not clear whether the adoption of the modifications was voluntary or obligatory.

After further discussion it was decided that proposed modifications should be handed to the Secretary by midnight on Tuesday, 7 October, in order to enable the Secretariat to circulate them among the representatives on Wednesday, 8 October. They would be discussed at the next meeting of the Sub-Committee on Thursday, 9 October.

The meeting rose at 5:10 p.m.
