

TRUSTEESHIP

PROPOSED TRUSTEESHIP AGREEMENT FOR THE
MANDATED TERRITORY OF NEW GUINEA
SUBMITTED BY THE AUSTRALIAN GOVERNMENT

(Item 12 of the Provisional Agenda for the Second Part of
the First Session)

1. Letter of Transmittal to the Secretary-General of 21 October 1946.
2. Text of Proposed Agreement.

AUSTRALIAN MISSION TO THE UNITED NATIONS

21 October 1946

Sir,

I have the honour to refer to my letter of 11 September regarding the implementation of Chapters XII and XIII of the Charter of the United Nations.

The Australian Minister for External Affairs has now instructed me to communicate to you the attached Trusteeship agreement in respect of New Guinea.

I have the honour to be,

Sir,

Your obedient servant,

(signed) Paul Hasluck.

Counsellor-in-Charge,
Australian Mission to the
United Nations.

The Secretary-General,
United Nations,
Lake Success, L. I.

TRUSTEESHIP AGREEMENT FOR NEW GUINEA

The Territory of New Guinea has been administered in accordance with Article 22 of the Covenant of the League of Nations and in pursuance of a mandate conferred upon His Britannic Majesty and exercised on His behalf by the Government of the Commonwealth of Australia.

The Charter of the United Nations, signed at San Francisco on 26 June 1945, provides by Article 75 for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements.

The Government of Australia now undertakes to place the Territory of New Guinea under the trusteeship system, on the terms set forth in the present Trusteeship Agreement.

Therefore the General Assembly of the United Nations, acting in pursuance of Article 85 of the Charter, approves the following terms of trusteeship for the Territory of New Guinea, in substitution for the terms of the Mandate under which the Territory has been administered:

ARTICLE 1

The Territory to which this Trusteeship Agreement applies (hereinafter called the Territory) consists of that portion of the island of New Guinea and the groups of islands administered therewith under the Mandate dated 17 December 1920, conferred upon His Britannic Majesty and exercised by the Government of Australia.

ARTICLE 2

The Government of Australia (hereinafter called the Administering Authority) is hereby designated as the sole authority which will exercise the administration of the Territory.

ARTICLE 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve in the Territory the basic objectives of the international trusteeship system, which are set forth in Article 76 of the Charter.

ARTICLE 4

The Administering Authority will be responsible for the peace, order, good government and defence of the Territory and for this purpose will have the same powers of legislation, administration and jurisdiction in and over the Territory as if it were an integral part of Australia, and will be entitled to apply to the Territory, subject to such modifications as it deems desirable, such laws of the Commonwealth of Australia as it deems appropriate to the needs and conditions of the Territory.

ARTICLE 5

It is agreed that the Administering Authority, in the exercise of its powers under Article 4, will be at liberty to bring the Territory into a customs fiscal or administrative union or federation with other dependent territories under its jurisdiction or control, and to establish common services between the Territory and any or all of these territories, if in its opinion it would be in the interests of the Territory and not inconsistent with the basic objectives of the trusteeship system to do so.

ARTICLE 6

The Administering Authority further undertakes to apply in the Territory the provisions of such international agreements and such recommendations of the specialized agencies referred to in Article 57 of the Charter as are, in the opinion of the Administering Authority, suited to the needs and conditions of the Territory and conducive to the achievement of the basic objectives of the trusteeship system.

ARTICLE 7

The Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for maintenance of international peace and security.
