

## TRUSTEESHIP AGREEMENTS

Report of the Fourth Committee

Rapporteur: Mr. Karel LISICKY (Czechoslovakia)

In its Resolution on Non-Self-Governing Peoples of 9 February 1946, the General Assembly welcomed the declarations made by certain states administering territories held under mandate of their intention to negotiate Trusteeship agreements in respect of some of those territories, and invited the states administering territories held under mandate to undertake practical steps for the implementation of Article 79 of the Charter, with a view to submitting Trusteeship agreements concerning those territories for the approval of the General Assembly preferably not later than during the Second Part of its First Session.

So far, proposed Trusteeship agreements for eight of the mandated territories have been submitted for the approval of the General Assembly. The agreements in question have been communicated by the Government of Australia for New Guinea, by the Government of Belgium for Ruanda-Urundi, by the Government of France for Cameroons under French mandate and Togoland under French mandate, by the Government of New Zealand for Western Samoa, and by the Government of the United Kingdom for Tanganyika, the Cameroons under British mandate and Togoland under British mandate.

Following an extensive general discussion the Fourth Committee appointed Sub-Committee 1, of seventeen members,\* to examine and to make recommendations to the Committee on the eight proposed agreements.

/In the course

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\* Australia, Belgium, Canada, China, Czechoslovakia, France, India, Iraq, Mexico, Netherlands, New Zealand, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Yugoslavia.

In the course of its deliberations the Sub-Committee considered 229 proposed modifications of the texts of these agreements. All Members of the Fourth Committee not represented in the Sub-Committee were given the opportunity to propose modifications. The Delegation of Byelorussia did propose some modifications and took part in the discussions of the Sub-Committee when they were considered. The Governments concerned accepted for incorporation in the texts of their agreements certain of the modifications either recommended to them by a majority vote of the Sub-Committee or, in some cases, without a vote. In other cases the Delegations concerned notified the Sub-Committee of the inability of their Governments to accept the recommended changes. In some cases, following discussion and declarations made, proposed modifications were withdrawn. Some of the Delegations, however, whose proposed modifications had not received the majority support of the Sub-Committee, brought them before the Fourth Committee. Three of these proposals received the majority support of the Committee.

One modification, proposed by the Delegations of the Soviet Union and India, provided for the deletion of the words "as an integral part" from the phrase "shall administer it in accordance with his own laws as an integral part of his territory" in Article 5 of the British agreements for Togoland and the Cameroons; and for similar alterations to be made in the Belgian agreement for Ruanda-Urundi, in Article 4 of the French agreements for Togoland and the Cameroons, and in the Australian agreement for New Guinea

A new article, proposed by the Delegation of the Soviet Union to apply to all of the agreements, provided that:

"The present agreement shall enter into force upon its approval by the General Assembly of the United Nations and shall remain in force for a period of ... years and thereafter shall be reviewed and modified according to the degree of attainment of the purposes set forth in Article 76 of the Charter of the United Nations."

This proposal was approved by a vote of twenty for, fourteen against, and one abstention.

Following the adoption of the Soviet Proposal, the Committee rejected the suggestion of the Delegation of the Soviet Union that the period in the proposal be fixed at five years. Upon the proposal of the Delegation of China, the Committee, by a vote of twenty for, seven against, and eight abstentions, then decided that the period in the proposal should be fixed at ten years, which coincided with the period proposed by the Delegation of India.

A new clause for all of the agreements, proposed by the Delegation of India, provided that:

"The administering authority shall administer the Trust Territory on behalf of and solely for the benefit of and in the interest of its people, and on the termination of the trusteeship, all the powers of the authority shall cease and it shall surrender the territory, together with all public property then existing, whether movable or immovable, to the peoples whose right to sovereignty and independence shall always be recognized."

/This proposal

This proposal was approved by a vote of nineteen for, sixteen against, and two abstentions.

At its twenty-sixth meeting the Delegations of Australia, Belgium, France, New Zealand and the United Kingdom explained in full to the Committee the reasons why the recommended modifications as noted above, insofar as concerned them, were not acceptable to their Governments.

In connection with its deliberations on the Preambles, special attention was directed to the question of Article 79 with particular reference to "states directly concerned".

A Report of Sub-Committee I on this question, (See Annex III) was presented to the Fourth Committee at its twenty-sixth meeting on 11 December and was adopted as a part of this Report.

At its twenty-sixth meeting, the Committee voted upon the eight proposed Trusteeship agreements in the form in which they were finally presented by the Governments concerned. By a vote of thirty-five for, eight against, and no abstentions, in each case, the Committee voted to recommend to the General Assembly the approval of the eight proposed Trusteeship agreements.

Before the votes were taken, a number of Delegations made statements in explanation of their position. (See Summaries attached in Annex IV of this Report and also Journal No. 59, Supplement No. 4).

The Committee decided that the following statements made in the course of the deliberations of Sub-Committee I be included in the present Report:

1. The Sub-Committee was in unanimous agreement with the view expressed by the Delegations of the Netherlands that the principle set forth in Article 73 of the Charter of the United Nations that the interests of the inhabitants of the Non-Self-Governing Territories are paramount, and the general obligations accepted in Articles 73 and 74

/of the Charter

of the Charter, apply also to the Trust Territories, due account being given to the terms of the Trusteeship agreements and the different status of the two categories of Non-Self-Governing Territories.

2. With regard to the provision in Article 1 of the proposed Trusteeship agreement for the Cameroons under British administration, whereby the eastern boundary "may be slightly modified by mutual agreement between His Majesty's Government in the United Kingdom and the Government of the French Republic...", in response to a question raised by the Delegate for the Soviet Union, the Delegates for France and the United Kingdom explained that Article 1 of the British mandate for the Cameroons and Article 2 of the agreement of the tenth of July 1919 between the French and British Governments, permitted slight variations to be made in the frontiers of the Cameroons under British administration and the Cameroons under French administration, in order to prevent border villages from being separated from their agricultural land.

3. With regard to the proposed deletion of the words "as an integral part" of the French and Belgian territory, as indicated by the modifications submitted to the Belgian agreement for Ruanda-Urundi and the French agreements for the Cameroons and Togoland by the Delegations of the Soviet Union and India (A/C.4/Sub.1/43, A/C.4/Sub.1/57, A/C.4/Sub.1/39, A/C.4/Sub.1/51, A/C.4/Sub.1/58, A/C.4/Sub.1/60), the Delegates for Belgium and France stated that it was the interpretation of their Governments that the words "as an integral part" were necessary as a matter of administrative convenience and were not considered as granting to the Governments of Belgium and France the power to diminish the political individuality of the Trust Territories.

/4. The Delegate

4. The Delegate for the United Kingdom informed the Sub-Committee that the retention of the words "as an integral part" in the Trusteeship agreement for Togoland and Cameroons under British administration did not involve administration as an integral part of the United Kingdom itself and did not imply British sovereignty in these areas.

5. With regard to the provisions in the draft Trusteeship agreements concerning equality for Members of the United Nations in economic matters, it was the view of the Sub-Committee that the Trusteeship Council should watch year by year the grant of any monopolies, other than those controlled by the Government or in which the Government participates, with a view to ensuring their compatibility with Article 76, and, if necessary, in the light of changing circumstances and practical experience, should formulate its views on the conditions under which such rights should be granted.

In this connection the Sub-Committee was invited by the Delegations of Belgium and the United Kingdom to take notice of the following declaration of the intentions of their two Governments:

(a) The Governments of Belgium and the United Kingdom have no intention of using the grant of private monopolies in Trust Territories as a normal instrument of policy;

(b) Such private monopolies would be granted only when this was essential in order to enable a particular type of desirable economic development to be undertaken in the interest of the inhabitants;

(c) In those special cases where such private monopolies were granted they would be granted for limited periods, and would be promptly reported to the Trusteeship Council.

/6. In connection

6. In connection with the provisions of the Trusteeship agreements concerning the right of the administering authorities to constitute the Trust Territories administered by them into customs, fiscal or administrative unions or federations with adjacent territories under their sovereignty or control (Article 5 (b) of the Trusteeship agreements for Tanganyika, Cameroons and Togoland under British administration; Article 4 A 2 of the agreements for Cameroons and Togoland under French administration; Article 5 (2) of the agreement for Ruanda-Urundi; and Article 5 of the agreement for New Guinea) the Delegations of Australia, Belgium, France and the United Kingdom being the Delegations of States submitting the Trusteeship agreements for the approval of the General Assembly, wish to give assurance that they do not consider the terms of the articles above quoted as giving powers to the administering authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories.

7. With regard to the question of including in the Trusteeship agreements some provision for alteration or amendment in the light of changing circumstances, the Sub-Committee decided by majority vote to recommend that the General Assembly instruct the Trusteeship Council:

(a) to observe whether the Trusteeship agreements which have been approved by the General Assembly operate in fact to achieve the basic objectives of the Trusteeship System; and

(b) if it is of the opinion that, in the light of changing circumstances and practical experience, some alteration or amendment of any such Trusteeship agreement would promote the more rapid

/achievement

achievement of the basic objectives of the Trusteeship System, to submit such proposed alteration or amendment to the administering authority so that, if agreed on pursuant to Article 79, such alteration or amendment may then be submitted to the General Assembly for approval.

The Fourth Committee recommends that the General Assembly adopt the two resolutions appended in Annexes I and II.

/ANNEX I



ANNEX I

RESOLUTION CONCERNING THE APPROVAL OF TRUSTEESHIP AGREEMENTS

The General Assembly approves separately the following eight

Trusteeship agreements:

1. The proposed Trusteeship agreement for New Guinea submitted by the Government of Australia (document A/153/Rev.2).
2. The proposed Trusteeship agreement for Ruanda-Urundi submitted by the Government of Belgium (document A/159/Rev.2).
3. The proposed Trusteeship agreement for Cameroons under French mandate submitted by the Government of France (document A/155/Rev.2).
4. The proposed Trusteeship agreement for Togoland under French mandate submitted by the Government of France (document A/154/Rev.2).
5. The proposed Trusteeship agreement for Western Samoa submitted by the Government of New Zealand (document A/150/Rev.2).
6. The proposed Trusteeship agreement for Tanganyika submitted by the Government of the United Kingdom (document A/152/Rev.2).
7. The proposed Trusteeship agreement for Cameroons under British mandate submitted by the Government of the United Kingdom (document A/151/Rev.2).
8. The proposed Trusteeship agreement for Togoland under British mandate submitted by the Government of the United Kingdom (document A/150/Rev.2).

/ANNEX II

ANNEX II

RESOLUTION CONCERNING THE ESTABLISHMENT OF  
THE TRUSTEESHIP COUNCIL

On \_\_\_\_\_ the General Assembly approved, in accordance with Article 85 of the Charter, the terms of the Trusteeship agreements for New Guinea, Ruanda-Urundi, Cameroons under French administration and Togoland under French administration, Western Samoa, Tanganyika, Cameroons under British administration and Togoland under British administration.

In these agreements, Australia, Belgium, France, New Zealand, and the United Kingdom have been designated as administering authorities.

The conditions necessary for the constitution of the Trusteeship Council can thus be fulfilled.

In accordance with Article 86 (a), Australia, Belgium, France, New Zealand, and the United Kingdom will be Members of the Trusteeship Council.

By application of Article 86 (b), China, the United States and the Union of Soviet Socialist Republics, being such of the Members mentioned by name in Article 23 of the Charter as are not administering Trust Territories, will also be Members of the Trusteeship Council.

In accordance with Article 86 (c) it is necessary, in order to ensure that the total number of Members of the Trusteeship Council is equally divided between those Members of the United Nations which administer Trust Territories and those which do not, that two Members should be elected by the General Assembly.

THEREFORE, the General Assembly

1. ELECTS \_\_\_\_\_ and \_\_\_\_\_ as Members of the Trusteeship Council for three-year terms;
2. DIRECTS the Secretary-General to convoke the first session of the

/Trusteeship

Trusteeship Council not later than 15 March 1947, and to draw up and communicate to each Member of the Council the provisional agenda for that session at least thirty days in advance of the date of the session.

ANNEX III

FOURTH COMMITTEE

TRUSTEESHIP AGREEMENTS

REPORT OF SUB-COMMITTEE 1 (SUPPLEMENTARY)

Rapporteur: Mr. Karel LISICKY (Czechoslovakia)

In the Report of Sub-Committee 1 presented to the Fourth Committee at its twenty-second meeting (document A/C.4/69), it was noted that the Sub-Committee had completed its examination of the eight Trusteeship agreements and had taken decisions on the texts as a whole, with the exception of the Preambles, which were reserved for later decision.

At its twenty-fourth meeting on 5 December, the Chairman of the Sub-Committee, on his own responsibility, had requested the Delegates for the Soviet Union and the United States to undertake consultations in an effort to reach a solution acceptable to the Sub-Committee on the problem of "states directly concerned". At the twenty-seventh meeting on 9 December the two Delegates reported to the Sub-Committee that these consultations had not succeeded.

In consequence, at its twenty-seventh and twenty-eighth meetings, Sub-Committee 1 took decisions on the Preambles of the eight agreements with special regard to the question of "states directly concerned", as follows:

1. A proposal of the Delegation of the Soviet Union to set up a drafting Sub-Committee to find a general definition of "states directly concerned", originally made at the twenty-fourth meeting on 3 December, was rejected at the twenty-seventh meeting by four votes for, ten against, and three abstentions.

/2. A proposal

2. A proposal of the Delegation of the United States was approved at the twenty-seventh meeting by thirteen votes for, three against, and one abstention to the effect that the following recommendation on the subject of "states directly concerned" be included in the Report of the Rapporteur:

"Approval of any terms of Trusteeship by this session of the General Assembly should be on the following understanding with respect to 'states directly concerned':

"All Members of the United Nations have had an opportunity to present their views with reference to the terms of Trusteeship now proposed to the General Assembly for approval. There has, however, been no specification by the General Assembly of 'states directly concerned' in relation to the proposed Trust Territories. Accordingly, the General Assembly in approving the terms of Trusteeship does not prejudice the question of what states are or are not 'directly concerned' within the meaning of Article 79. It recognizes that no state has waived or prejudiced its right hereafter to claim to be such a 'state directly concerned' in relation to approval of subsequently proposed Trusteeship agreements and any alteration or amendment of those now approved, and that the procedure to be followed in the future with reference to such matters may be subject to later determination."

3. In this connection the Delegation of France made the following statement:

"(a) The French Delegation considers that the approval by the General Assembly of the Trusteeship agreements submitted by the French Government will necessarily

/imply

imply recognition of the fact that these agreements comply with the conditions of Article 79 of the Charter of the United Nations.

"(b) Following approval of the draft Trusteeship agreements by the General Assembly, the French Government would reject in advance any claim subsequently presented as regards these agreements by any state declaring itself to be directly concerned.

"(c) If in the future, any amendments or modifications should be proposed to the said agreements, the French Government reserves its right regarding any state which should claim to be directly concerned, to recognize it or not as such."

4. The claim of the Government of India that India is a "state directly concerned" within the meaning of Article 79 of the Charter, with regard to the Trusteeship agreement for Tanganyika (A/C.4/Sub.1/56), was presented by the Delegation of India at the twenty-eighth meeting. In view of the willingness of the Delegation of the United Kingdom to delete from the final paragraph of the preamble of the proposed agreements for Tanganyika, the Cameroons under British administration and Togoland under British administration, the words "in accordance with Article 85 of the said Charter, having satisfied itself that the requirements of Article 79 of the said Charter have been complied with", the Delegation of India withdrew its amendment (A/C.4/Sub.1/70, page 83, col. 2), without prejudice to India's claim to be a "state directly concerned" in regard to Tanganyika, and with no implication either of recognition or repudiation by the United Kingdom of any such claim by India.

5. The Delegation of the Soviet Union, at the twenty-eighth meeting, made the following statement:

/"The Soviet

"The Soviet Delegation declares that in the conclusion of the Trusteeship agreements submitted to the consideration of the second part of the first session of the General Assembly, the provisions of Article 79 of the Charter of the United Nations were not complied with".

6. With regard to the Preambles of the eight agreements, the majority of the Sub-Committee, by a vote of nine for, two against, and six abstentions, accepted the following proposals by the Delegations submitting draft Trusteeship agreements:

(a) The agreement for New Guinea will retain its original Preamble.

(b) The agreement for Western Samoa will retain its original Preamble except for the deletion of the phrase in paragraph 5 reading "agreed upon by the states directly concerned, including the mandatory power, and", and the phrase in paragraph 6 reading "in accordance with the terms of the said Charter, having satisfied itself that the provisions of Article 79 of the Charter have been complied with ..."

(c) The agreements for Tanganyika and the Cameroons and Togoland under British administration will retain their original Preambles except for the deletion of the phrase in paragraph 5 reading "the procedure for the approval of the terms of which by the United Nations is prescribed by Articles 79, 83, and 85 of the said Charter", and the phrase in paragraph 6 reading "in accordance with Article 85 of the said Charter having satisfied itself that the requirements of Article 79 of the said Charter have been complied with".

/(d) The

(d) The Delegations of Belgium and France were of the opinion that in view of the statement made by the Delegation of the Soviet Union they could not agree to the deletion of the reference to Article 79 of the Charter in the Preambles of the Trusteeship agreements submitted by them. Wishing, however, to facilitate a solution, they will submit their Trusteeship agreements without the draft resolutions which constituted their Preambles. They will leave to the General Assembly itself the formulation of the text of the resolution.

7. With respect to the agreement for Ruanda-Urundi, the Sub-Committee recommends that the Fourth Committee suggest to the General Assembly that the terms of the Trusteeship agreement for Ruanda-Urundi be prefaced with a resolution in the form of the Preamble for the revised Trusteeship agreement concerning Tanganyika.

8. With the respect to the proposed agreements for the Cameroons and Togoland under French administration, the Sub-Committee recommends that the Fourth Committee suggest to the General Assembly that the terms of these agreements be prefaced by a resolution in preamble form as follows:

"WHEREAS the territory known as Togoland [Cameroons] lying to the east of the line agreed upon in the Declaration signed on 10 July 1919 has been under French administration in accordance with the mandate defined under the terms of the instrument of 20 July 1922; and

"WHEREAS, in accordance with Article 9 of that document, this part of Togoland [Cameroons] has since then been "administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the ... provisions" of the mandate, and it is of importance, in the interests of the population of Togoland [Cameroons], to pursue the administrative and political development of the territories in question in such a way as to promote the

/political



political, economic and social advancement of the inhabitants in accordance with Article 76 of the Charter of the United Nations; and

"WHEREAS France has indicated her desire to place under trusteeship in accordance with Articles 75 and 77 that part of Togoland [Cameroons] which is at present administered by her; and

"WHEREAS Article 85 of the said Charter provides that the terms of the trusteeship system are to be submitted for approval by the General Assembly;

"NOW THEREFORE, the General Assembly of the United Nations

"APPROVES the terms of trusteeship as follows".

9. The Delegation of the Soviet Union stated that the proposed changes in the Preambles of the Trusteeship agreements do not alter the position of the Delegation of the Soviet Union with regard to these agreements.
10. The Sub-Committee, at its twenty-eighth meeting, approved the Preambles, as provided for in paragraph 6 above, by a vote of thirteen for, two against, and two abstentions.
11. At its twenty-eighth meeting this Supplementary Report of Sub-Committee I was approved unanimously.

ANNEX IV

SUMMARIES OF STATEMENTS MADE BY CERTAIN DELEGATIONS  
IN EXPLANATION OF THEIR VOTES ON THE EIGHT PROPOSED  
TRUSTEESHIP AGREEMENTS AT THE TWENTY-SIXTH MEETING  
OF THE FOURTH COMMITTEE

1. The Delegation of Australia:

The Delegate for Australia said that his Government had considered carefully not only the three proposals now in question but all the proposals which had been put forward throughout the discussions. The Government had concluded that these three proposals could not promote the interests of the inhabitants of New Guinea.

The phrase "the same powers as if it were an integral part", which appeared in the Australian draft agreements, was derived from the Mandate, where similar wording had appeared, on the considered view that the territory could best be so administered. The situation had not changed. The power had been used for the benefit of the inhabitants and for convenience of administration. The wording was not subject to misunderstanding, because it did not involve any power to annex the territory, nor was there any claim of sovereignty.

The proposal to make the agreement for a ten-year initial period was inappropriate, especially in New Guinea, where the administration was faced with a vast task of reconstruction in the wake of the war. Furthermore, a primitive people required assistance, in the nature of long-range planning, which would be gravely impaired by the uncertainty resulting from such a provision.

The third proposed modification, concerning the situation in the territory upon the termination of Trusteeship, and the sovereignty of the people of the Territory, was likewise inappropriate. Furthermore, the Charter gave rights to nationals of other Members of the United Nations, which this provision would deny. Australia had never profited from the administration of the territory, and did not intend to derive profits in the future.

/The Delegate

The Delegate for Australia pointed to the new Article 8 which had been inserted by his Government, as an indication of Australia's constructive attitude towards proposals for clarifying the policy of the administration with regard to the welfare of the inhabitants. The text of the agreement, he said, conformed with the letter and spirit of the Charter. Protection for the inhabitants, moreover, was to be found not only in the Trusteeship agreements, but even more in the terms of the Charter and in the working of the Trusteeship Council.

2. The Delegation of Brazil:

The Delegate for Brazil stated it as the view of his Delegation that the interests of the peoples of territories now held under mandate call for the establishment at this session of the General Assembly of the International Trusteeship System, the operation of which has been already sufficiently delayed, due to the difficulties which had to be faced in giving effect to the relevant provisions of the Charter.

The Committee now had before it eight Trusteeship agreements, the terms of which were, in its opinion, in conformity with the requirements of the United Nations Charter. On the other hand, he understood perfectly well the desire of various governments to see some of these agreements modified. There can be no doubt that the delegates who have sponsored proposed modifications to these agreements have done so purely and exclusively in the interests of the peoples concerned. But it was his opinion that the failure to incorporate such modifications into the agreements did not make them unsatisfactory from the point of view of either the United Nations or the peoples of these eight territories.

/Accordingly,

Accordingly, the Delegation of Brazil would vote for the approval of these agreements in the sincere belief that in contributing, with its vote, to the early establishment of the International Trusteeship System, it would be serving the interests of millions of human beings throughout the world.

3. The Delegation of Byelorussia:

The Delegation of Byelorussia declared that it would vote against the agreements, because they were not in accordance with the Charter, in view of the failure to adopt the modifications designed to achieve consistency with its provisions.

4. The Delegation of Chile:

The Delegate for Chile stated that he was sorry to have to say that on that day after long and difficult consideration and discussion of this matter, the committee found itself back at the starting point of its discussion.

He did not doubt that the draft agreement would be approved by a large majority, and as a result many useful and important resolutions approved by this Committee would be annulled. The pity was that in spite of appearances the vote of approval would not be the outcome of free discussion nor due to the merit of the resolutions, but on the contrary, would be the outcome of undisguised pressure on the part of the Mandatory Powers.

In substance what the Committee had been told was that either the draft agreements must be approved or there would be no Trusteeship Council.

After the debate on South West Africa, in which it was demonstrated that the democratic education of the natives consisted in teaching them to vote in favour of the whites since they were forbidden to elect men of their own race, and in passing discriminatory laws even after the adoption of the United Nations Charter, feelings of deep pessimism were inevitably experienced by those who thought that some progress had been made since the Nazi

aggression and its defeat, or that the sacrifice of over twenty million human beings on the battle fields in the cause of democracy, freedom and equality would not be forgotten.

Moreover, the granting of the right to vote for democracy does not solve the vital problems of moral and material welfare.

Democracy is government of the people, by the people, for the people, and democracy of a mainly or exclusively political character without any relation to social or economic conditions is a distortion, or, as it might be put, a travesty of the true doctrine of democracy.

The Delegate for Chile stated that he had exercised the most careful impartiality in the discussions and voting: he had voted in favour of what he thought was just for the inhabitants of the territories under mandate, and had voted against what he considered unsuitable or impractical.

Now, as the representative of an eminently democratic country, he would record his vote against the proposal under discussion. He did not doubt, as he had said at the beginning, that it would be approved by a large majority; but if the reverse were to happen, it would be an open question whether this might not be better for the United Nations, since the heavy responsibility of the future would rest upon only the mandatory countries, and the prestige of this great Organization would remain unimpaired in the eyes of the world.

5. Delegation of China:

The Delegate for China declared that, if the Trusteeship System was not brought into being at the earliest possible moment, millions of people would be denied the benefit of Trusteeship, and the status of mandated territories would be left uncertain. Although the draft agreements were not perfect, there was no evidence of such variance with the provisions of the Charter as to warrant their rejection. It was the earnest hope of the Delegation of China that the administering authorities would, in time, be able to

/translate

translate into action the views and suggestions which had been put forward but not incorporated. The Delegation of China had joined in the recommendation that the General Assembly proceed to approve the agreements without prejudging the question of "States directly concerned", and would, therefore, vote for them.

6. The Delegation of Denmark:

The Delegate for Denmark declared that he favoured and still continued to favour, the deletion of the phrase "as an integral part" and the insertion in all agreements of a substantial clause providing for revision. The arguments produced by the administering states had not convinced the Delegation of Denmark that there were any real difficulties preventing the adoption of these proposals.

Nevertheless, it was of such paramount importance to have the Trusteeship System established and the Trusteeship Council set up at the present session that he would vote for the Trusteeship agreements in the form then proposed by the administering states.

7. The Delegation of France:

The Delegate for France commented on the three modifications which had been accepted by the Committee but which had not been incorporated in the draft agreements.

Concerning the draft agreements submitted by the French Government, the Delegate for France was of the view that the praise directed toward French administration by the Permanent Mandates Commission, together with the mere fact of France's voluntarily having submitted draft Trusteeship agreements, and the liberality of some of the provisions of the two drafts, were sufficient indication that France was prepared to facilitate the work of the Trusteeship Council and to assume its full responsibility under the Trusteeship System.

/Mr. Manga Bell,

Mr. Manga Bell, representing the Cameroons, who was a member of the Delegation of France, declared that the draft agreement had been submitted to the population of the Cameroons and had the full endorsement of the people. He asked the Committee to adopt the two drafts without modification. He then remarked that French administration had been greatly superior to the administration of the Territory under the Germans. He hoped that, under Trusteeship, the Territory could achieve economic and political advancement.

8. The Delegation of Guatemala:

The Delegate for Guatemala declared that, as a matter of principle, he had voted for the amendments presented, which in his opinion would best benefit the non-self-governing peoples and, considering that for those peoples it was urgently necessary to enjoy the rights and protection established in the Charter, which they could only obtain through the conclusion of the Trusteeship agreements, the Delegation of Guatemala would vote in support of the adoption of such agreements. The Delegate for Guatemala called on the administering States to seek the best way to bring into being the principles of the amendments which had been proposed in the interest of the peoples of the Trust Territories.

9. The Delegation of India:

The Delegate for India stated that the Delegation of India fully supported the principle of Trusteeship for Non-Self-Governing Territories and desired it to be made applicable to all dependent territories of the world. The Delegation of India was as anxious as any other to see the early establishment of a Trusteeship Council. The Delegation of India was, therefore, unhappy in being obliged to record its vote against the agreement now being put to the vote.

/The Delegation

The Delegation of India was obliged to do this for the following, among other reasons:

- (1) The present agreements did not comply with the provisions of the Charter. The building of fortifications, and military and naval bases in Trust Territories for example was not sanctioned by Article 84 of the Charter.
- (2) The stipulation in many of the agreements that the territories are to be administered as integral parts of the territory of the administering authority was contrary to the spirit and the letter of the Trusteeship System.
- (3) There was no recognition of the sovereignty residing in the people of the Trust Territory nor the recognition of their latent independence.
- (4) The Delegation of India regarded as fundamental and essential for the speedy attainment of independence by the people of the Trust Territories that there should be an appropriate time limit for independence set out in each of the agreements.
- (5) The Delegation of India regarded it essential in the interests of the people of the Trust Territories that there should be provision for review and revision of the Charter at specified intervals, say ten years.
- (6) The agreements did not conform to Article 79, the consequence of which had been that the mandatory powers had constituted themselves into the only power directly concerned. Particularly, India claimed to be directly concerned in respect of Tanganyika. Nor had the Trusteeship Committee come to a decision as to who were the powers directly concerned.
- (7) The Delegation of India was hopeful that the mandatory powers would see their way to agree to these basic principles and accept the recommendation and suggestion made in this regard. The

/Delegation



Delegation of India had constantly maintained these principles as fundamental in the interests of the peoples of the Trust Territories and the implementation of the Charter. It was, therefore, obliged to vote against the agreements in their present form.

10. The Delegation of Iraq:

The Delegate for Iraq declared that there were five modifications with which his Delegation had been especially concerned:

(1) The recognition of the temporary nature of the Trusteeship System and the concept that the administering authority was an agent of the United Nations. In this regard, the Delegation of Iraq favoured the insertion of provisions, not only for a time period for the revision of the agreements but for their termination as well.

(2) The deletion of the phrase "as an integral part", because it had given rise to suspicion as to the idea behind it.

(3) The question of military bases. The specific nature and the narrow application of Article 84 of the Charter required the exercise of the wider functions provided for in the agreements only under the supervision of the Security Council.

(4) The civil rights of the inhabitants and their participation in governmental functions, and the essential freedoms such as the freedom of the press, of speech, of assembly and of petition.

(5) The question of the "States directly concerned". Iraq considered itself to be a State directly concerned in the Trusteeship agreements for the Arab countries, or for countries in which there were Arab inhabitants or communities which might be placed under Trusteeship.

This claim was based on the sound criteria of geographic proximity and ties of language, religion, race, culture and history.

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Since his Delegation was anxious for the early establishment of the Trusteeship Council, because it ought to be a step forward from that of the Mandate and it would guarantee more the interests of the inhabitants of the Trust Territories, he was authorized to vote in favour of the agreements as a whole.

Mr. Mahmud declared that this position was not to be understood to mean that his Delegation renounced its support of these principles. On the contrary, he reserved all rights to insist on them when alterations or amendments were under discussion or when new Trusteeship agreements were submitted.

He declared that he wished to report to the people of his country that the Trusteeship System had been established. He hoped that the Trusteeship System would not be a new formula for maintaining great power control of the Trust Territories, but rather a practical transitional stage in their advance toward self-government or independence.

11. The Delegation of Lebanon:

The Delegation of Lebanon made a reservation as to the right of Lebanon to be considered as a "state directly concerned", in accordance with Article 79 of the Charter, with regard to any Trusteeship agreement applying to any Arab territory that may be placed under the Trusteeship System.

12. The Delegation of Mexico:

The Delegate for Mexico stated that his Delegation, conscious of the nature of the task of the Committee, had limited its interventions accordingly. At this time, however, he wished to recall the Mexican proposal, presented in Sub-Committee 1, to insert clauses which would explicitly guarantee the native people's rights of petition and provide for the Trusteeship Council's right to provide for periodic visits of supervision to the Trust Territories, in accordance with paragraphs (b) and (c) and in view of paragraph (d) of Article 87 of the Charter, these clauses to be inserted in all agreements which did not contain sufficiently

clear provisions. The juridical requirement had already been satisfied in the draft agreements as they stood, but, as there was also another purpose of wider character to be served, he hoped and expected that the administering authorities, bearing in mind the motives and reasons of that proposal, would fully assume the responsibility of keeping the respective peoples duly and amply awake to their rights. Furthermore, his Delegation had favoured every proposed amendment that, in its view, might contribute to produce better agreements of Trusteeship, including the motion of making every effort to arrive at a definition of "States directly concerned" within the meaning of Article 79 of the Charter.

But the Delegation of Mexico, looking at the complex problems of Trusteeship as a whole, and in face of the already somewhat modified texts, took the view that the only way open to every Member State to insure its co-operation and that of the Organization in the endeavours for the benefit of the respective populations, was no other than the establishment of the Trusteeship Council. Invoking the words of the Chairman about the importance of that fact and about making it possible at this session of the General Assembly, after having put every consideration in the balance, he announced the affirmative vote of the Delegation of Mexico.

13. The Delegation of New Zealand:

The Delegate for New Zealand urged that the two recommendations of the Committee for application to Western Samoa were not, in fact, suited to actual conditions of that territory. The Samoan people, anxious for early self-government, would not welcome an article requiring that the Trusteeship agreement remain in force for ten years before revision could take place. The proposal that the territory be surrendered free of financial encumbrance and with the sovereignty of the people intact was so foreign to New Zealand thinking that its inclusion in the Agreement might be read as imputing motives which, in fact, did not exist.

On the subject of "bases", on which the full Committee had already rejected a proposed modification, Mr. McKay declared that while his Government had every right and duty to establish defence installations in Western Samoa, it did so without any intention of taking action insubordinate to the Security Council. Although the right of defence was inherent and required, New Zealand recognized that international obligations applicable to the territory would be paramount when they came into existence.

14. The Delegation of the Philippine Republic:

The Delegate for the Philippine Republic declared that only in order to expedite the establishment of the Trusteeship Council and despite the fact that the draft agreements were not sufficiently generous in spirit, his Delegation would vote in favour of the agreements. He hoped that, in the course of time, it would be possible for the General Assembly and the Trusteeship Council to introduce improvements.

15. The Delegation of Saudi Arabia:

The Delegate for Saudi Arabia, would, he said, vote for the draft agreements, not because they were perfect, but in order to aid in the establishment of the Trusteeship Council. He wished to advance the same reservation as had been advanced by the Delegation of Iraq concerning the principles of the agreements which were of importance to the Delegations of Arabia. His Delegation also reserved its unquestioned right to be a "state directly concerned" in the consideration of future Trusteeship agreements for any other territory.

16. The Delegation of the United Kingdom:

The Delegate for the United Kingdom stated that the United Kingdom Government regretted their inability to accept the three modifications recommended by the Committee. The United Kingdom had already made alterations in practically every article since the texts had been published in June. Only one of the outstanding points affected the existing texts - namely, the reference to administration of Togoland and the Cameroons "as integral parts" of the Gold Coast and Nigeria respectively. The proposed modification had been

approved in Sub-Committee (9:7:1) and was rejected in full Committee by a margin of only one vote. The passage in question contained no implication of sovereignty or annexation and its retention from the Mandate was necessary in the special circumstances of these territories.

The United Kingdom considered that the two new articles proposed could not be reconciled with the Charter in certain respects, and in any case were unnecessary since the points which they were intended to safeguard would be automatically safeguarded by the operation of the Trusteeship System.

17. The Delegation of the Union of Soviet Socialist Republics:

The Delegate for the Soviet Union, before voting on the draft Trusteeship agreements, explained his vote against the approval of these agreements and declared that the respective Articles, giving the Administering Authority the right to establish military bases in the Trust Territories, and also to employ their own forces, must be limited on the terms of the obligations of the Administering Authority toward the Security Council, undertaken in accordance with Article 84 of the Charter. This required a special defined agreement on a strategic area, underlying the approval of the Security Council in accordance with Article 83 of the Charter.

At the same time the Delegate for the Soviet Union repeated his statement, made by him during the meeting of the Sub-Committee, 10 December 1946 to the effect that the terms of Article 79 of the Charter have not been observed with regard to the approval of the respective Trusteeship agreements.

18. The Delegation of the United States:

The Delegate for the United States stated that his Delegation would vote to approve the eight Trusteeship agreements. He did not think these agreements were perfect, but he did think that, in their present form, they reflected the words and spirit of the Charter, and under the supervision of the Trusteeship Council would promote the objectives of the Charter, particularly those in relation to self-government or independence.

What is done now, he declared, is not an end but a beginning. The essential is that the Trusteeship Council should promptly be established. The Trusteeship System is inherently flexible. If the General Assembly established that System today, it would involve no renunciation of hopes which were not yet realized. The United Nations will have established its only as yet unestablished principal organ, which, taking up its task at the present stage, will go forward under the authority of the United Nations to achieve, in ever-increasing degree, the lofty goals of the Charter.

19. The Delegation of Uruguay:

The Delegate for Uruguay declared that, in view of the overriding necessity of establishing a Trusteeship Council, in the interest of the peoples of the Trust Territories, he would not feel justified in opposing its establishment, although the agreements were far from ideal. He would vote in favour of the agreements only in the hope that the new order would aid in the achievement of the aspirations of the peoples of the territories.

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