

SOME POINTS OF PROCEDURE WITH REGARD TO CONSIDERATION
OF TRUSTEESHIP AGREEMENTS BY THE GENERAL ASSEMBLY

(Item 12 of the Provisional Agenda for the second
part of the first session)

Memorandum prepared by the Secretariat

The Articles of the Charter which relate to the Trusteeship agreements and their terms are the following: 76, 77, 79, 80, 81, 82, 83, and 85.

I. NEGOTIATION OF AGREEMENTS

1. The Trusteeship agreements by means of which territories will be placed under the Trusteeship System (Article 77 of the Charter) are to include the terms of Trusteeship for each such territory (Article 79), to indicate the manner in which the territory will be administered, and to designate the Administering Authority (Article 81).
2. The conclusion of the Trusteeship agreements involves two stages - their formulation and acceptance by the states directly concerned and their approval by the United Nations. In the first stage the initiative with respect to the negotiation of the agreements, their preparation in draft form, and acceptance of their terms, in each case rests with the states directly concerned (Article 79).

II. APPROVAL OF AGREEMENTS

1. The second stage in the conclusion of the agreements relates to their approval by the United Nations. In this process the General Assembly will be directly involved in each agreement for a territory not designated as a strategic area. When agreement has been reached among the states directly concerned on the terms of the Trusteeship agreement, that agreement is to be submitted to the General Assembly (Article 85).
2. The appraisal of the Trusteeship agreements submitted, which would

form the basis for the General Assembly's action on the agreements for territories not designated as strategic, should be primarily based upon their consistency with the provisions of the Charter. In this connection it would seem essential that each agreement would:

- (a) provide for placing the territory in question under the Trusteeship System (Article 80);
- (b) define the boundaries of the proposed Trust Territory;
- (c) state the terms of Trusteeship (Article 81), which should be so designed as to give effect to the basic objectives of the Trusteeship System as set forth in Article 76, and including an indication of the objective with respect to the political development of the territory as provided in Article 76, and including an indication of the objective with respect to the political development of the territory as provided in Article 76 (b);
- (d) designate the Administering Authority (Article 81);
- (e) allow for the exercise by the appropriate organs of the United Nations of the functions and powers provided for in Chapters XII and XIII;

3. The General Assembly, in considering the Trusteeship agreements, will presumably ascertain which are the states directly concerned in each agreement and whether it is accepted by them.

4. Approval of a Trusteeship agreement by the General Assembly would be by a two-thirds majority of the members present and voting (Article 18, Paragraph 2).

5. The General Assembly may recommend to the states directly concerned such modifications or revisions of the Trusteeship agreements as it may consider desirable or essential to approval of the agreements by the General Assembly.