

UNGLD - Working Papers - Commissions + Technical Committees - Commissions 2 / Committee 4 - Rapporteur's
Report

1 June 1945

30 June 1945

Clear

UN ARCHIVES

SERIES	<u>1018</u>
BOX	<u>10</u>
FILE	<u>01</u>
ACC.	<u> </u>

Committee II/4 held its thirteenth meeting on Friday, June 8, at 8:30 p.m. The Committee considered paragraphs B-2, B-11, and B-12 for the first time, adopting each of them in a new form proposed by the Delegate for the United States. It also reconsidered two paragraphs, B-3 and B-5, each of which was amended. The amended B-5 was the outcome of informal consultation between the interested delegations, and was accompanied by a statement from the Delegate for the United States to the effect that the rights it specified included those derived from paragraph 4 of Article 22 of the Covenant of the League of Nations.

Miss Bacon

Draft Report of the Rapporteur of Commission II/4

Committee 4 of Commission II, charged with the drafting of provisions relating to the Trusteeship System, found no terms of reference for its work in the Dumbarton Oaks Proposals. Its terms of reference were contained in the Memorandum on the Organization of the Conference, adopted by the Conference in preliminary session, which stated that the functions of the Committee were: "To prepare and recommend to Commission II and to Commission III, as necessary, draft provisions on principles and mechanism of a system of International Trusteeship for such dependent territories as may by subsequent agreement be placed thereunder."

The Committee held its first meeting on May 5 and has had a total of _____ meetings. In addition the drafting subcommittee held _____ meetings. This subcommittee was composed, initially, of the Delegates of Australia, Belgium, China, Egypt, France, Greece, The Netherlands, the Soviet Union, the United Kingdom and the United States, together with the Chairman, the Rapporteur and the Secretary of the Committee. Delegates of Haiti and Uruguay later joined the subcommittee and Delegates of Iraq, Mexico and the Philippine Commonwealth participated in the discussions of the subcommittee during the drafting of the provisions relating to general policy.

At its fifth meeting Commission II/4 adopted as the basis of its discussions a working paper drafted at the request of the Chairman by the Delegate for the United States, Commander Harold E. Stassen. This working paper had been prepared with careful study and consultation on the general foundation of proposals submitted by the delegations of Australia, China, France, the Soviet Union, the United Kingdom and the United States, together with suggestions made by other delegations and on the basis of the general discussion which had taken place during the first five meetings of the Committee.

Text of proposed articles embodying the recommendations of the Committee were approved by the Committee and are attached. These articles are grouped into two sections: (a) general policy, and (b) international trusteeship system. (Note- This sentence will have to be altered if the Committee decides upon a different arrangement.)

The Committee makes the following recommendations to Commission II:

Statement of General Policy

The Committee recommends that a statement should be made of the general policy accepted by States members of the United Nations having responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government. This statement of general policy would be applicable to all such territories, both those placed under the Trusteeship System and those remaining outside the Trusteeship System.

In drafting the two articles embodying the statement on general policy, the Committee and the Drafting Subcommittee sought to find a text which would represent the views of or be acceptable to as many delegations as possible. In drafting the first article of the section on general policy it was felt desirable to replace the words appearing in paragraph 1 of Article 22 of the Covenant of the League of Nations, "peoples not yet able to stand by themselves under the strenuous conditions of the modern world" by language which would be more suitable to existing conditions by taking into account developments which have occurred during the past twenty-five years.

Miss Bacon
4592

Rough Draft

SUMMARY REPORT OF THIRTEENTH MEETING OF COMMITTEE II/4

Veterans Building, Room 223, June 8, 1945, 8:35 p.m.

The Chairman called the meeting to order at 8:35 p.m.

1. Discussion of the Working Paper.

The Committee took up certain articles of the Working Paper (Doc. 323), consideration of which had previously been postponed in whole or part.

(a) Paragraph B, 2.

The Delegate for the United States moved to amend paragraph B, 2, so that that paragraph would read as follows, the suggested new language being here underscored:

"The basic objectives of the trusteeship system, in accordance with the purposes of the Organization laid down in Chapter I of the Charter, should be:

- (a) to further international peace and security;
- (b) to promote the political, economic, (and) social and educational advancement of the trust territories and their inhabitants, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the trusteeship arrangement;"

Add new sub-paragraph "c" to read:

- "(c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, language, religion, or sex, and recognition of the interdependence of the peoples of the world; and

The former sub-paragraph (c) to become sub-paragraph (d), to read as follows:

"(d) to insure equal treatment in social, economic, and commercial matters for all members of the United Nations, and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of (a) and (b) above, and subject to the provisions of paragraph 5 below."

The Delegate for the United States said that the proposed amendment ~~took~~ took account of certain proposals previously put forward by the Chinese, Soviet, and Australian Delegations, of ideas expressed in Committee meetings by the Chairman and by delegates for Mexico, Iraq, and Egypt and that an adjustment of language had been made to meet certain French suggestions. The motion was seconded by the Delegate for the Philippine Commonwealth.

The Delegate for China indicated that the proposed amendment was in accord with the understanding upon which he had at an earlier meeting withdrawn an amendment to paragraph A-1.

Decision: The Committee approved the proposed amendment through paragraph (a) without objection.

The Delegate for Egypt moved that the words at the end of sub-paragraph (b) "and as may be provided by the trusteeship arrangement" be deleted. The motion was seconded by the Delegate for Iraq. In favor of the motion, it was said that the retention of the words in question would detract from the value of the insertion of the word "independence"; that the decision whether a given territory should be eligible for self-government only or for independence should be determined not at the time of the conclusion of the trusteeship arrangement but at a later period in accordance with the development of the territory.

Against the motion, it was pointed out that the language in question implemented rather than qualified the reference to "self-government or independence"; and was a recognition of the individuality of each territory to be placed under trusteeship. Some of these territories would evidently be eligible for independence while others evidently would not. The trusteeship arrangements would necessarily have to be adjusted to fit the needs of each territory.

Decision: The Committee decided to retain the words "and as may be provided by the trusteeship arrangement" by a vote of 35 in favor and 3 against.

The Committee approved unanimously paragraphs (b), (c), and (d) of the proposed amendment.

The Committee then unanimously approved paragraph B, 2, as amended.

(b) Paragraph B-5.

In accordance with a previous agreement, the Committee consented without objection to the recommitment of paragraph B-5 and it also agreed that the Delegate for the United States, as well as the Delegate for Iraq, might offer an amendment to this paragraph.

The Delegate for the United States moved that the paragraph be amended to read as follows:

"5. Except as may be agreed upon in individual trusteeship arrangements, made under paragraphs 3, 4, and 6, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which member states may respectively be parties. This paragraph should not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of the agreements for placing mandated and other territories, as provided for in paragraph 3, under the trusteeship system."

The motion was seconded by Delegates for Honduras, France, and the United Kingdom. The Delegate for the United States stated that at the appropriate time he would make a statement to be included in the official Commission records to the effect that among the "rights whatsoever of any states or any peoples", mentioned in the proposed amendment, there were included the rights set forth in paragraph 4 of Article 22 of the Covenant of the League of Nations. Paragraph 4 of Article 22 relates to certain communications which "have reached a stage of development where their existence as independent nations can be provisionally recognized" subject to the rendering of administrative advice and assistance until they are able to stand alone.

Decision: The Committee agreed unanimously to strike out the old wording of paragraph B-5 and to consider the proposed new wording.

The Delegate for Iraq moved that this paragraph be amended to read as follows:

"A) In the event of any territory being placed under the trusteeship system, nothing in this Chapter should be construed in and of itself to alter in any manner the rights or any state in any territory or to diminish the rights of the people of that territory.

B) Notwithstanding anything contained in this Chapter, in the event of the transfer to the trusteeship system of any territory now administered on the basis of Paragraph 4 of Article 22 of the Covenant of the League of Nations, such trusteeship shall not apply to such a territory save within the limits and for the purposes laid down in the afore-mentioned paragraph of the Covenant."

The motion was seconded by the Delegate for Egypt.

In favor of the motion, it was said that unless amended paragraph B-5 would leave peoples coming under the trusteeship system at the mercy of those making the trusteeship arrangements for no provision was included for consulting the desires of the peoples concerned. The paragraph should contain a guarantee that in drawing up trusteeship arrangements the rights of the peoples concerned should not be in any way reduced and a further provision that the rights of such peoples should be augmented. While it was gratifying to have accorded that the rights set forth in paragraph 4 of Article 22 of the Covenant were included in paragraph B-5 it would be preferable to so word paragraph B-5^{so} that there could be no doubt on this matter. Against the amendment of the Delegate for Iraq, it was said that the effect would be to cut off the rights of some peoples in some territories whereas the paragraph should safeguard all rights. Moreover, it was pointed out that not all of the United Nations

were parties to the same international instruments, for example some being bound by the Covenant and some not being so bound. Account should be taken of the respective positions of all the United Nations in this respect.

Decision: The Committee decided to adopt the wording of paragraph B-5 as proposed by the Delegate for the United States rather than the wording proposed by the Delegate for Iraq by a vote of 32 in favor to 5 against.

The Chairman announced that paragraph 5 as thus worded would form a part of Section B of the Working Paper.

The Delegate for Guatemala stated that he had abstained from voting because a vote for the motion would have been incompatible with the declaration which he had made at a previous meeting of the Committee.

PROJET DE RAPPORT DU RAPPORTEUR DU COMITE II/4

Le Comité 4 de la Commission II, chargé d'élaborer les dispositions d'un système de tutelle, n'a trouvé dans les Propositions de Dumbarton Oaks aucun mandat applicable à sa tâche. Son mandat se trouve dans le Memorandum sur l'Organisation de la Conférence, qui a été adopté en séance plénière; il est ainsi conçu: "Préparer et recommander à la Commission II et, au besoin, à la Commission III, des projets de dispositions se rapportant aux principes et au mécanisme d'un régime de tutelle internationale pour les territoires non autonomes qui seraient, après accord ultérieur, placés sous cette administration."

Le Comité a tenu sa première séance le 5 mai et s'est réuni en tout ____ fois. En outre, le Sous-comité de Rédaction a tenu ____ séances. Ce Sous-comité a été tout d'abord composé des Délégués de l'Australie, de la Belgique, de la Chine, de l'Egypte, de la France, de la Grèce, des Pays-Bas, de l'Union des Républiques Soviétiques Socialistes, du Royaume-Uni et des Etats-Unis d'Amérique, ainsi que du Président, du Rapporteur et du Secrétaire du Comité. Plus tard, les Délégués de Haiti et de l'Uruguay sont venus siéger au Sous-comité et les Délégués de l'Iraq, du Mexique, et du Commonwealth des Philippines ont participé à ses discussions lors de la rédaction des dispositions générales.

Des consultations officieuses sur certains des articles proposés ont eu lieu avec les Délégués qui soumettaient des propositions ou qui exprimaient des avis divergents, afin d'unifier les diverses tendances.

A sa cinquième séance, le Comité II/4 a adopté comme base de discussion un document de travail préparé, après une étude et un travail de consultation approfondis, sur la base générale des propositions soumises par les délégations de l'Australie, de la Chine, de la France, de l'Union des Républiques Soviétiques Socialistes, du Royaume-Uni et des Etats-Unis d'Amérique, des suggestions faites par les autres délégations et des discussions qui se sont déroulées pendant les cinq premières séances du Comité.

Le texte des articles proposés, qui reflétaient les recommandations de ce Comité, a été approuvé et figure en annexe au présent rapport. Ces articles se divisent en deux sections:
A. Politique Générale et B. Régime de Tutelle internationale.

Le Comité fait les recommandations suivantes à la Commission II:

Déclaration sur la Politique générale (Section A, paragraphes 1 et 2).

1. Le Comité recommande qu'une déclaration soit faite sur la politique générale adoptée par les Etats membres des Nations Unies à qui incombe la responsabilité de l'administration de territoires habités par des peuples non encore

capables de se diriger eux-mêmes. Cette déclaration de politique générale s'appliquerait à tous les territoires de ce genre, c'est à dire aussi bien à ceux qui sont placés sous le Régime de Tutelle qu'à ceux qui restent en dehors de ce Régime.

A ce sujet, le Comité recommande que les Etats membres des Nations Unies à qui incombe la responsabilité de l'administration de territoires habités par des peuples non encore capables de s'administrer eux-mêmes, reconnaissent le principe que l'intérêt des habitants de ces territoires est d'importance primordiale et acceptent comme un devoir sacré l'obligation de favoriser au maximum la prospérité des habitants dans le cadre du système de paix et de sécurité internationales des Nations Unies. A cet effet, ces Etats doivent également s'engager à assurer le progrès politique, économique, social et intellectuel des peuples intéressés et à développer leur autonomie administrative dans des formes appropriées à chaque territoire.

En définissant les territoires auxquels s'applique cet exposé général, le Comité a eu le sentiment qu'il était souhaitable d'employer des termes nouveaux mieux adaptés aux conditions actuelles que les termes employés au paragraphe 1 de l'article 22 du Pacte de la Société des Nations: "Colonies et territoires..... habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne."

Certains délégués ont exprimé le désir de remplacer l'expression "administration autonome" par l'expression "indépendance ou administration autonome", pour caractériser l'un des objectifs à atteindre dans le développement de ces territoires. Ces délégués ont fait observer que l'indépendance était pour bien des peuples dépendants le but à atteindre et que la réalisation de cette indépendance ne devrait pas être exclue des termes de la Charte. D'un autre côté, on a soutenu que la Section relative aux principes généraux s'appliquait à tous les territoires dépendants et non pas seulement à ceux qui sont placés sous un système de tutelle et que, par conséquent, cette référence à l'indépendance serait beaucoup plus appropriée dans la Section relative au Régime de Tutelle. La motion a donc été retirée, étant entendu que "l'indépendance" figurerait parmi les buts du système de tutelle exposé à la Section D.

Le Comité recommande également que les Etats mentionnés ci-dessus reconnaissent en outre que leur politique doit être fondée dans ces territoires, comme dans leurs territoires métropolitains, sur le principe général de bon voisinage, compte tenu des intérêts et de la prospérité des autres membres de la communauté mondiale dans les domaines social, économique et commercial (Article 2).

Régime International de Tutelle (Section B, paragraphe 1)

Le Comité recommande que l'Organisation établisse un régime

international de Tutelle pour l'administration et la surveillance des territoires qui pourront être placés sous ce régime en vertu d'accords particuliers ultérieurs.

Les accords particuliers seront adaptés aux conditions et aux besoins spéciaux du territoire en question.

Buts du Régime International de Tutelle (Section B, paragraphe 2)

L'exposé des buts recommandés par le Comité est le résultat de longues discussions et consultations; il contient les propositions ou les tendances exprimées par de nombreuses délégations.

Territoires auxquels le Régime International de Tutelle est applicable (Section B, paragraphe 3)

Le Comité recommande que le Régime de Tutelle soit applicable aux territoires rentrant dans certaines catégories nettement spécifiées et qui viendraient à être placés sous ce régime en vertu d'accords de tutelle. Ces catégories sont les suivantes: (a) territoires actuellement sous mandat; (b) territoires qui pourront être détachés d'Etats ennemis par suite de la présente guerre; (c) territoires volontairement placés sous ce régime par les Etats responsables de leur administration. Le régime ne s'appliquera pas aux territoires devenus membres des Nations Unies.

Au sujet de la catégorie (b), le Comité a enregistré une déclaration de la Délégation éthiopienne formulant des réserves sur toutes dispositions de la Charte qui pourraient porter préjudice au droit d'un membre des Nations Unies de

revendiquer, d'acquérir ou de réacquérir en pleine souveraineté tout territoire qui pourrait être détaché des Etats ennemis par suite de la présente guerre.

Au sujet de la catégorie (c), on a suggéré l'insertion d'une disposition précisant que le système de tutelle ne doit pas s'appliquer aux territoires au sujet desquels il existe une revendication, une controverse ou un litige entre Etats membres de l'Organisation. Le Comité a également enregistré des déclarations du Délégué de l'Argentine et du Délégué du Guatemala précisant, au nom de leurs gouvernements respectifs, que le Régime de Tutelle ne devait pas s'appliquer aux territoires qui font l'objet d'un litige.

Termes de la Tutelle (Section B, paragraphe 4)

Le Comité recommande que les termes de la Tutelle, pour chacun des territoires sous tutelle, termes qui seront présentés à l'approbation de l'Organisation, devront faire l'objet d'un accord entre les Etats directement intéressés. Dans le cas de territoires administrés sous mandat par l'une des Nations Unies, les Etats directement intéressés comprendront, dans chaque cas, cette puissance mandataire.

Maintien des Droits Existants, "Clause Conservatoire"

(Section B, paragraphe 5)

Le Comité recommande qu'il soit expressément stipulé qu'à moins de dispositions contraires figurant dans des accords particuliers de tutelle et jusqu'à la conclusion de ces accords, que rien dans le Chapitre concernant les territoires dépendants ne devra être interprété comme portant atteinte au droit d'un Etat quelconque ou d'un peuple quelconque ou aux termes d'instruments internationaux existants auxquels des Etats membres pourraient être parties. Le Comité recommande aussi que cette disposition sur le maintien de tels droits et de tels instruments internationaux ne puisse pas être interprétée comme justifiant le retard ou l'ajournement de la négociation et de la conclusion d'accords plaçant des territoires sous le régime de tutelle.

Certains délégués ont proposé de modifier ce paragraphe pour qu'il s'applique seulement aux droits des populations de chaque territoire intéressé et non aux droits des puissances mandataires et d'autres Etats et populations. D'autres délégués ont pensé qu'il n'y avait aucune raison pour supprimer certains droits et en préserver d'autres. Ils ont été de l'avis que tous les droits sans distinction devaient être traités sur une base égale.

Le Délégué des Etats-Unis a souligné le fait que le paragraphe 5 n'étend ni ne restreint les droits d'aucun Etat

et d'aucune population à l'égard d'aucun territoire, et que toute modification concernant ces droits demeurera sujette à un accord ultérieur.

Au cours de la discussion sur le paragraphe 5, il a été demandé, à propos des territoires sous mandat, que le paragraphe contienne une référence expresse au paragraphe 4 de l'Article 22 du Pacte de la Société des Nations. On a objecté à cette proposition qu'il serait inopportun de citer expressément un instrument international auquel toutes les Nations-Unies ne seraient pas parties. Les termes "instruments internationaux en vigueur" ont été déclarés plus satisfaisants.

Le Comité a accepté l'interprétation donnée par le Délégué des Etats-Unis et suivant laquelle dans les "droits quels qu'ils soient, de tous Etats ou populations", visés dans l'amendement proposé, sont inclus tous les droits prévus au paragraphe 4 de l'Article 22 du Pacte de la Société des Nations.

Stipulations des Accords de Tutelle (Section B, paragraphe 6)

Le Comité recommande que les accords de tutelle fixent, dans chaque cas, les conditions dans lesquelles le territoire sera administré et désignent l'Etat ou les Etats qui seront chargés de cette administration. L'Organisation internationale elle-même pourrait être désignée comme chargée de l'administration du territoire.

Zones Stratégiques (Section B, paragraphes 7 et 8)

Le Comité recommande que les accords de tutelle prévoient la désignation d'une zone ou de zones stratégiques. Le Comité recommande également que toutes les fonctions de l'Organisation relatives à ces zones stratégiques soient exercées par le Conseil de Sécurité. Les buts essentiels du régime de tutelle s'appliqueraient aux populations de chaque zone stratégique et le Conseil de Sécurité devrait, sous réserve des considérations de sécurité, recourir à l'assistance du Conseil de Tutelle dans l'exercice de ses fonctions relevant des domaines politique, économique, social et intellectuel dans les zones stratégiques sous réserve des dispositions des accords de tutelle.

Contingents Volontaires, Ressources et Assistance (Section B, paragraphe 9)

Le Comité recommande que les fonctions de l'Organisation relatives aux accords de tutelle soient exercées dans toutes les zones qui ne seront pas désignées comme stratégiques par l'Assemblée Générale. Ces fonctions comprendraient l'approbation des termes des accords de tutelle et des modifications ou amendements qui pourraient y être apportés.

Conseil de Tutelle (Section B, paragraphe 11)

Le Comité recommande qu'il soit créé un Conseil de Tutelle placé sous l'autorité de l'Assemblée. Il recommande que ce Conseil soit composé de représentants désignés (a) un par chacun des Etats chargés d'administrer des territoires sous tutelle; (b) un par chacun des Etats énumérés au Chapitre VI,

Section A, qui n'administrent pas des territoires sous tutelle; (c) les autres, à raison d'un par Etat, par un nombre suffisant d'autres Etats élus par l'Assemblée Générale pour qu'il y ait un nombre total égal de représentants ^{des Etats} qui administrent, et des Etats qui n'administrent pas, de territoires sous tutelle.

Rapports, Pétitions et Visites Périodiques (Section D, paragraphes 12 et 13)

Le Comité recommande que l'Assemblée Générale, et sous son autorité, le Conseil de Tutelle, aient qualité pour examiner les rapports soumis par l'autorité chargée de l'administration, pour accepter des pétitions, pour faire procéder à des visites périodiques dans les territoires sous tutelle et qu'ils prennent ces mesures et toutes autres en conformité des accords de tutelle.

Le Comité recommande également que l'autorité chargée de l'administration dans chaque territoire sous tutelle relevant de l'Assemblée Générale, présente un rapport annuel à cette Assemblée, sur la base d'un questionnaire établi par le Conseil de Tutelle.

COMMISSION II

General Assembly

Committee 4 Trusteeship System

DRAFT REPORT OF THE RAPPORTEUR OF COMMITTEE II/4

Committee 4 of Commission II, charged with the drafting of provisions relating to the International Trusteeship System, found no terms of reference for its work in the Dumbarton Oaks Proposals. The only terms of reference on the subject were contained in the Memorandum on the Organization of the Conference, adopted by the Conference in plenary session, which stated that the functions of the Committee were: "To prepare and recommend to Commission II, and to Commission III as necessary, draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder".

the right to handle

The Committee, under the chairmanship of ~~His Excellency~~ Peter Fraser, Prime Minister and Minister of External Affairs of New Zealand, held its first meeting on May 5th, and has had a total of sixteen meetings. In addition the drafting subcommittee held four meetings. This subcommittee was composed, initially of the Delegates of Australia, Belgium, China, Egypt, France, Greece, the Netherlands, the Soviet Union, the United Kingdom and the United States, together with the Chairman, the Rapporteur, and the Secretary of the Committee. Delegates of Haiti and Uruguay later joined the subcommittee and Delegates of Iraq, Mexico, and the Philippine Commonwealth participated in the discussions of the subcommittee during the drafting of the provisions relating to general policy. Informal consultations with regard to a number of proposed articles were also held, among delegates submitting suggestions or expressing opposing opinions, in an effort to reach a meeting of views.

At its fifth meeting Committee 4 of Commission II adopted as the basis of its discussions a working paper prepared after careful study and consultation on the general foundation of proposals submitted by the Delegations of

Australia, China, France, the Soviet Union, the United Kingdom, and the United States, together with suggestions made by other delegations and on the basis of the general discussion which had taken place during the first five meetings of the Committee.

Texts of proposed articles embodying the recommendations of the Committee were approved by the Committee and are attached to this report. These articles are grouped into two sections: A. Declaration, and B. International Trusteeship System.

The Committee makes the following recommendations to Commission II:

Declaration (Section A, paragraphs 1 and 2)

Section A paragraphs 1 and 2
The Committee recommends that a Declaration be made by states members of the United Nations having responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government. This Declaration would be applicable to all such territories.

In describing the territories to which the Declaration relates, the Committee felt that it was desirable to find new language more suitable to existing conditions than the language employed in paragraph 1 of Article 22 of the Covenant of the League of Nations, that is, "colonies and territories ... which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world."

By this Declaration, the Committee recommends that states members of the United Nations having responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government should recognize the principle that the interests of the inhabitants are paramount and should accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants within the United Nations system of international peace and security.

In the Declaration it is further stated: to ensure the political, economic, social, and educational advancement of the peoples concerned, their just treatment and their protection against abuses; to take due account of the political aspirations of the peoples concerned and to assist them toward self-government and in the progressive development of their free political institutions according to the particular circumstances of each territory and its peoples; to promote constructive measures of development, to encourage research, and to cooperate with one another and with specialized international bodies for the practical achievement of

*with due respect for their
own culture,*

the purposes set forth; and to transmit regularly to the Secretary-General, subject to certain limitations, statistical and other technical information relating to economic, social, and educational conditions in the territories for which each state is responsible.

In connection with this Declaration there was very lengthy discussion with regard to the objectives to be sought in the political development of the territories concerned. There was general agreement that self-government was a goal for such development. Some delegates desired in addition to include independence as an alternative goal, "independence or self-government". It was said that independence was an aim of many dependent peoples and that its attainment should not be excluded by the terms of the Charter. On the other hand, it was urged that since the section on the Declaration applied to all dependent "territories" and not merely to those placed under trusteeship, the reference to independence should more properly be made in the section on Trusteeship. A motion proposing the insertion of a reference to independence as an alternative goal with self-government was withdrawn on the understanding that independence would be included among the objectives of the trusteeship system set forth in Section B. After further consultation a text in the form finally approved was drafted and received general agreement. (Section A, paragraph 1.)

The Committee further recommends that the states already mentioned should also agree that their policy in respect to the territories described above, no less than in respect to the metropolitan areas, must be based on the general principle of good neighborliness, due account being taken of the interests and well-being of other members of the world community in social, economic, and commercial matters (Section A, paragraph 2.)

International Trusteeship System (Section B, paragraph 1)

The Committee recommends that the Organization establish an International Trusteeship System for the administration and supervision of such territories as may be placed under the System by subsequent individual agreements.

The individual agreements would be adapted to the particular circumstances and needs of the territory concerned.

Objectives of the Trusteeship System (Section B, paragraph 2)

The statement of objectives recommended by the Committee is the result of extended discussion and consultation.

Territories to Which the Trusteeship System is Applicable
(Section B, paragraph 3)

The Committee recommends that the Trusteeship System shall be applicable to such territories in certain specified categories as may be placed thereunder by trusteeship agreements. The categories are (a) territories now held under mandate; (b) territories detached from enemy states as a result of this war; and (c) territories voluntarily placed under the System by the administering states. The System should not apply to territories which have become members of the United Nations. *The Committee recognizes that this provision is the primary purpose of this section.*

In connection with category (b) the Committee made of record a declaration by the Ethiopian Delegation setting forth its reservations in regard to any provisions of the Charter which might prejudice the right of any member of the United Nations to lay claim to and acquire or to re-acquire in full sovereignty any territories which might be detached from enemy states as a result of the present war.

In connection with category (c) a suggestion was made that provision be included that the Trusteeship System should not apply to territories concerning which there is pending any claim, controversy, or litigation between states members of the Organization. The Committee made of record statements by the Argentine Delegate and the Guatemalan Delegate of the position of their respective Governments that the Trusteeship System should not apply to territories in dispute. *The Delegate of Guatemala made an express reservation* 8

out paragraph (c)
Terms of Trusteeship (Section B, paragraph 4)

The Committee recommends that the terms of trusteeship for each trust territory, which will be presented to the Organization for approval, be agreed upon by the states directly concerned. In the case of territories held under mandate by one of the United Nations, the states directly concerned would include the mandatory power involved in each case.

Maintenance of Existing Rights, "Conservatory Clause"
(Section B, paragraph 5)

The Committee recommends that specific provision be made to the effect that, except as may be agreed upon in individual trusteeship agreements and until such agreements have been concluded, nothing in the chapter on dependent territories is to be interpreted as altering the rights of any states or any peoples or the terms of existing international instruments to which members states respectively

may be parties. The Committee, also, recommends that this provision for the safeguarding of such rights and international instruments shall not be interpreted as giving grounds for delay or postponement in the negotiation and conclusion of agreements placing territories under the Trusteeship System.

Some delegates proposed that changes be made in this conservatory paragraph so that it would apply only to the rights of inhabitants of each territory and not to the rights of mandatory powers and other states and peoples. Other delegates felt that there was no reason to cut off some rights and preserve others. They held that all rights without distinction should be treated equally.

The Delegate for the United States emphasized the fact that paragraph 5 neither increased nor diminished the rights of any states or any peoples with respect to any territories and that any change in such rights would remain a matter for subsequent agreement.

In the discussion of paragraph 5, it was suggested, with reference to mandated territories, that the paragraph should include a specific reference to paragraph 4 of Article 22 of the Covenant of the League of Nations. Objections to this suggestion were raised on the grounds that it would be inadvisable to refer, specifically, to any one international instrument to which all the United Nations were not parties. It was stated that the phrase "existing international instruments" was preferable.

The Committee accepted the interpretation that among the "rights whatsoever of any states or any peoples", mentioned in the proposed amendment, there are included any rights set forth in paragraph 4 of Article 22 of the Covenant of the League of Nations.

Contents of Trusteeship Agreements (Section B, paragraph 6)

The Committee recommends that the trusteeship agreements in each case should set forth the terms under which the territory will be administered and the state or states which should exercise the administration of the trust territory. The United Nations itself might be designated as the administering authority.

Strategic Areas (Section B, paragraphs 7 and 8)

The Committee recommends that provision be made for the designation in the trusteeship agreements of a strategic area or areas. The Committee also recommends that functions of the Organization relating to the strategic areas should be exercised by the Security Council. The basic objectives of the Trusteeship System would be applicable to the people of each strategic area and the Security Council should, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council in performing functions relating to political, economic, social, and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

Volunteer Forces, Facilities, and Assistance (Section B, paragraph 9)

The Committee recommends that the administering authority should be empowered for certain specified purposes to make use of volunteer forces, facilities, and assistance from the trust territories.

Functions of the General Assembly Relating to the Trusteeship System (Section B, paragraph 10)

The Committee recommends that the functions of the Organization with regard to trusteeship agreements for all areas not designated as strategic should be exercised by the General Assembly. These functions would include approval of the terms of the trusteeship agreements and of their alteration or amendment.

Trusteeship Council (Section B, paragraphs 11 and 12)

The Committee recommends that a Trusteeship Council be established under the authority of the Assembly and be included among the principal organs of the Organization. It is recommended that the Council should consist of representatives designated (a) one each by the states administering trust territories; (b) one each by those of the states named in Chapter VI, Section A, which are not administering trust territories; and (c) one each by a sufficient number of other states elected for a three-year period by the General Assembly as will ensure that the total number of representatives is equally divided between administering and non-administering states.

The Committee recommends that the Trusteeship Council shall adopt its own rules of procedure and the method of selecting its President. The Committee recommends that the

*The Committee does
not recommend the
for decision to the
Trusteeship
Council, Economic
and Social Council,
or other
bodies*

decisions of the Trusteeship Council should be made by a majority vote.

Reports, Petitions, and Periodic Visits (Section B, paragraphs 13 and 14)

The Committee recommends that the General Assembly and, under its authority, the Trusteeship Council be empowered to consider reports by the administering authority, to accept petitions and to provide for periodic visits, at times agreed upon with the administering authority, to the trust territories, taking these and other actions in conformity with the trusteeship agreements.

The Committee also recommends that the administering authority in each trust territory within the competence of the General Assembly make an annual report to the Assembly on the basis of a questionnaire formulated by the Trusteeship Council.

Secretariat (Section B, paragraph 15)

The Committee recommends finally that there shall be a permanent staff of the Trusteeship Council, which shall constitute a part of the Secretariat of the United Nations.

The Committee recommends that the Coordinating Committee place these provisions in the same form as the comparable provisions of the Charter regarding the Economic & Social Council

ANNEX A

TO REPORT OF RAPPORTEUR OF COMMITTEE II/4

The text of the paragraphs approved by Committee II/4 is as follows:

A. DECLARATION

1. States members of the United Nations which have responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of such territories within the system of international peace and security, and to this end:

- (a) to ensure, with due respect for their ~~own~~ ^{of the peoples} culture, their political, economic, social, and educational advancement, ~~of the peoples concerned~~ ^{concerned}, their just treatment and their protection against abuses;
- (b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples, and their varying stages of advancement;
- (c) to further international peace and security;
- (d) to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this paragraph; and
- (e) to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for

which they are respectively responsible other than those territories to which Section B of this Chapter applies.

2. States members also agree that their policy in respect of such territories, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of other members of the world community, in social, economic, and commercial matters.

B. INTERNATIONAL TRUSTEESHIP SYSTEM

1. The United Nations shall establish under its authority an international system of trusteeship for the administration and supervision of such territories, hereafter called trust territories, as may be placed thereunder by subsequent individual agreements, and shall set up suitable machinery for these purposes.

2. The basic objectives of the trusteeship system, in accordance with the purposes of the United Nations laid down in Chapter 1 of the Charter, shall be:

- (a) to further international peace and security;
- (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and fundamental freedoms for all without distinction as to race, language, religion, or sex, and recognition of the interdependence of the peoples of the world; and
- (d) to ensure equal treatment in social, economic, and commercial matters for all members of the

United Nations and their nationals and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the objectives (a) and (b) above, and subject to the provisions of paragraph 5.

3. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war, and (c) territories voluntarily placed under the system by states responsible for their administration.

It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms. The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

4. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by one of the United Nations, and shall be approved as provided for in paragraphs 8 and 10.

5. Except as may be agreed upon in individual trusteeship agreements, made under paragraphs 3, 4, and 6, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which member states may respectively be parties. This paragraph shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in paragraph 3.

6. The trusteeship agreement in each case shall include the terms under which the territory will be administered and designate the authority which shall exercise the administration of the trust territory. Such authority, hereafter called the administering authority, may be one or more states or the United Nations itself.

7. In addition, there may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreements made under Chapter VIII, Section B, paragraph 5.

8. All functions of the United Nations relating to such strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council. The basic objectives as provided for in paragraph 2 shall be applicable to the people of each strategic area. The Security Council shall, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council provided for in paragraph 11 to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

9. It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority shall be empowered to make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations undertaken by the administering authority to the Security Council in this regard and for local defense and the maintenance of law and order within the trust territory.

10. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

11. In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there shall be established a Trusteeship Council which shall operate under the authority of the Assembly. The Trusteeship Council shall consist of specially qualified representatives designated (a) one each by the states administering trust territories; (b) one each by those of the states mentioned by name in Chapter VI, Section A, which are not administering trust territories; and (c) one each by as many other states elected for three-year periods by the General Assembly as may be necessary to ensure that the total number of representatives is equally divided between administering and non-administering states. The Trusteeship Council shall, when appropriate, avail itself

of the assistance of the Economic and Social Council and of other bodies which are brought into relationship with the United Nations, in regard to matters with which they are respectively concerned.

12. The Trusteeship Council shall adopt its own rules of procedure and the method of selecting its president. The Trusteeship Council shall meet as required in accordance with rules adopted by the Council. These rules shall include provision for the calling of a meeting on the request of a majority of the members of the Council.

13. The General Assembly, and under its authority the Trusteeship Council, in carrying out their functions, shall be empowered to consider reports submitted by the administering authority, to accept petitions and examine them in consultation with the administering authority, to provide for periodic visits to the respective trust territories at times agreed upon with the administering authority, and to take these and other actions in conformity with the terms of the trusteeship agreements.

14. The administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council on the political, economic, social, and educational advancement of the inhabitants of the trust territory.

15. There shall be a permanent staff of the Trusteeship Council, which shall constitute a part of the Secretariat of the United Nations.

ANNEX B

TO REPORT OF RAPPORTEUR OF COMMITTEE II/4

Questions asked by the Delegate of the Netherlands of the Delegate of the United States in regard to the interpretation of Section A of the Trusteeship Chapter.

The Delegate of the Netherlands:

" The questions are:

- I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?
- II. Do these purposes and obligations imply that such states members should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?
- III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means?"

The Delegate of the United States:

~~"Yes, there is a moral obligation to endeavor to overcome the evils to which you refer."~~

*In accordance with the provisions of
Section A I would consider it clear that the
abuses you refer to are included in the
 abuses against which the people are
concerned are to be protected
and the obligation referred to in paragraph 1
covers this situation.*

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

ANNEXES TO THE
REPORT

Annex A. Text of the
paragraphs approved by
Committee II/4.

Annex B. Questions asked by
the Delegates of the Netherlands and
replied by
the Delegates of the United
States.

Annex C. Joint Statement by the
Delegates of the United Kingdom
and the United States

Annex D. Statement by the
Delegates of France.

Stassen answer to Vander Ploeg.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

In accordance with the
provisions of Section A
I would consider it
clear that the abuses
you refer to are included
in the abuses against
which the peoples
concerned are to be protected
and the obligations referred
to in paragraph 1 cover this situation

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Section B, paragraphs 102

The Committee recommends
that the Coordinating
Committee place these
provisions in the
same form as the
comparable provisions
of the Economic + Social
Council.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

In accordance with the
provisions of Section A
I would consider it
clear that the abuses
you refer to are included
in the abuses against
which the peoples
concerned are to be
protected and the obligations
referred to in paragraph
1 covers this situation.

The Committee also
makes recommendations
for liaison between
the Trusteeship
Council, the Economic
and Social Council
and certain other bodies

ANNEX B

TO REPORT OF RAPPORTEUR OF COMMITTEE II/4

Questions asked by the Delegate of the Netherlands of the Delegate of the United States in regard to the interpretation of Section A of the Trusteeship Chapter.

The Delegate of the Netherlands:

" The questions are:

- I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?
- II. Do these purposes and obligations imply that such states members should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?
- III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means?"

~~The Delegate of the United States:~~

~~"Yes, there is a moral obligation to endeavor to overcome the evils to which you refer."~~

*The Del.
of the U.S.*

*In accordance with the provisions
of Section A I would consider it*

*clear that the abuses you refer to
are included in the abuses against
which the peoples concerned are to
be protected and the obligation referred
to in Paragraph one covers this situation."*

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

The delegation of Guatemala
make made an expression
reservation in regard to
to sub-paragraph c).

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

The delegation of Guatemala
~~to~~ ~~make~~ make an expression
in relation to sub-
paragraph c),

DECLARATION OF THE NETHERLANDS DELEGATION

IN COMMITTEE II/4

What peoples who have not yet achieved full self-government desire and need is the acceptance of specific and well defined obligations, directed at the elimination of the most serious dangers for those peoples and of situations which are most grievous to them. We think especially of three points which have the greatest attention of the peoples concerned.

First, there is the need for protection of their arable land. It is essential for their well-being to see to it that no non-indigenous person or corporation shall acquire the ownership of such land belonging to the original population. With us, this protection is absolute. But circumstances differ. A text in this Charter should therefore offer sufficient latitude to meet these circumstances.

Second, there is the institution which the International Labor Organization has criticized and which the people of America have objected to for so many years. I refer to penal sanctions on contract labor.

Last but not least, there is the terrible humiliation and suffering caused by racial superiority feeling.

We had decided to propose amendments for meeting these points, but we are prepared not to press these if affirmative answers to the following questions are inserted into the report of the Commission.

The questions are:

I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?

II. Do these purposes and obligations imply that such states members

should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?

III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means?

It is evident that whereas such discrimination resulting from feelings of racial superiority can generally be eliminated by legislation and similar means, such feelings themselves can only be eliminated by education, promoting social intercourse and similar long term measures. But both should be undertaken. Can anyone doubt that lasting peace and security also depend upon the elimination of such feelings? Feelings which were at the base of the theories of our enemies and are therefore mainly responsible for the untold miseries which have been brought over humanity.

Commander Stassen replied:

176
The questions are:

- Insert X.
- I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?
 - II. Do these purposes and obligations imply that such states members should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?
 - III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means?

1 + 6
THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

Annex —

Questions asked by the Delegate of the
Netherlands of the Delegate of the U.S. in regard to
the interpretation of Section A of the Trusteeship Chapter
Re Del of the U.S. ^{Delegates}

insert
X

Re Del of the U.S.!

"Yes, there is a ^{moral} obligation
upon us to endeavor to ^{overcome} overcome
the evils to which ^{which} we refer."

ANNEX

Questions asked by the Delegate of the Netherlands of the Delegate of the United States in regard to the interpretation of Section A of the Trusteeship Chapter.

The Delegate of the Netherlands:

" The questions are:

- I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?
- II. Do these purposes and obligations imply that such states members should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?
- III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means? "

The Delegate of the United States:

"Yes, there is a moral obligation to endeavor to overcome the evils to which you refer."

ANNEX

Questions asked by the Delegate of the Netherlands of the Delegate of the United States in regard to the interpretation of Section A of the Trusteeship Chapter.

The Delegate of the Netherlands:

" The questions are:

- I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?
- II. Do these purposes and obligations imply that such states members should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?
- III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means? "

The Delegate of the United States:

"Yes, there is a moral obligation to endeavor to overcome the evils to which you refer."

ANNEX

Questions asked by the Delegate of the Netherlands of the Delegate of the United States in regard to the interpretation of Section A of the Trusteeship Chapter.

The Delegate of the Netherlands:

" The questions are:

- I. Do the purposes and obligations formulated in paragraph 1 imply that the states members concerned should enact appropriate protection of the arable land of the non-selfgoverning peoples for whose administration they have responsibilities?
- II. Do these purposes and obligations imply that such states members should abolish penal sanctions on contract labor, in accordance with existing and future labor conventions?
- III. Does an obligation - at least a moral obligation - result from this Chapter and the Charter as a whole for the states members concerned to eliminate, in the territories under consideration, all discrimination resulting from feelings of racial superiority and to combat such feelings by education and by all other adequate means? "

The Delegate of the United States:

"Yes, there is a moral obligation to endeavor to overcome the evils to which you refer."

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

LUXEMBOURG DELEGATION

Mark Hopkins Hotel,
Room 523,
San Francisco, Calif.
June 10, 1945

My dear Mr. Chase,

I am enclosing a rough
draft of my report. I have also sent a
copy of same to the Prime Minister of New
Zealand Mr. Peter Fraser and to Commander
Harold C. Stassen in order that on Monday
we can discuss the questions brought forward.

With my best regards, I am,

Sincerely yours,

Hyman K. Hall

Mr. Eugene P. Chase,
Secretary,
Commission II, Committee 4,
Room 459-1/2 Veterans Bldg.
SAN FRANCISCO, Calif.

enc.

RAPPORTEUR'S REPORT
ON
THE TRUSTEESHIP SYSTEM

Committee 4 of Commission II which dealt with the Trusteeship System found no terms of reference for its work in the Dumbarton Oaks draft. The only terms of reference were those contained in the memorandum on the organization of the Conference which had been adopted in Plenary Session: "...to prepare and recommend to Commission II and to Commission III as necessary, draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder."

The Trusteeship Committee held meetings.
The Drafting Sub-committee held meetings. The
Drafting Sub-Committee was composed of the delegates of:

Australia
Belgium
China
Egypt
France
Greece
The Netherlands
Soviet Union
United Kingdom
United States of America

together with the Chairman, the Rapporteur and the
Secretary of the Committee. The delegates of Haiti and
Uruguay later joined this Drafting Sub-committee and the

delegates of Iraq, Mexico and the Philippine Commonwealth took part in the discussions of the general principles.

The first five meetings of the Committee were devoted to a general discussion, after which the Committee took up the examination of a working paper which had been prepared by Commander Harold Stassen of the United States Delegation, ^{The Working Paper Same is used} based upon the discussions which took place during the first five meetings and upon the documents submitted by the delegations of:

Australia
China
France
Soviet Union
United Kingdom
United States

together with suggestions made by other delegations.

This working paper prepared by Commander Stassen was divided into two parts:

- a.) General Policy
- b.) Territorial Trusteeship System

(It has not as yet been decided if Paragraph "a" General Policy, should come under Chapter I, General Principles of the Organization, or be left in the Trusteeship System Chapter.)

At Committee and Drafting Sub-committee meetings the wording of the General Policy draft was most carefully examined and every effort was made to find a text which would give satisfaction to the various views expressed by the delegates.

It was felt in particular that a more contemporary expression should be found to replace the words which appeared in Paragraph 1, Article 22 of the Covenant of the League of Nations: "...peoples not yet able to stand by themselves under the strenuous conditions of the modern world." As a result of close scrutiny, the following text for Paragraph A-1 was adopted:

"States members of the United Nations which have responsibilities for the administration of territories, whose peoples have not yet attained a full measure of self-government, recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of such territories within the world community, and to this end: "

A second important paragraph on general principles was unanimously adopted and reads as follows:

This paragraph concludes the statements on General Policy. We now come to the second part of the work of the Trusteeship Committee, namely b.) Territorial Trusteeship System. The paragraphs under "b" deal with the application of the Trusteeship System. ~~in practice.~~

Paragraph 1 defines the functions of the organization and reads as follows:

Paragraph 2 explains the essential objectives of the Trusteeship System and reads as follows:

(The much-discussed word of "independence" comes under "b" of this paragraph and the question arises if a remark on this subject should appear here)

Paragraph 3 describes the categories of territories which will come under the Trusteeship System and reads as follows:

(Referring to "b" of this paragraph, should mention be made of the declaration of the Delegation of Ethiopia asking for clarification in regard to the question of the placing under trusteeship of territories detached from enemy states as a result of the war. This declaration appears at the end of the Summary Report of the Eleventh Meeting).

(Regarding "c" of this paragraph, should mention be made of the statement of the Argentine Delegate which appears on the first page of the Summary Report of the ninth meeting, reading as follows:

"The Argentine Delegation formulates the reservation that the Argentine Republic in no case accepts that the present system of trusteeships may be applied to or over territories belonging to Argentina whether they be the subject of claim of controversy or are in possession of other states.")

(Should mention be made of the declaration of the Delegation of Guatemala concerning the same paragraph "c" which appears on Page 1 of the Summary Report of the Tenth Meeting and reading as follows:

"The Delegation of Guatemala makes an express reservation with regard to Section B, paragraph 3 (c), concerning the system of territorial trusteeship. This reservation is to the effect that such a system cannot be applied to any territories belonging to the Republic of Guatemala, even if these territories are the subject of claim or controversy or are at present in the possession of another state.")

(Should mention be made of the motion of the Delegate of Egypt in which under "c" of Paragraph 3, he asked that the following sentence should be deleted: "It would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms".)

Paragraph 4 deals with the agreements to be reached to bring the territories concerned under trusteeship, and reads as follows:

Paragraph 5 deals with the non-alteration of certain rights, and reads as follows:

(Should a reference be made to the amendment proposed by the Delegate of Iraq which appears on Page of the Summary Report of the Thirteenth Meeting?)

Paragraph 6 concerns the terms of trusteeship and reads as follows:

Paragraph 7 concerns strategic areas, and reads as follows:

Paragraph 8 states that the Security Council will exercise the functions of the organization for such strategic areas, and reads as follows:

Paragraph 9 concerns the use of volunteer forces, facilities and assistance from trust territories, and reads as follows:

Paragraph 10 states that the General Assembly will exercise the functions of the organization for non-strategic areas, and reads as follows:

Paragraph 11 deals with the composition of the Trusteeship Council which is to assist the General Assembly, and reads as follows:

(Should a comparison be made between the composition of this Trusteeship Council and the League Mandate Council?)

Paragraph 12 concerns the reports which are to be submitted to the General Assembly and the Trusteeship Council, and reads as follows:

Paragraph 13 concerns the Annual Report to be presented to the General Assembly, and reads as follows:

(GENERAL REMARK: - Instead of giving a definition of each paragraph, should an explanation be given stating the aims of each paragraph based upon the declarations made by Commander Stassen when he dealt with each paragraph before the Committee?)

Chair
Hec
Draft Report of the Rapporteur of Commission II/4

Committee 4 of Commission II, charged with the drafting of provisions relating to the ^{International} Trusteeship System, found no terms of reference for its work in the ^{Per my} ^{on the subject} ~~Humbarton Oaks~~ Proposals. Its terms of reference were contained in the Memorandum on the Organization of the Conference, adopted by the Conference in Plenary Session, which stated that the functions of the Committee were: "To prepare and recommend to Commission II, and to Commission III, as necessary, draft provisions on principles and mechanism of a system of ~~International~~ Trusteeship for such dependent territories as may by subsequent agreement be placed thereunder."

under the Chairmanship of H. E. K. P. F.
The Committee held its first meeting on May 5, and has had a total of _____ meetings. In addition the drafting subcommittee held _____ meetings. This subcommittee was composed, initially, of the Delegates of Australia, Belgium, China, Egypt, France, Greece, The Netherlands, the Soviet Union, the United Kingdom and the United States, together with the Chairman, the Rapporteur and the Secretary of the Committee. Delegates of Haiti and Uruguay later joined the subcommittee and Delegates of Iraq, Mexico and the Philippine Commonwealth participated in the discussions of the subcommittee during the drafting of the provisions relating to general policy. Informal consultations with regard to a number of proposed articles were also held

among delegates submitting suggestions or expressing opposing opinions, in an effort to reach a meeting of views.

At its fifth meeting Committee II/4^{4 3/4 Comm II} adopted as the basis of its discussions a working paper prepared after careful study and consultation on the general foundation of proposals submitted by the delegations of Australia, China, France, the Soviet Union, the United Kingdom and the United States, together with suggestions made by other delegations and on the basis of the general discussion which had taken place during the first five meetings of the Committee.

(The following paragraph is new material not included in the French text)

In the course of the Committee's discussions, amendments to the proposals set forth in the working paper were offered by several of the delegates. Mention should be made in particular of a number of amendments offered by the Delegates for Egypt and for Iraq. While several of these amendments failed to be adopted by the Committee, discussion of them served to direct attention to and clarify important issues involved in the proposals in the working paper.

Texts of proposed articles embodying the recommendations of the Committee were approved by the Committee and are attached to this report. These articles are grouped into two sections: A. General Policy, and B. International Trusteeship System.

The Committee makes the following recommendations to
Commission II:

Statement of General Policy (Section A, paragraphs 1 and 2)

1. The Committee recommends that a statement be made of the general policy accepted by States members of the United Nations having responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government. This statement of general policy would be applicable to all such territories, ~~both those placed under the Trusteeship System and to those remaining outside the Trusteeship System.~~

(The following paragraphs have been redrafted and differ from the French text)

In this connection the Committee recommends that states members of the United Nations having responsibilities for the administration of territories ^{whose} peoples have not yet attained a full measure of self-government should recognize the principle that the interests of the inhabitants are paramount and should accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants within the United Nations system of international peace and security. The Committee further recommends that to this end such states should agree to take certain specified steps (Paragraph 1).

These steps are: to insure the political, economic, social and educational advancement of the people concerned, their just treatment and their protection against abuses; to take due account of the political aspirations of the peoples concerned and to assist them toward self-government and in the progressive

To this end the states concerned agree to declare that their purpose is to advance the political, economic, social and educational advancement of the people concerned & to develop progressively a system of self-government

development of their free political institutions according to the particular circumstances of each territory and its peoples; to promote constructive measures of development, to encourage research, and to cooperate with one another and with specialized international agencies for the practical achievement of the purposes set forth; and to transmit regularly to the Secretary-general, subject to certain limitations, statistical and other technical information relating to economic, social, and educational conditions in the territories for which each state is responsible.

In describing the territories to which the general statement relates, the Committee felt that it was desirable to find new language more suitable to existing conditions than the language ~~now~~ employed in paragraph 1 of Article 22 of the Covenant of the League of Nations, that is, "colonies and territories... which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world".

In connection with paragraph A.1.(2) there was very lengthy discussion with regard to the objectives to be sought in the political development of the territories concerned. There was general agreement that self-government was a goal for such development. Some delegates desired in addition to include independence as an alternative goal, "independence or self-government". It was said that independence was an aim of many dependent peoples and that its attainment should not be excluded by the terms of the Charter. On the other hand, it was urged

that since the section on General Principles applied to all dependent "territories" and not merely to those placed under trusteeship, the reference to independence should more properly be made in the section on Trusteeship. A motion proposing the insertion of a reference to independence as an alternative goal with self-government was withdrawn on the understanding that independence would be included among the objectives of the trusteeship system set forth in Section B. After further consultation a text in the form finally approved was drafted and received general agreement. (The redrafting ends here.)

The Committee further recommends that the states already mentioned should also agree that their policy in respect to the territories described above no less than in respect to the metropolitan areas must be based on the general principle of good neighborliness, due account being taken of the interests and well-being of other members of the world community in social, economic and commercial matters (Paragraph 2).

International Trusteeship System (Section B, paragraph 1)

The Committee recommends that the Organization establish an International Trusteeship System for the administration and supervision of such territories as may be placed under the System by subsequent individual agreements.

The individual agreements would be adapted to the particular circumstances and needs of the territory concerned.

Objectives of the Trusteeship System (Section B, paragraph 2)

The statement of objectives recommended by the Committee is the result of extended discussion and consultation, and it incorporates proposals put forward or ideas expressed by many delegations.

Territories to Which the Trusteeship System
is Applicable (Section B, paragraph 3)

The Committee recommends that the Trusteeship System shall be applicable to such territories in certain specified categories as may be placed thereunder by trusteeship agreements. The categories are (a) territories now held under mandate; (b) territories detached from enemy states as a result of this war; and (c) territories voluntarily placed under the System by the administering states. The System should not apply to territories which have become members of the United Nations.

In connection with category (b) the Committee made of record a declaration by the Ethiopian Delegation setting forth its reservations in regard to any provisions of the Charter which might prejudice the right of any member of the United Nations to lay claim to and acquire or to reacquire in full sovereignty any territories which might be detached from enemy states as a result of the present war.

In connection with category (c) a suggestion was made that provision be included that the Trusteeship System should not apply to territories concerning which there is pending any claim, controversy or litigation between States members of the Organization. The Committee made of record statements by the Argentine Delegate and the Guatemalan Delegate of the position of their respective Governments that the Trusteeship System should not apply to territories in dispute.

Terms of Trusteeship (Section B, paragraph 4)

The Committee recommends that the terms of trusteeship for each trust territory, which will be presented to the Organization

for approval, be agreed upon by the States directly concerned. In the case of territories held under mandate by one of the United Nations, the States directly concerned would include the mandatory power involved in each case.

(Note: The following paragraph is new material not included in the French text.)

The Committee discussed the question whether provision should be made empowering the United Nations to declare a trusteeship terminated and the territory concerned ready for independence, or to transfer a trusteeship from one administering authority to another in case the former authority violated the terms of the trusteeship agreement, ceased to be a member of the United Nations, or was suspended from membership. It was felt by some delegates that experience in connection with the League of Nations mandates had shown the need for provisions with regard to these matters. Other delegates, however, pointed out that provision for termination or transfer of a trusteeship agreement by the United Nations without the consent of the administering authority would be contrary to the voluntary principle upon which the trusteeship system was being built. It was added that admission of a trust territory to membership in the United Nations would in such case terminate the trusteeship agreement.

Maintenance of Existing Rights, "Conservatory Clause"
(Section B, paragraph 5)

The Committee recommends that specific provision be made to the effect that, except as may be agreed upon in individual trusteeship agreements and until such agreements have been concluded, nothing in the chapter on dependent territories is to

be interpreted as altering the right of any states or any peoples or the terms of existing international instruments to which member states may be parties. The Committee, also, recommends that this provision for the safe-guarding of such rights and international instruments shall not be interpreted as giving grounds for delay or postponement in the negotiation and conclusion of agreements placing territories under the Trusteeship System.

Some delegates proposed that changes be made in this conservatory paragraph so that it would apply only to the rights of inhabitants of each territory and not to the rights of mandatory powers and other states and peoples. Other delegates felt that there was no reason to cut off some rights and preserve others. They held that all rights without distinction should be treated equally.

The Delegate for the U.S. emphasized the fact that paragraph 5 neither increased nor diminished the rights of any states or any peoples with respect to any territories and that any change in such rights would remain a matter for subsequent agreement.

In the discussion of paragraph 5, it was suggested, with reference to mandated territories, that the paragraph should include a specific reference to paragraph 4 of Article 22 of the Covenant of the League of Nations. Objections to this suggestion were raised on the grounds that it would be inadvisable to refer, specifically, to any one international instrument to which all the United Nations were not parties. It was stated that the phrase "existing international instruments" was preferable.

The Committee accepted the interpretation of the Delegate for

for the United States that among the "rights whatsoever of any states or any peoples", mentioned in the proposed amendment, there are included any rights set forth in paragraph 4 of Article 22 of the Covenant of the League of Nations.

Contents of Trusteeship Agreements (Section B, paragraph 6)

The Committee recommends that the trusteeship agreements in each case should set forth the terms under which the territory will be administered and the State or States which should exercise the administration of the trust territory. The ^{U.N.} International Organization itself might be designated as the administering authority.

Strategic Areas (Section B, paragraphs 7 and 8)

The Committee recommends that provision be made for the designation in the trusteeship agreements of ^a strategic area or areas. The Committee also recommends that functions of the Organization relating to the strategic areas should be exercised by the Security Council. The basic objectives of the Trusteeship System would be applicable to the people of each strategic area and the Security Council should, without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council in performing functions relating to political, economic, social and educational matters in the strategic areas, subject to the provisions of the trusteeship agreements.

VOL 1

Volunteer Forces, Facilities and Assistance (Section B,
Paragraph 9)

The Committee recommends that the administering authority should be empowered for certain specified purposes to make use of volunteer forces, facilities and assistance from the trust territories.

Functions of the General Assembly Relating to the Trusteeship System (Section B, paragraph 10)

The Committee recommends that the functions of the Organization with regard to trusteeship ^{agreements} arrangements for all areas not designated as strategic should be exercised by the General Assembly. These functions would include approval of the terms of the trusteeship agreements and of their alteration or amendment.

Trusteeship Council (Section B, paragraph 11) ^{and 12}

The Committee recommends that a Trusteeship Council be ^{and be included among the principal organs} established under the authority of the Assembly. It is recommended that the Council should consist of representatives designated (a) one each by the States administering trust territories; (b) one each by the States named in Chapter VI, Section A, which are not administering trust territories; and (c) one each by a sufficient number of other States ^{for a three year term} elected by the General Assembly ^{will ensure} so that the total number is equally divided between administering and non-administering States. <

Reports, Petitions, and Periodic Visits (Section D, paragraphs
12 and 13)

The Committee recommends that the General Assembly and

under its authority the Trusteeship Council be empowered to consider reports by the administering authority, to accept petitions, to provide for periodic visits ^{at times specified by the administering authority} to the trust territories, taking these and other actions in conformity with the trusteeship agreements.

The Committee also recommends that the administering authority in each trust territory within the competence of the General Assembly make an annual report to the Assembly on the basis of a questionnaire formulated by the Trusteeship Council.

No Committee was there
To be adopted in 1948
from trusteeship of 1948 period.

TRUSTEESHIP SYSTEM
COMMISSION II, COMMITTEE 4

The Dumbarton Oaks Proposals contain no provisions on a Trusteeship System, but this subject was placed on the agenda of the Conference with the approval of the Four Sponsoring Powers and allocated to Committee II/4.

In this case it is therefore impossible to prepare a reference paper and subject index similar to those printed elsewhere in this document on the various chapters and paragraphs of the Dumbarton Oaks Proposals.

At the request of the Chairman of Committee II/4, the Secretariat has prepared the attached analysis of the papers on a Trusteeship System presented to the Conference by Australia, China, France, the United Kingdom and the United States, together with a Subject Index of Comments and Suggestions on this subject by Ecuador, Mexico, Panama and Venezuela. No other governments represented at the Conference have up to May 11, 1945 dealt with this subject in their comments on and proposed amendments to the Dumbarton Oaks Proposals.

The analysis consists of the textual reproduction of the relevant paragraphs of the papers concerned, arranged under the following headings:

- I GENERAL PRINCIPLE
- II OBJECTIVES AND PURPOSES
- III SCOPE OF APPLICATION
- IV METHOD OF BRINGING TERRITORIES WITHIN THE SYSTEM
- V NATURE OF ADMINISTERING AUTHORITY
- VI OBLIGATIONS OF ADMINISTERING AUTHORITY
- VII CHARACTER OF THE TERMS OF TRUST
- VIII COMPOSITION OF SPECIAL TRUSTEESHIP ORGAN
- IX FUNCTIONS OF THE UNITED NATIONS ORGANS CONCERNED WITH TRUSTEESHIP
- X METHOD OF DEALING WITH SECURITY FACTOR
- XI METHOD OF DEALING WITH CIVIL AND WELFARE FACTOR
- XII TERMINATION OF TRUST

Copies of all but one of the papers analyzed herein may be found in the bound "Comments and Proposed Amendments Concerning the Dumbarton Oaks Proposals, Submitted by the Delegations to the United Nations Conference on International Organization, May 7, 1945". They bear the following separate document numbers:

Australia	Doc. 2	G/14(1)
China	Doc. 2	G/26(e)
France	Doc. 2	G/26(a)
United Kingdom	Doc. 2	G/14(p)
United States of America	Doc. 2	G/26(c)

I GENERAL PRINCIPLE

- A. All members of the United Nations responsible for the administration of dependent territories recognise in relation to them the principle of trusteeship - viz. that the main purpose of administration is the welfare of the dependent peoples and their economic social and political development. (Par. ~~(1)~~ 18(1))
- C. The Organization should establish a system of international territorial trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement and to set up suitable machinery for these purposes. (Par. 1)
- F. The Organization should create, under its authority, a system of international trusteeship for the administration and control of such territories as may be placed under this system through subsequent individual agreements. (Art. 1)
- UK. States Members of the United Nations which have responsibilities for the administration of dependent territories inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, accept the general principle that it is the sacred trust of civilisation to promote to the utmost the well-being of the inhabitants of these territories within the world community.
This objective implies, in particular (i) the economic and social advancement of the dependent peoples concerned, and (ii) the development of self-government in forms appropriate to the varying circumstances of each territory. Further, such States agree that their policy in respect of dependent territories, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of other members of the world community, in defence, social, economic, and commercial matters. (Par. 1)
- US. ~~R.~~ The Organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement. (Par. 1)

GENERAL COMMENTS AND SUGGESTIONS.

~~Venezuela - Doc. 2, G/7 (d), p. 34.~~

MEXICO. Doc. 2, G/7(c)(1)

Need for reaffirmation of principles concerning dependent nations, pp. 2-3, *par. A 13.*

VENEZUELA. Doc. 2, G/7(d)(1)

Charter to contain principles, p. 34.

II OBJECTIVES AND PURPOSES

- A. the main purpose of administration is the welfare of the dependent peoples and their economic social and political development. (Par. ~~(1)~~ 18 (1))

- C. The Organization should establish a system of international territorial trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement and to set up suitable machinery for these purposes. (Par. 1)

The basic objectives of the trusteeship system should be:

- (a) to further international peace and security;
 - (b) to promote the political, economic and social advancement of the trust territories and their inhabitants, and their progressive development toward independence or self-government as may be appropriate to the particular circumstances of each territory and its people; and
 - (c) to provide for non-discriminatory treatment in trust territories with respect to the economic and other appropriate civil activities of the nationals of all member states. (Par. 2)
- F. The essential purposes of the system should therefore be the following:
- (a) to promote international peace and security;
 - (b) to promote the political, economic, and social progress of the territories placed under international trusteeship and of their inhabitants and further the progressive development of their political institutions;
 - (c) to secure in these territories non-discriminatory treatment with regard to legitimate private and economic activities for the nationals of the member States of the Organization and, in reciprocity, secure for these territories an equitable economic treatment by the members of the Organization. (Art. 2)
- UK. States Members of the United Nations which have responsibilities for the administration of dependent territories inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, accept the

general principle that it is the sacred trust of civilisation to promote to the utmost the well-being of the inhabitants of these territories within the world community. This objective implies, in particular (i) the economic and social advancement of the dependent peoples concerned, and (ii) the development of self-government in forms appropriate to the varying circumstances of each territory. Further, such States agree that their policy in respect of dependent territories, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of other members of the world community, in defence, social, economic, and commercial matters. (Par. 1)

US.

The Organization should establish under its authority a system of international trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent agreement. (Par. 1)

The basic objectives of the trusteeship system should be: (a) to further international peace and security; (b) to promote the political, economic, and social advancement of the trust territories and their inhabitants and their progressive development toward self-government; and (c) to provide for non-discriminatory treatment in trust territories with respect to the economic and other appropriate civil activities of the nationals of all member states. (Par. 2)

COMMENTS AND SUGGESTIONS

~~Panama - Doc. 2 G/7 (g) (a), p. 1, par. 2 (b)~~

MEXICO. Doc. 2, G/7(c)(1)

Need for organization of system for dependent nations,
pp. 2-3, par. A 13.

III SCOPE OF APPLICATION

- A. The territories to which paragraph (2) applies shall be declared either by the voluntary action of the member administering the territory or by the General Assembly, after consideration of the recommendations of a conference or conferences, specially convened by the United Nations, of members responsible for the administration of dependent territories. (Par. ~~3~~ 18 (3))

The General Assembly may authorize the acceptance of mandates on behalf of the United Nations for the administration of particular territories, in each case by a specified member. (Par. ~~4~~ 18 (4))

- C. The trusteeship system should apply only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It would be a matter for subsequent agreement as to which territories would be brought under the trusteeship system and upon what terms. (Par. 3)
- F. The international trusteeship system will apply only to those territories which, being classified as follows, should come under this system in accordance with subsequent agreements:
- a) territories now under mandate;
 - b) territories which as a consequence of the war may be detached from enemy States.

Only ulterior agreements arrived at for each particular case would determine which territories should be placed under trusteeship and under what conditions. (Art. 3)

- UK For certain territories in each of the categories mentioned below it is desirable to establish special machinery to ensure the application of the principle stated in paragraph 1 of this Chapter. These categories are;

- (a) territories administered by States Members of the United Nations under Mandate from the League of Nations
- (b) certain territories which as a consequence of the present war may be removed from the sovereignty of Mandate of States not Members of the United Nations
- (c) Any other territory to which the special machinery prescribed in this Chapter may be applied voluntarily by the State under whose sovereignty or protection the territory is administered. (Par. 2)

OR

US

3. The trusteeship system should apply only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms. (Par. 3)

IV METHOD OF BRINGING TERRITORIES WITHIN THE SYSTEM

- A. The territories to which paragraph (2) applies shall be declared either by the voluntary action of the member administering the territory or by the General Assembly, after consideration of the recommendations of a conference or conferences, specially convened by the United Nations, of members responsible for the administration of dependent territories. (Par. ~~34~~ 18(3))

The General Assembly may authorize the acceptance of mandates on behalf of the United Nations for the administration of particular territories, in each case by a specified member. (Par. 18(4))

The terms of the mandate shall in each case be defined by agreement between the General Assembly and the mandatory State... (Par. 18(5))

- C. The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the states concerned and should be approved as provided for in paragraphs 10 and 11 below. (Par. 5)
- F. For each territory to be placed under trusteeship, an individual trusteeship treaty should be entered into by the states directly concerned and should be subject to the approval specified in either Article 7 or Article 8 hereafter. (Art. 4)

UK (No proposals)

US The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the states directly concerned and should be approved as provided for in paragraphs 7 and 8 below. (Par. 4)

V. NATURE OF ADMINISTERING AUTHORITY

- A The General Assembly may authorize the acceptance of mandates on behalf of the United Nations for the administration of particular territories, in each case by a specified member. (Par.4), 18(4))
- C Any territory belonging to one of the above three categories of territories may be administered either directly by the international Organization through an agency of its own or indirectly by one or more of the United Nations by agreement of the states concerned. (Par.4),
- F (No proposals)
- UK In order to give practical effect, in the categories of territory mentioned in paragraph 2 of this Chapter, to the principle stated in paragraph 1, the tutelage of such peoples should be made, or should remain, the responsibility of advanced nations, who are best fitted to undertake this responsibility and who are willing to accept it; and this tutelage should be exercised by them on behalf of the United Nations. (Par.3),
- US (No proposals)

VI OBLIGATIONS OF ADMINISTERING AUTHORITY

- A. A member of the United Nations administering any dependent territory to which this paragraph applies undertakes to make reports upon its administration of that territory to an expert commission with advisory functions, to be established by or under the authority of the General Assembly. The commission shall keep the United Nations informed, through the Economic and Social Council, as to the welfare and development of the peoples of the territories to which this paragraph applies. (Par. 2) 18(2)

- C. ~~The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, should be empowered to require, consider and publish reports from the administering authorities, to accept petitions, to institute investigations, to make recommendations, and to take other action within their competence as defined by the trusteeship arrangements.~~

The administering authority in each trust territory within the competence of the General Assembly or the Security Council should make an annual report to the General Assembly or the Security Council, as the case may be, according to paragraphs 10 and 11, upon the basis of a questionnaire formulated respectively by the Trusteeship Council and the Security Council... ~~A representative of the people of a trust territory not within the purview of paragraph 10 above should be entitled to attend the meetings of the Trusteeship Council where matters relating to the particular trust territory are being considered.~~ (Par. 14)

- F. The authority responsible for the administration of the territories referred to in Article 8 will make an annual report to the General Assembly, on the basis of a questionnaire established by the Trusteeship Council. (Art. 11)

- UK. It shall be the duty of the State administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied to ensure that the territory shall play its part in the maintenance of international peace and security. To this end the State shall be empowered to make use of forces, facilities, and assistance from the territory in carrying out the obligations undertaken by the State to the Security Council in this regard and for local defence and the maintenance of law and order within the territory. (Par. 5)

The State administering any territory to which the special machinery prescribed in paragraphs 2-8 of this Chapter may be applied shall furnish to the Security Council such information in respect of such territories as the Security Council on the advice of the Military Staff Committee may require, as regards any forces, facilities, or assistance which the State may employ from the resources of the territories, in the discharge of the State's obligations in respect of international peace and security under this Charter. (Par. 6)

UK
(cont)

The State administering any territory to which the special machinery prescribed in paragraphs 2-8 of this Chapter may be applied shall render annual reports to the Economic and Social Council on the economic and social advancement of the inhabitants and the civil administration of the territory. (Par. 7)

US
↓

~~The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions should be empowered to consider reports submitted by the administering authorities, to accept petitions, to institute investigations, and to take other action within their competence as defined by the Trusteeship arrangements. (Par. 10)~~

The administering authority in each trust territory within the competence of the General Assembly should make an annual report to the General Assembly upon the basis of a questionnaire formulated by the Trusteeship Council. (Par. 11)

COMMENTS AND SUGGESTIONS

VENEZUELA. Dec. 2, 6/7(d)(1)
Principles of administration, should be set forth, p. 34.

VII. CHARACTER OF THE TERMS OF TRUST

- A The terms of the mandate shall in each case be defined by agreement between the General Assembly and the mandatory State, and shall include the principle of trusteeship as defined in paragraph (1) and the obligation to report provided for in paragraph (2). (Par.5) → 18(5))
- C The trusteeship arrangements in each case should include the terms under which the territory will be administered. It should be understood that in the trusteeship arrangements as provided for in paragraph 5 above, the people of each territory should be accorded civil liberty and the right of representation in the local deliberative or legislative assembly. (Par.6)/
- F Each individual trusteeship treaty should specify the conditions of the trusteeship, which differ according to the characteristics of the territories and of the peoples coming under such trusteeship. (Art.5)/
- UK The character of the trust must differ according to the stage of the development of the people, the geographical situation of the territory, its economic condition, and other similar circumstances. The details will be matters for subsequent agreement between the State entrusted with the administration of the territory and the United Nations. No revision of existing League of Nations Mandates exercised by States Members of the United Nations shall be made without the agreement of the Mandatory Power concerned. (Par.4)/
- US The trusteeship arrangements in each case should include the terms under which the territory will be administered. (Par.5)/

VIII COMPOSITION OF SPECIAL TRUSTEESHIP ORGAN

- A. an expert commission with advisory functions, to be established by or under the authority of the General Assembly. (par. 2) 18(2))
- C. In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there should be established a Trusteeship Council which would operate under its authority. The Trusteeship Council should consist of specially qualified representatives, designated (a) one each by the states administering trust territories; and (b) one each by an equal number of other states named for three-year periods by the General Assembly. (par. 12)
- X ... A representative of the people of a trust territory not within the purview of paragraph 10 above should be entitled to attend the meetings of the Trusteeship Council where matters relating to the particular trust territory are being considered. (par. 14)
- F. In order to assist the General Assembly in exercising the prerogatives granted to it by Article 8, an International Trusteeship Council shall be created under its authority. This Council shall consist of specially qualified representatives chosen in the following manner:
- a) one each by the States entrusted with the administration of territories under trusteeship
 - b) one by an equal number of other States appointed for three years by the General Assembly. (Art. 9)
- UK A permanent commission shall be constituted to prescribe the form of the annual reports referred to in paragraph 7, to receive and examine them, and to advise the Economic and Social Council on all matters relating to the observance of the terms of trusteeship, other than Security matters, which apply to each territory. (par. 8)
- US In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Security Council, there should be established a Trusteeship Council which would operate under its authority. The Trusteeship Council should consist of specially qualified representatives, designated (a) one each by the states administering trust territories; and (b) one each by an equal number of other states named for three-year periods by the General Assembly. (par. 9)

IX. FUNCTIONS OF THE UNITED NATIONS ORGANS
CONCERNED WITH TRUSTEESHIP

A . . . an expert commission with advisory functions, to be established by or under the authority of the General Assembly. The Commission shall keep the United Nations informed, through the Economic and Social Council, as to the welfare and development of the peoples of the territories to which this paragraph applies. (Par.2)~~x~~. 18(2))

C The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions, should be empowered to require, consider and publish reports from the administering authorities, to accept petitions, to institute investigations, to make recommendations, and to take other action within their competence as defined by the trusteeship arrangements. (Par.13)/

Any violation of the terms of the trusteeship arrangements by the administering authority of the trust territory should be regarded as a matter of international concern and as such could be brought by any United Nation to the attention of the General Assembly or the Security Council, as is provided in paragraphs 10 and 11 below. (Par.7)/

F The General Assembly and, under it, the Trusteeship Council should have the necessary powers to examine reports submitted to them by the authorities responsible for the administration of the territories under trusteeship and, generally, to exercise the prerogatives within their competence, defined by the individual trusteeship agreements. (Art.10)~~x~~

UK A permanent commission shall be constituted to prescribe the form of the annual reports referred to in paragraph 7, to receive and examine them, and to advise the Economic and Social Council on all matters relating to the observance of the terms of trusteeship, other than security matters, which apply to each territory. (Par.8)/

US The General Assembly, and under its authority, the Trusteeship Council, in carrying out their functions should be empowered to consider reports submitted by the administering authorities, to accept petitions, to institute investigations, and to take other action within their competence as defined by the trusteeship arrangements. (Par.10)/

IX. (Continued)

COMMENTS AND SUGGESTIONS

ECUADOR. Doc. 2, G/7(p), pp. 12, 13.

General Assembly may declare independence under specified conditions.

PANAMA. Doc. 2, G/7(g)(a)

Establishment of International Migration Office to aid scientific colonization, p. 1, par. 2b.

VENEZUELA. Doc. 2, G/7(d)(1)

Necessity of setting forth jurisdiction of the International Organization, p. 3.

X METHOD OF DEALING WITH SECURITY FACTOR

- A. Paragraph (2) shall not apply to such bases or areas in dependent territories as the General Assembly on the recommendation of the Security Council declares to be of special importance for the maintenance of international peace and security. (para. ~~6~~ 18 (6))

The General Assembly on the recommendation of the Security Council may remove from existing mandates such military restrictions as are in its opinion prejudicial to the security of the mandated territory or of the United Nations generally. (para. ~~7~~ 18 (7))

- C. There may be designated in the trusteeship arrangement, as part of a general plan of international security, a strategic area or areas which may include part or all of the territory to which the arrangement applies. The extent of the area or areas so designated shall be the minimum required for defence and security purposes. (para. 8)

All functions of the Organization relating to strategic areas, including the approval of the trusteeship arrangements and their alteration or amendment, should be exercised by the Security Council. (para. 10)

- F. One or more strategic zones may be specified in the trusteeship agreement. These zones may include all or part of the territory to which the agreement applies. (Art. 6)

All the prerogatives of the Organization in regard to the strategic zones, including approval of the trusteeship agreements referred to in Article 6 above, together with their modifications, will be vested in the Security Council. (Art. 7)

- U.K. It shall be the duty of the State administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied to ensure that the territory shall play its part in the maintenance of international peace and security. To this end the State shall be empowered to make use of forces, facilities, and assistance from the territory in carrying out the obligations undertaken by the State to the Security Council in this regard and for local defence and the maintenance of law and order within the territory. (para. 5)

cap. ✓ The state administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied shall furnish to the Security Council such information in respect of such territories as the Security Council on the advice of the Military Staff Committee may require, as regards any forces, facilities, or assistance which the State may employ from the resources of the territories, in the discharge of the State's obligations in respect of international peace and security under this Charter. (para. 6)

U.S. There may be designated, in the trusteeship arrangement, a strategic area or areas which may include part or all of the territory to which the arrangement applies. (para. 6)

All functions of the Organization relating to strategic areas, including the approval of the trusteeship arrangements and their alteration or amendment, should be exercised by the Security Council. (para. 7)

XI. METHOD OF DEALING WITH CIVIL AND WELFARE FACTOR

- A A member of the United Nations administering any dependent territory to which this paragraph applies undertakes to make reports upon its administration of that territory to an expert commission with advisory functions, to be established by or under the authority of the General Assembly. The commission shall keep the United Nations informed, through the Economic and Social Council, as to the welfare and development of the peoples of the territories to which this paragraph applies. (Par.2) 18(2)
- C Except for defense and security reasons, the basic objectives as provided for in paragraph 2 above should be applicable to the people of each strategic area, due account being taken of the stage of their political development, the geographical position of the area, its economic conditions, and other relevant circumstances. (Par.9)
- The functions of the Organization with regard to trusteeship arrangements for all other areas should be exercised by the General Assembly. (Par.11)
- F The prerogatives of the Organization concerning the trusteeship agreements relating to all other territories shall be vested in the General Assembly. (Art.8)
- UK The State administering any territory to which the special machinery prescribed in paragraphs 2 to 8 of this Chapter may be applied shall render annual reports to the Economic and Social Council on the economic and social advancement of the inhabitants and the civil administration of the territory. (Par.7)
- A permanent commission shall be constituted to prescribe the form of the annual reports referred to in paragraph 7, to receive and examine them, and to advise the Economic and Social Council on all matters relating to the observance of the terms of trusteeship, other than security matters, which apply to each territory. (Par.8)
- US The functions of the Organization with regard to trusteeship arrangements for all other areas should be exercised by the General Assembly. (Par.8)

XII. TERMINATION OF TRUST

A. (No proposals)

C. (No proposals)

F. (No proposals)

U.K. (No proposals)

U.S. (No proposals)

COMMENTS AND SUGGESTIONS

ECUADOR. Doc. 2, G/7(p), pp. 12, 13.

General Assembly may declare independence under specified conditions.

VENEZUELA. Doc. 2, G/7(d)(1)

Conditions requisite for independence, p. 34.