

UNCDO - Working Papers - Commissions + Technical Committees - Commission 2 / Committee 4 -  
Eighth Meeting

22 May 1945

Clear

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le Comité tenait  
vérifiés les  
deux textes  
linguistiques

Plaque

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

Egyptian amendment

Art. 3. amended to read as  
follows:

3. The trusteeship system should apply to
- a) territories now held under mandate,
  - b) territories which may be detached from the enemy states as a result of this war; and
  - c) territories voluntarily placed under the system by states responsible for their administration.

The trusteeship system should not apply to territories which have become members of the United Nations.

A. Badawi

May 22, 1945

THE UNITED NATIONS CONFERENCE  
ON INTERNATIONAL ORGANIZATION

Rédiger comme suit :

B

3

a

b

c

territoires volontairement  
placés sous ce régime par  
les Etats responsables de leur  
administration.

Les accords particuliers  
nécessaires détermineraient  
deux quelles conditions  
ces territoires seraient  
placés sous tutelle  
internationale.

Le régime de tutelle ne  
s'appliquerait pas à des  
territoires devenus membres  
des Nations Unies.



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SUMMARY REPORT OF EIGHTH MEETING  
Veterans Building, Room 223, May 22, 1945, 10:30AM

The Chairman called the meeting to order at 10:40 a.m.

1. Procedure

The Committee decided to appoint a Drafting Subcommittee; its composition would be determined later.

With reference to the rules of procedure adopted at the sixth meeting, the Chairman pointed out that the Steering Committee had now given a ruling under which a Delegate might speak only twice on any one question. This ruling would only be relaxed in the future with the consent of the Committee.

2. Discussion of Working Paper

As the informal discussions on Paragraphs A1 and B2 were reported to be still in progress, the Committee again postponed consideration of these paragraphs.

The Delegates from Greece and Belgium suggested certain changes in the drafting of Section B of the paper, ~~which was~~ <sup>referred to the</sup> Drafting Subcommittee. The Delegate for France stated that in the view of his Delegation "tutelle internationale" was an accurate translation of "trusteeship".

The following amendment was proposed by the Delegate for Egypt and seconded by the Delegate for Iraq:

To delete from Paragraph B3 the word "only" in line 1, the words from "such" in line 1 to

-1-

with a view to clarifying the meaning of <sup>certain phrases used.</sup>  
The Chairman asked that these suggestions be given to the

"arrangements" in line 3 inclusive, and the whole of the last sentence but one in the paragraph; and to insert the word "all" after "(a)" in line 3.

In support of this motion, it was pointed out that there were two references in Paragraph 3 in different terms to subsequent agreements and that these references were ambiguous. In connection with Sub-paragraph <sup>(a) l.c.</sup> A (Existing Mandates), <sup>l.c.</sup> under the original concept of mandates under the League of Nations, no <sup>private</sup> prior title to a mandated territory could lie with a mandatory power. It was for the League itself to pass title to such territory <sup>ies, perhaps by a general agreement with the new organization,</sup> in some way and not for the mandatory power to undertake to do so by <sup>individual</sup> an agreement with the new Organization. Questions concerning the protection of vested financial interests could be taken care of perhaps by an article in the agreement between the old League and the new Organization, but in any case financial interests were of secondary concern as compared with the major question of the welfare of peoples. It would be evidently impossible for two parallel systems--the League system and the new Trusteeship system--to continue to exist side by side. In connection with Sub-paragraph <sup>(b) l.c.</sup> B (Ex-enemy territory) an ex-enemy state <sup>certainly not to be allowed</sup> could hardly be expected to be party to an agreement for the placing of its territory under a Mandate. —————→



no H  
The surrender of enemy powers would not extend to details of the disposition of their territory. In connection with Sub-paragraph 9 (Voluntary Transfer), <sup>of the</sup> subsequent agreements <sup>not called for. Consequently, reference to individual agreements was altogether</sup> were ~~not~~ <sup>was</sup> superfluous in Paragraph 3.

Objection was taken to the proposed amendment on the ground that it would have the effect of creating a compulsory system, and thus of legislating beyond the competence of the present Conference. It would also pre-judge decisions which ought to be left to subsequent <sup>meetings</sup> ~~decisions~~ of the United Nations. The proposed Trusteeship system would differ appreciably from the League system of <sup>of</sup> Mandates, and the simple form of succession suggested by the Egyptian Delegate was ~~/~~ therefore ~~/~~ not practicable. No power now holding a <sup>of</sup> Mandate should be expected to continue to accept responsibility under a new system, if it had no share in deciding upon the revised terms of its trust. ~~Attention was also drawn to the vote taken at the previous meeting on Paragraph B1, where the Committee had decided by an overwhelming majority to retain the reference to individual agreements.~~

Decision: For purposes of voting, the amendment was divided into two parts. The proposed deletions were rejected by 22 votes to 5 and the proposed addition by 20 votes to 6.

The Delegate for Argentina stated that he <sup>understood</sup> ~~would be~~ obliged to formulate reservations on the subject of Paragraph B3 (c) ~~[if his understanding of it was not correct, namely that it referred]~~ <sup>to refer</sup> exclusively to territories which might be placed under trusteeship as a result of either the present war or the war of 1914-18. *If this interpretation was incorrect,*

The Delegate for Guatemala, supported by the Delegate for El Salvador, moved the addition of the following sentence to the end of Paragraph B3 (c), after the word "administration":

"The Trusteeship system <sup>shall</sup> not be applied to territories in dispute, concerning which there is pending any question, claim, controversy, or ~~litigation~~ between states members of the International Organization".

The proposal was supported on the ground that the system should protect the rights of third parties. Its opponents maintained that this protection was already afforded by Paragraphs B4 and B5. The amendment would also, if adopted, <sup>ve</sup> lead the way open for the removal from the <sup>by</sup> Trusteeship system of any territory over which a dispute might arise in the future.

With reference to the <sup>Statement of Reasons</sup> ~~supporting argument~~ presented by the Guatemalan Delegation in Doc. 405, II/4/15 (1), the Delegate for the United Kingdom declared that his Government could not

*he would be obliged to formulate reservations at an appropriate time.*



*assumption and implications contained in its second paragraph*  
*assumption and implications contained in its second paragraph.*

accept the contention that the Republic of Guatemala had  
any rights in the territory of Belize.

Discussion of this amendment was adjourned until the next  
meeting at 3:30 PM on Wednesday, May 23.

The meeting was adjourned at 1:10 P.M.

long  
4c

EPL

PRECIS

Committee II/4 held its eighth meeting on May 22, 1945 at 10:30 a.m. A decision was taken to appoint a Drafting Subcommittee. As informal discussions on Paragraphs A1 and B2 of the working paper were still in progress, the Committee proceeded with Paragraph B3. The Delegate for Egypt, seconded by the Delegate for Iraq, proposed an amendment, which <sup>was defeated,</sup> would have <sup>to</sup> (a) deleted both references to subsequent agreements, and <sup>to insert the words "all at the beginning of Subparagraph (a)."</sup> (b) provided that all existing mandates without exception should be brought within the Trusteeship system. Both parts of the amendment were defeated on a vote. Discussion was then begun and adjourned on an amendment by the Delegate for Guatemala, seconded by the Delegate for El Salvador. The effect of this proposal would be to exclude from the Trusteeship system all territories forming the subject of dispute or litigation between members of the <sup>l.c.</sup> International <sup>l.c.</sup> Organization.

# COMMUNIQUE

Committee II/4 held its eighth meeting on May 22, 1945, at 10:30 A.M. Informal discussions on Paragraphs A.1 and B.2 of the working paper were reported to be still in progress. The Committee, therefore, resumed consideration of Paragraph B.3.

The following amendment was proposed by the Delegate for Egypt and seconded by the Delegate for Iraq:

To delete from Paragraph B.3 the word "only" in line 1, the words from "such" in line 1 to "arrangements" in line 3 inclusive, and the whole of the last sentence but one in the paragraph; and to insert the word "all" after "(a)" in line 3.

In support of this motion, it was pointed out that there were two references in Paragraph 3 in different terms to subsequent agreements and that these references were ambiguous. In connection with sub-paragraph (a) (existing mandates), no private title to a mandated territory could lie with a mandatory power. It was for the League itself to pass title to such territories, perhaps by a general agreement with the new organization, and not for the mandatory power to undertake to do so by individual agreements. Questions concerning the protection of vested financial interests could be taken care of perhaps



by an article in the agreement between the old League and the new Organization, but in any case financial interests were of secondary concern as compared with the major question of the welfare of peoples. It would be evidently impossible for two parallel systems--the League system and the new Trusteeship system--to continue to exist side by side. In connection with sub-paragraph (b) (ex-enemy territory) an ex-enemy state could certainly not be allowed to be party to an agreement for the placing of its territory under a Mandate. The surrender of enemy powers would not extend to details of the disposition of their territory. In connection with sub-paragraph (c) (voluntary transfer), agreements were not called for. Consequently, reference to individual agreements was altogether superfluous in Paragraph 3.

Objection was taken to the proposed amendment on the ground that it would have the effect of creating a compulsory system, and thus of legislating beyond the competence of the present Conference. It would also pre-judge decisions which ought to be left to subsequent meetings of the United Nations. The proposed trusteeship system would differ appreciably from the League system of mandates, and the simple form of succession suggested by the Egyptian Delegate was therefore not practicable. No power now holding a mandate should be expected to continue to accept responsibility under a new system, if it had no share

in deciding upon the revised terms of its trust.

The Delegate for Guatemala, supported by the Delegate for El Salvador, moved the addition of the following sentence to the end of Paragraph B.3 (c), after the word "administration":

"The Trusteeship system shall not be applied to territories in dispute, concerning which there is pending any question, claim, controversy, or mitigation between states members of the International Organization".

The proposal was supported on the ground that the system should protect the rights of third parties. Its opponents maintained that this protection was already afforded by Paragraphs B.4 and B.5. The amendment would also, if adopted, leave the way open for the removal from the trusteeship system of any territory over which a dispute might arise in the future.

Discussion of this amendment was adjourned until the next meeting at 3:30 PM on Wednesday, May 23.

## PROGRESS REPORT

At the eighth meeting of Committee II/4, discussion of the working paper (Doc. 323, II/4/12) was continued. The Delegate for the United States (Mr. Stassen) said that the informal discussions between certain members of the Committee on the question of whether independence should be an aim of the trusteeship system were progressing. He was reasonably certain that he would be able to report to the Committee at its next meeting.

The Committee decided to appoint a Drafting Subcommittee, the composition of which would be decided upon at the next meeting.

Certain members offered suggestions with regard to remedying ambiguities which they found in the wording of Section B of both the French and English texts of the working paper. The Chairman asked that such suggestions be given to the Drafting Subcommittee.

The Delegate from Egypt moved an amendment to Paragraph B3 (see summary report). His motion was seconded by the Delegate for Iraq and it was opposed by delegations from the United States, United Kingdom, Netherlands, France and other countries. By permission of the Committee, the Egyptian Delegate spoke three times in support of his motion. In the



voting on the motion (which was split into two parts), Egypt was supported by Iraq, Lebanon, Liberia, Saudi Arabia and Syria (on one or both of votes).

The Argentine Delegate asked that a statement which he made of his government's position in connection with Paragraph 3 be made a matter of record.

The Committee discussed an amendment<sup>proposed by Guatemala</sup> to Paragraph 3 which had been circulated previously (Doc. 405, II/4/15 (1) ) to the effect that the trusteeship system would not apply to territories in dispute in the document. The amendment was accompanied by a statement of reasons in which reference was made to "a controversy with Great Britain in relation to Guatemalan sovereignty over Belize (British Honduras)". The Chairman reminded the Committee that it could not discuss particular territories. The Guatemalan Delegate, who was seconded by the Delegate from El Salvador, supported the amendment on the basis of general principles. The Delegate for the United Kingdom (Lord Cranborne) expressed surprise that the document had been passed for circulation by the Secretariat. He also said that this government did not accept the assertions made in the statement of reasons accompanying the amendment and asked that his remarks be put on the record. The Chairman explained that the International Secretariat, which had passed the document, was in a position to know what the general policy of the Conference was in respect

to the acceptance of documents. He also pointed out that the amendment taken by itself related to the general subject matter of Paragraph B3. The Delegate for Greece expressed the opinion that the amendment was unnecessary.

At this point, the Delegate for China (Dr. Wellington Koo) made a very effective speech. He suggested that the Committee should consider whether the motion should be pushed to a vote. The principle set forth in the amendment was so comprehensive that if the motion were adopted the Committee could not foresee what the full consequences would be. On the other hand, if the motion were rejected, the vote would be interpreted as an indication that the Committee was opposed to the general principle --a situation which would place the Committee and even the Conference in a difficult situation. Such action would also prejudice the position of Guatemala. He, therefore, asked the Delegate for Guatemala whether he would not be satisfied with a statement in the minutes with regard to the amendment without pressing for a vote on the subject. The Chairman supported the suggestion of Dr. Koo, adding that the Guatemalan Delegate might wish to think the matter over until the next meeting. The Chairman then declared the meeting adjourned without permitting further discussion.

EIGHTH MEETING COMMITTEE II/4

May 22, 1945

I PROCEDURE

It might be useful to point out to the Committee that a drafting sub-committee will be appointed, a little later, in order to produce a final Committee draft after the Committee has voted on the working paper paragraph by paragraph. The sub-committee will report back to the Committee before the results of the Committee decisions are sent on to the Coordination Committee.

This procedure will be useful since, by action of the Steering Committee yesterday, questions decided by any Technical Committee may go to the Coordination Committee and not return to the Committee in which they originated.

II CONTINUATION OF DISCUSSION OF WORKING PAPER

III NEXT MEETING: WEDNESDAY AT 3:30