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WORKING PAPER FOR CHAPTER ON DEPENDENT TERRI-
TORIES AND ARRANGEMENTS FOR INTERNATIONAL
TRUSTEESHIP

(As of June 9, 1945)

(As approved provisionally, with amendments)

(Prepared for Drafting Sub-Committee II/4/A)

A. GENERAL POLICY

1. States members of the United Nations which have responsibilities for the administration of 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 a sacred trust of civilization to promote to the utmost the well-being of the inhabitants of these territories within the world community, and to this end:

- (i) to insure the political, economic, social and educational advancement of the peoples concerned;
- (ii) to develop self-government in forms appropriate to the varying circumstances of each territory; and
- (iii) to further international peace and security.

2. States members also agree that their policy in respect to such territories, no less than in respect to 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. TERRITORIAL TRUSTEESHIP SYSTEM

1. The Organization should establish under its authority an international system of trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements and set up suitable machinery for these purposes.

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

- (a) to further international peace and security;

- (b) to promote the political, economic, 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;
- (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
- (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.

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. The trusteeship system should not apply to territories which have become members of the United Nations, relationship among which should be based on the respect of the principle of sovereign equality.

4. The trusteeship arrangement for each territory to be placed under trusteeship should 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 should be approved as provided for in paragraphs 8 and 10 below.

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.

6. The trusteeship arrangements in each case should include the terms under which the territory will be administered and designate the state or the states which should exercise the administration of the territory or designate the United Nations Organization itself to exercise the administration of the territory.

7. In addition, there may also 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, without prejudice to any special agreements made under Chapter VIII, Section B, paragraph 5.

8. All functions of the Organization relating to such strategic areas, including the approval of the trusteeship arrangements and their alteration or amendment, should be exercised by the Security Council. The basic objectives as provided for in paragraph B.2 above should 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 below to perform those functions of the Organization under the trusteeship system relating to political, economic, and social matters in the strategic areas, subject to the provisions of the trusteeship arrangements.

9. It shall be the duty of the state administering any trust territory to insure 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 volunteer forces, facilities, and assistance from the territory in carrying out the obligations undertaken by the state for the Security Council in this regard and for local defense and the maintenance of law and order within the territory.

10. The functions of the Organization with regard to trusteeship arrangements for all areas not designated as strategic, including the approval of the trusteeship arrangements and their alteration or amendment, should 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 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; (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 named for three-year periods by the General Assembly so 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 Organization, in regard to matters with which they are respectively concerned.

12. 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 state, to accept petitions and examine them in consultation with the administering state, to make periodic visits to the respective territories at times agreed upon with the administering state, and to take these and other actions in conformity with the Trusteeship arrangements.

13. 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 on the political, economic, social, and educational advancement of the inhabitants of the trust territory.

SECOND MEETING OF SUBCOMMITTEE II/4/A ✓

The drafting subcommittee held its second meeting on Monday, June 11, at 10:30 a.m. The subcommittee had before it the full text of the Working Paper as amended by the Committee in its first thirteen meetings (Doc. 892). The following decisions were reached:

To substitute the words "shall" and "will" for "should" and "would" throughout.

To substitute "trusteeship agreement" for "trusteeship arrangement" throughout, except in the first line of paragraph B 4, the second line of paragraph B 8, and line 3 of paragraph B 10; in these contexts the phrase becomes "terms of trusteeship", "terms of the trusteeship agreement", and "terms of the trusteeship agreements" respectively.

To substitute in the revised text of paragraph A 1 (Doc. 727) the words "system of international peace and security" for the words "world community", and to add the words "they undertake" after "to this end". Also to delete subparagraph A 1 (iii).

To substitute, in paragraph B 2 (b), "the inhabitants of the trust territories" for "the trust territories and inhabitants".

To insert, between "territories" and "would be" in line 8 of paragraph B 3, the words "in the foregoing categories"; and to substitute "the" for "a" in line 9 of the same paragraph. Also to substitute "respect for" for "the respect of" in line 12.

Paragraph B 4, to insert in line 2 between "system" and "shall be agreed upon", the words "including any alteration or amendment,".

In paragraph B 5, to move the phrase "as provided for in paragraph 3" to the end of the paragraph.

To delete the whole of paragraph B 6 after the word "designate" in line 3, and to substitute: "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 Organization itself".

In paragraph B 7, to substitute "trust territory" for "territory to which the arrangement applies".

To insert "of" between "and" and "their" in line 3 of paragraph B 8.

In paragraph B 9 to substitute "authority" for "state" in lines 1, 4, and 6. Also to insert the word "trust" before "territory" in lines 2, 5, and 8.

To insert the word "of" between "and" and "their" in line 4 of paragraph B 10.

In paragraph B 11, to substitute "the authority of the Assembly" for "its authority" in line 4; "mentioned by name" for "named" in line 7; "elected" for "named" in line 10; "in order that" for "so that" in line 10; and to delete "organisation" in lines 15 to 16.

In paragraph B 12, to substitute "authority" for "state" in lines 4, 5, and 7. Also to substitute "provide for" for "make" in line 5.

It was decided that a proposal to make provision for the equal treatment of United Nations nationals in the administration of justice in paragraph A 2, as in paragraph B 2 (d), was outside the terms of reference of the drafting subcommittee.

The Secretary was asked to inquire into the question of voting on the General Assembly in relation to trusteeship, particularly for the election of non-permanent members to the trusteeship council.

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- (b) to promote the political, economic, 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;
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