

UNCDO - Working Papers - Commissions + Technical Committees - Commission 2 / Committee 4 - General Documents

1 May 1945
30 June 1945

Ulan

UN ARCHIVES

SERIES	<u>1018</u>
BOX	<u>10</u>
FILE	<u>03</u>
ACC.	<u> </u>



UNITED KINGDOM DELEGATION
SAN FRANCISCO CONFERENCE

5th May 1945

Mrs Secretary-General
International Secretariat.

TRUSTEESHIP

Sir,

On behalf of the U.K. Delegation I present
the enclosed documents for circulation,
and consideration by Committee 4 or
Commission II.

Yours, Sir,

Your Obedient Servant

A. H. Doynton

MEMORANDUM

May 7, 1945

TO: Mr. Rothwell
From: Robert B. Stewart

Mr. Gilchrist telephoned to say that the meeting of Committee II/4 tomorrow has had to be cancelled. Mr. Fraser has planned to discuss the Committee's work with others at lunch tomorrow and desires to do this before the next meeting of the Committee. The Order of the Day office has been notified.

cc: Mr. Kidner

RBS:jam

II/4/

ATTENDANCE AT MEETING OF COMMISSION II COMMITTEE 4
May 24, 1945

Chairman: Peter Fraser
Rapporteur: Hugues Le Gallais

<u>COUNTRY</u>	<u>DELEGATE OR ALTERNATE</u>
Argentina	Oscar Ibarra Garcia
Australia	Francis Michael Forde
Belgium	A. E. de Schryver
Bolivia	(absent)
Brazil	Marcio de Mello F. Alves
Byelorussian S.S.R.	Georgy I. Baidakov
Canada	L. D. Wilgress
Chile	Julio Escudero
China	V. K. Wellington Koo
Colombia	M. López Pumarejo
Costa Rica	Luis Demetrio Tinoco
Cuba	Francisco Aguirre
Czechoslovakia	Ernest Sture
Dominican Republic	(absent)
Ecuador	(absent)
Egypt	Abdel Hamid Badawi
El Salvador	(absent)
Ethiopia	Ato Ambai Wold-Mariam
France	Paul-Emile Naggier
Greece	Constantine Goulimis
Guatemala	José Luis Mendoza
Haiti	Pierre Chauvet
Honduras	(absent)
India	V. T. Krishnamachari
Iran	Allah Yar Saleh
Iraq	Fadhil Al-Jamali
Lebanon	Charles Habib Malik
Liberia	(absent)
Luxembourg	Hugues Le Gallais
Mexico	Rafael de la Colina
Netherlands	Charles O. Van der Plas
New Zealand	Peter Fraser
Nicaragua	Alonso S. Perales
Norway	Jacob S. Worm-Muller
Panama	(absent)
Paraguay	(absent)
Peru	Manuel B. Llosa
Philippine Commonwealth	Maximo M. Kalaw
Saudi-Arabia	Asad El Faqih
Syria	Faris al-Khouri
Turkey	A. Sinasi Hizar
Ukrainian S.S.R.	Vladimir G. Bondarchuk
Union of South Africa	D. L. Smit
United Kingdom	The Viscount Cranborne
United States of America	Harold E. Stassen
Union of Sov. Soc. Republic	K. V. Novikov
Uruguay	Cyro Giambruno
Venezuela	(absent)
Yugoslavia	(absent)

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

COMMISSION II General Assembly
Committee 4 Trusteeship System

SUPPLEMENT TO
ANALYSIS OF PAPERS PRESENTED BY AUSTRALIA,
CHINA, FRANCE, UNITED KINGDOM, AND
UNITED STATES (DOC. 230, 11/4/5)

Analysis of Proposal on Trusteeship of the Soviet Union
entitled "Amendments of the Soviet Delegation to the United
States Draft on Trusteeship System" (Doc. 237, 9/26 (f))

(Amendments are underlined; deletions are stricken out.)*

I. GENERAL PRINCIPLE

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)

II. OBJECTIVES AND PURPOSES

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 self-determination with active participation of peoples of these territories having the aim to expedite the achievement by them of the full national independence; 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)

III. SCOPE OF APPLICATION

The trusteeship system should apply only to such territories in the following categories as may be placed thereunder

* Note on original Soviet document.

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 which states would be authorized to take over this trusteeship. (Par. 3)

IV. METHOD OF BRINGING TERRITORIES WITHIN THE SYSTEM

It would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and which states would be authorized to take over this trusteeship. (Par. 3)

The trusteeship arrangement for each territory to be placed under trusteeship should be agreed upon by the states which were or are concerned in this matter and should be approved as provided for in paragraphs 7 and 8 below. (Par. 4)

V. NATURE OF ADMINISTERING AUTHORITY

(No proposals)

VI. OBLIGATIONS OF ADMINISTERING AUTHORITY

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)

VII. CHARACTER OF THE TERMS OF TRUST

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

In order to assist the General Assembly to carry out those functions under the trusteeship system not reserved to the Secu-

rity 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 by the permanent members of the Security Council not 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 TRUSTESHIP

The General Assembly and, under its authority, the Trusteeship Council in carrying out their functions should be empowered in respect to the territories having no strategical importance to consider reports submitted by the administering authorities to accept petitions, to institute investigations and to control the fulfilment of the instructions and recommendations given by them sending their representatives and inspectors to the trust territories and to take other action within their competence as defined by the trusteeship arrangements. (Par. 10)

X. METHOD OF DEALING WITH SECURITY FACTOR

On recommendation of the Security Council there should be designated in the trusteeship arrangements a strategic area or areas which may include part or all of the territory to which the arrangement applies. (Par. 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. (Par. 7)

XI. METHOD OF DEALING WITH CIVIL AND WELFARE FACTOR

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

(No proposals)

STENOGRAPHIC

Job No. _____ Doc. _____

Miss *Bacon* Room _____ Sym. _____Clerk *Aumudy* Dictation _____
Copying _____DESCRIPTION *Summary Report of* _____*10th meeting of Com II/4* _____Received by _____ Date *17th* _____

Time _____

2244

2269

2278

2279

II/4

PRECIS

Committee II/4

At its tenth meeting, the Committee continued discussion of the working paper. Paragraphs B.5 and B.8, as amended, were adopted and paragraph B.9 was adopted without amendment. The drafting subcommittee will hold its first meeting on May 25.

SUMMARY REPORT OF TENTH MEETING OF COMMITTEE II/4
Veterans Building, Room 223, May 24, 1945, 8:30 p.m.

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

1. Announcements

The Chairman announced that the first meeting of the drafting subcommittee (II/4/A) would be held on May 25 at 2:30 p.m. The place of meeting would be announced later.

The Delegate for Australia informed the Committee that he had handed to the Secretary an amendment which it was intended would constitute a new section of the working paper, and which related to the means by which the general principles set forth in Section A concerning particularly the welfare of dependant peoples might be carried into effect.

2. Discussion of the Working Paper

The Delegate for Ethiopia presented a document setting forth the position of the Ethiopian government in relation to the trusteeship system. The Committee decided that note should be made of the presentation of the document and that it should be filed for reference.

The Delegate for Guatemala requested that the following statement of the position of his delegation be made a matter of record:

"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."

The Delegate for Egypt withdrew the amendment to paragraph B.8 of the working paper (Doc. 323, II/4/12) which he had proposed at the previous meeting. In place thereof, an amendment to paragraph B.8 was moved jointly by the Delegates for Egypt and the United States to delete the word "may" in line 6 and to insert in its place the words "shall, without prejudice to security considerations". The final sentence of paragraph B.8 would then read: "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 these 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."

Decision: This amendment to paragraph B.8 was adopted unanimously.

Decision: The Committee adopted unanimously paragraph B.8 as amended.

The Committee then returned to paragraph B.5 to which the Delegate for Egypt had submitted an amendment at the previous meeting (see Summary Report of Ninth Meeting, Doc. 552, II/4/23, p. 3)

Committee was informed
The Delegate for the United States stated that paragraph B.5 was intended as a conservatory or safeguarding clause.

There was no intention either to add to or to subtract from existing rights but merely to preserve them.

The Delegate for Iraq, seconded by the delegate for Egypt, moved that further discussion on paragraph B.5 be postponed. He explained that this paragraph involved questions of great importance to certain delegations and that more time for study was needed.

Decision: The motion was rejected by a vote of 11 for and 19 against.

Discussion of the Egyptian motion was then resumed. The Delegate for Egypt sought to amend his motion first, by not striking out the words "of any state" at the end of line 4 and beginning of line 5, and by inserting after these words the words "if any"; and subsequently, by retaining paragraph B.5 except for the substitution for the words "of any state or any peoples in" in line 4 and 5 of the words "of the people of".

Decision: The Committee declined to permit the Egyptian Delegate to make these amendments to his amendment by a vote of 15 for and 16 against, and 6 for and 18 against.

Decision: The Committee then rejected the original Egyptian amendment by a vote of 5 for and 25 against.

The Delegate for Syria moved as an amendment to paragraph B.5 to replace the words "in any territory" in line 5 by the words "of the territory concerned. Paragraph B.5 would then read: "Except as may be agreed upon in individual

for the purpose of giving consideration to a proposal which the Delegate for Iraq might wish to make.

Decision: The Committee adopted paragraph 5 subject to this understanding by a vote of 29 for and 5 against.
trusteeship arrangements made under paragraphs 4 and 6 placing each territory under the trusteeship system, nothing in this chapter should be construed in and of itself to alter in any manner the rights of any state or any peoples of the territory concerned, or the terms of any mandate."

In favor of the amendment, it was said that it would exclude claims to rights on the part of peoples outside the territory concerned. If such peoples had rights, these rights would be presented by the states to which such peoples belonged, not by the peoples themselves. Against the motion it was said that the effect would be seriously to weaken the conservatory or safeguarding clause by failing to preserve certain rights.

Decision: The amendment was lost by a vote of 5 for and 26 against.

The Committee then proceeded to vote on paragraph B.5 as a whole with the understanding that such a vote would not preclude recommitment of the paragraph at a subsequent time for the purpose of giving consideration to a proposal which the Delegate for Iraq might wish to make.

Decision: The Committee adopted paragraph 5 subject to this understanding by a vote of 29 for and 5 against.

The Committee took up paragraph B.9. The Delegate for Egypt moved as an amendment to this paragraph to insert after the word "empowered" in line 4 the words "under the control of the Security Council". The second sentence of paragraph 9.

would then read: "To this end the state shall be empowered under the control of the Security Council 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."

In favor of the motion, it was said that without the amendment the power of the administering authority to make use of facilities and assistance in a trust territory would be absolute, a situation which would be undesirable for the peoples of the territory. Against the motion it was said that the Security Council should not be concerned with the maintenance of internal law and order. Moreover, the amendment would give to the Security Council part of the supervisory jurisdiction belonging to the Assembly and to the Trusteeship Council.

Decision: The amendment was rejected by a vote of 2 for to 26 against.

Decision: Paragraph B.9 was adopted by a vote of 29 for to one against.

The Delegate for the United States informed the Committee that the firm attitude which he had adopted in opposition to the amendments offered by the Delegate for Egypt and others did not necessarily indicate that he was not in sympathy with the

substance of the amendments, but rather that he felt that this Committee was not the place to offer them and the working paper was not the document in which they should be incorporated.

The Committee adjourned at 11:20 p.m.

II/4/

NOTE FOR NEXT MEETING OF COMMITTEE II/4

The Committee might be asked to adopt definitively paragraphs 1 to 13 of Section B of the working paper. This could then be given to the Coordinating Committee without limiting the right of Committee II/4 either to make alterations in Section A or to add paragraphs to Section B of the papers.

HG/ June 15, 1945

INFLUENCE OF TRUSTEE POWERS IN THE MANDATES COMMISSION AND THE

TRUSTEESHIP COUNCIL

At the last meeting of the Trusteeship Committee a statement was made which suggested, perhaps because of an unnoticed ambiguity in the phrase "administering powers", that non-trustee states will have more influence in the new Trusteeship Council than they were permitted to exert in the Permanent Mandates Commission of the League. Since it is, on the contrary, the trustee states whose influence will be increased, it may be useful to put on record a brief statement indicating that members of the Committee understand clearly the effect of the decisions they have taken.

In four specific ways the influence of the trustee states is to be increased.

In the first place, all trustee states are now given representation on the supervisory body. Under the League system nationals of only four out of seven mandatory powers had seats on the Mandates Commission. Three out of seven were not represented at all.

In the second place, half the votes on the Trusteeship Council are now reserved for representatives of trustee states. In the past the proportion was less. In fact the constitution of the Permanent Mandates Commission stipulated that the majority of the Commission should always be nationals of non-mandatory powers. Thus from 1921 to 1927 nationals of trustee states occupied only 44% of the seats, and from 1927 onward the proportion was reduced to 36%. Hereafter they will occupy 50% of the available seats.

In the third place - and this is most important - members of the Trusteeship Council will speak in the name of their governments. Members of the Mandates Commission did not. They were appointed by the League Council on the basis of personal competence and merit and as long as they served on the Commission they were debarred from holding any office which would put them in a position of direct dependence on their respective governments. Trustee powers could speak only through accredited representatives, who were called in for a short while for questioning in connection with the various annual reports and then dismissed. Hereafter they will be represented in the membership of the Commission itself.

Conference Records
copies given
informally to Mr. Gung
& Mr. Trane.

Finally, trustee powers will hold permanent seats on the Trusteeship Council, while a considerable turnover may be expected in the representation of states holding seats on a three-year basis. In the past, since all appointments to the Mandates Commission were permanent, all members had an equal opportunity to familiarize themselves with conditions in the territories they helped to supervise.

In these four ways, then, the influence of trustee powers is to be increased. All of them will now be represented. They will hold a higher proportion of seats. They will be able to instruct their spokesmen on the Commission. Representation of trustee powers will be continuous, while that of elective members will be reduced to three-year periods.

The statement made at the meeting mentioned above was perhaps intended to compare the representation of colonial versus non-colonial powers in the Trusteeship Council and the Permanent Mandates Commission respectively.

It is difficult if not impossible to make such a comparison because one cannot tell whether the General Assembly will or will not elect colonial powers to seats on the Trusteeship Council. It might be noted that although certain colonial powers are not now members of the United Nations, they may become members in the future.

Whatever comparison was intended most of the points in this memorandum are pertinent.

*Original draft
prepared by one
of the Delegation*

COMPOSITION OF PERMANENT MANDATES
COMMISSION, 1927

	<u>Number</u>	<u>Percentages</u>
Nationals of trustee states	4	36.36%
Nationals of colonial powers	4	36.36%
Nationals of states having no dependencies	3	27.27%
	<hr/> 11	<hr/> 100%

COMPOSITION OF TRUSTEESHIP COUNCIL

Representatives of trustee states		50%
Representatives of colonial powers	?	50%
Representatives of states having no dependencies	?	
Representatives of non-administering states having permanent seats on the Security Council	?	

1) REPORT OF THE RAPPORTEUR OF COMMITTEE II/4
(Doc. 1091)

The President might ask the officers of Committee II/4 to come to the rostrum below him. They are:

- Chairman - (Prime Minister and Minister of External Affairs, New Zealand, Peter Fraser)
- Rapporteur - (Minister to the United States, Luxembourg, Hugues Le Gallais)
- Secretary - (Mr. Eugene Chase of the International Secretariat)

The President might wish to refer to the report of the Rapporteur which is before the Delegates but not request the Rapporteur to read any part of it - the report is a little long and time is short. This document contains as an annex the text of the chapter on Dependent Peoples and Trusteeship which is proposed for inclusion in the Charter.

The President might call on those who have indicated the desire to speak:

Monsieur Paul-Emile Naggiar (France)

(Brig. Gen. Romulo (Philippine Commonwealth))
Lord Cranborne (UK)
Australia
Belgium Netherlands

There might first be consideration and discussion on the *Fraser* report and recommendations as a whole, then a vote on the entire matter unless it seems necessary to have a separate vote on any particular point or paragraph.

London
Naggiar
Fraser
Brig. Gen. Romulo
Lord Cranborne
Australia
Belgium
Netherlands

REPORT OF THE RAPPOREUR OF COMMITTEE II/4
(Doc. 1091)

The President might ask the officers of Committee II/4 to come to the rostrum below him. They are:

Chairman - (Prime Minister and Minister of External Affairs, New Zealand, Peter Fraser)

Rapporteur - (Minister to the United States, Luxembourg, Hugues Le Gallais)

Secretary - (Mr. Eugene Chase of the International Secretariat)

The President might wish to refer to the report of the Rapporteur which is before the Delegates but not request the Rapporteur to read any part of it - the report is a little long and time is short. This document contains as an annex the text of the chapter on Dependent Peoples and Trusteeship which is proposed for inclusion in the Charter.

The President might call on those who have indicated the desire to speak:

Monsieur Paul-Emile Naggiar (France)
Brigadier General Carlos P. Romulo (Philippine Commonwealth)
Lord Cranborne, (United Kingdom)

There might first be consideration and discussion on the report and recommendations as a whole, then a vote on the entire matter unless it seems necessary to have a separate vote on any particular point or paragraph.

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 B.

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.

11/4

TRUSTEESHIP

June 15, 1945.

EXPLORATORY

REVISED REDRAFT OF SECTION A, PARAGRAPH 1

A. GENERAL POLICY

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 they agree:

- (a) to insure the political, economic, social and educational advancement of the people concerned, their just treatment and their protection against abuses;
- (b) to take due account of the political aspirations of the peoples 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 and their varying stages of advancement;
- (c) to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international agencies with a view to the practical achievement of the social and economic purposes set forth in this paragraph; and
- (d) 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

nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible.

2. 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.

C
O
P
Y

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

South African Delegation,
Fairmont Hotel,
SAN FRANCISCO.

13th June, 1945.

Dear Sir,

Referring to my letters of 1st and 2nd May, 1945 regarding the distribution of work on Committees among members of the Delegation of the Union of South Africa, I am directed to inform you that Mr. D. L. Smit, this Delegation's representative on Committee II/4 (Trusteeship), has been called away and that his place on that Committee will be taken by Mr. H. T. Andrews as from the 14th June, 1945.

Yours sincerely,

/s/ T. Hewitson

SECRETARY OF DELEGATION

The Executive Secretary,
United Nations Conference
on International Organization,
Room 404, Veterans Building,
SAN FRANCISCO.

INFLUENCE OF TRUSTEE POWERS IN THE MANDATES COMMISSION AND THE

TRUSTEESHIP COUNCIL

[because of an unnoticed ambiguity in the phrase 'administering powers',

At the last meeting of the Trusteeship Committee a statement was made which suggested, perhaps ~~unintentionally~~, that non-trustee states will have more influence in the new Trusteeship Council than they were permitted to exert in the Permanent Mandates Commission of the League. Since it is, on the contrary, the trustee states whose influence will be increased, it may be useful to put on record a brief statement indicating that members of the Committee understand clearly the effect of the decisions they have taken.

In four specific ways the influence of the trustee states is to be increased.

In the first place, all trustee states are now given representation on the supervisory body. Under the League system nationals of only four out of seven mandatory powers had seats on the Mandates Commission. Three out of seven were not represented at all.

In the second place, half the votes on the Trusteeship Council are now reserved for representatives of trustee states. In the past the proportion was less. In fact the constitution of the Permanent Mandates Commission stipulated that the majority of the Commission should always be nationals of non-mandatory powers. Thus from 1921 to 1927 nationals of trustee states occupied only 44% of the seats, and from 1927 onward the proportion was reduced to 36%. Hereafter they will occupy 50% of the available seats.

In the third place - and this is most important - members of the Trusteeship Council will speak in the name of their governments. Members of the Mandates Commission did not. They were appointed by the League Council on the basis of personal competence and merit and as long as they served on the Commission they were debarred from holding any office which would put them in a position of direct dependence on their respective governments. Trustee powers could speak only through accredited representatives, who were called in for a short while for questioning in connection with the various annual reports and then dismissed. Hereafter they will be represented in the membership of the Commission itself.

Finally, trustee powers will hold permanent seats on the Trusteeship Council, while a considerable turnover may be expected in the representation of states holding seats on a three-year basis. In the past, since all appointments to the Mandates Commission were permanent, all members had an equal opportunity to familiarize themselves with conditions in the territories they helped to supervise.

In these four ways, then, the influence of trustee powers is to be increased. All of them will now be represented. They will hold a higher proportion of seats. They will be able to instruct their spokesmen on the Commission. Representation of trustee powers will be continuous; while that of elective members will be reduced to three-year periods.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

~~Def.~~ ^{made} the statement at
the meeting mentioned
above was perhaps intended
to compare the represen-
tation of colonial vs
non-colonial powers
in the Trusteeship ~~Council~~ ^{Council}
& the Permanent
Mandates Commission
respectively.

It is difficult if
not impossible to make
such a comparison
because one cannot tell
whether the Gen. Ass. will
or will not elect colonial

2
THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

power to seats on the

Trusteeship Council.

It might be noted that at the
~~present~~ ^{certain} colonial powers
are ~~not~~ now members
of the United Nations,
but they may become
members in the future.

Whatever com-
parison was intended
most of the points in
this memorandum
are pertinent.

Com #1

June 9, 1945

M

MEMORANDUM

TO: Mr. Gilchrist
FROM: Mr. Chase

Committee II/4 has provisionally finished its consideration of its "working paper", and has before it further proposals of Australia and Egypt. The first will probably be supported in an agreed draft by the United States and the United Kingdom; the latter will probably be defeated quickly. The Committee stage proper should therefore take very little longer. Our drafting sub-committee will need several meetings, because of the importance of parallel and unambiguous drafts in both French and English. I do not anticipate anything in the nature of obstruction, and there should be no special problems in the later stages of our work. Our Rapporteur is intelligent, sensible, and cooperative.

The only possible sources of further delay are failure of agreement between the Australians and Americans, and perhaps some inevitable delay in drafting.

These meetings ought to finish the ^{*substantive*} ~~sub-committee~~ work of the Committee, and perhaps one more for drafting.

~~At the request of the American Delegation, the Committee meeting planned for Monday will not be held.~~ ?

STATUS OF THE WORK OF COMMITTEE II/4

June 2, 1945

1. WORK COMPLETED

The Committee has adopted:

- a. Paragraphs A(1), A(2), B(1), B(3) through B(10) and B(13) of the working paper (Doc. 323)

2. PENDING BUSINESS

- a. Paragraphs B(2), B(11) and B(12) of the working paper (Doc. 323)

At least 5 more meetings will be required to complete the work before the Committee.

The chief difficulty in connection with the work of this Committee has been the failure of the Great Powers to come to extramural agreement on separate issues.

file

May 30, 1945

Status of work of Committees II/2, II/3 and II/4
as of Wednesday morning, May 30

Committee 2 (Political and Security Functions of the Assembly) after many meetings adopted yesterday afternoon the text which it proposes for the principal paragraph of the Dumbarton Oaks Proposals which was referred to it, that is paragraph 1, Section B, Chapter V. The Committee has still to complete its consideration of three other paragraphs of the Dumbarton Oaks Proposals and three other questions.

Committee 3 (Economic and Social Cooperation) has completed its consideration of five paragraphs in Chapters V and IX of the Dumbarton Oaks Proposals. The four other paragraphs referred to it are now in the hands of a drafting subcommittee and two further questions may come to a vote in the full committee today, or tomorrow.

Committee 4 (Trusteeship System) after a general discussion lasting several meetings adopted as a Working Paper a set of draft proposals prepared by the American Delegation. The Committee has subsequently provisionally adopted a statement from this Working Paper in regard to the principle of trusteeship, and certain paragraphs which outline the basis of a system of trusteeship. Further specific proposals are yet to be adopted.

May 29, 1945

COMMITTEE 11/4

(Trusteeship System)

After a general discussion lasting several meetings the Committee adopted as a Working Paper a set of draft proposals prepared by the American Delegation. The Committee has subsequently provisionally adopted a statement from this Working Paper in regard to the principle of Trusteeship, and certain paragraphs which outline the basis of a system of trusteeship. Further specific proposals are yet to be adopted.

May 29, 1945

COMMITTEE II/4

(Trusteeship System)

After a general discussion lasting several meetings the Committee adopted as a Working Paper — a set of draft proposals prepared by the American Delegation. The Committee has subsequently provisionally adopted a statement from this Working Paper in regard to the principle of Trusteeship, and certain paragraphs which outline the basis of a system of trusteeship. Further specific proposals are yet to be adopted.

MAY 17, 1945

Chairman: Peter Fraser
Rapporteur: Joseph Bech

COUNTRY	DELEGATE OR ALTERNATE
Argentina	Santiago Diez Biale
Australia	H.V. Evatt
Belgium	Auguste de Schryver
Bolivia	Absent
Brazil	Vicente de Paula Galliez
Byelorussian S.S.R.	G. I. Baidakov
Canada	Lucien Moraud
Chile	Absent
China	V. K. Wellington Koo
Colombia	Miguel Lopez Pumarejo
Costa Rica	Absent
Cuba	Francisco Aguirre
Czechoslovakia	Vladimir Vochoč
Dominican Republic	Absent
Ecuador	Luis Eduardo Laso
Egypt	Abdel Hamid Badawi
El Salvador	Carlos Leiva
Ethiopia	Absent
France	Paul-Emile Naggiar
Greece	Constantine Goulimis
Guatemala	Absent
Haiti	A. Liautaud
Honduras	Jorge Fidel Durón
India	V.T. Krishnamachari
Iran	Allah Yar Saleh
Iraq	Fadhil Al-Jamali
Lebanon	Charles Habib Malik
Liberia	Gabriel L. Dennis
Luxembourg	Hugues Le Gallais
Mexico	Rafael de la Colina
Netherlands	J. van Mook
New Zealand	Peter Fraser
Nicaragua	Luis Manuel de Bayle
Norway	Jac. Worm-Muller
Panama	Absent
Paraguay	Juan Bautista Ayala
Peru	Manuel B. Llosa
Philippine Commonwealth	Maximo M. Kalaw
Saudi-Arabia	Assad E. Faqih
Syria	Faris al-Khour
Turkey	Sinasi Hisar
Ukrainian S.S.R.	Absent V.G. Bondarchuk
Union of South Africa	D.L. Smit
United Kingdom	Cranborne
United States of America	Harold Stassen
Union of Soviet Socialist	Rep. K.V. Novikov
Uruguay	Cyro Giambruno
Venezuela	Absent
Yugoslavia	Stenoje Simic

K
JK
May 17, 1945

Honorable Guillermo Toriello, Chairman,
Delegation of Guatemala,
Sir Francis Drake Hotel,
San Francisco, California.

Dear Señor Toriello:

I have the honor on behalf of the Secretary General to acknowledge the receipt of your letter of May 16, 1945 with which you forwarded a revised text of an amendment which the Delegation of Guatemala proposes in connection with the territorial trusteeship system.

In accordance with your request, this revised text will be circulated at once to the Conference as a document pertaining to the work of Commission II, Committee 4.

Yours very sincerely,

Huntington Gilchrist, Executive
Officer, Commission II

HG:JK

cc: Mr. Rothwell
Mr. Chase

May 14, 1945

To: Mr. Gilchrist
Mr. Hill

From: Mr. Chase

Subject: Progress Report of Committee II/4

1. The documentary basis of the Committee's work is the six draft proposals on a trusteeship system submitted, through May 11, by the Governments of Australia, China, France, the Soviet Union, the United Kingdom, and the United States. It is not expected that any other government will submit a complete set of proposals, but it is not impossible that two or more of the above-mentioned Governments may propose a joint draft.

2. No progress has been made so far in the adoption of texts.

3. After one meeting for organization, the Committee has spent three meetings in a general discussion of the principles of trusteeship and of plans for a trusteeship system. One further meeting would complete this general discussion. It seems to be felt by the Committee, and the Chairman feels very strongly, that the time has been very profitably spent.

4. After one more meeting devoted to a general discussion, the Committee will have to adopt some specific documentary basis for its detailed discussions. The proposals at the moment before the Committee are two: (1) that a working document promised by Mr. Stassen shall be used. This document, according to his description, would be more a resumé of the points made by all proposers of drafts than a document representing the views of any one country. (2) that a sub-committee should be appointed to draft a working document. A decision as to one of these methods or a combination of the two will be made at the next meeting of the Committee. The entire work of examining drafts and reaching detailed agreement still has to be done.

5. There are no jurisdictional problems.

6. The procedural problems have been indicated in 4 above. If the six drafts are immediately thrown into a

sub-committee, that procedure will probably cause delay. If the Committee can agree upon accepting some one draft as a working document, the Committee's work should proceed with reasonable facility.

A sub-committee might be necessary at a later stage.

7. So far as it is now possible to determine, those delegations which are not opposed to the plan of a trusteeship machinery are in considerable general agreement. The chief conflict of view at the moment seems to be between the Australian desire that colonies might under some conditions be brought under the system against the will of the metropolitan state, and the strong refusal of most other governments to consider a system which is not entirely voluntary. There is, however, great disagreement on many points of great if not major importance.

8. The probable future of the procedure of the Committee has been indicated under 4 and 6 above.

9. The shortest time that the Committee will probably require to complete its work would be two weeks, though it seems almost certain that this minimum can not be obtained, because there are no Dumbarton Oaks Proposals as a basis for its discussion. The work of the Committee will necessarily take longer than that of other committees.

If there remains any dissatisfaction on the part of members of the Committee with the opportunity they have had to express and support their individual views, some of the delegations might be disposed to carry the substantive discussions on to the Commission stage. This again, would cause delay.

May 11, 1945

COMMISSION II, COMMITTEE 4

TRUSTEESHIP SYSTEM

Neither the Dumbarton Oaks Proposals nor the amendments of the Four Sponsoring Powers contain any 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.

Under these circumstances, it is impossible to prepare a reference paper and subject index identical with those printed elsewhere in this document on the various chapters and paragraphs of the Dumbarton Oaks Proposals, but the comments and proposals contained in the bound volume dated May 7, 1945 have been indexed below. The proposals received subsequently, up to the date of the preparation of this Subject Index i.e., those from the U.S.S.R. have also been included.

COMMISSION II, COMMITTEE 4

TRUSTEESHIP SYSTEM

Neither the Dumbarton Oaks Proposals nor the amendments of the Four Sponsoring Powers contain any 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.

Under these circumstances, it is impossible to prepare a reference paper and subject index identical with those printed elsewhere in this document on the various chapters and paragraphs of the Dumbarton Oaks Proposals, but the comments and proposals contained in the bound volume dated May 7, 1945 have been indexed below. The proposals received subsequently, up to the date of the preparation of this Subject Index i.e., those from the U.S.S.R. have also been included.

COMMISSION II, COMMITTEE 4

TRUSTEESHIP SYSTEM

Neither the Dumbarton Oaks Proposals nor the amendments of the Four Sponsoring Powers contain any 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.

Under these circumstances, it is impossible to prepare a reference paper and subject index identical with those printed elsewhere in this document on the various chapters and paragraphs of the Dumbarton Oaks Proposals, but the comments and proposals contained in the bound volume dated May 7, 1945 have been indexed below. The proposals received subsequently, up to the date of the preparation of this Subject Index i.e., those from the U.S.S.R. have also been included.

(PRÉCIS)

MEETING OF COMMITTEE II/4

May 11, 1945

The general discussion opened at the second meeting was continued, and adjourned after the Delegates of France, the Netherlands, China, and the Union of South Africa had expressed their views.

Trusteeship
May 10, 1945

MEMORANDUM FOR CHAIRMAN OF COMMITTEE II/4:

Points of Agreement and Difference in the Australian,
Chinese, French, United Kingdom, and United States
Proposals on Trusteeship

(Arranged to follow generally the topics considered
most vital by an informal meeting of experts)

I. GENERAL PRINCIPLE

There is general agreement on the principle of trusteeship.

There is disagreement as to whether the principle
applies to all dependent territories, or merely to those speci-
fically placed under trusteeship.

II. OBJECTIVES AND PURPOSES

There is agreement that the well-being of dependent
peoples is one of the objectives.

There is disagreement on certain points of which the
most important are (1) whether the ultimate goal is self-govern-
ment and, if so, in what form; (2) whether there should be
non-discriminatory treatment in trust territories with respect
to economic activities.

III. SCOPE OF APPLICATION

There is agreement that the system might be applied to
(1) League of Nations mandates and (2) territories which may
be detached from enemy states in the present war.

III. SCOPE OF APPLICATION (Cont.)

There is disagreement as to whether the system might be applied to (3) colonies placed under it by the colonial power. One draft furthermore suggests the possibility of colonies being brought under trusteeship by action of the General Assembly based on recommendations of a conference of colonial powers.

IV. METHOD OF BRINGING TERRITORIES WITHIN THE SYSTEM

There is agreement that the placing of territories under the system shall be a matter for subsequent agreement. There is agreement, also, that detailed arrangements affecting the trust territory will be a matter for subsequent negotiation.

There is disagreement as to the parties who are to negotiate the arrangements.

V. NATURE OF ADMINISTERING AUTHORITY

There is disagreement as to whether the administering authority must in every case be one member state or whether it might be another agency of the United Nations.

VI. OBLIGATIONS OF ADMINISTERING AUTHORITY

There is agreement that there should be some accountability to the Organization, at least in the form of annual reports.

There is disagreement as to the extent of the accountability, the United States proposing investigation and petition with certain safeguards.

VII. CHARACTER OF THE TERMS OF TRUST

There is general agreement that the terms of the trust will vary according to circumstances.

VIII. COMPOSITION OF SPECIAL TRUSTEESHIP ORGAN

There is general agreement that special machinery shall be established in the form of a permanent council or commission to exercise functions with relation to trusteeship. There is agreement, also, that the General Assembly shall have some responsibility.

IX. FUNCTIONS OF THE UNITED NATIONS ORGANS CONCERNED WITH TRUSTEESHIP

The drafts vary very much as to the functions in relation to trusteeship of the United Nations organs.

X. METHOD OF DEALING WITH SECURITY FACTOR

There is general agreement as to the importance of the security factor in trust territories and the necessity of inserting special security provisions in the Charter.

There is disagreement as to the method of providing for the security factor. Some drafts distinguish on a geographical, and others on a functional basis.

XI. METHOD OF DEALING WITH CIVIL AND WELFARE FACTOR

There is general agreement that there should be safeguards for the welfare and development of the inhabitants of trust areas.

XI. METHOD OF DEALING WITH CIVIL AND WELFARE FACTOR (Cont.)

There is disagreement as to whether this subject should be handled directly by the General Assembly or by the Economic and Social Council, or by a special trusteeship council.

XII. None of the major proposals include any provisions for the termination of trusteeship arrangements.

Mr. Kidner

MEMORANDUM

May 7, 1945

TO: Mr. Rothwell
From: Robert B. Stewart

Mr. Gilchrist telephoned to say that the meeting of Committee II/4 tomorrow has had to be cancelled. Mr. Fraser has planned to discuss the Committee's work with others at lunch tomorrow and desires to do this before the next meeting of the Committee. The Order of the Day office has been notified.

cc: Mr. Kidner

REB:jam

COMMISSION II GENERAL ASSEMBLY
Committee 4 Trusteeship System

INDEX TO COMMENTS AND PROPOSED
AMENDMENTS CONCERNING THE
DUMBARTON OAKS PROPOSALS

I. General Principles.

AUSTRALIA. Doc. 2, G/14(1).

Definition of principle, p. 6, par. 18(1).
Recognition of principle for all dependent
territories, p. 6, par. 18(1).

CHINA. Doc. 2, G/26(e).

Need for international trusteeship system,
p. 1, par. 1.

FRANCE. Doc. 2, G/26(a).

Need for trusteeship system, p. 1, par. 1.

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

Need for reaffirmation of principles, p. 2-3,
par. A13.

U.S.S.R. Doc. 237, G/26(f).

Need for trusteeship system, p. 1.

UNITED KINGDOM. Doc. 2, G/26(d).

Acceptance of general principles, p. 1, par. 6.
Definition of principle, p. 1, par. 1.

UNITED STATES. Doc. 2, G/26(c).

Need for trusteeship system, p. 1, par. 1.

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

Need for statement of principles, p. 34.

II. Objectives and Purposes.

AUSTRALIA. Doc. 2, G/14(1).

Welfare and development of peoples, p. 6, paragraph 1.

CHINA. Doc. 2, G/26(e).

International peace and security, p. 1.
Advancement of territories and inhabitants, p. 1.
Development toward independence or self-government, p. 1.
Non-discriminatory treatment, p. 1.

FRANCE. Doc. 2, G/26(a).

International peace and security, p. 1.
Advancement of territories and inhabitants, p. 2.
Development of political institutions, p. 2.
Non-discriminatory treatment, p. 2.
Equitable economic treatment for territories, p. 2.

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

Need for system for dependent nations, pp. 2-3.

UNITED KINGDOM. Doc. 2, G/26(d).

Well-being of inhabitants as sacred trust, p. 1.
Advancement of peoples, p. 1.
Development of self-government, p. 1.
Good-neighborliness, p. 1.

USSR. Doc. 237, G/26(f).

International peace and security, p. 1.
Advancement of territories and inhabitants, p. 1.
Development toward self-government and self-determination
with view of expediting independence, p. 1.
Non-discriminatory treatment, p. 1.

UNITED STATES. Doc. 2, G/26(c).

International peace and security, p. 1.
Advancement of territories and inhabitants, p. 1.
Development toward self-government, p. 1.
Non-discriminatory treatment, p. 1.

III. Scope of Application.

AUSTRALIA. Doc. 2, G/14(1).

Voluntary action of administering power, p. 7.
Action by General Assembly on basis of Conference recommendations, p. 7.
Authorization of acceptance by General Assembly, p. 7.

CHINA. Doc. 2, G/26(e).

Territories under mandate as category, p. 1.
Detached territories as category, p. 1.
Territories voluntarily submitted as category, p. 1.
Trusteeship arrangements to determine applicability to particular territories in categories, p. 1.
Subsequent agreement to determine particular territories and terms, p. 1.

FRANCE. Doc. 2, G/26(a).

Territories under mandate as classification, p. 2.
Detached territories as classification, p. 2.
Agreements to determine applicability to particular territories in classifications, p. 2.
Subsequent agreement to determine particular territories and terms, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

League mandates held by United Nations as category, p. 1.
Territories detached from non-members as category, p. 1.
Territories voluntarily submitted, p. 1.
Special machinery for certain territories in each category, p. 1.

U.S.S.R. Doc. 237, G/26(f).

Existing mandates as category, p. 1.
Detached territories as category, p. 1.
Territories voluntarily submitted, as category, p. 1.
Subsequent agreements to determine particular territories and administering authorities, pp. 1, 2.

UNITED STATES. Doc. 2, G/26(c).

Existing mandates as category, p. 1.
Detached territory as category, p. 1.
Territories voluntarily submitted, as category, p. 1.
Subsequent agreement to determine particular territories and terms, p. 1.

IV. Method of Bringing Territories Within the System.

AUSTRALIA. Doc. 2. G/14(1).

By voluntary action of administering State, p. 7.

By General Assembly upon recommendation of
a conference composed of colonial powers, p. 7.

Terms of mandate defined by agreement
between General Assembly and the mandatory
State, p. 7.

General Assembly may authorize the acceptance
for the administration of particular territories, p. 7

CHINA. Doc. 2. G/26(e)

Trusteeship arrangement for each trust territory
should be agreed upon by States concerned, p. 2.

FRANCE. Doc. 2. G/26(a).

By treaty between states directly concerned, subject
to approval by either General Assembly or Security
Council, p. 2.

USSR. Doc. 237. G/26(f).

Arrangement for each trust territory should be
agreed upon by the States which were or are
concerned in this matter, and approved by
General Assembly or Security Council, p. 2.

UNITED STATES. Doc. 2. G/26(c).

Arrangement for each trust territory should be
agreed upon by the States directly concerned
and approved by General Assembly or Security
Council, p. 1.

V. Nature of Administering Authority

AUSTRALIA. Dec. 2, G/14(1).

Administration by a specified member, p. 7.

CHINA. Dec. 2, G/26(a).

International or national administration, p. 1.

UNITED KINGDOM. Dec. 2, G/26(a).

National administration by advanced nations, p. 2.

VI. Obligations of Administering Authority

AUSTRALIA. Doc. 2, G/14(1).

Reports to expert advisory commission, p. 6.

CHINA. Doc. 2, G/26(e).

Annual reports, to General Assembly or Security Council, p. 3.

Questionnaire by Trusteeship and Security Councils, p. 3.

FRANCE. Doc. 2, G/26(s).

Annual report to General Assembly, p. 3.

Questionnaire by Trusteeship Council, p. 3.

UNITED KINGDOM. Doc. 2, G/26(d).

Ensuring territory's aid for international peace and security, p. 2.

Furnishing information required by Security Council, p. 2.

Annual reports to Economic and Social Council, p. 2.

U.S.S.R. Doc. 237, G/26(f).

Annual report to General Assembly, p. 2.

Questionnaire by Trusteeship Council, p. 2.

UNITED STATES. Doc. 2, G/26(c).

Annual report to General Assembly, p. 2.

Questionnaire by Trusteeship Council, p. 2.

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

Need for principles of administration, p. 34.

VII. Character of the Terms of Trust

AUSTRALIA. Doc. 2, G/14(1).

Defined by agreement between General Assembly
and Mandatory State, p. 7.

CHINA. Doc. 2, G/26(e).

Defined by trusteeship arrangements, p. 2.

FRANCE. Doc. 2, G/26(a).

Conditions to be specified by trusteeship treaty,
p. 2.

U.S.S.R. Doc. 237, G/26(f).

Terms to be included in trusteeship arrangements,
p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

Details to be defined in agreement between the
administering state and United Nations, p. 2.

UNITED STATES. Doc. 2, G/26(c).

Terms to be included in trusteeship arrangements,
p. 1.

VIII. Composition of Special Trusteeship Organ

AUSTRALIA. Doc. 2, G/14(1).
Expert commission, p. 6.

CHINA. Doc. 2, G/26(e).
Trusteeship Council, p. 2.
Half of members chosen by administering states,
p. 2.
Half of members chosen by states named by
General Assembly, p. 2.
Attendance by representative of trust people,
p. 3.

FRANCE. Doc. 2, G/26(a).
International Trusteeship Council, p. 3.
Half of members chosen by administering states,
p. 3.
Half of members chosen by states named by
General Assembly, p. 3.

U.S.S.R. Doc. 237, G/26(f).
Trusteeship Council, p. 2.
Half of members chosen by administering states
and by certain permanent members of
Security Council, p. 2.
Half of members chosen by states named by
General Assembly, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).
Permanent commission, p. 2.

UNITED STATES. Doc. 2, G/26(c).
Trusteeship Council, p. 2.
Half of members chosen by administering
states, p. 2.
Half of members chosen by states named by
General Assembly, p. 2.

IX. Functions of the United Nations Organs Concerned with Trusteeship

AUSTRALIA. Doc. 2, G/14(1).

An expert commission with advisory functions,
p. 6.
Economic and Social Council to serve as agency
of information, p. 6.

CHINA. Doc. 2, G/26(e).

Trusteeship Council to function as supervisory
agency under authority of General Assembly,
p. 3.
Violations of trusteeship arrangements may be
brought before General Assembly or Security
Council, p. 2.

ECUADOR. Doc. 2, G/7(p).

General Assembly may declare independence under
specified conditions, pp. 12, 13.

FRANCE. Doc. 2, G/26(a).

General Assembly should have power to examine
reports and to exercise prerogatives defined
by trusteeship agreements, p. 3.
Trusteeship Council should have power to examine
reports and to exercise prerogatives defined
by trusteeship agreements, p. 3.

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

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

U.S.S.R. Doc. 237, G/26(f).

General Assembly, and under its authority,
Trusteeship Council should be empowered to
consider reports, to accept petitions, to
institute investigations, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

A permanent commission to receive and examine
reports, and to advise the Economic and
Social Council on trusteeship matters, p. 2.

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

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

UNITED STATES. Doc. 2, G/26(c).

General Assembly, and under its authority, the
Trusteeship Council should be empowered to
consider reports, to accept petitions, to
institute investigations, p. 2.

X. Method of Dealing with Security Factor.

AUSTRALIA. Doc. 2, G/14(1).

Exemption of certain bases or areas from reporting requirement, p. 7.

General Assembly on Security Council's recommendation to designate bases or areas, p. 7.

Importance for peace and security as criterion for designation, p. 7.

Certain removal of military restrictions from existing mandates, p. 7.

CHINA. Doc. 2, G/26(e).

Trusteeship arrangement may include designation of strategic areas, p. 2.

As part of general plan of international security, p. 2.

Areas may include part or all of trust territory, p. 2.

Areas designated should be minimum for defense and security, p. 2.

FRANCE. Doc. 2, G/26(a).

Strategic zones may be specified in trusteeship agreement, p. 2.

Strategic zones may include all or part of trust territory, p. 2.

Functions of Security Council in relation to strategic zones, p. 2.

U.S.S.R. Doc. 237, G/26(f).

Designation of strategic areas in trusteeship arrangement on recommendation of Security Council, p. 2.

Strategic areas may include all or part of trust territory, p. 2.

Function of Security Council concerning strategic areas, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

Administering state to insure that territory aids maintenance of international peace and security, p. 2.

Forces, facilities, and assistance of territory may be used by administering state for certain purposes, p. 2.

Information concerning employment of territory's forces, facilities, or assistance to be furnished Security Council, p. 2.

Security Council to require such information or advice of Military Staff Committee, p. 2.

UNITED STATES. Doc. 2, G/28(C).

Designation in trusteeship agreement of
strategic areas, p. 2.

Strategic areas may include part or all of
trust territory, p. 2.

Functions of Security Council concerning strategic
areas, p. 2.

XI. Method of Dealing with Civil and Welfare Factor.

AUSTRALIA. Doc. 2, G/14(1).

Through reports upon administration by administering authority to an expert advisory commission, p. 6.

Economic and Social Council to be informed by the commission of the welfare and development of peoples of trust territories, p. 6.

CHINA. Doc. 2, G/26(e).

Through powers to be vested in General Assembly, p. 2.

FRANCE. Doc. 2, G/26(a).

General Assembly, through prerogatives to be vested in it, p. 3.

U.S.S.R. Doc. 237, G/26(f).

Through General Assembly, by exercise of functions vested in it, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

Annual reports to the Economic and Social Council, p. 5.

Annual reports to a permanent commission, which shall advise Economic and Social Council on matters relating to observance of terms of trusteeship, p. 5.

UNITED STATES. Doc. 2, G/26(c).

Through General Assembly, by exercise of functions vested in it, p. 2.

XII. Termination of Trust

ECUADOR. Doc. 2, G/7(p).

General Assembly may declare independence under specified conditions, pp. 12, 13.

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

Conditions requisite for independence, p. 34.

COMMISSION II GENERAL ASSEMBLY
Committee 4 Trusteeship System

INDEX TO COMMENTS AND PROPOSED
AMENDMENTS CONCERNING THE
DUMBARTON OAKS PROPOSALS

I. General Principles.

AUSTRALIA. Doc. 2, G/14(1).

Definition of principle, p. 6, par. 18(1).
Recognition of principle for all dependent
territories, p. 6, par. 18(1).

CHINA. Doc. 2, G/26(e).

Need for international trusteeship system,
p. 1, par. 1.

FRANCE. Doc. 2, G/26(a).

Need for trusteeship system, p. 1, par. 1.

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

Need for reaffirmation of principles, p. 2-3,
par. A13.

U.S.S.R. Doc. 237, G/26(f).

Need for trusteeship system, p. 1.

UNITED KINGDOM. Doc. 2, G/26(d).

Acceptance of general principles, p. 1, par. 6.
Definition of principle, p. 1, par. 1.

UNITED STATES. Doc. 2, G/26(c).

Need for trusteeship system, p. 1, par. 1.

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

Need for statement of principles, p. 34.

II. Objectives and Purposes.

AUSTRALIA. Doc. 2, G/14(1).

Welfare and development of peoples, p. 6, paragraph 1.

CHINA. Doc. 2, G/26(e).

International peace and security, p. 1.

Advancement of territories and inhabitants, p. 1.

Development toward independence or self-government, p. 1.

Non-discriminatory treatment, p. 1.

FRANCE. Doc. 2, G/26(a).

International peace and security, p. 1.

Advancement of territories and inhabitants, p. 2.

Development of political institutions, p. 2.

Non-discriminatory treatment, p. 2.

Equitable economic treatment for territories, p. 2.

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

Need for system for dependent nations, pp. 2-3.

UNITED KINGDOM. Doc. 2, G/26(d).

Well-being of inhabitants as sacred trust, p. 1.

Advancement of peoples, p. 1.

Development of self-government, p. 1.

Good-neighborliness, p. 1.

USSR. Doc. 237, G/26(f).

International peace and security, p. 1.

Advancement of territories and inhabitants, p. 1.

Development toward self-government and self-determination
with view of expediting independence, p. 1.

Non-discriminatory treatment, p. 1.

UNITED STATES. Doc. 2, G/26(c).

International peace and security, p. 1.

Advancement of territories and inhabitants, p. 1.

Development toward self-government, p. 1.

Non-discriminatory treatment, p. 1.

III. Scope of Application.

AUSTRALIA. Doc. 2, G/14(1).

Voluntary action of administering power, p. 7.
Action by General Assembly on basis of Conference recommendations, p. 7.
Authorization of acceptance by General Assembly, p. 7.

CHINA. Doc. 2, G/26(e).

Territories under mandate as category, p. 1.
Detached territories as category, p. 1.
Territories voluntarily submitted as category, p. 1.
Trusteeship arrangements to determine applicability to particular territories in categories, p. 1.
Subsequent agreement to determine particular territories and terms, p. 1.

FRANCE. Doc. 2, G/26(a).

Territories under mandate as classification, p. 2.
Detached territories as classification, p. 2.
Agreements to determine applicability to particular territories in classifications, p. 2.
Subsequent agreement to determine particular territories and terms, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

League mandates held by United Nations as category, p. 1.
Territories detached from non-members as category, p. 1.
Territories voluntarily submitted, p. 1.
Special machinery for certain territories in each category, p. 1.

U.S.S.R. Doc. 237, G/26(f).

Existing mandates as category, p. 1.
Detached territories as category, p. 1.
Territories voluntarily submitted, as category, p. 1.
Subsequent agreements to determine particular territories and administering authorities, pp. 1, 2.

UNITED STATES. Doc. 2, G/26(c).

Existing mandates as category, p. 1.
Detached territory as category, p. 1.
Territories voluntarily submitted, as category, p. 1.
Subsequent agreement to determine particular territories and terms, p. 1.

IV. Method of Bringing Territories Within the System.

AUSTRALIA. Doc. 2. G/14(1).

By voluntary action of administering State, p. 7.

By General Assembly upon recommendation of
a conference composed of colonial powers, p. 7.

Terms of mandate defined by agreement
between General Assembly and the mandatory
State, p. 7.

General Assembly may authorize the acceptance
for the administration of particular territories, p. 7

CHINA. Doc. 2. G/26(e)

Trusteeship arrangement for each trust territory
should be agreed upon by States concerned, p. 2.

FRANCE. Doc. 2. G/26(a).

By treaty between states directly concerned, subject
to approval by either General Assembly or Security
Council, p. 2.

USSR. Doc. 237. G/26(f).

Arrangement for each trust territory should be
agreed upon by the States which were or are
concerned in this matter, and approved by
General Assembly or Security Council, p. 2.

UNITED STATES. Doc. 2. G/26(c).

Arrangement for each trust territory should be
agreed upon by the States directly concerned
and approved by General Assembly or Security
Council, p. 1.

V. Nature of Administering Authority

AUSTRALIA. Doc. 2, G/14(1).

Administration by a specified member, p. 7.

CHINA. Doc. 2, G/26(e).

International or national administration, p. 1.

UNITED KINGDOM. Doc. 2, G/26(d).

National administration by advanced nations, p. 2.

VI. Obligations of Administering Authority.

AUSTRALIA. Doc. 2, G/14(1).

Reports to expert advisory commission, p. 6.

CHINA. Doc. 2, G/26(e).

Annual reports, to General Assembly or Security Council, p. 3.

Questionnaire by Trusteeship and Security Councils, p. 3.

FRANCE. Doc. 2, G/26(a).

Annual report to General Assembly, p. 3.

Questionnaire by Trusteeship Council, p. 3.

UNITED KINGDOM. Doc. 2, G/26(d).

Ensuring territory's aid for international peace and security, p. 2.

Furnishing information required by Security Council, p. 2.

Annual reports to Economic and Social Council, p. 2.

U.S.S.R. Doc. 237, G/26(f).

Annual report to General Assembly, p. 2.

Questionnaire by Trusteeship Council, p. 2.

UNITED STATES. Doc. 2, G/26(c).

Annual report to General Assembly, p. 2.

Questionnaire by Trusteeship Council, p. 2.

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

Need for principles of administration, p. 34.

VII. Character of the Terms of Trust

AUSTRALIA. Doc. 2, G/14(1).

Defined by agreement between General Assembly
and Mandatory State, p. 7.

CHINA. Doc. 2, G/26(e).

Defined by trusteeship arrangements, p. 2.

FRANCE. Doc. 2, G/26(a).

Conditions to be specified by trusteeship treaty,
p. 2.

U.S.S.R. Doc. 237, G/26(f).

Terms to be included in trusteeship arrangements,
p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

Details to be defined in agreement between the
administering state and United Nations, p. 2.

UNITED STATES. Doc. 2, G/26(c).

Terms to be included in trusteeship arrangements,
p. 1.

VIII. Composition of Special Trusteeship Organ

AUSTRALIA. Doc. 2, G/14(1).
Expert commission, p. 6.

CHINA. Doc. 2, G/26(e).
Trusteeship Council, p. 2.
Half of members chosen by administering states,
p. 2.
Half of members chosen by states named by
General Assembly, p. 2.
Attendance by representative of trust people,
p. 3.

FRANCE. Doc. 2, G/26(a).
International Trusteeship Council, p. 3.
Half of members chosen by administering states,
p. 3.
Half of members chosen by states named by
General Assembly, p. 3.

U.S.S.R. Doc. 237, G/26(f).
Trusteeship Council, p. 2.
Half of members chosen by administering states
and by certain permanent members of
Security Council, p. 2.
Half of members chosen by states named by
General Assembly, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).
Permanent commission, p. 2.

UNITED STATES. Doc. 2, G/26(c).
Trusteeship Council, p. 2.
Half of members chosen by administering
states, p. 2.
Half of members chosen by states named by
General Assembly, p. 2.

IX. Functions of the United Nations Organs Concerned with Trusteeship

AUSTRALIA. Doc. 2, G/14(1).

An expert commission with advisory functions,
p. 6.
Economic and Social Council to serve as agency
of information, p. 6.

CHINA. Doc. 2, G/26(e).

Trusteeship Council to function as supervisory
agency under authority of General Assembly,
p. 3.
Violations of trusteeship arrangements may be
brought before General Assembly or Security
Council, p. 2.

ECUADOR. Doc. 2, G/7(p).

General Assembly may declare independence under
specified conditions, pp. 12, 13.

FRANCE. Doc. 2, G/26(a).

General Assembly should have power to examine
reports and to exercise prerogatives defined
by trusteeship agreements, p. 3.
Trusteeship Council should have power to examine
reports and to exercise prerogatives defined
by trusteeship agreements, p. 3.

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

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

U.S.S.R. Doc. 237, G/26(f).

General Assembly, and under its authority,
Trusteeship Council should be empowered to
consider reports, to accept petitions, to
institute investigations, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

A permanent commission to receive and examine
reports, and to advise the Economic and
Social Council on trusteeship matters, p. 2.

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

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

UNITED STATES. Doc. 2, G/26(c).

General Assembly, and under its authority, the
Trusteeship Council should be empowered to
consider reports, to accept petitions, to
institute investigations, p. 2.

X. Method of Dealing with Security Factor.

AUSTRALIA. Doc. 2, G/14(1).

- Exemption of certain bases or areas from reporting requirement, p. 7.
- General Assembly on Security Council's recommendation to designate bases or areas, p. 7.
- Importance for peace and security as criterion for designation, p. 7.
- Certain removal of military restrictions from existing mandates, p. 7.

CHINA. Doc. 2, G/26(e).

- Trusteeship arrangement may include designation of strategic areas, p. 2.
- As part of general plan of international security, p. 2.
- Areas may include part or all of trust territory, p. 2.
- Areas designated should be minimum for defense and security, p. 2.

FRANCE. Doc. 2, G/26(a).

- Strategic zones may be specified in trusteeship agreement, p. 2.
- Strategic zones may include all or part of trust territory, p. 2.
- Functions of Security Council in relation to strategic zones, p. 2.

U.S.S.R. Doc. 237, G/26(f).

- Designation of strategic areas in trusteeship arrangement on recommendation of Security Council, p. 2.
- Strategic areas may include all or part of trust territory, p. 2.
- Function of Security Council concerning strategic areas, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

- Administering state to insure that territory aids maintenance of international peace and security, p. 2.
- Forces, facilities, and assistance of territory may be used by administering state for certain purposes, p. 2.
- Information concerning employment of territory's forces, facilities, or assistance to be furnished Security Council, p. 2.
- Security Council to require such information or advice of Military Staff Committee, p. 2.

UNITED STATES. Doc. 2, G/26(C).

Designation in trusteeship agreement of
strategic areas, p. 2.

Strategic areas may include part or all of
trust territory, p. 2.

Functions of Security Council concerning strategic
areas, p. 2.

XI. Method of Dealing with Civil and Welfare Factor.

AUSTRALIA. Doc. 2, G/14(1).

Through reports upon administration by administering authority to an expert advisory commission, p. 6.

Economic and Social Council to be informed by the commission of the welfare and development of peoples of trust territories, p. 6.

CHINA. Doc. 2, G/26(e).

Through powers to be vested in General Assembly, p. 2.

FRANCE. Doc. 2, G/26(a).

General Assembly, through prerogatives to be vested in it, p. 3.

U.S.S.R. Doc. 237, G/26(f).

Through General Assembly, by exercise of functions vested in it, p. 2.

UNITED KINGDOM. Doc. 2, G/26(d).

Annual reports to the Economic and Social Council, p. 5.

Annual reports to a permanent commission, which shall advise Economic and Social Council on matters relating to observance of terms of trusteeship, p. 5.

UNITED STATES. Doc. 2, G/26(c).

Through General Assembly, by exercise of functions vested in it, p. 2.

XII. Termination of Trust

ECUADOR. Doc. 2, G/7(p).

General Assembly may declare independence under
specified conditions, pp. 12, 13.

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

Conditions requisite for independence, p. 34.

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)

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)

COMMISSION II GENERAL ASSEMBLY
Committee 4 Trusteeship System

ANALYSIS OF PAPERS

PRESENTED BY

AUSTRALIA, CHINA, FRANCE, UNITED KINGDOM and UNITED STATES
WITH INDEX TO SUGGESTIONS AND COMMENTS BY OTHER GOVERNMENTS

the attached
At the request of the Chairman of Committee II/4, the Secretariat has prepared this 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 dealt with this subject in their comments on and proposed amendments to the Dumbarton Oaks Proposals. *May 11, 1945*

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)

Commission II, Committee 4

Trusteeship System

The functions of the Committee on Trusteeship System according to the memorandum which the Conference has adopted concerning its organization are: 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.

GENERAL COMMENTS AND SUGGESTIONS

Ecuador. Doc. 2, G/7(p)

Countries subject to a colonial system, dependency, protectorate or mandate; General Assembly to be empowered to declare their independence by a two-thirds vote when they become capable of exercising it. pp. 12 and 34.

GENERAL COMMENTS AND SUGGESTIONS

Mexico. Doc. 2, 8/7 (c)

Annual report to be made to Council, which shall refer it with observations to Assembly, pp. 88 and 119.

Atlantic Charter, reference to Point 3 of, p. 93

Chinese Under-Secretary for Foreign Affairs (Dr. Wang Chung Hui), reference to statement by, concerning necessity for moving toward abolition of the colonial system and the system of mandates and protectorates, p. 94 and 95.

Colonies (territories) to be transferred to mandate; Council to decide in which cases this shall be done, pp. 88 and 119.

Commission to be designated by Council, charged with application of Article dealing with mandate, pp. 88, 93, and 119.

Covenant of League of Nations, Article 22 as basis for Mexican proposals, p. 92; innovations in Mexican proposals as compared with, pp. 92-93.

Dependent nations should be dealt with in Chapter IX of Dumbarton Oaks draft or in a supplementary Chapter, p. 92.

Existing mandates, need for legal solution of problems deriving from, p. 92.

General proposal, p. 109.

Havana Act and Convention of July 1940, concerning provisional administration of European colonies and possessions in the Americas, provisions concerning self-determination, pp. 93-94.

Inter-American Federation of Lawyers, reference to resolution concerning self-determination adopted at third conference, p. 94.

International exercise of mandate, p. 93.

Mandate over peoples not yet capable of controlling their own destiny to be given to Permanent Union of Nations, p. 88 and 119.

Mandate, character of to vary with degree of progress, geographic situation and cultural and economic conditions, pp. 88 and 119.

Organizations for protection of countries under mandate shall remain under authority of Permanent Union of Nations and in permanent form, pp. 87 and 120.

Self-determination, universal application of, principle of, as goal of mandate system, p. 93.

Sovereign States existing when Pact is signed not to be entrusted to mandate, pp. 87, 93, and 120.

Sovereign States, territories under mandate to become by action of the Council as soon as it judges their degree of progress sufficient, pp. 89, 119-20.

Trust for the international community, well-being of peoples not yet capable of controlling their own destiny should be recognized as, pp. 87 and 119.

GENERAL COMMENTS AND SUGGESTIONS

Venezuela. Doc. 2, G/7(d).

Administration of colonies and protectorates,
necessity for stating principles concerning, p. 34.

Dependent countries, omission of mention of in
Dumbarton Oaks Proposals, pp. 3 and 34.

Eventual recognition of colonies and protectorates
as members of the community of nations, pp. 6 and 34.

Mandates, omission of mention of in Dumbarton Oaks
Proposals, pp. 3 and 34.

Sovereignty over colonies and protectorates,
necessity for provisions concerning possible
changes, p. 34.

Com. II/4

MEMORANDUM

June 16, 1945

To: Mr. Huntington Gilchrist
From: ~~Alger Hiss~~
Easton Rothwell

The attached notice of a change in representation on Committee II/4 is forwarded for your information.

cc - Mr. Eugene Chase,
Secretary, Committee II/4
Mr. Frank Kidner,
Documents Control
Mrs. Virginia Angel,
Conference Editor
Mr. Warren Kelchner,
Adviser to the Secretary General

HBF
HBF:mf

C
O
P
Y

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

South African Delegation,
Fairmont Hotel,
SAN FRANCISCO.

13th June, 1945.

Dear Sir,

Referring to my letters of 1st and 2nd May, 1945 regarding the distribution of work on Committees among members of the Delegation of the Union of South Africa, I am directed to inform you that Mr. D. L. Smit, this Delegation's representative on Committee II/4 (Trusteeship), has been called away and that his place on that Committee will be taken by Mr. H. T. Andrews as from the 14th June, 1945.

Yours sincerely,

/s/ T. Hewitson

SECRETARY OF DELEGATION

The Executive Secretary,
United Nations Conference
on International Organization,
Room 404, Veterans Building,
SAN FRANCISCO.

THE UNITED NATIONS CONFERENCE
ON INTERNATIONAL ORGANIZATION

June 15th

✓
Mr. Dreier.

file

I thought you
/ might want to have a
copy of this memorandum
for your files.

Virginia Johnson
S

Com. II/4

Friday
June 15, 1945

To: Mr. Hayden Raynor

From: John C. Dreier

Report of Meeting of Committee II/4
this afternoon

The Committee completed the minor business which they had to do, including provision for the Trusteeship Council and some texts in regard to the authority of the General Assembly to approve Trusteeship agreements. They thereby gave work to Committee I/2 which must list the Trusteeship Council as a major organ of the Organization and to Committee II/1 which must provide for the method of election of the Trusteeship Council.

The Egyptian proposals were withdrawn, so there is no further text to consider on the basis of those proposals.

The Committee now have remaining only the major question which is being discussed among the Big Five, and on the advice of Commander Stassen they are not going to meet again until 8:30 tomorrow evening, by which time they hope to have the report of the Big Five.

Committee II/4 is having a subcommittee meeting at 2:30 tomorrow.