

1946-1947 U.S. Position on Trust Territory Security

1. In November 1946 the United States submitted a draft trusteeship agreement to members of the Security Council. Explanatory comments, article by article, accompanied the draft.

Article 8, paragraph 1 reads:

"1. In discharging its obligations under Article 76(d) of Charter, as defined by Article 83(2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favorable than that accorded therein to nationals, companies and associations of any other United Nation except the administering authority."

Comment made:

"1. The intent of this paragraph is to ensure the greatest freedom of international participation in the economy of the trust territory consistent with the basic prerequisite of ensuring that its role as a strategic area is not interfered with. Accordingly, it provides for most-favored-nation rather than national treatment in the territory for all Members of the United Nations.

The United States does not intend to take advantage for its own benefit of such meager and almost non-existent resources and opportunities as may exist in these scattered and barren islands.
Since security is the overriding consideration in a strategic area, economic treatment is required which will be compatible with this objective."

(Underlining supplied)

(Source: Department of State Publication 2734, Far Eastern Series 20).

U.N. Security Council Official Records (Second Year, Nos #20, 23, 25, 26, 30, 31) contain the discussions on the trusteeship agreement.

Mr. Warren Austin's presentation of the draft to the Security Council is replete with such statements as:

"Our purpose is to defend the security of these islands in a manner that will contribute to the building up of genuine, effective and enforceable collective security for all Members of the United Nations."

"The United States, as administering authority, will ensure that this trust territory shall play its part in the maintenance of international peace and security."

"I can assure you, on behalf of the Government of the United States, that the United States will faithfully support the principle of effective supervision by the United Nations as fully in this trust territory as in any other trust territory, within the limits imposed by its obligation to administer this area in such a way as to preserve the security of the United States and to strengthen collective security under the United Nations."

During a later discussion (17 March 1947) Mr. Austin said:

"The United States is the only State which seems willing to take on the responsibility and expense of this great trust, for the sake of peace and security in the world, certainly not for commercial advantage. You are all aware of the position of these islands in the world commercially, and you know that commercially, they are a liability and not an asset."

* * * * *

On 2 April 1947, a discussion revolved about Article 8, paragraph 1. An amendment was offered to delete the phrase "except the administering authority" so that the U.S. would not discriminate in favor of its own nationals. The United Kingdom representative asked Mr. Austin "whether that phrase in Article 83, paragraph 3 'without prejudice to security considerations' would not really give him sufficient safeguard." Mr. Austin replied:

"My answer is in the negative. I think the provision: 'without prejudice to security considerations', found in Article 83,

paragraph 3, is not adequate in this particular case. Here we are concerned with a trusteeship, the purpose of which is security. There is no visible evidence at the present time that this proposal has any other purpose than security."

"I wish to state, and to have it recorded, that the United States Government has no intention, through this clause or any other clause, of taking advantage for its own benefit and to the detriment of the inhabitants, of the meagre and almost non-existent resources and commercial opportunities that exist in these scattered and barren islands. The nature of this proposed clause is dictated by the fact that these islands are proposed as a strategic trusteeship area and by the obligation which the Administering Authority will assume under the Charter 'to further international peace and security' and to ensure that the Territory itself shall play its part in the maintenance of international peace and security."

"The proposal made by my Government is for the designation of the former Japanese mandated islands as a strategic area. In such an area the security objective must be an overriding consideration."

"Finally, my Government believes that the provisions of article 8, paragraph 1 of the draft trusteeship agreement are peculiarly appropriate to this Territory, not only on account of the overriding security aspects but also because of the meagreness of its indigenous resources and the paucity of its population."

(Underlining supplied)

When a vote was taken, on Article 8, paragraph 1 was adopted as originally prepared by the U.S. (Poland and USSR were the only nations siding with the UK in the attempted amendment).