

UNITED STATES—UNITED NATIONS INFORMATION SERIES 14

THE UNITED STATES AND
Non-Self-Governing
Territories



COMPLIMENTS OF THE REPRINT SERVICE
OF
THE INSTITUTE OF ETHNIC AFFAIRS
WASHINGTON, D. C.

THE UNITED STATES AND Non-Self-Governing Territories



*A summary of information regarding the
United States and non-self-governing
territories with particular reference to
Chapters XI, XII, and XIII of the
Charter of the United Nations*

APRIL 5, 1947

DEPARTMENT OF STATE

Publication 2812

UNITED STATES—UNITED NATIONS INFORMATION SERIES 18

For sale by the Superintendent of Documents,
United States Government Printing Office,
Washington 25, D. C. Price 30 cents.

Contents

	Page
THE PROBLEM OF NON-SELF-GOVERNING TERRITORIES	1
DEVELOPMENT OF INTERNATIONAL RESPONSIBILITY	1
African Treaties	1
Mandates System	2
THE DEVELOPMENT OF UNITED STATES POLICY REGARDING DEPENDENT AREAS	3
Early Policies	3
President Wilson's Views	4
Treaties with Mandatory Powers	4
Inter-War Period	4
The Philippine Islands	5
Hawaii and Alaska	5
Puerto Rico and the Virgin Islands	6
Significance of Dependent Areas in World War II	6
Western Hemisphere Areas	6
Pacific Areas	7
Caribbean and African Areas	7
THE DEVELOPMENT OF UNITED NATIONS MACHINERY FOR NON-SELF-GOVERNING TERRITORIES	8
Secretary Hull's Proposal, March 1943	9
Dumbarton Oaks	9
Yalta	10
San Francisco	10
Major Trusteeship Issues Debated	11
Independence	11
Equal Treatment	11
Security Considerations	12
Interim Period	12
Composition and Status of Trusteeship Council	12
Petitions and Visits	13
Role of the United States	13
Provisions Adopted in Charter of the United Nations	13
Chapter XI: Non-Self-Governing Territories	13
Chapters XII and XIII: The Trusteeship System and Trusteeship Council	14
Territories Eligible for Trusteeship	15
Types of Trust Territories	15
Trusteeship and Mandates Systems Compared	16

	Page
PREPARATORY COMMISSION OF THE UNITED NATIONS	17
GENERAL ASSEMBLY SESSION IN LONDON	18
Resolution on Non-Self-Governing Peoples	18
Drafting of the Trusteeship Agreements	19
GENERAL ASSEMBLY SESSION IN NEW YORK	20
Non-Self-Governing Territories	20
Information Transmitted by the United States	20
Information Transmitted by Other Members of United Nations	21
General Assembly Resolution on the Transmission of Information	22
Conferences of Non-Self-Governing Peoples	23
Trusteeship Recommended for South-West Africa	23
Trusteeship System	24
Trusteeship Agreements Approved by General Assembly	24
Trusteeship Council Organized	28
Functions of the Trusteeship Council	29
Annual Reports	29
Visits and Petitions	29
OTHER TERRITORIES ELIGIBLE FOR TRUSTEESHIP	29
Former Mandates	29
Former Japanese Mandated Islands	30
Territories Detached from Enemy States	34
Former Italian Colonies	35
Territories Voluntarily Placed under Trusteeship	36
DEPARTMENT OF TRUSTEESHIP AND INFORMATION FROM NON-SELF-GOVERNING TERRITORIES OF THE UNITED NA- TIONS SECRETARIAT	37
OTHER INTERNATIONAL AGENCIES CONCERNED WITH NON- SELF-GOVERNING TERRITORIES	37
Regional Advisory Commissions	37
The Caribbean Commission	37
South Pacific Commission	39
The United Nations and Specialized Agencies	41
International Labor Organization and Non-Self-Governing Ter- ritories	42
Other Specialized Agencies	42
AMERICAN RESPONSIBILITIES IN THE FUTURE	43
SELECTED REFERENCES	45
APPENDIXES: SELECTED DOCUMENTS	
1. Article 22 of the Covenant of the League of Nations	49
2. Convention of Saint-Germain-en-Laye, 1919 (commercial- equality provisions)	50

	Page
3. The Atlantic Charter, August 14, 1941	51
4. The Cairo Declaration, December 1, 1943	52
5. Yalta Agreement Concerning Trusteeship	53
6. Trusteeship Chapters of the Charter of the United Nations	53
7. Article 43 of the Charter of the United Nations	58
8. The Potsdam Declaration, July 26, 1945	59
9. Resolution on Non-Self-Governing Peoples Adopted by the General Assembly February 9, 1946	60
10. Resolution on Mandates Adopted by the Final Session of the League of Nations Assembly on April 18, 1946	62
11. Joint Communiqué Establishing the Anglo-American Caribbean Commission, March 9, 1942	63
12. An Agreement for the Establishment of the Caribbean Commission, October 30, 1946	64
13. President Truman's Message to Second Session of West Indian Conference, St. Thomas, Virgin Islands of the United States, February 21, 1946	71
14. President Truman's Statement on Trusteeship, November 6, 1946	73
15. Draft Trusteeship Agreement for the Japanese Mandated Islands under the Administration of the United States	73
16. Submission to the Security Council of United States Draft Trusteeship Agreement for Japanese Mandated Islands: Statement by Warren R. Austin, February 26, 1947	78
17. Trusteeship Agreement for the Territory of Tanganyika	84
18. Trusteeship Agreement for the Territory of the Cameroons under French Administration	90
19. Trusteeship Agreement for the Territory of New Guinea	96
20. Trusteeship Agreement for the Territory of Western Samoa	98
21. General Assembly Resolutions of December 14, 1946	
A. South-West Africa	102
B. Transmission of Information Concerning Non-Self- Governing Territories under Article 73 (e) of the Charter of the United Nations	103
C. Regional Conferences of Representatives of Non-Self- Governing Territories	105

ILLUSTRATIONS

MAP	: facing 75
INTERNATIONAL TRUSTEESHIP SYSTEM	: inside front cover
THE UNITED NATIONS	: inside back cover

Mandatory Powers	Mandated Territories
Union of South Africa	"C" Mandate: South-West Africa
Japan	"C" Mandate: Marshall, Caroline, and Marianas Islands
New Zealand	"C" Mandate: Western Samoa
Australia	"C" Mandate: New Guinea
"His Britannic Majesty": administration by Australia on behalf of the Governments of the United Kingdom, Australia, and New Zealand	"C" Mandate: Nauru

Of these former mandated territories, Iraq, Syria, Lebanon, and Trans-Jordan have become independent states.

Class "A" mandates were those territories which had reached a stage of development where they could be provisionally recognized as independent nations subject to the rendering of administrative advice and assistance by a Mandatory until they were able to stand alone. Class "B" mandates consisted of territories in central Africa not yet ready for self-government where the Mandatory had to be responsible for the administration of the territory. Article 22 prescribed that the Mandatory must guarantee "freedom of conscience and religion, subject only to the maintenance of public law and morals," the prohibition of the slave trade and of the traffic in arms and liquor, and the prevention of fortifications and military training of the natives. It also prescribed that equal opportunities must be provided for the trade and commerce of other members of the League. Class "C" mandates included territories such as the former German Pacific Islands and South-West Africa which, owing to sparseness of population, small size, geographical contiguity to the territory of the Mandatory, or other circumstances, could best be administered as "integral portions" of the Mandatory.

The mandates system functioned under the general supervision of the Council of the League of Nations acting on the advice of an expert body called the Permanent Mandates Commission. Thus, by agreement that the "well-being and development of such peoples" not yet able to stand by themselves "form a sacred trust of civilization", there was established the principle of international concern for dependent peoples.

The Development of United States Policy Regarding Dependent Areas

EARLY POLICIES

Mindful of their own colonial origin and of their development as an independent state, the American people have traditionally fostered a liberal attitude toward dependent territories and toward the aspira-

tions of non-self-governing peoples. The development of a colonial policy looking toward self-government and democracy has come to assume an increasingly important part in the development of American foreign policy. Concrete evidence of the United States attitude has been demonstrated by its position with regard to Cuba in 1898, by its treatment of the Philippines, and by its attitude and policy toward Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

PRESIDENT WILSON'S VIEWS

In 1918, at the end of the first World War, the United States took the position that no colonial territory separated from the enemy should be annexed by the victors. President Wilson in his address of February 11, 1918, advanced the view that "peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game . . . but every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned . . ." The mandates system written into the treaty of peace was an attempt to translate these progressive and liberalizing principles into practical reality in the case of the former German and Turkish colonies.

TREATIES WITH MANDATORY POWERS

As one of the Principal Allied and Associated Powers of the first World War, the United States had a direct interest in the territories separated from Germany and Turkey as a result of that war. However, as the United States was not a member of the League of Nations, it had no direct voice in the operation of the mandates system. Therefore, in order to safeguard its interests in the mandated territories, the United States concluded treaties with the United Kingdom, France, Belgium, and Japan in order to affirm its rights and its international position with respect to territories mandated to those powers. In each of the treaties there was inserted a clause to the effect that the United States and its nationals should have and enjoy all the rights and benefits secured under the terms of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States was not a member of the League of Nations. Another clause stated that nothing contained in the treaty should be affected by any modification which might be made in the terms of the mandate unless such modification should have been assented to by the United States.

INTER-WAR PERIOD

In the inter-war period the United States Government continued its traditional support of self-determination and self-government as well

as non-discriminatory treatment in dependent territories. In 1919 it signed the convention of Saint Germain-en-Laye which revised the general act of Berlin and the general act and declaration of Brussels. This convention provided for equality treatment in economic and commercial activities and in missionary enterprise in the Conventional Basin of the Congo. United States ratification of the convention, however, did not become effective until 1934.

THE PHILIPPINE ISLANDS

The ultimate goal of American policy in the Philippines, as conceived from the very beginning of American administration in the Islands, has been to prepare the Filipino people for independence. In the Jones law of August 29, 1916, which extended a great measure of self-government to the Filipinos, the Congress of the United States declared that "it is, as it has always been, the purpose of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein". In 1934 Congress, in fulfillment of the Jones law, passed the Philippine Independence Act. This act authorized the Philippine Legislature to call a constitutional convention for the purpose of formulating and drafting a constitution for the Philippines. Under this authority the Filipinos met in a constitutional convention and drafted a constitution which provided for the creation of a Commonwealth Government with an elective President and Legislature and appointed Supreme Court and inferior courts. In the summer of 1944 Congress passed a joint resolution reaffirming the pledge of this country to grant the Philippines its independence as soon as possible.

On July 4, 1946, the Philippine Islands were granted independence as promised by the United States and as provided in the Philippine Independence Act of 1934. President Truman, in a broadcast on July 4, 1946, stated that "The United States and its partner of the Pacific, the Philippine Republic, have already charted a pattern of relationships for all the world to study." The President on July 26 also declared that this pattern "bespeaks the American purpose in the community of sovereign peoples today."

HAWAII AND ALASKA

Hawaii and Alaska are incorporated territories of the United States with Governors appointed by the President and with an elected non-voting Delegate for each to Congress. Both territories have achieved large measures of self-government, and recently proposals have been made to grant them statehood. President Truman, in his State of the Union message in January 1946, urged that "the Congress promptly accede to the wishes of the people of Hawaii that the Ter-

ritory be admitted to statehood in our Union". He urged similar action with respect to Alaska as soon as it is certain that such is the desire of its people. In August 1946 Secretary of the Interior Krug recommended statehood for Alaska, and in October 1946 the people of Alaska voted decisively in favor of statehood. Bills have been introduced into the 80th Congress which would enable the people of each territory to form a constitution and state government and be admitted into the United States.

PUERTO RICO AND THE VIRGIN ISLANDS OF THE UNITED STATES

Both Puerto Rico and the Virgin Islands are unincorporated territories of the United States, whose Governors are appointed by the President. The inhabitants of those islands are citizens of the United States. The people of Puerto Rico elect a Resident Commissioner to the United States, and he acts as their non-voting Delegate to the Congress of the United States. The inhabitants of the Virgin Islands do not have similar representation. President Truman in January 1946 recommended to Congress that it "provide a means by which the people of Puerto Rico might choose their form of government and ultimate status with respect to the United States." At the same time the President declared that the people of the Virgin Islands should be given an increasing measure of self-government.

In July 1946 Jesús T. Piñero, who had previously been elected Resident Commissioner in Washington, was appointed by President Truman to be Governor of Puerto Rico, the first Puerto Rican to be appointed to this responsible position. In 1946 William H. Hastie, an outstanding Negro judge who had previously served in the Virgin Islands, was appointed Governor of the Virgin Islands.

SIGNIFICANCE OF DEPENDENT AREAS IN WORLD WAR II

WESTERN HEMISPHERE AREAS

With the outbreak of World War II the United States Government, for reasons of peace and security, became increasingly concerned over the status of dependent areas throughout the world. This was particularly true of territories in the Western Hemisphere. On June 18, 1940, this Government informed the Governments of Germany, Italy, France, Great Britain, and the Netherlands that it "would not recognize any transfer" nor "acquiesce in any attempt to transfer, any geographic region of the Western Hemisphere from one non-American power to another non-American power."

In accordance with the policy of hemispheric solidarity and under procedure established at the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires in 1936, and elaborated at the Eighth International Conference of American States, held at Lima in 1938, the Ministers of Foreign Affairs of the American republics held two meetings after the outbreak of war to consult on measures which might be adopted to safeguard the legitimate interests of the American republics and to preserve the peace of the Americas. At the second meeting, held in Habana, July 21-30, 1940, there were formulated the act of Habana and the convention of Habana. The act of Habana provided for a provisional regime, before the convention of Habana became effective, to administer any European possession in the Western Hemisphere that was "in danger of becoming the subject of barter of territory or change of sovereignty". The convention, which became effective on January 8, 1942, provided for the creation of an "Inter-American Commission for Territorial Administration" and provided that if a non-American state should directly or indirectly attempt to replace another non-American state in the sovereignty or control over any territory located in the Americas that territory should be administered for an initial period of three years by one or more American republics which should report annually to the Commission. The circumstances anticipated by the Ministers of Foreign Affairs did not materialize during the war and it has not proven necessary to invoke the provisions of the convention.

PACIFIC AREAS

Throughout the mounting diplomatic crisis in the Far East and the diplomatic negotiations between the United States and Japan, this Government made clear that no changes in the status of dependent territories in that region should be made under duress. The concessions forced upon Indochina by the Japanese occasioned statements of disapproval by the United States Government. On April 17, 1940, Secretary Hull in a press statement declared: "Intervention in the domestic affairs of the Netherlands Indies or any alteration of their *status quo* by other than peaceful processes would be prejudicial to the cause of stability, peace, and security not only in the region of the Netherlands Indies but in the entire Pacific area."

CARIBBEAN AND AFRICAN AREAS

During the critical summer of 1940, when the British Navy and merchant fleet were hard pressed by German submarines and surface raiders operating in the North and South Atlantic, the United States gave 50 over-age destroyers to Great Britain. At that time the United

States obtained 99-year leases on bases in six British Caribbean dependencies, as well as two in Newfoundland and Bermuda which were given "freely and without consideration." This transaction gave the United States a screen of operating bases for the defense of the Western Hemisphere and particularly of the vital Panama Canal.

The strategic importance of the Caribbean and the pressure of wartime conditions facilitated the implementation of the policies of both the United States and the United Kingdom toward that area. Because of these conditions and as a result of studies made in 1939 by the British West India Royal Commission under Lord Moyne and in 1941 by a United States commission appointed by President Roosevelt with Charles W. Taussig as chairman, the Anglo-American Caribbean Commission was established in March 1942 on a long-range basis. The purpose of the Commission is to promote the economic and social development of the region. In December 1945 it was enlarged to include France and the Netherlands among its members and was renamed the Caribbean Commission.

Africa likewise became an area for increasing concern following the outbreak of war. The presence of German and Italian troops in North Africa and the uncertain status of the French dependencies aroused genuine concern over the possibility that Dakar in West Africa might become the base for an invasion of the Americas across the South Atlantic. Following a meeting between President Roosevelt and President Vargas of Brazil, it was announced on January 30, 1943, that the two Presidents had agreed that the coasts of West Africa and Dakar must never be allowed to become the basis of a threat of blockade or invasion against the Americas. Our mounting realization of the importance of this area to hemispheric defense had previously been manifested by the signing of an executive agreement with Liberia on March 31, 1942. Liberia cooperated by placing at the disposal of the United States armed forces all Liberian ports, landing-field areas, and other assistance. The proximity of Africa to South America brought new strategic importance to both continents in the development of air routes across the South Atlantic to Europe, the Near East, and the Far East.

The Development of United Nations Machinery for Non-Self-Governing Territories

In the Atlantic Charter, announced August 14, 1941, President Roosevelt and Prime Minister Churchill called for a "peace which will afford to all nations the means of dwelling in safety within their own boundaries" and focused attention on the need for the "establishment of a wider and permanent system of general security".

The advisability of a new international organization to replace the League of Nations had been taken under consideration by the United States as early as 1939 when the Department of State set up the Committee on Post-War Problems. This was later reorganized into an Advisory Committee on Post-War Foreign Policies. Subsequently the Department set up subcommittees of a more technical nature, one of which was to prepare concrete proposals for an international peace and security organization. At various times in the work of these subcommittees, both Democratic and Republican leaders of the Senate and House of Representatives were consulted, and experts from outside the Government were called upon for advice.

As the forces of war brought new aspirations to the people of dependent areas and as those areas developed new strategic and economic importance, it was generally realized that the old mandates system of the League would have to be replaced by new machinery for certain non-self-governing territories.

SECRETARY HULL'S PROPOSAL, MARCH 1943

Secretary Hull in March 1943 submitted to President Roosevelt certain proposals on dependent territories. These proposals, which were endorsed by the President, stated that those dependent peoples who desire independence should have the opportunity to attain that status and that it was the duty of those United Nations responsible for the future of colonial areas to cooperate fully with the peoples of such areas in order that they might become qualified for independence. Those nations were also called upon to fix, as soon as possible, the dates upon which colonial peoples under them would be granted full independence within a system of general security. It was urged that the United Nations should establish an international trusteeship system to prepare for independence those dependent peoples who, as a result of either World War, were separated from political ties with nations formerly responsible for them.

DUMBARTON OAKS

The creation of a new system, which came to be called "trusteeship," to replace the League of Nations mandates system was being studied by other governments as well as by the United States. The problem had been tentatively placed on the agenda of the Dumbarton Oaks Conversations on International Organization, August-October 1944, but discussion of it was postponed pending further study. However, it was understood by the governments concerned that the question would be taken up later and placed on the agenda of the prospective United Nations Conference.

YALTA

When President Roosevelt went to Yalta in February 1945, he took with him several proposals concerning trusteeship and other dependent area problems. At the conference it was agreed that the five states which would have permanent seats on the Security Council should consult each other on the question of territorial trusteeship prior to the United Nations Conference. This agreement was reached on the understanding that territorial trusteeship would apply only to: (a) existing mandates of the League of Nations; (b) territories to be detached from enemy states after the war; and (c) any other territory that might voluntarily be placed under trusteeship. It was further understood that no discussion of actual territories would be undertaken at the United Nations Conference or in the preliminary consultations, and that it would be a matter for subsequent agreement as to which territories within the three categories would be placed under trusteeship.

SAN FRANCISCO

Prior to the United Nations Conference at San Francisco, April 25 to June 26, 1945, it had not been possible to convene the Five-Power meetings called for at Yalta. However, immediately upon the opening of the San Francisco conference, the representatives of the United States, the United Kingdom, the Soviet Union, China, and France began consultations. These Five-Power meetings ran concurrently with those of the Conference Technical Committee on Trusteeship.

Each of the Five Powers, in these consultations, submitted proposals for a system of trusteeship. Between the United States and British proposals there were substantial divergences, but the Soviet, Chinese, and French papers closely paralleled the United States paper. Since trusteeship had not been discussed at Dumbarton Oaks, there was no document to form the basis of discussion at San Francisco. Therefore, the Conference Technical Committee on Trusteeship requested the chairman of the Five-Power group, Commander Harold E. Stassen of the United States Delegation, to present to the Committee, as a guide for its discussions, a working paper, taking into account the various proposals submitted to the Conference. When this paper was submitted there were points still at issue among the Five Powers, and it was necessary for the Five-Power consultations to continue throughout the Conference. The views advanced by several of the smaller powers interested in the proposals received serious consideration in both formal and informal discussions during which the contributions of the Philippines, the Arab states, and Australia were particularly significant.

The proposals presented at San Francisco were primarily concerned with a trusteeship system. In the course of the debates it became evident that many non-self-governing territories would probably not be placed under United Nations trusteeship and that it would be desirable to establish a set of principles which all states responsible for the administration of non-self-governing territories should apply in those territories. Owing to the combined efforts of the Australian, New Zealand, United Kingdom, and United States Delegations, these general principles were gradually evolved into a separate Section A of the working paper which finally became Chapter XI of the Charter entitled, "Declaration Regarding Non-Self-Governing Territories".

MAJOR TRUSTEESHIP ISSUES DEBATED

INDEPENDENCE

Discussions in the Five-Power consultation group and in the conference committee centered around several major issues. One such issue was that of political objectives. Some delegates, especially the Chinese and Soviet, took the position that a forthright statement of independence as a goal for all dependent peoples should be included. Other delegates believed it unwise to establish such a goal for all dependent peoples without exception. It was felt that there were some dependent territories which, because of their meager population and resources, would never become entirely independent. The proposal of the United States aimed at self-government which, in the United States interpretation, included independence for those people capable of assuming the responsibilities involved. This issue, so far as trust territories were concerned, was finally resolved by providing in article 76 alternative goals of self-government or independence as might be appropriate to the particular circumstances of each trust territory and its peoples and the freely expressed wishes of the peoples concerned and as might be provided by each trusteeship agreement.

EQUAL TREATMENT

The United States proposal for equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals in trust territories brought about another controversy. This provision, it was maintained, would have the effect of altering the status of "C" mandates, which under the League of Nations system were administered as an integral part of the Mandatory. As a result, the principle of equal treatment was incorporated in the basic objectives of the trusteeship system (article 76), with the provision that its application be "without prejudice to the attainment of the foregoing

objectives" of the trusteeship system "and subject to the provisions of Article 80". This left unaffected the position of "C" Mandatories except as this position might be altered in the terms of the trusteeship agreements placing "C" mandates under the trusteeship system.

SECURITY CONSIDERATIONS

The United States proposal which would permit certain areas to be designated as strategic under the terms of trusteeship was accepted by the Conference, but no attempt was made to determine such areas. A British proposal was also accepted which removed a restriction in "B" and "C" mandates prohibiting the establishment of military bases and the recruiting of natives for military forces. Thus under article 84 of the Charter it is the duty of the administering authority in any trust territory to contribute to the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out its obligations to the Security Council, as well as for local defense and the maintenance of law and order within the trust territory.

INTERIM PERIOD

Because of the fact that there would probably be an interim period between the adoption of the United Nations Charter and the placing of eligible territories under the trusteeship system, some delegates felt that reassurances should be provided that the Charter itself did not in any way affect the status of any mandated territory or the rights of any states or peoples in that territory. In other words, until trusteeship agreements could be drawn up, no provision of the Charter could be interpreted as affecting the rights of "any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties." This guarantee appears in article 80 of the Charter.

COMPOSITION AND STATUS OF TRUSTEESHIP COUNCIL

The composition of the Trusteeship Council and its status in the United Nations Organization also brought forth a difference of opinion. The United States Delegation felt that the Council should be one of the principal organs of the Organization and that its membership should be selected on a basis which would insure an equal balance between those states administering trust territories and those having no responsibility as administering states. The final agreement included these points and also provided, as proposed by the Soviet Delegation, that permanent members of the Security Council, because of their

world-wide interests and responsibilities, should also be permanent members of the Trusteeship Council whether or not they had trust territories to administer.

PETITIONS AND VISITS

The power of the General Assembly and Trusteeship Council to receive petitions, written or oral, from whatever source, and to visit trust territories for inspection purposes produced a divergence of opinion. There was little apparent opposition to the principle, but some delegates felt that great care should be taken not to imply that the administering state might lack responsibility, nor to belittle its authority in the eyes of the people administered. It was agreed that the visits should be arranged at times agreed upon with the administering authority.

ROLE OF THE UNITED STATES

Throughout the long and difficult deliberations on trusteeship at San Francisco, the United States Delegation provided constructive leadership. This subject was one of the most difficult of those before the Conference and was among the last to be agreed upon. The United States Delegation constantly sought to reconcile differences in the conference committee and in consultations outside the committee. In so doing the United States steadfastly supported the basic principles of the original American proposal and assisted in bringing together the divergent viewpoints of other nations.

PROVISIONS ADOPTED IN CHARTER OF THE UNITED NATIONS

The articles of the Charter of the United Nations which relate to non-self-governing territories were divided into two separate groups during the debates at San Francisco: Chapter XI, "Declaration Regarding Non-Self-Governing Territories"; and Chapters XII and XIII, which provide for the International Trusteeship System and the Trusteeship Council.

CHAPTER XI: NON-SELF-GOVERNING TERRITORIES

Chapter XI, an important and far-reaching innovation in international obligations concerning non-self-governing areas, applies to all areas of the world which are not fully self-governing, whether they be protectorates, colonies, or other possessions or trust territories. Under this chapter, those Members responsible for administering any non-self-governing territories recognize that the interests of depend-

PAGES 14-29 ■ MISSING FROM THIS
DOCUMENT.

the concurrence of the United Kingdom and New Zealand, announced early in 1946 that trusteeship is contemplated for Nauru. The status of Palestine remains to be resolved.

FORMER JAPANESE MANDATED ISLANDS

President Truman announced on November 6, 1946, that "The United States is prepared to place under trusteeship, with the United States as the administering authority, the Japanese Mandated Islands and any Japanese islands for which it assumes responsibilities as a result of the second World War." A draft of a strategic area trusteeship agreement was developed after long and careful interdepartmental consultations. Its provisions were a synthesis of State, War, and Navy Department views. It contained the terms whereby the United States was prepared to place within the trusteeship system of the United Nations the former mandated Marianas, Caroline, and Marshall Islands which are now administered under United States military government. Copies of the draft agreement (see appendix 15) were transmitted for information to the other members of the Security Council (Australia, Brazil, China, Egypt, France, Mexico, the Netherlands, Poland, the Union of Soviet Socialist Republics, and the United Kingdom) and to New Zealand and the Republic of the Philippines, and were later transmitted to the newly elected members of the Security Council (Belgium, Colombia, and Syria).

On February 17, 1947, the text of the draft trusteeship agreement was submitted by the United States Representative to the United Nations, Warren R. Austin, to the Secretary-General with a request that the matter be placed on the agenda of the Security Council at an early date. The United States submitted the draft trusteeship agreement for approval by the Security Council, rather than by the General Assembly, because under its terms the territory is designated as strategic. This is in accordance with article 82 of the Charter which provides that "There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory . . .", and article 83 which states that "All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements . . . shall be exercised by the Security Council."

Mr. Austin formally submitted the United States draft trusteeship agreement to the Security Council on February 26, 1947. (See appendix 16.) At that time he also submitted to the Security Council a paper containing the text of the draft agreement with article-by-article explanatory comments.¹ The Security Council began consideration

¹ U. S. Delegation to the United Nations, press release 142, Feb. 25, 1947; *Department of State Bulletin*, Mar. 9, 1947, p. 420.

of the draft trusteeship agreement on March 7, 1947, and discussions on the question were continued at four later meetings held on March 12, 17, and 28, and April 2.¹ During the course of the debates the Governments of New Zealand and India requested, under article 31 of the Charter, that they participate in the discussions. The New Zealand Government also requested that those members of the Far Eastern Commission not represented in the Security Council be invited to participate, if they so desired, in the discussions. The Security Council accordingly invited Canada, India, the Netherlands, New Zealand, and the Republic of the Philippines to be represented at subsequent discussions on the United States draft trusteeship agreement. The views of all those states were heard at the Council's table.

During a long session on April 2, 1947, the Security Council considered the entire agreement article by article. In voting on proposed amendments, the United States Representative followed the rule of casting a vote when the United States vote would be in the affirmative and abstaining from voting in cases wherein the United States did not favor the proposal before the Council. Thus, he abstained from voting on proposals to revise article 8 (1) and article 15. Prior to the voting on each of these articles, the United States Representative declared that the United States would not veto the amendment. In advance of his first abstention, he stated that, "On questions such as this, it is perfectly clear—to us anyway—that the United States, where it may be obliged in view of its responsibilities to withdraw the tender of an agreement, should certainly not exercise a veto in the Security Council also." Prior to his second abstention he said, "The United States being a party to the agreement, all I can do is, with the utmost modesty, state that an amendment in the nature of that proposed . . . probably could not be accepted by the United States as a party to the agreement." At the close of the session the Security Council approved unanimously the United States draft agreement as a whole including three revisions which were accepted by the United States Representative pursuant to the instructions of the United States Government. The three amendments are as follows:

Article 3.—An amendment proposed by the Representative of the Union of Soviet Socialist Republics to delete the words "as an integral part of the United States". Upon accepting this amendment at the 116th Meeting of the Security Council, the United States Representa-

¹Verbatim records of the Security Council discussions on the United States draft trusteeship agreement for the former Japanese Mandated Islands are contained in the following United Nations documents:

S/P.V. 113, Feb. 26, 1947

S/P.V. 116, Mar. 7, 1947

S/P.V. 118, Mar. 12, 1947

S/P.V. 119, Mar. 17, 1947

S/P.V. 123, Mar. 28, 1947

S/P.V. 124, Apr. 2, 1947.

tive said *inter alia*: "In agreeing to this modification, my Government feels that it should affirm for the record that its authority in the trust territory is not to be considered in any way lessened thereby."

Article 6(1).—An amendment proposed by the Representative of the Union of Soviet Socialist Republics and revised in the Council, to add after the words "toward self-government", the words "or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned". In accepting modification of article 6(1) at the 116th Meeting of the Security Council, the United States Representative declared that, "the United States feels that it must record its opposition not to the principle of independence, to which no people could be more consecrated than the people of the United States, but to the thought that it could possibly be achieved within any foreseeable future, in this case."

Article 6(1).—An amendment suggested by the Representatives of New Zealand and India and introduced on behalf of the latter by the United States Representative at the 124th Meeting of the Security Council, to delete the word "local" from the phrase "in local government". The observation of the Representative of India at the 124th Meeting in behalf of this deletion was that in certain countries the word "local" connotes municipal government and that surely would not be the intention of the Representative of the United States.

In the final consideration of the United States trusteeship proposals, the original text of articles 1, 2, 4, 5, 9, 10, 11, 12, 14, and 16 was approved in each case without objection or comment. The American Representative, Mr. Austin, requested that article 7 be perfected as follows:

"In discharging its obligations under Article 76(c), of the Charter, the administering authority shall guarantee to the inhabitants of the trust territory freedom of conscience, and, subject only to the requirements of public order and security, freedom of speech, of the press, and of assembly; freedom of worship, and of religious teaching; and freedom of migration and movement."

Mr. Austin stated: "The significance of this perfection of the article is that it moves up freedom of conscience so that it will not be subject to the requirements of public order and security."

The approval of the trusteeship agreement with the three amendments and this change followed the withdrawal or rejection of several other proposed amendments as follows:

Preamble.—Discussions on the Preamble concerned three alternative versions—suggested by Poland, the Netherlands, and the United States—of an amendment proposed originally by the Representative

of Poland at the 116th Meeting of the Security Council. This proposal was to add the following phrase to paragraph four: "Whereas Japan has violated the terms of the above-mentioned mandate of the League of Nations and has thus forfeited her mandate . . ." The United States Representative endorsed this proposal, but the amendment was reconsidered at the 124th Meeting. The Netherlands Representative proposed that the amendment read: "Whereas, as a result of the signature by Japan of an act of unconditional surrender, the mandate held by Japan for these islands has come to an end." As a compromise, the United States Representative proposed the following wording: "Whereas the mandaté, held by Japan for these Islands, has come to an end." After failure to reach agreement on these alternative proposals, the original wording of the Preamble was approved unanimously.

Article 8(1).—The United Kingdom Representative proposed an amendment to article 8(1) to delete the phrase "except the administering authority", holding that the inclusion of those words would give a preferential position to the United States which did not seem to be in strict accordance with articles 83(2) and 76(d) of the Charter. He asked whether that phrase in article 83(3) "without prejudice to security considerations" would not really give the United States sufficient safeguard. After replying to this question in the negative, the United States Representative stated for the record: ". . . 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 welfare of the inhabitants, of the meager and almost non-existent resources and commercial opportunities that exist in the 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 obligations which the administering authority will assume under the Charter 'to further international peace and security' and to insure that the territory itself 'shall play its part' in the maintenance of international peace and security."

Article 13.—The United Kingdom Representative proposed a redraft of article 13 to read:

"The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may at any time inform the Security Council, in accordance with Article 83(3) of the Charter, that security considerations do not permit the exercise of the functions of the Trusteeship Council in regard to specific areas."

He did not insist on this amendment, however, because the United States Representative stated for the record that the United States con-

templates that notification will be made to the Security Council whenever the proviso that is contained in article 13 comes into use.

Article 15.—Extended debate took place before reaching agreement on article 15, which provides that the terms of the agreement “shall not be altered, amended or terminated without the consent of the administering authority.” Two formal amendments to this article were presented by the Representatives of Poland and the Union of Soviet Socialist Republics. The Soviet amendment was to make article 15 read as follows: “The terms of the present agreement may be altered and amended or the terms of its validity discontinued by the decision of the Security Council.” The Polish amendment was to modify article 15 to read: “The terms of the present agreement shall not be altered, amended or terminated, except as provided by the Charter.” The United States indicated a willingness to accept the following text as a compromise: “The terms of the present agreement shall not be altered, amended or terminated except by agreement of the administering authority and the Security Council.” The rejection of the Soviet and Polish amendments was followed by the acceptance of the original wording of article 15.

Proposed Article 17.—An issue debated at length in the Security Council was embodied in an amendment proposed by Australia to add an article 17 to the agreement which would have delayed its coming into force until the effective date of the peace treaty with Japan. The view thus expressed was supported by the United Kingdom and by New Zealand. The United States Representative argued forcefully against this proposal which would have left the agreement in suspense for an indefinite period. As a basic contention of the United States Government, he emphasized throughout the debates that the matter did not depend upon and need not await the general peace settlement with Japan. Following the widening of the Council's discussions to include Representatives of Canada, India, the Netherlands, and the Republic of the Philippines for the purpose of stating their views on the United States trusteeship proposals, the Australian Representative withdrew his proposal.

According to article 16 of the agreement, the Security Council having approved its terms of trusteeship, only the approval by the United States in accordance with its constitutional process is now required to bring the trusteeship agreement for the Territory of the Pacific Islands into force.

TERRITORIES DETACHED FROM ENEMY STATES

A second category of territories eligible to be placed under trusteeship is those detached from enemy nations as a result of the recent war. Of principal concern are the former Japanese Islands in the Pacific and the former Italian colonies in Africa.