
The British Ambassador (Inverchapel) to the Secretary of State

No. 45

WASHINGTON, January 21, 1947.

Sir, I have the honour to refer to Mr. Acheson's note of the 6th November 1946 enclosing the draft of a strategic area trusteeship agreement setting forth the terms on which the United States Government is prepared to place the Japanese Mandated Islands under Trusteeship.

1 For related documentation, see Foreign Relations, 1946, vol. i, pp. 544 ff.
2 For text of the draft trusteeship agreement, see Department of State Bulletin, November 17, 1946, pp. 889 ff. On November 6, 1946, President Truman announced that the United States was to submit this draft agreement formally to the Security Council for its approval "at an early date"; for text of the President's statement, see ibid., p. 889, or Foreign Relations, 1946, vol. i, p. 674. At the same time, the Department sent to the diplomatic missions of the other members of the Security Council (in Washington) and of the Philippines Republic and New Zealand, for the information of these Governments, copies of the draft trusteeship agreement; these notes are not printed. On January 15, 1947, similar communications were transmitted to the Governments of Belgium, Colombia, and Syria, these states having been members of the Security Council since November 6 when they were elected.

On December 11, 1946, the Soviet Embassy submitted a note dated December 7 in reply; for text, see Foreign Relations, 1946, vol. i, p. 710. The view was expressed that Security Council consideration of the United States draft trusteeship agreement should be delayed until the peace settlement with Japan.

On December 27, 1946, the British Embassy informed the Department that the Foreign Office was "urgently engaged" in obtaining the informal views of the Australian and New Zealand Governments. The Embassy expressed the hope that this Government could defer presenting the draft agreement to the Security Council until a further communication had been received from the Embassy. (See memorandum of telephone conversation, by the Director of the Office of Special Political Affairs (Hiss), December 24, 1946, ibid., p. 711.)
His Majesty’s Government in the United Kingdom appreciate the action of the United States Government in submitting the draft to them for information, and welcome the announced intention of the United States Government to seek the approval of the Security Council for the draft agreement as an earnest of United States support for the implementation of the Trusteeship principle. His Majesty’s Government feel impelled, however, to state that they regard the action of the United States Government as a declaration of intention which cannot take effect in advance of the Peace Treaty with Japan and consider that it would be premature at this stage to place proposals formally before the Security Council. In particular, from the point of view of His Majesty’s Government, such action by the United States would be open to the serious practical objection that it would confuse the issue about trusteeship for the former Italian Colonies.

In the meantime His Majesty’s Government wish to discuss with the United States Government certain textual points in the draft under reference. A memorandum setting forth the comments of His Majesty’s Government on the points in question is enclosed herein.

I have [etc.]

INVERCHAPEL

[Enclosure]

1. Preamble

In the second recital the reference should presumably be to Article 77(B), since the United States are in possession of the islands by virtue of the war and are not a Mandatory Power.

2. Article 8(1)

The purpose of this clause is apparently to control the immigration of potential enemy agents. It conflicts, however, with Article 83(2) and 76(D) of the Charter, and appears to be inconsistent with the “open-door” policy which the United States has insisted upon in regard to the United Kingdom mandates and in Western Samoa.

3. Article 8(111)

In the view of His Majesty’s Government this clause strains Article 76(D) of the Charter.

4. Article 13

His Majesty’s Government wish to suggest the following re-wording:

“The provisions of Article 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority

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For documentation regarding United States policy with respect to a peace settlement with Japan, see vol. vi, pp. 446 ff.

For documentation on this subject, see vol. iii, pp. 569 ff.
may at any time inform the Security Council, in accordance with Article 83(111) of the Charter, that Security considerations do not permit the exercise of the functions of the trusteeship council in regard to specific areas."

His Majesty's Government attach particular importance to the point that if any areas are closed for security reasons they shall be closed so far as civil aviation is concerned on a nondiscriminatory basis to civil airlines of the United States as well as to those of other nations.

5. Article I, which describes the area as a strategic area, when read in conjunction with Article XIII, might be interpreted as meaning that, as distinct from individual islands and the territorial waters round them, the United States would close the complete area and so disrupt sea communications. His Majesty's Government feel there would be no basis in international law for such action, and doubt whether that is the interpretation which the United States Government would in practice apply. They would, however, welcome clarification on this point.

890.0146/1-2147

The Australian Ambassador (Makin) to the Secretary of State

No. 26/47

WASHINGTON, 21 January 1947.

Sir, I have the honour to refer to Mr. Acheson's note of November 6th, 1946, enclosing, for the information of the Australian Government, a draft of a strategic area trusteeship agreement setting forth the terms upon which the Government of the United States is prepared to place the Japanese mandated islands under trusteeship.

My Government has given careful consideration to the draft agreement, and has at this stage certain general comments to offer. In the view of the Australian Government, the ultimate solution of the question of the Japanese mandated islands lies in their being controlled by the United States. At the same time the Australian Government does not regard this as an isolated question but as an integral part of a comprehensive settlement for the entire Pacific ocean area. To isolate the question of mandated islands from the settlement with Japan as a whole is, in the opinion of my Government, an approach almost untenable both politically and juridically.

With the fullest desire, therefore, to support the ultimate objective of the United States, the Australian Government regards both the timing and the procedure as erroneous, and believes that the course proposed by the United States will have the effect of adding to the difficulties of achieving their objective.
The United States Government recently undertook, in a message transmitted through its Ambassador in Canberra, to support the claim of Australia to be a principal party in the negotiation of the Japanese settlement. In view of this the Australian Government finds it difficult to understand the approach made by the United States Government on the question of the mandated islands, which appears to disregard Australia's vital interest in the disposal of the territories concerned.

I have [etc.]

For the Ambassador:
ALFRED STIRLING

WASHINGTON, February 12, 1947.

EXCELLENCY: I have the honor to refer to your note of January 21, 1947, commenting upon Mr. Acheson's note of November 6, 1946 with reference to the terms upon which the United States Government is prepared to place the former Japanese Mandated Islands under trusteeship.

The United States Government regrets that it does not share the view of the United Kingdom Government that the action proposed by the United States cannot take effect in advance of the Peace Treaty with Japan and that it would be premature at this stage to place proposals formally before the Security Council.

As to whether the proposed action can take effect in advance of the Peace Treaty with Japan, the United States Government does not consider that there is any barrier to the placing of these islands under trusteeship in accordance with the Charter whenever the Security Council approves the draft agreement. The islands never did belong to Japan, which, moreover, as a result of the war, has ceased to exercise any authority therein. Further, it was agreed at Cairo and Potsdam, and reaffirmed in the instrument of surrender accepted by the powers responsible for Japan's defeat, that Japan should be deprived of any authority in these islands. Moreover, practically all the states which might conceivably have an interest in the disposition of the Japanese Mandated Islands are either members of the Security Council or, as in the case of the Philippines and New Zealand, have been provided with information about the United States proposals. For these reasons, the United States considers that the conclusion of the trusteeship agreement for the Japanese Mandated Islands can be properly dealt with now by the Security Council in accordance with the Charter and does not depend upon, and need not await, the general peace settlement with Japan.
As to whether it would be premature at this stage to place proposals formally before the Security Council, the United States Government believes that such formal presentation should be made at an early date. These islands were administered for nearly a quarter of a century under a mandate of the League of Nations and, therefore, they appear clearly to belong in the category described in Article 77(a) with regard to which the spirit and intent of the Charter indicated the early placing under trusteeship. Moreover, the General Assembly Resolution of February 9, 1946, expressly invites “the states administering territories now held under mandate” to undertake practical steps to place such territories under trusteeship. The United States is not, of course, a mandatory over the former Japanese Mandated Islands, but it has been administering them de facto and, therefore, considers it a duty to do its part in giving prompt effect to the Assembly Resolution. The United States believes that it should proceed with this program in order that other governments and peoples may know the reasons underlying the United States proposal. There would also seem to be sound, practical grounds why, in the interest of the inhabitants and the general stability of this area, a definitive arrangement should be provided for as soon as possible rather than delay it to an indefinite date in the future. Finally, it will be recalled that the President, in his announcement of November 6, 1946, stated that the draft trusteeship agreement would be submitted to the Security Council for its approval at an early date, and any further delay might be likely to lead to misunderstanding.

The United States Government notes, however, that the Government of the United Kingdom considers that, from its point of view, such action by the United States would be open to the “serious practical objection” that it would confuse the issue about trusteeship for the former Italian colonies. The United States Government has no desire to contribute to any confusion of the issue about the Italian colonies. It does not see any obvious or direct connection between the two categories of territories in question. Although the territories in both categories are under military occupation, the status of the former Japanese Mandated Islands, having been for many years under an international mandate and never having been under the sovereignty of Japan, appears to be entirely different from that of the Italian colonies in these respects.

However, after its proposal has been formally placed before the Security Council the United States would be quite willing to consider acceding to any reasonable postponement of consideration and action if this were deemed to be desirable or convenient by other members of the Council although, as stated before, it does not feel that action by the Council need necessarily be deferred until the negotiation of the Peace Treaty with Japan.
In view of the foregoing, the United States Government believes that there should be no serious objection to its announced plan to make an early formal submission of the draft agreement to the Security Council, and hopes that the United Kingdom Government will be convinced of the desirability of this course.

The observations made by the United Kingdom Government on certain textual points in the United States draft proposal is made the subject of comment attached hereto. These comments will be elaborated more fully when the terms are presented to the Security Council.¹

Accept, [etc.]                                          G. C. MARSHALL

[Attachment]

OBSERVATIONS ON TEXTUAL POINTS RAISED BY THE UNITED KINGDOM GOVERNMENT IN MEMORANDUM ENCLOSED IN NOTE OF JANUARY 21, 1947

1. Preamble

By its second recital the United States, of course, does not claim to be in the islands as a mandatory power but it recognizes that it is administering islands which formerly were under mandate. These islands were militarily taken from Japanese forces, but since, in our view, they did not belong to Japan, they could not legally be taken away from Japan. Hence, they do not completely fit the category of Article 77(b) (enemy territory). However, no difficulty is seen in clarifying the point that the United States is not in these islands now as a mandatory power.

2. Article 8(1)

The United States considers that in a strategic agreement security factors take precedence over economic factors. Moreover, it is not believed that there is any inconsistency with the provisions of the Charter. It is not the intention of the United States to seek any economic advantage for itself but merely to provide the necessary protection for areas which may need to be closed.

3. Article 8(111)

The United States considers that the proposed regulation on traffic rights to aircraft flying into and out of the trust territory is precisely in accord with the Chicago Aviation Convention and that the same situation would apply whether Article 8, paragraph 3, were included in the draft or not.

¹ With the exception of the paragraph pertaining to the former Italian colonies, substantially similar notes were transmitted on the same day to the Soviet Ambassador (Novikov) (890.0146/12-746) and the Australian Ambassador (Makin) (890.0146/1-2147).
4. Article 13

This proposal appears to state the position somewhat more precisely in terms of Article 83(3) of the Charter and will be carefully studied by the United States.

5. Article 1 and Article 13

The United States takes the view that the territory to be placed under trusteeship by the draft agreement is the same area as that under mandate to Japan and that the territorial waters included in the trust territory would be determined by customary interpretations of international law.

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890.0146/2-1447: Telegram

The Secretary of State to the United States Representative at the United Nations (Austin)

WASHINGTON, February 14, 1947—6 p. m.

47. In view of statement at my last press conference that we expected to present trusteeship agreement for the Japanese Mandated Islands to the SC about February 17, it is suggested that you forward it to the SYG for transmittal to the SC for approval under Article 83 of the Charter.²

MARSHALL

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1 The decision on this time-table was the result of meetings and memorandawriting in the Department during the weeks of early February, at the same time that drafting was being done on the February 12 notes. About February 10, the Secretary of State granted simultaneous approvals to the draft notes and the draft of a statement to be made by Ambassador Austin in formally presenting the draft trusteeship agreement to the Security Council.

For text of the letter from the United States Representative to the Secretary General of the United Nations (Lie) dated February 17, 1947, enclosing the text of the draft trusteeship agreement and requesting Security Council consideration of the agreement at an early date, see United Nations, Official Records of the Security Council, Second Year, Supplement No. 8, annex 17.

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890.0146/2-2047

The Soviet Minister for Foreign Affairs (Molotov) to the Secretary of State

[Translation]

The Soviet Government has carefully considered your note of the 13th [12] of February of this year and has arrived at the conclusion

² Forwarded to the Secretary of State under cover of a note from the Soviet Ambassador (Novikov) dated February 20. In transmitting the Soviet communication to the Secretary, the Director of the Office of European Affairs (Hickerson) noted: “The present note is... a complete reversal of position’’ (501.BE/2-2747).
that it is not worthwhile to postpone the question about the former mandated islands of Japan and that the decision of this question comes within the competence of the Security Council.

As regards the substance of the question, the Soviet Government deems that it would be entirely fair to transfer to the trusteeship of the United States the former mandated islands of Japan, and the Soviet Government takes into account, that the armed might of the U.S.A. played a decisive role in the matter of victory over Japan and that in the war with Japan the U.S.A. bore incomparably greater sacrifices, than the other allied governments.²

²The Acting Secretary of State in a note of March 6 to Ambassador Novikov said:

“The United States Government is pleased to learn that the Soviet Government concurs in the view that the question of trusteeship for the former Japanese Mandated Islands comes within the competence of the Security Council and that the Soviet Government deems that it would be entirely fair to transfer the former Japanese Mandated Islands to the trusteeship of the United States. The United States Government also takes note of the expressions contained in Mr. Molotov’s note concerning the role of the armed forces of the United States in the victory over Japan.” (S90.0146/2-2047)

501.BE/2-2147: Telegram

The United States Representative at the United Nations (Austin) to the Secretary of State

RESTRICTED

NEW YORK, February 21, 1947—6: 25 p.m.

186. UK prepared to make statement on US trusteeship agreement. Lawford (UK)¹ told USDel on Feb. 21 that Cadogan ² would be prepared to state the British position on the US draft trusteeship agreement on former Japanese mandated islands at the SC meeting on Feb. 25. He indicated unofficially that statement merely would reaffirm Britain’s previously voiced opinion that action on the US proposal should await the signing of the Japanese peace treaty.

AUSTIN

¹V. G. Lawford, Adviser on the United Kingdom Delegation Staff.
²Sir Alexander Cadogan, Permanent British Representative to the United Nations.

Editorial Note

The United States Representative formally submitted the United States draft trusteeship agreement for the Pacific islands formerly mandated to Japan to the Security Council on February 26, making a detailed statement at the same time. For the text of Ambassador Austin’s statement, see United Nations, Official Records of the Security

Amendments were offered by the Soviet Union at the February 26 meeting and by the United Kingdom and Australia at a meeting on March 12. For the three Soviet amendments and accompanying statement by the Permanent Soviet Representative to the United Nations (Gromyko), see SC, 2nd yr., pages 414 and 415; see also ibid., pages 474–477, 479, and 480, and post, pages 275 ff. The two United Kingdom amendments are found in SC, 2nd yr., pages 644 and 662.

The Australian amendment proposed the addition of a completely new article, as follows:

"This agreement is subject to confirmation in the interim or final treaty of peace between Japan and the allied Powers victorious in the war against Japan, it being understood that by such treaty Japan shall be required to surrender all its rights, if any, relating to the control and administration of the present territories, and such territories shall be formally detached from any form of control by Japan." (Ibid., page 516)

Almost immediately Ambassador Austin gave notice to the Council that "at the proper time" he would raise a point of order against the Australian amendment.

501.BC/3-1447

Memorandum by Mr. Charles P. Noyes to the United States Representative at the United Nations (Austin)¹

SECRET


Problem of Voting on the Trusteeship Agreement

If any of the other members of the Council should press their amendments to a vote, we shall be faced with the necessity of deciding whether or not to use our veto.

There are three different possibilities:

First, We could announce in advance that because we were an interested party and had a veto, we would abstain on all votes so as to permit the Security Council to reach a decision without our participation. We would of course reserve our right as the other party to the agreement to decline to accept the agreement if the Security Council should insist on any amendments which we were unable to accept.

A Second alternative would be to make no commitment in advance but to watch for the affirmative votes in each case and abstain only

¹Mr. Noyes was Special Adviser to Ambassador Austin for Security Council matters.
if seven members vote in favor. The same reservation would be necessary here if the United States should have abstain.

The Third alternative would be to vote against any amendments we disliked regardless of whether or not it amounted to a veto.

It seems to me there are fairly substantial objections to deciding to follow the third alternative policy. In my opinion, it would lower the prestige of the United States and would be quite inconsistent with our broad policy on the problem of the veto in the Security Council for the United States to put itself in the position of using its veto to protect itself from an amendment. There is clearly no need to do so since, as the other party to the Agreement, we have the right to reject the agreement as a whole if we cannot accept particular amendments. It would seem to me to be far wiser to follow a policy which would not include the use of the veto to effect our purposes in obtaining the approval of this Agreement.

The second alternative has the advantage of avoiding the issue completely unless it actually arises. In my opinion, it is unlikely that seven members of the Security Council will support any of the proposed amendments if the United States states in advance that it cannot accept them. This alternative has the disadvantage of laying us open to the charge that we have vetoed the amendment even though it was not our veto alone which prevented the amendment from carrying. (Viz. The alleged use of our veto last summer against Albania’s application for membership.)

The first alternative has the advantage of obtaining public credit for a decision which we would have made not to use our veto under any circumstances in this proceeding. It seems to me that if we make up our minds that we will not use our veto, there is everything to gain and little to lose by making this fact public. A decision to do this might also help us in connection with a possible vote on Gromyko’s third alternative since it would highlight for other members of the Council the reasons why we did not want to accept Gromyko’s proposed amendment.²

CHARLES P. NOYES

² A copy of this memorandum was transmitted to the Department under cover of a letter of March 14 from Mr. Noyes to the Director of the Office of Special Political Affairs (Rusk). Noyes stated that both Ambassador Austin and the Deputy United States Representative on the Security Council (Johnson), “after a preliminary discussion,” favored the first alternative in the memorandum “on the ground that it sacrifices nothing in reality and that it gives us a high moral position.” Noyes said that the United States Permanent Delegation at New York was anxious for the Department’s views on this question “before the meeting on Monday [March 17], and I shall call you sometime on Monday morning about it.” (501.BC/3-1447)
Memorandum of Telephone Conversation

SECRET

[WASHINGTON,] March 17, 1947.

Participants: Mr. Dean Rusk, SPA
Mr. Charles P. Noyes, U.S. Delegation, New York,
Adviser to U.S. Representative on the Security
Council and General Matters

Mr. Rusk said that he had been able to obtain a high-level decision
from both the State Department and the Navy Department on the
question raised in Mr. Noyes’ memorandum (attached). Both Depart-
ments were agreed that Mr. Austin abstain from voting if any of the
amendments proposed to the United States draft agreement should
be put to a vote, provided that Mr. Austin stated clearly in advance
of the vote that the United States would not be able to accept these
proposed amendments. Mr. Noyes remarked that in this sense the
United States, as the other party to the agreement, would maintain
the right to reject the agreement, if certain amendments were insisted
upon by the Security Council. Mr. Rusk agreed that that was the cor-
correct interpretation. He added that the United States would not use
the veto to deny to the Security Council the right to express its view
with regard to proposed amendments.

Mr. Rusk stated that this policy of abstaining did not apply to
the point of order which might be raised in connection with the Aus-
tralian proposal. Mr. Noyes said that this was understood and that
the United States would be able to vote on the subsidiary legal ques-
tion raised by the point of order. Mr. Noyes said that he was informed
that the President of the Security Council (Aranha) would himself
raise the point of order. Since the United States did not rest its whole
case on the Australian proposal on the point of order, he felt that
Mr. Austin might wish to deal with both the procedure and the sub-
stance of the question at the same time. If the legal point came up as
a separate matter, however, the United States could vote on it, Mr.
Noyes said.

1 Apparently (on the basis of drafting information), the record of this conversa-
tion was made by William I. Cargo of the Division of Dependent Area Affairs.
2 Supra.
3 It was felt by some members of the Security Council, including the President
of the Council, that the Australian amendment raised an important constitutional
point regarding the competence of the Security Council in strategic trusteeship
matters.

It was the United States view further that the amendment called into question
the effectiveness of the instrument of surrender of September 2, 1945, as a means
of extinguishing Japanese authority over the mandated islands legally and
permanently. Actually this issue was first raised in the Security Council on
March 7 when the Council began its debate on the draft trusteeship agreement
and before the Australian Delegate submitted his amendment. The United States
view that the Japanese mandate was terminated by the surrender was stated by
Ambassador Austin at that time. (SC, 2nd yr., pp. 464–472)
Mr. Rusk again stated with regard to substantive amendments that Mr. Austin could abstain from voting and make a flat statement of the United States position as previously indicated and that this would be satisfactory to both the Navy and State Departments. In concluding he remarked that Mr. Fahy, Mr. Acheson, and Mr. Forrestal* had all been consulted on this question.

*Charles Fahy was Legal Adviser of the Department of States; James Forrestal was Secretary of the Navy.

800.014/3-1747: Telegram

The United States Representative at the United Nations (Austin) to the Secretary of State

NEW YORK, March 17, 1947—9 p. m.

248. Re [new] draft of proposed Australian amendment* to draft trusteeship agreement for Japanese mandated islands follows:

"Article 17: This agreement will enter into force on the date on which the interim or final treaty of peace between Japan and the Allied Powers victorious in the war against Japan becomes binding on Japan, it being understood that by such treaty Japan shall be required to surrender all its rights (if any) relating to the control and administration of the present territories, and such territories shall be formally detached from any form of control by Japan." ²

AUSTIN

*Early in the meeting of the Security Council on March 17 the Australian Delegate introduced a modification of the Australian amendment of March 12, the text of which follows in this telegram. As stated by the Australian Delegate, the revised amendment was designed to erase the constitutional difficulties presumed to exist in the first version. (SC, 2nd yr., pp. 520 and 521)

²For the lengthy statement made to the Security Council by Ambassador Austin on March 17 regarding the revised Australian amendment, see ibid., pp. 522–530. The United States view was that the amendment still raised constitutional and legal questions, described by the Ambassador at one point in the following:

"Every line of this amendment is in direct opposition to the Charter [of the United Nations]. In the first phrase of this amendment, we undertake to take away from the United Nations its very functions. The United Nations has the sole, exclusive, and supreme authority over trusteeship. . . . the second phrase of this statement is a gross assumption of authority. The United Nations has no authority under the Charter to make peace terms. It is not given any commitment with respect to the treaty of peace between Japan and the victorious powers." (Ibid., pp. 524 and 525)
Memorandum of Conversation, by the Acting Chief of the Division of
Northeast Asian Affairs (Allison)

SECRET

[WASHINGTON.,] March 19, 1947.

Participants: Mr. Alfred Stirling, Minister, Australian Embassy
Mr. John M. Allison, Acting Chief of NA
Mr. Arthur Richards, Assistant Chief, British Commonwealth Division

As a result of discussion among DA, EUR and FE, it was decided to
request Mr. Stirling of the Australian Embassy to come in and dis-
cuss the whole question of the Australian attitude toward the U.S.
Draft Trusteeship Agreement for the Japanese Mandated Islands. Mr.
Stirling came in at 4:30 this afternoon. He stated that he was not
entirely familiar with the problem but did have a general knowledge of
the question.

It was explained to Mr. Stirling that Australia's insistence on her
proposed amendment to the effect that the agreement would not enter
into force until the date on which the interim or final peace treaty be-
came binding on Japan was a real source of concern to the Depart-
ment. Reference was made to the statement of the Australian
representative on the Security Council that the sole purpose of this
amendment was the support of the principle that belligerents against

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1 The text of a draft telegram to New York dated March 19, which was never
sent, throws light on Department thinking prior to the conversation recorded
here.

"1. While Australia proposed new Article 17 to US draft trusteeship agree-
ment as revised at SC meeting Monday is totally unacceptable as you so effec-
tively made clear we are concerned over embarrassing necessity of publicly
defeating Australia and UK. We would like, if possible, to persuade Hasluck
[Australian Representative at the United Nations] to withdraw amendment or
give him opportunity to save his face in final showdown.

"2. Please remind Hasluck that US has consistently informed Australian Gov-
ernment on several occasions that it recognizes Australian position and interests
in Pacific and will assist Australia to become a principal participant in the peace
settlement with Japan. While we cannot publicly confirm this policy at this time
we are happy to do so privately.

"3. You may tell Hasluck that if he is unwilling to withdraw his amendment
you will state before final vote that US, of course, recognizes Australia's natural
interest in all problems relating to Pacific and the valiant part played by
Australia in Pacific War and that US equally recognizes the great contribution
made by Australia to the trusteeship principles of the Charter and in implementa-
tion of these principles in New Guinea trusteeship agreement. Furthermore, you
may inform him that US will gladly agree at peace conference to proposals or
support a treaty article to following effect: (a) that treaty extinguishes any
rights and interests which Japan may have in mandates system as one of the
Principal Allied and Associated Powers in First World War and in former Japa-
nese Mandated Islands as a former mandatory power, and (b) that treaty takes
note that by instrument of surrender that Japan has lost all rights, titles and
control in former Japanese Mandated Islands and in any Japanese islands which
may be detached." (890.0146/3-1947)
Japan were entitled to participate in the peace settlement and that the disposition of these islands was part of such a settlement. It was emphasized that in view of the fact that representatives of all members of the Far Eastern Commission had been invited to the Council table it would seem that at least all the active belligerents against Japan were taking part in the proceedings.

Mr. Stirling was told it did not therefore seem to the Department that any legitimately interested parties were being ignored and that it was felt an outsider listening to the Australian statement might very well come to the conclusion that Australia had some ulterior reason for wishing to delay consideration of the agreement. In view of official Australian statements that it did not have any objection to the U.S. occupying the Mandated Islands as administering power, the Department naturally had no doubts itself of the Australian position but wanted to point out how the present Australian action might be misconstrued by unfriendly persons. It was further emphasized that the Department had no desire or intention of bypassing any of the powers properly concerned in the final settlement with Japan. Reference was made to previous confidential assurances that the U.S. Government would support the full and equal participation of Australia in any consideration of a peace treaty with Japan and this assurance was reiterated.

Mr. Stirling was told that it was evident from expressions of opinion at the Security Council Meeting on March 17 that if a vote were to be taken the Australian proposal would be defeated but that the Department hoped it would not be necessary to press the matter that far. The hope was expressed that the Australian Government might see fit to reconsider its action and might desire to instruct its representative on the Security Council not to press for adoption of the proposed amendment or even to withdraw it.

Mr. Stirling was informed that the Department was distressed that in this matter it was necessary to oppose Australia and the United Kingdom, two of its best friends, but that the Department was firmly convinced of the rightness of its position and that it would continue to press for approval by the Security Council of the Trusteeship Agreement without the Australian Amendment.
Memorandum of Conversation, by the Deputy Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] March 21, 1947.

Participants: Mr. Norman J. O. Makin, Ambassador, Australian Embassy
Mr. Stirling, Minister, Australian Embassy
Mr. Dean Acheson, Acting Secretary of State
Mr. Humelsine, ODA.

On the question of trusteeship for the mandated islands on which the Australians had opposed us in the UN, Ambassador Makin said that the Australians had decided to come around to our way of thinking and would back up our position 100%. A statement to this effect will be made at the next Security Council meeting on the United States trusteeship agreement for the mandates. The Australians stated that Mr. Austin had been slightly critical and they felt that they would like Austin to know that this Australian statement is going to be made by their delegate. They thought it would be suitable for Mr. Austin to say something nice about it.¹

¹For the text of the Australian statement, see infra.

Statement To Be Made by the Australian Delegate to the Security Council at Its Next Meeting To Consider the United States Trusteeship Agreement for the Former Japanese-Mandated Islands

1. Since the question of the future of Japanese mandates first arose in the Council, the Governments of the United Kingdom and Australia have desired to make certain that the proposal of the United States to assume strategic trusteeship of these islands is endorsed by the nations which made substantial contributions to victory over Japan.

2. On the merits of the question of disposing of the mandates the attitude of Australia has never been in doubt. Over and over again the Australian Minister for External Affairs has indicated that Australia supports the proposal to make the United States the sole and exclusive trustee over these island territories which were gained at such sacrifice by the United States. I want to make it clear at the outset that the Australian Government for its part has consistently supported

¹The Australian statement was made on March 28, substantially as in this text; see SC, 2nd yr., pp. 627 and 628. Ambassador Austin expressed the appreciation of the United States Government immediately following (ibid., p. 628).
and now warmly supports in the interests of peace and security the control and administration by the United States of the Japanese mandated islands and is in accord with the view that the United States should continue de facto administration.

3. The method of securing the United States objective which was proposed by Australia and the United Kingdom as most just and democratic was to approve the proposed agreement but to postpone its operation until the successful belligerent nations had met formally together for the making of a peace settlement with Japan.

4. This attitude was adopted both by Australia and the United Kingdom not for the purpose of delaying the question of disposing of the islands but solely for the purpose of maintaining the vital principle that all terms of what may fairly be called “the final settlement with Japan” should be approved not by a few nations only but by all the nations who contributed to the overthrow of this enemy with substantial military forces. These nations included some who were not members of the Security Council.

5. The position has been materially altered since the proposal of Australia was supported by the United Kingdom. The Security Council has agreed to Australia’s suggestion that the nations which fought against Japan shall be admitted to the Security Council itself for the purpose of stating their views on the United States trusteeship proposal. The result of this will be to extend the Security Council for the time being into a small replica of the conference of nations which would be entitled as a matter of justice and democratic right to participate in the final settlement with Japan.

6. This being so, the Security Council is now in a position to be assured that it would be in accordance with the wishes of the belligerents against Japan that the proposal of the United States should in principle be given effect to.

7. For these reasons and in the interests of a unanimous decision Australia and the United Kingdom have decided not to press the proposed Article XVII.

8. Therefore having regard to the Security Council’s approval of Australia’s desire to widen the representation of nations before this Council so as to include all the nations who contributed with military forces in the war against Japan and also to the fact that the Council so enlarged and broadened will fully endorse the United States proposal, my instructions are to support it.

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2 The Representatives of Canada, India, the Netherlands, New Zealand, and the Philippine Republic took their Seats at the Council table on March 17.
Memorandum of Telephone Conversation, by the Associate Chief of the Division of Dependent Area Affairs (Green)

[WASHINGTON,] March 24, 1947.

Mr. McIntyre¹ telephoned this morning and asked whether I had seen the paper which the Australian Ambassador had left with Mr. Acheson on Friday afternoon. I replied that I had not yet seen the paper, although I had been informed by telephone of the substance of the conversation. Mr. McIntyre said that he wanted to explain one point which the Ambassador may not have made perfectly clear. The Ambassador’s paper stated that the Australian Government presumed that the British Government would agree to the withdrawal of the proposed amendment to the United States trusteeship agreement. However, the Australian Government had not yet had time to obtain the concurrence of the British Government to this procedure. The paper should be read, therefore, with the understanding that the Australian Government was seeking the agreement of the British Government. It was possible that the British would prefer to revise the proposed amendment or to approach the problem in a slightly different way. In other words, British concurrence in Australia’s willingness to withdraw the proposed Article 17 should not be taken entirely for granted. I thanked Mr. McIntyre for this information and said that I would communicate it to other officers in the Department concerned.

Mr. McIntyre asked whether I knew when the Security Council would next consider the trusteeship agreement. I said that I understood that this depended on the schedule of Senator Austin who had come to Washington in connection with the Department’s budget hearings. Mr. McIntyre said that Mr. Hasluck in New York would welcome any information concerning Senator Austin’s plans. I told Mr. McIntyre that I would make inquiries and call him as soon as I had any information on this point.

¹L. R. McIntyre, First Secretary of the Australian Embassy.
Summary of Trusteeship Agreement Negotiations in the Security Council, New York, April 2, 1947

[Extract]

During a long session on April 2, 1947, the Security Council reconsidered 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 minor revisions which were accepted by the United States Representative with the consent 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 representative 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

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1 Extract from memorandum entitled "Negotiations of the Trusteeship Agreement for the Territory of the Pacific Islands between the Security Council of the United Nations and the United States of America," which was drafted in the Department of State on April 24, and was transmitted to President Truman under cover of a letter from the Secretary of State dated July 2 (FW 890.0146/4-2447). The proceedings in the Security Council for this date are found in SC, 2nd yr., pp. 642 ff.

2 Omissions throughout the document are indicated in the source text.
peoples concerned.” In accepting modification in 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 at the
124th Meeting of the Security Council, to delete the word “local”
from the phrase “in local government;”. The observation of the Repre-
sentative of India at the 124th Meeting in behalf of this deletion was
that in certain countries the word “local” connotes municipal govern-
ment, 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 19 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 require-
ments of public order and security, shall guarantee to the inhabitants
of the trust territory 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 minor amendments and this slight
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 signa-
ture 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 mandate, 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 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 American 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 contemplates that notification shall 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. 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 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 most 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 this 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.⁸

⁸In a letter of July 2 to President Truman, the Secretary of State recommended that the Congress be requested to take action to authorize the President to accept the Agreement and bring it into effect (FW 890.0146/4-2447). This the Congress did in the enactment of a Joint Resolution on July 18 (61 Stat. 397), the President approving the Agreement the same day. For text of "Trusteeship agreement for the former Japanese mandated islands in the Pacific, designating the territory as a 'strategic area' and the United States as administering authority pursuant to the provisions of chapter XII of the Charter of the United Nations," see Department of State Treaties and Other International Acts Series (TIAS) No. 1663, or 61 Stat. (pt. 3) 3301, or United Nations Treaty Series 189.