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TRUSTEESHIP OF THE TERRITORY OF THE PACIFIC ISLANDS

NOTE. During the war of 1914–1918, Japan took possession of the Marshall, Caroline, and Marianas Islands, German possessions in the Pacific north of the Equator. After the termination of the war, the Principal Allied and Associated Powers agreed that Japan should have a Class “C” Mandate for these islands under Article 22 of the Covenant of the League of Nations. On 17 December 1920, the Council of the League of Nations approved the terms of the Japanese Mandate. By a treaty concluded with Japan on 11 February 1922, the United States consented to the Japanese administration of the islands pursuant to the mandate. Naval War College, International Law Documents, 1924, p. 73. On 18 April 1946, the Assembly of the League of Nations recognized “that, on the termination of the League’s existence, its functions with respect to the mandated territories will come to an end,” and envisaged “other arrangements” to be made for realizing the principles on which the mandates were based. League of Nations Official Journal, Supplement No. 194, p. 58.

During the war of 1939–1945, the United States took possession of the Pacific Islands under Japanese Mandate and placed them under military government. On 6 November 1946, the President announced that the United States was prepared to place those Japanese Mandated islands under trusteeship, with the United States as the administering authority. After having been circulated to various Governments, a draft of a strategic area trusteeship agreement was submitted to the Security Council of the United Nations on 26 February 1947, and with slight amendments it was approved by the Security Council on 2 April 1947. The Agreement entered into force upon its approval by the President of United States, pursuant to authority granted by the 80th Congress (Public Law 204), on 18 July 1947. By Executive Order of 18 July 1947, the President established an interim administration for the Territory, delegating to the Secretary of the Navy authority and responsibility for the civil administration of the area.

Eight Trusteeship Agreements were approved by the General Assembly of the United Nations on 13 December 1946, as follows: for Tanganyika (United Kingdom), for British Cameroons (United Kingdom), for British Togoland (United Kingdom), for Ruanda Urundi (Belgium), for French Cameroons (France), for French Togoland (France), for New Guinea (Australia), for Western Samoa (New Zealand).

BIBLIOGRAPHY: The United States and Non-Self-Governing Territories. Department of State Publication 2812.

(9) Trusteeship Agreement for the Territory of the Pacific Islands, Approved by the Security Council of the United Nations 2 April 1947, and by the President of the United States 18 July 1947

(16 Department of State Bulletin 791)

PREAMBLE.—Whereas Article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the ad-

ministration and supervision of such territories as may be placed thereunder by subsequent agreements; and

Whereas under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate; and

Whereas on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

Whereas Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

Now, therefore, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate of Japan.

ARTICLE 1.—The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the trust territory.

ARTICLE 2.—The United States of America is designated as the administering authority of the trust territory.

ARTICLE 3.—The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement, and may apply to the trust territory, subject to any modifications which the

administering authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

ARTICLE 4.—The administering authority, in discharging the obligations of trusteeship in the trust territory, shall act in accordance with the Charter of the United Nations, and the provisions of this agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the trust territory.

ARTICLE 5.—In discharging its obligations under Article 76 (a) and Article 84, of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

1. to establish naval, military and air bases and to erect fortifications in the trust territory;

2. to station and employ armed forces in the territory; and

3. to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations toward the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

ARTICLE 6.—In discharging its obligations under Article 76 (b) of the Charter, the administering authority shall:

1. foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government 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; and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends;

2. promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

3. promote the social advancement of the inhabitants and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

4. promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

ARTICLE 7.—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.

ARTICLE 8.—1. In discharging its obligations under Article 76 (d) of the Charter, as defined by Article 83 (2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favourable than that accorded therein to nationals, companies and associations of any other United Nation except the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favourable than that granted by them to the nationals of other states. The Security Council may recommend or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

ARTICLE 9.—The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the trust territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

ARTICLE 10.—The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states, may cooperate with specialized international bodies, public or private, and may engage in other forms of international co-operation.

ARTICLE 11.—1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

ARTICLE 12.—The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

ARTICLE 13.—The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

ARTICLE 14.—The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

ARTICLE 15.—The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

ARTICLE 16.—The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

(10) Interim Administration for the Territory of the Pacific Islands, Executive Order 9875, 18 July 1947

(12 Federal Register 4837)

Whereas the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) has been placed under the trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement (hereinafter referred to as the agreement), approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process; and

Whereas the United States of America, under the terms of the agreement, is designated as the administering authority of the trust territory and has assumed obligations for the government thereof; and

Whereas it is necessary to establish an interim administration of the trust territory, pending the enactment of appropriate legislation by the Congress of the United States providing for the future government thereof:

Now, therefore, by virtue of the authority vested in