

4. Chapter XII of the United Nations Charter sets out in detail the method whereby any particular territory may be brought within the trusteeship system. Article 79 provides that the terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the States directly concerned, including the mandatory Power, in the case of territories held under mandate by a member of the United Nations. Article 85 provides that the General Assembly shall approve the terms of trusteeship, and their alteration or amendment, in the case of areas not designated as strategic. The interpretation of the phrase "States directly concerned" had not at that time (nor has it since) been the subject of agreement, but the Government considered that four States—Australia, France, United Kingdom, and the United States—were, in any event, directly concerned in the terms of trusteeship for Western Samoa. Accordingly, the draft terms of trusteeship which were drawn up following the conclusion of the first part of the First Session of the General Assembly were transmitted to those States for comment as a first step in meeting the requirements of the United Nations Charter.

In transmitting the draft, the Government made it clear that their action in regarding these four States as "directly concerned" in this instance was without prejudice to the ultimate interpretation of the phrase.

5. When comments were received from the other Governments, there followed a period of consultation and negotiation with a view to producing a draft acceptable to all. In considering amendments offered by the States regarded as directly concerned, the Government continued to adhere firmly to the main principles on which the initial draft was based—namely, that their willingness to place Western Samoa under trusteeship was contingent upon the negotiation of terms which would attain the objectives of the Charter, and would best serve the interests of the Samoan people. In addition, in the interests of simplicity, it was considered desirable that the terms should follow closely the form of the League of Nations mandate.

6. Although negotiations were still in progress when the second part of the First Session of the General Assembly opened in October, 1946, the Government decided that, since delay in the conclusion of a certain minimum number of trusteeship agreements would involve delay in the setting-up of the Trusteeship Council and the inauguration of the trusteeship system, the draft terms of trusteeship should be placed before the General Assembly for approval. At the same time, the draft terms were made known to the Samoans in order that they should have an opportunity of discussing them.

7. The draft agreement for Western Samoa was submitted to the Secretary-General of the United Nations on 28 October, 1946, and placed before the General Assembly for consideration and approval.