

At the San Francisco Conference the principal delegate for New Zealand (the Rt Hon. P. Fraser) was the Chairman of the Committee responsible for drafting that portion of the Charter of the United Nations which concerns itself with Trusteeship (Chapters XI, XII, and XIII).

The Charter provides that among those territories which may be placed under the international trusteeship system are territories held under mandate, and at the first part of the first session of the United Nations General Assembly, held in London, the Prime Minister of New Zealand made a declaration on behalf of the Government that New Zealand was ready to apply the trusteeship provisions of the Charter to the former Mandated Territory of Western Samoa.

Article 79 of the Charter reads as follows :—

“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, and shall be approved as provided for in Articles 83 and 85.”

It will be observed that it is a condition precedent to the conclusion of a trusteeship agreement that the terms of trusteeship must be agreed upon by the “States directly concerned.” Each “State directly concerned,” therefore, has, in effect, a power of veto on any trusteeship agreement in which its concern is recognized. Unfortunately, however, the Charter does not define or give any guidance as to which States are to be regarded as “directly concerned” in any instance, and this situation gave rise to one of the most vexatious difficulties faced by the Assembly in its consideration of the draft agreements presented to the New York session.

Following the Prime Minister's declaration in London, draft terms of trusteeship for Western Samoa were prepared and communicated to the Governments of Australia, France, the United Kingdom, and the United States, with an intimation that, without prejudice to any ultimate interpretation of the phrase, the New Zealand Government were prepared to regard those Governments as “States directly concerned,” and accordingly invited their comments. Receipt of these comments marked the commencement of a series of negotiations which had not been concluded when the Assembly opened in New York.

The question of time was of great importance, because, unless sufficient draft trusteeship agreements were approved at this meeting of the Assembly—the approval being conditional upon the prior agreement of the “States directly concerned” in each case—it would not be possible to establish the Trusteeship Council, on which the operation of the trusteeship system hinged, until the next meeting of the Assembly, probably not before the lapse of another year.

When the Assembly opened, draft trusteeship agreements had already been submitted to the United Nations by France in respect