

the United Nations was concerned and could be revoked only by another decision of the Security Council itself. On the other hand, he stated, it seemed highly undesirable for the Council to give a directive, so to speak, to a conference not held under the auspices of the United Nations.

To avoid any possible misunderstanding as to the position of Australia, the first line of the Australian amendment was redrafted to read:

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 war against Japan, becomes binding on Japan.

The Australian representative submitted that nothing in the Charter precluded the inclusion in the terms of the Trusteeship Agreement of a provision that the Agreement should become effective on a date later than that on which the Security Council approved the Agreement. In fact, Article 16 of the Draft Agreement stated that "the present agreement shall come into force" when approved by the Security Council and "by the Government of the United States after due constitutional process."

He submitted that the amendment did not intend nor did it in fact impair or lessen the jurisdiction of the Council. It simply proposed to postpone the entry into force of an Agreement in order to recognize the relationship between the approval of the Agreement and the disposal of the Japanese mandated islands at the Peace Conference. He denied that the amendment attempted to lay down any directive as to how the other conference should proceed.

The representative of the United States challenged the legality of the Australian amendment. He stated that the United Nations had the sole, exclusive and supreme authority over trusteeship and that no other authority equalled it. It was, therefore, the first duty of the Security Council to protect and save the authority and effectiveness of the United Nations. Furthermore, he argued, the United Nations had no authority under the Charter to make the peace terms. It was not given any commitment with respect to the treaty of peace between Japan and the victorious Powers.

With respect to the position of Japan, the United States representative stated that by signing the act of surrender that country had forfeited any rights to the mandated islands.

The document of surrender, signed individually or through General Douglas MacArthur, Supreme Commander of the Allied Powers, showed that Japan had there accepted the Potsdam Declaration, which stated:

The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the Islands of Honshu, Hokkaido, Kyushu, Shikoku, and such minor islands as we determine.

Finally, he continued, the United States, if it should accept the trusteeship, would have to do so according to its constitutional forms. It would not be reasonable to ask the United States to take a trusteeship responsibility on an Agreement that contained a provision that would make the effectiveness of the Agreement contingent upon the signing of a peace treaty with Japan at some future date.

At the 123rd meeting of the Council on March 28, the representative of Australia stated that it was the intention of his Government to approve the proposed draft Agreement, but to postpone its operation until the successful belligerent nations had met formally together for the making of a peace settlement with Japan. In view of the fact that the Security Council agreed to Australia's suggestion that the nations which fought against Japan be admitted to the Council itself for the purpose of stating their views on the United States trusteeship proposal, Australia had decided not to press the proposal to amend the Draft Agreement by adding a new article. For the above reason, he stated, the Australian delegation would fully endorse and support the United States proposal.

The representatives of the other interested States—non-members of the Security Council—then expressed their viewpoints on the draft Trusteeship Agreement.

The Netherlands representative said that in respect to both the immediate future and long-term aspect of the great problem of avoiding war in the Pacific, his country unreservedly approved the United States proposal.

The representative of New Zealand stated that his Government had no thought of opposing or obstructing the substance of the proposal made by the Government of the United States, but it was his Government's view that no disposition of the mandated islands could be final until it was endorsed by the terms of the peace settlement.

The representatives of Canada, India and the Philippine Republic were in favor of