

No. 122

**TRUSTEESHIP AGREEMENT FOR THE TERRITORY
OF NEW GUINEA**

**Approved by the General Assembly of the United Nations on
13 December 1946**

*English and French official texts. The registration ex officio by the Secretariat
of the United Nations took place on 1 October 1947.*

**ACCORD DE TUTELLE POUR LE TERRITOIRE DE
LA NOUVELLE-GUINEE**

**Approuvé par l'Assemblée générale des Nations Unies le
13 décembre 1946**

*Textes officiels anglais et français. L'enregistrement d'office par le Secrétariat de
l'Organisation des Nations Unies a eu lieu le 1er octobre 1947.*

No. 122. TRUSTEESHIP AGREEMENT¹ FOR THE TERRITORY OF NEW GUINEA, APPROVED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 DECEMBER 1946

Whereas the Territory of New Guinea has been administered in accordance with Article 22 of the Covenant of the League of Nations and in pursuance of a mandate conferred upon His Britannic Majesty and exercised on his behalf by the Government of the Commonwealth of Australia; and

Whereas the Charter of the United Nations, signed at San Francisco on 26 June 1945, provides, by Article 75² for the establishment of an International Trusteeship System for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

Whereas the Government of Australia now undertakes to place the Territory of New Guinea under the Trusteeship System, on the terms set forth in the present Trusteeship Agreement,

Therefore the General Assembly of the United Nations, acting in pursuance of Article 85 of the Charter, approves the following terms of trusteeship for the Territory of New Guinea, in substitution for the terms of the mandate under which the Territory has been administered:

Article 1

The Territory to which this Trusteeship Agreement applies (hereinafter called the Territory) consists of that portion of the island of New Guinea and the groups of islands administered therewith under the mandate dated 17 December 1920³, conferred upon His Britannic Majesty and exercised by the Government of Australia.

Article 2

The Government of Australia (hereinafter called the Administering Authority) is hereby designated as the sole authority which shall exercise the administration of the Territory.

¹ Came into force on 13 December 1946, date of approval of the Agreement by the General Assembly of the United Nations (resolution 63 (I)).

² For references to Articles 75 to 91 of the United Nations Charter, see pages 80 to 88 of this volume.

³ *British and Foreign State Papers*, Volume 113, page 1113.

Article 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve, in the Territory, the basic objectives of the International Trusteeship System, which are set forth in Article 76 of the Charter.

Article 4

The Administering Authority shall be responsible for the peace, order, good government and defence of the Territory and for this purpose shall have the same powers of legislation, administration and jurisdiction in and over the Territory as if it were an integral part of Australia, and will be entitled to apply to the Territory, subject to such modifications as it deems desirable, such laws of the Commonwealth of Australia as it deems appropriate to the needs and conditions of the Territory.

Article 5

It is agreed that the Administering Authority, in the exercise of its powers under article 4, shall be at liberty to bring the Territory into a customs, fiscal or administrative union or federation with other dependent territories under its jurisdiction or control, and to establish common services between the Territory and any or all of these territories, if, in its opinion, it would be in the interests of the Territory and not inconsistent with the basic objectives of the Trusteeship System to do so.

Article 6

The Administering Authority further undertakes to apply, in the Territory, the provisions of such international agreements and such recommendations of the specialized agencies referred to in Article 57 of the Charter as are, in the opinion of the Administering Authority, suited to the needs and conditions of the Territory and conducive to the achievement of the basic objectives of the Trusteeship System.

Article 7

The Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for maintenance of international peace and security.

Article 8

The Administering Authority undertakes the discharge of its obligations under article 3 of this Agreement:

1. To co-operate with the Trusteeship Council in the discharge of all the Council's functions under Articles 87 and 88 of the Charter;

2. In accordance with its established policy:

(a) To take into consideration the customs and usages of the inhabitants of New Guinea and respect the rights and safeguard the interests, both present and future, of the indigenous inhabitants of the Territory; and in particular, to ensure that no rights over native land in favour of any person not an indigenous inhabitant of New Guinea may be created or transferred except with the consent of the competent public authority.

(b) To promote, as may be appropriate to the circumstances of the Territory, the educational and cultural advancement of the inhabitants;

(c) To assure to the inhabitants of the Territory, as may be appropriate to the particular circumstances of the Territory and its peoples, a progressively increasing share in the administrative and other services of the Territory;

(d) To guarantee to the inhabitants of the Territory, subject only to the requirements of public order, freedom of speech, of the press, of assembly and of petition, freedom of conscience and worship and freedom of religious teaching.