

No. 113

**AUSTRALIA
and
NEW ZEALAND**

Australian-New Zealand Agreement 1944. Signed at Canberra, on 21 January 1944

English official text communicated by the Minister in charge of the Australian mission to the United Nations. The filing and recording took place on 8 September 1948.

**AUSTRALIE
et
NOUVELLE-ZELANDE**

**Accord de 1944 entre l'Australie et la Nouvelle-Zélande.
Signé à Canberra, le 21 janvier 1944**

Texte officiel anglais communiqué par le Ministre en charge de la mission australienne auprès des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 8 septembre 1948.

No. 113. AUSTRALIAN-NEW ZEALAND AGREEMENT¹ 1944.
SIGNED AT CANBERRA, ON 21 JANUARY 1944

HIS MAJESTY'S GOVERNMENT IN THE COMMONWEALTH OF AUSTRALIA and HIS MAJESTY'S GOVERNMENT IN THE DOMINION OF NEW ZEALAND (hereinafter referred to as "the two Governments") represented as follows:—

THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by—

The Right Honourable John Curtin, Prime Minister of Australia and Minister for Defence,

The Honourable Francis Michael Forde, Minister for the Army,

The Honourable Joseph Benedict Chifley, Treasurer and Minister for Post-War Reconstruction,

The Right Honourable Herbert Vere Evatt, K.C., LL.D., Attorney-General and Minister for External Affairs,

The Honourable John Albert Beasley, Minister for Supply and Shipping,

The Honourable Norman John Oswald Makin, Minister for the Navy and Minister for Munitions,

The Honourable Arthur Samuel Drakeford, Minister for Air and Minister for Civil Aviation,

The Honourable John Johnstone Dedman, Minister for War Organisation of Industry,

The Honourable Edward John Ward, Minister for Transport and Minister for External Territories, and

The Honourable Thomas George de Largie D'Alton, High Commissioner for Australia in New Zealand, and

THE GOVERNMENT OF THE DOMINION OF NEW ZEALAND by—

The Right Honourable Peter Fraser, Prime Minister of New Zealand, Minister of External Affairs and Minister of Island Territories,

¹ Came into force on 21 June 1944, upon the exchange of the instruments of ratification, in accordance with paragraph 43.

The Honourable Frederick Jones, Minister of Defence and Minister in Charge of Civil Aviation,

The Honourable Patrick Charles Webb, Postmaster-General and Minister of Labour, and

Carl August Berendsen, Esq., C.M.G., High Commissioner for New Zealand in Australia:

HAVING MET in Conference at Canberra from the 17th to the 21st January, 1944,

AND DESIRING to maintain and strengthen the close and cordial relations between the two Governments DO HEREBY ENTER into this Agreement.

DEFINITION OF OBJECTIVES OF AUSTRALIAN-NEW ZEALAND COOPERATION

1. The two Governments agree that, as a preliminary, provision shall be made for fuller exchange of information regarding both the views of each Government and the facts in the possession of either bearing on matters of common interest.

2. The two Governments give mutual assurances that, on matters which appear to be of common concern, each Government will, so far as possible, be made acquainted with the mind of the other before views are expressed elsewhere by either.

3. In furtherance of the above provisions with respect to exchange of views and information, the two Governments agree that there shall be the maximum degree of unity in the presentation, elsewhere, of the views of the two countries.

4. The two Governments agree to adopt an expeditious and continuous means of consultation by which each party will obtain directly the opinions of the other.

5. The two Governments agree to act together in matters of common concern in the South West and South Pacific areas.

6. So far as compatible with the existence of separate military commands, the two Governments agree to co-ordinate their efforts for the purpose of prosecuting the war to a successful conclusion.

ARMISTICE AND SUBSEQUENT ARRANGEMENTS

7. The two Governments declare that they have vital interests in all preparations for any armistice ending the present hostilities or any part thereof and also in arrangements subsequent to any such armistice, and agree that their interests should be protected by representation at the highest level on all armistice planning and executive bodies.

8. The two Governments are in agreement that the final peace settlement should be made in respect of all our enemies after hostilities with all of them are concluded.

9. Subject to the last two preceding clauses, the two Governments will seek agreement with each other on the terms of any armistice to be concluded.

10. The two Governments declare that they should actively participate in any Armistice Commission to be set up.

11. His Majesty's Government in the Commonwealth of Australia shall set up in Australia, and His Majesty's Government in the Dominion of New Zealand shall set up in New Zealand, Armistice and Post Hostilities Planning Committees, and shall arrange for the work of those Committees to be co-ordinated in order to give effect to the views of the respective Governments.

12. The two Governments will collaborate generally with regard to the location of machinery set up under international organisations, such as the United Nations Relief and Rehabilitation Administration, and, in particular, with regard to the location of the Far Eastern Committee of that administration.

SECURITY AND DEFENCE

13. The two Governments agree that, within the framework of a general system of world security, a regional zone of defence comprising the South West and South Pacific areas shall be established and that this zone should be based on Australia and New Zealand, stretching through the arc of islands North and North East of Australia, to Western Samoa and the Cook Islands.

14. The two Governments regard it as a matter of cardinal importance that they should both be associated, not only in the membership, but also in the planning and establishment, of the general international organisation referred to in the Moscow Declaration of October, 1943, which organisation is based

on the principle of the sovereign equality of all peace-loving States and open to membership by all such States, large or small, for the maintenance of international peace and security.

15. Pending the re-establishment of law and order and the inauguration of a system of general security, the two Governments hereby declare their vital interest in the action on behalf of the community of Nations contemplated in Article V of the Moscow Declaration of October, 1943. For that purpose it is agreed that it would be proper for Australia and New Zealand to assume full responsibility for policing or sharing in policing such areas in the South West and South Pacific as may from time to time be agreed upon.

16. The two Governments accept as a recognised principle of international practice that the construction and use, in time of war, by any Power, of naval, military or air installations, in any territory under the sovereignty or control of another Power, does not, in itself, afford any basis for territorial claims or rights of sovereignty or control after the conclusion of hostilities.

CIVIL AVIATION

17. The two Governments agree that the regulation of all air transport services should be subject to the terms of a convention which will supersede the Convention relating to the Regulation of Aerial Navigation.

18. The two Governments declare that the air services using the international air trunk routes should be operated by an International Air Transport Authority.

19. The two Governments support the principles that—

- (a) full control of the international air trunk routes and the ownership of all aircraft and ancillary equipment should be vested in the International Air Transport Authority; and
- (b) the international air trunk routes should themselves be specified in the international agreement referred to in the next succeeding clause.

20. The two Governments agree that the creation of an International Air Transport Authority should be effected by an international agreement.

21. Within the framework of the system set up under any such international agreement the two Governments support—

- (a) the right of each country to conduct all air transport services within its own national jurisdiction, including its own contiguous territories, subject only to agreed international requirements regarding safety, facilities, landing and transit rights for international services and exchange of mails;
- (b) the right of Australia and New Zealand to utilise to the fullest extent their productive capacity in respect of aircraft and raw materials for the production of aircraft; and
- (c) the right of Australia and New Zealand to use a fair proportion of their own personnel, agencies and materials in operating and maintaining international air trunk routes.

22. In the event of failure to obtain a satisfactory international agreement to establish and govern the use of international air trunk routes, the two Governments will support a system of air trunk routes controlled and operated by Governments of the British Commonwealth of Nations under Government ownership.

23. The two Governments will act jointly in support of the above-mentioned principles with respect to civil aviation, and each will inform the other of its existing interests and commitments as a basis of advancing the policy herein agreed upon.

DEPENDENCIES AND TERRITORIES

24. Following the procedure adopted at the Conference which has just concluded, the two Governments will regularly exchange information and views in regard to all developments in or affecting the islands of the Pacific.

25. The two Governments take note of the intention of the Australian Government to resume administration at the earliest possible moment of those parts of its territories which have not yet been re-occupied.

26. The two Governments declare that the interim administration and ultimate disposal of enemy territories in the Pacific is of vital importance to

Australia and New Zealand and that any such disposal should be effected only with their agreement and as part of a general Pacific settlement.

27. The two Governments declare that no change in the sovereignty or system of control of any of the islands of the Pacific should be effected except as a result of an agreement to which they are parties or in the terms of which they have both concurred.

WELFARE AND ADVANCEMENT OF NATIVE PEOPLES OF THE PACIFIC

28. The two Governments declare that, in applying the principles of the Atlantic Charter¹ to the Pacific, the doctrine of "trusteeship" (already applicable in the case of the mandated territories of which the two Governments are mandatory powers) is applicable in broad principle to all colonial territories in the Pacific and elsewhere, and that the main purpose of the trust is the welfare of the native peoples and their social, economic and political development.

29. The two Governments agree that the future of the various territories of the Pacific and the Welfare of their inhabitants cannot be successfully promoted without a greater measure of collaboration between the numerous authorities concerned in their control, and that such collaboration is particularly desirable in regard to health services and communications, matters of native education, anthropological investigation, assistance in native production and material development generally.

30. The two Governments agree to promote the establishment, at the earliest possible date, of a regional organisation with advisory powers, which could be called in South Seas Regional Commission, and on which, in addition to representatives of Australia and New Zealand, there might be accredited representatives of the Governments of the United Kingdom and the United States of America, and of the French Committee of National Liberation.

31. The two Governments agree that it shall be the function of such South Seas Regional Commission as may be established to secure a common policy on

¹ League of Nations, *Treaty Series*, Volume CCIV, page 381.

social, economic and political development directed towards the advancement and well-being of the native peoples themselves, and that in particular the Commission shall—

- (a) recommend arrangements for the participation of natives in administration in increasing measure with a view to promoting the ultimate attainment of self-government in the form most suited to the circumstances of the native peoples concerned;
- (b) recommend arrangements for material development including production, finance, communication and marketing;
- (c) recommend arrangements for co-ordination of health and medical services and education;
- (d) recommend arrangements for maintenance and improvement of standards of native welfare in regard to labour conditions and social services;
- (e) recommend arrangements for collaboration in economic, social, medical and anthropological research; and
- (f) make and publish periodical reviews of progress towards the development of self-governing institutions in the islands of the Pacific and in the improvement of standards of living, conditions of work, education, health and general welfare.

MIGRATION

32. In the peace settlement of other negotiations the two Governments will accord one another full support in maintaining the accepted principle that every government has the right to control immigration and emigration in regard to all territories within its jurisdiction.

33. The two Governments will collaborate, exchange full information and render full assistance to one another in all matters concerning migration to their respective territories.

INTERNATIONAL CONFERENCE RELATING TO THE SOUTH WEST AND SOUTH PACIFIC

34. The two Governments agree that, as soon as practicable, there should be a frank exchange of views on the problems of security, post-war development

and native welfare between properly accredited representatives of the governments with existing territorial interests in the South West Pacific area or in the South Pacific area, or in both, namely, in addition to the two Governments, His Majesty's Government in the United Kingdom, the Government of the United States of America, the Government of the Netherlands, the French Committee of National Liberation and the Government of Portugal, and His Majesty's Government in the Commonwealth of Australia should take the necessary steps to call a conference of the governments concerned.

PERMANENT MACHINERY FOR COLLABORATION AND COOPERATION BETWEEN
AUSTRALIA AND NEW ZEALAND

35. The two Governments agree that—

(a) their co-operation for defence should be developed by:

(i) continuous consultation in all defence matters of mutual interest;

(ii) the organization, equipment, training and exercising of the armed forces under a common doctrine;

(iii) joint planning;

(iv) interchange of staff; and

(v) the co-ordination of policy for the production of munitions, aircraft and supply items, and for shipping, to ensure the greatest possible degree of mutual aid consistent with the maintenance of the policy of self-sufficiency in local production;

(b) collaboration in external policy on all matters affecting the peace, welfare and good government of the Pacific should be secured through the exchange of information and frequent ministerial consultation;

(c) the development of commerce between Australia and New Zealand and their industrial development should be pursued by consultation and, in agreed cases, by joint planning;

- (d) there should be co-operation in achieving full employment in Australia and New Zealand and the highest standards of social security both within their borders and throughout the islands of the Pacific and other territories for which they may jointly or severally be wholly or partly responsible; and
- (e) there should be co-operation in encouraging missionary work and all other activities directed towards the improvement of the welfare of the native peoples in the islands and territories of the Pacific.

36. The two Governments declare their desire to have the adherence to the objectives set out in the last preceding clause of any other government having or controlling territories in the Pacific.

37. The two Governments agree that the methods to be used for carrying out the provisions of clause 35 of this Agreement and of other provisions of this Agreement shall be consultation, exchange of information, and, where applicable, joint planning. They further agree that such methods shall include—

- (a) conferences of Ministers of State to be held alternately in Canberra and Wellington, it being the aim of the two Governments that these conferences be held at least twice a year;
- (b) conferences of departmental officers and technical experts;
- (c) meetings of standing inter-governmental committees on such subjects as are agreed to by the two Governments;
- (d) the fullest use of the status and functions of the High Commissioner of the Commonwealth of Australia in New Zealand and of the High Commissioner of the Dominion of New Zealand in Australia;
- (e) regular exchange of information;
- (f) exchange of officers; and
- (g) the development of institutions in either country serving the common purposes of both.

PERMANENT SECRETARIAT

38. In order to ensure continuous collaboration on the lines set out in this agreement and to facilitate the carrying out of the duties and functions

involved, the two Governments agree that a permanent Secretariat shall be established in Australia and in New Zealand.

39. The Secretariat shall be known as the Australian-New Zealand Affairs Secretariat and shall consist of a Secretariat of the like name to be set up in Australia and a Secretariat of the like name to be set up in New Zealand, each under the control of the Ministry of External Affairs in the country concerned.

40. The functions of the Secretariat shall be—

- (a) to take the initiative in ensuring that effect is given to the provisions of this Agreement;
- (b) to make arrangements as the occasion arises for the holding of conferences or meetings;
- (c) to carry out the directions of those conferences in regard to further consultation, exchange of information or the examination of particular questions;
- (d) to co-ordinate all forms of collaboration between the two Governments;
- (e) to raise for joint discussion and action such other matters as may seem from day to day to require attention by the two Governments; and
- (f) generally to provide for more frequent and regular exchanges of information and views, these exchanges between the two Governments to take place normally through the respective High Commissioners.

41. His Majesty's Government in the Commonwealth of Australia and His Majesty's Government in the Dominion of New Zealand each shall nominate an officer or officers from the staff of their respective High Commissioners to act in closest collaboration with the Secretariat in which they shall be accorded full access to all relevant sources of information.

42. In each country the Minister of State for External Affairs and the resident High Commissioner shall have joint responsibility for the effective functioning of the Secretariat.

RATIFICATION AND TITLE OF AGREEMENT

43. This Agreement is subject to ratification by the respective Governments and shall come into force as soon as both Governments have ratified the Agreement and have notified each other accordingly. It is intended that such notification will take place as soon as possible after the signing of this Agreement.

44. This Agreement shall be known as the Australian-New Zealand Agreement 1944.

DATED this twenty-first day of January, one thousand nine hundred and forty-four.

Signed on behalf of His Majesty's
Government in the Dominion of
New Zealand:

Peter FRASER
F. JONES
P. C. WEBB
C. A. BERENDSEN

Signed on behalf of His Majesty's
Government in the Common-
wealth of Australia:

John CURTIN
F. M. FORDE
J. B. CHIFLEY
H. V. EVATT
John A. BEASLEY
Norman J. C. MAKIN
Arthur S. DRAKEFORD
John J. DEDMAN
Ed J. WARD
Tom D'ALTON