A NEW WORLD ORDER

Asian Independence

After the war Evatt and Australia came to play a significant role in the achievement of Indonesian independence by opposing Dutch military actions against the nationalists from 1947 onwards. At one stage Australia even suggested the Netherlands be expelled from the United Nations. Australia's support for the independence movement was so significant that Australia was nominated along with India to sponsor the Indonesian delegation to the UN in 1949. When the Indonesian delegation took its place in the General Assembly its spokesman thanked Australia and India for carrying the nationalists' case.

Find after morion

SECRET

Copy No. 42

TRUSTERSHIP OF DEPENDENT TERRITORIES.

NOTES BY AUSTRALIAN MINISTER FOR EXTERNAL AFFAIRS.

I. INTRODUCTORY

- 1. The broad questions raised by the statements and communications on the subject of territorial trusteeship may be stated as follows:-
 - whether powers responsible for dependent territories should accept the principle of trusteeship, i.c. that the main purpose of administration is the wolfare of the dependent peoples and their economic, social and political development;
 - (ii) whether such powers should make regular reports either to an international body analogous to the Permanent Mendates Commission or to some regional body;
 - (iii) whether this body should be established within the framework of the General International Organisation;
 - (iv) whether this body should make reports;
 - (v) whether this body be empowered to cause dependent territories to be visited (see paragraphs 5 and 6 below);
 - (vi) whether this body should have executive or merely advisory powers.
- 2. The Colonial Secretary's proposals of December, 1944 are of first rate importance. They favoured regional advisory councils for collaboration rather than any institution analogous to the Permanent Mandates Dommission. Nevertheless the proposals clearly envisaged United Nations discussions of all dependent territories, not merely mandates or "detached" areas. Further the report recognised the international interest in dependent peoples by proposing an "International Colonial Centre" as part of the world Organisation.
- After the proposals were dealt with by cables from Australia and New Zealand it was understood that no British Commonwealth decision on the subject would be taken pending consultation. However at Yalta it was agreed that "trusteeship" should be applied only (i) to present mandates; "ii) to territories "detached" from the enemy during the present war; and (iii) to any territories voluntarily placed under trusteeship. This agreement, although made without first reference to the Dominions still leaves open for discussion whether the principles stated in the above cannot still be applied within the framework of the Yalta decisions.



GENERAL ARGUMENTS FOR RECOGNITION OF TRUSTEESHIP IN RESPECT OF ALL DEPENDENT PROPLES.

 (i) It seems to be a logical and almost inevitable development from post policies and statements.

- (ii) International concern in the welfare of dependent peoples has increased and will increase in future. Public interest is real and criticism cannot be avoided.
- (iii) Reluctance to acknowledge that "trusteeship" implies some duty or responsibility will provoke very hostile criticism. Most Colonial powers have nothing to hide and a suitably constituted advisory commission of a functional character and comprised of experts could assist greatly in the difficult task of governing dependent peoples.
- (iv) In matters of welfare it is impossible to draw any valid distinction between territories taken away from an enemy Power and other dependent territories. What reason is there for according inhabitants of ex-enemy territory rights under a charter which inhabitants of other dependent territories are denied?
- (v) Under the Dumbarton Caks draft itself it is provided (Chapter IX(a)) that the organisation acting through the General Assembly and the Geonomic and Social Council should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. It would seem that the power referred to clearly covers action of an advisory character for the purpose of promoting the welfare and the "human rights" of dependent peoples.
- (vi) Among the objectives stated in the Atlantic Charter is "a peace which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want" (Sixth Principle). Acknowledgment of some degree of responsibility in respect of dependent peoples would be an important step towards carrying out this principle.
- (vii) It is important, in the Pacific at least, that a means of advising and influencing certain non-British colonial administrations should be established.

 Not only Australia and New Zealand but the British Commonwealth as a whole is vitally interested in seeing that conditions of dependent peoples of Southeast Asia will be advanced and improved, thereby contributing to the security of that region.
- (viii) Conditions in dependent territories are capable of considerable improvement and the obligation to report to a central body would be an incentive to improvement.

By way of example only it is stated authoritatively that in 1937-38 only 2.4 per cent. of the population of Indo-China and only 4 per cent in the N.E.I. were receiving education, as compared with over 10 per cent in Formosa, Philippines and Thailand. The percentage of total expenditure devoted to education in the N.E.I. was 6; in Thailand it was 11 and in the Philippines 20 per cent. (1)

(1) J.S. Purnivall, Educational Progress in S.E. Asia (1.P.R. 1943).

In many dependent areas public health services are very backward, sanitation is poor and mid-wifery primitive. (1)

The League of Nations Committee on Nutrition reported in 1937 that "colonial populations in general are undernourished"(2) and that in Africa diet is partly responsible for relatively low resistance to infection, and high infant mortality. The report on Nutrition in the Colonial Empire (1939) stressed the need for raising standards of living and improving education.

Reports and analyses by an international body, and discussion of such matters by the Assembly and the Social and Economic Council, would unquestionably stimulate and assist more energetic action to advance the welfare of dependent peoples.

III. POLICIES OF VARIOUS GOVERNMENTS.

5. Australian-New Zesland Conference, Canberra, January 1944.

In clause 28 of the Australian-New Zealand Agreement the Australian and New Zealand Governments declared as follows:-

"The two Governments declare that, in applying the principles of the Atlantic Charter 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 clsewhere, and that the main purpose of the trust is the welfare of the native peoples and their social, economic and political development".

It is submitted that this statement of principle is sound.

6. Australian-New Zealand Conference, Wellington, November 1944.

At the Australian-New Zealand Conference in November 1944 the following resolution was adopted and subsequently approved by both Cabinets:-

"Resolution 11. Powers responsible for dependent territories should accept the principle of trusteeship already applicable in the case of mandated territories. In such dependent territories the purpose of the trust is the welfare and advancement of native peoples. Colonial Powers should undertake to make regular reports to an international body analogous to the Permanent Mandates Commission set up within the framework of the General Organisation. This body should be empowered to make reports of its deliberations and to visit dependent territories".

7. United Kingdom Position.

Trusteeship in its broadest sense has long been declared by British Statesmen to be the recognised principle of British Colonial administration. For example in 1923 the British Government stated with reference to Kenya:-

(1) L.P. Mair, Welfare in the British Colonies (R.I.I.A.1944) (2) Al3, 1937, 11A, p. 320.

"In the administration of Kenya, His Majesty's Government regard themselves as exercising a trust on behalf of the African population and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the native races. We are the trustees of many great African dependencies of which Kenya is one and our duty is to do justice and right between the various races and interests, remembering above all that we are trustees before the world for the African population. Our administration of this trust must stand eventually before the judgment seat of history and on it we shall be judged as an empire" (quoted in Lindley "Acquisition and Government of Backward Territory in International Law", page 335).

8. In 1920, Article 22 of the League of Nations Covenant evidenced an important step forward for it recognised the need for some international institution, representing world opinion, to which certain specified States should render an account or report of the manner in which they were discharging their duty towards native peoples. In principle Article 22, on which was based the mandatory system, seems equally applicable to all dependent territories. Article 22 said:-

"the principle that the well-being and development of such peoples" (i.e. people not yet able to stand by themselves under the strennous conditions of the modern world) "form a sacred trust of civilisation, and that decurities for the performance of this trust should be embodied in this Covenant".

9. In the United Kingdom statement of Policy on Colonial Development and Welfare issued in 1940, it was declared that -

"His Majesty's Government are trustees for the well-being of the peoples of the Colonial Empire The primary aim of Colonial policy is to protect and advance the interests of the inhabitants".

10. At the Prime Ministers' Conference in May 1944, the Colonial Secretary expressed the hope that the Mandates System would be abolished. On the other hand, he is also reported as having said that "he contemplated an obligation being placed on colonial Powers to make reports but supervision could best be left on a regional basis". But willingness to accept an obligation to make reports implies a recognition of the main principle under the Handate system, i.e. that the performance by parent States of their duty to care for dependent peoples is properly regarded as a matter of international concern.

11. In the memorandum on Colonial Policy of 21st December 1944 (paragraph 4) it was stated that -

"the objective of good colonial administration is to promote to the utmost the well-being of colonial peoples within the world community. So far as Great Britain is concerned this objective may be taken as implying:
(i) the development of self-government within the British Commonwealth, in forms appropriate to the varying circumstances of colonial peoples;

(ii) their economic and social advancement; and (iii) recognition of the responsibilities due from members of the world community one to another".

This memorandum outlined a scheme for future international co-operation in regard to colonies, including both co-operation on a regional basis and co-operation through central bodies attached to the World Organisation. In regard to the latter, the United Kingdom memorandum provided for the operation in respect of dependent territories of functional bodies under the General International Organisation. It also provided for the setting up of an International Colonial Centre which would receive reports and act as a centre of information on colonial matters. It is difficult to reconcile this approach to the question with the recommendations of the Yalta Conference.

- 12. This memorandum expressly recognised "the responsibilities due from members of the world community, one to another", in respect of colonial matters. This provided for the setting up of a central body which could properly concern itself with the welfare of dependent peoples. It is quite clear that the suggestions in the United Kingdom memorandum were not confined to mandates (existing or to be created) but were to be made applicable to dependent and colonial territories generally.
- 13. The Australian and New Zcaland Governments both sent telegrams to Londor commenting on this memorandum of the Colonial Secretary. They welcomed the suggestion of co-operation between colonial Powers and specialised international agencies. Both welcomed the trend of United Kingdom thinking towards the establishment of an International Colonial Centre, although Australia and New Zealand felt that this proposed body should be given much greater powers.
- 14. It may be mentioned that the British Labour Party, in a pamphlet on "The Colonies", published as recently as March 1943, advocated the extension of the mandate system to all backward colonial territories. It urged that:

"The International Authority should therefore appoint an International Colonial Commission, composed of independent persons who are nations both of administrating and non-administrating Powers. It should have all the powers of the old Mandates Commission, but also others".

This pamphlet contemplated for the Commission powers that went beyond those proposed by Australia and New Zesland.

15. It is clear that up to the Yalta Conference the subject of colonies was being discussed on the assumption that the colonial question generally, and not merely the question of mandates, would be discussed in connection with the World Organisation. However a telegram dated 12th March was received indicating that it had been agreed at Yalta that the five nations which will have permanent seats on the Security Council would consult prior to the San Francisco Conference on the basis that territorial trusteeship would apply only to existing mandates, territories detached from the enemy in the present war, and any other territory which might voluntarily be placed under trusteeship.

16. Two comments can fairly be made:-

- (a) Unless a broad interpretation and application are given in relation to the third category, i.e. (territories voluntarily placed under trusteeship) the effect of this suggestion would be to confine the principle of trusteeship within narrow limits.
- (b) The five Nations invited to the discussions have been chosen as permanent members of the Security Council because of their military power and not at all because of their special concern in the problem of the welfare of dependent peoples. Chapter IX(C)1 of the Dumbarton Oaks draft clearly implies that the problem of dependent peoples relates primarily to welfare and only touches security in a secondary way.

IV. CONCLUSION.

- 17. (a) The Australian contention is that the general principles expressed in the Australia-New Zealand Agreement are sound, that the Charter of the General International Organisation should clearly embody the principle that the duty of the parent State is to protect the welfare of native races in its dependent territories and that this international duty should be accompanied by a duty to submit reports regularly to an expert committee or agency vested with sufficient powers to enable it to give advice animake suitable recommendations.
 - (b) It is possible that a position not dissimilar in substance may be arrived at by voluntary declarations in accordance with the Yalta arrangement.
 - (c) None of the proposals supported by Australia and New Zoaland involves any interference with the Sovereignty of the parent State.

H.V. EVATT. 4th April, 1945.





FROM : OO TA CAM UND

TO : AUSTOOM NEW DELHI

DATED : 1st June 1948 RECEIVED : 2nd June 1948

T.O.O. : -----

T.O.R. : 1245

Addressed Canberra No. 4 repeated New Delhi No. 5

Netherlands Delegation proposes to sponsor Indonesia as a whole for associate membership with two seats on the delegation for the Republic if they desire (.) Netherlands Delegation believe the Renville principle of January 19th drawn up by the Good Offices Committee as adequate authority (.) Delegation from the Republic present and will not repeat not accept Netherlands sponsorship (.) Will apply for associate membership sponsored by India (.) In these circumstances your instructions authorize me to support the admission of the Republic as observer (.) Should I support their application for admission as associate membership?

Understand that United Kingdom and New Zealand will oppose independent application of the Republic (.) Appreciate urgent reply (.) Natter likely to arise Wednesday morning (.) Ward

KSN:SGI.

From External Camberra Dated End June, 1948.

No. 2 Your Telegram No. 4. Australia has given, as have the United Kingdom and the U.S., de facto recognition to the Republic and nothing in the Renville Agreement alters basis for that as principles of agreement have not yet been worked out. Until the final agreement between the Dutch and the Republic is reached by which the Republic authority is incorporated in the wider Government or the Government for the Republic area is otherwise provided for and the Republic interests whereby represented, the Republic has de facto authority. As such it must take its separate place as a de facto authority on any International body dealing with matters of direct concern to it. On these grounds you should give support to the Republic as a provisional associate member with full voting powers.

FROM : EXTERNAL CANBERRA

DATED: 3rd June, 1948.

IMMEDIATE

- No. 4. Further to your telegram 4. We realise procedural difficulties in respect to admission of Indonesian Republic to Associate Membership in that according to the terms of reference of the ECAFE a Government in juridical position of the Republic requires aponsorship of the Government responsible for the conduct of its foreign affairs, in this case the Netherlands.
- 2. In order if possible to avoid protracting procedural argument you might explore possibility of having the Republic Government admitted to associate Membership for this session only which would duly recognise the existing position without prejudice to change which may take place if settlement is reached between the Netherlands and the Republic Governments.

It is even possible that the Netherlands Government might be prepared to sponsor the Republic membership on this condition.

On further consideration the last four words of our telegram 2 may be disregarded.

TO : EXTERNAL CANBERRA DATED : 9th June, 1948. T.C.C.: E100.

IMMEDIATE

No. 12. Commission this morning voted in favour of postponement of application of Republic of Indonesia for Associate Membership until next asssion by six votes to five. Those for postponement, Netherlands, U.S.A., U.K., New Ecaland, France, Philippines. Those against, India, Australia, Pakistan, U.S.S.R., Burms. Abstentions, Chine and Sism.

Last minute change of attitude by New Zealand delegate from abstention to support of postponement decided issue. In explaining vote New Zealand delegate said he agreed on merits of Republic's came but in view of first principle of Renville agreement and having in mind commission's terms of reference, he considered question should be postponed. I had fully explained our attitude to New Zealand delegate.

In discussion I spoke strongly against postponement meinly on basis that Republic's internationally accorded de facto status was sufficient for provisional membership now without prejudice to final settlement or present political status or parties.

With reference to your No. 8 no official move was made by Republic to seek Netherlands sponsorably for separate associate membership nor was such sponsorably offered by setherlands.

Original Metherlands proposal for Associate membership for whole of Indonesia also postponed.

Telegram to Canberra from a delegate at the Economic Commission to Asia and the Far East, 9 June 1948.



Ratan Tata House, Ootacamund.

7th June, 1948.

Dear Charles.

ECAFE CONFERENCE

We have now passed through the first week of the Conference. I am sorry for not having sent you an earlier account of the proceedings, but the weekend seems the only time for getting anything down on paper.

The only exciting item so far has been that of the admission of the Indonesian Republic as an Associate Member. (Full members have to be members of U.N.C.) The Republic had made an application of this kind at Baguio which, after two days debate there, had been held over for this meeting. The Netherlands were sponsoring the whole of Indonesia for associate membership, but would not sponsor the Republic separately - nor had the Republic been very willing to accept such a sponsorship. The matter was thus thrown up for full discussion at the plenary session on the second day.

I thought the Netherlands presented their case rather weakly by way of reading a long statement which didn't sound very convincing. Their case of course rested on reliance on the Commission's terms of reference according to which a country could become an Associate Member only in two ways:-

- (a) by sponsorship from the country responsible for its international affairs
- (b) upon its own application where it can show it is responsible for the conduct of its own international affairs.

Failing (a), the Republic was basing its claim on (b) and had the Indian delegation taking up the cudgels for it in the Commission. The Retherlands, I think, should have put all their weight on the legal aspects of (a) and (b) and endeavoured to stick the Commission down to its terms of reference, because the whole substance of the Indian case, and that of those who spoke up on the same side, such as Ceylon, the U.S.S.R, and Pakistan was that legal and technical formalities should be waived and the de facto position of the Republic be taken as sufficient to entitle it to associate membership. Furthermore, India in particular argued that this was purely an economic conference, that the Republic comprised an economic area, exclusion of which may hamper the Commission's work, and that the Indonesians themselves were anxious to co-operate.

Our own position was as follows. As you will note from the instructions, para.40(a), it appeared that we should oppose the Republic's admission as an associate member since the Netherlands were not separately sponsoring it. But since there was no question of any application as observers (India wanted associate membership or nothing), and since India was really sponsoring the case, (we thought of our and India's Security Council references last year), it seemed wisest to refer the matter back to canberra.

This we did by 'most immediate' on Monday night, and received our reply on Wednesday morning just as the debate opened. I am attaching copies of relevant cables; you will see that Canberra decided we should support the Republic, but suggested a compromise plan, that is for 'provisional' associate membership.

Letter from a delegate at the Economic Commission to Asia and the Far East (ECAFE) to the High Commissioner for Australia in India, 7 June 1948.



We immediately showed this to New Zealand who had been in a dilemna not knowing whether to vote on the Netherlands-U.S.-U.K.-France side or to abstain. They immediately announced that our 'provisional' idea seemed the best to them.

After further debate it seemed that the Netherlands were going to be defeated, although only just, but when the matter was about to go to the vote, the Chinese delegate, who hitherto had given no expression of his opinions, moved that voting should be held over for a while in order that the Indians and Dutch could get together, to see if they could reach a compromise. The Indians agreed to a two day adjournment. My impression is that the Chinese, even if not prepared to vote openly for the Netherlands, are ready to assist their case the some devious methods.

In the interim period the Netherlands cabled for instructions, and received a quite unhelpful reply. Early on Saturday morning the Indonesians (Dr. Soedarsono is hovering in the background) said they had had a message from Delhi reputed to have come from the Republic saying that it (the Republic) was now prepared to accept Netherlands sponsorship if offering.

The Netherlands however, doubtful of the authenticity of the message, were not prepared to act on it at such a late stage, so the matter again came before the plenary session. They had managed, however, to persuade the Philippines Delegate to move for adjournment of the whole question until the Commission's next Conference. This delegate made a dreadful passionate speech recalling the love of freedom and democratic way of life of the Philippines, then produced the resolution. I understand that at Baguio this same fellow had spoken with equal passion for the Indonesians.

It looked then much as though this motion would succeed so the indians quickly moved an amendment calling for an adjournment till next Wednesday, grasping the possible authenticity of the Indonesian approach mentioned above as their reason. This was adopted, so there the matter stands at the moment.

We are in four Committees on other questions - Industrial Development, Trade Promotion, Agricultural Development and Technical Training. These are going along slowly without very much incident. The issue of Japan has been touched upon in the industrial Development Committee but not yet settled and we are following it according to instructions. I wont go into details on these now because really there has been nothing of great concern.

It appears that the Conference will end next Saturday, so I will let you know when to expect us. A lot will depend on planes and trains because for a day or so there will be a terrific rush on them. I trust at any rate that when I do get there all Ferozshah Road problems will have been solved and there will be nothing for me to do but sit back and enjoy/food.

encellent

Yours sincerely,

Metholining !

d. C. G. Kevin, Esq., Official Secretary, Office of the High Commissioner for Australia in India, NEW DELHI.



Letter from a delegate at the Economic Commission to Asia and the Far East (ECAFE) to the High Commissioner for Australia in India, 7 June 1948.

QUESTIONS WITHOUT NOTICE.

HOUSE OF REPRESENTATIVES

9TH DECEMBER, 1948.

When the House of Representatives resumed this morning the Member for Wahringa, Mr. Spender, asked the Prime Minister who was the Australian representative to the recent meeting of UNO at Paris who opposed the Canadian proposal that the so-called Big Five should appoint a Palestine conciliation mission. Is it a fact that the Canadian proposal was supported by the United States and Great Britain and as reported in the Montreal Star the Australian Delegate attacked Camma, the U.S. and Britain. Who instructed our representative to take the line he did on the Canadian proposal and will the Prime Minister obtain the full record of his address and table the same to the House. Further who instructed Dr. Coombes at ECAFE to move for the admission of the Indonesia Republic as an associate against the strongest expressed views of United States, The Netherlands and the United Kingdom, and in full support of the views of Soviet Russia. Was Dr. Coombes given authority to put his point of view, or did he carry out the instructions of the Government.

Mr. Chifley said sa that in the first place the Minister for External Affairs gives-biasel is himself abroad and a great deal of the time at Paris. Matters were left to him subject to the broad policy of the Government and he has the responsibility of fitting them in. The sere fact that the United States or of fitting them in. The sere fact that the United States or the United Kingdom held certain views is no reason why weemhould fall in with those particular views. He had made it perfectly clear in this House before that this is a country that has its He had made it perfectly own independent views about different matters and that although our objective is to co-operate with the United Kingdom and the United States in fundamental matters associated with world peace and also with the United Kingdom in regard to economic matters we are not just simply a people who go around and find out what other people think and then say yes. I am not going to be the leader or a minister of a government that would subscribe to that sort of policy. The matters raised by the Honourable Member are not matters of world shaking importance. There are funadmental matters regarding the peace of the world and economic matters in which we have got to pull together and sometimes reconcile However I will endeavour to have something certain differences. prepared covering the question and let the Honourable Wember have the information. With regard to the ECAFE Conference With regard to the ECAFE Conference at Lapstone I can assure the Honourable Member that I accept full responsibility for the action of Dr. Coombes and further, that this particular matter has been dealt with by the Government and by Cabinet. I think part of the Honourable Hember's information was wrong as I understand it was New Zealand that moved for the admission ..

Mr. Spender denied having said that Dr. Coombes had moved for the admission and sel claimed that he had said that Dr. Coombes had voted for the admission. There were several interruptions from Government members asserting that he did say "Noved". Mr. Spender said that he did not make a mistake as he had said read from a document.

Mr. Chifley said that Mr. Spender must have read wrongly from something that was rightly worded or had read rightly from something that was wrongly worded. Mr. Chifley said the matter was the subject of a discussion by the Government itself during the week and that they had game into it very thoroughly even to the extent eg-s of getting those familiar with the minutest details to explain the matters to