ARTICLE 77

TEXT OF ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

   a. territories now held under mandate;
   b. territories which may be detached from enemy states as a result of the Second World War; and
   c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

NOTE

1. The applicability of the Trusteeship System to the various categories of territories mentioned in Article 77 has continued to be discussed only in relation to the mandated Territory of South West Africa administered by the Union of South Africa. As noted in the Repertory, the General Assembly at its fifth and subsequent sessions, having accepted an advisory opinion of the International Court of Justice in which it was stated that while the provisions of Chapter XII of the Charter did not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System they were applicable to the Territory in the sense that they provided a means by which it might be brought under the System, reiterated its previous recommendations and reasserted that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement.

2. During the period covered by this study, the General Assembly, by resolutions 852 (IX) and 940 (X) on the status of South West Africa, continued to assert this position.