

## 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 International Trusteeship System to the various categories of territories mentioned in Article 77 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, 1/ the General Assembly at its fifth and subsequent sessions had accepted 2/ an advisory opinion of the International Court of Justice, which 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 Trusteeship System. The General Assembly 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 under review, the General Assembly, by resolutions 1055 (XI) of 26 February 1957, 1141 (XII) of 25 October 1957 and 1246 (XIII) of 30 October 1958, on the status of the Territory of South West Africa, continued to reassert this position.

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1/ Vol. IV, under Article 77, para. 10.

2/ G A resolution 449 (V) of 13 December 1950.

