

Memo from: Elinor Schroeder

Re: Research to date on U.N. question - Marianas

I have been trying to find U.N. material on the issue of self-government - what criteria does the General Assembly consider important in determining whether a country is self-governing, and how have these criteria changed with the political atmosphere. Also involved is the matter of how the U.N. defines "country" for purposes of administration, plebiscites, and recognition. The main problem has been finding adequate research material. I have been greatly helped by references in Whiteman, Digest of International Law, but it was published in 1968, and I do not have newer materials. Although the paralegals have provided some assistance, I think that my next step should be going to the U.N. library myself and looking for more recent documents.

1. Other trusteeships

Of the original 11 U.N. trusteeships, only 2 remain - TTPI and New Guinea. The other 9 have all become independent by themselves or have united with a former colony to form a new independent state. None has been associated with the former Administering Authority as is contemplated for the Marianas. There does not appear to have been much U.N. scrutiny of the preparation of a trusteeship for termination, especially where total

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independence was to be the result. Plebiscites were held in only 3 former trusteeships, Togoland, British Cameroons, and Western Samoa; in the other trusteeships it seemed to have been enough that the local government and the Administrator requested independence and pledged to hold representative elections after termination. Again, the Trusteeship Council reports advising the termination of each trusteeship would be useful in tracing this history.

While there is no precedent for partial termination, two trusteeships were split upon termination. In the British - administered Cameroons, Northern Cameroons became part of the Federation of Nigeria, and Southern Cameroons joined the Republic of Cameroun (formerly the French - administered trusteeship of Cameroon). The two halves of British Cameroons had been administered together until 1954, when the northern part asked to be administered as part of Northern Nigeria. The southern half then requested a quasi - federal status within the Federation of Nigeria. From this point on, the halves were evidently considered separately. When the trusteeship was ended in 1961, two plebiscites were conducted, and Northern and Southern Cameroons were allowed to go their own ways.

The trusteeship of Ruanda - Urundi, administered by Belgium, became the two independent nations of Rwanda and Burundi upon termination in 1962. It appears that even under the League of Nations mandate, the areas were administered separately. When political difficulties

seemed to call for the ending of the trusteeship as soon as possible, the U.N. supervised popular elections in both parts of the territory. It was assumed from the platforms of the winning parties that the people wished to become separate states when the trusteeship was terminated.

In British - administered Togoland, however, a strong minority faction was not allowed to express its wishes separately and perhaps cause a division of the territory. In the U.N. - conducted plebiscite before the termination of the trusteeship, 58 percent of the voters favored union with the British colony of the Gold Coast, and 42 percent voted for continued trusteeship. These were the only choices offered. A majority of those opposing the union were members of a Southern Togoland tribe that favored independence or a federal form of government within Ghana, rather than complete union. The vote, however, was taken in the trusteeship as a whole, not by ethnic groupings. A question to be pursued, if the reasons have been articulated at all, is why separate votes were allowed in 2 trusteeships and not in any others.

2. Non-Self-Governing Territories

Article 73e of the U.N. Charter establishes a duty on the part of member states to transmit to the Secretary - General economic, social, and educational information on non-self-governing territories for which members are responsible. Although it would seem that the

U.N. has no power over such territories and can not require the metropolitan countries to take affirmative action on behalf of their possessions, the U.N. body charged with collecting Article 73e information has become increasingly adamant in urging independence for all non-self-governing territories.

In 1949, the General Assembly created the Committee on Information from Non-Self-Governing territories. Since information was required only for non-self-governing areas, it became necessary to create standards by which territories could be judged. In 1953, a list of factors to be taken into consideration was promulgated. The factors were broken into three parts: (1) those indicative of the attainment of independence, (2) those indicative of the attainment of other separate systems of self-government, and (3) those indicative of the free association of a territory on equal basis with the metropolitan or other country as an integral part of that country or in any other form. The last two categories stressed freedom of choice among several possibilities, including independence, and the freedom of the territory to modify its status at any time. Over the years the General Assembly approved the Committee's recommendations that information no longer needed to be supplied for Indonesia, Puerto Rico, Greenland, Netherlands Antilles and Surinam, Alaska and Hawaii, and the Cook Islands. This action indicated that the General Assembly had decided that the areas had become self-governing;

of this list, only Indonesia is completely independent.

In the aftermath of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly dissolved the Committee on Information and turned its duties over to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Special Committee has been more militant in its demands on metropolitan countries, and General Assembly resolutions on its work frequently speak of colonial peoples' rights "to self - determination and independence" with no mention of any status as an alternative to independence.

The Special Committee evidently began scrutinizing all "suspect" areas, no matter what their previously - determined status. For instance, in 1962, the Special Committee decided that Southern Rhodesia, although claimed by the United Kingdom to be internally self-governing, did not meet the U.N. criteria; the General Assembly subsequently declared Southern Rhodesia to be a Non-Self-Governing Territory. In spite of a 1967 referendum conducted in French Somaliland indicating that a majority of the people favored continued association with France, the General Assembly "expressed regret" that France had not implemented its ^(e) resolutions on ending colonialism. There was even discussion of placing Puerto Rico on the list of territories to which the Declaration would apply, even

though such action would appear to be modifying the General Assembly's prior determination that Puerto Rico was self-governing. The matter was adjourned, however, without decision on the question.