

May 2021

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Recommended Citation

Mark E. Wojcik, *The UN at 75: Success Stories From the Trusteeship System*, 33 Pace Int'l L. Rev. 309 (2021)

DOI: <https://doi.org/10.58948/2331-3536.1411>

Available at: <https://digitalcommons.pace.edu/pilr/vol33/iss2/5>

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THE UN AT 75: SUCCESS STORIES FROM THE TRUSTEESHIP SYSTEM

Mark E. Wojcik*

The seventy-fifth anniversary of the United Nations offers an opportunity to review its many contributions to world peace, development, human rights, and the rule of law. Among the purposes stated in its Charter, the United Nations sought “[t]o develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”¹ The promotion of “self-determination of peoples” fell to the U.N. Trusteeship Council, one of the six organs of the United Nations.² The Trusteeship Council suspended its work on November 1, 1994, one month after the Republic of Palau, the last of the original eleven trust territories, became an independent nation.³

The U.N. Charter includes an important but often-overlooked “Declaration Regarding Non-Self-Governing Territories.”⁴ As a condition of membership in the United Nations, Member States that were charged with “the administration of territories whose peoples have not yet attained a full measure of self-government” pledged to “recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost . . . the well-being of the inhabitants of

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¹ U.N. Charter art. 1, ¶ 2.

² *Id.* art. 88. The other five organs of the United Nations are the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice, and the Secretariat. *Id.* art. 7.

³ *Trusteeship Council*, UNITED NATIONS, <https://www.un.org/en/about-us/trusteeship-council> (last visited May 10, 2021).

⁴ U.N. Charter arts. 73–74.

these territories”⁵ As part of that “sacred trust,” Member States chosen to administer the trust territories were obligated “to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses[.]”⁶ The member states administering the trust territories promised to have those territories “develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement[.]”⁷ Quite quaintly, Member States administering trust territories were obligated under the U.N. Charter to base their policies upon a principle of “good-neighborliness.”⁸

The trusteeship system was created to implement goals set forth in Article 1 of the U.N. Charter.⁹ Specifically, the “basic objectives” of the trusteeship system were:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned . . . ;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the

⁵ U.N. Charter art. 73.

⁶ *Id.* art. 73(a).

⁷ *Id.* art. 73(b).

⁸ Under Article 74 of the U.N. Charter, member states agreed “that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.” *Id.* art. 74.

⁹ *Id.* art. 76.

world; and

- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice¹⁰

The trusteeship system established after World War II under the United Nations Charter was in part a continuation of the “mandate” system established after World War I under the Covenant of the League of Nations.¹¹ The territory of Palau, for example, was previously a mandate of Japan under the League of Nations.¹² After World War II, Palau became part of the Strategic Trust Territory of the Pacific Islands (TTPI), which was administered by the United States until Palau became an independent country.¹³ In addition to territories that had previously been mandated under the League of Nations, the trusteeship system under the United Nations was also extended to territories that “may be detached from enemy states as a result of the Second World War” and “territories voluntarily placed under the system by states responsible for their administration.”¹⁴ If a territory had become a member of the United Nations, however, it could not be placed under the trusteeship system.¹⁵

There were ten trust territories and one strategic trust

¹⁰ U.N. Charter art. 76.

¹¹ See U.N. Charter art. 77, ¶ 1(a), which states that the trusteeship system would apply to “territories now held under mandate[.]” The previous mandate system was set forth in Article 22 of The Covenant of the League of Nations, which was signed in June 1919 as Part I of the Treaty of Versailles. League of Nations Covenant art. 22.

¹² SUP. CT. OF THE REPUBLIC OF PALAU, *THE QUEST FOR HARMONY: A PICTORIAL HISTORY OF LAW AND JUSTICE IN THE REPUBLIC OF PALAU* 13 (1995).

¹³ *Id.* at 23. On April 2, 1947, the U.N. Security Council had unanimously designated Palau and neighboring Pacific islands as a Strategic Trust Territory administered by the United States. *Id.* President Truman approved U.S. administration of the Strategic Trust Territory on July 15, 1947. *Id.* The United States “thus preserved its military interests in the Pacific while honoring its [own] policy against annexing new territories as a result of war.” *Id.* U.S. administration of the Strategic Trust Territory continued until October 1, 1994, when the Republic of Palau became a sovereign national. Palau is today in a Compact of Free Association with the United States.

¹⁴ U.N. Charter art. 77, ¶¶ 1(b)–(c).

¹⁵ *Id.* art. 78.

territory under the administration of the U.N. Trusteeship Council. Those trust territories and the countries administering them were:

1. Western Samoa (administered by New Zealand);¹⁶
2. Tanganyika (administered by the United Kingdom);¹⁷
3. Rwanda-Urundi (administered by Belgium);¹⁸
4. Cameroons under British administration;¹⁹
5. Cameroons under French administration;²⁰
6. Togoland under British administration;²¹
7. Togoland under French administration;²²
8. New Guinea (administered by Australia);²³
9. Nauru (administered by Australia, New Zealand, and the United Kingdom)²⁴
10. Italian Somaliland (administered by Italy);²⁵ and
11. The Strategic Trust Territory of the Pacific Islands (administered by the United States).²⁶

The Trust Territory of the Pacific Islands was broken up into various pieces. The Northern Mariana Islands became a Commonwealth in political union with the United States.²⁷ The Republic of the Marshall Islands and the Federated States of Micronesia became sovereign states that each entered into a Compact of Free Association with the United States.²⁸ And the

¹⁶ G.A. Res. 63 (I), ¶ 5 (Dec. 13, 1946).

¹⁷ *Id.* ¶ 6.

¹⁸ *Id.* ¶ 2.

¹⁹ *Id.* ¶ 7.

²⁰ *Id.* ¶ 3.

²¹ *Id.* ¶ 8.

²² *Id.* ¶ 4.

²³ *Id.* ¶ 1.

²⁴ G.A. Res. 140 (II) (Nov. 1, 1947).

²⁵ G.A. Res. 442 (V) (Dec. 2, 1950).

²⁶ S.C. Res. 21 (Apr. 2, 1947).

²⁷ H.R.J. Res. 549, 94th Cong. (1976).

²⁸ *Compacts of Free Association with the Marshall Islands, Federated States of Micronesia, and Palau: Hearing Before the Comm. on Res. & Subcomm. on Asia & the Pacific of the Comm. on Int'l Rel. H. of Reps.*, 105th

last remaining territory of Palau became a sovereign state on October 1, 1994.²⁹

Upon becoming a sovereign state, the Republic of Palau applied for membership in the United Nations.³⁰ The U.N. Security Council reviewed that application—because the Trust Territory of the Pacific Islands was not just a trust territory but a strategic trust territory—and it recommended that the General Assembly admit Palau to membership.³¹ Palau became a member of the United Nations on January 26, 1995.³²

Having achieved its stated goals for the 11 trust territories, the Trusteeship Council suspended its work on November 1, 1994. It is rare to find any international institution whose stated agenda has been accomplished. Having done so, there is debate on the future of the Trusteeship Council. Eliminating the Trusteeship Council would require an amendment to the U.N. Charter, a process unlikely to be entered upon because it would likely also open up calls to reform the U.N. Security Council and its system of vetoes for five permanent members. But seeing that the stated work of the Trusteeship Council was coming to an end, U.N. Secretary-General Boutros Boutros-Ghali did “recommend that the General Assembly proceed with steps to eliminate the [Trusteeship Council], in accordance with Article 108 of the Charter.”³³ Although it “no longer meets and has no remaining functions,” no actions have been taken to eliminate the Trusteeship Council.³⁴

After 26 years in suspended status, it appears that U.N. Member States are divided on whether to retire or reform the defunct Trusteeship Council.³⁵ Perhaps it is time to reconsider

Cong. 1 (1998) (statement of Hon. John J. Duncan, Jr., Cong. Rep. for the State of Tenn.).

²⁹ Proclamation No. 6726, 59 Fed. Reg. 188 (Sept. 27, 1994).

³⁰ G.A. Res. 49/679 (Nov. 18, 1994); S.C. Res. 1994/1315 (Nov. 18, 1994).

³¹ S.C. Res. 963 (Nov. 29, 1994).

³² G. A. Res. 49/63 (Jan. 26, 1995).

³³ U.N. Secretary-General, *Report of the Secretary-General on the Work of the Organization*, ¶ 46, U.N. Doc. A/49/1 (Feb. 28, 1995).

³⁴ G. A. Res. 60/1, ¶ 176 (Oct. 24, 2005).

³⁵ See, for example, Rep. of the Special Comm. on the Charter of the United Nations and on the Strengthening of the Role of the Organization, ¶ 61,

a suggestion made in 1997 by U.N. Secretary-General Kofi A. Annan. As part of a comprehensive plan to renew the United Nations, he proposed reconstituting the Trusteeship Council “as the forum through which Member States exercise their collective trusteeship for the integrity of the global environment and common areas such as the oceans, atmosphere[,] and outer space.”³⁶ He also suggested that such a reformed Trusteeship Council “should serve to link the United Nations and civil society in addressing these areas of global concern, which require the active contribution of public, private[,] and voluntary sectors.”³⁷

The debate on the future of the Trusteeship Council is one that will linger for many years. It is unlikely that the General Assembly will amend the Charter to eliminate the Trusteeship Council because such a move will open debate on the entire Charter. Although there are many countries that believe such a debate is long overdue, there is insufficient global political will to open that debate. As such, it may be best to consider the Trusteeship Council not as a subject for future reform but as a rare example of an international institution that accomplished its mission.

U.N. Doc. A/60/33 (Mar. 23, 2005), which states that:

[A] view was expressed that the Trusteeship Council should be abolished since its mandate had been fulfilled and that a proposal to this end should be addressed to the General Assembly and considered by the Special Committee in connection with the ongoing reform of the Organization. According to another view, the Council should be assigned new functions in the context of future amendments to the Charter of the United Nations. Some delegations reiterated their view that it would be premature to abolish the Trusteeship Council or to change its status. It was pointed out that the abolition of the Council or changing its status should be considered in the overall context of the reform of the Organization and the amendments to the Charter. It was suggested that States whose territories or neighbouring territories were placed under trusteeship in the past be invited to present their views on this issue at subsequent sessions of the Special Committee.

³⁶ U.N. Secretary-General, *Renewing the United Nations: A Programme for Reform*, ¶ 85, U.N. Doc. A/51/950 (July 14, 1997).

³⁷ *Id.*