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## **The mandate system of the League of Nations and the UN trusteeship system (international legal comparative analysis)**

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**Abstract:** The mechanisms established to administer the Non-Self-Governing Territories, the Permanent Mandates Commission within the League of Nations and the UN Trusteeship Council, were largely similar in their functions, subsidiary bodies and mandates. Their ultimate goal was declared as a desire for the independence of the former colonial peoples and the creation of national institutions of power. At the same time, being under the actual control of the former metropolises, none of these two bodies directly contributed to obtaining self-government. Continuous discussions and transfer of mandated territories under external control by new mandate holders, who continued to extract income and bring the peoples living in these territories to internecine wars, did not ensure the independence of the former colonies. Most of the developing countries in Africa, Asia and the Middle East have come a long way towards independence. First, the colonies, then the mandated and trust territories, after the bloody wars for gaining independence, they became the main opponents of the colonial system. At the same time, since the drawing of borders was carried out arbitrarily by the governing countries, most of the current conflicts, mainly in Africa, originate from non-self-government.

**Key words:** League of Nations; mandates; United Nations; Trusteeship Council; trusteeship; self-determination; Permanent Mandates Commission; independence.

## **Ұлттар Лигасының мандаттық жүйесі және БҰҰ қамқоршылық жүйесі (халықаралық - құқықтық салыстырмалы талдау)**

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Екінші хатшы, Ресей Федерациясының БҰҰ бөлімшесі мен Женевадағы басқа да халықаралық ұйымдар жанындағы Тұрақты Өкілдігі

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**Түйіндеме:** Өзін-өзі басқармайтын аумақтарды басқару үшін құрылған тетіктер, Ұлттар Лигасы шеңберіндегі тұрақты мандаттар комиссиясы және

БҰҰ-ның қамқоршылық кеңесі функциялары, көмекші органдары және мандаттары бойынша көптеген жағынан ұқсас болды. Олардың түпкі мақсаты бұрынғы отаршыл халықтардың тәуелсіздігін алуға және ұлттық билік институттарын құруға деген ұмтылыс ретінде жарияланды. Сонымен бірге, бұрынғы метрополиялардың нақты бақылауында болған кезде, бұл екі органның ешқайсысы өзін-өзі басқаруға тікелей ықпал еткен жоқ. Ұзақ пікірталастар мен мандатты аумақтарды сыртқы басқаруға беру, табыс табуды жалғастыратын және осы аумақтарда тұратын халықтарды ішкі соғыстарға жеткізетін жаңа мандатарлар бұрынғы колониялардың тәуелсіздігін қамтамасыз етпеді. Африка, Азия және Таяу Шығыстағы дамушы елдердің көпшілігі тәуелсіздікке жету жолында ұзақ жолдан өтті. Алдымен колониялар, содан кейін мандаттар мен қамқорлықтағы территориялар, тәуелсіздік алу үшін қанды соғыстардан кейін олар отарлық жүйенің негізгі қарсыластарына айналды. Сонымен қатар, шекараларды елдердің ерікті басқарушылары жүргізгендіктен, Қазіргі қақтығыстардың көпшілігі, негізінен Африкада, тәуелсіз басқарудан бастау алады.

**Негізгі сөздер:** Ұлттар Лигасы; мандаттар; БҰҰ; Қамқоршылық кеңесі; Қорғаншылық; өзін-өзі анықтау; тұрақты мандат комиссиясы; тәуелсіздік

### **Мандатная система Лиги Наций и система опеки ООН (международно-правовой сравнительный анализ)**

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**Аннотация:** Механизмы, созданные для администрирования самоуправляющихся территорий, Постоянная мандатная комиссия в рамках Лиги Наций и Совет ООН по опеке, были во многом похожи по своим функциям, вспомогательным органам и мандатам. Их конечная цель декларировалась как стремление к обретению независимости бывших колониальных народов и создания национальных институтов власти. Вместе с тем, находясь под фактическим контролем бывших метрополий, ни один из этих двух органов напрямую не способствовал получению самоуправления. Длительные дискуссии и передача подмандатных территорий под внешнее управление новых мандатариев, продолжающих заниматься извлечением доходов и доводивших проживающие на этих территориях народы до междоусобных войн, не обеспечивали самостоятельность бывших колоний. Большинство развивающихся стран Африки, Азии и Ближнего Востока прошли

долгий путь к обретению независимости. Сначала колонии, затем подмандатные и подопечные территории, после кровопролитных войн за обретение независимости они становились основными противниками колониальной системы. При этом, поскольку проведение границ велось произвольно управляющими странами, большинство нынешних конфликтов, в основном, в Африке, ведут свое начало из несамостоятельного управления.

**Ключевые слова:** Лига Наций; мандаты; ООН; Совет по опеке; опека; самоопределение; Постоянная мандатная комиссия; независимость

## **Introduction**

World War II (WWII) significantly changed the balance of power in Europe and the world as a whole. The European countries, lying in ruins, lost their former influence in their colonies and mandate territories. The hegemony of the Western states, which had existed during the League of Nations period, was undermined. New states that had gained independence during or at the end of the WWII began to emerge on the world stage. It was them, the former non-self-governing territories, who became the fiercest opponents of the colonial system.

Goal of the article is to analyze differences between approaches of the League of Nations and the United Nations Organization towards former colonies and steps undertaken to provide them with independence.

## **Materials and methods**

The analysis of the bibliographic archives of the United Nations, working documents of the governing bodies and committees of the League of Nations and the UN, dealing with issues of non-self-governing territories, was carried out.

We conducted a systematic search of academic databases, including PubMed, PsycINFO and Web of Science, to identify literature-based studies. We included studies that used a literature-based approach as their primary research method and excluded studies that used a mixed-methods approach or relied solely on non-academic sources. We then extracted data on the research methods used in each study, including the type of literature searched, the search strategy employed, and the data analysis techniques used.

## **Discussion**

The Charter of the United Nations, the new international Organization that replaced the League of Nations, was signed in San Francisco on 26 June 1945 by fifty states, most of them non-European. An agreement was also reached on the future situation of the Non-Self-Governing Territories, former mandates.[1]

The League of Nations' mandate system was created at the end of the First World War in 1919 to govern the non-European territories, which had been torn away from Germany and the Ottoman Empire. They were divided into three types

according to their level of development. Type (A) mainly included territories in the Middle East, Type (B) in Africa and Type (C) in the Asia-Pacific colonies.[2]

All Type (A) Mandated Territories – except for Palestine - gained independence and became co-founders of the UN. The others (with the exception of Namibia) were placed under a new trusteeship system - a compromise version created by the countries of the anti-Hitler coalition. It included interests of the metropolises (France and Britain) as well as those of the system's opponents, the USSR and China.

The basic principles of conduct for states “which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government” were enshrined in Chapter XI of the UN Charter (Declaration Regarding Non-Self-Governing Territories).[3] This chapter contained certain rules of conduct for administering states, which can be considered as a universal application of the international trusteeship principle, although it is far from perfect.

Unlike the Covenant (constituent instrument) of the League of Nations, the main emphasis of which was to prevent abuses against colonial peoples, the UN Charter emphasized the importance of political, economic and social progress. Self-government or independence, “as may be appropriate to the particular circumstances of each territory and its peoples”, were identified as the fundamental objectives.[4]

We should note that the evolutions of the League of Nations' mandate system and the UN trusteeship system have undergone almost similar stages of development. The Covenant of the League of Nations established the former in 1919; the latter was enshrined in the UN Charter in 1945, under the aegis of an international organization composed of sovereign states. Both systems emerged at the end of two world wars, in the course of which states realized the need to ensure the welfare of populations, including non-self-governing peoples. The nature, scope and even design were determined by the nature of their origin. The aim of both systems was primarily to give a special legal status to the colonies of the losing parties, as the victors gave up territorial increments because of victory.

While the trusteeship system was based on lessons learnt from the mandate system, each one was innovative in its own way in the sphere of international supervision. It is noteworthy that both systems were originally initiated by colonial powers, who sincerely subscribed to the doctrine of supremacy of interests of dependent peoples, but differed in the details of their implementation.[5]

Trusteeship Agreements and the Trusteeship Council replaced the Mandate Treaties and the Permanent Mandate Commission, just as the Security Council and the General Assembly took place of the Council and Assembly of the League of Nations, albeit with a redistribution of functions and powers. The Rules of Procedure, the structure of the mandate section of the League of Nations Secretariat, questionnaires, procedures for consideration of annual reports and petitions, which fully illustrated the *modus operandi* (mode or manner of operating) of the inter-war period, were considerably modified, enlarged and supplemented to reflect better the post-World War II atmosphere.

One of the main similarities between the two systems is the voluntary or optional basis of them. Article 22 of the Covenant of the League of Nations enshrined that “the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it”.[6]

The UN Charter has retained similar wording, in particular, Article 77 states, “the trusteeship system shall apply to such territories ... as may be placed thereunder by means of trusteeship agreements” and that “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”.[7]

The most important characteristic of both systems, however, is the absence of any condition for the completion of mandated or trust territory status. Like the Covenant of the League of Nations, the UN Charter provides for the approval, modification and redaction of trusteeship agreements, but does not specify any special conditions precedent to independence or self-government.

Both the mandate part of the Covenant and the chapters of the Charter, which enshrine the international trusteeship system, were both incomplete, vague and ambiguous. Both documents contain phrases that can be interpreted in different ways, e.g. the Covenant of the League refers to “the sacred trust of civilization”, “Mandatories on behalf of the League”, territories that “can be best administered under the laws of the Mandatory as integral portions of its territory”.[8] In the UN Charter – “whose peoples have not yet attained a full measure of self-government”, “states directly concerned”, “progressive development of their free political institutions”, “equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals”.[9] We can say that whereas Article 22 of the League of Nations Covenant has been “legal in its terminology” and could be “understood in a more emotional and humanitarian way”[10], chapters XI-XIII of the UN Charter begin with a political manifesto that was drafted in the vague terminology of political platforms and eventually led to more precise terms of a legal document[11]. The UN Charter thus represents an improvement over the Covenant.

We can say that the trusteeship system is a revised, expanded version of the mandate system in form, not in substance. The chapters of the statutory documents dealing with the trusteeship system are almost three times larger than the “mandate” chapters. Moreover, the Standing Mandates Commission had twenty rules of procedure; the Trusteeship Council already has one hundred and seven. There was also an expansion of the questionnaire to be submitted by the mandate-holders and trustees, and the secretariat had grown considerably.

The trusteeship system has considerably improved and expanded compared to the previous system. Firstly, the new system is not limited to certain territories of former enemies but is open to any colonial territories that can be voluntarily included in the trusteeship system by the state responsible for the administration of these lands. Secondly, as compared to the rigid categorization of the mandate system into types (A), (B) and (C) according to different levels of development, the UN Charter

provides for a flexible division of trust territories into strategic and non-strategic ones, based on security considerations. Thirdly, unlike the practice of demilitarization of trust territories, the trusteeship system provides for the participation of trust territories in the maintenance of peace and security; and that part or all of a territory may be designated as a strategic. The distinction between strategic and non-strategic territory, however, is purely functional, not territorial, as it was in the case of mandates. Fourthly, the objective of the trusteeship system was the acquisition of self-government or independence, in accordance with the UN Charter, in any territory, and in the mandate system independence was only envisaged for mandates of type (A). Fifthly, an open-door policy (enshrined in the Covenant of the League of Nations, but not respected) was superseded by a system subordinated to the economic interests of the inhabitants of trust territories. Sixthly, the trusteeship system provided for collective or direct international administration of trust territory, an idea rejected as impracticable by the framers of the League of Nations' Covenant. Seventhly, the most significant feature of the new system was the establishment of a supervisory body (the Trusteeship Council), comprising an equal number of representatives of administering and non-governing territories. This was a significant improvement over the private experts of the Permanent Mandates Commission, most of whom did not belong to the mandated states. Finally, the creation of the institution of "field" visits to trust territories and the handling of complaints remedied major shortcomings of the mandate system and created new opportunities to obtain first-hand information directly from the inhabitants of the territories.

Overall, the focus has shifted from a mere prohibition on abuses of power of Mandatory States to a more positive aspect of constructive development in the political, economic, social and educational spheres under the governing authority.[12]

The Permanent Mandates Commission was instructed to make recommendations to the Council of the League of Nations on all matters relating to compliance with mandates. Similar to the Commission, the UN Trusteeship Council operated under the authority of the UN General Assembly and the UN Security Council, exercising its functions in strategic and non-strategic territories. Both institutions can be considered as the primary point of international supervision over the administration of mandated or trust territories. Though the UN Trusteeship Council is theoretically one of the six principal organs of the UN,[13] its functions in practice are more similar to the Commission, a subsidiary body of the League of Nations. It is important to note, however, that unlike the constitution of the Permanent Mandates Commission, which could be amended by the Council of the League of Nations, the provisions of the UN Charter regarding the UN Trusteeship Council cannot be amended without a change in the Charter itself.

At the same time, on 10 September 2021, the UN Secretary General António Guterres issued a report "Our Common Agenda", where he proposed to repurpose the UN Trusteeship Council "to enhance the governance of the global commons". He invited States to consider making the Council available as a multi-stakeholder body to tackle emerging challenges and, especially, to serve as a deliberative forum to act

on behalf of succeeding generations. Among other tasks, it could issue advice and guidance with respect to long-term governance of the global commons, delivery of global public goods and managing global public risks.[14]

Notwithstanding some similarities in the operation of the Permanent Mandates Commission and the UN Trusteeship Council, the latter represents a radical change of the composition and functions of the Permanent Mandates Commission.

The League of Nations' Covenant did not specify the composition of the Permanent Mandate Commission, so States decided, after discussions, that it should consist of ten experts in their personal capacity. A representative of the International Labour Organization (ILO) was invited as an observer to meetings when labour and employment issues were discussed. Most of these ten members were nationals of non-mandatory States. The Council of the League of Nations appointed them based on their individual merit and professionalism. No member could be dismissed without the approval of a majority of the League of Nations' Member States.

In contrast, the UN Trusteeship Council was composed of the UN Member States. A seat in the Council was automatically given to the administering States in the Trust Territories, as well as to the non-governing States that were Permanent Members of the UN Security Council. The General Assembly elected non-permanent members of the Trusteeship Council for a term of three years, and their number was to equal the number of governing states.[15]

Obviously, the composition of the Commission was unchanged, while the membership of the Council depended on the number of governing states. For example, in 1947, when the Council was first established, it consisted of ten member states. In 1948, it expanded to twelve, as the US became the governing authority in the Pacific Islands, a strategic trust territory.

The UN trusteeship system based on the principle of a balance between the administering authorities, who had some experience in dealing with the complex problems in these territories, and the non-governing member states. The latter were expected to be impartial and objective in their supervision of the administration of the trust territories. In this respect, the trusteeship system remedied the shortcomings of the Permanent Mandates Commission, whose members were exclusively representatives of non-mandate states in their personal capacity.

The trusteeship system came into force in December 1946, when eight trusteeship agreements were approved during the first session of the UN General Assembly, following lengthy discussions on procedural and substantive issues.

Article 87 of the UN Charter assigned oversight functions to the Trusteeship Council, under the direction of the UN General Assembly.[16] They included the review of annual reports of the administering authority, periodic visits to the territories concerned and the consideration of petitions. The last two were among the major innovations of the trusteeship system, greatly increasing the capacity of the organization for effective oversight. As the system was rather new, countries had to go through a difficult process of negotiations, through trial and error, that inevitably led to increased tensions between the Trusteeship Council and the UN General

Assembly. There were discussions about the necessary competence and level of autonomy of each body - the former consisting of an equal number of governing and non-governing states, and the latter representing an ever-expanding anti-colonial majority.

One of the first controversies was the submission of reports to the General Assembly by the Council, which summarized information from the annual reports sent by the administering authority under Article 88 of the UN Charter, together with its comments and conclusions.[17] According to the rules, the Trusteeship Council only reflected views of the administering authorities, but other members insisted on publishing their comments as well. A way out was found by submitting individual comments, which were published at the end of each section on political, economic, social and educational issues for each territory reflected in the report.

“Field” missions to trust territories raised fewer procedural issues in the Trusteeship Council. Although mission members were individually responsible to the Council and did not represent their States, the principle of equal membership also applied to ensure a balance between the views of governing and non-governing states. An important circumstance was the absence of a USSR representative during such missions. After receiving a sharp rejection of the application to participate in a country mission in 1949, the USSR abandoned other attempts due to persistent opposition from the governing countries.[18]

These missions were limited to fact-finding functions and the formulation of proposals to the Trusteeship Council for recommendations to the governing authorities. In its early days, the usefulness of such visits was questioned, particularly when their conclusions did not reflect the views of some of the most outspoken anti-colonialists in the UN General Assembly.[19]

A reassessment of the importance of this institution was in 1954-1955 in light of the report after the visit to East Africa, which for the first time recommended clear dates for independence in line with the aspirations of the majority of the UN General Assembly members.[20] When, by the late 1950s, referenda and general elections under UN supervision in trust territories became widespread, the most important value of “field” missions was the preparatory work of examining various positions of the local population so that the Trusteeship Council and the General Assembly could come to more realistic conclusions in forming options for which people could vote in the territories concerned.

The third supervisory function of the Trusteeship Council - the handling of petitions - was unprecedented in the past and was essentially *terra incognita* for the Council members. Administering countries took a restrictive approach and immediately started to obstruct the Trusteeship Council, not willing to undermine their position and prestige in the trust territories. Written petitions caused less substantive controversy, but despite that, members of the UN General Assembly often expressed dissatisfaction with the Council's standardized decisions on complaints. It has also been criticized for making neutral decisions instead of calling for action on behalf of petitioners. The flow of written petitions peaked in the late

1950s, causing the Council to use a standard formula in its decisions. However, with the sharp decline in the number of non-self-governing territories in the early 1960s, the issue of improving the procedure for responding to complaints lost its urgency.[21]

The handling of oral petitions has led to a serious conflict between the Trusteeship Council and the UN General Assembly, much of which has been caused by the administering authorities' efforts to limit the number of such petitions and their desire to control complainants. The administering authorities argued that the Council would be inundated with oral petitions or would be used as a forum for opposing factions in the trust territories. Finally, the Fourth Committee of the UN General Assembly exclusively dealt with oral complaints. As no procedure for selecting complainants was devised, they had unhindered access to the Fourth Committee.

Understandably, the complaints procedure was far from perfect. A large number of written petitions were trivial and even frivolous at times; the UN General Assembly platform was abused to debate political opponents, seeking support among delegations. However, despite all its shortcomings, this institution served as an important means of giving publicity to situations in the Trust Territories. It also provided an incentive for the governing authorities to take preventive measures before a situation became more serious. It also had an educational function, both for complainants and members of the UN General Assembly - it allowed representatives of the trust territories to express their views and interests, thus contributing to their political development.

The idea of the UN Trusteeship Council, like that of the League of Nations mandate system, grew out of an awareness of the need to find a sustainable compromise between the various conflicting colonial and non-colonial powers. Provisions of the trusteeship system of the UN Charter artificially reconciled their competing interests. As a result, liberal humanism was satisfied by the adoption of the Declaration Regarding Non-Self-Governing Territories, while conservative humanism was content with a limited application of the trusteeship system itself. Military opponents of international governance reconciled through strategic trusteeship provisions; those who saw in the trusteeship system a means of internationalizing future trouble spots were satisfied with the possibility of incorporating any colonial territory into the system. Economic liberals could take solace in open-door provisions, and proponents of economic protectionism in appropriate protective provisions. Colonial nationalism was temporarily pacified, but it seemed that the colonial empires also remained unaffected.[22]

Certainly, no power was entirely satisfied with such a comprehensive synthesis. This system was adopted only because it did not reduce the effective control of the administering authorities over the respective trust territory, and provided for the possibility of extending this system to colonial areas.

At the same time, representatives of the new States openly criticized the trusteeship system. In particular, Iraq pointed out four shortcomings of the system:

inadequate protection of the rights of people in trust territories, lack of provisions for consultation with local populations, lack of defined rules for ending the trusteeship system, and need for direct access of people from trust territories to the UN Trusteeship Council.[23]

In contrast to the categorization of territories under the mandates into types (A), (B) and (C), depending on their level of development, which conferred varying degrees of authority on the administering authorities, the trusteeship agreements fell into two categories, strategic and non-strategic. All ten trusteeship agreements, including the special case of Italian Somaliland, were of the non-strategic type and the only strategic trusteeship territory was the US-administered islands in the Pacific.

Texts of the trusteeship agreements on non-strategic territories and on mandates contain several general provisions, such as delimitation of the boundaries of each territory; appointment of a single administering authority; definition of rights of the administering authority; application of general international conventions; provisions for recourse to the International Court in case of disputes between an administering authority and another member of an international organization; guarantees for freedom of religion; changes and revisions of conditions by competent authorities; submission of annual reports by administering authorities.

However, there were many differences between the mandates and trusteeship agreements. In particular, articles of the trusteeship texts were more expository and detailed than those of the mandates. The obligation of the administering authorities to develop political institutions with a view to attaining “self-government or independence”, which was only enshrined in type (A) mandates, became a feature of all trusteeship instruments. The protection of indigenous peoples’ rights in the field of land law, spelled out only in Type (B) mandates, has been extended to all territories, with the term “indigenous peoples” being replaced by “inhabitants” to include immigrant settlers as well.

The provision in six trusteeship agreements that allowed the administering authorities to consider the territories under their trusteeship as “an integral part” of their territory and to constitute it “into a customs, fiscal or administrative union or federation with adjacent territories under their sovereignty or control” was carried over from similar articles in five Type (C) mandates.[24]

The “open doors” principle, included in mandates of type (A) and (B), was subordinated to the interests of residents and considerations of international peace and security. All agreements had different provisions for periodic visits, dates of which were to be determined in consultation with the governing authorities. The latter also retained full power to establish bases, erect fortifications, station their armed forces and conduct recruitments in the trust territories, unlike the mandated territories, which were declared demilitarized.

The main purpose of all these changes was to prohibit the abuse of governing authorities, observed during the mandates system, for progressive development to achieve self-governance or independence.

Perhaps the most important feature of the international trusteeship system, in contrast to the mandates of the League of Nations, is its extension to all dependent territories in the world. The Covenant confined the geographical scope of the mandates system only to colonies and territories “which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them”, [25] i.e., Germany and Turkey. The UN Charter, on the other hand, made clear that the trusteeship system applied to three types of territories: territories currently under mandate; territories likely to be alienated from enemy states because of the WWII; and territories voluntarily placed under the trusteeship system by states responsible for their administration. [26] The possibility of expanding the trusteeship system was limited to territories that did not become members of the UN. [27]

It is important to note that the main aim of the League of Nations mandate system - the independence of the administered territories - was not achieved. During the whole period between the two world wars, only British-administered Mesopotamia (present-day Iraq) gained independence in 1932.

France-administered Syria and Lebanon gained their independence after the WWII and joined the UN as independent states in October 1945.

The British mandate for Palestine was passed to the UN in November 1947 because the mandate holder, in fact, brought the country to an internecine war, by supporting the resettlement of Jews to the territory.

Significant that Transjordan (now Jordan) was included in the Palestinian mandate, but on special terms - the relationship between Britain and Transjordan was governed by an agreement between the two sides dated 20 February 1928, before its independence was recognized in 1946 (renamed to Jordan in 1949). According to the agreement, Britain “has authority over the territory specified in the mandate”, but recognizes the existence of an independent government in Transjordan, provided it is constitutional and enables Britain to fulfil its international obligations. [28]

Although most of the territories under Turkish rule became mandates of type (A), there were some territories without mandate status (e.g. Armenia became part of the USSR, Kurdistan was divided between Turkey and other Middle Eastern mandated territories). Egypt, a non-mandate territory, gained independence from Britain in 1922. The Arab territories (present-day Saudi Arabia) were also not governed from outside and gained independence in 1932.

The UN Charter in article 1(2) states the “principle of equal rights and self-determination of peoples” [29] that was highly importance in the context of the rights of colonial peoples to independence, supported by the UN. In 1960, the United Nations General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples [30], at the initiative of 43 African and Asian states and the USSR. It proclaimed the necessity to bringing to a speedy and unconditional end of colonialism and was used by the colonial peoples to gain their independence. [31] Para.5 is of utmost importance in this Declaration as it covered the territories that are not yet under the international trusteeship system. [32] It stated that “immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all

other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction to race, creed or colour, in order to enable them to enjoy complete independence and freedom”.[33]

Group (B) included the former German colonies in West and Central Africa, which were subject to direct administration by the Mandatory (all mandates were issued in July 1922).

Belgium's only mandate in Africa was that of Rwanda-Urundi, formerly two separate German protectorates. Since 1926, it was administered jointly with the Belgian Congo, and after the WWII, it became a UN Trust Territory under Belgian administration. In 1962, the territory gained independence and was divided into two countries, Rwanda and Burundi.

Tanganyika became a British Mandate, then a UN Trust Territory. It gained independence in 1961 and was proclaimed a republic in 1962. In 1964, Tanganyika was merged with the neighboring island of Zanzibar and obtained a new name, Tanzania.

Cameroon was divided between Britain and France, firstly under the League of Nations mandate system, then under the UN trusteeship system. The British part consisted of two non-contiguous territories separated by the junction of the borders of Nigeria and Cameroon. French Cameroon and Nigeria gained independence in 1960. British Cameroon was divided - the northern part (mainly Muslim) went to Nigeria, the southern part to Cameroon.

The last Type (B) mandate, Togo, was also divided between Britain (western part) and France (eastern part). In 1946, it became a UN Trust Territory under the same administration. British Togo became part of the Gold Coast colony (Ghana since 1957) in 1956; French Togo gained independence in 1957 and became the Republic of Togo.

Type (C) mandates were former German colonies in South-West Africa and Oceania placed under direct administration by the mandate holders as part of their territory.

German New Guinea was ceded to Australia in 1920, became a trust territory under the same administration in 1946, gained independence in 1975 and became part of what is now Papua New Guinea.

Nauru (formerly part of German New Guinea) was also ceded to Australia in 1920, but was formally administered jointly with Great Britain and New Zealand, a UN Trust Territory under the same administration since 1947, and an independent republic since 1968.

German Samoa (renamed Western Samoa) came under the administration of New Zealand, a UN trust territory since 1947, and an independent state since 1962.

The South Pacific Islands were ceded to Japan, but after its defeat in WWII were given the status of “strategic trust territories” under the US administration.

German South-West Africa was placed under South African administration in 1922 but, following the end of the WWII, South Africa refused to transfer the

territory to UN custody and proposed to annex it. The UN General Assembly rejected the idea and the International Court of Justice ruled that South Africa had to fulfil its obligations under the mandate for South West Africa. The territory finally gained independence in 1990 as the state of Namibia after a long war for independence.

Thus, after the end of the WWII and the dissolution of the League of Nations, almost all mandated territories, especially those of type (B) and (C), remained under the governance of the same states, changing their status to “UN Trust Territories”. They all gained independence by 1990, largely after internal bloody wars.

The Marshall Islands and Micronesia were the last Trust Territories to gain independence in 1990. The Republic of Palau, which separated from Micronesia, gained independence for the latter in 1994.

### **Conclusion**

Therefore, despite the declared ambitious goal of the Western states to help territories and peoples to gain independence and sovereignty, many peoples had to obtain independency on their own initiative and after bloody wars. Moreover, since the governing countries conducted demarcation of borders arbitrarily, most of the current conflicts, mainly in Africa, have their origins in colonial, mandate and then trusteeship governance.

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