

2. COUNTER-MEMORIAL SUBMITTED BY THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Introduction

1. This Counter-Memorial is submitted to the Court in pursuance of an Order of the Court dated 6 July 1961, the time specified in that Order for its delivery having been extended by further Orders made by the Court on 2 November 1961, 25 April 1962 and 10 July 1962.

2. In its application to the Court, deposited on 30 May 1961, and in its Memorial, the complaints made by the Government of the Republic of Cameroon fall under two heads, namely complaints as to the discharge by the United Kingdom of its obligations under the Trusteeship Agreement to the inhabitants of the Northern Cameroons and, secondly, as to the conduct of the second plebiscite in the Northern Cameroons.

3. The Trusteeship Agreement referred to is the Trusteeship Agreement for the Cameroons under United Kingdom Trusteeship as approved by the General Assembly of the United Nations on 13 December 1946, and published in United Nations *Treaty Series*, Volume 8, page 119, under Registration No. 119. (For the convenience of the Court, a copy of the Agreement is annexed to this Counter-Memorial as Annex I.)

4. The first part of the Memorial of the Republic of Cameroon is entitled "Legal Character of the Dispute" and it will, it is thought, be convenient if, in Part I, at the beginning of this Counter-Memorial, the Government of the United Kingdom state their submissions as to the jurisdiction of the Court.

5. Following the order of the Memorial, the allegations of the Republic of Cameroon concerning the United Kingdom administration of the Trust Territory are answered in Part II of this Counter-Memorial and those relating to the course of the plebiscite operations in Part III. The United Kingdom conclusions are stated in Part IV.

6. For the convenience of the Court, there are attached as Annexes to this Counter-Memorial an account of the geographic, ethnic and historical background of the Trust Territory (Annex II) and a summary of the relevant features of British administration under the international trusteeship system (Annex III). Also attached are a copy of the Mandate (Annex IV), a number of General Assembly and Trusteeship Council Resolutions (Annex V), a political map of the territory of the Cameroons under British Adminis-

tration (Annex VI) and a physical map of the same territory (Annex VII).

7. Part I of this Counter-Memorial raises, as a preliminary objection under Article 62 of the Rules of Court, the contention that the Court has no jurisdiction in this case. Nevertheless, the British Government consider that it is undesirable that the serious allegations made by the Republic of Cameroon should remain on the record unanswered and, for this reason, they have included their answers on the merits in the Counter-Memorial. These answers are submitted to the Court without prejudice to the preliminary objection.

PART I

The Jurisdiction of the Court**A. PROVISIONS OF THE STATUTE OF THE COURT, THE CHARTER AND THE TRUSTEESHIP AGREEMENT**

8. Article 36 (1) of the Statute of the International Court of Justice states that "The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force". The complaints of the Republic of Cameroon do not come within the first two parts of the Article, and consequently if the Court has jurisdiction to hear these complaints, that jurisdiction can only arise if jurisdiction as to the matters of complaint is specially provided for in a treaty or convention in force.

9. The Government of the United Kingdom do not wish to dispute that the Trusteeship Agreement was a treaty or convention within the meaning of this Article. It ceased to be in force on 1 June 1961 in relation to the Northern Cameroons¹, the application to the Court having been made on 30 May 1961. The Government of the United Kingdom submit that the Trusteeship Agreement does not, when properly construed, provide for the jurisdiction of the Court in relation to the matters, the subject of complaint by the Republic of Cameroon.

10. Article 75 of the Charter of the United Nations provides that, "The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements". It follows that responsibility for the administration and supervision of trust territories rests with the international trusteeship system created by the United Nations, and ultimately with the United Nations.

11. Article 76 of the Charter states the basic objectives of the trusteeship system and Article 77 provides for the placing under the trusteeship system of territories "now held under mandate". The United Kingdom held a mandate under Article 22 of the Covenant of the League of Nations to administer the territory of the Cameroons which was subsequently placed under United Kingdom trusteeship.

¹ Resolution 1608 (XV) adopted by the General Assembly on 21 April 1961 (Annex V (40)). By the same resolution the Agreement was terminated with respect to the Southern Cameroons on 1 October 1961.

12. Article 79 of the Charter provides that, "The terms of trusteeship ... shall be agreed upon by the States directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85". The Republic of Cameroon came into existence on 1 January 1960. It was not, therefore, a State whose agreement to the terms of trusteeship of 13 December 1946 was required by Article 79; nor was it a party to the Trusteeship Agreement when that Agreement was made. The position of the Republic of Cameroon in relation to the Trusteeship Agreement is examined further in paragraphs 25 to 29 below.

13. Article 85 of the Charter provides that, "The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic¹, including the approval of the terms of the trusteeship agreements ... shall be exercised by the General Assembly", and that "The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions".

14. Pursuant to these Articles of the Charter, the United Kingdom, as the Mandatory Power, sought to place the Cameroons under the international trusteeship system and, on 13 December 1946, the General Assembly approved the terms of trusteeship for the Territory.

15. From 13 December 1946 until 1 June 1961, when the Trusteeship Agreement was terminated in relation to the Northern Cameroons (resolution 1608 (XV), adopted by the General Assembly on 21 April 1961 (Annex V (40)), the General Assembly had the responsibility of securing that that territory was administered by the United Kingdom as the administering authority in accordance with the terms of the Trusteeship Agreement and with the basic objectives of the trusteeship system as declared by Article 76 of the Charter.

16. By Article 3 of the Trusteeship Agreement, the United Kingdom undertook to administer the territory in such a manner as to achieve the basic objectives of the international trusteeship system and to collaborate fully with the General Assembly and the Trusteeship Council in discharging all their functions as defined in Article 87.

17. By Article 5 of the Agreement, it was provided that, *inter alia*, the United Kingdom—

(a) should have full powers of legislation, administration and jurisdiction in the Territory and should administer it in accordance with its own laws as an integral part of its territory with

¹ The area in question was not designated as strategic, so Article 83 does not apply.

such modifications as might be required by local conditions and subject to the provisions of the United Nations Charter and of the Trusteeship Agreement; and

- (b) should be entitled to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of the Trusteeship Agreement.

18. By Article 6 of the Agreement, it was provided that the United Kingdom should promote the development of free political institutions suited to the Territory and to this end should assure to the inhabitants of the Territory a progressively increasing share in the administrative and other services of the Territory; *should develop the participation of the inhabitants of the Territory in advisory and legislative bodies and in the government of the Territory, both central and local, as might be appropriate to the particular circumstances of the Territory and its people; and should take all other appropriate measures with a view to the political advancement of the inhabitants of the Territory in accordance with Article 76 (b) of the Charter, and that in considering the measures to be taken under this Article the United Kingdom should, in the interests of the inhabitants, have special regard to the provisions of Article 5 (a) of the Agreement.*

19. By Article 9 of the Agreement, the United Kingdom undertook certain obligations to all Members of the United Nations and their nationals, namely to take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters and to this end:

- (a) to ensure the same rights to all nationals of Members of the United Nations as to *British nationals in respect of various matters,*
- (b) not to discriminate on grounds of nationality against nationals of any Member of the United Nations in relation to certain matters, and
- (c) to ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

20. Article 10 of the Agreement provided, *inter alia*, that measures taken to give effect to Article 9 of the Agreement should be subject always to the overriding duty of the United Kingdom in accordance with Article 76 of the Charter to promote the political, economic, social and educational advancement of the inhabitants of the territory to carry out the other basic objectives of the international trusteeship system and to maintain peace, order and good government.

21. By Article 13 of the Agreement, the United Kingdom further undertook certain obligations in respect of missionaries who were nationals of the Members of the United Nations.

22. Article 19 of the Agreement provided that—

“If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice...”

B. THE EFFECT OF ARTICLE 19 OF THE TRUSTEESHIP AGREEMENT

23. In the submission of the United Kingdom, this Article was not intended to give to any Member of the United Nations the right to indict before the International Court the United Kingdom as administering authority of the Territory for failure to discharge its obligations in relation to the inhabitants of the Territory under the Trusteeship Agreement made with the United Nations. Under the Charter, it was the function of the General Assembly acting through the Trusteeship Council to exercise the authority of the United Nations in respect of the administration of the Territory brought within the international trusteeship system by the Trusteeship Agreement. In the submission of the United Kingdom, Article 19 of the Trusteeship Agreement does not and was not intended to give any Member of the United Nations the right, except as regards obligations specifically undertaken in relation to Member States and their nationals in the Agreement (see para. 31 below), to question before the International Court the administration of the territory, administration for which the United Kingdom was directly answerable to the Trusteeship Council and to the General Assembly.

24. Further, the United Kingdom will in this Counter-Memoriam show that the complaints made by the Republic of Cameroon in their Application to this Court and in their Memoriam have been considered and rejected by the General Assembly.

25. If contrary to the contention of the United Kingdom the view is held that, under Article 19 of the Trusteeship Agreement, a Member of the United Nations can bring before the International Court complaints as to the conduct of the United Kingdom as administering authority for which the United Kingdom is answerable to the General Assembly, the United Kingdom further submits that the Republic of Cameroon, which only became a member of the United Nations on 20 September 1960, is not a Member of the United Nations entitled to do so.

26. The jurisdiction of the Court under Article 19 of the Trusteeship Agreement exists only in the event of a “dispute” arising between the United Kingdom and another Member of the United

Nations "relating to the interpretation or application of the provisions" of the Agreement, and only if such dispute cannot be settled by negotiation or other means. The Republic of Cameroon in paragraph 3 of its Memorial states that "the first three complaints" enunciated in its Application "are based upon the breach of the Trusteeship Agreement" and that "the remainder put in issue the Trusteeship Agreement and resolution 1473 (XIV) of the General Assembly dated 12 December 1959" (Annex V (38)). In paragraph 4 of the Memorial, the Republic seeks to rely upon protests made in the Trusteeship Council and elsewhere and upon its Note of 1 May 1961 to the United Kingdom. The fact that this Note referred to "complaints of a legal character" and enumerated "points of law" as constituting the subject of the Republic's "dispute" with the United Kingdom cannot, by itself, cause a dispute to arise. Nor could the additional fact that the Note of 1 May 1961 was answered by a Note from the United Kingdom of 26 May 1961 give rise to a dispute relating to the interpretation or application of the provisions of the Trusteeship Agreement. Nor did the making of complaints alleged to be based on breach of that Agreement constitute such a dispute. Even if there were disagreement between the United Kingdom and a Member of the United Nations relating to the conduct of the trusteeship and the disagreement were a "dispute", Article 19 of the Trusteeship Agreement would not entitle a Member of the United Nations to invoke the jurisdiction of the Court in order to "put in issue the Trusteeship Agreement and resolution 1473 (XIV) of the General Assembly".

27. The Republic of Cameroon has not any right either on its own account or on behalf of the inhabitants of the Northern Cameroons to put in issue the Trusteeship Agreement and the resolution of the General Assembly nor did the Republic acquire any such right as a result of the Southern Cameroons joining the Republic on 1 October 1961.

28. The Republic of Cameroon seeks to attach importance to the fact that the word "whatever" follows the words "any dispute" in Article 19. They say that the jurisdiction of the Court is very wide. But wide though it may be, it depends upon the existence of a dispute relating to the interpretation or application of the provisions of the Agreement. In the submission of the United Kingdom, there is not and has not been a dispute between the United Kingdom and the Republic of Cameroon of the character required in order to give the Court jurisdiction. The Republic in paragraph 1 of its Memorial seeks to rely upon Article 36 (2) (a) and (c) of the Statute of the Court. In the absence of a declaration by the Republic of Cameroon accepting the jurisdiction of the Court as compulsory *ipso facto* and without special agreement, as required by Article 36 (2), the references to Article 36 (2) (a) and (c) are

irrelevant and throw no light upon the construction to be placed on Article 19 of the Agreement.

29. The Trusteeship Agreement was made between the United Kingdom on the one hand and the United Nations on the other hand¹. The Republic of Cameroon was never a party to the Trusteeship Agreement and only enjoyed the benefits of membership of the United Nations from 20 September 1960.

30. If it be the case that the Republic of Cameroon on and after 20 September 1960 was entitled to rely on Article 19 of the Agreement, it is not in the submission of the United Kingdom entitled to rely upon matters occurring during the currency of the Agreement prior to 20 September 1960 to establish a dispute before that date with the United Kingdom for the purpose of giving the Court jurisdiction. Nor, in the submission of the United Kingdom, in the event of a dispute sufficient to comply with the requirement of Article 19 arising after 20 September 1960, is the Republic of Cameroon entitled to ask the Court to pronounce upon matters which occurred before that date. By becoming a Member of the United Nations, the Republic of Cameroon cannot avail itself of Article 19 so as to give the Court jurisdiction to adjudicate on matters in relation to which it would have had no jurisdiction if the application had been made before 20 September 1960.

31. Further, in the submission of the United Kingdom, the object of Article 19 of the Agreement was not to give any Member of the United Nations the right to bring the United Kingdom before the Court on account of the way in which it discharged its obligations in respect of the inhabitants of the territory under the Agreement made with the United Nations for which the United Kingdom was answerable to the General Assembly but to provide a method for adjudication of disputes relating to the obligations specifically undertaken in relation to Member States and their nationals in the Agreement. The United Kingdom recognizes the width of the language of Article 19 but will contend that from a consideration of the Charter and the Agreement it is clear that Article 19 was not intended to provide machinery whereby a Member State could ask the Court to adjudicate upon the discharge by the United Kingdom of its obligations in respect of the

¹ The Trusteeship Agreement was registered *ex officio* by the Secretariat of the United Nations on 1 October 1947 under Registration Number 118 (United Nations *Treaty Series*, Vol. 8, p. 119). Article 4 of the Regulations adopted by the General Assembly to give effect to Article 102 of the Charter (resolution 97 (I) of 14 December 1946) provides that registration *ex officio* shall take place in the following cases:

- (a) Where the United Nations is a party to the treaty or agreement.
- (b) Where the United Nations has been authorized by the treaty or agreement to effect registration.

As the Trusteeship Agreement makes no reference to registration, that can only have been done on the basis that the United Nations was a party to the Agreement.

inhabitants of the territory under the Agreement made with the United Nations and so to duplicate the responsibilities of the General Assembly and Trusteeship Council.

32. The United Kingdom submit that to interpret Article 19 in the way contended for by the Republic of Cameroon so that the Court can now hold an inquest upon the conduct of the United Kingdom during the currency of the Trusteeship Agreement would be to put an unreasonable interpretation not merely on Article 19 itself but upon the Trusteeship Agreement and Chapter XII of the Charter. Under the Trusteeship Agreement and the Charter, the United Kingdom was to be accountable to the General Assembly, whose duty it was to supervise the discharge of the obligations of the United Kingdom in respect of the inhabitants of the country. It was not, in the submission of the United Kingdom, intended that individual Members should be entitled to indict the United Kingdom before the Court with regard to the manner in which the United Kingdom discharged its trust. The forum for such complaints was to be the United Nations, either the General Assembly or the Trusteeship Council. Moreover it was intended, the United Kingdom submits, that the United Nations in collaboration with the administering authority should have the right and the duty to settle such matters definitively. It was not, the United Kingdom submits, intended that decisions of these organs should be subjected to judicial review by the Court at the instance of individual Members of the United Nations, and particularly of a Member of the United Nations who did not become a Member until long after the execution of the Trusteeship Agreement. To maintain, therefore, that Article 19 has such an effect as the Republic of Cameroon claims, is to place an unreasonably wide construction upon Article 19 and one that is untenable in the light of the Trusteeship Agreement taken as a whole and of the Charter.

33. It was considerations such as these which led the British Government to maintain, as they did in their Note of 26 May 1961 (see Annex 2 to Cameroon Memorial), the following:

(a) "But the dispute in this case does not appear to be between them (the British Government) and the Cameroon Government, but between the Cameroon Government and the United Nations General Assembly¹. In administering the Cameroons Her Majesty's Government have throughout acted under the supervision of the United Nations General Assembly and in accordance with its directives. The policies or practices with which the Cameroon Government find fault have been endorsed by the United Nations and it would not be proper for Her Majesty's Government to take upon themselves the submission to the International Court of a dispute concerning them. Her Majesty's Government's obligations as ad-

¹ That the Republic of Cameroon was in dispute with the United Nations was admitted by its delegation in the Fourth Committee on 13 April 1961 (A/C.4/S.R. 1141, p. 11: 2nd to 4th lines on the page).

ministering authority are to the United Nations rather than to any one particular Member."

(b) And, referring to certain criticisms of the United Kingdom's conduct which the Cameroon Government had made or circulated in the United Nations, the British Government stated:

"These criticisms, together with the United Kingdom's answers to them, were presumably taken into account by the United Nations General Assembly in reaching its decision. To refer the matter to the International Court would call this decision in question and introduce an element of uncertainty into a matter decided upon by a large majority of the United Nations General Assembly in accordance with the wishes (as Her Majesty's Government believe) of the majority of the population of the Northern Cameroons."

These views were held by the British Government in May 1961. They are held now and in the submission of the United Kingdom they are correct.

C. THE CAMEROON COMPLAINTS DO NOT FALL WITHIN ARTICLE 19 OF THE TRUSTEESHIP AGREEMENT

34. In resolution 1608 (XV) of 21 April 1961 (Annex V (40)), the General Assembly *endorsed* the result of the plebiscites (para. 2), *considered* that the people of the two parts of the Territory (the Northern and Southern Cameroons) had freely and secretly expressed their wishes with regard to their respective futures in accordance with the previous General Assembly resolutions on the subject (para. 3) and *decided* that the Trusteeship Agreement of 13 December 1946 should be terminated with respect to the Northern Cameroons on 1 June 1961 upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria (para. 4) and with respect to the Southern Cameroons on 1 October 1961. This resolution was passed by the General Assembly after a long debate in the Fourth Committee and after the Republic of Cameroon had made the allegations now repeated in its Application to the Court and its Memorial. The Republic is thus by its Application to the Court of 1 May 1961 seeking to reverse the decision of the General Assembly. In the submission of the United Kingdom, that is inadmissible and Article 19 of the Trusteeship Agreement does not give the Court jurisdiction to do this.

35. In its Application to the Court, the Republic of Cameroon asks the Court—

"to adjudge and declare ... that the United Kingdom has, in the application of the Trusteeship Agreement of 13 December 1946 failed to respect certain obligations directly or indirectly flowing therefrom on the various points set out" in the Application.

This prayer is repeated in its Memorial, in paragraph 5 of which it is stated,

“... it solely upon the basis of law that the Government of Cameroon proposes to place itself”

and in paragraph 6 of which it is stated,

“The Government of Cameroon proposes simply to ask the Court to state the law, and no more.”

It appears from these passages in the Application and the Memorial that the Republic of Cameroon is not seeking any decision from the Court, but solely a statement of the law. It is, in effect, seeking to obtain from the Court an Advisory Opinion with regard to the execution of the Trusteeship Agreement which terminated the day after the Republic filed its Application to the Court. In the submission of the United Kingdom, Article 19 of the Agreement was not intended to and does not have the effect of enabling the Republic of Cameroon to obtain such an Opinion; and the Republic is not entitled to seek such an Opinion under the guise of a declaratory judgment. The late Judge Sir Hersch Lauterpacht stated in his book *The Development of International Law by the International Court* (1958) p. 250), after referring to the fact that the Court has recognized that “there are certain limits ... to the Court’s duty to reply” to requests for advisory opinions,

“The Court has exhibited a similar tendency in relation to the question of its competence to render declaratory judgments—a matter in a sense connected with Advisory Opinions inasmuch, unless the rendering of declaratory judgments, i.e. judgments unrelated to a concrete claim for redress in respect of an alleged particular act, is kept within limits, the jurisdiction of the Court might be used as a means for obtaining Advisory Opinions by States (as distinguished from requests by an authorized organ or specialized agency of the United Nations). The Statute wisely makes no provision for requests for Advisory Opinions, which are not binding, by individual States...”

The Republic of Cameroon is not seeking any redress; it is seeking to secure condemnation of the conduct of the United Kingdom in relation to the Trusteeship Agreement over a long period of time, and a period antecedent to its membership of the United Nations and a period which terminated the day after the Republic filed its Application to the Court. In the circumstances, in the submission of the United Kingdom, the Court should refuse to hear the Republic’s claim and should reject it.

36. Further examination of the Application and the Memorial, however, shows that, despite the statements to the contrary quoted above, no questions of law are involved, except possibly on one point, and the Court is not being asked to state the law but to pronounce almost entirely upon questions of fact. The complaints of the Republic of Cameroon are listed on page 19 of its Application. They are as follows:

“(a) The Northern Cameroons have not, in spite of the text of Article 5, paragraph (b), of the Trusteeship Agreement, been administered as a separate territory within an administrative union, but as an integral part of Nigeria.”

As to this, the manner in which the Northern Cameroons has been administered is a question of fact. The effect of Article 5 of the Agreement is a question of law, but it cannot seriously be argued that the Agreement required administration as a separate territory when the Article expressly provides for its administration “as an integral part” of the Administering Authority’s territory.

“(b) Article 6 of the Trusteeship Agreement laid down as objectives the development of free political institutions, a progressively increasing share for the inhabitants of the Territory in the administrative services, their participation in advisory and legislative bodies and in the government of the Territory. These objectives, in the opinion of the Republic of Cameroon, have not been obtained.”

Whether or not they have been obtained is a question of fact. Even if the opinion of the Republic was right, no question of the interpretation or application of the Trusteeship Agreement (see Article 19 of the Agreement) is involved.

“(c) The Trusteeship Agreement did not authorize the Administering Power to administer the Territory as two separate parts, contrary to the rule of unity, in accordance with two administrative systems and following separate courses of political development.”

The Trusteeship Agreement replaced the Mandate under which the Northern and Southern Cameroons were two separate parts. The Agreement did not, nor did the General Assembly or Trusteeship Council after its conclusion, require the two parts to be joined, to be administered together and to follow the same course of political development.

“(d) The provisions of paragraph 7 of resolution 1473 relating to the separation of the administration of the Northern Cameroons from that of Nigeria have not been followed.”

Whether or not the provisions of the resolution have been followed is a question of fact. No question of the application or interpretation of the Trusteeship Agreement is involved.

“(e) The measures provided for in paragraph 6 of the same resolution in order to achieve further decentralization of governmental functions and the effective democratization of the system of local government have not been implemented.”

Whether they have or have not been implemented is a question of fact, not involving the interpretation or application of the Trusteeship Agreement.

“(f) The conditions laid down by paragraph 4 of the resolution for the drawing up of electoral lists were interpreted in a discrimi-

natory manner, by giving an improper interpretation to the qualification of ordinary residence."

This too is a question of fact, not involving the interpretation or application of the Trusteeship Agreement.

"(g) Practices, acts or omissions of the local Trusteeship authorities during the period preceding the plebiscite and during the elections themselves altered the normal course of the consultation and involved consequences in conflict with the Trusteeship Agreement."

Whether they did so or not is a question of fact, not involving the interpretation or application of the Trusteeship Agreement.

D. THE APPLICATION AND THE MEMORIAL DO NOT MEET THE REQUIREMENTS OF THE RULES OF COURT

37. Article 32 (2) of the Rules of Court requires that the application should as far as possible state the precise nature of the claim and give a succinct statement of facts and ground on which the claim is based, these facts and grounds being developed in the Memorial to which the evidence will be annexed. In the submission of the United Kingdom, neither the Application nor the Memorial of the Republic of Cameroon complies with this Rule. The Court is asked to declare in both documents that the United Kingdom "failed in certain obligations directly or indirectly flowing therefrom [from the Trusteeship Agreement] on the various points set out above". The "various points set out above" are presumably those stated in the preceding paragraph, but neither the Application nor the Memorial specify the "certain obligations" flowing from the Agreement which it is alleged that the United Kingdom failed to fulfil. For instance, the opinion of the Republic that the objectives specified in Article 6 of the Agreement have not been attained, is no evidence of the fact if it be the fact, and no ground for alleging a breach by the United Kingdom of the Agreement. Moreover, the two annexes filed by the Republic do not constitute evidence in support of any claim by the Republic.

E. CONCLUSION

38. In the submission of the United Kingdom, the Court is for the reasons stated without jurisdiction in the present case and should refuse to hear it. But rather than that they should remain unanswered, the United Kingdom will answer as systematically as possible, despite their vagueness, the allegations made by the Republic of Cameroon in its Application and Memorial.

PART II

The Legality of the United Kingdom Administration of the Trust Territory**Introduction**

39. Part II of the Memorial of the Republic of Cameroon in effect makes three allegations against the United Kingdom in respect of its administration of the Trust Territory:

- (a) first, that the United Kingdom, in breach of the Trusteeship Agreement, administered the Northern Cameroons as an integral part of Nigeria;
- (b) secondly, that the United Kingdom, in breach of the Trusteeship Agreement, divided the Trust Territory for administrative purposes, into the Northern and Southern parts; and
- (c) thirdly, although the precise nature of this allegation is not clear from the Memorial, it is apparently suggested that the United Kingdom failed to fulfil the objectives of the Trusteeship, as set out in Article 76 of the Charter and in the Trusteeship Agreement itself.

A. ALLEGATION CONCERNING THE ADMINISTRATION OF THE NORTHERN CAMEROONS AS AN INTEGRAL PART OF NIGERIA

40. The first allegation, namely that the administration of the Northern Cameroons as an integral part of Nigeria constituted a breach of obligations undertaken by the United Kingdom in the Trusteeship Agreement, ignores the plain words of paragraphs (a) and (b) of Article 5 of the Agreement which expressly require the administration of the Trust Territory as an integral part of United Kingdom territory (such as Nigeria then was) and authorize it to be constituted into an administrative union with adjacent territories under United Kingdom sovereignty or control (which in this case could only mean the provinces of Nigeria)¹.

41. The facts on which the British Government rely are fully set out in Annexes II and III to this Counter-Memorial. From these facts the following conclusions about the nature of the territory administered can be drawn:

- (a) The shape and nature of the Territory was such as to make administration of the British Cameroons as an entity impracticable.
- (b) Administration of the Territory as an entity would not, if practicable, have been desirable, since:

¹ The full terms of Article 5 (a) and (b) are set out in paragraph 17 of Part I hereof.

- (i) The boundary of the former German protectorate was a historical accident resulting from the trading dominance acquired by the Germans in various parts of the territory from 1880 onwards.
 - (ii) The German protectorate consisted of fragments of regions which had once been entities in so far as they remained at all constant in the fluctuating fortunes of tribal wars. In particular, it included a small part of Adamawa and a small part of Benue—the rest of these empires being included in Nigeria and French Equatorial Africa.
 - (iii) Consequently, the boundaries of the Territory placed under British administration cut across tribal areas and there were rarely ethnic or religious ties between the various groups of inhabitants in different areas within the Territory. In particular, the peoples of the Northern Cameroons had greater ethnic and religious affinities with their neighbours in contiguous Nigeria than with the peoples of the Southern Cameroons.
 - (iv) Economically, there was not the slightest prospect of the Territory becoming a viable independent economic unit.
- (c) For the reasons stated in subparagraph (b) above, it was more desirable that the Northern Cameroons should be administered together with the Northern region of Nigeria.

The facts on which these conclusions are based show that it was in accordance with the interests of the inhabitants and with the objectives of the Trusteeship Agreement to administer the Northern Cameroons as an integral part of Nigeria.

42. Not only is it clear that this method of administration was in accordance with the Trusteeship Agreement, but, as shown in Annex III to this Counter-Memorial, the facts and circumstances were at all material times fully known to the Trusteeship Council and the General Assembly, under whose supervision the Territory was administered. The situation was known by the General Assembly at the time when the Trusteeship Agreement was approved, and was fully investigated both by the Trusteeship Council itself and by United Nations Visiting Missions and by the Committee on Administrative Unions.

43. At no time did the Trusteeship Council or the General Assembly adopt any resolution taking the position that the manner in which the Northern Cameroons was administered by the United Kingdom was incompatible with Article 5 of the Trusteeship Agreement. Nor did the Trusteeship Council ever find it necessary to avail itself of the opportunity given by subparagraph (c) of General Assembly resolution 224 (III) (Annex V (5)) to request an advisory opinion of the Court as to whether this form of administration was within the scope of and compatible with the Charter of

the United Nations and the Trusteeship Agreement. On the contrary, supervision by the General Assembly and the Trusteeship Council was exercised on the basis that the territory was so administered. It is completely without foundation to suggest now that the administration was in any way a breach of the Trusteeship Agreement or of the United Nations Charter.

B. ALLEGATION CONCERNING THE DIVISION OF THE TRUST TERRITORY INTO THE NORTHERN AND SOUTHERN CAMEROONS

44. With respect to the second allegation, the Trusteeship Agreement contains no express prohibition against the division of the Cameroons into two parts for the purposes of administration. As in the case of all international agreements, the Trusteeship Agreement is to be interpreted in the light of the surrounding circumstances, the history of its conclusion and the subsequent practice of the parties.

45. The facts set out in Annex II to this Counter-Memorials explain why it was neither practicable nor in the best interests of the inhabitants to administer the two parts of the Territory as a single entity. Certain of the conclusions to be drawn from those facts have been set out in paragraph 41 above and these are also relevant to the present issue. In addition, there is the consideration that the physical character of the Territory made contact between the northern and southern parts of it extremely difficult. The fact is that the Trust Territory was "not a country in the ordinary sense of the term but a geographical expression" (see the report of the Mandatory Power to the Permanent Mandates Commission for 1929 quoted in paragraph 7 of Annex III). Furthermore, it must be borne in mind that the principle on which the Territory was governed was that of indirect rule, which sought to bring political and social advancement to the inhabitants by working through existing tribal institutions. Consequently, the preservation of the existing tribal and religious affiliations referred to in paragraph 41 above assumed importance and led to considerable differences of political organization as between the Northern Cameroons and the Southern Cameroons.

46. Having regard to these facts it is, in the submission of the British Government, clear that the Trusteeship Agreement was not intended to require the administration of the Territory as a single unit. Once more, they rely on the fact that the division of the Territory into the Northern Cameroons and the Southern Cameroons was known to the General Assembly at the time when the Trusteeship Agreement was approved and formed the basis on which the Trusteeship Council and the General Assembly exercised their supervision throughout the period of the trusteeship.

47. It may, moreover, be noted in particular that both General Assembly resolution 1350 (XIII) (Annex V (34)) and General Assembly resolution 1473 (XIV) (Annex V (38)), concerning the future of the Trust Territory, recognized the division of the Territory into two parts and recommended separate plebiscites in each part. Indeed, the General Assembly provided by resolution 1608 (XV) (Annex V (40)) for the termination of the Trusteeship Agreement for each part separately and at different times. The complaints of the Republic of Cameroon imply that the General Assembly itself approved of and committed breaches of the Trusteeship Agreement.

C. ALLEGATION CONCERNING FAILURE TO FULFIL THE OBJECTIVES OF THE TRUSTEESHIP

48. The third allegation made in the Memorial seems to be that the United Kingdom, in its administration of the Trust Territory, failed to achieve the basic objectives of the trusteeship. This allegation is made in the vaguest terms and with virtually no evidence to substantiate it. In the submission of the British Government, it is disposed of by the facts set out in Annexes II and III to this Counter-Memorial. The method of administration adopted from the beginning of British administration was specifically designed to meet the needs of the Territory. In the geographic, ethnic and historical context described in Annex II the United Kingdom sought to govern on the basic principle of indirect rule. The reasons for this are explained in Annex III, and can be summarized by saying that the object was to educate the local inhabitants "to manage their own affairs and to evolve from their own institutions a mode of government which shall conform to civilized standards", rather than to impose alien institutions however praiseworthy they might be. This form of government was approved by the Permanent Mandates Commission. When the Territory became subject to the Trusteeship Agreement in 1946 this method of government was continued in the pattern of affairs resulting from Nigeria's gradual evolution towards independence, but with a full consciousness, as appears from Annex III, of the ultimately separate and severable responsibility of the United Kingdom towards the Trust Territory.

49. From 1 October 1960, when the Federation of Nigeria became independent, until the termination of the trusteeship in respect of the Northern Cameroons, that part of the Territory was administered as an independent entity, although its existence as a separate entity after the conclusion of the plebiscite was not in fact contemplated, the choice before the people being either union with the Federation of Nigeria or union with the Republic of Cameroon. In this interim period, in circumstances radically different from those envisaged by the Trusteeship Agreement, the

United Kingdom sought (in the manner described in Annex III) to implement General Assembly resolution 1352 (XIV) (Annex V (35)) and to continue to fulfil its obligations under the Trusteeship Agreement.

50. The basic objectives of the trusteeship system are contained in Article 76 of the United Nations Charter. They are:

“(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, and as may be provided by the terms of each trusteeship agreement;

(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 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 justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.”

51. In fulfilment of the aims prescribed in Article 6 of the Trusteeship Agreement¹, the Trust Territory in some 44 years of British administration, proceeded on a course of political and social evolution which, overcoming formidable obstacles of every kind, ultimately allowed the two parts of the Territory to take their place as integral parts of the independent sovereign States of the Federation of Nigeria and the Federal Republic of Cameroon.

52. The burden of substantiating this general allegation is, therefore, a heavy one. It must also overcome the simple and fundamental fact that the General Assembly and the Trusteeship Council of the United Nations were at all times in full possession of the facts concerning United Kingdom administration of the Territory. As already indicated in paragraph 42 above, year by year, the British Government as Administering Authority reported on every aspect of its administration to the Trusteeship Council. It provided each year a detailed description and analysis, with abundant statistics, of the development of the Territory. The Trusteeship Council was, therefore, fully able to follow this development in all its aspects and to assist the General Assembly, in accordance with paragraph 2 of Article 85 of the Charter, in exercising its supervision over the administration of the Trust Territory. Once again, it must be observed that at no time did the General Assembly or the Trusteeship Council record its opinion that the United Kingdom had failed

¹ Article 6 is fully summarized in paragraph 18 of Part I of this Counter-Memoriam.

to meet its obligations as Administering Authority in promoting the aims and objectives of the trusteeship.

PART III

The Course of the Plebiscite Operations

Introduction

53. The allegations made by the Republic of Cameroon in its Memorial are of a most serious character for one Government to make against another Government and the burden of proving them rests squarely on the Government of the Republic. They are presented in the Memorial without any attempt to support them with evidence or even to suggest that evidence is available to support them. Further, the Memorial does not specify what legal obligations of the United Kingdom are alleged to have been broken in the conduct of the second Cameroons plebiscite or how they have been broken.

54. It is, therefore, submitted that the Memorial does not make out any case for the British Government to answer in so far as it is based on the "Course of the Plebiscite Operations". Nevertheless, while in no way admitting the Republic's allegations either in fact or in law, the British Government wish to offer the following comments on Part III of the Memorial.

55. The preparation and conduct of the plebiscite held in 1961 in both the Northern and Southern Cameroons were supervised on behalf of the United Nations by the United Nations Plebiscite Commissioner, Dr. Djalal Abdoh, and his staff. Dr. Abdoh, who was appointed as United Nations Plebiscite Commissioner by secret ballot at the 794th meeting of the General Assembly on 13 March 1959, made a comprehensive report on the plebiscite contained in document T/1556 which was placed before the Trusteeship Council at its Eleventh Special Session in April 1961, and was placed before the General Assembly at its Fifteenth Session in April 1961, as document A/4727 of 11 April 1961. That report does not make and does not support any allegation of breach by the United Kingdom of the Trusteeship Agreement or of the United Nations Charter in any way in connection with the plebiscite in the Northern Cameroons. The British Government relies on the conclusions drawn in that report and denies the allegations made in the Memorial of any misconduct or any breach of the Trusteeship Agreement or of the Charter in connection with the plebiscite.

A. THE PREPARATION OF THE PLEBISCITE

(a) Conduct of Registration.

56. The distinctions between qualifications for voting in the Northern and Southern Cameroons flowed from the United Nations

resolutions 1352 (XIV) (Annex V (35)) and 1473 (XIV) (Annex V (38)) cited in the Memorial. The criterion for voting in the Northern Cameroons was the same in 1961 as for the 1959 plebiscite, but the Memorial does not seek to impugn the earlier plebiscite. The term "ordinarily resident" was fully discussed in and explained to both the Fourth Committee and the General Assembly itself before resolution 1473 (XIV) was adopted unanimously in December 1959. In any event, the distinction was not caused by "inadequacy of action" in the Northern Cameroons, as may be inferentially alleged, although the Memorial provides no evidence in support of any such allegation.

57. In fact, the distinction can be largely traced to the disagreement between Government and opposition in the Southern Cameroons on the qualifications for voting in the Southern Cameroons, which became apparent at the thirteenth session of the General Assembly. Discussion in that territory failed subsequently to produce agreement between the parties. There was no such background of internal factional interests in the Northern Cameroons and consequently some distinction in the form of the qualifications was to be expected.

58. As the Memorial correctly states, in the Northern Cameroons persons were registered who could satisfy the simple conditions set out in Dr. Abdoh's report at paragraph 375, but these conditions in no way conflicted with the relevant General Assembly resolution (No. 1473 (XIV), Annex V (38)).

59. The British Government deny the allegations that the registration was not carried out under the proper control of the United Nations and that the representatives of the pro-Cameroon parties were not permitted to follow its course. On the contrary, the proper conduct of registration under United Nations supervision is expressly affirmed by paragraph 379 of Dr. Abdoh's report which reads as follows:

"The registration itself was well conducted over the whole of the period. With the vigilance of Registration Officers and United Nations Observers, and with the aid of the Registration Supervisors, who were normally assigned to oversee the personnel in three to five registration areas, most of such minor errors such as omissions of names and faulty serialisation of registration numbers were corrected."

60. The British Government further deny that "electors likely to vote for reunification with Cameroon were systematically left off the registers" and the innuendo in the statement that this was done by "the Chiefs faithful to Nigeria". In fact, registration of voters in the Northern Cameroons was carried out by Assistant Registration Officers recruited in the manner described in paragraphs 368 and 369 of Dr. Abdoh's report which read as follows:

"368. To carry out the registration of voters in the 346 registration areas of the Northern Cameroons, the Administration required a total of 430 Assistant Registration Officers. These officials were recruited from within the Trust Territory with the exception of twenty-five students of the Numan Teacher Training College which is situated in Adamawa Province in the Northern Region, but it is worthy of note that half their number were indigenous to the Northern Cameroons. The Assistant Registration Officers were recruited from the various educational establishments inside the Territory including the staff and pupils of the Teacher Training Colleges at Baissa and Mubi, of the senior primary schools, and teachers from the various Native Authority and voluntary agency schools.

369. Since it was the first time that women had been given the right to vote in the Northern Cameroons, the Administration made every effort to recruit suitably qualified women to serve as Assistant Registration Officers and thus to lend encouragement to potential women voters to come forward to register. A total of twenty-five women served as registration officials in the various districts in the Northern Cameroons, and United Nations Observers and Administration Officials alike attested to their efficiency and effectiveness."

61. It is not clear precisely what allegation is based on the increase in the number of registered voters in Mubi and the two districts of Dikwa. There was not, however, anything sinister in this increase which was partly due to the registration of women voters for the first time, partly to increased interest in the active campaign pursued by the advocates of both points of view in the plebiscite and partly to natural causes.

(b) Distribution of Voting Papers.

62. The impartiality of the operation is doubted by reference to an allegation that agents in the pay of the Government of Nigeria distributed voting papers. This is denied and the inference is consequently unsupported. No paid agents of the Nigerian Government had any opportunity of distributing voters' cards. These were distributed by the Assistant Registration Officers, who were almost entirely inhabitants of the Northern Cameroons (para. 368 of Dr. Abdoh's report, *op. cit.*). This was in accordance with paragraph 7 of the Northern Cameroons Plebiscite (Registration) Regulations 1960 (Annex XVII to the report of the United Nations Plebiscite Commissioner), which laid down in detail how persons were to be registered and cards issued.

63. It is denied that persons wishing to protest to the United Nations Observer at Mubi were prevented from doing so for fear of reprisals, or that the police interrogated those who did so. Neither the United Nations Observer at Mubi nor any resident of Mubi made any such complaint to the Administrator or his staff. The United Nations Office in Mubi, together with that of the Administrator, the Resident and the District Officer, were on an open site

and were naturally close together in that they had all been constructed specially for the administration of the plebiscite. The police did not interfere in any way with access by inhabitants of the Trust Territory to the United Nations Plebiscite Commissioner or the observers. It is significant that no case in which they did so is cited.

(c) Psychological Climate.

64. The allegations made under this heading, without any evidence in support, are generally denied.

65. The allegation of an "unfavourable psychological climate" can best be considered by reference to the full comments on the general political situation in paragraphs 523 to 533 of Dr. Abdoh's report. Dr. Abdoh states that in matters to which he drew attention he had the co-operation and understanding of the Administrator and that measures taken as a result of allegations and complaints went a long way towards removing obstacles to the exercise of political rights by all concerned.

66. Similarly, the report, paragraphs 452 to 457, treats in great detail of the question of arrest, which answers in factual terms the somewhat generalized allegations of arrest and imprisonment which are denied.

67. Dr. Abdoh does not refer at all to the visit of the Secretary-General of the Cameroon Ministry of Foreign Affairs in the context in which it is placed in the Memorial, nor does he refer to the alleged arrest of more than 300 supporters of "reunification" returning from Maroua.

68. The United Nations Observers were from time to time asked to ascertain the facts in regard to alleged arrests. The results of investigations are fully set out by Dr. Abdoh, and the pattern and conclusion of one of these enquiries may be mentioned as an example in rebuttal of the charges. On 11 November, Mallam Umaru Micika, President of the KFP (a party favouring union with the Cameroon Republic), made an allegation that the prison had been filled with people because of their political associations. He was asked for the prisoners' names, but was unable to provide any. He then asked permission to visit the jail so that he could find out who they were. He visited the jail and produced a list of seven cases. Other names were added by another person bringing the total to 12. Of these only seven cases of imprisonment could possibly be considered to have arisen from offences having any political connotation. These cases are listed in paragraph 455 of Dr. Abdoh's report. Dr. Abdoh shows that the possibility of allowing persons charged with offences to be represented by counsel of their choice was considered but ruled out because no provision existed for the appearance of defence lawyers in Native Court procedure.

69. His report shows, further, that steps were taken by the Administrator to meet his anxieties about cases arising in particular under section 393 of the Penal Code of Northern Nigeria.

70. Dr. Abdoh describes (para. 461) an investigation carried out by the United Nations Liaison Officer at Mubi, together with the Resident and Mallam Yero, the representative of the Government of Cameroon, into all prisoners at that time in Mubi jail. Mallam Yero visited the jail to interview these prisoners and on the basis of these interviews, a list was prepared showing that there were only 15 cases of offences in connection with political meetings. Dr. Abdoh adds:

“According to the report of the Senior District Officer, upon conclusion of the questioning Mallam Yero expressed himself as being satisfied that the persons concerned had been imprisoned on reasonable and legitimate grounds, and only requested that the four prisoners awaiting trial should be brought before the Courts as soon as possible. This, the Senior District Officer assured him, would be done. Mallam Yero also warned three of the prisoners he had seen that since permits were required to hold political meetings, they should have observed the law. He told them that similar laws in respect of public meetings existed in the Republic of Cameroon and asked the three persons concerned to convey what he had said to the other prisoners.”

71. The 43 (*sic*) persons referred to by the Cameroon Government as being reported to the United Nations Observer at Mubi on 24 January were investigated by the Plebiscite Commissioner. An analysis of these names and 16 other names submitted, making a total of 58, showed that 11 names were duplicated, eight could not be traced, 10 were released before the plebiscite, one was released on bail before the plebiscite, seven had no political significance, one appeal was dismissed and one allowed, four were awaiting appeal and 15 did not appeal; at the time of the plebiscite 20 of these persons were, in fact, in prison and of these seven were imprisoned on convictions which had no political significance (para. 477).

72. The complaints of arrests came almost entirely from the Madagali, Michika and Mubi districts of the Mubi Native Authority where the parties favourable to unification with the Cameroon Republic had consistently shown themselves as contesting the lawful authority of the newly constituted Native Authority and of the Native Courts. The 35 persons reported on 29 January 1961, mentioned in the pamphlet as arrested are referred to in detail in paragraphs 471 and 472 of the Plebiscite Commissioner's report. Of these persons four were imprisoned and the remainder fined.

73. The Magistrate's judgment indicates that the incident arose from persons making their way into a Native Court and interrupting proceedings. These proceedings had to be suspended. The Magistrate said that “the defence has produced nothing to weaken the prose-

cution evidence... It is clear that the intention of this assembly was to intimidate the native court by a show of force."

B. IRREGULARITIES AND LACK OF SAFEGUARDS DURING THE PLEBISCITE CAMPAIGN

(a) Alleged Discriminatory Measures.

74. These allegations are denied. In respect of freedom of speech, Dr. Abdoh describes in his report how a directive was issued by the Administrator, requiring Native Authorities to grant a permit for any public assembly unless they were satisfied that a breach of the peace was likely to arise. Of the period after this directive was issued, the United Nations Plebiscite Commissioner reports:

"486. There continued to be a few instances in which permits were refused, sometimes for valid reasons, e.g. to hold meetings on market days in or near the market places. In addition, a few permits were refused because the applications were either vague or contained requests for meetings to be held on more than one day. In those cases where the reasons for refusal were different from those set out in the proclamation, representations were made and, usually, following an investigation, the permits were granted."

75. There was no discrimination against those favouring "re-unification". Of the few permits refused, more related to applications by the NKDP/KFP than to applications by the other parties, but in most cases this was because, although the prescribed procedure was well known to the applicants, they neglected to follow it.

76. No permission was required for meetings other than those held in public places. There was no requirement of permission for meetings in private places and no restriction on the number of persons who could attend these meetings. Very many such meetings took place and were attended by anything up to about 200 persons at a time.

77. The allegations of discrimination in respect of political publications can be refuted by reference to paragraphs 490 to 498 of Dr. Abdoh's report. In paragraph 491, he describes how, as a result of a complaint by the NKDP, he agreed with the Administrator that only parties registered in the Northern Cameroons or persons eligible to vote in the plebiscite would be entitled to distribute propaganda posters and leaflets. He adds that subsequently all posters favouring union with Nigeria were properly identified with the name of the printers and the sponsors. In the case of some posters favouring union with the Republic of Cameroon, this was not so.

78. It is denied that documents had, under the law or in practice, to be printed in Nigeria, and that material from the Republic of Cameroon was refused admission. The only requirement under the law was that posters should bear the name of the printer and the

publisher and that persons wishing to publish matter of a political nature should notify the Administrator and deposit with him copies of the text. This law was not intended for purposes of censorship, and was never so regarded. Dr. Abdoh says (at para. 497) "... no charges of censorship were ever made".

79. The Administrator personally advised officials of the NKDP/KFP how they could comply with the law and in fact large numbers of posters printed in the Republic of Cameroon did circulate in the Territory. The allegation that material from the Republic of Cameroon was forbidden may have arisen from the incident referred to in paragraph 498 of the report of the United Nations Plebiscite Commissioner. In this case, a poster published by the NKDP/KFP and printed in the Republic of Cameroon, but not deposited with the Administrator in advance, was withdrawn at the request of the Administrator on the grounds that it could be used to mislead the population.

(b) Alleged Restrictions on Movement.

80. It is denied that movement was improperly restricted as alleged in the Memorial.

81. It is true that under the law as it stood at the beginning of the campaign, vehicles from the Republic of Cameroon were required to carry third-party insurance and registration in the Trust Territory. No vehicle was, however, at any time during the plebiscite campaign prevented from entering the Trust Territory because it lacked these documents, with the single exception of one car that had been involved in an accident.

82. Notwithstanding this, as soon as the Administrator's attention was drawn to the fact by Dr. Abdoh that the law might impede the entry of vehicles, even though it had never been applied for this purpose, he took steps to promulgate a law (described in para. 500 of the report of the Plebiscite Commissioner) which removed these requirements, and to draw it to the attention of the parties.

83. On the general question of complaints made that movement into and out of the Territory was restricted, the United Nations Plebiscite Commissioner states in paragraphs 501 and 502 of his report the following:

"501. ... The United Nations Liaison Officer in Mubi, for his part, reported that he had passed through the frontier between the Territory and the Republic along the road from Mubi to Garoua on at least six occasions and that he had visited the border on at least four other occasions, and that he had not noted any police officers or other authorities posted for the purpose of stopping vehicles. Neither I nor United Nations officials who travelled repeatedly on the road from Mubi to Garoua found a checkpoint on the Northern Cameroons side of the border.

502. With regard to the complaint made ... that persons from the Republic of Cameroon were not freely admitted to the Northern Cameroons, it should be noted that a similar statement had previously been made by persons from within the Territory as well. These complaints were brought to my attention and that of the United Nations Liaison Officer in Mubi, and no evidence was found that the free movement of persons into and out of the Territory had been impeded. In fact, during the period when these complaints were investigated the Mayor of Garoua was moving freely about the Territory, even prior to his accreditation as Liaison and Information Officer from the Republic at Mubi."

(c) Alleged Active Participation of Authorities and Officials in Favour of Nigeria.

84. All allegations of intimidation which are directed in general against British and Nigerian agents and officials, and in particular at the Resident at Mubi, are denied. In so far as they derive from the position and influence of the Resident at Mubi, they are misconceived in their purported factual foundation. The Resident was not in charge of the Administration and was seconded to the Northern Cameroons from Nigeria and paid from Northern Cameroons funds. The allegation as to the future of officials in the event of failure can necessarily be refuted only by comparison with treatment of officials who assisted in the south during the plebiscite. Members of the Nigerian service seconded (in exactly the same way as in the Northern Cameroons) to the Southern Cameroons have been free to revert to the Nigerian service in spite of the result of the plebiscite in that part of the territory.

85. In respect of the employment of officials generally, this is dealt with in paragraphs 420 and 421 of the report of the Plebiscite Commissioner as follows:

"420. As regards expatriate staff, it would have been in the Administrator's view wholly impracticable to bring to the Territory and to employ in its administration expatriate officials from the United Kingdom or from British territories who were neither acquainted with the problems of the area nor able to communicate with the people in the local languages. It was for these reasons that the Administering Authority decided to retain on a secondment basis from the Northern Region Government the services of such numbers of officials (British as well as Nigerians) as were required for the administration of the Northern Cameroons. Their numbers, although limited during the period when the Territory was administered as a part of the Northern Region, had to be supplemented by additional staff when the administration of the Northern Cameroons was constituted as a separate unit with its own administration. These officials, including the newly appointed Resident, were also seconded to the Northern Cameroons from the Northern Region Government.

421. It was inevitable that the links of the above officials with the Northern Region Government, which most of them had served

for some years past, as well as their own sympathies towards Nigeria, would open the door to suspicion of partiality and become the subject of bitter complaints from the parties which favoured union with the Republic of Cameroon. However, no specific evidence of impropriety was brought to light."

86. The allegation in respect of the Arabs of Bama is denied. A full investigation was made into the charges at the time and they were without foundation, and the Resident stated that the facts alleged were incorrect.

87. The allegation in respect of discrimination in the withdrawal of representatives is denied. An identical letter was addressed to the representatives in the Territory of both Governments, inviting them to withdraw on the date in question personalities from outside the Territory who had been advising the parties in the campaign. As explained in the two letters, in addition to the official representatives on each side, one personality and six press and radio representatives were permitted to remain. Both Governments were treated equally and each representative was informed that an identical letter was being sent to the other. Both sides complied with the letter and neither made any complaint.

88. The Government of the Republic of Cameroon alleges that three days before the plebiscite 700 armed police were brought in to the Trust Territory from Nigeria to persuade the population that unless they voted for Nigeria they were liable to be arrested, persecuted and forcibly removed. It is denied that a "considerable number of Nigerians" were permitted to enter to "increase the psychological action undertaken" or for any purpose whatsoever.

89. The allegation as to the entry of 700 police is denied and is totally unfounded, as is clear from paragraph 436 of Dr. Abdoh's report. A total of 15 police were brought into the Territory during January 1961 to bring the establishment up to the agreed figure of 172 for the whole Northern Cameroons. No other police were brought in at all.

90. In view of the reference to "troops", it should perhaps be mentioned that at no time were any army personnel present in the Northern Cameroons, with the exception of the detachment of 101 signals officers and men supplied by the Nigerian army at the express request of the United Nations Plebiscite Commissioner for purposes of radio communication during the voting and counting periods. These units had been present in a similar capacity during the 1959 plebiscite; they performed no other duties than those of communications and carried no arms.

C. IRREGULARITIES AND LACK OF SAFEGUARDS IN
THE CONDUCT OF THE PLEBISCITE

(a) Presiding Officers at Polling Stations.

91. The allegations in respect of these officials are completely refuted by reference to paragraph 574 of Dr. Abdoh's report, which reads as follows:

"A total of 760 Presiding and Polling Officers were recruited from within the Northern Cameroons, with the exception of twenty-five students from the Numan Teacher Training College in Adamawa Province of the Northern region of Nigeria. Of the latter, some were residents of the Northern Cameroons. Although I had requested the Administrator in so far as possible to recruit staff from among qualified persons in the Northern Cameroons, I raised no objection to the employment of these 25 students because these men's previous experience and their knowledge of the difficult Mambilla plateau could most usefully be employed during the polling period. The Presiding and Polling Officers were recruited from among senior and junior primary-school teachers, mission-school teachers and pupils who had completed standard IV or above. Training courses were held at each of the Returning Officers' headquarters, lasting over periods of from eight to nine days. These courses were begun on 28 January and lasted until 6 February. During the training courses, these officials were instructed in the construction of polling stations, the mechanics of polling, and their duties concerning the delivery of ballot boxes to the counting centres and were issued written instructions."

(b) The Secrecy of the Ballot.

92. The allegations as to intimidation by means of defective polling booths and police influence are denied. The polling stations were constructed to a standard design; their construction made it impossible for anyone to see inside the polling booths; no police were anywhere permitted inside the polling stations. At a great majority of polling stations there were no police present at all; in one or two cases where police were used at the polling stations, such police were Native Authority Police (i.e. Northern Cameroonians) and not Trust Territory Police (i.e. Nigerian Police on loan to the Trust Territory Administration and under the authority of the Administrator). It must be recalled that in the entire Territory of the Northern Cameroons the total number of police at the time of the plebiscite was 391 (167 Nigerian Police hired for service in the Northern Cameroons, 45 in the Native Authority Police training unit and 179 other Native Authority Police; the latter 224 were Northern Cameroonians). It would, therefore, have been quite impossible for these to have exercised a significant influence on 378 polling stations, even if they had been present to do so.

93. Furthermore, the "system of two polling stations" in no way prejudiced the fair conduct of the ballot.

94. The reasons for voting on two days in the Northern Cameroons are set out in paragraphs 554 to 556 of Dr. Abdoh's report. In paragraph 556, he writes:

"In order to enable the largest possible number of inhabitants, particularly the recently enfranchized women, to participate in the Plebiscite, and wishing to avoid the introduction of polling staff from outside the Trust Territory, I agreed to the extension of the polling period from one to two days, provided that the Plebiscite Administrator could assure me concerning the safety of the ballot boxes during the night separating the two polling days. The assurances subsequently given to me were entirely satisfactory, and the Plebiscite Administrator designated 12 February 1961 to be an additional Polling Day."

(c) Lack of Minutes of the Polling.

95. In respect of the allegation that the rules for the plebiscite did not provide for minutes of proceedings in which grievances could be entered, the Plebiscite Regulations, approved by the United Nations Plebiscite Commissioner, were substantially similar to those for the Southern Cameroons plebiscite and had been studied by him together with the latter, with a view to obtaining the largest possible degree of uniformity (para. 539 of his report). Provision was made in them for complaints about the conduct of the voting to be made in the form of voting petitions. Not a single voting petition in respect of the North was received under these Regulations (para. 598 of Dr. Abdoh's report).

96. The allegation that some of the ballot boxes arrived sealed and that voters were not called upon to note that they were empty before voting began is denied. Under the Regulations all polling boxes had to be shown empty and open to the polling agents appointed by the two parties before voting began. No complaints were received by the Plebiscite Administrator that this was not done.

(d) Alleged Intervention by Pro-Nigerians.

97. The allegation that there was an overwhelming majority of Nigerians and representatives of pro-Nigerian parties appointed as staff of the polling stations is denied. The method of selecting the Presiding and Polling Officers has been already described above. The vast majority of them were Cameroonians and they were chosen by the Plebiscite Administrator's staff mainly from teachers and pupils, on grounds of their competence to do the work. The other staff at the polling stations were polling marshals and female searchers, who were all Cameroonians.

98. The Government of the Republic of Cameroon alleges that press representatives of the Republic were refused the right to speak to anyone, or even to go into the booths to verify that both the ballot boxes were there.

99. In order to maintain the secrecy of the poll, no one except Plebiscite Officials and United Nations Observers, and the polling agents appointed by the parties, were allowed to go into the booths. The press representatives of the Republic of Cameroon were in fact active members of the campaign force of the parties who advocated union with the Republic and it is understood that they were deputies in the Parliament of the Republic. The United Nations Plebiscite Commissioner writes in paragraph 512 of his report:

“However, I agreed to the Administrator’s suggestion that each of the two Governments concerned be invited to designate six press representatives to come to the Territory to witness the polling and counting of the ballots. Accordingly, invitations were sent by the Administrator to both Governments and, so far as I am informed, the Republic of Cameroon sent one representative to each of the areas in which a counting centre was located. The Government of the Federation of Nigeria, for its part, limited itself to sending a few cinecameramen and photographers to the Territory.”

(e) Alleged Incidents and Victimization.

100. It is denied that the black ballot boxes were positioned so as to favour Nigeria. In paragraph 582 of his report, the United Nations Plebiscite Commissioner describes the siting of the ballot boxes as follows:

“During their course of training, polling staff were instructed in the construction of polling stations and each was provided with a construction plan which required that the stations were built on an axis between the borders of the Republic of Cameroon and the Federation of Nigeria and that the ballot boxes were placed in the respective directions. In this way, a total of 378 polling stations were erected in the 246 registration areas of the Northern Cameroons in locations which had previously been sited by the Returning Officers. The polling staff was also provided with all necessary equipment called for in Regulation 7, before being sent to their stations.”

No complaints were made about this arrangement.

101. The incident at Za was dealt with in accordance with the plebiscite regulations and the facts are that a report was received at Mubi that the Za polling stations had closed down in accordance with the regulations owing to a disturbance having occurred. It was understood that the Presiding Officer had allowed both polling agents to go into the booth unaccompanied and there was an altercation with regard to some ballot papers which had not been placed in either box and this had led to a disturbance and the polling station had been damaged. A superior Police Officer and three Trust Territory Police proceeded to the station during the night which was over 18 miles from the road and he was accompanied by a Polling Supervisory Officer with instructions to reopen the poll on 12 February. In view of the fact that there was a dispute

whether certain ballot papers had or had not been properly placed in a box, the poll at this station was started afresh and was completed on 13 February in accordance with the Regulations. This was the only incident of the kind in all the polling stations.

102. The allegation of intimidation and arrests and the throwing of stones is denied. No more than one or two persons were arrested as a result of disturbances during the days of polling. Dr. Abdoh observes in paragraph 586 of his report that polling on both days "proceeded in an exemplary manner and without major incidents".

(f) Allegations that the Custody of the Ballot Boxes and their Closing Did not Offer Guarantees of Safety.

103. The allegation that the security arrangements for the ballot boxes were inadequate is denied. In paragraph 588 of his report, the United Nations Plebiscite Commissioner states that he is satisfied that the provisions for the security of the ballot boxes were completely adequate. Although there was no provision for the Polling Agents representing the parties to spend the night on the premises where the boxes were kept, they were entitled to affix their own seals to the boxes, and, as the Plebiscite Commissioner says in paragraph 589 of his report, in some cases they did sleep outside the buildings where the boxes were stored. The account given of the demonstration of the sealing process in the presence of the Secretary-General of the Ministry of Foreign Affairs for the Republic of Cameroon is inaccurate. The box which was successfully opened by the Representative of the Cameroon Government had not been properly tied and sealed, as he himself pointed out at the time.

D. IRREGULARITIES AND LACK OF SAFEGUARDS IN THE COUNTING OF VOTES

(a) Transport and Supervision of Ballot Boxes.

104. The counting of votes was completed in three days, which period was shorter than anticipated in all the circumstances. In the Southern Cameroons, about which no complaint is made, counting took four days.

105. The description in the Memorial of the manner in which ballot boxes were collected and numbered is inaccurate. The arrangements are described in Dr. Abdoh's report as follows:

"... Only the Returning Officers and the United Nations observers were in possession of the codes and knew the number belonging to a particular polling station. The Counting Agents, although able at all times to satisfy themselves of the accuracy of the count, could not identify a particular polling station as such. During this procedure the Counting Agents were located at a point close enough to them to observe the coding operation by the Returning Officer and the United Nations Observer, but not close enough to be able

to identify the code number with its polling station. Once the foregoing operation was completed, the opening of ballot boxes, the counting and all other procedures were fully witnessed by the Counting Agent" (para. 589: see also para. 590).

(b) Counting.

106. The inferences suggested by reference to the nationality of the polling officers are not admitted. If, however, the Polling Officers or any of them had a predilection for union with Nigeria, this in no way affected their conduct of the counting operations. Dr. Abdoh describes the choice of counting officers in paragraph 576 of his report as follows:

"... those selected for this important function had for obvious reasons to be selected from amongst non-Cameroonians. Also excluded by common consent were those officials who were primarily charged with the administration of the Territory. In the circumstances, the field of choice was narrowed to technical or contract officers and their wives. In some instances priests and missionary staff were selected to serve. At one counting centre, for example, the counting officers included a priest of the Roman Catholic Church, a nursing sister, two professional engineers and a doctor of medicine."

It may be noted that the same arrangements were made for the selection of counting officers in the Southern Cameroons plebiscite.

107. For reasons of secrecy it was considered necessary that the representatives of the parties should not be able to determine the number of votes cast for their party at each polling station. However, the Counting Agents appointed by the parties were able at all times to satisfy themselves of the accuracy of the count, and all allegations to the contrary are denied.

(c) The Proclamation of the Results.

108. The United Kingdom repeats and relies on the facts set out above to controvert the inferences sought to be drawn from the method of publication of the results of the plebiscite.

E. SUMMARY

109. The British Government thus submit that the allegations in respect of the plebiscite are misconceived.

First, they are frequently based on facts which in the United Kingdom submission are untrue.

Secondly, the inferences drawn from those facts which are admitted are not truly derived therefrom, and the inferences and justifications raised by the United Kingdom present a fair description of the plebiscite.

110. The United Kingdom submits that the conduct of the plebiscite is most fairly summarized in Dr. Abdoh's report at paragraphs 599 to 605.

111. In submitting that the conclusions sought to be drawn by the Republic of Cameroon are incorrect, the British Government rely on the conclusion of Dr. Abdoh in paragraphs 601 and 602 of his report which include the following passages:

"... although the majority of the people of the Northern Cameroons may not have grasped the intricate and complex constitutional implications of the two alternatives, they were aware, nevertheless, that the decision they were called upon to make at the plebiscite meant joining one or other of the two neighbouring countries...

The plebiscite was efficiently organized and conducted by the Administering Authority in accordance with the legislation promulgated for the purpose. In spite of the defects and weaknesses inherent in the situation prevailing in the Northern Cameroons, I am satisfied that the people had the opportunity to express their wishes freely and secretly at the polls concerning the alternatives offered in the plebiscite."

PART IV

Conclusions

112. The British Government submit that the Court should hold and declare—

- (i) that, for the reasons stated in Part I of this Counter-Memorial, the Court has no jurisdiction in this case;
- (ii) that, if, contrary to the submission of the British Government, the Court holds that it has jurisdiction, for the reasons stated in Parts II and III of this Counter-Memorial, the allegations made by the Republic of Cameroon of breach of the obligations of the United Kingdom under the Trusteeship Agreement are without foundation.

(Signed)

Francis VALLAT,
Agent of the Government of the
United Kingdom

Annexes to the Counter-Memorials*Annex I***Trusteeship Agreement for the Territory of the Cameroons under
United Kingdom Administration**

*(As Approved by the General Assembly of the United Nations
at New York on 13 December 1946)*

WHEREAS the Territory known as Cameroons under British Mandate and hereinafter referred to as the Territory has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred on His Britannic Majesty; and

Whereas Article 75 of the United Nations Charter signed at San Francisco on 26 June 1945 provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

Whereas under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under Mandate; and

Whereas His Majesty has indicated his desire to place the Territory under the said international trusteeship system; and

Whereas, in accordance with Articles 75 and 77 of the said Charter, the placing of a territory under the international trusteeship system is to be effected by means of a Trusteeship Agreement;

Now therefore the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for the Territory.

ARTICLE I

The Territory to which this Agreement applies comprises that part of the Cameroons lying to the west of the boundary defined by the Franco-British Declaration of 10 July 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the Cameroons under French Mandate which was confirmed by the exchange of Notes between His Majesty's Government in the United Kingdom and the French Government of 9 January 1931. This line may, however, be slightly modified by mutual agreement between His Majesty's Government in the United Kingdom and the Government of the French Republic where an examination of the localities shows that it is desirable in the interests of the inhabitants.

ARTICLE 2

His Majesty is hereby designated as Administering Authority for the Territory, the responsibility for the administration of which will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 3

The Administering Authority undertakes to administer the Territory in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter, and to facilitate any periodic visits to the Territory which they may deem necessary, at times to be agreed upon with the Administering Authority.

ARTICLE 4

The Administering Authority shall be responsible *(a)* for the peace, order, good government and defence of the Territory, and *(b)* for ensuring that it shall play its part in the maintenance of international peace and security.

ARTICLE 5

For the above-mentioned purposes and for all purposes of this Agreement, as may be necessary, the Administering Authority:

- (a)* shall have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with his own laws as an integral part of his territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this Agreement;
- (b)* shall be entitled to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of this Agreement;
- (c)* and shall be entitled to establish naval, military and air bases, to erect fortifications, to station and employ his own forces in the Territory and to take all such other measures as are in his opinion necessary for the defence of the Territory and for ensuring that it plays its part in the maintenance of international peace and security. To this end the Administering Authority may make use of volunteer forces, facilities and assistance from the Territory in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Territory.

ARTICLE 6

The Administering Authority shall promote the development of free political institutions suited to the Territory. To this end the Administering Authority shall assure to the inhabitants of the Territory a progressively increasing share in the administrative and other services of the Territory; shall develop the participation of the inhabitants of the Territory in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the

particular circumstances of the Territory and its people; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of the Territory in accordance with Article 76 (b) of the United Nations Charter. In considering the measures to be taken under this Article the Administering Authority shall, in the interests of the inhabitants, have special regard to the provisions of Article 5 (a) of this Agreement.

ARTICLE 7

The Administering Authority undertakes to apply in the Territory the provisions of any international conventions and recommendations already existing or hereafter drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter, which may be appropriate to the particular circumstances of the Territory and which would conduce to the achievement of the basic objectives of the international trusteeship system.

ARTICLE 8

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred except between natives, save with the previous consent of the competent public authority. No real rights over native land or natural resources in favour of non-natives may be created except with the same consent.

ARTICLE 9

Subject to the provisions of Article 10 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end:

- (a) shall ensure the same rights to all nationals of Members of the United Nations as to his own nationals in respect of entry into and residence in the Territory, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of persons and property, and the exercise of professions and trades;
- (b) shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of the natural resources of the Territory, and shall not grant concessions having the character of a general monopoly;
- (c) shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations.

ARTICLE 10

Measures taken to give effect to Article 9 of this Agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter to promote the political, economic, social and educational advancement of the inhabitants of the Territory, to carry out the other basic objectives of the international trusteeship system, and to maintain peace, order and good government. The Administering Authority shall in particular be free—

- (a) to organize essential public services and works on such terms and conditions as he thinks just;
- (b) to create monopolies of a purely fiscal character in order to provide the Territory with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interests of the inhabitants of the Territory;
- (c) where the interests of the economic advancement of the inhabitants of the Territory may require it, to establish or permit to be established, for specific purposes, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control; provided that, in the selection of agencies to carry out the purposes of this paragraph, other than agencies controlled by the Government or those in which the Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

ARTICLE 11

Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations, the benefits of Article 9 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of the Territory equality of treatment with the nationals, companies and associations of the State which it treats most favourably.

ARTICLE 12

The Administering Authority shall, as may be appropriate to the circumstances of the Territory, continue and extend a general system of elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and shall similarly provide such facilities as may prove desirable and practicable in the interests of the inhabitants for qualified students to receive secondary and higher education, including professional training.

ARTICLE 13

The Administering Authority shall ensure in the Territory complete freedom of conscience and, so far as is consistent with the requirements of public order and morality, freedom of religious teaching and the free exercise of all forms of worship. Subject to the provisions of Article 8 of this Agreement and the local law, missionaries who are nationals of

Members of the United Nations shall be free to enter the Territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals in the Territory. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of the Territory, and to take all measures required for such control.

ARTICLE 14

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Territory freedom of speech, of the press, of assembly, and of petition.

ARTICLE 15

The Administering Authority may arrange for the co-operation of the Territory in any regional advisory commission, regional technical organization, or other voluntary association of States, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the United Nations Charter.

ARTICLE 16

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter. Such reports shall include information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to the Territory are considered.

ARTICLE 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this Agreement for the purpose of designating the whole or part of the Territory as a strategic area or for any other purpose not inconsistent with the basic objectives of the international trusteeship system.

ARTICLE 18

The terms of this Agreement shall not be altered or amended except as provided in Article 79 and Articles 83 or 85, as the case may be, of the United Nations Charter.

ARTICLE 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or application of the provisions of this Agreement, such

dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.

Annex II

The Geographic, Ethnic and Historical Background

This Annex sets out briefly the geographic, ethnic and historical background of the territory which comprised the Cameroons under British administration. The form which that administration took and the way in which the territory developed can only be understood against this background.

A. GEOGRAPHIC BACKGROUND

1. The territory which comprised the Cameroons under British mandate and trusteeship was a strip of predominantly mountainous country on the eastern frontier of Nigeria, stretching inland for some 700 miles from the Atlantic Ocean to Lake Chad with an average width of 50 miles, broken in the north by a gap of some 45 miles which contains the valley of the River Benue and in which the territory of Nigeria and of the Cameroons formerly under French trusteeship meet. The area of the territory is shown on the map attached as Annex VI¹. The eastern part of Nigeria consists of an extensive low-lying plain rising in the east to the great elevated plateau which extends to the north-west from the Congo Basin and of which the Cameroons which was administered by the United Kingdom is the north-western ridge.

2. Geographically, the territory falls naturally into several areas (a physical map of the territory is attached as Annex VII¹):

- (a) the southernmost area (from the sea-coast to about 5.8° N.), dominated by the Cameroons Mountain (13,350 ft.), consists of a wide belt of broken, forested country containing most of the territory's cocoa plantations. The most northerly town of any size is Mamfe (5.7° N.);
- (b) north of this forest belt (from about 5.8° N. to about 7° N.) is an area of grassy highlands suitable for cattle-grazing, notably the Bamenda and Mambila plateaux, but also containing peaks rising to over 8,000 ft. The northern part of the area is rugged, remote and very sparsely populated; communications through it are difficult, the direction of such river valleys as there are, for example the Rivers Donga, Katsina Ala and Gamana, being generally east-west. The line which divided the territory for administrative purposes into the Northern and Southern Cameroons (see section C (iii) below of this Annex) lay in the northern part of this area;
- (c) north of these highlands (from about 7° N. to about 11° N.) there is, to the east, a long line of broken, rocky hills divided by the low-lying valley of the River Benue, and, to the west, a plain, some

¹ Annex not reproduced in this edition. [*Note by the Registry.*]

1,500 ft. above sea-level, partly covered with tropical orchard scrub which is also typical of the Northern Region of Nigeria. The part of the area south of the Benue River is very sparsely populated, Jada (8.7° N.) being the only town of any size. The northern part is much more densely populated;

- (d) finally, in the north (from about 11° N. to Lake Chad), the hills give way to a flat landscape of sand and black cotton soil and, in the extreme north, marshland on the shores of Lake Chad.

B. ETHNIC BACKGROUND

3. The ethnic structure of the territory formerly under British trusteeship is highly complex, but the main tribal groups are as follows:

- (a) *The Kanuri* entered Bornu (the medieval empire which extended over a very large area south-west of Lake Chad) in the thirteenth century and are still the ruling race in the area of Dikwa. The Bornu area is coloured green on the map at Annex VI¹.
- (b) *The Shuwa Arabs* entered Bornu from the east and are now mostly settled in the extreme north of the territory.
- (c) *The Fulani*, in the first half of the nineteenth century, dominated the large Adamawa and Benue area, of which the portions which formed part of the Cameroons trust territory are coloured yellow and brown on the map at Annex VI. Still the principal tribe of the Adamawa area, they are mostly Moslems of the Sunni sect; their language is the *lingua franca* of Adamawa.
- (d) *The Tikar and Chamba* group. The Tikar migrated southwards under pressure from the Chamba into the Bamenda, Wum and Nkambe area, the northernmost part of the former Southern Cameroons. The area of the Southern Cameroons is coloured pink on the map at Annex VI. The Chamba were, in their turn, driven into the same part of the Southern Cameroons under the menace of a Fulani ruler. Thereafter, Fulani incursions devastated the northern part of the area and broke up the indigenous pagan tribes and constant inter-tribal and internecine fighting led to a great confusion of races and tribes there.
- (e) Finally, there is a large heterogeneous group of other grassland and forest peoples of various origins. In the Northern Cameroons there are still many primitive hill peoples uninfluenced by the Moslem culture of the people of the plains. In the Southern Cameroons, there are large numbers of peoples of different kinds and origins, some influenced by the Tikar and Chamba culture, but for the most part the picture is of a tribal pattern complex in the highest degree, the result of constant migrations and of interaction among small groups of peoples.

4. The predominant religions of the former trust territory are Islam in the Northern Cameroons (professed by the Fulani and the Kanuri—as it is by the Fulani and the Hausa of N. Nigeria) and Christianity, which is widespread in the Southern Cameroons, but there are also numerous highly localized indigenous religions.

¹ Annex not reproduced in this edition. [Note by the Registry.]

5. Social organization is more formal and rigid among the Moslems of the Northern Cameroons, the central authority of the Emir (in Dikwa) and the Lamido (in Adamawa) being recognized. Even the hill pagan communities of Adamawa are bound together in the organization of the Emirate of Adamawa. In the grassland areas of the Southern Cameroons, the Tikar and the Chamba and the peoples influenced by them have well-developed chieftaincies. Chieftaincy among the forest people of this area is much more informal. A particular feature of social organization in the Southern Cameroons were the various associations (sometimes inaccurately called "secret societies"), often functional in origin (e.g. merely a dancing group) but frequently acquiring executive power.

C. HISTORICAL BACKGROUND

(i) *The Pre-1914 Period.*

6. Before 1914 the history of the Cameroons formerly under United Kingdom mandate and trusteeship was, until the territory became part of the German protectorate of Kamerun towards the end of the nineteenth century, not the history of one nation. Included in the territory were parts of larger areas which had been occupied by various peoples each with its own history. In addition, the interest of the European powers in the area in the nineteenth century moved only by gradual stages from the coast into the interior. It is possible, however, for present purposes, to consider the history of the territory before 1914 as being, broadly speaking, the history of three areas: (a) the coastal area; (b) the area dominated by the Fulani (the Benue and Adamawa districts of the former trust territory); and (c) that part of the empire of Bornu which was included in the mandated territory, namely the Emirate of Dikwa.

(a) *The Coastal Area.*

7. The Cameroons estuary and the neighbouring coast were discovered towards the end of the fifteenth century by Portuguese navigators. In the seventeenth and eighteenth centuries, European trading stations were established along the coast and the local chiefs took part in and profited greatly from trade in ivory, rubber and other produce. By the end of the eighteenth century, the coastal region had come politically under British influence and the local chiefs looked to Britain for trade and protection. Numerous anti-slavery treaties were concluded between Great Britain and the local rulers. In 1844, a British Baptist mission was established at Bimbia (on the mouth of the Cameroons, but not marked on the map at Annex VI) and, in 1849, a British Consul and Agent was appointed to regulate trade on the West African coast, including the ports of the Cameroons. In 1858, Baptist missionaries, fleeing from the Spanish island of Fernando Po, bought land from local chiefs and established a settlement which they named Victoria in honour of the Queen of England. In 1860, the first German trading station was established on the Cameroons estuary.

8. The local rulers requested formal British protection on various occasions and, in 1884, the British Consul was instructed to offer formal protection to certain of these rulers. However, Germany, whose interest in the area was by now considerable, succeeded in concluding a treaty

of protection with two of the most important rulers just five days before the British Consul arrived on the same mission. The British Consul thereupon concluded treaties of protection with other local rulers. As a result of diplomatic correspondence, however, an Arrangement was agreed between Great Britain and Germany in April 1885 (*British and Foreign State Papers*, Vol. 76, p. 772), whereby Great Britain engaged not to make acquisitions of territory, accept Protectorates or interfere with the extension of German influence along the coast or in the interior districts to the east of a line which followed the course of the Rio del Rey (approximately 8.45° E.). An exception was made with regard to the settlement of Victoria which was, however, later ceded by Great Britain in return for compensation. The question how far this arrangement extended into the interior was expressly left undecided at this stage. Germany accepted a similar engagement in respect of territory to the west of the line thereby recognizing the predominant interest of Great Britain in the Lower Niger and neighbouring area. A Protocol of 24 December 1885 (*British and Foreign State Papers*, Vol. 76, p. 303), between France and Germany determined the southern limits of the German territory. Thereafter, the major part of German efforts to develop the Cameroons was devoted to this coastal area where extensive cocoa plantations were successfully established.

(b) *Adamawa and Benue.*

9. The broad lines of the territory of the German Cameroons having thus been settled in the coastal area in 1885, the next phase in the history of the Cameroons is the opening up of the interior, with the three interested European powers moving in from different directions. British interest was expanding from the direction of the Lower Niger, French from the territory to the north and south-east and German from the coastal area.

10. During the first half of the nineteenth century, the Fulani had, under their leader Modibo Adama, come to dominate a large area (Adamawa) north and south of the Benue River, forcing the aboriginal groups into the mountains and foothills to the south and establishing their capital at Yola. The British moving north along the Benue River established trading posts in the territory as early as 1889. In 1901, the Lamido of Adamawa was driven from his capital after he had refused to cease his slave-raiding activities. He thereupon attacked the Germans at Garua, some 60 miles to the east, but was finally defeated. His brother was installed as Lamido.

11. A treaty concluded on 19 March 1906 (*British and Foreign State Papers*, Vol. 99, p. 366), determined the boundaries between the British and German spheres of influence in the area; treaties between France and Germany delimited the respective spheres of influence of those two countries. Thereafter, Adamawa was administered partly with French Equatorial Africa, partly with British Nigeria and partly with the German colony of the Kamerun. Yola, the former capital, became a Nigerian provincial capital.

(c) *Dikwa.*

12. The Emirate of Dikwa (of which the part which was under United Kingdom trusteeship is coloured green on the map at Annex VI), was

a small part of the vast and ancient Kanuri sultanate of Bornu which at one time stretched from the Sahara in the north to Adamawa in the south and, in the west, almost as far as the present western boundary of Nigeria. Fulani settlers and Shuwa Arabs entered the territory in the sixteenth and seventeenth centuries. The Bornu ultimately resisted the attacks of the Fulani in the nineteenth century and remained in power until the end of the century. In 1900, French forces finally defeated one Rabeih who, coming from the Sudan, had managed, in 1893, to gain control of the Bornu Empire. British, French and German expeditions were thereafter active in the area. A German explorer reached Lake Chad in 1900, but the British were in effective control of about three-quarters of the Bornu territory and this area was included as part of the newly proclaimed (1900) Protectorate of Nigeria. The south-eastern part of Bornu under German control, Dikwa, was included in the German colony of the Kamerun. An Exchange of Notes of February 1909 (*British and Foreign State Papers*, Vol. 106, p. 782), definitively determined the boundary between British and German territory from Yola to Lake Chad. An agreement of 11 March 1913 determined the boundary south of Yola to the Atlantic coast.

(ii) *The 1914-1922 Period.*

13. On the outbreak of war with Germany in August 1914 offensive action against the German colony of Kamerun was begun from British Nigeria and from French territory. The colony was finally taken in 1916 when the main German force retreated into Spanish territory. By an arrangement which came into effect on 18 April 1916 the Cameroons was provisionally divided into British and French spheres, the British sphere to include the Emirate of Dikwa and a piece of territory on the coast. On 10 July 1919 a declaration was signed by Lord Milner and Monsieur Simon, on behalf of Great Britain and France, making certain boundary adjustments and transferring certain territory. By Article 119 of the Treaty of Peace with Germany signed at Versailles on 28 June 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over the Cameroons and the Powers agreed that the Governments of Great Britain and France should make a joint recommendation to the League of Nations as to the future of the territory. The recommendation of the Governments was that a mandate should be conferred on His Britannic Majesty to administer in accordance with Article 22 of the Covenant of the League that part of the Cameroons lying to the west of the line agreed in the Milner-Simon declaration of 10 July 1919, and that a mandate be conferred on the President of France to administer the territory to the east of that line.

(iii) *The 1922-1946 Period.*

14. The terms of the Mandate conferred on His Britannic Majesty were defined by the Council of the League of Nations in a document dated 20 July 1922, to which the Milner-Simon declaration of 10 July 1919 was annexed. A copy of the Mandate is attached as Annex IV. The Mandatory Power was to be responsible, under Article 2 of the Mandate, for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants. For this purpose, the Mandatory

Power was to have, under Article 9, full powers of administration and legislation in the area subject to the Mandate. The area was to be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the provisions of the Mandate. Article 9 continued:

“The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.”

15. From the start of British administration of the Cameroons under the Mandate, the territory was administered by His Britannic Majesty through his Government in Nigeria. Also from the start, it was recognized that the territory was not suitable for administration as one whole. The Protectorate of Nigeria was at that time divided into two groups of provinces, the Northern and the Southern, and in the circumstances it was found best to divide the territory of the Cameroons into a Northern and a Southern part, each of which was added for administrative purposes to the group of provinces to which it was most closely related geographically. The decision to administer the territory in this way was based not only on geographical considerations but also on a variety of other factors deriving particularly from the historical and ethnical background of the territory as described in this Annex.

16. The northern part of the mandated territory, the Northern Cameroons, had formed part of the native Empires of Bornu and Adamawa, and it was administered throughout the period of the Mandate as part of the two northern provinces of Nigeria of Bornu and Adamawa. The northern provinces were under a Lieutenant-Governor and each had a Native Ruler and a Resident. The southern part of the mandated territory, the Southern Cameroons, was administered, until 1939, as part of Southern Nigeria, as a separate Cameroons province. In 1939, when the southern provinces of Nigeria were divided into the eastern and western provinces, the Southern Cameroons was joined for administrative purposes to the eastern provinces as a separate province. Throughout the period of the Mandate, the Southern Cameroons was administered by a Resident at Buea, who was in turn responsible to the Lieutenant-Governor of the southern provinces of Nigeria until 1939 and of the eastern province of Nigeria from 1939 to the end of the Mandate.

17. The boundary dividing the Northern from the Southern Cameroons was the line indicated on the map at Annex VI, except that, prior to 1927, the Kentu District (1,165 square miles), part of the area coloured brown on the same map, formed part of the Southern Cameroons. Its transfer to the Northern Cameroons was based on grounds of the tribal affinities of the inhabitants of the district and of general administrative convenience. The Kentu District was difficult of access from the south, being separated from the rest of the Southern Cameroons by a belt of rugged and sparsely inhabited country.

18. The history of developments within the territory during the period of British administration under the Mandate is described in detail

in the reports of the Mandatory Power to the Permanent Mandates Commission, to which reference is made in Annex III, Section A.

Annex III

Administration under the International Trusteeship System

A. THE SITUATION EXISTING IN 1946

1. The Mandate in respect of the Cameroons under British administration was replaced by the Trusteeship Agreement approved by the General Assembly of the United Nations on 13 December 1946. In the course of the discussions prior to the approval of the Agreement, it was made clear by the British representatives on the Fourth Committee of the General Assembly that the form of administration which had been adopted under the Mandate would be continued if the territory were placed under British trusteeship, since it was, in the circumstances, in the best interests of the inhabitants of the territory to do so. (See, for example, the statement by Mr. Thomas in the *Official Records of the General Assembly First Session, Second Part, Summary Records of the Fourth Committee, Part II*, pp. 118-119.)

2. In addition, the way in which the territory had been administered under the Mandate was well known to the Members of the United Nations in 1946 and the reports of the Mandatory Power to the Permanent Mandates Commission and the reports of the Permanent Mandates Commission itself were readily available to them. It was on this basis that the Trusteeship Agreement was approved by the General Assembly. Accordingly, paragraphs 3 to 8 of this part of this Annex show briefly how the facts of the situation existing in 1946 and the reasons for it were available to the General Assembly in the records of the Permanent Mandates Commission to which, of course, the Members of the United Nations had access; Part B (paras. 9 to 17) summarizes constitutional developments during the period of trusteeship; Part C (paras. 18 to 28) describes the manner in which the trust territory was administered by collaboration between the United Kingdom and the competent organs of the United Nations, and Part D (paras. 29 to 56) describes the way in which the future of the territory was determined in accordance with the recommendations of the General Assembly.

3. In accordance with the requirements of Article 10 of the Mandate, the British Government submitted a report annually to the League of Nations through its Permanent Mandates Commission. The Introductory Note to the first such report, for 1921, informed the Permanent Mandates Commission that the territory was administered by His Britannic Majesty through his Government in Nigeria and that the Protectorate of Nigeria was divided for administrative purposes into two groups of provinces, the northern and the southern. The Note continued (para. 3):

“In the circumstances, it has been found convenient similarly to divide the territory in the Cameroons which is now under the administration of the Nigerian Government into a Northern and Southern half each of which has been added for administrative

purposes to the group of provinces to which it geographically belongs and has been placed under the charge of the Lieutenant-Governor who is responsible for that group. Whereas, however, the area comprising the Northern portion of the Cameroons territory under British administration has been again sub-divided into two portions—of which the more northerly is administered by the Resident of the Nigerian Province of Bornu and the more southerly by the Resident of the Nigerian Province of Yola—it has been found most convenient to treat the part of the Cameroons which is attached to the Southern Provinces as a separate provincial entity and to post to the charge of it a Senior Resident assisted by a small staff of Political Officers.”

4. The Mandates Commission in considering the report for 1922 at its third session commented under the heading “Administrative Organization”: “The same observations as for British Togoland (*mutatis mutandis*)”. In its comments on the administrative organization of British Togoland, the Commission had said (P.M.C. Third Session Report—A. 46, 1923 (VI)):

“The Commission fully recognizes that the incorporation of Togoland with the Gold Coast is necessitated by circumstances and is in no way an infringement of the Mandate. It gives rise, however, to a very serious difficulty as regards the work of the Commission which has to give its opinion on the administration of the territory on the basis of the Annual Report. In order to overcome this difficulty the Commission should have at its disposal as much documentary evidence as possible. It would therefore be glad if the next report contained as clear and complete a statement as possible regarding the organization of the administration of Togoland together with the pertinent Ordinances of the Gold Coast. In particular, it would be glad to be informed regarding the powers of the various Administrators and to know to what extent the natives are employed in public service.”

5. At its fourth session, in 1923, the Mandates Commission made similar observations regarding the administrative division of the territory which had been introduced and concluded that it was important that the reports of the Mandatory Power should be drawn up in such a way as to facilitate the work of the Commission.

6. In the report on its fifth session, the Commission returned to the question of the administration of the mandated territory with the Protectorate of Nigeria and commented as follows:

“In view of the geographical configuration of these two territories and the ethnical composition of their populations the Commission is fully prepared to admit that the measures adopted by the Mandatory Power may be the best calculated to ensure good administration and consequently the well-being of the population. It desires to add that these measures are more expressly authorized by the terms of the Mandate provided that they do not lead to any infringement of the general provisions thereof.”

The Commission referred to the fact that the Mandatory Power had the right under the terms of the Mandate to administer the territories concerned “as integral portions of its territory”. The Commission continued:

"This does not mean that the countries concerned have become integral portions of the neighbouring colonies as the wording of certain passages in the reports on Togoland and the Cameroons would appear to suggest. While the Commission desires to bring this matter to the notice of the Council it does not exaggerate its importance. As however the passages referred to might lead to annexationist aims being attributed quite erroneously to the Mandatory Powers it appears to the Commission that their own interest no less than that of the League of Nations requires that in future any formula should be avoided which might give rise to doubts on the subject in the minds of ill-informed or ill-intentioned persons."

7. In its report to the Mandates Commission for 1929, the Mandatory Power explained the position as follows (paras. 4 and 5):

"It may be stated with confidence that no such tendency [a tendency of the local administration to consider the mandated territory as an integral part of Nigeria and to lose sight of the vital differences between Nigeria under the sovereignty of Great Britain and the Cameroons, a territory under mandate] exists and that both the Mandatory Power and the local administration are fully aware of the vital differences which exist in the status of the two territories. It is indeed a matter of some concern to the Mandatory Power and to the local administration that allegations of tendencies towards annexation of the Cameroons under British Mandate by Nigeria should be advanced when every effort is made to observe the conditions of the Mandate and to administer the territory so as to secure to the best advantage the well-being and development of the people. It must be realized that the governing factor in the administration of the Cameroons under British Mandate is geography. The territory is a long narrow strip of country which is broken in the middle and it contains a diversity of peoples. It is in fact not a country, in the ordinary sense of the term, but a geographical expression.

For this reason the territory is administered as an integral part of Nigeria although it is not, and will not become, an integral part of that country. Its size, situation and bipartite shape at present preclude it from being financially autonomous if the standard of administration and development is to be maintained at a level which would be compatible with the due performance of the obligations of trusteeship. The economic advantages which accrue to such a territory as the Cameroons under British Mandate from being administered as an integral part of its greater neighbour—Nigeria—are indeed many and, by utilizing the resources of central and departmental organizations of Nigeria, the Mandatory Power is able to offer advantages to the mandated area which it would be impossible to offer to an area under an entirely separate organization."

8. In this way, the Government of the United Kingdom established, to the satisfaction of the Permanent Mandates Commission and of the Assembly of the League of Nations, the need for administering the Cameroons in the manner which has been described. Within this framework the principle on which the administration was based was that of indirect rule, which was the principle governing the administration of Nigeria.

Indirect rule involved the use of existing local political institutions under the general authority and guidance of the government. The object of this method of rule was to educate the local inhabitants "to manage their own affairs and to evolve from their own institutions a mode of government which shall conform to civilized standards" (para. 214 of the Mandatory Power's Report for 1924). But even in carrying out this policy the fragmentary nature of the territory asserted itself. The Mandatory Power commented:

"It need scarcely be said that the policy of indirect administration can and must be applied in a variety of forms and degrees. The highly organized state of Dikwa cannot be dealt with on the same lines as the primitive hill pagans who are still in a state of savagery. But between these two extremes lie a number of communities whose administration calls for variety of treatment" (*loc. cit.*, para. 218).

B. CONSTITUTIONAL DEVELOPMENTS

9. The form of administration of the Northern and Southern Cameroons was continued under the trusteeship, and for the same reasons. The history of the political developments in the Northern Cameroons thus continued to be linked closely to that of Nigeria.

10. In 1947 a new Constitution for Nigeria took effect in replacement of the existing Constitution which had been promulgated in 1922. The most significant new feature of the new constitution was its introduction of a policy of regionalization, a policy which was to be the foundation of subsequent Nigerian constitutions. Regional Houses of Assembly were established in Eastern, Western and Northern Nigeria with a special House of Chiefs for the Northern Region. The purpose of these regional Houses of Assembly was to provide the link between the Central Legislative Council and the Native Authorities which were in charge of local government. More than half the unofficial members of the Central Legislative Council were eligible for election by the unofficial members of the Regional Assemblies. The northern part of the Cameroons Trust Territory was represented in the Northern Regional House of Assembly and, in addition, the Emir of Dikwa was, as a first-class chief, *ipso facto* a member of the Northern Region House of Chiefs. The Southern Cameroons was represented in the Eastern Region House of Assembly.

11. In 1949 a Commissioner of the Cameroons was appointed with special responsibilities for administration in the Southern Cameroons and for trusteeship affairs in the whole Territory. In subsequent years, the Commissioner appeared at the Trusteeship Council to speak for the Territory.

The 1951 Constitution.

12. Extensive consultations took place in 1949 with a view to a revision of the 1947 Constitution and the Trust Territory took a full part, at all levels, in these consultations. In 1951 the new Constitution was introduced. At the centre there was to be a Council of Ministers and a House of Representatives, and in each of the three Regions there were to be Houses of Assembly and, in the Northern and Western Regions, Houses of Chiefs. The great majority of the members of the House of Representatives and Houses of Assembly were elected, the

former by each of the Houses of Assembly and the latter through electoral colleges. There was equal representation for each Region on the Council of Ministers and nominations to this Council were subject to approval by a joint council of the Northern and West Regional Houses of Assembly and by a session of the Eastern Region House of Assembly. All adult male taxpayers took part in choosing the members of the electoral colleges for the Houses of Assembly.

13. Under the 1951 Constitution, the Southern Cameroons sent 12 members to the new Eastern House of Assembly. One of the Ministers in the Council of Ministers of the Federation of Nigeria was also to be selected from inhabitants of the Southern Cameroons. Twenty-one seats out of the total of 91 in the Northern House of Assembly were allotted to the provinces of which the Northern Cameroons formed part.

14. After the first elections under the 1951 Constitution there were, apart from the Southern Cameroons Minister in the central Council of Ministers, six members from the Southern Cameroons in the House of Representatives and two from the Northern Cameroons. There were two Southern Cameroons members in the Eastern Regional Executive Council and 13 Southern Cameroons members in the Eastern House of Assembly. There were three Northern Cameroons members in the Northern House of Assembly and one in the Northern House of Chiefs.

The 1954 Constitution.

15. In 1953 and 1954 intensive discussions were held as to a further revision of the Nigerian Constitution and on 1 October 1954 a new Constitution came into effect. In implementation of the wishes expressed by the representatives of the Cameroons, the northern part of the Trust Territory continued to be administered as part of the Northern Region of Nigeria, but the southern part of the Territory acquired the status of a separate region within the new fully federal Constitution. The Southern Cameroons thereafter had its own Executive Council with official and African elected members in equal numbers and its own House of Assembly with an overwhelming majority of elected African representatives. A new portfolio, for Trust Territory affairs, was created in the Northern Region Executive Council to be held by a representative of the northern part of the Trust Territory. In April 1955 a Consultative Committee for the Northern Cameroons was formed to advise the Executive Council of the Northern Region of Nigeria as to the particular interests of the Northern Cameroons and to make recommendations to the Council. The Committee had 12 members and comprised those members of the House of Chiefs, House of Representatives and House of Assembly who represented the northern part of the Trust Territory together with special members to serve areas not otherwise represented. At its meeting in November 1955 the Committee unanimously agreed that the part of the Trust Territory administered with the Northern Region should remain part of the Northern Region and should in no circumstances be amalgamated with the Southern Cameroons.

The 1958 Constitution.

16. A conference for the revision of the Nigerian Constitution was held in the summer of 1957. Changes were agreed which were ultimately embodied in a constitution which took effect in the following year. The

Southern Cameroons was given a constitution like that of the Regions of Nigeria. The ministerial system of government was introduced and an unofficial majority was established in the Executive Council. The Northern Cameroons Consultative Committee was enlarged by the addition of representatives from the remoter districts and was constituted as a formal committee of the Executive Council of the Northern Region to keep the affairs of the Territory continually before the Regional Government.

17. In February 1958 the Southern Cameroons House of Assembly adopted a resolution calling for the grant of full regional self-government in 1959. The matter was discussed at a further constitutional conference held in London and it was agreed that the Southern Cameroons should, when the people of the territory so decided, become a Region fully equal in status to the other Regions of Nigeria, subject to the retention by a representative of the Government of the United Kingdom of the reserve legislative and executive powers necessary to ensure implementation of the Trusteeship Agreement. Effect was given to these decisions in November 1959 after the wishes of the people had been ascertained in the elections of January 1959. These elections were on the basis of universal adult suffrage. It was also agreed that the Northern Region of Nigeria, with which the Northern Cameroons would continue to be administered, would become a self-governing Region within the Federation of Nigeria in March 1959; the Governor would, however, have the reserve powers necessary for the implementation of the Trusteeship Agreement.

C. ADMINISTRATION UNDER UNITED NATIONS SUPERVISION

18. In accordance with Article 16 of the Trusteeship Agreement, the United Kingdom as Administering Authority presented an annual report to the Trusteeship Council for each year from 1947 to 1959 answering the Council's questionnaire provided for in Article 88 of the Charter of the United Nations. This report contained a great deal of information on the administration of the territory and, although in the early years it failed in the opinion of the Council to enable a clear enough distinction to be drawn between the facts and figures relating to Nigeria and the facts and figures relating to the Cameroons, it very soon came to earn the praise of the Council for its form and its completeness.

19. In addition, Visiting Missions visited the territory at the request of the Trusteeship Council on four occasions—1949, 1952, 1955 and 1958—carrying out on each occasion a most thorough investigation of the administration of the territory, listening to the views of all concerned and reporting fully on what they saw and heard. These reports also were carefully considered in the Trusteeship Council. Finally, the Committee on Administrative Unions, established under Trusteeship Council resolution 81 (IV) (Annex V (43)) of 27 January 1949, kept a constant watch, on behalf of the Council, on the operation of the joint Nigeria-Cameroons administration and, in addition to periodic reports on the territory itself, the Committee conducted a complete survey of the operation of administrative unions in all the trust territories, including the Cameroons under British administration.

20. Each year, in its report to the General Assembly, the Trusteeship Council described the conditions in the trust territory and drew its

conclusions as to the progress being made; it also made comments and recommendations to help the Administering Authority in the future. To read the reports of the Council from 1949 onwards is to see the progress made in the territory as the Trusteeship Council saw it. Year after year the Council was able to congratulate the Administering Authority on the progress being made, in particular in the field of political advancement. The constitutional development of Nigeria proceeded steadily stage by stage and the particular needs of the Cameroons within the framework of the Nigeria Constitution were conscientiously met under the watchful eye of the Trusteeship Council. From year to year, the Council advised that this or that particular area of administration was deserving of particular attention in the coming year. Thus, the Council and the Administering Authority co-operated to bring the territory towards the fulfilment of the objectives set forth in Article 76 of the Charter of the United Nations. Each year, the General Assembly of the United Nations adopted the report of the Trusteeship Council recommending—to the Trusteeship Council—that it should take into account the comments and suggestions made during the discussion of its report in the General Assembly.

21. The Trusteeship Council first discussed the Cameroons at its Fourth Session in 1948. Its general conclusion on the political advancement of the territory was as follows:

“The Council, concerned over the difficulty in performing its supervisory functions with respect to the Trust Territory, arising from the fact that the Territory has been integrated for administrative purposes into different administrative divisions and subdivisions of the British Protectorate of Nigeria ... recommends that, pending a final solution of the question of these administrative arrangements, the Administrative Authority review the situation and take steps or institute measures ... which will enable the Trusteeship Council better to perform the duties and functions vested in it by the Charter.” (Trusteeship Council Report to the General Assembly, Fourth Session, document A/933, p. 8.)

22. The first Visiting Mission visited the trust territory on behalf of the Trusteeship Council in 1949. Its report is included in the official records of the Seventh Session of the Trusteeship Council as Supplement No. 2 (T/798). The general observations of the Visiting Mission are as follows:

“91. On the general question of the administrative integration of the Cameroons with Nigeria, the Mission appreciates the force of the arguments on both sides. Without attempting to comment on or evaluate the principle of this administrative association, which it feels ought to be left to the Trusteeship Council, it found that the sharp difference between the north and south, with its contrasting culture, religion, race, language and general way of life, does not fortify the argument of a total separation, from the administrative point of view, from the district with which they are now integrated.

92. The Mission does not view its duty as including the evaluation of merely theoretical considerations, but considers that it is expected to report objectively on the basis of facts. Everything the Mission has seen went to confirm the fact that, with the contrast between

the north, apart from the very numerous pagan population, and the south of the Trust Territory, the north is nearer and more allied to the Northern Province of Nigeria in its religion, race, culture and language. In the case of Adamawa it is impossible to draw the line or to differentiate between the two since the same people live in both regions, headed by the same chief. Therefore, the north of the Trust Territory might be more smoothly administered in conjunction with the Northern Province of Nigeria than perhaps with the south of the Trust Territory."

23. The Trusteeship Council in its report on its Sixth and Seventh Sessions adopted on 21 July 1950 (Report to General Assembly, Fifth Session A/1306) decided (p. 35):

"that the question of the administrative integration with Nigeria shall be considered, and any necessary recommendations formulated, in connection with the discussion on the general question of administrative unions in accordance with General Assembly resolution 326 (IV)" (Annex V (8)).

24. The Trusteeship Council had in its resolution 129 (VI) (Annex V (46)) of 31 March 1950 requested the Committee on Administrative Unions—

"to continue the study of questions arising in connection with customs, fiscal and administrative unions of federations and common services involving Trust Territories".

In its report annexed to the last-mentioned report of the Trusteeship Council, the Committee on Administrative Unions discussed the administrative union of relations between the Cameroons under British administration and Nigeria. The Committee took note of the views of the first Visiting Mission and of the Administering Authority and concluded (para. 8 on p. 193 of the report referred to):

"The Committee ... notes the following facts:

- (a) In view of the geographical configuration and the ethnical composition of the population, it was the intention of the United Kingdom Government since the establishment of the Mandate in 1922 to administer, and *de facto* and *de jure* it administered, the Cameroons as part of the adjacent areas of the Protectorate of Nigeria.
- (b) The Permanent Mandates Commission stated 'that measure of administrative incorporation adopted by the Mandatory Power in accordance with the provisions of Article 9 of the Mandate might be the best to ensure good administration and consequently the well-being of the population'.
- (c) The administrative integration thus established and constitutionally deriving from the Nigeria (protectorate and Cameroons) Order in Council, 1946, represents a complete amalgamation with a common administrative, legislative and judicial system and services.
- (d) The full amalgamation of the Trust Territory in the adjacent areas of the Protectorate of Nigeria with a common adminis-

trative, executive, customs, fiscal, legislative and judicial system and services has the character of a political union."

The Committee then considered the situation in the Cameroons in the light of paragraph 1 of General Assembly resolution 326 (IV) (Annex V (8)). Its conclusions were as follows:

- "(1) Noting that the character of the administrative arrangements was affected by the fragmentary nature of the Territory, the configuration of the land, and the ethnic affinities of the people;
- (2) Noting that according to Article 5 (a) of the Trusteeship Agreement, the Administering Authority shall have full powers of legislation, administration and jurisdiction in the territory and shall administer it in accordance with "its" own laws as an integral part of its territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter, and of "the Trusteeship Agreement";
- (3) Is of the opinion that sub-paragraphs (c) and (d) of paragraph 1 of the operative part of General Assembly resolution 326 (IV) (Annex V (8)) are inapplicable, and feels that the existing arrangements are not disadvantageous to the Territory, but that they deserve nevertheless the constant attention of the Council;
- (4) Expresses the hope that the Administering Authority—
 - (a) Will inform the Council of any change which may be contemplated with regard to the existing administrative arrangements;
 - (b) Will continue to co-operate fully with the Trusteeship Council in the discharge of its responsibilities and, in particular, will furnish clear and precise separate financial, statistical and other data relating to the Trust Territory;
 - (c) Will, with regard to matters pertaining to the administrative arrangements affecting the Trust Territory, continue to take into account the freely expressed wishes of its inhabitants."

The Trusteeship Council at its Seventh Session in 1950 considered and adopted the report of the Committee on Administrative Unions, including the conclusions referred to above.

25. As requested by resolution 420 (X) (Annex V (51)) of the Trusteeship Council of 28 February 1952 the Committee on Administrative Unions drew up a special report "containing a complete analysis of each of the administrative unions to which a Trust Territory is a party" with special reference to paragraph 1 of resolution 326 (IV) (Annex V (8)) of the General Assembly and to "the compatibility of the arrangements already made with the provisions of the Charter of the United Nations and the Trusteeship Agreement, as well as with the interests of the Trust Territory concerned". The Trusteeship Council adopted the report at its 454th meeting on 23 July 1952. The conclusions of the reports so far as it concerned the Cameroons under United Kingdom trusteeship were as follows:

"... [The Committee] is of the opinion that the present administrative arrangements for the Cameroons, although prejudicing

perhaps the progressive development of the territory towards a separate independent status, are nevertheless conducive to the attainment of the objectives as set forth in Article 76 of the Charter and are capable of accelerating the progressive development of the territory towards self-government within the wider framework of the political future of Nigeria;

2. Is further of the opinion that the Administering Authority should continue to carry out its obligations under the Trusteeship Agreement, and that, until the freely expressed wishes of the peoples of the territory concerning its future status have been ascertained in accordance with Article 76 of the Charter, the operation of the present administrative union must be kept under constant review."

The Committee on Administrative Unions was authorized by further Trusteeship Council resolutions to continue its regular examination of each administrative union.

26. At its Sixteenth Session, in July 1955, the Trusteeship Council, after consideration of a further report from the Committee on Administrative Unions (T/L 592), adopted the following conclusions which were transmitted in its report (A/2933) to the General Assembly (p. 145):

"The Trusteeship Council, having regard to the geographical, ethnical and cultural situation in the Cameroons under British administration and taking note of the new arrangements which were made after consultation with representatives of the people of the Trust Territory, is of the opinion that these arrangements, although they may prejudice the progressive development of the trust territory towards a separate independent status as a whole, nevertheless represent a new and important step towards the attainment of the objectives as set forth in Article 76 of the Charter and mark a significant advance, especially for the Southern Cameroons, in the establishment of self-governing institutions within the wider framework of the Federation of Nigeria."

27. In subsequent reports, there is no evidence that the Trusteeship Council did not consider the question of the form which the administration of the Cameroons under United Kingdom trusteeship was taking to be a closed question as regards its compatibility with the general obligations of trusteeship.

28. In its report to the Fourteenth Session of the General Assembly (A/4100) adopted on 4 August 1959, the Trusteeship Council began its general description of the constitutional position in the Cameroons as follows (para. 2 on p. 88):

"The present Constitution of the Federation of Nigeria, which by virtue of Article 5 of the Trusteeship Agreement is also the Constitution of the Trust Territory..."

In its report to the Fifteenth Session of the General Assembly (A/4404) adopted on 30 June 1960, the Trusteeship Council began its general comments on political advancement with the following sentence (para. 2 on p. 99):

"The Trust Territory has been administered in accordance with the Trusteeship Agreement as an integral part of Nigeria."

D. DETERMINING THE FUTURE OF THE TRUST TERRITORY

29. At the 1957 Constitutional Conference, the British Colonial Secretary said that before Nigeria became independent the people of the north and south sectors of the Cameroons would have to say freely what their wishes were as to their own future. At the 1958 Constitutional Conference, the British Government announced that independence would be granted to the Federation of Nigeria on 1 October 1960 if the Federal House of Representatives due to be elected at the end of 1959 so requested. The decision having been taken that the Federation of Nigeria would become independent on 1 October 1960, the question of the future of the Trust Territory became a matter of some urgency. The United Nations Visiting Mission to the Territory in 1958 was charged by the Trusteeship Council to include in its report its views on the method of consultation which should be adopted for the people of the territory to express their views concerning its future. The views of the Mission were that, if no agreement emerged in the House of Assembly elected in January 1959 concerning the future of the Southern Cameroons, a plebiscite might be necessary. In relation to the Northern Cameroons, the Mission thought that the views of the people were so clear that no further consultation would be required.

30. Nevertheless, the General Assembly of the United Nations in its resolution 1350 (XIII) (Annex V (34)) of 13 March 1959 recommended that:

“The Administering Authority in pursuance of Article 76 *b* of the Charter of the United Nations take steps in collaboration with the United Nations Plebiscite Commissioner to organize, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future.”

31. The General Assembly recommended that the plebiscite should take place about the middle of November 1959 and that the people of the northern part of the territory should be asked:

- “(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent? or,
 (b) Are you in favour of deciding the future of the Northern Cameroons at a later date?”

The General Assembly recommended further that the plebiscite should be conducted on the basis of the electoral register then being compiled for the elections to the Nigerian Federal House of Representatives.

32. An Order of Her Majesty in Council of 28 July 1959—the Nigeria (Northern Cameroons Plebiscite) Order—made certain provisions in relation to the plebiscite. The Order provided that every person whose name was included in a register of voters prepared under regulations made under Article 5 of the Nigeria (Electoral Provisions) Order, 1958, in respect of any area that constituted a District and who was entitled under such regulations to vote for the purpose of returning a member to the House of Representatives of the Federation of Nigeria, should be

entitled (in that part of the area in which he was registered as being entitled to vote) to cast a vote in favour of one or other of the alternatives specified in the Order. In fact, 129,549 persons were registered as electors for the Nigerian Federal House and therefore as those having a right to vote in the plebiscite. In the Northern Region of Nigeria, with which the Northern Cameroons was administered, only male persons had the right to vote.

33. In accordance with the Order, the Governor-General of Nigeria appointed 7 November 1959 as the day for holding the plebiscite. The preparations for the plebiscite and its actual carrying out are summed up in the report of the United Nations Plebiscite Commissioner, Dr. Abdoh (United Nations Document T/1491, dated 25 November 1959). 113,859 votes were cast in the plebiscite so that approximately 88 per cent. of the total number of persons registered in the federal electoral register voted. 70,546 chose the second alternative; 42,788 favoured the first alternative and 525 votes were rejected. This result showed that about 62 per cent. of the total votes were cast in favour of the second alternative, i.e. a decision of the people to choose their future at a later date.

34. In his report of 25 November 1959, the Plebiscite Commissioner said that he was satisfied that the plebiscite was organized and conducted by the Administering Authority with efficiency and impartiality in accordance with the laws and regulations promulgated for the purpose and that it was held in an atmosphere of freedom.

35. On 12 December 1959 the General Assembly by resolution 1473 (XIV) (Annex V (38)) noted that the United Nations Plebiscite Commissioner was satisfied that the plebiscite was conducted in a fair and impartial manner. It recommended that the Administering Authority in pursuance of Article 76 *b* of the Charter of the United Nations and in consultation with the United Nations Plebiscite Commissioner should organize under United Nations supervision a further plebiscite in the Northern Cameroons during the period 30 September 1960 to 31 March 1961, and that the two questions should be:

- “(a) Do you wish to achieve independence by joining the independent Republic of the Cameroons?
- (b) Do you wish to achieve independence by joining the independent Federation of Nigeria?”

The General Assembly recommended further that the plebiscite in the Northern Cameroons be conducted on the basis of universal adult suffrage, all those over the age of 21 and ordinarily resident in the Northern Cameroons being qualified to vote.

36. It should be noted that by resolution 1352 (XIV) (Annex V (35)) of 16 October 1959 the General Assembly had recommended that the same questions should be put to the people of the Southern Cameroons.

37. Following the 1959 plebiscite in the Northern Cameroons, the Government of the Northern Region of Nigeria immediately appointed a committee to investigate the local government matters which the United Nations Plebiscite Commissioner had commented on as being a factor in the plebiscite result. The United Kingdom representative reported to the May 1960 session of the Trusteeship Council that the local government institutions in the Northern Cameroons had already

been reorganized, so as to separate them from the local government organization of the Northern Region of Nigeria. Native Authority Councils (to be composed of members elected from District Councils, themselves elected by secret ballot) were to be set up and District heads appointed in consultation with the District Councils and the Native Authority Council. In this way, the geographical constitution of the Native Authorities was reorganized, and at the same time the Authorities themselves were democratized. Elections by secret ballot based on adult male suffrage were held as planned for the new District and Town Councils in the middle of 1960.

38. Nevertheless, at that session of the Trusteeship Council the French representative, speaking on behalf of the Republic of Cameroon (which became independent on 1 January 1960, but which had not yet been admitted as a member of the United Nations), made complaints regarding the slowness and inadequacy of the reforms introduced by the United Kingdom Government.

39. On 31 May 1960, by resolution 2013 (XXVI) (Annex V (63)), the Trusteeship Council requested the Administering Authority "to take appropriate steps in consultation with the authorities concerned, to ensure that the people of the Trust Territory are fully informed, before the plebiscites, of the constitutional arrangements that would have to be made, at the appropriate time, for the implementation of the decisions taken at the plebiscites".

40. The United Kingdom Government was at this time seeking to clarify the meaning of the two questions to be put to the people of both sections of the territory. At constitutional discussions held with representatives of the Federation of Nigeria in London, in May 1960, the Nigerian representatives had reiterated their offer that the Southern Cameroons could join the Federation of Nigeria as a Region equivalent in all respects to the other Regions and that the Northern Cameroons could remain part of the Northern Region. The detailed implications of this offer were well known in the two parts of the Trust Territory, since they were, of course, the basis of the administration of the territory at that time. The implications of either part of the territory joining the Republic of Cameroon were less clear, but a series of discussions was held between the President and Ministers of the Republic of Cameroon and the Premier and other Ministers of the Southern Cameroons in order to elucidate the implications of the choice of joining the Republic of Cameroon. These discussions took place at intervals throughout 1960.

41. At a meeting in October 1960, both a resolution and an outline of the draft proposal of a Constitution in the event of unification were adopted and signed by the President and the Prime Minister of the Republic and the Premier of the Southern Cameroons.

42. On 20 September 1960 the Republic of Cameroon had become a Member of the United Nations. On 1 October 1960 Nigeria became independent and on 7 October 1960 became a Member of the United Nations.

43. On 1 October 1960, consequent upon the separation of the Northern and Southern Cameroons from Nigeria, Orders in Council came into effect establishing a Constitution for the Southern Cameroons and providing for the administration of the Northern Cameroons as a separate

entity. Under the relevant Order in Council the Office of Administrator of the Northern Cameroons was established. This officer was wholly independent of the Nigerian Governments and directly responsible to the Secretary of State for the Colonies in London. At the same time, the members from the Northern Cameroons who had up to that date sat in the Federal Nigerian and Northern Region legislatures, ceased so to sit. For the short period during which the Northern Cameroons was to remain a separate entity, it would have been quite impossible to recruit staff either from the United Kingdom or elsewhere to carry on the administration of the Trust Territory or to fulfil the many specialized services which had been provided by departments of the Northern Region and Federal Nigerian Governments. Arrangements were therefore made with these governments for the services of appropriate officers to be supplied to the Administrator, but the officers were responsible to the Administrator during the time they were in the Northern Cameroons. Among the services so provided were police, but the police contingent in the Northern Cameroons was for operational purposes fully under the control of the Administrator. The administration of the police force was examined in detail by the United Nations Plebiscite Commissioner and his comments are contained in paragraphs 424 to 436 of his report. A budget was prepared for the Northern Cameroons which had not previously had a separate budget of its own and in so far as revenues accruing to the territory were insufficient to meet expenditure (including payments to Nigeria for the services mentioned above) the deficiency was met by the United Kingdom Government itself.

44. During October 1960 the Secretary of State for the Colonies held discussions in London with the Government, the Opposition and other representatives of the Southern Cameroons in which the principal question discussed was the implications of the choice for joining the Cameroon Republic. The Secretary of State expressed, on behalf of the British Government, the view that if the plebiscite went in favour of the Cameroon Republic arrangements would have to be made for the early termination of Trusteeship and the transfer of sovereignty to the Republic.

45. In December 1960 the Premier of the Southern Cameroons again met with the President of the Cameroon Republic and after this meeting they issued a communiqué in which they endorsed the Secretary of State's interpretation of the consequences of there being a majority in favour of joining the Cameroon Republic, but deeply regretted that representatives from the Northern Cameroons were not invited to take part at the conference.

46. At the beginning of December 1960, the United Nations Plebiscite Commissioner asked the British Government whether they were in a position to comply with Trusteeship Council resolution 2013 (XXVI) (Annex V (63)). The British Government assured the Plebiscite Commissioner that they were satisfied that the terms on which the territory would join Nigeria were clearly set out. In regard to the choice of joining the Republic of the Cameroon, the British Ambassador in Yaoundé had attempted to obtain from the Government of the Republic clarification of what the result of such a choice would be, but it had not then been possible to arrive at a precise understanding of their views. The British

Government had, however, recently indicated to the President of the Republic that it would be necessary, in the event of the choice favouring joining the Republic of Cameroon, for the Government of that country to take over functions of various staffs in the Northern Cameroons and they had asked the President what should be said to the people of the territory about the readiness of his Government to appoint authorities and what date this might be done. They had expressed their willingness to see discussions arranged between the President of the Republic and representatives of the protagonists of unification with the Republic, for the purpose of exploring further the terms on which unification might be arranged.

47. The President of the Republic and the Premier of the Southern Cameroons at their meeting in October 1960 had said that they hoped that the Northern Cameroons would be able to enter into a Federation to be created in the event of the Southern Cameroons uniting with the Republic of Cameroon. They had further stated that, in the event of the Southern and Northern Cameroons voting in favour of unification with the Republic, those entrusted with the responsibilities of the affairs of the unified Cameroons would, by mutual agreement, specify the manner in which the population of the Cameroons would be asked to express their opinion on the Federal Constitution.

48. During this Period, registration for voting had been going on, and the people were being enlightened as to the nature of the plebiscite and as to the choices before them. In accordance with General Assembly resolution 1473 (XIV) (Annex V (38)) of 12 December 1959, and Trusteeship Council resolution 2013 (XXVI) (Annex V (63)) of 31 May 1960, the plebiscite was held on 11 February 1961, in both the Northern and Southern Cameroons and additionally on 12 February 1961, in the Northern Cameroons.

49. In the Southern Cameroons, 97,741 people voted for joining Nigeria and 233,571 for the union with the Republic of Cameroon.

50. In the Northern Cameroons, 146,296 people voted in favour of joining Nigeria and 97,659 in favour of joining the Republic of Cameroon.

51. In his report (T/1556 dated 3 April 1961) to the Trusteeship Council, the United Nations Plebiscite Commissioner said in respect of the Southern Cameroons:

“I am satisfied that the people of the Southern Cameroons had the opportunity to express their wishes freely and secretly at the polls concerning the alternatives offered in the plebiscite...”

Later the report stated:

“While the majority of the people may not have grasped the detailed implications of the alternatives at the plebiscite, it can confidently be said that they were aware that the decision they were called upon to make meant joining one or the other of the two neighbouring countries.”

In regard to the Northern Cameroons, he said:

“... although the majority of the people of the Northern Cameroons may not have grasped the intricate and complex constitutional implications of the two alternatives, they were aware, nevertheless,

that the decision they were called upon to make at the plebiscite meant joining one or other of the two neighbouring countries...

The plebiscite was efficiently organized and conducted by the Administering Authority in accordance with the legislation promulgated for the purpose. In spite of the defects and weaknesses inherent in the situation prevailing in the Northern Cameroons, I am satisfied that the people had the opportunity to express their wishes freely and secretly at the polls concerning the alternatives offered in the plebiscite."

52. At the end of March 1961 the Cameroon Government distributed a White Paper, setting out their complaints in regard to the plebiscite. In this, they renewed the complaints which had been made by the French Delegation before the General Assembly in May 1960, about the lack of effective separation of the territory from Nigeria and criticized the predominance of Nigerian officials, and in particular the presence of the Resident in the Northern Cameroons. They complained about the qualifications for voting, and of ill-treatment of supporters of the Republic as well as complaining in various ways about the conduct of the poll.

53. On 10 April 1961 the United Kingdom representative on the Fourth Committee of the General Assembly wrote to the Chairman of the Committee enclosing United Kingdom comments on the pamphlet circulated by the Republic of Cameroon. On the same day, the Trusteeship Council by resolution 2101 (S-XI) (Annex V (65)) took note of the report of the United Nations Plebiscite Commissioner and forwarded it to the General Assembly.

54. Notwithstanding these complaints by the Republic of Cameroon, and after consideration of their validity, the Fourth Committee of the General Assembly adopted a resolution (document A/4737) by 59 votes to 2 with 9 abstentions, on 20 April 1961. Further, on 21 April 1961, the General Assembly passed by 64 votes to 23 with 13 abstentions resolution 1608 (XV) (Annex V (40)). This resolution endorsed the results of the plebiscites; considered that the people of the two parts of the territory had freely and secretly expressed their wishes with regard to their respective futures in accordance with previous General Assembly resolutions on the subject; and decided that the Trusteeship Agreement of 13 December 1946 concerning the Cameroons under United Kingdom administration should be terminated with respect to the Northern Cameroons on 1 June 1961.

55. On 1 June 1961 the Northern Cameroons joined Nigeria as a province in the Northern Region.

56. In regard to the Southern Cameroons, the United Kingdom Government had immediately after the plebiscite indicated to the Government of the Republic of Cameroon its opinion that it was desirable to carry forward as quickly as possible discussions in relation to the arrangements for the unification of the Southern Cameroons and the Republic. Numerous discussions were held between the time of the plebiscite and the General Assembly's decision on the matter and the date of 1 October 1961, which had been fixed by the General Assembly as the date for termination of Trusteeship. As a result of these discussions the former Trust Territory joined with the Republic of Cameroon in a federal form of Government on 1 October 1961.

*Annex IV***Mandate conferred on His Britannic Majesty in respect
of the Cameroons**

The Council of the League of Nations :

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on 28 June 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the Cameroons; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with Article 22 of the Covenant of the League of Nations that part of the Cameroons lying to the west of the line agreed upon in the Declaration of 10 July 1919, annexed hereto, referred to in Article 1, should be conferred upon His Britannic Majesty; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Confirming the said mandate, defines its terms as follows:

ARTICLE I

The territory for which a mandate is conferred upon His Britannic Majesty comprises that part of the Cameroons which lies to the west of the line laid down in the Declaration signed on 10 July 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map, Moisel 1 : 300,000, annexed to the Declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot; maps signed by the Commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government, and one by the Government of the French Republic.

ARTICLE 2

The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

ARTICLE 4

The Mandatory:

- (1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;
- (2) shall suppress all forms of slave trade;
- (3) shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
- (4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
- (5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6

The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that the Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain

full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 12

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

APPENDIX

Cameroons—Franco-British Declaration

The undersigned:

Viscount MILNER, Secretary of State for the Colonies of the British Empire,

M. Henry SIMON, Minister for the Colonies of the French Republic, have agreed to determine the frontier, separating the territories of the Cameroons, placed respectively under the authority of their Governments, as it is traced on the map, Moisel 1 : 300,000, annexed to the present Declaration¹, and defined in the description in three articles also annexed hereto.

(Signed) MILNER

Henry SIMON.

London, 10 July 1919.

DESCRIPTION OF THE FRANCO-BRITISH FRONTIER, MARKED ON MOISEL'S
MAP OF THE CAMEROONS, SCALE 1 : 300,000

Article 1

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05' N. and in approximately longitude 14° 05' E. of Greenwich.

Thence the frontier will be determined as follows:

(1) A straight line to the mouth of the Ebeji;

¹ Annexed only to the original signed Declaration.

- (2) Thence the course of the River Ebeji, which upstream is named the Levejil, Labejed, Ngalarem, Lebeit and Ngada respectively, to the confluence of the Rivers Kalia and Lebaait;
- (3) Thence the course of the River Kalia, or Ame, to its confluence with the River Dorma, or Kutelaha;
- (4) Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;
- (5) From the point where the River Amjumba loses itself in a swamp, the boundary will follow the medium line of this swamp so as to rejoin the watercourse, which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Golnwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain;
- (6) Thence this watercourse to its confluence with the River Gatagule;
- (7) Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;
- (8) Thence a line to the source of the Tsikakiri to be fixed on the ground so as to leave the village of Dumo to France;
- (9) Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;
- (10) Thence the course of the Mao Tiel to its confluence with the River Benue;
- (11) Thence the course of the Benue upstream to its confluence with the Faro;
- (12) Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilometres south of Chikito;
- (13) Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;
- (14) Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;
- (15) Thence a line south-westwards reaching the watershed between the Benue on the north-west and the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilometre south of the source of the Mao Kordo;
- (16) Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground, so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;
- (17) Thence the course of the Mao Deo to its confluence with the Tiba;
- (18) Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west and situated about 12 kilometres south-west to Kontscha;
- (19) Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;
- (20) Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilometres north-west of the Tchape Pass (point 1541);

- (21) Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilometres to the east;
- (22) Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadji;
- (23) Thence a line to reach the source of the River Mafu;
- (24) Thence the River Mafu to its confluence with the River Mabe;
- (25) Thence the River Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum;
- (26) Thence a line to the confluence of the Rivers Mpand and Nun, to be fixed on the ground, so as to leave the country of Bansso to Great Britain and that of Bamum to France;
- (27) Thence the River Nun to its confluence with the River Tantam;
- (28) Thence the Tiver Tantam and its affluent, which is fed by the River Sefu;
- (29) Thence the River Sefu to its source;
- (30) Thence a line south-westwards, crossing the Kupti, to reach near its source east of point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam;
- (31) Thence this watercourse to its confluence with the Northern Mifi, leaving to France the village of Gascho, belonging to the small country of Bamenjam;
- (32) Thence the Northern Mifi upstream to its confluence with the River Mogo, or Dosi;
- (33) Thence the River Mogo to its source;
- (34) Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;
- (35) Thence a line to the source of the River Bubus;
- (36) Thence the River Bubus, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;
- (37) Thence the course of the Mungo to the point in its mouth where it meets the parallel of latitude $4^{\circ} 2' 30''$ N.;
- (38) Thence this parallel of latitude westwards so as to reach the coast south of Tauben I.;
- (39) Thence a line following the coast, passing south of Reiher I., to Mokola Creek, thus leaving Möwe Lake to Great Britain;
- (40) Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal Creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria and other unnamed creeks to the junction of the Matumal and Victoria Creeks;
- (41) Thence a line running 35° west of true south to the Atlantic Ocean.

Article 2

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the commissioners of the two Governments will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills or watersheds).

The Boundary Commissioners shall be authorized to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognized and respected.

(2) As regards the roads mentioned in Article 1, only those which are shown upon the annexed map¹ shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

Article 3

(1) The map to which reference is made in the description of the frontier is Moisel's map of the Cameroons on the scale 1:300,000. The following sheets of this map have been used:

- Sheet A 4. Chad; dated 1 December 1912.
- Sheet B 4. Kussori; dated 1 August 1912.
- Sheet B 3. Dikoa; dated 1 January 1913.
- Sheet C 3. Mubi; dated 15 December 1912.
- Sheet D 3. Garua; dated 15 May 1912.
- Sheet E 3. Ngaundere; dated 15 October 1912.
- Sheet E 2. Banjo; dated 1 January 1913.
- Sheet F 2. Fumban; dated 1 May 1913.
- Sheet F 1. Ossidinge; dated 1 January 1912.
- Sheet G 1. Buea; dated 1 August 1911.

(2) A map of the Cameroons, scale 1:2,000,000, is attached to illustrate the description of the above frontier¹.

¹ Annexed only to the original signed Declaration.

Annex V (1)

GENERAL ASSEMBLY RESOLUTION 63 (I)

Approval of Trusteeship Agreements

The General Assembly approves separately the following eight Trusteeship Agreements:

1. The proposed Trusteeship Agreement for New Guinea submitted by the Government of Australia (document A/153/Rev. 2).
2. The proposed Trusteeship Agreement for Ruanda-Urundi submitted by the Government of Belgium (document A/159/Rev. 2).
3. The proposed Trusteeship Agreement for the Cameroons under French mandate submitted by the Government of France (document A/155/Rev. 2).
4. The proposed Trusteeship Agreement for Togoland under French mandate submitted by the Government of France (document A/154/Rev. 2).
5. The proposed Trusteeship Agreement for Western Samoa submitted by the Government of New Zealand (document A/160/Rev. 2).
6. The proposed Trusteeship Agreement for Tanganyika submitted by the Government of the United Kingdom (document A/152/Rev. 2).
7. The proposed Trusteeship Agreement for the Cameroons under British mandate submitted by the Government of the United Kingdom (document A/151/Rev. 2).
8. The proposed Trusteeship Agreement for Togoland under British mandate submitted by the Government of the United Kingdom (document A/150/Rev. 2).

62nd plenary meeting, 13 December 1946.

Annex V (2)

GENERAL ASSEMBLY RESOLUTION 64 (I)

Establishment of the Trusteeship Council

The General Assembly approved, on 13 December 1946, in accordance with Article 85 of the Charter, the terms of the Trusteeship Agreements for New Guinea, Ruanda-Urundi, Cameroons under French administration and Togoland under French administration, Western Samoa, Tanganyika, Cameroons under British administration and Togoland under British administration.

In these agreements, Australia, Belgium, France, New Zealand and the United Kingdom have been designated as Administering Authorities.

The conditions necessary for the constitution of the Trusteeship Council can thus be fulfilled.

In accordance with Article 86 *a*, Australia, Belgium, France, New Zealand and the United Kingdom will be members of the Trusteeship Council.

By application of Article 86 *b*, China, the United States of America and the Union of Soviet Socialist Republics, being such of the members mentioned by name in Article 23 of the Charter as are not administering Trust Territories, will also be members of the Trusteeship Council.

In accordance with Article 86 *c* it is necessary, in order to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer Trust Territories and those which do not, that two members should be elected by the General Assembly.

Therefore,

The General Assembly,

1. *Elects* Mexico and Iraq as members of the Trusteeship Council for a term of three years;

2. *Directs* the Secretary-General to convoke the first session of the Trusteeship Council not later than 15 March 1947, and to draw up and communicate to each member of the Council the provisional agenda for that session at least 30 days in advance of the date of the session.

63rd plenary meeting, 14 December 1946.

Annex V (3)

GENERAL ASSEMBLY RESOLUTION 139 (II)

Report of the Trusteeship Council Covering its First Session

The General Assembly

Takes note of the report of the Trusteeship Council (document A/312)¹ and

Resolves that all comments² made by Members on the report during the discussion be transmitted to the Trusteeship Council for consideration in its future work.

104th plenary meeting, 1 November 1947.

Annex V (4)

GENERAL ASSEMBLY RESOLUTION 223 (III)

Report of the Trusteeship Council Covering its Second and Third Sessions

The General Assembly

Takes note of the report of the Trusteeship Council covering its second and third sessions (A/603)³,

Expresses its confidence that the Trusteeship Council, in a spirit of co-operation, will effectively contribute to achieving the high objectives of the Trusteeship System;

¹ See *Official Records of the Second Session of the General Assembly*, Suppl. No. 4.

² *Ibid.*, doc. A/421.

³ See *Official Records of the Third Session of the General Assembly*, Suppl. No. 4.

Recommends that the Trusteeship Council should consider at its next session the comments and suggestions made during the discussion of the report at the third session of the General Assembly;

Requests the Secretary-General to prepare for the use of the Trusteeship Council an appropriate document setting forth such comments and suggestions.

159th plenary meeting, 18 November 1948.

Annex V (5)

GENERAL ASSEMBLY RESOLUTION 224 (III)

Administrative Unions Affecting Trust Territories

The General Assembly,

Mindful that one of the basic objectives of the Trusteeship System is to promote the political, economic, social and educational advancement of the Trust Territories, and their progressive development towards self-government or independence,

Noting that the Trusteeship Agreements for some of these Territories authorize the Administering Authority concerned to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control and to establish common services between the Trust Territory and such adjacent territories, where such measures are not inconsistent with the basic objectives of the Trusteeship System and with the terms of the Trusteeship Agreement,

Recognizing that, in certain circumstances, such unions may be in the interests of the inhabitants of the Territory concerned,

Recalling that the General Assembly approved these Agreements upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements "as giving powers to the Administering Authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories"¹,

Having considered the observations of the Trusteeship Council, contained in the report covering its second and third sessions (A/603), on the existing or proposed administrative unions between certain Trust Territories and the adjacent territories under the sovereignty or control of the Administering Authority,

Notes the observations of the Trusteeship Council on such administrative unions; and in particular;

Endorses the observation of the Trusteeship Council that an administrative union "must remain strictly administrative in its nature and its scope, and that its operation must not have the effect of creating any conditions which will obstruct the separate development of the Trust

¹ See *Official Records of the Second Part of the First Session of the General Assembly*, Fourth Committee, Part I, p. 300.

Territory, in the fields of political, economic, social and educational advancement, as a distinct entity”;

Recommends accordingly that the Trusteeship Council should:

- (a) Investigate these questions in all their aspects with special reference to such unions already constituted or proposed and in the light of the terms of the Trusteeship Agreements and of the assurances given by the Administering Authorities in this connection;
- (b) In the light of this investigation, recommend such safeguards as the Council may deem necessary to preserve the distinct political status of the Trust Territories and to enable the Council effectively to exercise supervisory functions over such Territories;
- (c) Request, whenever appropriate, an advisory opinion of the International Court of Justice as to whether such unions are within the scope of and compatible with, the stipulations of the Charter and the terms of the Trusteeship Agreements as approved by the General Assembly;
- (d) Invite the Administering Authorities to make available to the Council such information relating to administrative unions as will facilitate the investigation by the Council referred to above;
- (e) Report specifically to the next regular session of the General Assembly on the results of the Council's investigations and the action taken by it.

160th plenary meeting, 18 November 1948.

Annex V (6)

GENERAL ASSEMBLY RESOLUTION 226 (III)

Progressive Development of Trust Territories

The General Assembly,

Recalling that the Trusteeship System is aimed at the progressive development of Trust Territories toward self-government or independence,

Considering that this development should be achieved at the earliest possible date and that the Trust Territories should attain self-government or independence as soon as possible,

Noting the efforts of the Administering Authorities already made in this direction,

Recalling that Article 77 of the Charter contemplates the application of the Trusteeship System, in accordance with the terms of that Article, to the three types of territories enumerated therein,

Reaffirms that the supervisory authority over Trust Territories rests with the United Nations;

Recommends that the Administering Authorities:

- (a) Take all measures to improve and promote the political, economic, social and educational advancement of the inhabitants of Trust Territories;

- (b) Take all possible steps to accelerate the progressive development towards self-government or independence of the Trust Territories they administer.

160th plenary meeting, 18 November 1948.

Annex V (7)

GENERAL ASSEMBLY RESOLUTION 320 (IV)

Political Advancement of Trust Territories

The General Assembly,

Having considered the report¹ of the Trusteeship Council covering its fourth and fifth sessions and the various decisions and recommendations made by it in the course of the discharge of its functions,

1. *Takes note* of the decisions taken by the Trusteeship Council and expresses its full support of the Council's recommendations to the Administering Authorities for the adoption by the latter of measures which would hasten the advancement of the Trust Territories towards self-government or independence, in accordance with the objectives laid down in Article 76 *b* of the Charter;

2. *Recommends* to the Trusteeship Council that it should include in its annual reports to the General Assembly information in a special section dealing with the implementation by the Administering Authorities of the Council's recommendations concerning the measures adopted to grant the indigenous inhabitants of the Trust Territories a larger degree of self-government through participation in the legislative, executive and judicial organs and procedures of the Trust Territories.

240th plenary meeting, 15 November 1949.

Annex V (8)

GENERAL ASSEMBLY RESOLUTION 326 (IV)

Administrative Unions Affecting Trust Territories

The General Assembly,

Having noted the action taken by the Trusteeship Council in respect of General Assembly resolution 224 (III)² of 18 November 1948, concerning administrative unions affecting Trust Territories,

Having considered the information on administrative unions received by the Trusteeship Council and transmitted by its resolution 109 (V)³ of 18 July 1949 to the General Assembly,

Considering that the Trusteeship Council has not yet completed the investigation, requested under the aforesaid resolution of the General

¹ See *Official Records of the Fourth Session of the General Assembly*, Suppl. No. 4.

² See *Official Records of the Third Session of the General Assembly*, Part I, Resolutions, p. 86.

³ See *Official Records of the Fifth Session of the Trusteeship Council*, Resolutions, p. 15.

Assembly, with respect to all the questions arising out of the said administrative unions,

Noting that, although the Trusteeship Agreements authorize customs, fiscal and administrative unions or federations, they do not authorize any form of political association which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories,

Affirming the view that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory towards self-government or independence,

1. *Recommends* to the Trusteeship Council to complete its investigation, paying particular attention to the following:

- (a) The desirability of having the Administering Authorities inform the Trusteeship Council beforehand when they propose to create new administrative unions of Trust Territories with adjacent territories, or extend the scope of any existing union or federation;
- (b) The desirability, should it be impossible as a consequence of the establishment of an administrative union to furnish clear and precise separate financial, statistical and other data relating to a Trust Territory, of the Administering Authority concerned accepting such supervision by the Trusteeship Council over the unified administration as the Council may consider necessary for the effective discharge of its high responsibilities under the Charter;
- (c) The desirability of establishing a separate judicial organization in each Trust Territory;
- (d) The desirability of establishing in each Trust Territory a separate legislative body with increasing powers and with headquarters within the Trust Territory, and of eliminating any type of legislative action originating in any other legislative body with headquarters in a Non-Self-Governing Territory;
- (e) The desirability of taking into account, before any administrative, customs or fiscal union is established or extended in its nature or scope, the freely expressed wishes of the inhabitants of the Trust Territories concerned;

Recommends that the Trusteeship Council complete its investigation, in accordance with the terms of General Assembly resolution 224 (III) and of the present resolution, and present a special report to the next regular session of the General Assembly on the results of its investigation and the action taken by it, with particular reference to any safeguards which the Council may consider it necessary to request of the Administering Authorities concerned, and that the Council continue likewise to observe the development of such unions and to report to the General Assembly at its regular sessions.

240th plenary meeting, 15 November 1949.

Annex V (9)

GENERAL ASSEMBLY RESOLUTION 431 (V)

Report of the Trusteeship Council Covering its First Special Session, its Second Special Session, and its Sixth and Seventh Sessions*The General Assembly*

1. *Takes note* of the report¹ of the Trusteeship Council covering its first special session, its second special session, and its sixth and seventh sessions;

2. *Expresses its confidence* that the Trusteeship Council, in a spirit of co-operation, will continue to contribute effectively to achieving the high objectives of the Trusteeship System;

3. *Recommends* that the Trusteeship Council consider at its next session the comments and suggestions made during the discussion of the report at the fifth session of the General Assembly.

316th plenary meeting, 2 December 1950.

Annex V (10)

GENERAL ASSEMBLY RESOLUTION 433 (V)

Annual Reports of the Trusteeship Council*The General Assembly,*

Considering that, under Article 85, paragraph 2, of the Charter, the Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out its functions with regard to the International Trusteeship System,

Considering that, under Article 15, paragraph 2, of the Charter, the General Assembly shall receive and consider the reports of the Trusteeship Council,

Considering further that the present arrangement of the subject-matter of the report of the Trusteeship Council to the General Assembly, which conforms strictly to the various functions of the Council, might be improved so as to enable the General Assembly to form a clearer understanding of conditions in the Trust Territories,

1. *Recommends* that the Trusteeship Council, accordingly, in its future reports to the General Assembly:

- (a) Present in separate sections all the relevant data examined by the Trusteeship Council concerning the political, economic, social and educational conditions in each Trust Territory, so that each section may provide the General Assembly with a comprehensive account of such conditions in each of the above-mentioned fields;
- (b) Include in each such section the observations, conclusions and recommendations of the Council on the topic under review, as well

¹ See *Official Records of the General Assembly*, fifth session, Suppl. No. 4.

as such relevant observations of its individual members as the Council may consider useful;

- (c) Give in each case in the appropriate section an account of the manner in which the Administering Authority has carried out each recommendation of the General Assembly or of the Trusteeship Council;
 - (d) State also in the same section its conclusions on the extent of the action taken by the Administering Authority and on the measures which, in its opinion, should be adopted in view of those conclusions;
 - (e) Include, wherever practicable, maps of the various Trust Territories;
2. *Recommends* also that the Trusteeship Council, in preparing its future annual reports, take into consideration documents A/C.4/L.93 and A/C.4/L.94, the texts of which will be of assistance in making clear the structure of the annual report of the Trusteeship Council which the General Assembly hopes will be adopted.

316th plenary meeting, 2 December 1950.

Annex V (II)

GENERAL ASSEMBLY RESOLUTION 434 (V)

Organization and Methods of Functioning of Visiting Missions

The General Assembly,

Considering that, under Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic shall be exercised by the General Assembly,

Considering that, under Article 87 c of the Charter, the General Assembly and, under its authority, the Trusteeship Council, may provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority,

Noting that visiting missions of the Trusteeship Council have now visited each of the Trust Territories for the first time and have submitted valuable reports to the Council,

Noting that these missions were the first of their kind and that the time during which they remained in each of the Trust Territories did not permit them to make a thorough study of some of the problems existing in the Trust Territories,

Considering that, since it has been customary for the Trusteeship Council to study the possibility of improving the organization and membership as well as the methods and functioning of visiting missions, the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review these matters again,

1. *Recommends* accordingly that the Trusteeship Council should undertake another such review in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council, taking into consideration for that purpose the observations and suggestions made during the discussion of this matter at the

fifth session of the General Assembly and taking into account the advisability of:

- (a) Arranging for visiting missions to remain long enough in each Trust Territory to be able adequately to fulfil their task;
- (b) Reducing the number of Trust Territories to be visited by a single visiting mission;
- (c) Ensuring the greatest possible flexibility in the itinerary of each visiting mission;
- (d) Extending the duration of visits without diminishing their frequency;
- (e) Continuing to include in the terms of reference of each visiting mission the examination of specific problems;
- (f) Continuing to include in the terms of reference of each visiting mission the preliminary examination on the spot, when called for, of the petitions submitted to it, and of such other petitions as the Trusteeship Council may deem appropriate;
- (g) Selecting members of each visiting mission as much as possible from among representatives who sit on the Trusteeship Council;
- (h) Directing visiting missions to take advantage of every opportunity to inform the indigenous inhabitants of the workings and operations of the International Trusteeship System;

2. *Requests* the Trusteeship Council to include the results of the review in its next report to the General Assembly.

316th plenary meeting, 2 December 1950.

Annex V (12)

GENERAL ASSEMBLY RESOLUTION 443 (V)

Administrative Unions Affecting Trust Territories

The General Assembly

Decides to carry over the item relating to administrative unions affecting Trust Territories for consideration at the next regular session of the General Assembly.

320th plenary meeting, 12 December 1950.

Annex V (13)

GENERAL ASSEMBLY RESOLUTION 553 (VI)

Organization and Methods of Functioning of Visiting Missions

The General Assembly,

Recalling that in its resolution 434 (V) of 2 December 1950, it recommended that the Trusteeship Council review the organization and functioning of visiting missions to the Trust Territories, taking into account in particular the advisability of reducing the number of Trust Territories to be visited by a single visiting mission and of extending the duration of visits without diminishing their frequency,

1. *Notes* that in organizing its Visiting Mission to Trust Territories in East Africa in 1951 the Trusteeship Council decided, in its resolution 344 (X) of 5 July 1951 that the Mission should visit three Trust Territories as compared with two visited by the previous Mission to that area in 1948;

2. *Notes* that, by fixing in the same resolution an interval of time between the dispatch of the 1951 Visiting Mission and the submission of its report only slightly in excess of the corresponding period of time taken by the 1948 Visiting Mission, the Trusteeship Council precluded any possibility of the 1951 Visiting Mission spending an appreciably longer time in the Trust Territories concerned;

3. *Notes further* that, in its resolution 343 (IX) of 6 June 1951 the Trusteeship Council also decided that, in making arrangements for future visiting missions, it would take into account the observations and suggestions of a committee of the Council which considered, *inter alia*, that, while two separate missions should be sent, if possible, to the four Trust Territories in the Pacific area every three years, one mission only was sufficient to cover the four West African Trust Territories and one the three East African Trust Territories;

4. *Recommends* that the Trusteeship Council again review its procedures in respect of the organization and functioning of visiting missions, bearing in mind the financial implications, with a view to:

- (a) Increasing the duration of each visit to each Trust Territory;
- (b) Reducing the number of Trust Territories to be visited by a single visiting mission; and
- (c) Achieving these ends without diminishing the frequency of visits to the Trust Territories;

5. *Reaffirms* the desirability of each visiting mission being constituted as much as possible from among representatives who sit on the Trusteeship Council;

6. *Recommends*, however, that, whenever it is necessary for practical reasons to appoint members other than representatives who sit on the Trusteeship Council, the Council consider inviting Members of the United Nations which are not members of the Trusteeship Council to nominate suitably qualified persons.

361st plenary meeting, 18 January 1952.

Annex V (14)

GENERAL ASSEMBLY RESOLUTION 559 (VI)

Report of the Trusteeship Council

The General Assembly

1. *Takes note* of the report of the Trusteeship Council¹ covering its third special session and its eighth and ninth sessions;

2. *Expresses its confidence* that the Trusteeship Council, in a spirit of genuine undertaking and co-operation, will continue to contribute—and

¹ See *Official Records of the General Assembly*, sixth session, Suppl. No. 4.

with increased effectiveness—to achieving the high objectives of the International Trusteeship System;

3. *Recommends* that the Trusteeship Council consider at its next sessions the comments and suggestions made during the discussion of the report at the sixth session of the General Assembly, including the valuable discussions in the Fourth Committee on various specific trusteeship problems, with a view to arriving at a speedy solution of those problems.

361st plenary meeting, 18 January 1952.

Annex V (15)

GENERAL ASSEMBLY RESOLUTION 563 (VI)

Administrative Unions Affecting Trust Territories

The General Assembly,

Having by resolution 443 (V) of 12 December 1950 decided to carry over the item relating to administrative unions affecting Trust Territories for consideration at the sixth session of the General Assembly,

Recalling that by its resolution 224 (III) of 18 November 1948 the General Assembly recommended that the Trusteeship Council should investigate the question of administrative unions in all its aspects, and that by its resolution 326 (IV) of 15 November 1949 it recommended that the Trusteeship Council should complete its investigation,

Recalling further that by resolution 326 (IV) the General Assembly noted that the Trusteeship Agreements do not authorize any form of political association which would involve annexation of the Trust Territories in any sense, or would have the effect of extinguishing their status as Trust Territories, and affirmed the view that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory towards self-government or independence,

Having examined the reports¹ of the Trusteeship Council concerning administrative unions and the manner in which the Council has continued to observe the development of such unions;

1. *Notes* that the Trusteeship Council has not as yet been able to examine fully all the aspects of administrative unions;

2. *Notes further* that some of the recommendations of the Council have not yet been fully implemented;

3. *Requests* the Trusteeship Council, in order to enable the General Assembly to arrive at conclusions concerning existing administrative unions affecting Trust Territories, to submit to the General Assembly at its seventh regular session, a special report containing a complete analysis of each of the administrative unions to which a Trust Territory is a party, and of the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union, with special reference to:

¹ *Official Records of the General Assembly*, fifth session, Suppl. No. 4, pp. 180-183, 185-215; sixth session, Suppl. No. 4, p. 22.

- (a) The considerations enumerated in paragraph 1 of resolution 326 (IV) of the General Assembly;
- (b) The compatibility of the arrangements already made with the provisions of the Charter of the United Nations and the Trusteeship Agreement;
4. *Establishes* a Committee on Administrative Unions, which shall meet three weeks before the next regular session of the General Assembly, composed of Belgium, Brazil, India and the United States of America, to make a preliminary examination of the special report prepared by the Trusteeship Council and to present its observations thereon to the General Assembly at its seventh regular session.

361st plenary meeting, 18 January 1952.

Annex V (16)

GENERAL ASSEMBLY RESOLUTION 649 (VII)

Administrative Unions Affecting Trust Territories

The General Assembly,

Recalling that the Trusteeship Agreements for the Trust Territories concerned authorize the Administering Authorities to establish customs, fiscal or administrative unions or federations,

Recalling its resolution 224 (III) of 18 November 1948 recommending that the Trusteeship Council should investigate the question of administrative unions in all its aspects, and resolution 326 (IV) of 15 November 1949 recommending that the Trusteeship Council should complete the investigation,

Recalling, further, that in resolution 326 (IV) it noted that the Trusteeship Agreements do not authorize any form of political association which would involve annexation of the Trust Territories in any sense, or would have the effect of extinguishing their status as Trust Territories, and affirmed the view that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory toward self-government or independence,

Recalling its resolution 563 (VI) of 18 January 1952 requesting the Trusteeship Council to submit to it, at its seventh session, a special report containing a complete analysis of each of the administrative unions to which a Trust Territory is a party, and of the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union,

Recalling the studies¹ on administrative unions undertaken by the Trusteeship Council in 1949 and 1950, and in particular the important analysis of administrative unions contained in resolution 293 (VII) adopted by the Council on 17 July 1950,

Recalling the regular annual reports adopted by the Trusteeship Council in 1951 and 1952 on each of the Trust Territories participating in an administrative union,

¹ See *Official Records of the Trusteeship Council*, fifth session, annex, agenda item 10, p. 255, and *Official Records of the General Assembly*, fifth session, Suppl. No. 4, annex.

1. *Takes note* of the special report¹ submitted by the Trusteeship Council in compliance with General Assembly resolution 563 (VI) and the observations² made thereon by the General Assembly Committee on Administrative Unions;

2. *Calls to the attention* of the Administering Authorities the observations and conclusions contained in the special report of the Trusteeship Council and the observations of the General Assembly Committee on Administrative Unions;

3. *Requests* the Administering Authorities to continue to transmit promptly to the Trusteeship Council information as complete as possible concerning the operation of the administrative unions affecting Trust Territories under their administration, indicating the benefits and advantages derived by the inhabitants of the Trust Territories from administrative unions;

4. *Expresses the hope* that the Administering Authorities concerned will take into account the freely expressed wishes of the inhabitants before establishing or extending the scope of administrative unions;

5. *Expresses the hope* that the Administering Authorities concerned will consult with the Trusteeship Council concerning any change in or extension of existing administrative unions, or concerning any proposal to establish new administrative unions;

6. *Requests* the Trusteeship Council to continue its regular examination of each administrative union affecting a Trust Territory, and to study these administrative unions, not only with regard to the four safeguards enumerated in Trusteeship Council resolution 293 (VII), but also with regard to the interests of the inhabitants of the Territory and the terms of the Charter and the Trusteeship Agreements, as well as any other matters which the Council may deem appropriate.

409th plenary meeting, 20 December 1952.

Annex V (17)

GENERAL ASSEMBLY RESOLUTION 654 (VII)

Report of the Trusteeship Council

The General Assembly

1. *Takes note* of the report³ of the Trusteeship Council covering its fourth special session and its tenth and eleventh sessions;

2. *Recommends* that the Trusteeship Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussion of the report of the Council at the seventh session of the General Assembly.

410th plenary meeting, 21 December 1952.

¹ See *Official Records of the General Assembly*, seventh session, Suppl. No. 12.

² See doc. A/2217.

³ See *Official Records of the General Assembly*, seventh session, Suppl. No. 4, and doc. A/2150/Add.1.

Annex V (18)

GENERAL ASSEMBLY RESOLUTION 742 (VIII)

Factors Which Should Be Taken into Account in Deciding Whether a Territory Is or Is not a Territory Whose People Have not yet Attained a Full Measure of Self-Government

The General Assembly,

Bearing in mind the principles embodied in the Declaration regarding Non-Self-Governing Territories and the objectives set forth in Chapter XI of the Charter,

Recalling the provisions of resolutions 567 (VI) and 648 (VII), adopted by the General Assembly on 18 January and 10 December 1952, respectively, indicating the value of establishing a list of factors which should be taken into account in deciding whether a Territory has or has not attained a full measure of self-government,

Having regard to the competence of the General Assembly to consider the principles that should guide the United Nations and the Member Nations and the Member States in the implementation of obligations arising from Chapter XI of the Charter and to make recommendations in connection with them,

Having examined the report¹ of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) set up by resolution 648 (VII),

1. *Takes note* of the conclusions of the report of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories);
2. *Approves* the list of factors as adopted by the Fourth Committee;
3. *Recommends* that the annexed list of factors should be used by the General Assembly and the Administering Members as a guide in determining whether any Territory, due to changes in its constitutional status, is or is no longer within the scope of Chapter XI of the Charter, in order that, in view of the documentation provided under resolution 222 (III) of 3 November 1948, a decision may be taken by the General Assembly on the continuation or cessation of the transmission of information required by Chapter XI of the Charter;
4. *Reasserts* that each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples;
5. *Considers* that the validity of any form of association between a Non-Self-Governing Territory and a metropolitan or any other country essentially depends on the freely expressed will of the people at the time of the taking of the decision;
6. *Considers* that the manner in which Territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence, although it is recognized that self-government can also be achieved by association with another State or group of States if this is done freely and on the basis of absolute equality;

¹ See doc. A/2428.

7. *Reaffirms* that the factors, while serving as a guide in determining whether the obligations as set forth in Chapter XI of the Charter shall exist, should in no way be interpreted as a hindrance to the attainment of a full measure of self-government by a Non-Self-Governing Territory;

8. *Further reaffirms* that, for a Territory to be deemed self-governing in economic, social or educational affairs, it is essential that its people shall have attained a full measure of self-government;

9. *Instructs* the Committee on Information from Non-Self-Governing Territories to study any documentation transmitted hereafter under resolution 222 (III) in the light of the list of factors approved by the present resolution, and other relevant considerations which may arise from each concrete case of cessation of information;

10. *Recommends* that the Committee on Information from Non-Self-Governing Territories take the initiative of proposing modifications at any time to improve the list of factors, as may seem necessary in the light of circumstances.

459th plenary meeting, 27 November 1953.

ANNEX

List of Factors

FACTORS INDICATIVE OF THE ATTAINMENT OF INDEPENDENCE OR OF OTHER SEPARATE SYSTEMS OF SELF-GOVERNMENT

First Part

Factors Indicative of the Attainment of Independence

A. International Status.

1. *International responsibility.* Full international responsibility of the Territory for the acts inherent in the exercise of its external sovereignty and for the corresponding acts in the administration of its internal affairs.

2. *Eligibility for membership in the United Nations.*

3. *General international relations.* Power to enter into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments.

4. *National defence.* Sovereign right to provide for its national defence.

B. Internal Self-Government.

1. *Form of government.* Complete freedom of the people of the Territory to choose the form of government which they desire.

2. *Territorial government.* Freedom from control or interference by the government of another State in respect of the internal government (legislature, executive, judiciary, and administration of the Territory).

3. *Economic, social and cultural jurisdiction.* Complete autonomy in respect of economic, social and cultural affairs.

*Second Part**Factors Indicative of the Attainment of Other Separate Systems of Self-Government**A. General.*

1. *Opinion of the population.* The opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. *Freedom of choice.* Freedom of choosing on the basis of the right of self-determination of peoples between several possibilities, including independence.

3. *Voluntary limitation of sovereignty.* Degree of evidence that the attribute or attributes of sovereignty which are not individually exercised will be collectively exercised by the larger entity thus associated and the freedom of the population of a Territory which has associated itself with the metropolitan country to modify at any time this status through the expression of their will by democratic means.

4. *Geographical considerations.* Extent to which the relations of the Non-Self-Governing Territory with the capital of the metropolitan government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles; and extent to which the interests of boundary States may be affected, bearing in mind the general principle of good-neighbourliness referred to in Article 74 of the Charter.

5. *Ethnic and cultural considerations.* Extent to which the populations are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

6. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

B. International Status.

1. *General international relations.* Degree or extent to which the Territory exercises the power to enter freely into direct relations of every kind with other governments and with international institutions and to negotiate, sign and ratify international instruments freely. Degree or extent to which the metropolitan country is bound, through constitutional provisions or legislative means, by the freely expressed wishes of the Territory in negotiating, signing and ratifying international conventions which may influence conditions in the Territory.

2. *Change of political status.* The right of the metropolitan country or the Territory to change the political status of that Territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State.

3. *Eligibility for membership in the United Nations.*

C. Internal self-government.

1. *Territorial government.* Nature and measure of control or interference, if any, by the government of another State in respect of the internal government, for example, in respect of the following:

Legislature: The enactment of laws for the Territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in a manner receiving the free consent of the population;

Executive: The selection of members of the executive branch of the government by the competent authority in the Territory receiving consent of the indigenous population, whether that authority is hereditary or elected, having regard also to the nature and measure of control, if any, by an outside agency on that authority, whether directly or indirectly exercised in the constitution and conduct of the executive branch of the government;

Judiciary: The establishment of courts of law and the selection of judges.

2. *Participation of the population*. Effective participation of the population in the government of the Territory: (a) Is there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government?

3. *Economic, social and cultural jurisdiction*. Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the Territory; and by the degree of freedom and lack of discrimination against the indigenous population of the Territory in social legislation and social developments.

Third Part

Factors Indicative of the Free Association of a Territory on Equal Basis with the Metropolitan or Other Country as an Integral Part of that Country in any Other Form

A. General.

1. *Opinion of the population*. The opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.

2. *Freedom of choice*. The freedom of the population of a Non-Self-Governing Territory which has associated itself with the metropolitan country as an integral part of that country or in any other form to modify this status through the expression of their will by democratic means.

3. *Geographical considerations*. Extent to which the relations of the Territory with the capital of the central government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles. The right of the metropolitan country or the Territory to change the political status of that Territory in the light of the consideration whether that Territory is or is not subject to any claim or litigation on the part of another State.

4. *Ethnic and cultural considerations*. Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associate themselves.

5. *Political advancement.* Political advancement of the population sufficient to enable them to decide upon the future destiny of the Territory with due knowledge.

6. *Constitutional considerations.* Association by virtue of a treaty or bilateral agreement affecting the status of the Territory, taking into account (i) whether the constitutional guarantees extend equally to the associated Territory, (ii) whether there are powers in certain matters constitutionally reserved to the Territory or to the central authority, and (iii) whether there is provision for the participation of the Territory on a basis of equality in any changes in the constitutional system of the State.

B. *Status.*

1. *Legislative representation.* Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

2. *Participation of the population.* Effective participation of the population in the government of the Territory: (a) Is there an adequate and appropriate electoral and representative system? (b) Is this electoral system conducted without direct or indirect interference from a foreign government?¹

3. *Citizenship.* Citizenship without discrimination on the same basis as other inhabitants.

4. *Government officials.* Eligibility of officials from the Territory to all public offices of the central authority, by appointment or election, on the same basis as those from other parts of the country.

C. *Internal Constitutional Conditions.*

1. *Suffrage.* Universal and equal suffrage, and free periodic elections, characterized by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular political parties.²

¹ For example, the following questions would be relevant:

- (i) Has each adult inhabitant equal power (subject to special safeguards for minorities) to determine the character of the government of the Territory?
- (ii) Is this power exercised freely, i.e., is there an absence of undue influence over and coercion of the voter and of the imposition of disabilities on particular political parties?

Some tests which can be used in the application of this factor are as follows:

- (a) The existence of effective measures to ensure the democratic expression of the will of the people;
- (b) The existence of more than one political party in the Territory;
- (c) The existence of a secret ballot;
- (d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;
- (e) The existence for the individual elector of a choice between candidates of differing political parties;
- (f) The absence of "martial law" and similar measures at election times;
- (iii) Is each individual free to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day?

² For example, the following tests would be relevant:

- (a) The existence of effective measures to ensure the democratic expression of the will of the people;
- (b) The existence of more than one political party in the Territory;

2. *Local rights and status.* In a unitary system equal rights and status for the inhabitants and local bodies of the Territory as enjoyed by inhabitants and local bodies of other parts of the country; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the federation.

3. *Local officials.* Appointment or election of officials in the Territory on the same basis as those in other parts of the country.

4. *Internal legislation.* Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country.

5. *Economic, social and cultural jurisdiction.* Degree of autonomy in respect of economic, social and cultural affairs, as illustrated by the degree of freedom from economic pressure as exercised, for example, by a foreign minority group which, by virtue of the help of a foreign Power, has acquired a privileged economic status prejudicial to the general economic interest of the people of the Territory; and by the degree of freedom and lack of discrimination against the indigenous population of the Territory in social legislation and social developments.

Annex V (19)

GENERAL ASSEMBLY RESOLUTION 752 (VIII)

Attainment by the Trust Territories of the Objective of Self-Government or Independence

The General Assembly,

Recalling its resolution 558 (VI) of 18 January 1952, by which it invited the Administering Authority of each Trust Territory other than Somaliland under Italian administration to include in each annual report information concerning measures taken or contemplated towards self-government or independence and, *inter alia*, the estimated period of time required for such measures and for the attainment of the ultimate objective,

Having received from the Administering Authorities concerned annual reports covering periods subsequent to 18 January 1952 in respect of all except one of the Trust Territories, namely the Territories of Western Samoa, New Guinea, Nauru, Tanganyika, Ruanda-Urundi, Togoland under British administration, Togoland under French administration and the Cameroons under French administration,

Noting that the Administering Authorities have not provided in these annual reports the information requested in resolution 558 (VI),

Noting, however, that the Administering Authority of Western Samoa has declared its intention¹ to initiate in 1954 consultations among the

- (c) The existence of a secret ballot;
- (d) The existence of legal prohibitions on the exercise of undemocratic practices in the course of elections;
- (e) The existence for the individual elector of a choice between candidates of differing political parties;
- (f) The absence of "martial law" and similar measures at election times;
- (g) Freedom of each individual to express his political opinions, to support or oppose any political party or cause, and to criticize the government of the day.

¹ See *Official Records of the General Assembly*, eighth session, Suppl. No. 4, p. 64.

representatives of the inhabitants leading to the establishment of a self-governing State,

1. *Reaffirms* resolution 558 (VI) of 18 January 1952;
2. *Commends* to the Administering Authorities of the other Trust Territories the example provided by the Administering Authority of Western Samoa in inviting the inhabitants themselves in 1954 to formulate proposals for the establishment of a self-governing State;
3. *Requests* the Trusteeship Council to include in its next and succeeding reports to the General Assembly a separate section dealing with the implementation of resolution 558 (VI) and the present resolution, specifying in particular the measure taken in respect of:
 - (a) Consultations with the inhabitants of each Trust Territory in regard to the measures taken or contemplated towards self-government;
 - (b) The development in each Trust Territory of representative, executive and legislative organs and the extension of their powers;
 - (c) The development in each Trust Territory of universal adult suffrage and direct elections;
 - (d) The training and appointment of indigenous persons in each Trust Territory for positions of responsibility in the administration;
 - (e) The development of adequate public revenue; and stating in each case its conclusions and recommendations in the light of resolution 558 (VI) and the present resolution.

471st plenary meeting, 9 December 1953.

Annex V (20)

GENERAL ASSEMBLY RESOLUTION 756 (VIII)

Report of the Trusteeship Council

The General Assembly,

1. *Takes note* of the report¹ of the Trusteeship Council covering the period 4 December 1952 to 21 July 1953;
2. *Recommends* that the Trusteeship Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussion of the report of the Council at the eighth session of the General Assembly.

471st plenary meeting, 9 December 1953.

Annex V (21)

GENERAL ASSEMBLY RESOLUTION 857 (IX)

Report of the Trusteeship Council Covering the Period from 22 July 1953 to 16 July 1954

The General Assembly,

1. *Takes note* of the report² of the Trusteeship Council covering the period 22 July 1953 to 16 July 1954;

¹ *Official Records of the General Assembly*, eighth session, Suppl. No. 4.

² *Ibid.*, ninth session, Suppl. No. 4.

2. *Recommends* that the Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussions of its report at the ninth session of the General Assembly.

512th plenary meeting, 14 December 1954.

Annex V (22)

GENERAL ASSEMBLY RESOLUTION 858 (IX)

Attainment by the Trust Territories of the Objective of Self-Government or Independence

The General Assembly,

Recalling its resolution 558 (VI) of 18 January 1952 by which it invited the Administering Authority of each Trust Territory, other than Somaliland under Italian administration, to include in each annual report information concerning measures taken or contemplated towards self-government or independence and, *inter alia*, the estimated period of time required for such measures and for the attainment of the ultimate objective,

Recalling further its resolution 752 (VIII) of 9 December 1953 by which it requested the Trusteeship Council to include in its next and succeeding reports to the General Assembly a separate section dealing with the implementation of resolutions 558 (VI) and 752 (VIII), specifying the various measures taken or contemplated towards self-government or independence and stating in each case its conclusions and recommendations in the light of these resolutions,

Considering that one of the most effective means of assisting the peoples of the Trust Territories to achieve the objectives set forth in Article 76 b of the Charter is to provide them with an opportunity to obtain experience in the work of government and administration by participation in representative bodies with adequate powers to carry out such work,

1. *Notes with satisfaction* that, in response to the request of the General Assembly, the Trusteeship Council has included in its report covering the period from 22 July 1953 to 16 July 1954 a separate Section¹ dealing with the attainment by the Trust Territories of the objective of self-government or independence;

2. *Notes, however,* that the Council has not formulated in this report any conclusions or recommendations on the measures taken or contemplated towards self-government or independence;

3. *Expresses the hope* that the Council will include its conclusions and recommendations on this question in its next and succeeding reports to the General Assembly;

4. *Recommends* that the Council instruct its visiting missions to give special attention in their reports to the Council to the question of attainment by the Trust Territories of self-government or independence in the light of resolutions 558 (VI) and 752 (VIII) and of the present resolution;

¹ *Official Records of the General Assembly*, ninth session, Suppl. No. 4, p. 279 et seq.

5. *Recommends* to the Administering Authorities that, as a means to facilitate an approximate determination of the date on which the populations of the Trust Territories would be prepared for self-government or independence, they should intensify their efforts to the utmost to bring about the establishment of new representative organs of government and administration in the Trust Territories, with increasing participation therein by indigenous elements of those Territories, or to develop on the same basis organs of that type already in existence; that they should ensure that the nature and powers of these organs reflect the special status conferred on the Trust Territories by Chapter XII of the Charter and by the Trusteeship Agreements; and that they should hasten the attainment of the objectives set forth in Article 76 of the Charter.

512th plenary meeting, 14 December 1954.

Annex V (23)

GENERAL ASSEMBLY RESOLUTION 946 (X)

Attainment by the Trust Territories of the Objective of Self-Government or Independence

The General Assembly,

Recalling that, by its resolutions 558 (VI) of 18 January 1952, 752 (VIII) of 9 December 1953 and 858 (IX) of 14 December 1954, it invited the Administering Authority of each Trust Territory, other than Somaliland under Italian administration, to include in each annual report information concerning measures taken or contemplated towards self-government or independence, and estimates of the periods of time required for such measures, and requested the Trusteeship Council to include in each of its reports to the General Assembly a separate section dealing with the subject and stating in each case its conclusions and recommendations,

Noting with regret the omission from the report¹ of the Council covering the period from 17 July 1954 to 22 July 1955 of the separate section envisaged by the above-mentioned resolutions,

Noting further that the Council, by its resolution 1254 (XVI) of 19 July 1955, decided to instruct each of its drafting committees on the annual reports concerned, beginning from its seventeenth session, to prepare, in the course of its regular functions and in the light of General Assembly resolutions 752 (VIII) and 858 (IX), appropriate draft conclusions and recommendations concerning the question of the attainment by the Territory of self-government or independence,

1. *Draws the attention* of the Trusteeship Council to the importance which the General Assembly continues to attach to the question of the attainment by the Trust Territories of the objective of self-government or independence;

2. *Requests* the Council to ensure that the procedure devised by it for dealing in future with this question will enable it to comply fully with the terms of the relevant General Assembly resolutions and, accordingly,

¹ *Official Records of the General Assembly*, tenth session, Suppl. No. 4 (A/2933).

to include in its next and succeeding reports to the Assembly a separate section containing the information indicated in those resolutions and the conclusions and recommendations of the Council thereon.

557th plenary meeting, 15 December 1955.

Annex V (24)

GENERAL ASSEMBLY RESOLUTION 948 (X)

Report of the Trusteeship Council Covering the Period from 17 July 1954 to 22 July 1955

The General Assembly,

1. *Takes note* of the report¹ of the Trusteeship Council covering the period from 17 July 1954 to 22 July 1955;

2. *Recommends* that the Trusteeship Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussion of its report at the tenth session of the General Assembly.

557th plenary meeting, 15 December 1955.

Annex V (25)

GENERAL ASSEMBLY RESOLUTION 1064 (XI)

Attainment of Self-Government or Independence by Trust Territories

The General Assembly,

Taking into account that, in accordance with the principles of the Charter of the United Nations, one of the basic objectives of the International Trusteeship System is the progressive development of the populations of Trust Territories towards self-government or independence,

Taking into account that, under General Assembly resolution 289 A (IV) of 21 November 1949, the Trust Territory of Somaliland under Italian administration is to attain complete independence by 1960, and that, in accordance with General Assembly resolution 1044 (XI) of 13 December 1956, the Trust Territory of Togoland under British administration is to attain independence in 1957 through union with an independent Gold Coast,

Recalling that the General Assembly, in its resolution 558 (VI) of 18 January 1952, invited the Administering Authority of each Trust Territory to determine the period of time in which it was expected that the Trust Territory concerned should attain self-government or independence, and also taking into account that this question has been repeatedly discussed at subsequent sessions of the General Assembly,

Noting that the Trusteeship Council, in its report to the eleventh session of the General Assembly², drew the attention of the Assembly

¹ *Official Records of the General Assembly*, tenth session, Suppl. No. 4 (A/2933).

² *Ibid.*, eleventh session, Suppl. No. 4 (A/3170).

to the fact that up to now the Administering Authorities have not fixed such time-limits,

Attaching great importance to the fixing of definite time-limits for the termination of trusteeship in Trust Territories and for the granting of self-government or independence to the peoples of these Territories,

1. *Recommends* that the Administering Authorities take the necessary measures to ensure that the Trust Territories of Tanganyika, the Cameroons under British administration, the Cameroons under French administration, Togoland under French administration and Ruanda-Urundi achieve self-government or independence at an early date;

2. *Invites* the Administering Authorities to estimate the period of time required for the attainment of self-government or independence by all Trust Territories, in conformity with General Assembly resolution 558 (VI) of 18 January 1952 and the present resolution;

3. *Invites* the Administering Authorities to submit appropriate information to the Trusteeship Council at its nineteenth and twentieth sessions on the implementation of paragraphs 1 and 2 above;

4. *Requests* the Trusteeship Council to report to the General Assembly at its twelfth session on the progress made in implementing the present resolution.

661st plenary meeting, 26 February 1957.

Annex V (26)

GENERAL ASSEMBLY RESOLUTION 1066 (XI)

Report of the Trusteeship Council Covering the Period from 23 July 1955 to 14 August 1956

The General Assembly,

Having examined the report of the Trusteeship Council covering the period from 23 July 1955 to 14 August 1956¹,

1. *Takes note* of the report of the Trusteeship Council;

2. *Recommends* that the Trusteeship Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussion of the report at the eleventh session of the General Assembly.

661st plenary meeting, 26 February 1957.

Annex V (27)

GENERAL ASSEMBLY RESOLUTION 1205 (XII)

Report of the Trusteeship Council Covering the Period from 15 August 1956 to 12 July 1957

The General Assembly,

Having examined the report of the Trusteeship Council covering the period from 15 August 1956 to 12 July 1957²,

¹ *Official Records of the General Assembly*, eleventh session, Suppl. No. 4 (A/3170).

² *Ibid.*, twelfth session, Suppl. No. 4 (A/3595 and Corr. 1).

1. *Takes note* of the report of the Trusteeship Council;
2. *Recommends* that the Trusteeship Council, in its future deliberations, take into account the comments and suggestions made in the course of the discussion of the report at the twelfth session of the General Assembly.

729th plenary meeting, 13 December 1957.

Annex V (28)

GENERAL ASSEMBLY RESOLUTION 1207 (XII)

Attainment of Self-Government or Independence by Trust Territories

The General Assembly,

Considering that, in accordance with the provisions of Article 76 *b* of the Charter of the United Nations, one of the basic objectives of the International Trusteeship System is the progressive development of the inhabitants of Trust Territories towards self-government or independence,

Recalling that the General Assembly, in its resolution 558 (VI) of 18 January 1952, invited the Administering Authority of each Trust Territory, *inter alia*, to estimate the period of time in which the Trust Territories concerned would attain self-government or independence,

Recalling also that the General Assembly, in its resolution 1064 (XI) of 26 February 1957, recommended that the Administering Authorities concerned take the necessary measures to ensure that the Trust Territories of Tanganyika, the Cameroons under British administration, the Cameroons under French administration, Togoland under French administration and Ruanda-Urundi achieve self-government or independence at an early date, and further invited the Administering Authorities concerned to estimate the period of time required for the attainment of self-government or independence by all Trust Territories, in conformity with General Assembly resolution 558 (VI),

Having examined Part III of the report of the Trusteeship Council¹,

Noting with satisfaction that the Trusteeship Council has recommended that the Administering Authorities indicate such successive intermediate targets and dates on the political, economic, social and educational development of the Trust Territories as will create the pre-conditions for their attainment of self-government or independence,

Noting with disappointment that the Administering Authorities concerned have not yet submitted the estimates of the periods of time required by the Trust Territories for the attainment of the final objective of trusteeship, namely, self-government or independence,

Conscious of the importance of estimating the time required for the attainment by Trust Territories of self-government or independence,

1. *Reaffirms* its resolutions 558 (VI) of 18 January 1952 and 1064 (XI) of 26 February 1957 and once again invites the Administering Authorities to implement the terms of those resolutions;

¹ *Official Records of the General Assembly*, twelfth session, Suppl. No. 4 (A/3595 and Corr. 1).

2. *Requests* the Trusteeship Council to report to the General Assembly, at its thirteenth session, on the progress made in implementing the present resolution.

729th plenary meeting, 13 December 1957.

Annex V (29)

GENERAL ASSEMBLY RESOLUTION 1211 (XII)

Situation in the Trust Territories of the Cameroons under British Administration and the Cameroons under French Administration¹

The General Assembly,

Having studied the chapters of the report of the Trusteeship Council which relate to the Trust Territories of the Cameroons under British administration and the Cameroons under French administration²,

Noting continued tensions and disturbances in a certain area of the Cameroons under French administration,

Noting the fact that the amnesty law envisaged by the Administering Authority has not yet been promulgated,

Taking note of the progress achieved in both Territories and of the measures to that effect adopted by the Administering Authorities and by the authorities of both Cameroons,

Having heard and considered the statements of the petitioners from these Territories in the course of the hearings granted by the Fourth Committee,

Bearing in mind that the Trusteeship Council will, in the normal course, send a visiting mission to the two Territories in 1958,

1. *Takes note* of the pertinent chapters of the report of the Trusteeship Council;

2. *Transmits* the statements of the petitioners to the Trusteeship Council for further study;

3. *Recommends* that the Trusteeship Council take into account the observations and suggestions made during the debate in the Fourth Committee, when the Council considers conditions in the Trust Territories of the Cameroons under British administration and the Cameroons under French administration at its twenty-first session;

4. *Expresses the hope* that, as a result of the application of appropriate measures, in particular the early promulgation of the amnesty law by the Administering Authority, and the renunciation of the use of violence by all political parties, it will be possible to achieve, in the Cameroons under French administration, conditions conducive to the early restoration of a normal situation in the disturbed area, and to the furtherance of democratic progress and political activities in the Territory;

¹ This resolution was submitted directly in plenary meeting and adopted by the General Assembly after consideration of the report of the Fourth Committee. For the text of the report, see *Official Records of the General Assembly*, twelfth session, annexes, agenda item 13, doc. A/3779.

² *Official Records of the General Assembly*, twelfth session, Suppl. No. 4 (A/3595 and Corr. 1), Part II, chaps. IV and V.

5. *Is confident* that the appropriate steps to be taken by the Administering Authorities will further facilitate the realization in both Territories of the final objectives of the Trusteeship System, in accordance with the free expression of the wishes of the populations concerned, taking into account any alternative relative to their future status;

6. *Requests* the Trusteeship Council to instruct its next visiting mission, in 1958, to take into account the observations and suggestions made at the twelfth session of the General Assembly during the examination of the situation in the two Territories.

729th plenary meeting, 13 December 1957.

Annex V (30)

GENERAL ASSEMBLY RESOLUTION 1274 (XIII)

Attainment of Self-Government or Independence by Trust Territories

The General Assembly,

Recalling its resolution 558 (VI) of 18 January 1952 and subsequent resolutions on the same subject, *inviting* the Administering Authority of each Trust Territory, *inter alia*, to estimate the period of time in which it would attain self-government or independence, and recommending that the Administering Authorities take the necessary measures for the attainment of this goal at an early date,

Having examined Part I, Chapter V, of the report of the Trusteeship Council¹,

1. *Notes* that by the measures already taken or to be taken by some Administering Authorities in consultation with the United Nations and the peoples of the Territories concerned, Togoland under French administration, the Cameroons under United Kingdom administration, the Cameroons under French administration, Somaliland under Italian administration and Western Samoa under New Zealand administration, are expected to achieve in 1960 the objective of the Trusteeship System laid down in Article 76 *b* of the Charter of the United Nations;

2. *Invites* the Administering Authorities concerned to formulate, in respect of the remaining Trust Territories, early successive intermediate targets and dates in the fields of political, economic, social and educational development of these Territories so as to create, as soon as possible, the pre-conditions for the attainment of self-government or independence;

3. *Reaffirms* its resolutions 558 (VI) of 18 January 1952, 1064 (XI) of 26 February 1957, 1207 (XII) of 13 December 1957 and other pertinent resolutions on the same subject, and once again urges the Administering Authorities to implement the terms of those resolutions;

4. *Requests* the Trusteeship Council to report to the General Assembly at its fourteenth session on the progress made in implementing the present resolution.

782nd plenary meeting, 5 December 1958.

¹ *Official Records of the General Assembly*, thirteenth session, Suppl. No. 4 (A/3822), Vol. I.

Annex V (31)

GENERAL ASSEMBLY RESOLUTION 1280 (XIII)

Report of the Trusteeship Council*The General Assembly,**Having examined* the report of the Trusteeship Council covering the work of its twenty-first and twenty-second sessions ¹,1. *Takes note* of the report of the Trusteeship Council;2. *Recommends* that the Trusteeship Council, in its future deliberations, should take into account the comments and suggestions made during the discussion of its report at the thirteenth session of the General Assembly.*782nd plenary meeting, 5 December 1958.**Annex V (32)*

GENERAL ASSEMBLY RESOLUTION 1281 (XIII)

Resumption of the Thirteenth Session of the General Assembly to Consider the Question of the Future of the Trust Territories of the Cameroons under French Administration and the Cameroons under United Kingdom Administration*The General Assembly,**Decides* to resume its thirteenth session on 20 February 1959 to consider exclusively the question of the future of the Trust Territories of the Cameroons under French administration and the Cameroons under United Kingdom administration.*782nd plenary meeting, 5 December 1958.**Annex V (33)*

GENERAL ASSEMBLY RESOLUTION 1282 (XIII)

Question of the Future of the Trust Territories of the Cameroons under French Administration and the Cameroons under United Kingdom Administration*The General Assembly,**Having considered* the memorandum dated 12 November 1958 of the Government of France ² concerning the future of the Cameroons under French administration,*Noting* the statement made by the representative of the United Kingdom of Great Britain and Northern Ireland ³ to the Fourth Committee¹ *Official Records of the General Assembly*, thirteenth session, Suppl. No. 4 (A/3822).² *Ibid.*, annexes, agenda item 13, doc. A/C.4/388.³ *Ibid.*, Fourth Committee, 803rd meeting.

on 15 November 1958 concerning the future of the Cameroons under United Kingdom administration,

Noting the statements made by the representative of France, Prime Minister of the Cameroons under French administration, to the Fourth Committee on 11 November 1958¹ and on 14 November 1958² and the wishes expressed by the Legislative Assembly of the Cameroons in its resolution of 24 October 1958,

Having heard the petitioners on the conditions in the Trust Territories of the Cameroons under French administration and the Cameroons under United Kingdom administration³,

Recalling that a visiting mission of the Trusteeship Council is now in the said Territories, in pursuance of Council resolutions 1907 (XXII) of 28 July 1958 and 1924 (S-IX) of 7 November 1958 adopted by the Council at its twenty-second session and ninth special session, respectively,

1. *Notes* the declarations of the Government of France⁴ that the Cameroons under French administration is to achieve independence on 1 January 1960, thus fulfilling the objectives of the Trusteeship System;

2. *Notes* the statement made by the representative of the United Kingdom of Great Britain and Northern Ireland⁵ that the Cameroons under United Kingdom administration is expected to achieve in 1960 the objectives set forth in Article 76 *b* of the Charter of the United Nations;

3. *Requests* the Trusteeship Council to examine, as early as possible during its twenty-third session, the reports of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, and to transmit the same, with its observations and recommendations, to the General Assembly not later than 20 February 1959, to enable the Assembly, in consultation with the Administering Authorities, to take the necessary measures in connection with the full attainment of the objectives of the Trusteeship System in the two Territories.

782nd plenary meeting, 5 December 1958.

Annex V (34)

GENERAL ASSEMBLY RESOLUTION 1350 (XIII)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration

The General Assembly,

Recalling its resolution 1282 (XIII) of 5 December 1958 requesting the Trusteeship Council to examine, as early as possible during the twenty-third session, the reports of the United Nations Visiting Mission

¹ *Official Records of the General Assembly*, thirteenth session, Fourth Committee, 794th meeting.

² *Ibid.*, 800th meeting.

³ *Ibid.*, 775th, 776th, 779th, 780th, 792th, 807th and 808th meetings.

⁴ *Ibid.*, thirteenth session, annexes, agenda item 13, doc. A/C.4/388.

⁵ *Ibid.* Fourth Committee, 803rd meeting.

to Trust Territories in West Africa, 1958, on the Cameroons under French administration and the Cameroons under United Kingdom administration, and to transmit them, with its observations and recommendations, to the General Assembly not later than 20 February 1959, to enable the Assembly, in consultation with the Administering Authorities, to take the necessary measures in connection with the full attainment of the objectives of the Trusteeship System,

Having examined, in consultation with the Administering Authority, the special report of the Trusteeship Council¹, as well as the report of the *Visiting Mission on the Cameroons under United Kingdom administration*²,

Noting the statements made in the Fourth Committee by the representatives of the Administering Authority, by the Premier of the Southern Cameroons, by the Leader of the Opposition in the Southern Cameroons House of Assembly, and by the Minister for Northern Cameroons Affairs in the Government of the Northern Region of Nigeria³,

1. *Recommends* that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future;

2. *Recommends further* that in the northern part of the Territory the plebiscite should take place about the middle of November 1959, that the people of the northern part of the Territory should be asked:

“(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent? or

(b) Are you in favour of deciding the future of the Northern Cameroons at a later date?”

and that the plebiscite should be conducted on the basis of the electoral register at present being compiled for the elections to the Federal House of Representatives;

3. *Recommends further* that the plebiscite in the southern part of the Territory should be conducted during the next dry season between the beginning of December 1959 and the end of April 1960;

4. *Decides* that the two alternatives to be put to the people of the southern part of the Territory and the qualifications for voting in the plebiscite there should be considered by the General Assembly at its fourteenth session;

5. *Expresses the hope* that all concerned in the Territory will endeavour to reach agreement before the opening of the fourteenth session of the

¹ *Official Records of the General Assembly*, thirteenth session, annexes, agenda item 13, doc. A/4094.

² *Official Records of the Trusteeship Council*, twenty-third session, Suppl. No. 2 (T/1440), docs. T/1426 and Add. 1.

³ See *Official Records of the General Assembly*, thirteenth session, Fourth Committee, 846th, 847th, 849th and 850th meetings.

General Assembly on the alternatives to be put in the plebiscite in the Southern Cameroons and the qualifications for voting in it;

6. *Decides* to appoint a United Nations Plebiscite Commissioner who shall exercise, on behalf of the General Assembly, all the necessary powers and functions of supervision, and who shall be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;

7. *Requests* the United Nations Plebiscite Commissioner to submit to the Trusteeship Council a report in two parts on the organization, conduct and results of the plebiscites, the first part of the report, which shall deal with the northern part of the Territory, to be submitted in time for transmission to the General Assembly for consideration before the end of its fourteenth session;

8. *Requests* the Trusteeship Council to transmit to it the reports of the United Nations Plebiscite Commissioner, together with any recommendations and observations it considers necessary.

794th plenary meeting, 13 March 1959.

At its 794th plenary meeting, on 13 March 1959, the General Assembly, voting by secret ballot, elected Mr. Djalal Abdoh (Iran) United Nations Plebiscite Commissioner.

Annex V (35)

GENERAL ASSEMBLY RESOLUTION 1352 (XIV)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration: Organization of the Plebiscite in the Southern Part of the Territory

The General Assembly,

Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration, which expressed the hope that all concerned in the Territory would endeavour to reach agreement before the opening of the fourteenth session of the General Assembly on the alternatives to be put in the plebiscite in the Southern Cameroons and the qualifications for voting in it,

Noting the statements made by the representative of the Administering Authority, by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly to the effect that no agreement was reached before the fourteenth session of the General Assembly as to the alternatives to be put in the plebiscite and the qualifications for voting in it, and that a postponement of the plebiscite in the Southern Cameroons to a later date would help to establish more favourable conditions for ascertaining the freely expressed wishes of the population,

Noting the opinions expressed during the debate on this question at the fourteenth session of the General Assembly¹,

¹ *Official Records of the General Assembly*, fourteenth session, Fourth Committee, 885th to 899th and 901st to 903rd meetings.

Noting the statements made by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly at the 898th meeting of the Fourth Committee on 7 October 1959,

1. *Decides* that the arrangements for the plebiscite referred to in General Assembly resolution 1350 (XIII) shall begin on 30 September 1960, and that the plebiscite shall be concluded not later than March 1961;

2. *Recommends* that the two questions to be put at the plebiscite should be:

“(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?

(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?”;

3. *Recommends* that only persons born in the Southern Cameroons or one of whose parents was born in the Southern Cameroons should vote in the plebiscite;

4. *Recommends* that the Administering Authority, in consultation with the Government of the Southern Cameroons, take steps to implement the separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960.

829th plenary meeting, 16 October 1959.

Annex V (36)

GENERAL ASSEMBLY RESOLUTION 1409 (XIV)

Report of the Trusteeship Council

The General Assembly,

Having examined the report of the Trusteeship Council covering the period from 2 August 1958 to 6 August 1959¹,

1. *Takes note* of the report of the Trusteeship Council;

2. *Recommends* that the Trusteeship Council, in its future deliberations, should take into account the comments and suggestions made during the discussion of its report at the fourteenth session of the General Assembly.

846th plenary meeting, 5 December 1959.

Annex V (37)

GENERAL ASSEMBLY RESOLUTION 1413 (XIV)

Attainment of Self-Government or Independence by Trust Territories

The General Assembly,

Considering that the basic objective of the International Trusteeship System under the Charter of the United Nations is the progressive development of the inhabitants of Trust Territories towards self-government or independence,

¹ *Official Records of the General Assembly, fourteenth session, Suppl. No. 4 (A/4100).*

Recalling its resolutions 558 (VI) of 18 January 1952, 1064 (XI) of 26 February 1957, 1207 (XII) of 13 December 1957 and 1274 (XIII) of 5 December 1958,

Noting with satisfaction that the dates for the attainment of independence of Togoland under French administration, the Cameroons under French administration and Somaliland under Italian administration have already been set,

Noting further that the time-table proposed by the Administering Authority provides for the attainment of independence by Western Samoa under New Zealand administration in the course of 1961, and that processes leading to the termination of trusteeship over the Cameroons under United Kingdom administration in 1961 have already been set in motion,

Believing that the formulation of plans and targets in advance can assist in the acceleration of the progress of the inhabitants of Trust Territories towards independence,

Considering therefore that at this stage it is both necessary and desirable to foresee the course of developments leading to the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future,

Having examined Part I, Chapter V, of the report of the Trusteeship Council¹,

1. *Requests* the Administering Authorities concerned to propose, after consultation with the representatives of the inhabitants, for the consideration of the General Assembly at its fifteenth session, time-tables and targets for the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future;

2. *Invites* the Administering Authorities concerned to formulate, in respect of the remaining Trust Territories, early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence;

3. *Requests* the Trusteeship Council, in its examination of the annual reports submitted by the Administering Authorities and in formulating the terms of reference of the 1960 visiting mission to Trust Territories in Africa, to keep in view the provisions of the present resolution.

846th plenary meeting, 5 December 1959.

Annex V (38)

GENERAL ASSEMBLY RESOLUTION 1473 (XIV)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration: Organization of a Further Plebiscite in the Northern Part of the Territory

The General Assembly,

Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom

¹ *Official Records of the General Assembly*, fourteenth session, Suppl. No. 4 (A/4100).

administration, which recommended that a plebiscite should take place in the Northern Cameroons in November 1959 and requested the United Nations Plebiscite Commissioner to submit to the Trusteeship Council in time for consideration by the General Assembly at its fourteenth session a report on the organization, conduct and results of this plebiscite,

Having examined the report of the United Nations Plebiscite Commissioner¹ and the report of the Trusteeship Council thereon²,

Noting from the report of the United Nations Plebiscite Commissioner that the people of the Northern Cameroons have decided by a substantial majority that they are in favour of deciding their future at a later date,

Noting further that the United Nations Plebiscite Commissioner is satisfied that the plebiscite was conducted in a fair and impartial manner,

Noting the statement made by the representative of the Administering Authority at the 988th meeting of the Fourth Committee on 5 December 1959 to the effect that urgent action is being taken to introduce reforms in the system of local administration in the Northern Cameroons,

Having heard the petitioner,

Considering that the extremely close date of the elections to the Legislative Assembly of the Federation of Nigeria makes it impossible for the General Assembly to take a decision with regard to the participation or non-participation of the people of the Northern Cameroons in these elections,

1. *Expresses its high appreciation* of the work of the United Nations Plebiscite Commissioner and the United Nations staff under his direction;

2. *Recommends* that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations and in consultation with the United Nations Plebiscite Commissioner, organize under United Nations supervision a further plebiscite in the Northern Cameroons, the arrangements for which shall begin on 30 September 1960, and that the plebiscite be concluded not later than March 1961;

3. *Decides* that the two questions to be put at this plebiscite should be:

“(a) Do you wish to achieve independence by joining the independent Republic of the Cameroons?”

“(b) Do you wish to achieve independence by joining the independent Federation of Nigeria?”;

4. *Recommends* that the plebiscite be conducted on the basis of universal adult suffrage, all those over the age of 21 and ordinarily resident in the Northern Cameroons being qualified to vote;

5. *Requests* the United Nations Plebiscite Commissioner to report to the Trusteeship Council on the organization, conduct and results of this plebiscite, in order that the Council may transmit its report to the General Assembly together with any recommendations and observations it considers necessary;

6. *Recommends* that the necessary measures should be taken without delay for the further decentralization of governmental functions and

¹ *Official Records of the General Assembly*, fourteenth session, agenda item 41, docs. A/4314 and Add. 1.

² *Ibid.*, doc. A/4313.

the effective democratization of the system of local government in the northern part of the Trust Territory;

7. *Recommends* that the Administering Authority should initiate without delay the separation of the administration of the Northern Cameroons from that of Nigeria and that this process should be completed by 1 October 1960;

8. *Requests* the Administering Authority to report on the process of separation to the Trusteeship Council at its twenty-sixth session, and requests the Council to submit a report on this matter to the General Assembly at its fifteenth session;

9. *Declares* that the participation of the Northern Cameroons in the elections to the Federal Legislative Assembly should in no way interfere with, or influence, the free choice of the people of the Northern Cameroons in deciding their future in the forthcoming plebiscite.

857th plenary meeting, 12 December 1959.

Annex V (39)

GENERAL ASSEMBLY RESOLUTION 1541 (XV)

Principles which Should Guide Members in Determining whether or not an Obligation Exists to Transmit the Information Called for under Article 73 e of the Charter

The General Assembly,

Considering the objectives set forth in Chapter XI of the Charter of the United Nations,

Bearing in mind the list of factors annexed to General Assembly resolution 742 (VIII) of 27 November 1953,

Having examined the report of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter¹, appointed under General Assembly resolution 1467 (XIV) of 12 December 1959 to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter and to report on the results of its study to the Assembly at its fifteenth session,

1. *Expresses its appreciation* of the work of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter;

2. *Approves* the principles set out in Section V, Part B, of the report of the Committee, as amended and as they appear in the annex to the present resolution;

3. *Decides* that these principles should be applied in the light of the facts and the circumstances of each case to determine whether or not an obligation exists to transmit information under Article 73 e of the Charter.

948th plenary meeting, 15 December 1960.

¹ *Official Records of the General Assembly*, fifteenth session, agenda item 38, doc. A/4526.

ANNEX

PRINCIPLES WHICH SHOULD GUIDE MEMBERS IN DETERMINING WHETHER OR NOT AN OBLIGATION EXISTS TO TRANSMIT THE INFORMATION CALLED FOR IN ARTICLE 73 E OF THE CHARTER OF THE UNITED NATIONS

Principle I

The authors of the Charter of the United Nations had in mind that Chapter XI should be applicable to territories which were then known to be of the colonial type. An obligation exists to transmit information under Article 73 *e* of the Charter in respect of such territories whose peoples have not yet attained a full measure of self-government.

Principle II

Chapter XI of the Charter embodies the concept of Non-Self-Governing Territories in a dynamic state of evolution and progress towards a "full measure of self-government". As soon as a territory and its peoples attain a full measure of self-government, the obligation ceases. Until this comes about, the obligation to transmit information under Article 73 *e* continues.

Principle III

The obligation to transmit information under Article 73 *e* of the Charter constitutes an international obligation and should be carried out with due regard to the fulfilment of international law.

Principle IV

Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.

Principle V

Once it has been established that such a *prima facie* case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, *inter alia*, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 *e* of the Charter.

Principle VI

A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

- (a) Emergence as a sovereign independent State;
- (b) Free association with an independent State; or
- (c) Integration with an independent State.

Principle VII

(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed

and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.

(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.

Principle VIII

Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government.

Principle IX

Integration should have come about in the following circumstances:

- (a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;
- (b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes.

Principle X

The transmission of information in respect of Non-Self-Governing Territories under Article 73 *e* of the Charter is subject to such limitation as security and constitutional considerations may require. This means that the extent of the information may be limited in certain circumstances, but the limitation in Article 73 *e* cannot relieve a Member State of the obligations of Chapter XI. The "limitation" can relate only to the quantum of information of economic, social and educational nature to be transmitted.

Principle XI

The only constitutional considerations to which Article 73 *e* of the Charter refers are those arising from constitutional relations of the territory with the Administering Member. They refer to a situation in which the constitution of the territory gives it self-government in

economic, social and educational matters through freely elected institutions. Nevertheless, the responsibility for transmitting information under Article 73 *e* continues, unless these constitutional relations preclude the Government or parliament of the Administering Member from receiving statistical and other information of a technical nature relating to economic, social and educational conditions in the territory.

Principle XII

Security considerations have not been invoked in the past. Only in very exceptional circumstances can information on economic, social and educational conditions have any security aspect. In other circumstances, therefore, there should be no necessity to limit the transmission of information on security grounds.

Annex V (40)

GENERAL ASSEMBLY RESOLUTION 1608 (XV)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration

The General Assembly,

Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration in which the General Assembly recommended, *inter alia*, that the Administering Authority take steps, in consultation with the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom administration, to organize, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future, and that the plebiscite in the Northern Cameroons be held about the middle of November 1959 on the basis of the two questions set out in paragraph 2 of the said resolution,

Recalling its resolution 1352 (XIV) of 16 October 1959 whereby it decided, *inter alia*, that a plebiscite in the Southern Cameroons would be held between 30 September 1960 and March 1961, on the basis of the two questions set forth in paragraph 2 of the said resolution,

Recalling further its resolution 1473 (XIV) of 12 December 1959 in which the General Assembly, having considered the results of the plebiscite in the northern part of the Cameroons under United Kingdom administration, recommended the organization by the Administering Authority, in consultation with the United Nations Plebiscite Commissioner, of a further plebiscite to be held in the Northern Cameroons under United Nations supervision between 30 September 1960 and March 1961, on the basis of the two questions defined in paragraph 3 of the said resolution,

Having examined the report of the United Nations Plebiscite Commissioner concerning the two plebiscites held in the Northern and the South-

ern Cameroons in February 1961¹ and the report of the Trusteeship Council thereon,²

Having heard the petitioners,

1. *Expresses its high appreciation* of the work of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom administration and his staff;

2. *Endorses* the results of the plebiscites that:

- (a) The people of the Northern Cameroons have, by a substantial majority, decided to achieve independence by joining the independent Federation of Nigeria;
- (b) The people of the Southern Cameroons have similarly decided to achieve independence by joining the independent Republic of Cameroon;

3. *Considers that*, the people of the two parts of the Trust Territory having freely and secretly expressed their wishes with regard to their respective futures in accordance with General Assembly resolutions 1352 (XIV) and 1473 (XIV), the decisions made by them through democratic processes under the supervision of the United Nations should be immediately implemented;

4. *Decides* that, the plebiscites having been taken separately with differing results, the Trusteeship Agreement of 13 December 1946 concerning the Cameroons under United Kingdom administration shall be terminated, in accordance with Article 76 *b* of the Charter of the United Nations and in agreement with the Administering Authority, in the following manner:

- (a) With respect to the Northern Cameroons, on 1 June 1961, upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria;
- (b) With respect to the Southern Cameroons, on 1 October 1961, upon its joining the Republic of Cameroon;

5. *Invites* the Administering Authority, the Government of the Southern Cameroons and the Republic of Cameroon to initiate urgent discussions with a view to finalizing, before 1 October 1961, the arrangements by which the agreed and declared policies of the parties concerned will be implemented.

994th plenary meeting, 21 April 1961.

Annex V (41)

GENERAL ASSEMBLY RESOLUTION 1610 (XV)

Report of the Trusteeship Council

The General Assembly,

Having received the report of the Trusteeship Council covering the period from 7 August 1959 to 30 June 1960³,

¹ *Official Records of the General Assembly*, fifteenth session, annexes, agenda item 13, addendum, doc. A/4727.

² *Ibid.*, agenda item 13, doc. A/4726.

³ *Ibid.*, Suppl. No. 4 (A/4404).

1. *Takes note* of the report of the Trusteeship Council;
2. *Recommends* that the Administering Authorities take account of the recommendations and observations contained in the report.

995th plenary meeting, 21 April 1961.

Annex V (42)

GENERAL ASSEMBLY RESOLUTION 1701 (XVI)

Report of the Trusteeship Council

The General Assembly,

Having received the report of the Trusteeship Council covering the period from 1 July 1960 to 19 July 1961¹,

1. *Takes note* of the report of the Trusteeship Council;
2. *Recommends* that the Administering Authorities take account of the recommendations and observations contained in the report;
3. *Recommends* that the Trusteeship Council should consider at its twenty-eighth session the comments and suggestions which were made, during the discussion of the report at the sixteenth session of the General Assembly, regarding the remaining Territories under trusteeship, as well as the Council's methods of work and procedure, in order to bring them into accordance with the requirements of the new situation in the field of the International Trusteeship System.

1083rd plenary meeting, 19 December 1961.

Annex V (43)

TRUSTEESHIP COUNCIL RESOLUTION 81 (IV)

Committee on Administrative Unions

The Trusteeship Council, in order to give early effect to General Assembly resolution 224 (III) of 18 November 1948,

Resolves:

1. That a committee composed of the representatives of six members of the Council to be appointed by the President shall be established immediately to undertake forthwith preparatory work with the purpose of facilitating the investigation by the Council of questions arising in connection with customs, fiscal, or administrative unions or federations and common services involving Trust Territories;
2. That the committee shall:
 - (a) Draw up an outline of the various aspects of the problem, including those aspects raised during the discussions of the Trusteeship Council and the Fourth Committee and plenary meetings of the General Assembly, with particular reference to those facts which will enable the Council to determine the compatibility of existing or

¹ *Official Records of the General Assembly*, sixteenth session, Suppl. No. 4 (A/4818).

proposed unions with the terms of the Charter and the Trusteeship Agreements and their effects on the political, economic, social and educational advancement of the inhabitants, on the status or political integrity of the Trust Territories, and on their separate development as distinct entities;

- (b) Collect all available information in regard to the problem, and to this end approach the Administering Authorities concerned for all data which the committee may deem necessary, and obtain all other information from such other sources as it may deem appropriate;
- (c) Transmit to the Council by 1 March 1949 the documentation available at that date, and report to the Council not later than three weeks before the opening of the fifth session.

Fourth meeting, 27 January 1949.

Annex V (44)

TRUSTEESHIP COUNCIL RESOLUTION 108 (V)

Terms of Reference for the United Nations Visiting Mission to Trust Territories in West Africa

The Trusteeship Council,

Having appointed a Visiting Mission composed of Mr. Pierre Ryckmans of Belgium, Mr. Awni Khalidy of Iraq, Mr. Abelardo Ponce Sotelo of Mexico and Mr. Benjamin Gerig of the United States of America, assisted by members of the Secretariat and by such representatives of the local administrations as the Mission may determine necessary,

Having decided that the Visiting Mission should depart on 1 November 1949 and visit the Trust Territories of the Cameroons under French administration, the Cameroons under British administration, Togoland under French administration and Togoland under British administration in accordance with rules 84, 89, 94, 96 and 98 of the rules of procedure for the Trusteeship Council,

Directs the Visiting Mission to observe the developing political, economic, social and educational conditions in the four above-mentioned Trust Territories, their progress towards self-government or independence, and the efforts of their respective Administering Authorities to achieve this and other basic objectives of the International Trusteeship System,

Directs the Visiting Mission to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and resolutions adopted by the Council, to issues raised in connection with the annual reports on the administration of the four Trust Territories concerned and in petitions received by the Trusteeship Council relating to those Trust Territories, and in particular the petitions relating to the Ewe problem in Togoland under French administration and Togoland under British administration and the petition from the Bakweri Land Committee relating to the Cameroons under British administration,

Directs the Visiting Mission to accept or receive petitions and, without prejudice to its acting in accordance with rules 84 and 89 of the rules of

procedure, to investigate on the spot, after consultation with the local representative of the Administering Authority concerned, such petitions dealing with the conditions of the indigenous inhabitants as are, in its opinion, sufficiently important to warrant special investigation,

Requests the Visiting Mission to transmit to the Trusteeship Council as soon as possible in accordance with rule 99 of the rules of procedure for the Trusteeship Council a report on the findings of the Mission with such observations and conclusions as the Mission may wish to make.

Fourth meeting, 20 June 1949 (T/348).

Annex V (45)

TRUSTEESHIP COUNCIL RESOLUTION 109 (V)

Administrative Unions Affecting Trust Territories

The Trusteeship Council,

Having received General Assembly resolution 224 (III) of 18 November 1948,

Having established in accordance with this resolution a Committee on Administrative Unions,

Having received an interim report ¹ and a report ² from this Committee and having examined these reports at its fourth and fifth sessions,

Transmits to the General Assembly the report of the Committee, the replies of the Administering Authorities to questions prepared by the Committee ³ and other documentation collected by the Committee during its study,

Informs the General Assembly that in accordance with the penultimate paragraph of this resolution it will continue to study and examine the operation of existing or future administrative unions in all their aspects,

Recalling that the General Assembly approved the Trusteeship Agreements upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements "as giving powers to the Administering Authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories", ⁴

Notes the assurances by the Administering Authorities that the administrative arrangements under consideration do not extinguish the political identity of the Trust Territories,

Takes note of the assurances by the Administering Authorities that the administrative arrangements under consideration by the Council are not inconsistent with the objectives of the International Trusteeship System or with the terms of the Trusteeship Agreements,

¹ T/263.

² T/338, T/338/Add. 1.

³ T/333, T/361/Add. 1.

⁴ See *Official Records* of the second part of the first session of the General Assembly, Fourth Committee, Part I, p. 300.

Decides that in order to safeguard the identity and status of the Trust Territories, the Council should continue to study during its regular examination of conditions in Trust Territories the effects of existing or proposed administrative unions on the political, economic, social and educational advancement of the inhabitants, on the status of the Trust Territories as such and on their separate development as distinct entities.

Requests the Administering Authorities concerned to make the fullest possible effort to furnish in their annual reports separate records, statistics and other information on each Trust Territory in order to safeguard the effective exercise of the Council's supervisory functions.

Twenty-second meeting, 18 July 1949 (T/379).

Annex V (46)

TRUSTEESHIP COUNCIL RESOLUTION 129 (VI)

Administrative Unions

The Trusteeship Council, in order to give effect to General Assembly resolution 326 (IV),

Resolves

1. That the Committee on Administrative Unions, duly completed, shall continue the study of questions arising in connection with customs, fiscal and administrative unions or federations and common services involving Trust Territories, so as to enable the Council to complete its investigation in accordance with the terms of General Assembly resolutions 224 (III) and 326 (IV);

2. That the Committee shall:

- (a) Complete the documentation on this question, and to this end approach the Administering Authorities concerned for all data which the Committee may deem necessary and obtain all other information from such other sources as it may deem appropriate;
- (b) Submit a report to the Council on 1 July 1950 containing observations on the various aspects of the problem, including those aspects raised during the discussions of the Trusteeship Council and the Fourth Committee and plenary meetings of the General Assembly.

Seventy-ninth meeting, 31 March 1950 (T/529).

Annex V (47)

TRUSTEESHIP COUNCIL RESOLUTION 168 (VI)

Question of the Administrative Relationship Between the Cameroons under British Administration and Nigeria as Raised in Certain Petitions concerning the Cameroons under British Administration

Acting under Article 87 *b* of the Charter and in accordance with its rules of procedure,

Having accepted and examined at its sixth session, in consultation with the United Kingdom of Great Britain and Northern Ireland as the

Administering Authority concerned, which designated Brigadier Gibbons as special representative, those parts of the following petitions which raise the question of the administrative relationship between the Cameroons under British Administration and Nigeria:

1. Petition from the Cameroons National Federation (T/Pet.4/16-5/7),
2. Petition from the Cameroons Federal Union (T/Pet.4/61-5/66),
3. Petition from Mr. F. T. Tambe (T/Pet.4/41),
4. Petition from the Douala Branch, Bakweri Land Committee (T/Pet.4/59),
5. Petition from Mr. F. E. Burnley (T/Pet.4/11-5/5),

Having taken note of the observations of the United Nations Visiting Mission to West Africa on the question of the administrative relationship of the Cameroons under British administration with Nigeria (T/461, Part II, Chap. I (b)),

Having taken note of the observations of the Administering Authority (T/486, paras. 22 to 26) as well as of the oral statement of the special representative on this subject,

Having noted the statement of the Administering Authority that the constitution of Nigeria, including the Trust Territory, is at present under review,

The Trusteeship Council

Decides to inform the petitioners that the question of the administrative relationship between the Cameroons under British administration and Nigeria has been and will be examined in connection with its examination of the annual reports of the Administering Authority on the administration of the Territory;

Decides to inform the petitioners of the decision of the Council at its sixth session¹ that the question of the Territory's administrative integration with Nigeria shall be considered in connection with the general question of administrative unions;

Draws the attention of the petitioners to the recommendation on legislative and executive councils adopted by the Council at its sixth session², the text of which reads as follows:

"The Council recommends that, in the adoption of the projected proposals for reform, due attention should be given to representation from the Trust Territory on the various legislative and executive councils concerned with the government of the Trust Territory";

Invites the Secretary-General to inform the Administering Authority and the petitioners of this resolution in accordance with rule 93 of the rules of procedure for the Trusteeship Council and, in addition, to send to the petitioners copies of such resolutions as the Council may subsequently adopt in connection with the general question of administrative unions.

Eightieth meeting, 3 April 1950 (T/570).

¹ See *Official Records of the Trusteeship Council*, sixth session, 66th meeting.

² *Ibid.*

Annex V (48)

TRUSTEESHIP COUNCIL RESOLUTION 293 (VII)

Administrative Unions Affecting Trust Territories*The Trusteeship Council,*

1. *Having received* General Assembly resolution 326 (IV)¹ of 15 November 1949 recommending that the Trusteeship Council complete its investigation of administrative unions affecting Trust Territories,

2. *Having instructed*, by its resolution 129 (VI)² of 31 March 1950 the Committee on Administrative Unions established by resolution 81 (IV)³ of 27 January 1949 to "continue the study of questions arising in connection with customs, fiscal and administrative unions or federations and common services involving Trust Territories", to "complete the documentation on this question", and to "submit a report to the Council",

3. *Having completed* its investigation of administrative unions affecting Trust Territories on the basis of the documentation prepared by the Committee,

4. *Transmits* the report⁴ of the Committee on Administrative Unions to the General Assembly in conformity with resolution 326 (IV);

5. *Calls the attention* of the Assembly especially to the observations and conclusions contained in the report with regard to paragraph 1 of resolution 326 (IV) as applied to the administrative unions affecting the Trust Territories of the Cameroons under British administration, New Guinea, Ruanda-Urundi, and Tanganyika, as follows:

(a) With respect to sub-paragraph (a) concerning "the desirability of having the Administering Authorities inform the Trusteeship Council beforehand when they propose to create new administrative unions of Trust Territories with adjacent territories, or extend the scope of any existing union or federation", the Council:

(i) Regarding Cameroons under British administration,

Expresses the hope that the Administering Authority concerned will inform the Council of any change which may be contemplated with regard to the existing administrative arrangements;

(ii) Regarding New Guinea,

Notes that the Government of Australia, although not recognizing any obligation to consult the Trusteeship Council before establishing administrative unions, had in fact informed the Council of its intention to establish the administrative union and had in fact made certain changes in the Papua-New Guinea Act, 1949, in response to the Council's request and

¹ See *Official Records of the Fourth Session of the General Assembly*, Resolutions, p. 40.

² See *Official Records of the Sixth Session of the Trusteeship Council*, Suppl. No. 1, p. 9.

³ See *Official Records of the Fourth Session of the Trusteeship Council*, Suppl. No. 1, p. 25.

⁴ See *Official Records of the Fifth Session of the General Assembly*, Suppl. No. 4, p. 185.

Notes further the statement of the representative of Australia that no extension of the existing administrative union was contemplated;

(iii) Regarding Ruanda-Urundi,

Takes note of the statement of the representative of Belgium that the Government of Belgium does not intend to extend the scope of the existing administrative union between Ruanda-Urundi and the Belgian Congo;

(iv) Regarding Tanganyika,

Notes that Part I, section 3, of the East Africa (High Commission) Order-in-Council, 1947, limits the duration of the East Africa Central Legislative Assembly, its composition and functions, to a period of four years, and that all provisions concerning the East Africa Central Legislative Assembly shall cease to have effect on 1 January 1952,

Draws attention to the recommendation of the Trusteeship Council regarding the East Africa Inter-Territorial Organization adopted at the third session, which reads as follows¹:

“Expresses the hope that the Administering Authority will consult the Trusteeship Council before undertaking any extension or modification of the present arrangement which might affect the status of Tanganyika”;

Considers that the Administering Authority, in reviewing the composition and functions of the East Africa Central Legislative Assembly, should take all possible steps to ensure that the interests of Tanganyika are adequately safeguarded;

(b) With respect to sub-paragraph (b) concerning “the desirability, should it be impossible as a consequence of the establishment of an administrative union to furnish clear and precise separate financial, statistical and other data relating to a Trust Territory, of the Administering Authority concerned accepting such supervision by the Trusteeship Council over the unified administration as the Council may consider necessary for the effective discharge of its high responsibilities under the Charter”, the Council:

(i) Regarding Cameroons under British administration,

Expresses the hope that the Administering Authority concerned will continue to co-operate fully with the Trusteeship Council in the discharge of its responsibilities, and, in particular, will furnish clear and precise separate financial, statistical and other data relating to the Trust Territory;

(ii) Regarding New Guinea,

Takes note of the statement of the representative of Australia that the Government of Australia will continue to furnish separate financial, statistical and other data for the Trust Territory as well as for the unified administration as far as it pertains to the Trust Territory,

Takes note of the fact that the Government of Australia had invited the Visiting Mission to visit the headquarters of the central administration of Papua and New Guinea situated outside the Trust Territory, and

¹ See *Official Records of the Third Session of the General Assembly*, Suppl. No. 4, p. 31.

Takes note of the assurance of the representative of Australia that the Government of Australia will continue to co-operate fully with the Council in the discharge of its responsibilities;

(iii) Regarding Ruanda-Urundi,

Agrees that at present the Government of Belgium is furnishing clear and precise separate financial, statistical and other data relating to the Trust Territory of Ruanda-Urundi which the Trusteeship Council considers necessary for the effective discharge of its responsibility under the Charter;

(iv) Regarding Tanganyika,

Agrees that at present the Government of the United Kingdom is furnishing clear and precise separate financial, statistical and other data relating to the Territory of Tanganyika which the Trusteeship Council considers necessary for the effective discharge of its responsibility under the Charter;

(c) With respect to sub-paragraph (c), concerning "the desirability of establishing a separate judicial organization in each Trust Territory", the Council:

(i) Regarding Cameroons under British administration,

Is of the opinion that sub-paragraph (c) of paragraph 1 of the operative part of General Assembly resolution 326 (IV) is inapplicable and feels that the existing arrangements are not disadvantageous to the Territory but that they deserve, nevertheless, the constant attention of the Council;

(ii) Regarding New Guinea,

Considers that in view of the present circumstances in the Territory, the present judicial system therein sufficiently safeguards the interests of its inhabitants but is of the opinion that the matter should be kept under review;

(iii) Regarding Ruanda-Urundi,

Notes that a separate judicial organization is established in the Trust Territory of Ruanda-Urundi in relation to the Belgian Congo;

(iv) Regarding Tanganyika,

Notes that a separate judicial organization is established in the Trust Territory of Tanganyika and that local appellate jurisdiction, and then only under specific provisions, lies to the Court of Appeal for Eastern Africa which has jurisdiction over Kenya, Uganda, Zanzibar and the Trust Territory;

(d) With respect to sub-paragraph (d), concerning "the desirability of establishing in each Trust Territory a separate legislative body with increasing powers and with headquarters within the Trust Territory, and of eliminating any type of legislative action originating in any other legislative body with headquarters in a Non-Self-Governing Territory", the Council:

(i) Regarding Cameroons under British administration,

Is of the opinion that sub-paragraph (d) of paragraph 1 of the operative part of General Assembly resolution 326 (IV) is inapplicable, and feels that the existing arrangements are not disadvantageous to the Territory, but that they deserve nevertheless the constant attention of the Council;

(ii) Regarding New Guinea,

Notes that the Papua and New Guinea Act, 1949, envisages the establishment of a Legislative Council for the Territory of Papua and New Guinea;

Notes that this Council has as yet not been constituted;

Notes the statement of the representative of Australia that the Government of Australia has carefully studied the question raised in General Assembly resolution 326 (IV) concerning the desirability of establishing in each Trust Territory a separate legislative body, but has thus far come to no decision on this matter;

Recalls the recommendation of the Trusteeship Council at its fifth session which reads ¹:

"The Council, noting the allocation of only three seats to unofficial indigenous members in the joint legislature for the Trust Territory and Papua, recommends that the Administering Authority should (a) study the possibility of increasing the number of indigenous members of the joint legislature; (b) study the possibility of establishing a separate legislature for the Trust Territory; and (c) give increasingly greater participation in the Legislative Council to the indigenous inhabitants, leading to the eventual establishment of an indigenous majority."

Draws attention to the recommendations of the Trusteeship Council at its seventh session which reads ²:

"The Council, noting the statement of the Administering Authority that the composition of the joint legislature for the Trust Territory and Papua will be further examined, expresses the hope that the Administering Authority will take into account the relevant recommendations of the Trusteeship Council at its fifth session on this question, and requests it to inform the Council of the results of this examination."

(iii) Regarding Ruanda-Urundi,

Takes note of the fact that no legislative body with headquarters in the Belgian Congo has legislative authority over the Trust Territory of Ruanda-Urundi and that the Vice-Government-General's Council, which has advisory function and which in the future may be developed into a legislative body, is located inside the Trust Territory;

(iv) Regarding Tanganyika,

Notes that a separate Legislative Council exists in Tanganyika which, subject to the Governor's right not to assent to any bills submitted to him by the Legislative Council, has full legislative and budgetary competence within the Trust Territory, and

Notes that the East Africa Central Legislative Assembly, which is located in Kenya, has powers of legislation in respect of certain specified matters listed in the Third Schedule of the East Africa (High Commission) Order-in-Council, 1947, subject to the right of the High Commission not to assent to any bills submitted to it by the Legislative

¹ See *Official Records of the Fourth Session of the General Assembly*, Suppl. No. 4, p. 65.

² See *Official Records of the Fifth Session of the General Assembly*, Suppl. No. 4, p. 123.

Assembly, such assent requiring the approval of all three members of the High Commission including the Governor of Tanganyika, and

Notes that the High Commission, with a similar right not to assent, may "with the advice and consent of the Legislative Councils of the territories ... make laws for the peace, order and good government of the Territories";

Noting that the provision concerning the East Africa Legislative Assembly shall cease to have effect on 1 January 1952,

Suggests that the Administering Authority consider in that connection and from time to time thereafter whether the allocation of legislative powers between the East Africa Legislative Assembly and the Legislative Council of Tanganyika is conducive to the advancement of the inhabitants of the Trust Territory and to the attainment of the objectives of the Trusteeship System;

(e) With respect to sub-paragraph (e), concerning "the desirability of taking into account, before any administrative, customs or fiscal union is established or extended in its nature or scope, the freely expressed wishes of the inhabitants of the Trust Territories concerned", the Council:

(i) Regarding Cameroons under British administration,

Expresses the hope that the Administering Authority will, with regard to matters pertaining to the administrative arrangements affecting the Trust Territory, continue to take into account the freely expressed wishes of its inhabitants;

(ii) Regarding New Guinea,

Takes note of the statement of the representative of Australia that there was no substantial opposition to the existing administrative union and

Notes that no changes with regard to the administrative arrangements affecting the Trust Territory of New Guinea are contemplated at this time;

(iii) Regarding Ruanda-Urundi,

Takes note of the statement of the representative of Belgium that if there were substantial opposition to the administrative union the existing arrangement would be reviewed;

(iv) Regarding Tanganyika,

Noting that the East Africa High Commission may, with the approval, signified by resolution, of the legislative councils of the territories and with the consent of the Secretary of State, by Orders duly published, add to the list of common services or subjects set out in the Order-in-Council, 1947, provided that, if the High Commission shall be satisfied that there has been substantial opposition, in the Legislative Council of any one or more of the territories, to the passing of any such resolution, the High Commission shall not proceed to make any such Order, until a motion for such a resolution has again been proposed and debated in the Legislative Council or Councils in question, nor, if the consent of a Secretary of State has previously been obtained, until such consent has again been obtained;

Takes note of the statement of the representative of the United Kingdom that it was most unlikely that any addition to the list of

scheduled services would be made in the event of substantial opposition in the Legislative Council of any of the territories; and

Notes the assurance of the representative of the United Kingdom that the fullest consideration would be given to the wishes of the people in this, as in other matters;

6. *Is of the opinion* that, in view of the fact that various proposals concerning the administrative arrangements affecting the Trust Territory of Togoland under British administration are under consideration, further examination of the administrative union of Togoland under British administration and the Gold Coast could not usefully be undertaken at this time;

7. *Considers* that, in order to assist the Council in the discharge of its functions and to avoid the possibility of any administrative union operating in such a manner as to prejudice the attainment of the objectives of the Trusteeship System, the following safeguards are necessary, and brings them to the attention of the Administering Authorities concerned:

- (a) That the Administering Authorities furnish clear and precise separate financial, statistical and other data relating to Trust Territories participating in administrative unions;
- (b) That the Administering Authority facilitate the access of visiting missions to such information on an administrative union as may be necessary to enable the mission to report fully on the Trust Territory concerned;
- (c) That the Administering Authorities continue to maintain the boundaries, separate status, and identity of Trust Territories participating in administrative unions;
- (d) That the Administering Authorities ensure, with regard to Trust Territories participating in administrative unions, that expenditures on the administration, welfare, and development of any such Trust Territory for a given year be not less than the total amount of public revenue derived from the Territory in that year;

8. *Decides* to establish a Standing Committee on Administrative Unions which shall regularly examine the operation of administrative unions and report to the Council at each session on any union in which a Trust Territory under review participates.

Twenty-eighth meeting, 17 July 1950.

Annex V (49)

TRUSTEESHIP COUNCIL RESOLUTION 298 (VII)

Reports of the United Nations Visiting Mission to the Trust Territories in West Africa

The Trusteeship Council,

Takes note of the reports¹ of its Visiting Mission of 1949 to the Trust Territories in West Africa and the observations² submitted thereon by the Administering Authorities concerned;

¹ See T/461, T/462, T/463, T/464 and T/465.

² See T/522, T/638, T/673 and T/702.

Expresses its appreciation of the work accomplished by the Visiting Mission on its behalf;

Takes note of the conclusions formulated by the Visiting Mission and included in its reports;

Draws attention to the fact that, at its sixth and seventh sessions¹, in formulating its own conclusions and recommendations in the course of its examination of annual reports on, as well as of petitions and other questions relating to, the Trust Territories concerned, the observations and conclusions of its Visiting Mission and the observations of the Administering Authorities concerned were taken into account;

Decides that it will continue to take these observations and conclusions into account in future examinations of matters relating to the Trust Territories concerned; and

Invites the Administering Authorities concerned to give most careful consideration to the conclusions of the Visiting Mission as well as to the comments made thereon by the members of the Trusteeship Council.

Twenty-ninth meeting, 20 July 1950.

Annex V (50)

TRUSTEESHIP COUNCIL RESOLUTION 343 (IX)

Organization and Methods of Functioning of Visiting Missions

The Trusteeship Council,

Having considered General Assembly resolution 434 (V) of 2 December 1950 on the organization and methods of functioning of visiting missions,

Having considered the report² of its Committee on Visiting Missions,

Decides:

1. That in making arrangements for future visits to the Trust Territories it will be guided by the principles set forth in the above-mentioned General Assembly resolution and will take into account the observations and suggestions made by the Committee on Visiting Missions;

2. To include in its next report to the General Assembly an account of the measures taken to this effect.

347th meeting, 6 June 1951.

Annex V (51)

TRUSTEESHIP COUNCIL RESOLUTION 420 (X)

Administrative Unions Affecting Trust Territories

The Trusteeship Council,

Having taken note of General Assembly resolution 563 (VI) of 18 January 1952 concerning administrative unions affecting Trust Territories,

¹ See *Official Records of the Fifth Session of the General Assembly*, Suppl. No. 4.

² See doc. T/L. 126/Rev.1.

1. *Requests* the Standing Committee on Administrative Unions to prepare, in addition to its regular reports, a draft report containing a complete analysis of each of the administrative unions to which a Trust Territory is a party and of the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union, with special reference to (a) the considerations enumerated in paragraph 1 of resolution 326 (IV) of the General Assembly and (b) the compatibility of the arrangements already made with the provisions of the Charter of the United Nations and the Trusteeship Agreement as well as with the interests of the inhabitants of the Trust Territory concerned;

2. *Authorizes* the Standing Committee to consult, whenever necessary, with the Administering Authorities concerned and to secure from them such additional information as may be necessary;

3. *Requests* the Standing Committee to submit the draft report requested above to the Council at its eleventh session.

387th meeting, 28 February 1952.

Annex V (52)

TRUSTEESHIP COUNCIL RESOLUTION 427 (X)

Organization and Methods of Functioning of Visiting Missions

The Trusteeship Council,

Having considered the report of the Committee on Visiting Missions (T/L.249) appointed by it to examine General Assembly resolution 553 (VI) concerning the organization and methods of functioning of visiting missions, the special report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951 (T/951), and Economic and Social Council resolution 385 E (XIII) concerning the nomination and appointment of women as members of visiting missions,

Decides that in making arrangements for future visits to the Trust Territories it will take into account the principles set forth in the above-mentioned General Assembly and Economic and Social Council resolutions and special report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, and the observations made thereon by its Committee on Visiting Missions.

409th meeting, 27 March 1952.

Annex V (53)

TRUSTEESHIP COUNCIL RESOLUTION 465 (XI)

Terms of Reference of the United Nations Visiting Mission to Trust Territories in West Africa, 1952

The Trusteeship Council,

Having appointed a second periodic visiting mission to Trust Territories in West Africa composed of Mr. Roy A. Peachey (Australia) as

Chairman, Mr. Robert Scheyven (Belgium), Mr. H. K. Yang (China) and Mr. Roberto E. Quiros (El Salvador), assisted by members of the Secretariat and also by such members of the local administration as may be appointed by the latter,

Recalling its resolution 424 (X) of 3 March 1952 by which in accordance with General Assembly resolution 555 (VI) of 18 January 1952 it requested the Visiting Mission to investigate and submit a special report on the Ewe and Togoland unification problem,

Recalling its decision ¹ of 31 March 1952 approving a time-table for the Mission,

1. *Decides* that the Visiting Mission shall depart in August 1952, that it shall visit the Trust Territories of Togoland under British administration, Togoland under French administration, the Cameroons under British administration and the Cameroons under French administration, as provided for in the previous decisions ² of the Council;

2. *Directs* the Visiting Mission to investigate and to report as fully as possible on the steps taken in the four above-mentioned Trust Territories towards the realization of the objectives set forth in Article 76 *b* of the Charter, taking into account the terms of General Assembly resolution 321 (IV) of 15 November 1949;

3. *Directs* the Visiting Mission to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and in the General Assembly and of resolutions adopted by them, to issues raised in connection with the annual reports on the administration of the four Trust Territories concerned, in petitions received by the Trusteeship Council relating to those Trust Territories, in the reports ³ of the first periodic Visiting Mission to the Trust Territories in West Africa and in the observations ³ of the Administering Authorities on those reports;

4. *Directs* the Visiting Mission to accept and receive petitions without prejudice to its acting in accordance with the rules of procedure and to investigate on the spot, after consultation with the local representative of the Administering Authorities concerned, such of the petitions received as, in its opinion, warrant special investigation;

5. *Directs* the Visiting Mission to examine, in consultation with the Administering Authorities, the measures taken and to be taken in respect of the provision of information about the United Nations to the peoples of the Trust Territories under Council resolution 36 (III) of 8 July 1948 and to undertake the duties enumerated in Council resolution 311 (VIII) of 7 February 1951 on the same questions;

6. *Requests* the Visiting Mission to transmit to the Council as soon as practicable after the completion of its visits a report on each of the Territories visited containing its findings, with such observations, conclusions and recommendations as it may wish to make.

453rd meeting, 22 July 1952.

¹ See *Official Records of the Trusteeship Council*, tenth session, 410th meeting.

² *Ibid.*, fourth session, 5th meeting, p. 57.

³ *Ibid.*, seventh session, Suppl. No. 2.

Annex V (54)

TRUSTEESHIP COUNCIL RESOLUTION 645 (XII)

Administrative Unions Affecting Trust Territories*The Trusteeship Council,**Having considered* General Assembly resolution 649 (VII) on the administrative unions affecting Trust Territories,*Noting* that the General Assembly, in this resolution:*(a) Calls* to the attention of the Administering Authorities the observations and conclusions contained in the special report¹ of the Trusteeship Council and the observations² of the General Assembly Committee on Administrative Unions,*(b) Requests* the Administering Authorities to continue to transmit promptly to the Trusteeship Council information as complete as possible concerning the operation of the administrative unions affecting Trust Territories under their administration, indicating the benefits and advantages derived by the inhabitants of the Trust Territories from administrative unions,*(c) Expresses the hope* that the Administering Authorities concerned will take into account the freely expressed wishes of the inhabitants before establishing or extending the scope of administrative unions,*Noting* further that the General Assembly expresses the hope that the Administering Authorities concerned will consult with the Trusteeship Council concerning any change in or extension of existing administrative unions, or concerning any proposal to establish new administrative unions,*Authorizes* the Standing Committee on Administrative Unions to continue its regular examination of each administrative union affecting a Trust Territory, and to study these administrative unions not only with regard to the four safeguards enumerated in Trusteeship Council resolution 293 (VII) but also with regard to the interests of the inhabitants of the Territory and the terms of the Charter and the Trusteeship Agreements, as well as any other matters which it may deem appropriate.

477th meeting, 9 July 1953.

Annex V (55)

TRUSTEESHIP COUNCIL RESOLUTION 867 (XIII)

Reports of the United Nations Visiting Mission to Trust Territories in West Africa, 1952*The Trusteeship Council,**Having examined* at its thirteenth session the reports³ of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, as well as the observations thereon⁴ submitted by the Administering Authorities concerned,¹ See *Official Records of the General Assembly*, seventh session, Suppl. No. 12.² *Ibid.*, annexes, agenda item 31, doc. A/2217.³ See docs. T/1040, T/1041, T/1042 and T/1043.⁴ See docs. T/1068, T/1069, T/1070 and T/1074.

1. *Takes note* of the reports and the observations of the Administering Authorities;
2. *Expresses its appreciation* of the work accomplished by the Visiting Mission on its behalf;
3. *Draws attention to the fact* that, at the thirteenth session, in formulating its own conclusions and recommendations on conditions in the Territories concerned, the Council took into account the observations and conclusions of the Visiting Mission and the observations of the Administering Authorities thereon;
4. *Decides* that it will continue to take these observations and conclusions into account in future examination of matters relating to the Territories concerned;
5. *Invites* the Administering Authorities concerned to give the most careful consideration to the conclusions of the Visiting Mission as well as to the comments made thereon by the members of the Trusteeship Council;
6. *Decides*, in accordance with rule 99 of its rules of procedure, that the reports of the Visiting Mission, including its special report on the Ewe and Togoland unification problem¹, shall be printed together with the relevant observations of the Administering Authorities and the present resolution;
7. *Requests* the Secretary-General to make arrangements for the printing of these documents at the earliest possible date.

521st meeting, 22 March 1954.

Annex V (56)

TRUSTEESHIP COUNCIL RESOLUTION 1253 (XVI)

Terms of Reference of the United Nations Visiting Mission to the Trust Territories of the Cameroons under British Administration and the Cameroons under French Administration, 1955

The Trusteeship Council,

Having decided to despatch a periodic Visiting Mission to the Trust Territories of the Cameroons under British administration and the Cameroons under French administration in 1955,

Having decided that the Visiting Mission should be composed of Mr. Max H. Dorsinville (Haiti) as Chairman, Mr. Robert Scheyven (Belgium), Mr. Hsi-kun Yang (China) and Mr. Edward W. Mulcahy (United States of America) and assisted by members of the Secretariat and also by such members of the local administration as may be appointed by the latter,

Having decided that the Visiting Mission should depart on 15 October 1955, that it should visit the Cameroons under French administration and the Cameroons under British administration in that order, and that the duration of its visit should be approximately two months,

¹ See docs. T/1034 and T/1039.

1. *Directs* the Visiting Mission to investigate and report as fully as possible on the steps taken in the two above-mentioned Trust Territories towards the realization of the objective set forth in Article 76 *b* of the Charter, taking into account the terms of General Assembly resolution 321 (IV) of 15 November 1949;

2. *Directs* the Visiting Mission to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and the General Assembly, and of resolutions adopted by them, to issues raised in connection with the annual reports on the administration of the two Trust Territories concerned, in petitions received by the Trusteeship Council relating to the Territories, in hearings in the General Assembly of petitioners from the Trust Territory of the Cameroons under French administration, in the reports of the previous periodic Visiting Missions to the Territories and in the observations of the Administering Authorities on those reports;

3. *Directs* the Visiting Mission to receive petitions without prejudice to its acting in accordance with the rules of procedure of the Council and to investigate on the spot, after consultation with the local representative of the Administering Authority concerned, such of the petitions received as, in its opinion, warrant special investigation;

4. *Directs* the Visiting Mission to examine, in consultation with the Administering Authorities, the measures taken or to be taken in respect of the provision of information about the United Nations to the peoples of the Trust Territories under Trusteeship Council resolution 36 (III) of 8 July 1948 and General Assembly resolution 754 (VIII) of 9 December 1953, and to undertake the duties enumerated in Trusteeship Council resolution 311 (VIII) of 7 February 1951 on the same question;

5. *Requests* the Visiting Mission to submit to the Council as soon as practicable a report on each of the Territories visited containing its findings with such observations, conclusions and recommendations as it may wish to make.

634th meeting, 8 July 1955.

Annex V (57)

TRUSTEESHIP COUNCIL RESOLUTION 1373 (XVII)

Reports of the United Nations Visiting Mission to the Trust Territories of the Cameroons under British Administration and the Cameroons under French Administration, 1955

The Trusteeship Council,

Having examined at its seventeenth session the reports of the United Nations Visiting Mission to the Trust Territories of the Cameroons under British Administration and the Cameroons under French Administration, 1955¹, as well as the written observations submitted by the Government of the United Kingdom of Great Britain and Northern Ireland² on the

¹ T/1226, T/1231.

² T/1234.

report on the Cameroons under British administration and the oral observations made by the representative of France on the report on the Cameroons under French administration,

1. *Takes note* of the reports and of the observations of the Administering Authorities concerned;

2. *Expresses its appreciation* of the work accomplished by the Visiting Mission on its behalf;

3. *Draws attention* to the fact that, at the seventeenth session, in formulating its own conclusions and recommendations on conditions in the Territories concerned, the Council took into account the observations and conclusions of the Visiting Mission and the observations of the Administering Authorities thereon;

4. *Decides* that it will continue to take these observations and conclusions into account in future examinations of matters relating to the Trust Territories concerned;

5. *Invites* the Administering Authorities concerned to give the most careful consideration to the conclusions of the Visiting Mission as well as to the comments made thereon by the members of the Trusteeship Council;

6. *Decides*, in accordance with rule 99 of its rules of procedure, that the reports of the Visiting Mission, together with the written observations submitted by the Government of the United Kingdom and the present resolution, shall be printed¹;

7. *Requests* the Secretary-General to make arrangements for the printing of these documents at the earliest possible date.

699th meeting, 5 April 1956.

Annex V (58)

TRUSTEESHIP COUNCIL RESOLUTION 1907 (XXII)

Terms of Reference of the United Nations Visiting Mission to Trust Territories in West Africa, 1958

The Trusteeship Council,

Having decided to dispatch a periodic visiting mission to the Trust Territories of the Cameroons under British administration and the Cameroons under French administration in 1958,

Having decided that the Visiting Mission should be composed of Mr. Benjamin Gerig (United States of America) as Chairman, Mr. Georges Salomon (Haiti), Mr. Rikhi Jaipal (India) and Mr. W. G. Thorp (New Zealand) and assisted by members of the Secretariat and also by such members of the local administration as may be appointed by the latter,

Having decided that the Visiting Mission should depart in October 1958, that it should visit the Cameroons under British administration

¹ See *Official Records of the Trusteeship Council*, seventeenth session, Suppl. No. 4. This supplement also includes the written observations submitted by the French Government, which were received after the closure of the seventeenth session of the Trusteeship Council.

and the Cameroons under French administration, and that the duration of its visit should be approximately two months,

Having taken note of the memorandum of the Government of the United Kingdom of Great Britain and Northern Ireland concerning the future of the Cameroons under British administration ¹,

1. *Directs* the Visiting Mission to investigate and report as fully as possible on the steps taken in the two above-mentioned Trust Territories towards the realization of the objectives set forth in Article 76 b of the Charter of the United Nations, taking into account the terms of General Assembly resolution 321 (IV) of 15 November 1949 and other relevant General Assembly resolutions;

2. *Directs* the Visiting Mission to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and in the General Assembly, and of resolutions adopted by them, to issues raised in connection with the annual reports on the administration of the two Trust Territories concerned, in petitions received by the Trusteeship Council relating to the Territories, in hearings in the General Assembly of petitioners from the Territories, in the reports of the previous periodic visiting missions to the Territories and in the observations of the Administering Authorities on those reports;

3. *Directs* the Visiting Mission to receive petitions, without prejudice to its acting in accordance with the rules of procedure of the Council, and to investigate on the spot, after consultation with the local representative of the Administering Authority concerned, such of the petitions received as, in its opinion, warrant special investigation;

4. *Requests* the Visiting Mission to submit to the Council as soon as practicable a report on each of the Territories visited containing its finding with such observations, conclusions and recommendations as it may wish to make;

5. *Further requests* the Visiting Mission to include in its report on the Cameroons under British administration its views on the method of consultation which should be adopted when the time comes for the people of that Territory to express their wishes concerning their future.

932nd meeting, 28 July 1958.

Annex V (59)

TRUSTEESHIP COUNCIL RESOLUTION 1924 (S-IX)

Terms of Reference of the United Nations Visiting Mission to Trust Territories in West Africa, 1958

The Trusteeship Council,

Having decided to dispatch a periodic visiting mission to the Trust Territories of the Cameroons under British administration and the Cameroons under French administration in 1958,

Recalling its resolution 1907 (XXII) of 28 July 1958 relating to the terms of reference of the Visiting Mission,

¹ *Official Records of the Trusteeship Council*, Twenty-Second Session, Annexes, Agenda item 6, doc. T/1393.

Taking note of the resolution adopted by the Legislative Assembly of the Cameroons on 24 October 1958¹,

Taking note further of the statement by the representative of France,

Decides to add the following paragraph to the terms of reference of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, as set forth in Council resolution 1907 (XXII):

"6. *Further requests* the Visiting Mission to set forth its views on the procedure for organizing the consultation which will enable the people of the Cameroons under French administration to express, at the appropriate time, their wishes concerning their future and concerning the termination of trusteeship upon the attainment of full national independence in 1960."

941st meeting, 7 November 1958.

Annex V (60)

TRUSTEESHIP COUNCIL RESOLUTION 1926 (XXIII)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration

The Trusteeship Council,

Recalling its resolution 1907 (XXII) of 28 July 1958 by which the United Nations Visiting Mission to Trust Territories in West Africa, 1958, was requested to include in its report on the Cameroons under United Kingdom administration its views on the method of consultation which should be adopted when the time came for the people of that Territory to express their wishes concerning their future,

Having been requested by the General Assembly in its resolution 1282 (XIII) of 5 December 1958 to examine the reports of the Visiting Mission on the Cameroons under French administration and the Cameroons under United Kingdom administration, and to transmit the same, with its observations and recommendations, to the General Assembly not later than 20 February 1959 to enable the Assembly, in consultation with the Administering Authorities, to take the necessary measures in connection with the full attainment of the objectives of the Trusteeship System,

Having examined the report of the Visiting Mission on the Cameroons under United Kingdom administration² and considered the statement of the Administering Authority on it,

1. *Expresses its appreciation* to the Visiting Mission for its report;
2. *Takes note* of the observations and conclusions of the Visiting Mission in its report;
3. *Considers* that these conclusions will require further examination by the General Assembly;

¹ See *Official Records of the General Assembly*, thirteenth session, Fourth Committee, 774th meeting, para. 37.

² *Official Records of the Trusteeship Council*, twenty-third session, Suppl. No. 2 (T/1440), docs. T/1426 and Add.1.

4. *Transmits* to the General Assembly the report of the Visiting Mission, the observations of the Administering Authority and the records of the Council's discussions in order that, after due examination in the light of these documents and of any further views that may be expressed before it, the General Assembly may take such action as it deems appropriate, in accordance with Article 76 *b* of the Charter of the United Nations.

962nd meeting, 18 February 1959.

Annex V (61)

TRUSTEESHIP COUNCIL RESOLUTION 2007 (S-X)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration: Report of the United Nations Plebiscite Commissioner on the Plebiscite in the Northern Part of the Territory

The Trusteeship Council,

Recalling that it was requested by the General Assembly in resolution 1350 (XIII) of 13 March 1959 to transmit to the Assembly the report of the United Nations Plebiscite Commissioner on the plebiscite conducted in the Northern Cameroons in time for the report to be considered before the end of the fourteenth session of the General Assembly, together with any recommendations and observations it considered necessary,

Bearing in mind the need to facilitate urgent consideration of this report by the General Assembly,

1. *Takes note* of the report of the United Nations Plebiscite Commissioner¹;
2. *Expresses its warm appreciation* of the work of the United Nations Plebiscite Commissioner and his staff;
3. *Forwards* the report to the General Assembly for its consideration.

1042nd meeting, 2 December 1959.

Annex V (62)

TRUSTEESHIP COUNCIL RESOLUTION 2008 (XXV)

Deferment of the Examination of the Annual Reports of the Administering Authorities on Ruanda-Urundi and the Cameroons under United Kingdom Administration

The Trusteeship Council,

Decides, in accordance with rule 10 of its rules of procedure, to accede to the request of the Administering Authorities concerned that examination of conditions in the Trust Territories of Ruanda-Urundi and the Cameroons under United Kingdom administration should be deferred until its twenty-sixth session.

1048th meeting, 4 February 1960.

¹ T/1491 and Corr.1 and Add.1. Distributed also under the symbol A/4314 and Add.1; see *Official Records of the General Assembly*, fourteenth session, annexes, agenda item 41, addendum.

Annex V (63)

TRUSTEESHIP COUNCIL RESOLUTION 2013 (XXVI)

Future of the Trust Territory of the Cameroons under United Kingdom Administration

The Trusteeship Council,

Recalling General Assembly resolutions 1352 (XIV) of 16 October 1959 and 1473 (XIV) of 12 December 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration and in particular the organization of forthcoming plebiscites in the southern and northern parts of the Trust Territory on the basis of universal adult suffrage,

Recalling further the recommendations contained in the aforementioned resolutions of the General Assembly for the separation of the administration of the southern and northern parts of the Trust Territory from that of the Federation of Nigeria not later than 1 October 1960,

Noting the report of the Administering Authority on the process of separation of the administration of the Southern Cameroons from that of the Federation of Nigeria¹ as well as the report of the Administering Authority on the process of separation of the administration of the Northern Cameroons from that of the Federation of Nigeria²:

1. *Requests* the Administering Authority to take into account the observations and suggestions made at the twenty-sixth session of the Trusteeship Council in completing the separation of the administration of the two parts of the Trust Territory from that of the Federation of Nigeria not later than 1 October 1960, ensuring in particular the existence, from that date until the completion of the plebiscites in the Trust Territory, of police forces wholly responsible to the authorities in the Territory;

2. *Expresses the hope* that steps will be taken to extend the principle of universal adult suffrage to all future elections in the Trust Territory;

3. *Requests* the Administering Authority to take appropriate steps, in consultation with the authorities concerned, to ensure that the people of the Trust Territory are fully informed, before the plebiscites, of the constitutional arrangements that would have to be made, at the appropriate time, for the implementation of the decisions taken at the plebiscites;

4. *Decides* to transmit to the General Assembly at its fifteenth session the records of the meetings at which the future of the Trust Territory of the Cameroons under United Kingdom administration was discussed during the twenty-sixth session of the Trusteeship Council.

1094th meeting, 31 May 1960.

¹ *Official Records of the Trusteeship Council*, twenty-sixth session, annexes, agenda item 3, doc. T/1526.

² *Ibid.*, agenda item 17, doc. T/1530.

Annex V (64)

TRUSTEESHIP COUNCIL RESOLUTION 2057 (XXVI)

Two Petitions Containing Complaints of Incidents Connected with the Visit of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, to the Cameroons under United Kingdom Administration*The Trusteeship Council,*

Having examined, in consultation with the United Kingdom as the Administering Authority concerned, two petitions containing complaints of incidents connected with the visit of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, to the Trust Territory of the Cameroons under United Kingdom administration ¹,

Draws the attention of the petitioners to the observations of the Administering Authority.

*1098th meeting, 2 June 1960.**Annex V (65)*

TRUSTEESHIP COUNCIL RESOLUTION 2101 (S-XI)

The Future of the Trust Territory of the Cameroons under United Kingdom Administration: Report of the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration on the Plebiscites in the Southern and Northern Parts of the Territory*The Trusteeship Council,*

Recalling that it was requested by the General Assembly in resolutions 1350 (XIII) of 13 March 1959, 1352 (XIV) of 16 October 1959 and 1473 (XIV) of 12 December 1959 that the report of the United Nations Plebiscite Commissioner on the plebiscites conducted in the southern and northern parts of the Cameroons under United Kingdom administration be submitted to the Trusteeship Council and transmitted by the Trusteeship Council to the General Assembly with any recommendations and observations it considered necessary,

Bearing in mind the need to facilitate urgent consideration of this report by the General Assembly at its fifteenth session:

1. *Takes note* of the report of the United Nations Plebiscite Commissioner ²;
2. *Expresses its warm appreciation* of the work of the United Nations Plebiscite Commissioner and his staff;
3. *Forwards* the report to the General Assembly for its consideration.

1135th meeting, 10 April 1961.

¹ See T/PET.4 and 5/32, 33, T/OBS.4 and 5/25, T/OBS.4/39, T/L.978.

² T/1556, T/1556/Appendix and Add.1 and 2. Also issued under the symbol A/4727. See *Official Records of the General Assembly*, fifteenth session, annexes, addendum to agenda item 13.

Annex VI

MAP OF THE CAMEROONS UNDER UNITED
KINGDOM ADMINISTRATION (POLITICAL)

[Not reproduced in this edition]

Annex VII

MAP OF THE CAMEROONS UNDER UNITED
KINGDOM ADMINISTRATION (PHYSICAL)

[Not reproduced in this edition]
