Reinvigorating the United Nations Trusteeship Council
By: Sean McGuffin
Old Dominion University, Model United Nations Society

There are many states around the world which have lost control. Where the state no longer performs the functions of a regular state; they have lost their capacity to govern most of their territories and population, and the ability to enter into relations with other states. At times they rule only small chunks of their countries, sometimes not that much. The rest of the country is left to tribal, clan, religious or warlord authority.

Militancy, natural, and economic catastrophe all usually compete to almost ruin a state. Do these obstacles turn a country into a failed state that needs to be fixed, or does national sovereignty regarded above everything? Is there an alternative to self-rule, when self-rule it's self-starts to fail? Can the international community act systematically to save countries from the civil war and social chaos of state collapse? Or would this violate essential international principles and invite unacceptably huge sacrifices?

UN Trusteeship Council Chamber

The UN Trusteeship Council

One tool the United Nations has to possibly fix the issue is the dormant Trusteeship Council. It was created in 1945 as part of the United Nations Charter, Chapter XI, XII and especially XIII. Its purpose was to advance the political, economic, social, and educational circumstances of each former colonial Trust Territory, and eventually have each of the Trust Territory attained independence. By facilitating international trusteeship—a system of governance for territories not yet ready for self-rule—it offered an alternative to colonial control by outside countries and the horrors of secessionist warfare.

It is also the only chamber of the UN to have completed all of its functions/goals, and is currently inactive. What actions, if any, should be taken by the Council to aid these states? Massive amounts of aid to help those impoverished, military strikes to dislodge militants, or should sovereignty be turned over to the UN for the good the people, but in the process reducing the country back down to Trustee statues.

Decolonization in the 1950s through early-1970s was one of the greatest accomplishments of the Non-Aligned Movement in the United Nations, allowing over 100 countries to break free of colonial bonds to Britain, France, Portugal and other colonial powers, reinforcing the essential international principle of national self-determination. With de-colonization complete, the Trusteeship Council—designed to manage that process—has not had anything to do. It no longer meets regularly. Its grand UN meeting room is used for other purposes. Countries that subsequently gained or re-gained independence—like the former-Soviet Baltic states or countries of Central Asia and the Caucuses—have not used the trusteeship process.

The problems of state collapse are well known, creating extraordinary danger and social problems for large populations, inviting manipulation by warlords and condemning whole countries to inescapable poverty, worsening regional and even global problems of migration and terrorism. The UN and much of the world get involved in these situations, but usually react to each problem uniquely; some like Somalia get considerable attention, others largely overlooked. Revitalizing UN Trusteeship system has been suggested as a mechanism to assure systematic attention, predicable resources and consistent rule.
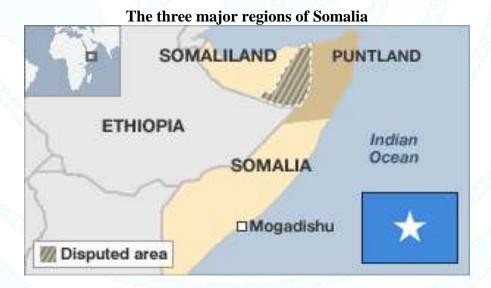
The Trusteeship Council in Action

Who: The Trust Territories that are under the Trust system were 11 territories submitted by their administering   nations. The Trustee Council's members are, all counties administering trust territories, the permanent five of the Security Council, and as many other members to have equal number of nations administering Trust Territories as countries not administering Trust Territories. Today revival of Trusteeship usually is discussed as a solution to the problems of state collapse.

Powers: The councils' powers were to review reports from the Administering nation about each territory. To visit the Trust Territories at times when agreed upon by the administering nation, and to accept any petition concerning the Trust Territories. It can also formulate reports about political, economic, social, and educational statues of the indigenous people. The Council did not govern the territory directly. Instead the administering nation would govern the territory, but under the guise of Trusteeship Council charter. It was also given authority over select territories, by the General Assembly on occasion through its' history; most notably in 1947 when it was asked to set up an international zone in and around Jerusalem to protect the people and holy places.

History: The council was established in 1945 to oversee 11 territories most of which were inherited from the failed League of Nations mandate system. In 1947 the General Assembly asked the Trusteeship Counsel to place "(Jerusalem) under a permanent international regime."

It proceeded to prepare a governor who would report to an elected counsel, but the plan was abandoned when Israeli and Jordanian forces started fighting during the 1948 war. The council last met on November 1st 1994, and no longer had any reason to convene once the last trustee territory, Palau, gained independence. Proposals for reform of the United Nations have attempted to eliminate that council all together. A proposal by then Security General Kofi Annan in 2005 and by the United States in 2000, have both tried to eliminate the council all together. One of the major reasons it has not been eliminated is because to do so requires changing the UN charter which many nations are hesitant to do.

Failed State: A failed state is a state where the government of that territory has lost the ability to properly govern, or to administer the law, its population or properly interact as a full member in the international community. This can be for any number of reasons including, militancy/rebellion, lack of basic public services, and extreme economic decline/poverty. The two main issues encountered whenever an international body tries to aid these states, are the extreme cost that are attributed and the violation of other counties' sovereignty to do so. This can be obstacle when nations attempt to help, because even when an organization has the resources to lend, the UN must respect national sovereignty. Once legal issues are resolved recovery is still rarely quick, usually because of security, corruption, and the scale of the poverty encountered. These states are difficult because "instability breeds instability." Food can't get to the country which breeds rebels, rebels fight over resource wealth, and then the country can't raise funds to buy food. The problem is grand, precisely because of how hard it is to solve.

The three major regions of Somalia

Somalia

Independence: First gained independence in 1960 when the Somaliland Trust Territory joined with British Somaliland, to form the Somali Republic. The new state was a Parliamentary Democracy, which had freedom of speech and in 1963 universal suffrage. Ever since the

beginning of the counties independence it wanted to expand into what it called "Greater Somalia" by collecting all ethnic Somalis into one county. This was done despite the fact that it would mean taking territory from all of its neighbors, and would lead to the funding of rebel groups, border hostilities, and a break of diplomatic ties from Britain in 1963.

Coup: A military coup in 1969 ended democratic rule and saw the elected president assassinated. The new government, led by Major General Siad Barre was a military dictatorship which proclaimed its self a socialist state, quickly nationalized many state industries, arrested members of the former government, banned political parties, dissolved the parliament and the Supreme Court, and suspended the constitution. Major General Mohamed Siad Barre's rule was marked by severe drought, a decade long war with Ethiopia, and a break with the Soviet Union in favor of American support in 1978.

Civil War: Then in 1991 after two-decades of military dictatorship there was a militant revolt lead by prosecuted military officers and government officials leading a multitude of anti-government groups. Siad Barre quickly fled, and the different militant groups started fighting for power. Around the same time former British protectorate of Somaliland declared independence from the rest of Somalia, but has never been recognized. The civil war saw the authority of the central government completely disintegrate. Instead, the country was ruled by roughly eighteen clans and war lords, with some areas—especially the capital city of Mogadishu—highly contested.

In 1992 the United Nations passed a unanimous decision to make a coalition of peacekeepers, led by the US, to protect the humanitarian efforts in the country. In 1993 several US Army Rangers died in a failed at any attempt to capture a faction leader, dramatized in the movie "Black Hawk Down." This lead to the US pull out in 1994 and then the UN pull out in 1995. Puntland declared autonomy in 1998, while the southern portion of the country broke apart. In 2004 a new transitional parliament was formed, based in Kenya. In the 2000s, a major Islamist insurgency, Al-Shabab, took control of the country, imposing draconian rule. Al-Shabab relies on financial and military support from Eritrea, which uses the insurgency to weaken their mutual neighbor, Ethiopia. Al-Shabab still controls much of the Somali countryside.

Recently Activity: In the early 2000s a new Transitional Federal Government was established, relying on military support from the African Union (the AU, mostly Ugandan troops). Initial intervention by Ethiopia pushed Al-Shabab out of most cities and made possible creation of the new civilian regime. Major fighting continued in 2007 when most of Mogadishu was finally captured by the African Union forces, and the president entered the city for the first time since taking office in 2004. But the authority of the new government is weak, limited almost exclusively to the capital city, and not all of that. It relies on AU peacekeepers and foreign aid for income. In the south, Kenya intervened to reduce the Al-Shabab threat on its borders and now controls much of that part of the country. Somaliland, in the north, is an independent country in all but law, not recognized officially but widely accepted by the international community.

The new government has no authority in regions like Puntland, where piracy originates. As piracy increase off the coast of Somalia the Security Council unanimously allows warships into Somali waters. In 2009 as Ethiopian troops pull out as a new group Al-Shabab launches assaults on Mogadishu and the rest of the country. Just as a major famine hits the following year killing a quarter of a million people. In the wake of both of these events is there was large international response. The UN restarts airlifting aid after Al-Shabab partially its lifts ban on foreign aid. Kenyan troops move into southern Somalia, which is further supported by other AU troops. After the surge of troops and aid Somalia is able to elect its first president since 1967 and is also formally recognized by the US for the first time since 1991.

International groups like the African Union have attempted to intervene on multiple occasions by sending troops in the county and setting up a government in Mogadishu, but this government only controls some of the city and militants still occupy much of the county side. This was still only accomplished through the combined effort of six nations, and many of the people in the controlled areas are still desperate for basic services like food, water, and medicine. Al-Shabab remains a major force, as do neighboring Ethiopia and Kenya, and Eritrea.

Central African Republic (CAR)

This land locked country of 4.5 million, one of the poorest in the world, suffered near constant coups, revolts, and dictators since its independence from France in 1960. Ever since its first prime minster mysteriously died in a plane crash the country has been ruled by dictators, most of who have been ousted by violent coup themselves. The tiny government, lacking any major source of tax income, is completely dependent on foreign aid. But virtually all foreign aid today is project funding, over which the host-country government has no control. Foreign governments have more influence in CAR than the country's own government. The latter lacks resources to extend its power beyond the nation's capital city of Bangui.

This trend still continues currently. Much of the countryside is controlled by insurgencies and war lords, including the Lord's Resistant Army from Uganda and Sudanese groups, all pushed out of their home countries. In November of 2012 a new rebel group Seleka, made from the mostly Muslim minority in the north, started moving south pillaging as it went. Ending in March of 2013 when it overran the capital of Bangui, and named their leader, Djotodia, president. During which time the warlord Koni and his Lord's Resistance Army have moved into the dense jungle in the east of the country. Their new government has had little effect for the better so far. There are militant gangs roaming the country side, and unpaid mercenaries from Chad and Sudan who are still demanding payment. All of these factors combined to show how the CAR has the 4th highest infant mortality rate 6th lowest Per capita income, and an average life expectancy rate of 50 years.

Central African Republic

Afghanistan

The current situation in Afghanistan is most keenly related to the US lead NATO invasion. It started in 2001when US airstrikes began allowing anti-Taliban Afghani forces to seize Kabul. An interim government is established later that year in Germany, which Hamid Karzai is elected the leader of soon after. In 2002 the first foreign troops arrive, and by the next year have taken operational command of Kabul. A constitution is made in 2003 and the following year the first parliament elections are held. The election goes along mostly with tribal loyalty. Just as NATO takes over command over all Afghanistan, Opium production soars to a record high. In response to an increase in Taliban influence the US increases its troop commitment to 100,000 troops in 2009. Ever since then the coalition steadily weakens as other members withdrawal support. The US its self is set to withdrawal by 2014.

The country it is leaving behind is a war torn country that is split with tribal divisions. The Taliban currently controls much of the country side and is growing by using Pakistan as a safe haven. It is also not likely to be dislodged before coalition troops leave. On top of this there are many issue's who's statistics speak for them, the country is first in infant mortality, has only 28 percent literacy, forth worst life expectancy, and 3rd behind Somalia and North Korea in corruption according to Transparency International.

While the countries most engaged there—especially the United States and neighboring Pakistan—are skeptical of anything that dilutes their authority, other governments are more sympathetic to a UN sponsored arrangement, including some previous active in the North Atlantic Treaty Organization (NATO) military and development missions there.

Afghanistan and its neighbors

Country positions: For countries with memories of colonial rule, restoration of trusteeship raises painful memories; they will be hesitant to accept anything resembling restoration of classical Nineteenth Century colonial rule by foreign powers. But they also benefit from the promise of restoring order to regions along their own borders, promising to make problems of mass migration and refugees, ethnic and religious warfare more manageable. For the wealthier countries, restoration of trusteeship is expensive and means new commitments, it also involves long-term commitments some will hesitate to make, but it also offers long-term advantages.

Conclusion: The Trusteeship Council is the only UN body that completed its original mission, and has since been dormant for some time. As it slept the world has created new problems for it to tackle, the problem of states like CAR, Somalia, and Afghanistan. The way the council currently is cannot properly handle these issues, and clearly must be reformed in some way. On the other hand is it fair to classify these states as "failed"? Even if so, is it other nations right to go in to attempt to fix it, or is each state's right to sovereignty held above all others?

If restoration of trusteeship is possible, many major issues need to be resolved:

- How countries would be assigned to the Trusteeship Council
- Relationship between Trusteeship authority and the authority of the UN Security Council
- The actual authority structures for rule: by designated outside countries, coalitions, or the UN itself?
- The role of UN member states supporting the system with personnel and finances.
- Authority for finances, taxation, use of force, etc.
- The role of democratic legitimacy and national self-determination

- Procedures for restoring national sovereignty and self-rule.

All these particular issues need to be solves. Underlying all of them are two essential concerns, the role of home country governments in the fate of their territories. As sovereign governments, they are the most important actors, but what if they are unable to use their sovereignty effectively. Foreign governments must supply the wealth and capability to make trusteeship work. Will they be willing to provide assistance on the needed scale, especially under UN authority?

Bibliography

United Nations, General Assembly Of. "Jerusalem/International Regime - Trusteeship Council Report to the GA (14 June 1950)." *Jerusalem/International Regime - Trusteeship Council Report to the GA*. United Nations, 14 June 1950. http://unispal.un.org/UNISPAL.NSF/0/00862D2CA15A99EC85256257006DC39E

"Jerusalem/International Regime - Trusteeship Council Report to the GA (14 June 1950)."*Jerusalem/International Regime - Trusteeship Council Report to the GA (14 June 1950)*. The Economist, 31 Aug. 2013. http://www.economist.com/news/middle-east-and-africa/21584336-fear-and-hunger-threaten-overwhelm-one-africas-most-tragic-countries-another

"Central African Republic Profile." *BBC News*. BBC, 20 Aug. 2013.. http://www.bbc.co.uk/news/world-africa-13150044

"Another Failed State Beckons." *The Economst*. The Economist, 31 Aug. 2013. http://www.economist.com/news/middle-east-and-africa/21584336-fear-and-hunger-threaten-overwhelm-one-africas-most-tragic-countries-another

"Somalia Profile." *BBC News*. BBC, 5 Aug. 2013. http://www.bbc.co.uk/news/world-africa-13150044

"Somalia Profile." *BBC News*. BBC, 2 Aug. 2013. http://www.bbc.co.uk/news/world-africa-14094632

"Central Intelligence Agency." *The World Factbook*. n.p., n.d. https://www.cia.gov/library/publications/the-world-factbook/geos/af.html

"Charter, United Nations, Chapter XIII: The Trusteeship System." *UN News Center*. UN, n.d. http://www.un.org/en/documents/charter/chapter13.shtml

"Trusteeship Council, UN, United Nations." *UN News Center*. UN, n.d. http://www.un.org/en/mainbodies/trusteeship/

Parker, Tom. "The Ultimate Intervention: Revitalising the UN Trusteeship Council for the 21st Century." *Ww.bi.no*. n.p., Aug. 2013. http://www.bi.no/cccFiles/CEAS-Files/03-03The_Ultimate_Intervention.pdf