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Authority NND 901167By R. C. NARA Date 6-6-08

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DRAFTRESTRICTEDREPLY TO SECRETARY GENERAL ON "FACTORS"

The United States Government takes the opportunity presented by resolution 648 (VII), 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, to set forth certain views, particularly with respect to the additional elements which the General Assembly has invited the Ad Hoc Committee to take into account.

The United States Government considers that efforts by the General Assembly to formulate a list of factors to be taken into account can be of value to the States administering non-self-governing territories and that it can assist them to interpret their obligations under Chapter XI of the United Nations Charter. Such obligations have freely and voluntarily been recognized by eight Members of the United Nations and the list of factors which has been provisionally recommended by the General Assembly for consideration appears to indicate that other States might also have such obligations in relation to territories under their administration whose peoples have not yet attained a full measure of self-government. The United States wishes to call special attention to the tragic case of those peoples who enjoyed independence prior to World War II but who have since had a dependent status imposed upon them.

In United Nations discussions of the "factors" problem the United States Government has been guided by three underlying convictions which it would take this opportunity to reaffirm:

- (1) It is not feasible to lay down a precise and meaningful definition of "a full measure of self-government."

This conviction is based on United States' experience in administering non-self-governing territories and in participation in United Nations deliberations on this subject. In the light of its own experience in administering non-self-governing territories and promoting their development

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towards self-government, the United States recognizes the difficulty of predicting the exact form which eventual self-government may take. In some instances complete independence is the desired goal; in others a form of integration in or association with another political entity may best accord with the freely expressed wishes of the peoples concerned. Moreover, the paths of development leading to the expressed goals of full self-government or of independence may vary considerably under differing constitutional systems. Even as the constitutional arrangements of Sovereign States defies strict classification so the end arrangements in the evolution of non-self-governing territories cannot be described in terms of any particular set of principles or factors. The record of United Nations deliberations on this subject also indicates the difficulties involved in compiling a list of factors which would be inclusive enough to take into consideration the complexities and the varieties of constitutional forms and usages extant — a list which would at the same time be definitive.

(2) No enumeration of factors can do more than serve as a guide in determining whether a territory is or is not fully self-governing and each specific case will need to be determined by the particular circumstances of that case. *Further comment on this point is unnecessary.* This conviction is borne out by the conclusion of the Ad Hoc Committee on Factors in 1952.

(3) Each Administering Member of the United Nations has the right to determine the constitutional position and status of territories under its sovereignty and the decision regarding reporting under Article 73(e) on specific territories rests solely with the Administering Member concerned. In its approach to the problems raised in sub-paragraphs (b) and (c) of resolution 648 (VII) the United States has always been guided by the belief that all peoples should be encouraged and assisted in developing the political, economic, social and educational bases necessary to enable them to express responsibly and freely their own views as to their destiny.

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The element of free choice which all peoples desire is also the keystone of the "factors" question. The mode of expression of the peoples' wishes may, ^{however} of course, vary in accordance with existing political circumstances and constitutional arrangements as well as with the peoples' own desires.

The United States, therefore, agrees with the conclusion of the Special Committee in 1951, that "it does not consider that any single factor or any particular combination of factors can be regarded as predominant or decisive in every case, except that the will of the people concerned, properly and freely expressed, would in all cases be the paramount factor".

Closely related to this factor is that listed as political advancement in resolution 567 (VI) and considered by the General Assembly in that resolution as one of two essential factors. The political advancement of the population should be sufficient to enable them to decide upon the future destiny of the territory with due knowledge. The satisfaction of these criteria would guarantee the free choice referred to, thereby assuring the exercise of the principle of self-determination for these peoples.

Within a nation or territory in which a truly democratic society exists there will prevail a climate which will nurture the healthy exercise of the principle of self-determination. At the same time that the will of the majority will prevail, adequate protection and safeguards will be maintained for minorities. Dissimilar groups living and working together will be encouraged to sublimate their differences and work out a common destiny and thereby obviate the dangers inherent in expressing the principle of self-determination in ways which might cause excessive fragmentation and consequent jeopardy to their own interest and to the security of the international community.

The will of the people of a territory in which these factors obtain can be manifested in a number of ways. The people can express their will directly through plebiscites or referenda. More often the will of the

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people will be manifest through the normal functioning of orderly democratic government. Political parties will make a stand on issues concerning their immediate or more remote future, and the free election of candidates to both executive and legislative offices will reflect the will of the people on these as on all other important issues. As long as a free democratic political system broadly representative of the population exists in any given territory, it will not be difficult for the people to manifest their wishes concerning their present status or even their ultimate destiny.

It will not often be necessary to have recourse to United Nations plebiscites when such conditions exist. In fact, over-reliance on this technique might seriously impede the development of those institutions through which the wishes of a people may be expressed on the whole range of their common problems. Full encouragement should be given by the international community to the development of broadly based, democratic, domestic institutions through which the will of the people can be made known on a continuing basis. Although the development of these institutions may make resort to United Nations plebiscites usually unnecessary they do not preclude their use in special situations. At the time when a people is confronted with a clear cut choice relating to their status or of their relation to another political entity, a plebiscite might conceivably be usefully employed to record the wishes of the population as to that choice.

Plebiscite

- CC: Mr. Corig
- Mr. Carg
- Mr. Malloy
- Mr. Ross
- Miss McReynolds
- Mr. Strong ✓
- Mr. Fowler

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