

ARTICLE 83

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ARTICLE 83

TEXT OF ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas.

INTRODUCTORY NOTE

1. During the period under review, there were no changes in the constitutional relationship between the Security Council and the Trusteeship Council as recorded in the *Repertory*.¹ The Trusteeship Council continued to exercise, on behalf of the Security Council, the functions specified in Articles 87 and 88 relating to the political, economic, social and educational advancement of the inhabitants of the Trust Territory designated as a strategic area, namely, the Trust Territory of the Pacific Islands, and continued to report annually to the Security Council on the exercise of those functions. As in past years, no action was taken by the Security Council on the reports.

2. The practice of the Trusteeship Council is dealt with in section A of the analytical summary of practice. As in the previous *Supplement*,² section B contains material relating to the substantive aspects of the applicability to the people of the Pacific Islands of Article 76, as referred to in Article 83(2), or of the Declaration on the Granting of Independence to Colonial Countries and Peoples, since these questions are dealt with under Article 76.

¹*Repertory, Supplement No. 5*, vol. IV, under Article 83, para. 1.

²*Ibid.*, paras. 2-4.

I. GENERAL SURVEY

3. During the period under review, the Trusteeship Council continued to exercise, on behalf of the Security Council, the functions of the United Nations related to the strategic Trust Territory of the Pacific Islands. In particular, the Trusteeship Council continued to examine the annual reports of the Administering Authority of the Trust Territory, to examine communications and hear petitioners, and to dispatch visiting missions to the Trust Territory.

4. As in the past, the Trusteeship Council, after considering the annual reports of the Administering Authority, the working paper of the Secretariat, and all communications and petitions, adopted its reports to the Security Council. During the current period under review, the Security Council neither took note of the reports nor took specific action on the conclusions and recommendations.

5. However, during the period under review, the Trusteeship Council did adopt a new procedure in approving its reports to the Security Council. In the past, the

Trusteeship Council had approved a "skeleton" of the report, which was then filled in by the Secretariat. Approval of the skeleton was considered approval of the report, even though sections of it had yet to be written at the moment of approval. During its fiftieth session, the Trusteeship Council approved a proposal by its President according to which the Council would approve the skeleton as previously, but would then resume its session after the report had been drafted in order to formally approve the report as a whole.

6. There was no change of procedure regarding the consideration of petitions and communications, nor were resolutions adopted on the question. The section dealing with this in the analytical summary of practice describes the main issues raised by petitioners.

7. Treatment of visiting missions in the analytical summary of practice describes both periodic visiting missions and visiting missions to observe plebiscites and referendums. With regard to the latter, the Trusteeship

Council, on two occasions, reverted to an earlier practice of inviting non-members of the Council to participate in its visiting missions.

8. Finally, discussion of Article 83 in the present *Supplement* also includes the consideration by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) of the situation in the Trust Territory. The relevant section addresses both the question of cooperation by the Trusteeship Council with the Special Committee, and consideration of the Trust Territory by the Special Committee. With regard to the first question, the

Administering Authority continued to maintain that consideration of the Trust Territory by a subsidiary organ of the General Assembly was unwarranted as the Territory had been designated as "strategic", and therefore fell under the exclusive purview of the Security Council, as stated in Article 83. Throughout the period under review, the Trusteeship Council endorsed this view. On the other hand, the Special Committee continued to consider the Trust Territory of the Pacific Islands and to submit its reports on the Territory, which included recommendations, to the General Assembly. Throughout the period under review, the General Assembly took no action on those reports and recommendations.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Exercise by the Trusteeship Council, on behalf of the Security Council, of functions relating to the political, economic, social and educational advancement of the inhabitants of the Trust Territory of the Pacific Islands

1. ANNUAL REPORTS OF THE ADMINISTERING AUTHORITY

9. During the period under review, the Trusteeship Council, in pursuance of Article 87a, examined the annual reports³ of the Administering Authority for the Trust Territory of the Pacific Islands for the years ending 30 September 1978 to 1983, respectively, in accordance with the procedures described in the previous *Repertory* studies (see annex). The reports were examined by the Council concurrently with the reports of the visiting missions and the petitions from the inhabitants of the Territory.

10. Following its examination of those reports, the Trusteeship Council adopted, by vote, its reports⁴ with conclusions and recommendations for submission to the Security Council. As in previous years, the Security Council neither took note of the reports of the Trusteeship Council nor took any specific action on the conclusions and recommendations contained in the reports.

11. The question of the procedure by which the reports were examined was raised during the forty-ninth session of the Trusteeship Council, in 1982. In conformity with previous practice, the Council appointed a Drafting Committee to propose recommendations and conclusions regarding the Territory based on discussions that had just taken place in the Council during the examination of the report of the Administering Authority. The Drafting

Committee was composed of representatives of France and the United Kingdom of Great Britain and Northern Ireland.⁵

12. The Trusteeship Council considered the report of the Drafting Committee at its 1537th and 1539th meetings. At the 1539th meeting, the representative of the Soviet Union noted with regret that the report was inadequate and imprecise, and that it did not take into account comments by his delegation. He proceeded to provide specific examples where his delegation considered the report to provide a false impression of the true conditions in the Territory. He proposed that certain sections of the report be radically redrafted.⁶

13. The representative of the United Kingdom said that the draft report as a whole adequately discharged the Council's responsibilities. He proposed that the Council adhere to its established practice of voting on the report section by section, then giving members of the Council an opportunity to make general statements, criticisms and observations about the report.⁷

14. The representative of the Soviet Union said the United Kingdom proposal was irregular; the Council had convened to discuss the report, not simply to vote on it. To proceed immediately to a vote would be improper, unfair and not in accordance with the practice of the United Nations.⁸

15. The representative of France endorsed the proposal of the United Kingdom. He said that the procedure was, in fact, the customary practice of the Trusteeship Council. The representative of the United Kingdom proposed that his suggested procedure be put to a vote.⁹ The representative of the Soviet Union said that the representatives of France and the United Kingdom had asked that general remarks be made at the end of the meeting, but his delegation had specific comments on certain paragraphs that it wished to make prior to the vote on the report, in accordance with the rules of procedure and the usual practice of the United Nations. He

³T/1803, T/1817, T/1830, T/1837, T/1853 and T/1863.

⁴S C (34), Spec. Suppl. No. 1; S C (35), Spec. Suppl. No. 1; S C (36), Spec. Suppl. No. 1; S C (37), Spec. Suppl. No. 1; S C (38), Spec. Suppl. No. 1; S C (39), Spec. Suppl. No. 1.

⁵S C (37), Spec. Suppl. No. 1, paras. 9-13.

⁶*Ibid.*, paras. 15-20.

⁷*Ibid.*, paras. 21 and 22.

⁸*Ibid.*, paras. 23 and 25.

⁹*Ibid.*, paras. 30 and 31.

said that references to the procedure of earlier years did not help; in earlier years delegations might not have had specific points to make and were content with making general remarks. If the delegations of the United Kingdom and France continued to insist that one delegation not be allowed to present its comments, his delegation would have the question put to a vote. It would also ask that the report to the Security Council reflect the fact that the conclusions and recommendations had not been examined in the Trusteeship Council.¹⁰

Decision

16. The proposal by the United Kingdom to vote on the draft report section by section and to allow delegations to make general comments was put to a vote and was adopted by 3 votes to 1. Subsequent to the section-by-section voting, the Trusteeship Council adopted the report of the Drafting Committee as a whole by 3 votes to 1.

17. During the fiftieth session¹¹ of the Trusteeship Council, the President proposed a new procedure for the preparation of the Trusteeship Council's report to the Security Council. He noted that the existing procedure was for the Trusteeship Council to approve a skeleton of its report, which the Secretariat would later draft; approval of the skeleton was deemed to be approval of the report itself, despite the fact that important sections of the paper had not even been written at the time of its approval. The President pointed to recent and increased dissatisfaction over the content of the report, as well as its growing length. He therefore proposed that the skeleton of the report be approved as usual, but that the session of the Trusteeship Council be resumed again in several months, after the Secretariat had drafted the report, in order to formally approve it.

18. The representative of the Soviet Union opposed the proposed procedure. He argued that the previous practice had been practical and efficient. He further argued that the only part of the report that remained to be drafted was a reflection of what had been said in the Trusteeship Council. It therefore needed no subsequent endorsement by that body, as it had already been recorded on tape and in the verbatim records. He also objected on the grounds that the resumed session had important financial implications, and that it would disrupt the working patterns of the Secretariat.

19. The representative of the United Kingdom, on the other hand, endorsed the idea, noting that the Trusteeship Council unfortunately had signed away the production of a report which was its sole responsibility. He noted that the narrative section was integral to the report, and careful consideration had to be given to it by the Trusteeship Council as a whole. He suggested that the previous practice of the Council, in which final approval was informal and based on tacit understandings, no longer worked because those tacit understandings had unravelled.

¹⁰Ibid., para. 32.

¹¹T/PV.1562.

20. The representative of France also concurred with the proposal, noting that the narrative section of the report had grown far too long, and that its production had resulted in too much bickering between the President of the Trusteeship Council, the Secretariat and the delegations, to the detriment of a real consideration of the problems in Micronesia. The proposal would lead to a report that was concise and compact and did not repeat statements made by Member States.

Decision

21. The new proposal was adopted by the Trusteeship Council by 3 votes to 1. Consequently, after approving the skeleton of the report and adjourning in June, the Trusteeship Council resumed its session in November to approve its report to the Security Council. This practice continued through the rest of the review period.

22. In streamlining its report to the Security Council, the Trusteeship Council in 1984 decided not to include the chapter entitled "Conditions in the Trust Territory of the Pacific Islands",¹² which had contained the working paper prepared by the Secretariat.

2. COMMUNICATIONS AND PETITIONS

23. During the period under review, the Trusteeship Council, in pursuance of Article 87*b*, examined 118 communications¹³ under rule 24 of its rules of procedure, 132 petitions¹⁴ under rule 85 (1), as well as 10 observations¹⁵ of the Administering Authority on the relevant petitions concerning the Trust Territory of the Pacific Islands. The Council also heard 66 oral petitioners during the review period.¹⁶

24. As in previous years, in the course of its forty-sixth to fifty-first sessions (1979-1984) and at its fourteenth (1979) and fifteenth (1982) special sessions, the Trusteeship Council considered the petitions and communications en bloc: questions on all petitions and communications before the Council were put to the Administering Authority, with the debate itself touching on all of them.¹⁷

25. Most of the communications and petitions related to a variety of subjects, including claims of war damages and damages suffered after the occupation, land disputes,

¹²T/L.1240 and Add.1 and T/PV.1580.

¹³T/COM.10/L.235-352.

¹⁴T/PET.10/134-137, 148-151, 160-177 and Add.1, 181, 183, 186-188, 200-203 and Add.1, 205-212, 212 and Add.1, 213-252, 259, 262-266, 269, 271-275, 277, 279-307 and 311-316.

¹⁵T/OBS.10/45, 46 and Corr.1 and 47-54.

¹⁶T/PET.10/138, 139 and Add.1, 140, 142-147, 154, 155, 157, 158, 178, 179 and Add.1 and 2, 180, 182 and Add.1, 184, 185, 189, 190 and Add.1, 191, 192 and Add.1, 193 and Add.1, 194, 195, 196 and Add.1 and 2, 197-199, 203, 204, 253-255, 256 and Add.1, 257, 258, 260, 265, 267, 268, 270 and Add.1, 276 and 278; for the 12 petitioners during the thirty-ninth session, see T/PV.1566-1569 and 1571.

¹⁷T/PV.1490, T/PV.1494, T/PV.1500, T/PV.1504, T/PV.1516, T/PV.1521, T/PV.1536, T/PV.1543, T/PV.1559, T/PV.1560 and T/PV.1570.

problems of resettlement, misuse of land for military purposes, banning of nuclear tests and dumping, the propriety of decolonization by arrangements short of independence, requests for the Council to send observers to the Palau constitutional referendum, opposition to early termination of the Trusteeship Agreement in the Marshall Islands, concern about the Administering Authority's attempt to divide the Trust Territory and to promote economic dependency, and compensation for victims of nuclear testing and radiation exposure. The Trusteeship Council decided, without objection, to take note of the petitions and communications and to draw the attention of the petitioners to the observations of the Administering Authority¹⁸ on the relevant petitions and the deliberations of the Council.

26. During the period under review, the Trusteeship Council did not adopt any resolution with respect to communications and petitions received concerning the Trust Territory of the Pacific Islands.

27. The Trusteeship Council, however, devoted particular attention to certain communications and petitions. Thus at its forty-eighth session, in 1981, it examined a series of petitions¹⁹ which supported the Palauans' vote for a nuclear-free constitution and urged the Administering Power to cease its attempts to interfere with the right of the Palauan people to self-determination. In its observations²⁰ concerning the petitions, the Administering Authority transmitted a note verbale to the Secretary-General dated 11 May 1981, in which it referred to notes verbales transmitted to the Secretary-General on 17 July²¹ and 10 September 1980.²² The first note contained a United States-Palau joint communiqué stating that the Palau Commission on Status and Transition and the United States delegation had devoted particular attention to issues of military land use, operating rights, law of the sea and financial arrangements set forth in the Compact of Free Association. The Palau Commission had viewed the levels of compensation as inadequate, while the United States had reaffirmed its commitment to the levels of economic assistance in the compact. Dialogue on those issues would continue following the referendum on the draft Palau Constitution. The other note verbale had transmitted a joint resolution adopted by the Palau Legislature in July 1980 as well as the Constitution of Palau, as approved in a constitutional referendum held on 9 July 1980. The resolution from the Palau Legislature had certified the results of the Palau constitutional referendum, in which a majority of those voting had approved the Palau Constitution, which was the final act required to establish the results of the referendum.

28. The United States believed that the adoption of the Constitution by the people of Palau and the establishment of a constitutional Government in January 1981 should lay to rest the concerns raised by the petitioners.

29. The Trusteeship Council then decided,²³ without objection, to draw the attention of the petitioners to the observations²⁴ of the Administering Authority.

30. At its forty-eighth session, in 1982, the Trusteeship Council had before it a communication²⁵ from the Truk Legislature protesting the plans of the Government of Japan to dump radioactive wastes in the north-west Pacific Ocean. The United States,²⁶ referring to the proposed dumping by Japan, said that the proposed dumping site was part of the high seas, as defined by international law and the draft United Nations Convention on the Law of the Sea. Japan was a party to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and intended to become a party to the consultations and surveillance mechanism of the Nuclear Energy Agency of the Organisation for Economic Cooperation and Development, which monitored ocean disposal activities in accordance with international standards. As long as Japan abided by those international standards, the United States had no basis on which to oppose the proposed dumping. Furthermore, the United States did not intend to dispose of nuclear wastes in the Trust Territory of the Pacific Islands or in the waters adjacent to it. The United States was also a party to the Convention on dumping and participated in the consultations and surveillance mechanism of the Nuclear Energy Agency and considered that those international standards should govern the dumping of all nuclear wastes in the oceans.

31. In a letter to the Trusteeship Council dated 2 June 1982, the Permanent Representative of Japan to the United Nations communicated the position of his Government on the above subject, stating that Japan did not propose to dispose of high-level radioactive wastes and "spent nuclear fuel" in the sea, which was prohibited by the provisions of the Convention on dumping. In dealing with the disposal of low-level radioactive waste at sea, the primary concern of Japan was to ensure a maximum degree of safety. To ensure maximum safety, Japan had already proceeded with extensive and exhaustive experiments on packages to be disposed of, and it had conducted surveys at the proposed disposal sites. The resulting safety assessments had fully convinced it of the environmental safety of its proposed disposal. The selection of the disposal site was limited to certain specific sea areas according to international standards established by the International Atomic Energy Agency, and the nation nearest to the proposed site was Japan.

32. Japan, which participated in specific meetings of the Trusteeship Council as a non-voting member,²⁷ stated to the Council that it had made sincere efforts to convince its Pacific neighbours as to the safety of its programme. Since August 1980, it had dispatched five missions for that purpose. Regrettably, it had not yet been successful in gaining the full understanding of those countries. Japan

¹⁸See footnote 15.

¹⁹T/PET.10/162-174 and 176.

²⁰T/OBS.10/51.

²¹T/1824.

²²T/1826.

²³T/PV.1516.

²⁴See footnote 20.

²⁵T/COM.10/L.304.

²⁶T/PV.1526 and 1529.

²⁷See, in the present *Supplement*, under Article 86, para. 12.

would continue its efforts to obtain the understanding of the countries and Territories concerned.

33. At the same session, the Trusteeship Council decided, without objection, to take note of the communication from the Truk Legislature.²⁸

34. Among the oral petitioners at the forty-sixth session (1979) was a member of the Palau Post-Convention Committee that was responsible for public education on the proposed constitution, who stated that the Personal Representative of the President of the United States to the Micronesian Status Negotiations had claimed during a closed meeting with the Palau Legislature that ratification of the Palau Constitution amounted to a rejection of the Compact of Free Association with the United States. Following that meeting, the Palau Legislature had recalled bills it had already passed containing financial provisions for effective public education on the proposed Constitution. Subsequently a bill had been introduced in the Palau Legislature, the purpose of which was to declare the proposed Constitution null and void. The bill had been defeated by a substantial number of legislators who had walked out, thus denying the necessary quorum for passage of the bill. The petitioner sought the opinion of the Trusteeship Council on whether the Personal Representative's statement had constituted an interference with the right of Palau to self-determination. The petitioner further stated that the people of Palau viewed the statement of the Personal Representative as a direct interference in Palau's right to self-determination.²⁹

35. At the same meeting, another petitioner representing two groups in Palau, the Concerned Citizens and the Group to Save the Draft Constitution, outlined the actions taken by those groups to maintain the draft Constitution, including the circulation of petitions, which had obtained more than 1,000 signatures in Palau. He requested the Administering Authority to provide the necessary funds for a public education programme before the constitutional referendum.

36. During the discussion that ensued, one member of the Trusteeship Council raised the possibility that the solution of difficulties over arrangements for the constitutional referendum should be left to the decision of the Palau Legislature.

37. The United States noted that the Trusteeship Council had been invited by the Administering Authority to observe the constitutional referendum to be held on 9 July 1979.³⁰ Another member of the Council stated that there appeared to be a dispute between the Constitutional Convention and the Palau Legislature.³¹

38. However, during the period under review, the Trusteeship Council did not adopt any resolutions in respect of the oral hearings granted to petitioners.

²⁸T C (49), Sessional fascicle, annexes, document T/1841.

²⁹T/PV.1487.

³⁰Ibid. and T/1805.

³¹T/PV.1488.

3. VISITING MISSIONS

39. In pursuance of Article 87e, the Trusteeship Council continued to dispatch periodic United Nations visiting missions to the Trust Territory of the Pacific Islands in order to secure first-hand information concerning the Territory and to ascertain the wishes and aspirations of its inhabitants.

(a) *Periodic visiting missions*

40. The Trusteeship Council had decided at its forty-fifth session³² to dispatch a visiting mission to the Trust Territory of the Pacific Islands in 1979. In February 1979, the Council decided³³ to defer the dispatch of the visiting mission until early 1980 since two visiting missions were already scheduled to visit the Trust Territory in 1979 to observe referendums. From 1950 to 1976, periodic visiting missions had been dispatched at three-year intervals. The periodic mission, composed of representatives of France and the United Kingdom, visited the Territory from 1 to 29 March 1980. At its forty-seventh session in May/June 1981, the Council examined the report of the visiting mission³⁴ and, inter alia, took note of it.³⁵

41. At its forty-eighth session, in May/June 1981, the Council decided³⁶ to send a periodic visiting mission to the Trust Territory in either 1982 or 1983 and that specific arrangements for the dispatch of the mission should be decided by the Council not later than at its forty-ninth session. Subsequently, at the forty-ninth session, in 1982, at the suggestion of the Administering Authority, the Trusteeship Council decided³⁷ to send a periodic visiting mission, composed of representatives of France and the United Kingdom, to the Trust Territory in July 1982, thus restoring the periodicity of missions to the three-year cycle. At the fiftieth session, the visiting mission submitted its report³⁸ to the Council, which subsequently took note of it on 2 June 1983.³⁹

(b) *Visiting missions to observe plebiscites and referendums*

42. During the period under review, the Trusteeship Council also dispatched, at the request of the Administering Authority,⁴⁰ a series of missions to observe referendums and plebiscites in the Trust Territory.

43. The Trusteeship Council held its fourteenth special session from 12 to 15 February 1979.⁴¹ At the session, the Council decided, by 3 votes to 1,⁴² to send a visiting mission, composed of representatives of France and the

³²T C resolution 2166 (XLV), T/PV.1480.

³³T/PV.1483.

³⁴T/1816.

³⁵T C resolution 2172 (XLVII).

³⁶T/PV.1521.

³⁷T C resolution 2173 (XLIX).

³⁸T/1850.

³⁹T C resolution 2175 (L); T/PV.1559.

⁴⁰T/1796 and T/1844.

⁴¹T/PV.1482 and 1483.

⁴²T C resolution 2167 (S-XIV).

United Kingdom, to observe the referendum on the Constitution in the Marshall Islands in February 1979; at its 46th session, in May/June 1979, the Council decided by 3 votes to 1⁴³ to take note of the report of the visiting mission.⁴⁴

44. At its forty-sixth session, in May/June 1979, the Trusteeship Council decided by 3 votes to 1⁴⁵ to dispatch a visiting mission composed of representatives of France and the United Kingdom to observe a constitutional referendum in Palau on 9 July 1979 and to obtain, at the same time and to the extent that the primary purpose would permit, first-hand information concerning political, economic and social developments in Palau and to report to the Trusteeship Council on its observation of the referendum as soon as practicable. At its forty-seventh session, in 1980, the Council, by 3 votes to 1,⁴⁶ took note of the report of the visiting mission.⁴⁷

45. At its fifteenth special session, in December 1982, the Trusteeship Council decided⁴⁸ by 3 votes to 1, to dispatch a series of visiting missions in 1983 to observe plebiscites in Palau, the Marshall Islands and the Federated States of Micronesia, on the compacts of free association and a series of subsidiary and related agreements. The decision was taken subsequent to a request by the Permanent Representative of the United States of America to the United Nations in a letter to the Secretary-General dated 18 November 1982.⁴⁹ According to the Administering Authority, the voters would be invited either to approve the Compact of Free Association or to request their Governments to negotiate independence or a closer relationship with the United States.

46. The representative of the United States, in requesting that a visiting mission be sent, also noted that the Trusteeship Council had on past occasions included in the membership of visiting missions representatives of States which were not themselves members of the Council. In view of the importance of the acts of self-determination which were about to take place in the three Micronesian entities, the representative said that his Government would welcome the inclusion of other States from the Pacific in those missions.⁵⁰ The suggestion was endorsed by the representative of the United Kingdom, who considered that it would be in keeping with the importance of the acts of self-determination and with the growing links between the peoples of Micronesia and their neighbours,⁵¹ and by the representative of France, who said that the participation of States in the Pacific region was essential and noted that that

was clearly within the scope of rule 95 of the rules of procedure of the Trusteeship Council.⁵²

47. The proposal was opposed, on the other hand, by the representative of the Soviet Union, who said that inclusion in the mission of States which were not members of the Trusteeship Council would change the nature of the missions, and that such a decision would not be in keeping with his delegation's understanding of the constitutional aspects.⁵³

48. The Trusteeship Council decided that the visiting missions should include representatives from Fiji and Papua New Guinea, who were not members of the Council, as well as representatives of the United Kingdom and France.⁵⁴

49. At its fiftieth session,⁵⁵ in 1983, the Trusteeship Council decided, by 3 votes to 1,⁵⁶ to take note of the report of the visiting mission to observe the Plebiscite in Palau.⁵⁷

50. At its fifty-first session, in 1984, the Council took note,⁵⁸ by 3 votes to 1, of the reports of the visiting missions to observe the plebiscites in the Federated States of Micronesia⁵⁹ and the Marshall Islands.⁶⁰

51. The dissenting votes with regard to the visiting missions and their reports were cast by the Union of Soviet Socialist Republics. That Government considered that the missions conferred the legitimacy of the United Nations on what amounted to be an illegal process of dismembering the Trust Territory.⁶¹

B. Consideration by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the situation in the Trust Territory of the Pacific Islands

52. General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples applies to "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence". At its sixteenth session, the General Assembly had established, under resolution 1654 (XVI) of 27 November 1961, a Special Committee to examine the application of the Declaration and to make suggestions and recommendations on the progress and extent of implementation of the Declaration.⁶² From the nineteenth session on, the Special Committee had submitted reports to

⁴³T C resolution 2170 (XLVI).

⁴⁴T/1805.

⁴⁵T C resolution 2168 (XLVI).

⁴⁶T C resolution 2171 (XLVII).

⁴⁷T/1813.

⁴⁸T C resolution 2174 (S-XV).

⁴⁹S C (38), Spec. Suppl. No. 1, para. 50.

⁵⁰Ibid., para. 59.

⁵¹Ibid., para. 60.

⁵²Ibid., para. 68.

⁵³T/PV.1543.

⁵⁴T C resolution 2174 (S-XV).

⁵⁵T/PV.1559.

⁵⁶T C resolution 2176 (L).

⁵⁷T/1851.

⁵⁸T/PV.1573; T C resolution 2177 (LI); T C resolution 2178 (LI).

⁵⁹T/1860.

⁶⁰T/1865.

⁶¹See, in the present *Supplement*, under Article 76, para. 12.

⁶²See under Article 73 in the present *Supplement*.

the Assembly on the implementation of the Declaration in the Trust Territory of the Pacific Islands. During the current period under review, six such reports⁶³ were submitted to the General Assembly, the latest of which covered 1984. The United States was not a member of the Special Committee during the period under review.

53. In the past, the Trusteeship Council had cooperated with the Special Committee on decolonization with regard to non-strategic Territories under the Council's consideration, in conformity with Article 85 of the Charter of the United Nations, according to which functions with regard to Trusteeship Agreements of non-strategic Territories shall be exercised by the General Assembly. As reported in the previous *Supplement*, subsequent to the termination of the last remaining non-strategic Trust Territory, the Trusteeship Council had decided to cease reporting to the General Assembly and its subsidiary committees, including the Special Committee on decolonization.⁶⁴ That decision had been based on the text of Article 83, which stated that all functions of the United Nations related to strategic areas should be exercised by the Security Council, while Article 85 limited the functions of the General Assembly to Trust Territories not designated as strategic.

54. Nonetheless, the question of the "Attainment of self-government or independence by Trust Territories and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" remained on the agenda of the Trusteeship Council throughout the period under review. The following paragraphs deal with two issues: (a) cooperation by the Trusteeship Council with the Special Committee on decolonization with regard to the strategic Trust Territory of the Pacific Islands, and (b) consideration by the Special Committee on decolonization of the Trust Territory of the Pacific Islands.

55. During the consideration of the first issue, the Administering Authority consistently reiterated the position described above, namely that the designation of the Trust Territory as a strategic Territory under Article 83 of the Charter implied that cooperation by the Trusteeship Council with a committee of the General Assembly did not apply.⁶⁵

56. The representative of the Soviet Union, on the other hand, maintained that such cooperation was dictated by long-established practice, by the Declaration on decolonization

and by the Programme of Action for the full implementation of the Declaration on decolonization, contained in General Assembly resolution 2621 (XXV), which stated, in paragraph 9: "Where resolution 1514 (XV) has not been fully implemented with regard to a given Territory, the General Assembly shall continue to bear responsibilities for that Territory until such time as the people concerned have had an opportunity to exercise freely its right to self-determination and independence." In that regard, the USSR considered that Article 83 should not be a basis for depriving the people of Micronesia of their inalienable right to genuine self-determination and independence, and that the implementation of the Declaration would be fully in keeping with Article 83. The Soviet Union maintained that nothing in Article 83 prohibited other United Nations bodies, particularly the Special Committee, as a committee of the General Assembly, or the General Assembly itself, from monitoring the situation in the Territory in accordance with the Charter and its particular mandate.⁶⁶

57. The representative of the Soviet Union also noted that in the past the United States had accepted the consideration of Micronesia in the Special Committee on decolonization. The representative of the United States responded that his delegation had once addressed that Committee on the subject of Micronesia, in response to various appeals, but had only done so to point out that Article 83 gave all functions of the United Nations concerning strategic Trust Territories to the Security Council.⁶⁷

58. The Administering Authority further pointed out that during the thirty-sixth session of the General Assembly, efforts by the Special Committee to place the consideration of a resolution concerning the strategic Trust Territory on the agenda of the General Assembly had been voted down (see paras. 61 and 62 below).⁶⁸

59. The other two members of the Trusteeship Council consistently endorsed the interpretation of Article 83 presented by the Administering Authority. Thus, during the period under review, the Trusteeship Council decided to draw the attention of the Security Council alone to the conclusions and recommendations which it (the Trusteeship Council) had adopted concerning the attainment, under its guidance and in accordance with the Charter, particularly Article 83, of self-government or independence by the Trust Territory, and to the statements on that question made during the meetings of the Trusteeship Council.⁶⁹ During the thirty-eighth session, the representative of the Soviet Union proposed adding the words "and also from the viewpoint of

⁶³G A (34), Suppl. No. 23, vol. III, chap. XX; G A (35), Suppl. No. 23, chap. XVIII; G A (36), Suppl. No. 23, chap. XVII; G A (37), Suppl. No. 23, chap. XIX; G A (38), Suppl. No. 23, chap. XVIII; G A (39), Suppl. No. 23, chap. XIX.

⁶⁴*Repertory, Supplement No. 5*, vol. IV, under Article 83, paras. 40-51.

⁶⁵S C (34), Spec. Suppl. No. 1, para. 99; S C (35), Spec. Suppl. No. 1, para. 83; S C (37), Spec. Suppl. No. 1, para. 214; S C (38), Spec. Suppl. No. 1, paras. 127-129; S C (39), Spec. Suppl. No. 1, paras. 135-136.

⁶⁶S C (34), Spec. Suppl. No. 1, paras. 92-97; S C (35), Spec. Suppl. No. 1, paras. 78-82; S C (36), Spec. Suppl. No. 1, paras. 168-175; S C (37), Spec. Suppl. No. 1, paras. 217-218; S C (38), Spec. Suppl. No. 1, paras. 119-124; S C (39), Spec. Suppl. No. 1, paras. 130-134.

⁶⁷S C (36), Spec. Suppl. No. 1, para. 738.

⁶⁸S C (37), Spec. Suppl. No. 1, para. 231.

⁶⁹S C (34), Spec. Suppl. No. 1, para. 100; S C (35), Spec. Suppl. No. 1, para. 85; S C (36), Spec. Suppl. No. 1, para. 179; S C (37), Spec. Suppl. No. 1, para. 232; S C (38), Spec. Suppl. No. 1, para. 133; S C (39), Spec. Suppl. No. 1, para. 141.

the implementation of the Declaration [on decolonization]" after the reference to Article 83 in the reports of the Trusteeship Council to the Security Council. The proposal was rejected by three votes to one.⁷⁰

60. With regard to the second issue, consideration of the Trust Territory by the Special Committee on decolonization, the Special Committee continued to consider the Trust Territory of the Pacific Islands and to submit its reports⁷¹ on the Trust Territory, which included decisions it had taken, to the General Assembly. At the thirty-fourth and thirty-fifth sessions, in 1979 and 1980, no action was taken by the General Assembly with regard to the Trust Territory.

61. At the thirty-sixth session of the General Assembly, in 1981, a "draft consensus"⁷² on the Trust Territory, repeating most of the recommendations adopted by the Special Committee, was introduced in the Fourth Committee. Subsequently, Australia introduced a motion to adjourn discussion of the item due to the fact that the Committee had not previously dealt with the question, and under the Charter of the United Nations and the Trusteeship Agreement, the Security Council, with the assistance of the Trusteeship Council, had fully exercised United Nations functions regarding the Territory.⁷³ Several other delegations concurred, noting that there was no valid reason to change the established procedure.⁷⁴ On the other hand, it was argued that discussion of the Territory in the Fourth Committee was relevant in view of the concerns expressed that the Administering Authority was attempting to annex the

Territory, and also in view of Article 10 of the Charter of the United Nations, according to which the General Assembly may discuss any questions or any matters within the scope of the Charter relating to the powers and functions of any organs provided for in the Charter.⁷⁵ It was also argued, in opposition to the proposal to adjourn, that the Trust Territory represented a question of self-determination subject to General Assembly resolution 1514 (XV), and that it should be discussed in the Fourth Committee.⁷⁶

Decision

62. The Fourth Committee, by a vote of 71 to 30, with 20 abstentions, adopted the motion to adjourn discussion of the item. Therefore no resolutions or decisions were adopted by the General Assembly on the Trust Territory of the Pacific Islands at the thirty-sixth session.

63. At the thirty-seventh session, in 1982, the Chairman of the Fourth Committee suggested, on the basis of consultations with the Chairman of the Special Committee on decolonization and with other delegations, that no action should be taken on the draft resolution⁷⁷ contained in the report of the Special Committee. The Committee adopted the recommendation without objection.⁷⁸

64. During the thirty-eighth and thirty-ninth sessions, in 1983 and 1984, the Fourth Committee adopted⁷⁹ similar decisions with regard to the draft resolutions⁸⁰ of the Special Committee on decolonization concerning the Trust Territory of the Pacific Islands.

⁷⁰S C (38), Spec. Suppl. No. 1, para. 132.

⁷¹A/34/23/Add.4, chap. XX, para. 11; A/35/23, Part V, chap. XVIII, para. 10; A/36/23, Part V, chap. XVII, para. 13; A/37/23, Part V and Add.2, chap. XIX, para. 13; A/38/23, Part VI/Add.1, chap. XVIII, para. 10; A/39/23, Part VI, chap. XIX, para. 13.

⁷²A/C.4/36/L.15/Rev.1.

⁷³G A (36), 4th Comm., 25th mtg., paras. 80 and 81.

⁷⁴Ibid., United States, paras. 75-78; Norway, para. 83.

⁷⁵Ibid., Soviet Union, paras. 85 and 86.

⁷⁶Ibid., Libyan Arab Jamahiriya, para. 87.

⁷⁷A/37/23 (Part V)/Add.2, chap. XIX, para. 13.

⁷⁸G A (37), 4th Comm., 24th mtg., para. 35.

⁷⁹G A (38), 4th Comm., 19th mtg., para. 26; G A (39), 4th Comm., 18th mtg., para. 45.

⁸⁰A/38/23 (Part VI)/Add.1, chap. XVIII, para. 10; A/39/23 (Part VI), chap. XIX, para. 13.

ANNEX

Submission of annual reports for the Trust Territory of the Pacific Islands^a

<i>Period covered</i>	<i>Date of submission</i>	<i>Document symbol</i>	
		<i>Trusteeship Council</i>	<i>Security Council</i>
1 October 1977-30 September 1978	23 April 1979	T/1803	S/13359
1 October 1978-30 September 1979	12 December 1980	T/1817	S/13958
1 October 1979-30 September 1980	4 May 1981	T/1830	S/14496
1 October 1980-30 September 1981	14 April 1982	T/1837	S/15094
1 October 1981-30 September 1982	6 April 1983	T/1853	S/15731
1 October 1982-30 September 1983	5 April 1984	T/1863	S/16548

^a Each year the Administering Authority submitted 400 copies of its report.