

ARTICLE 86

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TEXT OF ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary 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.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

INTRODUCTORY NOTE

1. So far as is appropriate, the pattern of treatment of Article 86 in previous Repertory studies is followed in the present study. Section A of the Analytical Summary of Practice in this Supplement records the elections held by the General Assembly to fill vacancies and to maintain parity of membership between Administering and non-administering members of the Trusteeship Council. Section B describes the participation, without vote, of States which are not members of the Council in the work of the Council. Section C concerns proposals for participation in the work of the Council by representatives of the indigenous inhabitants of Trust Territories, and section D deals with the verification of the credentials of representatives of the members of the Trusteeship Council. There are no additional decisions to record under two headings which appeared under this Article in the previous Repertory studies: "C. Participation of Italy in the work of the Trusteeship Council" and "F. Qualifications of representatives of members". Since the former heading is no longer applicable, the letters have been reassigned.

I. GENERAL SURVEY

2. At the eleventh session of the General Assembly, two members of the Trusteeship Council, whose terms of office expired on 31 December 1956, were re-elected. No new members were elected by the General Assembly during its twelfth session. The terms of office of three elective members having expired on 31 December 1958, the General Assembly elected Paraguay to replace Guatemala and re-elected Burma and the United Arab Republic for further terms of three years.

3. The States which were Members of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration continued, by virtue of article 11 of the Trusteeship Agreement for that Territory, to participate without vote in the deliberations of the Trusteeship Council on questions relating to the Territory. There were no other instances during the period under review in which other Members of the United Nations which were not members of the Trusteeship Council participated in its work.

4. No steps were taken expressly to give effect to the recommendations contained in General Assembly resolution 853 (IX) concerning the question of the participation of representatives of the indigenous populations of Trust Territories in the work of the Trusteeship Council. In line with these recommendations, however, the Council continued to grant hearings to petitioners on a selective basis, while visiting missions continued to ascertain the main trends of public opinion in the Territories visited by them on the basis of the general provisions of their terms of reference.

5. The Trusteeship Council continued to follow its customary procedure for verifying its composition, namely, by taking action on a report on credentials prepared by the Secretary-General of the United Nations. The question of the representation of China continued to be raised in this connexion. On each such occasion during the period under review, the Council decided not to vote separately on the credentials of delegations, and it approved the report of the Secretary-General as a whole.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Parity of membership between Administering and non-administering Members of the United Nations

6. Elections of members of the Trusteeship Council to fill vacancies caused by the expiration of the three-year terms of office were held by the General Assembly during its eleventh and thirteenth sessions. On 19 December 1956, the General Assembly re-elected Haiti and India, whose terms of office expired on 31 December 1956. On 7 March 1958, the United Arab Republic assumed the seat previously held by Syria. The terms of office of Burma, Guatemala and the United Arab Republic expired on 31 December 1958. On 8 October 1958, the General Assembly elected Paraguay to replace Guatemala and re-elected Burma and the United Arab Republic for further terms of three years. The annex to the present study shows the composition of the Trusteeship Council during the period under review.

7. All subsidiary organs established by the Council continued, during the period under review, to be composed equally of representatives of Administering and non-administering Members of the United Nations.

B. Participation of States not members of the Trusteeship Council in the work of the Council

8. As mentioned in paragraph 3, above, the only participation of non-member States in the work of the Trusteeship Council during this period was in respect of the Trust Territory of Somaliland under Italian administration. At the twentieth, twenty-second and twenty-fourth sessions of the Council, Colombia, Philippines and Egypt, as members of the Advisory Council for Somaliland, participated without vote in the discussions of the Council on questions specifically related to the Trust Territory. 1/ The representatives of the members of the Advisory Council also participated in the Standing Committee on Petitions, in the examination of petitions concerning the Trust Territory.

C. Participation of representatives of the indigenous populations of Trust Territories in the work of the Trusteeship Council

9. During the period under review, the Trusteeship Council, beyond taking note of General Assembly resolution 853 (IX), did not adopt any specific procedures on recommendations flowing from it. Visiting missions continued to operate under terms of reference which directed them "to give attention [to issues], as may be appropriate in the light of discussions in the Trusteeship Council and the General Assembly and of resolutions adopted by them", 2/ and they included in their reports accounts of the views expressed to them by representative political organizations and institutions. The Trusteeship Council continued to grant oral hearings requested by representatives of indigenous organizations and by private persons. 3/

1/ As a result of the formation of the United Arab Republic, Egypt was not represented at the twenty-fourth session; at that session, the United Arab Republic was a member of the Trusteeship Council.

2/ See, for example, T C resolution 1923 (S-VIII).

3/ See this Supplement, under Article 87, section II B, "Article 87 b".

10. With regard to the expression of hope contained in Trusteeship Council resolution 466 (XI), to the effect that the Administering Authorities would find it appropriate to appoint qualified indigenous inhabitants as part of their delegations, the lists ^{4/} of delegations at the sessions of the Trusteeship Council during the period under review show the increasing numbers of such inhabitants who were included as part of the delegations of the Administering Authorities. Thus, at the nineteenth session of the Council, the United Kingdom delegation included the Assistant Secretary at the Nigeria Office in London; at the twentieth session, the Minister of Economic Affairs of Somalia, a member of the Legislative Assembly of that Territory and another Somali were part of the Italian delegation. The Minister of Finance of the Autonomous Republic of Togoland was a member of the French delegation at the seventh special session of the Trusteeship Council. At both the twenty-first and twenty-third sessions of the Council, the French delegation included an indigenous representative from the Cameroons under French administration. The delegation of New Zealand, at the twenty-second session of the Council, included three indigenous representatives from Western Samoa; two were Fautua and the third was the Minister of Agriculture of that Territory. At the twenty-third session, three indigenous representatives were included in the United Kingdom delegation, and at the twenty-fourth session of the Council, an indigenous representative from the Pacific Islands was included in the delegation of the United States.

11. During its visit to Nauru, the 1959 United Nations Visiting Mission received a request from the Nauru Local Government Council that a representative of that Council should be attached to the Australian delegation to the Trusteeship Council whenever a Visiting Mission's report on Nauru was discussed. In its report, ^{5/} the Visiting Mission considered that there might be mutual advantage in associating a member of the Nauru Local Government Council in an advisory or consultative capacity with the Australian delegation to the Trusteeship Council at meetings during which a Visiting Mission's report on Nauru was under discussion. The Administering Authority, in its observations ^{6/} on the Visiting Mission's report, stated that it had no objection in principle to associating a Nauruan in some way with the Australian delegation and would bear in mind the views of the 1959 Visiting Mission in considering the composition of the Australian delegation when the report of a subsequent Visiting Mission to Nauru was to come before the Trusteeship Council.

D. The question of the verification of the composition of the Trusteeship Council in accordance with the terms of the Charter

12. At each of the six regular sessions during the period under review, the Trusteeship Council adopted the Report of the Secretary-General on Credentials, not, however, before there was some discussion concerning the representation of China, initiated by the representative of the Union of Soviet Socialist Republics.

13. On each occasion, the representative of the Soviet Union asked for a separate vote on the credentials of the representative occupying the seat of China, whom he did not consider the legitimate representative of that country and on each occasion, except at the twenty-fourth session as noted below, his proposal was rejected by 10 votes to 4.

^{4/} Lists of delegations appear in the Official Records of each session of the Trusteeship Council.

^{5/} T C (XXIV), Suppl. No. 4 (1485), document T/1448 and Add.1, para. 46.

^{6/} T/1460 (mimeographed), section C.

Thereafter, the Council adopted the Secretary-General's reports on credentials in their entirety. 7/

14. During the twenty-fourth regular session of the Council, the proposal of the representative of the Soviet Union that a separate vote should be taken on the representation of China was rejected 8/ by 9 votes to 4, with 1 abstention. Thereupon, the representative of the Soviet Union submitted an amendment to the Report of the Secretary-General on Credentials 9/ which would have deleted the names of the persons described as representing China. Following a protracted discussion on procedure, the representative of Italy submitted 10/ the following motion:

"The Trusteeship Council decides that the amendment submitted by the delegation of the Union of Soviet Socialist Republics to the Report of the Secretary-General on Credentials contained in document T/1468 is not admissible."

The Council adopted the motion submitted by Italy by 10 votes to none. The report of the Secretary-General was then adopted 11/ as a whole by 11 votes to none, with 3 abstentions.

****E. Qualifications of representatives of members**

7/ T/1309 (mimeographed), adopted by 10 votes to none, with 3 abstentions (T C (XIX), 784th mtg., para. 44); T/1332 (mimeographed), adopted by 11 votes to none, with 2 abstentions (T C (XX), 836th mtg., para. 48); T/1360 and Add.1 (mimeographed), adopted by 10 votes to none, with 4 abstentions (T C (XXI), 887th mtg., para. 5); T/1390 and Corr.1 and Add.1 (mimeographed), adopted by 10 votes to none, with 4 abstentions (T C (XXII), 931st mtg., para. 6); T/1437 (mimeographed), adopted by 13 votes to none, with 1 abstention (T C (XXIII), 962nd mtg., para. 3).

8/ T C (XXIV), 983rd mtg., para. 10.

9/ Mimeographed document.

10/ T C (XXIV), 984th mtg., para. 25.

11/ Ibid., para. 133.

ANNEX

Membership of the Trusteeship Council
(during its nineteenth to twenty-fourth regular sessions and its
sixth to ninth special sessions)

Members administering Trust Territories

Australia
Belgium
France
Italy
New Zealand
United Kingdom
United States

Members mentioned by name in Article 23
and not administering Trust Territories

China
Union of Soviet Socialist Republics

Members elected by the General Assembly

Member	Session of the General Assembly at which the member was elected	Regular sessions of the Trusteeship Council during which the member served	Special sessions of the Trusteeship Council during which the member served
Burma	X, XIII	XIX - XXIV	VI - IX
Guatemala	X	XIX - XXII	VI - IX
Haiti	VIII, XI	XIX - XXIV	VI - IX
India	VIII, XI	XIX - XXIV	VI - IX
Paraguay	XIII	XXIII - XXIV	-----
Syria ^{a/}	X	XIX - XXI	VI - VII
United Arab Republic ^{a/}	XIII	XXI - XXIV	VIII - IX

^{a/} On 7 March 1958, the United Arab Republic occupied the seat previously held by Syria.