

Repertory of Practice of United Nations Organs
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Volume V

Article 86

Contents

Paragraphs

Text of Article 86

Introductory note	1-2
I. General Survey.....	3-5
II. Analytical Summary of Practice	6-18
A. Parity of membership between administering and non-administering Members of the United Nations.....	6-12
1. Composition of the Trusteeship Council	6
2. Composition of subsidiary bodies.....	7
3. Composition of visiting missions.....	8-12
B. Participation of States not members of the Trusteeship Council in the Work of the Trusteeship Council.....	13-14
C. Participation of representatives of the indigenous populations of Trust Territories in the work of the Trusteeship Council.....	15
D. Question of the verification of the composition of the Trusteeship..... Council in accordance with the terms of the Charter	16-18
**E. Qualifications of representatives of members	
Annex. Membership of subsidiary bodies of the Trusteeship Council	

Article 86

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 as 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. The material contained in the present study has been set up under the headings used in previous *Supplements*.
2. There was no material requiring treatment under section E entitled "Qualifications of representatives of members".

I. General Survey

3. As noted previously¹ since the establishment of the trusteeship system, an important basic principle set forth under Article 86 has been parity of membership between the administering and non-administering members. As reported in a previous study of this Article in the *Repertory*,² after the attainment of independence by the Trust Territory of New Guinea, Australia ceased to be an administering member of the Trusteeship Council. Thus, only the United States remained an administering member, while China, France, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics continued to be members of the Council by virtue of Article 86(1)b. Consequently, parity of membership between the administering and non-administering members could not be maintained.

¹ *Repertory, Supplement No. 3*, vol. II, under Article 86, paras. 17-24

² *Repertory, Supplement No. 4*, vol. II, under Article 86, paras. 7-10

4. During the period under review, the practice of including representatives of indigenous populations of the Trust Territories in the delegation of the Administering Authority continued.
5. Fiji and Papua New Guinea, non-members of the Trusteeship Council, participated, without the right to vote,³ in the fifty-third and fifty-fourth sessions of the Trusteeship Council when reports of the visiting missions to observe plebiscites in Palau were discussed.⁴ Papua New Guinea also participated in the fifty-fourth session⁵, when other reports of visiting missions about further plebiscites in Palau were discussed,⁶ as described in the present *Supplement* under Article 83.⁷

II. Analytical Summary of Practice

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

1. COMPOSITION OF THE TRUSTEESHIP COUNCIL

6. During the period under review, the composition of the Trusteeship Council remained as follows:

Member administering a Trust Territory:

United States of America

Members mentioned by name in Article 23 of the Charter but not administering Trust Territories

China

France

Union of Soviet Socialist Republics

United Kingdom of Great Britain and Northern Ireland

2. COMPOSITION OF SUBSIDIARY BODIES

7. The Trusteeship Council, in keeping with its practice of previous years, continued to appoint a drafting committee to propose conclusions and recommendations on the Trust Territory of the Pacific Islands. Representatives of France and the United Kingdom were appointed to the

³ T/PV 1601 and 1625

⁴ T/1885 and T/1906

⁵ T/PV 1645

⁶ T/1919 and 1920

⁷ See, in the present *Supplement*, under Article 83.

Drafting Committee during the period under review, i.e. from the fifty-second through the fifty-fifth sessions of the Council, inclusive.⁸

3. COMPOSITION OF VISITING MISSIONS

8. During the period under review, the Trusteeship Council dispatched a series of visiting missions to the Trust Territory of the Pacific Islands.⁹ At its fifty-second session, held in May 1985, the Council decided¹⁰ that the periodic visiting mission to the Trust Territory of the Pacific Islands should be composed of France and the United Kingdom.
9. At its sixteenth Special Session, held on 4 and 6 February 1986, the Trusteeship Council decided¹¹ that the visiting mission to observe a plebiscite on the Compact of Free Association in Palau should be composed of representatives of Fiji, France, Papua New Guinea, and the United Kingdom.
10. At its seventeenth Special Session, held on 20, 21 and 26 November 1986, the Trusteeship Council again invited two non-members of the Council to participate in a visiting mission to Palau and decided¹² that the visiting mission to observe the plebiscite in Palau in December 1986 should be composed of the representatives of Fiji, France, Papua New Guinea and the United Kingdom.
11. During the fifty-fourth session, at the 1638th meeting on 26 May 1987, the Trusteeship Council decided¹³ that a visiting mission to observe another plebiscite in Palau in June 1987 should again be composed of representatives of Fiji, France, Papua New Guinea and the United Kingdom.
12. At its eighteenth Special Session, held on 13 August 1987, the Trusteeship Council decided¹⁴ that a visiting mission to observe another plebiscite in Palau in August 1987 should once again be composed of representatives of Fiji, France, Papua New Guinea and the United Kingdom.

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

⁸ T/PV.1593, T/PV.1616, T/PV.1637 and T/PV.1655

⁹ For further details see, in the present *Supplement*, under Article 83.

¹⁰ TC resolution 2179 (LII)

¹¹ TC resolution 2180 (S-XVI)

¹² TC resolution 2184 (S-XVII)

¹³ TC resolution 2185 (LIV)

¹⁴ TC resolution 2187 (S-XVIII)

13. On 20 May 1986, the Trusteeship Council, in response to the requests by the Permanent Representatives of Australia, Fiji, New Zealand, Papua New Guinea, Samoa, the Solomon Islands and Vanuatu, consented to their participation without the right to vote in the Council's discussion of agenda item 14, "The future of the Trust Territory of the Pacific Islands."¹⁵
14. At its seventeenth Special Session, on 20 November 1986¹⁶, the Trusteeship Council decided to invite, at their request, the representatives of Fiji and Papua New Guinea to participate, without the right to vote, in the Council's deliberations. At the fifty-fourth Session, on 11 May 1987¹⁷, the Council decided again to invite Fiji and Papua New Guinea, who had taken part in the most recent mission to Palau, to participate, without the right to vote, in the Council's deliberations. At the same session, on 15 December 1987¹⁸, at the request of the Permanent Representative of Papua New Guinea, the Council decided to invite the Representative to make a short statement to the Council before it began to consider the reports of the visiting missions of June and August 1987.

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

15. Representatives of indigenous populations continued to be attached to the delegation of the Administering Authority to the Trusteeship Council in several capacities. They served as advisers, special advisers and special representatives of the Administering Authority. They made statements to the Trusteeship Council and replied to questions concerning conditions in the Territory posed by the members of the Council or by the representatives of the Administering Authority.

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

16. During the period under review, the Trusteeship Council continued to consider the reports¹⁹ of the Secretary-General on the credentials of the members of the Council, but did not examine the credentials of each member separately.
17. As noted in the previous *Supplement*,²⁰ China, although a member of the Trusteeship Council, did not participate in the sessions of the Council during

¹⁵ T/PV. 1611

¹⁶ T/PV. 1622

¹⁷ T/PV. 1625

¹⁸ T/PV. 1645

¹⁹ T/1875, T/1882, T/1900, T/1907, T/1913 & Add.1, T/1918 and T/1925

²⁰ *Repertory Supplement No. 6*, vol. V, under Article 86, para. 16.

the period under review. China also did not designate any representatives to the Trusteeship Council.

18. At each session, the Trusteeship decided to take note of the report of the Secretary-General on credentials.

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

Article 86

ANNEX

Membership of subsidiary bodies of the Trusteeship Council

<i>Visiting missions</i>	<i>Members not administering Trust Territories</i>	<i>Non-members of the Trusteeship Council</i>
UN Periodic Mission To the Trust Territory Of the Pacific Islands July 1985	Richard Stratton (United Kingdom, Chairman) Andre Rocher (France)	

UN Visiting Mission To Palau to Observe Plebiscite on Compact Of Free Association With the US February 1986	David Alwyn Gore-Booth (United Kingdom, Chairman) Andre Rocher (France)	Raj Singh (Fiji) David Anggo (Papua New Guinea)
UN Visiting Mission To Observe the Plebiscite in Palau December 1986	Jean-Pierre Guinhut (France, Chairman) Helen Taylor (United Kingdom)	P.K. Mishra (Fiji) Stephen Baramtapaz (Papua New Guinea)
UN Visiting Mission To Observe the Plebiscite in Palau June 1987	John Allen Birch (United Kingdom, Chairman) Helen Taylor (United Kingdom) (replacing Birch) Pascal Maubert (France)	Raj Singh (Fiji) Stephen Barampataz (Papua New Guinea)
UN Visiting Mission To Observe the Plebiscite in Palau August 1987	Andrew Murray (United Kingdom, Chairman) Tierry Terrier (France)	Joseph Browne (Fiji) Frank Iki (Papua New Guinea)