

ARTICLE 76

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ARTICLE 76

TEXT OF ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- (a) To further international peace and security;
- (b) To promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- (d) To ensure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

INTRODUCTORY NOTE

1. During the period under review, the attention of the Trusteeship Council and the General Assembly continued to be focused on the basic objectives of the international trusteeship system as set forth in Article 76*b* and General Assembly resolutions 1413 (XIV) of 5 December 1959 and 1514 (XV) of 14 December 1960, and in particular on the attainment by the Trust Territories of the ultimate objective referred to therein, namely, self-government or independence.

2. The basic outline established in the *Repertory* has again been followed in the present *Supplement*. Accordingly, the study is organized around the four paragraphs of Article 76.

3. In contrast to the preceding *Supplement*, the Territory of Nauru is not considered in this study, that Territory having gained its independence in the previous period under review. During the present reporting period, on 16 September 1975, the Trust Territory of New Guinea attained its independence as part of Papua New Guinea.

4. The execution by the Trusteeship Council of the procedural functions of the United Nations on behalf of the General Assembly (with respect to the Trust Territory of New Guinea) and on behalf of the Security Council (with respect to the strategic Trust Territory of the Pacific Islands) are dealt with under Articles 87 and 83 respectively of the present *Supplement*.

I. GENERAL SURVEY

5. During the period under review, as during the previous period, no decisions were taken by the United Nations organs specifically referring to the furtherance of international peace and security as an objective of the international trusteeship system. However, as in previous years, the question was once again raised concerning the presence of military bases in the Trust Territories and their

effect on international peace and security and on the progress of such Territories.¹

6. During the period under review, the Trusteeship Council continued to exercise the substantive aspects of the functions of the United Nations specified in Article 87 of the

¹G A resolutions 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44.

Charter with respect to the Trust Territories of New Guinea and the Pacific Islands and submitted its reports with conclusions and recommendations to the General Assembly with respect to the Trust Territory of New Guinea, and to the Security Council with respect to the strategic Trust Territory of the Pacific Islands. Questions were raised in the Trusteeship Council relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples² and other relevant Assembly resolutions by the Administering Authorities, and with regard to 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.³

7. Of particular interest in this regard are questions relating to the political and constitutional advancement of the Trust Territory of New Guinea, which achieved independence during the period under review as Papua New Guinea, a single State resulting from the union of the Trust Territory of New Guinea with the Non-Self-Governing Territory of Papua, the latter Territory being under the consideration of the Special Committee on decolonization. As described elsewhere in the present *Supplement*,⁴ this development led to important procedural changes in the work of the Trusteeship Council. With regard to the substantive aspects, the Council continued to urge the Administering Authority to set timetables for the attainment of self-government and independence by the Territory. By means of petitioners, visiting missions and the reports prepared by the Administering Authority, the Trusteeship Council continued to follow closely the attainment of self-government, the drafting of a constitution and the preparations of the Territory for independence and continued

²Referred to in the present study as the Declaration on decolonization.

³Referred to in the present study as the Special Committee on decolonization.

⁴See under Articles 86 and 87.

to make recommendations in this regard to the Administering Authority. The Territory attained independence in September 1975 and was admitted to membership in the United Nations the following month.

8. The Trusteeship Council followed the constitutional and political development in the Trust Territory of the Pacific Islands by the same means. While that Territory did not attain independence during the period under review, the Council observed a series of referendums and plebiscites towards that end, including a plebiscite in the Mariana Islands District in 1976, by which that district entered into a Free Association status with the United States that was distinct from the status of the other districts. The Trusteeship Council followed the negotiations on future status between the Joint Political Status Committee, appointed by the Government of the Territory and the Administering Authority. The Council continued to adopt recommendations on the negotiations and on other matters relating to the future political status of the Territory.

9. The Trusteeship Council continued to concern itself with issues of economic, social and educational advancement with regard to both Territories, in a manner not substantially different from the previous period under review.

10. Concerning Article 76c, the General Assembly continued to consider questions related to the status of human rights and fundamental freedoms in both Trust Territories based on information gained from petitioners, visiting missions and the annual reports of the Administering Authorities. The Trusteeship Council took note of this information, but adopted no resolutions on these questions with regard to specific Trust Territories.

11. With regard to Article 76d, the Trusteeship Council endorsed the recommendation of the 1973 visiting mission to the Trust Territory of the Pacific Islands, to the effect that the Administering Authority should revise its interpretation of article 8, paragraph 1, of the Trusteeship Agreement, which restricted foreign investment in Micronesia to United States investors, and that investment should be opened up to other Members of the United Nations.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 76a

QUESTION OF MILITARY BASES AND ARRANGEMENTS IN TRUST TERRITORIES IMPEDING EARLY ATTAINMENT OF SELF-GOVERNMENT OR INDEPENDENCE

12. During the period under review, there were no decisions taken by the organs of the United Nations relating to international peace and security that referred specifically to the Trust Territories. However, as reported previously,⁵ the General Assembly has since its twentieth session been concerned with the effect on international peace and security of military bases and other military arrangements established

⁵See *Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 642-654, and *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 356-428.

by the administering Powers in Trust and Non-Self-Governing Territories.

13. In this connection, the General Assembly, by its resolutions 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44, on the implementation of the Declaration on decolonization, which applies to Trust Territories as well as Non-Self-Governing Territories, requested the colonial Powers to immediately and unconditionally withdraw their military bases and installations from colonial Territories and to refrain from establishing new ones.

14. By the same resolutions, the General Assembly requested the Special Committee on decolonization to make concrete suggestions which could assist the Security Council in considering appropriate measures under the Charter with

regard to developments in Trust and Non-Self-Governing Territories that were likely to threaten international peace and security.

(a) *New Guinea*

15. During the general debate in the Fourth Committee of the General Assembly at its twenty-fifth and twenty-sixth sessions, the question of military arrangements in Papua and New Guinea was raised.⁶ The representative of the Union of Soviet Socialist Republics said that Australia had established itself militarily in New Guinea and had thereby created an obstacle to the attainment of independence by the people of the Territory.⁷ The representative of the Administering Authority stated that it maintained only small defence installations in the Territory and that they were to form the core of a future national defence force when the Territory became independent.⁸

16. At the twenty-fifth session of the General Assembly, a draft resolution⁹ was introduced in the Fourth Committee by which the Assembly would reaffirm its previous resolutions regarding Papua and the Trust Territory of New Guinea. In the relevant resolutions the Assembly had, inter alia, called upon the Administering Authority to refrain from using the Territories for military activities that were incompatible with the Charter of the United Nations.¹⁰

17. The Fourth Committee adopted the draft resolution by 86 votes to none, with 7 abstentions.¹¹

Decision

18. The General Assembly adopted the draft resolution recommended by the Fourth Committee by 98 votes to none, with 5 abstentions, as resolution 2700 (XXV).¹²

19. During the thirty-seventh and thirty-eighth sessions of the Trusteeship Council, the representative of the Soviet Union expressed the view that the Administering Authority had failed to fulfil the obligations it had assumed under the Trusteeship Agreement and the Charter. He stated that the growing military activity on the part of the Administering Authority was in conflict with the interests of the indigenous population.¹³ The Administering Authority, Australia, maintained that the military force in question was very small and that it represented a step towards the creation of a national defence force based on articles 4 and 7 of the Trusteeship Agreement and on Article 76 of the Charter.¹⁴

20. At the twenty-seventh session of the General Assembly, the Administering Authority stated in the Fourth

⁶G A (25), 4th Comm., 1907th mtg., USSR, para. 8; 1909th mtg., USSR, para. 32; Australia, paras. 25 and 34; G A (26), 4th Comm., 1956th mtg., Australia, para. 27.

⁷G A (25), 4th Comm., 1909th mtg., USSR, para. 32.

⁸Ibid., Australia, paras. 25 and 34.

⁹A/C.4/L.978.

¹⁰G A resolutions 2227 (XXI), 2348 (XXII), 2427 (XXIII) and 2590 (XXIV).

¹¹G A (25), 4th Comm., 1916th mtg., para. 30.

¹²G A (25), Plen., 1928th mtg., paras. 17 and 21.

¹³T/PV.1359, pp. 21-22, 31-32; T/PV.1382, pp. 37, 91.

¹⁴T/PV.1359, pp. 23-31, 32-33; T/PV.1377, p. 7; T/PV.1382, pp. 82-83; T/PV.1384, pp. 4, 53.

Committee that the local government should become more involved in foreign affairs and defence. To that end, the positions of spokesmen for defence and police in the Papua New Guinea Government had been created and the Chief Minister had himself occupied those positions.¹⁵

21. Commenting on that statement, one representative expressed satisfaction that the indigenous inhabitants had assumed responsibilities for their own defence long before independence. It was an indication that defence was regarded by the people as no less important than education or economic development.¹⁶

22. During the thirty-ninth to the forty-first sessions of the Trusteeship Council, it was noted that defence matters continued to be under the competence of the Administering Authority, which cooperated fully with the Papua New Guinea Government.

23. At the twenty-eighth session of the General Assembly, discussions in the Fourth Committee on military arrangements were conducted along similar lines as at the twenty-seventh session.¹⁷

24. At the twenty-ninth session of the General Assembly, the Administering Authority informed the Fourth Committee that measures had been taken to prepare the Territory to assume responsibility for its defence upon attaining independence.¹⁸

Decision

25. No decision was taken by the General Assembly during its twenty-ninth session on the question of military bases and arrangements in Papua New Guinea.

26. There was no further discussion on the question of military bases and arrangements, either in the Special Committee or the Fourth Committee, for the remainder of the period under review.

(b) *The Pacific Islands*

27. The question of using the Pacific Islands for military purposes was raised in the Trusteeship Council at its thirty-seventh through forty-fifth sessions.¹⁹

28. One representative charged that the policy of the Administering Authority in the Trust Territory was guided by its military and strategic interests²⁰ and that it presented a danger not only to the people of the Territory but to all the people of Asia and the Pacific. Military activities also constituted an impediment to the economic and social development of the Territory.²¹

29. At a later session of the Trusteeship Council, the representative of the Administering Authority argued that the only military installation which his Government maintained for military purposes was the missile testing range at

¹⁵G A (27), 4th Comm., 2002nd mtg., Australia, para. 16.

¹⁶Ibid., 2007th mtg., France, para. 17.

¹⁷G A (27), 4th Comm., 2071st mtg., para. 5.

¹⁸G A (29), 4th Comm., 2118th mtg., Australia, paras. 3-23.

¹⁹S C (25) through S C (33), Special Suppl. No. 1.

²⁰S C (28), Special Suppl. No. 1, para. 50.

²¹S C (29), Special Suppl. No. 1, para. 377.

Kwajalein atoll.²² There were also small coastguard stations in Yap and Saipan which provided navigational assistance. The representative said that even though they were the only United States military installations in the Territory, it was explicitly stated in article 5 of the Trusteeship Agreement that the Administering Authority was entitled to establish military facilities and station armed forces there.

30. During the period under review, neither the Trusteeship Council nor the Security Council, to which the Trusteeship Council submitted its reports on the Territory, adopted any resolution on the question of military activities and their effects.

B. Article 76b

QUESTION OF THE ATTAINMENT BY TRUST TERRITORIES OF SELF-GOVERNMENT OR INDEPENDENCE; APPLICATION TO TRUST TERRITORIES OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (GENERAL ASSEMBLY RESOLUTION 1514 (XV))

(a) Introduction

31. As previously reported,²³ the achievement by the Trust Territories of the ultimate objective of the international trusteeship system, as set forth in Article 76b, namely self-government or independence, was of primary concern to the Trusteeship Council and the General Assembly from their earliest sessions.

32. During the period under review, the Trusteeship Council, in pursuance of Article 87, and the General Assembly's Special Committee on decolonization, under its mandate as contained in Assembly resolution 1654 (XVI), continued to address the question of the attainment of self-government or independence and the situation in the Trust Territories with regard to the implementation of the Declaration on decolonization.

33. On the recommendation of the Fourth Committee and on the basis of the reports of the Trusteeship Council and of the Special Committee, the General Assembly continued to adopt general resolutions on the implementation of the Declaration as well as specific resolutions on the Trust Territory of New Guinea. It took no action on the reports of the Special Committee with respect to the strategic Trust Territory of the Pacific Islands, as the Security Council exercised exclusive jurisdiction over the administration of the Territory according to Article 83 of the Charter.

34. The General Assembly resolutions on the implementation of the Declaration and on the Trust Territory of New Guinea dealt, inter alia, with fixing a definite deadline for the attainment of independence in accordance with the freely expressed wishes of the people concerned. By its resolutions 2700 (XXV) and 2865 (XXVI), the Assembly

²²S C (33), Special Suppl. No. 1, para. 118.

²³See *Repertory*, vol. IV, under Article 76, paras. 106-108; *Repertory, Supplement No. 1*, vol. II, under Article 76, paras. 37-54; *Repertory, Supplement No. 2*, vol. III, under Article 76, para. 11; *Repertory, Supplement No. 3*, vol. III, under Article 76, para. 20; *Repertory, Supplement No. 4*, vol. II, under Article 76, para. 33.

called upon the Administering Authority to establish, in consultation with the freely elected representatives of the people of Papua and the Trust Territory of New Guinea, a specific timetable for the exercise of their right to self-determination and independence.

35. The adoption of these two resolutions led to the discussion in the Trusteeship Council of the question of the method and timing of the implementation of the Declaration in Papua New Guinea and to the fixing of a target date for independence. These issues, as well as the General Assembly decisions concerning the political, economic, social and educational advancement in the Trust Territories, are analysed in the section below.

(b) Administrative unions

36. As reported in *Supplement No. 3*,²⁴ the Standing Committee on Administrative Unions was dissolved in 1960 in view of the diminishing number of Trust Territories. Subsequently, the Drafting Committee on Administrative Unions established by the Trusteeship Council was requested each year to deal with the question of the administrative union between Papua and New Guinea, but no further discussions were held on the question. The Administering Authority reported each year that, in accordance with The Papua and New Guinea Act 1949 and subsequent amendments thereto, Australia continued to maintain the status of New Guinea as a Trust Territory.

37. At the thirty-ninth session of the Trusteeship Council, the representative of the Administering Authority stated, inter alia, that the Territory of Papua and the Trust Territory of New Guinea would be administered as one unit.²⁵ At its twenty-seventh session, the General Assembly, inter alia, reaffirmed the importance of ensuring that the unity of Papua New Guinea would be preserved throughout the period leading to independence.²⁶ The Trusteeship Council, recalling its constant support of the principle of national unity, welcomed at its forty-first session the vote of the Papua New Guinea House of Assembly in favour of the Territory proceeding towards independence as a single national entity.²⁷

(c) Political and constitutional advancement and the implementation of the Declaration and other General Assembly resolutions

38. During the period under review, the Trusteeship Council, the General Assembly and the Special Committee continued to pay close attention to the political and constitutional advancement in the remaining Trust Territories of New Guinea and the Pacific Islands with a view to facilitating the attainment of self-government or independence. As in the previous review period, discussions in the Trusteeship Council of the implementation of the 1960 Declaration and other General Assembly resolutions continued to address the issue of whether the Administering

²⁴*Repertory, Supplement No. 3*, vol. III, under Article 76, para. 25.

²⁵T C (39), 1395th mtg., pp. 2-8.

²⁶G A resolution 2977 (XXVII).

²⁷G A (29), Suppl. No. 4, para. 73.

Authority could fix a date for the attainment of self-government or independence, or whether the right of the people of the Territories to self-determination precluded such action.

(i) *New Guinea*

39. The question of the implementation of the Declaration and subsequent relevant resolutions of the General Assembly was raised at the thirty-seventh session of the Trusteeship Council. One representative said that the Administering Authority had failed to fulfil the provisions of the Declaration as applicable to the Trust Territory and had once again remained silent on the question of a timetable according to which independence was to be granted to New Guinea.²⁸

40. The Administering Authority maintained that it would not set an arbitrary date for self-determination and eventual independence against the wishes of the people of the Territory; a date could only be decided in the light of the clearly formulated views of the elected representatives of the people of the Territory.²⁹

41. Following the discussion, the Trusteeship Council, at its 1370th meeting, decided³⁰ to draw the attention of the General Assembly to its conclusions and recommendations on the question as well as to the observations that had been made in the course of the debate.

42. The question of the implementation of the Declaration on decolonization and of fixing a date for the attainment of independence of New Guinea was raised once again at the twenty-fifth session of the General Assembly.

43. During the discussion in the Fourth Committee, the representative of the Administering Authority stated that the proclaimed policy of his Government was to ensure the exercise of the inalienable right to self-government and independence by the people of New Guinea.³¹ Following the discussion, a draft resolution was proposed whereby the General Assembly would, inter alia, call upon the Administering Authority to prescribe, in consultation with the duly elected representatives of the people, a specific timetable for the free exercise by the people of Papua and the Trust Territory of New Guinea of their right to self-determination and independence.³²

44. The representative of the Administering Authority, the United Kingdom, stated that the rate of progress for the achievement of self-determination and independence was to be determined by the people of the Territory and not by the Administering Authority. His delegation would therefore abstain in the vote on the draft resolution as a whole. He also said that Article 76 of the Charter emphasized the freely

expressed wishes of the people of the Trust Territories as an essential element in attaining the goals of the Charter.³³

45. Following the debate, the Fourth Committee voted upon the draft resolution, which was adopted by 86 votes to none, with 7 abstentions.³⁴

Decision

46. The General Assembly adopted the draft resolution recommended by the Fourth Committee by 98 votes to none, with 5 abstentions, as resolution 2700 (XXV).³⁵ By the resolution, the Assembly reaffirmed the inalienable right of the people of Papua and the Trust Territory of New Guinea to self-determination and independence in accordance with resolution 1514 (XV) and called upon the Administering Authority to prescribe, in consultation with the freely elected representatives of the people, a specific timetable for the free exercise by the people of their right to self-determination and independence, and to report to the Trusteeship Council and to the Special Committee on the action taken in that regard.

47. During the thirty-eighth session of the Trusteeship Council, one representative stated that the Administering Authority should implement its obligations under the Charter of the United Nations and the various United Nations resolutions that called for the rapid granting of independence to the peoples of Papua New Guinea.³⁶

48. The representative of the Administering Authority, Australia, said that his Government was firmly committed to extending full self-government to Papua New Guinea in the period between 1972 and 1976 if the Government of Papua New Guinea requested it. If not, the Government of Australia was firmly committed to granting independence to Papua New Guinea as soon as a fully self-governing Papua New Guinea requested it.³⁷

49. The representative of the United States, in support of the position of the Administering Authority, said that the freely expressed views of a fully self-governing Territory as to its readiness and willingness to attain independence should be the determining factor.³⁸

50. At the same session, the Trusteeship Council took note of the recommendation of the 1971 visiting mission that appropriate opportunities should be taken to emphasize that the destiny of Papua New Guinea was to move to self-government and independence as a single country. The Council also noted with interest the statement of the representative of the Administering Authority that it was the policy of Australia to advance Papua New Guinea to internal self-government and independence as a united country.³⁹

51. During the discussion in the Fourth Committee at the twenty-sixth session of the General Assembly, the representative of the Administering Authority stated that his Government considered that there already existed an

²⁸T/PV.1352, USSR, p. 22; T/PV.1369, pp. 7, 11.

²⁹T/PV.1369, Australia, p. 12.

³⁰G A (25), Suppl. No. 4, para. 51.

³¹G A (25), 4th Comm., 1909th mtg., para. 26; *ibid.*, 1905th mtg., para. 5.

³²*Ibid.*, 1908th mtg.; *ibid.*, Annexes, vol. I, agenda item 13, submitted by Senegal on behalf of Ghana, Mali, Mauritania, Tunisia, Uganda, the United Republic of Tanzania, Yugoslavia, and Zambia.

³³*Ibid.*, 1916th mtg., para. 29.

³⁴*Ibid.*, para. 31.

³⁵*Ibid.*, Plen., vol. III, 1928th mtg., para. 21.

³⁶See G A (26), Suppl. No. 4, para. 396.

³⁷*Ibid.*, para. 403.

³⁸T/PV.1381, United States, pp. 38 and 41.

³⁹G A (26), Suppl. No. 4, para. 45.

approximate timetable for self-determination and that it might be possible to make it more specific after the forthcoming elections to the Papua New Guinea House of Assembly.⁴⁰

52. The Administering Authority was called upon to heed the provisions of General Assembly resolution 2700 (XXV). It was stated that a specific timetable, realistically set, would be more useful in directing efforts to the final goal of the international trusteeship system than the approximate one adopted by the Administering Authority.⁴¹

53. Following the discussion, a draft resolution was proposed whereby the General Assembly would, *inter alia*, call upon the Administering Authority to take all necessary steps to ensure the speedy attainment by Papua New Guinea of self-government or independence as a single political and territorial entity and, in that regard, to establish, in consultation with the freely elected representatives of the people of Papua New Guinea, a specific timetable for the free exercise by the people of their right to self-determination and independence.⁴²

54. In introducing the draft resolution, the representative of Iraq urged the Australian delegation to support it on the understanding that Australia would not be expected to prepare a timetable before the Third House of Assembly had been elected and was functioning.⁴³

55. Following the debate, the Fourth Committee adopted the draft resolution without a vote.⁴⁴

Decision

56. The General Assembly adopted the draft resolution submitted by the Fourth Committee by 119 votes to none, with 1 abstention, as resolution 2865 (XXVI).⁴⁵ By the resolution, the Assembly called upon the Administering Authority to establish, in consultation with the freely elected representatives of the people of Papua New Guinea, a specific timetable for the exercise of their right to self-determination and independence.

57. At the thirty-ninth session of the Trusteeship Council, the representative of the Administering Authority drew attention to the fact that reports on Papua New Guinea were for the first time being presented for the two Territories as a whole and not simply for the Trust Territory of New Guinea. The Council had responsibilities only in regard to New Guinea, but the two Territories were administered as one with the agreement of the United Nations.⁴⁶

⁴⁰G A (26), 4th Comm., 1956th mtg., paras. 31 and 32.

⁴¹*Ibid.*, 1964th mtg., Ghana, para. 16.

⁴²*Ibid.*, 1967th mtg., para. 7, submitted by Iraq, originally sponsored by Afghanistan, Ethiopia, Ghana, India, Indonesia, Iraq, Ireland, Mauritania, Sierra Leone, Sudan, Tunisia, the United Republic of Tanzania, Yugoslavia and Zambia, subsequently joined by Cameroon, Egypt, Iran, Mali, Nigeria, the Philippines, and Trinidad and Tobago.

⁴³*Ibid.*, para. 12.

⁴⁴*Ibid.*, 1968th mtg., para. 28.

⁴⁵*Ibid.*, Plen., vol. III, 2028th mtg., para. 93.

⁴⁶T C (39), 1395th mtg., Australia, p. 2.

58. On the question of the constitutional advancement of the Territory, the Trusteeship Council was informed⁴⁷ that the Government of Australia intended to hold discussions with the Papua New Guinea Government on further moves towards self-government and that a timetable was to be discussed.

59. With regard to political development, it was reported by the Special Adviser of the Administering Authority that the elections to the Third House of Assembly had been held and that for the first time many of the seats had been contested along party lines. In previous elections, only a few party members had campaigned on a party platform, while other candidates had urged people not to vote for party-affiliated candidates because the parties would ruin the country. According to the Special Adviser, the elections to the Third House of Assembly demonstrated that parties had become more respectable.⁴⁸

60. One representative praised the progress that the Administering Authority and the outgoing and incoming Houses of Assembly had made in moving the Territory progressively towards self-government and commended the able manner in which the people of the Territory were assuming ever greater responsibilities.⁴⁹

61. Following the discussion, the Trusteeship Council decided to draw attention to the fact that throughout its examination of conditions in New Guinea members had paid special attention to the measures and steps being taken to transfer all powers to the people of the Territory in accordance with their freely expressed will and desire so as to enable them to enjoy self-government or complete independence within the shortest time practicable.⁵⁰

62. At the twenty-seventh session of the General Assembly, during discussions in the Fourth Committee on constitutional developments in Papua New Guinea, the representative of Australia stated that, following national elections, the Papua New Guinea House of Assembly had decided by 52 votes to 34 that full self-government should be attained by 1 December 1973, or as soon as possible thereafter.⁵¹ During the discussion of the question in the Fourth Committee, a draft resolution⁵² on the question was proposed and adopted without a vote.

Decision

63. The General Assembly adopted the draft resolution recommended by the Fourth Committee without a vote as resolution 2977 (XXVII).⁵³ By the resolution, the Assembly welcomed the establishment of a timetable for the attainment of full self-government by Papua New Guinea and called upon the Administering Authority to prepare, in consultation with the Government of Papua New Guinea, a further timetable for independence.

⁴⁷*Ibid.*, p. 16.

⁴⁸*Ibid.*, p. 38.

⁴⁹T C (39), 1399th mtg., United States, p. 23.

⁵⁰G A (27), Suppl. No. 4, paras. 36 and 38.

⁵¹G A (27), 4th Comm., 2002nd mtg., Australia, paras. 5-45.

⁵²A/C.4/L.1020.

⁵³*Ibid.*, Plen., 2110th mtg., p. 313.

64. The questions that were raised at the fortieth session of the Trusteeship Council with regard to the political and constitutional advancement of Papua New Guinea did not differ in substance from those raised at the thirty-ninth session. The representative of the Administering Authority quoted a statement by the Minister for External Territories of Australia who, on 17 January 1973, had said that on the question of independence he regarded the House of Assembly as representing the wishes of the people with regard to both independence and self-government.⁵⁴ Subsequently, during the introduction to the Fourth Committee of a draft resolution on the question, it was emphasized that the draft resolution reflected the determined progress of the Territory towards the final objective set down in the Declaration on decolonization.⁵⁵ Following the discussions, the draft resolution was adopted unanimously by the Fourth Committee.⁵⁶

Decision

65. The General Assembly adopted the draft resolution recommended by the Fourth Committee without a vote as resolution 3109 (XXVIII).⁵⁷ By the resolution, the Assembly noted that the Administering Authority expected the Territory to accede to independence by 1975, welcomed the attainment of self-government as an important step in the progress of Papua New Guinea towards independence, and strongly endorsed the policies of the Administering Authority and of the Government of Papua New Guinea aimed at discouraging separatist movements and at promoting national unity.

66. At the forty-first session of the Trusteeship Council, the Special Representative of the Administering Power outlined further political and constitutional developments that had taken place in the Territory. The independence date would be decided upon soon after the scheduled closing of the current regular session of the General Assembly (the twenty-ninth session) and before the opening of the thirtieth session in September 1975. He therefore appealed to the Trusteeship Council to make proper provision for the termination of the Trusteeship Agreement in relation to the stated independence date.⁵⁸

67. One representative asked the President of the Trusteeship Council to seek, on behalf of the Council, the opinion of the United Nations Legal Counsel on the question of the termination of the Trusteeship Agreement.⁵⁹ The proposal was supported by other members of the Council.⁶⁰

68. At a subsequent meeting, the President of the Trusteeship Council read out the opinion of the Legal Counsel, which stated that the Charter of the United Nations did not contain a specific provision on the termination of trusteeship agreements. However, the Organization had developed a practice that was in conformity with the

principles of the international trusteeship system as set out in the Charter and with the general principles of international law governing the termination of international agreements. By that practice, the General Assembly would adopt a resolution in anticipation of the actual accession to independence of a Territory, stating that the Trusteeship Agreement should cease to be in force on the date on which the Territory became independent. The Council was therefore advised that the procedure proposed by the representatives of Papua New Guinea and Australia in the Trusteeship Council with regard to the termination of the Trusteeship Agreement for the Territory of New Guinea was in conformity with the practice of the United Nations, the principles of the Charter and international law in general.⁶¹

69. The Trusteeship Council, in its report to the General Assembly at the twenty-eighth session, adopted by the Council by a vote of 3 to none, with 2 abstentions,⁶² recommended, *inter alia*, that the Assembly, at its twenty-ninth session, should agree that on the date on which Papua New Guinea became independent, the Trusteeship Agreement for the Territory of New Guinea would cease to be in force.

70. At the twenty-ninth session of the General Assembly, following the debate on the issue in the Fourth Committee, the Committee adopted,⁶³ without a vote, a resolution drafted in similar terms to that recommended by the Trusteeship Council.

71. Prior to the adoption of the draft resolution, one representative, speaking as a member of the Trusteeship Council, emphasized that the procedure finally chosen for accession to independence by Papua New Guinea had been recognized as being in accordance with the relevant provisions of the Charter of the United Nations. He recalled that the Papua New Guinea House of Assembly had decided, on 9 August 1974, that the Territory would assume the status of an independent nation as soon as possible after the promulgation of a constitution and that any date proposed for independence must be approved by the House of Assembly. Consequently, no decision would be taken without the participation of the whole population as represented in the House of Assembly.⁶⁴

Decision

72. The General Assembly adopted the draft resolution submitted by the Fourth Committee as resolution 3284 (XXIX).⁶⁵ By the resolution, the Assembly, in agreement with the Administering Authority, resolved that on the date on which Papua New Guinea became independent, the Trusteeship Agreement for the Territory of New Guinea would cease to be in force. The Assembly also requested the Administering Authority to notify the Secretary-General of the date on which Papua New Guinea would accede to independence and on which the Trusteeship Agreement would cease to be in force.

⁵⁴*Ibid.*, para. 264.

⁵⁵G A (28), 4th Comm., 2072nd mtg., Venezuela, paras. 1-2.

⁵⁶*Ibid.*, 2073rd mtg., para. 4.

⁵⁷*Ibid.*, Plen., 2198th mtg., para. 42.

⁵⁸T C (41), 1430th mtg., pp. 8-27.

⁵⁹*Ibid.*, 1431st mtg., Soviet Union, pp. 33-37.

⁶⁰*Ibid.*, 1432nd mtg., United Kingdom, pp. 6-15; France, pp. 10-22.

⁶¹*Ibid.*, 1433rd mtg., pp. 18-21.

⁶²*Ibid.*, 1434th mtg., p. 16.

⁶³G A (29), 4th Comm., 2121st meeting, para. 7.

⁶⁴*Ibid.*, 2118th mtg., France, paras. 28-30.

⁶⁵G A (29), Plen., 2318th mtg., p. 11.

73. Papua New Guinea became independent on 16 September 1975 and was, by decision of the General Assembly, admitted to membership in the United Nations on 10 October 1975.⁶⁶

(ii) *The Pacific Islands*

74. During the period under review, the Trusteeship Council examined the annual reports of the Administering Authority for the Trust Territory of the Pacific Islands and submitted its own reports⁶⁷ with conclusions and recommendations to the Security Council under Article 83 of the Charter. As in the previous years, the Security Council did not take any action on the reports of the Trusteeship Council.

75. The representative of the Administering Authority informed the Trusteeship Council at its thirty-seventh session that the Future Political Status Commission of the Congress of Micronesia had issued a preliminary report recommending that the Territory should attain the status of "a self-governing State in free association with the United States".⁶⁸

76. In its report to the Security Council on the Trust Territory of the Pacific Islands covering the period from 20 June 1969 to 19 June 1970, the Trusteeship Council endorsed the opinions expressed by the 1970 visiting mission, including the opinion that it would be desirable for the people of Micronesia to determine their future political status sooner rather than later and that the Administering Authority should vigorously pursue its efforts to prepare the people of the Territory to exercise their right to determine their own future.⁶⁹

77. At the thirty-eighth session of the Trusteeship Council, the representative of the Administering Authority informed the Council that the Congress of Micronesia had accepted the report of its Future Political Status Commission, which had recommended that the Territory should become a self-governing State in free association with the United States. The Commission had also declared the United States offer of Commonwealth status to be unacceptable as presented. The Congress had thereby endorsed four principles as essential components of a status of free association: (a) sovereignty to be vested in the Government and the people of Micronesia; (b) the right to exercise self-determination; (c) the right to formulate Micronesia's own constitution; and (d) the inherent right to unilaterally invoke or terminate any compact by either party.⁷⁰

78. The representative of the Union of Soviet Socialist Republics expressed the view that the report of the Future Political Status Commission, the resolutions recently adopted by the Congress of Micronesia and the petitions before the Council itself showed that the people of the Territory preferred complete self-determination and independence. The position of the United States, however,

indicated that Micronesia was being prepared to become a semi-colony for the military purposes of that country.⁷¹

79. The representative of the United Kingdom said that his delegation would not formulate a definitive view on the advantages or disadvantages of any particular type of political status until agreement was reached between the delegations of the United States and Micronesia.⁷²

80. At its thirty-eighth session, the Trusteeship Council also had before it two resolutions⁷³ adopted by the Mariana Islands District Legislature by which that body, first, requested the United States to allow each district of the Territory to choose its own political future, and, secondly, advised the Security Council and the Trusteeship Council that the Marianas would secede from the Trust Territory of the Pacific Islands, with or without the approval of the United Nations and by force of arms if necessary, as it considered that all hope of working harmoniously with the people of the rest of the Territory was lost.

81. One petitioner from the Marianas said that the majority of the people of the Marianas wanted nothing less than a permanent association with the United States, such as commonwealth status. No one could force them to accept either free association or independence.⁷⁴ Another petitioner pointed out that the resolutions adopted by the Mariana Islands District Legislature were premature and that a determination as to whether the Mariana Islands District should seek a separate political status could only be made after the Congress of Micronesia concluded its negotiations with the United States.⁷⁵

82. The representative of the Administering Authority stated that the United States, which had always regarded Micronesia as an administrative entity, was committed to discussions on a Territory-wide basis and could not at the current stage contemplate separate discussions with the Marianas.⁷⁶

83. One representative expressed the view that before the Trusteeship Council could pronounce its position on the question of a separate status for the Marianas, two questions had to be answered: whether a Trusteeship Agreement could be terminated with respect to a certain part of the Trust Territory while it remained in force over the rest, and whether the people of a part of the Territory could choose a course separate from the rest.⁷⁷

84. In its report to the Security Council on the Trust Territory of the Pacific Islands covering the period from 20 June 1970 to 18 June 1971,⁷⁸ the Trusteeship Council noted the statement of the representative of the Administering Authority that his Government was working with the Future Status Commission of the Congress of Micronesia to achieve

⁶⁶G A resolution 3368 (XXX).

⁶⁷S C (25) to S C (33), Special Suppl. No. 1.

⁶⁸TC (37), 1362nd mtg., p. 6.

⁶⁹S C (25), Special Suppl. No. 1, para. 341.

⁷⁰TC (38), 1372nd mtg., p. 12.

⁷¹Ibid., 1375th mtg., pp. 12 and 16.

⁷²Ibid., p. 48.

⁷³T/COM.10/L.70; T/PET.10/66.

⁷⁴TC (38), 1374th mtg., p. 67.

⁷⁵Ibid., p. 61.

⁷⁶Ibid., 1372nd mtg., pp. 14-15.

⁷⁷Ibid., 1376th mtg., China, pp. 8-11.

⁷⁸S C (26), Special Suppl. No. 1, para. 313.

a mutually agreed status of self-government in association with the United States.⁷⁹

85. The Trusteeship Council, in its recommendations to the Security Council in the same report,⁸⁰ noted that it believed that the four principles formulated by the Joint Political Status Committee of the Congress of Micronesia appeared to define the Committee's view of the status of free association and that the statements by the Administering Authority with regard to those principles, while not committing the Administering Authority to any particular status for the Trust Territory, were indicative of an open-minded, flexible approach.

86. The Trusteeship Council also reported that it shared the hope expressed by the Joint Status Committee that the "course of separation" regarding the Mariana Islands District of the Trust Territory would not be considered until all possibilities for partnership had been explored in the search for a mutually acceptable solution.⁸¹

87. The representative of the Administering Authority informed the Trusteeship Council at its thirty-ninth session that further negotiations between the United States and the Joint Status Committee had been held in Hana in October 1971 and on Palau in April 1972 and that meaningful progress had been achieved.⁸²

88. According to the final joint communiqué issued at Palau,⁸³ the future relationship between Micronesia and the United States was to be determined by a compact based on the sovereign right of the people of Micronesia to choose their own future and was to be approved by the Congress of Micronesia, the United States Congress and by the people of Micronesia. The compact would establish a mutually beneficial relationship of free association between Micronesia and the United States and constitute the basis of the respective rights of the parties. Under it, the people of Micronesia would vest in the Government of Micronesia authority over their internal affairs, while authority over and responsibility for foreign affairs and defence would be vested in the Government of the United States.

89. The representative of the Administering Authority also informed the Trusteeship Council that the United States had agreed to a request from the Marianas representatives for separate negotiations leading towards a close and permanent union with the United States. The United States had responded affirmatively to the request in the belief that it not only represented the freely expressed wishes of the people concerned, but also had the understanding of the people of the other districts.⁸⁴ A negative response on the part of the United States, according to its representative, could have ultimately led to an imposition upon the people of the Marianas of a political status they did not want.⁸⁵

⁷⁹Ibid.

⁸⁰Ibid.

⁸¹Ibid.

⁸²T C (39), 1289th mtg., p. 2.

⁸³Ibid.

⁸⁴T/PV.1389, p. 7.

⁸⁵Ibid., pp. 8-10.

90. The United States reaffirmed that the Trusteeship Agreement was to be terminated simultaneously in all the districts of the Territory.

91. A Micronesian representative who served as Special Adviser to the Administering Authority stated that the United States had refused to honour its obligations under the Charter of the United Nations, the Trusteeship Agreement and the Declaration on decolonization by refusing to discuss the proposition of independence for Micronesia. Furthermore, with respect to the status of free association, the United States insisted upon taking the power over foreign affairs and defence directly from the Micronesian people and according it to the Government of the United States, and this amounted to a derogation of Micronesian sovereignty which could hinder the rapid conclusion of an agreement. The Special Adviser charged that the United States was encouraging the political fragmentation of Micronesia by agreeing to negotiate separately with the Mariana Islands District without obtaining the consent of the Congress of Micronesia.⁸⁶

92. One representative maintained that the Administering Authority was attempting to impose on the people of Micronesia an inequitable treaty which was in conflict with the four principles put forward by the Congress of Micronesia (see para. 77 above). It was also planning to dismember the Territory by means of the de facto annexation of the Mariana Islands under the guise of a permanent association.⁸⁷

93. In its report to the Security Council in 1972,⁸⁸ the Trusteeship Council noted that an agreement had been reached between the delegations of Micronesia and the United States such that the future relationship between Micronesia and the United States would be determined by a compact based on the sovereign right of the people of Micronesia to choose their own future and that the compact would have to be approved by the Congress of Micronesia, the Congress of the United States and by the people of Micronesia.

94. In the same report, the Trusteeship Council referred to the question of a separate status for the Mariana Islands District. It recalled the view previously expressed by the Joint Political Status Committee, namely that it would not oppose a political union involving the Marianas District if that union reflected the freely expressed desires of the majority of the people of the district. The Council noted that the Marianas representative on the Micronesian delegation had formally requested separate talks with the Administering Authority, that the request had been forwarded with the consent of the Status Committee and that the Administering Authority had agreed to such talks to be held some time in the future. The Trusteeship Council noted its opinion that separate status talks for the Marianas should not take place without the consent of the Congress of Micronesia. The Council believed, however, that the Congress would share the consent that its Joint Political Status Committee had

⁸⁶Ibid., p. 48.

⁸⁷Ibid., Soviet Union, p. 42.

⁸⁸S C (27), Special Suppl. No. 1, para. 287.

granted to separate negotiations between the Mariana Islands District and the Administering Authority.

95. The Administering Authority informed the Trusteeship Council at its fortieth session that a further round of negotiations had been held in Washington in July 1972, during which agreement had been reached on the portion of the Compact of Free Association dealing with foreign affairs, defence and internal affairs.⁸⁹

96. The representative of the Administering Authority also noted that separate negotiations with representatives of the Mariana Islands District had resulted in a broad preliminary understanding on the envisaged commonwealth relationship which would vest sovereignty over the Marianas in the United States Government and permit maximum Marianas control over local affairs, including the drafting and approval of a constitution. There were also tentative understandings that the United States would have responsibility for defence and foreign affairs. The Marianas acknowledged the United States need to retain land for defence purposes. The United States said that ultimately any agreements reached in negotiations would require the approval of the Marianas District Legislature, the United States Congress and the people of the Marianas.⁹⁰

97. A Micronesian representative serving as Special Adviser to the Administering Authority informed the Trusteeship Council that a number of members of the Congress of Micronesia were opposed to the nature and degree of control over foreign affairs and defence that the United States proposed it be accorded under the Compact of Free Association. He added that the United States had abruptly terminated the most recent talks on the grounds that it was not prepared to discuss independence, despite the fact that both the Charter and the Trusteeship Agreement affirmed the Micronesians' right to that status.

98. The Special Adviser asked the Trusteeship Council to bear in mind the opinions of the 1973 visiting mission, namely that separate talks with the Mariana Islands District should be halted for the time being and that the problem of that district should be discussed in the Congress of Micronesia and its Commission on Future Political Status, where all the districts were represented equally. He hoped that the Council would intensify its efforts to ensure that the Administering Authority did not continue to foster disunity.⁹¹

99. The representative of the United Kingdom said that, as a member of the 1973 visiting mission, he considered that the mission's proposal that separate negotiations with the Marianas should be terminated had been overtaken by events and no longer applied to current circumstances. Had he been able to foresee the progress made between the United States and the Marianas, he would not have made that proposal.⁹²

100. The representative of the Union of Soviet Socialist Republics noted that the talks between the delegations of the United States and the Marianas could not be considered

lawful and that the plans for the partition of Micronesia were a violation by the United States of its obligations as the Administering Authority.⁹³

101. In its report to the Security Council on the Trust Territory of the Pacific Islands for the period from 17 June 1972 to 22 June 1973, the Trusteeship Council noted that all points of view existing in Micronesia regarding the future of the Territory, and all the possible options, commanded some support. The Council also took note of the statements made by the Administering Authority that the future political status would ultimately have to be approved by the population, after the exact form of the act of self-determination had been studied and defined at the talks. It noted, moreover, that the United Nations would be kept informed of developments by the Administering Authority and would be invited to exercise some kind of observation, whatever process of self-determination was defined.⁹⁴

102. The Trusteeship Council recalled its earlier recommendations concerning the unity of the Territory and regretted that the situation had developed to a point where the Mariana Islands District might have a different political status from that of the rest of the Territory. The Council was, however, also aware of the position expressed by the Congress of Micronesia and by its Future Political Status Commission of not objecting to a form of separate political union involving the Mariana Islands District as long as such a union reflected the freely expressed wishes of the majority of its inhabitants.⁹⁵

103. The Trusteeship Council noted that both the Marianas Future Political Status Commission and the United States delegation had agreed that any compact between them would have to be approved by the Legislature of the Mariana Islands District, by the people of the Marianas through a plebiscite and by the Congress of the United States.

104. The Trusteeship Council also took note of the statements made by the United States delegation to the effect that it was still United States policy to maintain the unity of the districts remaining in Micronesia. The Council expressed the hope that if the secession of the Mariana Islands could not be avoided, the delegations concerned would endeavour to seek solutions which would enable them to maintain as close links as possible, thus leaving open the possibility for the Marianas to rejoin Micronesia without difficulty should the population of the Marianas decide to do so in the future.

105. During the forty-first session of the Trusteeship Council, in 1974, the Special Representative of the Administering Authority said that negotiations with the Marianas Future Political Status Commission had yielded basic decisions on the establishment of a commonwealth of the Northern Marianas under United States sovereignty. Final agreement would have to be approved by the Mariana Islands District Legislature, by the people of the Mariana Islands District through a plebiscite and by the Congress of the United States.⁹⁶ A Micronesian who served as Special Adviser to the Administering Authority said that the

⁸⁹T/PV.1412, pp. 9 and 10.

⁹⁰T C (40), 1412th mtg., p. 16.

⁹¹Ibid., p. 51.

⁹²Ibid., 1416th mtg., p. 12.

⁹³Ibid., p. 36.

⁹⁴S C (28), Special Suppl. No. 1, para. 347.

⁹⁵Ibid.

⁹⁶Ibid., pp. 98-99.

Congress of Micronesia had always recognized the inalienable right of the people of the Territory to self-determination, but holding a plebiscite in the Marianas before negotiations were completed with the remainder of Micronesia would prevent the people of the Territory from having a genuine choice on the question of future political status. The position of the Congress of Micronesia was that the compact of free association must be voted on simultaneously in all districts of Micronesia.⁹⁷

106. The representative of the Union of Soviet Socialist Republics expressed the view that the negotiations were being conducted on an unequal footing, which enabled the Administering Authority to pressure the Micronesians into accepting unfavourable terms.⁹⁸

107. In its report to the Security Council on the Trust Territory of the Pacific Islands covering the period from 23 June 1973 to 14 June 1974⁹⁹ (adopted by 3 votes to none with 2 abstentions), the Trusteeship Council noted that separate negotiations were taking place on the establishment of a commonwealth of the Northern Mariana Islands under United States sovereignty. It further noted that both parties had agreed that the future political status of Micronesia should be approved not only by the United States Congress, but also by the Congress of Micronesia and, particularly, by the people of Micronesia, in free consultations in the presence of the United Nations.

108. At its forty-second session, in June 1975, the Trusteeship Council noted that an advisory referendum offering all possible options, including independence, and designed to elicit an indication of the desire of Micronesians regarding their future political status, was to be held in July 1975. The Council hoped that the results of the referendum would enable the Micronesian Constitutional Convention, scheduled to open in July 1975, to give due regard to the aspirations of the people of Micronesia concerning their internal constitutional structure.¹⁰⁰

109. The representative of the Union of Soviet Socialist Republics expressed the view that the dismemberment of the Territory by the Administering Authority ran counter to General Assembly and Trusteeship Council decisions to maintain its unity and territorial integrity.¹⁰¹

110. At the same session, the Trusteeship Council, in response to an invitation of the Administering Authority, decided by 4 votes to 1 to send a visiting mission to observe the plebiscite in the Mariana Islands District of the Trust Territory.¹⁰² The mission was directed to observe the plebiscite, including polling arrangements, the counting of ballots and the declaration of results. In explaining his negative vote, one representative expressed an objection to the mission's involvement in what his Government considered to be the dismemberment of the Territory.¹⁰³

111. In another action, the Trusteeship Council, by its resolution 2161 (XLII), defined the terms of reference of the United Nations periodic visiting mission to the Trust Territory in 1976, directed the mission to investigate as fully as possible the steps taken in the Trust Territory to promote the realization of the objectives set forth in article 76*b* of the Charter of the United Nations and to pay special attention to the question of the future of the Territory in the light of the relevant Articles of the Charter and the Trusteeship Agreement and bearing in mind the relevant provisions of resolutions of the Trusteeship Council and the General Assembly, including Assembly resolutions 1413 (XIV) and 1541 (XV).

112. In its report to the Trusteeship Council at its forty-third session, in 1976,¹⁰⁴ the visiting mission to observe the plebiscite in the Mariana Islands District noted that the people of the district, in a well-organized and well-attended poll, had voted by a majority of almost 80 per cent to become a commonwealth of the United States. There had been no improper interference by the Administering Authority, the campaign had been freely contested and the polling had been seen to be free by the visiting mission.

113. The 1976 periodic visiting mission, which submitted its report to the Trusteeship Council at the same session,¹⁰⁵ noted that Palau and the Marshall Islands Districts, obviously encouraged by the precedent of the Mariana Islands District, had expressed their intention of holding separate talks with the United States, a result which was deplored by the other districts on the grounds that it might be harmful to the unity of the Territory. For its part, the mission had continuously reiterated the recommendations of the Trusteeship Council supporting the unity of the Territory; it had explained, however, that with regard to the Marianas, the Council had found itself in a dilemma. Overall, while taking the principle of unity into account, the Trusteeship Council had considered that it was for the Micronesians themselves to define the nature of their future relations with each other, given that certain realities could not be ignored.

114. Regarding future relations with the United States, the Mission felt that all options, including independence, should remain open to the Territory in accordance with the basic aims of the international trusteeship system, the Charter of the United Nations and the Trusteeship Agreement. While not wanting to make precise recommendations on the future status best suited to Micronesia or to take a stand on the question of free association, the mission noted that free association, if endorsed by the population, would not be inconsistent with the aims of the international trusteeship system.

115. At the same session, the Trusteeship Council adopted two resolutions. By its resolution 2163 (XLIII), of 13 July 1976,¹⁰⁶ approved by a vote of 2 to 1, with 1 abstention, the Council took note of the report of the mission to observe the plebiscite in the Mariana Islands District. By its resolution 2164 (XLIII), also of 13 July 1976,¹⁰⁷ adopted by 2 votes to

⁹⁷Ibid., para. 350.

⁹⁸Ibid., para. 372.

⁹⁹Ibid., para. 355.

¹⁰⁰S/11735, para. 416.

¹⁰¹Ibid., para. 443.

¹⁰²T C resolution 2160 (XLII).

¹⁰³S/11735, USSR, para. 24.

¹⁰⁴T C (43), Suppl. No. 2, document T/1771, para. 131.

¹⁰⁵Ibid., pp. 98-99.

¹⁰⁶T/PV.1459.

¹⁰⁷Ibid.

none, with 2 abstentions, the Council took note of the report of the periodic visiting mission and decided to take the recommendations, conclusions and observations of the visiting mission into account in the future examination of matters relating to the Territory. By the same resolution, the Council invited the Administering Authority to take into account the recommendations and conclusions of the mission as well as the comments made by members of the Council.

116. The representative of the Administering Authority informed the Trusteeship Council at its forty-third session that, on 12 February 1976, the Congress of Micronesia had approved a resolution extending unqualified support to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States, which had been unanimously approved by the Mariana Islands District Legislature on 20 February 1975, and requesting the United States to approve it. Subsequently, following approval of the Covenant by the Congress of the United States, the President of the United States had signed the act into law on 24 March 1976.¹⁰⁸

117. A Micronesian acting as Special Adviser to the Administering Authority stated that he supported the expressed desire for unity of the Marshall Islands and Caroline Islands and viewed the draft compact of free association as an instrument to accomplish that goal.¹⁰⁹ According to the representative of the Union of Soviet Socialist Republics, the negotiations and other steps taken on the future status of the Territory by the Administering Authority and without United Nations participation had created a situation where pressure might be exerted on the Micronesians. He said that the final political status of the Territory, including the question of the change in status of the Mariana Islands District, could only be resolved by the Security Council in accordance with Article 83 of the Charter.¹¹⁰

118. In its report to the Security Council in 1977, the Trusteeship Council noted¹¹¹ the expressed desire of Palau and Marshall Islands districts for separate political status negotiations with the United States. The Trusteeship Council also noted the view of the Administering Authority that the interests of the people of Micronesia would best be served by the maintenance of some form of unity and expressed the hope that the Administering Authority would continue its efforts to seek practical and mutually beneficial relationships among the districts.

119. During the discussion in the Trusteeship Council, the representative of the Union of Soviet Socialist Republics expressed the view that it was unacceptable for the Administering Authority to take any measures to fragment the Trust Territory. Under the Charter of the United Nations, only the Security Council could resolve the question of changing the status of an integral part of a Trust Territory.¹¹²

120. The Trusteeship Council decided, in principle, to accept the invitation issued by the Administering Authority

to send a visiting mission to observe the referendum on the draft Micronesian Constitution scheduled for 12 July 1978.¹¹³ The Council expressed the hope that the Congress of Micronesia would do its utmost to ensure that the draft constitution was in a form likely to be acceptable to all districts in the Caroline and Marshall Islands in order to preserve a degree of unity among them.¹¹⁴

121. In its report to the Security Council in 1978,¹¹⁵ the Trusteeship Council noted with satisfaction that the negotiations on the future political status of the Territory had officially been resumed in October 1977 at Molokai and that for the first time representatives of Palau and the Marshall Islands Political Status Commission had officially been invited to take part.

122. At its forty-fifth session, the Trusteeship Council, by 3 votes to none, with 1 abstention, adopted resolution 2165 (XLV), whereby it decided to send a visiting mission to observe the referendum in the Trust Territory of the Pacific Islands in 1978.

123. In its conclusions and recommendations of 1978, the Trusteeship Council requested the visiting mission to give particular attention to ensuring that the political campaign and voting operations took place under normal conditions and in a completely free manner.¹¹⁶

124. During the discussions in the Trusteeship Council, a Micronesian acting as Special Adviser to the Administering Authority maintained that the referendum would be the first step in the termination of the Trusteeship Agreement and that it was therefore appropriate for the Security Council to resume its role with respect to the Territory by participating in the observation of the referendum.¹¹⁷ The Administering Authority stated that it considered the Trusteeship Council to be the appropriate body to observe the referendum since the Security Council, in conformity with Article 83, paragraph 3, of the Charter, had expressly requested the Trusteeship Council to perform United Nations functions under the international trusteeship system in the Territory.¹¹⁸

125. One representative stated that since the referendum would take place only in part of the Trust Territory, he considered it a unilateral action on the part of the Administering Authority, constituting a violation of Article 83 of the Charter. Moreover, resolution 2165 (XLV) did not take into account the views of the Micronesians who had requested Security Council participation in the referendum. Nevertheless, the representative had not opposed the resolution since the Congress of Micronesia had not objected to members of the Trusteeship Council observing the referendum.¹¹⁹

126. During the period under review, the Special Committee on decolonization, in pursuance of General Assembly resolution 1654 (XVI) of 27 November 1961, also examined the political advancement in the Trust Territory of

¹⁰⁸S/12214, para. 432.

¹⁰⁹Ibid., para. 436.

¹¹⁰Ibid., paras. 466-467.

¹¹¹S C (32), Special Suppl. No. 1, para. 544.

¹¹²Ibid., para. 487.

¹¹³Ibid., para. 29.

¹¹⁴Ibid., para. 28.

¹¹⁵Ibid., para. 545.

¹¹⁶S C (33), Special Suppl. No. 1, para. 586.

¹¹⁷Ibid., para. 456.

¹¹⁸Ibid., para. 462.

¹¹⁹Ibid., para. 35.

the Pacific Islands and submitted its reports with conclusions and recommendations to the General Assembly.¹²⁰

127. The Special Committee reaffirmed the inalienable right of the people of the Trust Territory to self-determination, including the right to independence, and reiterated its view that the special circumstances of the Trust Territory, deriving from its size, geographical location, population and limited resources, should in no way delay the speedy implementation of the Declaration on decolonization. Noting the statement of agreed principles for free association approved at Hilo, Hawaii, on 9 April 1978, and the expressed preference of the Congress of Micronesia that unity should be preserved within the framework of a constitution of the Federated States of Micronesia, the Special Committee recalled that the Administering Authority had the duty to ensure that the population of the Territory was kept fully informed of all options. It also reaffirmed its view that the unity of the Trust Territory should be preserved until it achieved self-determination in accordance with General Assembly resolution 1514 (XV).

128. Although, during the period under review, representatives of some Member States made reference to the reports of the Special Committee, neither the Fourth Committee nor the General Assembly took any specific action concerning the Trust Territory of the Pacific Islands, since the Trusteeship Council exercised its functions related to the Territory on behalf of the Security Council under Article 83 of the Charter.

(d) *Economic advancement*

(i) *Economic self-determination*

129. During the period under review, the Trusteeship Council and the General Assembly continued to concern themselves with economic development, the activities of foreign economic and other interests in Trust Territories.

130. With regard to New Guinea, the Trusteeship Council, at its thirty-seventh to forty-first sessions, examined the annual reports of the Administering Authority and heard statements by its representatives concerning the economic advancement of the inhabitants of the Territory. The Council included conclusions and recommendations on economic advancement in its annual reports to the General Assembly.¹²¹

131. The Trusteeship Council stressed the need to increase the participation of the indigenous peoples in the economic advancement of New Guinea, acknowledged the benefits of

¹²⁰G A (25), Suppl. No. 23, vol. III, chap. XIV, para. 27 (a) and (f); G A (26), Suppl. No. 23, vol. III, chap. XVIII, para. 16; G A (27), Suppl. No. 23, vol. IV, chap. XIX, para. 9; G A (28), Suppl. No. 23, vol. IV, chap. XX; G A (29), Suppl. No. 23, vol. V, chap. XVIII, para. 8; G A (30), Suppl. No. 23, vol. III, chap. XXIV, para. 9; G A (31), Suppl. No. 23, vol. III, chap. XXIV, para. 12; G A (33), Suppl. No. 23, vol. III, chap. XX, para. 11.

¹²¹G A (25), Suppl. No. 4, paras. 191, 206, 212, 217, 223, 228, 234, 243 and 250; G A (26), Suppl. No. 4, paras. 206, 215, 223, 228, 234, 241, 249, 260 and 270; G A (27), Suppl. No. 4, paras. 192, 198, 203, 208, 212, 219, 224, 231 and 237; G A (28), Suppl. No. 4, paras. 161, 167, 172, 177, 192, 198 and 205; G A (29), Suppl. No. 4, paras. 139, 148 and 152.

overseas investment and encouraged a balanced approach to economic development. The Council also encouraged the transfer of authority for public finance to the local government and expressed the hope that an independent Papua New Guinea would have access to new sources of bilateral and unilateral assistance.

132. The Special Committee made a number of observations and recommendations on economic advancement in the Territory in its annual reports to the General Assembly for 1970 to 1973.¹²²

133. At its twenty-sixth session, the General Assembly requested the Administering Authority to continue to promote the participation of the inhabitants of Papua New Guinea in all sectors of the economy.¹²³ At its twenty-seventh session, the Assembly, inter alia, requested the organizations of the United Nations system to assist in accelerating progress in all sectors of national life.¹²⁴

134. With regard to the Pacific Islands, the Trusteeship Council, at its thirty-seventh to forty-fifth sessions, examined the annual reports of the Administering Authority and heard statements by its representatives concerning the economic advancement of the inhabitants of the Trust Territory. The Council included conclusions and recommendations on economic questions in its annual reports to the Security Council.¹²⁵ As in previous years, the Security Council did not take any action with respect to the Trust Territory.

135. The Trusteeship Council, inter alia, affirmed the need: (a) to develop the basic economic infrastructure of the Territory; (b) to make available to the people public lands not required for government use; (c) to develop agriculture and commercial fishing; (d) to develop the tourist sector; (e) to reduce dependence on external assistance; and (f) to exempt Micronesian products from United States tariffs and open the Micronesian economy to non-United States investment.

136. The Special Committee included conclusions and recommendations on the Trust Territory of the Pacific Islands in its reports to the General Assembly at its twenty-fifth to thirty-third sessions.¹²⁶ However, the Assembly took no specific action concerning the Trust Territory.

¹²²G A (25), Suppl. No. 23, vol. III, chap. XIV, para. 27 (g); G A (26), Suppl. No. 23, vol. III, chap. XIX, para. 11; G A (27), Suppl. No. 23, vol. IV, chap. XX, para. 11; G A (28), Suppl. No. 23, vol. IV, chap. XIX, para. 11; G A (28), Suppl. No. 23, vol. IV, chap. XIX, para. 8.

¹²³G A resolution 2865 (XVI).

¹²⁴G A resolution 2977 (XXVII).

¹²⁵S C (25), Special Suppl. No. 1, paras. 163, 177, 186, 199, 209 and 216; S C (26), Special Suppl. No. 1, paras. 30, 148, 158, 171, 183, 190, 202 and 204; S C (27), Special Suppl. No. 1, paras. 119, 123, 130, 139, 149, 163, 169 and 181; S C (28), Special Suppl. No. 1, paras. 151, 157, 166, 178, 186, 200, 207 and 217; S C (29), Special Suppl. No. 1, paras. 127, 133, 140, 151, 166, 174, 186, 194, 207 and 209; S C (30), Special Suppl. No. 1, paras. 159, 164, 171, 186, 203, 211, 227, 237, 251 and 257; S C (31), Special Suppl. No. 1, paras. 486-510; S C (32), Special Suppl. No. 1, paras. 506-533; S C (33), Special Suppl. No. 1, paras. 521-557.

¹²⁶See footnote 120.

(ii) *Activities of foreign economic and other interests in Trust Territories impeding the early attainment of self-government or independence*

137. The General Assembly, at each of the sessions under review, adopted resolutions on the activities of foreign economic and other interests which were impeding the implementation of the Declaration in Non-Self-Governing and Trust Territories.¹²⁷ The Assembly declared that any administering Power which deprived colonial peoples of the exercise of their rights over their natural resources or subordinated them to foreign economic and financial interests violated the obligations it had assumed under the Charter.

138. The Trusteeship Council, in reporting to the General Assembly on the Trust Territory of New Guinea, stated that foreign investment must be controlled by the authorities so as to benefit the people of that Territory as a whole¹²⁸ and emphasized the need to protect indigenous rights in any fishing agreements or forestry projects undertaken with other nations.¹²⁹

(iii) *International assistance to Trust Territories*

139. In its report to the General Assembly at its twenty-ninth session,¹³⁰ the Trusteeship Council expressed the hope that an independent Papua New Guinea would have prompt access to new sources of multilateral assistance. By its resolutions 2977 (XXVII) and 3109 (XXVIII) on the question of Papua New Guinea, the Assembly called upon the organizations of the United Nations system and their members to assist in accelerating progress in all sectors of the national life of Papua New Guinea.

140. At its forty-fifth session, as at previous sessions, the Trusteeship Council expressed the hope that the Trust Territory of the Pacific Islands would continue to develop its contacts with regional and international bodies with a view to participating in their activities and receiving assistance for its development.¹³¹ The Council also expressed the hope that the United Nations Development Programme would be able to proceed promptly with the appointment of a new representative in the Territory.¹³²

(e) *Social and educational advancement*

141. The Trusteeship Council and the General Assembly continued to pay particular attention to the social and educational advancement of the inhabitants of the Trust Territories.

¹²⁷See the present *Supplement*, under Article 73.

¹²⁸G A (29), Suppl. No. 4, para. 148.

¹²⁹G A (27), Suppl. No. 4, paras. 212 and 219.

¹³⁰G A (29), Suppl. No. 4, para. 139.

¹³¹S C (33), Special Suppl. No. 1, para. 527.

¹³²*Ibid.*, para. 529.

(i) *New Guinea*

142. During the period under review, the Trusteeship Council included in its reports to the General Assembly¹³³ conclusions and recommendations on social and educational advancement. The Council encouraged the Administering Authority to improve health care, to give special attention to the primary education needs of the less favoured regions and to ensure an adequate supply of secondary school teachers. It also expressed the hope that trade union activity would keep pace with the expanding number of wage earners, that projects in rural areas would reduce migration to urban centres and that efforts would be made to eliminate social separateness.

143. In its report to the General Assembly at its twenty-ninth session, the Trusteeship Council stated that, since the Government of Papua New Guinea had assumed full responsibility for the internal affairs of the Territory, it was no longer appropriate for the Council to comment on those matters.¹³⁴

144. By its resolutions 2700 (XXV) and 2865 (XXVI) on the question of Papua and the Trust Territory of New Guinea, the General Assembly requested the Administering Authority to intensify and accelerate the education and training of the indigenous people. In its resolutions 2977 (XXVII) and 3109 (XXVIII), the Assembly stressed the importance of preserving the cultural heritage of the people of Papua New Guinea.

(ii) *The Pacific Islands*

145. The Trusteeship Council included in its annual reports to the Security Council conclusions and recommendations with regard to social and educational advancement.¹³⁵

146. The Trusteeship Council stressed the importance of improving medical services in outlying areas, of constructing low-cost housing and of dealing with juvenile delinquency. The Council also expressed concern regarding the lack of skilled Micronesian workers and the disproportionate number of wage earners engaged by the public sector. It encouraged higher elementary school attendance, improved teaching standards, expanded vocational education and efforts to make the curriculum more relevant to Micronesian society.

¹³³G A (25), Suppl. No. 4, paras. 280, 281, 292, 295 and 330; G A (26), Suppl. No. 4, paras. 306, 316, 319, 331, 336 and 363; G A (27), Suppl. No. 4, paras. 276, 289, 294 and 323; G A (28), Suppl. No. 4, paras. 212 and 244.

¹³⁴G A (29), Suppl. No. 4, para. 61.

¹³⁵S C (25), Special Suppl. No. 1, paras. 269, 278, 279 and 293; S C (26), Special Suppl. No. 1, paras. 234, 242, 247, 250, 251 and 268; S C (27), Special Suppl. No. 1, paras. 218, 222, 226, 229, 233 and 241; S C (28), Special Suppl. No. 1, paras. 245, 251, 258, 262, 266 and 285; S C (29), Special Suppl. No. 1, paras. 249, 260, 264, 271 and 288; S C (30), Special Suppl. No. 1, paras. 300, 313, 318, 323 and 370; S C (31), Special Suppl. No. 1, paras. 534-541; S C (33), Special Suppl. No. 1, paras. 558-570.

(f) *Offers by Member States of study and training facilities for inhabitants of Trust Territories*

147. During the period under review, the Secretary-General continued to submit to the Trusteeship Council annual reports on offers by Member States of study and training facilities for inhabitants of Trust Territories.¹³⁶ The Council decided to take note of the Secretary-General's reports.¹³⁷

(g) *Dissemination in Trust Territories of information on United Nations activities*

148. During the period under review, the Secretary-General continued to report on this question to the Trusteeship Council and to the General Assembly.¹³⁸ The Council decided to take note of the Secretary-General's reports.

149. At its forty-first session, the Trusteeship Council included among its conclusions and recommendations the hope that additional efforts would be made to disseminate among the inhabitants of the Pacific Islands the recommendations and observations of United Nations visiting missions.¹³⁹ At its forty-fifth session, the Council welcomed the wide dissemination in the Trust Territory of information on the activities of the United Nations and the international trusteeship system.¹⁴⁰

150. The General Assembly, in the programme of action for the full implementation of the Declaration on decolonization,¹⁴¹ adopted at its twenty-fifth session, stated that the United Nations, as well as all States, should intensify their efforts in the field of public information in the area of decolonization. In its resolution 2708 (XXV) on the implementation of the Declaration, the Assembly requested the Secretary-General to continue to take concrete measures to publicize the work of the United Nations in the field of decolonization, and requested Member States, in particular the administering Powers, to cooperate with the Secretary-General in promoting the dissemination of information on the work of the United Nations in the implementation of the Declaration.

151. At its twenty-sixth to thirty-third sessions, the General Assembly adopted resolutions specifically on the

¹³⁶T C (37), Sessional Fascicle, T/1711; T C (38), Sessional Fascicle, T/1726; T C (39), Sessional Fascicle, T/1736; T C (40), Sessional Fascicle, T/1746; T C (41), Sessional Fascicle, T/1754; T C (42), Sessional Fascicle, T/1764 and Add.1; T C (43), Sessional Fascicle, T/1776; T C (44), Sessional Fascicle, T/1783; T C (45), Sessional Fascicle, T/1791.

¹³⁷T/1711, T/1726, T/1736, T/1746, T/1754, T/1764, T/1776, T/1783, T/1791.

¹³⁸T C (37), Sessional Fascicle, T/1710; T C (38), Sessional Fascicle, T/1718; T C (39), Sessional Fascicle, T/1737; T C (40), Sessional Fascicle, T/1744; T C (41), Sessional Fascicle, T/1755; T C (44), Sessional Fascicle, T/1782; T C (45), Sessional Fascicle, T/1790.

¹³⁹S C (29), Special Suppl. No. 1, para. 313.

¹⁴⁰S C (33), Special Suppl. No. 1, para. 570.

¹⁴¹G A resolution 2621 (XXV).

dissemination of information on decolonization, containing provisions similar to those cited above.¹⁴²

C. Article 76c

152. During the period under review, the Trusteeship Council and the General Assembly continued to examine the status of human rights and fundamental freedoms in the Trust Territories of New Guinea and the Pacific Islands, but adopted no resolution on the question referring specifically to the Trust Territories.

1. NEW GUINEA

153. In its report to the General Assembly at its twenty-sixth session, the Trusteeship Council noted with satisfaction that the 1971 visiting mission to Papua New Guinea had found no real evidence of overt discrimination on racial grounds and that the main relations between the communities were relaxed and easy. It hoped, however, that efforts would continue to be made jointly by indigenous people and expatriates to eliminate social separateness.¹⁴³

154. In its report to the General Assembly at its twenty-eighth session, the Trusteeship Council noted that according to the annual report of the Administering Authority for 1972, all elements of the population of Papua New Guinea were secure in the enjoyment of human rights and fundamental freedoms, with no discrimination on grounds of race, sex, language or religion.¹⁴⁴

155. However, in its report to the General Assembly at its twenty-sixth session, the Trusteeship Council referred to two petitions containing allegations of racial discrimination in the Trust Territory.¹⁴⁵ The Council decided to draw the attention of the petitioners to the relevant observations of the Administering Authority.¹⁴⁶

2. THE PACIFIC ISLANDS

156. In its 1978 report to the Security Council,¹⁴⁷ the Trusteeship Council stated that, according to the Administering Authority, inhabitants of the Territory were guaranteed basic human rights and fundamental freedoms as set forth in the Trust Territory Code. The Administering Authority further stated that the right of petition was guaranteed and that inhabitants had petitioned the United Nations and the Administering Authority. In addition, the Universal Declaration of Human Rights had been translated into the nine major languages of the Territory and copies had been distributed to local government institutions, schools and various community groups.

157. At the fortieth session of the Trusteeship Council, one representative said that during the presence of the 1973 visiting mission to the Territory, blatant violations of human rights and fundamental freedoms had been observed,

¹⁴²G A resolutions 2879 (XXVI), 2909 (XXVII), 3164 (XVIII), 3329 (XXIX), 3482 (XXX), 31/144, 32/43 and 33/45.

¹⁴³G A (26), Suppl. No. 4, para. 306.

¹⁴⁴G A (28), Suppl. No. 4, para. 213.

¹⁴⁵G A (26), Suppl. No. 4, para. 19.

¹⁴⁶Ibid., para. 21.

¹⁴⁷S C (33), Special Suppl. No. 1, paras. 326 and 327.

including wage discrimination, interference with freedom of expression and discrimination against the local inhabitants working at the Kwajalein missile base.¹⁴⁸

158. The Administering Authority reaffirmed its commitment to fundamental human rights and expressed confidence that incidents of racial or religious discrimination reported to the Government of the Trust Territory would be handled according to due process of law.¹⁴⁹

D. Article 76d

159. In 1973, the United Nations visiting mission to the Trust Territory of the Pacific Islands noted that the Administering Authority interpreted article 8, paragraph 1, of the relevant Trusteeship Agreement in a manner which restricted foreign investment in Micronesia to investors from the United States alone. Furthermore, whatever good reasons might have existed in the past for the fear of opening Micronesia to investment from any source whatsoever were no longer applicable, given the adoption in 1970 of the Foreign Investors Business Permit Act which established a

¹⁴⁸S C (28), Special Suppl. No. 1, para. 267.

¹⁴⁹Ibid., para. 268.

system of reasonably effective controls. The mission also noted that economic development in Micronesia would have progressed more rapidly had the Administering Authority interpreted article 8, paragraph 1, in such a way as to allow foreign investment from all sources.¹⁵⁰

160. The Trusteeship Council subsequently adopted resolution 2159 (XL) on the report of the United Nations 1973 visiting mission to the Trust Territory of the Pacific Islands. By the resolution, the Council took note of the views of the members of the visiting mission and invited the Administering Authority to take into account the recommendations and conclusions of the members of the visiting mission as well as the relevant comments made by the members of the Council.

161. In its report to the Security Council,¹⁵¹ the Trusteeship Council noted the above-mentioned conclusions of the visiting mission, and noted also that it had endorsed, *inter alia*, the suggestion in the report of the visiting mission that the Administering Authority should revise its interpretation of article 8, paragraph 1, of the Trusteeship Agreement in order to permit investment by other Members of the United Nations.

¹⁵⁰T C (40), Suppl. No. 2, paras. 340-351.

¹⁵¹S C (28), Special Suppl. No. 1, paras. 136-151.