

Repertory of Practice of United Nations Organs
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Repertory of Practice of United Nations Organs)
Volume V

ARTICLE 76

CONTENTS

	<i>Paragraphs</i>
Text of Article 76	
Introductory note	1-2
I. General Survey	3-11
II. Analytical summary of practice	12-63
A. Article 76a Question of military bases and arrangements in Trust Territories impeding early attainment of self-government or independence	12-22
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 Independence to Colonial Countries and People	23-54
(a) Introduction	23-25
(b) Political and Constitutional advancement and the implementation of the Declaration and other General Assembly resolutions	26-42
(c) Economic advancement	43-54
(i) Economic self-determination	43-45
(ii) Activities of foreign economic and other interests in Trust Territories impeding the early attainment of self-government or independence	46

	(iii) International assistance to Trust Territories	47-48
	(d) Social and educational advancement	49-50
	(e) Offers by member States of study and training facilities for inhabitants of Trust Territories	51
	(f) Dissemination in Trust Territories of information on United Nations activities	52-54
C.	Article 76c	55-61
D.	Article 76d	62-63

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 Trusteeship Council activities focused on the only remaining Trust Territory, the strategic Trust Territory of the Pacific Islands administered by the United States.

2. The analytical summary of Article 76 follows the basic outline utilized in *Repertory Supplement 5*. Accordingly, the study is organized around the four paragraphs of the article, including paragraphs on international peace and security and a short paragraph on Article 76d. Due to the reduced amount of material the summary is shorter than in previous periods. Nonetheless, the four paragraphs' format allows a more systematic analysis of the practice of the United Nations organs.

I. GENERAL SURVEY

3. As reported in the previous *Supplement*¹, various districts within the Trust Territory of the Pacific Islands, adopted separate paths towards self-determination. Consequently, the Trust Territory consisted of four separate entities, governed by constitutional Governments. The four entities were: the Federal States of Micronesia, the Marshall Islands, the Northern Mariana Islands, and Palau. Each had its popularly elected legislature and executive head.

4. 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 Charter with respect to the Trust Territory of the Pacific Islands and submitted its reports to the Security Council. Questions were raised in the Trusteeship Council relating to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and People² and other relevant Assembly resolutions, 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 People³.

Article 76a

5. During the period under review, the Trusteeship Council did not take any specific decision referring to international peace and security. Nevertheless, in its report to the Security Council for the fifty-second session, the Trusteeship Council included recommendations on war claims, compensation for nuclear testing, dumping of nuclear waste, and land use, which related to international peace and security.

6. The Trusteeship Council dispatched visiting missions to observe the votes in one of the entities that composed the territory when its population voted to amend a

¹ *Repertory, Supplement No.6*, vol. IV, under Article 76, paras. 9 and 10.

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

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

constitutional provision on nuclear substances that conflicted with the Compact of free association adopted in the previous period.

Article 76b

7. During the period under review, the Trusteeship Council continued to monitor the constitutional and political development in the Trust Territory of the Pacific Island. In its fifty-second session's report to the Security Council, the Trusteeship Council continued to provide a comprehensive set of conclusions and recommendations to the Security Council on political, economic and social development. At its fifty-third session the Trusteeship Council approved resolution 2183, where it affirmed that the United States had satisfactorily discharged its obligations under the terms of the Trusteeship Agreement and that it was appropriate for the Agreement to be terminated. Consequently, the Council decided to discontinue its earlier practice of making detailed recommendations.

8. However, the issue of termination of the Trusteeship Agreement continued to be addressed in the debates. The Trusteeship Council did not make any specific reference to the date of termination or to the competent authority to decide on the termination of the Agreement.

Article 76c

9. The Trusteeship Council continued to concern itself with issues of economic, social and educational advancement. In its report to the Security Council at its fifty-second session, the Trusteeship Council included conclusions and recommendations with regard to economic, social and educational advancement. At its fifty-third session it discontinued the practice of formulating detailed recommendations since the people of the Trust Territory have elected to assume full responsibility for administration in these fields.

10. The Trusteeship Council continued to maintain in its agenda the item "Co-operation with the Committee on the Elimination of Racial Discrimination; Decade for Action to Combat Racism and Racial Discrimination". In its assessment of the question, the Trusteeship Council concluded that there was no evidence of discrimination in the Territory.

Article 73d

11. The Trusteeship Council continued to pay attention to commercial matters in the Territory. In one instance, the Trusteeship Council noted that the promotion of foreign investment was of primary importance and encouraged the promotion of investments in the Territory.

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, the organs of the United Nations did not take any specific decision relating to international peace and security in the Trust Territory of the Pacific Islands.

13. As in previous periods⁴, the General Assembly, by its resolutions⁵ on the implementation of the Declaration on decolonization, which applied to Trust Territories as well as Non-Self-Governing Territories, requested the colonial Powers to immediately and unconditionally withdraw their military bases and installation from colonial territories and to refrain from establishing new ones.

14. In resolutions 40/57, 41/41B, 42/71 and 43/45, the General Assembly continued to request 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 colonial Territories that are likely to threaten international peace and security.

15. The Special Committee⁶ recommended every year to the General Assembly the adoption of a draft resolution on Pacific Islands that included two paragraphs⁷ on military activities. The 4th Committee decided not to take action on the draft resolutions submitted by the Special Committee.

16. The question of military activities continued to be raised in the Trusteeship Council. The debates in the Council focused on the Agreements between the United States and the different entities, namely the Federal States of Micronesia, the Marshall Islands, the Northern Mariana Islands, and Palau, which entrusted to the United States the responsibility for their defence.

⁴ *Repertory, Supplement No.5*, vol.IV, under Article 83, para. 12.

⁵ GA resolutions 40/57; 41/41B, 42/71, 43/45.

⁶ GA (40), Suppl. No. 23, Chapter XVIII, para. 12 ; GA (41), Suppl. No. 23, Chapter IX, para. 86 ; GA (42), Suppl. No. 23, Chapter IX, para. 128 ; GA (43), Suppl. No. 23, Chapter IX, para. 103

⁷ One paragraph would have affirmed the General Assembly's strong conviction that the presence of military bases and installations in the Trust Territory could constitute a major obstacle to the implementation of the Declaration and for the exercise of the right to self-determination and independence while in the second the General Assembly would have urged the Administering Authority not to involve the Trust Territory in any offensive acts against other States and to comply fully with the rules relating to military activities.

17. During the discussion in the Trusteeship Council, one member⁸ claimed that the United States had longstanding plans to annex Micronesia and to turn the Trust Territory into a military and strategic bridgehead in the Western Pacific. In particular, the representative maintained that the United States imposed compacts and long term military agreements on the populations of individual parts of the Trust Territory according to which the Pentagon could create, maintain and expand missile testing grounds, naval bases, strategic airbases, and other military sites, and create stockpiles of nuclear, chemical and other types of weapons of mass destruction. According to the delegation, that militarization represented a direct threat to Micronesia and to the entire Pacific region, and also ran counter to the active desire and aspiration of the Pacific States to create a non-nuclear zone in the South Pacific. It also flouted one of the fundamental tasks of the Trusteeship Council: to further international peace and security.

18. The representative of the Administering Authority⁹ noted that Article 5 of the Trusteeship Agreement unambiguously gave the United States the right to establish military bases in the Territory. However, only 13 United States army personnel were in Palau, all of whom belonged to a civil action team involved in non-military construction projects. Similar teams were engaged in the same kind of non-military construction in other Micronesian states. The only military facility in the Trust Territory¹⁰ was the missile-testing range, which was operated by civilian contractors. The only offensive weapons in the installation were the side arms carried by guards and watchmen; otherwise the military infrastructure consisted of sophisticated radars and technological equipment. Finally there was a small coast guard station in another island¹¹. There were no air or naval bases, submarine pens, army barracks, Marine Corps facilities, munitions dumps, aircraft parks or nuclear storage facilities.

19. Although the Trusteeship Council did not take any specific action related to military facilities, in its Report to the Security Council¹² for the fifty-second and fifty-third sessions, it referred to those issues, including war claims, compensation for nuclear testing, dumping of nuclear waste and land use for military purposes. In connection with land use, the Council took note that the United States had no plans for the establishment of military bases on Palau or any other part of the Trust Territory. In connection with the dumping of nuclear waste, the Trusteeship Council noted that the Administering Authority had no plans for dumping nuclear waste anywhere near the islands of the Trust Territory.

20. During the period under review a number of plebiscites and referenda which included, among other things, issue of international security, took place in Palau under the supervision of the United Nations.¹³

⁸ SC (40), Spec. Suppl. No. 1, Soviet Union, paras. 157-160.

⁹ Ibid., United States, para. 11.

¹⁰ Located in the island of Kwajalein.

¹¹ Located in the island of Yap.

¹² SC (40), Spec. Suppl. No. 1, SC (41), Spec. Suppl. No. 1.

¹³ See *Repertory, Supplement No. 7*, vol. V, under Article 83, paras. 31-56.

21. The main issues of these votes related to the ban on nuclear substances contained in Palau constitution. The Compact of Free Association between Palau and the United States established that the United States would retain the responsibility for the defence of the territory and included the possibility for United States nuclear ships and submarines to station in Palau ports. Local courts of Palau found that this provision conflicted with the ban on nuclear substances in Palau constitution. In order to resolve the conflict between the Compact and the constitutional norms, the population voted several times on the adoption of that provision of the Compact.

22. At the fifty-third session one delegation¹⁴ asserted that the Missions were politically directed to hide the Administering Authority's illegal actions in the Territory, to help turn Palau into a nuclear springboard for the United States. The Trusteeship Council did not take any specific action in that regard.

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 INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLE

(a) Introduction

23. As previously reported¹⁵, 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.

24. 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 attainment of self-government or independence and the situation in the Trust Territory with regard to the implementation of the Declaration on decolonization.

25. On the recommendations 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. It took no action on the reports of the Special Committee with respect to the strategic Trust Territory of the Pacific Island, as the Security Council exercised exclusive jurisdiction over the administration of the Territory according to Article 83 of the Charter.

(b) Political and Constitutional advancement and the implementation of the Declaration and other General Assembly resolutions

¹⁴ SC (41), Spec. Suppl. No. 1, para. 167.

¹⁵ *Repertory, Supplement No.5*, vol. IV, under Article 76.

26. 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 reports¹⁶ to the Security Council under Article 83 of the Charter. As in previous years, the Security Council did not take any action on the reports of the Trusteeship Council.

27. At the fifty-second session, the Trusteeship Council affirmed¹⁷ in its report the right of Micronesian people to self-determination, including the right to independence, and reiterated that free association was an option compatible with the Trusteeship Agreement, provided that the people concerned had freely accepted it. Nevertheless the debates on the exercise of the right to self-determination continued during the whole period.

28. At the fifty-second session, the Administering Authority reported¹⁸ that the people of Northern Mariana Islands had chosen, in a plebiscite observed by the United Nations in 1975, to remain closely associated with the United States as a commonwealth. It was also reported that the Federated States of Micronesia had chosen free association in a plebiscite observed by the United Nations in 1983 and that the Marshall Island had chosen the same status. The compacts of free association had been approved by the Governments of both entities in accordance with their own constitutional processes. It was also reported that although Palau's voters had voted overwhelmingly for the compact in a plebiscite in 1983, there remained certain obstacles which had to be worked out by the people and Government of Palau. It was also noted that the Compacts would recognize the authority of the Micronesian States with all four criteria normally cited for statehood: a defined territory; a distinct population; a government with substantial control over that population and territory; and the capacity to engage in foreign relations. In that regard, the compacts provided that the freely associated States would have full authority over foreign affairs except in relation to international defence and security.

29. At the fifty-third session, the Administering Authority reported¹⁹ that early in 1985 the Compact of Free Association for the Federated States of Micronesia and the Marshall Islands had been approved both by the United States Congress and by the Governments of the Federated States of Micronesia and the Marshall Islands and had been signed by the President of the United States. Referring to Palau it was reported that the Compact could not be implemented because of perceived inconsistencies between its term and the Palau Constitution. In 1986 the Government of Palau had conducted another plebiscite on a revised version of the Compact of Free Association. Palau's voters had approved the revised Compact by a vote of 72 per cent to 28 per cent.

Decision

30. At its fifty-third session, the Trusteeship Council adopted, by 3 votes to 1, resolution 2183 (LIII) where it noted that the peoples of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau had freely exercised their right to

¹⁶ S/17334 & Corr. 1; S/18238; S/19596; S/20168.

¹⁷ S/17334 & Corr. 1.

¹⁸ SC (40), Spec. Suppl. No. 1, paras. 8, 9 and 10.

¹⁹ SC (41), Spec. Suppl. No. 1, paras. 15 and 16.

self-determination in plebiscites observed by the visiting missions of the Trusteeship Council and had chosen free association with the United States of America in the cases of the Marshall Islands, the Federated States of Micronesia, and Palau and Commonwealth status in the case of the Northern Mariana Islands. In paragraph 3, the Trusteeship Council considered that the Government of the United States, as the Administering Authority, had satisfactorily discharged its obligation under the term of the Trusteeship Agreement.

31. At the fifty-third, fifty-fourth and fifty-fifth sessions of the Trusteeship Council, the delegation of the Soviet Union²⁰ asserted that Micronesian people had not been given an opportunity to exercise their right to self-determination and independence because of their complete economic and political dependence on the Administering Authority. Economically, the Administering Authority had violated Article 76 of the Charter by failing to promote a viable, independent economy to meet the needs of the population, while the political education campaign that preceded the plebiscites and referenda aimed at inculcating the idea that if the Micronesian did not favour free association, economic and financial aid would be cut off. According to the Soviet Union the Administering Authority had done everything possible to impose on the Trust Territory an unequal agreement of free association, which was a cover-up for the *de facto* annexation of the Territory with new forms of colonialism.

32. The United States²¹ noted that international practice and United Nations resolutions had recognized independence, free association with another State or integration into an existing State as acceptable outcomes to the process of self-determination. Moreover, the plebiscites offered the Micronesian the choice of the full range of status options, including independence and the Administering Authority did not make any attempt to influence the outcome of the plebiscites. The United States also recalled²² that the Compacts recognized the entities as fully self-governing, capable of conducting foreign affairs in their own name and right, including diplomatic, consular, commercial and economic relations, and the right to enter into treaties. The United States would only remain responsible for their defence.

33. Other delegations²³, which participated in the works²⁴ of the Trusteeship Council at its fifty-third session, affirmed that the peoples of the four entities of Micronesia had chosen forms of government most suitable to their own particular circumstances, and thus the wishes of the people were taken into account.

34. The question of the termination of the Trusteeship Agreement continued to be debated without reaching final solution. In particular, the discussions focused on the legal

²⁰ SC (40), Spec. Suppl. No. 1, paras. 145, 180, 184; SC (41), Spec. Suppl. No. 1, paras. 87, 95; SC (42), Spec. Suppl. No. 1, paras. 26-27, 137-138; SC (43), Spec. Suppl. No. 1, paras. 32-33.

²¹ SC (40), Spec. Suppl. No. 1, paras. 13-17; SC (41), Spec. Suppl. No. 1, paras. 14-16; SC (42), Spec. Suppl. No. 1, paras. 6-8; SC (43), Spec. Suppl. No. 1, para. 51.

²² S/17851 (T/1883).

²³ SC (41), Spec. Suppl. No. 1, Vanuatu, para. 73; Australia, para. 76; Fiji, para. 77, New Zealand, para. 78; Papua New Guinea, para. 79; Samoa, para. 80; Solomon Islands, para. 81.

²⁴ See also information on the works of the Trusteeship Council under Article 86.

procedure to terminate the Agreement and on whether the Trusteeship Council had the power to decide on the termination of the Trusteeship Agreement.

35. At its fifty-second session, the Trusteeship Council took note²⁵, in its conclusions and recommendations to the Security Council, “of the calls for termination of the Trusteeship Agreement made by the representatives for the territorial Governments in the course of the fifty-second session of the Council. The Council reiterated that it is for the Administering Authority to initiate in due course procedures leading to the termination of the Agreement”.

36. At its fifty-third session, the United States²⁶ requested the Trusteeship Council to recognize that the time had come to terminate the Trusteeship Agreement. According to the United States the Administering Authority’s had fulfilled its obligations and responsibilities under the Charter and the Trusteeship Agreement to the people of Micronesia and to the United Nations. The people of Micronesia had made crystal clear their hope that the Trusteeship Agreement would be terminated. It remained for the members of the Trusteeship Council to respond to the Administering Authority request and to the hope of the Micronesian people.

37. The Soviet Union objected²⁷ that only the Security Council was empowered under Article 83 to decide on any change in the Territory’s status, and that the United States had violated international law by enacting the compact and forcibly transforming Micronesia into its neo-colonial possession.

38. Some Members States²⁸ that participate without a vote in the deliberation of the Trusteeship Council urged²⁹ the Council to respond positively to the collective appeal of the people of the Trust Territory. According to them there should be no impediments to the early termination of the Trusteeship Council.

Decision

39. At its fifty-third session, the Trusteeship Council³⁰ adopted, by 3 votes to 1, resolution 2183 (LIII). In operative paragraph 3, the Trusteeship Council considered that it was appropriate to terminate the Trusteeship Agreement from the date of the full entry into force of the Compact of Free Association and the Commonwealth Covenant.

40. The Soviet Union³¹ voted negatively because it considered that under Article 83 of the Charter, the Trusteeship Council had no authority to alter, much less terminate a trusteeship agreement. Unilateral action by the United States Administration in the Trust Territory could not be recognized as legitimate or as having legal force under international law. The delegation stated that the Trusteeship Council must not approve

²⁵ SC (40), Spec. Suppl. No. 1, para. 260.

²⁶ SC (41), Spec. Suppl. No. 1, para. 20

²⁷ A/41/168-S/17838

²⁸ Australia, Fiji, New Zealand, Papua New Guinea, Samoa, the Solomon Islands and Vanuatu.

²⁹ SC (41), Spec. Suppl. No. 1, para. 75

³⁰ SC (41), Spec. Suppl. No. 1, para. 210

³¹ *Ibid.*, para. 103

any measures that could be used by the Administering Authority to legalize its unlawful actions in Micronesia.

41. In its conclusions and recommendations at its fifty-fourth and fifty-fifth sessions, the Trusteeship Council continued to recall its resolution 2183 (LIII). In paragraph 3 of its recommendations for the fifty-fifth session³² it stated: “The Council considers that any difficulties over the interpretation of the new status agreements should be resolved bilaterally by the parties concerned in accordance with the procedure mutually agreed and laid down in the relevant new status agreements”.

42. Referring to paragraph 3, the Soviet Union³³ maintained that the Micronesians were being left to deal on a one to one basis with the Administering Authority. On a bilateral basis, they were unable to resist the Administering Authority actions against the interests of the population.

(c) *Economic advancement*

(i) *Economic self-determination*

43. With respect to the Pacific Islands, the Trusteeship Council, at its fifty-second session, 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. In its annual report to the Security Council³⁴, the Trusteeship Council included conclusions and recommendations on economic questions.

44. At its fifty-fourth and fifty-fifth sessions, the Trusteeship Council in its conclusions and recommendation to the Security Council noted³⁵ that the people of the Trust Territory, in the exercise of their right to self-government have elected to assume full responsibility for administration in the economic [...] field. As in previous years, the Security Council did not take any action with respect to the Trust Territory.

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

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

³² SC (43), Spec. Suppl. No. 1.

³³ SC (43), Spec. Suppl. No. 1, para. 108.

³⁴ SC (40), Spec. Suppl. No. 1, paras 265-306.

³⁵ SC (42), Spec. Suppl. No. 1, para 202; SC (43), Spec. Suppl. No. 1, paras 120.

46. The General Assembly, at each of the sessions under review, adopted resolutions³⁶ on the activities of foreign economic and other interests which are impeding the implementation of the Declaration in Non-Self-Governing and Trust Territories. The Assembly, inter alia, reaffirmed the right of the peoples of dependent Territories to dispose of their natural resources in their best interests and requested the Special Committee to continue to monitor the economic situation in the Territories to ensure that economic activities carried out therein were aimed at the diversification and strengthening of their economics with a view towards facilitating their speedy accession to independence.

(iii) International assistance to Trust Territories

47. In its report to the Security Council at its fifty-second session, the Trusteeship Council noted³⁷ that the international contacts by the territorial governments continued to expand, with the approval and encouragement of the Administering Authority and it urged the Administering Authority to facilitate and encourage the territorial government to take up membership in AsDB and ESCAP once the Trusteeship Agreement had come to an end.

48. The Council also noted that the Federated States of Micronesia and the Marshall Islands had worked out long-term development plan with the assistance of UNDP.

(d) Social and educational advancement

49. In its report to the Security Council at its fifty-second session, the Trusteeship Council included conclusions and recommendations with regard to social and educational advancement³⁸. The Trusteeship Council formulated recommendation on health matters, community development, war claims, education and culture. After the fifty-second session, the Council stop formulating detailed recommendations.

50. At its fifty-fourth and fifty-fifth sessions, the Trusteeship Council in its conclusions and recommendation to the Security Council noted³⁹ that the people of the Trust Territory, in the exercise of their right to self-government have elected to assume full responsibility for administration in the [...] social and educational field.

(e) Offers by member States of study and training facilities for inhabitants of Trust Territories

51. 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

³⁶ G A resolutions 40/52, 41/14, 42/74 and 43/29.

³⁷ SC (40), Spec. Suppl. No. 1, paras 263-265.

³⁸ SC (40), Spec. Suppl. No. 1, paras 307-344.

³⁹ SC (42), Spec. Suppl. No. 1, para 202; SC (43), Spec. Suppl. No. 1, paras 120.

facilities for inhabitants of Trust Territories⁴⁰. The Council decided to take note of the Secretary-General's reports.⁴¹

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

52. During the period under review, the Secretary-General continued to report on this question to the Trusteeship Council and to the General Assembly⁴². The Council decided to take note of the Secretary-General reports.

53. At its fifty-second session, the Trusteeship Council in its conclusions and recommendation of to the Security Council noted with satisfaction the close collaboration between the United Nations Information Centre in Tokyo and the Trust Territory headquarters in drawing up address lists to ensure that United Nations materials reached appropriate addresses.

54. At its forty to forty-third sessions the General Assembly adopted annual resolutions⁴³ on the dissemination of information on the implementation of the Declaration that, *inter alia*, requested the Secretary-General to continue to take concrete measures to give widespread and continuous publicity to the work of the United Nations in the field of decolonization through all media at his disposal, including publication, radio, and television.

C. Article 76c

55. 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 Territory of the Pacific Islands but adopted no resolution on the question.

56. The Trusteeship Council continued to consider annually the question of co-operation with the Committee on the Elimination of Racial Discrimination and the question of the Decade for Action to Combat Racism and Racial Discrimination.

57. During the discussion of the issue of the Trusteeship Council's participation in the activities related to the above mentioned items, the Soviet delegation maintained⁴⁴ that the Trusteeship Council should co-operate with the Committee on the Elimination of Racial Discrimination by providing it with all relevant material, including petitioners' statements, and ensure that the Administering Authority gave fundamental rights and freedoms to the inhabitants of the Trust Territory.

⁴⁰ T/1874 ; T/1890 ;T/1912; T/1926

⁴¹ SC (40), Spec. Suppl. No. 1, para. 231; SC (41), Spec. Suppl. No. 1, para. 195; SC (42), Spec. Suppl. No. 1, para. 168; SC (43), Spec. Suppl. No. 1, para. 96

⁴² T/1873; T/1889; T/1912; T/1924 and Corr.1.

⁴³ G A resolutions 40/58, 41/42, 42/72, 43/46.

⁴⁴ SC (40), Spec. Suppl. No. 1, para. 205; SC (41), Spec. Suppl. No. 1, para. 192; SC (42), Spec. Suppl. No. 1, paras. 146-147; SC (43), Spec. Suppl. No. 1, para. 92

58. At the fifty-third session, the representative of the Soviet Union⁴⁵ noted that by resolution 40/28, in which the report of the Committee on the Elimination of Racial Discrimination was adopted, the General Assembly had taken note of that part of the report relating to Trust and Non-Self-Governing Territories and had called upon the appropriate United Nations bodies to ensure that the Committee was supplied with all relevant information on the Territories in order to enable it to fulfil its mandate. In addition, the Soviet Union expressed concern at the continuing refusal of the Administering Authority to provide the Trusteeship Council with information about the implementation of international decisions on racial discrimination and human rights in the Territory. The delegation referred to discriminations due to nuclear testing, unlawful seizure of land and inferior living conditions of Micronesian to Americans nationals living in those islands.

59. The United Kingdom, France and the United States maintained⁴⁶ that there was no information from the statements by representatives of the constitutional Governments and petitioners before the Trusteeship Council, showing any traces of racial discrimination. Moreover, the delegations affirmed that the Trusteeship Council reported only to the Security Council and that there was no obligation for a major organ of the United Nations to co-operate with a committee such as the Committee on the Elimination of Racial Discrimination.

60. Finally, the United States⁴⁷ maintained that it did not consider that the item Second Decade to Combat Racism and Racial Discrimination appropriately belong on the agenda of the Trusteeship Council.

61. Every year, at the end of the debates the Trusteeship Council decided to take note of the statements made under these agenda items.

D. Article 76d

62. As reported in previous *Supplements*⁴⁸ in 1973 the United Nations Visiting Mission noted that the Administering Authority interpreted article 8, paragraph 1 of the Trusteeship Agreement in a manner, which restricted foreign investment in Micronesia from investors from the United States alone. The visiting mission had found that economic development would have progressed more rapidly had the administering Authority allow foreign investments from all sources.

63. At the fifty-second session, in its recommendation and conclusions⁴⁹ the Council noted that the promotion of investment, particularly originating from the United States

⁴⁵ SC (41), Spec. Suppl. No. 1, para. 179.

⁴⁶ SC (40), Spec. Suppl. No. 1, paras. 209-217; SC (41), Spec. Suppl. No. 1, para. 183-185; SC (43), Spec. Suppl. No. 1, paras. 93-94.

⁴⁷ SC (40), Spec. Suppl. No. 1, para. 215; SC (41), Spec. Suppl. No. 1, para. 185.

⁴⁸ *Repertory, Supplement No.5*, vol. IV, under Article 76, para. 159.

⁴⁹ SC (40), Spec. Suppl. No. 1, para. 280

and Japan, was of primary importance. It therefore requested the Administering Authority to encourage the organization of visits to the Territory by representatives of chambers of commerce and other professional association with a view of attracting foreign capital. In that regard the Council noted with satisfaction that the Administering Authority remained sensitive to this important question.