

ARTICLE 83

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ARTICLE 83

TEXT OF ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.
2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.
3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

NOTE

1. During the period under review, there were no changes in the constitutional relationship between the Security Council and the Trusteeship Council as recorded in the *Repertory*.¹ The Trusteeship Council continued to exercise, on behalf of the Security Council, the functions specified in Articles 87 and 88 relating to the political, economic, social and educational advancement of the inhabitants of the only Territory designated as a strategic area,—namely, the Trust Territory of the Pacific Islands—and continued to report annually to the Security Council on the exercise of those functions. As in past years, no action was taken by the Security Council on the reports.
2. Certain decisions were taken during the period under review by the General Assembly which were applicable to the Trust Territory of the Pacific Islands and, from 1964 on, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, submitted a report to the Assembly on the Territory.
3. These questions are considered in the General Survey. That section does not, however, contain material relating to the substantive aspects of the applicability to the people of the Pacific Islands of Article 76, as referred to in Article 83 (2), or of the Declaration on the Granting of Independence to Colonial Countries and Peoples since these questions have been dealt with under Article 76.

¹ *Repertory*, vol. IV, under Article 83, paras. 34-36.

GENERAL SURVEY

1. EXERCISE BY THE TRUSTEESHIP COUNCIL ON BEHALF OF THE SECURITY COUNCIL OF FUNCTIONS RELATING TO THE POLITICAL, ECONOMIC, SOCIAL AND EDUCATIONAL ADVANCEMENT OF THE INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

4. At its twenty-sixth, twenty-seventh and twenty-ninth to thirty-third regular sessions inclusive, the Trusteeship Council examined the annual reports²

² Twelfth, to eighteenth annual reports on the administration of the Trust Territory of the Pacific Islands, Department of State Publications 6945, 7183, 7362, 7521, 7676, 7811 and 8064, trans-

mitted to members of the Trusteeship Council by notes of the Secretary-General T/1513, T/1574, T/1590, T/1611, T/1624, T/1633 and T/1652 all mimeographed respectively.

5. At its twenty-seventh and thirty-first sessions, the Council also examined, concurrently with the annual reports of the Administering Authority, the reports submitted by the United Nations Visiting

mitted to members of the Trusteeship Council by notes of the Secretary-General T/1513, T/1574, T/1590, T/1611, T/1624, T/1633 and T/1652 all mimeographed respectively.

Missions which went to the Territory in February-March 1961 and in February-March 1964.³

6. From its twenty-sixth session to its thirty-third session, the Trusteeship Council dealt with fifteen petitions⁴ concerning the Trust Territory of the Pacific Islands and granted oral hearings in connexion with three of the petitions.

7. In decisions concerning eleven of those petitions, the Council drew the attention of the petitioners to the statements of the Special Representative of the Administering Authority,⁵ or to the observations of the Administering Authority,⁶ or referred the petitioner to the report of the relevant visiting mission, to the conclusions and recommendations adopted by the Council and to the records of the meetings concerned,⁷ or took note of the petitions and considered them concurrently with the relevant annual report.⁸ In regard to one petition in connexion with which an oral hearing was granted, the Council decided that no further action was called for.⁹

8. In one case regarding the payment of compensation or of an annual rent by the Administering Authority for the use of the petitioners' land in connexion with which two hearings were granted,¹⁰ the Council, at its twenty-sixth session by resolution 2063 (XXVI), considered that, in view of the considerable period of time during which the petitioners had not received any compensation for the use of their lands, a fair, equitable and satisfactory settlement of their claims should be arrived at as rapidly as possible. The Council urged the Administering Authority to explore with the petitioners all possible means of reaching a negotiated settlement, including annual rental payments or such payments combined with an initial lump-sum payment.

9. At its twenty-ninth session, the Council considered a further petition¹¹ on that question. By resolution 2135 (XXIX), it took into account the recommendation of the 1961 Visiting Mission, endorsed by the Trusteeship Council in its report to the Security Council of 27 July 1961,¹² that if a satisfactory solution was not arrived at in the very near future, the question of compensation of the inhabitants of Kwajalein should be determined by arbitration. The Council noted that its previous recommendations had remained unfulfilled for two years and recommended that failing agreement of the inhabitants to the procedure contemplated by the Administering Authority for the settlement of the question of compensation, that question should be settled without delay by arbitration, the procedure for arbitration being agreed upon between the parties.

³ T C (XXVII), Suppl. No. 2 T C (XXXI), Suppl. No. 2.

⁴ T/PET.10/30-37; T/PET.10/L.5, 6, 7 and Add.1, 8, 9 and Corr.1, 10 and 11 (mimeographed).

⁵ T/PET.10/32 (Res. 2133 (XXVII)); P/PET.10/33 (mimeographed).

⁶ T/PET.10/36 (mimeographed).

⁷ T/PET.10/L.5 and 6; L.7 and Add.1 (mimeographed).

⁸ T/PET.10/L.8; L.9 and Corr.1; L.10; L.11 (mimeographed).

⁹ T/PET.10/35 (mimeographed).

¹⁰ T/PET.10/30 and Add.1; T/PET.10/31 (mimeographed). See also T/OBS.10/6 and Add.1 and 2, and T/L.968 (mimeographed).

¹¹ T/PET.10/34 (mimeographed).

¹² S C, 16th yr., Special Suppl. No. 1, para. 183.

10. At the following session, in reference to the same petition, the Council adopted resolution 2140 (XXX), whereby it particularly recalled resolution 2135 (XXIX) and urged the Administering Authority to expedite a decision in the matter in keeping with the concern expressed by the Trusteeship Council.

11. At the thirty-second session, in the case of a petition¹³ from the professional staff of the Medical Department complaining about the public health services, two draft resolutions were submitted. Under the first one,¹⁴ the Council would request the World Health Organization (WHO) to carry out an investigation of the health and medical situation in the Trust Territory, with particular regard to the facts enumerated in the petition, and to submit a report on that question to the Trusteeship Council and to the Security Council. Under the second draft resolution,¹⁵ the Council would invite WHO to investigate the allegations contained in the petition and report to the Trusteeship Council.

12. The President asked the sponsors of the two draft resolutions not to press for a vote, since the Administering Authority had agreed to an investigation of the charges, and suggested that the Council should invite WHO to undertake the investigation and report to the Trusteeship Council. It was so decided.¹⁶

13. WHO submitted a report¹⁷ to the Council at its thirty-third session which the Council considered concurrently with the annual report on the Territory. The Council subsequently adopted resolution 2144 (XXXIII) in which it expressed its appreciation to WHO for its valuable report, drew the attention of the Administering Authority to the observations, findings and conclusions contained therein and urged the Administering Authority to intensify its efforts to remedy the deficiencies in public health and medical services and, in that connexion, to take advantage of the advice and assistance afforded by WHO as well as by other specialized agencies and by the United Nations programmes of technical co-operation.

14. The Trusteeship Council reported annually to the Security Council on its exercise of the functions carried out on the latter's behalf and included in each report an account of conditions in the Territory, together with its conclusions and recommendations on the political, economic, social and educational advancement of the inhabitants of the Territory.¹⁸

15. As in previous years, the Security Council did not take any action on those reports.

16. In that connexion, during consideration of the Report of the Trusteeship Council at the sixteenth session of the General Assembly, references were made

¹³ T/PET.10/37 (mimeographed).

¹⁴ T C (XXXII), Annexes, a.i. 5, T/L.1093, submitted by USSR.

¹⁵ *Ibid.*, T/L.1094, submitted by the United Kingdom.

¹⁶ T C (XXXII), 1256th mtg., para. 50.

¹⁷ T C (XXXIII), Annexes, a.i. 5, T/1647. See also this *Supplement* under Article 91.

¹⁸ S C, 15th yr., Special Suppl. No. 1; S C, 16th yr., Special Suppl. No. 1; S C, 17th yr., Special Suppl. No. 1; S C, 18th yr., Special Suppl. No. 1; S C, 19th yr., Special Suppl. No. 1; S C, 20th yr., Special Suppl. No. 1; S C, 21st yr., Special Suppl. No. 1.

in the Fourth Committee to conditions in the Trust Territory of the Pacific Islands.¹⁹ The representative of the United States pointed out, among other things, that under Article 83 all functions of the United Nations relating to strategic areas were to be exercised by the Security Council and that the Security Council was to avail itself of the assistance of the Trusteeship Council to perform those functions. In reply to a comment, he observed that a representative had seemed to suggest that the United States did not want the question of the Pacific Islands to be examined by the Security Council. In fact, it had never opposed such an examination and the question could be submitted to the Security Council at any time.²⁰

17. At the thirtieth session of the Trusteeship Council, a draft resolution²¹ was submitted whereby the Council would consider that the time had come for the question of the situation in the Trust Territory of the Pacific Islands to be examined in the Security Council, the United Nations organ having final responsibility for the Territory, and would recommend that the Security Council examine the question at the earliest possible date and in any event before the beginning of the eighteenth session of the General Assembly.

18. In submitting the draft resolution, the sponsor referred to the statement made by the United States representative at the sixteenth session of the Assembly. He pointed out that the Security Council, which was ultimately responsible for the Trust Territory of the Pacific Islands, had not examined the situation in that Territory since the United States had accepted the responsibility for its administration, in 1947. The Security Council should examine the situation in the Territory in order to provide the General Assembly at its forthcoming session with fuller and more detailed information on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples laid down in General Assembly resolution 1514 (XV).

19. In the opinion of the representative of the United States, the draft resolution implied that the Administering Authority had been remiss in fulfilling its mission and that the Trusteeship Council had been unable to take any effective action. That was not the case. There was no reason for the work of the Trusteeship Council to be referred to the Security Council. Article 83 (3) was quite specific in that regard. The Security Council had delegated its initial responsibilities to the Trusteeship Council and, unless it recalled them, there was absolutely no justification for the Trusteeship Council relinquishing its functions.

20. Another representative said that the Security Council could take up the question if it considered that the trust had been abused. It was clear that that was not the case. Article 34 specified that the Security Council could investigate any dispute, or any situation which might lead to international friction; there was no reason for referring the question of the Trust Territory of the Pacific Islands to the Security Council

since no dispute existed. There had, moreover, been no threat to peace, breaches of the peace or acts of aggression, which called for action under Chapter VII, in the case of the Pacific Islands. If the sponsor of the draft resolution was dissatisfied with the manner in which the United States was administering the Territory, he had every right to raise the matter in the Security Council, but what he was really asking in the draft resolution was for the members of the Trusteeship Council to associate themselves with his complaint. To do that would be to go against the whole trend of the debate and the whole tenor of the report.

21. The sponsor of the draft resolution stated that it had been noticeable for a long time that the United States was afraid to have the question brought before the Security Council. That had been apparent when the United States had been conducting nuclear tests in the Islands, and it was again apparent now that the time was approaching for the people of the Territory to have their say with regard to their future. If the United States was not afraid to have the question considered by the Security Council, its desire to evade any review of its activities by other United Nations organs needed some explaining. The question of the other Trust Territories, such as Nauru and New Guinea, was considered each year, not only by the Trusteeship Council but also by the General Assembly. But sixteen years had passed without the Security Council's ever having been called upon to deal with the question of the Pacific Islands. Such an exception to the general rule was in no way justified.²²

22. The draft resolution was rejected by 5 votes to 1, with 2 abstentions.²³

2. CONSIDERATION BY THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES OF THE SITUATION IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

23. General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples applies to "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence". At its sixteenth session, the General Assembly established under resolution 1654 (XVI) a Special Committee to examine the application of the Declaration and to make suggestions and recommendations on the progress and extent of the implementation of the Declaration.²⁴ From the nineteenth session on, the Special Committee submitted reports to the Assembly on the implementation of the Declaration in the Trust Territory of the Pacific Islands.²⁵

²² For texts of relevant statements, see T C (XXX), 1222nd mtg.: USSR, para.32; 1223rd mtg.: New Zealand, paras. 153 and 154; USSR, paras. 151 and 156; United States, para. 152.

²³ T C (XXX), 1223rd mtg., para. 157.

²⁴ For further details, see this *Supplement* under Article 73.

²⁵ G A (XIX), Annexes, No.8 (Part I), A/5800/Rev. 1, chap. XVIII; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev. 1, chap. XVII.

¹⁹ G A (XVI), 4th Com., 1162nd mtg.: USSR, paras. 24 and 30.

²⁰ *Ibid.*, paras. 36 and 41.

²¹ T C (XXX), Annexes, a.i. 12, T/L.1069, submitted by USSR.

24. The United States was a member of the Special Committee and its representatives participated in the discussions, and supplied information, on the Territory.

25. Objections were, however, raised by the representative of the United States to a draft recommendation contained in the report of Sub-Committee II of the Special Committee, at its meetings in 1964, that a visit by the Sub-Committee to the Territory would be useful and that steps might, therefore, be taken to arrange such a visit, in consultation with the Administering Authority. The representative of the United States, in proposing the deletion of that recommendation, said that apart from the fact that the Trusteeship Council had already sent six Visiting Missions to the Trust Territory and that consequently, a seventh mission would simply place an unnecessary burden on the Organization's budget, a more important objection was that, under the terms of the Trusteeship Agreement, the Trust Territory of the Pacific Islands had been designated a strategic area in accordance with Article 82 of the Charter. Article 83 provided that all functions of the United Nations relating to strategic areas should be exercised by the Security Council and that the Security Council should avail itself of the assistance of the Trusteeship Council to perform those functions.

The latter provision had been confirmed by Security Council resolution S/1280 (1949), in which the Security Council had requested the Trusteeship Council to perform on its behalf the functions specified in Articles 87 and 88 of the Charter, including that of providing for periodic visits to the Trust Territories.²⁶

26. The United States amendment to delete the recommendation was rejected by a roll-call vote of 8 votes to 5, with 10 abstentions.²⁷

27. The recommendation was adopted by the Special Committee by a roll-call vote of 16 to 5, with 2 abstentions.²⁸

28. It may be noted that although the Special Committee reported to the General Assembly on the Trust Territory of the Pacific Islands and individual representatives referred to the Territory in their statements in the Fourth Committee, the General Assembly did not adopt any resolutions with specific reference to the Pacific Islands.

²⁶ G A (XIX), Annexes, No.8 (Part I), A/5800/Rev.1, chap. XVIII, para. 42.

²⁷ *Ibid.*, para. 47 (c).

²⁸ *Ibid.*, para. 47 (d).