

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.

INTRODUCTORY 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 Trust 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 with respect to

the Trust Territory of the Pacific Islands on the basis of the reports of the Trusteeship Council and the reports of 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. The practice of the Trusteeship Council and the relevant decisions of the General Assembly are dealt with in the Summary of Practice. 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.

SUMMARY OF PRACTICE

A. 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

1. ANNUAL REPORTS OF THE ADMINISTERING AUTHORITY

4. During the period under review, the Trusteeship Council, in pursuance of Article 87a, examined the annual reports² of the Administering Authority for the Trust Territory of the Pacific Islands for the years ending 30 June 1966 to 1968, respectively, in accordance with the procedures described in the previous *Repertory* studies. The reports were examined by the Council, concurrently with the reports of the Visiting Mission, and the petitions from the inhabitants of the Territory.

5. Following its examination of these reports, the Trusteeship Council adopted, by vote, its reports³ with conclusions and recommendations for submission to the Security Council. As in previous years, the Security

Council neither took note of the reports of the Trusteeship Council, nor did it take any specific action on the conclusions and recommendations contained in the reports.

2. COMMUNICATIONS AND PETITIONS

6. During the period under review, the Trusteeship Council, in pursuance of Article 87b, examined twenty-two communications⁴ under rule 24 of its rules of procedure, twenty-one petitions⁵ under rule 85(1), and one petition⁶ under rule 85(2), as well as eighteen observations⁷ of the Administering Authority on the relevant petitions, concerning the Trust Territory of the Pacific Islands.

7. Most of the communications and petitions related to a variety of subjects, and particularly to claims of war damages and damages suffered after the occupation, land disputes, problems of re-settlement, misuse of land for military purposes, banning of nuclear weapon tests, a resolution of the Senate of Congress of Micronesia requesting financial and technical assistance from

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

²T/1661; T/1680 and Corr.1; and T/1694.

³S C, 22nd yr., Special Suppl. No. 1; S C, 23rd yr., Special Suppl. No. 1; and S C, 24th yr., Special Suppl. No. 1.

⁴T/Com.10/L.4-25 (mimeographed).

⁵T/PET.10/38-44, 44/Add.1, 45-52, 52/Add.1, and 53-56 (mimeographed).

⁶T/PET.10/L.12 (mimeographed).

⁷T/OBS.10/10-28 (mimeographed).

Member States of the United Nations, a request to the Trusteeship Council to include a representative of the Soviet Union on its Visiting Mission to the Trust Territory of the Pacific Islands in 1970, and a request to the Trusteeship Council and the Security Council to reconsider the legal and political status of the Trust Territory of the Pacific Islands in view of the failure of the Administering Authority to fulfil the obligations assumed by it under the Trusteeship Agreement. In respect of these communications and petitions, the Trusteeship Council decided, without objection, to take note of them and to draw the attention of the petitioners to the observations of the Administering Authority on the relevant petitions and the Council's deliberations and decisions.

8. The Trusteeship Council, however, gave special attention to certain communications and petitions and took specific action on them. Thus, the Council, at its thirty-fourth session, examined a communication⁸ in which the petitioner stated that he represented various citizens in the Trust Territory of the Pacific Islands who had various claims with respect to real property and the wrongful use and occupation of said property by and through the activities of the Administering Authority of the Trust Territory, and that the Administration had created a court system and various procedures, none of which appeared to him to be adequate and sufficient. He, therefore, asked the advice of the Trusteeship Council as to how he should proceed with the claims. In response to a question raised by a member of the Council as to what action the Council intended to take on the request for advice, the representative of the Administering Authority stated that, under rule 81 of the rules of procedure of the Trusteeship Council, petitions directed against judgments of competent courts of the Administering Authority were inadmissible. The Council, therefore, decided to take note of the communication.⁹

9. At the same session, the Trusteeship Council examined a petition¹⁰ requesting the Secretary-General to use his influence and urge the Administering Authority to give more attention to the problem of shipping services in the Marshall Islands District. In its observations, the Administering Authority commented¹¹ that it was aware of the inadequacies in transportation in the Marshall Islands and its plans to work out a more suitable pattern of transportation to the outer islands in the Marshall Islands District as well as in other districts. The Special Representative of the Administering Authority and his adviser also admitted the problem of transportation and hoped to relieve the situation soon.¹²

10. Following the discussion, a draft resolution was submitted¹³ under which the Trusteeship Council would request the Administering Authority to take immediate steps to correct the situation described by the petitioner. An amendment was submitted¹⁴ whereby the Council would take note of the declared intentions of the Administering Authority to take without delay steps to improve the shipping services to the outer islands, including the Marshall Islands.¹⁵

11. As a result of the discussions and informal consultations on the draft resolution and the amendment, a

revised draft resolution¹⁶ was introduced, and as a consequence, the amendment was withdrawn.¹⁷ At its 1314th meeting, on 21 June 1967, the Trusteeship Council adopted¹⁸ the draft resolution, by 7 votes to none, as its resolution 2146(XXXIV). By this resolution, the Council, having considered the petition concerning the Trust Territory of the Pacific Islands, took note of the declared intention of the Administering Authority to take without delay steps to improve the shipping services to the outer islands, including the Marshall Islands, and requested in particular that the Administering Authority take the necessary measures to remedy the situation referred to in the petition.

12. At its thirty-sixth session, the Trusteeship Council examined a number of petitions¹⁹ concerning the question of the United States administration of the Trust Territory of the Pacific Islands. In the course of the examination it was pointed out that²⁰ the petitions were clear evidence of the wish of the population of the Trust Territory of the Pacific Islands to achieve independent development and that they reflected the fact that in no field of its activities had the United States fulfilled its obligations under the Trusteeship Agreement of 1947. In particular, attention was drawn to a petition²¹ containing the resolution of the Senate of the Congress of Micronesia, where a critical assessment had been made of the activities of the Administering Authority during the period since the signing of the Trusteeship Agreement.

13. In reply, the representative of the Administering Authority, while acknowledging the shortcomings of his country's administration in the Trust Territory, emphasized²² the importance of moving together with a common purpose to achieve a meaningful act of self-determination by the people, and pledged to rectify the shortcomings that existed so as to bring about changes which were clearly still needed in order to make the act of self-determination meaningful for the people of Micronesia.

14. Following the discussion, the Council decided,²³ without objection, to take note of the petitions and to draw the attention of the petitioners to the observations of the Administering Authority on the relevant petitions and the statements made on those petitions by members of the Council.

15. The Trusteeship Council, at its thirty-fifth and thirty-sixth sessions, did not adopt any resolutions in respect of communications and petitions received from the Trust Territory of the Pacific Islands.

16. The Trusteeship Council, at its thirty-sixth session, granted²⁴ an oral hearing to a petitioner from the Trust Territory of the Pacific Islands, who made²⁵ a presentation in elaboration of his previously submitted petition by which he, *inter alia*, supported Senate Joint Resolution No. 45 of the Congress of Micronesia,²⁶ which requested the United States and the Security Council of the United Nations to renegotiate the terms of the Trusteeship Agreement relating to the Trust Territory

¹⁶*Ibid.*, 1314th mtg., para. 1.

¹⁷*Ibid.*, para. 2.

¹⁸*Ibid.*, para. 3.

¹⁹T/PET.10/46, 48, 50, 52/Add.1, 54 and 56 (mimeographed).

²⁰T/PV.1350, p. 41.

²¹T/PET.10/54 (mimeographed).

²²T/PV.1350, p. 42.

²³T/PV.1350, pp. 53-55.

²⁴T/PV.1350, p. 7.

²⁵T/PV.1350, pp. 7-22.

²⁶T/PET.10/54 (mimeographed).

⁸T/Com.10/L.6 (mimeographed).

⁹T C (XXXIV), 1312th mtg., para. 42-44.

¹⁰T/PET.10/38 (mimeographed).

¹¹T/OBS.10/10 (mimeographed).

¹²T C (XXXIV), 1312th mtg., paras. 31, 33, 34, 36 and 37.

¹³*Ibid.*, 1313th mtg., T/L.1122, submitted by the USSR.

¹⁴*Ibid.*, T/L.1123, submitted by the United Kingdom.

¹⁵*Ibid.*, 1313th mtg., paras. 29-31.

and to provide that any taking of land in the Territory by the Administering Authority for military use should be subject to ratification by the Congress of Micronesia.²⁷ The Council, however, took no action on the suggestion of the petitioner.

3. VISITING MISSIONS

17. In pursuance of Article 87c, the Trusteeship Council continued to dispatch periodic United Nations Visiting Missions to the Trust Territory of the Pacific Islands in order to secure first-hand information concerning the Territory and to ascertain the wishes and aspiration of its inhabitants.

18. As reported in *Supplement No. 3*, the Trusteeship Council had decided to dispatch a United Nations Visiting Mission to the Trust Territory of the Pacific Islands in 1967, and had set forth the terms of reference of the Mission in its resolution 2145(XXXIII) of 20 July 1966.

19. Accordingly, the Mission visited the Trust Territory of the Pacific Islands from 12 February to 17 March 1967 and submitted its report²⁸ to the Trusteeship Council. At its thirty-fourth session, the Council examined the report of the Visiting Mission concurrently with the annual report of the Administering Authority. Thereupon, the Council, by 6 votes to 1, adopted resolution 2147(XXXIV) of 29 June 1967, by which it took note of the report of the Visiting Mission and the observations thereon of the Administering Authority, and invited the Administering Authority to take into account the recommendations and conclusions of the Visiting Mission as well as the comments made by the members of the Trusteeship Council.

20. The Trusteeship Council, at its thirty-sixth session, decided to dispatch a United Nations Visiting Mission to the Trust Territory of the Pacific Islands in 1970 and, in resolution 2152(XXXVI) of 19 June 1969, set forth the terms of reference of the Mission and designated the delegations of Australia, China, France and the United Kingdom as members of the Mission.

21. It may be recalled that the representative of the Soviet Union had repeatedly expressed²⁹ the view that his delegation would be willing to serve as a member of the next Visiting Mission to the Trust Territory of the Pacific Islands. Furthermore, the petitions examined

by the Trusteeship Council at its thirty-sixth session included one from the Twenty-first Saipan Legislature,³⁰ requesting the Trusteeship Council to include a representative of the Soviet Union on the Visiting Mission to the Territory in 1970. The Council did not, however, designate the Soviet Union to serve on the Visiting Mission to the Territory in 1970.

22. Furthermore, on the recommendation of the Special Committee on decolonization, the General Assembly, in its resolutions 2326(XXII), 2465(XXIII) and 2548(XXIV) on the implementation of the Declaration, which applied equally to Trust Territories, included a paragraph³¹ therein, urging the Administering Powers to cooperate fully with the Special Committee by permitting the access of visiting groups to the colonial Territories in order to receive first-hand information concerning Territories and to ascertain the wishes and aspirations of the inhabitants of those Territories under their administration. During the period under review, the Trusteeship Council did not designate any members of the Special Committee on the Visiting Mission to the Trust Territory of the Pacific Islands, nor did the Administering Authority permit the visiting group of the Special Committee to visit the Trust Territory of the Pacific Islands.

23. As in previous years, the Trusteeship Council continued, *inter alia*, to direct the Visiting Mission to the Trust Territory of the Pacific Islands "to investigate and report as fully as possible on the steps taken in the Trust Territory of the Pacific Islands towards the realization of the objectives set forth in Article 76b 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, bearing in mind the relevant provisions of Trusteeship Council and General Assembly resolutions, including Assembly resolutions 1514 (XV) of 14 December 1960 and 1541(XV) of 15 December 1960."

****B. 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**

²⁷T/PV.1350, pp. 22-32.

²⁸T/1658 and Add.1. See also T C (XXXIV), Suppl. No. 2.

²⁹T C (XXXIII), 1293rd mtg., para. 32, and P/PV.1350, pp. 53-55.

³⁰T/PET.10/55 (mimeographed).

³¹G A resolutions 2326(XXII), para. 18; 2465(XXIII), para. 15 and 2548(XXIV), para. 14.