

Repertory of Practice of United Nations Organs
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Repertory of Practice of United Nations Organs)

Volume V

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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 Trusteeship Council and the Security Council. The Trusteeship Council continued to exercise, on behalf of the Security Council, the functions specified in Articles 87 and 88 relating to political, economic, social and educational advancement of the inhabitants of the Trust Territory designated as a strategic area. Since the activities of the Trusteeship Council focused on the strategic Trust Territory of the Pacific Islands, some of the questions regulated in Article 87 and Article 88 referring to subsidiary organs of the General Assembly are treated under Article 83.
2. In this *Supplement*, the analytical summary of Article 83 follows the basic outline utilized in previous *Repertory Supplements*. Accordingly, the study is organized around two main issues: 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; 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.

GENERAL SURVEY

3. During the period under review, the Trusteeship Council continued to exercise, on behalf of the Security Council, the functions of the United Nations related to the strategic Trust Territory of the Pacific Islands. In particular, the Trusteeship Council continued to examine the annual reports of the Administering Authority of the Trust Territory, to

examine communications and hear petitioners, and to dispatch visiting missions to the Territory.

4. During the period covered by this *Supplement*, the Trusteeship Council continued to submit its reports with conclusions and recommendations to the Security Council. The Security Council did not take any action in that regard.

5. During the reporting period the Trusteeship Council utilized different procedures to examine petitions and communications. In some cases it examined them by categories, in others, one by one, and in others *en bloc*. The Trusteeship Council changed procedures according to the exigencies of the meeting.

6. On the request of the Administering Authority, the Council held three special sessions to authorise the dispatch of visiting missions to the Trust Territory of the Pacific Islands. In some cases, the Trusteeship Council met on shorter notice than usual. The Trusteeship Council dispatched 1 periodic visiting mission to the Territory and 4 visiting missions to observe plebiscites in Palau.

7. Referring to its relations with the Special Committee on decolonization, the Trusteeship Council continued to maintain that consideration of the Trust Territory of the Pacific Islands by a subsidiary organ of the General Assembly was unwarranted as the Territory had been designed as “strategic”, and therefore fell under the exclusive purview of the Security Council. Nonetheless, throughout the period, the Special Committee and the 4th Committee continued to consider the question of the Pacific Island and to grant the hearing of petitioners, and the Special Committee took decision on the subject.

ANALYTICAL 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

8. During the period under review, the Trusteeship Council, in pursuance of Article 87a, continued to examine the annual reports¹ of the Administering Authority for the Trust Territory of the Pacific Islands for the years ending 30 September 1984 to 1987. The Trusteeship Council also examined reports of the Visiting Missions², petitions, and, communications regarding the Territory.

¹ T/1871, T/1888, T/1909 and Add.1, T/1923.

² T/1878, T/1885, T/1906, T/1919, T/1920.

9. Following established practice, the Trusteeship Council appointed³ every year a Drafting Committee, composed by the representatives of France and the United Kingdom, to propose recommendations and conclusions regarding the Territory, for submission to the Security Council.

10. Following examination of the reports of the Drafting Committee, the Trusteeship Council adopted, by vote, its reports⁴ with conclusion and recommendations for submission to the Security Council. In conformity with its previous practice, the Security Council did not take any specific action on the conclusions and recommendations contained in the reports of the Trusteeship Council.

11. During the discussions of the Report, one delegation expressed its negative opinion on the accuracy of the drafts. In particular, at the fifty-second session, the delegation⁵ had said that the conclusions and recommendations contained in the report neither reflected the real situation in the Trust Territory nor gave a true evaluation and analysis of what the Administering Authority had done there. One member of the Drafting Committee⁶ rejected the assertions that “the conclusion and recommendations only served the purpose of covering up and justifying the policy of the Administering Authority aimed at annexation of Micronesia” because it called into question the probity of the members of the Drafting Committee. Another member⁷ said that by joining in the consensus to set up a drafting group composed of the United Kingdom and France, the delegation had shown confidence in the ability of the Drafting Committee to draft conclusion and recommendations that reflected the view of the majority of the Trusteeship Council.

12. During the discussions at the fifty-third session, the delegation⁸ complained that the Drafting Committee did not summarize the discussions that had taken place in the Trusteeship Council and disregarded many oral and written presentations.

13. One member of the Drafting Committee⁹ argued that the Committee took into consideration the views expressed in the many oral and written petitions but decided not to reflect them in the report since they had been circulated as United Nations documents or had been made available in the verbatim records. At the same time, the report took account of the views of the Micronesian leaders who participated as members of the United States delegation because they were elected representatives of their people.

³ SC (40), Spec. Suppl. No. 1, para. 232; SC (41), Spec. Suppl. No. 1, para. 196; SC (42), Spec. Suppl. No. 1, para. 169; SC (41), Spec. Suppl. No. 1, para. 102.

⁴ At its 1598th, 1621st, 1647th, 1658th meetings, the Trusteeship Council adopted⁴, by votes of 3 to 1, the Reports to the Security Council: SC (40), Spec. Suppl. No. 1, para. 252; SC (41), Spec. Suppl. No. 1, para. 209; SC (42), Spec. Suppl. No. 1, para. 189; SC (43), Spec. Suppl. No. 1, para. 119.

⁵ SC (40), Spec. Suppl. No. 1, Soviet Union, para. 234.

⁶ SC (40), Spec. Suppl. No. 1, France, para. 243.

⁷ SC (40), Spec. Suppl. No. 1, United Kingdom, para. 248.

⁸ SC (41), Spec. Suppl. No. 1, Soviet Union, paras. 199-200; SC (42), Spec. Suppl. No. 1, Soviet Union, paras. 117-175; SC (43), Spec. Suppl. No. 1, Soviet Union, para. 105.

⁹ SC (41), Spec. Suppl. No. 1, United Kingdom, para. 203.

14. At the fifty-fourth session of the Council, the format of the recommendation came under scrutiny and the drafting Committee decided to discontinue its previous practice to formulate detailed conclusions and recommendations. During the discussion of the report, one member¹⁰ of the Drafting Committee stated that the Committee had in mind the call for termination of the Trusteeship Agreement contained in resolution 2183 (LIII), and that it did not deem appropriate for the Trusteeship Council to repeat its earlier practice of making detailed recommendations, in particular on economic, social and educational questions. According to the delegation, since the peoples of Micronesia had chosen self-government in a form, which was appropriate for their situation and in accordance with their freely expressed wishes, the Council's task had become a limited one.

15. According to another member¹¹ of the Trusteeship Council, the draft conclusions and recommendations "pushed the Trusteeship Council further along the path of violation of its mandate under the Charter and from the Security Council since the members of the Drafting Committee had already clearly stated that henceforth the functions of the Council as regards the Trust Territory would supposedly be shrinking".

16. At the fifty second session of the Trusteeship Council, the question of the responsibility of the Administering Authority was raised in connection with the Compacts agreements between the United States and the four entities. One delegation¹² asked the Administering Authority as to whether it intended to make the "Compacts" and the supplementary Agreements to the Compacts between the Administering Authority and the Trust Territory available to the Trusteeship Council. The delegation mentioned that the United Nations Charter required the members of the Trusteeship Council not to simply take note of *faits accomplis* in a Trust Territory, but promote the political economic, social and educational advancement of the inhabitants of the Territories. According to the delegation, the Trusteeship Council should have the documents in connection with the responsibilities of the Administering Authority to report to the Council on the situation in the Trust Territory.

17. The Administering Authority¹³ replied that copies of the Compacts were available to the delegates. At the same time, the representative stated that it was not part of the responsibility of the Trusteeship Council to be a party in the ongoing negotiations nor had such role been undertaken previously. The representative said that the Compacts would be submitted to the Trusteeship Council after they had received the necessary approvals.

2. COMMUNICATIONS AND PETITIONS

¹⁰ SC (42), Spec. Suppl. No. 1, United Kingdom, para. 170-171.

¹¹ SC (42), Spec. Suppl. No. 1, Soviet Union, para. 175.

¹² T/PV. 1588, Soviet Union, paras. 27-30, 32-35.

¹³ Ibid. paras. 31, 36.

18. During the period under review, the Trusteeship Council, in pursuance of Article 87b, examined 43 communications¹⁴ and 262 written petitions¹⁵. The Council also heard 65 petitioners¹⁶ mainly concerned with the future status of the Trust Territory, its political, economic and social conditions, the question of compensation to the victims of atomic tests and radiation, war damage claims, land issues and the scale of payments for land leased by the Administering Authority for missile tests. In addition, the Council, at its sixteenth, seventeenth and eighteenth special session, examined a total of 8 communications¹⁷ and 12 written petitions¹⁸.

19. During the period under review the Special Committee on decolonization¹⁹ heard 4 petitioners while the General Assembly's Fourth Committee²⁰ heard a total of 16 petitioners.

20. During the deliberations in the Fourth Committee, members of the Trusteeship Council²¹ maintained that it was beyond the competence of the Committee to hear petitioners on the question of the Trust Territory, which was expressly reserved, under Article 83 of the Charter, to the Security Council and the Trusteeship Council.

21. During the period under review, the Trusteeship Council in many instances diverged from its previous practice²² of considering the petitions and communications *en bloc*. In 1985, the Trusteeship Council dealt²³ with communications and petitions in distinct categories. The following year the Trusteeship Council began considering²⁴ communications and petition one by one and at its 1619th meeting it decided to consider²⁵ the remaining petitions²⁶ *en bloc*. Delegations were allowed to make

¹⁴ T/COM.10/L.353-355, T/COM.10/L.357-364, and Add.1, T/COM.10/L.366, T/COM.10/369-375, T/COM.10/378, T/COM.10/380-391; T/COM.10/L.392-401.

¹⁵ T/PET.10/ 326-328, T/PET.10/330, T/PET.10/346-347, T/PET.10/359-392, T/PET.10/395-404, T/PET.10/406, T/PET.10/410-412, T/PET.10/414-417, T/PET.10/420-426, T/PET.10/428-442, T/PET.10/445-461, T/PET.10/476, T/PET.10/495-507, T/PET.10/511-513, T/PET.10/519, T/PET.10/521-523, T/PET.10/526-537, T/PET.10/580-669, T/PET.10/ 676-697, T/PET.10/699-700, T/PET.10/705-706, T/PET.10/709 and T/PET.10/717-730.

¹⁶ T/PV.1583-1586, T/PV.1590 and T/PV.1595, T/PV.1603-1606, T/PV.1626-1629, T/PV.1634, T/PV.1644, T/PV.1645, T/PV.1649-1650.

¹⁷ T/COM.10/L.356, T/COM.10/L.365, T/COM.10/L.376, T/COM.10/L.377, T/COM.10/L.379-380

¹⁸ T/PET.10/345-358, T/PET.10/462-475, T/PET.10/477-494, T/PET.10/539-552 and Add.1-2, T/PET.10/553-579.

¹⁹ GA (41) Suppl. No.23, chap.IX, paras. 80-81, GA (43) Suppl. No.23, chap.IX, para. 98.

²⁰ GA(40), 4th Comm., 11 mtg.; GA(41), 4th Comm., 10 mtg.; GA(42), 4th Comm., 10-11 mtg.; GA(43), 4th Comm., 7 mtg.;

²¹ GA(40), 4th Comm., 11 mtg., France, para. 4; GA(40), 4th Comm., 11 mtg., United Kingdom, para. 22.; GA(42), 4th Comm., 3 mtg., United Kingdom, para. 2; GA(40), 4th Comm., 11 mtg., United States, para. 19; GA(41), 4th Comm., 10 mtg., United States, para. 4; GA(42), 4th Comm., 11 mtg., United States, para. 89; GA(43), 4th Comm., 3 mtg., United States, para. 2-3

²² *Repertory, Supplement* No.6, vol.V, under Article 83, para. 24.

²³ T/PV.1592, paras. 27-30.

²⁴ T/PV.1613, para.2.

²⁵ T/PV.1619, para. 12.

²⁶ T/PET.10/387, T/PET.10/392, T/PET.10/395-404, T/PET.10/406, T/PET.10/410-412, T/PET.10/414-417, T/PET.10/420-426, T/PET.10/428-442, T/PET.10/445-461

comments at the end in a general statement. In 1987 the Trusteeship Council considered²⁷ communications and petitions one by one. In 1988 it examined²⁸ written communications and petitions in groups of five.

22. At the 1613th meeting of the Council, one member²⁹ drew attention to one point in the list of petitions and communications. It was noted that in the third column of the document³⁰, headed "Observation by the Administering Authority", the indication "Not required" or "Required" was added against each petition. The representative asked who determined whether the Administering Authority should comment on the documents and what criteria were used in determining whether observations were required.

23. The President³¹ clarified that the decisions were taken under the authority of the President of the Trusteeship Council with the advice of the Secretariat. For the future it was decided that when written petitions were received by the Secretariat, they should be transmitted to the President and distributed immediately as official documents to the members of the Trusteeship Council. After the members of the Council familiarized themselves with a petition, they should notify the President of the Trusteeship Council as soon as possible if they wished the Administering Authority to make observations.

3. VISITING MISSIONS

(a) *Periodic visiting mission*

24. In pursuance of Article 87 c, the Trusteeship Council continued to dispatch periodic United Nations visiting missions to the Trust Territory of the Pacific Island to secure first-hand information concerning the Territory. At its 1597th meeting, the Trusteeship Council adopted, without objection, resolution 2179 (LII) concerning arrangements for the dispatch of a periodic visiting mission to the Trust Territory of the Pacific Island.

25. During the debates on the dispatching of the mission, one delegation³² complained that previous missions had been used by the Administering Authority to cover up the fact that it did not fulfil its obligations under the Trusteeship Agreement and the Charter. The delegation affirmed that, by participating in one of those missions it had attempted to correct the situation but the majority of the members had not allowed to reflect in the mission's report its individual opinion regarding the real situation in the Territory.

26. However, the representative stated that his delegation would not object to the adoption of the draft resolution on the understanding that the mission would be a periodic mission similar to those previously dispatched to the Trust Territory and that it would not have any additional competences beyond the scope of the usual mandate of such visiting missions.

²⁷ T/PV.1633, paras. 22-25.

²⁸ T/PV.1654, paras. 33-35

²⁹ T/PV.1613, Soviet Union, paras. 3-5,

³⁰ T/1887/Add.1.

³¹ T/PV.1613, paras. 7-10

³² SC (40), Spec. Suppl. No. 1, Soviet Union, para. 173-177.

27. The mission visited the Trust Territory of the Pacific Island from 16 July 1985 to 3 August 1985 and was composed of one representative each from France and the United Kingdom.

28. In its report, the mission noted substantial progress in all areas since the last visiting mission in 1982. One of the mission's member³³ stressed that the Micronesians and their elected leaders were emphatic in expressing their desire for speedy termination of the Trusteeship Agreement.

29. At the same time, one of the Trusteeship Council members³⁴ considered that the mission did not report objectively on the state of affairs in Micronesia. Referring to the Administering Authority's categorical refusal to allow the Special Committee on decolonization to visit the Trust Territory, the representative concluded the reason to be that the Special Committee was comprised of representatives from all regional groups, including States recently freed from the yoke of colonialism.

30. At its 1601st meeting, the Trusteeship Council adopted³⁵ the report of the United Nations visiting mission by 3 votes to 1.

(b) Visiting missions to observe plebiscites and referenda

31. During the period under review, the Trusteeship Council dispatched a total of 4 visiting missions to observe plebiscites in Palau. Three of these missions were authorized by the Special Sessions³⁶ convened at the request of the Administering Authority.³⁷ One was authorized by the fifty-fourth regular session of the Trusteeship Council³⁸.

32. At its sixteen special session, in February 1986, the Trusteeship Council decided³⁹, by 3 votes to 1, to dispatch a visiting mission composed by the representatives of Fiji, France, Papua New Guinea and the United Kingdom to observe the plebiscite in Palau. The mission visited Palau from 16 to 25 February 1986 and presented its report to the Trusteeship Council.

33. In introducing the Report of the Visiting Mission to Observe the Plebiscite in Palau⁴⁰ the United Kingdom's representative⁴¹ stated that the mission had found the political awareness of Palauans extremely high, that the conduct of the poll was a model of its kind and that the counting and tabulating of votes were equally well done. The Soviet

³³ SC (41), Spec. Suppl. No. 1, France, para. 115.

³⁴ Ibid., Soviet Union, para. 119.

³⁵ Ibid., France, para. 120.

³⁶ Sixteenth special session 4-6 February 1986, Seventeenth special session 20-26 November 1986, and Eighteenth special session 13 August 1987.

³⁷ T/1886, T/1904, T/1910, T/1915.

³⁸ SC (42), Spec. Suppl. No. 1, para 101.

³⁹ TC resolution 2180 (S-XVI).

⁴⁰ T/1885.

⁴¹ SC (41), Spec. Suppl. No. 1, United Kingdom, para 150.

Union⁴² maintained that the Trusteeship Council was forced to rubber-stamp the results of anti-Charter activities of Washington, D.C. and cover them with the United Nations flag. That contradicted the spirit and the letter of the Charter and the obligations assumed by the United Nations in its trusteeship over Micronesia, and was in contravention of the Declaration on the Granting of Independence to Colonial Countries and People. Another delegation⁴³ stated that the members of the missions were all of an independent mind and not mere accomplices of the Administering Authority.

34. By resolution 2182 (LIII), adopted by 3 votes to 1, the Trusteeship Council took note of the mission report and expressed its appreciation for the work accomplished by the mission on its behalf.

35. In 1986 Palau's Supreme Court ruled that the section of the Compact relating to nuclear substances would require a 75 per cent vote majority to amend the Constitutional ban on such substances. As a consequence of the ruling, Palau National Congress authorized a new plebiscite to ask voters to approve specifically that particular section of the Compact.

36. By a letter⁴⁴ dated 11 November 1986 addressed to the Secretary-General, the representative of the United States requested, under rule 3 of the rules of procedure of the Trusteeship Council, the convening of a special session to consider the dispatch of a visiting mission to Palau to observe the plebiscite. The Council convened the seventeenth special session from 20 to 26 November 1986.

37. During the debates, the representative⁴⁵ of the Soviet Union said that the rule of procedure of the Council clearly stated that notification of the convening of a session "as a rule, shall be given at least 30 days in advance" to the members of the Trusteeship Council, the Security Council, the Economic and Social Council and certain specialized agencies. The representative maintained that the special session was called with very little advance notice and violated the rule. The representative of the Administering Authority⁴⁶ said her delegation respected the practices set forth in rule 4, which provided for shorter notice in exceptional circumstances.

38. The President of the Council⁴⁷ said that he had agreed to the accelerated procedure because the proposed item was discussed by the Council at two sessions in 1986 and because he was legally bound to convene a session when a majority of the members request him to do so.

39. During the discussion about the mandate of the mission, the representative of the Soviet Union⁴⁸ stated that regardless of the procedural devices used, the Council's

⁴² SC (41), Spec. Suppl. No. 1, Soviet Union, para 159.

⁴³ SC (41), Spec. Suppl. No. 1, United Kingdom, para 160-161.

⁴⁴ T/1904.

⁴⁵ SC (42), Spec. Suppl. No. 1, Seventeen special session, Soviet Union, para 3.

⁴⁶ Ibid. para. 4.

⁴⁷ Ibid. para. 5.

⁴⁸ Ibid. para. 26.

mandate did not authorize the mission to take any decision relating to a change in the status of the Trust Territory or to make any recommendations with regard any new status of the Territory as a whole or any of its parts.

40. Resolution 2184 (S-XVIII) adopted by 3 votes to 1, authorized the dispatch of a United Nation Visiting Mission to Observe the Plebiscite in Palau, composed of one representative each from Fiji, France, Papua New Guinea and the United Kingdom.

41. The Trusteeship Council considered⁴⁹ the report of the mission to Palau in May 1987. The report concluded that the people of Palau had voted freely and in accordance with their wishes.

42. At its fifty-fourth session, the Trusteeship Council had before it a letter from the United States that conveyed an invitation from the President of Palau to the Council to observe a plebiscite to be held in Palau on 31 May and 2 June 1987. On 19 May, the American representative⁵⁰ informed the Trusteeship Council that the plebiscite would actually take place on 23 June and proposed to add a new item to the agenda of the Council to discuss the matter.

43. The representative of the Soviet Union⁵¹ said that the inscription of a new item in the agenda of the present session was not justified. First the Trusteeship Council had not yet completed examination of the Administering Authority's report on the situation in the Trust Territory and second the Council's agenda contained an item entitled "Report of the United Nations Visiting Mission to Observe the plebiscite in Palau, Trust Territory of the Pacific Island, December 1986", which should be considered before deciding to inscribe a new item, only to realize in subsequent substantive discussions it was unnecessary.

44. At its 1633rd meeting the Trusteeship Council decided⁵² to include the item on its agenda and at its 1638th meeting it adopted, by 3 votes to 1, resolution 2185 (LIV), by which it decided to send a visiting mission, to observe the plebiscite in Palau. It was later agreed that the members of the mission should be the representatives of France, the United Kingdom, Fiji and Papua New Guinea and that the mission should begin on or about 17 June 1987 and end as soon as practicable after the declaration of the results. As in the past, the Trusteeship Council decided to include members of the Trusteeship Council and countries from the Pacific region in the mission.

45. Following the June plebiscite in Palau, which did not produced the required majority for constitutional amendment, the Palau Parliament authored a referendum on a constitutional amendment that would permit the Compact to be adopted by simple

⁴⁹ The Trusteeship Council took note of the report of the mission in resolution 2186(LIV) adopted by 3 votes to 1.

⁵⁰ SC (42), Spec. Suppl. No. 1, para. 87.

⁵¹ Ibid, para. 88. The discussion took place on 19 May, 1987 before the Trusteeship Council voted on the Report of the United Nations Visiting Mission to Observe the plebiscite in Palau, Trust Territory of the Pacific Island, December 1986.

⁵² SC (42), Spec. Suppl. No. 1, para. 91.

majority. The legislation contextually authorized, if the amendment was successful, another plebiscite on 21 August on the Compact.

46. Unofficial results of the referendum indicated that 73.3 per cent voted for the proposed constitutional amendment. However, the case remained pending before the Supreme Court that was to pronounce on the constitutional legality of the referendum.

47. By a letter dated 7 August 1987 addressed to the Secretary-General, the Acting Permanent Representative of the United States of America, under rule 3 of the rules of procedures of the Trusteeship Council, requested the convening of a special session of the Trusteeship Council to consider the dispatch of a visiting mission to observe a plebiscite in Palau, scheduled for 21 August 1987. The request for a special session received the support of the majority of the members of the Trusteeship Council.

48. The delegation of the Soviet Union⁵³ maintained that the Council was not complying fully with rule 4 of the rules of procedure under which notification should be given at least 30 days in advance of the date of the session. He recalled that in 1985 and 1986 the Council complied strictly with the 30-days rule for preparation for special sessions, enabling members to prepare for the complex questions on its agenda.

49. The President of the Trusteeship Council⁵⁴ replied that the Secretary-General, under the Council's rules of procedure, informed him that the request for the United States has the support of the majority of the members. Consequently, in his capacity as President, he had established that the meeting should take place on 13 August 1987. The urgency of the question seemed to fully justify his decision under rule 4 of the rule of procedure, which said that such notification, "as a rule" should be given at least 30 days in advance.

50. The Council held its eighteen special session on 13 August 1987.

51. During the discussion of the agenda, the representative of the Soviet Union⁵⁵ suggested that the Council should first consider item 4 of its agenda on petitions and then the question of the dispatch of a visiting mission. The representative of the United States⁵⁶ said that, under rule 10 of the Council's rule of procedure, priority should be given to those items for which a special session was called. The Council, without objection, favoured the adoption of the agenda in the sequence appearing in the provisional agenda.

52. In the debates, the United States representative⁵⁷ stated that the Government of Palau was arranging a plebiscite scheduled for 21 August 1987, as authorized by law. Under the constitutional amendment, a simple majority vote would decide whether the Compact

⁵³ Ibid, Soviet Union, paras. 9-10.

⁵⁴ Ibid, para. 11.

⁵⁵ SC (42), Spec. Suppl. No. 1, eighteen special session, para 3.

⁵⁶ Ibid, para. 4.

⁵⁷ Ibid., para 17.

entered into force. The representative of the Soviet Union⁵⁸ expressed its concerns about the opportunity of dispatching another visiting mission to the Territory and declared that his delegation would vote against.

53. At its 1642nd meeting, the Trusteeship Council adopted resolution 2187 (S-XVIII) by 3 votes to 1 and authorized the visiting mission.

54. At its 1643rd and 1645th to 1647th meetings, in December 1987, the Trusteeship Council considered the two reports⁵⁹ of the United Nation Visiting Missions to Observe the Plebiscites in Palau, Trust Territory of the Pacific Island, June 1987 and August 1987.

55. In introducing the June 1987 mission's report the representative of the United Kingdom⁶⁰ stated that in the mission's opinion, the poll had been conducted in accordance with all relevant regulations.

56. During the discussion of the report on the August 1987 visiting mission, the representative of the Soviet Union⁶¹ called for an explanation for the delay in the mission's departure, since the resolution of the Trusteeship Council had clearly laid down 17 August for the beginning of the mission work while the mission departed 18 August. The representative of the United Kingdom⁶² recalled that between the time the decision was taken to send the mission and the scheduled date of the plebiscite, there were some doubts that the plebiscite would have taken place and it would have been unwise to dispatch a mission of that length and expense unless there was reasonable certainty that the plebiscite would take place. The representative of Papua New Guinea⁶³ stated that he was saddened by the increasing tendency to use the Trusteeship Council as a forum for an East-West power rivalry. He urged the Administering Authority and the Council to respond adequately to the concerns expressed by Palauans and the world community and to ensure that the trusteeship responsibilities in the Territory were terminated in line with the wishes, interests and aspirations of the people and with the principles and practices of the United Nations on decolonization.

57. On 16 December 1987, the Trusteeship Council adopted two resolutions⁶⁴ on both reports by 3 votes to 1 where it took note of the reports and expressed appreciation of the work accomplished on its behalf.

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

⁵⁸ Ibid., paras. 24-32.

⁵⁹ T/1919, T/1920.

⁶⁰ SC (42), Spec. Suppl. No. 1, para. 105.

⁶¹ Ibid., para 119.

⁶² Ibid., para 120.

⁶³ Ibid., para 124.

⁶⁴ TC resolution 2188 (LIV) and resolution 2189 (LIV).

58. General Assembly resolution 1514 (XV) containing the declaration of the Granting of Independence to Colonial Countries and People applies to “Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence”. At its sixteen session, the General Assembly had 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 implementation of the Declaration.

59. The following paragraphs examine two aspects related to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: (a) cooperation by the Trusteeship Council with the Special Committee with regard to the Trust Territory of Pacific Islands, and (b) consideration by the Special Committee of the question of the Trust Territory of the Pacific Islands.

60. During the period under review, the Trusteeship Council continued to consider⁶⁵ the question of “Attainment of self-government or independence by the Trust Territory of the Pacific Islands and the question of co-operation 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”.

61. As reported in the previous *Supplements*⁶⁶, since the last remaining Trust Territory was defined as strategic, the Trusteeship Council decided to cease reporting to the General Assembly and its subsidiary committees, including the Special Committee on decolonization.

62. During the period under review, this decision continued to be debated in all the sessions of the Trusteeship Council. In particular the Soviet Union⁶⁷ continued to maintain that there was nothing in Article 83 to prevent the General Assembly or any other United Nations organ from following the situation in the Territory. The representative also affirmed that the majority of Member States favoured the total elimination of colonialism in all its form and manifestation, the active work on decolonization by the Special Committee and the full implementation of the Declaration. The overwhelming majority of States Members of the United Nations believed that Micronesia was on the list of Territories covered by the Declaration and that the problem of Micronesia remained one of decolonization.

63. The Administering Authority and other members of the Trusteeship Council⁶⁸ maintained that Article 83 (1) of the Charter indicated very clearly that, as regards

⁶⁵ SC (40), Spec. Suppl. No. 1, paras. 180-203; SC (41), Spec. Suppl. No. 1, paras. 168-176; SC (42), Spec. Suppl. No. 1, paras 134-144; SC (43), Spec. Suppl. No. 1, paras. 97-101.

⁶⁶ *Repertory, Supplement No. 5*, vol. IV, under Article 83, paras. 40-51; *Repertory, Supplement No. 6*, vol. V, under Article 83, para. 53.

⁶⁷ SC (40), Spec. Suppl. No. 1, paras.180-182 ; SC (42), Spec. Suppl. No. 1, para. 140; SC (43), Spec. Suppl. No. 1, paras. 98-100.

⁶⁸ SC (40), Spec. Suppl. No. 1, France, para 190-191, United Kingdom, para 192, United States, para. 195; SC (41), Spec. Suppl. No. 1, United Kingdom, para. 172, United States, para.173; SC (42), Spec. Suppl. No. 1, France, para. 142.

strategic Trust Territories, all functions of the United Nations would be exercised by the Security Council. The Special Committee was a subsidiary organ of the General Assembly, not of the Security Council. Since the sole remaining Trust Territory was a strategic area, the Administering Authority and other members of the Trusteeship Council considered that there was no longer any need for the co-operation between the Council and the Special Committee, which had existed when Territories other than Micronesia were under the jurisdiction of the Trusteeship Council.

64. However, the Special Committee continued to examine⁶⁹ the agenda item “Relationship with Trusteeship Council” where it drew the attention of the Trusteeship Council to its conclusions and recommendations concerning the Trust Territory. In addition, the Special Committee considered annually the agenda item “Trust Territory of the Pacific Island” and adopted resolutions. During the consideration of the item, the Committee granted requests for hearings from petitioners. Hearings are discussed above in Section 2.

65. The Fourth Committee also discussed annually the question of the Trust Territory of the Pacific Island. At every session⁷⁰, the Chairman of the Fourth Committee stated that on the basis of informal consultations he would suggest not to take any action on the draft resolution adopted by the Special Committee.

⁶⁹ G A (40), Suppl. No. 23, paras. 107-109; G A (41), Suppl. No. 23, paras. 99-100; G A (42), Suppl. No. 23, paras. 97-98; G A (43), Suppl. No. 23, paras. 86-87.

⁷⁰ G A (40), 4th Comm., 20th mtg; G A (41), 4th Comm., 18th mtg.; G A (42), 4th Comm., 21th mtg.; G A (43), 4th Comm., 14th mtg.

ANNEX

Submission of annual reports for the Trust Territory of the Pacific Island

<i>Period covered</i>	<i>Date of Submission</i>	<i>Document Symbol</i>	
		<i>Trusteeship Council</i>	<i>Security Council</i>
1 October 1983 – 30 September 1984	28 March 1985	T/1871	S/17105
1 October 1984– 30 September 1985	21 April 1986	T/1888	S/18192
1 October 1985– 30 September 1986	14 April 1987	T/1909 and Add.1	S/18822
1 October 1986– 30 September 1987	22 April 1988	T/1923	S/19855