

**Repertory of Practice of United Nations Organs
Supplement No.8
Volume V**

(Advance version, to be issued in volume V of Supplement 8 (forthcoming))

of the *Repertory of Practice of United Nations Organs*)

**ARTICLE 83
CONTENTS**

	<i>Paragraphs</i>
Text of Article 83	
Introductory note	1-2
General survey	3-6
Analytical summary of practice	7-35
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	7-26
1. Annual reports of the administering authority	7-12
2. Communications and petitions	13-14
3. Visiting missions to Palau	15-26
(a) Periodic visiting missions	16-21
(b) Visiting missions to observe plebiscites	22-26
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	27-33
C. Amendment of the Rules of Procedure of the Trusteeship Council	34-35

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, 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 only remaining trust territory was the strategic Territory of the Pacific Islands, questions regulated under Articles 87 and 88 referring to subsidiary organs of the General Assembly are treated under Article 83.

2. The analytical summary of this supplement generally follows the basic outline of previous supplements. A new section C has been added to cover new developments concerning the rules of procedure of the Trusteeship Council. Accordingly, the analytical summary is organized around three main topics: 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 Island; C) amendment of the rules of procedure of the Trusteeship Council.

I. 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 relating to the strategic Trust Territory of the Pacific Islands. In particular, it continued to consider the annual reports of the administering authority of the trust territory,¹ to accept² and examine communications and petitions³ and hear oral petitioners,⁴ and to dispatch visiting missions to the trust territory⁵ and examine those missions' reports.⁶

¹ See T/PV.1661; T/PV.1664-66; T/PV.1669; T/PV.1670; T/PV.1674; T/PV.1676-77; T/PV.1679; T/PV.1681; T/PV.1683; T/PV.1685; T/PV.1687; T/PV.1691-95; T/PV.1698-1701; T/PV.1704-05.

² T/INF/37 and Add.1; T/INF/38 and Add.1; T/INF/39; T/INF/40 and Add.1; T/INF/41; T/INF/41/A/COM.7-8; T/INF/42.

³ See T/PV.1666-68; T/PV; T/PV.1677; T/PV.1680; T/PV.1686; T/PV.1692; T/PV.1699; T/PV.1702; T/PV.1704.

⁴ See T/PV.1662-63; T/PV.1675-76; T/PV.1680; T/PV.1684; T/PV.1692; T/PV.1699; T/PV.1704.

⁵ See T/RES/2190 (S-XIX); T/RES/2192 (S-XX); T/RES/2194 (S-XXI); T/RES/2196 (LX); T/RES/2197 (LX);

4. Following prior practice, the Trusteeship Council appointed⁷ every year a drafting committee⁸ to propose recommendations and conclusions regarding the trust territory. The proposed recommendations and conclusions were then adopted with or without a vote⁹ in the Trusteeship Council to be included in the reports to the Security Council on the Trust Territory of the Pacific Islands.¹⁰

5. During the period under review, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (“the Special Committee”) continued to consider questions related to the Trust Territory of the Pacific Islands and took decisions on the subject,¹¹ even though the Trust Territory had been designated as “strategic”. Nevertheless, the Special Committee subsequently drew the attention of the Security Council¹² and the Trusteeship Council¹³ to the conclusions and recommendations concerning the Trust Territory, acknowledging that all functions of the United Nations relating to strategic areas should have been exercised by the Security Council. Similarly, the Fourth Committee conducted hearings on petitions concerning the Trust Territory. During the hearings, several Member States emphasized that it was the function of the Security Council and the Trusteeship Council to examine questions of the Trust Territory

⁶ See T/PV.1664; T/PV.1667-68; T/PV.1670-71; T/PV.1674; T/PV.1677-78; T/PV.1680-81; T/PV.1691-94; T/PV.1703.

⁷ See T/PV.1667; T/PV.1679; T/PV.1686; T/PV.1693; T/PV.1700; T/PV.1704.

⁸ The Drafting Committee was composed of representatives of France and the United Kingdom before 1992; then it was composed of the representatives of China, France, the Russian Federation and the United Kingdom.

⁹ See T/PV.1671; t/pv.1681; T/PV.1688; T/PV.1696; T/PV.1701; T/PV.1705.

¹⁰ S/20843; S/22212; S/23554; S/25261; S/1994/346; S/1994/1400.

¹¹ See A/AC.109/PV.1330-31; A/AC.109/PV.1347-48; A/AC.109/PV.1363; A/AC.109/PV.1393

¹² S/20146; S/20827; S/21662; S/23035

¹³ T/1927; T/1939; T/1950; T/1959

and that the General Assembly and its Committees were not competent to deal with these questions.¹⁴

6. In 1994, the Trusteeship Council amended its rules of procedure to drop the obligation to meet annually and agreed to meet as occasion required.¹⁵ After the last Trust Territory obtained independence, the Trusteeship Council ceased operating in November 1994.¹⁶

II. ANALYTICAL SUMMARY

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

7. During the period under review, following established practice pursuant to Article 87(a) of the Charter, the Trusteeship Council continued to examine the annual reports of the administering authority for the Trust Territory of the Pacific Islands for the years ending 30 September 1988 to 1993.¹⁷

¹⁴ See A/C.4/44/SR.3; A/C.4/45/SR.3; A/C.4/46/SR.5.

¹⁵ T/RES/2200 (LXI)

¹⁶ See S/1994/1200.

¹⁷ See T/PV.1661; T/PV.1664-66; T/PV.1669; T/PV.1670; T/PV.1674; T/PV.1676-77; T/PV.1679; T/PV.1681; T/PV.1683; T/PV.1685; T/PV.1687; T/PV.1691-95; T/PV.1698-1701; T/PV.1704-05.

8. The consideration process began with the opening statements by representatives of the administering authority, which outlined the developments relating to the situation in the Trust Territory of the Pacific Islands and particularly focused on the efforts to approve the Compact of Free Association.¹⁸ The President or Vice-President of Palau was invited as special representative of the administering authority to supplement the opening statements in the Trusteeship Council.¹⁹ The special representatives elaborated on the developments and problems facing Palau and called upon the administering authority to fulfill its trusteeship responsibilities and fully honor its commitments under the Trusteeship Agreement before its termination.²⁰

9. Members of the Trusteeship Council made statements to acknowledge and support the progress made towards independence of Palau.²¹

10. The representative of the Union of Soviet Socialist Republics (“USSR representative”) expressed the view that the administering authority’s division of the Trust Territory of the Pacific Islands was a “policy of dismemberment and annexation” in violation of the Charter.²² In its view, the Security Council was solely empowered the right to alter the status of the Trust Territory or terminate the Trusteeship Agreement.²³ The USSR representative also raised concern about the articles relating to the military facilities in the Compact of Free Association and stated that the administering authority were using Palau’s economic and military dependence on the United States to exert

¹⁸ The Compact of Free Association was concluded between the United States and Palau and its approval was prerequisite to the complete independence of Palau.

¹⁹ See S/20843, paras 17-31; S/23554, para 26S/1994/346, paras 32-3; S/1994/1400, paras 34-48..

²⁰ See *ibid.*

²¹ See T/PV.1661; T/PV.1664-66; T/PV.1669; T/PV.1670; T/PV.1674; T/PV.1676-77; T/PV.1679; T/PV.1681; T/PV.1683; T/PV.1685; T/PV.1687; T/PV.1691-95; T/PV.1698-1701; T/PV.1704-05.

²² See S/20843, para. 58.

²³ See *ibid.*, para. 62.

pressure on the inhabitants and local authorities to approve the Compact of Free Association.²⁴

11. Other members of the Trusteeship Council expressed the view that the division of the Trust Territory was neither against the will of local people and authority nor to increase their dependence on the United States. In their view, the administering authority had made efforts to create a single State but had not succeeded.²⁵ Moreover, the military facilities in the Trust Territory aimed at protecting rather than threatening local people, and the administering authority had expressed its intention not to use the Trust Territory for military purposes.²⁶

12. The consideration process ended with closing statements by representatives of the administering authority.

2. Communications and Petitions

13. During the period under review, the Trusteeship Council, in pursuance of Article 87(b) of the Charter, examined 34 communications and 212 written petitions.²⁷ The Council also heard 35 petitioners²⁸ mainly concerned with the political, economic and social conditions of the Trust Territory of the Pacific Islands, its future prospect, and war damage claims. The Trusteeship Council then took note of the communications and decided to draw the attention of the petitioners to the observations made during its

²⁴ See *ibid.*, paras 60-61.

²⁵ See *ibid.* para 39.

²⁶ See *ibid.* para 40.

²⁷ See T/PV.1666-68; T/PV; T/PV.1677; T/PV.1680; T/PV.1686; T/PV.1692; T/PV.1699; T/PV.1702; T/PV.1704.

²⁸ See T/PV.1662-63; T/PV.1675-76; T/PV.1680; T/PV.1684; T/PV.1692; T/PV.1699; T/PV.1704.

session by the representatives of the administering authority and members of the Council.²⁹

14. During the period under review, the Fourth Committee also conducted hearings on petitions concerning the Trust Territory of the Pacific Islands. During the hearings, several Member States maintained that it was the function of the Security Council and the Trusteeship Council to examine questions relating to the Trust Territory and that the General Assembly and its Committees were not competent to deal with these questions.³⁰

3. Visiting Missions to Palau

15. During the period under review, the Trusteeship Council considered four requests³¹ from the administering authority to dispatch visiting missions to Palau, the last remaining entity³² of the Trust Territory of Pacific Islands that had not completed the constitutional approval process of the Compact of Free Association for Palau.³³ Details of the requests and activities of the Trusteeship Council are discussed in the following paragraphs.

a) Periodic Visiting Mission

16. In pursuance of Article 87(c) of the Charter, the Trusteeship Council continued to dispatch periodic United Nations visiting missions to the Trust Territory of the Pacific

²⁹ See T/PV.1667; T/PV.1677; T/PV.1686; T/PV.1699; T/PV.1772; T/PV.1704.

³⁰ See A/C.4/44/SR.3; A/C.4/45/SR.3; A/C.4/46/SR.5.

³¹ T/PV.1659; T/PV.1673; T/PV.1701; T/PV.1702.

³² See S/20843, p.3.

³³ For description of and amendments to the Compact of Free Association for Palau, see T/1851, T/1885.

Islands to track developments in the Territory. On 17 March, 1989,³⁴ the Trusteeship Council adopted a resolution by three votes to one³⁵ concerning arrangements for the dispatch of a periodic visiting mission to the Trust Territory.

17. During the debate on the dispatch of the mission,³⁶ the USSR representative questioned the reason for the precipitate convening of the special session to dispatch a periodic visiting mission to Palau which was only a part of the Trust Territory.³⁷ In its view, there would be opportunities to consider thoroughly the administering authority's annual report later and that the dispatch of such mission was at variance with the Charter, the Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples ("the Declaration").³⁸

18. The representative of the administering authority stated that the last periodic visiting mission was in 1985, and since then there had not been any periodic visiting mission.³⁹ Moreover, the timing of the request was solely based on the desirability of making the mission's report available in time for consideration by the Trusteeship Council at its fifty-sixth session.⁴⁰ The representative also stated that the existence of a report by the administering authority had never precluded the dispatch of an objective visiting mission of the Trusteeship Council and that the two reports were not mutually exclusive.⁴¹ Finally, the representative emphasized the value of such visiting mission in

³⁴ T/PV.1660.

³⁵ T/RES/2190 (XIX).

³⁶ T/PV.1659.

³⁷ See S/20843, para 8.

³⁸ See *ibid*, para 9-10.

³⁹ *Ibid*, para 12.

⁴⁰ *Ibid*.

⁴¹ *Ibid*, para 13.

“[allaying] fears concerning accusations of a military bridgehead and the imposition of nuclear weapons in Palau.”⁴²

19. Other members of the Trusteeship Council supported the dispatch of such visiting mission and stated that mention of the Compact in the draft resolution was legitimate, citing precedents.⁴³ They expressed the view that the Compact of Free Association was chosen by the great majority of Palauans after years of consideration of other methods of attaining independence or self-determination,⁴⁴ and sending periodic visits to the Trust Territory was clearly one of the basic prerogatives of the Trusteeship Council under Article 87.⁴⁵

20. From 17 May to 1 June 1989, the Trusteeship Council considered the report of the United Nations Visiting Mission to Palau (“1989 Visiting Mission”).⁴⁶ The USSR representative reiterated its delegation’s objection to the dispatch of the mission, emphasizing on the coercive nature of the mission and actions of the administering authority.⁴⁷

21. The Trusteeship Council adopted by four votes to one resolution 2191 (LVI) on 1 June 1989,⁴⁸ taking note of the report of the 1989 Visiting Mission and expressed its appreciation of the work accomplished by the Mission on its behalf.

b) Visiting Missions to Observe Plebiscites

⁴² *Ibid*, para 14.

⁴³ See T/RES/2183 (LIII); S/20168.

⁴⁴ S/20168.

⁴⁵ *Ibid*.

⁴⁶ T/PV.1664; T/PV.1667-68; T/PV.1670-71.

⁴⁷ T/PV.1668.

⁴⁸ T/PV.1671.

22. During the period under review, the Trusteeship Council also continued to dispatch visiting missions to observe plebiscites in Palau.
23. On 9 January 1990, at the request of the administering authority,⁴⁹ the Trusteeship Council adopted resolution 2192 (S-XX) by four votes to one⁵⁰ to dispatch a visiting mission to the Trust Territory of the Pacific Islands to observe the plebiscite of 6 February 1990 on the Compact of Free Association. The USSR representative reiterated his delegation's objection of dispatching the mission.⁵¹
24. From 21 May to 1 June 1990, the Trusteeship Council considered the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau ("1990 Visiting Mission").⁵² No objection was raised.⁵³
25. On 1 June 1990, the Trusteeship Council adopted resolution 2193 (LVII) without a vote, taking note of the report of the 1989 Visiting Mission and expressed its appreciation of the work accomplished by the Mission on its behalf.⁵⁴
26. On 17 May 1993 and 1 November 1993, the Trusteeship Council adopted respectively resolutions 2196 (LX) and 2197 (LX)⁵⁵ to dispatch visiting missions to observe a plebiscite on the Compact of Free Association.

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

⁴⁹ See T/1940.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² T/PV.1674; T/PV.1677-78; T/PV.1680-81.

⁵³ See *ibid.*

⁵⁴ T/PV.1681.

⁵⁵ *Ibid.*

27. This section examines two aspects related to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: a) cooperation between the Trusteeship Council and the Special Committee with regard to the Trust Territory of the Pacific Islands, and b) attainment of self-government or independence by the Trust Territory and situation in the Trust Territory with regard to the implementation of the Declaration.

28. During the period under review, the USSR representative emphasized, in the meetings of the Trusteeship Council, the importance of the role conferred on the Special Committee and stated that actions taken by it under the Declaration was applicable to the Trust Territory of the Pacific Islands.⁵⁶ The representative consistently suggested that the Trusteeship Council should exploit fully the Special Committee's wealth of positive experience and potential by close and fruitful cooperation with it, in the interest of "a more effective implementation of the Council's functions".⁵⁷

29. The Trusteeship Council consistently drew the attention of the Security Council to the conclusions and recommendations adopted by it in accordance with the relevant provisions of the Charter and in particular Article 83.⁵⁸

30. Three of four districts within the Trust Territory of the Pacific Islands fully attained independence or self-determination prior to the period under review,⁵⁹ but their Trusteeship Agreement had not been terminated. On 22 December 1990, the Security Council adopted resolution 683, in which the Council determined that, in light of the entry into force of the new status agreements for three entities the objectives of the

⁵⁶ T/PV.1670.

⁵⁷ T/PV.1678; T/PV.1686.

⁵⁸ T/PV.1671; T/PV.1681; T/PV.1688; T/PV.1701; T/PV.1705.

⁵⁹ See *Repertory of Practice of United Nations Organs*, supplement 7 under Article 83.

Trusteeship Agreement had been fully attained and that the applicability of the Agreement had terminated with respect to those entities.⁶⁰

31. On 25 May 1994, the Trusteeship Council adopted resolution 2199 (LXI), which, *inter alia*, noted that the people of Palau had freely exercised their right to self-determination in a plebiscite observed by the visiting mission of the Trusteeship Council and had chosen free association with the United States. The resolution called upon the Governments of the United States and Palau to determine a date for coming into force of the Compact Free Association. Relevant paragraphs of the resolution read as follows:

2. *Requests* the Government of the United States, in consultation with the Government of Palau, to agree on a date on or about 1 October 1994 for the full entry into force of the Compact of Free Association, and to inform the Secretary-General of the United Nations of that date;
3. *Considers* that the Government of the United States, as the Administering Authority, has satisfactorily discharged its obligations under the terms of the Trusteeship Agreement and that it is appropriate for that Agreement to be terminated with effect from the date referred to in paragraph 2 above, as agreed upon by the two Governments;
4. *Requests* the Secretary-General to circulate as official documents of the Security Council the present resolution and all material received from the Administering Authority pursuant to this resolution.

⁶⁰ S/RES/683 (1990).

32. By a letter dated 17 October 1994, the representative of the United States informed the Secretary-General that as a consequence of consultations between the United States and Palau Governments, the Compact of Free Association had come into force on 1 October 1994.⁶¹

33. On 10 November 1994, the Security Council adopted resolution 956, which determined that, in light of the entry into force, on 1 October 1994, of the new status agreement for Palau, the objectives of the Trusteeship Agreement had been fully attained and the applicability of the Agreement had been terminated with respect to Palau.⁶²

C. Amendment of the Rules of Procedure of the Trusteeship Council

34. On 24 May 1994, the Trusteeship Council adopted resolution 2200 (LXI) to amend its rules of procedure.⁶³ Under the new rule, the Trusteeship Council would not be under obligation to meet annually and would meet as occasion required, by a decision of its President, or at the request of a majority of its members or the General Assembly or the Security Council.⁶⁴

35. After Palau, the last remaining trust territory, attained independence on 1 October 1994, the Trusteeship Council suspended its operation on 1 November 1994.

⁶¹ See T/1985.

⁶² S/RES/956 (1994).

⁶³ T/RES/2200 (LXI).

⁶⁴ See *ibid.*