

ARTICLE 85

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ARTICLE 85

TEXT OF ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

INTRODUCTORY NOTE

1. The questions that arose at earlier sessions of the General Assembly and the Trusteeship Council concerning the application and interpretation of Article 85 were explained in detail in the *Repertory* and its *Supplements Nos. 1 and 2*. During the period under review no fundamental questions of interpretation arose in connexion with the Article and most of the practices and procedures evolved at earlier sessions were continued in their general application.

2. It may be recalled that, in practice, the term "functions of the United Nations" referred to in Article 85 (1) was interpreted by the General Assembly in its widest sense as applying not only to the approval of the Trusteeship Agreements, but to all functions of the United Nations in supervising the administration of Trust Territories not designated as strategic areas.

3. During the period under review, no Territories were placed under the International Trusteeship System and, consequently, no question arose concerning the approval of Trusteeship Agreements, nor were any Trusteeship Agreements altered or amended. The Trusteeship Agreements for seven Trust Territories were, however, terminated by the General Assembly, in agreement with the Administering Authorities concerned. In section A of the Analytical Summary of Practice reference is made to the final action taken by the General Assembly in terminating the Agreements and to the assistance sought from the Trusteeship

Council in this regard. The substantive aspects of terminating the Agreements and the preliminary arrangements decided upon by the General Assembly in certain cases are dealt with in detail in this *Supplement*, under Article 76.

4. Section B of the previous studies of this Article in the *Repertory* and its *Supplements Nos. 1 and 2* concerned the direct exercise by the General Assembly of certain of the specific functions referred to in Articles 87 and 88. In this study, the material concerning the granting of oral hearings has been included in section B. Detailed treatment with regard to the Questionnaire, however, will be found in this *Supplement*, under Article 88, and only a brief reference is made to that question in this study.

5. Section C of the previous studies dealt with the relationship between the General Assembly and the Trusteeship Council. It was divided into several headings and subheadings to facilitate analysis of all types of action by both organs bearing on that relationship. The earlier headings that remain applicable are repeated in this study.

6. A list of the resolutions pertaining to the International Trusteeship System that were adopted by the General Assembly from the fourteenth to the eighteenth sessions and during the twentieth session appears in this *Supplement* in the annex to the study of Article 16.

I. GENERAL SURVEY

7. During the period under review, the Trusteeship Agreements for the Trust Territories of the Cameroons under French administration, the Cameroons under United Kingdom administration, Ruanda-Urundi, Tanganyika, Somaliland under Italian administration, Togoland under French administration and Western Samoa were terminated by the General Assembly in agreement with the Administering Authorities concerned.

Prior to termination, the Assembly took a number of decisions directed towards ascertaining the wishes of the inhabitants of certain of the Trust Territories concerning their future and, in this connexion, sought the assistance of the Trusteeship Council. The Assembly also adopted a number of resolutions with a view to enabling the Trust Territories to function effectively after they emerged from trusteeship.

8. Requests for hearing were received and dealt with by the Fourth Committee of the Assembly. The majority of them came from the Trust Territories of Ruanda-Urundi, the Cameroons under French administration and the Cameroons under United Kingdom administration.

9. The Sub-Committee on the Questionnaire, which the General Assembly had established at its eighth session, was discontinued during the period under review.

10. The General Assembly continued the practice of adopting resolutions¹ relating to the reports of the

¹ G A resolutions 1409 (XIV), 1610 (XV), 1701 (XVI), 1858 (XVII) and 1969 (XVIII). At the nineteenth session, the General

Trusteeship Council, following its examination of the reports. At its twentieth session, however, it discontinued the practice of adopting a resolution in respect to the report of the Council as a whole. Instead, it adopted resolutions relating to the specific chapters of the report of the Trusteeship Council concerning conditions in Nauru and New Guinea.²

Assembly, in view of the particular circumstances prevailing at that session, merely noted that the report had been received.

² G A resolutions 2111 (XX) and 2112 (XX).

II. ANALYTICAL SUMMARY OF PRACTICE

A. Questions concerning the approval, alteration or amendment of Trusteeship Agreements; termination of Trusteeship Agreements

11. As noted above seven Trusteeship Agreements were terminated by the General Assembly, in agreement with the Administering Authorities concerned, on the achievement by the Trust Territories of the final objective of the International Trusteeship System: self-government or independence.

12. The General Assembly in resolution 1349 (XIII) resolved, in agreement with the Administering Authority, that, on 1 January 1960, when the Cameroons under French administration would become independent the Trusteeship Agreement approved by the General Assembly on 13 December 1946 should cease to be in force in accordance with Article 76 b of the Charter of the United Nations. That decision was implemented as scheduled, that is to say, when the Cameroons under French administration became an independent sovereign state on 1 January 1960.

13. In resolution 1416 (XIV) the General Assembly noted that the Governments of France and of Togoland had agreed that the date on which the Republic of Togoland should become independent was to be 27 April 1960, and reiterated its decision³ that, on the date of independence of Togoland, which had been established as 27 April 1960, the Trusteeship Agreement for Togoland under French administration, approved by the General Assembly on 13 December 1946, would cease to be in force.

14. In accordance with article 24 of the Trusteeship Agreement relating to Somaliland under Italian administration, trusteeship was to cease to be in force ten years after the date of its approval by the General Assembly, that is to say, on 2 December 1960, at which time the Trust Territory was to become an independent sovereign State.

15. The scheduled date of independence of Somaliland under Italian administration was advanced, however, to 1 July 1960 in response to the wish expressed

by the Legislative Assembly and conveyed by the Government of Somalia. The General Assembly in resolution 1418 (XIV) took note of the fact that independence would be proclaimed on that date and resolved accordingly, in agreement with the Administering Authority, that on 1 July 1960, when Somalia would become independent, the Trusteeship Agreement approved by the General Assembly on 2 December 1950 would cease to be in force, the basic objectives of trusteeship having been attained.

16. As to the Trust Territory of the Cameroons under United Kingdom administration, the General Assembly decided in resolution 1608 (XV) that the plebiscites in the Northern Cameroons and in the Southern Cameroons having been taken separately with differing results, the Trusteeship Agreement of 13 December 1946 concerning the Cameroons under United Kingdom administration would be terminated in accordance with Article 76 b and in agreement with the Administering Authority, in the following manner:

(a) With respect to the Northern Cameroons, on 1 June 1961, upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria;

(b) With respect to the Southern Cameroons, on 1 October 1961, upon its joining the Republic of Cameroun.

17. In resolution 1626 (XVI) the General Assembly resolved, in agreement with the Administering Authority, that the Trusteeship Agreement for Western Samoa approved by the General Assembly on 13 December 1946, would cease to be in force upon the accession of Western Samoa to independence on 1 January 1962.

18. In resolution 1609 (XV) the General Assembly resolved, in agreement with the Administering Authority, that the Trusteeship Agreement for Tanganyika, approved by the General Assembly on 13 December 1946, would cease to be in force upon the accession of Tanganyika to independence on 28 December 1961. Subsequently, however, the General Assembly in resolution 1642 (XVI) took note of the advancement of the date of independence for Tanganyika from 28 December 1961 to 9 December 1961 and resolved, in agreement with the Administering Authority, that the

³ Contained in resolution 1253 (XIII).

Trusteeship Agreement for Tanganyika would cease to be in force upon the accession of Tanganyika to independence on the new agreed date.

19. In resolution 1746 (XVI) the General Assembly decided, in agreement with the Administering Authority, to terminate the Trusteeship Agreement of 13 December 1946 in respect of Ruanda-Urundi on 1 July 1962, on which date Rwanda and Burundi would emerge as two independent and sovereign States.

20. Apart from the assistance provided by the Trusteeship Council by its submission to the General Assembly in its annual reports of information on the Trust Territories concerned and recommendations and conclusions on their advancement towards self-government or independence, the assistance of the Council was specifically sought by the Assembly in connexion with the preliminary arrangements leading to the termination of certain of the Trusteeship Agreements.

21. Thus, in the case of Somaliland under Italian administration, the General Assembly, in resolution 1418 (XIV) by which, as already noted, it decided to terminate the Trusteeship Agreement, also expressed its confidence that the recommendations and observations of the Trusteeship Council concerning the broadening of the composition of the Political Committee and the Constituent Assembly, a popular confirmation of the constitution then under preparation through a referendum, and a modification of the existing electoral law would be implemented before the date on which the Trusteeship Agreement was terminated, and that the Administering Authority would furnish a report on the implementation of those recommendations to the Trusteeship Council at its twenty-sixth session.

22. The Administering Authority accordingly submitted such a report⁴ to the Council at its twenty-sixth session and by resolution 2015 (XXVI) the Council took note of the final steps by which the Administering Authority ensured an orderly transfer of the functions of government to the duly constituted, independent Government of Somalia, thus attaining the basic objectives of the International Trusteeship System.

23. In the case of Western Samoa, the General Assembly, having decided by resolution 1569 (XV) to appoint a United Nations Plebiscite Commissioner to supervise a plebiscite to ascertain the wishes of the inhabitants of Western Samoa concerning their future, requested the Commissioner to submit his report to the Trusteeship Council and requested the Council to transmit to the General Assembly at its sixteenth session the report of the Commissioner, together with any recommendations and observations it considered necessary.

24. The Council accordingly considered the report of the Plebiscite Commissioner and in resolution 2102 (XXVI) took note, with satisfaction, of the results of the plebiscite whereby the people of Western Samoa had, by an overwhelming majority, expressed their agreement with the Constitution for an independent Western Samoa and agreed, that, on 1 January 1962, the Trust Territory should become an independent State on the basis of that Constitution. The Council

transmitted to the General Assembly, for consideration at its sixteenth session, the report of the Plebiscite Commissioner and the record of the Council's discussion with the recommendation that the Assembly, taking into account the wishes of the people of Western Samoa as expressed in the plebiscite, decide, in agreement with the Administering Authority, to terminate the Trusteeship Agreement for Western Samoa on 1 January 1962 when the Trust Territory would become independent.⁵

25. Similarly, in the case of the Cameroons under United Kingdom administration the General Assembly, having recommended by resolution 1350 (XIII) that separate plebiscites should be organized in the northern and southern parts of the Territory, requested the United Nations Plebiscite Commissioner to submit his reports on the plebiscites to the Trusteeship Council and requested the Council to transmit to it the reports, together with any recommendations and observations it considered necessary.

26. Subsequently, the Assembly by resolution 1352 (XIV) made recommendations concerning the two questions that should be put at the plebiscite in the Southern Cameroons and the qualifications for voting in it.

27. The Plebiscite Commissioner transmitted a report to the Trusteeship Council at its tenth special session on the results of the plebiscite in the Northern Cameroons and the Council accordingly transmitted it to the Assembly.⁶ At its fourteenth session, the Assembly recommended in resolution 1473 (XIV) that a further plebiscite be held in the Northern Cameroons and that the Administering Authority initiate without delay the separation of the administration of the Northern Cameroons from that of Nigeria. The Assembly further requested the Administering Authority to report on the process of separation to the Trusteeship Council and requested the Council to submit a report on the matter to the Assembly at its fifteenth session.

28. At its twenty-sixth session, the Council accordingly considered the future of the Territory and adopted a resolution transmitting the records of its discussion to the General Assembly. Under the resolution, the Council recommended, *inter alia*, that the Administering Authority ensure, in particular, the existence, until the completion of the plebiscites, of police forces wholly responsible to the authorities in the Territory; it expressed the hope that steps would be taken to extend the principle of universal adult suffrage and requested the Administering Authority to take appropriate steps to ensure that the people of the Territory would be fully informed, before the plebiscites, of the constitutional arrangements that would have to be made, at the appropriate time, to implement the decisions of the plebiscites.⁷

29. The United Nations Plebiscite Commissioner subsequently transmitted his report on the conduct of

⁵ G A (XVI), Suppl. No. 4, p. 19.

⁶ G A (XIV), Annexes, a.i. 41, A/4313; T C resolution 2007 (S-10).

⁷ G A (XV), Suppl. No. 4, pp. 27 and 28.

⁴ T C (XXVI), Annexes, a.i. 15, T/1534.

the two plebiscites to the Trusteeship Council and the Council at its eleventh special session, forwarded it under resolution 2101 (S-11) to the General Assembly.

30. In connexion with the termination of the Trusteeship Agreement for Ruanda-Urundi, by resolution 1419 (XIV) the General Assembly requested the Trusteeship Council to consider in detail the plans of political reforms envisaged for the Territory by the Administering Authority and to include its observations and recommendations on the plans in its report to the Assembly at its fifteenth session. The Assembly further requested the Council to dispatch its 1960 Visiting Mission to Trust Territories in East Africa early in 1960 so as to make it possible for the Mission to report to the Council, at its twenty-sixth session, on the conditions and causes of the recent disturbances in the Territory.

31. Accordingly, by resolution 2009 (XXV) the Council requested the 1960 Visiting Mission, *inter alia*, to take into account Assembly resolution 1419 (XIV) and to make a special investigation of the conditions and causes of the recent disturbances in Ruanda-Urundi.

32. The Council subsequently reported⁸ to the General Assembly, at its fifteenth session, on the plans for political reform and on the disturbances. In resolution 2018 (XXVI) after noting the progress made by the Trust Territory towards the objectives of the International Trusteeship System and the intention of the Administering Authority to hold elections in 1961 on the basis of universal adult suffrage under the supervision of the United Nations, it recommended that the question of the future of Ruanda-Urundi be inscribed as a separate item in the provisional agenda of the fifteenth session of the General Assembly.

33. In connexion with the termination of the Agreements, the Assembly, at its fourteenth session adopted a number of resolutions with a view to enabling the Trust Territories to function effectively after they emerged from trusteeship status and reached independence in particular resolution 1412 (XIV) on the preparation and training of indigenous civil cadres in the Trust Territories; resolution 1414 (XIV) on study of opportunities for international co-operation on behalf of the former Trust Territories which had become independent; resolution 1415 (XIV) concerning assistance to territories emerging from a trust status and to newly independent States and resolution 1417 (XIV) relating to assistance to Togoland under French administration.⁹

B. Questions concerning the exercise by the General Assembly of functions under Articles 87 and 88

****1. REQUESTS FOR REPORTS FROM THE ADMINISTERING AUTHORITIES: CONSIDERATION OF THESE REPORTS; RECOMMENDATIONS CONCERNING THE CONTENT OF CERTAIN ANNUAL REPORTS SUBMITTED BY THE ADMINISTERING AUTHORITIES UNDER ARTICLE 88**

2. THE HEARING OF ORAL PRESENTATIONS BY THE FOURTH COMMITTEE OF THE GENERAL ASSEMBLY

a. Hearing of petitioners

34. During the fourteenth session of the General Assembly, the Fourth Committee received and granted twenty-three requests for hearings. Ten requests concerned the Cameroons under French administration; six the Cameroons under United Kingdom administration; two Ruanda-Urundi; and five Somaliland under Italian administration. Six petitioners from the Cameroons under French administration, three from the Cameroons under United Kingdom administration, two from Ruanda-Urundi and five from Somaliland under Italian administration appeared before the Committee.¹⁰

35. In connexion with one of the requests concerning the Cameroons under French administration the French delegation made the following reservations: (a) the petitioner was the subject of judicial proceedings; (b) the petitioner had asked to be heard on behalf of the *Parti des démocrates camerounais*, a party on behalf of which other petitioners had been granted hearings; (c) the question on which the petitioner wished to be heard was not on the Committee's agenda. Nevertheless, that delegation raised no objection to the petitioner being granted a hearing in connexion with the Report of the Trusteeship Council and the hearing was granted.¹¹

36. Concerning a request for a further hearing from a petitioner from the Cameroons under French administration, the French delegation disassociated itself from the question of granting a hearing on the grounds that the petitioner had attempted to frustrate by violence the implementation of the General Assembly's last resolution concerning the Cameroons under French administration.¹²

37. In the case of a request for hearings on behalf of two petitioners from Somaliland under Italian administration representing the Somali National Union and the Great Somalia League, objection to granting the request was made by the Ethiopian representative on the grounds that the right of petition had been established by the Charter with a view to ensuring the efficient operation of the Trusteeship System; it was granted to the inhabitants of Trust Territories to enable them to make known their views on questions strictly confined to the administration of those Territories. The Ethiopian representative stated that the problem of the delimitation of the frontier between Somaliland under Italian administration and Ethiopia was solely within the jurisdiction of the Administering Authority and the Ethiopian Government, which were trying to settle it through procedures established by the General Assembly. In addition, there was every likelihood that the petitioners would refer to Ethiopia and to the territories under its jurisdiction in their statements, thereby going beyond the limitations prescribed by the

⁸ G A (XV), Suppl. No. 4, p. 270.

⁹ For detailed treatment, see this *Supplement* under Article 76.

¹⁰ G A (XIV), Annexes, a.i. 13, A/4320, paras. 3 and 5; a.i. 40, A/4350, para. 4; a.i. 41, A/4340, paras. 3 and 5, and A/4348, para. 5.

¹¹ G A (XIV), 4th Com., 908th mtg., para. 2.

¹² *Ibid.*, 889th mtg., para. 2.

Charter; he felt, therefore, that the proposed hearing was neither useful nor timely.¹³

38. The request for hearings was granted¹⁴ by 19 votes to 7, with 26 abstentions.

39. With respect to the Cameroons under United Kingdom administration, the representative of Liberia proposed¹⁵ that a petitioner from the Northern Cameroons be heard before the plebiscite in that part of the Territory was held. The representative of New Zealand, supported by the representative of Australia, objected to that proposal. He felt that it would be highly impractical to try to halt at that time the process already set in motion as a result of a decision reached, after exhaustive discussion, at the Assembly's previous session. In his view, the logical time to hear the petitioner would be when the Committee had before it the report of the United Nations Plebiscite Commissioner.

40. The Liberian proposal was adopted by 42 votes to 13, with 13 abstentions.¹⁶

41. During the first and second parts of the fifteenth session of the Assembly, the Fourth Committee granted seventy-six requests for hearings.¹⁷ Fifty-two were from organizations and individuals in Ruanda-Urundi, twenty-three concerned the Cameroons under United Kingdom administration and one Tanganyika.

42. With respect to a total of twenty-three requests received at the first part of the fifteenth session from Ruanda-Urundi, a suggestion was made by the representative of Italy that each political group should be represented by one petitioner only. The representative of Ethiopia objected to that suggestion on the grounds that it would limit the right of the petitioners to be heard. The Chairman ruled that the Committee would hear the petitioners to whom, individually, it had granted hearings and that it was for them to decide how they would present their views.¹⁸

43. Sixteen petitioners from Ruanda-Urundi appeared before the Committee at the first part of the fifteenth session and seventeen at the second part. In one case, the petitioner, Mwami Kigeli V of Ruanda, was unable to appear and the Committee decided to circulate the text of his statement.¹⁹

44. Twenty-three petitioners appeared before the Committee and made statements concerning the Cameroons under United Kingdom administration. The petitioner from Tanganyika also appeared before the Committee.

45. During the sixteenth session, the Fourth Committee granted seventeen requests for hearings, three from Tanganyika and fourteen from Ruanda-Urundi.

All except two petitioners from Ruanda-Urundi appeared before the Committee.²⁰

46. The General Assembly either made reference to the oral presentations in its resolutions or simply noted the views expressed by the petitioners in the course of its discussions. Thus, the resolution²¹ concerning the date of independence of the Trust Territory of Somaliland under Italian administration adopted by the General Assembly at its fourteenth session contained a reference to the fact that the Assembly had heard the views of the petitioners. The resolution²² on the plans of political reforms for the Trust Territory of Ruanda-Urundi adopted at that same session likewise mentioned the fact that the Assembly had heard the views of the petitioners and drew the attention of the Trusteeship Council to their statements. At the same session, in the resolution²³ concerning the future of the Trust Territory of the Cameroons under United Kingdom administration and the organization of a further plebiscite in the northern part of the Territory, reference is made to the fact that the Assembly had heard the views expressed by the petitioner.

47. In the resolutions²⁴ concerning the question of the future of Ruanda-Urundi, adopted at the fifteenth session, reference is made to the fact that the General Assembly had heard the views of petitioners belonging to various political parties and groups of Ruanda-Urundi. During the same session, the General Assembly stated in the preamble to its resolution²⁵ on land tenure and agrarian reform in Ruanda-Urundi, that it had borne in mind that the majority of the petitioners were agreed that that problem was of vital importance to the Territory. In connexion with the Trust Territory of the Cameroons under United Kingdom administration, the General Assembly, in its resolution²⁶ referred to the fact that it had heard the petitioners from the Territory.

48. At its sixteenth session, the General Assembly adopted a resolution²⁷ in which it noted that the Fourth Committee had heard petitioners from Tanganyika and that during its twenty-seventh session, the Trusteeship Council had also heard petitioners from Tanganyika. In the resolution's operative paragraph, the Assembly requested the Administering Authority to take account of the comments and suggestions made during the discussion of the report of the Trusteeship Council at the sixteenth session of the General Assembly, with a view to extending similar consideration in the matter of compensation for loss of career to all expatriate civil servants without regard to race, colour, creed or origin.

¹³ *Ibid.*, 990th mtg., para. 3.

¹⁴ *Ibid.*

¹⁵ *Ibid.*, 892nd meeting para. 51.

¹⁶ *Ibid.*, paras. 52-55.

¹⁷ G A (XV), Annexes, a.i. 45, A/4672, paras. 3, 7 and 9, and A/4735, paras. 4 and 7-13; a.i. 13, A/4737, paras. 5-7 and A/4738, para. 6.

¹⁸ G A (XV), 4th Com., 1066th mtg., paras. 9-11.

¹⁹ G A (XV), 4th Com., 1068th mtg., para. 1; G A (XV), Annexes, a.i. 45, A/C.4/467.

²⁰ G A (XVI), Annexes, a.i. 13, A/4950, paras. 3 and 5; a.i. 49, A/4929/Add.1, paras. 7, 12 and 13, and A/5142, paras. 7 and 11.

²¹ G A resolution 1418 (XIV).

²² G A resolution 1419 (XIV).

²³ G A resolution 1473 (XIV).

²⁴ G A resolutions 1579 (XV) and 1605 (XV).

²⁵ G A resolution 1606 (XV).

²⁶ G A resolution 1608 (XV).

²⁷ G A resolution 1646 (XVI).

49. In the resolution²⁸ concerning the future of Ruanda-Urundi adopted at its sixteenth session, the Assembly mentioned the fact that it had heard the petitioners from that Territory. A similar reference appeared in the resolution²⁹ concerning the same Trust Territory adopted at the resumed sixteenth session of the General Assembly.

b. Initiative taken by the Fourth Committee in inviting petitioners to appear before it

50. During the sixteenth session of the General Assembly, the Fourth Committee held discussions on the circumstances that had led to the assassination of the Prime Minister of Burundi, Prince Rwagasora. During the debate, the representative of Mali, supported by a number of other representatives, proposed that since petitioners from Ruanda-Urundi were present in New York they should be asked to supply information on the situation in their country.³⁰

51. The Chairman of the Fourth Committee stated that if there were no objections, the petitioner from the Trust Territory would be invited to address the Committee. Since there was no objection, it was so decided.

52. Subsequently, a petitioner, representing the Union nationale ruandaïse addressed the Fourth Committee and replied to the questions asked by Committee members.³¹

c. The question of the capacity in which representatives of a Trust Territory could address the Fourth Committee

53. During the sixteenth session,³² the representative of Belgium informed the Committee that the Deputy Prime Minister of Burundi and the President of the Legislative Assembly of Rwanda had understood that the Committee would like to hear statements from them. He added, however, that a difficulty arose in that they did not wish to appear as petitioners, nor did they wish to be heard as members of the Belgian delegation, being anxious to speak in complete freedom and independence. The representative of Belgium wondered whether they could be heard by the Committee without being regarded either as petitioners or as members of the Belgian delegation.

54. A number of representatives submitted alternative suggestions to meet the wishes of the representatives of Rwanda and Burundi while at the same time preserving established rules and procedures. A suggestion was made that they should be heard as distinguished guests. On the other hand, the view was expressed by the representative of Guinea that since the Committee had before it the report of the United

Nations Commission for Ruanda-Urundi³³ and would have to assess the validity of recent elections, it might appear to be prejudging the question if it were to confer a specific title on persons who appeared before it as elected representatives of Rwanda und Burundi. He suggested, therefore, that they should speak as members of the Belgian delegation. In a subsequent intervention, he also suggested that they be heard as petitioners.

55. The representative of India pointed out that while his delegation was anxious to hear the deputy Prime Minister of Burundi and the President of the Legislative Assembly of Rwanda, the constitutional proprieties should be maintained. Under the normal practice, there were two possible procedures for hearing statements in the Committee: the person concerned appeared either as a member of a delegation or as a petitioner.

56. The representative of Mexico suggested that the Committee, having heard the request by the Deputy Prime Minister of Burundi and the President of the Legislative Assembly of Rwanda, through the representative of Belgium, to participate as a matter of right in the discussion on the future of Ruanda-Urundi, should decide to invite them to participate in the debate on that item. If that suggestion was followed, it should be made clear that their participation in the debate would not prejudice the discussion of the agenda item.

57. The Chairman of the Fourth Committee suggested that, as the Belgian Minister for Foreign Affairs had requested a hearing on behalf of the two representatives and as the Committee wished to hear them, it should decide to do so without considering in what specific capacity they were to be heard. As there was no objection to the Chairman's suggestion, it was so decided. At a later meeting, the Committee again decided, on a proposal from the representative of Iran, to invite the representatives of the Governments of Rwanda and Burundi to speak before the Committee and reply to questions put to them.³⁴ Accordingly, the Prime Minister of Burundi as well as the Minister for Foreign Affairs and the President of the Legislative Assembly of Rwanda subsequently appeared before the Committee.³⁵

3. DISSOLUTION OF THE SUB-COMMITTEE ON THE QUESTIONNAIRE

58. As recorded in the *Repertory*³⁶ although the function referred to in Article 88, namely the formulation of a questionnaire for each Trust Territory, was assigned specifically to the Trusteeship Council, the General Assembly under resolution 751 (VIII) nevertheless established a Sub-Committee which was to examine the Questionnaire formulated by the Trusteeship Council, to study such changes as might be neces-

²⁸ G A resolution 1743 (XVI).

²⁹ G A resolution 1746 (XVI).

³⁰ G A (XVI), 4th Com. 1172nd mtg., paras. 24-66.

³¹ G A (XVI), 4th Com., 1173rd mtg., paras. 81-84; 1174th mtg., paras. 5-40.

³² For texts of relevant statements, see G A (XVI), 4th Com., 1261st mtg.: Chairman (Liberia), para. 18; Belgium, para. 1; Guinea, paras. 3 and 16; India, para. 5; Mexico, para. 12; United States, para. 2.

³³ G A (XVI), Annexes, a.i. 49, A/4994 and Add. 1 and Corr. 1 and 2.

³⁴ G A (XVI), 4th Com., 1307th mtg., paras. 48 and 49.

³⁵ *Ibid.*, 1311th 1312nd and 1313th mtgs.

³⁶ See *Repertory*, vol. IV, under Article 85, paras. 53 and 54.

sary to adapt it to the special conditions of each Trust Territory and to submit its conclusions to the Council.

59. At its sixteenth session, the General Assembly, by resolution 1645 (XVI), after noting that the Trusteeship Council had adopted special questionnaires for certain Trust Territories decided that the Sub-Committee having completed its work, should be discontinued.³⁷

C. The question of the relationship between the General Assembly and the Trusteeship Council

I. ACTIONS TAKEN BY THE GENERAL ASSEMBLY WITH RESPECT TO THE EXERCISE BY THE TRUSTEESHIP COUNCIL OF ITS RESPONSIBILITIES

a. Action taken by the General Assembly on the annual reports submitted to it by the Trusteeship Council

60. At its fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sessions, the General Assembly, after considering the annual reports of the Trusteeship Council, continued the practice of adopting resolutions in which it took note of the reports. In the resolution³⁸ adopted at the fourteenth session, the Assembly recommended that the Trusteeship Council, in its future deliberations, should take into account the comments and suggestions made during the discussion of its report in the General Assembly; by the resolutions³⁹ adopted at its fifteenth and sixteenth sessions, it recommended that the Administering Authorities should take account of the recommendations and observations contained in the reports. By the resolution adopted at the sixteenth session, the Assembly also recommended that the Council should consider the comments and suggestions made during the discussion of the report. Under the resolutions⁴⁰ adopted at the seventeenth and eighteenth sessions, the Assembly called upon the Administering Authorities to take account of the recommendations and observations contained in the reports of the Trusteeship Council and to bear in mind those expressed by delegations during the debate on the report.

61. At the twentieth session, however, the Assembly discontinued the practice of adopting a resolution on the report of the Trusteeship Council as a whole; instead it adopted separate resolutions on the two remaining non-strategic Trust Territories—Nauru and New Guinea—which contained a paragraph in which it stated that it had examined the chapters of the reports of the Trusteeship Council relating to the Territory concerned.⁴¹

b. Endorsement by the General Assembly of certain specific conclusions, recommendations and observations of the Trusteeship Council

62. The General Assembly continued the practice of endorsing certain specific conclusions, recommen-

dations and observations of the Trusteeship Council during the period under review. Thus, by resolution 1418 (XIV) concerning Somaliland under Italian administration, the General Assembly expressed its confidence that the recommendations and observations of the Trusteeship Council would be implemented before the date on which the Trusteeship Agreement was terminated and that the Administering Authority would furnish a report on the implementation of those recommendations to the Trusteeship Council at its twenty-sixth session.

63. By resolution 1579 (XV) of 20 December 1960 the General Assembly endorsed the observation of the Trusteeship Council that in view of the essential community of interests and the facts of history and geography, the best future for Ruanda-Urundi lay in the evolution of a single, united and composite State with such arrangements for the internal autonomy of Ruanda and Urundi as might be agreed upon by their representatives.

c. Recommendations regarding measures to be taken by the Trusteeship Council in dealing with questions or problems concerning Trust Territories; requests to the Trusteeship Council to carry out special studies

64. During the period under review the requests by the General Assembly to the Trusteeship Council to carry out special studies were primarily made in connexion with the preliminary arrangements leading to the termination of the Trusteeship Agreements and as such have been referred to in section A above in paragraphs 20-32.

65. By resolutions 1206 (XII) and 1278 (XIII) the Assembly had requested the Trusteeship Council to continue its study of the economic advancement of Somaliland under Italian administration in consultation with the Administering Authority and the Government of Somalia; by the latter resolution, it had requested the Council to consider the prospects of further assistance from the Special Fund, the Expanded Programme of Technical Assistance and the specialized agencies.⁴² The Council took note of the resolutions and, from its twenty-fourth session on, gave consideration to the question during its examination of conditions in the Territory.

66. By resolution 1411 (XIV) the General Assembly reaffirmed resolution 1277 (XIII) by which it had requested the Trusteeship Council to consider the way in which scholarships and training facilities offered by Member States were being utilized by inhabitants of Trust Territories. It also requested the Council to resume, at its sessions to be held in 1960, the consideration of that question and to report thereon to the General Assembly at its fifteenth session. By resolution 1611 (XV) the Assembly requested the Council to continue its consideration of that question at its twenty-seventh session and to report thereon to the General Assembly at its sixteenth session.⁴³

67. By resolution 1607 (XV) the General Assembly requested the Secretary-General to prepare for the Trusteeship Council at its twenty-seventh session and

³⁷ For further details, see this *Supplement* under Article 88.

³⁸ G A resolution 1409 (XIV).

³⁹ G A resolutions 1610 (XV) and 1701 (XVI).

⁴⁰ G A resolutions 1858 (XVII) and 1969 (XVIII).

⁴¹ G A resolutions 2111 (XX) concerning Nauru and 2112 (XX) concerning both New Guinea and the Territory of Papua.

⁴² See *Repertory Supplement No. 2*, under Article 85, para. 72.

⁴³ For detailed treatment, see this *Supplement* under Article 76.

for the General Assembly at its sixteenth session a report on the implementation of the resolution on dissemination of information on the United Nations and the International Trusteeship System in Trust Territories.

- d. *Requests that the Trusteeship Council make recommendations to the Administering Authorities*
- e. *Recommendations made by the General Assembly concerning the procedures of the Trusteeship Council and the annual reports of the Council to the General Assembly*

68. By resolution 1701 (XVI) of 19 December 1961 the General Assembly, *inter alia*, recommended that the Trusteeship Council should consider at its twenty-eighth session the comments and suggestions made during the discussion of the Council's report at the sixteenth session of the Assembly regarding the remaining Territories under Trusteeship, as well as the Council's methods of work and procedure, in order to bring them into accordance with the requirements of the new situation in the field of the International Trusteeship System.

69. Subsequently, in response to resolution 1701 (XVI) and in view of the fact that only three Trust Territories remained under trusteeship by 1 July 1962,

the Council made certain modifications in its procedures.⁴⁴

70. In accordance with the special procedure concerning the question of the attainment by Trust Territories of self-government or independence, set out in its resolutions 1254 (XVI) and 1369 (XVII), the Trusteeship Council continued to devote a chapter to this question in its reports to the General Assembly. The General Assembly, for its part, continued to pay attention to this question by adopting resolutions in which it requested the Trusteeship Council to report on the progress made in implementing the resolutions of the General Assembly.

2. ACTION TAKEN BY THE TRUSTEESHIP COUNCIL ON THE RECOMMENDATIONS MADE TO IT BY THE GENERAL ASSEMBLY

71. During the period under review, in all cases in which the Assembly made recommendations to the Trusteeship Council, the latter took appropriate action and included an account of the measures it had taken towards implementing the recommendations in its reports to the General Assembly.

⁴⁴ For details, see this *Supplement* under Article 90.

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Chapter XIII
THE TRUSTEESHIP COUNCIL