

# ARTICLE 86

## CONTENTS

	<i>Paragraphs</i>
Text of Article 86	
Introductory note . . . . .	1-2
I. General survey. . . . .	3-6
II. Analytical summary of practice. . . . .	7-17
A. Parity of membership between administering and non-administering Members of the United Nations . . . . .	7-11
1. Composition of the Trusteeship Council . . . . .	7
2. Composition of subsidiary bodies . . . . .	8
3. Composition of visiting missions. . . . .	9-11
B. Participation of States not members of the Trusteeship Council in the work of the Council . . . . .	12-13
C. Participation of representatives of the indigenous populations of Trust Territories in the work of the Trusteeship Council. . . . .	14
D. Question of the verification of the composition of the Trusteeship Council in accordance with the terms of the Charter. . . . .	15-17
**E. Qualifications of representatives of members	
<i>Annex. Membership of subsidiary bodies of the Trusteeship Council</i>	

## ARTICLE 86

### TEXT OF ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:
  - (a) Those Members administering trust territories;
  - (b) Such of those Members mentioned by name in Article 23 as are not administering trust territories; and
  - (c) As many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

### INTRODUCTORY NOTE

1. The material contained in the present study has been set out under the headings used in previous *Supplements*.
2. There was no material requiring treatment under section E entitled "Qualifications of representatives of members".

### I. GENERAL SURVEY

3. As noted previously<sup>1</sup> since the establishment of the trusteeship system, an important basic principle set forth under Article 86 has been parity of membership between the administering and non-administering members. As reported in the previous study of this Article in the *Repertory*,<sup>2</sup> after the attainment of independence by the Trust Territory of New Guinea, Australia ceased to be an administering member of the Trusteeship Council. Thus, only the United States of America remained an administering member, while China, France, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics continued to be members of the Council by virtue of Article 86(1)*b*. Consequently, parity of membership between the administering and non-administering and non-administering members could not be maintained.
4. During the period under review, the practice of including representatives of indigenous populations of the Trust Territories in the delegation of the Administering Authority continued.
5. At the forty-seventh session of the Trusteeship Council, Japan, which was not a member of the Trusteeship Council, participated in the work of the Council without the right to vote.<sup>3</sup>
6. Fiji and Papua New Guinea, also non-members of the Council, participated, without the right to vote,<sup>4</sup> in the fiftieth session of the Trusteeship Council when the report of the visiting mission to observe the plebiscite in Palau was discussed,<sup>5</sup> as described in the present *Supplement* under Article 83.<sup>6</sup>

<sup>1</sup>*Repertory, Supplement No. 3*, vol. III, under Article 86, paras. 17-24.

<sup>2</sup>*Repertory, Supplement No. 4*, vol. II, under Article 86, paras. 7-10.

<sup>3</sup>T/PV.1502.

<sup>4</sup>T/PV.1546.

<sup>5</sup>T/1851.

<sup>6</sup>See, in the present *Supplement*, under Article 83, paras. 46-49.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. Parity of membership between administering and non-administering Members of the United Nations

#### 1. COMPOSITION OF THE TRUSTEESHIP COUNCIL

7. During the period under review, the composition of the Council remained as follows:

*Member administering a Trust Territory:*

United States of America

*Members mentioned by name in Article 23 of the Charter but not administering Trust Territories:*

China

France

Union of Soviet Socialist Republics

United Kingdom of Great Britain and Northern Ireland

#### 2. COMPOSITION OF SUBSIDIARY BODIES

8. The Trusteeship Council, in keeping with its practice of previous years, continued to appoint a drafting committee to propose conclusions and recommendations on the Trust Territory of the Pacific Islands. Representatives of France and the United Kingdom were appointed to the Drafting Committee during the period under review, i.e. from the forty-sixth to the fifty-first sessions of the Council, inclusive.<sup>7</sup>

#### 3. COMPOSITION OF VISITING MISSIONS

9. During the period under review, the Trusteeship Council dispatched a series of visiting missions to the Trust Territory of the Pacific Islands.<sup>8</sup> At its fourteenth special session, held on 12 and 15 February 1979, the Council decided<sup>9</sup> that the visiting mission to observe the constitutional referendum in the Marshall Islands in March 1979 should be composed of representatives of France and the United Kingdom.

10. At its forty-sixth session, held in May/June 1979, the Trusteeship Council decided<sup>10</sup> that the visiting mission to observe the constitutional referendum in Palau in July 1979 should be composed of representatives of France and the United Kingdom. However, at its forty-ninth session, in May/June 1982, the Council decided,<sup>11</sup> without objection, that the 1982 periodic visiting mission to the Trust Territory of the Pacific Islands should be composed of any members of the Council wishing to participate, except the

<sup>7</sup>T/PV.1492, T/PV.1503, T/PV.1520, T/PV.1535, T/PV.1557 and T/PV.1575.

<sup>8</sup>For further details see, in the present *Supplement*, under Article 83.

<sup>9</sup>T C resolution 2167 (S-XIV).

<sup>10</sup>T C resolution 2168 (XLVI).

<sup>11</sup>T C resolution 2173 (XLIX).

Administering Authority, which would provide an escort officer. Subsequently, the visiting mission was composed of representatives of France and the United Kingdom.

11. At the fifteenth special session of the Trusteeship Council, in December 1982, the Council departed from its usual practice by including two non-members of the Council in a series of visiting missions to the Trust Territory of the Pacific Islands. It decided<sup>12</sup> that the visiting mission to observe the plebiscites in Palau (February 1983), the Federated States of Micronesia (June 1983) and the Marshall Islands (September 1983) should be composed of representatives from Fiji, France, Papua New Guinea and the United Kingdom.<sup>13</sup>

### B. Participation of States not members of the Trusteeship Council in the work of the Council

12. On 27 May 1980, the Trusteeship Council, in response to the request by the Permanent Representative of Japan to the United Nations, consented to his participation without the right to vote in the general debate concerning the Trust Territory of the Pacific Islands.<sup>14</sup>

13. In 1983, at its fiftieth session,<sup>15</sup> the Council decided to invite Papua New Guinea and Fiji to participate in its deliberations on those items in which they had a direct interest. In 1984, at its fifty-first session,<sup>16</sup> the Council again decided to invite Papua New Guinea and Fiji to participate in its deliberations. Both Papua New Guinea and Fiji had participated in the 1983 visiting missions dispatched by the Trusteeship Council to observe the plebiscites in Palau, the Federated States of Micronesia and the Marshall Islands,<sup>17</sup> and had also participated in the Council's consideration of the reports of the missions.

### C. Participation of representatives of the indigenous populations of Trust Territories in the work of the Trusteeship Council

14. Representatives of indigenous populations continued to be attached to the delegation of the Administering Authority to the Trusteeship Council in several capacities. They served as advisers, special advisers and special representatives of the Administering Authority. They made statements to the Trusteeship Council and replied to questions concerning conditions in the Territory posed by the members of the Council or by the representatives of the Administering Authority.

<sup>12</sup>T C resolution 2174 (S-XV).

<sup>13</sup>See, in the present *Supplement*, under Article 83, paras. 46-48.

<sup>14</sup>T/PV.1500.

<sup>15</sup>T/PV.1546.

<sup>16</sup>T/PV.1573.

<sup>17</sup>T/1851, T/1860 and T/1865.

**D. Question of the verification of the composition of the Trusteeship Council in accordance with the terms of the Charter**

15. During the period under review, the Trusteeship Council continued to consider the reports<sup>18</sup> of the Secretary-General on the credentials of the members of the Council, but did not examine the credentials of each member separately.

<sup>18</sup>T/1799, T/1810, T/1822, T/1834, T/1840, T/1847, T/1856 and T/1868.

16. As noted in the previous *Supplement*,<sup>19</sup> China, although a member of the Trusteeship Council, did not participate in the sessions of the Council during the period under review.<sup>20</sup> China also did not designate any representatives to the Trusteeship Council.

17. At each session, the Trusteeship Council decided to take note of the report of the Secretary-General on credentials.

**\*\*E. Qualifications of representatives of members**

<sup>19</sup>*Repertory, Supplement No. 5*, vol. IV, under Article 86, para. 39.

<sup>20</sup>T/PV.1388.

## ANNEX

## Membership of subsidiary bodies of the Trusteeship Council

<i>Visiting missions</i>	<i>Members not administering Trust Territories</i>	<i>Non-members of the Trusteeship Council</i>
United Nations Visiting Mission to observe the Referendum on the Constitution of the Marshall Islands, March 1979	Sheila Harden (United Kingdom, Chairwoman) Ricardo Duqué (France)	
United Nations Visiting Mission to Observe the Referendum on the Constitution of Palau, July 1979	Jean-Claude Brochenin (France, Chairman) Ian A. Woods (United Kingdom)	
Periodic visiting mission to the Trust Territory of the Pacific Islands, 1980	Sheila Harden (United Kingdom, Chairwoman) Bernadette Lefort (France)	
Periodic visiting mission to the Trust Territory of the Pacific Islands, 1982	Paul Poudade (France, Chairman) Sheila Harden (United Kingdom)	
United Nations Visiting Mission to observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983	Paul Poudade (France, Chairman) Marrack Goulding (United Kingdom)	Bal Ram (Fiji) Stephen Igo (Papua New Guinea)
United Nations Visiting Mission to observe the Plebiscite in the Federated States of Micronesia, June 1983	John Margetson (United Kingdom, Chairman) Paul Poudade (France) Hugh Mortimer (United Kingdom)	Bal Ram (Fiji) Ralph Karepa (Papua New Guinea) Stephen Igo (Papua New Guinea)
United Nations Visiting Mission to observe the Plebiscite in the Marshall Islands, September 1983	John Margetson (United Kingdom, Chairman) Paul Poudade (France)	David Anggo (Papua New Guinea) Muneshwar Sahao (Fiji)