

ARTICLE 87

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TEXT OF ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

INTRODUCTORY NOTE

1. The action which the General Assembly and, under its authority, the Trusteeship Council may take in supervising the administration of the Trust Territories is set forth in Article 87.
2. As pointed out in this Repertory in the study on Article 85, only in a relatively small number of isolated cases has the General Assembly directly exercised the functions enumerated in Article 87 and it has been considered preferable to deal with questions arising from its exercise of such functions in the study on Article 85. Similarly, the question of the relationship between the General Assembly and the Trusteeship Council has also been dealt with in this Repertory under Article 85.
3. It follows that the present study is concerned almost entirely with the procedures and practices of the Trusteeship Council in carrying out the functions enumerated in Article 87. Since, in fact, such procedures and practices cover the greater part of the activities of the Council and since these procedures and practices have been modified during the eight years of the operations of the Council, considerations of space have made it necessary to confine this study to their most important features.
4. While the functions enumerated in paragraphs a, b and c of Article 87 have not in all respects been exercised separately and while, in particular, the Council has examined reports of visiting missions and certain general questions raised in petitions simultaneously with annual reports of the Administering Authorities, it has been considered more convenient to deal separately with the functions enumerated in each paragraph of the Article. Each paragraph of Article 87 is therefore dealt with under a General Survey, in which the exercise by the Council of its function under that paragraph is reviewed, and an Analytical Summary of Practice, in which an account of particular questions which have arisen and which bear upon that paragraph of the Article is given.
5. Since Article 87 a has not occasioned any difficulties of interpretation, the part of the study dealing with that paragraph is exclusively devoted to an account of

the development of the procedures for its implementation. Essentially these consist of the procedures of the Trusteeship Council for examination of the annual reports made to the General Assembly by the Administering Authorities on the basis of the Questionnaire. ^{1/} Because the final action of the Council following the examination of an annual report is not the adoption of a resolution or resolutions, but the drafting of a chapter for inclusion in the report of the Council to the General Assembly, an account of the form in which such reports are drawn up is included. A third question which is dealt with next, is the timetable adopted by the Trusteeship Council for the examination of annual reports. The part of the study relevant to Article 87 a concludes with the relationship between the application of Article 87 a, on the one hand, and that of paragraphs b and c of Article 87, which relate respectively to the examination of petitions and periodic visits to Trust Territories, on the other.

6. The part of the study relevant to Article 87 b begins with an account of the procedure of the Council with regard to the form in which petitions may be presented, the degree to which they are admissible and the various categories into which they are divided. Then follows a description of the procedure followed by the Secretary-General, by the Administering Authority, and, in appropriate cases, by visiting missions, in receiving petitions, transmitting them and circulating them for examination by the Council. In conclusion, the evolution of the procedures which the Council and its subsidiary organs have followed in examining petitions is dealt with.

7. The part of the study relevant to Article 87 c begins with an account of the timing of visits to Trust Territories, with regard to first, the meaning of the term "periodic", secondly, the number of Territories to be visited and the duration of such visits, and thirdly, the application of the phrase "at times agreed upon with the Administering Authority". This is followed by descriptions of the evolution of the rules of procedure of the Council and of its practice with regard to the terms of reference of periodic visiting missions, the membership and composition of such missions and the publication, consideration and disposal of their reports. Finally, an account is given of the rule of procedure of the Trusteeship Council relating to special missions and investigations and to procedural questions connected with the Special Visiting Mission which went to Western Samoa in 1947.

8. As regards the part of the study on Article 87 d, it is explained below that no action of the General Assembly or the Trusteeship Council directly related to the supervision of the administration of Trust Territories has ever been explicitly based on this paragraph. Two questions only are dealt with in connexion with Article 87 d. First, an account is given of the insertion of provisions in the Trusteeship Agreements for the application of Article 87. Secondly, a brief description is given of the discussion in the Trusteeship Council leading to the adoption of a rule of procedure dealing in part with the taking by the Trusteeship Council of the "other actions" referred to in Article 87 d.

9. Finally, it should be pointed out that no attempt has been made in the present study to discuss the substance of the conclusions and recommendations adopted by the General Assembly or the Trusteeship Council as a result of their exercise of the functions enumerated in paragraphs a, b, and c of Article 87 on political, economic, social and educational matters affecting Trust Territories. In the first place, these decisions are essentially based on a consideration of the actual situation in the Territories concerned; in the second place, the broad lines of such decisions have

^{1/} For details regarding the Questionnaire, see in this Repertory under Article 88.

already been described in this Repertory under Article 76, since the General Assembly and the Trusteeship Council form their conclusions as to the situation in the Trust Territories in the light of the essential objectives of the Trusteeship System.

I. ARTICLE 87 a

A. General Survey

10. The application of Article 87 a represents the most regular and the most comprehensive exercise by the United Nations of its supervisory functions over the administration of Trust Territories. The reports referred to in the Article consist, with the addition of occasional separate reports on special questions submitted by Administering Authorities at the request of the General Assembly or of the Trusteeship Council, of the annual reports made by the Administering Authorities to the General Assembly under Article 88. These reports contain an account of the political, economic, social and educational advancement of the Trust Territories and their annual examination amounts to a review of the conditions in each Trust Territory.

11. The consideration of reports may, under Article 87 a, be undertaken either by the General Assembly, or, under its authority, by the Trusteeship Council. The annual reports are specifically addressed to the Assembly, copies are circulated under cover of a document of the Assembly. In practice, however, individual annual reports have never been considered by the General Assembly. The only reports specifically considered by the General Assembly have been those prepared by the Administering Authorities concerned on the question of abolition of corporal punishment in Trust Territories and submitted at the sixth session in accordance with General Assembly resolution 440 (V). The annual reports have, in all cases, been examined by the Trusteeship Council, and the discussion in the General Assembly of conditions in the Trust Territories has taken place during its consideration of the reports ^{2/} of the Trusteeship Council. References have been made in the General Assembly either to the annual reports themselves or to the summary of the information contained in annual reports which appears in the reports of the Trusteeship Council.

12. The procedure of the Trusteeship Council for its examination of annual reports has been gradually evolved and adapted over the period of its work. In the examination of each report, the Administering Authority is represented by a special representative, who should, according to the rules of procedure, be well informed on the Territory concerned. The special representative makes an opening statement introducing the report and giving further information. He then replies to questions put to him orally or in writing by members of the Council on the political, economic, social and educational advancement of the Territory. There follows a general discussion on conditions in the Territory, on the basis of which a drafting committee prepares draft observations, conclusions or recommendations for the consideration and approval of the Council. These recommendations are not in the form of separate and self-contained resolutions, but are included, as adopted, in the section of the general report of the Trusteeship Council to the General Assembly relating to conditions in the Trust Territory concerned or, in the case of the Trust Territory of the Pacific Islands, in the report of the Trusteeship Council to the Security Council. In the great majority of cases, the recommendations, by their own express terms or by implication, are addressed to the Administering Authority.

^{2/} These reports are submitted to the General Assembly under Article 15 of the Charter, and their form is provided for in rule 101 of the rules of procedure of the Trusteeship Council (United Nations Publications, Sales No.: 1952.I.19).

13. The Council considers these draft observations, conclusions or recommendations and, after adopting them with or without modification, proceeds to consider for adoption the outline of conditions in the Territory which has been prepared by the Secretariat and reviewed by the drafting committee. This outline is submitted to the Council by the drafting committee. Also included in the section of the report of the Trusteeship Council to the General Assembly on a particular Territory is a summary, arranged by subject, of the observations of individual members.

14. It has been the practice of the Council, where appropriate, to combine its consideration of annual reports with its examination of the report of any visiting mission to the Trust Territories concerned, and to take into consideration petitions relating to those Territories which raise questions of a general character. In the case of the Trust Territory of Somaliland under Italian administration, the Trusteeship Council also takes into consideration the report of the United Nations Advisory Council for that Territory.

15. Up to the conclusion of its fourteenth session, the Trusteeship Council had examined sixty-seven ^{3/} annual reports on the administration of Trust Territories. Full details concerning the session at which particular reports were examined are given in annex I.

B. Analytical Summary of Practice

1. *The procedure for considering annual reports of the Administering Authorities*

a. THE QUESTION OF THE PRESENCE OF A SPECIAL REPRESENTATIVE OF THE ADMINISTERING AUTHORITY

16. The only rules of procedure ^{4/} of the Trusteeship Council adopted ^{5/} at the first session which contained provisions concerning the consideration of annual reports submitted by the Administering Authorities were rules 74 and 75, entitling the Administering Authority concerned to have present, during the examination of its report, a special representative well informed on the Territory concerned to participate, without vote, in the discussion, except in a discussion directed to specific conclusions concerning it. ^{6/} When Italy was designated as the Administering Authority for the Trust Territory of Somaliland, the Trusteeship Council adopted supplementary rules of procedure, under rule A of which Italy was entitled to designate a special representative as under rules 74 and 75. ^{7/}

^{3/} Of that total number, eight were reports on Western Samoa, seven on New Guinea, six respectively for each of the African Territories except Somaliland, six on Nauru, six on the Trust Territory of the Pacific Islands, and four on Somaliland. These varying numbers reflect in part differences in the close of the administrative year and in part the fact that some Territories were placed under the Trusteeship System at a later date than others.

^{4/} United Nations Publications, Sales No.: 1947.I.9.

^{5/} T C (I), 22nd mtg., p. 597.

^{6/} For texts of relevant statements, see T C (I), 17th mtg., pp. 424-427.

^{7/} The participation in the work of the Trusteeship Council of Italy or of the States members of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration is dealt with in this Repertory under Article 86. For the text of the supplementary rules of procedure, see United Nations Publications, Sales No.: 1952.I.19.

17. Special representatives have been present for the examination of all annual reports by the Council except in the cases set forth below. A special representative was not present during the initial examination of the first annual report on New Guinea at the first part of the second session of the Council, but, by resolution 12 (II), final action on the report was postponed 8/ until the second part of the second session. When the Council reconvened, the President expressed the view that a special representative of the Administering Authority should always be present when its report was under discussion. After discussion, it was decided 9/ to postpone further consideration of the report until the third session, when the special representative of the Government of Australia would be present.

18. In one instance, the Trusteeship Council completed its consideration of an annual report without the presence of a special representative of the Administering Authority concerned. At the twelfth session, in 1953, the Council proceeded to consider the annual report on Nauru for the year ending 30 June 1952 after it had been informed by the representative of Australia that his Government had not felt it necessary on that occasion to send a special representative to the Trusteeship Council since the Council had become familiar with the affairs of the small Territory of Nauru and the Visiting Mission of the Council had just returned from the Territory. 10/ No comments were made by other members of the Council in this connexion and the representative of Australia delivered an opening statement and answered questions put to him by members of the Council during the consideration of the annual report. 11/

b. FURTHER ELABORATION OF PROCEDURE

19. The first discussion on procedure regarding annual reports took place at the second session of the Trusteeship Council when, after taking into consideration the experience of the Permanent Mandates Commission, the Council adopted resolution 31 (II), by which it decided that, while each representative on the Council should make such observations or put forward such questions as he might think fit with respect to any part of each report, small groups of members should be specially assigned to undertake detailed studies of "one or more of the four broad functional fields" indicated in Article 76 b as they might be covered in each report. 12/

20. In the course of its consideration 13/ of annual reports at the third session, the Council held a general discussion of each report as a whole, every member having the right to ask any question or make any observation he thought fit. The Council then proceeded to an examination of each of the four broad functional fields; at that stage, members of the specialized groups were given the first opportunity to make observations and to put questions to the special representative with regard to the fields which had been assigned to their respective groups. Following the detailed examination of the four functional fields, the Council held a second general discussion, during which members could propose observations and recommendations to be included in the report of the Council to the General Assembly. Finally, a drafting committee was appointed to prepare a report on the Territory in question for inclusion in the report of the Council to the General Assembly.

8/ T C (II/1), 16th mtg., p. 521.

9/ T C (II/2), 60th mtg., pp. 7 and 8.

10/ T C (XII), 470th mtg., para. 28.

11/ T C (XII), 470th and 471st mtgs.

12/ For texts of relevant statements, see T C (II/1), 16th and 18th mtgs., and T C (II/2), 30th and 31st mtgs.

13/ T C (III), 4th-6th, 11th-17th, 19th, 20th and 22nd-30th mtgs.

21. The establishment of four groups of members of the Council specializing in political, economic, social and educational questions, as provided under resolution 31 (II), was discontinued when, at the fourth session, the Trusteeship Council adopted 14/ the following procedure for the examination of annual reports:

"1. The representative or the special representative of the Administering Authority will, if he wishes, make a general opening statement dealing with the affairs and problems of the Territory and the aims and policies of the Administering Authority.

"2. A time-limit will be fixed for the transmission of written questions by members of the Council to the Secretariat. These questions will be classified according to subjects by the Secretariat and passed to the special representative. The Secretariat will also, for the information of the members of the Council, transmit to the Council in document form the list of all questions asked.

"3. The special representative will be requested to submit his written answers within a period fixed by the Council. The Secretariat will transmit them to the Council in document form.

"4. On a day or days to be scheduled, members of the Council will have the opportunity of asking the special representative supplementary oral questions.

"5. As in the past, the Council will then devote one day or more to the general discussion and to the formulation of observations, conclusions and recommendations.

"6. A drafting committee, [15] on which each member may be represented if it so wishes, will, as in the past, be appointed to draft the reports of the Council as a whole and submit them to the Council for its consideration and approval.

"7. The Council will finally, on a day or days to be scheduled, discuss and adopt its report on the Territory as part of its general report to the General Assembly."

22. The procedure was subsequently reviewed by a Committee on General Procedure, which had been appointed by the Council at its ninth session as a result of a recommendation, contained in General Assembly resolution 432 (V), that the Council review its general procedure. The Committee submitted 16/ its final report to the Trusteeship Council at its eleventh session. The Committee in effect endorsed the procedure adopted at the fourth session with slight modifications concerning replies to written questions, but did not consider that it was necessary to incorporate the various provisions of that procedure in the rules of procedure of the Council. The Trusteeship Council endorsed that conclusion by resolution 467 (XI).

23. The Council has accordingly followed this procedure in its examination of annual reports at its fourth and subsequent sessions, though with some variations. The main variation has been that the submission of questions in writing has gradually become less frequent, and has now ceased to be a regular practice.

14/ T C (IV), 2nd mtg., pp. 12 and 13.

15/ In practice, the drafting committees have been composed of four members, except at the fourth and sixth sessions, when committees composed of all members were appointed.

16/ T C (XI), Annexes, a.i. 11, p. 2, T/L.265, paras. 32-35.

*2. The form of the reports of the Trusteeship Council to the
General Assembly on individual Trust Territories*

24. As explained (see paragraph 12 above), the final action of the Trusteeship Council following the examination of an annual report is the adoption of observations, conclusions or recommendations for inclusion in the general report which the Council submits to the General Assembly under the terms of Article 15. The precise way in which the appropriate section of the report should be drawn up has been the subject of considerable discussion in the Trusteeship Council and in the General Assembly.

25. It was envisaged in rule 50 of the provisional rules of procedure drafted by the Preparatory Commission that the Council would present, in addition to general reports on its activities, an annual report on each Trust Territory which, in the terms of rule 53, 17/ would include:

"(a) Its conclusions regarding the execution and interpretation of the provisions of Chapters XII and XIII of the Charter and of the Trusteeship Agreement;

"(b) Suggestions and recommendations for the improvement of the administration in the territory or for dealing with any problems in regard to the territory; and

"(c) Other relevant information or observations which the Council may wish to add."

26. In adopting its rules at the first session, the Trusteeship Council provided that it should present only one general report annually to the General Assembly, but that each such report should include an annual review of the conditions in each Trust Territory. 18/

27. The Council further laid down, in rule 101, that:

"1. The sections of the general reports of the Trusteeship Council to the General Assembly relating to conditions in specific Trust Territories, referred to in rule 100, shall take into account the annual reports of the Administering Authorities, and such other sources of information as may be available, including petitions, reports of visiting missions, and any special investigations or enquiries, as provided for in rule 97.

"2. The general reports shall include, as appropriate, the conclusions of the Trusteeship Council regarding the execution and interpretation of the provisions of Chapters XII and XIII of the Charter and of the Trusteeship agreements, and such suggestions and recommendations concerning each Trust Territory as the Council may decide."

28. When, at its third session, the Council first appointed drafting committees to prepare those sections of its report to the General Assembly which dealt with Ruanda-Urundi, Tanganyika and New Guinea, there was considerable variation in the style of draft reports submitted to the Council and some discussion 19/ took place in the Council, in connexion with their adoption, on the subject of the organization of the reports and the headings of the various parts of these reports. Each of the three reports contained a review of conditions based on information supplied by the

17/ T C (I), Suppl., p. 2, annex 2 (T/1), rule 53.

18/ United Nations Publication, Sales No.: 1947.I.9 (T/1/Rev.1), rule 100.

19/ T C (III), 31st-33rd and 36th-40th mtgs.

Administering Authority, including the latest annual report and statements made in the Council by the special representative of the Administering Authority, but such reviews differed greatly in length. The reports also included observations, but while the observations in the reports on Ruanda-Urundi and New Guinea were formulated in the name of the Council - with some indication in respect of New Guinea of major differences of opinion which had been expressed - the observations in the report on Tanganyika were ascribed to individual members or groups of members. The reports finally set forth the conclusions and recommendations of the Council. 20/

29. With a view to achieving greater uniformity in the form of these reports, the Council at its fourth session appointed a single Drafting Committee on Annual Reports, a Committee on which each member might, if it so wished, be represented, to draft reports on all the seven Territories concerning which annual reports had been examined at that session. The reports 21/ of the Committee in respect of each Territory consisted of three parts: (1) an outline of general conditions as stated in the report of the Administering Authority and by the special representative; (2) conclusions and recommendations approved by the Council; and (3) observations of individual members of the Council. Parts II and III were subsequently transposed at the suggestion of the President of the Council.

30. This organization of reports was also adhered to at the fifth, sixth and seventh sessions. At the fifth and subsequent sessions, however, the Council reverted to the practice of appointing individual committees to draft reports on each Territory concerning which annual reports had been examined at the respective session.

31. At the fifth session of the General Assembly, the criticism was voiced in the Fourth Committee that information relating to a particular topic had to be sought in all three parts of the report on a particular Trust Territory, in addition to which the observations of the visiting missions and general information contained in petitions had to be sought in other chapters of the report of the Council. The General Assembly subsequently adopted resolution 433 (V) on annual reports of the Trusteeship Council, by which it recommended that the Trusteeship Council in its future reports to the General Assembly should:

"(a) Present in separate sections all the relevant data examined by the Trusteeship Council concerning the political, economic, social and educational conditions in each Trust Territory, so that each section may provide the General Assembly with a comprehensive account of such conditions in each of the above-mentioned fields;

"(b) Include in each such section the observations, conclusions and recommendations of the Council on the topic under review, as well as such relevant observations of its individual members as the Council may consider useful;

"(c) Give in each case in the appropriate section an account of the manner in which the Administering Authority has carried out each recommendation of the General Assembly or of the Trusteeship Council;

20/ It may be noted that three statements of minority views expressed by one representative were appended to the report of the Council to the General Assembly under rule 64 of the rules of procedure, the only time such statements have been included in the reports of the Trusteeship Council.

21/ T/275, T/277, T/278, T/286 and T/287.

"(d) State also in the same section its conclusions on the extent of the action taken by the Administering Authority and on the measures which, in its opinion, should be adopted in view of those conclusions;

"(e) Include, wherever practicable, maps of the various Trust Territories."

32. At its eighth session, the Trusteeship Council took note 22/ of that resolution and it has since drawn up its reports along the lines recommended by the General Assembly. The practice has been for the Secretariat to prepare, in advance of the examination of an annual report by the Council, a working paper, summarizing under particular topics the basic factual information, whether derived from the annual report or from petitions, together with previous recommendations of the Council or, where they exist, of the General Assembly, relating to that topic, and the information supplied by the Administering Authority in regard to the implementation of such recommendations. When the report of a visiting mission on the Territory is to be examined at the same session, the working paper also includes the observations and conclusions of the mission, as well as the observations, if any, of the Administering Authority on that report. The Secretariat working paper, as revised to take into account additional information or clarification provided by the special representative of the Administering Authority during the examination of the report by the Council, is usually adopted in the report of the Council - as a general rule without further amendment - as the basic text of the chapter on that Territory.

33. The drafting committees on particular Territories have thus been mainly concerned with formulating draft conclusions and recommendations, which are subsequently included, as adopted, in the basic text at the close of the material on the topic in question. For this purpose, the Secretariat has prepared, for the use of the drafting committees, summaries arranged by topics of the observations of individual members. These summaries not only have provided the basis for the work of the drafting committees in formulating draft conclusions and recommendations, but also, as revised by members, have constituted the observations of members representing their individual opinions only, which are included at the close of the sections on general, political, economic, social and educational advancement in the chapter on each Trust Territory.

34. With a view to achieving a reduction in the volume of its documentation, as recommended by General Assembly resolution 789 (VIII) on the control and limitation of documentation, the Council, at its fourteenth session, accepted a suggestion 23/ of the Secretary-General that a comprehensive report on a given Trust Territory should be presented by the Council only every third year, to coincide with its examination of the report on the Territory by a visiting mission, and that the Council should submit a shorter report in the intervening years, giving only an account of the developments and progress made during the year under review, but including such background material as would enable the Assembly to appreciate the significance of important developments and the conclusions and recommendations of the Council. The Council also approved 24/ the suggestion of the Secretary-General that the observations of individual members should be summarized in a more concise form. These changes were approved by the General Assembly under resolution 856 (IX) on a trial basis, with the proviso that they would not apply to Somaliland.

22/ T C (VIII), 319th mtg.

23/ T/1120.

24/ T C (XIV), 527th, 528th, 547th and 548th mtgs.

3. *The time-table for the consideration of annual reports*

35. In determining the time-table for the examination of annual reports, the Trusteeship Council has been concerned with making such arrangements as would permit the examination of the reports by the Council as soon as possible after the close of the period to which they relate, and which would, at the same time, allow a sufficient period to elapse between the receipt of the reports and their examination. In its initial form, as adopted at the first session, rule 72 of the rules of procedure of the Council provided that each annual report should be submitted within four months after the close of the year in question, 25/ and that it should be placed on the agenda of the first regular session six weeks thereafter.

36. Taking into consideration the fact that the period of twelve months reported upon ended on 31 December, this meant that the reports on the six (later seven) African Trust Territories would be examined during the June (summer) session of the Trusteeship Council, while the reports on the four Pacific Trust Territories (the financial years of which closed later) would be examined at the January (winter) session. In practice, since the reports were not submitted within the time limit provided for in the rules, the six-week period was waived in the case of some reports, while consideration of other reports was postponed. For instance, at the third session, rule 72 was suspended with respect to the reports on Ruanda-Urundi and Tanganyika, while examination of the reports on the other four African Trust Territories was postponed until the fourth session. 26/

37. At its fourth session, the Council extended the period for the submission of annual reports from four to six months after the end of the year reported on. This meant that the reports on Territories in Africa and the report on Western Samoa would normally be considered at the January session of the Trusteeship Council and the reports on the remaining three Pacific Territories at the June session. This represented, in most cases, an interval of one year or more between the close of the period covered by a report and the time of its examination.

38. This time-table was in effect for the fifth, sixth and seventh sessions, but for the eighth, ninth, tenth and eleventh sessions, the Council, without amending its rules of procedure, requested the Administering Authorities concerned to submit the annual reports at an earlier date and, by suspending rule 72, examined the reports on the Trust Territories in Africa at the June session and the reports on the Trust Territories in the Pacific Ocean at the January session. 27/

39. At the eleventh session, the Council gave further attention to the question of the time of the examination of the reports in considering the report 23/ of its Committee on General Procedure. The Committee had expressed concern at the fact that it was, in practice, necessary to convene the summer session of the Council only two weeks or less after the receipt of the annual reports to be examined, and had felt that four weeks from the receipt of the reports to the opening of the session at which they would be examined was the minimum desirable period required for study of the reports by the delegations, the Secretariat and the specialized agencies; the Committee had expressed the opinion that the examination of the reports in respect of one or more African Trust Territories should in future be transferred to the January session of the Council.

25/ The time limit for the submission of annual reports is dealt with at greater length in this Repertory under Article 88.

26/ T C (III), 2nd mtg., pp. 12-16; 5th mtg., pp. 59-61; 6th mtg., pp. 76-78.

27/ See T C (S-3), 1st mtg., p. 7; T C (VIII), 315th mtg.; and T C resolution 346 (IX).

23/ T C (XI), Annexes, a.i. 11, p. 2, T/L.265, paras. 32-35.

40. After a full discussion, 29/ the Council decided to maintain the six-week period provided in rule 72 (2) of its rules of procedure but added the following clause: "unless the Administering Authority concerned shall agree to an earlier examination of the report".

41. As a result, reports of six of the African Trust Territories are now examined at the January session while the reports on the agenda of the June session have been those on Western Samoa and Somaliland, the Administering Authorities of which have agreed to submit the reports with less delay so as to permit an earlier examination, and the reports on the other three Trust Territories in the Pacific, the administrative year of which closes on 30 June.

42. The present time-table has restored the interval of approximately one year between the end of the period covered by each report and the date of the examination of the report in the case of nine of the eleven Trust Territories. At the thirteenth session a draft resolution 30/ was submitted by which the Council, noting that the special representatives from the Trust Territories always freely informed the Council of the events and developments in the intervening period, would invite the Administering Authorities to give favourable consideration to submitting approximately one month in advance of each relevant session a statement covering the more important developments that had occurred in the intervening period.

43. In introducing the draft resolution, the sponsor pointed out 31/ that the special representatives of the Administering Authorities, in their opening statements to the Council, sometimes mentioned matters which did not appear in the annual reports and that it was difficult for members of the Council to analyse the new information in the short time available during the session.

44. During the consideration of this draft resolution, at the fourteenth session of the Council, 32/ several representatives stressed the practical difficulties of producing the supplementary statement, and one representative held that the submission of a supplementary report was likely to provoke debate on that document when full attention should be directed, on the contrary, to the annual report for a comprehensive picture of conditions in a Trust Territory.

45. The draft resolution was adopted by the Council by 8 votes to 3, with 1 abstention, and became resolution 997 (XIV).

*4. The question of the relationship between the application
of paragraphs a and b of Article 87*

46. The examination of annual reports under Article 87 a and the examination of petitions under Article 87 b have not been regarded by the Council as entirely separate functions. On the one hand, relevant information contained in petitions has been considered in connexion with the annual reports, and on the other hand, the action taken by the Council on some petitions has been based on recommendations adopted as a result of the consideration of annual reports. The following decisions indicate the extent to which the two functions have been related.

29/ T C (XI), 450th and 453rd mtgs.

30/ T/L.446.

31/ T C (XIII), 522nd mtg., para. 46.

32/ T C (XIV), 52nd mtg.

47. At its fourth session, after examining a petition concerning compulsory and child marriage, the Council decided 33/ to inform the petitioners that questions on these subjects were included in the Provisional Questionnaire and that replies given to these questions in the annual reports presented by the Administering Authorities received the regular attention of the Council.

48. On occasion, the Council, in taking decisions on petitions, has invited 34/ the Administering Authority concerned to include information on the specific subjects of the petitions in question in its annual reports. This information would, as a matter of course, be subsequently studied by the Council during its consideration of the relevant annual reports.

49. At its fifth, sixth and seventh sessions, the Council adopted a total of fifty-one resolutions 35/ relating to individual petitions. Under each of these resolutions, the Council decided to inform the petitioners concerned that the questions of a general character, usually specified in the resolutions, raised in their petitions had been, and would continue to be, considered by the Council in connexion with its examination of the annual reports on the Trust Territory or Territories concerned. 36/

50. At its eighth session, the Council formally decided, by resolution 341 (VIII), to defer consideration of certain petitions from Trust Territories in Africa until its ninth session "in view of the fact that, in the opinion of the Administering Authorities concerned, the general questions raised in these petitions can be more satisfactorily considered in connexion with the examination of the annual reports on the Trust Territories in Africa".

51. At its twelfth session, the Council approved 37/ a report 38/ of its Standing Committee on Petitions, which recommended that, as a general rule, petitions on general questions should be considered by the Council in connexion with its examination of the next annual report on the Territory concerned or in connexion with particular agenda items to which they might be more closely related.

52. At its seventh session, the General Assembly, after having granted oral hearings to representatives of organizations in the Trust Territories of the Cameroons under French administration 39/ and Somaliland under Italian administration, 40/ respectively, adopted resolutions 655 (VII) and 656 (VII), under which the Assembly, considering that the Trusteeship Council had not yet examined the reports of the Administering

33/ T C resolution 76 (IV).

34/ See T C resolutions 38 (III), 294 (VII), 312 (VIII), 314 (VIII) and 325 (VIII).

35/ T C resolutions 98 (V)-106 (V), 135 (VI), 161 (VI), 168 (VI)-170 (VI), 173 (VI), 175 (VI), 180 (VI), 182 (VI)-184 (VI), 190 (VI), 193 (VI)-195 (VI), 197 (VI)-199 (VI), 201 (VI), 203 (VI), 205 (VI), 207 (VI)-209 (VI), 211 (VI), 220 (VI)-222 (VI), 224 (VI), 227 (VI), 229 (VI), 230 (VI), 235 (VII), 238 (VII), 239 (VII), 242 (VII), 254 (VII), 272 (VII), 274 (VII), 277 (VII), 278 (VII) and 281 (VII).

36/ Beginning at the eighth session, comparable resolutions (for example, resolutions 314 (VIII) and 469 (XI)) referred to the annual examination by the Council of "conditions" in the Trust Territory or Territories concerned.

37/ T C (XII), 462nd mtg.

38/ T C (XII), Annexes, a.i. 5, p. 3, T/L.337.

39/ G A (VII), 4th Com., 309th-312th mtgs.

40/ G A (VII), 4th Com., 313th and 314th mtgs.

Authorities for 1952 with respect to these Territories, 41/ decided to transmit to the Council for further investigation the statements of the representatives, together with the observations of members of the Fourth Committee.

53. The Trusteeship Council, at its twelfth session, adopted a resolution 42/ on the hearing of the petitioners from the Trust Territory of Somaliland, by which it stated that it had taken into consideration, during its examination of the annual report of the Administering Authority, the observations made by the petitioners before the Fourth Committee, the comments of members of the Fourth Committee and the further observations made by two petitioners from the Trust Territory heard by the Council at its twelfth session.

54. No separate resolution was adopted by the Council with respect to the hearing of petitioners from the Cameroons under French administration. The Council, at its twelfth session, decided 43/ to postpone consideration of the General Assembly resolution on that question until its thirteenth session, when it was to examine the annual report 44/ of the Administering Authority on the Cameroons under French administration and the report 45/ of the Visiting Mission to the Territory. At its thirteenth session, the Council decided 46/ to consider, together with these two reports, the questions raised by the petitioners before the Fourth Committee at the seventh and eighth sessions of the General Assembly. 47/

*5. The question of the relationship between the application
of paragraphs a and c of Article 87*

55. With one exception, 48/ the Council has considered the reports of visiting missions at the same session at which it has examined the annual reports submitted by the Administering Authorities on the administration of the Territories concerned. When necessary, the Council has postponed 49/ its consideration of reports of a visiting mission or has changed 50/ the schedule of its examination of annual reports. The Council, under several resolutions on the reports of Visiting Missions, has recorded the relationship of the exercise by the Council of its functions under Article 87 a with the exercise of its functions under Article 87 c. Thus, the relevant part of resolution 298 (VII) reads as follows:

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- 41/ In the case of the Cameroons under French administration, the General Assembly referred not only to the annual report on that Territory, but also to the annual report on the Cameroons under British administration for 1952 and the reports of the Visiting Mission to Trust Territories in West Africa, 1952.
- 42/ T C resolution 644 (XII).
- 43/ T C (XII), 480th mtg.
- 44/ T/1082 and Add.1
- 45/ T C (XIII), Suppl. No. 5 (T/1110).
- 46/ T C (XIII), 488th mtg., paras. 76 and 77. See also G A (IX), Suppl. No. 4 (A/2680), pp. 33 and 34.
- 47/ In the interval between the twelfth and thirteenth sessions of the Council, the General Assembly had, at its eighth session, again granted oral hearings to petitioners from the Cameroons under French administration, and had adopted a further resolution, 758 (VIII), on the matter.
- 48/ Reports of the 1948 Visiting Mission to East Africa T C (IV), Suppl. No. 2 and Suppl. No. 3.
- 49/ See, for example, T C (XII), 480th mtg., paras. 142-150.
- 50/ See, for example, T C (VIII), 315th mtg., paras. 74-94.

"The Trusteeship Council

"... .."

"Draws attention to the fact that, at its sixth and seventh sessions, in formulating its own conclusions and recommendations in the course of its examination of annual reports on ... the Trust Territories concerned, the observations and conclusions of its Visiting Mission and the observations of the Administering Authorities concerned were taken into account;

"Decides that it will continue to take these observations and conclusions into account in future examinations of matters relating to the Trust Territories concerned". 51/

56. It should also be mentioned that in formulating the terms of reference for its visiting missions, the Council has, in each case, directed the mission concerned to

"give attention, as may be appropriate in the light of discussions in the Trusteeship Council and resolutions adopted by the Council, to issues raised in connexion with the annual reports on the administration of Trust Territories concerned." 52/

II. ARTICLE 87 b

A. General Survey

57. The acceptance and examination of petitions as provided for in Article 87 b has, since the establishment of the Trusteeship Council, been a continuous and increasingly important function of that body.

58. While the acceptance and examination of petitions is a function of the General Assembly and, under its authority, of the Trusteeship Council, the practice has been that all petitions concerning Trust Territories which have been addressed to the United Nations have normally been circulated to the Trusteeship Council and dealt with by that body. However, petitions awaiting examination by the Trusteeship Council have, from time to time, been referred to in the Fourth Committee of the General Assembly. In particular, at the fifth session of the General Assembly, considerable discussion arose in connexion with complaints against the methods of election in Togoland under French administration and related complaints contained in various petitions before the Trusteeship Council, as well as comments to the contrary contained in other related petitions. These petitions were noted, and a recommendation on this subject was included by the General Assembly in resolution 441 (V) on the Ewe problem.

51/ See also T C resolutions 107 (V) and 302 (VIII). Beginning with the eleventh session, comparable resolutions referred to the formulation of the Council's "conclusions and recommendations on conditions" rather than "in the course of its examination of annual reports" (T C resolutions 464 (XI), 648 (XII) and 867 (XIII)).

52/ T C resolution 108 (V). See also T C resolutions 37 (III), 115 (VI), 344 (IX), 465 (XI) and 999 (XIV).

59. It has also been the practice for the Chairman of the Fourth Committee of the General Assembly to bring to the attention of that Committee requests for oral hearings in the Fourth Committee on questions concerning Trust Territories. These have been circulated by decision of the Committee, and have been considered by the Committee. All requests for hearings submitted to date have been granted. At the sixth, seventh, eighth and ninth sessions, the Fourth Committee heard representatives of various political organizations in Togoland under British administration and Togoland under French administration on the Ewe problem and the Togoland unification question; at its seventh, eighth and ninth sessions, it heard representatives of various political organizations in the Cameroons under French administration; and at its seventh session, it heard representatives of organizations in Somaliland under Italian administration. The statements of the first group of petitioners were noted in the resolution 53/ adopted by the General Assembly on the Ewe and Togoland unification problem. In respect of the two other groups, the General Assembly adopted separate resolutions 54/ on each occasion, referring the general problems raised by the petitioners to the Trusteeship Council for further study. In addition to these hearings covering broad questions of public policy, the Fourth Committee has granted hearings to petitioners in respect of two individual cases; namely, to representatives of the Meru Citizens Union of Tanganyika at the seventh session, and to representatives of the Ngoa-Ekéle community of the Cameroons under French administration at the eighth session. In the first case, in which the petitioners requested the General Assembly to review a case which had already been examined by the Trusteeship Council, no resolution was adopted by the General Assembly since neither the proposal adopted by the Fourth Committee nor an alternative proposal obtained the necessary two-thirds majority; thus the decision 55/ of the Trusteeship Council on the petition remained operative. In the second case, the General Assembly adopted resolution 757 (VIII), by which it addressed certain recommendations to the Administering Authority, as well as an invitation to the Trusteeship Council to examine the question further.

60. The vast majority of petitions addressed to the United Nations concerning Trust Territories has, therefore, been examined by the Trusteeship Council. Detailed procedures concerning the acceptance and examination of petitions are contained in the rules of procedure 56/ which were adopted by the Trusteeship Council at its first session after considerable discussion 57/ on points of detail. The procedures were immediately applied at that session to a number of petitions from residents or former residents of Tanganyika of German or Italian nationality. The Council also gave preliminary consideration to a petition from the leaders and representatives of Western Samoa requesting self-government, and dispatched a Visiting Mission to investigate that petition, which was finally dealt with at the second session on the basis of the report of that Mission. 58/ At that session, in addition to examining further petitions from residents or former residents of Trust Territories of German or Italian nationality and a number of petitions relating to the operation of the Trusteeship System in general, the Council examined a group of seven petitions requesting the unification of the Ewe people in Togoland under British administration and Togoland under French administration under a single administration. In this connexion, the Council received and granted a request for an oral hearing and the representative of the petitioners made statements and answered questions put to him by members of the Council. 59/

53/ G A resolution 652 (VII).

54/ G A resolutions 655 (VII) and 656 (VII) respectively.

55/ T C resolution 468 (XI).

56/ United Nations Publications, Sales No.: 1947.I.9.

57/ For texts of relevant statements, see T C (I), 5th-8th and 15th mtgs.

58/ T C resolution 13 (II).

59/ T C resolution 14 (II).

61. At the third session, only a few petitions were examined, of which only one emanated from a Trust Territory itself. At the fourth and fifth sessions, there was some increase in the number of petitions examined by the Council, in particular of petitions presented by inhabitants of Trust Territories, the increase resulting in a large measure from the number of petitions received in 1948 by the United Nations Visiting Mission to Trust Territories in East Africa. However, the increase was not such as to prevent the examination of petitions at meetings of the Council itself.

62. A more difficult situation was created by the fact that in 1949 the United Nations Visiting Mission to Trust Territories in West Africa, received 275 petitions in the four Territories which it visited. At its sixth session, the Council extended 60/ the functions of the ad hoc committees on petitions, which it had from time to time appointed to screen the petitions before it with regard to their admissibility, and to make recommendations as to the order in which petitions should be examined, so that such committees might undertake a full preliminary examination of the petitions and propose recommendations concerning the action to be taken by the Council. The ad hoc committees appointed at the sixth and seventh sessions which dealt mainly with petitions from the Cameroons under British administration, the Cameroons under French administration, Togoland under British administration and Togoland under French administration, recommended the adoption of separate resolutions on petitions raising specific complaints and, in addition, submitted a considerable number of resolutions on general questions raised in certain petitions. A special procedure was adopted in the case of petitions concerning the Ewe problem and the Togoland unification question, which were examined in the Council itself when it considered the special report of the 1949 Visiting Mission on that question. Hearings were granted on that occasion to representatives of four political organizations from the Territories in question.

63. The procedural problems arising from the great increase in the number of petitions received led to discussion in the Fourth Committee and to the adoption by the General Assembly, at its fifth session, of a resolution 61/ by which it recommended that the Trusteeship Council consider the possibility of constituting the Ad Hoc Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council.

64. A considerable number of petitions was examined by the Council at its eighth and ninth sessions, particularly at the latter session. Ninety-seven petitions related in whole or in part to the Ewe problem and were taken into consideration by the Council in its adoption of resolution 345 (IX) on the Ewe problem, as were also statements made by representatives of two political organizations which had been granted a hearing. However, the Council, while adopting minor modifications in its petitions procedure, postponed consideration of the question of establishing a Standing Committee on Petitions until the tenth session. During the interval, the General Assembly adopted resolution 552 (VI), by which it recommended that the Council establish such a committee and devise a procedure by which it would examine each petition in a preliminary way and make proposals for action to be taken thereon by the Council.

65. At its tenth session, the Trusteeship Council established 62/ a Committee on Examination of Petitions which presented proposals regarding petitions procedure, which were approved by the Council at that session and incorporated into the rules of procedure under resolution 467 (XI).

60/ T C (VI), 14th mtg.

61/ G A resolution 435 (V).

62/ T C (X), Annexes, a.i. 10, p. 1, T/L.243 and Corr.1.

66. One of the main provisions of the new procedure was the establishment of a Standing Committee on Petitions composed of six members of the Council of whom three are, in practice, members administering Trust Territories and three are non-administering members. The Standing Committee is empowered to meet between sessions of the Council. In practice, the Committee has convened some two to four weeks before the opening of each session of the Council and has continued to meet until the end of the session.

67. A second important change was the distinction made between petitions to which the established procedure is to be applied, that is to say, petitions which are to be examined individually by the Standing Committee and the Council, and petitions raising general problems to which the attention of the Council has already been called and on which it has taken decisions or made recommendations. No procedure for examining the latter is laid down in the rules, although the Standing Committee screens petitions in this category, as well as other communications, to determine whether the established procedure should not be applied to any of them, and may make such recommendations as it deems necessary concerning their consideration by the Council. The practice has been to include petitions in which general problems are raised in the agenda of the Council when it considers the annual report on the Territory in question or any other more appropriate agenda item; they are taken into consideration during the discussion of such reports or items. Since the fourteenth session, such petitions have also been brought to the attention of the Council in the form of summaries of the points raised arranged under topics.

68. This revised procedure has continued to operate from the conclusion of the tenth session until the present time. The Standing Committee, in a report approved by the Council at its fourteenth session, expressed the opinion that the existing rules provided it with satisfactory terms of reference for its preliminary examination of petitions to which the established procedure was applied. The Committee therefore proposed only certain minor amendments to the rules of procedure, with a view to meeting more frequently between sessions of the Council.

69. During the period of operation of the revised procedure, a large number of petitions has been examined by the Standing Committee and reported on to the Trusteeship Council, and at the thirteenth and fourteenth sessions of the Council, the Committee was unable to report on all the petitions on the agenda. Taking into account petitions received later, 342 petitions to which the established procedure applied and 42 petitions in which general problems were raised were awaiting examination by the Council at the end of 1954.

70. A number of oral hearings was granted by the Council in this period. Thus, at the eleventh session, the Council granted a hearing to representatives of the Meru people in connexion with an important land case. Other hearings were in respect of conditions in Trust Territories as a whole. Thus, at the twelfth session, the Council heard representatives of political parties in Somaliland under Italian administration speak on the general state of affairs in that Territory, while at the fourteenth session two Vice-Presidents of the Territorial Council requested international financial assistance. At the same session, the Council granted a hearing to representatives of various organizations in Togoland under British administration, who wished to speak in favour of the integration of that Territory within a self-governing Gold Coast.

71. In all, 1,668 petitions, including 261 "general" petitions have been dealt with by the Trusteeship Council at its first fourteen sessions. These petitions are classified by Territory and by session in annex II. In practice, most petitioners before the Trusteeship Council were inhabitants of the Trust Territories, individuals

or groups of persons such as tribal groups, societies, political parties, co-operatives, unions, representatives of legislative or local bodies. In several cases, however, petitions were submitted by individuals or societies outside the Trust Territories.

72. Petitions of a personal character received and examined by the Trusteeship Council concerned such matters as property losses, alleged unjust imprisonment, political disputes or matters relating to compensation, salaries, alleged discrimination in employment, political rights and elections, alleged refusal of scholarships or administrative abuses.

73. Among the important questions raised in petitions which have been studied, and which in some instances are still under consideration by the Council, have been the attainment of self-government in particular Territories and unification of adjoining Territories. Two examples of such petitions are set forth below.

(a) The petition of the leaders and representatives of the Samoan people, requesting that Western Samoa be granted self-government, was submitted on 18 November 1946, and was an outgrowth of the consultations of the Government of New Zealand with the representatives of the indigenous population on the terms of a draft Trusteeship Agreement.

(b) Petitions concerning the Togoland unification question, which developed from an original petition submitted by the All-Ewe Conference on 1 April 1947, requesting the unification of the Ewe peoples. This question has been on the agenda of the Council and the General Assembly for several sessions.

74. Action on petitions to which the established procedure is applied is taken by the adoption of resolutions. The terms of the resolutions adopted by the Trusteeship Council on petitions have varied according to the specific questions raised in individual petitions. Under many resolutions, the Council has decided that no action was called for, or has merely drawn the attention of the petitioner to the observations of the Administering Authority. Under others, it has noted that the matter was within the competence of the local courts, in some cases suggesting that the petitioner have recourse to the Courts in the Territory concerned, or calling his attention to his legal or political rights. Under further resolutions, it has requested the Administering Authority to inquire into the complaint and to inform the Council of the results of the inquiries. Finally, in some cases, it has recommended specific measures or actions to the Administering Authority or has suggested that the Administering Authority reconsider its decision concerning the questions raised in the petitions.

75. Petitioners raising general questions have been informed of the decisions taken by the Council on those questions during its consideration of conditions in the Territory concerned, or of any other agenda item under which their petitions may have been considered.

B. Analytical Summary of Practice

1. *Petitions and communications before the Trusteeship Council*

a. THE QUESTION OF THE FORM OF PETITIONS AND THEIR CLASSIFICATION

76. When the Council considered its draft rules or procedure at its first session, it did not take a specific position as to what, in its view, constituted a petition.

However, during the debate, 63/ a majority of the members felt that the provisions in the Charter concerning petitions should be given the widest possible application in the rules of procedure of the Council. In accordance with that view, the Council provided 64/ that petitions might be accepted and examined by it if they concerned the affairs of one or more Trust Territories or the operation of the International Trusteeship System, and that petitioners might be inhabitants of Trust Territories or other parties. Furthermore, the Council provided 65/ that oral or written petitions could be presented to it and that the latter might be in the form of a letter, telegram, memorandum or other document. In practice, the Council has accepted for examination petitions addressed not only to itself, but also those addressed to the United Nations or to its organs or officials, provided that they related to trusteeship matters. As regards the method by which petitions could be transmitted to it, the Council displayed similar flexibility by providing that petitions could be transmitted to it through the Secretary-General, visiting missions, or the Administering Authorities. 66/

77. The Council has, however, from the outset found it necessary to limit the scope of its acceptance and examination of petitions by establishing certain classifications applicable to the various communications submitted to it. Thus, it has made it clear that not all communications received from individuals or non-governmental organizations should be regarded as petitions, and that not all petitions received should be accepted and examined. Moreover, it has established different procedures for dealing with various categories of petitions accepted by it.

78. The various classifications adopted by the Council are discussed in paragraphs 79 to 94 below.

b. COMMUNICATIONS OTHER THAN PETITIONS

79. An indication of the limitation of the applicability of the term "petition" was given at the first session of the Trusteeship Council by the adoption of rule 24 of the rules of procedure which relates to communications other than those to which the established procedure relating to petitions is applied. The second part of rule 24 stipulated that:

"The Secretary-General shall also call to the attention of the Council communications from other sources, except those which are manifestly inconsequential, if they relate to the activities of the Trusteeship Council."

80. The Committee on Examination of Petitions, established at the tenth session of the Council, considered that the listing of communications in accordance with the second part of rule 24 of the rules of procedure, which until then had been the only practice followed, was inadequate for the satisfactory handling of the various types of communications received, and suggested in its report 67/ to the Council that, in order to ensure that these communications were given the attention which they deserved, they should be transmitted in full to the members of the Council unless this was precluded

63/ For texts of relevant statements, see T C (I), 5th mtg., pp. 83, 87, 88 and 89; 7th mtg., pp. 133, 139 and 145.

64/ United Nations Publications, Sales No.: 1952.I.19, rules 76 and 77.

65/ Ibid., rules 78 and 79.

66/ For further details relating to the transmittal of petitions, see paras. 105 et seqg.

67/ T C (X), Annexes, a.1. 10, p. 1, T/L.243 and Corr.1, paras. 8-10.

by their length. The Council approved 68/ these conclusions, and requested its Committee on General Procedure to submit appropriate proposals for the amendment of rule 24. These proposals were adopted 69/ by the Council at its eleventh session, and rule 24 was amended to read as follows:

"The Secretary-General shall transmit promptly to the members of the Trusteeship Council all communications which may be addressed to the Council from Members and organs of the United Nations and from specialized agencies. The Secretary-General shall also circulate promptly to the members of the Council communications from other sources, except those which are manifestly inconsequential, if they relate to the activities of the Trusteeship Council. Such communications shall be transmitted in full, unless their length precludes this, in which case the procedure set forth in paragraph 3 of rule 85 shall apply."

81. In practice, communications "from other sources" circulated under this rule have included those which have either been sent to the United Nations specifically for information or which have contained no request for action by the Council. A third category circulated under the rule has comprised communications in support of previously submitted petitions but which have contained no new elements which might warrant their circulation in accordance with the established procedure applying to petitions. The Standing Committee on Petitions, was instructed by the Council to screen communications in the various categories mentioned above and to decide, subject to a possible further decision by the Trusteeship Council, whether the established procedure concerning petitions should be applied to any of them.

C. INCONSEQUENTIAL PETITIONS

82. As noted in paragraph 80 above, under rule 24 of the rules of procedure, the Secretary-General was not required to call the attention of the Council to communications which were manifestly inconsequential. At its second session, the Council applied a similar principle to petitions and approved an amendment to rule 85 whereby petitions which were manifestly inconsequential should only be listed by the Secretary-General, with a summary of their contents to be communicated to the members of the Council. 70/

d. INADMISSIBLE PETITIONS

83. At the first session of the Council, a proposal 71/ was submitted under which petitions should be deemed to be inadmissible if they contained complaints incompatible with the provisions of the Charter or the Trusteeship Agreements, were anonymous, abusive, or trivial, covered the same ground as a petition recently communicated to the Administering Authority concerned, or referred to a final judgement rendered by a court established by the Administering Authority. The view prevailed in the Council, however, that an unduly rigid rule should not be adopted because the definition of what was abusive or trivial was often a matter of personal opinion. The Council therefore confined itself to the drafting of provisions which were subsequently embodied in rule 81 of the provisional rules of procedure concerning inadmissibility of petitions relating to disputes within the competence of the courts. The rule reads as follows:

68/ T C resolution 425 (X).
69/ T C resolution 467 (XI).
70/ T C (II), 7th mtg., p. 183.
71/ T/15.

"Normally petitions shall be considered inadmissible if they are directed against judgments of competent courts of the Administering Authority or if they lay before the Council a dispute with which the Courts have competence to deal. This rule shall not be interpreted so as to prevent consideration by the Trusteeship Council of petitions against legislation on the grounds of its incompatibility with the provisions of the Charter of the United Nations or of the Trusteeship Agreement, irrespective of whether decisions on cases arising under such legislation have previously been given by the courts of the Administering Authority."

84. In practice, the Council has rarely applied the provisions of rule 81. In cases where the rule might have been invoked, the Council has usually adopted a brief resolution to the effect that, as the matters complained of in the petition were directed against judgements, or were within the competence of the courts of the Territory, no recommendation by the Council was called for.

85. Before doing so, the Council or its Standing Committee on Petitions has usually examined the circumstances relating to the case to see if there were any aspects not within the competence of the courts and, as appropriate, has made recommendations on such aspects.

e. CONFIDENTIAL PETITIONS

86. At its fourth session, the Council received a request from the Secretariat for guidance on how to treat certain categories of petitions, among them that of confidential petitions, in which the petitioner specifically asked that the subject-matter of his petition or his name should not be brought to the notice of the local authority in the Trust Territory concerned.

87. The suggestions offered in this connexion by the Secretariat, as amended in the course of discussion, were adopted. ^{72/} Under the relevant provisions, the Secretariat, upon receiving a confidential petition, should first inquire of the petitioner whether he wished to insist on the confidential treatment of his name as well as the subject-matter of his petition and should also inform him that all petitions received by the Secretary-General would, as soon as they were transmitted to the Trusteeship Council, necessarily be known by the local and Administering Authorities. The petitioner should be asked whether, in these circumstances, he wished his petition to be transmitted to the Trusteeship Council. If after such notification, the petitioner insisted that his name should be withheld, the petition should be referred to the Ad Hoc Committee on Petitions, which, if it felt that the subject-matter should be considered by the Council, would transmit the petition, but would withhold the name of the petitioner.

f. ANONYMOUS PETITIONS

88. The question of anonymous petitions was raised in connexion with the consideration of the matter of inadmissible petitions at the first session of the Council. Some members of the Council were of the opinion that anonymous petitions did not necessarily have to be malicious in context and intent, and might even be politically important; they should not be disposed of summarily for there might be cases in which the petitioner could not sign his name without jeopardizing his personal interests. On the other hand, it was contended that the term anonymous "petition" was a contradiction in itself; the word "petition" implied that a request had come from someone who could be identified and anonymous communications were therefore not

^{72/} T C (IV), 6th mtg., pp. 65-70.

petitions. 73/ However, when the Council adopted its rules of procedure, no provision was made with regard to the particular subject of anonymous petitions and the Secretariat did not receive instructions as to how to deal with them if they were received.

89. The question of anonymous petitions was again raised 74/ at the fourth session, in connexion with a request from the Secretariat for guidance on the treatment of certain categories of petitions (see paragraph 86 above). By the time in question, a number of anonymous communications received by the Visiting Mission to East Africa in 1948 had, by its decision, been circulated to members of the Council as petitions. Following a discussion in which views on the matter similar to those put forward at the first session were expressed, the Council decided that "anonymous communications sent in as petitions should not be circulated as unrestricted documents, unless the Council decided otherwise".

90. The practice of the Council with respect to anonymous communications, circulated as petitions before and after that decision, has been to take note of them.

91. The question of anonymous petitions was raised again at the tenth session of the Council, and at its eleventh session the rules of procedure were amended to provide that such petitions should be dealt with according to the same procedure as another category of petitions, namely those concerning general problems to which the attention of the Council had already been called and on which it had taken decisions or made recommendations. The procedure adopted in this connexion is described in paragraphs 92-94 below.

g. PETITIONS CONCERNING GENERAL PROBLEMS

92. A further category of petitions established by the Council, related to those which concerned general problems to which the attention of the Council had already been called, and on which it had taken decisions or made recommendations. In its report to the Council at the tenth session, the Committee on Examination of Petitions expressed the view 75/ that the very broad provision of rule 79, whereby written petitions could be submitted in the form of a letter, telegram, memorandum or other document concerning the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter, had led to the processing as petitions of a great number of communications which differed widely in nature. The Committee agreed that it was not desirable to apply indiscriminately to all those documents the lengthy procedure which the Trusteeship Council had hitherto used in dealing with petitions. It was of the opinion that all communications "containing requests, complaints and grievances seeking action by the Trusteeship Council" should continue to be handled in accordance with the established procedure for the examination of petitions. However, those communications which concerned "general problems to which the attention of the Council has already been called and on which it had taken decisions or made recommendations, as well as anonymous communications", should be circulated in the same manner as other types of communications. They should be submitted in full to the members of the Council, but should not be individually examined by its Standing Committee on Petitions, unless that Committee or the Council decided that the

73/ For texts of relevant statements, see T C (I), 5th mtg., pp. 79-93; 7th mtg., pp. 136-154.

74/ T C (IV), 6th mtg., pp. 65-71.

75/ T C (X), Annexes, a.i. 10, p. 1, T/L.243 and Corr.1.

established procedure concerning petitions should, in fact, be applied to them. The Council approved 76/ the conclusions of the report of the Committee and, at its eleventh session, by resolution 467 (XI), provisionally adopted the amendments to the relevant rules of procedure contained in the report 77/ of its Committee on General Procedure.

93. The relevant rules, as amended, read, in part, as follows:

Rule 85

"2. Petitions concerning general problems to which the attention of the Trusteeship Council has already been called and on which the Council has taken decisions or has made recommendations, as well as anonymous communications, shall be circulated by the Secretary-General in the manner provided for in rule 24."

Rule 90

"3. The Standing Committee on Petitions shall decide which, if any, of the petitions referred to in paragraph 2 of rule 85 and the communications circulated pursuant to rule 24 shall have the established procedure concerning petitions applied to them. However, the Trusteeship Council may review the decision of the Standing Committee and decide that any of the petitions referred to in paragraph 2 of rule 85 and any of the communications circulated pursuant to rule 24 shall have the established procedure concerning petitions applied to them."

".....

"5. The Standing Committee shall also make such recommendations to the Trusteeship Council as it deems necessary concerning the consideration by the Council of the petitions referred to in paragraph 2 of rule 85 and the communications circulated pursuant to rule 24."

94. Requested to report to the Council on the effectiveness of the new rules, the Standing Committee on Petitions, in its report 78/ to the Council at its fourteenth session, expressed the views set forth below. (1) The procedure for the examination of petitions raising general questions which had already been examined by the Council and had been circulated under rule 85 (2), could be improved. (2) It might be contended that, as their subject-matter had already been examined by the Council, such petitions raised no new issues of importance, and that was true in certain cases. (3) Included in that group, however, were the views of prominent individuals and organizations on the manner in which problems of general interest affecting their Territory were being approached. (4) The fact that the Council had at one time expressed views on the problems did not preclude further consideration, as the problems were not static and one of the most important elements in dealing with them was the point of view of the inhabitants of the Territory themselves.

95. Under rule 90 (3) the Committee had usually recommended that petitions relating to general questions should be considered during the examination of the next annual report on the Territory to which they referred, or during the consideration of another appropriate agenda item. However, in order to improve the procedure for applying that normal practice, the Committee suggested that the material contained in those petitions

76/ T C resolution 427 (X).

77/ T C (XI), Annexes, a.i. 11, p. 2, T/L.265.

78/ T/L.465.

circulated to members of the Council should be brought to the attention of the Trusteeship Council in greater detail and in a more usable form. With that end in view, it recommended that the working paper prepared by the Secretariat on conditions in the Territory concerned should contain an annex setting forth, under headings corresponding to those in the working paper, the problems raised in petitions relating to general questions, as well as general questions raised in communications. The recommendations and suggestions were approved 79/ by the Council at its fourteenth session.

h. PETITIONS RELATING TO STRATEGIC AREAS

96. With respect to petitions relating to a strategic area, rules 76 and 88, approved unanimously at the first session of the Trusteeship Council, contained the provision that the functions of the Trusteeship Council shall be governed by Article 83 and the terms of the relevant Trusteeship Agreements.

97. Article 13 of the Trusteeship Agreement for the Pacific Islands under United States administration, approved by the Security Council on 2 April 1947, stipulates as follows:

"The provisions of Articles 87 and 88 of the Charter shall be applicable to the Trust Territory, provided that the Administering Authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons." 80/

No limitation of the applicability of Article 87 b has, in fact, been determined to date by the Administering Authority.

i. ORAL PRESENTATIONS IN SUPPORT OF WRITTEN PETITIONS AND ORAL PETITIONS BEFORE THE COUNCIL

98. When the Council, at its first session, discussed 81/ the question whether both written and oral petitions should be accepted, members expressed the view that a measure of discretion should be exercised before the Council heard oral petitions. They were of the opinion that the contents or subject-matter of such petitions should have been previously communicated to the Council and to the Administering Authority concerned, and that oral hearings of petitioners who had not previously submitted their petitions in writing should be limited to exceptional cases.

99. In adopting its rules of procedure, the Council approved unanimously the texts of the relevant rules embodying these principles. Rule 78 provides that petitions "may be presented in writing... or orally" in accordance with certain specific rules governing each case.

100. Acceptability of oral presentations is governed by rule 80 (1) which provides that:

"The Trusteeship Council may hear oral presentations in support or elaboration of a previously submitted written petition. Oral presentations shall be confined to the subject-matter of the petition as stated in writing by the petitioners. The Trusteeship Council, in exceptional cases, may also hear orally petitions which have not been previously submitted in writing, provided that the Trusteeship Council and

79/ T C resolution 990 (XIV).

80/ United Nations Treaty Series, vol. 8, 1947, I, No. 123, p. 198.

81/ T C (I), 5th mtg.

the Administering Authority concerned have been previously informed with regard to their subject-matter."

101. Requests for the making of oral petitions or oral presentations are decided by vote of the Council, except that rule 80 (2), adopted 82/ at the second session, provides that:

"The President of the Council shall be authorized between sessions of the Council, through the Secretary-General, to inform any petitioner who requests an opportunity for an oral presentation or petition under this rule, that the Council will grant him a hearing at such time and place as the President may name. Before communicating such information to the petitioner, the President shall inquire of the Administering Authority or Authorities concerned as to whether there are substantial reasons why the matter should first be discussed in the Council. If the Administering Authority is of the opinion that such substantial reasons exist, the President shall defer action until the matter has been decided by the Council."

102. In all, twenty-six requests for hearings had been made to the Council up to the close of its fourteenth session, of which eighteen were granted 83/ and eight rejected. Three of the requests rejected emanated from individuals who were not residents of the Territories concerned. 84/ At the twelfth session, upon the recommendation of the Standing Committee on Petitions, the Council rejected 85/ requests for hearings from four petitioners in Ruanda-Urundi on the grounds that a hearing would not advance the petitioners' interests. At its thirteenth session, the Council rejected, by 6 votes to 5, with 1 abstention, the request for a hearing of the representative of an organization from the Cameroons under French administration; the representatives who voted against the request based their opposition on the fact that the petitioner had just previously stated his views in a hearing before the Fourth Committee of the General Assembly.

103. One hearing of a petitioner was held in the Council 86/ before ad hoc committees and, later, the Standing Committee on Petitions, were authorized to examine petitions.

104. Since the establishment of the Standing Committee on Petitions, the practice of hearing petitioners in the Council itself has continued, although rule 90 of the rules of procedure of the Council provides that the Standing Committee might undertake a preliminary examination of such oral petitions as may be referred to it. In this connexion, it may however be noted that, after hearing an oral presentation on the Meru land case at the eleventh session, 87/ the Council referred the case to the Standing Committee on Petitions for further examination and report; the Committee also heard the petitioners. It may also be noted that most of the petitioners who have appeared before the Council since that time have wished to speak generally on conditions in the Territory concerned or to bring up questions of wide general interest, which, if submitted in writing, would have constituted "general" petitions. The Council has not adopted special resolutions concerning such hearings, but has taken the views of the petitioners into account in its consideration of the agenda items concerned. At the twelfth session of the Council, the request of one such petitioner to participate,

82/ T C (II), 14th mtg., p. 460.

83/ Three of the organizations granted hearings failed subsequently to send representatives.

84/ T C (III), 3rd mtg.; T C (IV), 36th mtg.; T C (X), 411th mtg.

85/ T C (XII), 469th mtg., p. 127.

86/ T C (II/1), 11th mtg., p. 319.

87/ T C (XI), 431st, 432nd, 451st and 452nd mtgs.

without vote, in the further consideration by the Council of conditions in the Territory concerned was rejected. 88/

2. *Transmittal and circulation of petitions*

105. During the debates at its first session concerning the formulation of the rules of procedure, the Council devoted particular attention to the method by which petitions should be transmitted to the Council and to the formulation of procedures laying down the functions and duties of the transmitting agencies in connexion with petitions.

106. The Council held prolonged discussions on the question whether petitions should be transmitted to the Council through the Administering Authority concerned, through the representatives of the Council engaged in visiting missions to Trust Territories, and also through the Secretary-General. While the principle of the first two of the above-mentioned channels of transmission was readily accepted, there was some hesitation concerning the third method of transmission. Some members of the Council recalled the procedure followed by the Permanent Mandates Commission of the League of Nations which required that petitions should be transmitted through the Mandatory Powers, and they expressed the opinion that petitions addressed to the Council should also be sent through the Administering Authority. A proposal 89/ was submitted to the Council providing for a specific rule under which petitions from inhabitants of Trust Territories received by the Secretary-General through any channel other than the Administering Authority would be communicated to the latter, which would return it to the Secretary-General with its comments, and that petitions regarding the inhabitants of Trust Territories received by the United Nations from any source other than the inhabitants themselves would be communicated to the President of the Trusteeship Council. The debate 90/ concluded in an agreement on the principle that petitions could be presented either through the Administering Authority, visiting missions, or the Secretary-General. The Council thereupon adopted rules 82, 83 and 84 (1) which, at the same time, charged the Secretary-General with the duty of transmitting and processing all petitions to the Council.

107. A modification of its rules concerning the transmission of petitions became necessary when Somaliland under Italian administration was placed under the International Trusteeship System on 2 December 1950. 91/ Under the terms of the Trusteeship Agreement with Italy a special organ, the Advisory Council for Somaliland, was established, composed of representatives of Colombia, Egypt and the Philippines, with its headquarters in the Territory. The presence of a United Nations organ in the Trust Territory created for the local population a new channel for the transmission of petitions. At the ninth session of the Council the question arose whether the Advisory Council should transmit all petitions to the Secretary-General or whether it could be authorized to consider some of the petitions on the spot. The general opinion of those representatives of the Council who participated in the discussion was that the Trusteeship Council could not delegate its powers regarding petitions, and that petitions submitted to the Advisory Council for Somaliland should be transmitted by it to the Secretary-General to be dealt with in accordance with the procedure of the Council on petitions. 92/

88/ T C (XII), 463rd mtg., pp. 33 and 34.

89/ T/15.

90/ For texts of relevant statements, see T C (I), 4th mtg., pp. 75 and 76; 5th mtg., pp. 77-105; 6th mtg., pp. 108-132; 8th mtg., pp. 156-174.

91/ G A resolution 442 (V).

92/ T C (IX), 351st mtg., paras. 8-28.

108. At the first session of the Council the question was raised whether the circulation of petitions should not be postponed until after the Administering Authority had made its comments on them. However, a proposal that the rules of procedure provide that petitions should be circulated by the Secretary-General immediately upon their receipt was adopted 93/ by 5 votes to 4.

109. In considering the question whether the Secretary-General should be authorized to attach comments or supplementary information to petitions, the members of the Council felt that the Secretary-General should not make any comments on the substance of the petition unless a special study was requested by the Council. 94/

110. Under rule 85, the Secretary-General was not to circulate "manifestly inconsequential" petitions, a list of which, with a summary of their contents, was to be communicated to the members of the Trusteeship Council. It was left to the discretion of the Secretary-General to ascertain, subject to a review by the Council, whether or not a petition was inconsequential.

111. After the attention of the Council had been called to several manuscripts or booklets presented as petitions, specific instructions were issued to the Secretary-General at the fourth session of the Council concerning the circulation of lengthy petitions. On 31 January 1949, the Council approved instructions which were later incorporated, by resolution 467 (XI), in the text of rule 85 (3), which makes the following provision:

"In the case of lengthy petitions, the Secretary-General will first circulate a summary of the petition, the original petition being made available to the Trusteeship Council. The original petition, however, will be circulated if the President of the Trusteeship Council, during the recess of the Council, or the Council, if it is in session, so decides."

112. At its first session, the Council also considered the role of visiting missions with regard to the transmittal of petitions. By rule 84 (1) of its rules of procedure, the Council stipulated that visiting missions might accept written petitions, subject to such instructions as might have been received from the Council. It further provided that visiting missions should (a) transmit such petitions to the Secretary-General for circulation, (b) communicate a copy of each petition to the competent local authority, and (c) communicate any observations which they might wish to make on the petitions after consultation with the local representative of the Administering Authority. This decision was incorporated in rule 84 (1) which was approved unanimously at the first session of the Council.

113. In addition to these provisions, the Council has, by the terms of reference of visiting missions, directed them to investigate on the spot, after consultation with the representatives of the Administering Authority concerned, such of the petitions received, as in the mission's opinion, warranted special investigations, to give attention to issues raised in petitions or to give attention to petitions relating to specific issues. In addition, the Council has occasionally referred to its visiting missions certain petitions for study and investigation, including those from the Ewe

93/ T C (I), 7th mtg., p. 135.

94/ For texts of relevant statements, see T C (I), 5th mtg., pp. 94-105; 6th mtg., pp. 108-122; 7th mtg., pp. 133-135.

peoples in Togoland ^{95/} and petitions relating to the Bakweri land problem in the Cameroons under British administration.

114. At its subsequent sessions, the attention of the Council was called by its Ad Hoc Committee on Petitions, by its Visiting Mission to Trust Territories in East Africa, 1951, by its Committee on Examination of Petitions, by its Committee on Visiting Missions, and by its Committee on General Procedure, ^{96/} to the large number of different communications received by visiting missions in Trust Territories. It was questioned whether all such communications and memoranda were necessarily petitions stricto sensu, as the authors of those communications simply wanted the visiting mission to take their views into account in drafting its report. ^{97/} For these reasons, the Council, by resolution 467 (XI), provisionally approved an amended version of rule 84 (2) authorizing visiting missions to decide for themselves which of the communications they received were intended for their own information and which of these were petitions to be transmitted to the Secretary-General.

115. In practice, for example, the Visiting Mission to Trust Territories in West Africa, 1952, reported that it had received 2,899 communications concerning the Ewe unification question, most of which the Mission decided were intended for its own use.

3. The procedure for the examination of petitions by the Trusteeship Council

a. THE INCLUSION OF PETITIONS IN THE AGENDA OF THE TRUSTEESHIP COUNCIL

116. At its first session, the Council stipulated by its rules of procedure that petitions should be included in the agenda of its regular sessions and examined by it provided that they had been received by the Administering Authority concerned, either directly or through the Secretary-General, at least two months before the date of the session concerned. The provision of the time limit was designed to give the Administering Authorities sufficient time in which to submit their observations on petitions.

117. At the same session, the Trusteeship Council provided, under its rules of procedure, that it was the duty of the Administering Authority to transmit to the Secretary-General for circulation all petitions received by it; that the Administering Authority should be free, at its discretion, to submit its comments on questions raised in petitions; and that these comments should be submitted within a reasonable period of time which would allow an efficient handling of petitions.

118. The fixing of time limits for the submission of comments by the Administering Authorities and the subsequent inclusion of petitions in the agenda were subject to prolonged deliberations and to gradual changes in the practice of the Council. At its first session, the Council stipulated by its rules of procedure that petitions would normally be included in the agenda of a regular session if "received by the Administering Authority concerned either directly or through the Secretary-General at

^{95/} The question raised in these petitions was the subject of a special report of the United Nations Visiting Mission to Trust Territories in West Africa (T C (VII), Suppl. No. 2 (T/798), pp. 72-85).

^{96/} T C (VII), Annex, vol. II, a.i. 5, p. 10, T/L.101; *ibid.*, p. 40, T/L.103; T/L.951; T C (X), Annexes, a.i. 10, p. 1, T/L.343 and Corr.1; *ibid.*, a.i. 11, p. 3, T/L.249; T C (XI), Annexes, a.i. 11, p. 2, T/L.265.

^{97/} T C (X), Annexes, a.i. 10, p. 1, T/L.243 and Corr.1, para. 12.

least two months before the date of the next following regular session" and that "Any observations on petitions which the Administering Authority desires to have circulated to members of the Trusteeship Council should, wherever possible, be transmitted to the Secretary-General not less than fourteen days before the opening of the session at which such petitions will be considered". 98/

119. At the fifth session of the General Assembly, certain representatives commented unfavourably on the fact that many petitions had been examined at previous sessions of the Trusteeship Council on the basis of only brief oral statements by representatives of the Administering Authorities. The General Assembly, accordingly, recommended, under its resolution on examination of petitions, 99/ that the Trusteeship Council consider the possibility of requesting the Administering Authorities to submit such observations as they might wish to make on petitions within two months of their receipt.

120. At its ninth session, the Trusteeship Council, by resolution 347 (IX), decided to amend rule 86 (2) of its rules of procedure and to replace it by the following text:

"The Administering Authority concerned shall, whenever possible, transmit to the Secretary-General in writing, not less than fourteen days before the opening of the session at which the petitions will be examined, its observations on these petitions for circulation to the members of the Trusteeship Council."

Furthermore, it requested the Administering Authorities concerned to transmit, whenever possible, the written observations mentioned in rule 86 (2) not later than two months after the receipt of the petitions by them.

121. A time limit of two months for the submission of written observations by the Administering Authorities, "whenever possible", was suggested by the Committee on General Procedure, 100/ Administering Authorities having pointed out the difficulty in many cases of providing observations within the period of two months from the date the petitions were received. An appropriately amended text of rule 86 (4) was approved provisionally under Trusteeship Council resolution 467 (XI).

122. Requested to report to the Council on the effectiveness of these provisionally amended procedures, the Standing Committee on Petitions submitted a report 101/ to the Council at its fourteenth session. The observations set forth below were among those contained in the report.

(1) It was necessary for the expeditious and proper handling of petitions that pertinent information be made available to it in advance of the actual examination of the petitions. (2) The observations of the Administering Authority formed an essential part of that information. (3) The work of the Standing Committee would gain in efficiency and thoroughness if Administering Authorities undertook to submit their observations within a fixed time limit. (4) It was, however, the exception rather than the rule for Administering Authorities to be in a position to submit observations on petitions within two months. (5) If the time limit were extended to three months, enough time would be allowed to the Administering Authorities for necessary investigation and collection of information; it would be helpful in shortening the interval between the receipt of a petition and the submission of observations if the

98/ United Nations Publication, Sales No.: 1947.I.9, rule 86 (1) and (2).

99/ G A resolution 435 (V).

100/ T C (XI), Annexes, a.i. 11, p. 2, T/L.265, para. 47.

101/ T/L.465.

Secretariat dispatched a copy of the petition to the Government of the Territory concerned at the same time as the petition was formally transmitted to the Administering Authority. (6) Another factor connected with the submission of observations by Administering Authorities which contributed to delay in the examination of petitions by the Standing Committee was the fact that on occasion the information contained in the observations of the Administering Authority concerned was not sufficiently detailed for not all the points raised by the petitioner were commented on. That caused the members of the Standing Committee to question the representative or special representative of the Administering Authority concerned at length, with a consequent delay of the proceedings of the Committee. (7) It was, therefore, desirable that the observations of Administering Authorities be as complete and as clear as possible and, consequently, that rule 86 (4) be amended accordingly.

123. By resolution 998 (XIV), the Council approved the conclusions noted above and adopted the present text of rule 86 (4) (see paragraph 124 below).

124. The final text of rule 86, as amended by the Council under resolutions 467 (XI) and 998 (XIV), reads as follows:

"1. Written petitions will normally be placed on the agenda of a regular session provided that they shall have been received by the Administering Authority concerned either directly or through the Secretary-General at least two months before the date of the next following regular session.

"2. The date of receipt of a petition shall be considered as being:

"(a) In respect of a petition which is presented through the Administering Authority, the date on which the petition is received by the competent local authority in the Territory or the metropolitan Government of the Administering Authority, as the case may be, and

"(b) In respect of a petition received by a visiting mission, the date on which the copy of the petition is communicated to the local authority in accordance with rule 84;

"(c) In respect of a petition not presented through the Administering Authority, the date on which the petition is received by the Administering Authority through the Secretary-General. The Administering Authority concerned shall immediately notify the Secretary-General of the date of receipt of all such petitions.

"3. In cases where the Administering Authority may be prepared to consider a written petition at shorter notice than is prescribed by the foregoing rules, or where, in exceptional cases, as a matter of urgency, it may be so decided by the Trusteeship Council in consultation with the Administering Authority concerned, such written petition may be placed on the agenda of a regular session notwithstanding that it has been presented after the due date, or it may be placed on the agenda of a special session.

"4. Complete and precise written observations by the Administering Authority concerned on the petitions to which the established procedure is to be applied shall be transmitted within three months of the date of their receipt by the Administering Authority. In the case of other petitions and communications upon which a decision is taken pursuant to paragraph 3 of rule 90, to apply the established procedures concerning petitions, written observations shall be transmitted by the Administering Authority within three months of its receiving notification of such decision."

125. It may be noted that rule 86 (3) quoted above, which was approved at the first session of the Council, provides for a procedure whereby, in case of emergency, the Council could depart from its regular procedure relating to the inclusion of petitions in its agenda. In practice, all petitions received up to the time of the circulation of the provisional agenda of a session of the Council have been included therein, and such of these as the Administering Authority concerned has been prepared to discuss have been examined at the various sessions in question.

b. THE EXAMINATION OF PETITIONS

126. In the course of its first session, the Trusteeship Council considered methods for the examination of petitions. Three possibilities were discussed: (a) the appointment of an ad hoc committee which should undertake a preliminary examination of petitions; (b) the subdivision of the Council into groups to make recommendations on the substance of petitions; and (c) the method applied by the Permanent Mandates Commission of the League of Nations whereby a rapporteur was appointed to make recommendations on petitions. With respect to the latter, the Council ruled out the appointment of rapporteurs since it recognized the fundamental difference which distinguished the Permanent Mandates Commission, the members of which had served in an expert capacity, from that of the Trusteeship Council, composed of representatives of Governments. The Council accepted the principle of an ad hoc committee but, as provided under the original text of rule 90, limited the function of such a committee to a preliminary examination of the petitions on the agenda without making an appraisal of the substance of the petitions.

127. At the early sessions of the Council, the number of petitions submitted to it for examination was relatively small and it was therefore possible for the Council to examine them in plenary session, following their preliminary classification by ad hoc committees on petitions, if such were appointed, or by the Secretariat. However, at its sixth session, a considerable number of petitions was submitted to the Council, which made their examination by the Council itself more difficult.

128. At that session, the Council therefore established a Committee on Rules of Procedure which was charged with the drafting of an amendment providing for expanded terms of reference of the Ad Hoc Committee on Petitions. An amended text of rule 90 was adopted unanimously, 102/ under which the Ad Hoc Committee on Petitions was empowered to undertake the preliminary examination of written petitions and of any observations submitted by the Administering Authority concerned, to invite the representative of the Administering Authority or the petitioner to furnish any additional information which the Ad Hoc Committee deemed necessary, to report to the Council on each petition and to propose recommendations on the kind of action which should be taken by the Council in each case.

129. The procedure of the Trusteeship Council relating to the examination of petitions was discussed by the General Assembly at its fifth session. The Assembly recommended 103/ that the Trusteeship Council consider the possibility of constituting the Ad Hoc Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council. The Council considered the question at its ninth session but, by resolution 347 (IX), deferred action thereon.

102/ T C (VI), 216th mtg.

103/ G A resolution 435 (V).

130. At its sixth session, the General Assembly recommended 104/ that the Trusteeship Council constitute a standing committee for the examination of petitions which should meet as soon as possible whenever necessary between sessions of the Council, as well as during sessions of the Council. It was suggested that a procedure be devised by which the standing committee would examine each petition in a preliminary way, within a prescribed period of time after the receipt of the petition by the Administering Authority concerned, and in conjunction with such observations as might be submitted thereon by the Administering Authority on its own initiative or at the request of the standing committee, or as might be obtained by the standing committee from any other official or responsible source which it deemed useful, and would prepare, on the basis of this preliminary examination, proposals for action to be taken on each petition by the Council.

131. In pursuance of these recommendations, the Council, at its tenth session, appointed 105/ a Committee on the Examination of Petitions to make recommendations regarding the implementation of the above-mentioned resolutions, in particular the possibility of establishing a Standing Committee on Petitions.

132. In its report, 106/ the Committee recommended the establishment of a Standing Committee on Petitions which would, in addition to examining petitions to which the established procedure was applied, screen communications including anonymous communications, and general petitions, and decide whether the established procedure should be applied to them. As regards the former, the Standing Committee would conduct, in consultation with the representative of the Administering Authority concerned, a preliminary examination of those petitions on which written observations by the Administering Authority were available, or which had been received by the Administering Authority at least two months previous to the opening of the next regular session of the Council. In particular, the Standing Committee was to formulate any questions to be submitted to the Administering Authority or to the special representative of the Administering Authority, and instruct the Secretariat to carry out studies or prepare working papers and to undertake such preparatory work as it deemed necessary. During the session of the Council, the Standing Committee, with the assistance of a special representative of the Administering Authority, would then conclude its examination of the petitions and report to the Trusteeship Council, submitting its recommendations on the action to be taken in each case. Finally, the Committee was to complete, whenever possible, its examination of those petitions which the Administering Authority agreed to have examined in the absence of a special representative.

133. The Council, by resolution 425 (X), approved the conclusions of the report, decided to establish a Standing Committee on Petitions, and requested its Committee on General Procedure to undertake an appropriate revision of the rules of procedure. While the Standing Committee on Petitions thus became one of the permanent Committees of the Trusteeship Council, its members are appointed at the end of each session of the Council.

134. By resolution 467 (XI), the Trusteeship Council approved the report 107/ of its Committee on General Procedure and provisionally adopted the amended text of rule 90 which provided for the establishment of the Standing Committee on Petitions and laid

104/ G A resolution 552 (VI).

105/ T C (X), 387th mtg

106/ T C (X), Annexes, a.i. 10, p. 1, T/L.243 and Corr.1.

107/ T C (XI), Annexes, a.i. 11, p. 2, T/L.265.

down its terms of reference along the lines proposed by the Committee on Examination of Petitions. 108/ By the same resolution, the Council further decided to reconsider those provisional amendments in the light of experience, and to invite its Standing Committee on Petitions to report on the effectiveness of the new rules of procedure affecting the handling of petitions.

135. The report 109/ of the Standing Committee on Petitions was submitted to the Council at its fourteenth session. In this report, the Standing Committee noted that, by rule 90, as amended, of its rules of procedure, the Trusteeship Council had delegated to the Standing Committee on Petitions the power to make a preliminary examination of petitions to which the established procedure was applicable, and to that end, it had authorized the Committee to make studies and to request or to receive any information from the Administering Authority which it might deem necessary for the proper discharge of its responsibilities. In the opinion of the Committee, the scope of these powers was broad enough to assure it of the necessary means for a thorough examination of petitions; its terms of reference were satisfactory in so far as they provided for all reasonable means for the effective discharge of the functions entrusted to it by the Trusteeship Council. The Standing Committee noted, however, that a potential source of delay in the examination of petitions lay in the inherent difficulty in examining the large volume of petitions on the agenda of the Council and reporting on them to the Council before the close of each session. This difficulty would be overcome were the Committee to meet more frequently between sessions of the Council. It hoped that, while rule 92 of the rules of procedure entitled the Administering Authority concerned to have present a special representative who should be well informed on the Territory involved when petitions were being examined, representatives of Administering Authorities at United Nations Headquarters would be prepared to assist in the examination of many petitions without the presence of special representatives, provided that complete written observations of the Administering Authorities had been received. It proposed, therefore, a rule which would provide that the Standing Committee on Petitions should meet as often as necessary, depending on the volume of its work.

136. By resolution 998 (XIV), the Council approved the recommendations contained in the above-mentioned report and adopted certain amendments to the rules of procedure. The text of rule 90 as then amended reads as follows:

"1. The Trusteeship Council shall establish a Standing Committee on Petitions of six members to undertake a preliminary examination of all written petitions and such oral petitions as may be referred to it by the Council in accordance with rule 80. The Council shall appoint at the end of each regular session three members administering Trust Territories and three members having no administering responsibilities to serve on the Standing Committee on Petitions until the close of the following regular session.

"2. The Standing Committee on Petitions shall meet as often as necessary depending on the volume of its work.

"3. The Standing Committee on Petitions shall decide which, if any, of the petitions referred to in paragraph 2 of rule 85 and the communications circulated pursuant to rule 24 shall have the established procedure concerning petitions applied to them. However, the Trusteeship Council may review the

108/ See para. 132 above.

109/ T/L.465.

decision of the Standing Committee and decide that any of the petitions referred to in paragraph 2 of rule 85 and any of the communications circulated pursuant to rule 24 shall have the established procedure concerning petitions applied to them.

"4. The Standing Committee on Petitions meeting between sessions may conduct, in consultation with the representative of the Administering Authority concerned, a preliminary examination of those petitions on which written observations by the Administering Authority are available. In particular it may formulate any questions to be submitted to the Administering Authority, or to the special representative, and may instruct the Secretariat to carry out studies or undertake such preparatory work as the Standing Committee may deem necessary. The Standing Committee on Petitions shall complete, whenever possible, its preliminary examination of petitions which the Administering Authority has agreed to have examined without the presence of a special representative.

"5. The Standing Committee shall make a report to the Trusteeship Council on each petition to which the established procedure on petitions has been applied, together with its recommendations as to the action to be taken by the Trusteeship Council in each case. The Standing Committee shall also make such recommendations as it deems necessary concerning the consideration by the Council of the petitions referred to in paragraph 2 of rule 85 and the communications circulated pursuant to rule 24.

"6. The Standing Committee on Petitions shall submit recommendations to the Trusteeship Council specifying petitions in respect of which special information on the action taken on the recommendations of the Trusteeship Council by the Administering Authority concerned is not required."

137. In respect of petitions to which the established procedure is applied, the Secretariat prepares working papers containing summaries of the petitions, summaries of the observations of the Administering Authority thereon and summaries of any other official information relevant to the examination of the petitions. Such working papers form the basis of the examination of petitions by the Standing Committee and subsequently, with the additional information supplied by the representative or special representative of the Administering Authority as a result of questions put to them by members of the Committee and with the draft resolutions adopted by the Committee, constitute the reports of the Standing Committee to the Council on the petitions. The draft resolutions are also, as a general rule, drafted in the first instance by the Secretariat on the basis of the discussion in the Committee. Only on rare occasions have draft resolutions on petitions been formally submitted by members of the Committee.

C. THE PARTICIPATION OF THE ADMINISTERING AUTHORITY IN THE
EXAMINATION OF PETITIONS

138. In accordance with the provisions of Article 87 b, the General Assembly and, under its authority, the Trusteeship Council may examine petitions "in consultation with the administering authority". The Council embodied this principle in the text of rule 92 of its rules of procedure, under which the Administering Authority is entitled to designate and to have present in the examination of all petitions a special representative who should be well informed on the Territory involved. Whenever a petition has been examined by the Council or its committee, a representative or a special representative of the Administering Authority concerned has always been present to put forward such oral observations as he deemed fit, and to answer such questions as were addressed to him by members.

d. THE FINAL DISPOSAL OF PETITIONS FOLLOWING THEIR EXAMINATION

139. At its first session, the Trusteeship Council unanimously approved the text of rule 93 of its rules of procedure which provides that

"The Secretary-General shall inform the Administering Authorities and the petitioners concerned of the actions taken by the Trusteeship Council on each petition, and shall transmit to them the official records of the public meetings at which the petitions were examined."

In this connexion, it should be noted that the action taken by the Trusteeship Council on each petition takes the form of a resolution. The resolutions adopted at each session are subsequently published as part of the Official Records of the Council.

140. At its ninth session, the Trusteeship Council, by resolution 347 (IX), invited the Administering Authorities, while continuing to give in their annual reports information regarding problems raised in the petitions, to submit special information concerning action taken on the recommendations of the Council in respect of petitions examined, in cases where the Council had indicated such action to be necessary.

141. At its sixth session, the General Assembly, by resolution 552 (VI), requested the Administering Authorities to submit to the Council each year special information concerning action taken on the recommendations of the Council in respect of all petitions examined, except in those cases where the Council did not deem it necessary.

142. The question was taken up again in the report 110/ of the Committee on Examination of Petitions submitted to the Council at its tenth session, in which it was suggested that the Standing Committee on Petitions should prepare recommendations for submission to the Trusteeship Council specifying those petitions in respect of which special information concerning the action taken on the recommendations of the Trusteeship Council was not required. The Council approved these conclusions by resolution 425 (X). At its eleventh session, the Council, by resolution 467 (XI), provisionally adopted the text of rule 90 (6) which reads as follows:

"The Standing Committee on Petitions shall submit recommendations to the Trusteeship Council specifying petitions in respect of which special information on the action taken on the recommendations of the Trusteeship Council by the Administering Authority concerned is not required."

In practice, when such recommendations of the Committee have been adopted by the Council, the Administering Authority concerned has been expected to furnish the special information required. Sometimes the Administering Authorities have furnished the information in their annual reports on the Trust Territories, but more frequently they have furnished it in separate communications to the Secretary-General.

III. ARTICLE 87 c

A. General Survey

143. In exercising its supervision over the administration of the Trust Territories, the Trusteeship Council has each year appointed a visiting mission. From its

110/ T C (X), Annexes, a.i. 10, p. 1, T/L.243 and Corr.1.

establishment in 1947 to the close of its fourteenth session, the Trusteeship Council has dispatched the following eight missions: 111/ a Special Visiting Mission to Western Samoa, three periodic visiting missions to Trust Territories in East Africa, two to Trust Territories in West Africa and two to Trust Territories in the Pacific.

144. The Trusteeship Council has invited its members to nominate persons to take part in visiting missions on behalf of the Council, and the persons so nominated have been subject to the approval of the Council by subsequent individual vote upon the names submitted. 112/ Only persons so nominated and approved have to date served as members of the regular periodic visiting missions. 113/ Each periodic visiting mission has consisted of four members, the Council having approved in each case the selection of two persons nominated by Administering Authorities sitting on the Council and two persons nominated by non-administering members of the Council. The chairmanship of the visiting missions has also alternated between a member nominated by an Administering Authority and one nominated by a non-administering Power. The Secretary-General has appointed members of the Secretariat to assist the members of the visiting missions.

145. The Trusteeship Council has, in connexion with each visiting mission, adopted a resolution setting forth its terms of reference. Thus, by resolution 999 (XIV), the Council directed the Visiting Mission to East Africa, 1954, to investigate and to report as fully as possible on the steps taken in the Trust Territories of Ruanda-Urundi, Tanganyika and Somaliland under Italian administration towards the realization of the objectives set forth in Article 76 b; to give appropriate attention to questions raised in connexion with the annual reports on the Territories concerned, in petitions received by the Trusteeship Council, in the reports of the previous periodic visiting missions to those Territories and in the observations of the Administering Authorities on those reports; to receive petitions and to investigate on the spot, after consultation with the local representative of the Administering Authority concerned, such of the petitions received as, in its opinion, warranted special investigation; and to examine, in consultation with the Administering Authorities, the measures taken and to be taken in respect of providing information about the United Nations to the peoples of the Trust Territories.

146. Each visiting mission, in accordance with instructions contained in its terms of reference, has submitted a report to the Council containing its observations and recommendations formulated on the basis of its experience in the Trust Territories visited. These reports have assisted the Council in the examination of the annual reports on the Territory concerned. The decisions taken and resolutions adopted by the Council relating to the dispatch of its visiting missions form the concrete, operative part of its work in application of Article 87 c. In this connexion, however, the Council has been called upon to take a number of decisions concerning the organization and methods of functioning of its visiting missions.

147. Once the first three-year cycle of visiting missions had been completed and all Trust Territories had been visited at least once, the General Assembly adopted several resolutions by which it recommended that the Council undertake a review of the functioning of its visiting missions in order that the most effective use might be made of them. Specific recommendations made by the General Assembly were considered by Committees on Visiting Missions, established by the Trusteeship Council at its eighth

111/ See annex III.

112/ See, for example, T C (XI), 427th mtg., para. 1.

113/ For the Special Visiting Mission to Western Samoa in 1947, see paras. 222-224 below.

and again at its tenth sessions. Upon the recommendation of the latter Committee, the Council decided that in making arrangements for future visits to Trust Territories it would take into account the principles set forth by the General Assembly and the observations of its Committee upon them.

B. Analytical Summary of Practice

148. To some extent action taken by the Trusteeship Council, in connexion with visiting missions and bearing upon practice under Article 87 c, has been based upon recommendations contained in resolutions adopted by the General Assembly at its fifth and sixth sessions, as set forth below.

149. By resolution 434 (V), adopted at its fifth session, the General Assembly recommended that the Council consider the advisability of taking the actions described below. (1) To arrange for visiting missions to remain long enough in each Trust Territory to be able adequately to fulfil their task. (2) To reduce the number of Territories to be visited by a single visiting mission. (3) To ensure the greatest possible flexibility in the itinerary of each visiting mission. (4) To extend the duration of visits without diminishing their frequency. (5) To continue to include in the terms of reference of each visiting mission the examination of specific problems. (6) To continue to include in the terms of reference of each visiting mission the preliminary examination on the spot, when called for, of the petitions submitted to it, and of such other petitions as the Trusteeship Council might deem appropriate. (7) To select members of each visiting mission as far as possible from among representatives in the Trusteeship Council. (8) To direct visiting missions to take advantage of every opportunity to inform the indigenous inhabitants of the workings and operations of the International Trusteeship System.

150. At its eighth session, the Trusteeship Council established 114/ a Committee on Visiting Missions to consider the recommendations made by the General Assembly under resolution 434 (V) and, in its turn, to make recommendations regarding action to be taken by the Council thereon. Upon recommendation 115/ of the Committee, the Council, at its ninth session, adopted resolution 343 (IX), by which it decided that it would, in making arrangements for future visits to Trust Territories, be guided by the principles set forth under General Assembly resolution 434 (V), and would take into account the observations and suggestions made in the report of the Committee.

151. By resolution 553 (VI), adopted at its sixth session, the General Assembly recommended that the Council again review its procedures with a view to achieving the results set forth below. (1) To increase the duration of each visit to each Trust Territory. (2) To reduce the number of Territories to be visited by a single visiting mission. (3) To achieve the above-mentioned ends without diminishing the frequency of visits to Trust Territories.

152. At its tenth session, the Trusteeship Council again established 116/ a Committee on Visiting Missions to consider the recommendations made by the General Assembly under resolution 553 (VI). Upon recommendation 117/ of the Committee, which was also charged with considering a resolution of the Economic and Social Council regarding the appointment of women as members of a visiting mission and a special

114/ T C (VIII), 317th mtg., p. 17.

115/ T C (IX), Annexes, a.i. 9, p. 1, T/L.126/Rev.1.

116/ T C (X), 388th mtg., p. 17.

117/ T C (X), Annexes, a.i. 11, p. 3, T/L.249.

report of the Visiting Mission to Trust Territories in East Africa, 1951, concerning the organization and functioning of visiting missions, the Council, at the same session, adopted resolution 427 (X), under which it decided that

"in making arrangements for future visits to the Trust Territories, it will take into account the principles set forth in ... [General Assembly resolution 553 (VI) and Economic and Social Council resolution 385 E (XIII)] and [the] special report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, and the observations made thereon by its Committee on Visiting Missions."

1. *The question of the meaning of the term "periodic" in the text of Article 87 c*

153. The question of the meaning of the term "periodic" in the text of Article 87 c was first raised in the Executive Committee of the United Nations Preparatory Commission when one representative proposed that the following clause be included in the draft rules of procedure of the Trusteeship Council: "The Council shall make provision for annual visits to each Trust Territory except for areas designated as strategic". The proposal, however, was not accepted by the Executive Committee, which changed the wording of the relevant rule to follow that of the Charter: "The Trusteeship Council shall make provision for periodic official visits". The term "periodic" was retained both by the Preparatory Commission and the Trusteeship Council itself when the rules of procedure were finally adopted.

154. The rules of procedure of the Trusteeship Council do not stipulate how often each Trust Territory shall be visited. The frequency of the visits was discussed at some length at the first session of the Trusteeship Council in connexion with the question of the financial implications of the setting up of visiting missions. 118/ A draft resolution 119/ was submitted under which the Council would have decided that, as a general rule, visits to each Trust Territory should be on a biennial basis. In the ensuing discussion it was pointed out that the Trust Territories fell naturally into three geographic groups, 120/ that is to say, the East African Territories, the West African Territories and the Trust Territories in the Pacific. Therefore, it was argued, it would be more economical and more convenient if all the Trust Territories in one area could be visited during the course of one mission. This would obviously mean that each area would be visited once every three years. A triennial cycle would also be desirable in view of the fact that the term of office of the elected members of the Trusteeship Council was three years. For those reasons, an amendment to the above-mentioned draft resolution was submitted under which it would have been provided that the periodic visits to each Trust Territory would be made every three years. Certain representatives, however, preferred to leave open the question of the frequency of the periodic visits to each Trust Territory in order that it might be resolved on the basis of experience.

118/ T C (I), 26th mtg., pp. 703-729.

119/ Ibid., pp. 703 et seqq.

120/ The East African Trust Territories are: Ruanda-Urundi, Tanganyika and Somaliland under Italian administration. The West African Trust Territories are: Togoland under British administration, Togoland under French administration, Cameroons under British administration and Cameroons under French administration. The Trust Territories in the Pacific are: Western Samoa, Nauru, New Guinea and the Pacific Islands.

155. The Council thereupon adopted resolution 9 (I), under which it made no mention of the frequency of the periodic visits to each Trust Territory, but specified only that one visiting mission would be dispatched each year. The operative paragraph of the resolution reads as follows:

"The Trusteeship Council recommends that the General Assembly make regular provision in the budget of the United Nations for periodic visits to Trust Territories, as a recurring item in the annual budgets, on the basis of one visiting mission each year."

156. Although the Trusteeship Council has never specified how often each Trust Territory should be visited, it has in actual practice adhered to the three-year cycle. Each year, one visiting mission has visited all Trust Territories in one geographical area which therefore made it necessary for the mission to visit at least two (prior to 1950, when Somaliland became a Trust Territory) and as many as four Trust Territories, in its itinerary. 121/

157. The report 122/ of the Committee on Visiting Missions established at the tenth session of the Council endorsed the practice by which each Trust Territory received a visit every three years.

2. The questions of the number of Trust Territories to be visited and the duration of visits

158. The questions of the number of Trust Territories to be visited and the duration of visits were discussed 123/ at the fifth session of the General Assembly when the first three-year cycle had been completed and all Trust Territories had been visited. In this connexion the Assembly, under resolution 434 (V), made certain recommendations regarding the number of Territories to be visited and the duration of visits, as set forth in paragraph 149 above.

159. The report 124/ submitted to the Council at its ninth session by the Committee on Visiting Missions (see paragraph 150 above) read, in part, as follows:

"7. The Committee agreed that the time spent by missions in certain Trust Territories had been too short and decided to recommend that the Trusteeship Council should ensure that future missions are given sufficient time in the Trust Territories to be able adequately to fulfil their task, taking into account the number of Territories to be visited and other relevant factors in each case.

"... ..

"8. The Committee agreed that one mission was sufficient to cover the four Trust Territories in West Africa and one for the three Trust Territories in East Africa. The Committee felt however, that, in view of the distances to be covered in visiting the Trust Territories in the Pacific, if possible, two

121/ See annex III below for details.

122/ T C (X), Annexes, a.i. 11, p. 3, T/L.249. This Committee was instructed to consider the recommendations of the General Assembly contained in General Assembly resolution 553 (VI). See also paras. 150 and 151 above.

123/ G A (V), 4th Com., 148th mtg., paras. 41-47; 151st mtg., paras. 6 and 7; 152nd mtg., paras. 3 and 4.

124/ T C (IX), Annexes, a.i. 9, p. 1, T/L.126/Rev.1.

separate missions consisting of four members each should in future be sent to those Territories every three years. The Committee therefore recommends this procedure to the Council." 125/

Upon recommendation of the Committee, the Council adopted resolution 343 (IX), by which it decided that it would, in making arrangements for future visits to Trust Territories, be guided by the principles set forth under General Assembly resolution 434 (V), and would take into account the observations and suggestions made in the report of the Committee.

160. Also at its ninth session, the Trusteeship Council, by resolution 344 (IX), laid down the terms of reference for the Visiting Mission to Trust Territories in East Africa, 1951. These terms included the provision that

"the Visiting Mission shall depart in July 1951, that it shall visit the Trust Territories of Ruanda-Urundi, Tanganyika, and Somaliland [126] under Italian administration and that it shall spend sufficient time in these Territories to be able adequately to fulfil its task as defined in the present resolution;"

161. In the course of the discussion 127/ of the report 128/ of the Trusteeship Council at the sixth session of the General Assembly, certain representatives expressed the view that in making arrangements for the Visiting Mission to Trust Territories in East Africa in 1951, the Trusteeship Council had not sufficiently taken into account General Assembly resolution 434 (V) and the recommendations (see paragraph 159 above) contained in the report of the Committee on Visiting Missions of the Council in connexion with the number of Territories to be visited and the duration of the visit. It was noted that the Visiting Mission to East Africa, 1948, had visited two Trust Territories - Ruanda-Urundi and Tanganyika - whereas the Visiting Mission to East Africa, 1951, had, in addition, visited Somaliland under Italian administration. It was also pointed out that the second Visiting Mission to East Africa had spent only a little more time in the three Trust Territories than the first Visiting Mission to that area had spent in two Trust Territories. The General Assembly subsequently adopted resolution 553 (VI), under which it made certain recommendations regarding the number of Territories to be visited and the duration of visits, as set forth in paragraph 151 above.

162. At its tenth session, the Council established 129/ a Committee on Visiting Missions to consider the recommendations made by the General Assembly under resolution 553 (VI); it was also charged with considering (1) resolution 385 E (XIII) of the Economic and Social Council regarding the appointment of women as members of visiting missions and (2) a special report of the Visiting Mission to Trust Territories in East Africa, 1951, concerning the organization and functioning of visiting missions.

125/ For discussion of this recommendation in the Council, see paras. 167-170 below.

126/ In the interval between the dispatch of the first and second Visiting Missions to Trust Territories in East Africa, Somaliland under Italian administration had become a Trust Territory.

127/ For texts of relevant statements, see G A (VI), 4th Com., 227th mtg., Indonesia, p. 167; 230th mtg., Syria, p. 193; 231st mtg., Brazil, p. 196; and Burma, p. 200; 239th mtg., Lebanon, p. 253.

128/ G A (VI), Suppl. No. 4 (A/1856).

129/ T C (X), 388th mtg., p. 17.

Upon recommendation 130/ of the Committee, the Council adopted resolution 427 (X), under which it decided that, in making arrangements for future visits to the Trust Territories, it would take into account the principles set forth in the above-mentioned resolutions of the General Assembly and the Economic and Social Council, the special report of the Visiting Mission to Trust Territories in East Africa, 1951, and the observations made thereon by the Committee on Visiting Missions.

163. As to the duration of visits, the Committee on Visiting Missions, in its report 131/ to the Trusteeship Council at its tenth session, reached the conclusion that the length of time spent in a Trust Territory did not necessarily determine the value of that visit and that it was more important that the time be effectively used. The Committee therefore emphasized the need for the most careful organization of itineraries and programmes of visiting missions, and felt that a good means of increasing the effectiveness of the time spent in a Territory lay in the possibility of dividing the members of the mission into groups, on suitable occasions - a procedure which, in fact, has been followed by several visiting missions.

164. As regards reducing the number of Trust Territories to be visited by a single mission, the Committee considered that the geographical grouping of the Trust Territories into three areas - East Africa, West Africa and the Pacific - was a satisfactory arrangement. Whether one or two missions should be sent to any one of these areas on a given occasion would be a matter for the Council to decide in the light of circumstances prevailing at the time. The Committee added, however, that it believed that one of the most valuable experiences open to a visiting mission was the possibility of comparing conditions, progress and methods in different Trust Territories. Standards of judgement could thus be evolved which could not be formed on the basis of a visit to one Territory only.

165. Subsequent to taking these decisions, the Trusteeship Council has, to date, dispatched three more regular visiting missions: one in 1952 to the Trust Territories in West Africa, one to those in the Pacific in 1953 and one to those in East Africa in 1954.

166. The Council, at its tenth session, in laying down the terms of reference of the Visiting Mission to Trust Territories in West Africa, 1952, under resolution 424 (X), referred to the duration of the Mission and stipulated that it should remain in the Territories not less than one month. 132/

167. The recommendation that two separate missions should be sent to the Trust Territories in the Pacific, contained in the report 133/ of the Committee on Visiting Missions to the Council at its ninth session (see paragraph 159 above), was discussed 134/ at the second part of the eleventh session of the Trusteeship Council. The opinion was expressed, and generally accepted, that a single visiting mission would be preferable, both on budgetary grounds and because conditions in the Territories were comparable; a single visiting mission would obtain a better appreciation of the problems in the individual Territories if it visited all four of them.

130/ T C (X), Annexes, a.i. 11, p. 3, T/L.249.

131/ Ibid.

132/ It may be noted that the Visiting Mission to West Africa, 1952, spent considerably more time in the Trust Territories in that area than the Mission dispatched in 1949.

133/ T C (IX), Annexes, a.i. 9, p. 1, T/L.126/Rev.1, para. 80.

134/ T C (XI/2), 456th mtg., paras. 2-35.

168. The suggestion was also made that this visiting mission might split into two groups at certain stages in its itinerary. To this, objection was raised on the ground that, since all four members had to sign the report of the visiting mission to the Trusteeship Council, it was essential that all four members as a group should visit all the areas concerned.

169. By resolution 642 (XI), the Council decided to send a single visiting mission to the Trust Territories in the Pacific.

170. It was left to the visiting mission itself to decide whether or not it should divide into two groups within individual Territories. 135/

171. No resolutions were adopted by the General Assembly on the question of the organization and methods of functioning of visiting missions at its seventh, eighth or ninth sessions.

3. *The question of the timing of the periodic visits*

172. The Charter prescribes that the times at which visits to the respective Trust Territories should take place, are to be "agreed upon with the administering authority". There has been no difficulty in fulfilling this particular requirement of the Charter when arranging for the dispatch of periodic visiting missions. The practice has normally been for the President of the Trusteeship Council, when a visiting mission was being arranged, to ask the representative of the Administering Authority what he considered to be the best time of year for the visit to take place. The representative has indicated the views of his Government, and agreement has been reached.

173. All the Trusteeship Agreements refer, in various forms, to the obligation of the Administering Authority under Article 87 c to facilitate periodic visits, and state that the times of such visits are to be agreed upon with the Administering Authority. Thus, for example, under article 3 of the Trusteeship Agreement for the Trust Territory of Tanganyika, the Administering Authority undertakes:

"to facilitate any periodic visits to Tanganyika which they [the General Assembly and the Trusteeship Council] may deem necessary, at times to be agreed upon with the Administering Authority."

174. The final three sentences of rule 46 of the provisional rules of procedure, 136/ as transmitted to the Trusteeship Council by the Preparatory Commission, provided as follows:

"At least one month in advance of each proposed visit, the Council shall notify the Administering Authority of the intention of the Council to sponsor a visit to that Territory. The Administering Authority may indicate its preference for some other date. In that case, the date of the visit shall be determined by agreement between the President of the Council and the Administering Authority."

175. During the discussion 137/ of provisional rule 46 at the first session of the Trusteeship Council, one representative expressed the opinion that these last three

135/ T C (XI/2), 456th mtg., paras. 2-35.

136/ Report of the Preparatory Commission of the United Nations. PC/20, 23 Dec. 1945, chap. IV, section 2.

137/ T C (I), 17th mtg., p. 431.

sentences were unnecessary since it was specified in the Charter itself that the visits had to be arranged "at times agreed upon with the administering authority". Another representative believed that the rule was not in conformity with the provisions of the Trusteeship Agreements. He therefore suggested two amendments under which (a) notice of a visit should be extended from one to two months; and (b) when the Trusteeship Council gave the Administering Authority two months notice of a proposed visit, the Administering Authority should consider whether such a visit was opportune and submit its reply, together with any comments, to the Trusteeship Council. Thus, a preliminary agreement regarding the visit would be reached between the Trusteeship Council and the Administering Authority of the Territory to be visited, a procedure which would be in accordance with the provisions of the Trusteeship Agreements. The amendments in question were, however, not adopted by the Council.

176. The relevant rule, as adopted by the Council at its first session, omitted the detailed provisions contained in the provisional rule and, as rule 94, reads as follows:

"The Trusteeship Council, in accordance with the provisions of Article 87 c and Article 83, paragraph 3, of the Charter, as the case may be, and with the terms of the respective Trusteeship agreements, shall make provision for periodic visits to each Trust Territory with a view to achieving the basic objectives of the International Trusteeship System."

4. *The question of the terms of reference of periodic visiting missions*

177. Rule 95 of the rules of procedure of the Trusteeship Council reads as follows:

"The Trusteeship Council, acting in conformity with the terms of the respective Trusteeship agreements, shall define the terms of reference of each visiting mission and shall issue to each mission such special instructions as it may consider appropriate." 138/

178. In accordance with this rule of procedure, the Trusteeship Council has adopted a number of resolutions 139/ defining the terms of reference of each of its periodic visiting missions. These terms of reference have in each case, been very similar and it will suffice, therefore, to quote only one example. Trusteeship Council resolution 344 (IX) reads in part as follows:

138/ The relevant draft rule submitted by the Secretariat to the Council at its first session read as follows: "The Trusteeship Council shall define the terms of reference of each visiting mission and shall give to the members of the mission such special instructions as it may consider appropriate." For the relevant statements which led to the amended form given in the text above, see T C (I), 17th mtg., pp. 435-437.

139/ T C resolution 37 (III) relating to the Visiting Mission to Trust Territories in East Africa, 1948; T C resolution 108 (V) relating to the Visiting Mission to Trust Territories in West Africa, 1949; T C resolution 115 (VI) relating to the Visiting Mission to Trust Territories in the Pacific, 1950; T C resolution 344 (IX) relating to the Visiting Mission to Trust Territories in East Africa, 1951; T C resolution 465 (XI) relating to the Visiting Mission to Trust Territories in West Africa, 1952; T C resolution 642 (XI) relating to the Visiting Mission to Trust Territories in the Pacific, 1953; T C resolution 999 (XIV) relating to the Visiting Mission to Trust Territories in East Africa, 1954.

"The Trusteeship Council,

".....

"1. Decides that the Visiting Mission shall depart in July 1951, that it shall visit the Trust Territories of Ruanda-Urundi, Tanganyika, and Somaliland under Italian administration and that it shall spend sufficient time in these Territories to be able adequately to fulfil its task as defined in the present resolution;

"2. Directs the Visiting Mission to investigate and to report as fully as possible on the steps taken in the three above-mentioned Trust Territories towards the realization of the objectives set forth in Article 76 b of the Charter, taking into account the terms of General Assembly resolution 321 (IV) of 15 November 1949;

"3. Directs the Visiting Mission to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and in the General Assembly and of resolutions adopted by them, to issues raised in connexion with the annual reports on the administration of the three Trust Territories concerned, in petitions received by the Trusteeship Council relating to those Trust Territories, in the reports of the first periodic Visiting Mission on Ruanda-Urundi and Tanganyika and in the observations of the Administering Authority on those reports;

"4. Directs the Visiting Mission to accept and receive petitions without prejudice to its acting in accordance with rules 84 and 89 of the rules of procedure and to investigate on the spot, after consultation with the local representative of the Administering Authority concerned, such of the petitions received, which in its opinion, warrant special investigation;

"5. Directs the Visiting Mission to examine, in consultation with the Administering Authorities, the measures taken and to be taken in respect of the provision of information about the United Nations to the peoples of the Trust Territories under Council resolution 36 (III) of 8 July 1948 and to undertake the duties enumerated in Council resolution 311 (VIII) of 7 February 1951 on the same questions;"

179. Directives contained in the terms of reference of the visiting missions have regularly been couched in general terms, and have given the missions wide latitude as to the subject-matter to be covered in their reports. However, under Trusteeship Council resolutions 108 (V), 424 (X) and 465 (XI), more definite instructions have been given with regard to certain specific questions. ^{140/} Thus, under resolution 108 (V), concerning the terms of reference of the Visiting Mission to West Africa in 1949, the Council directed the Mission

"to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and resolutions adopted by the Council, to issues raised in connexion with the annual reports on the administration of the four Trust Territories concerned and in petitions received by the Trusteeship Council relating to those Trust Territories, and in particular the petitions relating to the Ewe problem in Togoland under French administration and Togoland under British administration and the petition from the Bakweri Land Committee relating to the Cameroons under British administration".

^{140/} Specific instructions to visiting missions to disseminate information on the United Nations are dealt with in paras. 193-195 below.

180. At various sessions, in this connexion, suggestions have been submitted to make the terms of reference of visiting missions more specific. Thus, when the terms of reference of the first periodic visiting mission 141/ were being discussed, one representative proposed 142/ that the resolution of the Council should include a list of topics which had been stressed during the discussions of the Council. The proposal was rejected since other representatives, while not opposed to a study of the proposed topics, were of the opinion that broad terms of reference would allow the Mission to study these questions in any case. Attention was also drawn to the fact that the list was not all-inclusive, and that there might be other questions of equal importance which might conceivably be neglected if the terms of reference were made too specific.

181. The General Assembly has also requested the Council to instruct visiting missions to report on particular questions. Under the final paragraph of resolution 321 (IV) the Assembly recommended to the Trusteeship Council that it

"Direct visiting missions to report fully on the steps taken towards the realization of the objectives set forth in Article 76 b of the Charter, under the headings of political, economic, social and educational advancement, and in particular, on the steps taken towards self-government or independence."

182. When the Trusteeship Council, at its sixth session, considered 143/ the terms of reference for the Visiting Mission to Trust Territories in the Pacific, the draft resolution 144/ submitted contained the directive that the Mission should report "in particular on the steps taken towards self-government or independence". This phrase gave rise to prolonged discussion. It was maintained, on the one hand, that the Council would be lacking in respect for the Assembly if it failed to instruct the Visiting Mission to carry out its task in the precise manner stipulated by the General Assembly in its resolution 321 (IV). On the other hand, it was argued that the phrase laid undesirable and unwarranted emphasis on what was only one of the several objectives of the Charter. It was felt that the wording to be adopted should conform more closely to that of the Charter.

183. In the resolution 145/ as adopted, the paragraph under discussion read as follows:

"The Trusteeship Council,

".....

"Directs the Visiting Mission to investigate and to report as fully as possible on the steps taken in the four Trust Territories [Nauru, New Guinea, Western Samoa and the Pacific Islands] towards the realization of the objectives set forth in Article 76 b of the Charter, taking into account the terms of General Assembly resolution 321 (IV) of 15 November 1949." 146/

141/ The Visiting Mission to Trust Territories in East Africa, 1948.

142/ T C (III), 23rd mtg., p. 285.

143/ T C (VI), 10th mtg., pp. 58 et seqq.

144/ T/451.

145/ T C resolution 115 (VI).

146/ Identical instructions were included in all subsequent resolutions of the Trusteeship Council defining the terms of reference of visiting missions.

184. At the fifth session of the General Assembly, during the discussion in the Fourth Committee 147/ on the terms of reference of visiting missions, the opinion was expressed that, since the first three-year cycle of visits had been completed, attention should be drawn to the desirability of laying down more specific terms of reference. According to this view, while it was understandable that the first few missions should have reported on general problems, it would be more advisable for the missions to concentrate henceforth on certain important questions to which the Council felt obliged to give urgent consideration.

185. By resolution 434 (V), entitled "Organization and methods of functioning of visiting missions", the General Assembly recommended that the Trusteeship Council

"should undertake another such review in order to ensure that the most effective use will be made in future of this important function [the dispatching of visiting missions] of the General Assembly and of the Council, taking into consideration for that purpose the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly and taking into account the advisability of:

".....

"(e) Continuing to include in the terms of reference of each visiting mission the examination of specific problems".

186. The report 148/ of the Committee on Visiting Missions, established by the Council at its eighth session (see paragraph 150 above) to consider the recommendations made by the General Assembly under resolution 434 (V) stated that

"The Committee agreed that it had been the practice in the past to include in the terms of reference of visiting missions the examination of specific problems and that this practice should be continued. It desired to emphasize, however, that caution should be exercised so as not to overload the missions with the examination of too many problems".

Upon recommendation of the Committee, the Council adopted resolution 343 (IX), by which it decided that it would, in making arrangements for future visits to Trust Territories, be guided by the principles set forth under General Assembly resolution 434 (V), and would take into account the observations and suggestions made in the report of the Committee.

187. Two examples of instructions regarding the examination of specific problems included in the terms of reference of visiting missions may be cited here. Under resolution 108 (V), the Council directed the Visiting Mission to Trust Territories in West Africa, 1949, to give attention in particular to the petitions relating to the Ewe problem in Togoland under French administration and Togoland under British administration and the petitions from the Bakweri Land Committee relating to the Cameroons under British administration. 149/ Under resolution 424 (X), the Council decided that the next visiting mission to the Trust Territories of Togoland under British administration and Togoland under French administration should submit a report on the Ewe and Togoland unification problem.

147/ G A (V), 4th Com., 151st mtg.

148/ T C (IX), Annexes, a.i. 9, p. 1, T/L.126/Rev.1

149/ The question of the relationship of the provisions of Article 87 c and the provisions of Article 87 b is dealt with in paras. 112-115 above.

188. At its sixth session, the General Assembly adopted resolution 553 (VI), entitled "Organization and methods of functioning of visiting missions", under which it recalled resolution 434 (V), but did not again specifically refer to the terms of reference of visiting missions. However, the report 150/ of the Committee on Visiting Missions, established by the Council at its tenth session (see paragraph 152 above) to consider the recommendations made by the Assembly under resolution 553 (VI) stated that

"22. The Committee has already expressed the opinion that successive missions to a given Trust Territory should not necessarily cover the same ground as preceding missions. It considers that the value of successive visits can be enhanced by a relatively greater concentration of attention on certain developments or problems which may be of particular interest to the Council at the time or which the missions themselves may consider to warrant more intensive study.

"23. The Committee therefore believes that the Council will wish, while giving a visiting mission the general task of observing the developing political, economic, social and educational conditions in the Trust Territories, to direct it to give particular attention to certain specified questions and also leave it latitude to examine other such questions at its own discretion."

189. The Trusteeship Council, by resolution 427 (X), approved the conclusions contained in the report of the Committee.

190. The question of laying down more specific terms of reference for visiting missions was raised again 151/ at the eleventh session of the Council in connexion with the arrangements for the Visiting Mission to Trust Territories in West Africa, 1952. An amendment 152/ to the draft resolution 153/ by which the Council would lay down the terms of reference of the Visiting Mission was submitted on the grounds that the draft resolution in question was couched in very general terms which might be construed in various ways, so much so that the powers of the Visiting Mission would be uncertain. Under this amendment, the mission would have had to ascertain whether the Administering Authorities were increasing appropriations for education and other cultural needs and for public health.

191. There was agreement in the Council that the draft resolution had, in fact, been couched in general terms. That had been done deliberately since it was considered that the singling out of three or four specific points for special investigation might tend to divert attention that might be paid to quite a number of other points; it would tend to limit the scope of the work of the Visiting Mission.

192. The amendment was rejected, and the draft resolution was adopted and became Trusteeship Council resolution 465 (XI).

193. Although, as has been shown above, the Trusteeship Council did not wish to include in the terms of reference of its visiting missions any list of specific topics to which the visiting mission should devote particular attention during its stay in the Trust Territories, the question of the provision of information concerning the United Nations to the peoples of the Trust Territories was treated somewhat differently.

150/ T C (X), Annexes, a.1. 11, p. 3, T/L.249.

151/ T C (XI), 453rd mtg., paras. 4-15.

152/ T/L.313.

153/ T C (XI), Annexes, a.1. 7, p. 2, T/L.316.

At its eighth session, the Trusteeship Council considered 154/ the report 155/ of the Secretary-General on the implementation of Trusteeship Council resolution 36 (III), by which the Council had invited the Administering Authorities to furnish the Secretary-General with suggestions as to the appropriate channels through which information concerning the aims and activities of the United Nations might be communicated to the general public in the Trust Territories. In the course of the debate, it was suggested that visiting missions be asked to investigate the situation in the Trust Territories themselves, and to ascertain what type of literature and information would be most suitable for the various Trust Territories. The Trusteeship Council subsequently adopted resolution 311 (VIII) by which it resolved

"to instruct future visiting missions to make the necessary contacts to ensure the distribution of information documents relating to the United Nations and, in addition, to make these missions responsible for ascertaining what would be the most suitable form of such documents so that these may reach the widest possible public in the Trust Territories."

194. At the same session, the Trusteeship Council also considered General Assembly resolution 434 (V) by which the Assembly had recommended that the Council take into consideration the advisability of "Directing visiting missions to take advantage of every opportunity to inform the indigenous inhabitants of the workings and operations of the International Trusteeship System". The Committee on Visiting Missions, established by the Council at its eighth session (see paragraph 149 above) to consider that General Assembly resolution, stated in its report 156/ that visiting missions should take the opportunity presented by their visit to consult with the local administrations on the supply, suitability and use of the United Nations information material sent out to the Trust Territories in accordance with Trusteeship Council resolution 36 (III). In this connexion attention is drawn to the fact that the report contained a "Statement for the use of Visiting Missions" which the mission would make to the inhabitants of the various Trust Territories, explaining the basic objectives of the International Trusteeship System as well as the purpose of their visit to the Territory. This Statement received minor amendments 157/ at the ninth session, when the Council adopted resolution 343 (IX), by which it decided that, in making arrangements for future visiting missions, it would be guided by the principles set forth in General Assembly resolution 434 (V) and would take into account the observations and suggestions made in the report of the Committee.

195. The terms of reference of each subsequent visiting mission, beginning with the Visiting Mission to Trust Territories in East Africa, 1951, have contained a directive similar to that under Trusteeship Council resolution 344 (IX), worded as follows:

"The Trusteeship Council,

".....

154/ T C (VIII), 320th mtg., paras. 40 and 41.

155/ T C (VIII), Annexes, a.i. 25, T/824.

156/ T C (IX), Annexes, a.i. 9, T/L.126/Rev.1

157/ T C (IX), 347th mtg., para. 6.

"5. Directs the Visiting Mission to examine, in consultation with the Administering Authorities, the measures taken and to be taken in respect of the provision of information about the United Nations to the peoples of the Trust Territories under Council resolution 36 (III) of 8 July 1948 and to undertake the duties enumerated in Council resolution 311 (VIII) of 7 February 1951 on the same questions".

5. The question of the membership and composition of periodic visiting missions

196. At its first session the Trusteeship Council discussed 158/ the rule of procedure pertaining to the membership and composition of visiting missions as transmitted to it by the Preparatory Commission. This rule (rule 47) read as follows:

"The Council may designate, as its agents for the purpose of its periodic visits, one or more representatives of members of the Council or officials of the Secretariat, who shall report to the Council on their findings. It may also call upon the services of experts. Its agents shall be chosen for their competence and integrity, preferably from among non-nationals of the administering authority."

197. The two main questions of principle which were raised in the course of the discussion related to whether (a) the Council should designate individuals as members of the visiting missions, or whether it should select member States and allow them to appoint their representatives as members of the visiting mission; and (b) whether the membership of visiting missions should be limited exclusively to representatives of members of the Council, or whether the Council should have a wider latitude in its choice.

198. With regard to the first question, the opinion 159/ was expressed that the Council could not force one of its members to send a particular person and that it should be left to the member State represented on the Council to appoint the best person available. On the other hand, it was stated 160/ that, since the visiting mission represented the Council rather than individual Governments, it would be wise to allow the Council to select the persons to represent it on a particular mission. Moreover, since the members would be chosen on the basis of their personal qualifications and competence, the Council could hardly leave it to any individual Government to designate a person of whom the Council had no knowledge.

199. With regard to the second question, it was contended 161/ that it would not be desirable to restrict the selection of members of visiting missions entirely to representatives of the Council, especially since difficulty might be encountered in finding enough such representatives who could be made available. The possibility of utilizing the services of personnel from the specialized agencies and from the Secretariat, or of experts on colonial administration should not be excluded. It was also argued 162/ that participation in visiting missions would permit representatives to acquire first-hand knowledge of the problems of, and conditions in,

158/ T C (I), 17th and 18th mtgs., pp. 438-454. See also T C (I), Suppl., annex 2 (T/1), p. 9.

159/ T C (I), 17th mtg., p. 439.

160/ *Ibid.*, p. 440.

161/ *Ibid.*, p. 448.

162/ T C (I), 17th mtg., p. 449.

Trust Territories, and that such an advantage should be reserved entirely for representatives on the Council, since the experience they acquired in the course of their visits to Trust Territories would enable them the better to discharge their duties in the Council.

200. The final decision 163/ was to adopt the rule in the following form: 164/

"The Trusteeship Council shall select the members of each visiting mission who shall preferably be one or more of the representatives on the Council. Each mission may be assisted by experts and by representatives of the local administration..." 165/

201. The question of the composition of visiting missions was also discussed 166/ in the Fourth Committee at the third session of the General Assembly. In this connexion the two following suggestions were made: (a) that membership of visiting missions need not be limited to members of the Trusteeship Council and that missions might appropriately be composed of one representative of an Administering Authority, one representative of a non-administering member of the Council and one representative of a Member of the United Nations not represented on the Council; and (b) that every member of the Trusteeship Council should take its turn in serving on a visiting mission.

202. These suggestions were discussed at the fourth session of the Trusteeship Council. The President voiced the opinion that no formal decision on the matter was called for since, under rule 96 of its rules of procedure, the Council could select Members of the United Nations not represented on the Council to take part in visiting missions whenever it deemed it necessary.

203. At its sixth session, the General Assembly adopted resolution 553 (VI), which reads in part as follows:

"The General Assembly,

".....

"4. Recommends that the Trusteeship Council again review its procedures in respect of the organization and functioning of visiting missions, ...

"5. Reaffirms the desirability of each visiting mission being constituted as much as possible from among representatives who sit on the Trusteeship Council; 167/

163/ Ibid., p. 451.

164/ United Nations Publications, Sales No.: 1952.I.19, rule 96.

165/ The final sentence of the original rule 47 (see para. 196 above) was deleted since it was considered that it was unnecessary and, furthermore that its implication was offensive to the Administering Authorities (T C (I), 18th mtg., p. 453).

166/ G A (III/1), 4th Com., 61st mtg., p. 105; 62nd mtg., pp. 118 et seq.; 65th mtg., p. 153.

167/ See also General Assembly resolution 434 (V), paragraph 1 (g), which recommends: "Selecting members of each visiting mission as much as possible from among representatives who sit on the Trusteeship Council".

"6. Recommends, however, that, whenever it is necessary for practical reasons to appoint members other than representatives who sit on the Trusteeship Council, the Council consider inviting Members of the United Nations which are not members of the Trusteeship Council to nominate suitably qualified persons."

204. During the discussion 168/ of the resolution in its draft stage 169/ in the Fourth Committee there was objection to the last two paragraphs. The view was taken that only members of the Trusteeship Council should be appointed to visiting missions. It was further pointed out that the final paragraph was unnecessary, since it provided that the Trusteeship Council should adopt a measure which it could not fail to take should it be found impossible to appoint all the members of a visiting mission from among the members of the Trusteeship Council. 170/

205. The report 171/ submitted to the Council at its tenth session by the Committee on Visiting Missions, established to consider the recommendations made by the General Assembly under resolution 553 (VI) and by the Economic and Social Council under resolution 385 E (XIII) regarding the appointment of women as members of visiting missions, as well as a special report of the Visiting Mission to Trust Territories in East Africa, 1951, contained the following statement regarding the composition of visiting missions:

"The Committee attaches prior importance to that consideration [that visiting missions be composed as far as possible of persons normally sitting as members of delegations to the Trusteeship Council], but it is of the opinion that the solution suggested by the General Assembly - that of inviting nominations from members of the United Nations who are not members of the Trusteeship Council - should be considered in the exceptional case of the necessary number of persons not being available from among the members of the Council at the time in question. In this connexion, consideration would no doubt be given to the possibility of securing, from former members of the Council, the services of representatives who have previously taken part in its work.

".....

"The Committee sees no reason for any change in the present practice by which the periodic visiting missions are composed of four members.

"In respect of the appointment of members, the Committee notes that in rule 96 of its rules of procedure the Council has already recognized the principle that members of visiting missions should preferably be representatives on the Council or members of the Council. Experience has proved the value of this principle. Such representatives are equipped by experience and knowledge to approach their task with a full appreciation of the interests and procedures of the Council. Furthermore, they may be expected to return to the Council and, with their firsthand knowledge of the Trust Territories, contribute more effectively to its work in general.

".....

168/ G A (VI), 4th Com., 239th mtg., pp. 253-257.

169/ G A (VI), Annexes, a.i. 12, p. 18, A/2061, para. 15.

170/ The two paragraphs were voted on separately in the Fourth Committee. Paragraph 5 was adopted by 41 votes to 5, with 2 abstentions; paragraph 6 was adopted by 33 votes to 11, with 5 abstentions.

171/ T C (X), Annexes, a.i. 11, p. 3, T/L.249, paras. 15, 18, 19 and 21.

"The Committee notes that the Economic and Social Council resolution favouring the participation of women in the work of visiting missions is addressed in the first instance to individual members of the Council; the action envisaged on the part of the Council as a whole lies in the appointment of women to missions after they have been nominated by member governments. The Committee believes that members invited to nominate representatives on visiting missions will wish to take the resolution into account".

206. Upon recommendation of the Committee, the Council adopted resolution 427 (X), under which it decided that, in making arrangements for future visits to the Trust Territories, it would take into account the principles set forth in General Assembly resolution 553 (V) and Economic and Social Council resolution 385 E (XIII) and the special report of the Visiting Mission to Trust Territories in East Africa, 1951, as well as the observations made thereon by the Committee on Visiting Missions.

6. The question of the submission of reports by periodic visiting missions

207. Rule 49 of the provisional rules of procedure 172/ transmitted to the Trusteeship Council by the Preparatory Commission read as follows:

"The Council shall publish the findings of its agents unless it decides that publication should be temporarily postponed in the general interest."

208. This rule underwent considerable revision as a result of the discussion 173/ at the first session of the Trusteeship Council, when the opinion was expressed that the Administering Authority concerned should have some opportunity to offer its comments on the report of a visiting mission and to have them included in that report. These comments would normally note measures taken to give effect to recommendations of the visiting mission, or reasons why such recommendations could not be carried out. Such comments, along with the report itself, would help the Trusteeship Council to formulate its opinions.

209. It was decided to refer the rule to the Drafting Committee on Rules of Procedure with instructions to take into account, in redrafting the rule, the suggestions put forward in the Council. Subsequently, the text 174/ as formulated by the Drafting Committee was unanimously approved 175/ by the Council and became rule 99. It reads as follows:

"Each visiting mission shall submit to the Trusteeship Council a report on its visit, a copy of which shall be promptly transmitted to the administering authority concerned by the Secretary-General. The report may be published by the Council in such form as it may deem appropriate. Observations on each such report by the Council and by the administering authority concerned may be similarly published."

172/ T C (I), Suppl., annex 2 (T/1).
173/ T C (I), 18th mtg., pp. 468-475.
174/ See T/AC.1/8.
175/ T C (I), 22nd mtg., p. 593.

210. At its second session, the Trusteeship Council considered the desirability of revising or clarifying some of its rules of procedure, among them rule 99. 176/ It was felt that the text of that rule left some doubt as to whether the report of a visiting mission should be transmitted to the Administering Authority before or at the same time as it was submitted to the other members of the Trusteeship Council. Furthermore, the second sentence of the rule seemed to imply that it was for the Trusteeship Council itself to decide whether to publish the report of a visiting mission and that, therefore, the report should not be published before the Trusteeship Council had had an opportunity to examine it. Certain difficulties would be avoided if it were left to the mission itself to authorize the release of its report. After considerable discussion, the rule was amended to read as follows:

"Each visiting mission shall transmit to the Trusteeship Council a report on its visit, a copy of which shall be promptly and, as a general rule, simultaneously transmitted to the Administering Authority and to each other member of the Trusteeship Council by the Secretary-General. The mission may authorize the Secretary-General to release its report in such form and at such date as it may deem appropriate. The report and the decisions or observations of the Council with respect to each such report, as well as the comments made by the Administering Authority concerned, may be published in such form and at such date as the Council may determine." 177/

211. The final paragraph of each of the resolutions of the Trusteeship Council relating to the terms of reference of its visiting missions has normally contained a request to the mission with respect to its report. Thus, for example, by resolution 115 (VI), entitled "Terms of reference for the United Nations Visiting Mission to Trust Territories in the Pacific", the Council requested the Visiting Mission

"to transmit to the Trusteeship Council as soon as possible and in accordance with rule 99 of the rules of procedure a report on its findings with such observations and conclusions as it may wish to make."

212. Consideration of the report of the first regular visiting mission, the Visiting Mission to Trust Territories in East Africa, 1948, appeared as a separate item on the provisional agenda of the Council at its fourth session. The opinion was expressed 178/ that it would be preferable to postpone consideration of the report to the fifth session of the Council because the Administering Authorities had not yet had time to submit their comments on the report and because it would also be in the interest of the Council to consider the report of the Visiting Mission at the same time as it considered the annual reports submitted by the Administering Authorities on the Trust Territories concerned. On the other hand, it was pointed out that the report of the Visiting Mission contained recent information on the Trust Territories in East Africa which would be of great value to the Council in considering some thirty petitions from that area on which action should not be deferred. It was decided 179/

176/ T C (II), 14th mtg., pp. 436-450. The proposals of the Secretary-General in this connexion are contained in T C (II/1), Suppl., p. 38, T/64.

177/ Rule 99 of the rules of procedure as amended up to and during the eleventh session of the Trusteeship Council; see United Nations Publications, Sales No.: 1952.I.19.

178/ T C (IV), 1st mtg., p. 3.

179/ T C (IV), 10th mtg., p. 123.

that the item on the examination of the report of the Visiting Mission should be retained on the agenda of the fourth session, and that the Council would discuss it on a provisional basis. ^{180/} Final decision would be taken when the comments of the Administering Authorities had been received. The Council therefore referred ^{181/} to its fifth session the question of its report to the General Assembly on the Trust Territories in East Africa, Ruanda-Urundi and Tanganyika.

213. At its fifth session, the Council concluded its examination of the report of the Visiting Mission on Trust Territories in East Africa when it had before it the observations of the Administering Authorities on that report. It adopted a draft resolution which became resolution 107 (V) and read as follows:

"The Trusteeship Council

"Takes note of the reports of its Visiting Mission of 1948 to Ruanda-Urundi and Tanganyika and the observations submitted thereon by the Administering Authorities concerned;

"Expresses its appreciation of the work accomplished by the Visiting Mission on its behalf;

"Takes note of the conclusions formulated by the Visiting Mission and included in its reports;

"Decides that, in formulating its own conclusions and recommendations in the course of its examination of future annual reports on or of questions relating to the Trust Territories concerned, the observations and conclusions of its Visiting Mission and the observations of the Administering Authorities concerned shall be taken into account;

"Invites the Administering Authorities concerned to give most careful consideration to the conclusions of the Visiting Mission as well as to the comments made thereon by the members of the Trusteeship Council."

214. The Trusteeship Council followed a somewhat different procedure when, at its seventh session, it examined the report of its second Visiting Mission, the Visiting Mission to Trust Territories in West Africa, 1949. Whereas the report of the first Visiting Mission had been provisionally considered at one session and examined in final form at the next, the report of the second Visiting Mission was considered concurrently with the annual reports of the Administering Authorities on the Trust Territories concerned. In formulating its conclusions and recommendations on these annual reports, the Council also took into consideration the observations and conclusions of its Visiting Mission. For that reason, resolution 298 (VII), adopted by the Council in connexion with the report of its second Visiting Mission, while very similar to resolution 107 (V) (see paragraph 213 above), contained an additional paragraph by which the Council drew attention to the fact that,

^{180/} This preliminary examination of the report of the Visiting Mission on Ruanda-Urundi was carried out by the Council at the 31st to 34th meetings of its fourth session. At the 34th meeting, the Council decided formally to postpone the discussion until its fifth session. The report on Tanganyika was similarly examined at the 38th to 41st meetings and at this last meeting the discussion was similarly postponed.

^{181/} T C (V), 20th mtg., p. 259.

"at its sixth and seventh sessions, in formulating its own conclusions and recommendations in the course of its examination of annual reports on, as well as of petitions and other questions relating to, the Trust Territories concerned, the observations and conclusions of its Visiting Mission and the observations of the Administering Authorities concerned were taken into account;"

The Council has maintained the practice 182/ referred to above.

7. *The question of special missions*

215. Rule 48, concerning special investigations or inquiries, contained in the provisional rules of procedure 183/ as transmitted to the Trusteeship Council by the Preparatory Commission, read as follows:

"To the extent provided in any trusteeship agreement, the Council may conduct special investigations or inquiries when conditions in the trust territory require such action."

216. The Trusteeship Council discussed this provisional rule at its first session. 184/ The suggestion was made to delete the rule in view of the fact that none of the Trusteeship Agreements contained a provision for such special investigations or inquiries. Similarly, the Charter provided only for periodic visits.

217. The Council decided, however, to retain a rule corresponding to rule 48 proposed by the Preparatory Commission.

218. A draft rule, worded as follows, was then submitted:

"To the extent permissible under the provisions of any trusteeship agreement, the Trusteeship Council, at times agreed upon with the Administering Authority, may conduct special investigations or inquiries when it considers that conditions in the Trust Territory make such action desirable."

No interpretation acceptable to all members was found for the phrase "to the extent permissible under the provisions of any trusteeship agreement". It was contended, on the one hand, that since none of the Trusteeship Agreements provided for such investigations, it would be impossible to arrange for them. On the other hand, it was argued that an action not expressly prohibited by a Trusteeship Agreement was permissible and that, therefore, such special investigations could in fact be instituted.

219. In order to overcome the difficulty, it was suggested that any reference to the Trusteeship Agreements be omitted. The Council approved the suggestion and the rule of procedure 185/ as adopted reads as follows:

"The Trusteeship Council may, in agreement with the Administering Authority, conduct special investigations or inquiries when it considers that conditions in a Trust Territory make such action desirable."

182/ See, for example, T C resolutions 302 (VIII), 464 (XI) and 648 (XII).

183/ T C (I), Suppl., annex 2 (T/1).

184/ T C (I), 18th mtg., pp. 454-461.

185/ United Nations Publications, Sales No.: 1952.I.19, rule 97.

220. In addition to providing for periodic visits to each Trust Territory under Article 87 c and under rule 94 of its rules of procedure, the Trusteeship Council also dispatched a special Visiting Mission to the Trust Territory of Western Samoa in 1947, as described below.

221. At its first session, the Trusteeship Council considered a petition 186/ received from leaders and representatives of Western Samoa who had requested that Western Samoa be granted self-government. The representative of New Zealand, the Administering Authority, commenting on the urgent and unique nature of the petition, requested 187/ the Council to inquire into the matter on the spot. His proposal was unanimously accepted and the Council adopted 188/ resolution 3 (I), by which it established a committee to formulate appropriate recommendations for the consideration of the Council. Having received these, the Council adopted resolution 4 (I) in connexion with the petition from leaders and representatives of Western Samoa by which it authorized the dispatch of a visiting mission to Western Samoa and instructed it to

"visit Western Samoa for this purpose [to investigate the petition], to remain in the Territory for a sufficient period to ascertain all the relevant facts and to report back to the Trusteeship Council;"

The Council further resolved that

"a committee of representatives of the nine members of the Council attending this session, together with the President, be authorized on behalf of the Council to select the individuals who shall compose the aforesaid visiting mission."

222. On the recommendation of the above-mentioned committee, the Visiting Mission to Western Samoa was composed of three members. 189/ When one member subsequently found himself unable to participate in the work of the Mission, the President invited Senator Eduardo Cruz-Coke, of Chile, to become the third member. The services of an expert consultant who accompanied the Mission in an advisory capacity were also retained. 190/

223. It appeared, in the course of the discussion on the resolution at its draft stage, that opinion was divided as to whether this Visiting Mission should be considered as undertaking a special visit or a first periodic visit. It was argued, 191/ on the one hand, that the visit should constitute a special visit, not a periodic visit. On the other hand, it was suggested 192/ that there was no need to define the character of the visit in either of the terms in question, since the question of definition was largely an academic one and that, in practice, the Mission would be regarded by the Council as the first of the periodic missions. It may, however, be noted that the report of the Trusteeship Council to the General Assembly covering its second and third sessions 193/ referred to the Mission as the "Special Visiting Mission to Western Samoa".

186/ T C (I), Suppl., p. 65, annex 4 (T/PET.1/1).

187/ T C (I), 21st mtg., pp. 546 et seqq.

188/ Ibid., pp. 563 et seqq.

189/ T C (I), 27th mtg., p. 735.

190/ For the report of the Visiting Mission, see T C (II), Special Suppl. No. 1.

191/ T C (I), 21st mtg., p. 550.

192/ Ibid., p. 557.

193/ G A (III), Suppl. No. 4 (A/603), p. 39.

224. With respect to its composition, this Visiting Mission differed from all the later missions in that the Council did not request nominations of members of the Mission from the States members of the Trusteeship Council. The Council made its own appointments from among the representatives of the members represented on the Council. The Mission was the only one which had, as one of its members, a person who was not a representative on the Trusteeship Council. It was the only one which engaged the services of an expert consultant drawn from outside the Secretariat.

225. Although the foregoing constitutes the only case to date in which the Trusteeship Council has dispatched a special visiting mission to a Trust Territory, the possibility of establishing another such mission did arise on one other occasion. In connexion with the Ewe and Togoland unification problem, the General Assembly, under resolution 555 (VI), recommended that

"the Trusteeship Council, at its tenth session, arrange for the dispatch to the Trust Territories concerned of a special mission, or alternatively, for its next periodic visiting mission to these two Trust Territories to devote sufficient time to the problem to study it thoroughly".

226. At its tenth session, the Trusteeship Council, however, decided 194/ that the regular, periodic Visiting Mission to Trust Territories in West Africa, 1952, should undertake the task of preparing a special report on the Ewe and Togoland unification problem and the Mission accordingly set aside a certain period during its stay in West Africa for the preparation of its special report. 195/

IV. ARTICLE 87 d

A. General Survey

227. The material relating to the actions referred to as "these ... actions" under the last paragraph of Article 87 has already been dealt with in the earlier sections of the present study which have related to paragraphs a, b and c of this Article.

228. No decisions have been taken by United Nations organs requiring treatment under the heading of "other actions".

B. Analytical Summary of Practice

1. *The Trusteeship Agreements*

229. Article 87 d provides that the General Assembly and, under its authority, the Trusteeship Council, may "take these ... actions in conformity with the terms of the trusteeship agreements." The actions in question are those outlined in the preceding paragraphs of Article 87.

230. When the first eight draft Trusteeship Agreements submitted to the United Nations for approval were being considered by the Fourth Committee of the General

194/ T C (X), 409th mtg., p. 179.
195/ T C (XIII), Suppl. No. 5 (T/1110).

Assembly, efforts were made to ensure that the individual Trusteeship Agreements contained clear provisions for the application of paragraphs a, b and c of Article 87. Thus, for example, one representative inquired 196/ whether the words "in accordance with the provisions of the Charter", in article 3 of the draft Trusteeship Agreement for New Guinea, were intended to apply to the obligations of the Administering Authority towards the General Assembly and the Trusteeship Council, embodied in Article 87. He added that his inquiry was especially pertinent in the light of Article 87 d, which provided that the performance of the functions of the United Nations would be subject to the terms of the Trusteeship Agreements.

231. In reply, the representative of Australia, who had submitted the draft Agreement, stated that his Government had thought it unnecessary to include a specific reference to Article 87, because the Charter was clear in that respect and because the obligation undertaken by Australia to administer New Guinea in accordance with the provisions of the Charter carried with it the obligation to co-operate with the appropriate organs of the United Nations in the exercise of their functions.

232. Again, in connexion with the discussion on article XIV of the draft Trusteeship Agreement for Western Samoa 197/ which read in part:

"The administering authority ... shall otherwise collaborate fully with the Trusteeship Council in the discharge of all the Council's functions ..."

An amendment 198/ was submitted by which the words "under Articles 87 and 88 of the Charter of the United Nations" should be inserted after the word "functions". This amendment was adopted. 199/ In view of the interpretation, therefore, that provisions for the functions described in paragraphs a, b and c of Article 87 must be contained also in the Trusteeship Agreements, a comparative survey of the individual Trusteeship Agreements with respect to how the terms are formulated for the application of this Article of the Charter, is provided in schematic form in annex IV.

2. *The rules of procedure of the Trusteeship Council*

233. Rule 58 of the provisional rules of procedure 200/ drafted by the Preparatory Commission of the United Nations and transmitted to the Trusteeship Council by the General Assembly read as follows:

"The Council shall perform such other functions as may be provided for in the Trusteeship Agreements or as may be assigned to it by the General Assembly or the Security Council, including the expedition and consideration of draft Trusteeship Agreements and the preparation of recommendations thereon for submission to the General Assembly or the Security Council."

196/ G A (I/2), 4th Com., part II, 4th mtg., p. 18.

197/ G A (I/2), 4th Com., part II, 12th mtg., pp. 82 *et seqq.*

198/ *Ibid.*, p. 239, annex 4 e (A/C.4/Sub.1/10).

199/ New Zealand, which had submitted the draft Agreement, accepted the amendment. The Trusteeship Agreement, as finally approved, incorporates the amendment and the final clause of the Article in question accordingly refers to "functions in accordance with Articles 87 and 88 of the Charter".

200/ Report of the Preparatory Commission of the United Nations, PC/20, 23 Dec. 1945, chap. IV, section 2.

234. This rule was first considered 201/ by the Trusteeship Council at its first session. The opinion was expressed that the scope of the rule, as drafted, was much too broad, since it allowed the Trusteeship Council to undertake any function that might be assigned to it by the General Assembly. Thus, the essential basis of the Trusteeship System, namely, the Agreements between the United Nations and the Administering Authorities, would be undermined. The proposal was therefore made that the draft rule should not be adopted. Another view was that the Council should not go quite so far as to delete the entire rule since, under Article 87, the Council was under the authority of the General Assembly and, therefore, should at least consider the performance of functions assigned to it by the General Assembly. These functions, however, could not be in conflict with the Trusteeship Agreements, which governed the extent of the authority of the General Assembly and the Trusteeship Council, although functions might be assumed by the Trusteeship Council which went beyond the existing Agreements, such as, advising the General Assembly on the approval of any future Trusteeship Agreements. Since there were functions in the general field of trusteeship which the General Assembly might consider should be examined by the Trusteeship Council, the action of the Council should not be restricted to action under existing Agreements.

235. The President of the Council put the question whether the Council wished to adopt an appropriate alternative rule to the vote; it was decided by 5 votes to 4 not to do so.

236. When the Council had passed to the consideration of rule 59 202/ of the provisional rules of procedure, one representative indicated his desire to revert to the discussion of provisional rule 58. He stated that he had had no objection to several of the proposals made in connexion with rule 58, especially that to the effect that the Trusteeship Council should perform such other functions as were provided for in the Trusteeship Agreements and make recommendations thereon (see paragraph 233 above). He also considered it appropriate to refer to Article 85 in the draft rule in question. He therefore submitted 203/ the following draft text:

"The Trusteeship Council shall perform such other functions as may be provided for in the trusteeship agreements and, in accordance with Article 85 of the Charter, may make recommendations to the General Assembly on the approval of the terms of trusteeship agreements or on the approval of alterations or amendments to trusteeship agreements."

237. This text, together with a similar version, which also contained an additional clause pertaining to strategic areas, was referred to the Drafting Committee on Rules of Procedure. The rule in question, as adopted by the Council, reads as follows:

"The Trusteeship Council shall perform such other functions as may be provided for in the Trusteeship agreements, and, in pursuance of the duty imposed upon it by Article 85 of the Charter, may submit to the General

201/ T C (I), 19th mtg., pp. 483 et seqq.

202/ Rule 59 of the provisional rules of procedure of the Trusteeship Council (T C (I), Suppl., p. 11, annex 2 (T/1)) read as follows: "The Council may submit to the appropriate organs of the United Nations recommendations for alterations or amendments in the terms of any trusteeship agreement, so far as they come within the competence of the Council." It may be noted that this rule was not grouped together with rule 58 under the heading "Other functions", but formed a separate section of the provisional rules of procedure under the heading "Amendments of Trusteeship Agreements".

203/ T C (I), 19th mtg., p. 491.

Assembly recommendations concerning the functions of the United Nations with regard to Trusteeship agreements, including the approval of the terms of the Trusteeship agreements and of their alteration or amendment. With regard to strategic areas, the Trusteeship Council may similarly perform such functions in so far as it may be requested to do so by the Security Council."

It became rule 104 of the rules of procedure of the Trusteeship Council and combined with amendments, rules 58 and 59 of the provisional rules of procedure under the heading "Other functions". The first clause of the rule is based on Article 87 d, the remaining clauses are based on the first sentence of Article 85, and the last sentence on Article 83.

238. Thus, under rule 104, the Trusteeship Council may also take action under Articles 83 and 85 with respect to Trusteeship Agreements. Action in the general field of trusteeship differs from action under Article 87, which concerns the supervision by the Council of the administration of Territories already placed under the International Trusteeship System by means of Trusteeship Agreements. Under rule 104, action of the second kind must be provided for in the Trusteeship Agreements.

239. The Trusteeship Council, under rule 97 of the rules of procedure, may take supervisory action with respect to special investigations or inquiries that is not provided for specifically in any Trusteeship Agreement. Such action, however, must be taken in agreement with the Administering Authority.

240. For a review of the discussion on rule 97 of the rules of procedure (provisional rule 48), see paragraphs 215-219 above.

ANNEX I

Annual reports considered by the Trusteeship Council

Sessions of the Trusteeship Council	Tanganyika	Cameroons (British)	Togoland (British)	Cameroons (French)	Togoland (French)	Ruanda-Urundi	Western Samoa	New Guinea	Nauru	Pacific Islands	Somaliland (Italian)
	Year						Year or year ending	Year ending			Year
II/1 (20 Nov. - 16 Dec. 1947)	-	-	-	-	-	-	31 March 1947a/	30 June 1947b/	-	-	-
II/2 (18 Feb. - 10 March 1948)	-	-	-	-	-	-	31 March 1947a/	30 June 1947b/	-	-	-
III (16 June - 5 Aug. 1948)	1947	-	-	-	-	1947	-	30 June 1947b/	-	-	-
IV (24 Jan. - 25 March 1949)	-	1947	1947	1947	1947	-	31 March 1948	-	-	-	-
V (15 June - 22 July 1949)	-	-	-	-	-	-	-	30 June 1948	30 June 1948	30 June 1948c/	-
VI (19 Jan. - 4 April 1950)	1948	1948	-	1948	-	1948	-	-	-	-	-
VII (1 June - 21 July 1950)	-	-	1948	-	1948	-	31 March 1949	30 June 1949	30 June 1949	30 June 1949	-
VIII (30 Jan. - 16 March 1951)	-	-	-	-	-	-	31 March 1950	30 June 1950	30 June 1950	30 June 1950	-
IX (5 June - 30 July 1951)	1949 1950	1949 1950	1949 1950	1949 1950	1949 1950	1949 1950	-	-	-	-	1950d/
X (21 Feb. - 1 April 1952)	-	-	-	-	-	-	-	30 June 1951	30 June 1951	30 June 1951	-
XI (3 June - 24 July 1952)	1951	1951	1951	1951	1951	1951	-	-	-	-	1951

Annual reports considered by the Trusteeship Council (continued)

Sessions of the Trusteeship Council	Tanganyika	Cameroons (British)	Togoland (British)	Cameroons (French)	Togoland (French)	Ruanda-Urundi	Western Samoa	New Guinea	Nauru	Pacific Islands	Somaliland (Italian)
	Year						Year or year ending	Year ending			Year
XII (16 June - 21 July 1953)	-	-	-	-	-	-	1951 1952	30 June 1952	30 June 1952 ^{f/}	30 June 1952	1952
XIII (28 Jan. - 25 March 1954)	1952	1952	1952	1952	1952	1952	-	-	-	-	-
XIV (2 June - 16 July 1954)	-	-	-	-	-	-	1953	30 June 1953	30 June 1953	30 June 1953	1953

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- a/ Considered together with the report of the Special Visiting Mission to Western Samoa.
- b/ Consideration begun at the second session without the presence of a special representative of the Administering Authority and completed at the third session when a special representative was present.
- c/ The first annual report on Pacific Islands covered the period 18 July 1947 to 30 June 1948.
- d/ The first report on Somaliland covered the period from April 1950, when Italy assumed the provisional administration of the Territory, until the end of that year.
- e/ The report covered period of nine months from 1 April to 31 December 1950, the financial year having been altered to coincide with the calendar year.
- f/ No special representative of the Administering Authority was present during the consideration of this report.

ANNEX II

Number of petitions disposed of by the Council by session and by Territory

Annexes

Article 87

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	Session														Total	Total (general questions)				
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI		XII				XIII		XIV	
											A	B	A	B			A	B	A	B
Western Samoa	-	1	-	-	-	1	-	1	-	-	-	-	3	-	-	-	-	-	6	0
Tanganyika	23	17	8	8	11	4	-	2	4	10	25	26	7	-	3	2	-	-	150	28
Tanganyika and Ruanda-Urundi . .	-	-	-	-	2	22	-	-	-	-	-	-	-	-	-	-	-	-	24	0
Ruanda-Urundi	-	-	-	8	6	2	-	-	-	10	6	7	9	-	3	4	-	-	55	11
Cameroons under British administration	-	1	1	-	-	39	1	2	2	4	8	-	14	-	4	-	-	-	76	0
Cameroons under British administration and Cameroons under French administration . .	-	-	-	-	-	24	-	-	-	-	2	-	-	-	-	6	-	-	32	6
Cameroons under French administration	-	-	-	1	1	51	7	2	13	3	7	1	19	-	95	14	29	-	243	15
Togoland under British administration	-	-	-	-	2	-	53	4	17	-	3	1	8	7	4	40	1	7	147	55
Togoland under British administration and Togoland under French administration	-	7	-	-	-	-	133	-	88	-	-	15	3	3	-	12	-	14	275	44
Togoland under French administration	-	-	-	-	-	-	18	2	12	1	31	2	48	2	3	2	22	-	143	6
New Guinea	-	-	-	-	1	-	1	3	-	1	-	-	3	-	-	-	-	1	10	1
Nauru	-	-	-	1	-	-	-	6	-	-	-	-	6	-	1	-	-	-	14	0
Trust Territory of the Pacific Islands	-	-	-	-	-	-	-	7	-	-	-	-	18	-	-	-	3	-	28	0
Somaliland under Italian administration	-	-	-	-	-	-	-	2	31	6	127	82	119	9	25	-	37	4	442	95
General (indicating petitions relating to the operation of the International Trusteeship System as a whole	2	17	-	1	-	-	-	-	-	-	-	-	2	-	-	-	1	-	23	0
Total	25	43	9	19	23	143	213	31	167	35	209	134	259	21	138	80	93	26	1668	261

Note: Petitions are attributed to the session at which they were disposed of, although some of them were discussed at earlier sessions and may even have been the subject of resolutions.

The columns marked A and B in sessions subsequent to the tenth refer to petitions to which the established procedure was applied, and to "general question" and anonymous petitions respectively.

ANNEX III

Table showing the composition of each Visiting Mission, its terms of reference, the document symbols of its reports and the number of days each Mission spent in each Trust Territory

<u>EAST AFRICA</u>	<u>1948</u>	<u>1951</u>	<u>1954</u>
Terms of reference	T C resolution 37 (III)	T C resolution 344 (IX)	T C resolution 999 (XIV)
Members	Mr. H. Laurentie (France, Chairman) Mr. E. W. P. Chinnery (Australia) Dr. Lin Mousheng (China) Mr. R. E. Woodbridge (Costa Rica)	Mr. Enrique de Marchena (Dominican Republic, Chairman) Mr. G. R. Laking (New Zealand) Mr. William I. Cargo (United States) Mom Chao Dilokrit Kridakon (Thailand)	Mr. John Stanhope Reid (New Zealand, Chairman) Mr. Rafael Eguizabal (El Salvador) Mr. Rikhi Jaipal (India) Mr. Mason Sears (United States)
Number of days spent in Tanganyika	40	34	36
Number of days spent in Ruanda-Urundi	21	21	21
Number of days spent in Somaliland under Italian administration	*	19	23
Total number of days on mission	77 ^{a/}	93	98 ^{a/}

Reports of the Mission are contained in the following documents:

Tanganyika	T C (IV), Suppl. No. 3 (T/218 and Add.1, T/333 and T/376).	T C (XI), Suppl. No. 3 (T/1032)	T/1142
Ruanda-Urundi	T C (IV), Suppl. No. 2 (T/217 and Add.1, T/361/ Add.1) and T C (IV), Suppl. No. 3, p. 315, T/376.	T C (XI), Suppl. No. 2 (T/1031)	T/1141
Somaliland under Italian administration		T C (XI), Suppl. No. 4 (T/1033)	T/1143

* Not applicable in 1948. (Somaliland under Italian administration became a Trust Territory only in 1950).

^{a/} The number of days not accounted for were spent in travel or in conference with Administering Authorities outside Trust Territories.

Table showing the composition of each Visiting Mission, its terms of reference, the document symbols of its reports and the number of days each Mission spent in each Trust Territory (continued)

<u>WEST AFRICA</u>	<u>1949</u>	<u>1952</u>
Terms of reference	T C resolution 108 (V)	T C resolution 465 (XI)
Members	Mr. Awni Khalidy (Iraq, Chairman) Mr. A. Claeys-Bouuaert (Belgium) Mr. Benjamin Gerig (United States) Mr. A. Ramos-Pedruza (Mexico)	Mr. Roy A. Peachey (Australia, Chairman) Mr. Robert Scheyven (Belgium) Mr. H. K. Yang (China) Mr. Roberto E. Quiros (El Salvador)
Number of days spent in Cameroons under British administration	14	15
Number of days spent in Cameroons under French administration	15	45 ^{b/}
Number of days spent in Togoland under British administration	8	13
Number of days spent in Togoland under French administration	9	22
Total number of days on mission	55	110

Reports of the Mission are contained in the following documents:

Cameroons under British administration	T C (VII), Suppl. No. 2 (T/798)	T C (XIII), Suppl. No. 4 (T/1109)
Cameroons under French administration	T C (VII), Suppl. No. 2 (T/798)	T C (XIII), Suppl. No. 5 (T/1110)
Togoland under British administration	T C (VII), Suppl. No. 2 (T/798)	T C (XIII), Suppl. No. 2 (T/1107)
Togoland under French administration	T C (VII), Suppl. No. 2 (T/798)	T C (XIII), Suppl. No. 3 (T/1108)

<u>PACIFIC AREA</u>	<u>1947</u>	<u>1950</u>	<u>1953</u>
Terms of reference	T C resolution 4 (I)	T C resolution 115 (VI)	T C resolution 642 (XI)
Members	Mr. F. B. Sayre (United States, Chairman) Mr. Pierre Ryckmans (Belgium)	Sir Alan Burns (United Kingdom, Chairman) Mr. Jacques Tallec (France)	Mr. Enrique de Marchena (Dominican Republic, Chairman) Mr. Leon Pignon (France)

^{b/} The first 18 days were reserved for the drafting of the special report on the Ewe and Togoland unification problem.

Table showing the composition of each Visiting Mission, its terms of reference, the document symbols of its reports and the number of days each Mission spent in each Trust Territory (continued)

<u>PACIFIC AREA</u> (continued)	<u>1947</u>	<u>1950</u>	<u>1953</u>
Members	Mr. Awni Khalidy (Iraq) unable to go and replaced by Dr. E. Cruz-Coke (Chile) ^{c/}	Mr. T. K. Chang (China) Mr. V. D. Carpio (Philippines)	Mr. W. A. C. Mathieson (United Kingdom) Mr. Najmudine Rifai (Syria)
Expert Consultant	Mr. Felix Keesing (Professor of Anthropology, Stanford University) ^{d/}		
Number of days spent in Trust Territory of the Pacific Islands		17	16
Number of days spent in Nauru		6	3
Number of days spent in New Guinea		32	26
Number of days spent in Western Samoa	56	11	11
Total number of days on mission	67 ^{e/}	113	93

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Reports of the Mission are contained in the following documents :

Trust Territory of the Pacific Islands		T C (VIII), Suppl. No. 2 (T/897)	T C (XII), Suppl. No. 3 (T/1077)
Nauru		T C (VIII), Suppl. No. 3 (T/898)	T C (XIII), Suppl. No. 2 (T/1076)
New Guinea		T C (VIII), Suppl. No. 4 (T/899)	T C (XIII), Suppl. No. 4 (T/1078)
Western Samoa	T C (II), Special Suppl. No. 1	T C (VIII), Suppl. No. 5 (T/900)	T C (XIII), Suppl. No. 5 (T/1079)

^{c/} Not a member of the Trusteeship Council; see para. 222 above.

^{d/} Not a member of the Trusteeship Council nor of the Mission; see para. 222 above.

^{e/} Calculated from the date of arrival in Auckland, New Zealand, to the date of departure from Western Samoa.

ANNEX IV

Comparative survey of individual Trusteeship Agreements showing the formulation of the terms bearing upon the application of Article 87

This annex gives, in schematic form, excerpts from the articles in the individual Trusteeship Agreements which pertain to annual reports submitted by the Administering Authorities, petitions and periodic visits. On the basis of the provisions set forth in table A entitled "General provisions" the Trusteeship Council exercises its functions as provided for in Article 37 of the Charter. Tables B, C, and D, which give details of the obligations assumed by the Administering Authorities in the matter of periodic visits, reports and petitions, are included for the sake of completeness.

A. General provisions

	Togoland (British)	Cameroons (British)	Tanganyika	New Guinea	Togoland (French)	Cameroons (French)	Ruanda- Urundi	Western Samoa	Pacific Islands	Nauru	Somaliland (Italian)
<p>The Administering Authority undertakes to collaborate fully with the General Assembly of the United Nations and with the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter. <u>a/</u></p>	Art. 3	Art. 3	Art. 3	Art. 8	Art. 2	Art. 2	Art. 3	Art. 14	Art. 5	Art. 5	
<p>The Administering Authority undertakes to render general assistance to the General Assembly or Trusteeship Council in the application of these arrangements, and of such other arrangements as these bodies may make in accordance with the terms of the Trusteeship Agreement in question.</p>					Art. 2	Art. 2				Art. 5	

a/ The Trusteeship Agreements for Western Samoa, Cameroons under French administration, Togoland under French administration, New Guinea, Somaliland and Nauru refer to both Articles 87 and 88.

Annexes

Article 87

Page

Togoland Cameroons Tanganyika New Togoland Cameroons Ruanda- western Pacific Nauru Somaliland
 (British) (British) Guinea (French) (French) Urundi Samoa Islands (Italian)

The provisions of Articles 87 and 88 of the Charter shall be applicable to the Trust Territory, provided that the Administering Authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons

Art.
13

B. Periodic visits

The Administering Authority undertakes to facilitate any periodic visits to the Territory which they (the General Assembly or the Trusteeship Council) may deem necessary, at times to be agreed upon with the Administering Authority. b/

Art.						
3	3	3	2	2	3	

The Administering Authority undertakes to facilitate periodic visits to the Territory as provided for in Article 87 of the Charter of the United Nations at times and in accordance with arrangements to be agreed upon with the Administering Authority.

Art.
5

b/ The wording is not absolutely identical in each case. There are certain minor variations in this respect in the several Trusteeship Agreements containing this provision.

ANNEX IV (continued)

Comparative survey of individual Trusteeship Agreements showing the formulation of the terms bearing upon the application of Article 87 (continued)

B. Periodic visits (continued)

Togoland (British)	Cameroons (British)	Tanganyika	New Guinea	Togoland (French)	Cameroons (French)	Ruanda- Urundi	Western Pacific Samoa Islands	Nauru	Somaliland (Italian)
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The Administering Authority undertakes to agree jointly with them (the General Assembly or the Trusteeship Council) on all questions concerned with the organization and accomplishment of these visits.

Art. 2	Art. 2	Art. 3
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C. Reports

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of the questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the Charter of the United Nations. c/

Art. 16	Art. 16	Art. 16	Art. 2	Art. 2	Art. 16	Art. 14	Art. 5
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Such reports shall include information regarding the measures taken in order to give effect to the suggestions and recommendations of the General Assembly and of the Trusteeship Council.

Art. 16	Art. 16	Art. 16	Art. 16
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c/ See preceding footnote.

Togoland Cameroons Tanganyika New Togoland Cameroons Ruanda- Western Pacific Nauru Somaliland
 (British) (British) Guinea (French) (French) Urundi Samoa Islands (Italian)

The Administering Authority undertakes to include in this report information relating to the measures taken to give effect to the suggestions and recommendations of the General Assembly and of the Trusteeship Council.

Art.
2

Art.
2

Art.
5

The Administering Authority shall include in its annual report to the Trusteeship Council a detailed account of alienations (of land to non-indigenous persons, companies or associations).

Art.
14

The Administering Authority shall include in its first annual report to the Trusteeship Council a report on the position in the Territory of property belonging to nationals, associations and companies of Members of the United Nations.

Art.
18

The Administering Authority shall include an account of all (exceptional) ordinances in its annual report to the Trusteeship Council.

Art.
5 d/

The Administering Authority undertakes to attach to that report such memoranda as may be required by the General Assembly or the Trusteeship Council.

Art.
2

Art.
2

d/ Contained in the annex to the Trusteeship Agreement "Declaration of Constitutional Principles."

ANNEX IV (continued)

Comparative survey of individual Trusteeship Agreements showing the formulation of the terms bearing upon the application of Article 87 (continued)

C. Reports (continued)

	Togoland (British)	Cameroons (British)	Tanganyika	New Guinea	Togoland (French)	Cameroons (French)	Ruanda- Urundi	Western Pacific Islands	Nauru	Somaliland (Italian)
The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to the Territory are considered.	Art. 16	Art. 16	Art. 16				Art. 16	Art. 14		Art. 5
The Administering Authority undertakes to appoint a representative and, where necessary, qualified experts to attend the meetings of the Trusteeship Council or of the General Assembly at which the said reports and memoranda will be examined.							Art. 2	Art. 2		

D. Petitions^{e/}

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Trust Territory freedom of speech, of the press, of assembly and of petition.	Art. 14	Art. 14	Art. 14	Art. 8 (1) (d)	Art. 10	Art. 10	Art. 14		Art. 5
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^{e/} The Trusteeship Agreements concerned, while granting the right of petition, do not specify to whom the petition is to be addressed. Rule 81 of the rules of procedure of the Trusteeship Council defines the categories of petitions inadmissible for consideration by the Council.

Togoland Cameroons Tanganyika New Togoland Cameroons Ruanda- western Pacific Nauru Somaliland
(British) (British) Guinea (French) (French) Urundi Samoa Islands (Italian)

The Administering Authority shall guarantee to the inhabitants of the Territory complete freedom of speech, of the press, of assembly and of petition, without distinction as to race, sex, language, political opinion or religion, subject only to the requirements of public order.

Art.
20

The Administering Authority undertakes to appoint a representative and, where necessary, qualified experts to participate in consultation with the General Assembly or the Trusteeship Council, in the examination of petitions received by those bodies.

Art. Art.
2 2

