

# ARTICLE 87

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## ARTICLE 87

### 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 structure of this study follows that of the previous *Repertory* studies of Article 87. However, the strategic Trust Territory of the Pacific Islands is dealt with in this *Supplement*, under Article 83.
2. The decisions of the General Assembly on substantive matters contained in the reports of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning the Trust Territories of Nauru and New Guinea are dealt with in this *Supplement*, under Article 76.

### I. GENERAL SURVEY

3. During the period under review, the Trusteeship Council continued to examine the annual reports of the Administering Authorities on the Trust Territories of Nauru and New Guinea, and submitted its reports with conclusions and recommendations to the General Assembly. In view of the fact that the Trust Territory of Nauru attained independence on 31 January 1968, the

last annual report on the Territory examined by the Council was for the period ending 30 June 1966.<sup>1</sup>

4. The Trusteeship Council continued to examine, concurrently with the annual reports, communications and petitions, and observations of the Administering Authority on the relevant petitions, concerning the Trust Territories of Nauru and New Guinea.

5. The Trusteeship Council dispatched a United Nations visiting mission to the Trust Territory of New Guinea in 1968, and examined, concurrently with the annual report of the Administering Authority, the report of the visiting mission at its thirty-fifth session.

<sup>1</sup>The Special Committee also continued to examine, concurrently with the reports of the Trusteeship Council to the General Assembly, the conditions in the Trust Territories of Nauru and New Guinea, and submitted its reports with conclusions and recommendations to the General Assembly.

### II. ANALYTICAL SUMMARY OF PRACTICE

#### A. Article 87a—Annual reports

6. During the period under review, the Trusteeship Council continued to examine the annual reports of the Administering Authorities on conditions in the Trust Territories of Nauru,<sup>2</sup> for the year ending 30 June 1966, and New Guinea,<sup>3</sup> for the years ending 30 June 1966, 1967 and 1968 respectively, in accordance with the procedures described in the previous *Repertory* studies. Details on the submission of annual reports are set out in annex I.

#### B. Article 87b—Petitions

7. The evolution of the practices and procedures relating to the examination by the Trusteeship Council

of communications and petitions from the Trust Territories, as contained in rules 76 to 92 of the rules of procedure of the Trusteeship Council, has been explained in the previous *Repertory* studies.

8. The Trusteeship Council, at its thirty-fourth session, examined three separate petitions,<sup>4</sup> under rule 85 (1) of the rules of procedure, from Head Chief Hammer De Roburt concerning the situation regarding talks between the Head Chief and the Joint Administering Authority on phosphate deposits in the Trust Territory of Nauru, as well as the observation<sup>5</sup> thereon of the joint Administering Authority. In the course of the discussions, Head Chief De Roburt, speaking as an adviser to the Special Representative of the Administer-

<sup>2</sup>T/1659 (mimeographed).

<sup>3</sup>T/1660 and Add.1, T/1679, and T/1692 and Add.1 (mimeographed).

<sup>4</sup>T/PET.9/29 and Add.1-2 (mimeographed).

<sup>5</sup>T/OBS.9/5.

ing Authority, however, stated<sup>6</sup> that since the talks whose resumption had been the main objective of those petitions had taken place, he proposed that the petitions should be withdrawn. Consequently, the Council took no action on those petitions.

9. During the period under review, the Trusteeship Council examined three communications<sup>7</sup> under rule 24, one petition<sup>8</sup> under rule 84 (1), four petitions<sup>9</sup> under rule 85 (1) and two petitions<sup>10</sup> under rule 85 (2), as well as six observations<sup>11</sup> of the Administering Authority on the relevant petitions, concerning the Trust Territory of New Guinea. These communications and petitions related to a variety of subjects, including discrimination against ex-servicemen with respect to allotment of land and granting of loans, discriminatory wages between the local and expatriate officers, and between men and women performing work of equal value, land disputes, refusal of entry permit to an American Christian missionary, a request that the next United Nations visiting mission should attend local government council meetings and hear the opinions of the people regarding self-government, and a suggestion that the United Nations visiting mission should include a woman representative with whom the women leaders of the Territory could speak out freely and separately from men.

10. Following the discussions, the Council decided,<sup>12</sup> without objection, to take note of the communications, petitions, and observations, and to draw the attention of the petitioners to the observations and the Council's deliberations and decisions.

### C. Article 87c—Visiting missions

11. As reported in *Supplement No. 3*,<sup>13</sup> the Trusteeship Council continued to dispatch periodic visiting missions to individual Trust Territories in the Pacific region in order to secure first-hand information concerning the Territory and to ascertain the wishes and aspirations of its inhabitants. The visiting missions continued to include in their report to the Council accounts of the views expressed to them by private persons and by representatives of indigenous political organizations and institutions.

12. The Trusteeship Council, at its thirty-fourth session, decided to dispatch a United Nations visiting mission to the Trust Territories of Nauru and New Guinea in 1968, and set forth the terms of reference of the mission in its resolution 2148(XXXIV) of 29 June 1967. However, when the Council, at its thirteenth special session, decided to terminate the Trusteeship Agreement for Nauru upon its accession to independence on 31 January 1968, it adopted<sup>14</sup> resolution 2150 (S-XIII) in which it amended the visiting mission's terms of reference by deleting references to the Trust Territory

of Nauru and directed the Mission to visit only the Trust Territory of New Guinea.

13. The question of designating the names of the chairman and members of visiting missions to Trust Territories was raised at the thirty-fourth session of the Trusteeship Council. In the course of the consideration of the draft resolution, constituting the membership and setting forth the terms of reference of the Visiting Mission to New Guinea and Nauru in 1968, it was suggested<sup>15</sup> that, since the delegations designated were not yet ready to nominate their representatives to serve on the mission, the names of the members should be left blank in the draft resolution, following the precedent established at several earlier sessions.

14. One member recalled<sup>16</sup> that the usual practice had been for the names of the members of a mission to be approved by the Council. The representative of the United States stated<sup>17</sup> that the procedure proposed had been followed at previous sessions and seemed the only practical procedure in the circumstances. The President of the Council expressed the view<sup>18</sup> that the Council should at least appoint the Chairman of the mission.

15. The representatives of New Zealand,<sup>19</sup> Australia<sup>20</sup> and China,<sup>21</sup> however, pointed out that there was no requirement in the rules of procedures of the Trusteeship Council that the Council should designate the Chairman of the visiting mission. The representative of China further pointed out<sup>22</sup> that, under rule 95 of the rules of procedure of the Council, the members of a visiting mission were intended to serve as individuals rather than as representatives of countries, and, as such, they were to be responsible exclusively to the Council. In the circumstances, he said, the Council ought to know the individuals whose appointment it was approving and hoped that, in future, the countries concerned would find it possible to nominate their representatives in good time.

16. On the proposal of the President, the Council decided,<sup>22</sup> without objection, to accept the procedure of leaving the designation of the members of the mission to the delegations concerned, and leaving the election of the Chairman to the members of the mission.

17. Following past practice, the Trusteeship Council, in resolution 2148(XXXIV), *inter alia*, directed the visiting mission to investigate and report as fully as possible on the steps taken in the concerned Trust Territory towards the realization of the objectives set forth in Article 76b of the Charter of the United Nations, and to pay special attention to the question of the future of the Territory, in the light of the relevant Articles of the Charter and the Trusteeship Agreement, and bearing in mind the relevant provisions of Trusteeship Council and General Assembly resolutions, including Assembly resolutions 1514(XV) of 14 December 1960 and 1541(XV) of 15 December 1960.

### \*\*D. Article 87d

<sup>6</sup>T C (XXXIV), 1313th mtg., para. 18.

<sup>7</sup>T/COM.8/L.2-4 (mimeographed).

<sup>8</sup>T/PET.8/13 (mimeographed).

<sup>9</sup>T/PET.8/22-25 (mimeographed).

<sup>10</sup>T/PET.8/L.10-11 (mimeographed).

<sup>11</sup>T/OBS.8/6, 12, 13 and Add.1, 14 and Corr.1, 15 and 16 (mimeographed).

<sup>12</sup>T C (XXXIV), 1304th mtg., para. 31; T C (XXXV), 1338th mtg., paras. 14 and 21; T C (XXXVI), 1349th mtg., paras. 31-32.

<sup>13</sup>See *Reperory, Supplement No. 3*, vol. III, under Article 87, para. 53.

<sup>14</sup>T C (S-XIII), 1323rd mtg., para. 62.

<sup>15</sup>T C (XXXIV), 1321st mtg., para. 4.

<sup>16</sup>*Ibid.*, para. 6.

<sup>17</sup>*Ibid.*, para. 8.

<sup>18</sup>*Ibid.*, para. 9.

<sup>19</sup>*Ibid.*, para. 11.

<sup>20</sup>*Ibid.*, para. 12.

<sup>21</sup>*Ibid.*, para. 14.

<sup>22</sup>*Ibid.*, para. 15.

## ANNEX I

## Annual reports considered by the Trusteeship Council

	<i>Nauru</i> <sup>a</sup>	<i>New Guinea</i> <sup>b</sup>	<i>Pacific Islands</i> <sup>c</sup>
XXXIV (29 May-30 June 1967).....	1966	1966	1966
XXXV (27 May-19 June 1968) .....	—	1967	1967
XXXVI (29 May-19 June 1969).....	—	1968	1968

<sup>a</sup>For the year 30 June 1966. Subsequent reports were not considered by the Trusteeship Council since Nauru became independent on 31 January 1968.

<sup>b</sup>For the year ending 30 June.

<sup>c</sup>For the year ending 30 June.

## ANNEX II

## Number of communications, petitions and observations dealt with by the Trusteeship Council, by session and by Territory

	<i>Sessions</i>														
	<i>XXXIV</i>					<i>XXXV</i>					<i>XXXVI</i>				
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
<i>Nauru</i> .....	—		3		1	—	—	—	—	—	—	—	—	—	—
<i>New Guinea</i> .....	—		1	2	2	1		3		5	1		1		1
<i>Pacific Islands</i> .....	3		1		1	4		5	1	4	15		15		13

NOTE: Columns marked "A" refer to communications under rule 24 of the rules of procedure of the Trusteeship Council.

Columns marked "B" refer to petitions under rule 84 (1) of the rules of procedure.

Columns marked "C" refer to petitions under rule 85 (1) of the rules of procedure.

Columns marked "D" refer to petitions under rule 85 (2) of the rules of procedure.

Columns marked "E" refer to observations of the Administering Authority on the relevant petitions.

## ANNEX III

## Visiting missions; composition, terms of reference, document symbols of reports and number of days spent in the Trust Territory

- TRUST TERRITORY OF THE PACIFIC ISLANDS 1967 VISITING MISSION**

Terms of reference ..... T C resolution 2145(XXXIII)

Members ..... Miss Angie Brooks (Liberia, Chairman), Mr. Pierre Basdevant (France), Mr. Kenneth Rodgers (Australia), Mr. Richard Posnett (United Kingdom)

Number of days spent in the Trust Territory.. 35

Total number of days on mission ..... 50

Document containing the report of the Mission T C(XXXIV), Suppl. No. 2 (T/1668)
- TRUST TERRITORY OF NEW GUINEA 1968 VISITING MISSION**

Terms of reference ..... T C resolution 2148(XXXIV)

Members ..... Mr. J. M. McEwen (New Zealand, Chairman), Mr. P. H. Gaschignard (France), Mr. A. Fahnwulu Caine (Liberia), Mr. Ward P. Allen (United States)

Number of days spent in the Trust Territory.. 43

Total number of days on mission ..... 48

Document containing the report of the mission T C (XXXV), Suppl. No. 2 (T/1690)