

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 the present study follows that of the previous *Repertory* study of this Article. As previously, similar questions pertaining to the strategic Trust Territory of the Pacific Islands are dealt with in the present *Supplement* under Article 83.

2. In conformity with previous *Repertory* Supplements, basic information on visiting missions to the Trust Territory of the Pacific Islands are listed in the annex to this Article. Discussion of constitutional issues regarding these visiting missions is, however, discussed under Article 83, as the Trust Territory of the Pacific Islands was a designated strategic area and therefore was considered by the Trusteeship Council on behalf of the Security Council, not on behalf of the General Assembly.

3. 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 Territory of New Guinea are dealt with in the present *Supplement* under Article 76.

I. GENERAL SURVEY

4. As a result of the termination of the Trusteeship Agreement regarding Nauru in the previous period under review, the Trust Territory of New Guinea was the only remaining Trust Territory considered by the Trusteeship Council on behalf of the General Assembly.¹ During the period under review, the Council continued to examine the annual reports of the Administering Authority (Australia) on the Trust Territory of New Guinea and to submit its own reports with conclusions and recommendations to the General Assembly. The Territory gained independence on 16 September 1975 and the last annual report on the Territory examined by the Council was for the period ending 30 June 1975.

5. The Trusteeship Council continued to examine, concurrently with the annual reports, all communications, petitions, and the corresponding observations of the Administering Authority with regard to the Trust Territory.

6. The Trusteeship Council dispatched three visiting missions to the Territory during the period under review, including a final one to attend the independence ceremonies of Papua New Guinea. The Council examined the relevant reports of those missions (except the final

¹The only other Trust Territory, that of the Pacific Islands, was a designated strategic area and hence under the purview of the Security Council. It is considered in the present *Supplement* under Article 83.

mission, for which no report was issued) concurrently with the annual report of the Administering Authority. At the request of the Administering Authority and the territorial Government, the Council decided to postpone the periodic visiting mission which would have taken place in 1974, had the Council followed its established practice of dispatching a visiting mission to the Territory every three years.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 87a: Annual reports

7. During the period under review, the Trusteeship Council continued to examine the annual reports of the Administering Authority on the conditions in the Trust Territory of New Guinea for the period from 1 July 1968 to 23 May 1975,² in accordance with procedures described in the previous *Repertory* studies. The Trust Territory gained its independence on 16 September 1975, after which it was removed from the agenda of the Trusteeship Council pursuant to Council resolution 2162 (XLII) of 29 August 1975.

B. Article 87b: Petitions

8. 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 previous *Repertory* studies under this Article.³

9. The Trusteeship Council, from its thirty-seventh to its forty-first session, examined six communications under rule 24 of its rules of procedure,⁴ 14 petitions under rule 85, paragraph 1⁵ and 1 petition under rule 85, paragraph 2, regarding the Trust Territory of New Guinea.⁶ There were no petitions or communications of any sort submitted during the fortieth session. The Administering Authority issued nine observations in response to these communications and petitions.⁷

10. The matters addressed in the communications and petitions varied considerably throughout the period under review. Initially, questions of land claims and compensation in Bougainville, where a large copper mining project was being undertaken, dominated the substance of the petitions. Questions of land claims in Bougainville and elsewhere in the Territory continued to be raised throughout the period under review, but, as the date set for independence neared, other issues arose, including complaints of racial discrimination, claims of inappropriate use of police and armed forces by the Administering Authority, squatter problems and the removal of official Papua New Guinea

²T/1704 and Add.1, T/1715 and Add.1, T/1742, T/1751 and Add.1 and 2 and T/1765.

³*Repertory*, vol. IV, under Article 87, paras. 57-142; *Supplement No. 1*, vol. II, under Article 87, paras. 16-26; *Supplement No. 2*, vol. III, under Article 87, paras. 15-40; and *Supplement No. 3*, vol. II, under Article 87, paras. 51-62.

⁴T/COM.8/L.5-10.

⁵T/PET.8/26-39.

⁶T/PET.8/L.12.

⁷T/OBS.8/17-25.

documents by the Administering Authority. In the final session in which petitioners from Papua New Guinea were heard, they dealt exclusively with matters regarding the modalities by which the Territory would gain independence.

11. At each session, following the debate on the Territory, the Council decided⁸ unanimously to take note of the communications, petitions and observations that had been submitted and to draw the attention of the petitioners to the observations made by the Administering Authority as well as to the Council's debate and decisions.

C. Article 87c: Visiting missions

12. During the period under review, the Trusteeship Council continued to dispatch periodic visiting missions to the Trust Territory of New Guinea in order to secure first-hand information and to ascertain the wishes and aspirations of its inhabitants. The reports of the visiting missions continued to include accounts of views expressed to members of the mission by private persons in the Territories and by representatives of indigenous political organizations and institutions.

13. The major changes in practice with regard to the composition of visiting missions to the Territory are described in the present *Supplement* under Article 86.

14. In 1970, the Trusteeship Council decided to dispatch a visiting mission to the Trust Territory of New Guinea in 1971, according to the terms of reference contained in its resolution 2153 (XXXVII). The Council examined the report⁹ of the mission and, in its resolution 2155 (XXXVIII), took note of the report and the conclusions and recommendations contained therein. In 1972, it dispatched a visiting mission, under the terms of reference contained in resolution 2156 (XXXVIII), to observe the elections of the Papua New Guinea National Assembly that year. The Council examined the report of the mission¹⁰ and, in its resolution 2158 (XXXIX), took note of the report and the conclusions and recommendations contained therein.

15. During its fortieth session of the Trusteeship Council, at the 1411th meeting, the question of arrangements concerning the dispatch of a periodic visiting mission to the Trust Territory of New Guinea was considered. The representative of Australia, the Administering Authority, noted that it was the practice of the Council to dispatch periodic visiting missions every three years and that the previous such mission had been sent in 1971, though a special mission had also been sent to the Territory in 1972 to

⁸T/PV.1361, T/PV.1382, T/PV.1397 and T/PV.1431.

⁹T/PV.1370.

¹⁰T/1732.

observe the National Assembly elections. While the latter mission had been charged with a specific task as outlined in its terms of reference, its members had been invited¹¹ by the Governments of Australia and Papua New Guinea to take the opportunity of being in the country to observe developments there in general, which they did, and had spoken in the Council with regard to them the previous year.¹² The Trusteeship Council currently had before it an agenda item concerning the arrangement of a periodic visiting mission for 1974. The representative asked the Council to defer consideration of the dispatch of the mission until the forty-first session, as Papua New Guinea would be fully self-governing by December 1973 and a Constitution was to be drafted by May 1974. Thus, from December onward the inhabitants of the Territory would be preoccupied with adapting to their new status and examining their proposed constitution. Accordingly, the Administering Authority said that the Government of Papua New Guinea preferred that a mission be dispatched during a less preoccupying time.¹³

¹¹T/PV.1386, p. 22.

¹²T/PV.1399-1401.

¹³T/PV.1411, pp. 21 and 22.

The Special Adviser to the Australian delegation, the Minister of Finance for Papua New Guinea, reaffirmed what had been said by the representative of the Administering Authority and explained in greater detail the reasons why the Government of Papua New Guinea preferred that the visiting mission be postponed.¹⁴ The Committee then adopted a decision to defer consideration of the agenda item until the following session.

16. The Trusteeship Council dispatched a visiting mission to attend the independence ceremonies held in Papua New Guinea on 16 September 1975. After that date, pursuant to Trusteeship Council resolution 2162 (XLII) of 29 August 1975, the Trusteeship Agreement for the Territory of New Guinea ceased to be in force, and hence no further visiting missions were sent.

****D. Article 87d**

¹⁴*ibid.*, pp. 23-25.

ANNEX

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

1. TRUST TERRITORY OF THE PACIFIC ISLANDS, 1970

| | |
|---|---|
| Terms of reference | T C resolution 2152 (XXXVI) |
| Members | Kenneth Rogers (Australia, Chairman), Meng-Hsien Wang (China), Alain Deschamps (France), David Lane (United Kingdom) |
| Number of days spent in the Trust Territory | 35 |
| Number of days on mission | 51 |
| Report of mission | T/1707 |

2. TRUST TERRITORY OF NEW GUINEA

| | |
|---|--|
| Terms of reference | T C resolution 2154 (XXXVII) |
| Members | Denis Allen (United Kingdom, Chairman), Paul Blanc (France), Adnan Raouf (Iraq), Charles E. Wyse (Sierra Leone) |
| Number of days spent in the Trust Territory | 42 |
| Number of days on mission | 47 |
| Report of mission | T/1717 |

3. TRUST TERRITORY OF NEW GUINEA (VISITING MISSION TO OBSERVE THE ELECTIONS TO THE PAPUA NEW GUINEA HOUSE OF ASSEMBLY), 1972

| | |
|---|--|
| Terms of reference | T C resolution 2156 (XXXVIII) |
| Members | W. Tapley Bennett (United States, Chairman), Mohammad Hakim Aryubi (Afghanistan), Derek Jakeway (United Kingdom), Aleksandar Psončak (Yugoslavia) |
| Number of days spent in the Trust Territory | 29 |
| Number of days on mission | 30 |
| Report of mission | T/1732 |

4. TRUST TERRITORY OF THE PACIFIC ISLANDS, 1973

| | |
|---|--|
| Terms of reference | T C resolution 2152 (XXXIX) |
| Members | Paul Blanc (France, Chairman), Robin Ashwin (Australia, Acting Chairman), Viktor L. Issraelyan (Soviet Union), Peter Hinchcliffe (United Kingdom) |
| Number of days spent in the Trust Territory | 33 |
| Number of days on mission | 50 |
| Report of mission | T/1741 |

5. TRUST TERRITORY OF THE PACIFIC ISLANDS (VISITING MISSION TO OBSERVE THE PLEBISCITE IN THE MARIANA ISLANDS DISTRICT), 1975
- | | |
|---|--|
| Terms of reference | T C resolution 2160 (XLII) |
| Members | James Murray (United Kingdom, Chairman), John Melhuish (Australia), Bertrand de Guilhem de Lataillade (France) |
| Number of days spent in the Trust Territory | 10 |
| Number of days on mission | 13 |
| Report of mission | T/1771 |
6. TRUST TERRITORY OF THE PACIFIC ISLANDS, 1976
- | | |
|---|--|
| Terms of reference | T C resolution 2161 (XLII) |
| Members | James Murray (United Kingdom, Chairman), Bertrand de Guilhem de Lataillade (France) |
| Number of days spent in the Trust Territory | 75 |
| Number of days on mission | 84 |
| Report of mission | T/1774 |
7. TRUST TERRITORY OF THE PACIFIC ISLANDS (VISITING MISSION TO OBSERVE THE CONSTITUTIONAL REFERENDUM IN THE TRUST TERRITORY), 1978
- | | |
|---|---|
| Terms of reference | T C resolution 2165 (XLV) |
| Members | Robin A. C. Byatt (United Kingdom, Chairman), Jean-Claude Brochenin (France, Vice-Chairman), Pierre Garrigue-Guyonnaud (France), Sheila Harden (United Kingdom), Gérard Julienne (France), Ian A. Woods (United Kingdom) |
| Number of days spent in the Trust Territory | 35 |
| Number of days on mission | 45 |
| Report of mission | T/1795 |