

ARTICLE 88

Table of Contents

	<u>Paragraphs</u>
Text of Article 88	
Introductory Note	1 - 5
I. General Survey	6 - 10
II. Analytical Summary of Practice	11 - 55
A. The question of the form of the Questionnaire	11 - 15
B. The question of separate questionnaires for each Trust Territory	16 - 28
C. The question of the modification and revision of the Questionnaire	29 - 35
D. The question of the form of annual reports	36 - 45
1. The question of a narrative form of report	37 - 42
2. The questions of general background information and of information supplied to specialized agencies	43 - 45
E. The question of the time limit for the submission of annual reports	46 - 55

TEXT OF ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

INTRODUCTORY NOTE

1. The present study relates to the practice of United Nations organs, and in particular the Trusteeship Council, under Article 88 regarding the formulation by the Council of a questionnaire on the political, economic, social and educational advancement of the inhabitants of each Trust Territory, and the annual report to be submitted by the Administering Authority for each Trust Territory.
2. A brief survey of the action taken by the General Assembly and the Trusteeship Council with regard to the provisions of Article 88 is given in the General Survey. The Analytical Summary of Practice deals, on a chronological basis, with the practice of United Nations organs in application of Article 88. Discussions and decisions relating to questions regarding both the Questionnaire and the annual reports of the Administering Authorities are dealt with under each question in the order in which they occurred in United Nations organs.
3. The three principal questions which have been raised in connexion with the formulation of the Questionnaire are (1) whether it should be formulated as a series of topics on which information was desired or whether it should consist of specific questions; (2) whether a single questionnaire or separate questionnaires should be formulated for the various Trust Territories; and (3) the question of the modification and revision of the Questionnaire as eventually formulated.
4. The three principal questions which have been raised with regard to annual reports are (1) whether the reports should be in narrative form or in the form of specific answers to questions; (2) whether general background information should be reproduced in the reports each year; and (3) when the reports should be submitted.
5. The matter of questionnaires relating to strategic areas under trusteeship is dealt with in this Repertory under Article 83. 1/

1/ The matter of questionnaires relating to strategic areas under trusteeship may be briefly summarized as follows: the Security Council and the Trusteeship Council agreed that the Trusteeship Council should perform the functions specified in Article 88 relating to the political, economic, social and educational advancement of the inhabitants of strategic areas. With regard to the Questionnaire, it was understood that the Security Council would have the power to change or to amend it only in cases in which considerations of security were involved.

I. GENERAL SURVEY

6. Under the provisions of Article 88 the Trusteeship Council has formulated questionnaires; it has also taken other decisions and has established procedures in connexion with the application of that Article.

7. At its first session, the Council considered the provisional rules of procedure ^{2/} as transmitted by the Preparatory Commission and, after detailed discussion, approved ^{3/} its rules of procedure. ^{4/} Rule 68 of the rules of procedure of the Council provides for the transmission by the Council to the Administering Authorities concerned of such questionnaire as the Council might have formulated in accordance with Article 88. Rules 69 and 72 provide respectively that the Council may modify the questionnaires at its discretion and that annual reports based on them shall be submitted within six months from the termination of the year to which they refer. At the same session, the Council adopted resolution 7 (I), concerning the transmission of the Provisional Questionnaire to the Economic and Social Council and the specialized agencies for their advice and comments on those sections which dealt with subjects of special concern to them. At its ninth session, the Trusteeship Council adopted resolution 346 (IX), regarding the time of transmission for annual reports by the Administering Authorities. At its eleventh session the Council adopted resolutions 463 (XI) and 467 (XI), concerning respectively the revision of the Provisional Questionnaire, and amendments to the rules of procedure of the Council. At its twelfth session, the Council adopted resolution 644 (XII), concerning the question of a special questionnaire for Somaliland under Italian administration.

8. The General Assembly, at its seventh and eighth sessions respectively, adopted resolutions 656 (VII) and 751 (VIII) which concerned the matter of a special questionnaire for Somaliland and separate questionnaires adapted to the particular circumstances of each Trust Territory.

9. The formulation and subsequent revision of the Questionnaire was discussed at various sessions of the Trusteeship Council. At its first session, the Council adopted rules of procedure concerning the Questionnaire, approved the report ^{5/} of the Committee on Questionnaires ^{6/} and adopted the Provisional Questionnaire. At its fourth session, the Council established a committee to consider proposed changes in the Provisional Questionnaire. Consideration of such a revision was, however, postponed at the fifth and sixth sessions. At the seventh session, a sub-committee of two was appointed to undertake preliminary work regarding a revision. Subsequently, at the same session, a committee of four members was established which submitted interim reports on the matter at the eighth and ninth sessions. At its tenth session, the Council decided to defer action on the report of the Committee and the revised Questionnaire annexed to it. At its eleventh session, the Council approved the Questionnaire.

10. In addition to the rules of procedure noted above, it was necessary for the Trusteeship Council to adopt other rules of procedure in order to comply with the provisions of Article 88. These decisions, however, dealt with practical ways and

^{2/} T C (I), Suppl., annex 2 (T/1).

^{3/} T C (I), 22nd mtg.

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

^{5/} T/AC.2/1.

^{6/} The Committee had been established earlier in the session (T C (I), 15th mtg., pp. 385 et seqq.).

means of discharging the functions of the Council and are not considered in the Analytical Summary of Practice. Such decisions included the formulation of rules 68 and 71 of the rules of procedure which provide that the Questionnaire is to be transmitted to the Administering Authority concerned upon the coming into effect of each Trusteeship Agreement, and that the Questionnaire and any subsequent modifications shall be communicated to the Administering Authority at least six months before the expiration of the year covered by the first annual report or the same period for the first report which is to be based on a modified questionnaire. Rule 73 lays down the number of copies of each annual report to be submitted. Rule 70, adopted in accordance with Article 91 ^{7/} provides that the Trusteeship Council shall avail itself of the assistance of the Economic and Social Council or of any specialized agency in the preparation of questionnaires when it considers it appropriate.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The question of the form of the Questionnaire

11. When the Trusteeship Council discussed the formulation of a questionnaire at its first session, the President suggested ^{8/} that a committee be appointed to study the draft questionnaires which had been submitted by France, the United Kingdom, the United States and the Secretariat and to draw up a new questionnaire based on these drafts for the consideration of the Council. In the course of discussion ^{9/} there was some support for the suggestion that the Council should also consider the Questionnaire of the Permanent Mandates Commission of the League of Nations in formulating its own Provisional Questionnaire. Although the aims of the Mandate and the Trusteeship Systems were different, it was noted that they had many points in common. It was argued that it would not be wise to disregard the experience of twenty-five years, that the work that had been done by the Permanent Mandates Commission could be used as a basis by the Council and that improvements might be made by making additions where it was deemed appropriate and possibly by eliminating anything that appeared superfluous in the Questionnaire of the Permanent Mandates Commission. In this context the problem whether questionnaires should be issued in the form of specific questions or in the form of topics on which the Council wished to have information was raised. The view was expressed ^{10/} that the latter form had advantages and that the various items in the Questionnaire should not always be in the form of questions which, it was believed, had a limiting effect, since the answer would depend on the form in which the question had been put and only one answer would be possible.

12. The Provisional Questionnaire, subsequently approved ^{11/} by the Council, consisted chiefly of specific questions on various subjects; ^{12/} the Administering Authority was also requested to provide in its report (a) a descriptive section on the Territory and its inhabitants; (b) a section comprising a summary and conclusion on the

^{7/} See in this Repertory under Article 91.

^{8/} T C (I), 14th mtg., pp. 361 and 362.

^{9/} Ibid., pp. 362-365; 15th mtg., pp. 386-389.

^{10/} T C (I), 15th mtg., pp. 386-389.

^{11/} T C (I), 25th mtg., p. 686.

^{12/} During the discussion of the report of the Committee on Questionnaires, the Council decided to omit a question regarding armed forces, defence bases and expenditures on them in Trust Territories since it was considered that questions of this nature went beyond the provisions in Article 88. This question has been dealt with in this Repertory under Article 84.

progress made in various fields during the year under review; and (c) an appendix providing statistical information.

13. During the discussion 13/ on the revision of the Provisional Questionnaire, at the tenth session of the Council, the views set forth below were among those expressed. (1) The Provisional Questionnaire was too long and complicated and additional questions would not improve it. (2) It should be as concise as possible and should be in the form of a table of topics. (3) The paramount consideration should be that questions be of interest to the Council, rather than of academic interest. In opposition to these views, it was argued that there was need for a detailed questionnaire; it was also stated that the Provisional Questionnaire should be retained in its existing form, and that the information requested should not be reduced.

14. The Drafting Committee on the Questionnaire 14/ stated in its report, 15/ submitted to the Council at its tenth session, that it had adopted the statistical appendix in the revised Questionnaire on the understanding that, for the time being, the Administering Authorities should include in their annual reports such statistics as were available, presented as far as possible in the form indicated in the appendices, with the aim of supplying full statistics in the form specified as soon as the statistical services needed could be developed. A decision on the report of the Drafting Committee on the Questionnaire was deferred to the eleventh session, at which it was adopted 16/ after having been amended.

15. The revised Questionnaire 17/ approved 18/ by the Council at its eleventh session, contains a number of features which did not appear in the Provisional Questionnaire, namely, a general terminology containing practical definitions of the terms used in the Questionnaire, additional appendices and an annex stating that the Universal Declaration of Human Rights forms an integral part of the Questionnaire. In the four parts of the Questionnaire relating to political, economic, social and educational advancement, specified in Article 88, queries phrased in a descriptive manner replaced the previous interrogatory style. Information, formerly elicited by direct questions starting with interrogative pronouns and ending with a question mark, is now requested by asking the Administering Authority for descriptive information, statements, explanations or accounts.

B. The question of separate questionnaires for each Trust Territory 19/

16. In preparing the provisional rules of procedure for the Trusteeship Council, the Executive Committee to the Preparatory Commission gave no interpretation as to the force of the words "of each trust territory" in Article 88. Rule 30, as adopted 20/ by the Committee, referred to the formulation of "a questionnaire" on the advancement of the inhabitants of each Trust Territory and the modification of "the questionnaires"; rule 31 referred to "the several questionnaires"; and rule 32 to the "questionnaires".

13/ T C (X), 389th mtg., paras. 57-63 and 408th mtg., paras. 15-31.

14/ This Committee had been established at the seventh session of the Council (T C (VII), 27th mtg., paras. 78-103) to revise the Provisional Questionnaire.

15/ T/L.246, para. 12.

16/ T C (XI), 414th mtg., paras. 2-40.

17/ T C (XI), Special Suppl. (T/1010).

18/ See also in this Repertory under Article 85.

19/ T C resolution 463 (XI).

20/ Report by the Executive Committee to the Preparatory Commission of the United Nations, PC/EX/113/Rev.1, 12 Nov. 1945, chap. IV, section 5.

The Preparatory Commission, in adopting these rules, changed the words "a questionnaire" in rule 30 of the rules submitted by the Executive Committee to "questionnaires". 21/

17. When the Trusteeship Council, at its first session, considered the provisional rules concerning questionnaires formulated by the Preparatory Commission, the question was raised whether Article 88 prescribed the preparation of one questionnaire or of separate questionnaires for each Trust Territory.

18. The views set forth below were among those expressed. 22/ (1) In formulating a rule on the Questionnaire, the Council should follow the wording of Article 88. (2) The Council could not, at its first session, draw up a special questionnaire for each Territory when it had no knowledge of particular conditions in each Territory. (3) It should be possible to formulate a single questionnaire sufficiently general to cover every contingency, although it might include questions not exactly applicable to a particular Territory. (4) Although Article 88 stated that a questionnaire on the advancement of the inhabitants of each Trust Territory was to be formulated, this could not be interpreted to mean that a different questionnaire necessarily should be sent to each Territory. (5) Although rule 33, which had been transmitted by the Preparatory Commission, implied the necessity of formulating a special questionnaire for each Territory, this was not the intention of the Council. (6) Since the general Questionnaire would probably not apply in toto to strategic areas under trusteeship, it should be considered in future that the questionnaires would not be the same for all the Trust Territories.

19. The Drafting Committee on Rules of Procedure of the Trusteeship Council took these views into consideration in drafting the following rule which was adopted 23/ unanimously by the Trusteeship Council as rule 68:

"Upon the coming into effect of each Trusteeship agreement, the Trusteeship Council shall transmit to the Administering Authority concerned, through the Secretary-General, such questionnaire as it shall have formulated, in accordance with Article 88 of the Charter, on the political, economic, social and educational advancement of the inhabitants of the Trust Territory involved."

20. In the course of the consideration 24/ of the report 25/ of the Committee on Questionnaires (see paragraph 9 above) by the Trusteeship Council at its first session, the provisional nature of the Questionnaire was noted and a proposal was adopted to approve the report provisionally, with a view to revising and adapting the Questionnaire, if necessary, to specific Trust Territories. Subsequently, in the discussion 26/ of the transmission of the Provisional Questionnaire to the Administering Authorities, it was pointed out that the words "as necessary" implied that the Council intended to draw up a separate questionnaire for each Territory; it was therefore suggested that those words be replaced with the words "if necessary". The above-mentioned proposals and suggestions were included in a "Note" of the Provisional Questionnaire stating that the Questionnaire was transmitted on the understanding "that it will be revised and adapted, if necessary, to specific Trust Territories, at the November 1947 session of the Council." 27/

21/ T C (I), Suppl., annex 2 (T/1), rule 33.

22/ T C (I), 14th mtg., pp. 344-346 and 349.

23/ T C (I), 22nd mtg., p. 597.

24/ T C (I), 25th mtg., pp. 625-627.

25/ T/AC.2/1.

26/ T C (I), 26th mtg., p. 701.

27/ United Nations Publications, Sales No.: 1947.VI.A.1; p. 3.

21. In the report 28/ of the Drafting Committee on the Questionnaire, submitted to the Council at its tenth session, reference was made to the "Note" of the Provisional Questionnaire with regard to which the view had been expressed in the Committee that, according to Article 88, the revised Questionnaire should, if necessary, be adapted to specific Trust Territories. During the discussion 29/ of the report at the tenth session of the Council, it was argued that Article 88 specifically stated that the Trusteeship Council should formulate questionnaires for each Trust Territory, and that the General Assembly should therefore be asked for its interpretation of this Article. It was suggested that there should be a master questionnaire with several variations which would meet the needs of each Territory.

22. At the seventh session of the General Assembly, the Fourth Committee adopted a draft resolution 30/ by which the Assembly would request the Trusteeship Council to consider the desirability of preparing a special questionnaire for the Trust Territory of Somaliland under Italian administration. The draft resolution was adopted by the General Assembly and became resolution 656 (VII).

23. In the course of the consideration 31/ of General Assembly resolution 656 (VII) by the Trusteeship Council at its twelfth session, the view was expressed that a special questionnaire on Somaliland was not necessary and would be superfluous. A Committee of Two 32/ was appointed by the Trusteeship Council to examine and to report upon the resolution. The Committee reported 33/ in regard to the question of a separate questionnaire for the Trust Territory that:

"with one exception, those members of the Council who expressed themselves on this matter, were of the opinion that a number of factors weighed against the desirability of a separate questionnaire. These were (i) the comprehensive nature of the revised questionnaire, adopted by the Trusteeship Council, upon which the current annual report of the Administering Authority was based for the first time and which the Council had devised to cover all Territories within the scope of the Trusteeship System; (ii) the detailed information accordingly provided by the Administering Authority in its annual report; (iii) the additional information made available to the Council by the Administering Authority in the form of observations upon the large number of petitions received from the Trust Territory; (iv) the further ample information made available to all members of the Council who desired to exercise their right to ask questions orally of the special representative from the Trust Territory. The Committee therefore concluded that in all these circumstances no particular advantage may be gained by drawing up a separate questionnaire for the Trust Territory;"

24. A draft resolution, submitted by the Committee, was adopted by the Trusteeship Council and became resolution 644 (XII), which reads, in part, as follows:

"The Trusteeship Council,

".....

28/ T/L.246, para. 10.

29/ T C (X), 408th mtg., paras. 18, 27 and 29.

30/ G A (VII), Annexes, a.i. 12, p. 12, A/C.4/L.270.

31/ T C (XII), 465th mtg., para. 167; 466th mtg., paras. 39, 92, 118, 148 and 201; 475th mtg., para. 132; 476th mtg., para. 6.

32/ The Committee consisted of the representatives of the Dominican Republic and the United Kingdom.

33/ T C (XII), Annexes, a.i. 15, T/L.373, para. 6 (b).

"Considering that the annual report on Somaliland under Italian administration for the year 1952, based on the revised questionnaire, contains full information on all aspects of the administration,

".....

"Is of the opinion:

"(a) That in the light of the considerations set out in the report of its Committee a special questionnaire for Somaliland under Italian administration is not required;"

25. At the seventh session of the General Assembly, the view was expressed in the Fourth Committee that the revised Questionnaire was not applicable to all Trust Territories and that separate questionnaires should be prepared, adapted to the particular circumstances of each Trust Territory. A draft resolution 34/ by which the General Assembly would invite the Trusteeship Council to prepare such separate questionnaires was submitted to the Committee. Consideration of the draft resolution was postponed until the eighth session. In resubmitting the draft resolution 35/ at that session, one of the sponsors stated 36/ that Article 88 clearly provided that a questionnaire should be formulated for each Trust Territory and that the Preparatory Commission had accepted this interpretation. It had used the word "questionnaires" in rules concerning questionnaires in the provisional rules of procedure, and the Trusteeship Council, at its first session, had indicated that special questionnaires could be formulated for each Territory. He believed that, at that time, the reports based on the Questionnaire, which was of a general nature, contained insufficient information and did not allow the General Assembly to exercise its supervisory functions satisfactorily. In accordance with Article 88, the reports were submitted to the General Assembly and were examined by the Trusteeship Council under the authority of the General Assembly. The General Assembly was thus entitled to decide what form the reports should take.

26. In the course of the discussion, 37/ it was noted that the Trusteeship Council had been unable to adapt the Questionnaire to every Territory and that it was superfluous to do so since the general Questionnaire would enable the Council to judge the situation in each Territory. Amendments 38/ to the draft resolution in question were submitted by which the General Assembly would (1) establish a sub-committee to submit conclusions to the Trusteeship Council, and (2) invite the latter to undertake the preparation of separate questionnaires on the basis of the work of the sub-committee.

27. The views set forth below were among those expressed 39/ in opposition to the amendment. (1) The amendments were contrary to Article 88, which expressly conferred on the Trusteeship Council the right to formulate the Questionnaire, and a sub-committee could not, therefore, take the place of the Council in performing that function. (2) The preparation and drafting of questionnaires was a matter for the Trusteeship Council, which should appoint any sub-committee which it might deem necessary.

34/ G A (VII), Annexes, a.i. 12, p. 11, A/C.4/L.253; draft resolution submitted by El Salvador, Guatemala, Haiti, Lebanon, Saudi Arabia and Syria.

35/ G A (VIII), Annexes, a.i. 13, p. 2, A/C.4/L.319.

36/ G A (VIII), 4th Com., 388th mtg., paras. 22-25.

37/ Ibid., para. 32.

38/ G A (VIII), Annexes, a.i. 13, p. 3, A/C.4/L.325.

39/ G A (VIII), 4th Com., 389th mtg., para. 6 and 392nd mtg., para. 13.

28. The draft resolution and the amendments were adopted by the Committee. The draft resolution, as amended, was adopted by the General Assembly and became resolution 751 (VIII), which reads as follows:

"The General Assembly,

".....

"Considering that, under Article 88 of the Charter, the Administering Authorities shall make an annual report to the General Assembly, upon the basis of a questionnaire formulated by the Trusteeship Council, on the political, economic, social and educational advancement of the inhabitants of each Trust Territory,

"Considering that, in approving the Provisional Questionnaire, the Trusteeship Council emphasized that it would be adapted, if necessary, to specific Trust Territories,

"Considering that the revised Questionnaire is not applicable in its entirety to all Trust Territories,

"1. Instructs a Sub-Committee, consisting of representatives of El Salvador, Haiti, India and Syria, to examine the Questionnaire formulated by the Trusteeship Council, to study such changes as may be necessary to adapt it to the special conditions of each Territory, and to submit its conclusions to the Trusteeship Council;

"2. Invites the Trusteeship Council to undertake, on the basis of the work of the Sub-Committee established under the preceding paragraph, the preparation of separate questionnaires adapted to the particular circumstances of each Trust Territory."

C. The question of the modification and revision of the Questionnaire

29. The Charter makes no reference to any future modifications of the Questionnaire. Rule 69 of the rules of procedure of the Trusteeship Council, 40/ approved 41/ by the Council at its first session without objections and without change in the text 42/ transmitted by the Preparatory Commission, reads as follows:

"The Council may modify the questionnaires at its discretion."

30. At the same session, the Council adopted 43/ a proposal that the covering letter 44/ transmitting the Provisional Questionnaire to the Administering Authorities include an invitation for comments concerning its improvement.

31. By resolution 7 (I), the Council decided, in accordance with Article 91 and rule 70 of its rules of procedure, to transmit the Provisional Questionnaire to the Economic and Social Council and also to the specialized agencies for their advice and comments on those sections which dealt with subjects of special concern to them.

40/ United Nations publications, Sales No.: 1947.I.9.
41/ T C (I), 14th mtg., p. 349.
42/ T C (I), Suppl., annex 2 (T/1), rule 33.
43/ T C (I), 24th mtg., pp. 626 and 627.
44/ G A (II), Suppl. No. 4 (A/312), p. 13, annex II.

32. During the discussion of the report 45/ of the Committee on Questionnaires, at the first session of the Council, the President stated 46/ that, in adopting the provisional document, the Council was not committing itself for a period of years, but expected to modify the document from year to year as experience showed that there was need to do so.

33. In its report, 47/ submitted to the Trusteeship Council at its tenth session, the Drafting Committee on the Questionnaire, established by the Council at its seventh session to revise the Provisional Questionnaire, noted the view of two members of the Committee, both representing Administering Authorities, that at least five years should elapse before the Questionnaire was revised again and that a further revision should be undertaken only in the light of the experience gained by the Council in the course of the examination of the annual reports prepared by the Administering Authorities. They stated that their endorsement of the revised Questionnaire was dependent upon these, as well as other views (see paragraph 39 below), being taken into account.

34. During the consideration of the report of the Drafting Committee on the Questionnaire at the tenth session of the Council, some representatives, while not opposed in principle to the suggestion that the Questionnaire should be revised again after five years, expressed opposition to the inclusion of this rigid time limit in the report. They were of the opinion that the need for further revision could be decided only in the light of experience and that the laying down of an arbitrary time limit would preclude any further revision by the Council and drew attention to rule 69 of the rules of procedure, under which the Council might revise the Questionnaire at any time. 48/

35. At its eleventh session, the Council, under resolution 463 (XI), approved the revised Questionnaire and noted that the reservations of individual members had been entered in the Official Records.

D. The question of the form of annual reports

36. Article 88 prescribes that the annual reports submitted by Administering Authorities to the General Assembly shall be made upon the basis of the questionnaire formulated by the Trusteeship Council. In discussions in both the Trusteeship Council and the General Assembly concerning the interpretation of this provision there was divided opinion as to whether Administering Authorities could prepare their reports in a narrative form, whether they were required to reproduce general background information every year, and whether reports to specialized agencies might be appended to the annual report to the General Assembly rather than be included in the report.

1. The question of a narrative form of report

37. This question was first raised in the Trusteeship Council at its first session during the discussion 49/ of the report 50/ submitted by the Committee on Questionnaires; in the course of debate it was suggested that the Administering Authorities should be permitted to make their reports in the form they wished. On various subsequent occasions, 51/ there was support for the submission of annual reports in narrative form,

45/ T/AC.2/1.

46/ T C (I), 25th mtg., p. 648.

47/ T/L.246, paras. 8, 9 and 15.

48/ T C (X), 408th mtg., paras. 17, 27, 29 and 30.

49/ T C (I), 24th mtg., pp. 631 and 632.

50/ TC/AC.2/1.

51/ T C (VII), 8th mtg., paras. 75 and 76; 27th mtg., paras. 79, 82, 84, 86 and 92; T C (VIII), 328th mtg., para. 71; T C (X), 408th mtg., para. 7.

with an index referring to pages or paragraphs where answers to each question of the Questionnaire could be found. It was stated that reports prepared in the form of a catechism were difficult to read and repetitious, while those in narrative form were easier to read and more informative.

38. In the course of discussion 52/ of the question at the fourth session of the Council, objection to the narrative form of a report was raised on the grounds that, so long as the Council retained the current Provisional Questionnaire, the most satisfactory procedure would be to give a separate answer in the annual report to each question. When this procedure was not followed, it was, in certain cases, difficult to find the answer to a given question.

39. In a report, 53/ submitted to the Council at its tenth session, the Drafting Committee on the Questionnaire noted the view of two members of the Committee, both representing Administering Authorities (see also paragraph 33 above), that "it was desirable that the Administering Authorities should continue to present the annual reports on the administration of Trust Territories not necessarily in the form of answers to each question of the revised questionnaire, but, if they wished to do so, in a narrative form, provided that each question of the revised questionnaire was covered in the annual report and provided that each annual report contained an index to the pages or paragraphs of the annual report in which answers to each question of the revised questionnaire could be found". The members in question had also stated that their endorsement of the revised questionnaire was dependent on these views being taken into account.

40. In the course of the discussion 54/ of the report at the tenth session of the Council, objections to annual reports prepared in a narrative form were raised on the grounds that it was easier and simpler to obtain a true picture of the situation from direct answers to direct questions and that only by such questions and answers would the Administering Authorities meet the provisions of Article 88, which, it was stated, prescribed specific replies to specific questions. Further consideration of the report was deferred to the eleventh session.

41. At the eleventh session of the Council, objections 55/ were raised to the reservations (see paragraph 39 above) which had been included in the report of the Drafting Committee on the Questionnaire. The views set forth below were among those expressed in opposition to the reservations. (1) Article 88 prescribed that annual reports should consist of answers to questions put to the Administering Authorities in the Questionnaire; in reports in narrative form certain questions might be overlooked. (2) Annual reports should follow the same order of subject-matter as the Questionnaire. (3) Uniformity in drafting would facilitate the study and discussion of the reports by the Trusteeship Council. (4) The interpretation of the Questionnaire should not be left to the Administering Authorities, but should be decided by the Trusteeship Council. It was also argued that the adoption of the Questionnaire and the manner in which it should be answered were two different questions; the Questionnaire should be adopted and a decision on the latter question could be reached subsequently.

42. The Council rejected a proposal to include the words "without prejudice to the form of the reports" in the draft resolution approving the revised Questionnaire and adopted a proposal to include the words "reservations of the individual members of the

52/ T C (IV), 26th mtg., pp. 348 and 355.

53/ T/L.246, paras. 8, 9 and 15.

54/ T C (X), 408th mtg., paras. 16, 25 and 29.

55/ T C (XI), 414th mtg., paras. 15 and 22.

Council having been entered in the Council's official records." The draft resolution including the latter phrase was adopted and became resolution 463 (XI).

2. *The questions of general background information and of information supplied to specialized agencies*

43. At the second session of the Trusteeship Council, it was suggested 56/ that general background information should not be reproduced every year in annual reports, but that it should be supplied once and should then be revised when any changes occurred during a particular year. The report 57/ of the Drafting Committee on the Questionnaire, submitted to the Council at its tenth session, noted formal reservations (see also paragraphs 33 and 39 above) by two members of the Committee which had made their endorsement of the revised Questionnaire dependent upon the Council taking their views into account. Among the views in question were those set forth below.

(1) Information on certain matters which did not vary from year to year should not have to be repeated in each annual report, if reference was made to the same information already supplied to the Council in previous annual reports. (2) Administering Authorities should not have to include in the main body of their annual reports the same information which they had transmitted to the specialized agencies, but should append these reports to the specialized agencies to their annual reports on the administration of the Trust Territories.

44. During the discussion 58/ of the report of the Committee by the Council at its tenth session, opposition to these suggestions was expressed on the grounds that annual reports should be prepared as a single entity; that members of the Council could not be asked to refer back to former parts; that all available information should be included in each annual report; and that the obligation to furnish information to specialized agencies related to a purely informative function and was subordinate to the principal obligation of Administering Authorities to the General Assembly and thus to the Council.

45. For subsequent action by the Council on the report, see paragraph 35 above.

E. The question of the time limit for the submission of annual reports

46. Rule 36 of the provisional rules of procedure of the Council 59/ formulated by the Preparatory Commission, provided that annual reports should be submitted at least one month before the session at which the reports were to be considered by the Trusteeship Council.

47. During the discussion 60/ of this rule by the Council, at its first session, the views set forth below were among those expressed. (1) The time limit for the submission of a report should be fixed at some period after the close of the year to which the report referred. (2) Administering Authorities must have sufficient time to draw up their reports, print and submit them. (3) Reports should be examined as soon as possible after the end of the period which they covered. Attention was drawn to the difficulties which were encountered in preparing reports in a short period and in submitting them in time to give members of the Council sufficient opportunity to study them before sessions of the Council.

56/ T C (II), 7th mtg., pp. 143 and 145.

57/ T/L.246, paras. 8, 9 and 15.

58/ T C (X), 408th mtg., paras. 19, 26 and 31.

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

60/ T C (I), 16th mtg., pp. 396-409.

48. During the discussion of various time limits, a proposal was made to require the submission of a report within four months after the close of the year to which it referred. This proposal was included in rule 72 of the rules of procedure of the Council 61/ which reads, in part, as follows:

"1. The annual report of an Administering Authority prepared on the basis of the questionnaire formulated by the Trusteeship Council shall be submitted to the Secretary-General within four months from the termination of the year to which it refers."

49. At the fourth session of the Council, a proposal was submitted to increase the time limit for the submission of annual reports as laid down in rule 72 to six months. The views set forth below were among those expressed 62/ in support of this proposal. (1) The time limit of four months was too short. (2) The Council had never received reports within the authorized time limit. (3) The Permanent Mandates Commission of the League of Nations had never requested reports from mandated territories within a time limit of four months. (4) It was impossible to prepare an adequate report within a time limit of four months. The proposal was adopted.

50. Subsequently, the need to reduce the time which had elapsed between the end of the period covered by annual reports and their examination in the Council was expressed in both the General Assembly 63/ and the Trusteeship Council. 64/ In the latter, at its third special session, the suggestion 65/ was made that reports on Trust Territories in the Pacific might be submitted by 15 December and reports on Trust Territories in Africa by 15 May or, in the latter case, four and one-half months after the year to which they referred. The Administering Authorities of Trust Territories in Africa agreed to accept this time limit for reports for 1950 and a proposal to consider these reports at the summer session in 1951 was adopted.

51. At the ninth session of the Trusteeship Council, the Committee on General Procedure, appointed 66/ in pursuance of General Assembly resolution 432 (V), submitted a preliminary report 67/ in which it noted certain decisions taken by the Council which had had the effect of modifying its methods of work and of improving its procedure and proposed further steps which might be taken. The Committee recommended that

"each Administering Authority be requested to deliver to the Secretary-General, not later than 1 May in the case of annual reports to be examined at each June session of the Council and not later than 15 December in the case of reports to be examined at each January session, 75 copies [68/] of its annual report on the administration of the Territory concerned,".

52. When the Council discussed the report of the Committee objections 69/ were raised to the proposed time limit for the submission of reports. It was noted that great difficulties had been encountered in meeting the time limit when it was reduced from

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- 61/ United Nations publications, Sales No.: 1947.I.9.
62/ T C (IV), 3rd mtg., pp. 20-22.
63/ G A (V), 4th Com., 146th mtg., para. 32; 147th mtg., paras. 61 and 62.
64/ T C (VII), 30th mtg., para. 131.
65/ T C (S-3), 1st mtg., p. 7.
66/ T C (IX), 347th mtg., para. 22.
67/ T C (IX), Annexes, a.i. 8, p. 3, T/L.209/Rev.1.
68/ The Committee also recommended that the additional copies of reports which were required should be delivered not later than 1 August and 1 February respectively.
69/ T C (IX), 381st mtg., paras. 35 and 36.

six to four and one-half months in the case of the Administering Authorities for the Trust Territories in Africa, and that the new recommendation would reduce it still further, namely, to four months. It was also noted that rule 72 of the rules of procedure still allowed Administering Authorities a period of six months to prepare and submit their reports. In an attempt to reach a compromise solution regarding the date for the submission of reports, a draft resolution was submitted by which, as a temporary measure, the date of 1 May suggested by the Committee would be changed to 15 May. This draft was adopted by the Council and became resolution 346 (IX), which read, in part, as follows:

"The Trusteeship Council,

".....

"3. Recommends that, pending decision by the Council on this matter at its tenth session, the Administering Authorities make every effort to transmit to the Secretary-General not later than 15 December 1951 the reports on the Trust Territories in the Pacific for the year 1950-51, and not later than 15 May 1952 the reports on the Trust Territories in Africa for the year 1951."

53. At the eleventh session of the Trusteeship Council, the Committee on General Procedure submitted a report 70/ in which it stated that it would be undesirable to attempt to amend the rules of procedure to provide specific dates for the submission of annual reports, since the practicability of any scheme would depend upon experience and other factors which could not be foreseen and might well be subject to further change. The Committee recommended that the relevant paragraph of rule 72 be amended to read as follows:

"1. The annual report of an Administering Authority prepared on the basis of the questionnaire formulated by the Trusteeship Council shall be submitted to the Secretary-General and considered by the Council in accordance with a schedule to be worked out by the Council."

54. During the consideration of the report, it was suggested that proposed amendments to the rules of procedure be adopted provisionally only, 71/ and an amendment 72/ was submitted which would provide that Administering Authorities should have at least six months, as allowed by rule 72, in which to prepare their reports for circulation. 73/

55. With the adoption of resolution 467 (XI), by which the Council approved the report of the Committee and which incorporated the amendments which had been proposed, no further amendment to rule 72 (1) was necessary. The rule, as adopted, 74/ states that the annual report shall be submitted within six months from the termination of the year to which it refers.

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

71/ Ibid., p. 9, T/L.271.

72/ Ibid., p. 10, T/L.274.

73/ With regard to Western Samoa and Somaliland under Italian administration, special arrangements were suggested in order to permit the discussion of reports covering the previous calendar year at the summer session.

74/ United Nations publications, Sales No.: 1952.I.19.

