# ARTICLE 91

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TEXT OF ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

INTRODUCTORY NOTE

1. The provisions of Article 91 authorize the Trusteeship Council to avail itself, when appropriate, of the assistance of the Economic and Social Council and of the specialized agencies in discharging its responsibilities under the International Trusteeship System.

2. The General Survey of the present study briefly reviews the rules of procedure of the Trusteeship Council and certain decisions taken by the Council which bear upon Article 91.

3. The Analytical Summary of Practice deals, in section A, with the interpretation given to the words "when appropriate". Section B is concerned with the action taken by the Trusteeship Council with regard to resolutions of the Economic and Social Council, and section C shows how the relationship between the Trusteeship Council and the Economic and Social Council and between the Trusteeship Council and the specialized agencies was established. In this connexion, some examples are given of instances in which the Trusteeship Council, in accordance with rule 9 (f) of its rules of procedure, has collaborated with the Economic and Social Council in considering certain recommendations of the latter Council. In connexion with the examination of the measures taken to establish a relationship between the Trusteeship Council and the specialized agencies, material has been presented bearing on the meaning of the term "specialized agencies" as used in Article 91.

4. Section D of the Analytical Summary deals with the procedures for co-operation. It reviews the relevant rules of procedure of the Trusteeship Council and those recommendations of the report 1/ of the Joint Committee of the Economic and Social Council and of the Trusteeship Council appointed to discuss arrangements for co-operation in dealing with matters of common concern that were not embodied in specific rules of procedure.

5. Those resolutions of the Trusteeship Council in which the Trusteeship Council has either asked for the assistance of the Economic and Social Council and/or of the specialized agencies for itself or authorized its subsidiary bodies to avail themselves of such assistance are discussed in section E of the Analytical Summary of Practice.

6. Finally, it was considered useful to discuss in section F a question related to Article 91, namely the provisions (see rule 105 of the rules of procedure) under which the Trusteeship Council may also avail itself of the assistance of appropriate inter-governmental regional bodies. Both the General Assembly and the Trusteeship Council

1/ T C (II/1), Suppl., p. 225, E & T/C.1/2/Rev.1.
have adopted resolutions 2/ in which, although they did not request assistance for themselves, have invited, or suggested to, the Administering Authorities that they might, if they wished, or if they considered it appropriate, avail themselves of the assistance of the Economic and Social Council and especially of the specialized agencies. These resolutions are not treated in the present study inasmuch as they are beyond the scope of Article 91 under which the assistance of the Economic and Social Council and the specialized agencies may be made available to the Trusteeship Council itself.

I. GENERAL SURVEY

7. The procedures for the application of Article 91 have been laid down in the rules of procedure of the Trusteeship Council. Rule 105 of those rules reproduces the substance of Article 91. In addition, it includes "appropriate inter-governmental regional bodies" among the organs with which the Trusteeship Council shall collaborate. In practice, the Council has never availed itself of the assistance of such regional bodies.

8. Several other rules, some of which were amended after the Trusteeship Council had considered the report of the Joint Committee of the Economic and Social Council and the Trusteeship Council, provide methods for achieving the collaboration envisaged in Article 91. Thus, for example, rule 3 states that the Economic and Social Council may request a special session of the Trusteeship Council. Rule 4 deals with notification to the Economic and Social Council and to the specialized agencies, rule 10 with the credentials of representatives of the specialized agencies and rule 70 provides for the transmission of the Questionnaire of the Trusteeship Council to the Economic and Social Council and to the specialized agencies.

9. Under rule 9 (f) of the rules of procedure of the Trusteeship Council, that body is authorized to consider all items proposed for inclusion in its provisional agenda by the Economic and Social Council or by a specialized agency under the terms of its agreement with the United Nations. It has been under that rule that the Trusteeship Council has considered resolutions of the Economic and Social Council having a bearing on the operation of the International Trusteeship System.

10. The Trusteeship Council has further collaborated with the Economic and Social Council and with the specialized agencies in matters of common concern by referring to them certain petitions considered to be of interest to them.

11. Finally, the Trusteeship Council has three times requested the assistance or advice of the Economic and Social Council or the specialized agencies in discharging its responsibilities under the International Trusteeship System. By three other resolutions, the Council authorized its subsidiary bodies to avail themselves of such assistance or to obtain such advice if they so desired.

2/ G A resolution 324 (IV); T C resolutions 110 (V) and 266 (VII).
II. ANALYTICAL SUMMARY OF PRACTICE

A. Interpretation of the words "when appropriate" in Article 91

12. Neither the Official Records of the General Assembly nor of the Trusteeship Council contain material bearing specifically on the meaning of the words "when appropriate" in Article 91. However, the report of the Executive Committee to the Preparatory Commission of the United Nations \(^3\) contains a statement according to which the Trusteeship Council would request assistance from the Economic and Social Council and/or the specialized agencies when the Council or the General Assembly, under the authority of which the Trusteeship Council acts, considered it appropriate. The Executive Committee further stated that the Economic and Social Council or the specialized agencies would not be prevented from bringing to the notice of the Trusteeship Council any matters affecting Trust Territories which appeared to them to merit the attention of the Trusteeship Council.

B. Action taken by the Trusteeship Council with regard to resolutions of the Economic and Social Council

13. Rule 9 (f) of the rules of procedure of the Trusteeship Council \(^4\) provides that the provisional agenda of the Council shall include consideration of "all items proposed by the General Assembly, the Security Council, the Economic and Social Council, or a specialized agency under the terms of its agreement with the United Nations". Under that rule, the Trusteeship Council took the action described below.

14. At its third session, the Trusteeship Council considered \(^5\) Economic and Social Council resolution 122 C (VI) on social problems in under-developed areas and, after debate, adopted resolution 35 (III) by 9 votes to none, with 3 abstentions. By that resolution, the Trusteeship Council welcomed the effort to promote the social amelioration of the inhabitants in Trust Territories, assured the Economic and Social Council of its full co-operation and invited the Secretary-General to act as envisaged in the Economic and Social Council resolution.

15. At its seventh session, the Trusteeship Council examined Economic and Social Council resolution 275 E (X), which requested the Trusteeship Council to consider the advisability of keeping the Economic and Social Council informed of such violations of the full enjoyment of human rights and fundamental freedoms as might come to its notice. After discussion, the Trusteeship Council adopted \(^6\) resolution 233 (VII) under which it considered that the arrangements already set up for co-operation between the two Councils provided adequate channels to attain that objective.

16. At its eighth session, the Trusteeship Council considered Economic and Social Council resolution 314 (XI) on the teaching of the Purposes and Principles, the structure and activities of the United Nations and specialized agencies in schools and other educational institutions. Without adopting a formal resolution, the Trusteeship Council decided \(^7\) to refer the Economic and Social Council resolution to the Administering Authorities, requesting them to include, in their annual reports, information on the measures taken to enforce its provisions.

\(^3\) Report by the Executive Committee to the Preparatory Commission of the United Nations, FC/EX/113/Rev.1, 12 Nov. 1945, appendix A, p. 63.
\(^5\) T C (III), 19th mtg., pp. 235-242.
\(^6\) T C (VII), 5th mtg., p. 32.
\(^7\) T C (VIII), 320th mtg., p. 34.
17. At its tenth session, after considering Economic and Social Council resolution 365 E (XIII), by which it was recommended that the Trusteeship Council should give consideration to the appointment of women as members of visiting missions, the Trusteeship Council, by 11 votes to none, with 1 abstention, adopted resolution 427 (X). By that resolution, the Trusteeship Council decided to take into account the principles set forth in Economic and Social Council resolution 365 E (XIII) in making arrangements for future visiting missions to Trust Territories.

18. On a number of occasions the Trusteeship Council took note of Economic and Social Council resolutions, but refrained from taking further action.

C. Establishment of relationships with other organs and agencies of the United Nations

1. Relationship between the Trusteeship Council and the Economic and Social Council

19. At its fourth session, the Economic and Social Council, desiring to give effect to Article 91, appointed a committee of three of its members to consult with representatives of the Trusteeship Council regarding arrangements for co-operation in dealing with matters of common concern. The Secretary-General, in informing the Trusteeship Council of that action at the first session of the Council, suggested that it might wish to consider appointing representatives to confer on its behalf with the representatives of the Economic and Social Council.

20. While there was general agreement in the Trusteeship Council that such consultations would be a useful step towards the establishment of a formal relationship between the two Councils, doubt was nevertheless expressed as to the expediency of establishing the proposed committee at that time.

21. It was argued that establishment of the committee should be deferred until the Economic and Social Council had specified more clearly what relations it proposed to establish with the Trusteeship Council on the one hand and with the Administering Authorities on the other. If relations were established prematurely, the Economic and Social Council might conceivably feel bound to refer to the Trusteeship Council all matters regarding its relations with Trust Territories, whereas it should refer them to the Administering Authorities. The task of the Trusteeship Council was to supervise, not to carry out, the administration of the Trust Territories.

8/ T C (X), 388th mtg., pp. 14 and 15; 409th mtg., pp. 178 and 179.
9/ For example, see T C (VII), 5th mtg., p. 32, in connexion with Economic and Social Council resolution 275 D (X) which contained certain recommendations regarding the revision of the Provisional Questionnaire of the Trusteeship Council and also T C (XIII), 517th mtg., p. 285 in connexion with Economic and Social Council resolution 504 F (XVI) on the political rights of women.
10/ T C (I), 21st mtg., p. 566.
11/ The representative who had advanced these arguments cited Economic and Social Council resolution 41 (IV) as an example of improper intervention by the Economic and Social Council. (T C (I), 21st mtg., pp. 567 et seqq.). This resolution had been adopted by the Economic and Social Council on 29 March 1947, that is to say, prior to the establishment of the Trusteeship Council. The Joint Committee in its report (T C (II/1), Suppl., p. 225, E & T/C.1/2/Rev.1, para. 11 (e) (ii)) recommended that, in future, such requests be directed to the Trusteeship Council.
22. After this discussion, a draft resolution 12/ was submitted which read as follows:

"The Trusteeship Council

"Resolves that the President be authorized to appoint a committee of three representatives of the Trusteeship Council to confer with a similar committee of the Economic and Social Council to arrange for methods of co-operation in the consideration of problems of mutual concern."

The sponsor subsequently agreed to replace the words "arrange for" by "discuss". He emphasized that the function of the Committee would be to consider methods of co-operation, to submit a report and to make recommendations. It would be open to the Trusteeship Council to take whatever action it deemed fit with respect to the recommendations.

23. An amendment which would delete the words "methods of co-operation in the consideration of" was adopted by 5 votes to 2. A representative who had voted against it expressed the view that the amendment changed the whole character of the original draft. The draft resolution, as amended, appeared to empower the Committee to go beyond a discussion of methods of co-operation and to enter into a discussion of the substantive problems themselves. A rewording of the draft resolution, as amended, was subsequently agreed upon, and the clause "to discuss problems of mutual concern" was replaced by the words: "to discuss arrangements for co-operation in dealing with matters of common concern". In this form the draft resolution was adopted 13/ and became Trusteeship Council resolution 1 (I). In August 1947, the Joint Committee of the Economic and Social Council and the Trusteeship Council thus established held two meetings and submitted its report. 14/ The report came into effect when both Councils had approved it. 15/

2. Relationship between the Trusteeship Council and the specialized agencies

a. The term "specialized agencies" within the meaning of Article 91

24. A discussion 16/ was held at the first session of the Trusteeship Council in connexion with a draft resolution dealing with the transmission of the Provisional Questionnaire on Trust Territories to the Economic and Social Council and to the specialized agencies. The draft resolution read as follows:

"The Trusteeship Council resolves that in accordance with Article 91 of the Charter and rule 70 of the rules of procedure, the President of the Trusteeship Council shall transmit the Provisional Questionnaire through the Secretary-General to the Economic and Social Council and also the specialized agencies having relations with the United Nations (ILO, FAC, UNESCO) for their advice and comments on those sections which deal with subjects of special concern to them."

12/ T C (I), 21st mtg., p. 567.
13/ T C (I), 22nd mtg., p. 587.
14/ T C (II/1), Suppl., p. 225, E & T/C.1/2/Rev.1.
15/ The Trusteeship Council approved the report at the 4th meeting of its second session on 25 November 1947. The Economic and Social Council approved the report by its resolution 216 (VIII) on 10 February 1949.
16/ T C (I), 26th mtg., pp. 693-698.
The suggestion \(^{17}\) was made that the Provisional Questionnaire should also be transmitted to the World Health Organization (WHO), although the latter had not yet concluded an agreement with the United Nations. The President of the Council expressed the view that Article 91 did not prevent the Trusteeship Council from availing itself of the assistance of any specialized agency.

25. This interpretation was contested on the grounds that specialized agencies could be considered as such only if they had entered into agreements with the United Nations. Therefore, the Trusteeship Council could not, as it saw fit, call on any agency.

26. For that reason also, an amendment was proposed to delete the words "having relations with the United Nations" from the draft resolution, because only those specialized agencies having such relations were considered to be specialized agencies. The amendment was approved, and the decision was taken also to delete the parenthetical matter "(ILO, FAO, UNESCO)". If the World Health Organization (WHO) became a specialized agency under this interpretation, the Provisional Questionnaire would automatically be sent to it as one of the specialized agencies of the United Nations.

27. The draft resolution, as amended, was adopted unanimously and became Trusteeship Council resolution 7 (I).


28. Under Article 6, the Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements are subject to the approval of the General Assembly.

29. With a view to ensuring that representatives of the Trusteeship Council should participate in the negotiations concerning matters affecting trusteeship, the Economic and Social Council sent a letter \(^{18}\) to the Trusteeship Council through the Secretary-General, inviting the Trusteeship Council to nominate three representatives to join the representatives of the Economic and Social Council in such negotiations. The invitation was considered by the Trusteeship Council at its first session, and a draft resolution \(^{19}\) was submitted which read as follows:

"The Trusteeship Council resolves that the President of the Trusteeship Council be authorized to appoint, in response to the invitation extended, a committee of three representatives of the Trusteeship Council to join the representatives of the Economic and Social Council in any future negotiations with inter-governmental organizations to be brought into relationship with the United Nations."

30. In the course of the debate, one representative raised an objection in principle, on the grounds that the Charter made no provision for negotiations between the Trusteeship Council and the specialized agencies, and that relationships should therefore be established not between the Trusteeship Council and the specialized agencies, but between the Administering Authorities and the specialized agencies.

\(^{17}\) Ibid., p. 694.
\(^{18}\) T.C (I), 21st mtg., p. 571.
\(^{19}\) Ibid., 22nd mtg., p. 588.
31. The draft resolution was amended by the insertion of the words "and for the period of one year" after the word "extended", in view of the fact that the elected members of the Trusteeship Council served for a three-year term and the negotiations could conceivably extend over a longer period. If they should be prolonged, the representation of the Trusteeship Council on the negotiating committee would have to be changed. The draft resolution, as amended, was adopted unanimously and became Trusteeship Council resolution 2 (1).

32. Before the Trusteeship Council was established, the following specialized agencies had already been brought into relationship with the United Nations by virtue of agreements: 21/ the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the International Civil Aviation Organization (ICAO). Representatives of the Trusteeship Council took part in subsequent negotiations with the International Bank for Reconstruction and Development (the Bank), the International Monetary Fund (the Fund), the World Health Organization (WHO), the International Telecommunication Union (ITU), and the World Meteorological Organization (WMO). 22/ Travel difficulties precluded the representatives of the Trusteeship Council from attending the negotiations with the Universal Postal Union (UPU), held in Paris during June 1947. Most of the above-mentioned agreements contain articles 23/ on the basis of which the collaboration of the Trusteeship Council with the specialized agency concerned is to be effected.

D. Procedures for co-operation

1. The rules of procedure of the Trusteeship Council 24/

33. The rules of procedure established by the Trusteeship Council concerning co-operation with the Economic and Social Council and the specialized agencies in matters of common concern have been set forth below either in whole or in part. Some of the recommendations of the Joint Committee of the Economic and Social Council and the Trusteeship Council approved by the Trusteeship Council were incorporated in the rules of procedure 25/ when the Trusteeship Council reconsidered its provisional rules of procedure at the first part of its second session. 26/

Rule 3

"A request for a special session may be made by the Economic and Social Council or by any member of the Trusteeship Council, and shall be addressed to the Secretary-General of the United Nations, who without delay shall communicate the request to the other members of the Trusteeship Council. On notification by the Secretary-General that the majority of the members have concurred, the President of the Trusteeship Council shall request the Secretary-General to call a special session."

20/ T C (I), 22nd mtg., p. 595.
22/ The report of the Committee on Negotiations with Inter-governmental Organizations (T C (II/1), Suppl., p. 1, T/50) was taken note of and accepted by the Trusteeship Council (T C (II/1), 4th mtg., pp. 90 and 91).
23/ See, for example, articles III and VII of the agreement between the United Nations and ILO. Other agreements contain similar articles. The agreement with the UPU, however, is an exception (T C (II/1), Suppl., p. 1, T/50, paras. 13-16).
25/ The rules in question are rules 3, 8 and 70.
26/ T C (II/1), 7th mtg., p. 148, T/64.
Paragraph 33

Article 91

Rule 4

"The President of the Trusteeship Council shall notify the members of the Council of the date and place of the first meeting of each session through the Secretary-General. Such notification, as a rule, shall be given at least thirty days in advance of the date of the session. Notifications shall also be addressed to the Security Council, to the Economic and Social Council, to such Members of the United Nations as have proposed an item for the agenda, and to such of the specialized agencies as may attend and participate in the meetings of the Trusteeship Council under the terms of the agreements with the United Nations."

Rule 8

"The provisional agenda for each session of the Trusteeship Council shall be drawn up by the Secretary-General in consultation with the President and shall be communicated together with the notice summoning the Council to the organs, Members and specialized agencies referred to in rule 4."

Rule 9 (f)

"The provisional agenda shall include consideration of:

"......
"......

"All items proposed by the General Assembly, the Security Council, the Economic and Social Council, or a specialized agency under the terms of its agreement with the United Nations;".

Rule 13

"Representatives of specialized agencies shall be invited to attend meetings of the Trusteeship Council and to participate, without vote, in its deliberations in the circumstances indicated in the respective agreements between the United Nations and the specialized agencies."

Rule 16

"The credentials of representatives of specialized agencies which have been invited to attend meetings of the Trusteeship Council in pursuance of rule 13 shall be issued by the competent officer of each such specialized agency and shall be subject to the same procedure as defined in rule 14."

Rule 24

"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."

Rule 48

"The records of public and private meetings in which no corrections have been requested or which have been corrected in accordance with rule 47 shall be considered as the official records of the Trusteeship Council. The official records of public meetings shall be published by the Secretariat as promptly as possible and communicated to the Members of the United Nations and to the specialized agencies referred to in rule 4."
Article 91

Rule 70

"When, in accordance with Article 91 of the Charter, the Trusteeship Council considers it appropriate to avail itself of the assistance of the Economic and Social Council or of any specialized agency in the preparation of questionnaires, the President of the Trusteeship Council shall transmit through the Secretary-General to the Economic and Social Council or to the specialized agency concerned those sections of the questionnaires with regard to which its advice may be desired."

Rule 105

"1. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialized agencies and of appropriate intergovernmental regional bodies which may be separately established, relating to matters with which they may be concerned.

"2. The Secretary-General shall promptly communicate to these bodies the annual reports of the Administering Authorities and such reports and other documents of the Trusteeship Council as may be of special concern to them."

2. Recommendations of the Joint Committee of the Economic and Social Council and the Trusteeship Council adopted by the Trusteeship Council but not embodied in the rules of procedure of the Trusteeship Council

34. In addition to amending some of its rules of procedure to implement recommendations of the Joint Committee, the Trusteeship Council agreed upon other procedures recommended in the report of the Joint Committee.

a. FUNCTIONS OF THE ECONOMIC AND SOCIAL COUNCIL IN RELATION TO THE TRUST TERRITORIES

35. Chapter X of the Charter sets forth the functions and powers of the Economic and Social Council in discharging its responsibilities under Article 60. To avoid overlapping of these functions with those of the Trusteeship Council, especially under Articles 76, 87 and 88, with respect to the economic and social aspects of the work of the two Councils, the report 27/ of the Joint Committee of the Economic and Social Council and the Trusteeship Council concerning arrangements for co-operation in dealing with matters of common concern, contained a recommendation 28/ whereby the Economic and Social Council, while fully empowered to make recommendations or studies of general application on economic and social problems, should not single out Trust Territories for special recommendations, except with the concurrence of the Trusteeship Council.

36. At the same time, the report recognized that it would be useful to have the attention of the Trusteeship Council called from time to time by the Economic and Social Council to the desirability of undertaking certain studies in one or more Trust Territories. Thus, the Economic and Social Council, by resolution 122 C (VI), concerning social problems in under-developed areas, requested the Secretary-General, in conjunction with the specialized agencies and where Trust Territories were concerned, after consultation with and with the concurrence of the Trusteeship Council, to initiate studies and to collect and disseminate information on various aspects of social problems with a view to enabling the Economic and Social Council and the Trusteeship Council to make such recommendations as might be within their competence to the General Assembly and to the specialized agencies concerned.

27/ T C (II/1), Suppl., p. 225, E & T/C.1/2/Rev.1.

28/ T C (II/1), Suppl., p. 232, E & T/C.1/2/Rev.1.
37. At its third session, the Trusteeship Council considered a draft resolution based on this resolution of the Economic and Social Council. Under a proposed amendment to the draft resolution, the Economic and Social Council would have been asked to make supplementary studies which the Trusteeship Council did not have the means to undertake. Objection was raised to the proposed amendment on the grounds that it exceeded the competence of the Trusteeship Council in that it would transfer the duties of that Council in relation to Trust Territories to another United Nations body, which was contrary to the Charter. The draft amendment was rejected by 8 votes to 4. Of two further amendments to the draft resolution submitted, the Trusteeship Council would, under the first, have limited its action to taking note of the resolution of the Economic and Social Council. This amendment was rejected by 6 votes to 4, with 2 abstentions. Under the second of these amendments, the Trusteeship Council would invite the Secretary-General to act as envisaged in the resolution of the Economic and Social Council. The latter amendment was adopted by 8 votes to 1, with 3 abstentions; the draft resolution, as amended, was adopted by 9 votes to none, with 3 abstentions, and became Trusteeship Council resolution 35 (III). Under this resolution, the Council, having noted the resolution adopted by the Economic and Social Council, and having welcomed the effort to promote in Trust Territories the social amelioration of the inhabitants, assured the Economic and Social Council of its full co-operation in every way possible within its competence, in the promotion or implementation of the objectives set forth in the resolution of the Economic and Social Council, and invited the Secretary-General to act as envisaged in that resolution.

b. REQUESTS BY SUBSIDIARY ORGANS OF THE ECONOMIC AND SOCIAL COUNCIL FOR INQUIRIES AND STUDIES TO BE MADE IN TRUST TERRITORIES

38. The report of the Joint Committee of the Economic and Social Council and of the Trusteeship Council appointed to consider arrangements for co-operation in matters of common concern reads in part:

"But the Committee is of the opinion that in future, now that the Trusteeship Council has been established, the commissions of the Economic and Social Council should address through this Council to the Trusteeship Council requests for all inquiries and studies to be made in Territories within its special jurisdiction."

The above quoted view, which constituted a recommendation to the two Councils, was accepted when the report of the Committee as a whole was adopted. It has, in substance, been incorporated in the rules of procedure of the two Councils.

c. TRANSMISSION OF PETITIONS ON MATTERS OF COMMON CONCERN

39. The recommendation was made in the report of the Joint Committee that all petitions to organs of the United Nations, such as petitions on human rights or on the status of women, which emanated from, or related to, conditions in any Trust Territory, should be dealt with by the Trusteeship Council in accordance with Article 87 b. The Trusteeship Council should then communicate them to the appropriate commissions of the Economic and Social Council for such assistance as the Trusteeship Council might desire under Article 91. Finally, it was recommended that the Trusteeship Council should communicate to the appropriate commissions those petitions which it received directly and which contained matters of concern to them.

29/ T C (III), 19th mtg., pp. 235 et seqq.
30/ T C (II/1), Suppl., pp. 225 et seqq., E & T/C.1/2/Rev.1, para. 11 (e) (i).
31/ Ibid., p. 231.
40. In this connexion, attention is drawn to the action taken by the Trusteeship Council when, at its third session, it considered 32/ a petition received from St. Joan's Social and Political Alliance which concerned a custom current in the Bikom tribe of the Cameroons under British administration. One representative in the Council was of the opinion that the question fell within the province of the Commission on Human Rights of the Economic and Social Council to which the petition should be submitted. If, however, the Council did not consider it advisable to transmit the petition to the Commission on Human Rights, it might send it to the Commission on the Status of Women. The President recalled the agreement concluded by the Joint Committee of the Economic and Social Council and the Trusteeship Council under which all petitions received by the various bodies of the United Nations should be dealt with by the Trusteeship Council with the assistance of the commissions of the Economic and Social Council. Objection to such a procedure was raised on the grounds that the Charter gave the Trusteeship Council authority in matters of trusteeship, and that the Council should not refer to other organs matters of which it was seized unless it required the assistance of those organs. It did not require such assistance in the case under consideration.

41. A decision 33/ was finally taken to authorize the Secretary-General to forward copies of the petition 34/ to the Economic and Social Council for the information of the Commission on Human Rights and the Commission on the Status of Women. No request for action or assistance from the Economic and Social Council was included. The petition was transmitted for purposes of information only.

42. A similar procedure involving a specialized agency was followed by the Trusteeship Council when it referred 35/ to the International Labour Organisation (ILO) for its information, but without a specific request for advice, two petitions 36/ concerning the draft Convention concerning Social Policy in Non-Metropolitan Territories.

43. The Council decided to authorize the Secretary-General to transmit these two petitions to the Director-General of ILO under cover of a letter 37/ in which it was made clear that, in taking this action, the Council did so without prejudice to examining such petitions under Article 87 b. The concluding part of the letter of the Secretary-General read as follows:

"Without prejudice to the right of the Council to examine such petitions, I am authorized by it, in view of the fact that the petitions relate to a matter which is under consideration by the International Labour Conference, to transmit them to the International Labour Organisation for its information, and to request that the Council be informed of whatever action the International Labour Conference may take on the questions raised in the petitions."

32/ T C (III), 7th mtg., pp. 79 et seq.
33/ T C (III), 10th mtg., p. 225.
34/ For the text of the covering letter of the Secretary-General, see T C (III), Suppl., p. 175.
35/ T C (I), 22nd mtg., pp. 598 et seqq.
36/ T C (I), Suppl., p. 151, annex 6 (T/PET.6/1 and T/PET.7/1).
37/ G A (II), Suppl. No. 4 (A/312), p. 14, annex III.
In reply to his letter, the Secretary-General received a communication 38/ from the Director-General of ILO advising him that the two petitions had been circulated to the Committee on Non-Metropolitan Territories of the International Labour Conference. For the information of the Trusteeship Council there was enclosed a copy of the text of the Convention concerning Social Policy in Non-Metropolitan Territories, adopted by the Conference on 11 July 1947. It was requested that the special attention of the Trusteeship Council should be drawn to article 18 of the Convention, which dealt with non-discrimination on grounds of race, colour, sex, belief, tribal association or trade-union affiliation.

d. CONSULTATION ON MATTERS OF COMMON CONCERN

It was recommended 39/ in the report of the Joint Committee that it should be left to the Presidents of the two Councils to confer with one another as they considered necessary. Should the occasion warrant it, they could convene an ad hoc committee.

E. Action taken by the Trusteeship Council to obtain the assistance of the Economic and Social Council and/or the specialized agencies

The three resolutions of the Trusteeship Council set forth below indicate the action taken by the Council under Article 91.

1. Transmission of the Provisional Questionnaire of the Trusteeship Council on Trust Territories to the Economic and Social Council and to the specialized agencies 40/

At its first session, the Trusteeship Council adopted resolution 7 (I), whereby it resolved that,

"in accordance with Article 91 of the Charter and rule 70 of the rules of procedure, the President of the Trusteeship Council shall transmit the Provisional Questionnaire through the Secretary-General to the Economic and Social Council and also to the specialized agencies for their advice and comments on those sections which deal with subjects of special concern to them."

2. Collaboration with the specialized agencies 41/

At its fourth session, the Council adopted resolution 47 (IV), which read as follows:

"The Trusteeship Council,

"In accordance with Article 91 of the Charter and rule 105 of its rules of procedure, and in the light of the agreements entered into between the United Nations and various specialized agencies in the terms of Articles 57 and 63 of the Charter,

"Welcomes the provisions thus made for collaboration between the Council and the specialized agencies in the attainment of the objectives of the International Trusteeship System;"

38/ T C (II/1), Suppl., p. 9, T/51.
39/ T C (II/1), Suppl., pp. 225 et seqq., E & T/C.1/2/Rev.1, para. 11 (g).
40/ T C (I), 26th mtg., pp. 693-698.
41/ T C (IV), 18th mtg., pp. 239 and 240; 29th mtg., pp. 382 and 383.
"Recommends that the specialized agencies study the annual reports on the administration of Trust Territories with a view to making such observations and suggestions as they may consider proper in order to facilitate the work of the Trusteeship Council;

"Requests the Secretary-General to keep in close touch with the specialized agencies with a view to seeking their counsel and assistance in regard to matters with which they are concerned." 42/

3. Problems of migrant labour and penal sanctions for breach of labour contracts

49. At its sixth session, 43/ the Trusteeship Council, noting the interest of the General Assembly in the problems of migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants, 44/ adopted resolution 127 (VI). By that resolution, the Council requested the Secretariat to bring the problems to the attention of ILO and to request its expert advice thereon. The relevant passage reads as follows:

"... the Trusteeship Council

"...

"Requests the Secretariat to bring to the attention of the International Labour Organisation the General Assembly's interest in the problems of migrant labour and penal sanctions for breach of labour contracts by indigenous inhabitants, as explained in paragraph 3 of resolution 323 (IV), and to request the expert advice of the International Labour Organisation on these problems, and decides to defer further action until such expert advice can be obtained from the International Labour Organisation or other sources;".

50. In response to that request, ILO submitted first an interim statement 45/ to the Council at its ninth session on the steps being taken in the field of migrant labour and penal sanctions, adding that both these matters would be dealt with in detail by the ILO Committee of Experts on Social Policy in Non-Metropolitan Territories, and that further reports would be made. The Trusteeship Council adopted 46/ a proposal expressing its interest in the forthcoming meeting of the ILO Committee of Experts.

51. Subsequent reports 47/ were submitted by ILO of which the Trusteeship Council took note at its eleventh session 48/ when it decided, without a formal resolution, to take into consideration the proposals they contained in connexion with the examination of future annual reports received from the Administering Authorities.

42/ As one example of the response given to the invitation thus extended to the specialized agencies UNESCO submitted to the Trusteeship Council, at its sixth session, observations on the reports for 1948 for the six African Trust Territories (T C (VI), Annexes, vol. I, p. 1, T/439) and at the seventh session observations on the 1949 reports for the Trust Territories of Western Samoa and the Pacific Islands (T C (VII), Annexes, vol. I, p. 1, T/680).
4. Authority given to subordinate bodies of the Trusteeship Council to seek such assistance

52. Under three further resolutions the Trusteeship Council, without itself requesting assistance, gave authority to its working groups or committees to seek such assistance. Thus, under resolution 31 (II), the small groups of the members of the Trusteeship Council making detailed studies of one or more of the four broad functional fields indicated in Article 76 b, as they might be covered in the annual reports submitted under Article 87 a, were authorized to avail themselves of the assistance of such specialized agencies as envisaged by Article 91 and rule 105 of the rules of procedure of the Council. This arrangement was, however, not carried out and was superseded before such assistance was requested.

53. Under resolution 84 (IV), the Committee on Higher Education in Trust Territories of the Trusteeship Council was authorized to seek the assistance of any of the specialized agencies.

54. Under resolution 421 (X), the Committee on Rural Economic Development of the Trust Territories of the Trusteeship Council was authorized to consider the contribution which the specialized agencies, particularly FAO and ILO, might make to its work and to invite them, where appropriate, to contribute to or participate in its study on the rural economic development of Trust Territories.

F. Assistance of appropriate inter-governmental regional bodies

55. The United Nations Preparatory Commission had recommended the following provisional rule of procedure 49/ for adoption by the Trusteeship Council:

"The Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialized agencies and of regional bodies which may be separately established, concerning matters with which they may be concerned."

This rule reproduces the substance of Article 91, but adds to the organs upon which the Trusteeship Council shall, when appropriate, call for assistance "regional bodies which may be separately established."

56. As adopted by the Council, the first paragraph of rule 105 of the rules of procedure of the Trusteeship Council 50/ reads as follows:

"The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialized agencies and of appropriate intergovernmental regional bodies which may be separately established, relating to matters with which they may be concerned."

57. During consideration of the provisional rule by the Trusteeship Council at its first session, the question of the meaning of the term "regional bodies" and the identification of such bodies was raised. 51/

58. The opinion was expressed that it might be dangerous to deal with bodies other than those officially instituted and organized. Several delegations favoured the deletion of any reference to "regional bodies" since it was a broad term which might include non-governmental organizations as well.

51/ T C (I), 19th mtg., pp. 498 et seq.
59. The Trusteeship Council decided 52/ to amend the rule by inserting the words "appropriate inter-governmental" before "regional bodies".

60. The second sentence of rule 60 of the provisional rules transmitted by the Preparatory Commission read: "It shall invite representatives of these bodies, when appropriate, to attend the meetings of the Council". The Council decided to delete this sentence since rules of procedure 12 and 13 53/ covered the question as far as representatives of the Economic and Social Council and of the specialized agencies were concerned.

61. Finally, a new provision was added which appears as the second paragraph of rule 105 concerning the communication of documents and reads as follows:

"The Secretary-General shall promptly communicate to these bodies the annual reports of the Administering Authorities and such reports and other documents of the Trusteeship Council as may be of special concern to them."

52/ T C (I), 19th mtg., p. 500.
53/ These rules read as follows:

Rule 12: "Members of the United Nations which are not members of the Trusteeship Council but which have proposed items on the agenda of that Council shall be invited to have present at the appropriate meetings of the Council, representatives who shall be entitled to participate, without vote, in the deliberations on those items."

Rule 13: "Representatives of specialized agencies shall be invited to attend meetings of the Trusteeship Council and to participate, without vote, in its deliberations in the circumstances indicated in the respective agreements between the United Nations and the specialized agencies."
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