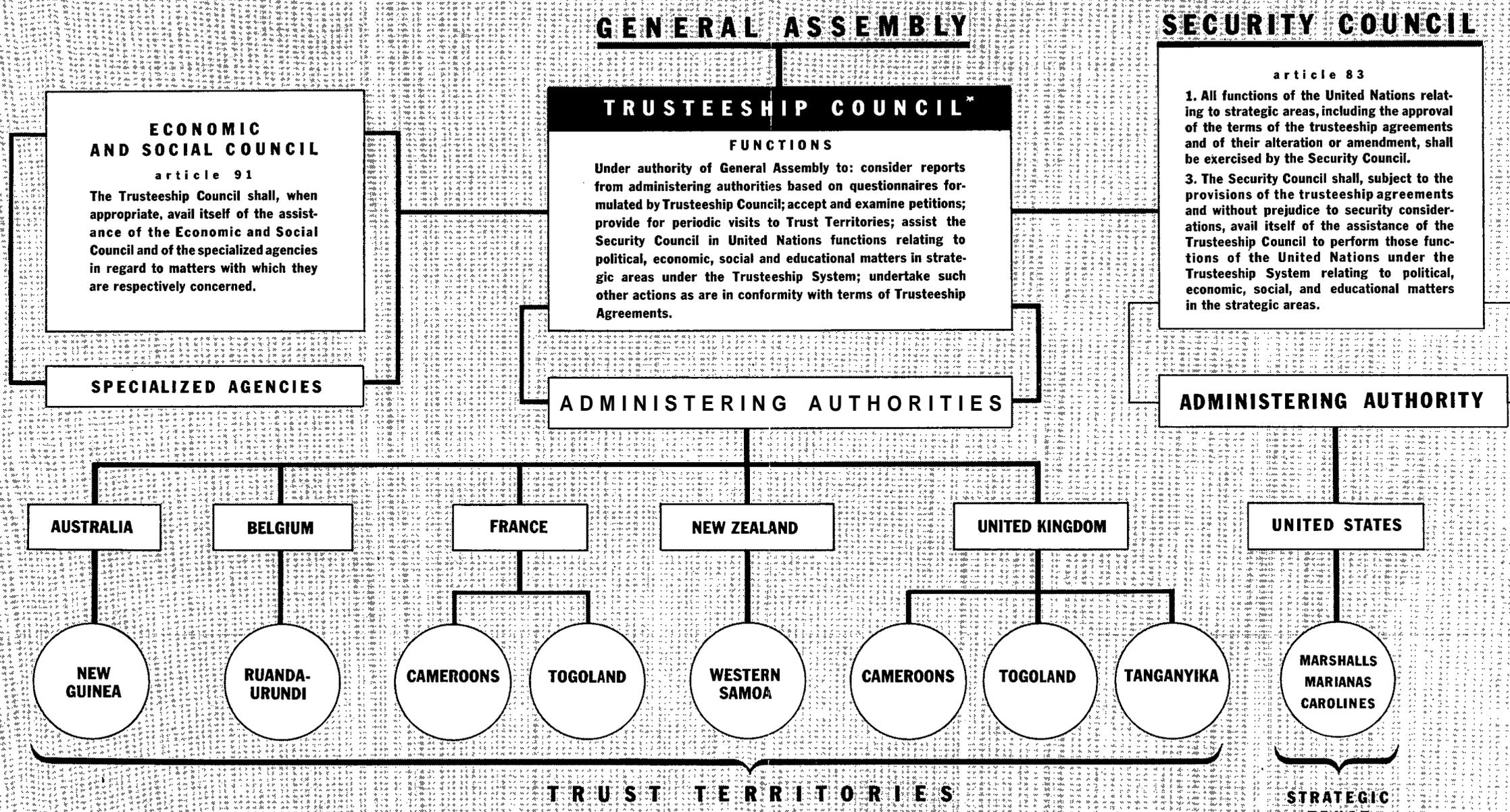


STRUCTURE AND FUNCTIONS OF THE INTERNATIONAL TRUSTEESHIP SYSTEM



GENERAL ASSEMBLY

SECURITY COUNCIL

ECONOMIC AND SOCIAL COUNCIL

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.

SPECIALIZED AGENCIES

TRUSTEESHIP COUNCIL*

FUNCTIONS

Under authority of General Assembly to: consider reports from administering authorities based on questionnaires formulated by Trusteeship Council; accept and examine petitions; provide for periodic visits to Trust Territories; assist the Security Council in United Nations functions relating to political, economic, social and educational matters in strategic areas under the Trusteeship System; undertake such other actions as are in conformity with terms of Trusteeship Agreements.

ADMINISTERING AUTHORITIES

article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the Trusteeship System relating to political, economic, social, and educational matters in the strategic areas.

ADMINISTERING AUTHORITY

AUSTRALIA

BELGIUM

FRANCE

NEW ZEALAND

UNITED KINGDOM

UNITED STATES

NEW GUINEA

RUANDA-URUNDI

CAMEROONS

TOGOLAND

WESTERN SAMOA

CAMEROONS

TOGOLAND

TANGANYIKA

MARSHALLS
MARIANAS
CAROLINES

TRUST TERRITORIES

STRATEGIC TRUST TERRITORY

*MEMBERSHIP (Art. 86): Members administering Trust Territories (Australia, Belgium, France, New Zealand, United Kingdom, United States); permanent members of the Security Council not administering Trust Territories (China, USSR); enough other Members elected by General Assembly for 3-year terms to ensure that there is an equal number of Members which administer Trust Territories and those which do not (Iraq, Mexico, elected Dec. 1946)

(Since the strategic area agreement submitted by the United States came into effect in July 1947, two additional non-administering members must be elected by the General Assembly at its second session.)

V. The Trusteeship Council Including the United Nations Functions under Chapter XI of the Charter

The Charter of the United Nations contains three chapters concerned with the destiny of peoples who have not yet attained their independence or self-government. Chapter XI of the Charter deals with Non-Self-Governing

Territories in general, and Chapters XII and XIII deal in particular with the International Trusteeship System, which is applicable to only some of the Non-Self-Governing Territories.

A. INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

1. PROVISIONS OF THE CHARTER

Chapter XI, the Declaration Regarding Non-Self-Governing Territories, is a contribution to the general principles of international accountability in respect of peoples who have no full measure of self-government. The Declaration reads:

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

2. THE BACKGROUND OF CHAPTER XI

The history of Chapter XI goes back to the last century, to a gradually developing sense of responsibility on the part of the international community toward those peoples who were not yet independent. The struggle against slavery and the slave trade, growing out of this same sense of responsibility, led to international cooperation in colonial affairs. The Congo Basin Treaties signed at the Berlin Conference of 1885 and the Mandates System established under the League of Nations at the end of the First World War marked new steps in this direction. However, international responsibility remained confined to a mere fourteen territories in Africa, Asia and in the Pacific of which Germany and Turkey had been deprived at the end of the war.

During the Second World War the concept of international responsibility took on more

definite shape. The Atlantic Charter, in 1941, expressed concern for the well-being of "all men of all lands." At the Yalta Conference, in 1945, it was agreed to undertake discussions on the principles and machinery of trusteeship. The United Nations Conference on International Organization held at San Francisco in the spring of 1945 considered articles on dependent territories. Their discussion resulted in the Declaration Regarding Non-Self-Governing Territories which is now an integral part of the Charter of the United Nations.

3. THE IMPLEMENTATION OF CHAPTER XI

The General Assembly of the United Nations, during the first part of its first session in London, in February 1946, with a view to implementing the Declaration Regarding Non-Self-Governing Territories, passed unanimously Resolution 9 (I) entitled "Non-Self-Governing Peoples." This drew attention to the fact that the obligations assumed under Chapter XI were already in full force and not contingent upon the conclusion of Trusteeship Agreements or the creation of the Trusteeship Council (Chapters XII and XIII of the Charter). The resolution read:

NON-SELF-GOVERNING PEOPLES

The United Nations, meeting in its first General Assembly, is keenly aware of the problems and political aspirations of the peoples who have not yet attained a full measure of self-government and who are not directly represented here.

Chapters XI, XII and XIII of the Charter recognize the problems of the non-self-governing peoples as of vital concern to the peace and general welfare of the world community.

By Chapter XI, all the Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount. They accept, as a sacred trust, the obligation to promote to the utmost the well-being of the inhabitants of these territories. To that end they accept certain specific obligations, including the obligation to develop self-government and to assist the inhabitants in the progressive development of their free political institutions.

By Chapters XII and XIII, the Charter provides for the establishment of an international trusteeship system, the basic objectives of which are, among others, to promote the political, economic, social and educational advance-

ment of the inhabitants of trust territories, and to promote their progressive development towards self-government or independence.

The General Assembly regrets that the Trusteeship Council cannot be brought into being at this first part of the first session, not because of any lack of desire to do so but because, before the Trusteeship Council can be established, trusteeship agreements must be concluded.

The General Assembly holds the view that any delay in putting into effect the system of international trusteeship prevents the implementation of the principles of the trusteeship system, as declared in the Charter, and deprives the populations of such territories as may be brought under the trusteeship system of the opportunity of enjoying the advantages arising from the implementation of these principles.

With a view to expediting the conclusion of these agreements and the establishment of the Trusteeship Council, the Preparatory Commission recommended that the General Assembly should call on those Members of the United Nations which are now administering territories held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter.

Without waiting for the recommendation of the Preparatory Commission to be considered by the General Assembly, the Members of the United Nations administering territories held under mandate took the initiative in making declarations in regard to these territories.

THEREFORE

WITH RESPECT TO CHAPTER XI OF THE CHARTER, THE GENERAL ASSEMBLY:

1. DRAWS ATTENTION TO the fact that the obligations accepted under Chapter XI of the Charter by all Members of the United Nations are in no way contingent upon the conclusion of trusteeship agreements or upon the bringing into being of the Trusteeship Council and are, therefore, already in full force.

2. REQUESTS the Secretary-General to include in his annual report on the work of the Organization, as provided for in Article 98 of the Charter, a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73 (e) of the Charter relating to economic, social and educational conditions in the territories for which they are responsible other than those to which Chapters XII and XIII apply.

WITH RESPECT TO CHAPTERS XII AND XIII OF THE CHARTER, THE GENERAL ASSEMBLY:

3. WELCOMES the declarations, made by certain States administering territories now

held under mandate, of an intention to negotiate trusteeship agreements in respect of some of those territories and, in respect of Transjordan, to establish its independence.

4. INVITES the States administering territories now held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval, preferably not later than during the second part of the first session of the General Assembly.

IN CONCLUSION,
THE GENERAL ASSEMBLY :

5. EXPECTS that the realization of the objectives of Chapters XI, XII and XIII will make possible the attainment of the political, economic, social and educational aspirations of non-self-governing peoples.

The General Assembly thus requested the Secretary-General to include in his annual report on the organization a statement summarizing such information as might have been transmitted to him by Members of the United Nations under Article 73 (e) of the Charter relating to economic, social and educational conditions in Non-Self-Governing Territories other than those which might fall under the Trusteeship System as stated in Chapters XII and XIII.

In reply to a letter by the Secretary-General, written in compliance with this directive, a number of Member Governments¹ stated their views regarding certain problems raised in the letter which arose out of the General Assembly's action. The replies received from Members up to September 20, 1946, as well as a general exposition of the problems of transmission and organization of information, were set forth in a report by the Secretary-General which was submitted to the General Assembly during the second part of its first session in New York in October 1946.

These problems of transmission of information under Article 73 (e) were discussed by a Sub-Committee² of the Fourth (Trusteeship) Committee of the General Assembly, as well as by the full Committee and by the Assembly itself in plenary session.

It was agreed to refrain, for the time being, from attempting a definition of the term "Non-Self-Governing Territories", but to note the territories which the governments themselves had enumerated as coming within the scope of Chapter XI.

The territories enumerated by the governments were the following:

- AUSTRALIA
 - 1. Papua
- BELGIUM
 - 2. Belgian Congo
- DENMARK
 - 3. Greenland
- FRANCE
 - 4. French Equatorial Africa
 - 5. French Establishments in India
 - 6. French Establishments in Oceania
 - 7. French Guiana
 - 8. French Somaliland
 - 9. French West Africa
 - 10. Guadeloupe and Dependencies
 - 11. Indochina
 - 12. Madagascar and Dependencies
 - 13. Martinique
 - 14. Morocco
 - 15. New Caledonia and Dependencies
 - 16. New Hebrides (under Anglo-French Condominium)
 - 17. Reunion
 - 18. St. Pierre and Miquelon
 - 19. Tunisia
- NETHERLANDS
 - 20. Curacao
 - 21. Netherlands Indies
 - 22. Surinam
- NEW ZEALAND
 - 23. Cook Islands
 - 24. Tokelau Islands
- UNITED KINGDOM
 - 25. Aden (Colony and Protectorate)
 - 26. Bahamas
 - 27. Barbados
 - 28. Basutoland
 - 29. Bechuanaland Protectorate
 - 30. Bermuda
 - 31. British Guiana
 - 32. British Honduras
 - 33. Brunei
 - 34. Cyprus
 - 35. Dominica
 - 36. Falkland Islands
 - 37. Fiji
 - 38. Gambia
 - 39. Gibraltar
 - 40. Gilbert and Ellice Islands Colony
 - 41. Gold Coast (Colony and Protectorate)
 - 42. Grenada
 - 43. Hong Kong
 - 44. Jamaica
 - 45. Kenya (Colony and Protectorate)
 - 46. Leeward Islands
 - 47. Malayan Union
 - 48. Malta
 - 49. Mauritius

Australia, Belgium, Brazil, Canada, Costa Rica, Czechoslovakia, the Dominican Republic, Egypt, France, Guatemala, Honduras, India, Mexico, the Netherlands, New Zealand, Norway, Syria, Turkey, the United Kingdom, the U.S.S.R., the United States and Venezuela.

The following were members of the Sub-Committee: Argentina, Australia, Belgium, Brazil, China, Cuba, Denmark, Egypt, France, India, the Netherlands, New Zealand, Norway, The Philippines, Poland, Union of South Africa, the U.S.S.R., the United Kingdom and the United States.

60. Nigeria
51. North Borneo
52. Northern Rhodesia
53. Nyasaland
54. Pitcairn Islands
55. St. Helena and Dependencies
56. St. Lucia
57. St. Vincent
58. Sarawak
59. Seychelles
60. Sierra Leone
61. Singapore
62. Solomon Islands Protectorate
63. Somaliland Protectorate
64. Swaziland
65. Trinidad and Tobago
66. Uganda Protectorate
67. Zanzibar Protectorate

UNITED STATES OF AMERICA

68. Alaska
69. American Samoa
70. Guam
71. Hawaii
72. Panama Canal Zone
73. Puerto Rico
74. Virgin Islands

It was further agreed that the information transmitted should reach the Secretary-General by June 30 of each year, and should be of such a nature as to cover economic, social and cultural conditions as requested in Article 73 (e), while information on political progress, although not mandatory, would be desirable and of great importance. Such information was to be summarized, classified and analysed by the Secretary-General, and to be examined by an ad hoc committee of representatives of Members transmitting information and of representatives of Members elected by the General Assembly. The ad hoc committee, elected for one year, was to be convened by the Secretary-General before the next opening session of the General Assembly.

Resolution 66 (I) adopted by the General Assembly was entitled "Transmission of Information under Article 73 (e) of the Charter." After noting the Territories in respect of which information had been transmitted or promised (see above), it continued as follows :

The value of the association of Non-Self-Governing Territories in the work of the specialized agencies as a means of attaining the objectives of Chapter XI of the Charter has been stressed.

The procedures to be followed by the Organization in connection with the information transmitted by Members regarding Non-Self-Governing Peoples have been carefully examined.

THE GENERAL ASSEMBLY, THEREFORE,

1. INVITES the Members transmitting information to send to the Secretary-General by 30 June of each year the most recent information which is at their disposal;

2. RECOMMENDS that the information transmitted in the course of 1947 by Members of the United Nations under Article 73 (e) of the Charter should be summarized, analysed and classified by the Secretary-General and included in his report to the second session of the General Assembly, in order that, in the light of the experience gained, the General Assembly may be able to decide whether any other procedure may be desirable for dealing with such information in future years;

3. RECOMMENDS that the Secretary-General communicate to the specialized agencies the information transmitted, with a view to making all relevant data available to their expert and deliberative bodies;

4. INVITES the Secretary-General to convene, some weeks before the opening of the second session of the General Assembly, an ad hoc committee composed in equal numbers of representatives of the Members transmitting information under Article 73 (e) of the Charter and of representatives of Members elected, by the General Assembly at this session, on the basis of an equitable geographical distribution;

5. INVITES the Secretary-General to request the Food and Agriculture Organization, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization and the International Trade Organization, when constituted, to send representatives in an advisory capacity to the meeting of the ad hoc committee;

6. INVITES the ad hoc Committee to examine the Secretary-General's summary and analysis of the information transmitted under Article 73 (e) of the Charter with a view to aiding the General Assembly in its consideration of this information, and with a view to making recommendations to the General Assembly regarding the procedures to be followed in the future and the means of ensuring that the advice, expert knowledge and experience of the specialized agencies are used to the best advantage.

The General Assembly then elected Brazil, China, Cuba, Egypt, India, the Philippines, the U.S.S.R. and Uruguay to serve on the ad hoc committee together with Australia, Belgium, Denmark, France, the Netherlands, New Zealand, the United Kingdom and the United States, the latter group of States having transmitted or having expressed their intention of

transmitting information in respect of Non-Self-Governing Territories under their jurisdiction.

The ad hoc Committee was to meet for the first time before the opening of the second session of the General Assembly of the United Nations in New York in September 1947. The Secretary-General, as directed by the General Assembly, invited the specialized agencies to send representatives who, in an advisory capacity, would attend the meeting.

The task of the ad hoc Committee was to be

to examine the information transmitted by Member Governments, as summarized and analyzed by the Secretary-General. The Committee was to examine the summaries and analyses with a view to aiding the General Assembly in its own consideration of such information; to recommend procedures to be followed in the future; and to attempt to find the best means of ensuring to Non-Self-Governing Territories the full use of the advice, experience and expert knowledge which the specialized agencies could put at their disposal.

B. THE TRUSTEESHIP COUNCIL

The principles of Chapter XI are applicable to all Territories "whose peoples have not yet attained a full measure of self-government." For some of these Territories, however, wider obligations are provided by the International Trusteeship System as outlined in Chapters XII and XIII of the Charter.

1. CHARTER PROVISIONS¹ FOR THE INTERNATIONAL TRUSTEESHIP SYSTEM

The basic objectives of the International Trusteeship System are :

(a) to further international peace and security;

(b) to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each Trusteeship Agreement;

(c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the interdependence of the peoples of the world; and

(d) to insure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives. . . .

The Trusteeship System applies to such territories in the following categories as may be placed thereunder by means of individual Trusteeship Agreements :

- (a) territories now held under mandate;
- (b) territories which may be detached

from enemy states as a result of the Second World War; and

(c) territories voluntarily placed under the system by States responsible for their administration.

The terms of trusteeship for each territory to be placed under the Trusteeship System, including any alteration or amendment, are to be agreed upon by the States directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations. They must be approved by the General Assembly or, in the case of strategic areas, by the Security Council. Each Trusteeship Agreement includes the terms under which the Trust Territory is to be administered and designates the authority which will exercise the administration of the Trust Territory. Such authority is called the Administering Authority and may be one or more States or the United Nations itself.

In any Trusteeship Agreement there may be designated a strategic area or areas which may include part or all of the Trust Territory to which the agreement applies. All functions of the United Nations relating to strategic areas, including the approval of the terms of Trusteeship Agreements and of their alteration or amendment, are exercised by the Security Council. The objectives of the Trusteeship System, as prescribed in Article 76 of the Charter, apply equally to the peoples of strategic areas. In performing its functions relating

¹ The main provisions are contained in Chapter XII, Articles 75-86, which establishes an International Trusteeship System; and Chapter XIII, Articles 86-91, which defines the composition, functions and powers, voting and procedure of the Trusteeship Council. Other provisions are to be found in Articles 7, 18, 98, 101 of the Charter.

to political, economic, social and educational matters in the strategic areas, the Security Council, subject to the conditions of the Trusteeship Agreements and without prejudice to security considerations, is to avail itself of the assistance of the Trusteeship Council.

It is the duty of the Administering Authority to ensure that the Trust Territory plays its part in the maintenance of international peace and security. To this end the Administering Authority may make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out its obligations towards the Security Council, as well as for local defence and the maintenance of law and order within the Trust Territory.

The functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic, including the approval of the terms of the Trusteeship Agreements and of their alteration or amendment, are exercised by the General Assembly. The Trusteeship Council, operating under the authority of the General Assembly, assists the General Assembly in carrying out these functions.

2. CHARTER PROVISIONS FOR THE TRUSTEESHIP COUNCIL

The Trusteeship Council consists of the following Members of the United Nations :

- (a) those Members administering Trust Territories;
- (b) such of those permanent members of the Security Council as are not administering Trust Territories; and
- (c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer Trust Territories and those which do not.

Each member of the Trusteeship Council designates one specially qualified person to represent it therein.

The principal functions and powers of the Trusteeship Council, under the authority of the General Assembly are :

- (a) to consider reports submitted by the Administering Authority;
- (b) to accept petitions and examine them in consultation with the Administering Authority;
- (c) to provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority; and

(d) to take these and other actions in conformity with the terms of the Trusteeship Agreements.

The Trusteeship Council is to 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 is to make an annual report to the General Assembly upon the basis of such questionnaire.

The voting and procedure of the Trusteeship Council are defined as follows :

Each member of the Trusteeship Council has one vote. Decisions of the Trusteeship Council are made by a majority of the members present and voting.

The Trusteeship Council adopts its own rules of procedure, including the method of selecting its President. The Trusteeship Council meets as required in accordance with its rules, which include provision for the convening of meetings on the request of a majority of its members.

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

3. THE LEAGUE OF NATIONS AND THE MANDATES

In accordance with Article 22 of the Covenant of the League of Nations, a number of territories had been placed under mandate in the early years following the First World War. By 1945 some of the territories had achieved independence; the following twelve, however, were still under mandate :

Under mandate to	Name of territory
United Kingdom, New Zealand and Australia (administered by Australia)	Nauru ¹
Australia	New Guinea
Belgium	Ruanda-Urundi
France	Cameroons
	Togoland
Japan	Caroline, Marshall and Marianas Islands ²
New Zealand	Western Samoa
Union of South Africa	South-West Africa ¹
United Kingdom	Cameroons, Togoland, ¹ Tanganyika, Palestine ¹

No Trusteeship Agreements exist as yet for these territories.

² By 1945, these islands were under United States Naval Administration.

At its final session in Geneva in 1946 the Assembly of the League of Nations discussed the question of the fulfilment by the League of its responsibilities to the peoples of the mandated territories. On April 18, 1946, the Assembly adopted unanimously, with Egypt abstaining, the following resolution:

THE ASSEMBLY,

RECALLING that Article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilization :

1. EXPRESSES its satisfaction with the manner in which the organs of the League have performed the functions entrusted to them with respect to the Mandates System and in particular pays tribute to the work accomplished by the Mandates Commission;

2. RECALLS the role of the League in assisting Iraq to progress from its status under an "A" Mandate to a condition of complete independence, welcomes the termination of the mandated status of Syria, Lebanon and Transjordan, which have, since the last session of the Assembly, become independent members of the world community;

3. RECOGNIZES that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;

4. TAKES NOTE of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers.

4. THE INTERIM PERIOD

The meetings of the Executive Committee, the Preparatory Commission and the first part of the first session of the General Assembly of the United Nations all reflected the desire of the Members of the United Nations to set up the Trusteeship Council at the earliest possible date. It was generally recognized that the mandated territories would probably be among the first to be transferred to the International Trusteeship System by means of individual Trusteeship Agreements.

In the resolution on Non - Self - Governing Peoples of February 9, 1946, cited above, the General Assembly expressed regret that the Trusteeship Council could not be brought into being at that time; recognized that any delay in putting into effect the International Trusteeship System would prevent the implementation of the principles of the system and would deprive the populations of the Trust Territories of its advantages; and noted that the Preparatory Commission had recommended that the General Assembly should call upon those Members of the United Nations now administering territories held under mandate to undertake practical steps in concert with the other States directly concerned to place them under the International Trusteeship System. Before the recommendation of the Preparatory Commission had been considered by the General Assembly, several of the mandatory States had in fact declared their intention to negotiate Trusteeship Agreements for the purpose of placing mandated territories under the International Trusteeship System.

The resolution of the General Assembly welcomed these declarations, and invited all the States administering mandated territories to undertake the necessary steps to negotiate the Trusteeship Agreements by means of which the mandated territories would be placed under the International Trusteeship System, with a view to the submission of these agreements for approval, preferably not later than during the second part of the first session of the General Assembly.

In view of the unequivocal expression, in the resolution on Non-Self-Governing Peoples, of the General Assembly's desire that the establishment of the Trusteeship Council should be expedited, letters, dated June 29, 1946, were addressed by the Secretary-General to the States administering territories then held under mandate, i.e., Australia, Belgium, France, New Zealand, the Union of South Africa and the United Kingdom, calling their attention to the resolution.

In reply, the Governments of Australia, Belgium, France, New Zealand and the United Kingdom stated that they had either already prepared draft Trusteeship Agreements, or were in process of preparing the terms of such Agreements, with respect to the mandated territories under their control, and expressed the

hope that they would be able to submit such Trusteeship Agreements to the General Assembly before or during the second part of its first session. The Government of the Union of South Africa requested that a statement on the outcome of its consultations with the peoples of South-West Africa as to the future status of the mandated territory, and as to the implementation to be given to the wishes thus expressed be included in the agenda for the second part of the first session of the General Assembly.

5. ESTABLISHMENT OF THE TRUSTEESHIP COUNCIL

The essential conditions for the establishment of the Trusteeship Council and for bringing the International Trusteeship System into operation, as envisaged in Chapters XII and XIII of the Charter, were fulfilled in the course of the second part of the first session of the General Assembly.

a. The First Trust Territories

As a result of the approval by the General Assembly on December 13, 1946, of the eight Trusteeship Agreements which had been submitted by five of the mandatory Powers with regard to territories administered by them under mandate, the International Trusteeship System came into effect. The responsibility for supervising the administration of the first eight Trust Territories was thereby vested in the General Assembly and, under its authority, in the Trusteeship Council.¹

The Territories thus far placed under Trusteeship by means of individual Trusteeship Agreements are:²

- a) New Guinea, administered by Australia;
- b) Ruanda-Urundi, administered by Belgium;
- c) Togoland and Cameroons, administered by France;
- d) Western Samoa, administered by New Zealand; and
- e) Tanganyika, Togoland and Cameroons, administered by the United Kingdom.

In each of these first eight Trusteeship Agreements a single State was designated as the Administering Authority. It is to be noted, in this connection, that the Charter, in Article 81, also makes provision whereby a Trustee-

ship Agreement may designate more than one State, or the United Nations itself, as the Administering Authority.

With respect to the first Trust Territories, the former mandatory powers, which had administered them under League of Nations mandates, had proposed Trusteeship Agreements for consideration and approval by the General Assembly, during the second part of its first session. The General Assembly, through its Fourth Committee (Trusteeship) and Sub-Committee 1 of that Committee, examined the proposed Agreements with great care. Numerous proposals for modification of the terms of the Trusteeship Agreements were presented by Members of the United Nations. Some of the suggested modifications were acceptable to the mandatory powers and were incorporated in the Agreements. In some instances the mandatory powers themselves proposed modifications in the light of the discussions in Sub-Committee 1. In other instances, proposed modifications were not acceptable to the mandatory powers and were not included in the Agreements.

A controlling factor in the General Assembly's consideration and approval of the Trusteeship Agreements was the provision in Article 79 of the Charter making it essential that the mandatory power, as a State directly concerned, approve the terms of Trusteeship. Certain of the mandatory powers had submitted proposed Trusteeship Agreements, but they were not obliged to accept any specific modifications thereto. The General Assembly, on the other hand, could propose modifications of the draft Agreements, and could, in its final decision, determine the conditions on which it would approve them. There was no limitation whatsoever on the authority of the General Assembly to approve or reject the proposed Agreements.

With regard to the terms of the eight Agreements already in effect, a number of issues were raised in the course of the General Assembly's discussions. These issues were thoroughly discussed prior to the final approval of

¹ See pp. 184 ff.

² On April 2, 1947 the Security Council approved, after some modification, a draft strategic area Trusteeship Agreement in respect of the Pacific Islands, formerly mandated to Japan, which named the United States of America as the Administering Authority. Due, however, to constitutional requirements, the Agreement could not take effect until it had been approved by the United States Government. See pp. 394 ff.

the Agreements by the General Assembly. The Trusteeship Agreements as finally approved constitute the basic instruments by means of which the International Trusteeship System is applied to the Trust Territories. The administration of the eight Trust Territories thus created is henceforth to be subject to the international supervision provided for in Chapter XII of the Charter.

In general, the terms of the Agreements relate to the following:

(1) Definition of the boundary of each Territory to be placed under the International Trusteeship System.

(2) Designation of the Administering Authority of the Trust Territory.

(3) The obligations of the Administering Authority under Article 76 of the Charter of the United Nations (which sets forth the basic objectives of the International Trusteeship System).

(4) The rights of the Administering Authority in legislation, administration and jurisdiction; in constituting the Trust Territory into a customs, fiscal or administrative union with adjacent territories under the control of the Administering Authority; in establishing naval, military and air bases.

(5) Promotion of the development of political institutions suited to the Trust Territory.

(6) Application of the provisions of general international conventions and recommendations drawn up or to be drawn up by the specialized agencies referred to in Article 57 of the Charter.

(7) Protection of the rights and interests of the inhabitants in land and natural resources.

(8) Equal treatment in social, economic and commercial matters for all Members of the United Nations.

(9) Promotion of the educational and cultural development of the inhabitants.

(10) Assurance of freedom of religion and freedom of speech.

(11) Annual reports to the General Assembly by the Administering Authority on

the basis of a questionnaire formulated by the Trusteeship Council in accordance with Article 88 of the Charter.

(12) Approval of the terms of the Agreement and of any alteration or amendment thereof by the General Assembly.

b. The Trusteeship Council

In pursuance of Resolution 64 (1) adopted by the General Assembly on December 14, 1946, the Trusteeship Council was established as a principal organ of the United Nations. It was the last such organ to be established. The Council met at Lake Success for its first session on March 26, 1947.

On the basis of the eight Trusteeship Agreements approved by the General Assembly, the Trusteeship Council came into being with ten members. As at present constituted, five of its members are Administering Authorities, namely, Australia, Belgium, France, New Zealand and the United Kingdom. Three of its members, namely, China, the United States and the U.S.S.R., hold membership in accordance with Article 86 of the Charter, by virtue of being permanent members of the Security Council but did not, at the time of the first meeting, administer Trust Territories. The other two members, Iraq and Mexico, were elected for three-year terms by the General Assembly at the second part of its first session, in accordance with Article 86, paragraph 1 (e), of the Charter.

On January 14, 1947, the Secretary-General notified each of the ten members of the Trusteeship Council of the action taken by the General Assembly in approving the eight Trusteeship Agreements and in adopting the resolution calling for the establishment of the Trusteeship Council. He advised them that the first session would open on March 26, and enclosed the provisional agenda for the first session. Each member of the Council was also requested to communicate to the Secretary-General the name of its representative on the Council, who, in accordance with Article 86 of the Charter, should be "a specially qualified person".

Responses to this letter were received from nine of the ten members of the Council and the

designated representatives of these nine members sat throughout the first session. The U.S.S.R. did not appoint a representative.¹

All of the Territories which remained under mandate status have now been placed under the Trusteeship System, or are in process of being transferred to it, with the exception of Nauru, Palestine and South-West Africa.

In its resolution on the future status of South-West Africa, adopted on December 14, 1946, the General Assembly recommended that the mandated territory of South-West Africa be placed under the International Trusteeship System and invited the Government of the Union of South Africa to submit for the consideration of the General Assembly a Trusteeship Agreement for that territory.

In respect to Nauru, the representative of Australia, at the 15th plenary meeting of the first part of the General Assembly's first session, announced the intention of his Government to submit a Trusteeship Agreement for this mandated territory. This decision had been concurred in by the Governments of the United Kingdom and of New Zealand, with whom Australia shared the mandate. The Australian representative before the Fourth Committee during the second part of the first session of the General Assembly, reaffirmed the intention of his Government to submit a draft Agreement for Nauru.

A United Nations Special Committee on Palestine was created by a resolution of the General Assembly at its first special session on May 15, 1947.² In accordance with its terms of reference, the Committee went to Palestine in June 1947 to "investigate all questions and issues relevant to the problem of Palestine." The report of the Special Committee was to be considered at the second regular session of the General Assembly in September 1947.

6. OPERATION OF THE INTERNATIONAL TRUSTEESHIP SYSTEM

a. The First Session of the Trusteeship Council

The first session of the Trusteeship Council was held from March 26 to April 28, 1947.

At its first and second meetings, the Trusteeship Council elected Francis B. Sayre (United States) as President, and Sir Carl Berendsen (New Zealand) as Vice-President.

It was decided to hold two regular sessions each year: during the latter half of June and during the latter half of November.

(1) Rules of Procedure

The Council gave detailed consideration to the adoption of its own rules of procedure. At its 22nd meeting, by unanimous vote, it adopted a comprehensive set of rules.³

These rules of procedure govern the manner in which the Trusteeship Council is to perform its function of international supervision. For this reason the Council studied with special care those of its rules relating to the acceptance and examination of petitions, the consideration of annual reports and the conducting of periodic visits to the Trust Territories.

(2) Provisional Questionnaire

The Trusteeship Council formulated and, at its 25th meeting on April 25, adopted a comprehensive provisional questionnaire, which was to form the basis for the first annual reports to be submitted by the Administering Authorities.

The provisional questionnaire was divided into twelve sections, numerous sub-sections and a statistical appendix. The section headings were: brief introductory description, status of the Territory and its inhabitants, international peace and security; maintenance of law and order, political advancement, economic advancement, social advancement, educational advancement, publications, research, suggestions and recommendations, summary and conclusion.

This provisional questionnaire, which was drawn up on the basis of a detailed consideration of drafts on the subject presented by the delegations of France, the United Kingdom and the United States, and by the Secretariat, was to be revised at the second session of the Council. The Administering Authorities, the Economic and Social Council and the specialized agencies were invited by the Trusteeship Council to present any suggestions which they might have for the revision of sections of the questionnaire which dealt with subjects of special concern to them. To the extent necessary, this basic questionnaire was to be adapted to each of the Trust Territories.

³ For a list of representatives to the Trusteeship Council see Annex I.

² See pp. 301 ff.

³ For the Rules of Procedure see Annex II.

(3) Petitions

According to the terms of the Council's Rules of Procedure, petitions may be submitted in writing or, in certain circumstances, orally, and they can be submitted either through the Administering Authorities or directly to the Secretary-General. In all cases the Administering Authority concerned will be called upon to present its comments on the petitions and the Council will take decisions which will, in due course, be communicated to the petitioners.

During its first session, the Trusteeship Council had before it 26 petitions, two of a general nature and the others referring to specific Trust Territories.

(a) Petitions relating to Tanganyika

Twenty-three of the petitions considered by the Trusteeship Council at its first session were from German, Italian or other residents, or former residents, of the Territory of Tanganyika, or from persons interested in their cases. In all of these petitions the plea advanced was that the German or Italian petitioners be allowed to return to or remain in Tanganyika rather than be repatriated to Germany or Italy, as the Administering Authority — the United Kingdom — proposed to do in the case of many of them. The petitioners asked the Trusteeship Council to intervene in order to prevent what they feared to be their imminent deportation, and in some cases pleaded for the restoration of their property.

The Council examined each of the petitions and adopted detailed resolutions setting forth its conclusions. These resolutions, after noting that the individuals to be excluded from the Territory fell into two categories: namely, those who were Axis sympathizers, and those whose conduct had rendered them liable to deportation irrespective of nationality, approved the general policy of the Administering Authority and decided that no action by the Council was called for at that time. The resolutions also took note of declarations made by the Administering Authority that no persons would be excluded from Tanganyika solely on grounds of nationality; that the great majority of the Italian nationals and a considerable number of the Germans would be permitted to remain in or return to Tanganyika; and that no former South African national would be sent to Germany against his will.

(b) Petition relating to Western Samoa

Another petition confronting the Trusteeship Council at its first session was that received from leaders and representatives of Western Samoa requesting that Western Samoa be granted self-government. The petition further requested "that the unnatural division of the islands of the Samoan group enforced by the three powers¹ in the past without the consent of the Samoans be left in abeyance until a meeting could be arranged between Eastern and Western Samoa" and that New Zealand "will see fit to act as Protector and Advisor to Samoa in the same capacity as England is to Tonga." This petition was transmitted through the Government of New Zealand as the Administering Authority.

The representative of New Zealand informed the Trusteeship Council that his Government was not disposed to discuss the merits of this petition without adequate information being made available to the Council on which to base a decision. He proposed that the examination of the substance of the petition by the Council be deferred until a fact-finding mission could go to Western Samoa on behalf of the Council for the purpose of investigating the subject-matter of the petition.

(c) Visiting Mission to Western Samoa

The Council adopted this proposal and established a special three-member mission for the purpose of visiting Western Samoa during the summer of 1947 in order to investigate the subject of the petition. The three members of this mission were Francis B. Sayre (United States), President of the Trusteeship Council, Pierre Ryckmans, representative of Belgium on the Council, and Senator Eduardo Cruz-Coke, of Chile.

The clear intention of the Trusteeship Council was that this visit should not be considered a "periodic" visit under Article 87 (c) of the Charter, but a special one to investigate a petition.

(d) Ewe Petition

A petition from the "All Ewe Conference", relating to the frontiers between the Trust

¹ Great Britain, Germany and the United States.

Territories of Togoland under French administration and Togoland under British administration, was received too late for consideration at the first session of the Trusteeship Council and was to appear on the agenda of its second session.

(e) Petitions relating to the Draft Convention prepared by the International Labour Office

Two of the petitions before the Trusteeship Council received from the International Alliance of Women, Middlesex, England and from St. Joan's Social and Political Alliance, London, did not relate to any specific Trust Territories but offered the general complaint that the section of the draft Convention on Social Policy in Non-Metropolitan Territories, which had been prepared by the International Labour Office for the consideration of the International Labour Conference and which related inter alia, to the prohibition by law of discrimination in admission to employment, included no reference to discrimination on grounds of sex. With regard to these petitions, the Trusteeship Council directed the Secretary-General to communicate with the Director-General of the International Labour Office asking him to transmit copies of the petitions to the International Labour Organisation for its information, and requesting that the Council be informed of any action which the International Labour Conference might take on the questions raised in the petitions.

b. Operation of the System of International Supervision of Trust Territories

The international supervision of Trust Territories as contemplated by the Charter is to be carried out primarily by means of three basic functions of the Trusteeship Council, acting under the authority of the General Assembly.

In the first place, each Administering Authority is called upon to submit, for consideration by the Trusteeship Council, annual reports on conditions in the Trust Territories. These reports are to be based on the questionnaires formulated by the Council in accordance with Article 88 of the Charter.

As the first Trust Territories were created by action of the General Assembly in December 1946, the first annual reports will cover the year 1947.

The Government of New Zealand had transmitted, through the Secretary-General, to the Trusteeship Council prior to its first session, two reports on Western Samoa covering the war years 1941 to 1945, and 1945 to 1946 respectively. These reports had been prepared by the Government of New Zealand in accordance with its obligations under the League of Nations mandates system. The reports were not examined by the Trusteeship Council as they were submitted by the Government of New Zealand for information only. As they were not based upon a questionnaire formulated by the Council they were not to be considered as the reports called for under Article 87 of the Charter. The Council expressed its warm appreciation to the Government of New Zealand, however, for its considerate action in making these reports available.

The second means by which the Trusteeship Council performs its supervision of the Trust Territories is by the exercise of its authority to accept petitions and to examine them in consultation with the Administering Authority as provided in Article 87 (b) of the Charter.

The third—an entirely new means of conducting international supervision—is through periodic visits to the Trust Territories. At its 26th meeting on April 28, the Trusteeship Council adopted a resolution recommending to the General Assembly that regular provision be made in the budget of the United Nations for periodic visits to Trust Territories as a recurring item, on the basis of one visiting mission each year.

c. Relations of the Trusteeship Council with the Economic and Social Council and the Security Council

The Charter envisages a close working relationship between the Trusteeship Council and the Economic and Social Council and the specialized agencies, and also between the Trusteeship Council and the Security Council with regard to the functions of the International Trusteeship System relating to non-strategic matters in the strategic Trust Territories.

(1) Relations with the Economic and Social Council

In accordance with Article 91 of the Charter the Economic and Social Council at its fourth session, and the Trusteeship Council at its first

session, adopted resolutions providing for the appointment of separate representative committees of three members each, for the purpose of entering into consultation regarding arrangements for co-operation between the two Councils with regard to matters of common concern.

At its first session the Trusteeship Council, in response to an invitation extended by the President of the Economic and Social Council, also took action resulting in the appointment of a committee of two members to join with representatives of the Economic and Social Council in any future negotiations with inter-governmental organizations to be brought into relationship with the United Nations, with respect to such clauses of the agreements as might concern the Trusteeship Council.

(2) Relations with the Security Council

When the strategic area Trusteeship Agreement approved by the Security Council with regard to the islands formerly under Japanese

mandate¹ comes into effect, a working relationship will need to be established between the Trusteeship Council and the Security Council in order to implement paragraph 3 of Article 83 of the Charter. This paragraph provides that the Security Council shall avail itself of the assistance of the Trusteeship Council, subject to the provisions of the Trusteeship Agreements and without prejudice to security considerations, in performing such functions of the United Nations under the Trusteeship System as relate to political, economic, social and educational matters in the strategic areas.

In this connection it is to be noted that this strategic area Trusteeship Agreement states that the provisions of Articles 87 and 88 of the Charter are to be applicable to the Trust Territory, subject only to the limitation that the Administering Authority may determine the extent of their applicability to such of the areas in the Trust Territory as may from time to time be specified by the Authority as closed for security reasons.

ANNEX I
REPRESENTATIVES AT THE FIRST SESSION OF THE TRUSTEESHIP COUNCIL

The Delegations of the respective Member Governments at the first session of the Trusteeship Council were the following:

Australia	Representative	Norman J. O. Makin
Belgium	Representative	Pierre Ryckmans
China	Representative	Liu Chieh
	Alternate	Shuhsi Hsü
France	Representative	Roger Garreau
	Alternate	Henri Laurentie
Iraq	Representative	Ali Jawdat
	Alternate and Advisor	Awni Khalidy

Mexico	Representative	Luis Padilla Nervo
New Zealand	Representative	Sir Carl August Berendsen
	Alternate and Advisor	(Vice-President) R. B. Taylor
U.S.S.R.	(No list received)	
United Kingdom	Representative	Ivor Thomas
	Alternate	A. H. Poynton
United States of America	Representative	Francis B. Sayre
	Deputy Representative	(President) Benjamin Gerig

ANNEX II
RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL
(As approved at the 22nd meeting of its first session, April 23, 1947)

I. SESSIONS

Rule 1

The Trusteeship Council shall meet in two regular sessions each year. The first of such sessions shall be convened during the latter half of June and the second shall be convened during the latter half of November.

Rule 2

Special sessions shall be held as and where occasion may require, by decision of the Trusteeship Council, or at the request of a majority of its members, or at the request of the General Assembly, or at the request of the Security Council acting in pursuance of the relevant provisions of the Charter.

¹ See pp. 394 ff.

Rule 3

A request for a special session may be made 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.

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 5

A request for an alteration of the date of a regular session may be made by any member of the Trusteeship Council or the Secretary-General and shall be dealt with by a procedure similar to that provided in Rule 3 for a request for a special session.

Rule 6

Each session shall be held at the seat of the United Nations, unless in pursuance of a previous decision of the Trusteeship Council or at the request of a majority of its members another place is designated. A request for a place of meeting other than the seat of the United Nations may be made by any member of the Trusteeship Council or by the Secretary-General and shall be dealt with by a procedure similar to that provided in Rule 3 for a request for a special session.

Rule 7

The Trusteeship Council may decide at any session to adjourn temporarily and resume its meetings at a later date.

II. AGENDA

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 to the members and to the specialized agencies referred to in Rule 4 together with the notice summoning the Council.

Rule 9

The provisional agenda shall include consideration of:

(a) such annual reports and other documents as may have been submitted by the Administering Authorities;

(b) such petitions as may have been presented, a list of which shall be attached;

(c) arrangements for and reports on visits to Trust Territories;

(d) all items proposed by the Trusteeship Council at a previous session;

(e) all items proposed by any Member of the United Nations;

(f) 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; and

(g) all items or reports which the President or the Secretary-General may deem necessary to put before the Trusteeship Council.

Rule 10

The first item on the provisional agenda of any meeting of the Trusteeship Council shall be the adoption of the agenda. The Trusteeship Council may revise the agenda and may, as appropriate, add, defer or delete items. During any special session priority shall be given to the consideration of those items for which the session has been called.

III. REPRESENTATION AND CREDENTIALS

Rule 11

Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

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.

Rule 14

1. The credentials of representatives on the Trusteeship Council shall normally be communicated to the Secretary-General not less than twenty-four hours before the meeting at which the representatives will take their seats. The credentials shall be issued either by the Head of the State or by the Minister of Foreign Affairs of the respective member Governments.

2. The credentials shall be examined by the Secretary-General who shall submit a report thereon to the Trusteeship Council for approval.

Rule 15

1. Any Member of the United Nations not a member of the Trusteeship Council, when invited to participate in a meeting or meetings of the Council, shall submit credentials for the representative appointed by it for this purpose in the same manner as provided in Rule 14. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is to attend.

2. The credentials of representatives referred to in the paragraph immediately preceding and of any representatives appointed in accordance with Rule 74 shall be examined by the Secretary-General who shall submit a report to the Trusteeship Council for approval.

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 17

Pending the decision on the credentials of a representative on the Trusteeship Council, such representative shall be seated provisionally and shall enjoy the same rights as he would have if his credentials were found to be in good order.

Rule 18

Each representative on the Trusteeship Council may be accompanied by such alternates and advisors as he may require. An alternate or an advisor may act as a representative when so designated by the representative.

IV. PRESIDENT AND VICE-PRESIDENT

Rule 19

The Trusteeship Council, by secret and separate ballots, shall elect, at the beginning of its regular session in June, a President and a Vice-President from among the representatives of the members of the Trusteeship Council.

Rule 20

The President and Vice-President shall hold office until their respective successors are elected, and shall not be eligible for immediate re-election.

Rule 21

In the absence of the President, the Vice-President shall act as President. In the event that the President for any reason is no longer

able to act in that capacity, the Vice-President shall serve as President during the unexpired term. In both cases the Vice-President shall have the same powers and duties as the President.

Rule 22

The President may appoint one of his alternates or advisors to participate in the proceedings and to vote in the Trusteeship Council. In such a case the President shall not exercise his right to vote.

V. SECRETARIAT

Rule 23

The Secretary-General shall act in that capacity at the meetings of the Trusteeship Council and of its committees, sub-committees and such subsidiary bodies as may be established by it. The Secretary-General may authorize a deputy to act in his place.

Rule 24

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

Rule 25

The Secretary-General shall provide and direct the staff required by the Trusteeship Council and such committees, sub-committees and other subsidiary bodies as it may establish.

Rule 26

The Secretary-General, or his deputy acting on his behalf, may at any time, upon the invitation of the President or of the chairman of a committee or a subsidiary body of the Trusteeship Council, make oral or written statements concerning any question under consideration.

Rule 27

The Secretary-General shall be responsible for all the necessary arrangements for meetings and other activities of the Trusteeship Council, its committees, sub-committees and subsidiary bodies.

VI. LANGUAGES

Rule 28

Chinese, English, French, Russian and Spanish shall be the official languages. English and French shall be the working languages of the Trusteeship Council.

Rule 29

Speeches made in one of the working languages shall be interpreted into the other working language.

Rule 30

Speeches made in any of the other three official languages shall be interpreted into both working languages.

Rule 31

Any representative may speak in a language other than the official languages. In such case, he shall himself provide for interpretation into one of the working languages, interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 32

Verbatim records of meetings of the Trusteeship Council shall be drawn up in the working languages. A translation of the whole or part of any verbatim record into any of the other official languages shall be furnished if requested by any representative in the Trusteeship Council.

Rule 33

The official records and the Journal of the Trusteeship Council shall be issued in the working languages.

Rule 34

All resolutions of the Trusteeship Council shall be made available in the official languages. Other documents originating with the Council shall be made available in any of the official languages at the request of representatives of members of the Council.

Rule 35

Documents of the Trusteeship Council shall, if the Trusteeship Council so decides, be published in any language other than the official languages.

VII. VOTING

Rule 36

Each member of the Trusteeship Council shall have one vote.

Rule 37

Decisions or recommendations of the Trusteeship Council shall be made by a majority of the members present and voting. Members who abstain in particular votes shall not in those instances be counted as voting.

Rule 38

If a vote other than for an election is equally divided, a second vote shall be taken at the next meeting or, by decision of the Trusteeship Council, following a brief recess. Unless at the second vote there is a majority in favour of the proposal, it shall be deemed to be lost.

Rule 39

The Trusteeship Council shall vote by show of hands except that, before a vote is taken,

any representative of a member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Trusteeship Council.

Rule 40

The vote of each member participating in any roll-call shall be inserted in the record.

Rule 41

All elections and all decisions relating to the tenure of office of an individual shall be taken by secret ballot.

Rule 42

When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be confined to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

Rule 43

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, the number of candidates being not more than twice as many as the places remaining to be filled.

VIII. PUBLICITY OF MEETINGS

Rule 44

The meetings of the Trusteeship Council and of all of its subsidiary bodies shall be held in public, unless the Council or subsidiary body concerned decides that circumstances require that meetings be held in private.

Rule 45

At the close of private meetings, as may be appropriate, the Trusteeship Council shall issue a communiqué through the Secretary-General.

IX. RECORDS

Rule 46

The verbatim records of all public and private meetings shall be prepared by the Secretariat. They shall be made available in so far as possible within twenty-four hours of the end of the meetings to the representatives who have participated in the meetings.

Rule 47

The representatives who have participated in the meetings shall, within two working days after the distribution of the verbatim records,

inform the Secretary-General of any corrections they wish to have made. Corrections that have been requested shall be considered approved, unless the President is of the opinion that they are sufficiently important to be submitted to the Trusteeship Council for approval.

Rule 48

The verbatim 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.

Rule 49

The official records of private meetings shall be accessible only to the Members of the United Nations, except that the Trusteeship Council may make public the records of any private meeting at such time and under such conditions as it may decide. When such records relate to strategic areas the Administering Authority concerned may request the Trusteeship Council to confine their availability to the Trusteeship and Security Councils.

X. CONDUCT OF BUSINESS

Rule 50

At any meeting of the Trusteeship Council two-thirds of the members shall constitute a quorum.

Rule 51

In addition to exercising the powers which are conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each meeting, direct the discussions, ensure observance of the rules of procedure, accord the right to speak, put questions and announce decisions. Subject to the rules of procedure, he shall have complete control of the proceedings of any meeting. The President, acting under the authority of the Trusteeship Council, shall represent it as an organ of the United Nations.

Rule 52

Whenever the President of the Trusteeship Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Trusteeship Council during the consideration of a question with which the member he represents is directly connected, and in particular when annual reports and petitions relating to a Trust Territory of which the member he represents is the Administering Authority, are under consideration, he shall indicate his decision to the Trusteeship Council. The presidency shall then devolve for the purpose of the consideration of that question upon the Vice-President.

Rule 53

No representative may address the Trusteeship Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The chairman of a subsidiary body, or a rapporteur, or the Secretary-General, however, may be accorded precedence. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 54

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the President, in accordance with the rules of procedure.

Rule 55

A representative may appeal from any ruling of the President. The appeal shall be put to the vote without discussion.

Rule 56

1. The following motions shall have precedence in the order named over all resolutions or other motions relative to the subject before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the meeting to a certain day or hour;
- (d) for the closure of the debate on any motion or draft resolution, including amendments thereto, or on any amendment or amendments to a motion or draft resolution;
- (e) to limit the time allowed to each speaker;
- (f) to refer any matter to a committee, to the Secretary-General or to a rapporteur;
- (g) to postpone discussion of the question to a certain day or indefinitely; or
- (h) to amend.

2. Any motion for the suspension or for the simple adjournment of a meeting shall be decided without debate.

3. A motion for closure of debate on a resolution or other motion shall not be considered by the Trusteeship Council until each representative shall have had the opportunity to speak on that resolution or other motion. Debate on a motion for closure of debate shall be limited to one speaker for each side.

Rule 57

Reports, resolutions and other substantive motions or amendments shall be introduced in writing and handed to the Secretary-General. The Secretary-General shall, to the extent possible, circulate copies to the representatives twenty-four hours in advance of the meeting at which they are to be considered. The Trusteeship Council may decide to postpone the

consideration of resolutions and other substantive motions or amendments, the copies of which have not been circulated twenty-four hours in advance.

Rule 58

Resolutions and other motions or amendments proposed by representatives of members on the Trusteeship Council may be put to the vote without having been seconded.

Rule 59

1. Resolutions, motions or amendments may be withdrawn by the representative who introduced them at any time prior to the vote.

2. In a case where a representative withdraws a resolution, motion or amendment prior to the vote, any other representative on the Trusteeship Council may require that it be put to the vote as his resolution, motion or amendment under the same conditions as if the original mover had not withdrawn it.

Rule 60

Parts of a report, resolution, other motion or amendment may be voted on separately at the request of a representative and subject to the will of the Trusteeship Council. The proposal shall then be voted on as a whole.

Rule 61

A proposal to add to or delete from or otherwise revise a part of a resolution or a motion shall be considered as an amendment. An amendment shall be voted on first and if it is adopted, the amended resolution or motion shall then be voted on.

Rule 62

If two or more amendments are moved to a resolution or another motion, the President shall first put to the vote the amendment furthest removed in substance from the resolution or motion and then the amendment next furthest removed, and so on, until all the amendments have been voted upon or an amendment has been approved which, in the opinion of the Trusteeship Council, makes voting on the remaining amendments unnecessary.

Rule 63

If two or more resolutions or other motions relating to an original proposal are introduced, the President shall first put to the vote the resolution or motion furthest removed in substance from the original proposal. If that resolution or motion is rejected, the President shall put to the vote the resolution or motion next furthest removed, and so on, until either all the resolutions or motions have been put to a vote or one or more of them has been adopted, which in the opinion of the Trusteeship Council makes voting on the remaining proposals unnecessary.

Rule 64

A statement of minority views may be appended to a report or recommendation of the Trusteeship Council at the request of any member.

Rule 65

No resolution involving expenditure from United Nations funds shall be approved by the Trusteeship Council unless the Trusteeship Council has before it a report from the Secretary-General on the financial implications of the proposal, together with an estimate of the costs involved in the specific proposal.

XI. COMMITTEES AND RAPPORTEURS

Rule 66

The Trusteeship Council may set up such committees as it deems necessary, define their composition and their terms of reference, and refer to them any questions on the agenda for study and report. The committees may be authorized to sit while the Trusteeship Council is not in session.

Rule 67

The procedure set forth in Rules 28 to 31, 36 to 38, and 51 to 63 inclusive, shall apply to proceedings of committees of the Trusteeship Council. The committees may decide upon the form of the records and adopt such other rules of procedure as may be necessary.

XII. QUESTIONNAIRES

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.

Rule 69

The Trusteeship Council may modify the questionnaires at its discretion.

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 71

1. The questionnaire shall be communicated to each Administering Authority at least six months before the expiration of the year covered by the first annual report, and shall remain in force, without specific renewal, from year to year.

2. Any subsequent modifications shall be communicated to the Administering Authority

concerned at least six months before the date fixed for the presentation of the first annual report which is to be based on the modified questionnaire.

XIII. ANNUAL REPORTS OF ADMINISTERING AUTHORITIES

Rule 72

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.

2. Each report of an Administering Authority shall be considered by the Trusteeship Council at the first regular session following the expiration of six weeks from the receipt of the report by the Secretary-General.

3. The Secretary-General shall transmit these reports without delay to the members of the Trusteeship Council.

Rule 73

The Administering Authorities shall furnish to the Secretary-General four hundred copies of each report for a Trust Territory. Copies of each such report shall at the same time be sent directly by the Administering Authority to the members of the Trusteeship Council as a means of expediting the work of the Council.

XIV. EXAMINATION OF ANNUAL REPORTS

Rule 74

In the examination of all annual reports the Administering Authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved.

Rule 75

The special representative of the Administering Authority may participate without vote in the examination and discussion of a report, except in a discussion directed to specific conclusions concerning it.

XV. PETITIONS

Rule 76

Petitions may be accepted and examined by the Trusteeship Council if they concern the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter, except that with respect to petitions relating to a strategic area the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreements.

Rule 77

Petitioners may be inhabitants of Trust Territories or other parties.

Rule 78

Petitions may be presented in writing in accordance with Rules 79 to 86, or orally in accordance with Rules 87 to 91.

Rule 79

A written petition may be in the form of a letter, telegram, memorandum or other document concerning the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter.

Rule 80

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

Rule 81

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

Rule 82

Written petitions may be addressed directly to the Secretary-General or may be transmitted to him through the Administering Authority.

Rule 83

Written petitions submitted to the Administering Authority for transmission shall be communicated promptly to the Secretary-General, with or without comments by the Administering Authority, at its discretion, or with an indication that such comments will follow in due course.

Rule 84

Representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Council, may accept written petitions, subject to such instructions as may have been received from the Trusteeship Council. Petitions of this kind shall be transmitted promptly to the Secretary-General for circulation to the members of the Council. A copy of each such petition shall be communicated to the competent local authority. Any observations which the visiting representatives may wish to make on the petitions, after consultation with the local representative of the Administering Authority, shall be submitted to the Trusteeship Council.

Rule 85

The Secretary-General shall circulate promptly to the members of the Trusteeship Council all written petitions received by him, except for petitions relating to a strategic area with respect to which the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreement.

Rule 86

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

2. Any observations on petitions which the Administering Authority desires to have circulated to members of the Trusteeship Council should, wherever possible, be transmitted to the Secretary-General not less than fourteen days before the opening of the session at which such petitions will be considered.

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

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

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

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

Rule 87

Requests to present petitions orally or to make oral presentations in support or elaboration of written petitions, in accordance with Rule 80, may be addressed directly to the Secretary-General or may be transmitted to him through the Administering Authority. In the latter case the Administering Authority concerned shall communicate such requests promptly to the Secretary-General.

Rule 88

The Secretary-General shall promptly notify the members of the Trusteeship Council of all

requests for oral petitions or oral presentations received by him, except for petitions relating to a strategic area with respect to which the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreement.

Rule 89

Representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Council may receive oral presentations or petitions, subject to such instructions as may have been received from the Trusteeship Council. Such oral presentations or petitions shall be recorded by the visiting mission, and the record shall be transmitted promptly to the Secretary-General for circulation to the members of the Council and to the Administering Authority for comment. A copy of each such record shall be communicated to the competent local authority. Any observations which the visiting representatives may wish to make on the oral presentations or petitions, after consultation with the local representative of the Administering Authority, shall be submitted to the Trusteeship Council.

Rule 90

The Trusteeship Council, at the beginning of each session which includes the consideration of petitions on its agenda, may appoint an ad hoc committee on petitions whose membership shall be evenly divided between representatives of members administering Trust Territories and representatives of members having no administering responsibilities. The ad hoc committee on petitions shall be empowered to undertake a preliminary examination of the petitions on the agenda. No appraisal of the substance of the petitions shall be made by the ad hoc committee.

Rule 91

The Trusteeship Council may designate one or more of its representatives to accept oral petitions the subject-matter of which has been previously communicated to the Trusteeship Council and to the Administering Authority concerned. Oral petitions and oral presentations may be examined either in public or in private, as may be determined, in accordance with Rule 44.

Rule 92

In the examination of all petitions the Administering Authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved.

Rule 93

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

XVI. VISITS TO TRUST TERRITORIES

Rule 94

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

Rule 95

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

Rule 96

The Trusteeship Council shall select the members of each visiting mission who shall preferably be one or more of the representatives on the Council. Each mission may be assisted by experts and by representatives of the local administration. A mission and the individual members thereof shall, while engaged in a visit, act only on the basis of the instructions of the Council and shall be responsible exclusively to it.

Rule 97

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

Rule 98

All expenses of periodic visits, special investigations and enquiries, including the travel expenses of the visiting missions, shall be borne by the United Nations.

Rule 99

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

XVII. REPORTS OF THE TRUSTEESHIP COUNCIL

Rule 100

The Trusteeship Council shall present annually to the General Assembly a general report on its activities and on the discharge of its responsibilities under the International Trusteeship System. Each such report shall include an annual review of the conditions in each Trust Territory.

Rule 101

1. The sections of the general reports of the Trusteeship Council to the General Assembly relating to conditions in specific Trust Territories, referred to in Rule 100, shall take into account the annual reports of the Administer-

ing Authorities, and such other sources of information as may be available, including petitions, reports of visiting missions, and any special investigations or enquiries, as provided for in Rule 97.

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

Rule 102

The reports of the Trusteeship Council to the General Assembly provided for in Rules 100 and 101 shall be transmitted through the Secretary-General at least thirty days before the opening of the regular session of the General Assembly.

Rule 103

The Trusteeship Council may designate the President, the Vice-President or another of its members to represent it during the consideration of its reports by the General Assembly.

XVIII. OTHER FUNCTIONS

Rule 104

The Trusteeship Council shall perform such other functions as may be provided for in the Trusteeship agreements, and, in pursuance of the duty imposed upon it by Article 85 of the Charter, may submit to the General Assembly recommendations concerning the functions of the United Nations with regard to Trusteeship agreements, including the approval of the terms of the Trusteeship agreements and of their alteration or amendment. With regard to strategic areas, the Trusteeship Council may similarly perform such functions in so far as it may be requested to do so by the Security Council.

XIX. RELATIONSHIP WITH OTHER BODIES

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.

XX. SUSPENSION OF RULES

Rule 106

When the Trusteeship Council is in session, a rule of procedure may be suspended by decision of the Council.

XXI. AMENDMENT

Rule 107

These rules of procedure may be amended by the Trusteeship Council. Normally, a vote shall not be taken until four days after a proposal for amendment has been submitted.