

International Trusteeship System

Republic of Palau

In 1994, Palau, the last remaining entity of the former Trust Territory of the Pacific Islands under the 1947 Trusteeship Agreement,⁽¹⁾ entered a Compact of Free Association with its former Administering Authority, the United States, and became a Member State of the United Nations as the Republic of Palau.

In a November 1993 plebiscite,⁽²⁾ a majority of 68.26 per cent of the population of Palau had opted for the Compact after the Supreme Court of Palau, in October, had delivered final adjudication upholding the validity of a 1992 constitutional referendum which reduced the votes required to approve the Compact from a three-quarter majority to a simple majority of 51 per cent.

In January 1994, ratification of the Compact was challenged on procedural grounds in two separate complaints filed with the Supreme Court of Palau. A third lawsuit, filed in February in the Honolulu courts of the Administering Authority, challenged the rightfulness of the Compact on the grounds that it violated the Administering Authority's environmental laws and that officials of the Administering Authority had neither complied with the National Environmental Policy Act nor prepared an environmental impact statement relating to the Compact. The plaintiffs also took their case to the Palau Supreme Court. The Federal Court in Honolulu set a trial date of 14 February 1995.

TRUSTEESHIP COUNCIL ACTION

In January, at its resumed sixtieth session,⁽³⁾ the Trusteeship Council considered the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1993.⁽⁴⁾ The Mission was dispatched to observe the plebiscite held on 9 November 1993.

On 18 January, the Council adopted **resolution 2198(LX)** without vote.

Report of the United Nations Visiting Mission to observe the plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993

The Trusteeship Council,

Having examined at its sixtieth session the report of the United Nations Visiting Mission, dispatched by the Trusteeship Council at the invitation of the Administering Authority to observe the plebiscite in Palau, Trust Territory of the Pacific Islands, held on 9 November 1993,

1. Takes note of the report of the Visiting Mission;
2. Expresses its appreciation of the work accomplished by the Visiting Mission on its behalf.

Trusteeship Council resolution 2198(LX)

18 January 1994 Meeting 1703 Adopted without vote

Draft by France (for Chairman of Visiting Mission) (T/L.1290); agenda item 15.

At its sixty-first session, the Council examined the Administering Authority's annual report for the period from 1 October 1992 to 30 September 1993.⁽⁵⁾ It heard statements by representatives of the Administering Authority, its special representative to Palau, other members of the Council and petitioners.

On 25 May, the Council adopted, without a vote, the draft conclusions and recommendations concerning Palau prepared by its Drafting Committee (China, France, Russian Federation, United Kingdom) and decided to include them in its report to the Security Council on its sixty-first session.⁽⁶⁾ The Trusteeship Council had, in 1990, expressed the hope that Palau would be able in due course to complete the process of freely exercising its right to self-determination. It welcomed the 1993 plebiscite and noted with satisfaction the assurances given by the Administering Authority that it would fulfil its responsibilities until the implementation of the Compact and the termination of the Trusteeship Agreement. The Council noted with satisfaction that further progress had been made concerning Palau's economic, social and educational advancement. In particular, it welcomed a draft five-year plan, completed in November 1992 by the Ministry of Health in collaboration with the World Health Organization, and the opening of the Palau National Hospital. It also took note of recent fisheries resources development and the emphasis placed on the need to protect the environment. The Council took particular note of the statement by the Administering Authority that the United States had no plans to establish military bases in Palau.

On 25 May, the Trusteeship Council adopted **resolution 2199(LXI)** without vote.

Attainment of self-government or independence by the Trust Territories

The Trusteeship Council,

Recalling the Trusteeship Agreement for the Trust Territory of the Pacific Islands approved by the Security Council on 2 April 1947,

Noting that Articles 73 and 76 of the Charter of the United Nations call upon Administering Authorities of Trust Territories to assist their peoples in the progressive development of their free political institutions and towards self-government or independence,

Mindful that the people of Palau have established a constitution and democratic political institutions providing the instruments of self-government,

Aware that political status negotiations between the Administering Authority and representatives of the Trust Territory began in 1969 with the aim of facilitating the progressive development of the peoples in Micronesia, including Palau, towards self-government or independence as was deemed appropriate,