

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
LIMITED

T/COM.10/L.265
22 January 1980

ORIGINAL: ENGLISH

COMMUNICATION FROM MR. ITEL BANG LUII AND OTHER MEMBERS OF THE
PALAU LEGISLATURE CONCERNING THE TRUST TERRITORY OF THE
PACIFIC ISLANDS

(Circulated in accordance with rule 24 of the rules of
procedure of the Trusteeship Council)

25 July 1979

The Honourable Sadang N. Silmai
Speaker, House of Elected Members
Palau Legislature
Koror, Palau 96940

Dear Mr. Speaker:

We, the undersigned legislators, wish to advise you of our present intention to continue our boycott of the current session of the Palau Legislature for the following reasons:

We strongly believe in a republican form of government in which the people are governed through their elected representatives. It follows, therefore, that as elected representatives it is our obligation to respect the expressed wishes of the people regardless of how we might individually feel on any issue. At the outset, we each decided to boycott the session of the Palau Legislature in order to ensure the basic right of self-determination of the people whom we represent to express in a referendum their rights to either reject or ratify the proposed Constitution of Palau. The people of Palau have done so in the 9 July 1979 constitutional referendum by unmistakably clear results. Given such a large voter turn-out and such a wide margin in favour of ratification of the proposed constitution of Palau, the immediate issue at hand is whether our continued boycotting would in some measure contribute to the realization of that expressed wish of the people of Palau. We believe so, and we feel furthermore that as elected representatives of the people, it is not only our obligation but our privilege as well to ensure that realization.

The judgement of Judge Burnett in Civil Action No. 71-79 stating that the Palau Legislature may transact business with a quorum consisting of the majority of its members and may meet in regular session has been appealed to the Appellate

Division of the High Court of the Trust Territory of the Pacific Islands. In view of the non-finality of that judgement, we believe that it is our continued responsibility to respect and protect the wishes of the people of Palau by not attending the current session of the Palau Legislature.

It is our belief that the wish of the great majority of the people of Palau is to implement in a smooth and orderly fashion the constitutional Government of Palau on 1 January 1980.

We want to state further that we are not unaware of adverse consequences flowing from our decision including possible impeachment. However, our personal interests and well-being must be subservient to those of the people.

It is most unfortunate that people in responsible positions affecting the wishes of the people lose sight of the proper forum when addressing the question of majority. When they consider the issue of majority, they must recognize that it is a question of a majority in the Legislature and a majority of the people of Palau. We respect the wishes of the majority of the people of Palau rather than those in the Legislature.

Again, it is not only our obligation but our privilege as well to participate in the implementation of the desire of the great majority of people of Palau.

We trust, based on the foregoing, that as an espoused leader of the people of Palau, you will accept our decision.

Sincerely yours,

/Signed by the following persons/

Itelbang IUUI
Akiko SUGIYAMA
John O. NGIRAKED
Kuniwo NAKAMURA
George NGIRARSAOL

Tosiwo NAKAMURA
Emilio NESTOR
Yasinto ISECHAL
Pablo KYCSHI
Yoich SINGEO

cc: United States Secretary of the Interior
High Commissioner, Trust Territory of the Pacific Islands
Congressman Phillip Burton
Ambassador Peter R. Rosenblatt
President, United Nations Trusteeship Council
WALU TV-Palau
WSZB Radio-Palau
Pacific Daily News
Honolulu Star Bulletin
Washington Post

Enclosure

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Press Release from the Committee for Palau Constitution
and 10 boycotting legislators

25 July 1979

The people of Palau elected their delegates to the Palau Constitutional Convention which drafted a constitution for Palau. A great majority of the people of Palau, by a margin of 92 per cent of votes cast, voted to ratify the Constitution. Twenty-three legislators who, for reasons which have not been fully and honestly made known publicly, opposed the expression of the wishes of the people. As a result, a majority of the legislators passed Bill No. 1140, the purpose of which was to prevent the people from expressing their wishes in a referendum. The purpose of Civil Action No. 71-79 was to challenge the action of these legislators who chose to ignore the wishes of over 4,000 Palauan voters. The decision of Chief Justice Burnett in Civil Action No. 71-79 simply stated that 17 legislators may legally and, pursuant to the orders of the Secretary of the Interior, pass any bill including Bill No. 1140, to ignore the wishes of over 4,000 Palauan voters. The decision of Judge Burnett has been appealed to the Appellate Division of the High Court.

One of the 10 boycotting legislators asked Carlos Salii who represented the plaintiffs the basis of the Court's judgement in favour of the defendants, and Salii responded that he did not know because the Judge had not stated any reasons to support his conclusion of law. Salii expressed surprise at the Court's decision and stated he would be curious to find out the basis for the Court's decision.

However, we believe that regardless of what the final outcome of the Court's decision may be, no one can dispute the expressed wishes of the people of Palau during the 9 July constitutional referendum. The United States of America, as the Administering Authority of Palau, must make a critical decision whether to support the 23 legislators or the people of Palau who have clearly expressed their support for the Constitution.

The legislators, in support of the right of the people of Palau to determine their own future, boycotted the session of the Palau Legislature. The question which the 10 legislators must answer is whether to join the 23 legislators or continue to support the expressed wishes of the people of Palau. Fortunately, their choice was simple: they have chosen to follow the clear wishes of the people of Palau and are asking the United States to do the same.

cc: United States Secretary of the Interior
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