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COMMUNICATION FROM THE SPEAKER, PALAU LEGISLATURE, CONCERNING
THE TRUST TERRITORY OF THE PACIFIC ISLANDS

(Circulated in accordance with rule 24 of the rules of
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PALAU LEGISLATURE
P.O. Box 8
Koror, Palau
Western Caroline Islands
96940

31 August 1979

The Honorable Adrian P. Winkel
High Commissioner
Trust Territory of the Pacific Islands
Saipan, CM 96950

Dear Mr. High Commissioner:

During the regular session of House of Elected Members, Palau Legislature, 30 August, a question was raised regarding the High Commissioner's action on bill No. 1182, in which the High Commissioner vetoed said measure regarding the 4 September election. The question is that under Secretarial Order No. 2918 as amended the High Commissioner has 10 days in which to act and return legislation enacted by Palau Legislature.

Our records indicate that the High Commissioner received bill No. 1182 on Friday, 17 August, and pursuant to Secretarial Order No. 2918, paragraph 1 of Section 13, the 10-day period started 17 August and ended at midnight, 27 August. Since the High Commissioner did not return bill No. 1182 with his objections within the period, it appears that the subject legislation became law without the High Commissioner's signature, inasmuch as the High Commissioner's veto of the bill was not actually received by the Legislature within the prescribed 10-day period. Opinion has been expressed that given Section 13 of the Secretarial Order, the High Commissioner's act to disapprove bill No. 1182 was moot inasmuch as the 10-day period passed without the High Commissioner having acted upon such legislation and returned it to the Legislature. Section 13 provides that

"if the High Commissioner takes no action and does not return the bill within such period (10 days), it shall be a law in like manner as if he had signed it ..." In this instance, the High Commissioner may have acted on the legislation but did not return the bill to the Legislature within the prescribed period. Legislature records indicate that your veto message was received by the Legislature on Tuesday flight around 2:00 p.m.

Request immediate response to this enquiry in order to enable the Palau Legislature to take whatever steps it may deem necessary to resolve such issue before the 4 September election.

Best regards,

(Signed) Sadang N. SILMAI
Speaker

cc: District Administrator, Palau
Secretary, Department of the Interior
Ambassador Peter Rosenblatt
President, United Nations Trusteeship Council
