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**REPORT OF THE UNITED NATIONS
VISITING MISSION TO OBSERVE THE PLEBISCITE
IN PALAU, TRUST TERRITORY OF
THE PACIFIC ISLANDS, JUNE 1987**

TRUSTEESHIP COUNCIL

OFFICIAL RECORDS: FIFTY-FOURTH SESSION

(May-December 1987)

SUPPLEMENT No. 2



UNITED NATIONS

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**UNITED NATIONS
New York, 1987**

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

T/1919

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LETTER OF TRANSMITTAL

3 November 1987

Sir,

I have the honour to transmit herewith, in accordance with Trusteeship Council resolution 2185 (LIV) of 26 May 1987 and rule 98 of the rules of procedure of the Council, the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands in June 1987.

We, the members of the Mission, wish to take this opportunity to convey our sincere thanks to all those who assisted us in carrying out our task. We would like, in particular, to express our gratitude to the Honourable Lazarus E. Salii, President of Palau; to Mr. John O. Ngiraked, Referendum Commissioner, and Mr. Daiziro Nakamura, his successor; to the Chairman and members of the Political Education Committee and the members of the Referendum Board. We also wish to express our appreciation for the courtesy and co-operation extended to us by the members of the Olbiil Era Kelulau (Palau National Congress), particularly the Speaker of the House of Delegates and the President of the Senate. Lastly, we would like to thank the Administering Authority for its co-operation and, particularly, Mr. William Warren of the Department of State, and Mr. Sam McPhetres of the Office of the High Commissioner of the Trust Territory of the Pacific Islands, for their courtesy and assistance.

Above all, we would like to record our sincere appreciation for the friendship and kindness of the people of Palau. They showed great patience and understanding during the Mission's visit to their islands. We wish them a peaceful and prosperous future.

This report is subscribed to unanimously by all members of the Mission.

Accept, Sir, the assurances of my highest consideration.

(Signed) John A. BIRCH
Chairman
United Nations Visiting Mission
to Observe the Plebiscite in Palau,
Trust Territory of the Pacific Islands,
June 1987

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General
United Nations
New York, N.Y. 10017

CHAPTER I

TERMS OF REFERENCE AND COMPOSITION OF THE VISITING MISSION

1. At its fifty-fourth session, the Trusteeship Council had before it a letter dated 4 May 1987 from the Acting Permanent Representative of the United States of America to the United Nations, addressed to the Secretary-General (T/1910), conveying an invitation from the Honourable Lazarus E. Salii, President of Palau, to the United Nations Trusteeship Council to observe a plebiscite on the Compact of Free Association with the United States of America.

2. At its 1638th meeting on 26 May 1987, the Trusteeship Council adopted resolution 2185 (LIV) by 3 votes to 1. By that resolution, it decided to send a visiting mission of approximately two weeks' duration to observe the plebiscite in Palau, the Mission to begin on or about 17 June 1987 and end as soon as practicable after the declaration of the results of the plebiscite. The Council further decided that the Visiting Mission should be composed of not more than four members, the members to be representatives of France, the United Kingdom of Great Britain and Northern Ireland and two other countries from the Pacific region. The Council directed the Mission to observe the plebiscite, specifically the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results. The Council requested the Mission to submit to it, as soon as practicable, a report on its observation of the plebiscite, containing such conclusions and recommendations as it might wish to make.

3. After holding the necessary consultations with members of the Trusteeship Council and the Administering Authority, the President of the Council informed the Secretary-General, by letter dated 2 June 1987, that Fiji and Papua New Guinea were the two countries from the South Pacific who had indicated that they would participate in the Mission. Accordingly, the following were designated as Members of the Mission:

H.E. Mr. John A. Birch (United Kingdom) (Chairman)
Mr. Raj Singh (Fiji)
Mr. Pascal Maubert (France)
Mr. Stephen Barampataz (Papua New Guinea)

4. The Mission was accompanied by the following members of the United Nations Secretariat: Mr. Girma Abebe, Principal Secretary; Mr. Ozdinch Mustafa and Ms. Lesley Wilkinson, Political Affairs Officers; and Mrs. Angelica Malic, Administrative Officer and Secretary. The Mission was escorted by Mr. William Warren of the Department of State of the United States of America.

5. On 21 June, a day after its arrival in Palau, President Salii informed the Mission that the plebiscite would be postponed until 30 June (see para. 8). He requested the Mission to remain in Palau until the conclusion of the plebiscite; that request was supported by the Administering Authority and in the circumstances, was acceded to by the Mission (see annexes IV to VI). As Mr. Birch was unable to stay after 27 June, Miss Helen de C. Taylor joined the Mission on 28 June as the representative of the United Kingdom. While Mr. Birch remained Chairman in absentia, it was agreed that Mr. Raj Singh would be Acting Chairman.

CHAPTER II

PALAU AND THE COMPACT OF FREE ASSOCIATION

6. Palau is part of the United Nations Trust Territory of the Pacific Islands. A description of Palau and its history and people is contained in the report of the United Nations Visiting Mission of July 1979. 1/ The proposed Compact of Free Association between Palau and the United States, which has been the subject of five referendums (or plebiscites), is described in the report of the United Nations Visiting Mission of February 1983. 2/ Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission of February 1986. 3/

CHAPTER III

PURPOSE OF THE PLEBISCITE

7. When the President of Palau addressed the Trusteeship Council on 11 May 1987, he announced that a further plebiscite on the Compact of Free Association would be held on 23 June and asked that it be observed by the United Nations. To describe the purpose of the referendum, President Salii may appropriately be quoted:

"... The Compact, by allowing the United States to exercise defence responsibility for Palau, comes into conflict with our Constitution's non-nuclear provisions. Courts have ruled that the Compact must be adopted by the same margin that would be required for a constitutional amendment, that is, by 75 per cent. That is the goal we seek to achieve in June."

8. The plan to hold the plebiscite on 23 June, however, was upset by a decision taken on 21 June by the Supreme Court of Palau. The Court ruled that the use of service stations by absentee voters in delivering their ballots to a representative of the Referendum Commissioner outside Palau was illegal. In order to make new arrangements which would comply with the law, the Government postponed the plebiscite to 30 June, the last day allowed by Palau's Public Law 2-27. A revised set of rules and regulations for the plebiscite was published on 24 June 1987.

CHAPTER IV

ACTIVITIES OF THE VISITING MISSION

9. The Mission was in Palau from 20 June to 4 July 1987. It carried out an extensive programme of visits and meetings throughout the islands, during which the members talked to people from all sections of Palauan society. The members of the Mission held nine public meetings at which they explained in detail the purpose and role of the Mission, answered questions and held many lengthy discussions. They also had private meetings with members of the Government and the Legislature, as well as with Governors, Chiefs and other leaders in Palau, who represented a wide political spectrum, including those who were most opposed to the Compact. Those meetings and consultations provided the Mission with valuable first-hand information.
10. On their first day in Palau, the members of the Mission met the President, the Referendum Commissioner and members of the Political Education Committee; they saw the President and the Referendum Commissioner on several other occasions. The Chairman of the Mission gave a radio broadcast (see annex I to the present report) which was repeatedly aired in both the English and Palauan languages during the Mission's stay in the islands.
11. In the following days, the members of the Mission visited all the main centres of population by boat, car and airplane, holding meetings with Governors, community leaders and the general public. They held formal meetings with the Senate and House of Delegates of the Olbiil Era Kelulau. Much of their work was done by dividing into teams so as to cover as wide an area as possible. In addition to observing the poll and the counting and tabulation of votes, they paid particular attention to the preparations for the plebiscite and the briefing of the referendum board members by the Referendum Commissioner. On polling day, the teams covered as many polling stations as possible in Palau, as well as in Guam and Honolulu.
12. A list of communications received by the Mission on the conduct of the plebiscite is found in annex VII to the present report.
13. A full list of the people met by the Mission is found in annex IX to the present report.

CHAPTER V

POLITICAL EDUCATION PROGRAMME

14. The Trusteeship Council has consistently recommended that the Administering Authority and the various elected Governments in the Trust Territory should carry out effective programmes of political education to ensure that the people of the Trust Territory are fully aware of the options available to them, thus enabling them to exercise their right to self-determination in accordance with the Charter of the United Nations. Palau's Public Law 2-27 (see annex II to the present report) mandated that there should be a 30-day period of political education before the referendum to inform and educate the people on the contents of the Compact. The Mission understands that members of the Political Education Committee visited all parts of the islands as well as Guam, Yap, Saipan, Honolulu, Hilo and Oregon.

15. In view of accusations in the past that the Political Education Committee had used its position to argue in favour of the Compact, the Mission examined the matter very closely. It met four of the five members of the Political Education Committee and subsequently attended a briefing given by the Committee to a large group in Koror. At the Mission's public meetings, the Mission members asked participants whether the presentations by that Committee had been factual and unbiased. The unanimous response was that the Committee had given factual and unbiased information about the Compact, without any element of propaganda.

16. The people of Palau showed more than adequate knowledge of the Compact and its implications for their future.

CHAPTER VI

THE POLITICAL CAMPAIGN

17. This was the fifth plebiscite on the Compact and we found a certain weariness among the electorate at being asked to give their views yet again. Those in favour of the Compact, as well as those opposed to it, described the political campaign to us as low key. The Mission saw occasional billboards or slogans, mostly opposing the Compact only in the capital. The facilities of both the State-owned radio and the private television station were made available equally to supporters and opponents of the Compact, but use of the television station required payment of a fee.

18. The Mission noted that Palau's Public Law 2-27 providing for the referendum contained a provision for government employees to be given arrears of pay within 30 days of approval of the Compact. The Mission considers this to be an unusual feature of such a Law. It sees the Law in part, however, as a political compromise in which both sides inserted features favourable to their own position. Indeed, the Mission believes that the debate over the Compact had become interwoven with political rivalries and ambitions in Palau.

19. The Mission feels bound to note also that the main issues raised by political leaders and by those attending the Mission's public meetings concerned the amount of funding by the United States under the Compact; the continuance of United States federal programmes; compulsory purchase of land for military purposes; economic and social development; and Palau's future if the Compact were not implemented. The nuclear issue, which was specifically referred to in the plebiscite ballot paper and which has claimed international attention, was rarely mentioned by Palauans and usually only as result of questions posed by the Mission.

20. A copy of the official ballot appears in annex III to the present report.

CHAPTER VII

THE POLL

21. On polling day, the members of the Mission in Palau divided into four teams in order to observe the voting process at as many polling places as physically possible within the constraints imposed by the distances involved. Out of 41 polling places, the Mission visited 38 in Angaur, Peleliu, Eastern and Western Babelthuap, Airai and Koror; all of the polling places in the latter two States were visited at least twice. In addition, one member of the Mission, accompanied by a staff member of the Secretariat, observed the polling in Guam and Honolulu.
22. Members of the Mission were present at two of the major polling places in both Koror and Honolulu, when voting ended at 7 p.m.
23. Representatives of the Olbiil Era Kelulau served as poll watchers and were present at all polling places throughout the voting process.

CHAPTER VIII

COUNTING AND TABULATION OF VOTES

24. The counting and tabulation of votes began two hours after the closure of the polls on 30 June and continued until 2.30 a.m. on 4 July. Members of the Mission, working in shifts of two each, were present throughout the process which was also observed by representatives of the Olbiil Era Kelulau.

25. The completion of the counting and tabulation of votes, prolonged because of the need to await the arrival of ballot boxes from outside Palau, was conducted efficiently despite the long hours of work for the members of the team. There was no evidence of any irregularities but the most minor, which were due merely to simple errors by those conducting the poll.

CHAPTER IX

RESULTS OF THE PLEBISCITE

26. The official results of the plebiscite certified on 20 October 1987 by President Lazarus E. Salii are as follows:

| | |
|---|-------------------------|
| Total registered voters | 10 851 |
| Total votes cast | 8 263 or 76.15 per cent |
| Total "Yes" votes | 5 574 or 67.59 per cent |
| Total "No" votes | 2 673 or 32.41 per cent |
| Total invalid, void or rejected ballots | 16 |

27. Thus, of a total of 8,247 valid votes cast, 5,574, or 67.59 per cent, were cast in favour of the Compact, and 2,673, or 32.41 per cent, were cast against. The total of invalid, void or rejected votes was 16.

CHAPTER X

CONCLUSIONS

28. The people of Palau understood the purpose of the plebiscite and the question they were being asked. They had a good understanding of the underlying issues. This was due in part to the Political Education Programme which was conducted in a correct and impartial manner; in part to the previous plebiscites on the Compact of Free Association; and in part to the political awareness of the electorate.

29. The political campaign was low key, peaceful and restrained. Both sides had equal access to the media and to public platforms. There were no attempts to draw the Visiting Mission into the campaign or to exploit its presence.

30. The Mission believes that the Political Education Programme was conducted in accordance with Palau's Public Law 2-27 and that there was no attempt to influence voters.

31. The announcement two days before the scheduled referendum that it would be postponed from 23 June to 30 June raised some administrative difficulties which were dealt with satisfactorily. Voters were advised of the new date for the plebiscite and the voter turnout indicates that they took the delay in their stride.

32. In the opinion of the Mission, the poll was conducted in accordance with the rules and regulations for the plebiscite. The Mission saw no evidence of malpractice or attempts to influence voters, who were able to cast their votes in total secrecy; all those entitled to vote had the opportunity to do so.

33. The counting and tabulation of votes, in the Mission's view, was conducted in a professional and fair manner. Minor irregularities that were discovered during the process were investigated and settled to the satisfaction of all concerned.

34. There were some accusations of malpractice but these were not substantiated to the Mission.

35. The Mission is satisfied that the referendum was conducted fairly and that the results reflect the freely expressed wishes of the people of Palau.

Notes

1/ For the report of the United Nations Visiting Mission to Observe the Referendum in Palau, Trust Territory of the Pacific Islands, July 1979, see Official Records of the Trusteeship Council, Forty-seventh Session, Supplement No. 1 (T/1813).

2/ For the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983, see Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851).

Notes (continued)

3/ See the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986, Official Records of the Trusteeship Council, Fifty-third Session, Supplement No. 2 (T/1885), annex V.

Annex I

STATEMENT BY HIS EXCELLENCY, MR. JOHN A. BIRCH, CHAIRMAN
OF THE VISITING MISSION, ON 20 JUNE 1987

Hello. My name is John Birch. I am the Chairman of the United Nations Visiting Mission that has come to observe the plebiscite in Palau on 23 June. I am also the President of the Trusteeship Council of the United Nations, so I follow your affairs with great interest. It is a pleasure for me and my colleagues to be here - some of us have been here before. But this is my first visit and I look forward to meeting as many of you as possible during our stay here. I know I speak for the other members of the Mission when I say how much we appreciate the warm welcome extended to us. There are four of us in the Mission: I am from the United Kingdom; Mr. Pascal Maubert is from France; Mr. Raj Singh is from Fiji; and Mr. Stephen Barampataz is from Papua New Guinea. I am particularly happy that two members of my team come from Pacific countries because these countries are neighbours of yours and understand well the problems of this part of the world. We also have with us an experienced team of officers from the Secretariat of the United Nations under Mr. Girma Abebe, who has visited the Trust Territory many times and who, I know, has many friends here.

I should like, first of all, to tell you why we have come all the way from New York to Palau. As I am sure many of you are aware, one of the articles of the Charter of the United Nations, namely Article 76 (b) is concerned with the promotion of, and I quote "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 ...". In other words, the Charter is concerned to see that those territories put under United Nations Trusteeship develop to the point where they can manage their own affairs in the way they want to, and I stress, the way they want to.

As you all know, the United States is the Administering Authority for the Trust Territory of the Pacific Islands and is responsible for ensuring that these objectives are pursued. We are here because last month your Government, supported by the United States, asked the Trusteeship Council, the governing body of the United Nations trusteeship system, to send a mission to Palau to observe the plebiscite on the Compact of Free Association which will take place on Tuesday.

So what is our task? We are here to see how the plebiscite is conducted. We have four main duties:

First, we want to be sure that you, the people of Palau, understand what the plebiscite is about and understand the question on which you are being asked to vote.

Secondly, we must satisfy ourselves that all men and women who are entitled to vote have an opportunity to express their view freely in the plebiscite, or if they so wish, not to vote at all.

Thirdly, we must see to it that the ballot is secret and that no one can know how anybody else votes.

Fourthly, we shall be looking at the polling arrangements, the counting of the votes and the declaration of the results, to see whether all these arrangements are fair and in conformity with the election laws.

I must stress that we are not here to organize the plebiscite. That is a matter solely for the Government of Palau. Nor are we here to make judgements about the Compact of Free Association or to advise you which way to vote. That is for you to decide. At the end, when we have seen how the plebiscite was conducted, we will write a report on it for the United Nations.

So how do we do this? Well, for the greater part of our stay, we shall be dividing into teams so as to cover as much of the Territory as possible. The details of our programme will be given over the radio. We shall also be meeting the President, members of the Congress, as well as the Referendum Commissioner and his staff.

Then, on polling day, we shall be visiting as many of the polling stations as possible to see how the voting is conducted. After that we shall observe the counting of the votes and the tabulating of the ballots. Then we shall make our report to the Trusteeship Council at United Nations Headquarters.

I know that we can count on your co-operation in carrying out this task. I hope that we can meet as many of you, the people of Palau, as possible. To that end we shall be holding public meetings in as many places as we can to hear what you have to say. We shall also be available to meet as many groups as possible and to talk to any individuals who may wish to see us.

We are very honoured to have been invited to be present on this important occasion in Palau's history. I should like, on behalf of the United Nations, to thank you for your courtesy and friendliness towards us and to send you every good wish for a happy and prosperous future.

Annex II

REPUBLIC OF PALAU PUBLIC LAW NO. 2-27

SECOND OLBIIL ERA KELULAU

Thirteenth Special Session, March, 1987

RPPL NO: 2-27
(Intro. as H. B. No.
2-0132-13S, HD2, SD4,
CD1)

AN ACT

To provide for a referendum on the Compact of Free Association and its Subsidiary Agreements, as signed on January 10, 1986 by the President of the Republic and the representative of the Government of the United States, including the amendments made by the United States Congress, to authorize and appropriate funds therefor, and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Statement of purpose. The purpose of this Act is to authorize the President of the Republic of Palau to set a date for a referendum on the Compact of Free Association and Subsidiary Agreements, as signed on January 10, 1986 by representatives of the Governments of the Republic of Palau and of the United States of America, and subsequently amended by the United States Congress, and to provide for education and voting.

Section 2. Referendum.

(1) The President of the Republic of Palau is hereby authorized to set a date for a referendum on the Compact and its Subsidiary Agreements by Executive Order. Such referendum shall be held no later than June 30, 1987. The President shall choose one day for the referendum.

(2) Because Article 6 of the Trusteeship Agreements states that the administering authority shall "foster the development of such political institutions as are suited to the Trust Territory and shall promote the development of the inhabitants of the Trust Territory toward self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned ..." and because the Compact of Free Association, if ratified, will create a new

relationship between Palau and the administering authority, this referendum should be observed by a team from the United Nations.

If a United Nations observing team does not observe this referendum and does not certify that it was conducted fairly and that the results are "the fully expressed wishes" of the people of Palau, then the results of the referendum shall be null and void and of no effect whatsoever.

(3) Any independent international observing team, in addition to the United Nations observing team, shall be allowed to observe the referendum.

(4) There shall be a period of Political Education commencing thirty (30) days before the referendum mandated by this Act.

(5) On the date selected by the President in accordance with subsection (1), above, there shall be a National Election ("the referendum"), in accordance with the Constitutional requirements of the Republic of Palau, to determine whether the voters of Palau approve the Compact and its Subsidiary Agreements.

(6) The Election Ballot shall be worded as follows:

"Place an 'X' or other mark in one box.

DO YOU APPROVE FREE ASSOCIATION WITH THE UNITED STATES AS SET FORTH IN THE COMPACT OF FREE ASSOCIATION SIGNED ON JANUARY 10, 1986, INCLUSIVE OF ITS SUBSIDIARY AGREEMENTS AND AS SUBSEQUENTLY ENACTED BY THE UNITED STATES CONGRESS, EXPRESSLY APPROVING THE PROVISIONS OF THE COMPACT, INCLUDING ITS SECTION 324, WHEREBY THE GOVERNMENT OF THE UNITED STATES, IN CARRYING OUT ITS SECURITY AND DEFENSE RESPONSIBILITIES UNDER THE COMPACT OF FREE

ASSOCIATION, HAS THE RIGHT TO OPERATE NUCLEAR
CAPABLE OR NUCLEAR PROPELLED VESSELS AND AIR-
CRAFT WITHIN THE JURISDICTION OF PALAU?

YES
 NO

There shall be no other question or issue on the ballot.
The ballot shall be printed in English and Palauan.

(7) For the Compact of Free Association to be approved, the ballot proposal set forth above must receive the approval of not less than three-fourths (3/4) of the valid votes cast.

(8) The President or his designee shall be Referendum Commissioner. The Referendum Commissioner shall conduct the referendum according to this Act and to those provisions of Title 23 ("Elections"), Palau National Code, which are not inconsistent with this Act.

(9) Any citizen of the Republic of Palau entitled to vote in national or state elections may register to vote in the referendum, provided that any such person who is currently registered in the General Voters Registry maintained by the National Election Commissioner need not re-register in order to vote in this referendum.

(10) Any person qualified and desiring to vote, but who is not registered, may submit his application for registration to vote in accordance with applicable laws, rules and regulations. However, such application may be submitted at any time up to and including the date of the referendum, and any qualified person so submitting such an application shall be permitted to cast his vote.

(11) All voting in the referendum authorized by this Act shall be by secret ballot.

(12) The Referendum Commissioner shall promulgate rules and regulations governing the conduct of the referendum conducted pursuant to this Act. The rules and regulations shall be designed so as to allow for a fair and impartial referendum wherein the people of the Republic of Palau may choose their future political status. All polling places shall be observed by representatives of the administration and of the Olbiil Era Kelulau. These representatives shall remain with each ballot box from the time that voting begins until the ballots from that box have been counted. Each ballot box shall be sealed with three (3) locks. One lock is to be provided by the Referendum Commissioner, one lock by the representatives of the administration, and one lock by the representatives of the Olbiil Era Kelulau. Said locks shall only be removed in the presence of the officially designated ballot counters and tabulators.

(13) The Referendum Commissioner shall have the authority to establish polling places outside the territorial jurisdiction of Palau. The Referendum Commissioner shall promulgate rules and regulations governing the conduct of such polling places.

(14) A voter shall have the right to vote at any polling place without giving advance notice.

(15) Any voter who is present at a place outside the jurisdiction of the Republic of Palau where there is no established polling place may cast his vote by absentee ballot.

(16) Voting by absentee ballot shall be accomplished according to the provisions of 23 PNC Chapter 15, Subchapter II. However, requests for absentee ballots may be made in writing to the Referendum Commissioner no later than the day before the date of the referendum. The absentee ballots shall be mailed or delivered to the Referendum Commissioner no later than the

established closing hour of the referendum election on the day selected for the referendum, provided that, if mailed, it should be postmarked no later than the day of the referendum. In order to be valid, an absentee ballot must be received by the Referendum Commissioner no later than two days after the date selected for the referendum.

(17) Title 23 ("Elections") of the Palau National Code, or any other laws that are inconsistent or in conflict with the provisions of this Act, including Title 6 ("Administrative Procedure Act") of the Palau National Code are hereby suspended to the extent that they are inconsistent with this Act until the results of the referendum are duly certified by the President of the Republic of Palau, for the purpose of this Act only.

(18) The election commissioner shall certify the election vote count no later than 10 days after the day of the referendum.

(19) Any substantive change made by the United States Congress to the Compact and its Subsidiary Agreements subsequent to this referendum will require further resolution and further ratification, in accordance with the Constitution.

(20) The President of the Republic of Palau shall not transmit the National Development Plan required in 231(a) of the January 10, 1986 Compact without first obtaining a joint resolution of the Olbiil Era Kelulau, approved by a simple majority of each house, authorizing transmittal to the United States.

(21) The President of the Republic of Palau shall not implement the Compact without first obtaining a joint resolution of the Olbiil Era Kelulau, approved by a simple majority of each house, authorizing implementation.

(22) There is hereby authorized to be appropriated and is appropriated the sum of \$150,000 from the National Treasury, to fund the Special Election and Political Education.

(a) The sum of \$100,000 shall be administered by the Election Commissioner and shall be used exclusively to fund the Special Election.

(b) The sum of \$50,000 shall be administered by the Chairman of the Political Education Committee and shall be used exclusively to fund political education of the voters.

(c) The Chairman of the Political Education Committee shall submit reports to the presiding officers of the Olbiil Era Kelulau not later than ninety days after the referendum, accounting for all sums expended. Any funds authorized and appropriated by this Section and remaining unobligated or unexpended as of thirty days after the referendum shall lapse and revert to the National Treasury.

(23) There is hereby established a five (5) member Political Education Committee ("the Committee") consisting of the following:

(a) Three (3) members appointed by the President of the Republic of Palau.

(b) Two (2) members appointed by the Olbiil Era Kelulau, one of whom shall be appointed by the President of the Senate, and one of whom shall be appointed by the Speaker of the House of Delegates. The President of the Republic of Palau shall appoint one of the above members to act as Chairman.

(24) Each member of the Committee shall serve until the date of the Referendum, as authorized by this Act.

The members shall be compensated at the rate of thirty-five (\$35) dollar per diem, plus actual related expenses.

(25) The Committee shall organize, supervise and oversee a political education program on the Compact of Free Association and its Subsidiary Agreements and amendments made by the United States Congress. The program shall be conducted in a manner aimed at informing and educating the people of the Republic of Palau in an impartial manner as to the contents of the Compact of Free Association and its Subsidiary Agreements, including amendments made by the United States Congress, so as to enable the people to make an informed choice in the referendum conducted pursuant to this Act. In doing so, the Committee may:

(a) Hire such staff as it may deem necessary within the limits of appropriations for the Committee's work;

(b) Translate, print and distribute copies of the amendments added to the Compact at the time of its recent approval by the United States Congress and explanatory materials.

(c) Travel within and outside the Republic; and

(d) Do such other and related things as may be necessary to accomplish its functions.


Section 3. Release of funds. If the referendum results in the approval of the Compact of Free Association and Subsidiary Agreements in accord with the requirements of the Constitution of the Republic, then all funds which have been withheld from the paychecks of national government employees pursuant to Executive Orders shall be paid in full to such employees by no

later than 30 days following the certification of such approval of the Compact.

Section 4. Effective date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon its becoming law without such approval, except as otherwise provided by law.

PASSED: May 1, 1987

Approved this 6th day of May, 1987.



Lazarus E. Sali
President
Republic of Palau

OFFICIAL BALLOT

REPUBLIC OF PALAU REFERENDUM ON THE COMPACT OF FREE ASSOCIATION JUNE 30, 1987

DO YOU APPROVE FREE ASSOCIATION WITH THE UNITED STATES AS SET FORTH IN THE COMPACT OF FREE ASSOCIATION SIGNED ON JANUARY 10, 1986, INCLUSIVE OF ITS SUBSIDIARY AGREEMENTS AND AS SUBSEQUENTLY ENACTED BY THE UNITED STATES CONGRESS, EXPRESSLY APPROVING THE PROVISIONS OF THE COMPACT, INCLUDING ITS SECTION 324, WHEREBY THE GOVERNMENT OF THE UNITED STATES, IN CARRYING OUT ITS SECURITY AND DEFENSE RESPONSIBILITIES UNDER THE COMPACT OF FREE ASSOCIATION, HAS THE RIGHT TO OPERATE NUCLEAR CAPABLE OR NUCLEAR PROPELLED VESSELS AND AIRCRAFT WITHIN THE JURISDICTION OF PALAU?

KAU, KE KONGEI, RA MIMOKL EL DELEWILL LOBENGEL A MERIKEL, LULECHOLT RA CHELSEL A COMPACT OF FREE ASSOCIATION EL BLEL SAING ER NGII ER SERA JANUARY 10, 1986, EL MO ULDIMUKEL A IKEL SUBSIDIARY AGREEMENT MA IKEL MILKEDMOKL LOKIU A UREREL A CONGRESS RA MERIKEL, EL KONGEI A BADES ER TIAL COMPACT LOBENGKEL A SECTION 324 EL MOKIU NGII EA MERIKEL SEL LONGEDMOKL A NGERCHELEL EL KIREL A KLEKAR MA OSEBECHAKL EL NGAR EUNGEL TIAL COMPACT OF FREE ASSOCIATION ENG MO BANG A LLEMALT EL KIREL A OSISEBEL MA TEBEDEL A IKEL DIAL MA SKOKI LOU KLEKEDALL MALECHUB ENG OUCHELUCH A NUCLEAR RA KERENSEL NIU?

Place an "X" or other mark in one box.

Mfang a tengalang (X) malechub eng ditara olangch
ra dielsel a tal kahol.

YES
CHOI

NO
DIAK

Annex IV

LETTER DATED 22 JUNE 1987 FROM THE PRESIDENT OF PALAU
ADDRESSED TO THE CHAIRMAN OF THE VISITING MISSION

REPUBLIC of PALAU

Office of the President



Lazarus E. Salii
President

P.O. Box 100, Koror, Palau 96940
Phone: 828/403 Telex: 728-8914

June 22, 1987
Serial: 240

Ambassador John Birch
President of the United Nations
Trusteeship Council
Chairman of the 1987 United Nations
Visiting Mission to Palau

Dear Mr. Chairman:

This short note is to express my humble appreciation to you for your most generous response to my request that the United Nations Visiting Mission remain to observe the Compact plebiscite in Palau which has been rescheduled for June 30, 1987. Please convey to the other members of the Mission and your staff the gratitude and thanks of the Government and people of Palau.

The members of the Cabinet and I stand ready to provide all available assistance to you personally and to the Mission as a whole to ensure the success of your mission in Palau.

Accept, Sir, the assurances of our highest consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to be "L. Salii", written over a horizontal line.

Lazarus E. Salii

Annex V

LETTER DATED 24 JUNE 1987 FROM THE UNITED STATES LIAISON OFFICER
ADDRESSED TO THE CHAIRMAN OF THE VISITING MISSION



DEPARTMENT OF STATE

U.S. LIAISON OFFICE

P.O. BOX 6028

KOROR, REPUBLIC OF PALAU 96940

June 24, 1987

H.E. John D. Birch
Chairman of the United Nations
Observer Mission
c/o Palau Pacific Resort
Koror, Republic of Palau

Dear Ambassador Birch:

The postponement of Palau plebiscite on Free Association caused by the recent Palau Supreme Court decision will significantly lengthen the period of time required for the Observer Mission to complete its work in Palau. Nevertheless, the United States Government feels it is imperative that the plebiscite process be observed by an impartial United Nations team. Therefore, on behalf of the administering authority, I request that you and members of your team remain in Palau to observe the June 30 balloting and subsequent vote count.

Sincerely,

A handwritten signature in cursive script, appearing to read "William Warren".

William Warren
U.S. Liaison Officer

Annex VI

LETTER DATED 26 JUNE 1987 FROM THE CHAIRMAN OF THE VISITING
MISSION ADDRESSED TO THE UNITED STATES LIAISON OFFICER

Palau, 26 June 1987

Dear Mr. Warren,

I should like to refer to your letter of 24 June 1987 requesting that the United Nations Visiting Mission to observe the plebiscite on the Compact of Free Association in Palau, remain in Palau to observe the plebiscite on 30 June 1987.

In this regard, I wish to inform you, on behalf of the Visiting Mission, that we shall, as requested, remain in Palau to observe the plebiscite on 30 June and the subsequent counting and tabulation of votes. Further, I should also like to inform you that a member, accompanied by a staff member of the United Nations Secretariat, will observe the polling in Guam and Hawaii on the date indicated above.

Yours sincerely,

(Signed) John BIRCH
Chairman
United Nations Visiting Mission
to Palau

Mr. William Warren
United States Liaison Officer
United States Liaison Office
P.O. Box 6028
Koror, Republic of Palau 96940

Annex VII

WRITTEN COMMUNICATIONS RECEIVED BY THE VISITING MISSION
IN KOROR, PALAU*

1. Executive Order No. 56 of 22 May 1987
2. Executive Order No. 57 of 21 June 1987
3. Letter dated 16 June 1987 from Ms. Susan Quass, Resource Co-ordinator for Asia and the Pacific, addressed to the Visiting Mission (with two-page enclosure)
4. Letter dated 23 June 1987 from the Clerk, House of Delegates, Olbiil Era Kelulau (Palau National Congress) addressed to the Chairman of the Visiting Mission (with three-page enclosure)
5. Letter dated 23 June 1987 from Ibedul Yutaka M. Gibbons and Mr. Santos Olikong addressed to Mr. John O. Ngiraked, Minister of State of Palau
6. Letter dated 23 June 1987 from Mr. Balerio Pedro addressed to the Visiting Mission
7. Memorandum dated 27 June 1987 from the Referendum Commissioner addressed to all members of independent international observing teams
8. Letter dated 1 July 1987 from the Speaker of the House of Delegates, Olbiil Era Kelulau (Palau National Congress), addressed to the President of Palau (with eight-page enclosure)
9. Rules and regulations for the referendum on the Compact of Free Association, 23 June 1987, promulgated on 15 May 1987 by the Referendum Commissioner
10. Revised rules and regulations for the referendum on the Compact of Free Association, 30 June 1987, promulgated on 24 June 1987 by the Referendum Commissioner

* The communications listed above have been placed in the files of the Secretariat and are available to the members of the Trusteeship Council for consultation.

PRESIDENTIAL PROCLAMATION NO. 43-87
CERTIFYING THE OFFICIAL RESULTS OF THE PLEBISCITE



Lazarus E. Sali
President

REPUBLIC OF PALAU

Office of the President

PRESIDENTIAL PROCLAMATION NO. 43-87

CERTIFYING OFFICIAL RESULTS OF THE PLEBISCITE ON THE
IMPROVED COMPACT OF FREE ASSOCIATION HELD ON
JUNE 30, 1987

WHEREAS, the Second Olbiil Era Kelulau on May 6, 1987, unanimously approved the new improved Compact of Free Association by enacting Republic of Palau Public Law (RPPL No. 2-27) established a Political Education Committee to conduct public education programs on the Compact; and designating the President of the Republic of Palau or his designee as the Plebiscite Commissioner; and

WHEREAS, said RPPL No. 2-27 and Executive Order No. 57 while designating June 30, 1987, authorized the Plebiscite Commissioner to establish polling places outside Palau; and

WHEREAS, plebiscite on the Compact of Free Association, duly observed by the United Nations Observer Mission, was held on June 30, 1987; and

WHEREAS, the Plebiscite Board, in compliance with the "Rules and Regulations for the Plebiscite on the Compact of Free Association" has completed the counting and tabulating of all votes cast in the plebiscite, and I have examined said tabulation so prepared; NOW, THEREFORE,

BY VIRTUE OF THE AUTHORITY vested in me as Plebiscite Commissioner under RPPL No. 2-27, and as the President of the Republic of Palau, I, Lazarus E. Sali, do hereby proclaim and certify that:

1. The total number of registered voters is 10,851
2. The total number of valid votes cast was 8,263 or 76.15%
3. The total number of votes cast in favor of the Improved Compact of Free Association was5,574 or 67.59%
4. The total number of votes cast in opposition to the ratification of the new improved Compact of Free Association was 2,673 or 32.41%
5. The total of invalid, void or rejected votes cast was 16

SO PROCLAIMED AND CERTIFIED this 20 day of October 1987 at
Koror State, Republic of Palau.

(Signed) Lazarus E. SALII
President

Annex IX

LIST OF PEOPLE MET

Executive Branch

The Honourable Lazarus E. Salii, President of Palau
The Honourable John O. Ngiraked, Minister of State

Legislative Branch

The Senate

The Hon. Joshua Koshiba, President
Senator Nicholas "Niko" Rechebei
Senator Isidoro Rudimch
Senator Itebang Luii
Senator Peter E. Sadang

House of Delegates

The Hon. Santos Olikong, Speaker
Delegate Shiro Kyota, Vice-Speaker
Delegate Ignacio Anastacio
Delegate Thomas Patris

Senior Plebiscite Officers

Mr. John Ngiraked, Referendum Commissioner (until 23 June 1987)
Mr. Daiziro Nakamura, Referendum Commissioner (as of 24 June 1987)
Mr. Johnson Toribiong, Chairman, Political Education Committee
Mr. Masa Aki Emesiochel, Member, Political Education Committee
Mr. Sadang Silmai, Member, Political Education Committee
Mrs. Bernie Keldermans, Member, Political Education Committee

Council of Chiefs

Ibedul Yutaka M. Gibbons, High Chief and Administrator of Koror State (Chairman of the Council of Chiefs)
Reklai Termeteet, High Chief
Balang Toyomi O. Singeo of Peleliu State
Mr. Roman Tmetuchel, Governor of Airai State
Mr. Alfonso Oiterong, former President of Palau

Governors and State Representatives

Mr. Ngiratel Etpison, Governor of Ngatpang and Chairman of Palau Association of Governors
Mr. Elia Tulop, Governor of Ngiwal
Mr. Evasio Marino, Representative of the Governor of Airai, and Administrative Officer
Mr. Flavian Carlos, Governor of Sonsorol
Mr. Nemesio Andrew, Governor of Tobi

Mr. Maidasil Rechuld, Governor of Ngaremlengui
Mr. Remoket Tarimel, Governor of Ngarchelong
Mr. Thomas Tellei, Governor of Melekeok
Mr. Moses Uludong, Governor of Ngchesar
Mr. Timarong Sisor, Governor of Peleliu
Mr. Kaleb Udui, Governor of Ngaraard
Mr. Ngiraked, Speaker, Kayangel
Mr. Tadao Ngotel, Speaker, Ngarchelong
Mr. Oikang Sebastian, Governor, Kayangel
Mr. Kuiroi Arurang, Representative of the Governor of Ngardmau
Mr. Takeo Towai, Speaker, Ngardmau
Mr. John C. Gibbons, Executive Administrator, Koror

Annex X

ITINERARY OF THE VISITING MISSION

| | | |
|--------------|--------------------|---|
| 17 June 1987 | Honolulu | Arrived from New York |
| 18 June | | Departed by air for Guam (crossed international date-line) |
| 19 June | Guam | Arrived from Honolulu |
| 20 June | | The Mission departed by air for Palau |
| | | A member of the Mission, accompanied by a member of the United Nations Secretariat, remained in Guam to observe the polling place on 20 June 1987 |
| | Koror, Palau | Arrived from Guam |
| | | Paid a courtesy call on the President of Palau |
| | | Met with the Referendum Commissioner/Minister of State |
| | | Met with the Chairman and members of the Political Education Committee |
| 21 June | Koror | A member of the Mission, accompanied by a member of the United Nations Secretariat, arrived from Guam |
| | | The Mission formed two teams: Team A and Team B |
| | | <u>Team A</u> |
| | | Departed by boat for Eastern Babelthuap |
| | Eastern Babelthuap | |
| | Ngiiwal | Met with community leaders and the general public |
| | Melekeok | Met with community leaders and the general public |
| | Ngchesar | Met with community leaders and the general public |
| | | Departed by boat for Koror |

Team B

Departed by boat for Western Babelthuap

Western Babelthuap

Ngaremlengui

Met with community leaders and the general public

Ngatpang

Met with community leaders and the general public

Departed by boat for Koror

Koror

Mission met with the President of Palau concerning postponement of plebiscite

22 June

Koror

Met with the President and some members of the Senate of the Olbiil Era Kelulau (Palau National Congress)

Met with the Speaker and some members of the House of Delegates of the Olbiil Era Kelulau (OEK)

Met with community leaders and the general public in Koror

23 June

Koror

The Mission formed two teams: Team A and Team B

Team A

Met with the Referendum Commissioner/Minister of State, Governors and State Representatives of Palau

Met with Governor of Airai State

Met with former President of Palau

Team B

Departed by air for Peleliu

Peleliu

Met with community leaders and the general public

Departed by air for Angaur

Angaur

Met with community leaders and the general public

Departed by air for Koror

| | | |
|---------|-----------------|---|
| | Koror | Mission met with the Referendum Commissioner/Minister of State |
| 24 June | Koror | Met with the President of Palau Met with Ibedul Yutaka M. Gibbons, High Chief, and the Reklai Termeteet (High Chief) |
| 25 June | Koror | Met with Referendum Commissioner and Board members for a briefing session |
| 26 June | Koror | A member of the Mission, accompanied by a member of the United Nations Secretariat, departed by boat for Aimeliik |
| | Aimeliik | Met with community leaders and the general public Departed by boat for Koror The Chairman, accompanied by a member of the United Nations Secretariat, met with the President of Palau |
| 27 June | Koror | Met with Referendum Commissioner |
| 28 June | Koror | Met with Referendum Commissioner and Board members for briefing session A member of the Mission, accompanied by a member of the United Nations Secretariat, departed for Guam |
| | Guam | A member of the Mission, accompanied by a member of the United Nations Secretariat, arrived from Koror |
| 29 June | Koror | Observed preparations and arrangements for polling day |
| 30 June | Koror | The Mission formed four teams: A, B, C, and D |
| | | <u>Team A</u> |
| | Koror and Airai | Observed polling places |
| | | <u>Team B</u> |
| | | Departed by air for Peleliu |
| | Peleliu | Observed polling place in Peleliu Departed by air for Angaur |

| | | |
|---------|--------------------|---|
| | Angaur | Observed polling place in Angaur |
| | | Departed by air for Koror |
| | | <u>Team C</u> |
| | | Departed by boat for Eastern Babelthuap |
| | Eastern Babelthuap | Observed polling places in Ngiwal; Melekeok; Ngchesar, Ngerngesang, Ngersuul (Ngchesar State); Ngerkeai (also known as Mongami); Nchemiangel (Aimeliik State); and Ibobang (Ngatpang State) |
| | | Departed by boat for Koror |
| | | <u>Team D</u> |
| | | Departed by boat for Western Babelthuap |
| | Western Babelthuap | Observed polling places in Ollei, Mengellakl, Ngebei (Ngarchelong State); Ngebuked, Ulimang, Elab (Ngaraard State); Ngardmau, Imeong, Ngermetengel (Ngeremlengui State); Ngatpang |
| | | Departed by boat for Koror |
| 30 June | Guam | A member of the Mission, accompanied by a member of the United Nations Secretariat, observed polling place in Guam |
| | | Departed by air for Honolulu (crossed the international date-line) |
| 30 June | Honolulu | A member of the Mission, accompanied by a member of the United Nations Secretariat, arrived from Guam. Observed polling place in Honolulu |
| 30 June | Koror | Mission observed counting and tabulation of votes |
| 1 July | Koror | Mission observed counting and tabulation of votes |
| 2 July | Koror | Mission observed counting and tabulation of votes |
| 3 July | Koror | Mission continued its observation of the counting and tabulation of votes |
| | | Mission met with the President of Palau |

Mission met with President of the Senate of the Ga Kelulau Olbiil

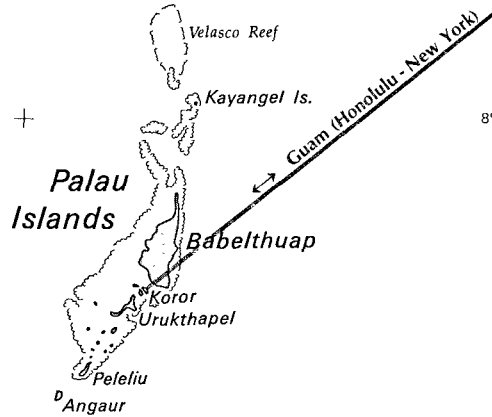
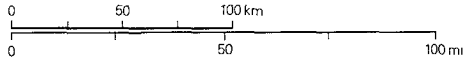
Mission met with the Speaker, as well as the Chairman of the Committee on Judiciary and Government Affairs of the House of Delegates, and Ibedul Yutaka M. Gibbons, High Chief

| | | |
|--------|----------|---|
| 4 July | Koror | Mission continued its observation of the counting and tabulation of votes |
| | | Mission departed by air for Guam |
| | Guam | Arrived from Koror |
| | | Departed for New York (crossed international date-line) |
| 5 July | New York | Arrived from Guam |

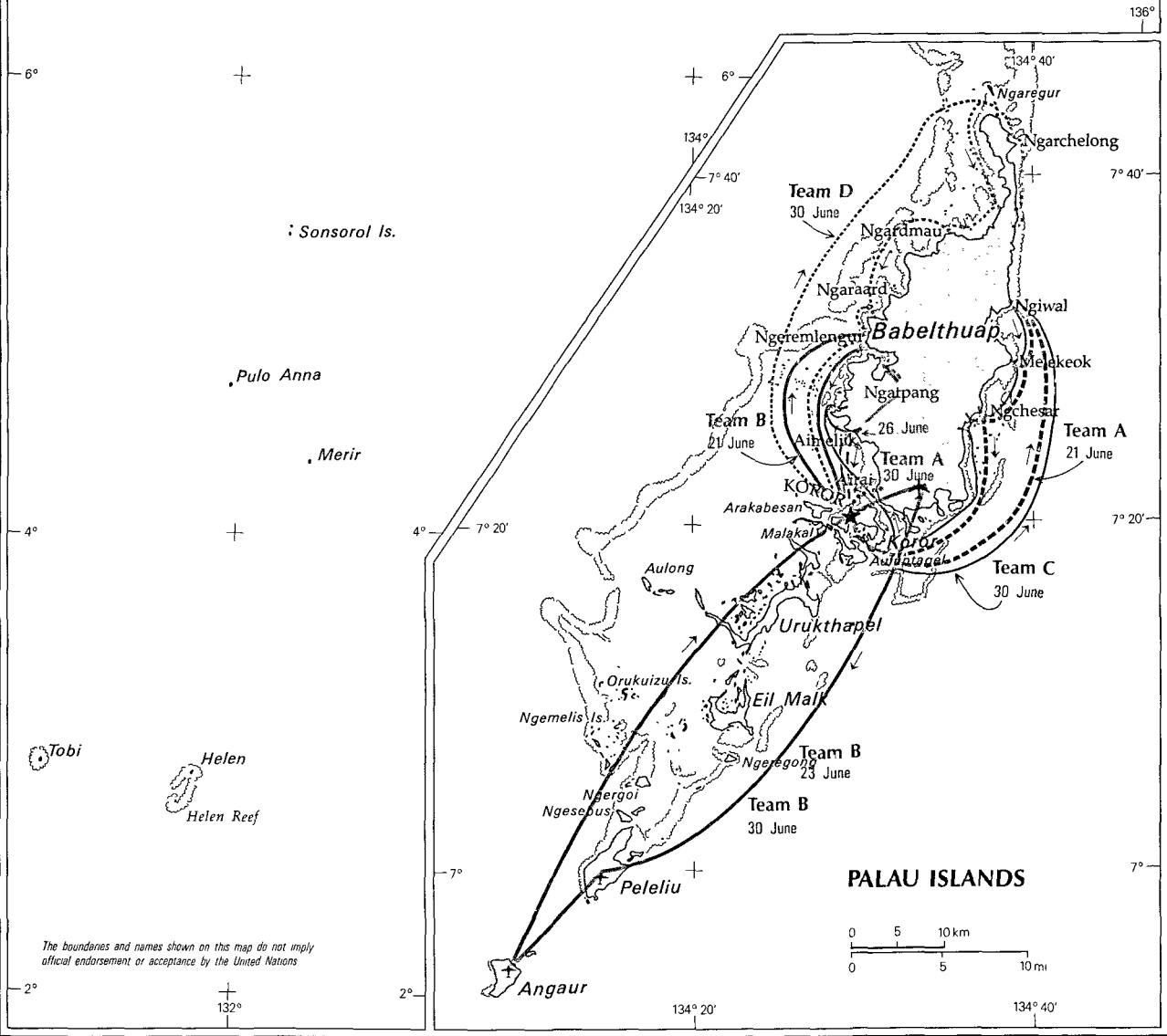
ITINERARY OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU

TRUST TERRITORY OF THE PACIFIC ISLANDS

June-July 1987



NORTH PACIFIC OCEAN



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