



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Summary of Stakeholders' submissions on Palau*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 3 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by other stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Oceania Human Rights (OHR) noted that the government of Palau/Belau has showed a commitment to human rights by ratifying numerous core international human rights treaties. It also noted that despite that impressive record, little was made regarding the important step of implementation, beginning with reporting and then initiating the recommendations into the daily reality of the people. OHR recommended that it is important for Palau to ratify the remaining international instruments.⁴

3. CGNK recommended the authorities of Palau to swiftly ratify the International Covenant on Civil and Political Rights (ICCPR) and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (ICCPR-OP 2).⁵

4. CGNK recommended Palau to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).⁶

5. Parliamentarians for Global Action (PGA) noted that Palau has not signed or ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and that Palau has not implemented any provision on genocide, crimes against humanity or war crimes. PGA recommended Palau to ratify the Convention to demonstrate Palau's commitment to the most fundamental principles of the United Nations and provide a basis

* The present document is being issued without formal editing.



for action by the State to prevent the crime of genocide.⁷ The Center for Global Nonkilling (CGNK) also strongly recommended to the authorities of Palau to urgently ratify the Convention on the Prevention and Punishment of the Crime of Genocide.⁸

6. PGA noted that Palau has not signed nor acceded to the Rome Statute of the International Criminal Court and has not ratified the Agreement on the Privileges and Immunities of the International Criminal Court (APIC). PGA added that Palau signed a Bilateral Non-Surrender Agreement with the United States of America on 3 September 2002, noting that Palau is a staunch military ally of the US, which may constitute an impediment to further progress on the accession to the Rome Statute. PGA recommended Palau to accede to and implement the Rome Statute as such step will not only equip the domestic legislation with tools to address grave human rights violations, but it will also serve to express solidarity with victims of mass atrocity crimes. In addition, it will make a powerful foreign policy statement reaffirming Palau's commitment to the respect of human rights and international justice. Additionally it recommended ratifying the Agreement on Privileges and Immunities of the International Criminal Court.⁹

7. PGA recommended Palau to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.¹⁰

8. OHR recommended Palau to issue an open invitation to all UN Human Rights Council Special Procedures.

9. OHR recommended Palau to immediately call and coordinate with NGOs and universities in the region for a national meeting that will provide the skills and strategies to assist the government to catch up with its responsibilities under international human rights law. It urged Palau to seek experts in the region to assist with acknowledging the future responsibilities of the State to its citizens as it ratifies the remaining international instruments.¹¹

B. National human rights framework¹²

10. OHR noted that although Palau has taken preliminary steps to establish a National Human Rights Institution, the project is not yet finalized. It noted that international cooperation and support in this regard are critical to address and ensure the basic human rights of the people. For instance, the Government's intention to establish a national human rights institution required specialized resources and Palau would be seeking assistance from its partners to realize this. While due to limited capacity in human resources and expertise, it is understandable that Palau continues to seek external technical and funding assistance. As it is committed to fulfilling its human rights obligations, Palau also seeks assistance from the members of the Human Rights Council, which should take into consideration the special circumstances when proposing further recommendations. OHR encouraged Palau to finalize this project and recommended the Government of Palau to establishment of a National Human Rights Institution in line with the Paris Principles and with the full participation of civil society.¹³

11. OHR noted that human rights education is an important means to ensure continued cultural respect. It noted that it is important for Palau to organize and coordinate a creative curriculum that moves beyond the textbooks to culturally based popular education. It called on Palau to use plays and other techniques that transcend traditional education. It asked if Palau will develop a national plan of action for human rights education? It recommended that Palau works with regional and international NGOs to conduct trainings in human rights education and also translate the various international instruments it has ratified into the indigenous languages of its citizens.¹⁴

12. CGNK recommended to all States in the Pacific Region to set up as soon as may be a regional human rights legal mechanism.¹⁵

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Development, the environment, and business and human rights*¹⁶

13. OHR noted that one of the most prominent challenges faced by Palau is climate change, which affected people's livelihood, access to food, water, and property. It encouraged Palau to keep on building relations with stakeholders, regional and international organizations and institutions, and development partners to address climate change.¹⁷

14. OHR noted that in Palau, direct impacts from climate change are expected to include sea-level rise, more extreme weather events, changes in seasonal rainfall, temperature regime changes, and increasing ocean acidification. These direct impacts will have indirect and cumulative impacts on natural and human systems (including human health), and on Palau's economy. In this regard, increasing atmospheric temperatures and saltwater inundation as a result of climate change can bring important negative consequence for the Palauan population provided this can threaten freshwater supplies. It noted that Palau has developed the Climate Change Policy and Action Plan for Climate & Disaster Resilient Low Emission Development, a policy that looks for adapting to impacts of climate change, preparing for and responding to disasters, and contributing to global efforts to reduce greenhouse gas emissions. The vision of this Policy is "Happy, healthy, sustainable and resilient Palauan communities in a changing world," or "A Belau a kldmokl, mesisiich, moduades, e klekar." In 2015, Palau took a great step in improving institutional arrangements for the energy sector Management. It observed that in implementing a recommendation made in the previous cycles, Palau signed into law the Energy Act in order to create an adequate institutional framework that determines the functions and authority required for effective energy administration as outlined in the National Energy Policy 2010. It was also glad to see that Palau submitted in 2015 the Intended Nationally Determined Contribution, which came into effect this year 2020 in order to achieve the objectives of the UN Framework Convention on Climate Change (UNFCCC). In addition to the efforts already made, OHR recommended Palau to take additional measures to fight climate change.¹⁸

15. OHR noted that Palau is one of the countries with the highest CO₂ per capita emissions in the world. It was concerned that Palau's energy economy relies almost completely on fossil fuels and consists of an annual supply of approximately 14.5 million gallons of diesel fuel, and 15.8 million gallons of gasoline. Almost all of Palau's diesel consumption is for power generation, with the rest being used for transport. Most of the diesel consumed for transport is used by fishing vessels and state-owned ferries, with little-used for road transport. OHR recommended the Government of Palau to expand its renewable energy production and use, and diversification to reduce its CO₂ emissions and lower their levels of dependency on imported fuels to improve the security of the existing electricity supply, which also is vulnerable to changes in prices.¹⁹ OHR recommend the Government of Palau to revise the taxes and policies to encourage the import and sale of appliances, vehicles, and boats having the highest energy efficiency; and with development of energy efficiency standards for new buildings and renovations including homes, businesses, and government premises.²⁰

16. OHR noted that the environment is essential to the future of Palau. The spiritual relationship to the land must be reaffirmed by the state through laws and programs that guarantee the right to the land for each community. It urged Palau to focus on the international instruments, such as the UNFCCC and specifically the Nationally Determined Contribution Process in the Paris Agreement. It asked if Palau could explain its national actions to promote and protect the unique relationship to the land and ocean? It also asked if Palau will focus on new ideas and instruments being proposed to hold corporations accountable for pollution and destruction of the environment? OHR recommended Palau to work closely with its citizens to rededicate itself to environmental protection. It also called in Palau to lead in international negotiations regarding climate change. In addition, if Palau will host a National Determined Contribution for Paris Agreement and also the SDGs

Voluntary National Review, as rooted in the human rights framework of participatory and inclusive with all citizens.²¹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status).

Civil society

Individual submissions:

CGNK	Center for Global Nonkilling, Geneva (Switzerland);
OHR	Oceania Human Rights, An Island Initiative for the Promotion and Protection of International Human Rights in the Pacific, Kailua, Hawaii (United States of America);
PGA	Parliamentarians for Global Action, New York (United States of America).

² The following abbreviations are used in UPR documents:

ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/32/11, paras. 104.1–104.28, 104.34, 104.38–104.43, 104.46–104.56, 104.74 and 104.86.

⁴ Oceania Human Rights, page 3.

⁵ The Center for Global Nonkilling, page 7.

⁶ The Center for Global Nonkilling, page 7.

⁷ Parliamentarians for Global Action, page 2.

⁸ The Center for Global Nonkilling, page 7.

⁹ Parliamentarians for Global Action, page 1.

¹⁰ Parliamentarians for Global Action, pages 2-3.

¹¹ Oceania Human Rights, page 3.

¹² For the relevant recommendations, see A/HRC/32/11, paras. 104.57–104.59, 104.60–104.72 and 104.115.

¹³ Oceania Human Rights, pages 2-3.

¹⁴ Oceania Human Rights, page 4.

¹⁵ The Center for Global Nonkilling, page 8.

¹⁶ For the relevant recommendations, see A/HRC/32/11, paras. 104.123–104.125.

¹⁷ Oceania Human Rights, page 3.

¹⁸ Oceania Human Rights, pages 1–2.

¹⁹ Oceania Human Rights, pages 1–2.

²⁰ Oceania Human Rights, page 2.

²¹ Oceania Human Rights, page 4.