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

TRUSTEESHIP COUNCIL

OFFICIAL RECORDS: FIFTY-FOURTH SESSION

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SUPPLEMENT No. 3



UNITED NATIONS

NOTE

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LETTER OF TRANSMITTAL

23 October 1987

Sir,

I have the honour to transmit herewith, in accordance with Trusteeship Council resolution 2187 (S-XVIII) of 13 August 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 Palua, Trust Territory of the Pacific Islands, August 1987.

We wish to take this opportunity to express our sincere thanks to all those who assisted us in carrying out our task. We would like in particular to express our appreciation to the Honourable Lazarus E. Salii, President of Palau, Mr. John O. Ngiraked, Minister of State, Mr. Daiziro Nakamura, Referendum Commissioner, the members of the Referendum Board and the Chairman and members of the Counting and Tabulation Committee. We also wish to express our appreciation for the co-operation extended to us during our visit by the Administering Authority, represented by Ms. Lois Aroian and Mr. Stephen Pruitt of the State Department.

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

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

Accept, Sir, the assurances of my highest consideration.

(Signed) Andrew MURRAY
Chairman

United Nations Visiting Mission
to Observe the Plebiscite in Palau,
Trust Territory of the Pacific Islands,
August 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 eighteenth special session, the Trusteeship Council had before it a letter dated 7 August 1987 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (T/1915). The letter conveyed an invitation to the United Nations Trusteeship Council to observe a plebiscite in Palau scheduled for 21 August 1987 on the Compact of Free Association with the United States of America.
2. At its 1642nd meeting, on 13 August 1987, the Trusteeship Council adopted resolution 2187 (S-XVIII) by 3 votes to 1. By that resolution, the Council decided to send a visiting mission to observe the plebiscite in Palau, which would begin on or about 17 August 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 Fiji, France, Papua New Guinea and the United Kingdom of Great Britain and Northern Ireland. 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 observations of the plebiscite, containing such conclusions and recommendations as it might wish to make.
3. The members of the Mission were:

Mr. Andrew R. Murray (United Kingdom) (Chairman)
Mr. Joseph Browne (Fiji)
Mr. Thiery Terrier (France)
Mr. Frank Iki (Papua New Guinea)
4. The Mission was accompanied by the following members of the United Nations Secretariat: Mr. Girma Abebe, Principal Secretary; Mr. Nour Eddine Driss, Political Affairs Officer; and Mrs. Patricia Jiménez-Pérez, Administrative Officer and Secretary. The Mission was escorted in Palau by Ms. Lois Aroian and Mr. Stephen Pruitt of the Department of State of the United States of America.

CHAPTER II

PALAU AND THE COMPACT OF FREE ASSOCIATION

5. Palau is part of the United Nations Trust Territory of the Pacific Islands. A description of Palau, 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 six referendums or plebiscites, is described in the report of the United Nations Visiting Mission of February 1983. 2/ Amendments to the Compact agreed upon in January 1986 are contained in the report of the United Nations Visiting Mission of February 1986. 3/

CHAPTER III

BACKGROUND TO AND PURPOSE OF THE 21 AUGUST PLEBISCITE

6. Owing to legal complications, the result of the plebiscite of 30 June 1987 on the Compact of Free Association had not at the time of the Mission's visit to Palau been officially certified by the President of Palau. Unofficially, the result showed that, of a total of 8,257 votes cast, 5,574 or 67.5 per cent had been in favour of the Compact, and 2,673 or 32.4 per cent against it. According to the ruling of the Supreme Court of Palau of 16 September 1986, the majority required for approval of the Compact is 75 per cent. Immediately after the 30 June plebiscite, the Government, citing financial difficulties, announced a "furlough", or layoff, of 900 out of a total of about 1,300 government employees.

7. By Public Law No. 2-30 of 19 July 1987 (see annex II to the present report), the Palau National Congress approved the holding on 4 August 1987 of a referendum on an amendment to the Palau Constitution, which, by exempting the Compact from the application of certain sections of the Constitution, would have the effect of altering the majority required for approval of the Compact from 75 per cent to a simple majority. In the event that the amendment were to be approved on 4 August, Public Law No. 2-30 would provide for the holding of a further referendum on the Compact of Free Association on 21 August. The 4 August referendum resulted in approval of the proposed amendment by 73.3 per cent of those voting.

8. Prior to the 4 August referendum, the constitutionality of Public Law No. 2-30 was challenged in the Palau Supreme Court. The Chief Justice declined to grant an injunction against the holding of the 4 August referendum but "retained jurisdiction over the matter until its final disposition".

9. On 10 August 1987, a similar motion was presented in the Supreme Court for a preliminary injunction against the holding of the 21 August referendum. On 12 August 1987 the President of Palau issued Executive Order No. 60, (see annex III to the present report) ordering the holding of the 21 August referendum on the Compact in accordance with the applicable provisions of Public Law No. 2-30 and the election laws of Palau. On 18 August, the Chief Justice ruled on the motion for a preliminary injunction: while the plaintiffs' motion was denied, the Chief Justice ruled that the votes to be cast on 21 August should not be counted or tabulated until the issuance of a further order of the Court. The Attorney-General of Palau appealed this ruling. On 20 August, the Chief Justice issued an oral ruling to the effect that the voting, counting and tabulation should all take place in the normal manner. It was understood that the Court's decision on the constitutionality of the amendment of 4 August to Public Law No. 2-30 remained pending.

10. The decision of the Trusteeship Council to send a visiting mission to observe the 21 August plebiscite was taken on 13 August, in response to an invitation from the Government of Palau supported by the Administering Authority (see para. 2). The legal uncertainties related above led to the postponement of the departure of the Visiting Mission for Palau until shortly before the polling day. The Mission's

arrival in Palau on 20 August left only limited time for it to call on officials before the voting began. However, the Mission did call on the President and also met with the Minister of State, the Referendum Commissioner and a number of other officials and community leaders. It was not possible for the Mission to assess the nature and effectiveness of the political education programme, which had been conducted prior to its arrival, or to hold public meetings as some previous visiting missions had done.

CHAPTER IV

THE POLL

11. The poll was conducted on the basis of Public Law No. 2-30 and the rules and regulations for the referendum issued on 10 August 1987. As in recent referendums, Palauans were permitted to vote at any polling place and to register and vote on the spot, if necessary. The referendum officials at each polling place held a register of previous voters in the precinct as well as a computerized national master list. All voters were required to sign either the precinct register if they were local voters, or a separate list if they were voters from other areas (voters at other polling places - VAPP). Unregistered voters were required to swear an affidavit before casting their vote, their entitlement to vote being checked at the counting stage.

A. Polling in Palau

12. On polling day in Palau, the Mission was divided into four separate teams in order to be able to visit as many of the polling stations as possible. One team visited the capital, Koror, and the neighbouring state of Airai, a second visited Anguar and Peleliu (by air), and two teams covered the east and west coasts of Babelthuap (by boat). A total of 30 out of 43 polling places were covered, many of them two or more times. The stipulations of the rules and regulations for the referendum were generally well observed, as evidenced by the presence of two or three authorized election officials and a policeman on duty, as well as the absence from the immediate neighbourhood of the voting place of campaigners for one side or the other. In many cases, poll watchers from the "yes" and "no" groups were present. In certain places, representatives of the Furlough Committee (composed of government employees laid off since 30 June) were also present. The Visiting Mission members noted the obvious familiarity of most voters with the voting procedures, the practical arrangements made to ensure that voters could mark their ballot papers in secret and the absence of interference in the voting process. The Mission found, however, that at two polling places although the padlock on the ballot-box was closed it was not in fact securing the box latch, so that the box could be opened without difficulty. (In each case, the Referendum Commissioner was called in and the box was properly locked in the presence of a Mission member. At the counting stage, particular attention was paid to the contents of the boxes in question. No irregularities were found.) When voting ended at 7 p.m., members of the Mission were present to observe the closure at the central polling places at Koror.

B. Polling outside Palau

13. In accordance with Public Law No. 2-30 and with the Executive Order No. 60, polling places and dates were established outside Palau as follows:

Guam	15 August, Saturday
Saipan	20 August, Thursday
Truk	15 August, Saturday
Pohnpei	15 August, Saturday
Marshall Islands (Majuro)	15 August, Saturday
Yap	16 August, Sunday
Honolulu	15 August, Saturday
Hilo	16 August, Sunday
Susanville, California	17 August, Monday
Fresno, California	14 August, Friday
San Leandro, California	16 August, Sunday
Denver, Colorado	15 August, Saturday
Phoenix, Arizona	18 August, Tuesday
San Diego, California	15 August, Saturday
Los Angeles, California	16 August, Sunday
Monmouth, Oregon	13 August, Thursday
Seattle, Washington	15 August, Saturday
Portland, Oregon	16 August, Sunday
Corsciccana, Texas	16 August, Sunday
Spokane, Washington	18 August, Tuesday

14. It had been the intention of the Visiting Mission to observe the polling in Guam and Hawaii. Unfortunately, it was learned only on 18 August that voting at those locations as well as many others outside Palau had already taken place.

CHAPTER V

COUNTING AND TABULATION OF VOTES

15. Counting and tabulation started at 8.15 p.m. on 21 August and continued until 7.30 p.m. on 23 August. The process was supervised by the Referendum Commissioner. During periodic breaks, the ballot-boxes and their contents were secured by the Commissioner and guarded by the police. Members of the Visiting Mission were present throughout the counting process. Representatives of the "yes" and "no" groups and of the Furlough Committee were also present.

16. The process appeared to Mission members to be carried out methodically and efficiently. Minor irregularities which arose from time to time were resolved satisfactorily by reference to the Referendum Commissioner. Spot checks by Mission members indicated that the safeguards against abuse were operating as intended. Improved procedures allowed the counting and tabulation to be carried out more quickly than on previous occasions. The laborious cross-checking required to guard against possible double voting took time, but did reveal one instance in which an individual had voted twice.

CHAPTER VI

RESULTS OF THE PLEBISCITE

17. The official results of the plebiscite, certified on 29 August 1987 by President Lazarus E. Salii, are as follows:

Total registered voters (TRV)	10 955	
Newly registered voters (NRV)		
(this referendum only)	<u>100</u>	
Total TRV	11 055	
 Total votes cast	8 182	(74.01%)
Total "yes" votes	5 964	(73.04%)
Total "no" votes	2 201	(26.96%)
 Total "void" ballots	10	
Total "blank" ballots	7	
Total "rejected" ballots	22	

18. Thus, of a total of 8,165 valid votes cast, 5,964, or 73.04 per cent, were cast in favour of the Compact, and 2,201, or 26.96 per cent, were cast against. The total of invalid, blank or rejected votes cast was 39.

CHAPTER VII

CONCLUSIONS

19. The 21 August referendum was the third such exercise in a period of seven weeks. While a degree of "ballot-fatigue" might have been expected, the initial signs of a turn-out lower than on the previous occasions were not borne out by the eventual totals. Although the Visiting Mission saw few indications of political activity in the short time available to it prior to the vote, a certain degree of political tension was none the less apparent. It was the Mission's impression that the people were generally well aware of the broad issues involved, particularly the pressing financial problems facing Palau, and that they were familiar with the electoral process.

20. The Mission was acutely aware of the legal uncertainties surrounding the constitutional amendment of 4 August, the subsequent 21 August referendum on the Compact, and the lesser procedural question of whether the voting on 21 August was to be followed immediately by counting and tabulation. These uncertainties created an unsatisfactory situation, the more so in that voting at many locations outside Palau had taken place even before the procedural issue of whether the votes were to be counted had been settled. Despite this, it was the view of the Mission that the poll was carried out in accordance with Public Law No. 2-30 and the related rules and regulations for the referendum. The Mission did not see any evidence of malpractice or of attempts improperly to influence the voters, who were able to cast their votes in secret. The Mission was struck by the manner in which Palauan election practice facilitates maximum participation by the electorate by permitting a voter to vote at any polling place he or she may choose.

21. In the view of the Mission, the counting and tabulation of the votes was carried out with diligence and care, and on this occasion improved procedures speeded up the process. The minor irregularities discovered were resolved quickly and satisfactorily.

22. The Mission was satisfied that the referendum was conducted fairly and in accordance with the rules, and that the results reflected the freely expressed wish 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 MR. ANDREW R. MURRAY, CHAIRMAN OF THE
VISITING MISSION, ON 21 AUGUST 1987

My name is Andrew Murray. I am the Chairman of the United Nations Visiting Mission that has come to observe the plebiscite in Palau today. The Visiting Mission has come as the result of a decision of the Trusteeship Council of the United Nations. It is a pleasure for me and my colleagues to be here. I know that 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 of Great Britain and Northern Ireland, Mr. Thierry Terrier is from France, Mr. Joseph Browne is from Fiji and Mr. Frank Iki 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 "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 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 of America 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 earlier this 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 latest plebiscite on the Compact of Free Association.

We are here to see how the plebiscite is conducted. It is important that you, the people of Palau, understand what the plebiscite is about and understand the question on which you are being asked to vote. We in the Visiting Mission 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. We must see whether the ballot is secret and that no one can know how anybody else votes. 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 all this? First, we met yesterday with the President, members of the Congress and the Plebiscite Commissioner and his staff, among others.

Today, polling day, we shall be visiting as many of the polling stations as possible to see how the voting is conducted. When the votes are counted and the ballots tabulated, we shall observe the process. 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.

We are 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 say thank you for your courtesy and friendliness towards us, and to wish you a happy and prosperous future.

Annex II

REPUBLIC OF PALAU PUBLIC LAW NO. 2-30

SECOND OLBIIIL ERA KELULAU

Eleventh Regular Session, July 1987

RPPL NO. 2-30
(HB No. 2-0139-11, HD3, SD3)

AN ACT

To provide for separate referendums on a proposed amendment to the Constitution pursuant to Article XV, Section 11 of the Constitution, and on the issue of the approval of the Compact of Free Association, as signed on January 10, 1986 by the President of the Republic of Palau and a representative of the Government of the United States and subsequently approved by the United States Congress, to authorize and appropriate funds therefor; and for other purposes.

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

Section 1. Statement of purpose. It is the urgent desire of the people and the Government of the Republic of Palau to terminate its status as a Trust Territory governed by the United States under a Trusteeship Agreement with the United Nations. It is the urgent desire of the people and Government of the Republic of Palau to become a sovereign state in the international community. The termination of the Trusteeship and Palauan sovereignty may be achieved upon the adoption of the Compact of Free Association between the Republic of Palau and the United States of America. The Government of the United States of America has already approved and adopted the Compact of Free Association. The Supreme Court of the Republic of Palau has found the Compact of Free Association to be inconsistent with Article II, Section 3 and Article XIII, Section 6 of the Constitution of the Republic of Palau. The Constitution of the Republic of Palau expressly anticipates the need to amend the Constitution for the purpose of avoiding inconsistency with the Compact of Free Association. In accordance with the amendatory provisions of Article XV, Section 11 of the Constitution of the Republic, an amendment to resolve these inconsistencies shall be proposed to the people of Palau. If such amendment is approved, the issue of the approval of the Compact shall then be submitted to the voters.

Section 2. Constitutional Amendment Referendum.

The Constitutional Amendment Referendum ("the Amendment Referendum") shall be held on August 4, 1987.

(2) The Amendment Referendum Ballot shall be worded as follows:

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

Do you approve the following amendment to the Constitution of the Republic of Palau?

"AMENDMENT

SECTION 1. FOR PURPOSES OF AVOIDING INCONSISTENCIES BETWEEN THE COMPACT OF FREE ASSOCIATION AND ITS SUBSIDIARY AGREEMENTS WITH THE UNITED STATES OF AMERICA AND THE CONSTITUTION OF THE REPUBLIC OF PALAU, ARTICLE II, SECTION 3 AND ARTICLE XIII, SECTION 6 OF THE CONSTITUTION SHALL NOT APPLY TO THE COMPACT OF FREE ASSOCIATION AND ITS SUBSIDIARY AGREEMENTS DURING THE TERM OF SUCH COMPACT AND AGREEMENTS; PROVIDED, HOWEVER, ARTICLE II, SECTION 3 AND ARTICLE XIII, SECTION 6 OF THE CONSTITUTION SHALL CONTINUE TO APPLY AND REMAIN IN FULL FORCE AND EFFECT FOR ALL OTHER PURPOSES; AND PROVIDED FURTHER THAT THE OBLIGATION OF THE UNITED STATES UNDER SECTION 324 OF THE COMPACT OF FREE ASSOCIATION TO NOT USE, TEST, STORE OR DISPOSE OF NUCLEAR, TOXIC CHEMICAL, GAS OR BIOLOGICAL WEAPONS INTENDED FOR USE IN WARFARE AND OTHER OBLIGATIONS OF THE UNITED STATES UNDER THE COMPACT SHALL CONTINUE TO APPLY AND REMAIN IN FULL FORCE AND EFFECT.

SECTION 2. THIS AMENDMENT SHALL ENTER INTO FORCE AND EFFECT IMMEDIATELY UPON ITS ADOPTION."

YES ☐

NO ☐

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

(3) For the amendment proposed herein to be approved, it must receive approval by the majority of the votes cast and in not less than three-fourths of the states, as set forth in Article XV, Section 11 of the Constitution, and shall become an integral part of the Constitution of the Republic of Palau as Amendment One.

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

(5) Any citizen of the Republic of Palau entitled to vote in national or state elections may register to vote in the Amendment 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.

(6) 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 Amendment Referendum, and any qualified person so submitting such an application shall be permitted to cast his vote.

(7) All voting in the Amendment Referendum shall be by secret ballot.

(8) The Amendment Referendum Commissioner shall promulgate rules and regulations governing the conduct of the Amendment Referendum conducted pursuant to this Act. The rules and regulations shall be designed so as to allow for a fair and impartial referendum.

(9) The Amendment Referendum Commissioner shall have the authority to establish polling places outside the territorial jurisdiction of Palau in locations and on dates different from the date of the Amendment Referendum conducted within the Republic of Palau, as he deems necessary. The Amendment Referendum Commissioner may appoint representatives, who may travel among such polling places to supervise the voting thereat. The Amendment Referendum Commissioner shall promulgate rules and regulations governing the conduct of such polling places.

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

(11) 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.

(12) 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 Amendment Referendum Commissioner no later than the day before the date of the Amendment Referendum. The absentee ballots shall be mailed or delivered to the Amendment Referendum Commissioner no later than the established closing hour of the referendum election on the day selected for the Amendment 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 Amendment Referendum Commissioner no later than seven days after the date selected for the Amendment Referendum.

(13) 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 Procedures Act") of the Palau National Code are hereby suspended to the extent that they are inconsistent with this Act until the results of the Amendment Referendum are duly certified by the President of the Republic of Palau, for the purpose of this Act only.

(14) The Amendment Referendum Commissioner shall certify the election vote count no later than 10 days after the day of the Amendment Referendum.

(15) There shall be a period of Political Education regarding the proposed Constitutional Amendment commencing on the effective date of this bill and continuing until the day preceeding the Amendment Referendum, inclusive.

(16) 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.

(17) Each member of the Committee shall serve until the date of the referendum authorized by this Act is conducted. The members shall be compensated at the rate of twenty (\$20) dollars per diem, plus actual related expenses.

(18) The Committee shall organize, supervise and oversee a political education program on the proposed amendment to the Constitution. 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 significance of the proposed amendment, so as to enable the people to make an informed choice in the Amendment Referendum. 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 proposed amendment and explanatory materials.

(c) Travel within and outside of the Republic; and

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

(19) 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 Amendment Referendum, accounting for all sums expended. Any funds authorized and appropriated by this Act for the

purposes of conducting the Amendment Referendum and related political education which remain unobligated or unexpended as of thirty days after the referendum shall lapse and revert to the National Treasury.

Section 3. Referendum on the Compact of Free Association. If the referendum provided for by Section 2 of this Act results in the approval of the proposed constitutional amendment, a referendum on the Compact of Free Association ("Compact Referendum") shall be held on August 21, 1987.

(1) The ballot for the Compact Referendum 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 AIRCRAFT 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.

(2) For the Compact of Free Association to be approved, the ballot proposal set forth above must receive the approval of a majority of the valid votes cast.

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

(4) Any citizen of the Republic of Palau entitled to vote in national or state elections may register to vote in the Compact 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.

(5) 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 Compact Referendum, and any qualified person so submitting such an application shall be permitted to cast his vote.

(6) All voting in the Compact Referendum shall be by secret ballot.

(7) The Compact Referendum Commissioner shall promulgate rules and regulations governing the conduct of the Compact 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.

(8) The Compact Referendum Commissioner shall have the authority to establish polling places outside the territorial jurisdiction of Palau in locations and on dates different from the date of the Compact Referendum conducted within the Republic of Palau, as he deems necessary. The Compact Referendum Commissioner may appoint representatives, who may travel among such polling places to supervise the voting thereat. The Compact Referendum Commissioner shall promulgate rules and regulations governing the conduct of such polling places.

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

(10) 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.

(11) 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 Compact Referendum Commissioner no later than the day before the date of the Compact Referendum. The absentee ballots shall be mailed or delivered to the Compact Referendum Commissioner no later than the established closing hour of the Compact Referendum election on the day selected for the Compact Referendum, provided that, if mailed, it should be postmarked no later than the day of the Compact Referendum. In order to be valid, an absentee ballot must be received by the Compact Referendum Commissioner no later than seven days after the date selected for the Compact Referendum.

(12) 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 Procedures Act") of the Palau National Code are hereby suspended to the extent that they are inconsistent with this Act until the results of the Compact Referendum are duly certified by the President of the Republic of Palau, for the purpose of this Act only.

(13) The Compact Referendum Commissioner shall certify the election vote count no later than 10 days after the day of the Compact Referendum.

(14) Any substantive change made by the United States Congress to the Compact and its Subsidiary Agreements subsequent to the Compact Referendum will require approval in accordance with the Constitutional processes of the Republic.

Section 4. Authorization and appropriation. There is hereby authorized and is appropriated the sum of \$75,000.00 from the National Treasury, \$50,000 of which shall be administered by the Amendment Referendum Commissioner exclusively to fund the Amendment Referendum, and

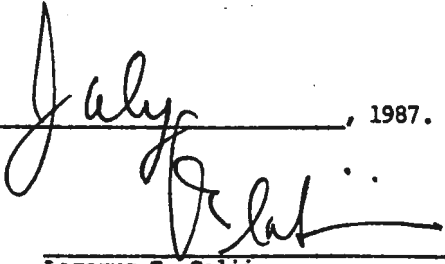
\$25,000 of which shall be administered by the Political Education Committee to carry out their duties as set forth in this Act. There is also authorized the sum of \$50,000.00 from the National Treasury to be administered by the Compact Referendum Commissioner exclusively to fund the Compact Referendum, the appropriation of such sum to be conditional and become effective upon the certification by the Amendment Referendum Commissioner that the constitutional amendment proposed by this Act has been approved.

Section 5. Release of funds. If the referendums result in the approval of the proposed amendment to the Constitution and 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 the approval of the Compact of Free Association.

Section 6. 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: July 19, 1987

Approved this 19 day of July, 1987.


Lazarus E. Salii
President of the Republic

Annex III

EXECUTIVE ORDER NO. 60 OF 12 AUGUST 1987



Lazarus E. Salii
President

REPUBLIC of PALAU
Office of the President

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

EXECUTIVE ORDER NO. 60

SETTING FORTH DATES FOR THE REFERENDUM
ON THE COMPACT OF FREE ASSOCIATION;
ESTABLISHING REFERENDUM EDUCATION COMMITTEE;
AUTHORIZING EXPENDITURES OF FUNDS RELATING THERETO,
AND PRESCRIBING THE REFERENDUM BALLOT

WHEREAS, the Republic of Palau and the United States of America, through their respective representatives, signed on January 10, 1986 the Compact of Free Association and its related subsidiary agreements, subsequently amended by the United States of America; and

WHEREAS, the Congress of the United States has approved the Compact of Free Association and passed it into law and the governments of the United States and the Republic of Palau have signed the Compact of Free Association; and

WHEREAS, by RPPL No. 2-30, the Olbiil Era Kelulau has called for another referendum on the Compact of Free Association and RPPL No. 2-30 became law on July 19, 1987; and

WHEREAS, RPPL No. 2-30 has been brought into question on the issue of its constitutionality and the lawfulness of the Constitutional Amendment sought thereunder; and

WHEREAS, in view of the financial constraints imposed on the Republic of Palau it is in the best interests of the general public that the referendum be held as soon as possible;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the Republic of Palau, I hereby proclaim and order that:

1. The referendum on the Compact of Free Association and its subsidiary agreements be held on Friday, August 21, 1987 within the Republic of Palau and without the Republic on such days to be determined by the Referendum Commissioner or his Representative not later than August 21, 1987, and conducted in accordance with applicable provisions of RPPL No. 2-30 and the election laws of the Republic of Palau applicable to this referendum;

2. There is hereby established a referendum commission, under the direction of Daiziro Nakamura whom I hereby designate as the Referendum Commissioner. The Commissioner shall establish the duties of the commission and is authorized to conduct the election in accordance with applicable laws of the Republic of Palau.

3. The Director of the National Treasury is hereby authorized to reprogram up to \$50,000.00 from the National Treasury, to be administered by the Compact Referendum Commissioner for the purpose of funding the Compact Referendum.

4. The plebiscite ballots 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 AIRCRAFT WITHIN THE JURISDICTION OF PALAU?

YES

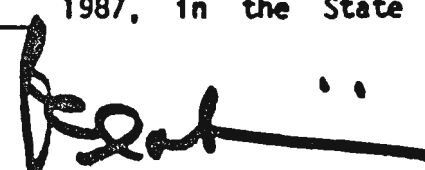
☐

NO

☐

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

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my seal this 12 day of August 1987, in the State of Koror; Republic of Palau.



Lazarus E. Salif
President

OFFICIAL BALLOT

REPUBLIC OF PALAU
REFERENDUM
ON THE
COMPACT OF FREE ASSOCIATION
AUGUST 21, 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 LOBENGKEL A MERIKEL, LULECHOLT RA CHELSEL A COMPACT OF FREE ASSOCIATION, EL BIEL SAING ER NGII ER SERA JANUARY 10, 1986, EL MO ULDIMUKL RA 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 DIALL MA SKOKI LOU KLEKEDALL MALECHUB ENG OUCHELUCH A NUCLEAR RA KERENSEL BELAU?

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

Mliang a tengetang (X) malechub eng ditara olangch
ra cheser a tal kahol.

YES
CHOI

☐

NO
DIAK

☐

Annex V

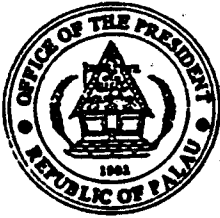
WRITTEN COMMUNICATIONS RECEIVED BY THE VISITING MISSION*

1. Letter dated 18 August 1987 from Ms. Susan Quass, Resource Co-ordinator for Asia and the Pacific, addressed to the Visiting Mission.
2. Letter dated 22 August 1987 from Dr. Minoru F. Ueki addressed to the members of the Visiting Mission.

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

Annex VI

PRESIDENTIAL PROCLAMATION NO. 41-87 CERTIFYING
THE OFFICIAL RESULTS OF THE PLEBISCITE



Lazarus E. Salii
President

REPUBLIC of PALAU
Office of the President

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

Presidential Proclamation No. 41-87

CERTIFYING OFFICIAL RESULTS OF THE PLEBISCITE ON THE
COMPACT OF FREE ASSOCIATION HELD ON
AUGUST 21, 1987

WHEREAS, the Second Olbil Era Kelulau on July 19, 1987, passed Republic of Palau Public No. 2-30 authorizing a vote on a Constitutional Amendment and a subsequent vote on the Compact of Free Association; and

WHEREAS, pursuant to RPPL No. 2-30, Section 2, a Constitutional Amendment Referendum was held on August 4, 1987, and the results counted and tabulated; and

WHEREAS, said Constitutional Amendment was carried and approved by a majority vote in at least three-fourths of the States of the Republic of Palau; and

WHEREAS, by Presidential Proclamation No. 40-87, on the 12th day of August 1987 these results were certified to the people of Palau; and

WHEREAS, in accordance with Section 3 of Republic of Palau Public Law No. 2-30, a referendum on the Compact of Free Association with the United States was held on August 21, 1987; and

WHEREAS, under Section 3 of Republic of Palau Public Law No. 2-30 only a majority vote of the people of Palau to approve the Compact is required as a consequence of the Constitutional Amendment; and

WHEREAS, the Referendum Commissioner certified on the 29th day of August, 1987, that 73.04% of the total votes cast voted in favor of the Compact of Free Association;

NOW THEREFORE, I do hereby certify that said Compact was approved by a majority of the voters in a referendum on the Compact as follows:

TOTAL REGISTERED VOTERS.....	10,955
NRV (Newly Registered Voters, this Referendum only).....	<u>100</u>
TOTAL TRV.....	11,055

PRESIDENTIAL PROCLAMATION 41-87
PAGE 2

TOTAL VOTES CAST.....	8,182	74.01%
TOTAL "YES" VOTES.....	5,964	73.04%
TOTAL "NO" VOTES.....	2,201	26.96%
 TOTAL "VOID" BALLOTS.....	 10	
TOTAL "BLANK" BALLOTS.....	7	
TOTAL "REJECTED" BALLOTS.....	22	

And I do further certify that the Compact was approved by the Government of Palau in accordance with its Constitutional processes.

SO CERTIFIED this 29 day of August, 1987.



Lazarus E. Salii
President

Annex VII

LIST OF PEOPLE MET

Executive branch

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

Legislative branch

House of Delegates

Delegate Shiro Kyota, Vice-Speaker
Delegate Hideo Tell, Chairman, Committee on Foreign Affairs

Senior plebiscite officer

Mr. Daiziro Nakamura, Referendum Commissioner

Council of Chiefs

Ibedul Yutaka M. Gibbons, High Chief and Administrator of Koror State
(Chairman of the Council of Chiefs)

Others

Mr. Tosiwo Nakamura, Special Assistant to the Administrator of Koror State

Annex VIII

ITINERARY OF THE VISITING MISSION

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
18 August 1987	Honolulu	Arrived from New York
19 August		Departed by air for Guam (crossed international date-line)
20 August	Guam	Arrived from Honolulu
		Departed by air for Palau
	Koror, Palau	Arrived from Guam
		Met with the Minister of State
		Paid a courtesy call on the President of Palau
		Met with the Referendum Commissioner and others
		Observed preparations and arrangements for polling day
21 August	Koror	The Mission formed four teams: A, B, C and D
		<u>Team A</u>
		Observed polling places in Koror and Airai
		<u>Team B</u>
		Departed by air for Angaur and Peleliu
		Observed polling places in Angaur and Peleliu
		<u>Team C</u>
		Departed by boat for Eastern Babelthuap
		Observed polling places in: Ngiwal; Melekeok; Ngchesar, Ngerngesang (Ngchesar State)

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
		Continued its boat trip and observed polling places in Western Babelthuap, Ngerkeai (Mongami), Nchemiangel (Aimeliik State)
		<u>Team D</u>
		Departed by boat for Western Babelthuap
		Observed polling places in: Mengellakl, Iyebukel (Ngarchelong State); Imeong, Ngermetengel (Ngeremlengui State); and Ngatpang
21 August	Koror	Mission observed counting and tabulation of votes
22 August	Koror	Mission observed counting and tabulation of votes
23 August	Koror	Mission observed counting and tabulation of votes
24 August	Koror	Mission met with the President of Palau
25 August		Mission departed by air for Guam, Honolulu and New York

6°

4°

2°

Sonsorol Is.

Pulo Anna

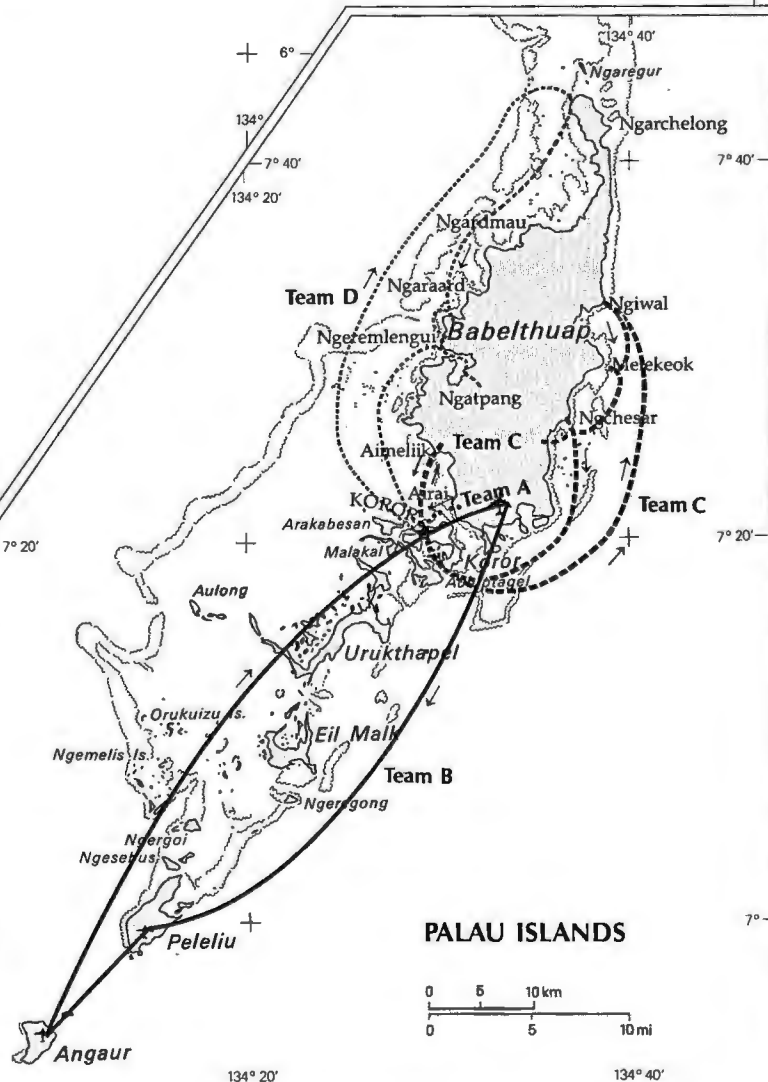
Merir

Tobí

Helen

Helen Reef

The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.



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