

Repertory of Practice of United Nations Organs
Supplement No. 8
(Revised advance version, to be issued in volume V of Supplement No. 8 (forthcoming) of the
Repertory of Practice of United Nations Organs)
Volume V

ARTICLE 76

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TEXT OF ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote 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, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

INTRODUCTORY NOTE

1. During the period under review, the Trusteeship Council primarily focused its attention on the only remaining Trust Territory of the Pacific Islands, Palau (“Trust Territory” or “Palau”). The Trusteeship Council also considered the objectives of the trusteeship system as set out in Article 76, mainly the self-determination objectives contained in sub-paragraph “b” of the Article.
2. Upon the termination of the Trusteeship of Palau in 1994, the Trusteeship Council amended its rules of procedure and ceased operating.

GENERAL SURVEY

Article 76(a)

3. During the period under review, the General Assembly adopted resolutions requesting the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (“the Special Committee”) and the Administering Powers, “to make concrete suggestions to assist the Security Council in considering appropriate measures under the Charter with regard to developments in colonial Territories that are likely to threaten international peace and security.”¹

4. The Trusteeship Council took note of statements made by the Administering Authority in 1990, 1992, 1993, and 1994, that, while it remained responsible for Palau’s defense, it had no plans to establish military bases in Palau.²

Article 76(b)

Action in the Trusteeship Council

5. During the period under review, the Trusteeship Council, at the request of the Administering Authority for Palau, the United States,³ dispatched four Visiting Missions to Palau in 1989, 1990, 1992 and 1993,⁴ to observe the conditions in Palau in pursuit of the fulfillment of the objectives of Article 76.⁵ The objectives of the Visiting Missions were: to obtain information concerning political, economic and social

¹ A/RES/44/101, OP 11(b); A/RES/45/34, OP 12 (b); A/RES/46/71, OP 12 (b); A/RES/47/23, OP 12 (b); A/RES/48/52, OP 10 (b); A/RES/49/89, OP 10 (b).

² S/22212, para. 91; T/PV.1680,p.13; S/23554, para. 111(9).; T/L.1293, para. 8; T/PV.1704, p.10.

³ T/1928; T/1929; T/1940; T/1960; T/1974; T/1975; T/1976T/L.1293.

⁴ T/RES/2190(S-XIX); T/RES/2192(S-XX);T/RES/2194; T/RES/2196 (LX).

⁵ T/PV.1659; T/PV.1673; T/PV.1701; T/PV.1702.

development in Palau,⁶ to observe the plebiscites of 1990⁷ and 1993,⁸ and to supervise the bringing into effect of the proposed Compact of Free Association with the United States (“Compact”).

6. The Trusteeship Council considered reports of the visiting missions to Palau⁹ and expressed its appreciation of the work accomplished by the missions on its behalf.¹⁰ At its sixty-first session in 1993, the Trusteeship Council welcomed the holding of a final plebiscite in Palau on the Compact of Free Association with the United States of America, on 9 November 1993.¹¹ In response to the result of the plebiscite, the Trusteeship Council adopted resolution 2199 (LXI),¹² by which it noted that the people of Palau had freely exercised their right to self-determination and had chosen free association with the United States.

7. The Trusteeship Council in its resolution 2199 (LXI)¹³ requested that the Government of the United States and the Government of Palau agree on a date, on or about 1 October 1994, for the full entry into force of the Compact of Free Association, and to inform the Secretary-General of that date. In that resolution, the Trusteeship considered that the Government of the United States had satisfactorily discharged its obligations as the Administering Authority of Palau, under the terms of the Trusteeship Agreement and that it was appropriate for that Agreement to be terminated, as agreed upon by the two Governments.¹⁴

8. On 17 October 1994, the United States informed the Secretary-General that, as a consequence of consultations held between the United States Government and the

⁶ T/PV.1660; T/1964; S/20843.

⁷ T/L. 1272; T/RES/2192 (S-XX).

⁸ T/RES/2197 (LX).

⁹ T/1935; T/1942; T/1964; T/1978.

¹⁰ T/RES/2191 (LVI); T/RES/2193 (LVII); T/RES/2195; T/RES/2198 (LX).

¹¹ T/RES/2197(LX).

¹² T/RES/2199(LXI); S/1994/671; T/L.1291; T/L.1293.

¹³ T/RES/2199(LXI), para.2.

¹⁴ T/RES/2199(LXI), para.3.

Government of the Republic of Palau, the Compact of Free Association with the Republic of Palau had fully come into force on 1 October 1994.¹⁵

Action in the General Assembly

9. During the period under review, the General Assembly took up the issue of attainment of self-government or independence by the Trust Territories and passed resolutions noting that the Trusteeship Council considered the issue of the attainment of self-government or independence by the Trust Territories and the situation in the Trust Territories with regard to the implementation of The Declaration.¹⁶

10. In November 1990, the General Assembly commemorated¹⁷ the thirtieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples (“The Declaration”)¹⁸ and reaffirmed that “all administering Powers are obliged, under the Charter and in accordance with the Declaration, to create economic, social and other conditions in the territories under their administration which will enable them to achieve genuine independence and economic self-reliance.”¹⁹

11. The General Assembly also continued to request the Special Committee to pay special attention to the small island Territories, in particular through the dispatch of visiting missions to those Territories.²⁰

Action in the Security Council

12. In December 1990, the Security Council considered the proposed partial termination of the Trusteeship Agreement for the Trust Territory of the Pacific

¹⁵ S/1994/1200; T/1985.

¹⁶ A/RES/44/85; A/RES/47/82; A/RES/47/83; T/L.1285.

¹⁷ A/RES/45/33.

¹⁸ A/RES/1514 (XV).

¹⁹ A/RES/45/33, OP 12.

²⁰ A/RES/44/101; A/RES/45/18; A/RES/47/186; A/RES/48/52; A/RES/49/89.

Islands.²¹ Papua New Guinea²² and the South Pacific Forum²³ (the latter's view represented in a letter from Vanuatu) recommended to the Security Council the early termination of the Trusteeship Agreement in respect of the Northern Mariana Islands, the Federal States of Micronesia and the Republic of the Marshall Islands. The Northern Mariana Islands and Palau requested the exclusion of the Northern Mariana Islands from the termination of the Trusteeship Agreement.²⁴

13. On 22 December 1990, the Security Council expressed its satisfaction that the peoples of the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands had freely exercised their right to self-determination in approving their respective new status agreements. The Council adopted resolution 683,²⁵ by which it determined that, in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands, the objectives of the Trusteeship Agreement had been fully attained, and that the applicability of the Trusteeship Agreement had terminated with respect to those entities.²⁶ The Security Council terminated the Trusteeship Agreement with respect to three of the four entities of the Trust Territories of the Pacific Islands: the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands. In its annual report to the Security Council, the Trusteeship Council welcomed the adoption of Security Council resolution 683.²⁷

14. In 1991, the Security Council admitted the Federated States of Micronesia²⁸ and the Marshall Islands²⁹ as new members of the United Nations.

²¹ S/22008.

²² S/22007.

²³ S/22009.

²⁴ S/22034.

²⁵ S/RES/683.

²⁶ S/RES/683 (the preamble).

²⁷ S/23554.

²⁸ S/RES/703.

²⁹ S/RES/704.

15. On 10 November 1994, the Security Council unanimously adopted resolution 956, by which it expressed its satisfaction that “the people of Palau have freely exercised their right to self-determination in approving the new status agreement in a plebiscite observed by a visiting mission of the Trusteeship Council and that, in addition to this plebiscite, the duly constituted legislature of Palau has adopted a resolution approving the new status agreement, thereby freely expressing their wish to terminate the status of Palau as a Trust Territory” and that the Security Council determined, “in the light of the entry into force on 1 October 1994 of the new status agreement for Palau, that the objectives of the Trusteeship Agreement have been fully attained, and that the applicability of the Trusteeship Agreement has terminated with respect to Palau.”³⁰ The President of the Security Council made a statement underlining the historic importance of the resolution for the efforts to bring self-determination to the Trust Territories.³¹

16. Palau was admitted as a member to the United Nations in January 1995.³² Thus, the objectives of self-determination as set out in Article 76(b) were achieved and the Trusteeship Council had completed its mandate under the Charter of the United Nations.

Article 76(c)

17. From 1989 through 1992, the Trusteeship Council continued to consider the agenda items “Co-operation with the Committee on the Elimination of Racial Discrimination” and “Second Decade to combat Racism and Racial Discrimination.”³³ However, in 1993, the Trusteeship Council decided to conclude this consideration³⁴ and excluded the item from its final agenda in 1994.³⁵

ANALYTICAL SUMMARY

³⁰ S/RES/956; S/1994/1234; S/1994/1264.

³¹ S/PRST/1994/73.

³² A/RES/49/63; A/AC.109/PV.1441.

³³ S/20843; S/22212; S/25261; S/23554.

³⁴ S/1994/346; T/PV.1699.

³⁵ S/1994/1400.

Article 76(a)

Nuclear Issues

18. At the fifty-sixth session of the Trusteeship Council in 1989 and the fifty-eight session in 1991, the representative of the Union of Soviet Socialist Republics referred to the concern of the Palauan people regarding nuclear weapons and materials in the Territory of Palau.³⁶ It also noted that the provisions relating to nuclear activities in the Compact, which would have allowed the Administering Authority to operate nuclear-powered vessels in Palauan waters, were in conflict with the “anti-nuclear provisions”³⁷ of Palau’s Constitution.

19. In a meeting on 26 March 1992 with a visiting mission of the Trusteeship Council, the President of Palau indicated that Palau and the United States had negotiated possible modifications to the Compact during the fifty-ninth session of the Trusteeship Council in 1992, including a Palauan proposal to separate nuclear provisions from the rest of the Compact, to pave the way for the approval of the Compact by a simple majority, (see para. below). However, in the opinion of the United States the nuclear clause was an integral part of the Compact and could not be removed from it.³⁸

20. On 14 April 1992, petitioners requested the President and leaders of the Palau National Congress to amend the Constitution so that the Constitution and its nuclear provisions could be approved by a simple majority. In August 1992, Palau enacted legislation providing for a referendum to amend the Constitution to lower the percentage of votes required for the approval of the Compact from 75 per cent to 51 per cent. In the referendum held on 4 November 1992, the amendment was passed by a vote of 61.8 per cent in favor.³⁹ However, in 1992 and 1993 lawsuits were instituted in

³⁶ S/20843; S/23554.

³⁷ S/20843, para.86.

³⁸ T/1964, para.34.

³⁹ S/1994/346.

Palauan Courts, as well as in a Honolulu Court, which challenged the validity of the amendment to the Constitution.⁴⁰

21. At the 1702nd meeting of the Trusteeship Council in November 1993, the United States delegate referred to the letter dated 29 October 1993, from the President of Palau addressed to the United States Government, which indicated that the Appellate Division of Palau's Supreme Court had reaffirmed the Trial Court's decisions of October 1992 and July 1993. In the October 1992 decision the Court had held that the amendment to the Constitution by a popular initiative had been appropriately taken and in the July 1993 decision the Court had held that the voters "were neither confused nor misled by the ballot language of the constitutional amendment initiative and that they had been adequately informed of the substance of the amendment."⁴¹

22. On 1 November 1993 the Trusteeship Council adopted resolution 2197(LX)⁴², dispatching a mission to Palau to observe the plebiscite of 9 November 1993. The plebiscite resulted in 68 per cent of the votes being cast in favor of the Compact.⁴³

Article 76(b)

Partial Termination of Trusteeship Agreement for the Trust Territory of the Pacific Islands

23. During the period under review the Trusteeship Council discussed its powers under the Charter to terminate the Trusteeship Agreements for the Trust Territory of the Pacific Islands.

24. At the nineteenth special session of the Trusteeship Council, held on 16 and 17 March 1989, the United States representative recalled that by its resolution 2183 (LIII)

⁴⁰ T/PV.1704, para. 101.

⁴¹ S/1994/346.

⁴² T/RES/2197 (LX), paras.1 and 3.

⁴³ T/1978, paras. 40 and 41.

1986,⁴⁴ the Council had concluded that the Administering Authority had satisfactorily discharged its obligations under the terms of the Trusteeship Agreement⁴⁵ and that it would be appropriate to terminate that agreement upon the entry into force of the Compacts of Free Association in the case of the Federated States of Micronesia and the Marshall Islands and the Commonwealth Covenant in the case of the Northern Mariana Islands.⁴⁶ At the fifty-sixth session the representative of the Union of Soviet Socialist Republics expressed the opposing view, indicating that the Administering Authority's policy and actions were not consonant with its international obligations and that the trusteeship goals remained far from being achieved.⁴⁷ In its opinion, the Compacts and the Commonwealth status imposed upon the Micronesian people were illegal and contrary to international law. The delegate stressed that the termination of the Trusteeship Agreement would be an alteration of status, and that under the Charter, the Trusteeship Council could not make recommendations on the status of the Territory, as the Security Council held that right exclusively.⁴⁸

25. As described in para. 13, the Security Council considered the matter in December 1990 and determined that, the objectives of the Trusteeship Agreement had been fully attained, and that the Trusteeship Agreement was terminated with respect to those entities.⁴⁹

Self-Determination of the Trust Territory of Palau

26. During the period under review, the issue of whether the political, social and economic conditions in Palau were satisfactory under the Trusteeship Agreement and were advanced enough to support self-determination was the subject of discussions in the Trusteeship Council.

⁴⁴ T/RES/2183 (LIII).

⁴⁵ T/PV.1659, p.21.

⁴⁶ T/1759.

⁴⁷ T/PV.1669, p.17.

⁴⁸ S/20843, para 62.

⁴⁹ S/RES/683, the preamble.

27. In the course of discussions the representative of the Administering Authority held the view that conditions were sufficient for self-determination of Palau. In the nineteenth special session, as well as the fifty-sixth and the sixty-first sessions of the Trusteeship Council, the United States representative noted that the Trusteeship Council had long acknowledged that the United States had satisfactorily discharged its obligations under the terms of the Trusteeship Agreement.⁵⁰ During the fifty-seventh session in 1990, the United States representative re-asserted that there was no objective standard of economic development that must be achieved before the Trusteeship Agreement could be terminated⁵¹. He also recalled that in its resolution 2183 (LIII),⁵² the Trusteeship Council had declared that Palau, as well as “the other elements of the Trust Territory”,⁵³ was ready to assume self-government.⁵⁴

28. The Special Representative for Palau expressed an opposing view in the discussions during the fifty-sixth session of the Council, held from 15 May to 1 August 1989. The Special Representative claimed that Palau was fundamentally dissatisfied with the accomplishments under the trusteeship of the United States and that Palau’s economic development had not advanced to anywhere near the self-sufficiency called for by the Trusteeship Agreement. The Special Representative considered it unfair to put the Compact to a vote before the Administering Authority had met its trusteeship obligations.⁵⁵

29. During the period under review, the Trusteeship Council also discussed certain actions of the Administering Authority with a view to assessing whether they were impeding progress toward self-government. In particular, the Administering Authority’s Department of the Interior’s Secretarial Order No. 3142, issued on 15 October 1990, by which an official of the Department of Interior was to be stationed in Palau to report directly to the United States, was the subject of the discussion during the

⁵⁰ T/RES/2183 (LIII), para. 3; S/20843, p.22; T/PV. 1659, p.16; T/PV.1661, p.14-15; T/PV. 1668, p. 2; S/22212, para. 12; T/PV.1705, p. 1 and 4.

⁵¹ T/PV.1680, p.16; S/22212, paras. 93 and 97.

⁵² T/RES/2183 (LIII).

⁵³ S/23554, para 87.

⁵⁴ S/23554, para. 87; T/PV.1686, p.22.

⁵⁵ S/20843, paras. 19 and 24; T/PV. 1661, p. 22.

fifty-eighth session, and later during its sixtieth session, convened from May 1993 to January 1994.⁵⁶

30. At the 1683rd meeting of the Trusteeship Council, held on 3 May 1991, the Representative of Palau expressed the view that Secretarial Order No. 3142 amounted to a usurpation of certain constitutional powers of the Government of Palau and was thus delaying its progress towards self-government.⁵⁷ However, the United Kingdom delegation believed that the introduction of the Order had been necessary for the Administering Authority to fulfill its obligations to the Trust Territory.⁵⁸ Likewise, the Administering Authority asserted that the primary goal of the Order, which had been issued only after several meetings with the Palauan leadership, was to help the Trust Territory restore its fiscal credibility and to enable the United States to carry out its trusteeship responsibilities in a more effective manner.⁵⁹

31. During the same period, the Trusteeship Council examined the methods selected to promote economic development in the Trust Territory. At the fifty-sixth and the fifty-eighth sessions of the Trusteeship Council, the Special Adviser to the Administering Authority expressed the view that while both the United States and the Government of Palau were concerned with establishing a fair procedure for the continuation of development of the Trust Territory, it was for the Palauans themselves to decide on issues such as development priorities, protection of culture and the environment, placement of physical infrastructure and financing through fees and other charges on developers. By helping Palau bring these issues to a national debate, the Administering Authority was providing the Trust Territory with the best possible tools for promoting private sector economic development and protecting its culture, environment and quality of life.⁶⁰ At the fifty-seventh and the sixtieth sessions of the Council the representative of the Administering Authority described the economic

⁵⁶ S/23554, paras.32 and 37; S/1994/346, para. 44.

⁵⁷ T/PV.1683, p.26.

⁵⁸ S/23554, para.37.

⁵⁹ T/PV.1686, p.17; T/INF/39.

⁶⁰ S/20843; S/23554, para. 69.

progress of Palau, and underlined that prospects for substantial growth in the future were promising.⁶¹

32. Also during the same period, the Trusteeship Council continuously considered whether a change of status for Palau's independence was appropriate.⁶² By the final session of the Trusteeship Council in 1994, all the members of the Trusteeship Council agreed that Palau had made substantial economic, social and educational progress and that it had demonstrated competence in the administrative, legislative and judicial functions of self-government. All the members of the Trusteeship Council agreed that the people of Palau wished to change their status and that Palau would be able to quickly acquire a new political status.⁶³

Military Bases and Installations in Palau

33. During the period under review, the Trusteeship Council considered the issue of military bases and installations in the Trust Territory of Palau and whether their existence would interfere with the Trust Territory's self-determination or independence.

34. The United Nations organs also expressed concern that the presence of United States military installations would interfere with the Trust Territory's independence and stressed the responsibility of the Administering Power to ensure respect for that independence. In 1989, the General Assembly, by resolution 45/33,⁶⁴ reaffirmed a strong conviction that the presence of military installations in colonial Territories could constitute a major obstacle to the implementation of the Declaration. It stressed the responsibility of the Administering Powers to ensure that the people of the Territory were not hindered from exercising their right to self-determination and independence in conformity with the purposes and principles of the Charter and the Declaration.⁶⁵

⁶¹ T/PV.1680, p. 16; S/1994/346, para. 27.

⁶² S/20843, S/22212, S/23554, S/25261, S/1994/1400, S/1994/346.

⁶³ T/PV.1704, p.14; T/PV.1705, p.4.

⁶⁴ A/RES/45/33, para. 15.

⁶⁵ A/RES/45/33, para. 15.

35. The Administering Authority repeatedly assured the Trusteeship Council that it had no plans to establish military bases or conduct military activities in Palau and that, if such activities were necessary in the future, they should be governed by the terms of the Compact, as approved by the people of Palau.⁶⁶ In 1992, the Administering Authority reiterated these assurances specifically in response to Palau's proposed modifications to the Compact, including those requesting the Administering Authority "to reassess its operating rights and military land requirements."⁶⁷ The Palauan Congress also linked its approval of the final plebiscite on the Compact to a favorable United States response to modifications and assurances related to the Compact.⁶⁸ The United States assured the Trusteeship Council that it regarded Section 324 of the Compact as binding, which, inter alia, provides "not [to] use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare."⁶⁹

Visiting Missions to Palau

36. During the period under review, four visiting missions were dispatched to observe the economic, social, educational and political situation in Palau and report back to the Trusteeship Council.⁷⁰

37. At the nineteenth special session of the Trusteeship Council, convened on 16 March 1989 to consider a visiting mission to the Trust Territory of the Pacific Islands, the representative of the Union of Soviet Socialist Republics expressed the view that it was not appropriate to involve a UN organ in pressuring the people to accept the Compact, which they had rejected in previous plebiscites. The representative asserted that the purpose of such a visiting mission was to exploit the authority of the Council and to cover up annexationist activities being pursued by the Administering Authority in Micronesia.⁷¹

⁶⁶ S/22212; S/23554; S/25261; T/L.1293; T/PV.1704.

⁶⁷ T/1964, para. 33 (b).

⁶⁸ T/1978 p. 8; T/PV.1704.

⁶⁹ T/PV.1704, p. 6.

⁷⁰ T/RES/2138; T/RES/2183 (LII); T/RES/2194; T/RES/2197 (LX).

⁷¹ T/PV.1659, p. 26.

38. At the twentieth special session of the Trusteeship Council, held on 8 January 1990, opposing views were expressed by the representatives of the United States and the Union of Social Socialist Republics respectively, concerning the request⁷² of the people of Palau for the Council to dispatch a visiting mission to the Trust Territory to observe the plebiscite of 1990. The United States representative was of the opinion that such observation would serve to strengthen the democratic institutions in Palau and the free and fair conduct of their votes.⁷³ However, according to the representative of the Union of Soviet Socialist Republics, the proposal to send a mission to Palau to observe another plebiscite had the sole purpose of securing the agreement for the Compact at all costs. In its view, the covenants and compacts regarding various parts of that single Trust Territory had been elaborated outside of the United Nations, in circumvention of the Security Council, which was the only empowered organ to alter the status of that Trust Territory or end the Trusteeship Agreement.⁷⁴

39. On October 21, 1991, the Trusteeship Council held a special session to consider the dispatch of a visiting mission to Palau to observe the economic and social conditions at the time,⁷⁵ and specifically, to observe the implementation of Secretarial Order No. 3142.⁷⁶ The Trusteeship Council adopted resolution 2194(S-XXI)⁷⁷, by which it decided to dispatch the mission in March 1992.⁷⁸

40. In November 1993 a final visiting mission was dispatched to observe the final plebiscite on the Compact,⁷⁹ at the request of the United States and the Government of Palau.⁸⁰ Members of the Trusteeship Council considered such participation crucial for the people of Palau to exercise their right to self-determination.⁸¹

⁷² Executive Order No. 84, 24 November 1989, of the United States Department of Interior.

⁷³ T/PV.1673, p. 8.

⁷⁴ T/PV.1673, p. 16.

⁷⁵ T/1960.

⁷⁶ T/1960.

⁷⁷ T/RES/2194.

⁷⁸ T/1964, para. 1.

⁷⁹ T/RES/2196 (LX).

⁸⁰ T/1978; S/1994/346.

⁸¹ S/1994/346, paras. 40-90.

The Compact of Free Association between Palau and the United States

41. During the period under review, the Trusteeship Council considered the future political status of Palau, specifically, the question whether the Compact of Free Association with the United States, as opposed to independence, reflected the freely expressed wish of the people of Palau.⁸² Most members of Trusteeship Council continuously expressed the view⁸³ that the overwhelming majority of Palauns supported the Compact and it was their choice for the future political status of their territory.⁸⁴ The President of Palau, in his message to the Palauan Congress, had stated his belief that the Compact was “fair and equitable”.⁸⁵

42. The representatives of the United Kingdom and the United States of America, in their statements in the Council, referred to the results of all the plebiscites undertaken in Palau as evidence of support for the Compact.⁸⁶ In their views, in those plebiscites the majority of Palauans expressed support for the Compact⁸⁷ and only a few people had raised approaches other than free association as a serious option. Moreover, the Administering Authority emphasized that it had consistently indicated that the Compact was not the only political option open to Palau.⁸⁸ At the sixty-first session of the Trusteeship Council, the representative of the Administering Authority⁸⁹ and the President of Palau made statements in the Trusteeship Council emphasizing the democratic nature of the process used in approving the Compact as evidence that it was the freely expressed wish of the Paulan people.⁹⁰ By contrast, the Union of Soviet Socialist Republics expressed the view that “a situation of open coercion had been

⁸² S/1994/346, paras. 40- 90.

⁸³ S/20168, para. 51; S/20843, para. 25; T/PV.1704, p.14; T/PV/1705, p.1.

⁸⁴ S/1994/346, para. 110.

⁸⁵ S/1994/346, para. 76.

⁸⁶ S/1994/346, para. 43; S/23554, p.10; S/20168, para. 42.

⁸⁷ S/1994/346; para. 43; S/23554, para. 35.

⁸⁸ S/20843, para. 95.

⁸⁹ T/PV.1705, p. 1.

⁹⁰ T/PV.1704, p. 14.

created to force the Palauans to accept the Compact and renounce or disregard provisions of their own constitution.”⁹¹

43. The Trusteeship Council, at the sixtieth session, addressed the question of whether the Compact of Free Association did have the support of the people of Palau or whether it was only supported by the Palau Government.⁹²

44. The final plebiscite on the Compact was held on 9 November 1993. The United Nations participation was requested by the United States and the Government of Palau.⁹³ Members of the Trusteeship Council considered such participation crucial for the people of Palau to exercise their right to self-determination.⁹⁴ A visiting mission was dispatched to observe the plebiscite,⁹⁵ and concluded that the inhabitants of Palau understood the purpose of the plebiscite and the question on which they were asked to vote and that they were not intimidated or under pressure to do so. It also concluded that the poll was in accordance with the plebiscite rules and that the results fairly reflected the wishes of the people of Palau. It reported that the majority of the people of Palau seemed to have understood the Compact.⁹⁶ However, the Visiting Mission was informed by local representatives that many Palauans did not seem to have fully appreciated the meaning and the consequences of the Compact.⁹⁷ It was also notified that the main concern of the Palauans was the economic and financial aspects of the Compact and its military implications, especially with regard to United States access to land.⁹⁸

⁹¹ S/20843, para. 108; T/PV.1659, p. 18; T/PV. 1667, p. 41; T/PV.1668, p. 17; T/PV.1669, p. 18 and 21.

⁹² S/1994/346.

⁹³ T/1978, paras. 1-2; S/1994/346, paras. 91, 96 and 97.

⁹⁴ S/1994/346, paras. 40-90.

⁹⁵ T/1978, paras. 2-6; S/1994/346, para. 104.

⁹⁶ T//1978, paras. 43 and 49.

⁹⁷ T/1978, para. 22.

⁹⁸ T/1978, para. 22.

45. According to the representative of the Administating Authority, President Nakamura of Palau had expressed the view that the Compact, read together with the Guam Accords and Secretary of State's assurances, was "fair and equitable."⁹⁹

**** Article 76(c)**

AMENDMENT OF THE TRUSTEESHIP COUNCIL RULES OF PROCEDURE

46. On 24 May 1994, the Trusteeship Council adopted resolution 2200 (LXI) to amend its rules of procedure.¹⁰⁰ Under the new rule, the Trusteeship Council would not be under obligation to meet annually and would meet as occasion required, by a decision of its President, or at the request of a majority of its members or the General Assembly or the Security Council.¹⁰¹

47. After Palau (the last remaining Trust Territory) attained independence on 1 October 1994, the Trusteeship Council ceased operating as of 1 November 1994.

⁹⁹ S/1994/346, para. 76; T/1976.

¹⁰⁰ T/RES/2200 (LXI).

¹⁰¹ T/RES/2200 (LXI).