

31. LETTER DATED 2 NOVEMBER 1994 FROM THE PRESIDENT OF THE TRUSTEESHIP COUNCIL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL¹

Initial proceedings

By a letter² dated 2 November 1994, the President of the Trusteeship Council transmitted to the President of the Security Council a draft resolution on the status of the Trust Territory of the Pacific Islands, requesting that the draft resolution³ recommended for adoption by the Council, “Termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands (Palau)”, be submitted to the members of the Security Council.

Decision of 10 November 1994 (3455th meeting): resolution 956 (1994)

At its 3455th meeting, on 10 November 1994, the Council included the above letter in its agenda. The President (United States) also drew the attention of the members of the Council to a draft resolution⁴ submitted by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as to a document⁵ containing the text of a letter dated 17 October 1994 from the Permanent Representative of the United States to the United Nations addressed to the Secretary-General. Following the adoption of the agenda, the Council invited the representative of Australia, at his request, to participate in the discussion, without the right to vote.

¹ See also Chapter VI of the present Supplement.

² S/1994/1234.

³ *Ibid.*, Annex.

⁴ S/1994/1264.

⁵ S/1994/1200.

The draft resolution was then put to the vote and adopted unanimously as resolution 956 (1994) which reads as follows:

The Security Council,

Recalling Chapter XII of the Charter of the United Nations which established an international trusteeship system,

Conscious of its responsibility relating to strategic areas as set forth in Article 83, paragraph 1, of the Charter,

Recalling its resolution 21 (1947) of 2 April 1947 by which it approved the Trusteeship Agreement for the former Japanese Mandated Islands, since known as the Trust Territory of the Pacific Islands (Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1)),

Noting that the Trusteeship Agreement designated the United States of America as Administering Authority of the Trust Territory,

Mindful that article 6 of the Trusteeship Agreement, in conformity with Article 76 of the Charter, obligated the Administering Authority, inter alia, to promote the development of the inhabitants of the Trust Territory towards self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned,

Aware that, towards this end, negotiations between the Administering Authority and representatives of the Trust Territory began in 1969 and resulted in the conclusion of a Compact of Free Association in the case of Palau,

Satisfied 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 (Republic of Palau Public Law Nos. 376 of 20 August 1992 and 49 of 16 July 1993 as adopted by the Olbiil Era Kelulau (Palau National Congress)), thereby freely expressing their wish to terminate the status of Palau as a Trust Territory,

Taking note of resolution 2199 (LXI) of the Trusteeship Council of 25 May 1994,

Determines, 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.

Speaking after the vote, the representative of France stated that with the accession of the Republic of Palau to independence, the Trusteeship Council had successfully completed the task entrusted to it under the Charter with respect to those territories placed

under the Trusteeship System following the Second World War. He advised caution, however, against the termination of the legal existence of the Trusteeship Council by an amendment to the Charter, since a recent amendment to the rules of procedure of the Council, according to which the Council would no longer meet regularly, had reduced to a minimum the budgetary implications of its continued operation. Thus, he concluded, the Trusteeship Council remained an instrument that the international community could resort to if necessary.⁶

Speaking on behalf of the group of South Pacific Countries, the representative of Australia welcomed the adoption of the resolution as the final stage in the process set in train following the act of self-determination by the people of Palau on 9 November 1993, when they had chosen to enter into a Compact of Free Association with the United States.⁷

The representatives of the United Kingdom, New Zealand, the Russian Federation, China, Spain and the United States also welcomed the decision taken by the Security Council and stated that it marked a significant moment in the history of the United Nations as it did not only mark the end of Palau's former dependent political status, but also the completion of the work entrusted to the Trusteeship Council.⁸

⁶ S/PV.3455, pp.2-3.

⁷ *Ibid.*, pp. 5-6.

⁸ *Ibid.*, United Kingdom p. 3, New Zealand p. 3, Russian Federation pp. 3-4, China p. 4, Spain pp. 4-5, United States p. 5.