



PERMANENT MISSION OF THE REPUBLIC OF PALAU TO THE UNITED NATIONS

111/PM/2025

The Permanent Mission of the Republic of Palau to the United Nations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honor to request that the enclosed letter from His Excellency Surangel S. Whipps, Jr., President of the Republic of Palau, be transmitted to the offices of the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to development; and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

The Permanent Mission of the Republic of Palau to the United Nations avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

New York, 15 December 2025



Office of the United Nations High Commissioner for Human Rights



REPUBLIC OF PALAU
OFFICE OF THE PRESIDENT

SURANGEL S. WHIPPS, JR.
President

P.O. Box 6051, Palau, PW 96940
Tel. (680) 767-2403/2828
Fax. (680) 767-2424/1662
Email: admin@palaupresident.info

December 15, 2025
Serial No.: 25- 3384

The Special Rapporteurs of the Human Rights Council
c/o Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10
Switzerland

**Re: Response of the Republic of Palau to the Joint Communication dated October 17, 2025,
from the Special Rapporteurs of the Human Rights Council**

The Government of the Republic of Palau acknowledges receipt of the joint communication dated October 17, 2025, from the Special Rapporteurs of the Human Rights Council. We take seriously any inquiry directed to our Government and therefore provide this response. At the same time, we must state at the outset our profound concerns regarding the premise, framing, and appropriateness of the communication.

I. Preliminary Statement and Scope of Response

Rather than providing a project-by-project procedural response, the Government of Palau must first address a more fundamental issue: the inquiry itself does not respect Palau's constitutional structure or the way sovereign, indigenous self-government operates in practice. A detailed accounting of individual permits and processes would imply acceptance of an international review role that Palau does not recognize and that is inconsistent with its constitutional order.

Accordingly, this response addresses the broader legal and institutional concerns raised by the communication, rather than undertaking a granular review of multiple projects. That approach reflects a principled disagreement with the framing and scope of the inquiry, not any reluctance to be transparent or cooperative.

II. Indigenous Self-Determination and Democratic Legitimacy

This inquest is fundamentally inappropriate. Palau is a fully sovereign democracy in which 100 percent of voters, elected leaders, and senior government officials are of Palauan ancestry. That is not merely a demographic fact; it is a legal reality. Every decision of the Government of Palau is made by indigenous people, for indigenous people, through institutions created and controlled entirely by the Palauan people themselves.



Palau's commitment to indigenous self-determination is embedded in law. Palauan citizenship, voting rights, and land ownership are legally restricted to persons of Palauan ancestry. Those legal protections are deliberate and central to Palau's system of governance. They ensure that political power, control over land and resources, and decisions about national development remain in indigenous hands. Few countries in the world provide such direct and comprehensive legal safeguards for indigenous rights, and Palau's system reflects a conscious choice by the Palauan people to protect their identity, culture, and sovereignty through law.

Against that backdrop, it makes little sense for the Special Rapporteurs to question whether Palau's indigenous government is respecting the rights of Indigenous Peoples, including by asking what steps were taken to ensure the "free, prior and informed consent of affected Indigenous communities" or to protect "the rights of Indigenous Peoples related to the development of the projects mentioned above." In Palau, those rights are exercised through democratic self-government by an indigenous electorate, not imposed from outside.

Indigenous rights are not defined by the views of a small group of individuals or by external observers claiming superior judgment. They are expressed through the collective political will of the indigenous people themselves. Framing this as a dispute between a colonizing authority and an indigenous population mischaracterizes reality. What exists here is a domestic political disagreement among indigenous Palauans, resolved through indigenous-led constitutional institutions.

III. Defense Cooperation and Sovereign Choice

The suggestion that cooperation with the United States, or the presence of U.S. defense assets, is contrary to indigenous rights ignores Palau's own history and sovereign choices. The Compact of Free Association, including its defense-related provisions, was approved by Palauan voters after years of public debate, multiple referenda, and extensive civic engagement. Only Palauans were eligible to vote. Only indigenous voices shaped the outcome.

To imply that defense cooperation foreseen, approved, and reaffirmed through those processes is somehow externally imposed is to erase the agency of the Palauan electorate. The projects now criticized are undertaken by Palau's indigenous government, pursuant to a treaty relationship deliberately chosen and consistently supported by the Palauan people. That democratic choice did not end in 1994 with the initial approval of the Compact. Over the past three decades, the relationship between Palau and the United States has continued to evolve through subsidiary agreements, implementing arrangements, and ongoing forms of cooperation, each entered into by Palau as a sovereign state exercising its indigenous self-government. Throughout that period, Palau has repeatedly and affirmatively exercised its sovereignty in shaping, refining, and reaffirming the contours of that relationship.



Further, Palau's defense cooperation with the United States reflects present-day security realities faced by a small island nation with no standing military of its own. Palau must protect its territory, its waters, and its people in a region where not all actors respect the rule of law. Palau has experienced unlawful activities within its maritime zones, including incursions that disregard Palauan sovereignty and international legal norms. In that context, cooperation with the United States is not only lawful and mutually agreed upon, but necessary. These arrangements are the product of negotiation between sovereign states, entered into voluntarily by Palau in the exercise of its indigenous self-government, and aimed at ensuring regional stability, deterrence of unlawful conduct, and the protection of Palau's national security interests.

IV. Environmental Governance and Judicial Oversight

The communication repeatedly insinuates that Palau lacks adequate environmental safeguards, participatory mechanisms, or judicial oversight. That premise is incorrect. Palau has a comprehensive environmental framework, an independent judiciary modeled on common-law principles, and robust procedural protections governing environmental review, permitting, and enforcement.

Questions regarding environmental impact assessments, permitting decisions, the handling of potentially hazardous substances, or alleged regulatory violations fall squarely within the jurisdiction of Palau's courts and regulatory authorities. Such matters have already been litigated, and Palauan courts have exercised their authority accordingly. Additional litigation may well occur, and the Government of Palau does not shy away from that possibility. Win or lose in any particular case, Palau is confident in its judicial system and in the rule of law.

Allegations concerning the use, management, or disclosure of potentially hazardous substances are addressed through the same domestic permitting, disclosure, and enforcement mechanisms as any other environmental claim. Those mechanisms include judicial review, and they are fully capable of preventing harm, mandating compliance, and providing remedies where warranted. Suggesting that international intervention is required because Palau's legal system cannot be trusted to address such issues is incompatible with respect for sovereign and indigenous governance.

Similarly, criticism regarding the translation of highly technical environmental documentation reflects a misunderstanding of both language and practice. The Palauan language does not contain equivalents for many specialized scientific or engineering terms, and translation in this context would not meaningfully enhance comprehension. Raising this point as a procedural defect underscores the extent to which the inquiry prioritizes form over substance.

It also bears noting that the projects referenced in the communication have been subjected to scrutiny and review beyond that applied to most other development projects in Palau, whether



public or private. They have been examined closely by regulatory authorities, challenged in court, and evaluated in a highly public and contested environment. Far from receiving special treatment, these projects have been held to heightened standards precisely because of their visibility and significance.

V. Climate Change and Proportionality

The invocation of climate change further illustrates the political nature of the communication. The limited construction activities at issue, i.e., discrete radar installations and modest airstrip improvements, are de minimis in any meaningful global climate analysis. Climate change is driven overwhelmingly by large-scale industrial emissions concentrated in major economies. Emissions anywhere affect the climate everywhere.

Even if Palau were to undertake hundreds or thousands of similar projects, the cumulative impact on global climate outcomes would be effectively zero. To single out a small island developing state for negligible infrastructure projects, while ignoring the dominant global sources of emissions, is neither scientifically serious nor consistent with principles of equity or proportionality. If anyone understands that such projects cannot meaningfully influence sea-level rise in the communities where construction is occurring, it is the Special Rapporteur on the promotion and protection of human rights in the context of climate change. That is simply not how sea-level rise works. If it were, coastal areas of highly industrialized countries would already be experiencing vastly greater sea-level rise than small island developing states, while SIDS would face little or none at all. The opposite is true.

Climate language is therefore being deployed here not as an analytical tool grounded in climate science, but as a political instrument to contest lawful sovereign decisions.

VI. Refusal to Conduct an International Project-by-Project Audit

The communication requests detailed descriptions of multiple procedural steps allegedly applicable to multiple projects across multiple regulatory regimes, effectively seeking an international audit of Palau's permitting decisions. We decline to do so.

This refusal is not based on inconvenience or lack of information. The Special Rapporteurs are already aware of Palau's environmental and administrative laws, which are well-established and have been in force at all relevant times. Those laws were followed.

Palau's constitutional system does not require its government to provide after-the-fact justifications to external bodies for each project approved pursuant to domestic law. Where disputes arise, Palau's judiciary is the proper forum. That allocation of authority is central to sovereignty and self-determination.



VII. Proper Avenues for Redress

In closing, Palau already possesses the institutions, laws, and processes necessary to address the concerns raised. If complainants believe Palau's laws are insufficient, their remedy lies with the legislature. If they believe those laws were not properly applied, their remedy lies with the courts. Those avenues are real, functioning, and regularly used by Palauan citizens.

What is not appropriate is to bypass Palau's indigenous-led constitutional system in favor of external international intervention. To do so is not an act of human rights protection; it is a rejection of self-government. Palau's Constitution, legislature, executive, and judiciary are the expressions of indigenous self-determination. Policy disagreements must be resolved within those institutions, by the Palauan people themselves.

In that context, the Special Rapporteurs are urged to reflect carefully on whether their engagement in this matter genuinely advances human rights, or whether it risks being instrumentalized in a domestic political dispute in a manner that undermines the principles of self-determination and sovereign equality they are charged with upholding. The credibility of international mechanisms depends not on intervention for its own sake, but on careful judgment as to when intervention is neither necessary nor appropriate.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Surangel S. Whipps, Jr.', is written over a faint, illegible stamp or watermark.

Surangel S. Whipps, Jr.
President of the Republic of Palau