

the exercise of their right to self-determination, by means of a plebiscite to determine the future political status of the Territory, and for self-government or independence.

In 1974, the Administering Authority reported that officials of the Congress of Micronesia and the Administration had agreed that an accelerated programme of education for self-government should be undertaken in the Trust Territory and that responsibility for such a programme should be assumed by the executive branch of the Government. Subsequently, the High Commissioner of the Trust Territory arranged for the formation of a Task Force on Education for Self-Government (ESG), and the programme was officially launched in January 1974. District task forces were organized to carry out functions of education for self-government at the local level. The Congress of the United States included \$US 100,000 for that purpose in its supplementary budget for 1974.

Following the preparation of the draft constitution in 1975, steps were taken to develop an impartial and objective political education programme to explain to all Micronesians the relevant facts about the constitution. 21/

The Congress of Micronesia made funds available for the translation, printing and distribution of the constitution in 12 languages and dialects. Curriculum materials were prepared and distributed in a teaching package entitled "Introduction to the Constitution". Education for Self-Government Notes, a regular bi-weekly publication covered events and developments concerning the constitution. Fortnightly workshops were held for teachers of social sciences and basic adult education. The workshops were primarily concerned with the preparation of a school curriculum about the constitution, the future political status of the Trust Territory, the law of the sea and the Micronesian democratic process.

Throughout the Territory, local personnel carried out village education programmes, arranged radio broadcasts and translated and produced documentation. In many cases, local leaders, members of the Congress of Micronesia and others took part in village meetings where issues were explained and debated. In line with the policy of impartiality adopted by the Government, personnel were instructed to explain the provisions of the constitution without taking sides.

7. Ballot

The wording of the ballot, as established by the Congress of Micronesia, was as follows:

"Do you approve of the Constitution?

Yes _____

No _____"

The ballot was written in English and in the local languages spoken in the district concerned.

8. Voting and declaration of results

The vote took place on 12 July 1978. Six members of the United Nations Visiting Mission covered the voting process in polling stations in the various municipalities.

Although some questions were raised regarding the election results in Palau District, where the separatists won by a margin of 619 votes, the Visiting Mission noted in its report that it was satisfied that all who wished to do so had had the opportunity to present evidence or information to investigators. The members of the mission who were present in Palau District at the appropriate time observed that the voting on election day and the counting of the votes had been conducted carefully and correctly.

According to the declared results, 26,817 votes were cast in favour of the constitution and 16,705 were cast against. A majority voted in favour of the constitution in all the districts except in Palau where the constitution was defeated.

9. Appeals and review

Following the referendum, certain Palauan citizens sent a petition directly to the Congress of Micronesia, followed by a declaration which accused the separatists of various malpractices, both during the election campaign and in the voting process.

On 4 September 1978, the Congress of Micronesia established a Special Joint Committee on Referendum Review, to review the results of the referendum in any districts where a meritorious challenge to the results had been presented. The investigations of the Committee were confined to Palau District.

An invitation was extended to the United Nations Mission to observe the proceedings of the Special Joint Committee in Palau, as the Congress stressed that the observation of the referendum would not be complete without first-hand observation by the United Nations of that last but vital step in the referendum process.

The Mission accepted the invitation and a member of the Mission, accompanied by the Principal Secretary, visited Palau to observe the investigations from 2 October to 9 October 1978.

The Congress of Micronesia retained the services of a lawyer from Washington, D.C., to lead the investigation in order to assure all parties that the investigation would be carried out with complete impartiality. The lawyer and his staff interviewed those who had submitted complaints, as well as officials and third parties in a position to contribute information relevant to the inquiry.

The United Nations Mission sat in on virtually all the interviews; the Chairman of the Special Joint Committee was also present.

The conclusions of the Mission, which were subsequently incorporated in the report of the initial Mission,^{20/} were that the investigation had been carried out with commendable thoroughness and impartiality. The Mission observed that, although the responsibility for deciding whether allegations of misconduct were well-founded rested with the Special Joint Committee and the Congress of Micronesia rather than with the Mission, having observed the investigations in detail, it could record that it was aware of no reason to question the finding of the Special Joint Committee that the validity of the referendum in Palau was not materially affected by any election irregularities or campaign abuses.

10. United Nations observations

In its report to the Trusteeship Council, the Visiting Mission noted that the referendum had been well organized by the Trust Territory Constitutional Referendum Board and by the special district referendum commissioners and boards. ^{22/}

B. Referendum in Niue (1974)

1. Background

Land area: The island of Niue has an area of just over 260 square kilometres, and is approximately 20 kilometres long, measured from north to south, and 18 kilometres wide. Its circumference by road is 65 kilometres.

Population: 4,990 inhabitants (1971).

Following a brief period during which it was a British protectorate, Niue was brought under British sovereignty in October 1900, and in June 1901 was annexed by proclamation to New Zealand.

In 1946, New Zealand began to transmit information on the Territory in accordance with Chapter XI, Article 73 e of the Charter. New Zealand administered the island until 1974, when the people of Niue voted for self-government in free association with New Zealand.

2. Determination of time and circumstances

In 1972, the United Nations Visiting Mission to Niue concluded that a substantial majority of the people living in Niue was in favour of self-determination. ^{23/} The Mission found among the population a widespread desire to retain the identity of Niue as a political entity, coupled with a general consensus on the need to continue the existing close relationship with New Zealand in whatever form of self-government the Territory might attain.

On 16 July 1974, the Niue Island Assembly decided that a referendum should take place in Niue on 3 September 1974, at which time the people would decide whether or not to accept a new constitution, and, to that end, it passed Referendum Ordinance No. 85 of 1974, which received the assent of the Resident Commissioner two days later.

Subsequently, in a letter dated 26 September 1974, ^{24/} the Prime Minister of New Zealand informed the Secretary-General of the decision of the Niue Island Assembly to hold the referendum. The Prime Minister further stated that his Government recognized the valuable role of the United Nations in verifying acts of self-determination on behalf of the international community and accordingly invited the United Nations to observe the referendum.

3. Legal framework

In a resolution adopted at its twenty-eighth session, ^{25/} the General Assembly stated that it welcomed the invitation extended by New Zealand to the Secretary-General to observe the act of self-determination in Niue in 1974, and requested the Special Committee on Decolonization, in consultation with the administering Power and the Government of Niue, to appoint a special mission to Niue to observe the proceedings relating to the act and to report on the question to the Assembly at its twenty-ninth session. Mr. Yilma Tadesse of Ethiopia was appointed Chairman of the Mission.

The Referendum Ordinance, together with the Assembly (Referendum) Regulations, 1974, issued on 19 July by the Resident Commissioner, acting with the concurrence of the Niue Executive Committee, set out the provisions and procedures for the conduct of the referendum.

4. Organization and conduct of the referendum

Referendum Ordinance No. 85 of 1974 provided that those entitled to vote in the referendum should, subject to exception, include all those eligible to vote in a general election in Niue and duly qualified and registered as electors. In determining eligibility, the Ordinance specified that the conditions should be the same as those set out in the Assembly Ordinance No. 33 of 1966, by which one was deemed qualified if a British subject; over 18 years of age; had been ordinarily a resident of Niue for three months immediately prior to his or her enrolment; had at some period resided continuously in the Territory for 12 months; had not been convicted in Niue or any other part of the Commonwealth of any offence punishable by death or by imprisonment for a term of one year or more, nor convicted in Niue of a corrupt practice, unless in each case he or she had either received a free pardon or completed sentence; and was not of unsound mind. The term "ordinarily resident" included persons temporarily outside the Territory but whose intention was to return and reside therein indefinitely. The exception mentioned above excluded all persons who were qualified to be registered on an electoral roll, or eligible to vote in a general election, outside Niue. Excluded under this exception were expatriate members of the public service of New Zealand seconded to Niue, who retained their eligibility to vote at home and also a comparatively small number of Niueans living in New Zealand who might otherwise have qualified on the grounds that their absence from Niue was temporary.

5. Ballot

The form of the ballot paper used in the referendum was approved by the Island Assembly, which decided that each ballot paper should be printed in both English and Niuean. The ballot contained a single question, "Do you vote for self-government for Niue, in association with New Zealand, on the basis of the Constitution and the Niue Consitution Act, 1974?", together with two boxes, one containing the words "I vote Yes", and the other, the words "I vote No". The voter was required to indicate his preference by striking out the answer with which he did not agree. The ballot paper also contained instructions in both, English and Niuean.

6. Political education programme

One of the Mission's principal concerns upon arriving in Niue was to ascertain not only that the people of Niue as a whole understood the procedures to be followed in the referendum, but also that they had been adequately informed concerning the meaning and significance of the changes proposed by the Government of Niue and

embodied in the new constitution. The Mission gained the impression that everything possible had been done to associate the people with the issues involved and with the provision of the draft constitution. All the discussions on the subject, which took place in the Assembly, were broadcast. All members of the Assembly held regular meetings in their constituencies at which questions might be asked of them.

The administering Power and the Niue Government made particular effort to ensure the widest possible consultation and discussion at each successive stage. The Mission was informed that, since March 1974, there had been a particular intensive programme of political education. During July 1974, the members of the Executive Committee had held a series of meetings in the villages at which they had explained the meaning of self-government and had answered questions.

7. Voting and declaration of results

The vote took place on 2 September 1974. Three members of the Mission covered the voting process in 14 polling stations.

The results of the voting, in which 97 per cent of the registered voters participated, showed that out of a total of 1,384 votes cast, 887 (63.9 per cent) were cast in favour of the proposition and 469 (33.8 per cent) were cast against.

No complaints or objections were reported either on the conduct of the referendum or on the outcome of the voting.

8. United Nations observations

The Mission placed on record that the administrative and other arrangements for the conduct of the referendum were such as to ensure that the people of Niue had exercised their right to self-determination freely and under circumstances which guaranteed the secrecy of the ballot.

The Mission further reported that, as a result of its activity in all the polling booths, it was satisfied that voting throughout the island had proceeded in an atmosphere of complete calm and without any incident or hitch. Credit was given to the voters of Niue as well as to the electoral staff.

The Mission concluded that the fact that a substantial majority of the votes cast favoured self-government in free association with New Zealand led to the conclusion that the people of Niue had exercised their right to self-determination in accordance with the principles of the Charter of the United Nations.

Notes

- 1/ Official Records of the General Assembly, Ninth Session, Annexes, agenda items 35 and 52, document A/2660.
- 2/ Resolution 860 (IX) of 14 December 1954.
- 3/ Official Records of the Trusteeship Council, Fifth Special Session, Supplement No. 2 (T/1218), paras. 103 and 126-209.
- 4/ Resolution 944 (X), Part I, of 15 December 1955.
- 5/ It should be noted that it was not until November 1956 that the first United Nations peacekeeping force was established.
- 6/ Official Records of the General Assembly, Eleventh Session, Annexes, addendum to agenda item 39, document A/3173.
- 7/ See Official Records of the Trusteeship Council, Twenty-fourth Session, Supplement No. 2 (T/1483).
- 8/ Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 48, document A/4840.
- 9/ Official Records of the Trusteeship Council, Fifth Special Session, Supplement No. 2 (T/1218), para. 121.
- 10/ General Assembly resolution 944 (X), Part II.
- 11/ Official Records of the Trusteeship Council, Eighteenth Session, Annexes, agenda item 12, document T/1274/Rev.1.
- 12/ Out of a total of 355,778 votes cast, 93 per cent voted in favour and 7 per cent against.
- 13/ General Assembly resolution 1046 (XI) of 23 January 1957.
- 14/ Official Records of the Trusteeship Council, Seventh Special Session, Supplement No. 2 (T/1343).
- 15/ Ibid., Thirty-fourth Session, Supplement No. 2 (T/1668).
- 16/ Ibid., Fortieth Session, Supplement No. 2 (T/1748).
- 17/ T/PV.1460.
- 18/ T/PV.1469.

19/ See Official Records of the Trusteeship Council, Forty-sixth Session, Supplement No. 2 (T/1795), para. 91.

20/ Ibid., Thirty-first Session, Supplement No. 2 (T/1628).

21/ Ibid., paras. 119-128.

22/ Ibid., para. 282.

23/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXII, annex I, para. 53.

24/ A/9170.

25/ Resolution 3155 (XXVIII) of 14 December 1973.

Annex

PLEBISCITES, REFERENDUMS AND ELECTIONS
HELD UNDER THE SUPERVISION OR OBSERVATION OF THE UNITED NATIONS

<u>Year</u>	<u>Territory</u>	<u>Documentary references</u>
1956	Togoland unification and future of Togoland under British administration: plebiscite supervision	<u>Official Records of the General Assembly, Eleventh Session, Annexes, addendum to agenda item 39, document A/3173</u>
1958	Togoland under French administration: elections supervision	<u>Ibid., Thirteenth Session, Annexes, addendum to agenda item 40, document A/3957</u>
1959	British Cameroons (northern part): plebiscite supervision	<u>Ibid., Fourteenth Session, Annexes, addendum to agenda item 41, document A/4314</u>
1961	British Cameroons (southern and northern parts): plebiscite supervision	<u>Ibid., Fifteenth Session, Annexes, addendum to agenda item 13, document A/4727</u>
1961	Western Samoa: plebiscite supervision	<u>Ibid., Sixteenth Session, Annexes, agenda item 48, document A/4840</u>
1961- 1962	Ruanda-Urundi: elections supervision (including referendum on the Mwami)	<u>Ibid., addendum to agenda item 49, document A/4994 and corrigendum; <u>ibid.</u>, second addendum to agenda item 49, document A/5126 and Add.1</u>
1963	Malaysia: inquiry on future of Sabah and Sarawak prior to establishment of Federation of Malaysia	Not published as an official United Nations document
1965	Cook Islands: elections supervision	<u>Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 23 and 24, document A/5962</u>
1967	Aden: elections supervision (Mission was not permitted to achieve fulfilment of its mandate)	<u>Ibid., Twenty-second Session, Annexes, addendum to agenda item 23 (Part II), document A/6700/Rev.1, chap. VI</u>

<u>Year</u>	<u>Territory</u>	<u>Documentary references</u>
1968	Equatorial Guinea: referendum/ elections supervision	<u>Ibid., Twenty-third Session, Annexes</u> , addendum to agenda item 23, document A/7200/Rev.1, chap. IX
1969	West Irian: act of self-determination	<u>Ibid., Twenty-fourth Session, Annexes</u> , agenda item 98, document A/7723
1970	Bahrain: ascertain wishes of people of Bahrain	<u>Official Records of the Security Council, Twenty-fifth Year, Supplement for April-June 1970</u> , document S/9772
1972	Papua New Guinea: elections observation	<u>Official Records of the Trusteeship Council, Thirty-ninth Session, Supplement No. 2 (T/1739)</u>
1974	Niue: referendum observation	<u>Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1)</u> , vol. V, chap. XXII, annex I
1974	Gilbert and Ellice Islands: referendum observation	<u>Ibid., Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1)</u> , vol. V, chap. XXI, annex I
1975	Mariana Islands, Trust Territory of the Pacific Islands: plebiscite observation	<u>Official Records of the Trusteeship Council, Forty-third Session, Supplement No. 2 (T/1771)</u>
1977	French Somaliland: referendum/ elections observation	A/32/107 and Corr.1 and Add.1
1977	Panama Canal treaties: witness plebiscite	A/32/424
1978	Trust Territory of the Pacific Islands: referendum	<u>Official Records of the Trusteeship Council, Forty-sixth Session, Supplement No. 2 (T/1795)</u>
1979	Marshall Islands, Trust Territory of the Pacific Islands: referendum	<u>Ibid., Supplement No. 3 (T/1805)</u>
1979	Palau, Trust Territory of the Pacific Islands: referendum	<u>Ibid., Forty-seventh Session, Supplement No. 1 (T/1813)</u>

<u>Year</u>	<u>Territory</u>	<u>Documentary references</u>
1979	New Hebrides: elections observation	A/34/852
1980	Turks and Caicos Islands: elections observations	A/AC.109/636 and Corr.1, Add.1, Add.2, Add.2/Corr.1 and Add.3
1980	Turks and Caicos Islands: elections observation	A/AC.109/664 and Add.1
1983	Palau, Trust Territory of the Pacific Islands: plebiscite observation	<u>Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)</u>
1983	Federated States of Micronesia, Trust Territory of the Pacific Islands: plebiscite observation	(to be issued) T/1860 (S/TCOE supp. No. 1)
1983	Marshall Islands, Trust Territory of the Pacific Islands: plebiscite observation	(to be issued) T/1865 (S/TCOE supp. (No. 2))

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