



## Trusteeship Council

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PETITION FROM MESSRS. TOSIWO NAKAYAMA, PRESIDENT OF THE SENATE AND BETHWEL HENRY, SPEAKER OF THE HOUSE OF REPRESENTATIVES, CONGRESS OF MICRONESIA, CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS TRANSMITTED TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL THROUGH THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

(Circulated in accordance with rule 85, paragraph 1, of the rules of procedure of the Trusteeship Council)

UNITED STATES MISSION  
TO THE UNITED NATIONS

20 September 1978

The Representative of the United States of America to the United Nations presents his compliments to the President of the Trusteeship Council of the United Nations and has the honour to transmit herewith the text of a letter addressed to him and to the President of the Security Council from the President of the Senate and the Speaker of the House of Representatives of the Congress of Micronesia.

Enclosure

14 September 1978

The President of the Trusteeship Council  
of the United Nations

The President of the Security Council  
of the United Nations

Gentlemen:

As you know, the trusteeship for the Trust Territory of the Pacific Islands is nearing an end. A vital step in the process of the achievement of self-government and the realization of the right of the people of Micronesia to self determination was the referendum on the constitution of the Federated States of Micronesia, 1/ held on 12 July 1978. As you also know, the referendum was observed by a Visiting Mission sent by the Trusteeship Council. 2/ The final vote tally resulted in four administrative districts (Yap, Truk, Ponape and Kosrae) approving the constitution, and two (Marshall Islands and Palau) rejecting it. Public law 5-60, section 11 (6), legislation enacted by the Congress of Micronesia and signed into law by the High Commissioner of the Trust Territory, declares the Congress to be the "sole judge of the referendum and the results thereof". 3/ In exercising its functions mandated by this law, the Congress has created the Special Joint Committee on Referendum Review composed of one member from each of the six administrative districts. This Committee has done an initial review of the referendum results in all districts, but has decided to delay releasing its findings as to any one district so that all can be reported to the Congress at the same time. The Committee has received challenges to the referendum results from two districts, Palau and the Marshall Islands. The challenge made with respect to the Marshall Islands was very general and so more specific information is being requested. With respect to Palau district, however, allegations of serious and widespread irregularities in the conduct of the referendum have been made documents, and oral testimony on some of these allegations have been presented to the Committee. The alleged irregularities in Palau district include bribery, intimidation, misuse of public funds for political activity against the Constitution, forged ballots, voting by ineligible voters, denial of the right to vote to eligible voters and improper handling of absentee ballots. The Committee intends to investigate the circumstances of the referendum in Palau district. To assist in the investigation, the Congress of Micronesia has retained the services of Mr. James Hamilton. Mr. Hamilton distinguished himself as Assistant Chief Counsel to the Senate Watergate Committee of the United States Congress and is an acknowledged expert on legislative investigations. Mr. Hamilton is being brought into the investigation so that the Committee may have the advantage of his

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1/ For the text of the draft constitution, see document T/COM.10/L.174, annex I.

2/ Official Records of the Trusteeship Council, Forty-fifth Session, Supplement No. 3, (T/1795). To be issued.

3/ See T/COM.10/L.236.

expertise and to assure all parties that the investigation will be carried out with complete impartiality. The Committee intends to begin its investigation in Palau about 27 September 1978 and would like United Nations representatives to observe its proceedings. One of the operative paragraphs of House joint resolution 7-134 which created the Special Joint Committee on Referendum Review states:

"Be it further resolved that representatives from the United Nations Trusteeship Council, its 1978 visiting mission, the United Nations Security Council, and the Administering Authority are invited to sit as observers in all proceedings of the Special Joint Committee, and are hereby respectfully urged to do so". 4/

The investigation should not last more than two weeks. While we realize that it may be difficult to compose a delegation to send to Micronesia at this time, we feel that it is extremely important that you do so. We feel that your observation of the referendum of 12 July 1978 would not be complete without first-hand observation by the United Nations of this last but vital step in the referendum process, the certification of the referendum results. The purpose of this letter is to add our personal appeal to the request of the Congress that United Nations representation be present for the review of the referendum results in Palau.

**Towiso NAKAYAMA**  
President of the Senate

**Bethwel HENRY**  
Speaker of the House of Representatives  
Congress of Micronesia

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4/ See T/COM.10/L.236.