

**REPORT OF THE UNITED NATIONS
VISITING MISSION TO OBSERVE THE
REFERENDUM IN THE TRUST TERRITORY
OF THE PACIFIC ISLANDS, 1978**

TRUSTEESHIP COUNCIL

**OFFICIAL RECORDS: FORTY-SIXTH SESSION
(May-June 1979)**

SUPPLEMENT No. 2



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LETTER OF TRANSMITTAL

16 February 1979

Sir,

I have the honour to transmit to you herewith, in accordance with Trusteeship Council resolution 2165 (XLV) of 31 May 1978 and rule 98 of the rules of procedure of the Council, the report of the United Nations Visiting Mission to observe the referendum in the Trust Territory of the Pacific Islands, 1978.

This report is subscribed to unanimously by all six members of the Visiting Mission.

Accept, Sir, the assurances of my highest consideration.

(Signed) Robin BYATT
Chairman of the United Nations Visiting Mission
to observe the referendum in the Trust Territory
of the Pacific Islands, 1978

His Excellency, Mr. Kurt Waldheim
Secretary-General, United Nations
New York, N.Y. 10017

CHAPTER I

TERMS OF REFERENCE AND COMPOSITION OF THE VISITING MISSION

1. At the 1460th meeting of the Trusteeship Council, on 6 June 1977, the representative of the United States of America invited the Council to dispatch a visiting mission to observe the referendum on the draft constitution of the Federated States of Micronesia which was scheduled to take place on 12 July 1978, in all districts of the Trust Territory except the Northern Mariana Islands. 1/

2. At its 1469th meeting, on 23 June, the Council decided in principle to send a visiting mission to observe the referendum. The Council authorized the President to continue consultations with the Administering Authority, with other members of the Council and with the Secretary-General so that in the light of any developments or agreements in the Trust Territory during 1978, the necessary administrative arrangements could be made to prepare for such a mission and to enable the Council to take a formal decision on the dispatch of the visiting mission at its forty-fifth session.

3. At its 1480th meeting, on 31 May 1978, the Council adopted resolution 2165 (XLV), by 3 votes to none, with 1 abstention, by which it decided to send a visiting mission to observe the referendum, the mission to begin on 13 June 1978 and to end as soon as practicable after the declaration of results. The Council further decided that the visiting mission should be composed of six members, three of whom would be nominated by France and three by the United Kingdom of Great Britain and Northern Ireland. 2/ The Council directed the mission to observe the referendum, including the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results. At the same time and to the extent that its primary purpose permitted, the mission was to obtain first-hand information concerning political, economic and social developments in the districts visited. The Trusteeship Council requested the mission to submit to the Council as soon as practicable a report on its observations of the referendum, containing such conclusions and recommendations as it might wish to make. Finally, the Council requested the Secretary-General to provide the necessary staff and facilities to assist the mission in the performance of its functions. 3/

1/ T/PV.1460 and T/PV.1460-1469/Corrigendum.

2/ China did not participate in the session. The Union of Soviet Socialist Republics had informed the Council President earlier that it did not wish to participate in the mission.

3/ For the complete text of resolution 2165 (XLV) see Official Records of the Trusteeship Council, Forty-fifth Session, Supplement No. 1 (T/1794).

4. The Visiting Mission was composed of the following members:

Mr. Robin A. C. Byatt (United Kingdom) (Chairman)
Mr. Jean-Claude Brochenin (France) (Vice-Chairman)
Mr. Pierre Garrigue-Guyonnaud (France)
Ms. Sheila Harden (United Kingdom)
Mr. Gérard Julienne (France)
Mr. Ian A. Woods (United Kingdom)

The Mission was accompanied by the following members of the United Nations Secretariat: Mr. Girma Abebe, Principal Secretary; Ms. Neuza de C. Costa, Political Affairs Officer; Mr. Nour Eddine Driss, Political Affairs Officer; Mr. Hubert Wray, Administrative Officer; and Miss Carmen Reinares, Secretary/Stenographer. The Mission was escorted by Mr. John Kriendler, Adviser, Political and Security Affairs, of the Permanent Mission of the United States to the United Nations.

CHAPTER II

TRUST TERRITORY OF THE PACIFIC ISLANDS

A. Land

5. The Trust Territory of the Pacific Islands includes more than 2,100 islands and atolls scattered over an area of some 7.8 million square kilometres of the western Pacific, north of the Equator. The Territory, usually referred to as Micronesia, is grouped in seven administrative districts.

6. The northernmost district of the Territory, the Northern Mariana Islands, 4/ was separated administratively from the Government of the Trust Territory on 1 April 1976 pursuant to Secretarial Order No. 2989: it will not be described further, since the referendum with which this report is concerned was confined to the other districts.

7. To the south, running approximately from west to east over a distance of more than 4,023 kilometres, along the north side of the Equator, lie the districts of Palau, Yap, Truk, Ponape, Kosrae (known as the Caroline Islands) and the Marshall Islands.

8. Palau is the westernmost district, consisting of a main group of islands known as the Palau group and four small coral islands scattered between the Palau group and the north-eastern islands of Indonesia. The Palau group comprises more than 200 islands, some volcanic and others of coral limestone composition extending over an area about 200 kilometres in length by 40 kilometres in width. Only eight of the islands are permanently inhabited. The total land area of the district is 492 square kilometres. The island of Babelthuap, with an area of 404 square kilometres, is the largest in the Territory.

9. With the exception of the island of Angaur and the atoll of Kayangel, all of the Palau Islands are located within a single barrier reef.

10. Yap District consists of the Yap group and 15 other islands and atolls scattered to the east for a distance of approximately 1,120 kilometres in a band 257 kilometres wide. The Yap group is made up of four major high islands separated by narrow passages and surrounded by barrier reefs. With one exception, the outer islands are low, most of them lagoon-type atolls. The area of Yap proper is almost 100.0 square kilometres and the combined land area of the outer islands is 18.1 square kilometres.

11. Truk District lies roughly in the centre. It consists of 15 island groups with a total land area of 127 square kilometres scattered over an ocean area some

4/ The island of Guam, the southernmost of the Marianas chain, is not part of the Trust Territory but is an unincorporated Territory of the United States.

480 kilometres by 960 kilometres. Truk proper is a complex atoll composed of 14 mountainous islands of volcanic origin, with a combined area of 72 square kilometres, surrounded by a great coral ring which forms a lagoon of over 2,000 square kilometres. The outer islands of the district are all low islands or atolls.

12. Ponape and Kosrae are high volcanic islands, both rising more than 610 metres above sea level at their highest elevations. Their soil is fertile, and heavy rainfall results in luxuriant vegetation. Ponape has a land area of 334 square kilometres and ranks second in land area among the islands of the Territory. Ponape District contains a number of outlying islands, principally in four coral atolls. Kosrae District comprises a single island. It has a smaller land area of 110 square kilometres, but ranks fourth in land area in the Territory.

13. The Marshall Islands District comprises 29 coral atolls and 5 low coral islands with a total land area of about 180 square kilometres scattered over approximately 970,000 square kilometres of ocean. They form two chains, the ratak (sunrise) in the east and the ralik (sunset) in the west.

14. The atolls are roughly oval-shaped and consist of coral reefs with one or a number of coral islands which encircle a lagoon, and are seldom more than 1.83 metres above sea level. The highest point is only 10 metres above the ocean. Lagoons vary from less than 1 to 48 kilometres across and up to 121 kilometres or more in length.

B. History

15. The early history of Micronesia, when and whence its inhabitants came, is uncertain. The Micronesian peoples are regarded as constituting a distinct group amongst the peoples of the Pacific, although they have some affinity with the Melanesians to the south and west and the Polynesians to the south and east. Indeed, two islands in the Trust Territory are inhabited by people of Polynesian descent. In some of the islands, traces remain, both in oral tradition and the ruins of buildings, of civilizations which predate the arrival in Micronesia of visitors from Europe or Japan. Perhaps the most spectacular are the ruins of the city of canals at Nan Madol on Ponape, which is thought to have flourished from the twelfth to the sixteenth centuries and must, in its heyday, have borne some resemblance to Venice.

16. The first European voyages of exploration in the Pacific missed most of the islands of Micronesia. Fernao de Magalhaes, the Portuguese navigator also known as Ferdinand de Magellan, passed hundreds of islands before he sighted the Mariana Islands on his voyage westwards across the Pacific on 6 March 1521, and named them for the wife of Philip IV of Spain, Queen Maria Anna.

17. The Portuguese discovered Yap and Ulithi in 1526. Later Spanish voyagers, sighting those and many of the other islands in the central and south-eastern area, named them "Carolina" for Charles II of Spain. The Marshall Islands, sighted by the Spaniards in 1529, were not named until Marshall, an English captain, made a voyage of exploration into the region in 1788.

18. In 1565, Legazpi, the first Spanish Governor-General of the Philippines, formally proclaimed the Mariana Islands Spanish territory. For a century after Legazpi's visit, however, Spain made no attempt to colonize the islands. Late in

the nineteenth century, Spain extended its administrative domain to include the Carolines and the Marshalls. By this time the copra trade had attracted the commercial interests of Germany. German traders appeared in the Caroline Islands and, in the mid-1880s, the Germans assumed a protectorate of the Marshall Islands.

19. In 1898, at the end of the Spanish-American War, the United States acquired Guam, and in 1899, Spain sold their remaining Micronesian possessions. Germany ruled the Territory from 1899 to 1914, when Japanese naval squadrons took possession of the islands.

20. In 1920, the League of Nations placed the Caroline, the Marshall, and the Northern Mariana Islands under Japanese mandate. Japan remained in possession of the Territory until 1944, when United States armed forces occupied the Territory.

21. In 1946, the United States agreed to place the Territory of the Pacific Islands, consisting of the islands formerly held under mandate by Japan, under the International Trusteeship System established under the Charter of the United Nations. The draft trusteeship agreement for the Trust Territory of the Pacific Islands was formally submitted to the Security Council of the United Nations on 17 February 1947, and approved by it on 2 April 1947, in accordance with Article 83 of the Charter. 5/ The agreement came into force on 18 July 1947 following its approval by the Congress of the United States.

22. For some time after its occupation by the United States Armed Forces, the Territory was administered by the United States Department of the Navy. In 1951, however, responsibility for the administration of the Territory within the United States Government was passed to the Federal Department of the Interior, in the case of the districts covered by the present report. In 1965, the first elected Congress of Micronesia was convened. Since then, Micronesians have played an increasing part in the Government of the Territory. At the time of writing, the Deputy High Commissioner and most of the senior executive staff are Micronesians and elected governors have assumed or are due to assume office in a number of districts.

C. People

23. The people of the Territory are classified broadly as Micronesians, with the exception of about 1,000 Polynesians who live on the islands of Nukuoro and Kapingamarangi in Ponape District and a few individuals of other racial groups.

24. Although the districts have certain cultural characteristics in common with all of Micronesia, they possess distinct identities. There are substantial local differences in the culture, social organization and the economy.

25. The Palauan society is matrilineally oriented in clans. In the past, both men and women were organized in numerous age-graded societies for social and economic purposes. Land is a very important asset and is conceived ultimately to be the property of a whole clan group. Sales of land are very rare.

5/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957. VI.A.1).

26. The Yapese society is traditional. The most important form of property in Yap is land, almost all of which is owned by the islanders. Land not only provides subsistence and building materials, but also determines a person's status and role. Leadership is also determined by land holdings.

27. The population of Truk is divided into a number of matrilineal lineages which own land, and whose chiefs are the highest authority in most cases.

28. The extended families or lineages have traditionally constituted the basic residential and subsistence units in Ponape and Kosrae and are important as social and political determinants. Ponapean society has been based generally on fixed relationships between groups of peoples and resources, and on status determined by birth in kin groups.

29. The Marshall islanders are fairly homogeneous in race, language and culture, with only minor differences between the two chains (Ratak and Ralik) and among the different parts of the islands. The Marshallese society is matrilineal, and primary land rights and clan membership are transmitted by a mother to her children. Land is of paramount importance to the Marshallese and is their most valuable asset. Everyone inherits land-use rights. The three-tier social system which governs Marshallese society is reflected in the land tenure arrangements.

30. The preceding paragraphs refer principally to the traditional organization of society. Traditional patterns have been overlaid to varying degrees in different districts, by two developments: the emergence of a money economy alongside a subsistence way of life, and the emergence of democratic institutions alongside the traditional hierarchies.

31. Despite the serious unemployment which besets the Trust Territory, the prospect of employment has led, in most districts, to a steady drift of population from the outlying islands to the district centres. In all the main centres, particularly on Moen Island in Truk District and at Ebeye in the Marshall Islands, this has led to the congregation of a large number of people living outside the traditional social structure of the island in question.

32. The balance between traditional and new ways of life varies from district to district. In Yap District, the traditional way of life has changed relatively little. In Kosrae, on the other hand, "traditional" patterns have more or less disappeared under the influence of Protestant religious sects and the introduction of more democratic customs. In some districts the democratically elected leaders tend to be the same people as the traditional leaders, but this is not always the case. Those democratically elected leaders, who are not themselves traditional rulers, sometimes come from the same family or kinship group as the traditional leaders.

33. Paradoxically, therefore, the advent of outside influences has tended to provide a common experience for the various groups of islands while at the same time increasing the differences in their life patterns.

34. According to 1977 estimates, the population of the six districts totalled 109,975, distributed as follows: Truk, 35,220; Marshall Islands, 27,096; Ponape, 21,187; Palau, 13,519; Yap, 8,482; and Kosrae, 4,471.

35. Eight distinct languages, with variations of dialects, are spoken in the districts: two in Yap; two in Ponape, and one in each of the other districts.

36. Saipan, in the Northern Mariana Islands, is the provisional headquarters of the Administration. Ponape was designated as the new capital of the Trust Territory in 1978, by Public Law No. 6-133. The Congress of Micronesia has already transferred its seat to the new capital.

D. Economy

37. By any standard, the economy of Micronesia as a whole shows wide disparities and a serious imbalance in development.

38. For a substantial part of the population, including most of those inhabiting the outlying islands, subsistence economy based on agriculture and fishing remains the rule. Cultivable land is inevitably in short supply. The principal crops are taro, arrowroot, yams, sweet potatoes, cassava, breadfruit, pandanus, bananas and (principally on Kosrae) citrus fruits. Fishing is limited to the island reefs and their immediate environs because most of the inhabitants work from canoes or small outboard boats. As a result of population increase, the drift of population to district headquarters and expectations of rising standards of living, the people of the Trust Territory are heavily dependent on imported food supplies. For example, rice, which is not grown in the Trust Territory, has become a staple diet and is imported under the food aid programmes financed by the Administering Authority.

39. Although the level of activity varies from district to district, a money economy has developed at the district centres. Wages are high by Micronesian standards, but unemployment, particularly among school and college leavers, is also extremely high and the wages of one employee frequently support many members of his or her extended family.

40. Throughout the Trust Territory government service in one form or another is the principal form of employment. The principal cash crop is copra. During the past two years, two coconut oil plants have begun operation, a \$3.4 million facility at Koror in Palau and a \$1.8 million facility at Majuro in the Marshall Islands, both privately financed. These facilities are highly mechanized and do not themselves employ many people but their operations should increase the earning opportunities of copra growers and the whole of the Trust Territory's copra product is earmarked to meet the requirements of the two plants. A small commercial project producing black pepper, rice and vegetables is being developed on Ponape. A successful, small-scale fishing co-operative being developed on Majuro has already led to a substantial increase in the number of people earning their living from fishing on that atoll. Tourism is expanding slowly, on a small scale, mostly on Palau and to some extent on Truk and Ponape. Retail commerce provides some employment at the district centres. Apart from the two coconut oil mills referred to above, there is little industry. Even boat-building is principally an individual home industry, although there are small-scale boat-building or repair yards on Palau, Truk and Majuro. There is a modern tuna processing plant on Koror. Handicrafts of a high standard are produced in most districts but outlets are limited.

41. The value of commodities exported from the Trust Territory (including the Northern Marianas) from October 1976 to September 1977 totalled \$16.5 million. Imports during the same period (excluding the Northern Marianas) amounted to \$44.2 million and consisted largely of food-stuffs and manufactured consumer goods.

42. The economy is heavily dependent on outside financing not only for capital development but also for the recurrent government expenditures. The principal source of financing for the territorial Government is the annual appropriation voted by the United States Congress. This contribution has increased steadily, rising from \$25 million in 1966/67 to \$98 million in 1976/77. Programme grants from United States federal agencies in 1976/77 totalled an additional \$25 million or more. Revenue raised within the Territory by the territorial Government in that year totalled only \$9.8 million (excluding taxes collected by district legislatures and municipal councils). A large proportion of the annual federal appropriation (well over \$50 million in 1977) is used for recurrent government expenditure.

43. Against this general background, and in an attempt to modify dependence on outside support, the Congress of Micronesia approved a five-year indicative development plan in 1976 which was later endorsed by the territorial Administration. As specified by the Congress, the major objectives of the plan are:

(a) To foster an economy which will lead the Territory towards self-sufficiency.

(b) To develop an economic base to support a level of government which Micronesia needs and can afford;

(c) To outline the development priorities and investment required for continued economic growth;

(d) To prepare a plan aimed at devolving decision-making powers to the district and municipal levels of government.

44. As corollaries to the Trust Territory's indicative development plan, individual district development plans for Ponape, the Marshall Islands, Palau and Yap were adopted by the respective district legislators in 1977. The plan for Truk District was awaiting approval by the district legislature and the plan for Kosrae was being prepared.

45. Unfortunately, the implementation of the five-year indicative development plan has fallen behind schedule. According to the latest annual report by the Administering Authority, however, the work on the regular capital improvement programme has continued and the programme is still scheduled for completion before the termination of the Trusteeship Agreement.

46. It has for many years been recognized that a major effort is needed to improve the basic economic infrastructure of the Territory and the indicative development plan is designed, among other things, to tackle this problem. Because of the vast area covered by the islands of the Trust Territory, communications are a major requirement, but are difficult to provide. All district centres (except Kosrae) have airports capable of handling commercial jet aircraft. Kwajalein Airport is of similar capacity. Three of these have unmetalled runways but are scheduled for improvement (one is currently being upgraded). A plan to construct a runway of

international standards on Kosrae has been deferred. Port facilities of a limited nature are available at each district centre. Sea transport is provided mainly by government-operated field trip ships which carry supplies, produce and passengers among the islands. A programme to replace the older vessels with seven new and larger ships built in Japan is nearing completion. Road-building programmes are progressing slowly on some islands and boats remain the principal means of transport for a large part of the population. The standard of roads, the maintenance of which is the responsibility of district administrations, varies considerably from good quality tarred surfaces on Majuro to very badly worn earth surfaces on Moen in Truk. In general, a problem which faces the territorial and district administrations is that of obtaining funds and expert assistance to maintain buildings, roads, etc. constructed under capital development programmes.

CHAPTER III

DRAFT CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA

A. Constitutional Convention, 1975

47. As has been noted in previous reports of the Trusteeship Council and United Nations visiting missions, the need for a constitution suitable to the particular requirements of Micronesia has been the subject of much discussion and numerous recommendations over many years. The 1967 Visiting Mission, 6/ referring to the future pattern of constitutional development in Micronesia, pointed out that it was a matter to which the Congress of Micronesia should give close study and it suggested that the Congress give to one of its standing committees the duty of keeping the constitution under review and making any suggestions it deemed necessary.

48. The demand for a constitutional conference to prepare a constitution and propose the nature and form of a Micronesian Government has gained momentum since the early 1970s. At the special session of the Congress of Micronesia, held on Ponape in late 1972, a proposal was submitted for the holding of such a conference. The Congress was not able, however, to take a decision on the matter.

49. At the first regular session of the Fifth Congress of Micronesia early in 1973, the Committee on Judiciary and Governmental Organization submitted a report containing a bill which provided for the convening of a constitutional conference on Koror during the spring and summer of 1974. The bill, a product of lengthy consultations both in the Committee and in the Congress as a whole, was not adopted by the Congress and its consideration was deferred.

50. The 1973 Visiting Mission, 7/ noting that the formulation and adoption of a constitution drawn up by the Micronesians themselves would play an important part in Micronesia's advancement towards self-determination and independence, regretted the fact that work on such a constitution had not yet been started.

51. At its fortieth session, in 1973, the Trusteeship Council expressed its disappointment that no substantial progress had been made since the previous year with regard to the drawing up of a transitional political and economic programme and the convening of a constitutional conference. Convinced that the preparation and adoption of a constitution was one of the major stages along the path to self-determination, the Council took note of the statements of the Special Representative of the Administering Authority, who undertook to facilitate material arrangements for the holding of a constitutional conference, and

6/ Official Records of the Trusteeship Council, Thirty-fourth Session, Supplement No. 2 (T/1668).

7/ Ibid., Fortieth Session, Supplement No. 2 (T/1748).

recommended that the greatest attention should be given to that question so that effective progress might be achieved during the coming months. 8/

52. In November 1973, during the discussions in Washington, D.C., between the Joint Committee on Future Status of the Congress of Micronesia and the United States delegation, the latter referred to a letter it had received from the President of the Senate and the Speaker of the House of the Congress of Micronesia informing it of the intent of the Congress to reconsider legislation calling for the early convening of a constitutional convention. The United States delegation welcomed that possibility, recalling that it had first urged the calling of such a convention during the talks in Koror in April 1972.

53. In a policy statement made on 23 January 1974, the United States Secretary of the Interior said that the United States Congress had approved funds for a Micronesian constitutional convention and would support its organization.

54. At its second regular session, in February/March 1974, the Fifth Congress of Micronesia passed an act (Senate Bill No. 38) calling for a constitutional convention for Micronesia and prescribing its powers, duties and functions. On 29 March 1974, that act was signed into law (Public Law 5-60) by the High Commissioner of the Trust Territory.

55. As prescribed under the law, the Constitutional Convention consisted of 60 delegates, of whom 6 were members of the Congress of Micronesia appointed by the congressional delegation of each district; 12 were traditional leaders of Micronesia (2 from each district); and the remaining 42 were elected directly by popular vote on 4 June 1974. The convention was charged with the duty of drafting a constitution which would provide the legal framework of internal government for Micronesia following termination of the Trusteeship Agreement. It began its work on 12 July 1975, the tenth anniversary of the Congress of Micronesia, and concluded its task on 8 November 1975 with the signing of a draft constitution for a proposed Federated States of Micronesia.

56. By its resolution No. 38, the Constitutional Convention requested the Congress of Micronesia to arrange with the Government of the United States for the implementation of those portions of the constitution not in fundamental conflict with the Charter of the United Nations and the Trusteeship Agreement for the Trust Territory of the Pacific Islands. 9/

B. Terms of the draft constitution

57. The following are the main provisions of the draft constitution.

58. Territory: The Territory of the Federated States of Micronesia would comprise the districts of the Micronesian archipelago that ratify the constitution.

8/ Official Records of the Security Council, Twenty-eighth Year, Special Supplement No. 1 (S/10976), para. 347.

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

59. Supremacy: The constitution would be the expression of the sovereignty of the people and would be the supreme law of the Federated States of Micronesia. An act of the Government in conflict with the constitution would be invalid to the extent of conflict.

60. Citizenship and rights: The constitution would regulate the status of citizenship of the Federated States of Micronesia. It would also set out a number of fundamental human rights which would thus be given constitutional status.

61. Traditional rights: The constitution would provide that nothing in it should take away a role or function of a traditional leader as recognized by custom or tradition. The congress of the Federated States of Micronesia could establish a chamber of chiefs. The constitution of a State having traditional leaders could provide for an active, functional role for them.

62. Levels of government: The three levels of government in the Federated States of Micronesia would be national, state and local. A State would have a democratic constitution.

63. Powers of government: A power expressly delegated to the national Government or a power of such an indisputably national character as to be beyond the power of a State to control, would be a national power. A power not expressly delegated to the national Government and not prohibited to the States would be a state power. Certain powers would be concurrent.

64. Legislative power: The legislative authority of the national Government would be vested in the congress of the Federated States of Micronesia. The congress would consist of one member elected from each State on the basis of state equality, and additional members elected from congressional districts in each State apportioned by population. A State could provide for one of its seats to be set aside for a traditional leader. The vote of two thirds of the members of congress would be required for the ratification of a treaty except that a treaty delegating major powers of the Government of the Federated States of Micronesia to another Government would also require majority approval by the legislatures of two thirds of the States.

65. Executive power: The executive power of the national Government would be vested in the President of the Federated States of Micronesia. He would be elected by the congress for a term of four years by a majority vote of all the members.

66. Judicial power: The judicial power of the national Government would be vested in a supreme court and inferior courts established by statute. The supreme court would be a court of record and the highest court in the Federation, and would consist of a chief justice and not more than five associate justices. The supreme court would have exclusive original jurisdiction in certain matters and the other national courts would have original jurisdiction in certain other matters concurrently with state or local courts.

67. Finance: Public money raised or received by the national Government would have to be deposited in a general fund or special funds within the national treasury. Money could not be withdrawn from the general fund or special funds except by law. Foreign financial assistance received by the national Government

would have to be deposited in a foreign assistance fund. Except where a particular distribution would be required by the terms or special nature of the assistance, each State would have to receive a share equal to the share of the national Government and to the share of every other State. The President would have to submit an annual budget to the congress. Congress could alter the budget. The President could veto any appropriation proposed by the congress.

68. Amendments: An amendment to the constitution could be proposed by a constitutional convention, by popular initiative or by the congress in a manner provided by law. A proposed amendment would become a part of the constitution when approved by three fourths of the States.

69. Effective date: The constitution would take effect one year after ratification unless the Congress of Micronesia, by joint resolution, were to specify an earlier date. If a provision of the constitution were held to be in fundamental conflict with the Charter of the United Nations or the Trusteeship Agreement between the United States and the United Nations, the provision would not become effective until the date of termination of the Trusteeship Agreement.

70. Under Section II of Public Law 5-60, as amended by Public Law 5-19 and as further amended by Public Law 6-61, an affirmative vote for the constitution in a majority of the districts voting in the referendum would be deemed as approval and ratification of the constitution by the people of Micronesia. However, the constitution would not take effect in those districts in which it was rejected by a majority of the voters.

CHAPTER IV

PREPARATIONS FOR THE REFERENDUM

A. Proclamation calling for a referendum

71. At its first regular session in 1977, the Seventh Congress of Micronesia passed an act (House Bill No. 7-209), by which it directed the High Commissioner of the Trust Territory to designate the date for a constitutional referendum on the proposed constitution of the Federated States of Micronesia. By the same act, the Congress declared it to be the consensus and intent of the Congress of Micronesia that the constitutional referendum could no longer be postponed indefinitely, and that the referendum ought not to be delayed pending the resumption or successful conclusion of the political status negotiations between the Government of the United States and the Government of Micronesia. Finally, the Congress directed the High Commissioner to designate the date for the constitutional referendum within 60 calendar days from the effective date of the act. The date so designated was to be neither earlier than 15 June 1978 nor later than 15 August 1978. On 1 April 1977, the act was signed into law (Public Law 7-31) by the High Commissioner of the Trust Territory.

72. On 11 May, the Acting High Commissioner of the Trust Territory issued a proclamation calling for a referendum to be held on 12 July 1978 to ascertain the wishes of the people of Micronesia on the proposed constitution. He urged all eligible and qualified voters of Micronesia to participate fully in the process of self-determination through careful study, discussion and evaluation of the proposed constitution.

73. Public Law 5-60, as amended by Public Law 7-75, designated the wording of the ballot for the referendum on the draft constitution, as follows:

Do you approve of the Constitution?

Yes ☐

No ☐

74. The ballot would be written in English and in the local languages spoken in the district concerned.

B. Arrangements for the conduct of the referendum and establishment of the Constitutional Referendum Board

75. During its second regular session in 1978, the Seventh Congress of Micronesia passed an act (House Bill No. 7-444) which provided, inter alia, for the conduct of the referendum on the proposed constitution and established a Constitutional Referendum Board. On 17 March, this act was signed into law (Public Law No. 7-75) by the High Commissioner of the Trust Territory.

Constitutional Referendum Board

76. Public Law No. 7-75 provided for the establishment of a Constitutional Referendum Board consisting of the High Commissioner or his designated representative; two members appointed by the High Commissioner, the presiding officers of the Congress of Micronesia or their designated representatives; and one member appointed by the presiding officers. All appointed members would have to be citizens of the Trust Territory.

77. The Constitutional Referendum Board would be responsible for the over-all supervision and administration of the referendum, including the registration of voters, and would perform such duties as were prescribed by law, including the following:

(a) Appoint special district referendum commissioners, members of special district referendum boards and members of special vote-tabulating committees who would serve at its pleasure;

(b) Prescribe and promulgate rules, regulations and instructions, including rules, regulations and instructions for absentee balloting and the registration of voters;

(c) Appoint special representatives to carry out duties assigned by the Referendum Board in the conduct of the referendum.

78. On 20 March 1978, the High Commissioner of the Trust Territory designated Mr. Neiman Craley, Jr., his special assistant for legislative affairs (now Administrator of Administrative Services, in the Trust Territory Government) as his representative on the Referendum Board. The High Commissioner also appointed two other members of the Board: Mr. Anton de Brum, Vice-Chairman of the Marshall Islands Political Status Commission and Director of the Department of Resources and Development in the Marshall Islands District; and Mr. Johnson Toribiong, representing the Palau District Legislature and member of the Palau Political Status Commission. Earlier, the presiding officers of the Congress of Micronesia designated Senator Ambilos Iehsi (Ponape) and Representative Luke M. Tman (Yap), Congress of Micronesia, as their representatives on the Board. In addition, the presiding officers appointed Senator Hiroshi Ismael (Kosrae) of the Congress of Micronesia to serve on the Board.

Special district referendum commissioners and district referendum boards

79. Public Law No. 7-75 further provided for the establishment of the office of a special district referendum commissioner and a special district referendum board in each administrative district, which would have the powers and duties authorized for district election commissioners and boards of election under Title 43 of the Trust Territory Code, as amended, and section 11 of Public Law No. 5-60, as amended.

80. Pursuant to the regulations adopted by the Constitutional Referendum Board, the district referendum commissioner would be the chief referendum officer of his administrative district, with such powers and duties relating to the registration of voters and the conduct of the referendum as prescribed in the regulations, and would have over-all supervision and administration of the referendum in his district. In carrying out his functions, the commissioner would be required, inter alia:

(a) To implement the rules, regulations and instructions for the conduct of the referendum promulgated or issued by the Constitutional Referendum Board;

(b) To require such reports from the special district referendum board as he might deem necessary;

(c) To establish appropriate polling places within each voting precinct;

(d) To register all the voters in his administrative district and to maintain the district referendum register, provided that all voters already registered in the general district register to vote in general elections were not required to register specifically for the purpose of voting in the referendum; and

(e) To prepare from the district referendum register a registered voters' list for each voting precinct prior to the referendum.

Other provisions of Public Law No. 7-75

81. Under the law, a voter would have the right to vote in the referendum at a polling place other than the one at which he was legally registered if he was present within his administrative district on the day of the referendum.

82. An unregistered voter or a voter whose name did not appear on a register who was otherwise qualified to vote might vote in the referendum, provided that he submitted an affidavit (prescribed by the Referendum Board) verified by two registered voters.

83. Responsibility for the implementation of the policies, procedures, rules and regulations adopted and promulgated pursuant to Public Law No. 7-75 would rest with the High Commissioner. The High Commissioner would provide the personnel, legal and litigation assistance, field trip vessel support and printing services necessary to carry out the provisions of the law. The presiding officers of the Congress of Micronesia would ensure that its staff assisted in those activities to the extent of their capacity.

84. Public Law No. 7-75 further provided that the Constitutional Referendum Board would prepare the official ballot for the referendum, and would issue such rules and regulations as were necessary in the preparation, printing and distribution of official ballots.

85. The initial meeting of the Constitutional Referendum Board would be held, according to the same law, at a time and place designated by the High Commissioner, but no later than 15 March 1978. The High Commissioner would act as temporary chairman of the Board.

C. Organization and activities of the Constitutional Referendum Board

Organization of the Referendum Board

86. Mr. Neiman Craley, Jr. and Senator Hiroshi Ismael were elected Chairman and Vice-Chairman, respectively, at the first meeting of the Constitutional Referendum Board on 21 March 1978.

87. On 22 March, the Referendum Board appointed Mr. Daiziro Nakamura, of the Department of Public Affairs of the Trust Territory Government, to be Staff Director of the Board. The Board also appointed the district administrators of the six districts of the Trust Territory as special district referendum commissioners for their respective districts. It also appointed special representatives for Guam, Saipan and Honolulu.

88. Pursuant to the request made by the Referendum Board, each district referendum commissioner subsequently submitted a suggested list of members of the special district referendum boards and counting and tabulating committees. The lists of names so submitted were examined and approved upon receipt from the districts concerned.

89. According to the regulations of the Constitutional Referendum Board, the members of each special district referendum board had to be citizens of the Trust Territory registered to vote under those regulations and be of such numbers as were necessary to have at least two board members present at each polling place. The members at each polling place would have the power to supervise and manage polling places; receive, preserve and maintain ballot boxes; give instructions where necessary for the orderly conduct of the referendum; provide for the issuance of all notices and publications concerning the referendum; receive and transmit all locked and sealed ballot boxes, to the district referendum commissioner; receive, investigate and decide complaints concerning irregularities; recommend to the district referendum commissioner designation of appropriate polling places within each polling precinct; and register voters.

Regulations for conduct of referendum

90. In April 1978, the Constitutional Referendum Board adopted regulations for the conduct of the referendum on the proposed constitution, including the following:

(a) Voter qualifications

91. A citizen of the Trust Territory would be qualified to vote in the referendum if he met the following requirements:

- (i) Was 18 years of age or older on the date of the referendum;
- (ii) Fulfilled the residence requirements for registration under those regulations;
- (iii) Was not under a judgement of mental incompetency or insanity;
- (iv) Was not currently under parole, probation or sentence for any felony for which he had been convicted by any court of the Trust Territory or any court within the jurisdiction of the United States;
- (v) Had registered to vote or was otherwise qualified to vote under those regulations.

(b) Voter registration

92. The district referendum register would consist of one or more volumes for each election district with a general alphabetical index of the voters whenever feasible.

The district referendum register (based on the general district register) would be divided into as many parts as there were election precincts in the election districts in the administrative district, and would have an index of precincts. The register would be maintained by the district referendum commissioner and, for at least 60 days prior to the referendum, would be open to public record and available for public inspection at all times during business hours. A copy of the district referendum register and the respective precinct voters' list would be available at each polling place.

93. Each district referendum commissioner had to ascertain, prior to 1 May 1978, from any department, official or person, information on the death, adjudication of insanity or feeble-mindedness, loss of citizenship, or any other disqualifications to vote, of any registered voter, and had to remove the name of such person from the register. All papers received or made pursuant to that matter would be in the public record, open for inspection during business hours. The regulations provided also that any person whose name was stricken from the register of voters could appeal to the Constitutional Referendum Board.

94. Any citizen of the Trust Territory who had reached the age of 18 years, or who would have reached that age on or before 12 July 1978, and who had resided in the Trust Territory for nine months and in the administrative district for three months preceding the date of registration, and who was otherwise entitled to vote, could register to vote in the administrative district in which he resided.

95. The district referendum commissioner would designate such place or places within each administrative district wherein registration of voters might be made. No person could register to vote in any precinct other than that in which he resided; anyone with residences in more than one precinct should decide in which precinct to register.

96. Any qualified person desiring to register as a voter could do so by swearing an affidavit on application for registration which would then be submitted on or before 12 May 1978. Witnesses could be called to substantiate further the statements of the applicant.

97. If declared not entitled to be registered, an applicant could appeal against that decision to the district referendum commissioner and subsequently to the Constitutional Referendum Board. Each rejected affidavit would be preserved. All valid affidavits would be numbered consecutively as approved and would be transmitted to the district referendum commissioner who would then enter the required information in the district referendum register. The entry of less than the required information would not prevent a person from voting, provided that, in the opinion of the Constitutional Referendum Board, sufficient information had been recorded to identify the voter properly. Any voter who changed his residence or his name after registration in any district referendum register could register again in the proper voting precinct or under the proper name. Registration in person would not be required of a legal resident of a district who was outside his own district.

(c) Voting arrangements and procedures

98. The Constitutional Referendum Board would prepare the official referendum ballot and deliver an adequate number to each election precinct. A record of the number of ballots sent would be kept by the district referendum commissioner.

99. Any qualified voter could vote by absentee ballot if he was absent from his own district on referendum day. Three categories of absentee voters were listed:

- (i) Qualified voters who happened to be in a district other than their own. In each district at least one polling place would be designated to receive such absentee votes on 12 July.
- (ii) Qualified voters in Saipan, Guam or Honolulu. Polling places would be designated in each of these locations to receive absentee votes on 12 July.
- (iii) Qualified voters at sea or outside the Trust Territory, but not in Guam or Honolulu, on 12 July, would be able (provided they had applied in advance for the appropriate voting papers) to mail their ballots to the district referendum commissioner of their own district.

100. In all three cases the procedure would be similar. The voter would be provided with an official ballot paper, a ballot envelope, an affidavit and a covering envelope. The voter would be required to mark his ballot paper and place it in a sealed ballot envelope. He would have to complete the affidavit (which gave particulars designed to establish his identity at the time of vote counting and to ensure that he had not voted already), enclose the affidavit and the sealed ballot envelope in a covering envelope and, in the case of (i) and (ii) above, hand it to the referendum official presiding over the polling place for dispatch to his own district. In the case of (iii) above, he would have to mail it to the district referendum commissioner of his own district.

101. Under the referendum regulations, absentee ballots would not be counted in any district until 22 July, to allow time for them to arrive by mail. On 22 July, each district referendum commissioner would publicly open the covering envelopes of all absentee ballots received in his district and examine the affidavits to ensure that the persons were qualified voters. All valid absentee ballots would be delivered to the counting and tabulating committee.

102. Any person could request the district referendum commissioner to ascertain whether an absentee voter had also voted elsewhere. In the case of duplicate voting, the district referendum commission would cancel the ballot envelope, writing the reasons therefor on it. Similarly, the ballot envelope would be cancelled if the affidavit was incorrect or inadequate, if the voter lacked the proper qualifications or if the ballot envelope was open or had been opened and resealed. The district referendum commissioner's decision in this matter could be appealed to the Constitutional Referendum Board.

103. Each district referendum commissioner would promulgate rules and procedures for the voting by confirmed qualified voters in his district. Such rules and regulations might require affidavits, certificates and other written statements under oath.

104. An unregistered voter or a voter whose name did not appear on the referendum register who was otherwise qualified to vote could vote in the referendum provided that he executed an affidavit at the polling place on referendum day. The affidavit would also contain the signatures of two registered voters acting as witnesses. Each ballot cast by an unregistered voter would be placed in a blank

ballot envelope which would be sealed, and placed with the affidavit in a covering envelope and then deposited in the ballot box.

105. Upon the closure of the polls, ballot boxes would be delivered locked, to the district referendum commissioner, who would publicly open the boxes. After ascertaining that the number of ballots in the boxes equalled the number originally inserted, he would segregate the covering envelopes to determine if the ballots contained therein were valid. Upon the request of any person, the district referendum commissioner would, before delivering the ballot envelope to the counting and tabulating committee, ascertain whether or not the voter had previously voted.

106. A voter would have the right to vote on referendum day at a polling place other than the polling place at which he was legally registered to vote, if he was present within his administrative district on the day of the referendum and lawfully registered to vote in his election district, provided that he executed an affidavit prescribed by the Constitutional Referendum Board at the polling place on referendum day.

107. The district referendum commissioner would ensure that polling places were supervised by the district referendum board and such other officials as the district referendum commissioner or members of the Constitutional Referendum Board who would have to be present at the designated polling places during the referendum. Whenever possible, public schools and other public places would be used as polling places.

(d) Complaint procedure

108. Any person could file an oral or written complaint with a district referendum board concerning the eligibility of a voter or voting irregularities. In the case of the eligibility of a voter, members of the board present at the polling place would be required to give the accused individual time to present witnesses and an explanation. In case of failure to reach a majority decision, the board would refer the matter to the district referendum commissioner. A negative decision could be appealed to the district referendum commissioner or his designated representative. All decisions would have to be made prior to the time of the closing of the polls. The complainant could further appeal against the decision to the Constitutional Referendum Board. In the event that the decision of the district referendum commissioner could not be obtained, or that the complaint related to the conduct of the district referendum commissioner, the complainant might appeal the decision of the district referendum board member to the Constitutional Referendum Board. A decision of the Constitutional Referendum Board could have the effect of disallowing the challenged votes but would not halt or delay balloting or counting and tabulating. Any individual, group or organization would be free to communicate any information directly to the members of the Constitutional Referendum Board concerning any referendum irregularity.

CHAPTER V

EDUCATION FOR SELF-GOVERNMENT

A. Programme of political education

109. The importance of developing a comprehensive programme of political education in Micronesia to engender amongst the people a sense of political consciousness and awareness of the various options and opportunities open to them in the process of self-determination has been discussed in many reports of the Trusteeship Council and its various missions.

110. In the early 1960s and in subsequent years, United Nations visiting missions that toured the Trust Territory saw an urgent need for the institution of an energetic political education programme designed to provide the people of Micronesia with explanatory information concerning their future political status. The 1964 Visiting Mission, for example, stated that only Micronesians could choose their future political status and that they should be able to choose it based on real alternatives and thorough self-knowledge. 10/

111. The 1970 Visiting Mission reported that it had frequently heard demands in all parts of the Trust Territory for increased political education although people often seemed to have little idea of exactly what they wanted. The Mission had been interested in the work of the Trust Territory Department of Public Affairs in that important field, and in the plans which the Department had for more detailed endeavours to explain to the public the workings of the system of Government. 11/

112. In June 1972, the Trust Territory Government reported that it had instituted a series of weekly meetings with the staff of the Congress of Micronesia which had resulted in increased understanding and improved liaison work with the Congress. Legislative workshops, municipal leadership conferences, publications and radio programmes had been initiated, with indications that considerable interest had been generated among the people about the issue of future political status as well as the organization and functions of their present Government.

113. In August 1972, the Congress of Micronesia adopted legislation providing for the establishment of a joint Political Education Commission. Its task was to prepare the people of Micronesia for 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.

114. The 1973 Visiting Mission found it regrettable that the proposed joint political education commission had not yet been set up, as there was a real need for such co-ordinating machinery in that field. It considered that the primary

10/ Official Records of the Trusteeship Council, Thirty-first Session, Supplement No. 2 (T/1628), para. 302.

11/ Ibid., Thirty-seventh Session, Supplement No. 2 (T/1713), para. 519.

responsibility for developing an effective political education programme rested with the Administration. Political education, it reported, was also the task of members of the Congress of Micronesia and other legislatures and particularly of the Joint Committee on Future Status. 12/

115. 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 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 \$100,000 for that purpose in its supplementary budget for 1974.

116. In 1975, the Administering Authority reported that the Task Force had made significant progress towards its initial goals; it had published and distributed a substantial volume of material about the status options and the forthcoming Constitutional Convention. The Task Force introduced, inter alia, a series of 14 radio programmes produced during February and April 1974. The series explained the various aspects of the status options open to the people. Another series of radio programmes explaining the purpose and the important role of the people in the Constitutional Convention, was produced in May 1974. A third series, entitled "Dialogue for Micronesia", was later introduced, in which members of the executive and legislative branches and others were invited to appear for interviews.

117. Late in 1974, a film entitled "The Micronesian Constitution" was ready for distribution to the districts as the first in a series of such programmes under the general heading, "Building a Nation". Most of the material produced by the Task Force, both for radio and for publication, was made available to the schools in Micronesia. A complete teaching package on the constitution, called "Village Visitation Packet No. 1", was also made available to educational institutions.

118. In the meantime, the Task Force held workshops with members of district administrations, including members of the district task forces, and made trips throughout the districts, meeting officials and the general public to discuss the education for self-government programme.

B. Political education about the Micronesian constitution

119. Following the preparation of the draft constitution in November 1975, it became imperative to develop an impartial and objective political education programme to explain to all Micronesians the relevant facts about the constitution. The Congress of Micronesia and the Trust Territory Administration expanded their activities in the field to ensure the widespread understanding of the constitution.

120. In the closing months of 1975, the ESG Task Force produced and distributed curriculum materials to all the districts in a second teaching package entitled, "Introduction to the Constitution", which illustrated the major points of the

12/ Ibid., Fortieth Session, Supplement No. 2 (T/1748), para. 157.

proposed constitution. The package also contained a glossary of constitutional words and terms, a teacher's guide, and vernacular versions of the text of the constitution.

121. In addition, with funds made available by the Congress of Micronesia, the Task Force arranged for the translation, printing and distribution of the constitution in 12 languages and dialects.

122. Education for Self-Government Notes, a regular bi-weekly publication concerned with the programme, covered events and developments concerning the constitution. The constitution was also reprinted in large posters and the preamble printed separately as a poster. A comparative chart showing the differences between the present structure of the Trust Territory Government and the form of the Government under the proposed constitution was also distributed.

123. During 1976, the ESG Task Force, in co-operation with the territorial Department of Education, held two-week workshops 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 Territory, the law of the sea and the Micronesian democratic process.

124. In 1977, the Task Force disseminated information on the proposed constitution (including 45,000 copies of the text in various languages and dialects); the law of the sea; economic developments; the democratic process; the preparation of charters for district governments; and constitutional developments. In addition, materials produced in the preceding year were given wide dissemination.

125. According to reports furnished by the Trust Territory Government, although the ESG programme at headquarters dealt primarily with training and the dissemination of information, most of the actual education took place at the district level under the leadership of the local staff of ESG.

126. Throughout the Territory, local personnel of ESG carried out village education programmes, arranged radio broadcasts in local languages and translated and produced documentation. In many cases, local leaders, members of the Congress of Micronesia and others took part in village meetings throughout the islands where issues were explained and debated.

127. In the days and months immediately preceding referendum day, the demand for more political education on the draft constitution greatly increased and the task of providing an adequate and acceptable definition of its provisions proved to be challenging.

128. The Administration's task forces, in line with the policy of impartiality adopted by the Government, were instructed to explain the provisions of the constitution without taking sides. The district task forces utilized the services of the Micronesian News Service, the district radio stations and other government facilities to disseminate information on the constitution.

CHAPTER VI

DELIBERATIONS OF THE TRUSTEESHIP COUNCIL CONCERNING THE REFERENDUM ON THE CONSTITUTION

129. At its forty-second session, in 1975, the Council was informed that the Congress of Micronesia had passed legislation calling for a general referendum on the future political status of Micronesia, the results of which would provide general guidelines for the constitutional convention. At the same session, the Council:

(a) Noted that an advisory referendum, offering all possible options including independence, and designed to elicit an indication of the wish of the people of Micronesia concerning their future political status, would be held on 8 July 1975, and noted also that a constitutional convention was scheduled to convene on 12 July 1975;

(b) Expressed the hope that the results of the advisory referendum would provide a clear framework enabling the constitutional convention to give due regard to the aspirations of the people of Micronesia concerning their common future political status as well as their internal constitutional structure;

(c) Looked forward to being fully informed of the results of the advisory referendum and of subsequent developments at the constitutional convention. 13/

130. At its forty-third session, in 1976, the Council was informed that legislation passed by the Congress of Micronesia and endorsed by the Administering Authority required that a draft constitution be put to a vote simultaneously in the districts, at a date to be established by the High Commissioner in consultation with the Congress of Micronesia. At the same session, the Council:

(a) Noted the draft constitution for the proposed Federated States of Micronesia approved by the Micronesian constitutional convention in November 1975 and the expressed intention of the Congress of Micronesia that the draft constitution should in due course be put to a popular referendum;

(b) Expressed the hope that the Congress of Micronesia would do its best to ensure that, at such time as the draft constitution was put to a popular referendum, it would be in a form likely to be acceptable to all the districts. 14/

131. At its forty-fourth session, in 1977, the Council was invited by the Administering Authority to dispatch a visiting mission to observe the constitutional referendum. At the same session, the Council:

13/ Official Records of the Security Council, Thirtieth Year, Special Supplement No. 1 (S/11735), para. 416.

14/ Ibid., Thirty-first Year, Special Supplement No. 1 (S/12214), para. 439.

(a) Welcomed the invitation issued by the Administering Authority to observe the referendum;

(b) Noted, however, that negotiations on the future political status of the Marshall and Caroline Islands could affect issues to be decided by the referendum and also the precise timing;

(c) Continued to hope that the Congress of Micronesia would do its utmost to ensure that when the draft constitution was put to a popular referendum, it would be in a form likely to be acceptable to all the districts and calculated to preserve a degree of unity among them. 15/

132. At its forty-fifth session, in 1978, having been informed of the progress made in preparation for the referendum on the draft constitution, the Council:

(a) Accepted the invitation extended to it by the Administering Authority to observe the referendum;

(b) Noted with satisfaction the creation by the Congress of Micronesia of a board for the constitutional referendum; hoped that all measures would be taken to ensure the fairness of the vote and the security of the ballot boxes; further hoped that the presence of the United Nations Visiting Mission would prevent irregularities and lead to broad participation by the voters;

(c) Requested that, in view of the existence of separatist tendencies in the districts of Palau and the Marshall Islands, the Visiting Mission should give particular attention to ensuring that the political campaign and voting operations would take place under normal conditions and in a completely free manner;

(d) Noted with satisfaction the undertaking by the representatives of the Administering Authority to respect the results of the referendum of 12 July, whatever might be the outcome, and to co-operate with the appropriate Micronesian authorities, before the end of the mandate, in implementing all provisions of the constitution consistent with the Trusteeship Agreement;

(e) Noted that the Administering Authority and the Congress of Micronesia had stated that they had overcome their differences with regard to the compatibility of the constitution with the projected status of free association. 16/

15/ Ibid., Thirty-second Year, Special Supplement No. 1 (S/12390), para. 548.

16/ Ibid., Thirty-third Year, Special Supplement No. 1 (S/12971), paras. 585-588.

CHAPTER VII

ACTIVITIES OF THE VISITING MISSION

A. Itinerary

133. Because of the need to observe activities in the six districts simultaneously and because of the restrictions imposed by the schedule of air services within the Trust Territory, the itinerary of the Visiting Mission was of necessity complex (see annex I to the present report). Briefly, five members of the Mission left New York on 17 June and visited Hawaii from 17 to 20 June; Kolonia from 21 to 23 June; Saipan from 23 to 26 June; and Guam on 26 June. Thereafter, the members of the Mission formed into three groups and observed the campaign and voting in, respectively, the Palau and Yap Districts; Truk, Ponape and Kosrae Districts; and Marshall Islands District. Another member of the Mission subsequently joined the group in Palau District on 3 July, after spending three days with the Chairman in Truk for briefing. After the polling, four members of the Mission assembled in Honolulu on 15 July for preliminary discussions and returned to New York on 19 July. Two members of the Mission who had remained in the Trust Territory to observe the counting of votes returned to New York at the end of July. One member of the Mission returned to the Trust Territory from 2 to 9 October to be present during investigations in Palau District concerning irregularities in the conduct of the referendum.

134. On 13 June 1978, the Visiting Mission held preliminary discussions in Washington, D.C. with the following senior officials of the United States Government: Mr. Charles William Maynes, Assistant Secretary of State for International Organizations Affairs; Mr. Peter Rosenblatt, the President's Personal Representative for Micronesian Status Negotiations; Ms. Ruth Van Cleve, Director, Office of Territorial Affairs, Department of the Interior; Mr. Matthew Nimetz, Counsellor of the Department of State; Mr. George Milner, Deputy Director, Office of Territorial Affairs; Mr. Trevor Haydon of the Office of Territorial Affairs; Mr. Ira Wolf of the Department of State; and Messrs. James Berg and Donald Anderson of the Office of Micronesian Status Negotiations. During the discussions, the Mission was given an explanation of the plans and policies of the Administering Authority in respect of the referendum and also received useful background information about the Trust Territory.

135. On 17 June, the Mission left New York for the Trust Territory and stopped en route in Honolulu where, on 19 June, it called on Mr. George R. Ariyoshi, the Governor of the state of Hawaii, and held discussions concerning the referendum with Micronesian students at the University of Hawaii.

136. On 21 June, the Mission began its visit to the Trust Territory at Ponape, the capital of the Territory and headquarters of the Congress of Micronesia, and held discussions with the Speaker of the House of Representatives, the Vice-President of the Senate and other members of the Congress of Micronesia with regard to the preparation for the referendum.

137. The Visiting Mission departed for Saipan, the seat of the executive branch of the Trust Territory Government, on 23 June, for discussions with the Chairman and members of the Constitutional Referendum Board and senior officials of the Administration.

138. The Mission visited Guam on 26 June where they called on Mr. Ricardo Bordallo, the Governor of Guam, and held a meeting with Micronesian students at the University of Guam to hear their views on the constitutional referendum.

139. On 27 June, the Mission formed into three groups in order to visit as many districts and subdistricts as possible. Mr. Pierre Garrigue-Guyonnaud (France) and Mr. Ian A. Woods (United Kingdom) visited Palau and Yap Districts; Mr. Robin Byatt (United Kingdom), Chairman of the Mission, and Mr. Gérard Julienne (France) visited Truk, Ponape and Kosrae Districts; and Mr. Jean-Claude Brochenin (France), Vice-Chairman of the Mission, and Ms. Sheila Harden (United Kingdom) visited Marshall Islands District. Each group was accompanied by members of the United Nations Secretariat.

140. On 15 July, four members of the Mission left the Trust Territory for Honolulu, where they began the preparation of the report of the Mission to the Council. The Group continued its trip to New York on 18 July.

141. Two members of the Mission, Mr. Brochenin and Mr. Woods, accompanied by three members of the Secretariat and the United States escort officer, remained in the Trust Territory for about two more weeks to observe the counting and tabulation of votes in the Palau, Yap, Truk, Ponape and Marshall Islands Districts. Because no transport was available to Kosrae, they were unable to witness vote counting there.

142. As described in chapter X of the present report, the Mission was subsequently invited to observe the proceedings of an investigation into allegations of referendum irregularities in Palau District. Ms. Harden, a member of the Mission, accompanied by a member of the Secretariat, returned to Palau from 2 to 9 October for that purpose.

B. Summary of activities

143. Throughout its stay in the Trust Territory the Mission was provided with detailed information and background material about the referendum by the Chairman of the Constitutional Referendum Board, the special district referendum commissioners, the members of the special district referendum boards and the senior officials of the district administrations.

144. On 26 June 1978, the Chairman of the Visiting Mission issued a statement at Saipan explaining the programme and functions of the Mission. That statement (see annex II below) was broadcast on the territorial and district radio services. The Chairman said that the basic objective of the International Trusteeship System was to promote the advancement of the inhabitants of Trust Territories and their progression towards self-government. The Mission had therefore come to observe the constitutional referendum on 12 July as an important step in that direction.

145. The Chairman explained in his statement that the task of the Mission was to observe the conduct of the referendum. In particular, members of the Mission would want to satisfy themselves and to report to the Trusteeship Council on the fairness of the referendum; that the people had understood the issues in the referendum; that all sides had had an opportunity to make clear to the voters their views for or against the constitution; that the voters had not been subjected to unfair pressures to vote in a particular way; and that the ballot had been secret.

146. In announcing that the Mission would visit all the districts concerned in the Trust Territory, the Chairman stated that members of the Mission would be available in each district to meet groups and individuals who wished to see them. The times and places of such meetings would be announced. He said that, in addition, members of the Mission hoped to have the opportunity to attend public meetings being held during the referendum campaign to see for themselves how they were being conducted. They were interested to hear as wide a range as possible of opinions about the referendum. The Chairman pointed out that members of the Mission would visit as many polling stations as possible, to see how the voting was being conducted. Later they would watch the counting of the ballots. Finally, the Chairman urged the people of Micronesia to vote on 12 July. He said that it was for them to decide whether to vote "yes" or "no", but that they should vote.

147. Members of the Mission subsequently spoke on radio in all districts on similar lines, explaining the position of the United Nations with regard to the future of Micronesia, the role and functions of the Mission and its readiness to hear all points of view. Further, members of the Mission announced on radio and at public meetings in the various districts that they would be available at their respective headquarters to meet groups and individuals.

148. The Mission held several public and private meetings in each district and had the opportunity to hear the views of many groups and individuals regarding the constitution. In all the districts of the Trust Territory, the Mission met members of the Congress of Micronesia, special district referendum commissioners and their staff and special district referendum boards; staff of the ESG Task Force, district legislatures and municipal councils, magistrates and traditional leaders; members of the judiciary; medical personnel; representatives of the business community; teachers; students; and the general public.

149. In Palau District, the Mission met on several occasions members of the Palau Political Status Commission which opposed the proposed constitution and the groups supporting it. In the Marshall Islands District, the Mission held a number of meetings with members of the Marshall Islands Political Status Commission and the Voice of the Marshalls, which were the opponents and proponents of the constitution. In Ponape, the Mission met a group of individuals who had come together to organize a campaign against adoption of the constitution. In the other three districts, there were no formally organized political groups working for or against its adoption.

150. On 12 July 1978, the day of the referendum, members of the Mission closely observed (twice in many cases) polling stations in the Palau, Yap, Truk, Ponape and Marshall Islands Districts. For lack of any means of transport, the Mission was unable to station a member in Kosrae District on 12 July.

151. The activities of the Mission in relation to the various phases of the referendum process are described further in chapters VIII to XII below.

C. Observations on economic and social conditions
in the Trust Territory

General

152. The visiting Mission was required by its terms of reference to obtain first-hand information on economic and social developments in the districts visited to the extent that its primary purpose permitted. In the event, members of the Mission found that their time was almost entirely absorbed by meetings and discussions directly connected with their primary task of observing the constitutional referendum. The Mission is not, therefore, in a position to report in any detail on economic and social conditions. A full report on economic and social conditions in the Trust Territory is given in the report of the 1976 Visiting Mission. ^{17/} The present Mission did not observe any basic changes in the situation described by its predecessor, although, as noted in this section and in section D of chapter II, progress has been made in some areas, notably the improvement of airports, the building of hospitals, the construction of coconut oil plants, fisheries and tourism.

153. The 1976 Visiting Mission found an almost universal view throughout the Trust Territory that the dependence of Micronesia on large annual payments from the United States was unacceptable and that a dramatic overhaul of the economy was required to remedy the imbalance. The 1976 Mission considered that the substantial inflow of funds from abroad had in some respects distorted the economy and impeded progress towards self-sufficiency. The present Mission concurs with that view. At public meetings held by the Mission, numerous speakers expressed concern that the Territory, while preparing itself for self-government by 1981, remained heavily dependent on outside support and had no prospect of achieving economic self-sufficiency by 1981. Many expressed the view that a target date set for the ending of the Trusteeship Agreement should have taken full account of the time needed to implement the various economic and social programmes formulated in recent years. Others expressed concern that the ending of the Trusteeship Agreement might lead to a decline in annual payments from the United States Government, with adverse consequences for the Territory's economic development. For that reason they had misgivings about changes in the status of Micronesia.

154. The Visiting Mission does not underrate the difficulties of tackling and rectifying the problems and imbalances which beset the Territory in the economic and social spheres. Many of those problems are interrelated and are aggravated by the physical nature of the Territory. In the view of the Mission, the principal areas which require (and, to be fair, are now receiving) attention are those described in the next three paragraphs.

155. There is an acute need to develop productive and revenue-generating sectors of the economy, particularly by the provision of small-scale or co-operative enterprises suited to the conditions of Micronesia. As noted in chapter II, section D above, the principal source of employment is still government service. Some progress has been made in developing agriculture and fisheries. A basic requirement for further development of those sectors is the provision of more and larger refrigerated storage facilities. Further advance is hampered not only by

^{17/} Official Records of the Trusteeship Council, Forty-third Session, Supplement No. 3 (T/1774), paras. 208-313.

the scarcity of capital, but also by traditional attitudes and rights over lands and fisheries. Such advance is necessary, however, initially to reduce the Territory's heavy dependence on imported food-stuffs, and thereafter to generate export earnings. Micronesia also offers opportunities for tourism, although its distance from major population centres and the limited facilities at present available probably preclude the early growth of a large-scale tourist industry. The number of hotels in the Territory is increasing and the industry is largely in the hands of local entrepreneurs. Members of the Mission were guests in a number of hotels owned and managed by Micronesians. The strike by employees of the Continental Hotel in Palau, of which the Council was informed at its forty-fifth session, continued during the Mission's visit and the Mission urged the parties to reach a settlement.

156. As noted in chapter II, section D, the Trust Territory's indicative development plan envisages improvement in the basic economic infrastructure of the Territory and some progress has been made, although implementation of the plan is behind schedule. Improvement in air and sea communications has also been noted. The Mission hopes that the programme for improvement of airports, including the construction of the new runway on Kosrae, will not be further delayed. As noted in the preceding paragraph, refrigerated storage facilities are inadequate. The Mission noted that a problem was already arising with regard to the maintenance of infrastructure provided through the capital development programme. Given the limited budget of the Trust Territory and district governments, it is important that new facilities should be built on a scale, to a standard and of materials which do not impose excessive maintenance costs. That problem was particularly noticeable in respect of hospitals. The Mission was favourably impressed with the new 116-bed hospital at Ponape, but found that the hospitals at Truk and Koror, although opened only a few years ago, were already exhibiting signs of deterioration and lack of maintenance and that the hospital on Majuro appeared, during a brief visit by the Mission, to be in much need of improvement. There is now a hospital in each district centre and one on Ebeye. New hospitals are under construction in the district centres in Yap and Kosrae. There is also a 30-bed rehabilitation centre annexed to Majuro Hospital.

157. The most pressing social problem is that of unemployment, particularly among school and college leavers. The general educational level in the Trust Territory is high. There is universal primary education and a high level of secondary education, but only a small proportion of those who graduate from school or college can expect to find employment within a reasonable period of time. The problem is exacerbated by the past practice of emphasizing liberal education as opposed to technical education and vocational training which has led a scarcity of trained personnel to operate the few existing economic enterprises. Too many students have graduated in social studies, but not enough in medicine, economics, agriculture, engineering, etc. The courses offered by the Micronesian Occupational Centre at Palau and the Ponape Agriculture and Trade School are rightly designed to go some way towards correcting the imbalance. At the same time, as noted above government service is the principal form of employment and a large part of the Trust Territory's annual budget appropriation is absorbed by the payment of salaries and wages to government employees. The governmental structure and system of administration is expensive in comparison with those of other countries at approximately the same stage of economic growth. A programme for the reorganization of government is under way. It is clearly desirable that a greater proportion of the population should be employed in the productive sector rather than in government service. Given the present high level of unemployment, however, it appears that the

first priority should be to increase jobs in the productive sector, particularly in agriculture, fisheries, tourism and small-scale industry, rather than to reduce employment in government service.

Ebeye

158. It is opportune for the Mission to comment in more detail on the island of Ebeye, Kwajalein Atoll, where members of the Mission spent some time observing the referendum campaign and the voting. Ebeye has a large population which has come not only from other islets of Kwajalein Atoll, but also from other parts of the Marshall Islands District to gain employment on the neighbouring island of Kwajalein which is the base for the Kwajalein Atoll missile testing range. The population has increased steadily from year to year, growing from 5,500 inhabitants in 1973 to more than 8,000 in 1978. The island, on which there is virtually no vegetation, looks like a shantytown anchored on the ocean and is in striking contrast with the neighbouring island of Kwajalein.

159. On the day the Visiting Mission arrived, final work was being done on an installation for the processing of household waste water before its discharge into the ocean. The installation was expected to bring about considerable improvement in the sanitation conditions on the island. However, the connexion of all housing units to the central collecting conduit has not yet been carried out.

160. The hospital, although recently built, gives the impression of not being properly maintained.

161. The inhabitants of the island enjoy a relatively high standard of living owing to the wages of the 600 to 700 workers who work at the base at Kwajalein. It is common to find refrigerators and television sets in the houses. Nevertheless, such a high concentration of people (one third of the population of the Marshall Islands) is unsanitary and poses problems which are increasingly difficult and expensive to solve. Collected rain water has long been insufficient to cover the population's water needs, and the Kwajalein desalination plant has been supplying the additional requirement.

162. While it would seem logical to develop some of the other small islands - for example, the Carlson Islands - on the atoll situated outside the "median corridor" (the zone of impact of the rockets), certain difficulties would be encountered, such as negotiations with the owners of the islands, investments, equipment, etc.

CHAPTER VIII

POLITICAL CAMPAIGN BEFORE THE REFERENDUM

A. General

163. The political campaign prior to referendum day varied considerably from district to district both in form and in intensity. Activity was greatest in the Palau and Marshall Islands Districts where organized groups campaigned actively for and against endorsement of the draft constitution. In Palau District, the campaign engendered considerable political tension. In the Marshall Islands District, campaigning was equally active, but less bitter. In Ponape District, although organized groups campaigned on both sides, those opposing the constitution only engaged in public activities during the closing weeks of the campaign and the level of activity was considerably lower than in Palau and the Marshall Islands. In Truk and Kosrae Districts, there was little public campaigning against the constitution and that which took place was undertaken by individuals rather than formal groups. In Yap District, there was no overt campaign against the constitution.

164. Because of those differences, the campaign is described district by district in the following sections of the present chapter. Some comments of general applicability can, however, be made.

165. In February and March 1978, the Congress of Micronesia adopted legislation authorizing the expenditure of \$304,145 and \$65,000 from its general fund for the purpose of financing the referendum and the political campaign relating to the constitution, respectively. In the four central districts (Yap, Truk, Ponape and Kosrae), campaigning in favour of the constitution was undertaken principally by or under the aegis of the Congress of Micronesia and its members. The groups which campaigned in favour of the constitution in the Palau and Marshall Islands Districts also received support and encouragement from the Congress. Several weeks before the referendum, the Congress of Micronesia organized visits to each district by groups of traditional leaders from other districts who argued in favour of the approval of the constitution and, in particular, in favour of the maintenance of unity between all six districts. In the four central districts, the Congress also arranged a programme of "workshops", comprising visits to individual islands and villages by groups usually made up of members of the Congress who explained the advantages of the constitution to the people and encouraged them to vote for it. The staff of the Congress prepared a comprehensive briefing book containing detailed information about the constitution which was made available to institutions, groups and individuals. Copies of the briefing book were also made available to the Visiting Mission.

166. Particularly in those districts where there was no group campaigning actively against the constitution, the ESG programme conducted by the executive branch of the Trust Territory Government and described in chapter V above could, to some extent, be considered an element in the political campaign in the sense that it was one of the principal sources of information about the constitution available to voters. In most districts, the ESG programme was continued up to the eve of the poll, although in Palau, because of the tensions aroused by the campaign, the intensity of

the programme was reduced during the closing stages of the campaign. In addition to the village education meetings conducted by the ESG Task Forces, there were extensive radio broadcasts by the district radio services. As explained in chapter V, it was the policy of the Executive that the ESG programme, in so far as it related to the constitution and the referendum, should be conducted with strict impartiality, should be confined to explaining the provisions of the constitution without expressing opinions on the merits or demerits of the constitution, or urging people to vote for or against it and should be strictly educational and avoid becoming directly involved on either side of the political campaign. It was the impression of the Visiting Mission that this objective had been largely achieved since, at public and private meetings held by the Mission, the principal complaint against the ESG programme was that those engaged in it had not been prepared to tell people whether they should vote "yes" or "no". Leaders and people in some municipalities complained to the Mission that the ESG Task Forces had not visited them. In some cases the Mission was able to arrange with the district administration concerned for such visits to take place. In general, however, it was the Mission's impression that most areas had been visited by the ESG Task Forces, although frequently only small numbers of people had turned up at the ESG meetings.

167. At private and public meetings held by the Visiting Mission, some people said that explanations about the constitution, either through the ESG programme or by political campaigning, had been effective. Others disagreed with that view and pointed out that the constitution was a complex document, difficult for the layman to understand fully. They had to rely, they said, on what they had been told by their leaders and friends. At such meetings, many people also told the Mission that the numerous ESG broadcasts on the radio had not attracted any wide audience. It appeared, nevertheless, that a substantial number of people who attended the Mission's meetings had listened to radio broadcasts about the constitution and the referendum and had an understanding at least of the basic issues involved.

B. Kosrae District

168. For many years there have been no hereditary traditional leaders in Kosrae District, the village or municipality chiefs being elected. As a consequence, a sense of hierarchic loyalty may have been less of a factor for the individual in Kosrae in deciding how to vote than was the case in other districts.

169. In the short time available to the Mission in Kosrae, it appeared that there had been no formal campaign in the district, in terms of activities and public meetings by organized groups in favour of or opposed to the constitution. Political activity, where it occurred, took the form of the canvassing of individuals, mainly by supporters of the constitution, although some activity by its opponents was reported in Lelu. At the Mission's public meeting there, some of those present appeared to have three main concerns: (a) that Micronesia might not yet be ready for self-government; (b) that the constitution envisaged a complex structure of government which might be too expensive for Micronesia; and (c) that the people did not sufficiently understand the constitution. They said that the five meetings held by the ESG team in Lelu had generally been poorly attended, and that people had tended to switch off their radios when the numerous ESG broadcasts were made.

170. While the Mission believes that there is probably much truth in the last comment (indifference to political broadcasts is a phenomenon not unique to Lelu

municipality, or indeed to Micronesia), its own meetings in Kosrae District were attended by from 25 to 50 people although held at short notice, at times later than those announced, on a day when Kosraeans were by custom away from home fishing or farming or when an intermunicipality ball game was taking place. The people at the meetings showed a keen general awareness of what they saw as the main issue for decision on 12 July - whether the six districts should remain united - and some knowledge of the draft constitution.

171. In general, the Visiting Mission found that people were concerned less about the referendum and the issues to be decided in it than about what might happen afterwards. The general reluctance to contemplate changes in the status quo which was noticeable in many other districts was heightened in Kosrae by the fact that the island had only achieved the status of a separate district (it was formerly part of Ponape) in January 1977. One member of the audience stated that, "we need time to settle down as a district before we start to think about new constitutions".

172. The Visiting Mission was asked repeatedly what would happen if the constitution were rejected at the referendum; whether the Trusteeship Agreement would definitely end in 1981; whether the Trusteeship Council would continue to be concerned with Micronesia after the constitution was adopted; and what part the United Nations would play in relation to Micronesia after the termination of the Trusteeship Agreement.

C. Marshall Islands District

173. In the Marshall Islands District, the Visiting Mission was informed that the constitutional referendum had generated widespread interest and concern exceeding that aroused by any previous political issue or occasion.

174. The two main political groups, the Voice of the Marshalls, which supported the constitution and the Marshall Islands Political Status Commission, which opposed it and represented the separatist movement, conducted a vigorous, and in places colourful, referendum campaign, the latter aspect being particularly evident on Majuro, where political slogans were displayed on walls and roadside billboards, and political speakers wore t-shirts urging "yes" or "no" votes. Both sides organized political rallies and motorcades, with those of the Marshall Islands Political Status Commission attracting larger crowds. The Visiting Mission attended both rallies and watched both motorcades. It was invited to attend private meetings with the leaders and campaign organizers of both the Voice of the Marshalls and the Marshall Islands Political Status Commission and held public meetings on Ebeye, Majuro and the various outer islands it was able to visit (see annex I to the present report). Women were also active in the campaign and participated in rallies by the women's organizations representing the two sides: Lejmanjuri (Mediators), opponents of the constitution, and Ailen Kein Ad (Our Islands), supporters of the constitution.

175. In the Marshall Islands District, the radio was by far the most important medium of information. Wherever the Mission visited, people stated that they had heard political broadcasts and ESG programmes on the radio. On the outer islands and on Ebeye, however, the Mission heard complaints about the total absence or paucity of field trips by politicians and ESG representatives to explain their respective programmes and to answer questions (that criticism appears to have been

exaggerated in some cases). A representative of the Voice of the Marshalls complained that on one outer island the text of the constitution had only been received on 27 June, but that was probably an exceptional case.

176. Although the press in the Marshall Islands District appears to have adopted a non-partisan line, publishing the views of both sides, it also appears to have exerted little influence. Television in the Marshall Islands is commercially owned and showed no political programmes. Both sides made extensive use of the radio to explain their views. The Voice of the Marshalls informed the Mission that after the Congress of Micronesia had passed a bill in February 1978 requiring the allocation of equal time to all parties for political broadcasts in the referendum campaign, there had been no discrimination, each side having been allocated 30 minutes three days a week. The Voice of the Marshalls complained of difficulty in securing some facilities, such as the use of school buses for transportation, which were available to the Marshall Islands Political Status Commission. The Voice of the Marshalls eventually received assistance, but only after appealing to the High Commissioner for support. The Marshall Islands Political Status Commission, on the other hand, accused the Congress of Micronesia of injecting propaganda in favour of the Voice of the Marshalls into the theoretically non-partisan ESG programme.

177. The referendum campaign in the Marshall Islands District was fought on the issue of unity versus separatism, although there were a number of other important related issues. The Voice of the Marshalls argued that, rather than separate districts, a unified Micronesia would be in a stronger position to negotiate with other countries on fishing and shipping rights and the exploitation of minerals in the 200-mile economic zone; that a united Micronesia would make better sense economically and that unity would avoid duplication of common services; that the "presidential type" of constitution based on the United States model which was being voted on in the referendum was better understood by the people of Micronesia and more appropriate to their needs than the parliamentary system advocated by the Marshall Islands Political Status Commission. The campaign of the Commission, on the other hand, stressed a "Marshalls first" policy, stating that the Marshall Islands District should control its own economic resources, whereas the draft constitution envisaged a powerful central government under which the Marshall Islands would be deprived of its share of revenue; that the Marshall Islands District should negotiate its own agreements with the Government of the United States on the lease of bases; and that the people of the Marshall Islands had a different language and culture from the rest of Micronesia and should be given the right to manage their own affairs. The Commission argued that a parliamentary constitution would be more appropriate for the Marshall Islands. However, it did not give much publicity to its own draft constitution.

178. In addition to the arguments voiced by both sides in the referendum campaign, the Visiting Mission detected a number of underlying issues which appeared to influence and concern the potential voters, the land question being one of the most important. The majority of the powerful, land-owning families in the Marshall Islands District supported separation, *inter alia*, because they feared that under the proposed constitution, the individual districts would lose their powers in matters of land ownership. There was also evidence of a general fear among the Marshallese that Micronesians from other districts would acquire the right, at present denied, to own land in the district (arable land is scarce and the population is rapidly expanding). The Mission noted that a number of those who spoke in public meetings feared the consequences of an isolationist policy, in some

cases believing that separation from the rest of Micronesia would lead to an immediate cut-off of all common services, including the withdrawal of inter-island shipping and the termination of aid from the United States, and that links with the United Nations might also be weakened or even severed.

179. On a number of occasions, the Visiting Mission was warned by speakers that the traditional leaders would exert pressure on their followers to vote one way. On 27 June, a speaker at the public meeting convened by the Mission on Ebeye, for instance, claimed that the traditional leaders had sent a message threatening to expel from the island anyone who voted "yes" in the referendum. Another speaker, while confirming that such a message had been sent "some time ago", said that the leader concerned had subsequently expressed regret and had indicated that his people were free to vote as they wished. A third speaker recalled that despite similar allegations made in earlier elections, no one who voted differently from the chiefs had been expelled. The Visiting Mission nevertheless recognized that, given the traditional influence of the leaders, their known views might in many cases influence their followers, either through fear of reprisals, whether justified or not, or from traditional respect for the views of their leaders. In those circumstances, the Mission felt it right to explain in detail on all possible occasions, the very elaborate steps which would be taken to ensure the secrecy of the vote, since that was the ultimate protection against any threat of reprisal.

180. Each side accused the other of financing its campaign unfairly. The Marshall Islands Political Status Commission claimed that the campaign of the Voice of the Marshalls had been financed by the Congress of Micronesia and that one of its leaders had personally received \$63,000 from the Congress. The Voice of the Marshalls for its part accused the Commission of illegally negotiating a loan of \$600,000 from the Government of Nauru (see chap. X, para. 254).

181. In general, however, the Visiting Mission considered that the referendum campaign in the Marshall Islands District was fairly conducted, despite some irregularities on the part of both sides. That view was supported by representatives of both the Voice of the Marshalls and the Commission at the meeting on Ebeye. Despite their political differences, in practice the two sides were usually prepared to negotiate sensible compromise arrangements for the fairer and more efficient conduct of the referendum during the campaign and on polling day.

D. Palau District

General

182. The political situation in Palau was appreciably different from that prevailing in the four central districts. The conflict between the supporters and opponents of the draft constitution had led to a climate of tension among the general public. The two factions, which were distinct from the two political parties, pursued an active campaign until the day of the referendum, using radio and television broadcasts, posters, public meetings and rallies (in the case of the supporters of the constitution), and campaigned down to the level of each individual hamlet.

183. According to the platform of those opposing the constitution (separatists), the distances and the inherent differences between districts would lead to a waste of resources if they were to ratify the constitution and remain united. They feared

domination by districts which were more populous, poorer and less entrepreneurial. They thought that they could better develop their district separately. They said, in addition, that they wished to preserve their local culture, values and resources.

184. The supporters of the constitution (unionists) felt that a united Micronesia would make them stronger in their dealings with the outside world. They felt that similarities between Palauans and other Micronesians were greater than their differences and that, for better or worse, they had been united for too long to make a change practical. They felt that the best way to safeguard the traditional values of each district was within the context of a unified Micronesia.

185. Those platforms do not completely explain the division between the two groups. Other factors were the role of local personalities, attitudes towards the United States and other countries and the exploitation of local issues.

186. In that situation, the role of the District Administrator, who was also Chairman of the district referendum board and representative of the Executive Branch of the Central Government, became much more complicated than in the other districts. To avoid accusations of bias, the Administration limited its political education campaign, by making fewer visits to outlying municipalities than those undertaken in other districts discussing the issues in less detail and limiting ESG radio broadcasts to those transmitted by Saipan. The ESG Task Force found it necessary to limit its activities because of the sensitivities of a population bombarded by contradictory arguments and the difficulties which individual ESG members would encounter by remaining impartial. If the ESG Task Force had been able to play a more active role, this would have helped to correct the distortions deliberately or inadvertently introduced by the parties in their campaigns. According to the Administration, however, a more active role would have led to even greater controversy, although the advocates of the constitution disputed this, stating that information made available on the constitution had been inadequate. Some inhabitants of Angaur and Peleliu told the Visiting Mission that they intended to abstain because the constitution had not been adequately explained to them.

187. It was alleged to the Visiting Mission that three government employees had been threatened with dismissal for campaigning for ratification of the constitution, despite the fact that they were either on special leave or campaigning outside working hours. The Mission raised the matter with the District Administrator who assured them that no improper action would be taken. It was also suggested to the Mission that Japanese business interests had contributed funds to the campaign of the opponents of the constitution, but no evidence was provided to support this.

188. The supporters of the constitution felt that by negotiating with the Palau Political Status Commission, the Administering Authority had prejudiced the outcome of the referendum. They also stated that the Commission had already committed Palau to allowing the transfer of large areas of land on Babelthup and elsewhere to the United States for military use.

189. Both sides alleged that public funds had been used inequitably. The opponents of the constitution complained that the Congress of Micronesia had used large sums from the political education budget to finance the campaign in favour of adoption of the constitution. Some of those funds had allegedly been used to finance the journey to Palau of traditional chiefs of other districts whose influence was likely to affect the progress of the campaign. The supporters of the constitution, on the

other hand, accused the Palau District Legislature of having allocated solely to the opponents of the constitution, funds which should have been equally distributed. According to a group supporting the unity of Micronesia, the Speaker of the Palau District Legislature had stated that in response to a request, he had granted funds only to finance the campaign in favour of separation. The Visiting Mission raised the matter with the Speaker of the Palau District Legislature, who informed them that he had not received any formal request for funds from the unity group. On 9 July, the District Administrator addressed a letter to the Speaker, a copy of which was given to the Mission, requesting him to ensure that the money was used in a non-discriminatory manner. For further comment on the question, see chapter X, paragraph 270.

190. In this particularly delicate and politically sensitive context, the Visiting Mission felt that it should make its presence as obvious as possible in order to reassure voters that its true role was that of an impartial observer. To that end, it announced its readiness to meet with any individual or group and on several occasions went to public places such as markets or other places of assembly. It sought to remain accessible to both sides and to remain strictly neutral towards them. Although each group warned the Mission that it might be used by the other side, the members of the Mission were not accused of partiality.

191. The Visiting Mission expressed its views in radio broadcasts on three occasions: on the day of its arrival in Palau District, in order to explain the reason for its presence and its role; shortly before the referendum, in order to remind listeners of the most important rule of procedure, especially those relating to the secrecy of the ballot and the freedom of voters to express their views on their future "without apprehension of any kind"; and lastly, the day following the voting, to call on both sides to respect the will of the people, whatever it might be, as expressed through universal suffrage.

192. In the light of numerous meetings with individuals and groups and following exchanges of views with the two sides, the Visiting Mission was led to suggest changes or provide clarification on the following points.

Risk of intimidation

193. In view of complaints that certain groups had allegedly distributed money or food with a view to exerting pressure, the Visiting Mission was obliged to explain on the radio that each voter should vote in complete freedom, "without apprehension of any kind", since the secrecy of the ballot was fully ensured.

Risk of illegal reproduction of ballot papers

194. The negatives used in printing the referendum ballot papers in Guam were inadvertently sent to Palau with the ballot papers for that district. In order to prevent any falsification or illegal reproduction, the Visiting Mission suggested that the original (matrix) and the two copies of the original ballot should be kept in a safe place. The Administration agreed that the proposal was well founded and immediately put it into effect on 10 July 1978.

Risk of electoral fraud (possible exchange of ballot boxes)

195. In order to ensure that the ballot boxes could not be replaced or exchanged during the period between the voting and the counting of the ballots, the Visiting Mission suggested that they should be sealed in its presence immediately after the voting in Koror, and on the following day in the neighbouring islands. The Administration accepted the validity of such a measure, which was put into effect.

Access to the media

196. Access to official radio and television was equitably apportioned and did not create any difficulties. On the other hand, it became apparent that no rules had been formulated for private cable television. In view of the conditions peculiar to the political situation in Palau District, the Administration agreed with the Visiting Mission that the official campaign by the public media should not be ended on the day before the voting, as originally planned by the District Administrator, since private television could, for its part, continue broadcasting. Consequently, political broadcasts continued until midnight before the day of the referendum.

E. Ponape District

197. Ponape being the seat of the Congress of Micronesia, campaigning in that district for support for the constitution began early, principally by members of the Congress and their supporters. On its first arrival in Ponape District on 21 June, the Visiting Mission was informed that a group of citizens had emerged in the preceding weeks which was campaigning for the rejection of the constitution. The Mission met with members of the group, which had a recognized membership and objective, although its formal organization was not that of a political party in the normal sense of the term.

198. On 5 July, the Visiting Mission attended a public debate between supporters and opponents of the constitution. Some 300 to 400 people were present during the debate, which was broadcast on the district radio and widely listened to. From that time until the eve of the voting there was intense public discussion, principally on the radio. The Administration provided equal radio time to the two sides and both made extensive use of it. Voters had, therefore, a good opportunity to hear the views of both sides.

199. During the campaign in Ponape, supporters of the constitution emphasized the importance of maintaining the unity of Micronesia and the need to make arrangements for restoring sovereignty to Micronesians before the end of the Trusteeship Agreement. They argued that adoption of the constitution would improve Micronesia's standing in the world. In rebutting criticism they pointed out that the draft constitution was a compromise between the interests of six districts and could not therefore fully meet all of Ponape's individual wishes, and that powers not specifically allocated to the central Government, including land allocation, would devolve upon the district governments.

200. Opponents of the constitution, while in favour of unity, thought that the constitution gave too much power to the central Government at the expense of the districts, and too much power, within the central Government, to the legislative

branch which would itself elect the President. They argued that the cost of maintaining such a central Government would lead to higher taxes. They feared that, unless control of public land were vested in the Ponape District Public Lands Authority before the new constitution took effect, control over public land in Ponape would pass to the central Government. Further, they said that the provision granting citizens the right to migrate within the Federated States would give people from other districts the right to acquire public land in Ponape. (It should be noted that public land is a sensitive issue in Ponape where, unlike other districts, some 40 per cent of the land area - mostly steep mountain slopes - is unallocated public land under the control of the Government rather than that of traditional leaders.) Opponents also objected to the fact that all funds appropriated by the Congress of Micronesia for political activity in connexion with the referendum had been used to finance campaigning in favour of the draft constitution.

201. Questions asked of the Visiting Mission at public meetings indicated that there was a high level of interest in the referendum, but that people's anxieties were focused less on the details of the draft constitution than on the implications of the changes facing Micronesia in the coming years, of which the possible adoption of the new constitution would only be the first. The Visiting Mission was asked whether the Trusteeship Council thought the draft constitution adequate and appropriate for Micronesia's needs; what were the Council's views on the question of the unity of Micronesia and on the possible future status of free association with the United States; whether Micronesia was ready for self-government; what the consequences would be if the constitution were rejected in the referendum, either by all or by some districts; whether the Trusteeship Agreement had to be terminated by 1981, even if Micronesians were not ready; whether the Trusteeship Council would continue to take an interest in Micronesia if the constitution were adopted; and what assistance the United Nations would be able to give Micronesia once the Trusteeship Agreement was ended. There were also several expressions of concern that, should the constitution be ratified by the four central districts but not by Palau and the Marshall Islands, the resultant Federated States of Micronesia would be dominated by Truk, the most populous district.

202. A deciding factor in shaping the attitudes of many voters was undoubtedly the position taken by their leaders. The members of the Congress of Micronesia for the district and most members of the Ponape District Legislature supported the constitution (although one principal spokesman of the opposition group was a member of the District Legislature and another was Chairman of the Ponape District Public Lands Authority). The traditional leaders in Ponape, the Nahnmwarki and Nahnken of each municipality, who are held in very high regard by the people, all appeared to favour adoption of the constitution. One member of the public, who no doubt spoke for many, told the Visiting Mission at a public meeting that he had not attended other discussions on the constitution since he would vote according to the decision of his Nahnmwarki. Given the generally high level of interest in the constitution and discussions thereon, the Mission thought that such an attitude, although expressed with unusual candour on that occasion, had no more significance in Ponape than in other societies, since individual voters were prone to reach their decisions about complex issues on the basis of advice from political parties or individuals whose judgement they respected.

F. Truk District

203. The District Administrator of Truk assured the Visiting Mission that the Administration's ESG Task Force had visited all the villages of the district at least once, if not two or three times, to explain the content of the constitution, with the exception of only one community whose chiefs had considered that they themselves could assume responsibility for the political education of their people. In one other community, which had originally refused to receive an ESG team, a meeting was finally organized at the suggestion of the Mission.

204. The comments of the population concerning the meetings organized by the ESG Task Force clearly indicated that they had been conducted in a strictly neutral manner.

205. The campaign, which did not appear to have aroused strong feelings, was carried out primarily by those supporting the constitution, consisting of members of the Congress of Micronesia, the traditional chiefs and the great majority of the local élite. The Congress organized visits to the districts to explain the constitution, which sometimes coincided with those of the ESG teams, as a result of the lack of means of transport, especially to the islands outside the lagoon. On other occasions, members of the ESG teams accompanied the tours as experts. The members of those teams told the Mission that they had confined themselves to providing technical explanations regarding the constitution.

206. Those opposing the constitution did not become active until late in the campaign. Their primary criticism of the constitution concerned the provision requiring equal distribution of funds among the districts, to the disadvantage of the district of Truk, which has a larger population than the others. Other substantive criticisms concerned the provisions regarding respect for the prerogatives of the traditional chiefs and the President's power to proclaim a state of emergency. One group opposed to the constitution which contacted the Visiting Mission directly wanted closer association with the United States and a stronger central Government of Micronesia. Lastly, some people said that the President should be elected by universal suffrage (which would be to the advantage of Truk).

207. Two days before the vote, three opponents of the constitution expressed their views on radio.

208. Declared opponents of the constitution constituted a small minority and had to overcome particular difficulties in order to express their views in a society where the predominating influence of traditional or elected leaders tends to make consensus the general rule and place opponents in a difficult position. One opponent, a member of a municipal council, complained to the Mission of having been threatened that "he would be in trouble" if he publicly opposed the views of his magistrate (mayor); it was not possible to ascertain whether those threats had been made and how real they were.

209. The campaign in Truk District aroused little public interest. The questions of those attending the meetings held by the Visiting Mission reflected uneven understanding of the content and scope of the constitution. On the other hand, they did reveal a degree of general anxiety about the future: would Micronesia continue to benefit from United States aid and United Nations protection; would

1981 be a cut-off date; and what would happen if the constitution were rejected? All these concerns focused on the idea that Micronesia was not economically or politically ready for the autonomy towards which it was heading.

210. On several occasions, participants in the meetings said that they were glad to know that the constitution could be amended, thus indicating that they were prepared to approve it without accepting all its provisions.

211. Some people expressed concern that a given village might be singled out as having, by a majority, voted against the constitution. The Visiting Mission was able to reassure them on that point and the Chairman of the Mission subsequently repeated that assurance in a radio broadcast.

G. Yap District

212. The constitutional referendum did not arouse much controversy in the district of Yap, although there was public interest in its outcome. All members of the Congress of Micronesia of Yap District and of the Yap District Legislature supported the ratification of the proposed constitution, as did the Yap Magistrates' Council, which comprises most of Yap's important traditional chiefs. Many campaigned actively for the constitution in Yap and in other districts.

213. Yap is a traditional society and few Yapese question the judgement of their traditional and elected leaders. The Visiting Mission was informed that the Yapese were accustomed to having their chiefs make important decisions for them. The abstract concepts involved in a constitutional change, as opposed to an election involving well-known local personalities, probably tended to increase the reliance of the Yapese on their leaders for guidance.

214. Nevertheless, a programme of public education was conscientiously mounted in an effort to acquaint voters with the basic issues, and copies of the constitution were apparently made available to all. The ESG Task Force estimated that 50 per cent of the voting population had read the draft constitution, although this figure appears to be high.

215. The proponents of the constitution who, as indicated above, included members of those bodies with traditional and elected authority in Yap, have not had to rebut the kind of arguments and campaigns used by the Palauan advocates of separation. At the village meetings which it attended, the Visiting Mission heard questions from the public which, although indicating insecurity about the possible consequences of ratification, appeared to reflect a general concern about changes in the political and constitutional status quo, rather than disagreement with any specific aspects of the proposed constitution. Undoubtedly, those sections of the constitution safeguarding traditional customs and rights had a strong appeal in Yap; this was confirmed to the Mission by the Magistrates' Council.

216. According to the ESG Task Force, such opposition as existed came from a few arch-traditionalists on the one hand and, on the other, from a few young people who feared that the constitution might return too much authority to the chiefs. No serious alternative was advanced to the theory that Yap's political and economic future must be closely bound to the other districts of Micronesia. Most Yapese with whom the Visiting Mission discussed the subject were in agreement that any

opposition to the constitution in Yap was likely to be manifested on polling day by abstention rather than by a large negative vote.

217. The Visiting Mission encountered difficulties in meeting ordinary Yapese, who are a reserved people relying on their leaders not only to deal with their problems, but also with visits by inquisitive foreigners. On the other hand, the Mission was impressed by the quality and helpfulness of the District Administrator and the Yapese delegation to the Congress of Micronesia.

CHAPTER IX

THE REFERENDUM

A. Voting arrangements

218. The polling arrangements in each district were the responsibility of the district referendum commissioner and the district referendum board (see paras. 86-108 above). In each district, the District Administrator was appointed district referendum commissioner. The district referendum commissioner was also, in most cases, the chairman of the district referendum board. One member of the district referendum board supervised each polling place on referendum day. The number of polling places varied from district to district, depending on the size and distribution of the population. In each district, one polling place at the district centre was designated to receive the ballots of voters from other districts. The distribution of polling places appeared to the Mission to be satisfactory and, in general, no voter had to travel more than about 3 kilometres to reach the polling place nearest his home. Most inhabited islands had their own polling place, although inhabitants of some small islets had to make a short journey by boat to reach a polling place on another island, particularly in the case of atolls with a number of islands of varying size. In some cases, notably Majuro Atoll in the Marshall Islands, the more remote islands of the atoll were served by a mobile polling station which was transferred by boat from island to island. At the main population centres, a mobile unit was available for voters confined to hospital or home.

219. During the period immediately preceding 12 July, the district referendum boards in all districts met for detailed briefings on the referendum regulations and arrangements for the voting process.

220. Empty ballot boxes were examined, closed and locked by the district referendum commissioner in the presence of members of the district referendum board prior to distribution. The presiding officer at each polling place was responsible for the security of the ballot box before, during and after the voting, until its return to the district referendum commissioner. The referendum regulations required that all ballot boxes be returned to the district referendum commissioner at the district centre before the votes could be counted. Inasmuch as a number of polling places on outlying islands were sometimes several days' journey by boat from the district centre, there were inevitable delays in the collection of the ballot boxes. The arrangements made for their security appeared to the Mission to be as good as could be devised in the circumstances. Ballot boxes transported by ship were locked in an inner cabin. No complaints were received of tampering with ballot boxes.

221. The organization of a referendum of this nature in the circumstances of Micronesia posed extensive administrative challenges and credit is due to the officials of the district administrations and district referendum boards for the way in which these were met.

B. Activities of the Visiting Mission on 12 July

222. Polling places were open on 12 July from 7 a.m. to 7 p.m. in all districts. The turn-out of voters was high (see paras. 277-279 below).

223. Members of the Visiting Mission were present in five of the six districts during the day. In most districts, the great bulk of the population lives at or near the district centre. In the Marshall Islands, however, there are two main centres of population, and accordingly, two members of the Mission were stationed in that district, one on Ebeye (Kwajelein Atoll) and one at the district centre on Majuro. It had been the intention to station a representative of the Mission in the sixth district, Kosrae, but that plan had to be abandoned owing to the lack of air transport. Kosrae has the smallest population of the six districts (2,182 registered voters).

224. On 12 July, owing to the limitations of time and transport, members of the Mission were unable to visit all of the polling places and confined their visits mainly to those on islands where district centres were situated (the bulk of the population lives on these islands). Mission members travelled by air to the islands of Peleliu and Angaur in Palau District and to Falalop (Ulithi Atoll) in Yap District. They also visited all the principal islands in the Truk lagoon. The Mission has no reason to suppose that the cross-section of the polling stations visited was not representative of the whole. Most of the main polling places at district centres were visited two, or even three, times during the course of the referendum.

225. With one very minor exception, noted below, the good order with which voters and presiding officers conducted themselves at all polling places was exemplary. At one polling place in Truk District, the presiding officer had to request the assistance of the authorities to ensure that voters left the polling precinct after casting their ballots.

226. At some polling stations, the Mission observed that the complexity of the regulations concerning voters not registered at the place where they were voting had led to some confusion. In a few instances, particularly in Truk and Ponape districts, the Mission observed that the required affidavits either were not being properly completed or were not attached to the corresponding ballot papers, in a way which could give rise to complications when the votes were counted (see paras. 231-249 below). Wherever such mistakes were noted by the Mission they were drawn to the attention of the presiding officer of the polling place in question, who then ensured that the proper procedures were followed. It should be noted that the Mission observed no mistakes of that nature in the conduct of voting in the districts of Palau and the Marshall Islands, where both the members of the district referendum board and presiding officers appeared generally to have a more thorough understanding of the complex voting regulations than was the case in other districts.

227. The Mission also noted that arrangements for screening the voting place from public view were sometimes inadequate. All such omissions were promptly corrected after being drawn to the attention of presiding officers. It was the experience of all members of the Mission that, even where screening arrangements had been less than adequate, no one made any attempt to find out how voters marked their ballots. The Mission was satisfied that balloting was secret and that there was no sign of any apprehension on the part of voters that their preferences might become known.

228. At some polling places in the main population centres, the large number of persons voting away from their places of registration caused some delays, owing to the time-consuming procedures involved in their voting. In order to complete the required procedures and to enable all those present at the polling station since 1900 hours to cast their votes, the central polling station at Moen in Truk District, had to remain open until 2130 hours and that at Majuro in the Marshall Islands until 2330 hours. In Majuro some complaints were lodged by both opponents and supporters of the constitution about the decision to keep the polls open, but it did not appear to the Mission members at Majuro that anyone had voted who was not present at the voting station at the official voting time limit of 1900 hours. In the opinion of the Mission, the decision to keep the polling places open was sound, and in accordance with the regulations for the referendum.

229. In Yap, one or two polling stations were situated in "men's houses", which are traditionally barred to women, but the Mission was assured that the tradition had been relaxed for elections and did indeed witness women voting without difficulty at such stations.

230. Although, as explained above, the Mission was not represented at Kosrae on polling day, the members were able, in the course of a brief visit on 8 and 9 July, to meet and have a lengthy discussion with the chairman and members of the district referendum board. The members of the board assured the Mission that they were fully conversant with the regulations for the referendum, had been frequently briefed on them and were confident of being able to implement them correctly. The members of the Mission were able to visit four of the five places in Kosrae District at which voting was to take place and were able to satisfy themselves that the arrangements envisaged for the conduct of voting and secrecy of the ballot were satisfactory.

C. Counting of votes

231. The counting of votes was held at Kosrae on 14 July; at Kolonia (Ponape) from 15 to 18 July; at Majuro (Marshall Islands) from 19 to 23 July; at Moen (Truk) from 24 to 25 July; at Colonia (Yap) from 22 to 23 July; and at Koror (Palau) from 16 to 22 July. They were all conducted publicly and, except at Kosrae, in the presence of a member of the Visiting Mission.

232. The procedure for the counting of votes was the same in all the districts and was carried out as follows, in conformity with the regulations established by the Constitutional Referendum Board in April 1978:

(a) Opening of the ballot boxes and verification of their contents. Each ballot box was required to contain a list giving the number of ballots received, ballots used and ballots unused, as well as the number of affidavits issued to persons not registered or enrolled;

(b) Counting of ballots and counting of the envelopes containing affidavits and ballots, for comparison with the figures appearing in the list;

(c) Verification of the validity of the affidavits; those not recognized as valid either for lack of witnesses or for lack of the signature of a member of the district referendum board were put aside, together with the ballots accompanying them, to be transmitted to the Constitutional Referendum Board;

- (d) Deposit of all ballots in a central ballot box;
- (e) Counting of the ballots;
- (f) Proclamation of the unofficial results.

233. The regulations provided (see para. 101 above) that absentee ballots should not be counted until 22 July. In consequence, unofficial results in those districts where counting took place before 22 July did not include absentee ballots; however, those were included in the final results (see para. 277 below).

Kosrae District

234. In Kosrae District, transport difficulties made it impossible for members of the Mission to be present at the vote counting. The same difficulties which interrupted mail services also prevented the referendum authorities in Kosrae from counting the absentee ballots for the district until some weeks after the referendum. No challenges were made and no problems were reported in respect of the vote in Kosrae.

235. The final result was 1,118 votes in favour of the constitution and 704 votes against.

Ponape District

236. At Kolonia, the counting was carried out by a team of 36 persons (30 private citizens and 6 officials) under the direction of the District Administrator, Chairman of the Constitutional Referendum Board.

237. The team was divided into five groups, each including at least one member from each of the five municipalities of the island, who divided among themselves the counting of 77 ballot boxes (75 for the district, one for the Ponape hospital, one for the absentee ballots). The counting did not give rise to any challenges. Five hundred and ten affidavits were invalidated.

238. The final count made by the members of the counting and tabulating committee began on 17 June, and was completed on 18 June. Each ballot, having been drawn from the central ballot box, was unfolded by the chairman of the committee, who read out its contents, and these were recorded on appropriate sheets by 30 members of the committee (15 members for votes in favour of the constitution and 15 for votes against).

239. The results were updated every hour, a check being made by recounting the ballots which had been gathered in bundles as the counting proceeded. The operation was broadcast live by local radio.

240. The unofficial result was 5,821 votes in favour of the constitution and 1,973 votes against.

Marshall Islands District

241. In the Marshall Islands, the count was carried out with the utmost care; representatives of the two opposing parties, the federalists (the Voice of the Marshalls) and the separatists (the Marshall Islands Political Status Commission)

were involved in every phase of the counting, collection, transport, storage (in the prison at Majuro) and opening of the ballot boxes. The ballot boxes were opened by a team of some 30 persons, which was divided into six groups, half of whose members were supporters of the constitution and half of whose members were opposed to it. The affidavits were scrupulously checked and 308 were declared null and void. The contents of three of the 77 ballot boxes (Lukonwor and Imiej precincts and voters unable to travel) were not taken into account, owing to irregularities found, inter alia, in the completion of the affidavits; the total number of ballots in question (about 350) could not have changed the final result in any way, and the two parties therefore agreed not to appeal.

242. More than 10,500 persons voted, approximately 2,000 of whom had not been previously registered. The final count was carried out by several teams, the partial results being announced every 45 minutes.

243. The unofficial result was 3,888 votes in favour of the constitution, 6,217 votes against and 63 ballots void.

Truk District

244. At Moen, the counting was carried out rapidly. In the absence of any declared opposition, the team responsible for checking the ballot boxes and processing the ballots was composed of 30 officials and private citizens who were divided equally into six groups.

245. The unofficial result was 9,762 votes in favour of the constitution and 4,239 votes against.

Yap District

246. At Colonia, the ballots were counted by a small team of referendum officials under the direction of the district referendum commissioner. The counting took place on 22 July after the receipt of postal ballots from other districts of Micronesia and from Guam, Saipan, Honolulu and the United States mainland. In a small number of cases (about 90), mainly from one polling station, there were found to be irregularities in the ballots and the district referendum commissioner decided that they should not be counted.

247. The referendum in Yap produced a clear-cut result: 3,359 votes in favour of the constitution and 186 votes against.

Palau District

248. At Koror, elaborate procedures were used to ensure that the vote counting was scrupulously fair and accurate. Between polling day and 16 July when they were counted, the ballots were kept sealed in locked boxes, in the armoury of the police station at Koror. Over 1,700 affidavits were alphabetically filed and cross-checked against census records by a team consisting of members of both the pro-unity and the separatist groups before counting began. Fifty-six were rejected as incomplete. The counting itself was done by a team appointed by the district referendum commissioner and was watched by nominated observers from both sides. The unofficial result declared on 17 July was 2,407 votes in favour of the constitution and 2,841 votes against. On 22 July, more than 800 ballots from other districts of Micronesia, Guam, Saipan, Honolulu and the United States mainland were

counted. Until this second process was completed, the final result remained in doubt because of the closeness of the contest.

249. The result was 2,720 votes in favour of the constitution and 3,339 votes against. 18/

18/ For an account of appeals against the result of the referendum in Palau, see paras. 250-276 below.

CHAPTER X

APPEALS AND REVIEW IN PALAU DISTRICT

250. The referendum regulations provided for complaints of malpractice to be considered by the Constitutional Referendum Board. No complaint had been received by the Board up to the time of its final report and dissolution. On 16 August, however, certain Palauan citizens sent a petition directly to the Congress of Micronesia. This was followed by a declaration which accused the separatists of various malpractices of a serious character, both during the election campaign and in the voting process. The declaration, which was received by the Congress on 31 August, was allegedly signed by 557 petitioners, although later evidence suggested that some of the signatures might be forgeries.

251. The final report of the Constitutional Referendum Board had noted that it was the prerogative of Congress to consider any subsequent complaints; furthermore, Public Law 5-60 provides that the Congress "shall be the sole judge of the referendum and the results thereof". The Congress therefore decided to defer the vote on the certification of the results of the referendum, which was about to take place, to allow time for an impartial investigation.

Establishment of a Special Joint Committee on Referendum Review

252. On 4 September, the Congress of Micronesia adopted House joint resolution No. 7-134 (T/COM.10/L.236) setting up a Special Joint Committee on Referendum Review, to review the results of the referendum in all six districts and "the circumstances of the referendum in any district in which, in the judgement of the Special Joint Committee, a meritorious challenge to the results has been presented". The Committee was authorized "to issue subpoenas, warrants of arrest and other processes, administer oaths or affirmations, and do such acts as may be necessary and proper to compel testimony and the production of records and documents". It was directed to submit a final report to Congress, attaching all documents and other evidence, during the second special session of the Seventh Congress of Micronesia. The Special Joint Committee was composed of three senators and three members of the House of Representatives, one from each district, appointed respectively by the President of the Senate and the Speaker of the House of Representatives. Representative Julio Akapito of Truk was appointed Chairman and Senator Ambilos Iehsi of Ponape was appointed Vice-Chairman.

253. Since the Special Joint Committee had received no complaints of irregularities having taken place in the four central districts of Kosrae, Ponape, Truk and Yap, it recommended that the results already certified by the referendum boards of those districts should be considered valid.

254. In the case of the Marshall Islands, the Special Joint Committee received a letter dated 6 September from the Voice of the Marshalls, alleging that the separatists had received \$600,000 from Nauru to be used in the campaign against the constitution. In a reply dated 7 September, the Vice-Chairman of the Special Joint Committee requested the Voice of the Marshalls to provide specific facts and

documents supporting their allegation and also to "identify and describe the effect or relationship of this money to referendum results ...". Further communications with the Voice of the Marshalls showed that the Republic of Nauru had provided some financial assistance to the Nitijela for the Marshall Islands Constitutional Convention and political status negotiations. However, Nitijela resolution No. 1 of the third special session in 1978 indicated that the money was provided "on a regular commercial basis" through the Republic of Nauru Finance Corporation. The Special Joint Committee received no information substantiating the allegation that the money had been used to finance the campaign against the constitution, nor was any evidence given that the loan had had any material effect on the referendum results. The Special Joint Committee therefore concluded that the facts presented did not warrant an investigation of the referendum in the Marshall Islands.

255. The investigations of the Special Joint Committee were therefore confined to Palau District.

Decision to send a visiting mission to observe the investigations of the Special Joint Committee in Koror, Palau

256. In the joint resolution setting up the Special Joint Committee, the Congress of Micronesia further resolved to invite representatives from the Trusteeship Council and its 1978 Visiting Mission, among others, to observe the proceedings of the Special Joint Committee. On 20 September, the Administering Authority transmitted to the Acting President of the Trusteeship Council, a letter dated 14 September 1978 (T/PET.10/135) from the President of the Senate and the Speaker of the House of Representatives of the Congress of Micronesia, reporting the steps taken by that body to set up an inquiry in respect of Palau and urging the Trusteeship Council to accede to their invitation to observe the proceedings of the Special Joint Committee. The letter stressed that the observation of the 12 July referendum "would not be complete without first-hand observation by the United Nations of this last but vital step in the referendum process". The letter also reported that the Congress of Micronesia had retained the services of Mr. James Hamilton (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".

257. On receipt of the invitation from the Administering Authority, the Chairman of the Visiting Mission held informal consultations with members of the Mission. It was agreed that, to complete its mandate, the Mission should accept the invitation and that Ms. Sheila Harden (United Kingdom) accompanied by Mr. Girma Abebe (Principal Secretary of the Mission) should visit Palau to observe the investigatory stage of the proceedings of the Special Joint Committee. It was also agreed that it should be for that Committee itself and the Congress of Micronesia to decide whether the allegations of improper conduct during the referendum were well-founded, while the role of the Mission should be to observe how the Committee tackled its work, in particular, to establish whether the investigation was conducted in a fair and even-handed manner and whether all those who wished to do so had an opportunity to give evidence or information to the Committee.

258. The Mission arrived at Koror on 2 October and remained until 9 October. Shortly after her arrival, Ms. Harden made a short statement on the district radio explaining the role of the Mission to the people of Palau. On the morning of its

arrival in Koror, the Mission called on the District Administrator and received a briefing on the latest developments and on the form which the investigation was to take. Those present at the meeting included the Chairman of the Special Joint Committee, Mr. James Hamilton and his staff, the district Chief of Police, the District Attorney and a representative of the High Commissioner. The Chairman of the Joint Committee and Mr. Hamilton particularly welcomed the Mission's presence and invited the Mission to observe every aspect of their investigation.

Investigations in Palau

259. There were no public meetings in Palau at that stage of the inquiry. The investigation was carried out by Mr. Hamilton and his staff mainly through individual interviews with those who had submitted complaints, with those who had been accused of malpractices, and with third parties in a position to contribute information relevant to the inquiry. Mr. Hamilton and his staff also interviewed the officials who had been concerned with the organization of the referendum and cross-checked the documentary records.

260. The Mission sat in on virtually all the interviews, at which the Chairman of the Special Joint Committee was also present. The Mission was impressed by the thorough manner in which Mr. Hamilton and his team carried out their task. All allegations of misconduct were carefully investigated and cross-checked in interviews. Mr. Hamilton had made known both to Mr. John Ngiraked, the spokesman for the unionists (supporters of the constitution), and to Mr. Gilbert Demei, the separatist spokesman, his readiness to see anyone who had anything to communicate to him. More than 50 witnesses were interviewed and over 120 affidavits were considered, as well as numerous documents submitted by interested parties. The investigation was facilitated by the fact that Palauans on both sides co-operated willingly with the investigating team and talked freely, so that no witness needed to be subpoenaed. Mr. Hamilton and his staff made themselves easily accessible to all those who wished to give evidence; steps were also taken to protect any witnesses who voiced fears of possible reprisals.

261. The Mission was also impressed by the thoroughness of the investigation of the voting process. This included an exhaustive examination of ballots, including absentee ballots, ballot stubs, registration affidavits, affidavits by those voting at a polling place other than where they registered, affidavits from persons voting who had not registered before election day, poll workers' work sheets, registration books and voters' "sign-in" lists. A member of Mr. Hamilton's staff scrutinized every ballot cast and examined every ballot stub to make sure it was properly numbered. He also examined the election records found in each ballot box used in the election. The Mission was also present at a meeting at police headquarters, where the documents were in safe-keeping, at which the member of Mr. Hamilton's staff reported in detail on his side of the investigation and answered questions.

262. Mr. Hamilton's report on the investigation, submitted to the Congress of Micronesia by the Special Joint Committee on 21 October 1978, discusses in detail the various allegations investigated by the staff of the Committee and sets out their findings in each case. The Mission does not wish to duplicate this report, but since it may not be easily accessible to all, it may be convenient to summarize the complaints which he investigated together with his findings.

263. The complaints fell into two broad categories: improprieties in election procedures and improper campaign practices. The chief allegations in the first category made by the complainants supporting the constitution were listed as follows in the Chairman's letter to Congress enclosing the Hamilton report:

- "(a) Ineligible persons were allowed to vote;
- (b) Numerous Palauans living in Guam were improperly refused registration;
- (c) Some 800 absentee ballots were mishandled, raising the possibility of ballot tampering;
- (d) Certain ballots bore duplicate numbers, suggesting that forgery had occurred;
- (e) Around 750 to 800 votes were not counted;
- (f) Forty-five more ballots were returned from the island of Angaur than were sent it."

264. The Special Joint Committee concluded that only the first of these complaints had substance. Twenty-five affidavits by absentee voters living in Guam proved to belong to United States citizens who had improperly been allowed to vote. The Mission was informed that the parties concerned had openly described their status on their affidavits, but, unfortunately, neither the referendum officials nor the representatives of both parties observing the counting of the ballots had noticed that point, which rendered the votes invalid. Mr. Hamilton pointed out in his report that the "existence of 25 improper ballots does not, standing alone, invalidate an election where the margin of victory was 619 votes".

265. The investigators concluded that the other allegations in that category had little or no substance. The Palauan residents on Guam were properly denied registration, since their affidavits, although signed in Guam, were notarized in Palau by a notary who did not witness the signatures. According to the Hamilton report, it appears from the election records that about half of the Guam residents whose registration had been denied were able to vote on election day by submitting proper affidavits.

266. The investigation concluded that there was also no substance to the charge that 800 absentee ballots had been improperly stored overnight on 17 July 1978 before they were examined by the Mission and transferred to the Palau police station for safe-keeping. In the view of the investigating team, adequate steps had been taken to protect the ballots in the District Administrator's office during the period in question. There was no evidence that any of the ballots had been tampered with, which was confirmed by a member of the Mission who personally inspected the ballots at the District Administrator's office on the morning of 18 July.

267. The claim that ballots bearing identical numbers had been used at different polling places was also found to be untrue. A check of the stubs of all ballots involved in the election revealed that no ballots bore duplicate numbers. This was particularly important since the negatives used in printing the ballots had been inadvertently sent to Palau with the ballots, so that, had ballots bearing

duplicate numbers been used at different polling places, the question of forgery would have arisen. There was no evidence to indicate that any false ballots had been printed.

268. There was no substance in either of the last two allegations listed. The first might have arisen from the fact that over 800 registered voters did not vote; while the claim that 45 more ballots were returned from the island of Angaur than were sent there was found to be the result of an erroneous entry on the work sheet of an Angaur poll worker.

269. The allegations of improprieties during the campaign preceding the 12 July referendum made by supporters of the constitution were summarized as follows in the Chairman's report:

"(a) Money appropriated by the Palau Legislature was improperly spent only to advocate rejection of the constitution; a unionist request for a portion of these funds was improperly refused;

"(b) The constitution's opponents improperly provided excessive amounts of food and drink to prospective voters and bought votes and campaign support;

"(c) Certain unionist supporters who were public employees were threatened with reprisals by their superiors; other persons were intimidated into voting no by threats by their traditional leaders;

"(d) The constitution's opponents made false public statements regarding the nature of the constitution and the voting procedures; the Palauan Task Force on ESG was not allowed to correct the misstatements;

"(e) The constitution's supporters were denied equal time on the Government radio station."

270. On the question of use of official funds for partisan purposes, the Hamilton report states that, in Palau, election expenditure on both sides was financed in large part from public funds. Thus, approximately \$28,000 of the funds appropriated by the Congress of Micronesia for the referendum was entrusted to certain Palauan leaders for political education in Palau. The money was chiefly spent to promote approval of the constitution. Equally, the campaign of the separatists was financed in large part by funds appropriated by the Palau Legislature, which appropriated \$60,000 for political education. Those sums were to be administered by the Speaker of the Palau Legislature. A further \$140,000 was appropriated to defray the 1978 "administrative and contingent" expenses of the Palau Political Status Commission. According to the report: "the evidence shows that no request was made by the unionists to the speaker of the Palau Legislature for any portion of the \$60,000 political education fund, but that a request by a unity group for \$20,000 from the Palau Political Status Commission was refused. The report, in considering whether spending public money in support of campaigns was legal, referred to an opinion from the Attorney General dated 12 October 1978 which, while not entirely clear, seemed to indicate that moneys from both political education funds could be spent to advocate one side or the other of the referendum issue. The report also states that both the Congress of Micronesia and the Palau Legislature, in appropriating the money, understood that it would be used for partisan purposes.

271. The complaint by the supporters of the constitution that the separatists were spending large sums of money on the provision of food and drink to prospective voters had also been made to the Mission during the campaign preceding the 12 July referendum and in reference to other districts as well as Palau. The Hamilton report concluded that substantial sums of money had been expended in Palau for such purposes. It pointed out, however, that it was a Palauan custom to provide refreshments at political meetings and that such expenditure was not illegal, even in excessive amounts. The report suggested that it was debatable whether political campaigners should be free to allocate election funds as they saw fit on refreshments, posters or any other lawful form of publicity which they felt would advance their cause.

272. A more serious accusation was the allegation that certain individuals had been given large sums of money in return for their support. In most cases, however, it turned out that the money had in fact been provided and used to defray campaign expenses and not to buy the vote of the recipient. One individual interviewed claimed that he had been urged by a supporter of the constitution to claim falsely that the money had been given for his own use rather than for campaign expenses. In most cases, such accusations proved on investigation to have little substance. In only a few cases did there appear to be some evidence that bribery or attempted bribery had actually occurred. The most serious incident, involving a chief, did not affect the election result because the chief admitted that while taking the money to oppose the constitution, he had continued to campaign for it. The Hamilton report concluded that the evidence on bribery was difficult to establish and where it had occurred, was on a sufficiently small scale as to have no effect on the result of the election.

273. The Chairman of the Special Joint Committee, in his covering letter, stated that "the Committee, upon an appropriate request, will make available the evidence it has collected in these regards to law enforcement officials". Allegations of intimidation also proved in most cases to have been exaggerated and there was very little hard evidence. The Hamilton report concluded that:

"Those familiar with Palau generally agree that the opinions of the traditional chiefs had significant influence on Palauan voters during the referendum. In fact, some believe the election was close because the two paramount chiefs supported the constitution. In any society, however, traditional leaders or men of esteem influence the votes of others. We believe the Palauan election should be nullified only if there is strong evidence that traditional chiefs, by specific threats, influenced a substantial number of people to vote no. This sort of evidence is lacking here."

274. The complaints about political misstatements and denial of equal time for broadcasting on the Government radio station were also found on investigation to be without substance. In the latter case, the records showed that careful procedures had been adopted to ensure equal radio time; in fact, the unionists had used more radio time than the separatists. There was no evidence that the records were not accurate.

Report of the Special Joint Committee

275. Mr. Hamilton submitted his report to the Special Joint Committee on 19 October 1978. The Special Joint Committee, in turn, submitted its report to

the presiding officers of the Congress of Micronesia on 21 October. The Committee's conclusions with regard to the referendum in Kosrae, Ponape, Yap, Truk and the Marshall Islands are set out in paragraphs 253 and 254 above. In respect of Palau, the Committee's report largely endorsed that of Mr. Hamilton. In the Committee's report, it was stated, inter alia, that "many of the allegations concerning campaign abuses appear to be false or of little substance and effect on the election results"; that "the expenditure of money appropriated by the Palau legislature solely to support rejection of the constitution was not unlawful"; that a similar conclusion was reached "regarding the expenditure in Palau of Congress of Micronesia money solely to advocate approval of the constitution". The report stated that "weighing all the evidence before it, the Committee concludes that the validity of the 12 July 1978 constitutional referendum in Palau was not materially affected by any election irregularities or campaign abuses occurring in connexion with it". The Committee recommended that the results of the elections in all districts should be confirmed as valid by the Congress of Micronesia (see para. 277 below).

276. The observations and conclusions of the Visiting Mission with regard to the review in Palau District are set out in paragraph 297 below.

CHAPTER XI

RESULTS OF THE REFERENDUM

277. As noted in chapters IV and IX above, the ballots cast at all polling places in each district were counted together so that results were available only district by district and not for separate islands or population centres. In letters dated 16 August and 7 September 1978, the High Commissioner transmitted the certified results from each of the six districts to the Congress of Micronesia. The results as confirmed by the Congress in its house joint resolution 7-144 of 26 October 1978 (T/COM.10/L.239) were as follows:

| <u>District</u> | <u>Yes</u> | <u>No</u> |
|----------------------------|------------|-----------|
| Marshall Islands | 3,888 | 6,217 |
| Palau | 2,720 | 3,339 |
| Ponape | 5,970 | 2,020 |
| Truk | 9,762 | 4,239 |
| Yap | 3,359 | 186 |
| Kosrae | 1,118 | 704 |

278. Analysis of the above figures in terms of the proportion of the population taking part in the referendum is somewhat artificial because, on the one hand, people were able to vote, even though they had not registered, and because the precise number of invalid votes cast is not available (although, as will be seen from paras. 236-249 above, the number of invalid ballots in each district was very small).

279. On the basis of the information given to the Mission about the number of voters who had registered prior to the referendum in each district, and ignoring spoilt or invalid ballots, the Mission has made the following analysis:

| <u>District</u> | <u>Voters registered</u> | <u>Valid ballots cast</u> | <u>Percentage of those registered who voted</u> | <u>Percentage of those voting who voted:</u> | |
|---------------------|------------------------------|-------------------------------|---------------------------------------------------------|--------------------------------------------------|-----------|
| | | | | <u>Yes</u> | <u>No</u> |
| Marshall Islands | 12,996 | 10,105 | 77.8 | 38.5 | 61.5 |
| Palau | 6,500 | 6,059 | 93.2 | 44.9 | 55.1 |
| Ponape | 11,177 | 7,990 | 71.5 | 74.7 | 25.3 |
| Truk | 17,736 | 14,001 | 78.9 | 69.7 | 30.3 |
| Yap | 4,650 | 3,545 | 76.2 | 94.8 | 5.2 |
| Kosrae | 2,182 | 1,822 | 83.5 | 61.4 | 38.6 |

CHAPTER XII

OBSERVATIONS AND CONCLUSIONS CONCERNING THE REFERENDUM

A. Introductory remarks

280. The Visiting Mission was sent to the Trust Territory with the specific task of observing the referendum in the six districts. The Mission has not thought it appropriate to pass judgement on events prior to the decision to hold the referendum or on the implications for the future of Micronesia of the outcome of the referendum. Accordingly, the Mission's observations in the present section of the report are confined to matters closely germane to the conduct of the referendum, including the campaign which preceded it and the voting. As the Chairman said in a broadcast announcement on arrival in the Trust Territory, the task of the Mission was to observe, and responsibility for the organization and control of the referendum lay with the Trust Territory Government. Nevertheless, as will be seen from the main body of the present report, the Mission did on occasion make suggestions to those responsible for the referendum where it seemed desirable and appropriate to do so. In general, the suggestions made were taken up.

281. The Mission sought in all districts to make its presence as evident as possible, by broadcasts, public meetings and offers to see all who wished to meet members of the Mission in public or privately. The presence of the Mission was generally welcomed and, in all districts, people clearly valued the opportunity to ask the members questions at first hand. At these meetings, the Mission was able to dispel a number of misconceptions about the arrangements for the secrecy of the ballot and about the role of the United Nations. Particularly in Palau, where the campaigning aroused considerable political tension, the Mission's presence was also welcomed as a factor tending to increase confidence that the referendum would be fairly conducted.

B. Organization of the referendum

282. The referendum was well organized by the Trust Territory Constitutional Referendum Board in Saipan and by the special district referendum commissioners and boards. Many people, in all the districts, complained to the Mission that the referendum was being held too early and that more time should have been allowed for campaigning and explanation. Bearing in mind that the draft constitution had been drawn up some two and a half years earlier, that the date for the referendum had been set 12 months in advance and that the Education for Self-Government (ESG) programme was devoted entirely to explaining the constitution and referendum procedures for the four months preceding the referendum, the Mission did not share that view, which it took to be another manifestation of the reluctance to face decisions about Micronesia's future which the Mission mentions elsewhere. In Palau District, some complaints were made to the Mission by proponents of a "no" vote that the wording of the question on the ballot paper was prejudicial. However, the wording and format of the ballot paper seem as fair as any which could be devised. The present report makes no comment on the arrangements for registration of voters;

they were of no importance because the referendum regulations enabled people who had not registered to cast a vote.

283. The regulations for voting were complex and imposed a heavy burden on presiding officials at polling places. There was provision for people to vote by a ballot paper in a sealed envelope supported by an affidavit of identity if they were: (a) not in their own district; or (b) not registered to vote; or (c) in their own district but at a polling place other than that at which they had registered. Those provisions were adopted in order to offer the people maximum opportunities to take part in the referendum, and the Mission believes that they achieved that purpose. However, the number of people who availed themselves of the convenience provided by (c) was clearly far greater than had been anticipated and caused delays and some confusion. If there are other referenda in the future in Micronesia, those responsible may wish to consider whether there are ways in which the number of people voting by affidavit procedure can be reduced without denying anyone the opportunity to vote.

C. Political campaign

General

284. The campaign was pursued with varying degrees of intensity in the different districts. In the Marshall Islands and Palau Districts, supporters and opponents campaigned with intense vigour over a long period. Particularly in Palau, much mutual suspicion and some bitterness were engendered. In Ponape, the momentum of the campaign only began to develop in the last three or four weeks as the group opposed to the constitution began to make their views widely known. In Truk and Kosrae Districts, overt opposition to the adoption of the constitution emerged only at the last stage and on a small scale. In Yap there was no sign of active opposition. In the three last-mentioned districts, there was campaigning in favour of the constitution, mainly organized by members of the Congress of Micronesia. In districts where there was active campaigning, each side tended to accuse the other of misrepresenting the facts and confusing the voters. There was probably some truth in such accusations. Nevertheless, the Mission suspects that, on balance, the voters in the Marshall Islands, Palau and Ponape Districts were better informed about the issues than those in districts which had had less or no opportunity of hearing public discussion on both sides.

Role of the Administration

285. The Mission saw no sign of improper intervention in the political campaign by the executive branch of the Trust Territory Government. Indeed, the Administration sought to maintain a position of complete impartiality, and the Mission believes that it succeeded in doing so.

286. One or two points, nevertheless, call for mention under the present heading. The question of the propriety of political campaigning by government employees was raised with the Mission on various occasions by members of the public. The Trust Territory Administration informed the Mission that government employees were required to discharge their duties "in an impartial, non-discriminatory, neutral, even-handed manner" but that they could, in exercise of their rights as citizens, engage in activities related to the referendum in their own time. It was explained

that, in a territory in which the majority of those with higher education are in government employment, a more restrictive policy would tend to stunt the political campaign. The Mission considers the policy adopted sensible in the circumstances. Nevertheless, they were gratified to observe that the most senior staff of the central government, the district administrators and those engaged in the administration of the referendum (other, of course, than those members of the Constitutional Referendum Board who were appointed because of their political affiliations) did maintain an attitude of neutrality at all times. There were a limited number of allegations in some districts that the guidelines were not always followed correctly by individual government employees, but no evidence was given to the Mission. At one time, allegations were made that a senior member of the administration staff at Saipan had been ordered by the High Commissioner not to go to his home district of Palau to speak in support of the constitution. The allegation was denied by the staff member in question; at the same time, he did not play an active part in the campaign.

287. In Palau District, supporters of the constitution claimed that two actions by the United States Government had tended to influence the outcome of the referendum: first, the decision in 1977 to allow representatives of the Palau Political Status Commission and of the Marshall Islands Political Status Commission to participate in negotiations about the future political status of Micronesia, a point which was also raised by supporters of the constitution in the Marshall Islands; and, secondly, the decision to accept the declaration by the District Legislature of Palau of a maritime zone of 200 miles for the district. It should be borne in mind, nevertheless, that the first decision was taken with the concurrence of representatives of, and the second, in pursuance of an act of, the Congress of Micronesia.

Finance

288. The Mission received several complaints from both sides about the financing of the campaign. Those who opposed the constitution objected to the fact that the sum of \$194,000 voted by the Congress of Micronesia for the political campaign was used by them exclusively for campaigning in favour of the constitution. Supporters of the constitution in the Marshall Islands and Palau Districts objected to the use exclusively for the opposition campaign of funds voted by the legislatures of those districts. There were also reports in the Pacific Daily News that the Republic of Nauru had made a loan (\$600,000 was mentioned) to the Marshall Islands Political Status Commission for the purpose of campaigning against the constitution. A subsequent report in the same newspaper said that the loan was not from the Government of Nauru, but was a commercial loan from the Nauru Finance Corporation. Those press reports were brought to the attention of the Mission by the Congress of Micronesia and others.

289. The Mission raised, with the staff of the High Commissioner at Saipan, the question of the alleged loan from Nauru and was informed that an investigation by the office of the Attorney-General in the Trust Territory was now under way to ascertain whether any breach of Trust Territory law had occurred. The Mission also raised with the staff of the High Commissioner the matter of the use of funds voted by the District Legislature of Palau exclusively for campaigning against the constitution, since that matter was the subject of intense controversy in Palau. The Mission asked to be informed of the legal position in the matter and was told that it was under consideration by the Trust Territory Government and the District Attorney of Palau. The Mission was also told that it would be informed of the outcome of the two investigations.

290. Subsequently, in a letter dated 6 February 1979, the Permanent Mission of the United States to the United Nations informed the Chairman of the Visiting Mission that the Trust Territory Government "... has no evidence that the alleged 'Nauru loan' had any relationship to the constitutional referendum. Moreover, it has been unable to establish that the alleged activities relating to this incident involved any violation of Trust Territory law". The Permanent Mission further informed the Chairman of the Mission that the Attorney General of the Trust Territory Government agreed with the conclusion arrived at by the Special Joint Committee on Referendum Review of the Congress of Micronesia that "the expenditure of money appropriated by the Palau Legislature solely to support rejection of the Constitution was not unlawful" (see para. 275 above).

291. There appears to be little doubt that more money was available to one side than to the other and to different sides in different districts. In general, however, those who wished to make their views known found the means to do so. The major medium of communication in all districts was the Government radio to which all who wished had free access (see paras. 293-294 below). If irregularities are shown to have occurred, the Mission hopes that appropriate action will be taken by the Trust Territory authorities, but it has no reason to believe that the availability or lack of funds was a determining factor in the outcome of the referendum.

292. Nevertheless, since campaign finances were the subject of much suspicion, recrimination and complaint, the Mission would suggest that the Government of Micronesia give consideration to setting fixed limits for campaign expenditures in future elections or referenda.

Access to the media

293. Except for two periodicals in the Marshall Islands District, there are no local newspapers in the Trust Territory. Each district operates a radio station which is widely listened to. The policy of the Administration was to allow equal radio time to supporters and opponents. In Truk, Yap and Kosrae Districts, however, this was an objective rather than a practice, since, with the exception of three broadcasts on Truk District radio, there were no applicants for radio time from opponents. In the other three districts, equal time was given. In Palau and the Marshall Islands Districts, there is also some television broadcasting, although it was not used in the Marshall Islands for programmes connected with the referendum. In Palau there are two channels. One, a private cable circuit operated by people connected with the opposition campaign, broadcast opposition material. There were no regulations to empower the Administration to exercise any control over its operators who, however, told the Mission that they were prepared to provide time to supporters of the constitution upon payment. The other channel, which was government operated, gave equal time to both sides. In addition to campaign broadcasts, there were frequent ESG or information broadcasts connected with the referendum.

294. Supporters and opponents told the Mission on various occasions in the districts of Ponape, Kosrae and, particularly in Truk that people tended to turn their radios off when political broadcasts were made. As members of the Mission listened to frequent repetitions of their own voices at public meetings they began to feel some sympathy with manipulators of the "off" button.

D. Voting arrangements

295. As noted elsewhere (see paras. 225-229 above), the minor problems which arose in the course of voting were due to unfamiliarity with the somewhat complex voting regulations adopted for the referendum and were of no consequence. The arrangements for the referendum were very good and credit is due to the Constitutional Referendum Board, the special district referendum commissioners and the members of the special district referendum boards who were in charge of polling stations, as well as to the patience and good manners of the voters themselves. In particular, the poll was conducted in such a way that the voters could be satisfied that the secrecy of the ballot was preserved.

E. Counting of votes

296. As noted earlier (see paras. 231-249 above), the arrangements for the counting of votes worked smoothly and did not give rise to disputes or appeals.

F. Appeals and review in Palau District

297. Given the importance of the issues at stake in the referendum, the closeness of the election results in Palau District (the separatists won by a margin of 619 votes) and the seriousness of the accusations of misconduct which had been made, the Mission considers that the decision to conduct a special investigation of the appeals from Palau was wise. As noted in chapter X of the present report (see paras. 260-261 above), the Mission considers that the investigation made in Palau on behalf of the Special Joint Committee on Referendum Review was carried out with commendable thoroughness and impartiality. The Mission was satisfied that all who wished to do so had had the opportunity to present evidence or information to the investigators. 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, the Mission, having observed the investigations in Palau in detail, could record that it is 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. It is worth recalling that the members of the Mission who were present in Palau District at the appropriate times observed that the voting on election day and the counting of the votes on 16 and 17 July were conducted carefully and correctly.

G. Understanding of the issues to be decided

298. Inevitably many people were confused by the arguments in the campaign and eager to obtain disinterested advice on how to vote. (The Mission had to decline several requests to provide such guidance.) It was not easy to ascertain how well people understood the provisions of the constitution since those who attended the Mission's meetings wished to discuss other matters (see below); however, those with whom the Mission spoke appeared to have a sufficient understanding of the main provisions of the constitution, and a clear awareness that the referendum also concerned the issue of the unity of Micronesia. On the question of unity, the members of the Mission were at pains to avoid taking the initiative in raising

subjects which could be regarded as calculated to influence the campaign, but took every opportunity while answering questions to stress the view of the Trusteeship Council at its forty-fifth session, as recorded in its report to the Security Council: "The Council recalls its conviction that the political unity of the Caroline Islands and the Marshall Islands should if possible be maintained, but it recognizes that it is ultimately for the Micronesians themselves to decide upon their future political relations with each other." 19/ In some areas people told the Mission that the ESG programme had given them a fair understanding of the constitution; in others they complained that visits by representatives of ESG had been too few, too short or too impartial to help their audiences reach a decision. The many visits and radio broadcasts by representatives of ESG certainly provided people with an opportunity to inform themselves, even if not all availed themselves of it. In general, the Mission believes that the ESG programme contributed valuably to people's awareness of the importance of the referendum and the broad outlines of the constitution.

299. The questions put to the Mission at meetings in all districts demonstrated that the average voters, including the more educated people, were more concerned about the impending changes in Micronesia's status as implied by the referendum than about the actual provisions of the constitution. There was evidence of a general uneasiness about the prospect that the status quo would be changed and that the Trusteeship Agreement might be ended as early as 1981. It is significant that the section of the constitution which attracted the most favourable comment in the central districts was that providing for its subsequent amendment; it is likewise noteworthy that the Mission's explanation (in reply to questions) which clearly caused the greatest relief was that realization of the target date of 1981 for termination of the Trusteeship Agreement depended on prior agreement on the arrangements to replace the Trusteeship Agreement. The Mission explained to the public at numerous meetings that the present referendum concerned only the constitution and that the people of Micronesia would have a later opportunity to decide on their status in the world community after termination of the Trusteeship Agreement. The Mission therefore considers it important that a plebiscite on future political status should be held, as planned, before any final decision is taken concerning arrangements to end the Trusteeship Agreement, and that such a plebiscite should be observed by the United Nations.

19/ Official Records of the Security Council, Thirty-third Year, Special Supplement No. 1 (S/12971), para. 572.

CHAPTER XIII

ACKNOWLEDGEMENTS

300. The members of the Visiting Mission wish to express and record their thanks to the many people who assisted them in the discharge of their task.

301. In the first place, they thank the Principal Secretary and the other members of the United Nations Secretariat for their unflagging support and for their conscientious devotion to the Mission's task. At the same time, they wish to thank Mr. John Kriendler, the escort officer, for his efficient help and his cheerfulness.

302. Wherever they went, the Mission, as a group and individually, received excellent administrative support, full information and much kindness and hospitality. They wish to express their gratitude to the High Commissioner of the Trust Territory of the Pacific Islands, his Deputy, the Chairman and members of the Constitutional Referendum Board, the presiding officers and many members of the Congress of Micronesia, the district administrators of the six districts and their staffs (not least those who had the task of accompanying and interpreting for members of the Mission), the members of the district referendum boards, members of the district legislatures, the Chairman of the Special Joint Committee on Referendum Review, its Chief Counsel and his staff, and the many others who welcomed and helped the Mission in the Trust Territory. They wish also to record their gratitude to the officials of government agencies in Washington, D.C. for their useful introductory briefing, and to the Governor of Hawaii and the Governor of Guam, as well as the Trust Territory liaison officers in Honolulu and Guam.

303. Above all, the members of the Mission wish to express their gratitude to the people of the Trust Territory in all walks of life. Wherever they went, the members of the Mission were welcomed with friendship and hospitality by the people who took endless trouble to explain their points of view, their preoccupations and their way of life. The members of the Mission take this opportunity to record their thanks to the people of Micronesia and to wish them well for the future.

Annex I

ITINERARY OF THE VISITING MISSION

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> |
|-------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 June | Washington, D.C. | Met representatives of United States Department of State and United States Department of the Interior Met representatives of Office of Micronesian Status Negotiations |
| 17 June | Honolulu | Arrived from New York |
| 19 June | Honolulu | Met Mr. George R. Ariyoshi, Governor of Hawaii Met Mr. Robert A. Law Jr., Liaison Officer of Trust Territory of the Pacific Islands and his staff |
| 21 June | Ponape District Kolonia Town | Arrived from Honolulu Met Special District Referendum Commissioner and his staff |
| 22 June | Kolonia | Met representatives of Ponape District Legislature Met chief magistrates and traditional leaders Met members of Congress of Micronesia and staff |
| 23 June | Kolonia | Met local leaders and public |
| 23 June | Saipan | Arrived from Ponape |
| 24 June | Saipan | Met members of Constitutional Referendum Board Met senior officials of Trust Territory Government and the public |
| 26 June | Guam | Arrived from Saipan Met Mr. Ricardo Bordallo, Governor of Guam Met Micronesian students at University of Guam |

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> |
|-------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 June | Guam | Mission divided into three teams: Teams A, B and C Team B departed for Truk Team C departed for Marshall Islands District |
| 28 June | Guam | Team A departed for Yap |
| | | <u>Team A</u> |
| 28 June | Yap District Colonia | Arrived from Guam Met Special District Referendum Commissioner, administration officials and members of District Task Force |
| 29 June | Colonia | Met Education for Self-Government Programme Task Force (ESG) Met members of Magistrates' Council |
| | Gagil/Tomil | Met community leaders and general public |
| 30 June | Kanifay Gilman Colonia | Met community leaders and general public Met community leaders and general public Met individual group Met Special District Referendum Commissioner and staff Met members of Hold-over Committee of the Yap Legislature |
| 1 July | Tomil/Gagil | Attended political rally |
| 9 July | Tomil | Met community leaders and general public Met Special District Referendum Commissioner and members of ESG |
| | Colonia | Met Special District Referendum Commissioner and members of ESG Met members of Yap Chamber of Commerce |
| 10 July | Colonia | Met Special District Referendum Commissioner and members of ESG Met members of Yap Chamber of Commerce |
| 11 July | Yap District | Toured municipalities of Yap proper |
| 12 July | Yap | Observed polling places in various municipalities |

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> |
|-------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 July | Ulithi Atoll | Observed polling places |
| 22-23 July | Colonia | Observed counting and tabulation of votes |
| 23 July | Colonia | Witnessed declaration of unofficial results |
| 3 July | Palau District Koror | Met Special District Referendum Commissioner and his staff Met members of Palau Legislature Met members of Palau Political Status Commission |
| 3 July | Koror | Visited various campaign centres Met members of ESG |
| 5 July | Angaur Peleliu | Met community leaders and general public Met community leaders and general public |
| 6 July | Koror | Met faculty and students of Micronesian Occupational Centre Met traditional leaders |
| 7 July | Western Babelthuap Ngaremlengui Ngatpang Aimeliik | Met community leaders and general public Met community leaders and general public Met community leaders and general public |
| 8 July | Eastern Babelthuap Melekeok Ngechesar | Met community leaders and general public Met community leaders and general public |
| 10 July | Koror | Met member of Palau Political Status Commission Met Special District Referendum Commissioner, Chairman of the House of Chiefs, Speaker of Palau Legislature, delegates to Micronesian Constitutional Convention, District Attorney and Legal Counsel of group supporting the constitution |
| 11 July | Ngaraad | Met community leaders and general public |
| 12 July | Palau District | Observed polling places in various municipalities throughout district |
| 15-16 July | Koror | Observed counting and tabulation of votes Witnessed declaration of unofficial results |

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> |
|-------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <u>Team B</u> |
| 27 June | Truk District Moen Island | Arrived from Guam Met Special District Referendum Commissioner and senior administration officials |
| 28 June | Moen | Met President of Senate of Congress of Micronesia Met Speaker and members of Truk Legislature, Truk delegation to Congress of Micronesia, Chairman of the Future Political Status Commission and Transition and Moen Municipal Council Met members of Special District Referendum Board |
| 29 June | Moen | Met officials and employees of District Education Department and public school teachers Met magistrates and traditional leaders Met general public |
| 30 June | Moen | Departed by ship for Upper Mortlocks |
| 1 July | Upper Mortlocks Nama Moen | Arrived from Moen Island Met local leaders and general public Departed for Moen Arrived from Nama |
| 3 July | Tol Island Namonsofo Faichuk | Met local leaders and general public Met local leaders and general public |
| 10 July | Eot Island | Met local leaders and general public |
| 11 July | Fefan Island | Met local leaders and general public |
| 12 July | Truk District | Observed polling stations in various municipalities throughout district |
| 23-25 July | Moen | Observed counting and tabulation of votes |
| 25 July | Moen | Witnessed declaration of unofficial results |
| 4 July | Moen | Departed for Ponape |

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> |
|-------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 July | Ponape District Kolonias | Arrived from Truk Met Special District Referendum Commissioner and senior administration officials |
| 5 July | Kolonias | Met Special District Referendum Commissioner and his staff Observed public debate between proponents and opponents of the Constitution |
| 6 July | Met | Met local leaders and general public |
| 7 July | Uh Sokehs | Met local leaders and general public Met local leaders and general public |
| 8 July | Kolonias Kosrae District Malem Tafunsak Lelu Utwā | Departed by air for Kosrae Met Special District Referendum Commissioner, member of the Constitutional Referendum Board, members of Congress of Micronesia and senior administration officials Met Special District Referendum Board Met local leaders and general public Met local leaders and general public Met local leaders and general public Addressed public on role and functions of Mission |
| 9 July | | Departed by air for Ponape |
| 9 July | Ponape District Kolonias | Arrived from Kosrae |
| 10 July | Kolonias Madolenihmw | Visited Ponape Agriculture and Trade School (PATS) Met local leaders and general public |
| 11 July | Kolonias Kitti | Met faculty and students of Community College of Micronesia Met people of Kapingamarangi village Met local leaders and general public |
| 12 July | Ponape District | Observed polling stations in various municipalities throughout the district |
| 15-18 July | Kolonias | Observed counting and tabulation of votes |
| 18 July | Kolonias | Witnessed declaration of unofficial results |

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> <u>Team C</u> |
|-----------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------|
| 27 June | Guam | Departed by air for Kwajalein, Marshall Islands District |
| 26 June (local calendar) | Marshall Islands District | |
| 27 June | Kwajalein | Met Liaison Officer of Trust Territory Government Departed by boat for Ebeye Island |
| | Ebeye | Met members of Congress of Micronesia and local officials |
| 28 June | Ebeye | Met employees of Trust Territory Government Met local leaders and general public at Ebeye Community Centre |
| 29 June | Kwajalein | Departed by air for Roi-Namur |
| | Roi-Namur | Arrived from Kwajalein Met Micronesian workers Departed by boat for Ennubir |
| | Ennubir | Arrived from Roi-Namur Met local leaders and general public Departed by boat for Roi-Namur |
| | Roi-Namur | Departed by air for Kwajalein |
| | Kwajalein | Departed by boat for Ebeye |
| | Ebeye | Met representatives of Voice of the Marshalls Departed by boat for Kwajalein |
| 30 June | Kwajalein | Departed by boat for Carlos Island |
| | Carlos | Arrived from Kwajalein Met local leaders and general public Departed for Kwajalein |
| (1 July in Majuro) | Kwajalein | Departed by air for Majuro |
| 2 July | Majuro | Arrived from Kwajalein Met Special District Referendum Commissioner and his staff |

| <u>Date</u> | <u>Place</u> | <u>Remarks</u> |
|-------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 July | Laura | Met local leaders and general public |
| 5 July | Majuro | Met general public Departed by ship for Ailinglaplap Atoll |
| 6 July | Ailinglaplap Atoll Buof | Arrived from Majuro Met local leaders and general public |
| | Airok | Met local leaders and general public Departed by ship for Arno Atoll |
| 7 July | Arno Atoll Ine | Arrived from Ailinglaplap Met local leaders and general public Departed for Majuro |
| 7 July | Arno | Arrived in Majuro |
| 8 July | Majuro | Observed political rallies organized by proponents and opponents of constitution Met leaders of Voice of the Marshalls |
| 11 July | Majuro | Met leaders of Marshall Islands Political Status Commission |
| 12 July | Majuro | Observed polling stations in various municipalities |
| 15 July | Majuro | Four members of Mission and one member of the Secretariat left Trust Territory |
| 19-23 July | Majuro | Observed counting and tabulation of votes |
| 23 July | Majuro | Witnessed declaration of unofficial results |
| 25-27 July | Majuro | Last two members of Mission and remaining members of the Secretariat left Trust Territory |
| 2 October | Palau District | Member of Mission accompanied by member of the Secretariat arrived from New York to observe proceedings of Special Joint Committee on Referendum Review |
| 11 October | | Returned to United Nations Headquarters |

Annex II

Statement by Mr. Robin Byatt, Chairman of the Visiting Mission, on 26 June 1978

1. I should like to take this opportunity to explain to the people of Micronesia the programme and the functions of the Visiting Mission from the United Nations Trusteeship Council which is now in the Trust Territory of the Pacific Islands.
2. The United Nations has a responsibility towards the Trust Territory. The basic objective of the United Nations Trusteeship system is to promote the advancement of the inhabitants of Trust Territories and their progressive advancement towards self-government. So, the Mission has come to observe the constitutional referendum on 12 July in the six districts of the Caroline and Marshall Islands, an important step towards self-government.
3. It is not our function to organize the referendum; that is the responsibility of the Trust Territory Constitutional Referendum Board. Our task is to see how the referendum is conducted and to make a report to the United Nations Trusteeship Council. In particular, we shall want to satisfy ourselves and to tell the Trusteeship Council about the fairness of the referendum. We shall be looking to see that the people understand the issues in the referendum; that all sides have an opportunity to make their views clear to the voters, whether they are in favour of the constitution or against it; that the voters are not subjected to unfair pressures to vote in a particular way; and that the ballot is secret, so that no one can know how an individual voter votes. We hope that our presence in the Trust Territory will help to ensure these things.
4. The Mission consists of six members, three from the United Kingdom of Great Britain and Northern Ireland and three from France, and has a staff of five international civil servants from the United Nations Secretariat. This is the largest Mission to have visited the Territory from the United Nations. It is large so that someone from the Mission can be present in each district on polling day.
5. The Mission arrived in the Trust Territory on 21 June at Ponape where they met with members of the Congress of Micronesia, including the Vice-President of the Senate and the Speaker of the House of Representatives. They took the opportunity to see the acting Lieutenant-Governor and a number of people from Ponape District. The Mission is now in Saipan for discussions with the High Commissioner and his staff, including the Chairman of the Constitutional Referendum Board and several district administrators. On 27 June, the Mission will divide into smaller groups which will visit all the districts in the Trust Territory. Members of the Mission are due to arrive in Truk and the Marshall Islands on 27 June, in Yap on 28 June, in Palau on 3 July, in Ponape on 4 July, and in Kosrae on 9 July. Details of their programme in each district will be broadcast over the district radio.
6. While they are in each district, members of the Mission will be available to meet groups and individuals who wish to see them. The times and places of such meetings will be announced. In addition, members of the Mission hope to have the

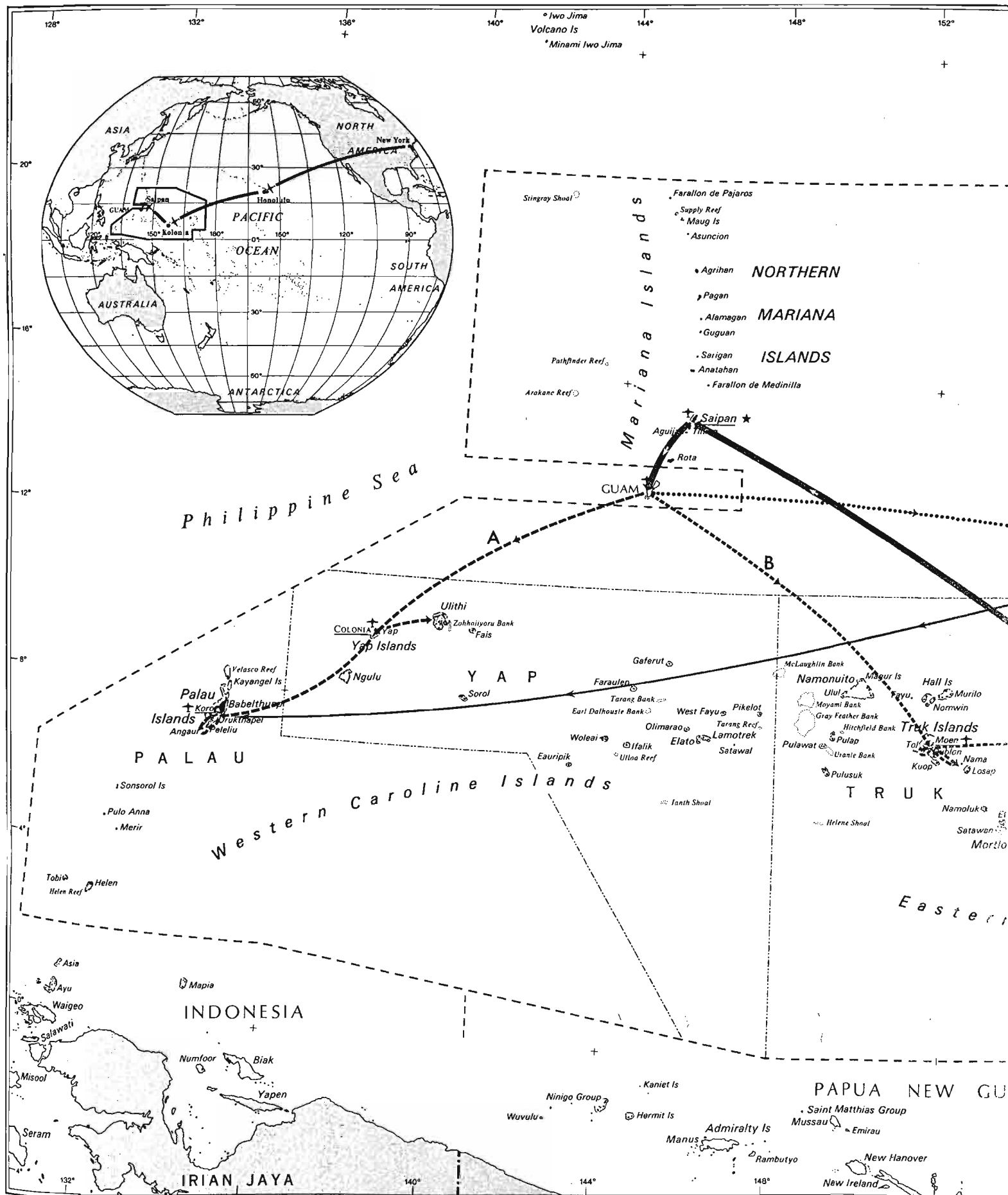
opportunity to attend public meetings being held during the referendum campaign to see for themselves how these are being conducted. They are interested in hearing as wide a range as possible of opinions about the referendum. On 12 July, they will visit as many polling stations as possible, to see how the voting is being conducted. Later they will watch the counting of the ballots.

7. On behalf of all the members and the staff of the Mission, I should like to tell you how pleased we are to be in the Trust Territory and how much we appreciate the warm welcome which has been extended to us.

8. Finally, we urge you all to vote on 12 July. It is for you to decide whether to vote "yes" or whether to vote "no", but you should vote.

Annex III

M A P
OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS



• Minami Tori Shima

ITINERARY OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS 1978

June - July

Itinerary

Team A

Team B

Team C

October

Second visit



Trust Territory Headquarters

TRUK

District name

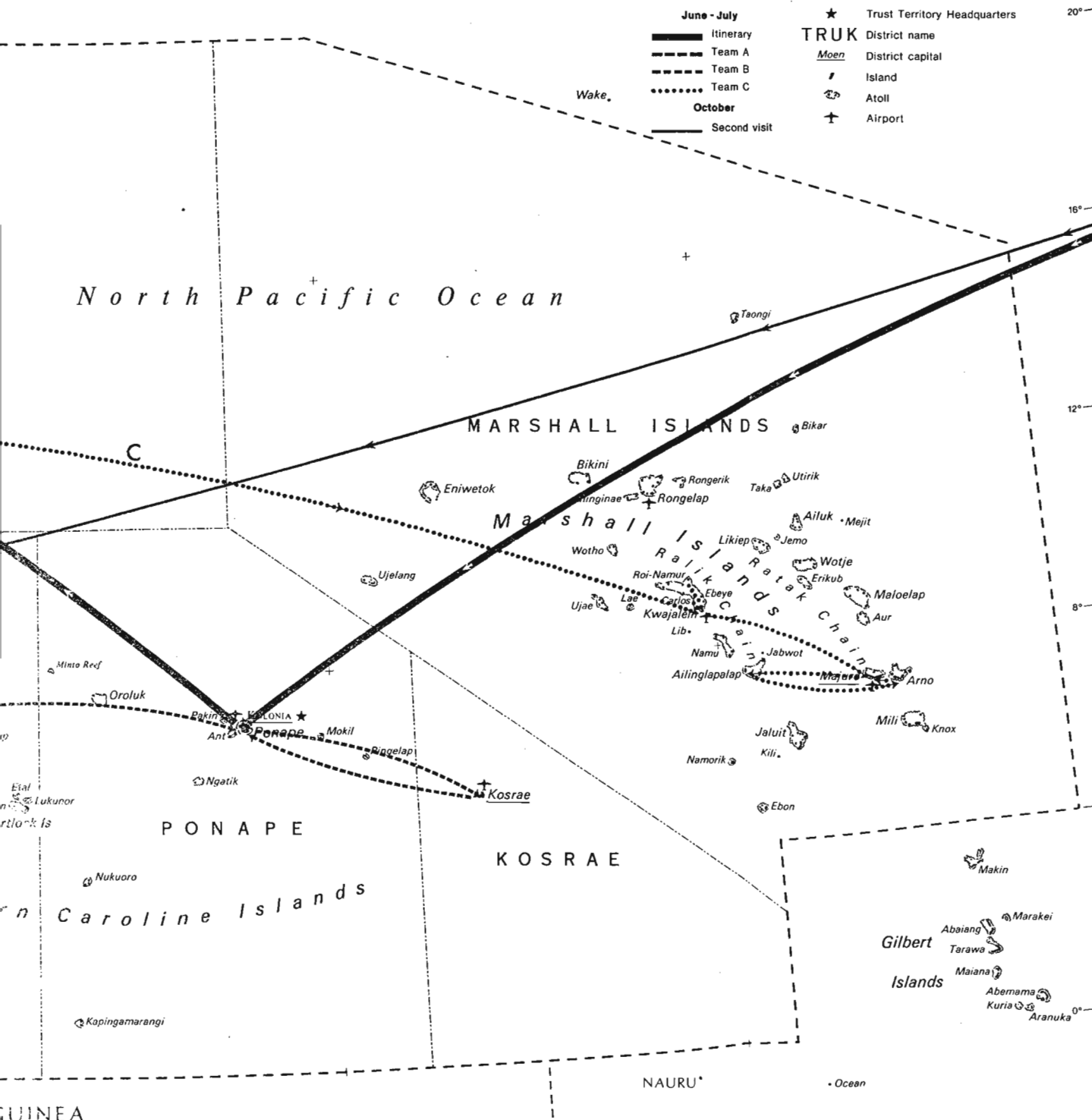
Moen

District capital

Island

Atoll

Airport



(Delineation of Territorial area and lines of District Jurisdiction are not to be interpreted as boundaries.)

