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Agenda item 49: Question of the future of Ruanda-Urundi

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Report of the United Nations Commission for Ruanda-Urundi

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* It has become current practice to use the vernacular forms **RUANDA** and **BURUNDI** instead of Ruanda and Urundi. The Commission has adopted those forms, except where the whole of the Territory is spoken of, in which case it has retained the form **RUANDA-URUNDI**, employed in the Trusteeship Agreement.

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LETTER OF TRANSMITTAL DATED 29 NOVEMBER 1961, FROM THE CHAIRMAN, UNITED NATIONS COMMISSION FOR RUANDA-URUNDI, TO THE ACTING SECRETARY-GENERAL

Sir,

I have the honour to transmit to you herewith, in accordance with the provisions of paragraph 10 of resolution 1579(XV) and of paragraph 12 of resolution 1605 (XV) adopted by the United Nations General Assembly on 20 December 1960 and 21 April 1961 respectively, the report of the Commission for Ruanda-Urundi on the "Question of the future of Ruanda-Urundi".

This report was adopted unanimously by the Commission.

(Signed) Max H. DORSINVILLE
Chairman, United Nations
Commission for Ruanda-Urundi

Introduction

1. On 21 April 1961, at its 994th plenary meeting, the General Assembly adopted resolution 1605 (XV) on the question of the future of Ruanda-Urundi, a Trust Territory under Belgian administration. This resolution is to be considered in conjunction with resolution 1579 (XV) on the same question and resolution 1580 (XV) on the question of the Mwami, which were adopted by the General Assembly at its 960th plenary meeting on 20 December 1960.¹ Under resolution 1579 (XV), a United Nations Commission for Ruanda-Urundi was set up, composed of three Commissioners: Mr. Max H. Dorsinville (Haiti), Chairman, and Mr. Ernest Gassou (Togo) and Mr. Majid Rahnema (Iran).² Its terms of reference were defined both by the specific instructions given to it by the General Assembly and also indirectly by certain recommendations made by the General Assembly to the Administering Authority.

The General Assembly's instructions to the Commission

2. Under General Assembly resolutions 1579 (XV) and 1605 (XV), the Commission was requested to perform the following tasks:

(a) To follow the progress of events in the Territory, and to lend its assistance to the local authorities and to the inhabitants of the Territory with a view to the implementation of the General Assembly's resolutions;

(b) To supervise all the preparatory measures for the popular consultations;

(c) To supervise also the elections and the referendum in Ruanda, to be held on the basis of direct, universal adult suffrage.

3. Under operative paragraph 10 of resolution 1579 (XV), the Commission was also requested to submit an interim report on the implementation of that resolution to the General Assembly at its resumed fifteenth session.

4. In operative paragraph 8 of its resolution 1605 (XV), the General Assembly which had in the meantime received the above-mentioned interim report,³ requested the Commission to return to Ruanda-Urundi at the earliest possible time, "to assist and advise the Administering Authority in the full and proper implementation of resolution 1579 (XV) and the present resolution, and to perform the other tasks entrusted to it".

5. It is clear from the above-mentioned provisions that the Commission was instructed to follow the pro-

¹ Annex I.

² Appointed by the General Assembly at its 960th plenary meeting on 20 December 1960.

³ A/4706 and A/4706/Add.1, 8 March 1961.

gress of events, to supervise the popular consultations and the preparatory measures preceding them, and to assist and advise the Administering Authority. Lastly, under operative paragraph 13 of resolution 1605 (XV), the General Assembly provided for the eventuality that the performance of the Commission's duties might be "hindered through deliberate obstruction or lack of the requisite co-operation from any quarter" and authorized, in such a case, the Commission to return to United Nations Headquarters and to "request the President of the General Assembly to reconvene the Assembly immediately to consider further measures essential to the discharge of the United Nations obligations with respect to the Trust Territory of Ruanda-Urundi".

Responsibilities assigned to the Administering Authority by the General Assembly

6. In its resolution 1579 (XV) of 20 December 1960, the General Assembly addressed a number of recommendations to the Administering Authority concerning, in particular, the following points:

(a) A full and unconditional amnesty and the abolition of the emergency régime so as to enable political workers and leaders who were in exile or imprisoned to resume normal, democratic political activity before the elections (para. 2);

(b) The expeditious return and rehabilitation of refugees (para. 3);

(c) Non-utilization of the Territory as a base for armed forces not strictly required for the purpose of maintaining public order (para. 6).

7. In its resolution 1580 (XV) on the question of the Mwami, the General Assembly, noting "with regret that the Administering Authority has arbitrarily suspended the powers of the Mwami of Rwanda and has not allowed him to return to Rwanda to resume his duties as Mwami", requested

"... the Administering Authority to revoke the measures adopted by it to suspend the powers of the Mwami, and to facilitate his return to Rwanda to enable him to function as Mwami pending the ascertainment of the wishes of the people on this question" (para. 2).

8. In its resolution 1605 (XV) of 21 April 1961, the General Assembly, regretting the failure of the Administering Authority to implement fully and effectively the terms of resolution 1579 (XV), called upon the Government of Belgium to ensure that the provisions of that resolution were fully implemented by its representatives in Ruanda-Urundi (para. 2) and recognized that it had the following responsibilities:

(a) Exclusive responsibility for the administration of the Territory, the Administering Authority being unable to abdicate its responsibilities to local political bodies and leaders (para. 3), and

(b) The obligation and the responsibility to create the necessary conditions and atmosphere for the proper conduct of the national elections and not to permit any local authorities to impede the implementation of the resolutions of the General Assembly (para. 5). In this connexion, it should also be mentioned that the General Assembly, in paragraph 5 of its resolution 1579 (XV), appealed to all parties and political leaders of Ruanda-Urundi to exert their efforts to achieve an atmosphere of understanding, peace and harmony for the good of the Territory and people as a whole on the eve of independence.

9. In addition to recognizing that the Administering Authority had these general responsibilities, the Assembly also addressed to it recommendations in its resolution 1605 (XV) on the following matters:

(a) The immediate constitution in both parts of the Territory of broad-based caretaker governments to attend to current affairs of administration (para. 4);

(b) The immediate grant of full and unconditional amnesty, as envisaged in resolution 1579 (XV) (para. 9 (a));

(c) The rescission of the Legislative Order No. 221/296 of 25 October 1960 concerning the powers of the Administering Authority (para. 14);

(d) The organization in full consultation with the Commission of the referendum on the question of the Mwami and the legislative elections in Ruanda-Urundi to be held in the month of August 1961 under the supervision of the United Nations on dates to be fixed, after mutual consultation, in the light of the prevailing circumstances (para. 6);

(e) The use of armed forces in strict conformity with the obligations defined in the Trusteeship Agreement (para. 10);

(f) The provision of the material conditions necessary to enable the Commission to discharge its responsibilities, and the full co-operation of the local authorities with the Commissioners (para. 11).

10. Furthermore, certain obligations of the Administering Authority derived indirectly from the tasks that the General Assembly had assigned the Commission in the resolution referred to above.

11. For example, in operative paragraph 9 (c) of resolution 1579 (XV) the Assembly requested the Commission to lend its advice and assistance, as appropriate, with a view to advancing peace and harmony in Ruanda-Urundi; such a provision could not be implemented without a receptive and co-operative attitude on the part of the Administering Authority.

12. Operative paragraph 8 of resolution 1605 (XV), in which the Assembly requests the Commission to assist and advise the Administering Authority in the full and proper implementation of resolution 1579 (XV) and resolution 1605 (XV) is even more explicit. In other words, the Administering Authority is indirectly called upon to accept the assistance and advice of the Commission in the execution of the two resolutions.

Relations with the authorities

13. On 27 April 1961, immediately after the adoption of resolution 1605 (XV), the Chairman of the Commission, Mr. Max H. Dorsinville, addressed a letter to the permanent representative of Belgium to the United Nations, Mr. Walter Loidan, in which, after referring to that resolution, he added:

"The Commission would be very grateful if, before its departure from New York, your Government would inform it of the methods of implementation which your Government has in mind in particular for operative paragraphs 2, 4, 5, 6 and 14 of resolution 1605 (XV). These paragraphs concern:

"(a) The full implementation, before the legislative elections, of the provisions of resolution 1579 (XV) by the representatives of the Administering Authority in Ruanda-Urundi;

"(b) The immediate constitution of broad-based caretaker governments in both parts of the Trust Territory;

"(c) The necessary conditions and atmosphere for the proper conduct of the national elections;

"(d) The repeal of Legislative Order No. 221/296 question of the Mwami of Rwanda;

"(d) The repeal of Legislative Order No. 221/296 of 25 October 1960".

14. The Commission received from the permanent representative of Belgium to the United Nations a letter dated 2 May 1961 informing it that he had transmitted that letter to the Belgian Minister for Foreign Affairs, and adding:

"As soon as I have the Belgian Government's reply to the points raised in the last paragraph but one of your letter of 27 April, I will see that it is sent to you."

15. On 24 May 1961 the Commission received a letter dated 19 May 1961 from the Belgian Deputy Prime Minister and Minister for Foreign Affairs and for Ruanda-Urundi, Mr. Paul-Henri Spaak. In that letter, after acknowledging receipt of the letter addressed on 27 April 1961 to the permanent representative of Belgium to the United Nations, and mentioning that the Belgian Government had only just taken office, he referred to the Commission's desire to be informed before its departure from New York concerning the methods the Belgian Government had in mind for the implementation of resolution 1605 (XV). He suggested to the Chairman that the two should meet at Brussels on 1 June 1961 for a general discussion of the problems.

16. The Commission proceeded to Brussels on 30 May 1961. From 1 to 6 June it had interviews with Mr. Paul-Henri Spaak, Deputy Prime Minister and Minister for Foreign Affairs and Ruanda-Urundi; Mr. Fayet, Deputy Minister for Foreign Affairs, and with other officials of the Ministry; Mr. J.-P. Harroy, Resident-General for Ruanda-Urundi, and other officials of the Administering Authority.

17. On 7 June the Commission left for Usumbura, where it arrived on 8 June.

18. On the evening of the Commission's arrival its Chairman and the Resident-General addressed the population of Ruanda-Urundi by radio.⁴ Another address was delivered by the Resident-General and the Chairman of the Commission on 4 August when the date of the elections in Rwanda and Burundi was announced.⁵ Statements were also broadcast in Rwanda by Commissioner Rahnema on 28 August⁶ and 21 September;⁷ and in Burundi by Commissioner Gassou on 16 September;⁸ Colonel Logiest, Resident of Rwanda, on 19 September;⁹ and Mr. Regnier, Resident of Burundi, on 16 September. A joint communiqué¹⁰ from the Resident of Burundi and the United Nations Commissioner at Kitega was read over the radio on 17 September 1961. Another similar communiqué from the Resident of Rwanda and the Commissioner at Kigali was read on the radio on 23 September, and 100,000 copies were scattered from aircraft. On 27 September,

when the elections and referendum were over and the Commission was leaving, Mr. J. P. Harroy, the Resident-General, and Ambassador Dorsinville broadcast speeches.¹¹

19. Until the date of the elections the Commission, in constant touch with the Administering Authority, examined the various questions preliminary to the elections, including:

(a) The establishment in Rwanda and Burundi of broad-based caretaker governments;

(b) The amnesty;

(c) Repeal of the Ordinance of 25 October 1960, actually superseded by that of 4 March 1961;

(d) The Mwami of Rwanda;

(e) The refugees from Rwanda;

(f) The electoral laws;

(g) The creation of the necessary conditions and atmosphere for the proper conduct of the elections.

20. The Commission was also in touch with the government of Burundi; with members of the *de facto* government of Rwanda, as representatives of political parties, until that government's suspension by the Administering Authority; and with other political leaders of both countries, notables of the Trust Territory, and private individuals.

21. The General Assembly, in its resolution 1605 (XV), operative paragraph 11, had requested the Administering Authority:

"... to ensure that the material conditions essential to the successful discharge by the United Nations Commissioners of their responsibilities, such as housing, office space, travel facilities, information and the free use of official broadcasting facilities, are provided, and that the local authorities co-operate fully with them;"

22. The Commission is glad to report that the assurances in those respects which it received from the Belgian Government during its stay in Brussels were completely fulfilled, and that the Administering Authority in Ruanda-Urundi co-operated fully in its lodging and travel. Information was exchanged regularly and satisfactorily. The Commission had unrestricted use of the official broadcasting facilities.

23. The Commission received an excellent welcome from the Trusteeship authorities during its stay in the Territory. There is not room in this report for the names of the very large number of persons who helped it to carry out its task. However, it wishes to express particular thanks to Mr. Georges Carlier, Belgian Ambassador, personal representative of Mr. Paul-Henri Spaak, Deputy Prime Minister and Minister for Foreign Affairs and for Ruanda-Urundi; Mr. Jean-Paul Harroy, Resident-General of Ruanda-Urundi; Colonel Logiest, Resident of Rwanda; Mr. R. Regnier, Resident of Burundi; and all Territorial Administrators and officials, for their help to the Commission. It also wishes to mention the courteous and efficient help given by Baron Greindl and Mr. J. Houard, Ambassador Carlier's assistants; and by Mr. J. Castermans, head of the Political Affairs Section, Mr. P. Chotteau, head of the Information Section, and Mr. E. Syts, Liaison Officer.

24. The Commission likewise wishes to pay a tribute to the Territory's customary authorities, especially Mwami Mwambutsa of Burundi, and to the people and

⁴ Annex III.

⁵ Annex IV.

⁶ Annex V.

⁷ Annex IX.

⁸ Annex VI.

⁹ Annex VIII.

¹⁰ Annex VII.

¹¹ Annex X.

leaders of Ruanda-Urundi, for their warm welcome and help.

25. The Commission left Usumbura at the end of September. After visiting Mr. Spaak in Brussels, it proceeded to Geneva to draft its report at the Headquarters of the United Nations European Office. It then, on 28 October 1961, left again for Usumbura, in response to the General Assembly's request in resolution 1627 (XVI) that it visit the scene immediately in order to carry out without delay an investigation of the circumstances of the tragic death of Prince Rwagasore, Prime Minister of Burundi, and returned to Geneva on 5 November to prepare its report on the investigation and finish drafting this report.

26. On 27 November 1961 the Commission unanimously adopted this report concerning the popular consultations called for by General Assembly resolutions 1579 (XV), 1580 (XV) and 1605 (XV).

I. Organization of the Mission

27. In accordance with paragraph 8 of resolution 1579 (XV), the Secretary-General appointed the staff and the observers who were to assist the Commission in its task. The Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories and the Deputy Director of the Trusteeship Division gave the Commission, in the course of various discussions, information on the status and qualifications of the candidates. The Commission finally approved the following list, which comprises thirty-eight officials from different departments of the Secretariat, nationals of twenty-three Member States.

(a) Secretariat of the Commission

Principal Secretary: Miguel A. Marín;

Political Adviser: Myles F. Minchin;

Legal Adviser: Maxime Tardü;

Information: Oswaldo López-Noguerol;

Administration: Jan G. Schumacher;

Field Service officers: Robert Aalders, Virgilio Chávez, Aart van Egmond, Saleh Hamadeh (Radio), Roger Humberst, Patrick Keane, Rogelio C. Santos (Radio), Nello Tordini (Finances);

Secretaries: Wanda Betton, Françoise de Billy, Simone Gervais, Marianne Teyssier.

(b) Observers

Eugene Adoboli, Claude Benjamin, Eric Brant, Ghelij Chernov, Paulo L. Correa, George R. Fennell, Salih Habal, Abolghassen Hatami, Jean P. Hesse, David Ho, Kai Hyllfelt, Luis P. Martin, Karel Naprstek, Hubert Noël, Antonin J. Obrdlik, Felipe Antonio Pradas, Paul de Rodzianko, Herbert M. Sanborn, Bedrich Syrovy, Horacio M. Ureta, Shifferaw Zelleke.

28. During a meeting on 25 May 1961, before the Commission left New York, the Principal Secretary introduced the observers to the Chairman of the Commission. The Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories and the Deputy Director of the Trusteeship Division were also present. The Chairman delivered an address in which he described the task which had fallen to the observers and emphasized the impartiality and discretion which the Commission and those accompanying them would be called upon to display. The observers

were then given a list of documents which would be of assistance to them in their work.

29. While the Commission was at Brussels, and later at Usumbura, the Secretariat got in touch with the Administration to discuss the question of offices, transport, accommodation, etc., for the Commission, especially the living conditions and accommodations to be provided for the observers. The Principal Secretary and the Administrative Officer visited the places to which the observers were to be posted.

30. As will be seen below (para. 82, *et seq.*), the Territory of Ruanda-Urundi is divided administratively as follows:

The Resident-General of the Territory resides at Usumbura (Burundi), thus making this town the main administrative centre of the Belgian Administration.

In addition, there is a Resident at Kitega for Burundi and another at Kigali for Rwanda, each State being divided into territorial Districts under the control of a District Administrator appointed by the Administering Authority. These Districts, to each of which the Commission decided to assign an observer, are as follows:

Ruanda	Burundi
Astrida	Bubanza
Biumba	Bururi
Gitarama	Kitega
Kibungu	Muhinga
Kibuye	Muramvya
Kigali	Ngozi
Kisenyi	Rutana
Nyanza	Ruyigi
Ruhengeri	Usumbura
Shangugu	

31. The Commission decided that the Chairman should remain at Usumbura, that Mr. Gassou should establish himself at Kitega (Burundi) and Mr. Rahnama at Kigali (Rwanda), it being understood that the three Commissioners would meet, either at Usumbura, Kitega or Kigali, when circumstances required it.

32. Arrangements were made to secure accommodation for the Commissioners and staff at Kitega and Kigali and to set up offices in these two centres.

33. The Commission gave careful consideration to the question of when the observers should arrive. As is indicated in chapter III, the negotiations for setting up broadly based caretaker governments in Burundi and particularly in Rwanda were quite arduous. So there seemed no point in bringing in the observers before these questions had been settled or were at least on the point of being so.

34. The observers arrived in two groups, one on 4 and the other on 11 July, and took up their duties during the first half of July in the various Districts which had been assigned to them by the Principal Secretary.

35. Some changes were made later in the detailed organization of the Commission; a list of the members of the Commission together with their final assignments appears in an annex to the report.¹²

36. Thanks largely to the transport facilities, mainly air, placed at their disposal by the Administering Authority, the Commissioners were able to meet as often as was necessary. In addition, weekly meetings of the observers from each State were held at Kitega (Burundi) and at Kigali (Rwanda), at which the Commis-

¹² Annex II.

sioners, Mr. Gassou and Mr. Rahnema, were present. These meetings, organized with the help of the Principal Secretary, the Political Adviser, the Administrative Officer and, where the agenda required it, the Legal Adviser, proved to be of great value. On a number of occasions the Commissioners and the Principal Secretary visited the observers to make a first-hand study of the problems they were encountering in their Districts.

37. Lastly, it should be mentioned that joint meetings of District Administrators and observers were held, in an excellent spirit of co-operation, in Burundi on 25 August and 15 September, and in Rwanda on 30 August and 22 September. At the last of these meetings, both in Burundi and in Rwanda, the District Administrator and observers all made statements with particular reference to the following questions:

(a) Electoral preparations (registration, candidatures, number, distribution and organization of polling stations, number of polling booths, distance to be covered, and in the case of Burundi the question of the drawing of symbols by lot, etc.);

(b) Respect for public freedoms (of expression, of assembly, of association);

(c) Maintenance of public order (troop movements and their effect on the morale of the population, etc., bearing in mind operative paragraph 5 of resolution 1605 (XV), and paragraph 6 of resolution 1579 (XV));

(d) The general atmosphere (both in a general way and in application of operative paragraph 5 of resolution 1605 (XV)).

These discussions, which, though devoted to particular subjects, were also open to other problems, led to a useful exchange of views and experiences.

38. The text of the instructions issued to the observers appears as an annex to this report.¹³

39. It should be mentioned that when the popular consultations took place in Burundi on 18 September, and in Rwanda on 25 September, the observers and the staff referred to in annex XV left their usual stations and went to assist the observers in the State where the consultations were being held.¹⁴

40. The Commission, for its part, visited the polling stations on the day of the elections, in order to observe the progress of the popular consultations. The following were their itineraries:

In Burundi

For the Chairman of the Commission, accompanied by the Principal Secretary:

Usumbura—Bubanza—Usumbura—Bururi—Muramvya—Kitega

For Mr. Gassou:

Ruyigi—Rutana—Muramvya—Kitega

For Mr. Rahnema:

Ngozi—Muhinga—Kitega

In Rwanda

For the Chairman, accompanied by the Information Officer:

Astrida—Nyanza—Gitarama—Kigali

For Mr. Gassou:

Shangugu—Kibuye—Kigali

For the Principal Secretary:

Kisenyi—Goma (Congo)—Ruhengeri (and the Customs office on the Uganda border)—Biumba—Kigali

Mr. Rahnema visited various polling stations throughout Rwanda by helicopter.

41. Under operative paragraph 9 (c) of resolution 1579 (XV), the General Assembly requests the Commission

“... to follow the progress of events in the Territory before and after the elections, to lend its advice and assistance, as appropriate, with a view to advancing peace and harmony in Ruanda-Urundi, and to report to the Trusteeship Council or the General Assembly, as necessary;”

42. In order to follow the progress of events in the Territory after the elections, the Commission decided, in agreement with the Administering Authority, to keep three observers in Ruanda-Urundi after its departure until this report should be submitted to the General Assembly. Mr. Antonin J. Obrdlik has accordingly remained at Usumbura and Mr. Eric Brant and Mr. Eugene Adoboli have remained at Kigali, assisted by two secretaries, Miss M. Teyssier and Miss S. Gervais.

43. Lastly, with regard to operative paragraph 6 of resolution 1579 (XV), calling upon the Administering Authority to refrain from using the Territory as a base, whether for internal or external purposes, for the accumulation of arms or armed forces not strictly required for the purpose of maintaining public order in the Territory, this question will be dealt with in chapter III.¹⁵ We shall only mention here that the presence of three military observers, from Cambodia, Morocco and Senegal, had been contemplated. In point of fact, only Lieutenant Thach Tuon of Cambodia was appointed; unfortunately by the time he was able to reach Ruanda-Urundi the elections were over and he remained for a few days only.

II. General information on Ruanda-Urundi

A. THE TERRITORY AND ITS INHABITANTS

44. Through the annual reports submitted to it by the Trusteeship Council, the General Assembly is well informed about the Territory of Ruanda-Urundi and its inhabitants. In addition, the last United Nations Visiting Mission gave in its report¹⁶ a detailed account of the political development of the Territory from the period preceding the German occupation down to 1960, the date of its visit. Recent events are recounted in the interim report of the United Nations Commission for Ruanda-Urundi.¹⁷

45. Ruanda-Urundi lies between Central and East Africa and is bordered on the north by Uganda, on the east and south by Tanganyika, and on the west by the Republic of the Congo (Leopoldville). It has a total area of 54,172 square kilometres comprising 27,834 in Burundi and 26,338 in Rwanda.

46. It is a mountainous country, the altitudes varying from 773 metres on the shores of Lake Tanganyika to 4,507 metres in the northern volcanic region; the mean altitude of the central plateaux is 1,700 metres.

¹³ See paras. 272-276.

¹⁴ *Official Records of the Trusteeship Council, Twenty-sixth Session, Supplement No. 3.*

¹⁵ A/4706 and Add.1.

¹⁶ Circular No. 4 and Instructions Nos. 1, 2 and 3, annex XI.

¹⁷ Annex XII.

This configuration explains the importance of the "colline" (hill) as a social and political group.

47. The climate is generally temperate, with an irregular rainfall, heavier along the mountain range than in the plain near Lake Tanganyika.

48. Economic activity in the Territory centres mainly on agriculture and stock-raising; it includes some fishing and a limited amount of mining. The agriculture and stock-raising are mostly carried on by the indigenous population.

49. Because of the very irregular climatic conditions of the Territory and the general poverty of its soil, food production at present is sufficient only to meet the local demand and to prevent a recurrence of the famines which occurred frequently in former days. It should be noted, however, that the demographic curve of Ruanda-Urundi shows that the population may double within twenty-five years. Unless this country, already living under the constant threat of famine, is to suffer a relapse, food production will therefore have to increase at the same rate as the population.

50. The country is already one of the most densely populated in Africa, with 99 persons per square kilometre in Rwanda and 77 in Burundi. The total population is approximately 4,860,000, including some 8,000 Europeans and 3,000 Asians. Outside the town of Usumbura, which in 1959 had a population of about 46,000, urban areas are rather small and serve principally as commercial and administrative centres. The great majority of the indigenous population are peasants, whose dwellings, surrounded by their farmlands, are scattered in the hills.

51. Neither in Rwanda nor in Burundi is the population homogeneous. It is made up of the Bantu (or negroid) Bahutu, who constitute the great majority (82.74 per cent in Rwanda and 86.48 per cent in Burundi); the Hamitic or (Ethiopic) Batutsi, comprising 16.59 per cent of the population in Rwanda and 12.39 per cent in Burundi; and the pygmy Batwa, who are only a small minority, 0.67 per cent in Rwanda and 1.13 per cent in Burundi.

52. Before the advent of the Europeans, Rwanda and Burundi were two kingdoms, each with a Mwami at its head and a very complex political system. Below the Mwami, in theory the absolute master of the country, came a hierarchy of customary authorities, the higher ranks of which were composed almost entirely of Batutsi. The régime was based on a social system in which a largely Batutsi aristocracy of stock-raisers and warriors constituted the governing class, while the Bahutu for the most part tilled the soil.

53. Ruanda-Urundi was officially included in the German zone of influence at the time of the Berlin Conference in 1885, and was placed under the administration of a separate Resident in 1897. However, Germany restricted itself in effect to military occupation, and the customary authorities continued to function under an indirect form of administration. Belgium, which occupied the Territory in 1916, adopted the same policy of indirect administration, retaining the whole established structure and turning to the Batutsi *élite* for assistance with those tasks which appeared most urgent, such as the prevention of famine and improvement of the material life of the people. In the customary political structure, Belgium confined itself during the earlier years to abolishing abuses and arbitrary practices. Only later, especially in 1953, when the electoral system was intro-

duced into the various customary councils, did it begin gradually to change the political system.

54. Nevertheless, the policy of indirect administration appears to have affected the development of the two countries. Some commentators believe that Belgian policy, by recruiting the administrative cadres mainly from the customary authorities and the Tutsi *élite*, widened the social division between ethnic groups in Rwanda and enabled certain elements of the Tutsi caste to secure practically all the positions of authority in the country's customary organization. On the other hand, the superimposition of European administration on the customary organization, and the reforms necessitated by social development, gradually undermined the authority of the governing caste. At the same time the progressive spread of education among the Bahutu of Rwanda eventually aroused them to consciousness, which led to demands, increasingly urgent since 1956, for the abolition of social and political inequalities.

55. Tension continued to increase until November 1959, when there occurred the serious events, marked by violence and murder, described in the report of the Visiting Mission of 1960.¹⁸ These were suppressed for a time but continued sporadically throughout most of 1960. A provisional government composed almost exclusively of members of the *Partie du mouvement de l'émancipation hutu* (PARMEHUTU) was set up in October 1960. These changes enabled the leaders of PARMEHUTU, who already controlled the provisional government to carry out in January 1961 the *Gitarama coup d'état*. They thereupon proclaimed a republican régime which was recognized *de facto* by the Administering Authority but which the United Nations declared to have been established by irregular and unlawful means, and not to be regarded as fully representative of all segments of the population in the absence of free and fair elections on the basis of direct universal adult suffrage.

56. No similar violence occurred in Burundi, perhaps partly because the bonds of economic dependence inherent in the system were less rigid than in Rwanda, and partly because many Batutsi also have Bahutu blood. Moreover, the Mwami's power was always less absolute because, in addition to the Bahutu, the Batutsi and the Batwa, there was a fourth social class composed of the Ganwa, or princes of the blood. In Burundi the Mwami, though in theory possessing power as absolute as that of the Mwami of Rwanda, was traditionally regarded rather as *primus inter pares* among the Ganwa.

57. By a peculiar custom the successive Bami (plural of Mwami) of Burundi are given, in exact order, one of the four dynastic names of Ntare, Mwezi, Mutaga and Mwambutsa. These names divided the descendants of the Bami into four "families", whose violent antagonisms were intensified by the tradition that the reigning Mwami removed from power—often by death—the members of the other branches.

58. The Administering Authority has gradually abolished these fratricidal customs. However, keen rivalry has long continued between the clans of the last Bami of the pre-colonial period, Ntare and Mwezi, whose descendants are known as Batare and Bezi.

59. The shortness of the reign of Mutaga IV (1908-1915) explains why his sons, one of whom is the present Mwami Mwambutsa, have continued to style themselves

¹⁸ Op. cit. (T/1551).

Bezi although they are really Bataga, because of the long reign and great prestige of their grandfather Mwezi Gisabo.

B. POLITICAL PARTIES

(1) *Political parties in Burundi*

60. Political parties in Burundi have a very recent origin. At the end of 1959 there were only two, one of which was composed largely of Africans from other countries. When the Commission arrived in June 1961 there were twenty-three, and a twenty-fourth was founded before the elections.

61. This proliferation of parties made the situation fluid. Many of them were based solely on the personal, and often local, influence of their leaders, as could be noted at the time of the communal elections, when comparatively few of them had their candidates elected in more than one region. Moreover, their programmes had many points in common. They all declared themselves champions of a constitutional monarchy, and proposed political, social and economic reforms to democratize the country and improve the living level of the masses. They differed mainly in the importance they attributed to the various points in their programmes, their choice of leaders, their attitude towards the Belgian Administration, and, most of all, on the question whether independence should be immediate or gradual.

62. From the results of the communal elections held in November-December 1960, it may be said that the parties which exercised the greatest influence in the country were the following:

- (1) Unité et progrès national (UPRONA);
- (2) Parti démocrate chrétien (PDC);
- (3) Parti démocrate rural (PDR);
- (4) Five popular parties which combined in March 1961 to form the Union des partis populaires (UPP).

63. These four parties, including the UPP Coalition, reflected three political trends, and most of the other parties were grouped around them. The first trend, represented by UPRONA and three other particularly militant parties, was nationalist and monarchist: it called for the immediate independence of the country and charged the Belgian Administration with using opposing parties to prolong its hold on the country. UPRONA was founded by the Ganwa Rwagasore, eldest son of the Mwami Mwambutsa; many of its members come from the customary cadre, particularly from the Bezi clan, to which the family of the Mwami claimed to belong (see paras. 57-59 above). Using the slogan "God, the Mwami, Burundi", UPRONA proposed reforms, mostly economic and social.

64. The second trend was represented by a group of several parties, the most important of which were the PDC and the PDR. Likewise under the leadership of Ganwa, or princes of the blood, these two parties and their allies also proposed reforms under the monarchy. However, they differed from the UPRONA in their attitude towards the Belgian Administration and in their view that independence should be preceded by a relatively long period of self-government to develop democratic institutions. Their leaders included Mr. Ntindendereza, Mr. Bigayimpunzi, Mr. Baganzicaha and Mr. Zuruzuru, four ministers in the broadly based government.

65. The third trend, which was very close to the second, was represented by the five parties which had

combined in March 1961 as the UPP. Although they were very moderate and affirmed their sincere adherence to constitutional monarchy, their principal aim was to promote the interests of the under-privileged classes. They called for emancipation of the masses, the democratization of institutions, and the participation of all citizens of Burundi in its political, economic and social development. The leaders of the UPP included Mr. Cimpaye and Mr. Ngane, Prime Minister and minister respectively in the interim government and in the broadly based government.

66. However, the parties were divided and their alliances influenced, not only by ideological differences, but also by the personalities of some leaders and by rivalries between clans—the Bezi, to which the present reigning family is related, and the Batare, to which the last reigning family belonged. Just as the founder and most important leader of UPRONA was, as has been seen, the Ganwa Rwagasore, a son of the Mwami and a member of the Bezi clan, the PDC had been founded by two other princes of the blood, members of the rival clan Batare, Mr. J. Biroli and his brother Mr. J. B. Ntindendereza, now chairman of the party.

67. From 1960 onwards the division of the parties hardened into UPRONA, the militant nationalist party, and the parties representing the two remaining trends. The latter then combined in a Front commun against their opponent. The Front commun objected particularly to the political activity of the Ganwa Rwagasore, whose kinship with the Mwami was one of UPRONA's propaganda points, and emphasized that his policy might seriously affect the position of the monarchy by involving it in the political struggle.

68. After the Brussels talks, held in August 1960 in preparation for the communal elections, the Interim Decree of 25 December 1959 reorganizing the institutions of the Territory¹⁹ was amended by insertion of a provision excluding from all political activity relations of the Mwami by blood or by marriage to the second degree. UPRONA contested the legality of the provision.

69. When the Ganwa Rwagasore refused to withdraw from politics the Belgian Administration, under the new provision of the Interim Decree, placed him under house arrest for the period of the communal elections. However, he resumed his activities as adviser to UPRONA immediately after his release.

70. In the communal elections held in November-December 1960 the parties of the Front commun won 1,749 seats out of 2,371 and 117 of the 152 offices of burgomaster. The Administering Authority had given assurances that the communal elections were purely administrative and non-political. However, it was on those results that in January 1961, the Belgian Administration based the interim government in which two ministries were allotted to the PDC, two to the parties belonging to the UPP, and one to the PDR. A sixth ministry was offered to UPRONA, but the party refused to join the government and afterwards expelled a member who had accepted the post. This member then became the moving spirit of a small political party, the Burundi populaire, founded a few weeks before the legislative elections.

71. In addition to the parties representing the three trends described above, mention should also be made of the Union nationale africaine du Ruanda-Urundi

¹⁹ See paras. 92 *et seq.*

(UNARU). Although this party has often allied itself to UPRONA in demanding immediate independence and criticizing the Belgian Administration, its members were mostly Africans from other countries and its policy was manifestly pan-African rather than national.

(2) *Political parties in Rwanda*

72. Although at times there had been as many as seventeen officially recognized political groups and associations in Rwanda, there were only five main parties at the time of the elections. Despite the fact that all of them had been organized within the previous four years, they had a strong hold on the people. In chronological order of establishment these parties were as follows:

(1) Association pour la promotion sociale de la masse (APROSOMA), founded in November 1957;

(2) Union nationale rwandaise (UNAR), founded in September 1959;

(3) Rassemblement démocratique rwandais (RA-DER), founded in September 1959;

(4) Parti du mouvement de l'émancipation hutu (PARMEHUTU), founded in October 1959 and now known as the Mouvement démocratique républicain;

(5) The APROSOMA-RWANDA-UNION, founded in January 1961.

73. These main parties, together with most of the small ones, may be divided into two groups, one with republican, and the other with monarchist, leanings.

74. Both parties with republican leanings, APROSOMA and PARMEHUTU, developed out of the Mouvement social hutu, a non-political organization formed in 1957 to fight for the emancipation of the Bahutu and against the abuses of what its founders called "the economic, social and cultural monopoly of the Batutsi". The objectives of the Mouvement were set out in the Manifesto of the Bahutu,²⁰ the signatories of which include many of the present leaders of the two parties. The Manifesto, which constituted a protest against ethnic discrimination in the customary organization of the State, advocated a series of reforms designed to eliminate the inferior status of the Bahutu and to give them equal treatment with the Batutsi, particularly with regard to education and access to public office, as well as the elimination of the customary compulsory services and land reform.

75. APROSOMA, which was founded a few months later by Mr. Joseph Habyanimana Gitara, one of the most active Bahutu leaders, was originally not a political party but a reform movement designed to promote the evolution of the masses, combat social injustice and, first and foremost, press for economic reforms, particularly in land tenure. The Association, acting as the mouthpiece of the Bahutu and voicing their grievances against the traditional régime, was soon drawn into politics and, in February 1959, proclaimed itself a political party. Though constituting the moderate wing of the republican movement, the party had close links with PARMEHUTU. It joined the latter to form the Front commun at the time of the communal elections in June-July 1960 and its leaders also participated in the *coup d'état* of January 1961 and in the republican

government established as a result. APROSOMA was a party with a relatively small membership, concentrated in the districts of Astrida and Shangugu. In the 1960 communal elections the party's candidates won only 7.4 per cent of the seats; 6.6 per cent of the seats also went to candidates on the lists which it had put forward jointly with PARMEHUTU.

76. PARMEHUTU, founded by Mr. Grégoire Kayibanda, one of the prime movers of the Mouvement social hutu and a signatory of the Manifesto of the Bahutu, set out to achieve the political emancipation of the Bahutu, the democratization of the political and administrative institutions and a greater access to post-primary education for the Bahutu. PARMEHUTU played an important part in the events of November 1959. It later won 70.4 per cent of the councillors' seats in the 1960 communal elections and gained 166 of the 229 burgomaster posts. It was on the basis of those supposedly purely administrative elections that in October 1960 Mr. Kayibanda, the leader of the party, was appointed Chief of the provisional government and that four of the other eight ministerial portfolios were given to members of his party, thus ensuring PARMEHUTU of a dominant position in the provisional government.

77. Its position was further strengthened by the Gitarama *coup d'état* of January 1961. In the *de facto* régime set up as a result of those developments it was Mr. Dominique Mbonyumutwa, one of the party leaders, who was elected President of the "Republic"; the Prime Minister and six of the nine Ministers as well as forty of the forty-four members of the "Legislative Assembly" also belonged to the same party.

78. Following the events of 1959, the party became increasingly hostile to the institution and the person of the Mwami and set out to eliminate all vestiges of what its leaders described as the "feudal-colonialist Tutsi régime" in which they included forced agricultural services and the privileged position held by the Batutsi in the matter of access to higher education.

79. Of the parties with monarchist leanings, UNAR was the most important; this party, which was officially constituted a month before PARMEHUTU, numbered among its founders influential Tutsi notables such as the three chiefs Mr. Michel Kayihura, Mr. Pierre Mungurire and Mr. Chrysostome Rwangombwa, as well as non-Tutsi such as Mr. François Rukeba, the president of the party, and Mr. Michel Rwagasana, its general secretary, who was Secretary of the State Council.

80. The aim of the party, as stated in its first Manifesto, was to mobilize all Rwandese, regardless of ethnic origin, social position or creed, for the execution of a programme of reforms under a constitutional monarchy and for the achievement of self-government and independence for the State by a specific date. UNAR has described itself as a traditionalist, monarchist and nationalist movement which was neither feudal nor reactionary. It contended that the fact that the ruling classes in Rwanda consisted mainly of Batutsi was due not only to historical reasons but also to the policy of indirect administration pursued by the Administering Authority. According to UNAR the problem was essentially social rather than ethnic and its solution had to be sought in the democratic development of the State. It held that the Belgian Administration had at first relied on Tutsi personnel, had then artificially stirred up Bahutu agitation against them and had, finally, given support to the republican parties in order to stifle the genuine national aspirations of the people and their traditional chiefs.

²⁰ The text is reproduced *in extenso* in annex I of the report of the United Nations Visiting Mission to Trust Territories in East Africa, 1957. See *Official Records of the Trusteeship Council, Twenty-first Session, Supplement No. 3*, document T/1402.

81. Following the events of 1959, many UNAR leaders (including Mr. François Rukeba, its president, and most of the members of the Central Committee) were sentenced to imprisonment or sought refuge abroad, together with many of their followers. During 1960 the attitude of the leaders in exile became increasingly inflexible in the face of what they regarded as a Belgian-inspired revolution. In the communal elections, UNAR won only 1.7 per cent of the councillors' seats and did not win a single burgomaster post.

82. During the period from 1959 until two months before the elections, the leadership of the party was exercised both by the Central Committee in exile and by a provisional committee within the State. After the granting of the amnesty requested by the General Assembly in its resolution 1579 (XV), the members of the Central Committee who had been abroad returned to the State and resumed the leadership of the party.

83. The second monarchist party, RADER, began as a grouping of Batutsi and Bahutu with Mr. Prosper Bwanakweri, a Tutsi chief, as president. The party's aim, as set out in its original manifesto, was "the establishment of a social, economic and cultural order based on authentic democracy in harmonious relationship with the various constituent groupings of the Rwandese people". It was a reform party which clearly supported several of the ideas put forward in the Manifesto of the Bahutu. As a result, some of its members were attacked by UNAR during disturbances of November 1959. Accordingly, RADER, though supporting the principle of a constitutional monarchy, began by drawing closer to the APROSOMA and PARMEHUTU parties with which it co-operated in setting up the Front commun and disavowing Mwami Kigeli V.

84. During the communal elections, however (in which it obtained only 6.6 per cent of the seats and only seven of the 229 burgomaster posts), RADER complained of attacks by PARMEHUTU against its followers and gradually went over to the opposition. In October 1960, it refused to participate in the provisional government and, resuming a definitely monarchist stand, joined UNAR in supporting Mwami Kigeli. At the time of the legislative elections RADER was strongly opposed to PARMEHUTU and to the Belgian Administration whom it accused of supporting the latter party.

85. The last of the five national parties, the APROSOMA-RWANDA-UNION was established two months after the *coup d'état* on January 1961; the founder of the party, Mr. Joseph Habyarimana Gitera, who had already founded the APROSOMA party, had been one of the authors of the Manifesto of the Bahutu. As such, he had at first been one of the most outspoken opponents of the ruling class in the State, and, particularly, of the institution of the Mwami and of Kigeli V personally. Although he was appointed President of the State Council in October 1960 and, later, President of the Legislative Assembly in the republican régime established after the *coup d'état*, he had begun to loosen his ties with PARMEHUTU as far back as September 1960. In May 1961, after hesitating between several solutions, he finally announced the "reconstitution" of the former republican party APROSOMA under the title of the APROSOMA-RWANDA-UNION, with the return of Mwami Kigeli V and the establishment of a constitutional monarchy as objectives. According to him, the issue was not to restore the old feudal system but to eliminate a régime which had been established by PARMEHUTU with the sup-

port of the Belgian Administration and which was as strongly racist as its predecessor. The leaders of the old APROSOMA party, having refused to endorse this new policy and dissolve their party, APROSOMA-RWANDA-UNION was constituted as a new party. During the discussions between the parties in June 1961 with a view to the constitution of a broadly based government, APROSOMA-RWANDA-UNION formed a coalition with RADER, and the two parties submitted joint lists of candidates in the elections.

86. In addition to the five main parties there were others which had a smaller, and often local following. They included the Association pour le relèvement démocratique des Batwa (AREDETWA), founded at the end of 1960 and allied to APROSOMA; the Parti monarchiste du progrès (PAMOPRO), formed at Astrida in May 1961 for the purpose of fostering national reconciliation and setting up a constitutional monarchy with Mwami Kigeli V at its head; the Mouvement pour l'union rwandaise (MUR), at Shangugu, a small party with monarchist leanings which set out to establish "a healthy democracy and a constitutional hereditary monarch"; the Mouvement monarchiste rwandais (MOMOR) formed at Kisenyi "to defend the cause of constitutional monarchy and the person of the reigning Mwami; the Union des masses rwandaises (UMAR), the Union des Aborozi africains du Ruanda-Urundi (UAARU) and the Association des éleveurs du Rwanda (ASSERU), all three of them conservative and monarchist, in the districts of Kigali and Bmiuba; the Parti démocrate chrétien (APADEC) at Nyanza; the Alliance des Abakiga (ABAKI) at Kisenyi; the Association pour la promotion des femmes rwandaises (APROPER); and the Parti pour la réconciliation nationale, also known as the "Modern" Party, founded by a former UNAR leader in 1961 for the purpose of reconciling divergent tendencies.

C. POLITICAL AND ADMINISTRATIVE ORGANIZATION

(1) General

87. Ruanda-Urundi, formerly part of the colony of German East Africa, was placed under League of Nations Mandate and Belgian Administration in 1923. After the Second World War, it became a Trust Territory under the Trusteeship Agreement of 13 December 1946 between Belgium and the United Nations.

88. Up to the end of 1959, the political organization of Ruanda-Urundi was governed mainly by the Act of 21 August 1925 which made the Territory part of an administrative union with the Belgian Congo, of which it formed a separate Vice-Government-General. As in the Belgian Congo, the legislative and executive powers were exercised by the Belgian Parliament, or the King of the Belgians, or persons delegated by the Administering Authority, that is to say, the Government-General of the Belgian Congo and the Governor-General, now the Resident-General, of Ruanda-Urundi. The people took little part in the exercise of these powers. In legislative matters, their vote was of a purely consultative nature. In executive matters, the people participated only in the customary administrations, which in both Rwanda and Burundi, operated at a lower level than, and under the control of, the Trusteeship Administration.

89. However, after 1959 the whole structure was modified, by the dissolution of the administrative union of Ruanda-Urundi with the Belgian Congo, when the

Congo became independent, and by the application of a reform programme, which the Belgian Government had announced in its statement of 10 November 1959.²¹ The purpose of this programme was to ensure the progressive transfer of autonomous powers to new government organs in both States; this process was to bring Ruanda-Urundi to the threshold of independence by about 1962. The formation of definitive governments after the legislative elections was to be one of the last stages of this programme.

90. The Commission therefore arrived in Ruanda-Urundi when the transformation of the political and administrative structure was in full swing. Although the organization functioning under Trusteeship had remained intact, many of its powers had been transferred to the new authorities of the two States. For several months both States had had a provisional government composed of ministers who, although under the control of the Administering Authority, nevertheless exercised most of the powers of an independent government in domestic matters, the main exception being the maintenance of law and order. Each State also had a communal organization as a result of the 1960 elections, and an administrative organization under the State government.

91. However, the Administering Authority still retained fairly broad powers in judicial matters. Firstly, in order to enable it to fulfil its obligations under the Trusteeship Agreement, it still had exclusive competence for foreign affairs, defence, immigration, and the maintenance of law and order. For the same reasons, it had reserved the right to suspend or quash any decisions of the autonomous authorities, on the ground that such action was in the public interest, and, for the same reasons, the right to replace those authorities if they did not carry out their responsibilities. Lastly, the Administering Authority also retained competence for certain matters, particularly economic matters, connected with questions of common interest to both States.

(2) Organization of trusteeship

92. Under the Interim Decree of 25 December 1959²² and the Interim Royal Order of 25 January 1961, Belgium's trusteeship of the Territory was exercised by the Resident-General, the direct representative of the Belgian Government. In each State, the Administering Authority was represented by a Resident, and in each District, the trusteeship powers defined in the preceding section were exercised by a District Administrator, acting under the orders of the Resident-General and the Resident.

93. As before, legislative powers could be exercised by the Belgian Parliament by means of laws, or by the King of the Belgians, by means of decrees countersigned by a minister. However, for about a year, the legislative instruments had usually been promulgated by the Resident-General in the form of ordinances which remained in force for six months.

94. Similarly, the executive power was in principle exercised by the Crown by means of royal orders, or by the Belgian Government through ministerial orders, but it was usually exercised in fact, through ordinances of the Resident-General.

95. Within the framework of these ordinances, the Residents, and, on their instructions, the District Administrators, could make regulations by issuing orders.

(3) Organization of the two States

96. The transfer of legislative and executive powers from the Trusteeship authorities to those of the two States was effected in stages by the promulgation of a large number of legislative instruments. The powers which had already been transferred when the Commission arrived included the following: ministerial responsibility for nearly all the technical services at the State level; political and administrative organization of the Districts; control of the State budget; the population census; administration of penal justice, except for matters relating to breaches of the peace and public security or of the security of the State, and subject to the reservation that penalties involving more than five years' rigorous imprisonment must be approved by the Resident-General; matters relating to criminal records, and so forth.

97. The political and administrative organization was similar enough in the two States for a single description to serve for both. Both States had a Head of State, a Government under a Prime Minister and a Legislative Assembly provisionally elected by the communal councillors. The main difference between the institutions of the two States was that in Burundi, the Mwami was the uncontested Head of State and the Government was nothing more than a transitional body appointed by the Administering Authority for the period preceding the legislative elections, whereas in Rwanda, as the Commission has already explained in its interim report,²³ since the *coup d'état* of January 1961 there had been a republican régime with a president and a Government which had been recognized *de facto* by the Administering Authority.

98. Under the laws in force, the legislative power in both States was exercised jointly by the Head of State and by the Legislative Assembly, which legislated by edict. The executive power was in the hands of the Head of State, who ruled by means of orders countersigned by a minister. The Resident, as the representative of the Administering Authority, had a right to oppose draft edicts or orders.

99. As for the local authorities, the former chiefdoms had been replaced by administrative *circonscriptions*, under the autonomous governments. Rwanda was divided into prefectures which coincided geographically with the Districts of the Belgian Administration and were administered by prefects appointed by the Head of State. Within their *circonscriptions*, the prefects were competent to deal with all matters transferred by the Administering Authority to the customary authorities.

100. In Burundi, the administrative *circonscription* was a province smaller in area than a district. A district usually comprised two and sometimes three provinces. Each province was headed by a provincial administrator appointed by the Resident-General on the advice of the Resident and the Mwami. His competence was the same as that of a prefect in Rwanda. However, it should be noted with regard to the transfer of powers that the District Administrator could decide at his discretion in each case, what powers would be transferred to the provincial administration.

101. At the lower level, the former sub-chiefdoms and extra-tribal centres of both States had been regrouped and transformed into communes. The commune, the basic political and administrative unit, was

²¹ T/1502.

²² T/1501.

²³ A/4706, paras. 93-129.

administered by an elected communal council and a burgomaster, who was appointed by the Head of State from among the members of the communal council (he was usually the member who had obtained the most votes in the communal elections) and could be deposed by him. The communal council had the power to issue local administrative and police regulations and could also impose short terms of imprisonment. The burgomaster was both the agent of the central authority of the State and the representative of the commune. The Commission has already given details of the distribution of communal seats following the elections of 1960 and the political affiliations of the burgomasters in its interim report.²⁴ However, it may be mentioned that in Rwanda, 83.8 per cent of the communal seats went to members of the PARMEHUTU and APROSOMA parties and that 205 of the 229 burgomasters belonged to those two parties. In Burundi, the communal seats were divided among fifteen different parties; the Front commun won 1,749 seats out of 2,371, and 117 burgomaster posts out of 152.

102. Lastly, it must be added that the powers of the local authorities were exercised under dual control of the State Government and the District Administrators.

III. Questions and measures preliminary to the popular consultations

A. ESTABLISHMENT OF BROAD-BASED CARETAKER GOVERNMENTS

103. It should be recalled that in the fifth and sixth preambular paragraphs of resolution 1605 (XV), the General Assembly regretted "the *de facto* recognition by the Administering Authority of governmental bodies in Ruanda which were established by irregular and unlawful means and which cannot be regarded as fully representative of all segments of the population . . .". It also regretted "the setting-up of governmental bodies in Urundi on the basis of communal elections" which had been declared to have no political character.

104. This matter was taken up again in operative paragraph 4 of the same resolution, according to which the General Assembly:

"Considers it necessary that, pending the establishment of popular governments on the basis of the legislative elections to be held in 1961, broad-based caretaker governments be constituted immediately in both parts of the Trust Territory to attend to current affairs of administration and to act in strict conformity with the obligations of the Administering Authority for the implementation of the resolutions of the General Assembly;"

105. In view of the considerable degree of autonomy already granted to the two governments,²⁵ particularly as far as local administration was concerned, it was clear that the neutralizing of the existing authorities was a prime necessity if the necessary conditions for the holding of free elections were to be created. That question was therefore one of the first to be discussed by the Commission with the Minister for Foreign Affairs of Belgium during its meeting with him at Brussels, on 1 June.

106. The Minister proposed that the problem should be approached by first calling upon the political leaders

of each State to meet in order to reach agreement among themselves on the composition of Governments representing all political views. The Administering Authority should take no part whatever in those negotiations, unless it became evident that the parties would not be able to reach agreement without assistance. The Commission, for its part, gave an assurance that, in conformity with the spirit of its mandate, its good offices would be at the disposal of all the parties concerned, it being clearly understood that responsibility for the implementation of the resolution lay exclusively with the Administering Authority.

107. In accordance with the procedure outlined by the Minister, the Territorial Administration organized separate meetings between the main political parties of Rwanda and Burundi respectively, shortly after the arrival of the Commission in the Territory. Initially, the Commission did not attend these meetings; however, difficulties having arisen, the Commission was invited by the Administration to participate in the capacity of an impartial observer; it was represented at most of the meetings, by Mr. Gassou in the case of Burundi and by Mr. Rahnama in the case of Rwanda.

108. The meetings of political parties in Burundi began at Kitega on 17 June; representatives of three parties of the Front commun (PDC, PDR and UPP) and UPRONA participated. As a result of the communal elections, in which they had presented themselves under individual names, the three above-mentioned parties of the Front commun occupied, on an individual basis, five ministries out of six in the interim government. It was therefore clear that they would not accept a solution which placed UPRONA on the same footing as the Front commun. At first, they proposed that they should keep the ministerial portfolios they already held, creating others in order to give UPRONA representation. That proposal being rejected, agreement was reached on an UPRONA proposal for the distribution of two ministerial posts and two Secretaryships of State to each political party, thus actually giving six seats out of eight to Front commun parties and two to UPRONA.

109. Difficulties arose when it came to distributing the portfolios among the various parties. The Front commun parties wished to keep the ministerial posts which they had held up to that time, whereas UPRONA was not prepared to accept newly created and less important portfolios. After protracted negotiations, it was agreed that UPRONA should be given the portfolios of finance and information, together with the corresponding Secretaryships of State. However, this agreement, reached on 25 June, was called into question on the next day by PDC; the Chairman of that party, who was the Minister for the Interior, explained that when PDC had been asked to give its agreement, it had been unaware that certain functions in the field of information had already been transferred to the Government of the State and fell within the competence of the Ministry of the Interior. The decision to create a Ministry of Information and to allot that Ministry to UPRONA was nevertheless upheld, after several days of discussions, UPRONA accepting the condition that any official communiqué or release of the Ministry would have to receive the prior approval of the Council of Ministers, in the same way as any important decision taken by other Ministries.

110. It should be mentioned that the negotiations were also disturbed by certain serious incidents which

²⁴ A/4706, paras. 12-17 and 54-55.

²⁵ See para. 87 *et seq.*

took place during June in the Kayanza Province (Ngozi District). Several Front commun leaders, in particular the Minister for the Interior, suggested that the formation of the Government should be postponed until order had been restored lest it should lead to increased tension. This argument was not accepted by the Commission. It was decided to continue the negotiations, concurrently with efforts to calm the feelings of the population.

111. Eventually, the formation of a new broad-based caretaker government in Burundi was accomplished in conformity with General Assembly resolution 1605 (XV), and was made public on 6 July 1961. The list of the members of this Government appears in the annexes of the present report.²⁶

112. In Rwanda a series of similar meetings was convened, beginning on 19 June, at Kigali, the Resident having first consulted each party separately. At the request of UNAR, participation in the meetings was initially limited to the leaders of the four main parties: APROSOMA, PARMEHUTU, RADER and UNAR, representing the two main political standpoints, but this gave rise to protests on the part of certain less influential parties. From 22 June on, representatives of APROSOMA-RWANDA-UNION also took part, the latter party having formed a coalition with RADER and UNAR (abandoned later by UNAR when the electoral lists were deposited).

113. It was evident from the start that the negotiations leading to the setting up of a broad-based government would encounter many more difficulties in Rwanda than in Burundi.

114. In the view of the coalition parties, the General Assembly's request for the establishment of a broad-based caretaker government to attend to current affairs of administration was to be interpreted as implying the complete replacement of the governmental and administrative bodies and institutions created at Gitarama in January 1961, including the prefectures and communes.

115. According to the coalition, it was necessary to "abolish the republican régime" and all the institutions connected with it, such as the Government itself, the President of the Republic, the Supreme Court, and lastly the tricolour flag, which symbolized the PARMEHUTU *coup d'état*. The new Government should, in its view, represent a complete neutralization of the two main political divisions, the "republican" and the "monarchist", so as to create an atmosphere of complete impartiality during the preparations for the elections.

116. On the other hand, their adversaries, especially PARMEHUTU and perhaps to a lesser extent APROSOMA, having themselves taken an extreme position in January, were little inclined to make a major concession which might be interpreted against them as a political defeat.

117. Some representatives of the "republicans" even went so far as to claim that the General Assembly had in actual fact recognized that institutions resulting from the Gitarama events, a claim which called for clarification by the United Nations Commissioner at Kigali.²⁷

118. In the circumstances described, the chances of an agreement were very small from the start. On one side the coalition demanded the dissolution of the existing Government and its replacement by a new govern-

ment in which, in addition to the Prime Ministership it laid claim outright to the following four portfolios out of a total of ten: the Interior, Justice, Agriculture, and Social Affairs and Refugees, as well as to the Secretaryships of State for Defence and Information; on the other side, PARMEHUTU and APROSOMA were prepared to accept only an enlargement of the existing Government by the creation of additional secondary ministries, to be allotted to the monarchist parties. They were categorically opposed to the coalition's proposals, which they considered to be inadequate in relation to the overwhelming majority which they claimed to represent in the State, both in ethnical terms and on the basis of the results of the communal elections.

119. After two weeks of negotiations, the positions of the parties had barely changed. On the one hand, the coalition, having agreed in a spirit of compromise that the post of Prime Minister might be retained by its existing incumbent, demanded as a minimum the following three ministries which they considered important: the Interior, Justice, and Social Affairs and Refugees. On the other hand, PARMEHUTU proposed that the coalition should be given only two new ministries, Social Affairs and Refugees and Telecommunications, while APROSOMA was ready to agree to the coalition's having three portfolios, as it demanded, but less important ones.

120. Unable to reach agreement, the parties unanimously expressed a desire for the representative of the Administering Authority to propose a compromise formula. On 3 July, the Resident of Rwanda proposed a collegial form of government in which the principal ministries—Justice, the Interior, Agriculture, Finance and Economic Affairs—would each be headed by two Ministers of differing political tendencies, who would act jointly, while the other ministries would be equally divided between the two tendencies. Only APROSOMA and APROSOMA-RWANDA-UNION agreed to this suggestion. PARMEHUTU declared that it would be ready to accept the suggestion if it had a guarantee that elections would be held and the date of such elections was fixed in advance; but RADER and UNAR demanded exclusive control over the three ministries mentioned above. A final proposal by the Resident for the formation of a government in which every ministry would be headed by two Ministers, one republican and one monarchist, was likewise rejected.

121. Since the Administering Authority was anxious not to impose a government which would be unacceptable to any political school, it considered that the only course open to it was, in pursuance of paragraph 3 of General Assembly resolution 1605 (XV), to suspend the existing Government and temporarily to resume the powers which had been delegated to that Government. This measure, originally suggested by the representatives of the coalition on 24, 27 and 30 June at the Kigali talks, was announced by the Resident-General on 4 August in a broadcast message²⁸ in which he also gave the date of the elections and of the referendum. Three days later, the Resident-General signed Legislative Order 02/260, which provides that:

"The functions of the Government of Rwanda shall be suspended from 4 August 1961, for the duration of the electoral period and pending the formation of a Government as a result of the legislative elections, which shall be held on 25 September 1961."

²⁶ Annex XIII.

²⁷ Annex XIV.

²⁸ Annex IV.

122. The Legislative Order laid down in addition that the functions of the Prime Minister would be exercised by the Resident of Rwanda and those of the Ministers and Secretaries of State by Commissioners appointed from among the officials of the Administration.

123. To assist him in carrying out his duties with regard to the maintenance of order and other preparatory measures for the elections, the Resident of Rwanda set up an Advisory Commission composed of representatives of the Administering Authority and of the principal political parties, to meet at least once a week. In actual fact, the Commission held only one meeting, on 28 August 1961, to which UNAR and RADER alone sent representatives. The second meeting arranged could not be held as only the representative of UNAR arrived.

124. During the period following the suspension of the Government, the United Nations Commission received numerous complaints from the monarchist parties regarding the fact that the republican flag was still flying above the Government buildings. When the Commission drew the Administration's attention to these complaints, the reply was that the recommendation contained in paragraph 4 of resolution 1605 (XV) referred only to neutralizing the political colour of the Government, and did not require the Administering Authority to repudiate the régime which it had recognized *de facto*. The removal of the flag would be prejudicial to certain political parties. It was agreed however that the flag would not be displayed on the day of the elections within a radius of one kilometre from the polling stations and that all references to the Republic of Rwanda would be omitted from documents and cards issued for the purpose of the elections.

125. The monarchist parties had also made the following complaints: (a) the majority of the population did not understand what the suspension of the Government meant, and former ministers were encouraging that lack of understanding by saying that the Government was simply "on holiday". (That term was also used for several weeks in official radio announcements, and was finally abandoned and replaced by "suspension of activities", the term used in the Resident-General's original communiqué.); and (b) the majority of the administrative branch of the Government and of the burgomasters and local councillors were members of PARMEHUTU or APROSOMA, and were still following the instructions of their leaders. The monarchist parties thought that local officials should be considered as belonging to the "government" and should also be suspended.

126. With regard to the second complaint, it became clear that the monarchist parties were interpreting too widely the General Assembly's recommendation that a broad-based caretaker government should be constituted, so as to cover the State's administrative organization as well. Even during the discussions on the composition of the government, they had asked that the posts of prefect and sub-prefect should be shared among the various political groups, and either that the posts of burgomaster should be shared in the same way, or that the burgomasters should be relieved of their duties. The trusteeship administration was not able to accept that interpretation.

127. Yet, in a situation in which almost the whole population belonged to one political group or another, it is not surprising that the administrative organization included a large number of officials with republican

tendencies, since it had been controlled by the republican government. Moreover, the burgomasters, who in practice were the most important officials of the Administration, since they were in daily contact with the masses of the people, considered themselves, although belonging to the administrative staff, as political representatives appointed through communal elections. They therefore assumed a three-fold mandate: they were responsible to the central authorities, to the communal council—a majority of which generally belonged to PARMEHUTU—and to the electorate which had chosen them.

128. The Commission found that, during the period following the suspension of the Government, many local officials, particularly burgomasters belonging to the republican parties, had played an active part in politics. The Commission considered the problem after a large number of complaints had been made by the monarchist parties, and it insisted that the trusteeship administration should take all possible steps to ensure the impartiality of such officials. On several occasions the trusteeship authorities had given specific orders to administrative officials to abstain from all political activities and to burgomasters not to abuse their authority. The problem arose mainly from the activities of burgomasters, since it was very difficult for the Commission to verify the charges made against them, and since the burgomasters, being both public officials and political representatives, were inevitably drawn into politics.

129. However, the Commission found that a large number of burgomasters had abused their powers and had acted to a great extent as agents of their own parties. In each case in which precise charges had been made, the Commission communicated its information to the trusteeship authorities with a request that an inquiry should be held and disciplinary action taken. In most cases, judicial inquiries into the charges were held, but disciplinary action was taken only after long delay. In fact, the Commission did not receive notice of a single case in which the judicial authorities were able to take definitive action before the date of the elections. This delay in taking judicial proceedings has been constantly criticized by the opposition parties, which respected the impartiality of the public prosecutor's office, but accused the Administration of not making the necessary material available to the judicial authorities and of sheltering behind delaying tactics with the sole purpose of appeasing the Commission and the injured parties.

130. No administrative sanctions were taken against burgomasters until the middle of August, when the first proceedings were commenced against the burgomasters of Kigali and Nyanza, who were accused of inactivity during the disturbances which occurred in those territories. The penalties never exceeded the deduction of a few thousand francs from their salaries. The Commission considered these penalties inadequate; nevertheless, it asked that they should be given the greatest possible publicity, and thus serve as a warning to other burgomasters in the Territory to restrain their partisan tendencies. The Administration accepted these suggestions in principle, but in practice confined itself to posting announcements of those decisions in the communal offices concerned.

131. The Commission being fully aware that the activities of excessively political burgomasters endangered the application of operative paragraph 5 of resolution 1605 (XV), has maintained constant vigilance and done everything in its power to advise the Adminis-

tration and to help it to separate such posts as completely as possible from politics. With this in view, it has suggested various measures to the Administration, which and on each occasion has not hesitated to include them in the appropriate circulars. At the request of the Commission, for instance, burgomasters were instructed to hold no administrative meetings in their commune except in the presence of commissions representing the political parties, in order to obviate the use of such occasions for political propaganda.

132. Other steps were also taken to restrict their use of police powers, particularly the power to imprison and the power to restrict freedom of movement. They were also forbidden to take an active part in the electoral campaign or to stand for election unless they had already asked to be relieved of their duties. In certain cases, in which burgomasters had made no such request, although their names were on the electoral lists of their parties, the Resident immediately suspended them from their duties until after the elections. It should be noted, however, that in spite of all these measures the monarchist parties have continued to complain of the activities of burgomasters.

133. The Commission thinks that on the whole, these measures have generally had no real effect except in so far as PARMEHUTU, to which the majority of burgomasters belonged, did not consider them harmful to its election campaign. Experience has shown that, in the present atmosphere in Rwanda, the attitude of party workers has always depended on political expediency and the positions adopted by the political parties rather than on administrative measures, which they have often considered merely as temporary formalities. When expediency required it, certain burgomasters have not hesitated to defy the Administration, as they did, for example in certain cases relating to the erection of barricades to prevent traffic a few days before the popular elections in the territory of Biumba.

B. QUESTION OF THE AMNESTY

134. In operative paragraph 2 of resolution 1579 (XV) of 20 December 1960, the Assembly urged the Administering Authority "to implement immediately measures of full and unconditional amnesty . . . so as to enable political workers and leaders who were in exile or imprisoned in the Territory to resume normal, democratic political activity before the elections". In that connexion, it is useful to recall operative paragraph 9 of resolution 1605 (XV), which states that the Assembly:

"Notes the information given by the representative of the Administering Authority concerning measures of amnesty already implemented, and recommends that:

"(a) Full and unconditional amnesty, as envisaged in resolution 1579 (XV), be immediately granted by the Administering Authority;

"(b) The few remaining cases which, in the Administering Authority's view, are guilty of 'very great crimes' be examined by a Special Commission composed of the representatives of three Member States to be elected by the General Assembly, with a view to securing their release from prison or return from abroad in the full implementation of the Assembly's recommendation concerning amnesty not later than two months before the national elections;"

135. The new recommendation of the General Assembly therefore repeated that the amnesty must be

general, unconditional and immediate, and added another condition: that it must be given full effect at least two months before the national elections.

136. At the meeting of 2 June 1961, Mr. Fayat, the Deputy Minister for Foreign Affairs of Belgium, gave the Commission some information about the Belgian Government's intentions in that respect, and provided statistics relating to the question. He also gave the Commission the text of the amnesty Ordinance, No. 01/188 of 31 May 1961, which has been reproduced as an annex to the report submitted to the General Assembly by the Special Commission for Ruanda-Urundi.²⁰ The Commission observed that the question of the amnesty was covered by the mandate of this Special Commission set up under operative paragraph 9 (b) of resolution 1605 (XV), but that, because of the possible repercussions of the question on its own terms of reference, noted with satisfaction that the Belgian Government was dealing with the matter. Any measure tending to relax political tension in the Territory was welcome.

137. Under the Legislative Ordinance of 31 May 1961, the amnesty related to offences committed between 1 October 1959 and 1 April 1961, the political nature of which had been determined by a Commission of three Belgian judges, known as the Political Amnesty Commission. The only offences to which the amnesty did not apply were cases of assassination, murder or arson causing loss of life, physical torture, or directing assaults, for which a sentence of more than five years' rigorous imprisonment had been passed, and such cases were to be submitted to the United Nations Special Commission for individual consideration.

138. The Political Amnesty Commission of three Belgian judges arrived at Usumbura on 8 June and began work immediately. The first of those still in prison to be amnestied were released on and after 23 June 1961.

139. The United Nations Special Commission, made up of the representatives of Brazil, Mr. Antonio Houaiss, of Canada, Mr. Martial Asselin, and of Tunisia, Mr. Ahmed Ben Arfa, met at Usumbura from 15 to 29 June. After studying the files submitted to it, particularly the files on those who had not been amnestied under the Legislative Ordinance of 31 May, the Special Commission sent the Resident-General its recommendations, together with a list of persons who, in its opinion, should be allowed to benefit by additional measures of amnesty, and a list of those whom it did not think entitled to amnesty. On the conclusion of its work, the Special Commission submitted to the General Assembly the report referred to in paragraph 136.

140. On 18 July 1961, the United Nations Commission for Ruanda-Urundi was informed that the Belgian Government would apply the amnesty to most of those whose cases were still unsettled. On 24 July a second Legislative Ordinance, No. 01/244, complementary to that of 31 May 1961, was issued and covered ninety-seven persons. Of all those whom the Commission had recommended for amnesty, there were only four whose crimes the Administering Authority considered too grave to be covered by this special measure.

141. According to the latest information provided by the trusteeship administration, the numbers of persons eventually amnestied are as follows:³⁰

²⁰ A/4856, Annex II.

³⁰ These figures include those persons who had served their sentences but had not yet been reinstated in their civil rights.

- (a) Number of persons amnestied under the Ordinance of 31 May 1961:

Rwanda

Higher courts	1,385	
Police courts	1,048	
TOTAL (RWANDA)		2,433

Burundi

Higher courts	7	
Police courts	94	
TOTAL (BURUNDI)		101

- (b) Number of persons recommended for amnesty by the Special Commission 101
- (c) Number of persons not recommended for amnesty by the Special Commission 32
- (d) Number of persons amnestied under Ordinance No. 01/244 of 24 July 1961 97
- (e) Number of persons whom the Administering Authority has refused to amnesty 4

142. By a third Legislative Ordinance, No. 01/245 of 24 July 1961, the Administering Authority also extended the amnesty to all cases in the process of preliminary investigation or pending before courts, whatever the nature of the offence committed, provided that the (Belgian) Political Amnesty Commission had declared them to be of a political nature. The number of persons covered by this measure was 562, bringing the total number of persons amnestied to 3,193.

143. The Administering Authority had put forward various reasons to explain why it had found difficulty in giving effect to the amnesty measures requested by the General Assembly. Its position during the period from 20 December 1960 to 8 March 1961, which is described in paragraph 188 of the Interim Report of the Commission (A/4706), is that the persons concerned were not convicted and sentenced political prisoners, but only persons convicted and sentenced under the ordinary law, and that their release might also lead to violent reaction on the part of the population, which might in some cases endanger the lives of the persons amnestied.

144. When the General Assembly subsequently adopted resolution 1605 (XV), the Administering Authority immediately announced that it intended to comply with the resolution and that it accepted the principle of the amnesty recommended by the General Assembly, with certain reservations. Later it stated that the delay in carrying out the recommendation, as finally embodied in the third Legislative Ordinance of 24 July, was due both to the difficulties arising from the change in the Belgian Government and to certain legal difficulties.

145. In any case, as we shall see elsewhere, this delay led between 1 and 24 July, the date on which the amnesty was completed, to a certain inconsistency between operative paragraphs 6 and 9 of resolution 1605 (XV). Operative paragraph 6 provided that the elections should be held in the month of August 1961, the actual dates to be fixed, after mutual consultation between the Administering Authority and the Commission, in the light of the prevailing circumstances, while operative paragraph 9 recommended that prisoners should be released not later than two months before the national elections.

146. Since the Commission was aware of the importance which the General Assembly attached to the fulfilment of these conditions, it then agreed to the Administering Authority's compromise proposal that

the date of the elections in Rwanda should be 25 September, or exactly two months after the proclamation of the amnesty.

147. In conclusion, the Commission thinks that, apart from the delay in carrying out those measures, it can consider itself satisfied with the third Legislative Ordinance of 24 July, since it covers almost all the prisoners referred to in the recommendations of the General Assembly.

C. RESCISSION OF LEGISLATIVE ORDER No. 221/296 OF 25 OCTOBER 1960

148. In its interim report,³¹ the Commission had made certain observations regarding Legislative Order No. 221/296 which the Resident-General had promulgated in consequence of the disturbances of November 1959 shortly before the emergency régime was ended. This Order was designed to define the trusteeship powers of the Belgian Administration during the period which would precede the independence of Rwanda and Burundi. The Commission had pointed out that the Order gave the Resident-General and his subordinates very wide police powers some of which could constitute a threat to the free exercise of public rights. Under those powers they could, for example, order persons to be removed, placed under surveillance or interned, and they could prohibit or suspend meetings, prohibit or limit travel, and prohibit or suspend publications.

149. In its report, the Commission had expressed the view that the Order should be amended in such a way as to eliminate everything which could constitute an interference with or threat to the exercise of public freedoms.

150. The General Assembly took up that suggestion in operative paragraph 14 of resolution 1605 (XV), in which the Assembly

"Calls upon the Administering Authority to rescind Legislative Order No. 221/296 of 25 October 1960, so as to ensure that there is no unwarranted interference with the exercise of public freedom and that no persons may be removed or detained without recourse to due process of law".

151. During its preliminary discussions with the representatives of the Administering Authority, the Commission learned that this Order had been replaced by Legislative Order No. 01/69 of 4 March 1961. However, the main provisions, which had been the subject of the Commission's comments, had been retained in the new Order because, as it was explained to the Commission, the Administering Authority considered it necessary to keep those powers in reserve for the purpose of maintaining order in the Territory.

152. Subsequent to an exchange of views, the Commission received a letter, dated 9 July, by which the Resident-General forwarded to it for comment a draft order to replace the Order of 4 March. This draft substantially altered some of the provisions of the earlier text; it restricted the police powers given to the Resident-General and his subordinates, limited their application to situations involving the maintenance of public order and security and established an appeals procedure under which a court of law could verify both the formal and the substantive legality of any measures taken. The Resident-General added that the Commission would be

³¹ A/4706, paras. 193-195.

kept informed of all cases in which those powers were used.

153. In a letter dated 13 July and during a conversation held on the same date, the Commission expressed the view that the amended provisions of the draft order were not in conformity with the spirit or the letter of resolution 1605 (XV). The Commission considered it desirable that the system of ordinary laws and regulations should be restored, and the emergency powers repealed.

154. As a result of intensive and prolonged consultations with the Commission, the Administering Authority finally saw its way clear to rescind Legislative Order No. 01/69 and to replace it by Legislative Order No. 01/255 of 4 August 1961,³² in which all the provisions concerning emergency police powers were omitted. The Commission considers that this action constituted compliance with the recommendation made by the General Assembly in operative paragraph 14 of its resolution 1605 (XV).

D. QUESTION OF THE RETURN OF THE MWAMI TO RWANDA

155. General Assembly resolution 1580 (XV) of 20 December 1960 states, *inter alia*, that the General Assembly:

"1. *Notes with regret* that the Administering Authority has arbitrarily suspended the powers of the Mwami of Ruanda and has not allowed him to return to Ruanda to resume his duties as Mwami;

"2. *Requests* the Administering Authority to revoke the measures adopted by it to suspend the powers of the Mwami, and to facilitate his return to Ruanda to enable him to function as Mwami pending the ascertainment of the wishes of the people on this question;

"3. *Decides* that a referendum should be held under the supervision of the United Nations Commission for Ruanda-Urundi established under General Assembly resolution 1579 (XV) of 20 December 1960, in order to ascertain the wishes of the people concerning the institution of the Mwami, and if necessary, the present Mwami of Ruanda;"

156. In its resolution 1605 (XV) of 21 April 1961, the General Assembly reaffirmed its previous resolution and specified the manner in which the proposed referendum should be conducted.

157. In requesting the Belgian Government to facilitate the return of the Mwami and to enable him to function pending the result of the referendum, the General Assembly had thus not given the Commission any particular responsibility except perhaps, within the general framework of its terms of reference, that of assisting and advising the Administering Authority in implementing resolutions 1579 (XV) and 1605 (XV). The General Assembly had merely decided that the Commission should supervise the referendum on the question of the institution of the monarchy and the person of Kigeli.

158. The Commission accordingly made it clear to the Belgian Government that the provisions of resolution 1580 (XV) concerning the return of the Mwami to Rwanda before the referendum were addressed specifically to the Administering Authority and that the latter had to take a decision on the matter.

³² Annex XVI.

159. Upon his arrival, the Commission received various communications from Mwami Kigeli V concerning the proposed elections and the establishment of a transitional government with wide representation, and requesting that he be allowed to return immediately to Rwanda.

160. On 27 June 1961, the Commission, having due regard to resolutions 1580 (XV) and 1605 (XV), requested the Resident-General to clarify the Belgian Government's position with regard to the return of the Mwami to Rwanda.

161. In a letter dated 28 June 1961, the Resident-General stated that the Mwami had left Rwanda voluntarily in July 1960 and had since taken up residence in exile, neglecting few opportunities to attack the Administering Authority. He also recalled that resolution 1605 (XV) did not prescribe that any particular position should be taken with regard to the Mwami until such time as a referendum had decided the Mwami's fate. In the circumstances, the Resident-General concluded, the Belgian Government preferred a continuation of the exile which the Mwami had voluntarily chosen, and it would be prepared to negotiate the conditions under which he might return only after the referendum and the elections in Rwanda were concluded. The Commission immediately forwarded a copy of this reply to the Mwami in a letter dated 29 June 1961.

162. It thus appeared quite obvious that the Administering Authority, although not declaring itself opposed to the return of the Mwami as a private individual, did not intend to encourage his return in the prevailing political circumstances. Commenting on the Resident-General's letter of 28 June, the Mwami, in a further letter to the Commission, dated 6 July 1961, stated: "The Resident-General formally and explicitly reaffirms that I am in exile, not in response to the wishes of the Administering Authority, but of my own accord. I am glad to note that. Being master of my own exile, I shall terminate it whenever it so pleases me."³³

163. Subsequently, direct contacts took place at Dar es Salaam between the representatives of the Belgian Government and the Mwami. It appears that the Belgian Government led the Mwami to understand that he could return as an ordinary citizen, but that he could not then expect any special measures of protection to be afforded him by the Administering Authority.

164. Throughout the period preceding the elections, the Commission received many appeals for the return of the Mwami and many requests that the Commission should facilitate his return. To all those requests, the Commission replied that the General Assembly of the United Nations had expressed its views on the subject in its resolution 1580 (XV) and that the matter was now in the hands of the Administering Authority and of the Mwami himself. The Commission could only note what occurred and report on it to the General Assembly in due course.

³³ Annex XVII:

(1) Letter of 8 June 1961 from the Mwami to the Chairman of the Commission, received on 17 June 1961.

(2) Letter of 27 June 1961 from the Chairman of the Commission to the Resident-General of Ruanda-Urundi.

(3) Letter of 28 June 1961 from the Resident-General to the Chairman of the Commission.

(4) Letter of 29 June 1961 from the Chairman of the Commission to the Mwami of Rwanda, Kigeli V.

(5) Letter of 6 July 1961 from the Mwami to the Chairman of the Commission.

165. However, in private talks with representatives of the Administering Authority, members of the Commission drew their attention to the importance of this question for the monarchist parties. It was the view of those parties that the Mwami's return had been regarded by the General Assembly as a prerequisite for the satisfactory conduct of the referendum and that the Administering Authority's continued prevention of the Mwami's return to the Territory constituted a flagrant violation of the provisions of resolution 1580 (XV). According to them, the inhabitants even failed to understand how the idea of having the Mwami's fate depend on a popular referendum had come to be accepted, since that idea was incompatible with the customary traditions of the country. Nevertheless, that decision having been taken, they considered it inconceivable that the referendum should be conducted under the illegal power of the PARMEHUTU and under the new republican flag. They therefore felt that the referendum should be prepared for and held in an atmosphere of strict impartiality and equilibrium, which only the prior return of the Mwami could achieve and guarantee. The United Nations Commissioner at Kigali explained to the conference of political parties what, in his view, had been the reasons which had led the General Assembly to take the measures set forth in resolution 1580 (XV). He pointed out that those measures had been dictated primarily by a desire to bring about a return to normal conditions and, as it were, to restore legality to the executive power until such time as the inhabitants expressed their views on the subject.⁸⁴

166. In the course of all these talks, whether at Brussels, Usumbura or Kigali, the Administering Authority made it clear to the Commission that it did not wish the Mwami to return to the Territory, as it wanted law and order to be maintained. It did, however, give an assurance that the Mwami's supporters could campaign for him in complete freedom. The suggestion was even made that the Mwami's voice might be heard over the radio and that he might be given access to other information media, but as the Administration had decided to prohibit political broadcasts, this suggestion was not acted on.

167. On 21 September 1961, the Prime Minister of Tanganyika forwarded to the Commission a message from the Mwami requesting a landing permit for a United Kingdom aircraft which he had chartered. The Commission forwarded this message to the Resident-General, who gave a negative reply. This reply was forwarded the same day to the Mwami at his postal address at Dar es Salaam, Tanganyika.⁸⁵

168. On 23 September 1961, two days before the referendum, the Mwami returned to Rwanda and, on the night of 23-24 September, got in touch with the United Nations Commissioner at Kigali. He showed the Commissioner the text of an appeal which he wished to make to the inhabitants and which he proposed to ask the Special Resident to have disseminated throughout the country and broadcast by radio.⁸⁶

169. Shortly afterwards, the United Nations Commissioner at Kigali, having been informed by the leaders of UNAR that the Mwami had been arrested, called upon the Resident. He informed the Resident of his conversation with the Mwami. The Resident stated that he could not grant the request for a broadcast in view

of the disturbance which an appeal by the Mwami might cause, particularly after the closing of the electoral campaign. He added that, for the same reason, the printed text of the appeal had been seized by the authorities. The Commissioner drew the Resident's attention to the provisions of General Assembly resolution 1580 (XV) and to the exclusive responsibility which those provisions conferred on the Administering Authority. He pointed out that the Administering Authority was already well aware of the General Assembly's views on the subject and of the Commission's strictly limited terms of reference, particularly with regard to the implementation of resolution 1580 (XV). The Commission could therefore only take note of any decision by the Administration in the matter and report thereon to the General Assembly, to which the Belgian Government would in due course and on its own responsibility give such explanations as might be required. It nevertheless recalled that since the Administering Authority had previously assured the Commission that during the electoral period it would allow the Mwami's supporters complete freedom to campaign for him, the General Assembly might regard as very serious the fact that he had been arrested and precluded from making his broadcast appeal.

170. In response to the Commission's request for information, the Belgian Administration explained that, in order to ensure the Mwami's protection and safety, it had placed him under house-arrest at the Usumbura military camp pending his departure for Tanganyika. The Mwami returned to Dar es Salaam on 2 October 1961.

E. QUESTION OF RWANDA REFUGEES

171. The question of the Rwanda refugees was the subject of operative paragraph 3 of resolution 1579 (XV), which stated that the General Assembly:

"Considers that the expeditious return and rehabilitation of thousands of victims of recent disturbances in Ruanda who were compelled to take refuge away from the homes in Ruanda or abroad will assist the progress of reconciliation, and urges the Administering Authority and the local authorities concerned to adopt all possible means to that end;"

172. It was the General Assembly's hope that the return of those persons would, among other things, enable political workers and leaders who were in exile "to resume normal, democratic political activity before the elections".

173. The essence of that paragraph is reaffirmed in resolution 1605 (XV), and more particularly in operative paragraph 5, in which the General Assembly declares that it is clearly the obligation and the responsibility of the Administering Authority to create the necessary conditions and atmosphere for the proper conduct of the national elections.

174. The Commission attacked this question vigorously. By frequent approaches to the authorities and the opposition parties, which had gone so far as to announce that they would not take part in the elections unless the refugees were reinstated to the last man, the Commission managed to convince both sides that co-operation was necessary if a start was to be made on solving this problem, which was not merely political but also humanitarian and social. The Administering Authority had replied to the requests made to it for information by stressing the fact that generally speaking

⁸⁴ Annex XV.

⁸⁵ Annex XVII, section 7.

⁸⁶ Annex XVIII.

it had placed no restriction on the return of the refugees and that many of them had already returned home. Others feared to do so, however, for various personal reasons.

175. According to the information gathered from the Belgian Administration, the United Nations observers and the political leaders, it appears that despite the difficulties the return of the refugees presented in the prevailing circumstances, a certain number of refugees have returned to the Territory and resettled in their native districts. Nevertheless, a large number of them are still abroad, particularly in the Congo (mainly in Kivu), Uganda and Tanganyika.

176. The return of these refugees, and the resettlement in their native districts of all those who left their homes but are still in the Territory, present obvious difficulties.

177. In the first place, it is difficult to establish the number of persons concerned. The disturbances and fires which caused them to leave their homes began in November 1959 and continued sporadically until October 1960. In the first months, most of the persons whose homes were destroyed or who left their homes took refuge in other regions of the State or in reception centres such as those in Nyamata, in Kigali district, and Bwiriri, in Kibungu district. By June 1961 the great majority of those refugees, including all those in the Nyamata centre, had been reintegrated or had resettled, mainly in the eastern part of the State.

178. Among those who took refuge outside the State, the largest number are now in the Congo, in Kivu province—especially those who left during the last incidents of June-October 1960—and in Uganda. It is, however, very difficult to obtain exact figures. On the one hand, this expatriation movement is combined with a traditional migration movement, which takes the inhabitants of a relatively poor State to more fertile land or to urban centres, and with a considerable seasonal movement of workers seeking employment. It is probable, on the other hand, that some of those who left their homes for fear of possible violence have settled wherever their flight happened to lead them and, not intending to return to Rwanda, do not wish to make their presence known. Moreover, African respect for hospitality forbids a person who has received a member of his clan as a refugee in his home to mention the fact to the Administration. Such cases are most frequent in Usumbura, where the only persons whose presence has been brought to the attention of the Administration are refugees requesting work permits.

179. In view of the assurances given by the Administering Authority that the return of the refugees was subject to no restriction on its part, the Commission endeavoured to examine every aspect of the problem. It must first be acknowledged that, after the disturbances in Kivu in January 1961, a fairly large number returned without apparent difficulty. As for the rest, the major obstacles in the way of their return are: (a) the prospect of insecurity in regard to their person and property, and the fear of possible reprisals, all of which is accentuated by the biased propaganda of certain political parties; (b) the fact that many of them have lost the goods and chattels they left behind and that their land has been occupied by others, (c) difficulties of transport, currency exchange and removal of belongings, the export of which from the Congo would be forbidden by the Congolese authorities.

180. The Commission gave its attention to those problems in full collaboration with the Belgian authorities. The aim was to facilitate the return of the largest possible number of those who expressed the wish to return in order to participate in the elections and the referendum. The Administration had decided from the outset that, in view of the tension which the approaching elections and the return of amnestied persons had produced in certain areas, each request should be examined in the light of the individual circumstances and with due regard to the atmosphere prevailing in the refugee's home commune. The task was to be carried out by joint commissions of representatives of opposing political parties, which would negotiate with the local authorities with a view to seeing that the refugees were given the assurance that they could resettle in their homes without fear of reprisals. This procedure, however, provided some burgomasters and communal councillors with an opportunity to place obstacles in the way of the return of political adversaries to their native communes.

181. At the same time, the period of one month's residence in a commune which had been fixed as one of the conditions for registration on the electoral rolls was reduced for the benefit of refugees coming from abroad first to fifteen days and then to three days, so that the refugees were finally able to register in the commune where they happened to be, and were not obliged to resettle in the commune where they had formerly resided. Registration was even prolonged beyond 21 September for the benefit of persons who, having presented themselves at the registration office that day, had not been able to register. Another measure that was adopted in order to help the refugees from abroad to vote was the opening of the frontiers on 25 September to all those in possession of electoral cards.

182. At the beginning of August, a joint commission composed of representatives of opposing parties under the chairmanship of a sub-prefect was installed on the Kivu frontier, near the town of Bukavu, where the great majority of the refugees are living. This commission worked closely with a committee representing the refugees in Bukavu.

183. Nevertheless the problem of the return of the refugees from abroad was seriously complicated by the deterioration in the situation which has occurred in several districts since the beginning of August. As the Commission will relate in a later chapter, serious disturbances took place in several regions of the country, including the Districts of Nyanza, Astrida, Gitarama and Kibungu and some communes in Kigali and Kibuye. As a result of the incidents there, tens of thousands of new disaster victims and refugees had to leave their homes and seek refuge in the missions and administrative centres or in other communities. A number of these new refugees went to Kivu and the frontier Districts of Burundi.

184. In most of the districts the joint commissions composed of representatives of the opposing parties were established for the purpose of promoting reconciliation and for negotiating the return of the refugees.⁸⁷

185. On the whole, the Commission considers that, despite all the helpful arrangements made to that end by the Administering Authority, often in very close consultation with the Commission through both the Commissioners and the observers, the achievement of

⁸⁷ See chapter V on the development of the situation in the Territory after the elections.

the General Assembly's objectives was hampered by the political conditions and atmosphere of insecurity which surrounded the displaced persons, particularly as the disturbances that occurred affected the very Districts where the problem was most acute, namely the Districts where there were large concentrations of members of UNAR and of Batutsi.

186. It is no more than just to recognize that the Administering Authority not only closely followed all the Commission's suggestions but also took some useful action on its own initiative to help the refugees to go to the polls—as regards both displaced persons within the Territory and refugees who, for one reason or another, had been unable to return to the State. As will be seen elsewhere, arrangements were even made at the last moment for refugees who were living in the missions and administrative centres to be escorted to the voting booths, by the police where necessary, to protect them from any possible attempts at intimidation.

187. Other exceptional measures were taken by the Administration, on the Commission's recommendations, to ensure that almost all the refugees, even those outside the Territory, voted: all those who had crossed the frontier to register three days before the elections and had gone back were authorized to return on the day of the elections to present themselves at the polls. Some representatives of the opposition parties did indeed maintain that a considerable number of refugees—hundreds of thousands, according to them—had been prevented from registering and consequently deprived of their right to vote.

188. While the Commission considers that figures of that magnitude are clearly exaggerated, it thinks that if the opposition parties had been able to organize themselves—despite the real difficulties—they would have drawn the maximum advantage from the exceptional legal provisions that were made for that purpose, in order to enforce respect for the recognized right of all the refugees to vote.

189. The disturbances which occurred in August and September and the impressive exodus of new refugees which immediately resulted, causing the displacement of tens of thousands of persons in the five Districts of Astrida, Kigali, Gitarama, Kibuye and Kibungu, did in fact represent a deterioration in the situation there in comparison with that which had prevailed in spring of the same year. The biased propaganda of the parties had its effect, too, for it helped to increase the unfavourable psychological effect on the hesitant refugees. The stream of new refugees out of the Territory was not calculated to encourage the earlier refugees to return, not to mention the fact that the fate of those who tried to return to their native communes was often far from enviable. It would therefore not be incorrect to say that, even within the perfectly satisfactory legal framework which was set up to ensure the civil and political rights of the refugees and victims of disturbances, in actual fact a substantial number were deprived of the material possibility of exercising them.

190. The fate of those refugees constituted a drama the poignancy of which often seemed to escape the politicians in their electoral fever. To this great mass of victims, most of which were old people, women and children expelled from their homes, often deprived of any means of subsistence and even food, living in perpetual fear and believing that they had lost everything, the immediate solution of their own personal problems

was naturally of paramount importance. They were generally in a state of despair and resignation which left them but one desire: to end their tribulations and to regain their former peace and security as soon as possible, whatever the cost. The political leaders spared no effort to exploit this human drama, each to his own advantage, either throwing the responsibility for the misfortunes on each other or trying to convert the refugees to their own political line by means of promises, false rumours threats and other anti-democratic means. In the circumstances, it can hardly be said that the general atmosphere was propitious for enabling these people of the hills to familiarize themselves with the essential problems of their country and the programmes of the existing parties. In any event, for the refugees and victims of disturbances described above, the atmosphere was far from being that atmosphere of peace and harmony which the General Assembly had envisaged and which was to have enabled them to resume normal democratic activity before the elections.

F. CONDITIONS AFFECTING THE CONDUCT OF THE POPULAR CONSULTATIONS

(1) *General*

191. In the fourth preambular paragraph of resolution 1579 (XV) the General Assembly had expressed the hope that "the elections, which will furnish the basis for the Territory's independence, are held in proper conditions so that their results are completely free of doubt or dispute". Specifying some of these conditions, it had recommended, in operative paragraph 9 (a) of the operative part of this resolution, that the elections should be held "on the basis of direct, universal adult suffrage" and that the system of balloting should be such as to "ensure complete secrecy".

192. This formula is reproduced in part in operative paragraph 6 of General Assembly resolution 1605 (XV), which reads:

"6. *Decides* that the referendum on the question of the Mwami, contemplated in resolution 1580 (XV), and the legislative elections in Ruanda-Urundi should be held . . . on the basis of direct universal adult suffrage . . .".

193. According to operative paragraph 8 of the same resolution, the Commission was to "assist and advise the Administering Authority in the full and proper implementation of resolution 1579 (XV) and the present resolution". The Commission's task in this respect, then, was to try to persuade the Administering Authority to arrange popular consultations in full conformity with the recommendations of the General Assembly referred to above.

194. In addition, under operative paragraphs 7 and 9 (a) of resolution 1579 (XV), the Commission was required, with the same purpose in view, to supervise not only the conduct of the elections and the referendum but also, according to the text, "the preparatory measures preceding them". In the light of the latter provision the Commission considered that it was its right and its duty to make such suggestions to the Administering Authority as might appear necessary during the drafting or amendment of the electoral laws.

195. In the course of its stay at Brussels from 31 May to 7 June 1961, the Commission noted that the electoral laws then in force—Legislative Order No. 02/16 and Ordinance No. 02/17 of 15 January 1961

for Rwanda; Legislative Order No. 02/18 and Ordinance No. 02/19 of the same date for Burundi³⁸—did not satisfy the General Assembly's principal recommendations. These laws in fact excluded women from the electorate and, in the case of illiterates, maintained the system of scribes, which was criticized during the General Assembly's debate as being contrary to the principle of the secrecy of the ballot.³⁹ Nor, lastly, did they contain certain guarantees which the Commission considered important if the elections were to be free and fair, as prescribed by the General Assembly resolutions. The Commission, as it had already suggested in an interim report, had therefore advised the Administering Authority to undertake a full and detailed re-examination of the electoral laws, indicating what, in its opinion, should be the general nature of the changes that might be made.

196. In this matter the Commission followed a general policy in keeping with its conception of the whole task of supervision. It considered that neither its immediate and material means nor the nature and limits of its responsibility permitted it to ensure the effective supervision required of it by the General Assembly unless that supervision could be based on a comprehensive system of joint control by the opposing parties in accordance with appropriate legislation offering the elector all the necessary guarantees, including those specified in the General Assembly's resolutions.

197. Following this general policy, it attached particular importance to the achievement of the following objectives:

(a) Ensuring the effective and constant participation of all political parties in all phases and aspects of the electoral proceedings, by affording them opportunities for joint control over these proceedings, from the registration of the electors and the organization of polling stations up to the counting of the votes, and in any other matters where such control might be necessary;

(b) Ensuring, by every available means, respect for civil and political rights and the exercise of the public and democratic freedoms of the population (the right of assembly and association, freedom of movement and expression) to the full extent compatible with public order, taking care at the same time that the requirements of the maintenance of public order should in no circumstances be used as a pretext for the arbitrary curtailment of the rights of certain political groups or to facilitate the activities of some individuals at the expense of others;

(c) Ensuring the most favourable conditions for the exercise of the civil and political rights of the whole population—both men and women—to get ready for the elections, present themselves at polling stations and offer themselves as candidates for election, by giving particular attention to special problems such as those of refugees and disaster victims, as well as persons granted a political amnesty, making certain that no

citizen should be hindered by others in the exercise of his rights, either *de facto* or *de jure*, more especially by measures of violence, intimidation or in any other way;

(d) Preventing any possibility of fraud, multiple voting and other such abuses, and providing all the necessary guarantees to that end, in particular by giving close and careful attention to reasonable requests by the opposing parties;

(e) Finally, and above all, ensuring the absolute secrecy of the ballot both in law and in practice.

198. The process of revising the electoral laws, which the Commission hoped might be carried out along the lines indicated above, entailed a great deal of work during a relatively short period of time. The preliminary draft of the new electoral legislation was communicated to the Commission on 6 July. It was followed by revised drafts for Burundi and Rwanda. Many discussions took place between the Commissioners or members of the Secretariat deputed by the Commission and various representatives of the Administering Authority, and written observations were sent to the Administration on 20 and 29 July, on 3, 4, 12, 17 and 23 August and on 3 and 6 September 1961.

199. Furthermore, the Administering Authority considered it advisable to consult the principal parties on various aspects of the electoral legislation, and it sought to secure a general agreement, or at least the assent of the parties it considered to be representative of the majority. In the case of Burundi, meetings were held for that purpose between the Belgian authorities and representatives of the PDC, PDR, UPD and UPRONA parties at Kitega on 18, 20, 22 and 31 July and 8 August, and at Ngozi on 21 August. In the case of Rwanda, similar meetings between the Belgian authorities and representatives of APROSOMA, APROSOMA-RWANDA-UNION, PARMEHUTU, RADER, UNAR and various other parties were held at Kigali on 20, 21, 22, 23 and 26 June and 26 July. The Commission pointed out that under the terms of resolution 1605 (XV), the Belgian Government was "alone responsible for the administration of the Trust Territory" and in particular for the organization of the elections. However, in order to speed up the process of revision, and to help create the harmonious atmosphere desired by the General Assembly, the Commission agreed to lend its good offices, and the Commissioners took part in most of these meetings.

200. During these various consultations, the Commission, acting in accordance with the spirit of the General Assembly's resolutions, not only tried to ensure that the electoral laws fulfilled the conditions specified in those resolutions, but also suggested other guarantees to satisfy the General Assembly's wish that the results of the election should be "completely free of doubt". The most important of the guarantees were: (a) the establishment of mixed commissions consisting of burgomasters and representatives of the political parties in each commune for the purpose of registering electors; (b) the placing at each polling station of assessors appointed by the candidates; (c) the granting to party "delegates" of the right to be present at the registration and electoral proceedings; (d) the use of indelible ink; and (e) the limitation of the period for voting and counting the votes to a single day in each State. A detailed description of the methods followed in the electoral proceedings will be found in chapter IV below.

201. The Commission also tried to ensure that the electoral laws for Burundi and Rwanda contained as

³⁸Texts reproduced in *extenso* in A/4706, Add.1, annexes XXX-XXXIII.

³⁹The "system of scribes" mentioned in the Interim Report of the Commission (A/4706, para. 210), is necessitated by the fact that the elector, in order to vote, must at least be able to read: he has to check the name of the candidate he has chosen on a ballot paper bearing a number of names. In order that illiterate persons may vote, they are permitted to have the assistance, in the polling-booth, of a person of their choice who is able to read. This system was applied during the communal elections in Ruanda-Urundi.

many common provisions as possible. In fact, although a considerable number of regulations are identical for the two States, divergencies were accentuated in the course of the revision and proved to be of some magnitude in the final texts. Some of these divergencies were no doubt inevitable in so far as they were the outcome of factual circumstances peculiar to one or other State (for example, the problem of voting by refugees, which arose in Rwanda only). It is the Commission's impression, however, that other divergencies are to some extent the result of the objections raised by certain parties.

202. Since there was some delay in embarking on the process of revision and since the work was prolonged through disagreements between the political parties in Burundi, the basic electoral laws were published at a late stage and had subsequently to be supplemented or amended. The various enactments which were applied during the popular consultations are as follows:

For Burundi

Legislative Order No. 02/249 of 1 August 1961 concerning registration, supplemented by Legislative Order No. 02/285 of 25 August 1961;

Legislative Order No. 02/269 of 17 August 1961 concerning the elections, supplemented by Legislative Orders No. 02/286 of 25 August 1961 and No. 02/299 of 12 September 1961;

Ordinance No. 02/270 of 17 August 1961 concerning the elections, supplemented by Orders No. 02/296 of 8 September 1961 and No. 02/298 of 9 September 1961;

Ordinance No. 02/301 of 13 September 1961 concerning additional measures.

For Rwanda

Legislative Order No. 02/250 of 1 August 1961 concerning the registration of electors, supplemented by Legislative Orders No. 02/282 of 25 August 1961 and No. 02/294 of 8 September 1961;

Legislative Order No. 02/262 of 8 August 1961 concerning the elections, supplemented by Legislative Orders No. 02/283 of 25 August 1961 and No. 02/295 of 8 September 1961;

Ordinance No. 02/263 of 8 August 1961 concerning the elections, supplemented by Orders No. 02/284 of 25 August 1961 and No. 02/297 of 9 September 1961;

Legislative Order No. 02/264 of 8 August 1961 concerning the referendum on the question of the Mwami of Rwanda;

Legislative Order No. 02/300 of 13 September 1961 concerning additional measures.

The consolidated texts of these enactments for Urundi and Rwanda are annexed to the present report.⁴⁰

203. In addition, various administrative instructions clarifying certain legislative provisions were published.

(2) *Universal adult suffrage*

204. In deciding that the popular consultations should take place on the basis of universal suffrage, the General Assembly intended to initiate the participation of women in the public life of Ruanda-Urundi. The communal elections in the two countries had taken place on the basis of a suffrage restricted to men, and the

legislation enacted in January 1961 likewise excluded women from the suffrage.

205. During its preliminary discussions with the Belgian authorities, the Commission had been informed that it was thought that there would not be much opposition in the Territory, in principle to the participation of women in the elections, but that there would be problems of a practical kind, owing to the difficulty of registering the women within a fairly short period of time.

206. In fact, during the consultations with the political parties of Rwanda all the representatives agreed that women should be given the vote and no difficulty arose thereafter.

207. In Burundi, the political parties were also in agreement in principle, but the representatives of the Front commun considered that Murundi women were not yet sufficiently advanced to vote and that accordingly it would be preferable to postpone their participation in political life. This opinion was held principally by members of the Front commun parties, whereas UP-RONA had from the outset insisted on the participation of women and had even included this principle in its electoral campaign programme. Another argument was the physical impossibility of registering all the women during the very short interval before the date of the elections. This argument was put forward by a group which would have preferred to limit the suffrage, at least for these first legislative elections—a group which included both Administration officials and political representatives.

208. The technical problem affected both Rwanda and Burundi. However, since voting was not compulsory, a complete registration did not seem essential. All that was necessary was to devise a method acceptable to all parties for checking the identity of persons presenting themselves for registration as electors. The fact that women often possessed no proof of identity ceased to be an obstacle as soon as it was decided that registration should be carried out in the commune by a mixed commission consisting of representatives of the opposing parties. Under the procedure adopted, each member of the registration commission was entitled to question the eligibility of persons presenting themselves, and as the communes covered a relatively small area and the majority of the inhabitants know each other, it was not difficult to obtain adequate proof. Moreover, a copy of the roll was deposited or posted up in the commune office, as prescribed in the electoral regulations, so that anyone wishing to lodge an appeal could do so.

209. It was the Commission's hope that it would be possible for the great majority of adults to register before the elections. That hope was not disappointed, and the participation of women in the popular consultations was at least as great as, if not greater than, that of men in many Districts.

(3) *Direct suffrage*

210. In resolutions 1579 (XV), operative paragraph 9 (a), and 1605 (XV), operative paragraph 6, the General Assembly had recommended that the elections should be not only by universal but also by "direct" adult suffrage. This implies that the General Assembly favoured a system of voting in which the voter chooses his representative or representatives directly, without any intermediate stages.

⁴⁰ See annexes XIX and XX.

211. The electoral legislation in force at the time the Commission arrived in the Territory provided for two different systems of voting: in Rwanda there was a proportional system in which each voter voted for three candidates, while in Burundi there was a system that combined voting for a single candidate with voting by list of candidates, in which each party or association of parties was allowed to put up more than one candidate for each seat to be filled, an arrangement which also made it possible for votes to be transferred from one candidate to another.

212. These systems had two drawbacks. First, they required votes to be cast in writing—which, in view of the fact that a large proportion of the voters was illiterate, did not ensure a secret ballot. Secondly, they seemed to be open to objection as inconsistent with the type of suffrage asked for by the General Assembly.

213. In Rwanda very little difficulty arose in revising the electoral legislation in order to provide a system more acceptable to the Commission. Having decided that voting would be by colours assigned to the various parties, the political leaders accepted the logical consequence, i.e., a system of proportional representation, such as had already been followed in the communal elections, based on voting for the list of a party or association of parties.

214. In Burundi, however, agreement on a system of voting was not reached without difficulty. From the beginning of the consultations on this subject, differences of opinion arose between the parties. UPRONA wanted the voting based on lists of parties—in effect a system of simple proportional voting, as in Rwanda—while the Front commun parties insisted on keeping the old hybrid system, a combination of the one-candidate and proportional-representation systems. They argued that the great majority of voters were not very familiar with the parties and their programmes, and would therefore vote for candidates on the basis of individual qualifications. However, the proportional system would apply at the stage of counting and tabulating the votes. According to UPRONA, such a method would have worked in favour of the Front commun parties by depriving UPRONA of effective means of propaganda, while enabling the Front commun parties, by transfers of votes from one candidate to another, to combine their efforts and obtain a maximum of votes.

215. In spite of the protests of UPRONA, which even considered boycotting the elections, and of the Commission's reservations,⁴¹ it was the system supported by the Front commun parties which prevailed, after long negotiations, and which is provided for in Legislative Order No. 02/269 of 17 August 1961.

216. According to this method, individuals were to present themselves as candidates on lists sponsored by parties or associations. However, the voter would be able to vote for only one individual to fill the single seat in each of the sixty-four *circonscriptions*. So far, the voting would proceed according to the one-candidate method; but in the returning operations, after the number of votes received by each candidate had been counted, the votes of all the candidates on the same list would be added together and the list obtaining the most votes (which may be called the "majority list") would be noted. The seat to be filled would then be given to the candidate of the majority list who had obtained the most votes on that list.

217. The Commission expressed its misgivings concerning this procedure in observations transmitted to the Belgian Administration on 17 August 1961. It noted that a combination of one-candidate voting and list voting of this kind was liable to produce unfair results. Since the voters could vote for only one candidate, the normal thing would have been for the candidate receiving the most votes in the whole *circonscription* to be given the vacant seat; adding together votes by lists and giving the seat to the "majority" candidate of the "majority" list might result in the seat's being taken away from a candidate who had received the most votes in the *circonscription* and given to another candidate who had received fewer votes. In the Commission's view, that method amounted to a kind of two-stage system of election that was inconsistent with the letter and spirit of resolutions 1579 (XV) and 1605 (XV), which referred to direct, universal adult suffrage.

218. In their discussions with the Commission, the representatives of the Administering Authority, while conceding that the method proposed might lead to anomalies, argued that it was the only system likely to be accepted by the various parties. The representatives of the Administration maintained that if any other system were adopted certain parties might refuse to participate in the elections, and might even paralyze the administrative machinery, which was largely in the hands of followers of the Front commun.

219. Nevertheless, the Commission asked the Administration to reconvene the representatives of the parties with a view to arriving at a general agreement on a method of voting that would be more in keeping with the General Assembly's resolutions. Such a meeting was held at Ngozi on 21 August 1961, but the representatives of the Administering Authority and the Commission failed to bring about any change in the positions of the parties.

220. The Order promulgated on 17 August therefore remained unchanged in spite of the Commission's express reservations.⁴²

221. In the results of the elections it is interesting to note that only in four *circonscriptions* did the adoption of this balloting system result in the election of a candidate who had not received the most votes in the *circonscription*. In two cases the method operated in favour of UPRONA and in the two other cases in favour of a Front commun party.

(4) *Secrecy of the ballot*

222. In resolution 1579 (XV), operative paragraph 9 (a), the General Assembly had asked the Commission to supervise, *inter alia*, the organization of a system of balloting which would ensure complete secrecy.

223. As the Commission has already explained in its interim report,⁴³ the system used in Ruanda-Urundi for the communal elections and envisaged for the legislative elections in the electoral provisions of January 1961 was voting by written ballot. Since, however, a large proportion of the voters were illiterate, a voter was allowed to be helped in the polling booth by a person of his choice who could read, such person often being the voter's own child or some other schoolboy. It was obvious that such a system would not ensure the complete secrecy desired by the General Assembly

⁴¹ See para. 220, below.

⁴² Annex XIX, chap. 2.

⁴³ A/4706, para. 210.

and that a method of balloting other than by writing was needed.

224. It was therefore suggested, in the discussions with the political parties, that a system of colours or symbols should be used for identifying the party candidates that would enable any voter, even if he was illiterate, to cast his ballot without assistance and in complete secrecy. The Commission indicated a preference for the use of colours, as the simplest method and one that had already been successfully applied in other countries, in particular in Togo, where elections had also been supervised by the United Nations.

225. In Rwanda, the system of using colours was adopted without objection. It was decided that each party would have its own colour or combination of colours and that the following balloting procedure would be used: before entering the booth, the voter would receive a coloured ballot-paper for each list of candidates and an envelope initialled by the chairman of the polling committee and another member of the committee whose name would be drawn by lot on the morning of the elections. In the privacy of the booth, he would put the ballot-paper of his choice in the envelope and scrap the other ballot-papers, after which he would leave the booth and put the envelope containing his vote in the ballot-box, under the supervision of the polling committee and the observers representing the various lists. The same procedure was adopted for the referendum on the subject of the Mwami: for each question, the voter would receive two ballot-papers of different colours, one representing "yes" and the other "no".

226. The adoption of colours for the balloting very soon led to their use by the parties for purposes of propaganda, and in some cases of intimidation. First the followers of PARMEHUTU and later, to a much less extent, those of other parties began to wear badges or clothing of their party's colour. This practice, legitimate in itself, did not fail to increase tension during the campaign. Accordingly, in order to prevent its having an intimidatory effect, the Commission recommended that the electoral regulations should include a provision making it unlawful to wear any distinguishing mark favouring a political choice on the day of the elections within a radius of one kilometre from the polling station. Such a provision was enacted in both States, and its violation was made punishable with one month's imprisonment.

227. The Commission also felt that inspection procedures and suitable penalties should be established to prevent the fraudulent practice of voters keeping unused ballot-papers on their persons and showing them to others, thereby showing how they had voted. The Commission had received information that certain party leaders and even burgomasters belonging to these parties had decided to evade the secrecy of the ballot guaranteed by law by compelling voters to bring them all unused ballot-papers, or even pieces of ballot-papers, instead of destroying in the booth. In order to prevent this abuse, severe penalties were enacted in the Legislative Order. In addition, official statements signed by the Resident of Rwanda and the United Nations Commissioner at Kigali were distributed, warning anyone who might be tempted not to destroy such ballot-papers. It was also decided that voters could be searched on leaving the polls, in order to make sure that no one took away any ballot-papers.

228. The Commission feels that it spared no effort to combat anything which, in its view, might have been

a direct or indirect manifestation of intimidation or of efforts to violate the secrecy of the ballot. As an illustration of some of the aspects of the electoral campaign, the following incident may be worth mentioning: during the final weeks of the campaign, it was reported to the Commission that certain burgomasters had spread the rumour that the *Muzungu* (the white man) had provided a certain party with special equipment which would enable it to see ballot-papers in their envelopes from a distance. Aware that such rumours might have a serious psychological effect on certain people who might still be influenced by an atmosphere of superstition and magic which had long prevailed in the Territory, the United Nations Commissioner at Kigali immediately took appropriate steps to deny the rumour through all available media. He took the opportunity of his radio broadcast on 21 September to assure the people that there was no technical or other way in which the secrecy of the ballot guaranteed by law could be violated. The same assurances were repeated in the joint leaflet of the Special Resident and the United Nations Commissioner distributed by aircraft in 100,000 copies on the eve of the elections. Kigali Radio also helped in denying such false rumours.

229. In Burundi, the adoption of a balloting system such as to ensure secrecy of the ballot encountered serious difficulties. During the negotiations between the parties the Front commun parties, and even a number of Administration officials, expressed a definite preference for keeping the system of voting by written ballot with scribes. They argued that the large number of parties in Burundi would make the use of colours or symbols very complicated, with the further drawback that symbols and even colours often had an esoteric meaning for the ordinary field worker which might influence his vote. The Front commun parties were particularly opposed to the use of colours, putting forward arguments which while plausible were contradictory. They said for example that the "hill people" were able to distinguish only five colours, and that for some colours, such as green, there was not even a word in the vernacular, *kirundi*. Later they said that these same indigenous inhabitants would feel offended by the introduction of a system of colours, which they would consider "primitive". These, it was felt with some reason, were arguments of intellectuals jealous of their privileges. The Front commun parties also said that according to custom some colours were considered unlucky, and added that it would be quite easy for UPRONA, led by the son of the Mwami, to represent a certain colour as being the colour of the Mwami. A final reason given by these parties was that the use of colours in the electoral campaign might provoke disorders throughout the State.

230. During the negotiations with the parties, a number of solutions, including even voting by whispering in the semi-darkness through a screened window, were suggested and rejected. In the end, the parties agreed on the use of symbols. However, the Front commun parties accepted this arrangement only on the condition that no symbols would be chosen which might have a special meaning or prestige for people, and that the symbols should be assigned not to parties but to candidates.

231. The procedure adopted for the elections in Burundi therefore provided for the assignment of symbols drawn by lot to each candidate individually, and not to lists of candidates. As the number of candidates

could not be known in advance, provision had to be made for a system of voting slightly different from that applied in Rwanda, one in which each candidate would have a separate ballot-box, marked by his symbol, in the polling booth. This complicated the balloting procedure in that it inevitably reduced the number of booths that could be installed in each polling station, and some pessimists thought that it might prove difficult to complete the voting in one day. However, the exemplary order and discipline shown by the voters made it possible for the popular consultations to be held in conformity with the conditions laid down by the electoral legislation.

G. DATES OF THE POPULAR CONSULTATIONS

232. In resolution 1605 (XV), operative paragraph 6, the General Assembly decided that the popular consultations in Ruanda-Urundi should be held in the month of August 1961 and that the Administering Authority should organize them "in full consultation with the United Nations Commission for Ruanda-Urundi, the actual dates to be fixed, after mutual consultation, in the light of the prevailing circumstances".

233. There were therefore two factors to be considered when fixing the exact dates for the consultations: the desire of the General Assembly that they should be held in the month of August and the need to take into account the prevailing circumstances, i.e., to ensure that the prerequisites were fulfilled. These prerequisites included the formation of broad-based caretaker governments, the adoption of a method of balloting which would ensure complete secrecy and the application of the political amnesty which was to be granted at least two months before the elections.

234. Owing to the change of Government in Belgium, the Commission was not able to leave United Nations Headquarters to start its consultations at Brussels until 30 May. Even after this delay, the consultations could have been held in August if decisions on the preparatory measures had been reached speedily. However, it was not until 24 July that the Administering Authority promulgated supplementary amnesty measures taken in compliance with the requests made to it on 27 June by the Special Commission, i.e., three days before the expiry of the time-limit by which the elections could still be held in the month of August; furthermore, the negotiations with the political parties encountered such difficulties that in Burundi the final decision concerning the formation of a broad-based government was taken only on 5 July.

235. So far as Rwanda was concerned, the Belgian Administration, although on 2 July it had already reached the conclusion that it would have to suspend the government, considered that it could not impose this decision on the existing government until it had reached a final agreement on the date of the elections. In point of fact, the government was not suspended until immediately after the announcement of the date of the elections, i.e., at the beginning of August, and the electoral regulations were published only during the course of that month.

236. Another delaying factor was the attitude of the political parties of Burundi, some of which insisted that the date of the elections should be postponed in order, so they alleged, to allow time for a campaign to inform the electors about the new system of voting by symbols. It had been decided to hold elections in the

two States on different dates, as the Belgian Administration considered that it did not have sufficient officials to carry out electoral operations simultaneously in the two States. It therefore proposed that the elections in Burundi should be held towards the end of September, while those in Rwanda could be held as soon as possible.

237. In the face of these various pressures, which were inconsistent with the recommendations of the General Assembly, the Commission had to urge the Administering Authority, if the date of the consultations was to be postponed until September, to comply with the General Assembly's recommendation that the date fixed for the consultations in Rwanda should be not earlier than two months after the implementation of the political amnesty; the elections in Burundi should be held one week before the elections in Rwanda. It is this decision which was finally approved and the Resident-General announced on 4 August that the elections in Burundi would be held on 18 September and the consultations in Rwanda on 25 September.

238. The decision that the elections in each State should last only one day was taken at the Commission's request. A large sector of opinion in the Territory considered that it would be impossible to complete the voting operations in one day and that at least two or three days should be set aside so that all the electorate of both sexes could vote. However, the Commission maintained its position and insisted that the counting should be done on the spot in the polling stations immediately after the close of the ballot. The reason for its insistence was to avoid any possibility of fraud or even of suspicion regarding the safety of the ballot-boxes during the night. In fact, apart from some rare exceptions, all the electorate was able to vote. This success is partly attributable to the efforts of the staff of the polling stations who worked continuously and—what is even more important—partly to the co-operative attitude displayed by the electorate.

H. CREATION OF THE NECESSARY ATMOSPHERE FOR THE PROPER CONDUCT OF THE ELECTIONS

(1) General

239. In resolutions 1579 (XV) and 1605 (XV), the General Assembly emphasized the need to ensure that the elections were held in an atmosphere of peace and calm. Thus, in operative paragraph 5 of resolution 1579 (XV), the General Assembly:

"Appeals to all parties and political leaders of Ruanda-Urundi to exert their efforts to achieve an atmosphere of understanding, peace and harmony for the good of their Territory and people as a whole on the eve of independence."

This concern was again expressed in operative paragraph 5 of resolution 1605 (XV) which states that the General Assembly:

"Declares that it is clearly the obligation and the responsibility of the Administering Authority to create the necessary conditions and atmosphere for the proper conduct of the national elections and not to permit any local authorities to impede the implementation of the resolutions of the General Assembly."

240. However, the atmosphere prevailing in the Trust Territory when the Commission returned in June was not conducive to the implementation of resolution 1605 (XV). Rwanda was still suffering from the

effects of the crisis of November 1959 and the establishment of the government set up following the *coup d'état* at Gitarama had only made the positions adopted by the political parties more rigid. Some thought that the prerequisite for any free election was a return to the *status quo* prior to the *coup d'état*, while others wanted to preserve the advantages won and considered that, even if it had been wise to compromise, their supporters would not have backed them in a withdrawal movement which might have been construed as a defeat.

241. In Rwanda and in Burundi, the postponement of the elections, which had originally been fixed for January 1961 by the Administering Authority, had provoked varying reactions. Some parties had thought that the elections should be held very soon, while others were of the opinion that they should be postponed.

242. In Burundi, the Front commun parties, which were in power, did not want immediate elections. They alleged that the women did not know how to vote and that time was needed to prepare them, that the people, accustomed to voting by scribe, would not understand that they were required to vote in a different way, and that time was also needed to prepare them psychologically to accept voting by symbols, and, finally, it is possible that certain circles may have visualized the possibility of important events similar to those of November 1959 in Rwanda. In that case, some people considered that postponement of the elections was also necessary.

243. In Rwanda, the postponement was a cause of dissatisfaction for the PARMEHUTU which was in power and which, because of the numerical superiority that it enjoyed and the political and administrative machinery at its disposal, felt sure of success. This party, which had never wanted to understand the desire and the concern of the General Assembly that the elections and the referendum should be subject to prior measures and conditions, had always stated that it wanted immediate elections. When the elections had not been held in January 1961, it had felt that it had been betrayed by Belgium and deceived by the United Nations, whose 1960 Visiting Mission had proposed that elections should be held at the beginning of the following year. The opposition parties considered that the considerable delay in complying with the prerequisites, in particular with regard to the amnesty and the return of the refugees and the continuance of former conditions and of an atmosphere unfavourable to their electoral campaign, had placed them in a very difficult position, which could be offset to a certain extent only by a reasonable postponement of the date of the elections. They would thus have had more time to organize themselves and prepare their electoral campaign and to reduce somewhat the lead gained by the party in power.

244. So far as the people themselves were concerned, they appeared to be extremely confused both about the over-all political situation and about the role of the Commission. In Rwanda particularly, rumours had been spread that the Commission had come to replace the Administering Authority, that the United Nations supported the monarchist parties, and even that the Commission was bringing United Nations troops from the Congo to drive out the Administration's troops and put the Mwami back on the throne. In Burundi, the function of a Commission of observers was often completely misunderstood. Because of this lack of understanding of the role of the United Nations, the Commission was

constantly requested to act in fields outside its competence where it was quite unable to give satisfaction.

245. The Commission therefore attempted, with the co-operation of the Belgian Administration, to explain to the people by all available information media its role and the provisions of resolutions 1579 (XV) and 1605 (XV). The Chairman of the Commission and the Resident-General made broadcasts on 8 June and 4 August; Commissioner Rahnema did so on 29 August and 21 September and Commissioner Gassou on 16 September. A series of communiqués and comments prepared by the Commission were broadcast or distributed to the Press and, in each commune, the observers tried to explain their mission and requested that calm should be maintained and public rights respected.

(2) *Developments in Burundi*

246. Of the two States, Burundi was the one which presented the fewest obstacles to the creation of an atmosphere conducive to the proper conduct of the elections. In Burundi, there was a large number of small political parties whose strength came much more from the personal influence of local leaders than from their doctrines. Undoubtedly many of them had joined together in the Front commun in order to oppose UPRONA, but that was merely a somewhat loose association which had not prevented each party from running separately in the communal elections. Thus no party could alone dominate the political scene to the detriment of all the others. On the other hand UPRONA, whose political activity had been hindered by the Administration, a situation which resulted in its councillor, Muganwa Rwagasore, being placed in prescribed residence during the communal elections, had won the sympathy of a large part of the population, as could be seen during the last weeks of the electoral campaign.

247. When the Commission arrived in June, the general atmosphere in Burundi was calm; however, a certain tension prevailed in some communes because of the propaganda engaged in by some parties both against the payment of taxes to the interim government and also in order to undermine the authority of certain provincial administrators and burgomasters who were members of the parties in power. When the Commission arrived, serious disturbances had occurred only in some communes of the Province of Kanyanza (Ngozi district) where, in May and June, there had been clashes between rival political groups, partly accentuated by land disputes which had not been settled. Calm had been restored in the region at the beginning of July, as a result of the personal intervention of the Mwami and the reconciliation efforts of a committee composed of representatives of the leading political parties.

248. However, a serious incident occurred on 17 August in a commune of the Muhinga district, where two policemen and two local inhabitants were killed in a fight. This incident had occurred following an inquiry into the question whether the local inhabitants, mainly UPRONA supporters, had, as was claimed, refused to allow the representative of the Front commun to sit on the enrolment committee. The security forces immediately intervened. On 30 August, the region had been entirely pacified. Following this incident, the carrying of weapons by local inhabitants was banned throughout the State.

249. Except for these two local incidents, which were rapidly dealt with, the atmosphere remained calm

in the State throughout the pre-electoral period. No breaches of the peace were brought to the attention of the Commission, except for a few isolated and trifling incidents, caused by the tension inevitable during any election period. The Commission was even impressed by the absolute calm and order which reigned among the population both during the electoral campaign and during the elections themselves. However, complaints were received that the presence of troops engaged in training exercises was alarming the population.

(3) *Developments in Rwanda*

(i) *General atmosphere*

250. The situation in Rwanda was quite different. The events of 1959-1960 had left behind, in opposing ethnic and political groups, a residue of bitterness and fear, aggravated by the fact that the fundamental problems had remained unsolved for a year and a half. Having overthrown the internal régime which had been in force for centuries, those who were favoured by the new situation were both suspicious and afraid of the group ousted from power. This fear was further increased by fantastic reports about the number of refugees on the other side of the frontier, by numerous threats and by irresponsible rumours about the possibility of a return to the *status quo*, perhaps even with the aid of the United Nations. Furthermore, the supporters of the monarchist parties, who were also the targets of threats uttered by the republicans, mistrusted everything connected with the new régime and were ready to believe any rumour about the wicked intentions of their opponents. In both cases, the political leaders regarded the popular consultations as the last battle in which they could win or lose all, and were consequently prepared to use all possible means of securing victory. The tense atmosphere thus prevailing throughout the State was further aggravated after the return of the amnestied leaders and refugees, many of whom had found that their homes and possessions had changed hands.

251. This atmosphere of mistrust and antagonism partly explains the Administrating Authority's difficulties in obtaining an agreement between the political parties on the formation of a broad-based government. The parties, republican and monarchist alike, had committed themselves to extreme positions and could not subscribe to compromises without giving the impression of suffering a defeat. Consequently, the discussions on the formation of a broad-based government resulted only in manoeuvres on the part of the different groups, each one trying to win an advantage over the other. These negotiations and the decision finally taken by the Administrating Authority to suspend the government and to resume its powers, resulted only in increased bitterness and mistrust between the two factions.

252. If the efforts to establish a national union government had succeeded, the situation would probably have become easier. The Administrating Authority's decision was regarded by the republicans as a set-back which they tried to minimize by encouraging the population to believe that the government was simply "on holiday". For their opponents, the measure was inadequate; the republican flag continued to fly on official buildings, and the entire political and administrative organization remained, including the prefects and the burgomasters, who mostly belonged to the PARMEHUTU party.

253. During the entire period which followed, the Commission and its observers received numerous complaints from the monarchist parties, accusing the agents of the Administration, the burgomasters and the communal councillors, of biased political activities: misinformation, abuse of administrative meetings for propaganda purposes and even intimidation and brutality. The Commission regularly drew the attention of the Administering Authority to all abuses of which it was notified. In some cases, the representations resulted in disciplinary measures, such as fines or the temporary withholding of salaries from the persons concerned; in many cases, judicial inquiries were begun but could hardly ever be carried to their conclusion. At the Commission's suggestion, the Resident of Rwanda sent the district administrators strict instructions on 14 July to the effect that all agents of the administration, including the burgomasters and the communal councillors, should refrain from any political activity in the exercise of their functions. As these instructions were not always followed, further instructions were issued on 17 August, forbidding the burgomasters to hold information meetings in their communes, except in order to maintain law and order or to explain the electoral process and, in the latter case, prescribing that the electoral committee composed of representatives of the different parties had to be present.

254. Another measure aimed at reducing tension was taken when the disorders, which will be described later, were at their height. This was the decision reached in August to set up an advisory committee composed of representatives of the four main parties. It was to meet every week with the Resident and advise him on certain important questions relating to the political and administrative organization of the country. This committee met only once, and then only two parties attended.⁴⁴ But in certain cases similar bodies, set up at the district level, have played an important role in the restoration of order and in the negotiations and measures aimed at the resettlement of the victims of the disturbances and refugees.

255. Finally, the general atmosphere considerably improved once the two main political parties had defined their positions. On 27 August the PARMEHUTU published its electoral manifesto; on 6 September the Congress of the UNAR circulated a resolution in which it clarified its position and, although deploring the situation existing in the country, announced its decision to take part in the elections.

(ii) *The disorders*

256. A number of factors helped to cloud the atmosphere. Firstly, for reasons explained above, the election date had to be put off. News of the postponement exacerbated the general tension and paved the way for all kinds of rumours. When, in addition, it was decided that coloured ballot papers would be used for the vote, the supporters of the PARMEHUTU, at first, followed by the APROSOMA and, in certain regions only, by the UNAR, began to wear badges with the colour of their party. They were thus able to give a massive demonstration of their numbers and to have frequent opportunities of clashing with those who did not wear their colours. In such an explosive atmosphere it was not surprising that towards the middle of July the Commission began to receive many complaints of attacks and acts of intimidation. These complaints came mainly

⁴⁴ See para. 123 above.

from the monarchist parties who in certain regions said they were being persecuted systematically by the local authorities.

257. The first incidents involving attacks by armed bands began on 26 July in three communes of the Kigali district, three days after a big meeting attended by several thousand people had been held at Kigali by the UNAR. On 30 July, a second meeting took place at Kigali, this time organized by the RADER and the APROSOMA-RWANDA-UNION. For four days, clashes took place and groups of warriors carrying their customary weapons stalked the hills, attacking and looting the huts of their enemies. From 5 to 10 August the military were engaged in operations to restore order. As a result of these disturbances, which lasted two weeks, many people were killed and thousands lost their homes; most of the refugees were housed in a reception centre set up by the Administering Authority near Kigali or in missions. As soon as calm was restored, the Administering Authority began to take steps to resettle them. A conciliation committee consisting of representatives of all parties was set up and Administration officials visited the communes for the purpose of conciliating and pacifying the various sectors of the population. Generally speaking, these methods were successful and by 12 September more than half the refugees had returned home. Furthermore, disciplinary action was taken against two burgomasters about whom complaints had been made. By the middle of September the region was again calm and remained so for more than a month. Then, following the assassination of sub-prefect Kajangwo in the Kibungu district, the disorders which had erupted in that district spread on 14 September to the Buganza-Nord region in the Kigali district. Many huts were burnt down and several people were killed. A few days before the election order was restored but the region was still somewhat tense.

258. As the situation in Kigali was beginning to improve after the disturbances at the beginning of August, serious incidents took place successively in the Nyanza and Gitarama districts. Central and eastern Nyanza had always been a UNAR stronghold, Nyanza being the customary capital of the Mwami. From the time of the Commission's arrival, this district became one of the main breeding grounds of agitation.

259. The arrival of the Commission's observer gave rise to a massive demonstration of sympathy towards him and of hostility towards the Administration. The demonstrations lasted several days. On 10 July, as the crowds refused to disperse, the order was given to use offensive grenades and tear-gas bombs. The official casualty list resulting from these incidents was thirty-one wounded, including three seriously. Since then, there have been many fights and acts of intimidation in the region, and the Commission received a continuous flood of complaints, mainly from UNAR supporters.

260. After a meeting held on 30 July by some 5,000 UNAR partisans, the situation rapidly became worse.

261. All the parties adopted extreme positions. The acts of violence committed by armed bands, the burnings, the looting of dwellings belonging to opponents and the attacks on their occupants multiplied. At the outset, the disturbances took place mainly in the former chiefdoms of Kabagari and Bunyambiriri, whose population is mainly PARMEHUTU, and were carried over only to the neighbouring areas of the Gitarama and Kibuye districts. However, after the assassination of the PARMEHUTU adviser for the Nyanza region,

which took place on 10 August, they spread as far as the western part of the district—a UNAR stronghold—often in the form of reprisal raids by bands from the Astrida district.

262. By 20 August, most of the district had been placed under martial law and the situation began to return to normal; by the end of the month calm had been almost completely restored. According to official estimates, as a result of these disorders, forty persons were killed, 1,000 huts were destroyed and about 5,000 persons rendered homeless; about 90 per cent of the refugees were members of the UNAR and 10 per cent were members of the PARMEHUTU. The establishment of a conciliation committee helped to restore calm in the district and by the election date about a thousand of these refugees had rejoined their communes. The others were authorized to register on the electoral roll in the communes where they had sought refuge.

263. The Gitarama district, an important PARMEHUTU stronghold and the scene of the *coup d'état* of January 1961, borders on the Nyanza and Kigali districts, where UNAR supporters are relatively numerous. The situation was already tense when the Commission arrived there and trouble was expected. Complaints arrived in an almost continuous flood: the UNAR accused its adversaries (including several burgomasters and Administration officials) of intimidating intrigues while the latter accused the UNAR, and particularly returning refugees and amnestied persons, of acts of provocation. On 7 August, several huts were burned down in the commune of Kirengeri, near Nyanza, and on 8 and 9 August disorders broke out in four communes towards Kigali; about 600 people became homeless refugees. Order was rapidly restored and a committee of political parties was set up in order to negotiate the return of refugees to their communes. Here and there sporadic attacks were still carried out against property belonging to known UNAR sympathizers, but towards the middle of August an atmosphere of calm again prevailed in the district.

264. The most serious disorders took place in the Astrida district, one of the most populous regions of the country and one where political allegiances are sharply divided. This district had been the scene of serious rioting during the events of November 1959, when attempts had been made on the lives of APROSOMA leaders. In June 1960, a wave of violence swept over the Bufundu region: more than a thousand huts were burned down, causing a mass exodus of refugees to the Congo. Since then, the territory has remained quiet, although the Commission was warned that disorders were to be expected, specially in the east and south of the district (areas belonging to the former Buhanga-Ndara and Mvejuru chiefdoms) where the Batutsi were relatively strong and where tension between the two groups was high.

265. Another source of conflict was the violent antagonism between APROSOMA members and the supporters of their former Chairman, Mr. Joseph Gitara, the founder of a rival party with monarchist tendencies. Apparently, the disturbances started on 9 August in the commune of Murama, near the Burundi frontier, with an attack against the Town Hall and the burgomaster's house by armed bands from other communes. Similar attacks took place subsequently in other communes, unleashing a wave of reprisals and counter-reprisals. These incidents, which lasted about three weeks, were the most serious of the pre-electoral period. Rival

bands of armed warriors swarmed through the district, particularly the eastern and southern regions, systematically looting and burning the huts of their adversaries.

266. Between 14 and 29 August, 18 out of the 40 communes in the district were placed under martial law and the security forces carried out patrols, disarming and dispersing the groups belonging to the two factions. At the same time, a conciliation committee, composed of representatives of political parties, was set up to help restore calm. According to official estimates, about forty-four persons were killed and more than 2,300 huts burned down. According to the same sources the homeless numbered 22,000 of whom perhaps a thousand fled to the Congo. At the end of August, when calm had finally been restored, the energetic efforts of the Administration and of the conciliation committee resulted in the resettlement of about 14,000 people before the elections. The others, who had remained in the country, were authorized to vote in the communes where they had sought refuge.

267. While these events were taking place in four districts where party meetings or other activities were suspended, the six other districts remained relatively calm except for certain frontier areas in the Kibuye district. Here, between 10 and 12 August, bands from Nyanza destroyed 200 huts, killing twenty persons and wounding one hundred. Order was rapidly restored and there were no further incidents. Except in a few regions, however, August was a month of extreme tension throughout the country. In September, when the attention of the population and of the political leaders was turned towards the preparations for the elections, calm gradually returned to nearly all districts.

268. The District of Kibungu was the only exception to this general improvement. There, as the result of a heavy concentration of UNAR sympathizers and the presence of many refugees from the 1959 disturbances, tension had continually increased. Sporadic incidents due in part to the return of amnestied persons and the active political campaigns conducted in the district by UNAR leaders added fuel to the flames. Several times the United Nations Commissioner at Kigali warned the Administering Authority that disturbances during the last days of the electoral campaign might have serious consequences. He repeated his request that all necessary measures should be taken to avoid trouble, particularly by making burgomasters directly and personally responsible for the maintenance of order in their communes. He stated that the spread of disturbances to the Kibungu district might tend to confirm the accusations of the monarchist parties that their enemies were proposing to eliminate them physically in their last stronghold, so far untouched. The Kibungu district had been considered as a UNAR preserve in view of the impressive number of abstentions which had been registered in certain *circonscriptions* during the communal elections of 1959 and of the marked UNAR influence that these abstentions denoted.

269. In the last week of August there was an incident which resulted in the total or partial destruction of about a hundred huts. On 7 September, an attempt was made on the life of the burgomaster of the Murambi commune and on 12 September Sub-prefect Kajangwe, one of the most popular PARMEHUTU leaders in the district, was assassinated. This crime was immediately followed by a series of hut-burnings in four communes. These burnings were followed by counter-attacks by

members of the UNAR and the disorders spread throughout the district. This situation lasted until 18 September, when the region slowly began to return to calm. Several days before the elections the disorders had ceased. According to official estimates, sixty-seven people were killed and there were 8,000 refugees of whom 2,000 or 3,000 crossed to the neighbouring district of Biumba. In view of the proximity of the elections, special measures were taken to permit the refugees to re-enrol and a police guard was provided to escort them to the polling stations.

270. In the opinion of the UNAR, these disturbances were the result of a systematic campaign undertaken by the PARMEHUTU with the connivance of certain members of the Administration. The aim was to liquidate all opposition, stage by stage and region by region, so as to intimidate the mass of the electors and particularly all those who might try to oppose the ruling parties. According to the UNAR, the fact that the disturbances broke out almost without exception after each large meeting constituted proof of this campaign. The UNAR was convinced that Administration officials connived at this policy of "cleaning up" the opposition before the elections. In its opinion, all the promises made to the Commission, as well as administrative measures or official circulars, remained a dead-letter as long as the Resident, Colonel Logiest, accused by the UNAR of protecting the PARMEHUTU, was in charge of Rwanda.

271. On the other hand, the PARMEHUTU and the Administration officials attributed the disturbances to the desire of the UNAR to boycott the elections and to prevent at all costs the popular verdict they feared.

(iii) *Use of security forces*

272. Mention must be made of the complaints made by the opposition with respect to the partiality shown by the security forces that were sent to put down the disorders. It accused them, firstly, of allowing the disorders to develop in certain places and then of intervening too late; secondly, of acting in support of the ruling parties. The most serious accusations made before the Commission concerned the local district guard which the opposition alleged was a highly organized political force. Confronted with these accusations, the authorities pointed out that in a country where a very numerous population lived scattered about on the hills and where the road network was inadequate, there was great difficulty in re-establishing order with the few troops available. According to information supplied by the Administration, the total number of metropolitan troops, including reinforcements, did not exceed 2,200 for the two States. To this number must be added the local district guard which comprised 700 men in Ruanda and 350 in Urundi. In the Administration's opinion, it would have been impossible to prevent the disturbances even with a much larger force in a territory of 54,000 square kilometres and a population of 4,500,000 inhabitants.⁴⁵

273. With regard to the reinforcements to which the Belgian Government had to make up its mind, it is significant that in July Mr. P.-H. Spaak requested the Secretary-General, Mr. Hammarskjöld, to arrange the dispatch of United Nations forces to Ruanda-Urundi. The Commission considered that under the conditions existing in the Territory a measure of that kind, if it

⁴⁵ Annex XXV gives official information concerning numbers, distribution, etc. of the metropolitan forces in Ruanda-Urundi.

could be achieved, would be very useful. Such a body would help the Administering Authority to maintain the necessary public order and, furthermore, it would allay the serious doubts which the Commission had always expressed concerning the wisdom of increasing the Belgian security forces during the pre-electoral period. Use of United Nations forces could thus constitute an important advantage for the proper execution of General Assembly resolutions without unfavourably affecting the conditions and atmosphere they prescribe.

274. During the first half of August the Commission feared that the disturbances in Ruanda would continue to spread on a scale and at a rate which were alarming and likely to impair most seriously the conditions and atmosphere called for in the General Assembly resolutions. The Commission realized the gravity of the situation and the harmful effects that the continuation of disturbances would have on the results of the electoral operations. It therefore gave its full support to Mr. Spaak's attempt to arrange for the dispatch of the necessary reinforcements by the United Nations. But, apparently, as a result of the slowness and the problematical results of the procedure involved, this idea was not followed up.

275. It was agreed, however, that three military observers would be attached to the Commission to supervise the application of operative paragraph 6 of General Assembly resolution 1579 (XV) and operative paragraph 10 of General Assembly resolution 1605 (XV). As stated in paragraph 43, only the observer designated by the Government of Cambodia arrived in Usumbura. That was on the very day of the Commission's departure.

276. According to the information it received, the Commission had no reason for believing that, generally speaking, the metropolitan troops did not conduct themselves correctly. It has the impression that the military operations were carried out tactfully and discreetly.

(iv) *Freedom of assembly*

277. According to existing regulations, all the political parties were allowed to hold meetings, provided that they requested permission from the District Administrator three full days in advance. This permission was subject to the following general rules: each party could hold only one meeting per district and per day; meeting were prohibited at certain strategic points such as crossroads and business centres; and only one meeting could be held at a given time or place. The opposition parties complained that, as a result of the partial application of these rules, their electoral campaign was sabotaged. Following numerous requests by the United Nations Commissioner at Kigali, these rules were relaxed and the Administration finally abolished the prior authorization for small meetings held at the commune level. The opposition parties also complained about the violence and intimidation to which their supporters were subjected following their meetings. They attributed these cases to the systematic campaign of the PARMEHUTU aimed at frightening all those who were hostile to that party. On the other hand, the PARMEHUTU and the Administration officials attributed these incidents to the provocation of the organizers.

(v) *Freedom of travel*

278. The Commission received from several districts, particularly those of Biumba and Ruhengeri, information that barricades had been set up on the roads by the local authorities in several communes. The Commission immediately drew the Administering Authority's attention to these facts.

IV. Electoral operations

A. LEGISLATIVE ELECTIONS IN BURUNDI

(1) *The role of the voters*

279. Article 1 of Legislative Order No. 02/249 of 1 August 1961 provides that a person may vote provided that "at the time when the electoral registers are closed he has had his habitual residence in the commune for one month, is not less than eighteen years of age and is a national of Burundi". The only persons not permitted to vote in the elections are (a) members of the armed forces on active service and members of the police, and (b) persons whose right to vote has been suspended because they have been sentenced for a criminal offence or remanded in custody for an offence under the ordinary law, or because they have been confined to an institution or hospital by reason of insanity.

280. It should be noted that the provision that every voter must be "a national of Burundi" had the effect of withholding the right to vote from all inhabitants of foreign origin, even those who had lived in the country for a long time or were born there but of non-indigenous parents. The Commission received several protests against this debarment, mainly from the UNAR party acting on behalf of certain Congolese and Swahili groups living at Usumbura and a few other places. The Commission discussed with the Administration the wisdom of such a condition, which in any case did not exist in the electoral laws of Rwanda. The Administration explained that in Burundi most of the political parties were against extending the vote to persons of foreign origin, and that it was reluctant to prejudice the decisions regarding nationality which the sovereign authorities of Burundi would have to take in the near future. The Commission took note of the fact that only a few thousand persons were affected by the question of nationality.

281. Electoral registers had been prepared for the communal elections. The Administration, in agreement with the Commission, decided to start afresh and to draw up new registers to take account of the extension of the franchise to women, and of the other changes involving an increase in the number of voters. Thus, any individuals applying in person to the competent authorities for registration and producing evidence of his qualifications would be permitted to vote.

282. Registration was carried out in every commune, where, at the suggestion of the United Nations Commission, a Registration Board presided over by the Burgomaster or his deputy and consisting of representatives of the political parties had been set up. Each party also had the right to appoint "delegates" to attend the registration operations. An additional guarantee, introduced at the Commission's suggestion, was that the voter's cards had to be signed by the chairman of the Registration Board and by one other member belonging

to a party different from that of the chairman. This arrangement was introduced on 25 August.

283. Because of the time needed to redraft the electoral regulations, the Legislative Order concerning registration was not issued until 1 August. However, in view of the size of the task and the very short time remaining to complete the rolls of voters, the registration operations were begun as quickly as possible. In some communes they began on 3 August. The Commission's observers visited all the communes during the registration period. They found that, with the exception of one incident in the territory of Muhinga (see para. 248 above), as a result of which it was necessary to suspend registration in the commune for six days, the operations took place in a perfectly calm and orderly fashion. In some communes there were a few difficulties in constituting the Registration Boards, either because the representatives of the parties did not appear or because there was only one active party in the region. However, after the Administration took up the matter with the parties, Registration Boards were set up throughout the country.

284. The observers found that at the beginning of the operations voters' cards were frequently being issued without any Registration Board signatures. At the Commission's suggestion such cards were replaced.

285. When registration closed on 10 September, eight days before the date of the elections, a total of 1,058,653 voters had been registered. Under the terms of the Electoral Order, the lists of voters were deposited or posted at every communal office.

286. The time-limit for submitting appeals against registration or non-registration on the electoral registers had been fixed for 12 September. No appeal was received by the authorities.

(2) *Nominations and allocation of symbols*

287. According to the electoral laws, a candidate for election had to be not less than twenty-one years of age, be a national of Burundi, have his habitual residence in the State and have successfully completed two years of post-primary schooling or undergone equivalent training. In agreement with the Commission, the Administration interpreted the last-mentioned condition very broadly so that, even if a person had not completed his primary schooling, his candidature application could be granted on the basis of experience and demonstrated ability.

288. Under the electoral laws the following were declared to be ineligible: (a) persons who had been sentenced to more than one year and less than five years hard labour within the preceding ten years, or to more than five years within the preceding twenty years, an exception being made for persons who had benefited from a political amnesty; (b) persons confined to an institution or hospital by reason of insanity; and (c) persons serving a sentence of imprisonment, unless they were sentenced for the contravention of an administrative regulation. It should be noted that these provisions were more liberal than those of the earlier Order of January 1961, under which, for example, persons sentenced to penal servitude for terms of two to six months during the preceding two years and persons living under a system of prescribed residence would have been declared ineligible.

289. The lists of candidates for each constituency had to be submitted by the parties or groups of parties

not later than twenty days before the beginning of the election, and appeals against nominations could be submitted up to thirteen days before that date. A total of twenty-three nominations were rejected by the District Administrator because they did not satisfy the various electoral conditions. Ten of them were either replaced by other candidates or were reinstated after examination of the appeal. Two candidates, including Mr. André Muhirwa, the present Prime Minister of Burundi, were rejected because, as close relatives of the Mwami, they came under article 24 *bis* of the Interim Decree of 25 December 1959, which laid down that the immediate family and relatives to the second degree of the Mwami were excluded from political activity.⁴⁸ Of the five candidates whose nominations were rejected because they did not meet the conditions for eligibility, one candidate had had no schooling and could not prove that he had the requisite training, and a second had not been nominated under the sponsorship of a political party. The three others, all on the Front commun list in a constituency in the District of Muhinga, were rejected because they did not appear in person for verification and validation of their nominations. Appeals were entered by the Chairman of the Front commun, who alleged that the three candidates had not appeared because of acts of intimidation. Since the persons in question were unwilling to appear, their nominations were rejected. The six others did not enter appeals.

290. The final list of candidates consisted of 507 names presented under the sponsorship of six parties or groups of parties. Except in one constituency, where UPP presented a separate list, all candidates from the Front commun parties appeared on the same list.

291. The allocation of symbols took place in each constituency on the closing date for nominations. A list of thirty-six symbols had been drawn up by the Resident for the whole State and the allocation of a symbol to each candidate was done by drawing lots in the presence of the District Administrator or his delegate and the United Nations observer, each candidate announcing, in the order of drawing, the symbol which he selected. All symbols were familiar objects of no particular significance, such as a banana, a sweet potato, an ear of corn, a basket, the branch of a coffee-bush, a lantern, etc. The Commission heard no complaints about this procedure except from one candidate who, while recognizing that his choice had been free, asked for a change of symbol. His request was refused.

(3) *Information campaign*

292. The official information campaign on the electoral arrangements was conducted both in the form of explanations given directly to the political parties and at administrative meetings at the commune level, and in the form of radio talks, leaflets and press communiqués. In every district and commune the Administration and local officials arranged information meetings, first during the registration period and then after the submission of nominations, i.e., from 29 August onwards. In addition, trial elections consisting of a kind of dress rehearsal in which symbols other than those allocated to the candidates were used, were held in order to familiarize voters with the voting procedure. Whenever possible the United Nations observers were present at these meetings. Furthermore, from the time of their arrival until the day of the election, these observers

⁴⁸ See para. 67 *et seq.*

visited the communes in their district every day, making contact with both the local officials and the inhabitants. In every commune, which they visited they explained their role and answered the requests for information made to them. They were also available for regular periods at the headquarters of the area assigned to them in order to welcome visitors who wished to explain their problems or to ask questions.

293. In addition to the local meetings, which were probably the most important element in the information campaign, information and statements, including one signed by the Mwami, were disseminated by the Administration in the form of leaflets. The Administration also published press communiqués explaining the electoral laws and the voting procedure both in the official newspapers, in French and in Kirundi, and in the unofficial newspapers published in the State. The radio was also used to broadcast a great deal of information in the two languages, as well as talks prepared by the Commission and speeches—such as those given by the Resident-General and the Chairman of the Commission on 4 August⁴⁷ and by the United Nations Commissioner at Kitega on 16 September⁴⁸—the joint communiqué of the Resident and of the Commissioner at Kitega broadcast on 17 September,⁴⁹ and the speeches of the Resident, the Mwami and the Prime Minister of the provisional government on the eve of the elections.

(4) *Electoral campaign*

294. Under the regulations in force, the political parties were free to hold public meetings on the one condition that they applied to the District Administrator for permission to do so three days in advance. Permission was automatically granted except in cases involving a risk to public order and security. For instance, the Administrator refused permission when two meetings were scheduled for the same place at the same time, or when permission was requested to hold a meeting at a main cross-roads or in a market at the busiest hours. The main purpose of the regulations was to ensure that order was maintained and to enable the authorities to take the necessary precautions. In practice the regulations were applied very liberally, and apart from cases, such as those mentioned above, where law and order were involved, no request for permission was refused throughout the electoral campaign, even when, contrary to the provisions of the law, the request was only submitted twenty-four hours in advance. On the other hand, a few meetings convened without prior permission were banned by the authorities. The Commission heard of no incident or disorder during the political meetings.

295. The number of such meetings was nevertheless relatively small, and most of them were held during the weeks immediately preceding the elections. Actually, the electoral campaign took place mainly in the hills, the agents of the parties and the candidates seeming to prefer to appeal for support to small groups or even individuals, and meetings of between ten and twenty persons were held on the spot as they were not subject to prior permission from the Administrator. In a few communes in the Districts of Muhinga and Bururi the Commission received some complaints against the burgomasters, who were accused of having interfered

with the activities of the opposition parties. These complaints were transmitted to the District Administrators. The Commission none the less gained the impression that throughout the electoral campaign the activities of the parties were unimpeded apart from a few inevitable incidents during a pre-electoral political battle.

296. The Commission also noted that in most districts the electoral campaign conducted by the Front commun parties was much less intensive than that of UPRONA, whose active publicity over the whole of the country was based on modern methods and techniques. It might be worth mentioning that both before and after the election the Commission received several complaints from the Front commun parties that UPRONA had posed to the voters as the Mwami's party. The Mwami himself, however, in a communiqué distributed throughout the State and in a broadcast talk on the day before the elections, stressed the fact that he was above the parties and that no party or individual had the right to speak in his name.

297. Finally, the campaign, which had taken place in an atmosphere of calm, ended on 15 September, three days before the balloting, in accordance with the regulations.

(5) *Physical organization of the polling stations*

298. The building of the polling stations was begun several weeks before the date of the election under the supervision of the Administration staff, whose numbers had been increased by persons specially recruited in Belgium to supervise the stations. In principle, one polling station per commune was to be installed, but additional stations were established in some heavily populated communes and in others where the distances involved were likely to prove a serious drawback. Since voting was to take place on a single day, the Administration decided that the distance to be covered by the voters should not exceed a maximum of three hours by foot. The number of polling-booths in each station varied according to the number of registered voters. The fact that every booth had to contain a rather large number of ballot-boxes called for a relatively substantial amount of space. As it had been found during the trial elections that the number of polling-booths was inadequate, additional booths were constructed at the Commission's request.

299. Some polling stations were built of branches, the entrances to the booths being covered with sackcloth curtains; others were set up in the commune offices or in sheds. The location of each candidate's ballot-box in the booth was decided by drawing lots. The name of the candidate and a sketch of his symbol were placed on each ballot-box; the candidate was also entitled to add an actual specimen of his symbol and a photograph of himself.

(6) *Voting procedure*

300. The voting procedure, which was established in agreement with the Commission, called for the voting to take place within a single day and for the votes to be counted on the spot immediately in order to avoid any possibility of fraud in case the ballot-boxes had to be guarded at night. This arrangement was criticized by several Administration officials and some political parties on the ground that it would be impossible to complete the voting within the prescribed time. 1

⁴⁷ Annex IV.

⁴⁸ Annex VI.

⁴⁹ Annex VII.

301. In accordance with the procedure as thus established, the voting took place as follows: as each voter came into the station he deposited his registration card, which was retained until after he had voted, and received a ballot-paper signed by the Chairman and Vice-Chairman of the station. He was then directed to a vacant polling-booth by the assistants. After voting he left the booth, received his registration card, which had in the meantime been stamped, and, before leaving, dipped his thumb in indelible ink. This latter measure was a precaution against fraudulent double voting and was adopted on the Commission's recommendation.

302. All these operations were supervised by one or two inspectors of the Belgian Administration, and representatives of the lists were entitled to be present and to place their observations on record if they wished.

303. The distribution of ballot-papers among the different polling-stations was carried out by inspectors (Administration officials) in the presence of representatives of the lists.

(7) *The voting*

304. On voting day, the United Nations observers assigned to Burundi, assisted by their colleagues from Rwanda and other members of the Commission's staff, visited practically all the polling stations, often more than once. As mentioned in paragraph 40, the Chairman, the Commissioners and the Principal Secretary made their rounds of the greatest possible number of stations according to plan.

305. Voters everywhere cast their ballots in an atmosphere of calm and showed obvious interest in, and even enthusiasm for, the election. Considerable crowds gathered in front of most polling stations well before opening time. Although a good many voters had to wait their turn for hours, they were at all times good-humoured and disciplined. Apart from occasional scuffles at station entrances concerning who was to enter first, no incidents were reported and order was restored simply by admonishment in the few cases of disturbance. In almost all communes women showed particular interest in the voting. At many stations they outnumbered the men and they often waited patiently for hours on end with their babies on their backs. In many places they were given priority so that they could set off for home before nightfall.

306. Under the electoral ordinance, the polling stations were to be open to voters from 6 a.m. to 4 p.m., although they could be kept open for two hours more by decision of the Chairman of the polling committee. In addition, any voter present at the polling station at the closing time was entitled to vote.

307. The opening of stations was delayed in some communes. The delay, which in some places lasted until 8.30 a.m., was sometimes caused by the late arrival of polling officers but more often by such preparatory operations as the receipt of ballot-papers and the sealing of ballot-boxes. As a result of the delay, crowds and other factors of a technical nature, the voting was slow in a number of communes and had to continue into the night, in several places, and occasionally until the following morning. Another cause of slowness was the verification procedure followed at the station entrance, where the number of the voter's card was compared with the corresponding number on the roll. This procedure served the double purpose of preventing fraud and providing a method for the subsequent preparation of a list of voters. But since voting was not compulsory, the

polling committees at most of the stations agreed to abandon the procedure under the pressure of the first hours. The affixing of a stamp to the cards of those who had voted, and the requirement that voters dip their thumb in indelible ink—a measure adopted on the proposal of the Commission—seemed to afford an adequate safeguard against double voting.

308. As night fell, insufficient light caused further delay. A number of stations had only two or three lamps, and the inspectors found it necessary to reduce the number of polling-booths in use.

309. As the observers were able to judge when making their rounds, there were too many polling stations for the Commission and its officials to carry out continued supervision of all operations, but, according to the reports of the polling committees and representatives of the lists, all the voters who were present at polling stations at the time of closing had an opportunity to vote. It should be noted, however, that in one commune of the District of Kitega about a thousand voters arrived to vote after the stations were closed at 4 p.m. The polling staff refused to reopen, basing their position on the provisions of the electoral ordinance. One voter was turned away in the District of Muhinga for the same reason.

310. During their inspection of the various stations, the observers occasionally discovered irregularities, mostly minor ones. Some voters, for instance, had put their ballot-papers alongside or on top of the ballot-box or in the objects exhibited as symbols, e.g., a basket or book. In most cases these ballots were considered valid, but at some stations the polling committees, in agreement with the representatives of the lists, decided that papers deposited on top of ballot-boxes would be regarded as invalid.

311. At a very few stations, some observers noted that the ballot-boxes were not sealed. Elsewhere, two boxes had been broken. There were also cases where objects exhibited as symbols had fallen to the floor. All irregularities reported by an observer to an inspector were immediately corrected. Observers found that at some stations the indelible ink was not being used; the most widely given reason was that voters refused to dip their thumbs into it; but the ink was used successfully at almost all stations.

312. Following the elections, the Commission received complaints from parties of the Front commun. In its replies, the Commission indicated the procedure for lodging appeals as set forth in the electoral regulations.

313. During the elections the Commission observed no instance of the use of military forces which might be deemed a measure of intimidation apt to jeopardize the freedom of the ballot. In the rare case where small troop units were used to maintain order, they always acted with the greatest discretion and never resorted to force. The attitude of the electorate towards the police and the few soldiers employed in such circumstances seemed at all times totally free of fear.

(8) *Counting and totalling of votes*

314. As provided in articles 32 to 40 of Ordinance No. 02/270, as soon as the Chairman of the polling committee declares the ballot closed, counts the unused ballot-papers and draws up, with the other members of the committee, the record of the election, the entire polling committee proceeds immediately to count the votes, in the presence of the representatives of the lists

and under the supervision of the inspector. After the ballot-papers are sorted and counted, the Chairman enters the results of the vote in the record of the count and places the envelopes containing the ballot-papers in a ballot-box which he then seals and sends under escort to the central polling station of the constituency, where the votes are totalled.

315. This procedure was followed in all cases observed by the Commission, which received no complaints regarding the counting and totalling of votes.

Province	No. of seats	Registered voters	Ballots cast	Invalid papers	%	UPRONA	Candidates elected	Front commun	Candidates elected
Kitega	5	77,603	55,362	103	72	33,481	4	18,308	1
Bukirasazi ..	5	70,769	39,342	112	55	35,687	5	3,470	—
Karuzi	3	44,609	33,023	388	74	13,354	2	16,829	1
Ruyigi	3	44,377	32,292	722	65	22,444	2	9,126	1
Cankuzo	1	16,919	13,111	371	77	11,598	1	1,142	—
Ngozi	5	101,986	70,262	420	68	55,860	4	13,982	1
Kayanza	9	133,903	109,163	716	82	93,865	9	14,582	—
Muramvya ..	3	52,453	34,821	742	66	32,431	3	260	—
Mwaro	3	56,615	45,826	896	81	42,694	3	2,230	—
Usa-Bubanza	8	150,552	123,172	977	81	98,870	7	22,904	1
Cibitoke									
Mwisale	4	57,598	40,221	549	69	34,236	4	4,994	—
Muhinga									
Kirundo	5	77,129	58,861	263	76	46,267	4	12,331	1
Bururi	4	73,296	52,055	693	71	47,429	4	3,799	—
Makamba ...	3	46,476	40,572	292	87	30,868	3	8,889	—
Rutana	3	49,368	34,944	900	76	28,369	3	5,554	—
TOTAL 64		1,038,653	783,027	8,144	73	627,453	58	138,406	6

(9) Results of the election

316. The election resulted in an incontestable victory for UPRONA. Indeed, that party's only serious rival was the Front commun, as the other parties won no seats and received only 9,024 of the 783,027 valid votes distributed as follows: ACCEB—3,470, UPP—2,452, UNARU—1,641 and Burundi-Populaire—1,461.

317. The following table gives the respective figures for UPRONA and the PDC in each of the provinces:

(10) Appeals against the results of the election

318. Under the terms of article 13 of Legislative Ordinance 02/269 of 17 August 1961 concerning the legislative elections in Burundi:

"An appeal shall be examined within fifteen days of receipt by a board consisting of a chairman and two assessors appointed by the president of the court of first instance from among the judges on the local bench. The board shall reach its decisions by majority vote. If the board allows an appeal on grounds of an error of fact, it shall rectify the erroneous result. In all cases it shall annul the election wholly or partly if the irregularities in question could have materially affected the result of the voting."

319. This provision is supplemented by article 12, which states that the appeal shall be sent by registered post to the chairman of the board within the six days following the announcement of the results and must indicate the identity and the place of residence of the appellant, and by article 14, which indicates that if the election is annulled, the chairman of the board shall so inform the Resident General who shall fix the date of the new elections, to be held not later than fifteen days after the decision.

320. The board of three magistrates met for the first time on 26 September 1961 and finished its work on 10 October 1961. On 24 October the Chairman, Mr. Jacques Guffens, Judge of the Court, transmitted the board's report, a copy of which is annexed hereto.⁶⁰

321. The report states that the appeals lodged against the legislative elections covered 113 communes out of a total of 182. It mentions further that among the appeals

to the board it was possible to distinguish between (a) a general appeal for the complete annulment of the elections; this appeal was lodged by the chairmen of the PDC, the UPP and the PDR on behalf of the Front commun; and (b) thirty-three separate appeals, of which thirty-two came from leading members of the Front commun and one from local representatives of UPRONA.

322. The authors of the general appeal, invoking the fact that Muganwa Rwagasore had been authorized to carry on electoral propaganda although expressly forbidden to do so in the legislative ordinance of 25 March 1961 and the interim decree of 25 December 1959, considered that the electorate had been deceived by that propaganda which propagated the idea that the purpose of the election was to uphold the monarchic institution in Burundi and not to elect deputies to the Legislative Assembly; they further alleged a series of irregularities committed during the electoral operations and stated that the operations as a whole were vitiated by the non-observance of the legal provisions and the great number of deviations from those provisions.

323. The board, declaring itself incompetent to rule on matters connected with the electoral campaign and not directly related to the electoral operations or the results of the election, rejected the general appeal while observing that the irregularities mentioned generally by the appellants were the subject of separate appeals which the board had to consider, that the electoral operations of 18 September 1961 had been properly conducted in the overwhelming majority of cases and that most of the irregularities cited had not been proved or could not have influenced the outcome of the voting. In the conclusions of its report, however, the board, noting that practically all the appeals deplored the participation in the electoral campaign of a member of the Mwami's

⁶⁰ Annex XXII; see also the calendar of electoral operations, annex XXI.

family, stated that it had gained the impression that a good part of the electorate had considered itself fooled upon learning the results of the election.

324. With regard to the separate appeals, the board examined the voting and counting records. It did not discover any mistakes in the arithmetical totals. The accusations were only considered where they could have influenced the result of the election. The board then examined the charges of fraud either by hearing witnesses or by making an inquiry on the spot. The most obvious frauds were the removal of ballot-boxes in three communes, concealment of the ballot-boxes of the Front commun in the polling booth in one commune, the turning away of some 2,000 to 3,000 electors in one commune at about 4 p.m. on 18 September, and the presence of an assessor in the polling booth in one commune. The board annulled the elections of five communes in all—those of Butambura and Buhinyuza in the Muhinga district, and of Minago, Buyengero and Burambi in the Bururi district. These annulments affected three electoral districts, two in the Muhinga district and one in the Bururi district.

325. After the board had pronounced these annulments, new elections were held on 24 October 1961 in the Buhinyuza-Mwakiro electoral district (Muhinga district), on 25 October in the Mirago-Burambi-Buyengero electoral district (Bururi district), and on 26 October in the Butambuka-Bwambarangwe-Butarugura electoral district (Muhinga district). The candidates elected were in each case those elected in September.⁶¹

B. LEGISLATIVE ELECTIONS IN RWANDA

(1) *The role of the voters*

326. Article 1 of Legislative Order No. 02/250 of 1 August 1961 entitles a person to vote if he satisfies the same residence and age requirements as in Burundi (see para. 279), and if he is:

A national of Rwanda;

A national of Burundi or a Belgian citizen able to furnish proof of two years' residence in the State;

A Congolese able to furnish proof of ten years' residence in Ruanda-Urundi, including two years' residence in the State; or

An alien able to furnish proof of ten years' residence in the State.

327. It will be remembered that the Electoral Order for Burundi excluded all those who were not nationals of the State. This difference between the laws applicable in the two States, which had already appeared in the January Orders, seems to be the direct outcome of differences of opinion among most of the parties in Rwanda and Burundi.

328. As a result of the disturbances which had occurred on various occasions, a considerable number of Rwandese had since November 1959, as has already been explained, sought refuge in another commune of Rwanda, in Burundi or in neighbouring countries. The effect of article 1 of the Legislative Order No. 02/250 was to debar those of them who were outside Rwanda or had resided in a commune for less than one month from registering or voting in the elections or the referendum. Consequently article 2 of the Legislative Order contained a special provision whereby the time-limit of

one month's residence in a commune would be reduced to fifteen days where a person was returning from abroad or from another commune in Ruanda-Urundi to his commune of previous residence.

329. That provision was relaxed little by little. First of all an amendment was introduced on 25 August reducing the fifteen-day period of residence to three days before the elections in cases of *force majeure* (which the Administration interpreted broadly, to include, for example, difficulties of transportation or lodging, or the employer's refusal to give a fifteen-day leave). Later, because of the tension in the country during August and September, and to meet the demand of the opposition parties, who considered that in practice these refugees could hardly ever return to their own communes, the Belgian Administration inserted on 8 September a new provision permitting a refugee to register in any commune in which he was three days before the elections. This allowed refugees living in adjacent countries, such as the Congo, to register in a frontier commune, to which they could return to vote on election day.

330. Owing to the size of the operations and the delay due to the redrafting of the electoral laws, registration in several communes had already commenced on 27 July, several days before publication of the Legislative Ordinance. The beginning of the registration was marked by a certain laxity. Thus it was noted that burgomasters often did the registration single-handed, and that the electoral cards were not signed. Other cards bore the seal of the republican régime, which appeared entirely improper for the referendum on the question of the Mwami. After the Commission had drawn the attention of the Belgian Administration to these facts, registration was suspended pending the establishment of registration boards, and cards that were not signed, or bore the republican seal, were subsequently replaced.

331. The registration boards, composed of the burgomaster and the representatives of the political parties, were often hard to establish. The monarchist parties, especially UNAR, often delayed appointment of their representatives in these boards, and sometimes even did not make any appointment, doubtless on account of the tension in the commune. Thus in Astrida district, for instance, the monarchist parties refused, or were perhaps unable on account of incidents, to designate their representatives, while in the Gilarama district the RADER party was represented only in two communes, and UNAR did not submit its list of representatives until after the official closure of registration on 17 September. This did not, however, prevent some of these representatives from serving, to verify the lists and participate in the registration of refugee voters. Other representatives were named by their parties but did not report for service on the boards. That occurred in Ruhengeri district, where UNAR named sixteen representatives for the twenty-five communes but a number of them refused to serve, some alleging mistake in their cases since they were not members of the party. Some UNAR representatives complained of intimidation and even molestation.

332. In most communes, however, the registration boards included representatives of the opposing parties, and registration, which had been suspended, was resumed on 28 August, this time in compliance with the Ordinance. The first task of these boards was to verify the lists of voters already registered, and to replace those voters' cards by cards initialled, according to law,

⁶¹ See para. 405.

by the chairman of the board and another member of opposite political persuasion.

333. In most districts registration then proceeded normally, except in some where, as a result of the disturbed situation mentioned in paragraphs 256-271, they sometimes had to be temporarily suspended. Special provision was made for refugees living in the Congo. At Shangugu and Kisenyi registration offices were set up at the frontier and refugees could register there until the evening of 21 September. The United Nations Organization in the Congo (ONUC) facilitated the registration of these refugees by providing lorries to take them to the frontier. Some refugees also travelled by lorry from Usumbura to register in the communes closest to the frontier. The problems of registration for these refugees included their identification, and screening to determine whether they were not mere emigrants, ineligible for the special privileges granted to refugees. In general the registration boards demanded documents issued by the Rwanda authorities, especially poll-tax receipts antedating the events of 1959, or, failing these, oral identifications attested by witnesses. Many of those coming from the Congo, however, only had Congolese identity cards, or cards issued by political organizations and therefore not acceptable as satisfactory evidence for fear of falsification. The Administration therefore established at the frontier an identification committee, composed of representatives of the various parties, to decide the doubtful cases.

334. Registration was often complicated by the disorders of August and September. The rule of the law that any refugee could be registered in the commune where he was present was generally applied; but the September incidents in the Kibungu district raised a special problem because a large number of these refugees had already been registered, and their re-registration in other communes might give them two votes. The Administration, however, decided to proceed with that re-registration, and took special additional measures authorizing postponement of the last day for registration, which in some communes was pushed right up to the morning of the day before the elections.

335. The Commission had only a few protests against irregularities during registration. It did, however, receive several complaints that burgomasters of the Nyanza district had registered voters under age and improperly refused to register others, because they were too young or too old. Other persons complained that registration had been closed without registering them, although they had reported for registration two or three days before the closing date. These complaints

were brought to the attention of the District Administrator and decided after examination. Similar complaints made in the Astrida district were examined and settled in the same way. No appeal against the electoral roll was entered in either district.

336. In the Biumba district a number of complaints were made by UNAR against burgomasters for refusing to register a number of refugees and amnestied persons. After intervention by the District Administrator all these persons were registered except about twenty.

337. Except for these complaints in Biumba, the only appeal against the electoral roll came from a UNAR candidate who complained that Rwandese refugees at Goma (Congo) on the Rwanda frontier had not been able to register because they could not return to their country to establish residence in a commune. It should, however, be recalled that this appeal ignored that refugees could register at the registration office established on the frontier itself, where over a thousand refugees at Goma had already registered.

(2) Nominations and allocation of colours

338. Like the suffrage, eligibility was open to nationals of Burundi, Belgians, Congolese, and aliens who could show a certain number of years' residence in the State. With this sole exception the requirements for eligibility were the same in Ruanda as in Burundi (see paras. 287 and 288, *supra*). Refugees or exiles were permitted by the electoral law to stand if they had established residence anywhere in the State at the time the electoral lists were closed.

339. The names of the candidates were submitted on lists, sponsored or not sponsored by parties or associations. These lists could consist even of a single candidate, but could not submit more candidates than double the number of seats to be filled in the *circonscription* (in Ruanda the district), determined by the size of the population. Under the law of January 1961 the system of proportional representation, which had already been used in the communal elections, was also adopted for the legislative elections in Rwanda.

340. The closing date for the filing of candidatures was 17 September. Eleven parties nominated candidates in various *circonscriptions*, and two lists of independent candidates were also submitted. Several candidates withdrew later. No appeal was entered.

341. After examining the question together with the parties, the Resident of Rwanda, by decision dated 9 September, assigned the following electoral colours to each party:

Parties	Electoral circonscriptions	Colour
APROSOMA	Kigali, Astrida, Shangugu	Green
APROSOMA, AREDETWA bloc	Nyanza	Green
APROSOMA-RWANDA-UNION, RADER bloc	Gitarama, Astrida, Shangugu	Blue
APROSOMA-RWANDA-UNION, RADER, APADEC bloc	Nyanza	Blue
PARMEHUTU	All <i>circonscriptions</i>	Red
RADER	Kigali, Ruhengeri, Biumba, Kibugu	Blue
UNAR	All <i>circonscriptions</i>	White
Grey with one to three yellow squares was assigned to other parties and lists of independent candidates.		

(3) Information campaign

342. As in Burundi, the information campaign on the electoral procedures took the form of explanations given directly to the political parties, by administrative

meetings at communal level, or by radio talks, printed bulletins and press communiqués.

343. At the beginning—that is, before the official opening of the campaign—the principal source of in-

formation for the people was the burgomasters and the political parties, which for the most part were well organized and highly active. Whenever District Administrators received new instructions or information on the election or referendum, they called meetings of the burgomasters and other communal officials to inform them. The meetings were supplemented by visits of the administrators or their agents.

344. After the monarchist parties, as mentioned above (paras. 128-132), had made numerous complaints that burgomasters had disseminated political propaganda on the pretext of holding administrative meetings or giving out electoral information, burgomasters were forbidden to hold administrative meetings except to give the inhabitants of the commune information on the elections, and then only in the presence of the registration board, composed of representatives of the various parties. In the Astrida district the administrator had also established an information committee, composed of the representatives of the political parties, which visited the communes to enlighten the public on the elections and the referendum.

345. After the official opening of the information campaign, which in most of the districts lasted from 12 to 22 September, the district administrator and the other agents of the Administration, accompanied by representatives of the parties, made a number of visits to all the communes to explain to the people, often by loud-speaker, the procedure of the elections, and especially the provisions relating to the secrecy of the ballot. These meetings, which were announced in advance, always attracted large crowds.

346. The Administration also employed Radio-Rwanda, the official broadcasting station recently installed at Kigali, and the official news bulletin IMVAHO, to disseminate information in French and Kinyarwanda, the local language. Talks written by the Commission were also broadcast. The Resident of Rwanda broadcast a number of speeches, and the United Nations Commissioner at Kigali made two, one on 28 August 1961,⁵² the other on 21 September.⁵³ A joint communiqué of the Resident and the Commissioner was read over the radio on 23 September, and 100,000 copies of it were distributed by air. A number of printed bulletins and communiqués were issued by the Resident of Rwanda and various district administrators.

(4) *Electoral campaign*

347. The regulations on the organization of meetings by political parties were the same for Rwanda as for Urundi. The political parties were free to organize public meetings if they asked leave of the district administrator three days in advance. This leave was granted automatically except where public security and order might be endangered, especially if two opposing meetings might lead to clashes, or the place and hour chosen (for instance a highway or market at the busiest time) were likely to lead to disorder.

348. The Resident of Rwanda also considered that the exigencies of maintaining order prevented him from authorizing more than one meeting a day in any one district.

349. At the beginning of August, representatives of the opposition parties complained that the restrictions

resulting from the need to apply three days in advance for leave to hold meetings were actually directed against them, since the PARMEHUTU, well before the opening of the electoral campaign, had begun to hold political meetings everywhere and at all times under cover of the administrative meetings organized by its burgomasters.

350. When the Commission brought these complaints to the notice of the Administration, the Resident of Rwanda decided by circular dated 17 August⁵⁴ to forbid unauthorized meetings of any kind, except information meetings held in communes in the presence of members of the electoral registration board.

351. Toward the middle of August the Commission noted that the administrators appeared to have interpreted the decision to authorize one meeting per district in an extremely restrictive manner. If on any given day any party held a meeting, no other party could hold one on the same day in the same district. That idea threatened to put a very dangerous restriction on the right of assembly. The Commission, which had always interpreted this measure as permitting each party to hold at least one meeting a day in a given district, urged the Administration thereafter to follow that interpretation. The Resident of Rwanda agreed to this on 16 August, and spelled it out in detail some days later in appropriate instructions to the district administrators.

352. On 4 September the representatives of UNAR complained to the United Nations Commissioner at Kigali that the regulations continued to prejudice the opposition parties, for three principal reasons: (1) the burgomasters had not stopped holding political meetings under the guise of administrative meetings; (2) each time they requested leave in advance, the burgomasters at once noted their application and arranged to sabotage the meeting, either by a campaign of intimidation beforehand or by violent measures against the participants immediately afterwards; (3) each time more than five or six adherents of UNAR assembled, they were dispersed by the local authorities, who accused them of holding unauthorized meetings. For these reasons they requested permission to hold at least small "spontaneous" meetings, which they said they were ready to limit, for reasons of public order, to one hundred persons, and at which they themselves would be responsible for maintaining order.

353. The Commission immediately submitted this proposal to the Resident of Rwanda, and requested him to give it his full attention. Several days later he rescinded the measures that had been taken against the holding of small unauthorized meetings, and embodied that decision in an appropriate administrative circular.

354. On 23 July UNAR held its first large meeting at Kigali. The attendance was variously estimated at 6,000 to 20,000. From that day onward all the parties held meetings, often with very large audiences, where the speakers could express themselves with entire freedom. Gitarama was the only district where a party—UNAR—complained of inability to hold meetings. In the Kigali district, moreover, it appeared that PARMEHUTU had never organized a meeting by leave in advance. Throughout the State the principal parties of the two opposing trends held a large number of meetings, nearly all without disturbance. In the Biumba District, for instance, PARMEHUTU and UNAR each held fifteen meetings; in the Kibungu district the

⁵² Annex V.

⁵³ Annex IX.

⁵⁴ See para. 131 above.

two parties held daily meetings until disorders started. In the Nyanza district PARMEHUTU held six meetings, UNAR fifteen, and the APROSOMA-RWANDA-UNION and RADER bloc eight. Some duly authorized meetings were cancelled by their promoters, who alleged intimidation; this happened with four UNAR meetings in the Nyanza district and one in the Ruhengeri district. In the Shungu district, where PARMEHUTU and APROSOMA had held a joint meeting, MUR two and UNAR one, a second meeting organized by UNAR was forbidden by the burgomaster in spite of the Administrator's leave; the case was investigated and the burgomaster fined. The Commission also received several complaints that at the beginning of the campaign burgomasters and communal councillors had used intimidation to prevent persons under their administration from attending meetings of monarchist parties. There had been road blocks, and one complaint even said that a group from the Gitarama area travelling in a lorry to attend a meeting organized by UNAR at Kigali on 23 July were stopped by the communal authorities for alleged traffic offences and detained for several hours.

355. In addition to its public meetings PARMEHUTU, followed to a considerably smaller extent by other parties, made an extensive propaganda effort based on the use of external signs such as insignia and clothing in their party colours. The monarchist party, on the other hand, used a certain form of greeting.

356. Apart from these mass demonstrations, it seemed apparent that a large part of the electoral campaign was being conducted by means of contacts with individuals or small groups. The active members of each party went about the hills distributing pamphlets of various kinds. According to Administration officials, it was these semi-secret activities which more often than not were at the root of the violent incidents.

357. As far as the political pamphlets were concerned, the only cases of interference by the Belgian Administration of which the Commission learned involved the confiscation of a pamphlet published by PARMEHUTU and of the communiqué which the supporters of the Mwami had begun to distribute two days before the elections.⁵⁶ In both cases, the Administration explained its action by stating that the distribution of those pamphlets would have jeopardized public order.

(5) *Physical organization of the polling stations*

358. As in Burundi, the construction of the polling stations began several weeks before the date of the election, under the supervision of Administration officials, who had been supplemented by officials specially recruited in Belgium to supervise the stations. All the polling stations were built in accordance with a single plan which had been approved by the Commission. There was usually one polling station per commune, which was nearly always set up near the communal centre. Most of the polling stations were built of branches and included several polling-booths, both for the referendum and for the elections. The entrances to the polling-booths were covered by jute curtains. The fact that the sole purpose of the polling-booths was to ensure secrecy while the voters selected the ballot-paper of their choice and placed it in an envelope made it possible to construct a larger number of polling-

booths than in Burundi, where the ballot-boxes were in the voting booth itself. In each polling-booth, an opening had been dug in the floor and partly closed up, so that voters could throw their unused ballot-papers into it and they could not be recovered afterwards. The ballot-boxes were situated outside the polling-booths under the surveillance of members of the polling committee and representatives of the lists. The polling stations were often double, so that two people could vote at a time without entailing any appreciable increase of staff.

359. In order to enable the vote on the two referendum questions to take place at the same time as the vote for the Assembly, each polling station was divided into three sections, each of which was provided with a ballot-box and a series of polling-booths. The three sections were so arranged that the voter, after completing one operation, moved on to the next, always remaining under the surveillance of the polling committee and the representatives of the lists.

360. During their inspection tours before the voting, and even on the voting day, the observers found irregularities here and there, as for example, the lack of curtains at the entrances to some polling-booths, cases in which the openings provided for unused ballots were not closed up, and sometimes holes in the outside walls which made it impossible to ensure the secrecy of the vote. These various irregularities were brought to the attention of Administration officials and in most cases the necessary action was taken.

(6) *Voting procedure*

361. The voting procedure established in agreement with the Commission provided that the voter would vote first on the two referendum questions and then for the Assembly. Each voter entered the polling station in turn and surrendered his registration card, which was to be kept until after the vote. The Chairman explained the voting procedure and then gave the voter an envelope initialled by himself and by another member of the polling committee belonging to a different party. The voter also received two ballot-papers, one black and the other khaki, in order to reply in the negative or in the affirmative to the question of retaining the monarchy. The voter then entered the first section, where the officers directed him to a polling-booth. He placed the ballot-paper of his choice in the envelope, which he then closed, and he threw the unused ballot into the opening in the floor. He then left the polling-booth and placed his envelope in the ballot-box under the surveillance of an observer and representatives of the lists. Having voted in this way on the first question, he followed the same procedure for the second question and for the election, this time receiving a ballot-paper for each list of candidates. Having completed the three voting operations, the voter then went to the exit desk, where he received his registration card, which had been stamped, and dipped his thumb in indelible ink.

362. As has already been explained (para. 227), the voting regulations provided for the possibility of a search of the voters by the supervisors on their exit from the polling station, in order to ensure that the voters did not take away unused ballot-papers or parts of such ballot-papers which would allow of the violation of the secrecy of the vote.

363. As in Burundi, all these operations were supervised by one or two Administration officials. In addi-

⁵⁶ See para. 168 and annex XVIII.

tion, the representatives of the lists had every opportunity to include any comments they wished to make in the records.

364. The envelopes and ballot-papers for the polling stations were distributed in each district on the day before the election. The Administrator, after himself recording the quantities received, transferred them to the supervisors (Administration officials), who became responsible for them. In nearly every case this operation took place in the presence of the United Nations observer.

(7) *The voting*

365. As the voting had already taken place in Burundi, the observers who had been assigned there, as also other members of the Commission staff, were able to assist the observers in Rwanda. The Commission was thus able to assign an average of two or three persons to each district, making it possible for nearly all the polling stations to be visited several times on the polling day. As in Burundi, the Commissioners and the Principal Secretary visited a large number of polling stations in accordance with circuits established in advance.

366. The plans made to enable the refugees to take part in the voting were put into operation. In the case of those living in the missions or reception centres, an escort of police or of a few soldiers was often provided to accompany them and protect them in the polling station. In the case of refugees coming from the Congo, arrangements were made in co-operation with the Congolese authorities and ONUC to ensure order at the frontier and to enable all voters to cross without difficulty.

367. In point of fact, the voting generally took place in calm and, apart from purely local incidents, the Commission received no complaint sufficiently well-founded to cause it to believe that freedom of voting had been interfered with. Throughout the State, the voters cast their ballots with discipline, good will and enthusiasm. The presence of three to six policemen in the vicinity of the polling stations always sufficed to maintain order. Moreover, the fact that there were more polling-booths than in Burundi made it possible, with the exception of some communes where the voting had to be continued until the next day, for operations in most of the polling stations to be completed well before nightfall.

368. The Commission wishes to mention, however, that on several occasions it noticed the absence of polling officers or representatives of the lists who were members of UNAR. Various explanations were furnished in different cases: that the person designated was temporarily absent or that he had left as a refugee; in other cases, the party complained to the Commission that its polling officers had been arrested or even driven away. This was the case in particular in the Astrida district and in four communes in the Biumba and Nyanza districts, where it was reported that a polling officer's house had been burned. Another polling officer was said to have been killed the day after the elections.

369. In the Gashora commune, the United Nations Commissioner at Kigali himself noted that a considerable number of voters, estimated by UNAR at more than a thousand, were unable to vote because the polling station was closed at 6 p.m. This incident was immediately reported to the Administration, which promised to make an investigation.

370. In two Nyanza communes, complaints were made against a burgomaster and his communal councillors and against some polling officers who were accused of having attempted to influence voters. The immediate investigation of the latter complaint led to the imprisonment of the guilty polling officers. In a commune of Biumba district, the UNAR representative complained that eight persons had received ballot-papers for one side only. Lastly, as has already been said, in several communes the observers noted that there were holes in the walls of the polling-booths which made it possible to observe the voters. These various irregularities were corrected as soon as they were pointed out to the supervisors. Moreover, it should be mentioned that these irregularities, like all the complaints referred to above, were only exceptions to the general orderliness of the operations.

(8) *Results of the elections*

371. It should be noted that a very high proportion of the population took part in the voting in Rwanda. Of a total of 1,337,096 registered voters, the percentage of those voting amounted to 95.2. The results of the election gave PARMEHUTU an absolute majority of 77.7 per cent of the votes, the other large parties having obtained the following percentages: UNAR 16.8 per cent, APROSOMA 3.5 per cent and RADER 0.3 per cent.

372. The following table gives the figures on the contest in each district:

<i>District</i>	<i>Registered voters</i>	<i>Valid ballots</i>	<i>Blank or invalid ballots</i>	<i>List</i>	<i>Votes</i>
Shangugu	96,468	89,899	1,925	APROSOMA	2,086
				MUR	333
				PARMEHUTU	75,213
				Cartel RADER, RWANDA-UNION ..	357
				UNAR	11,910
Kibuye	85,633	79,367	2,683	PARMEHUTU	63,359
				UNAR	15,039
				Mouvement indépendant ..	969
Kisenyi	115,678	111,427	405	PARMEHUTU	107,022
				UNAR	4,405
Ruhengeri	144,395	140,524	535	PARMEHUTU	138,857
				RADER	192
				UNAR	1,475

Biumba	118,399	111,774	3,127	PARMEHUTU	93,807
				RADER	295
				Cartel UAARU, APROFER	348
				UNAR	17,324
Kibungu	113,143	99,306	1,617	PARMEHUTU	83,729
				RADER	846
				UNAR	14,731
TOTAL		1,337,096	1,255,896	22,248	

373. Under the system of proportional representation employed in Rwanda, the Legislative Assembly's forty-four seats were apportioned as follows: APRO-SOMA 2, PARMEHUTU 35 and UNAR 7.

(9) *Appeals against results of the election*

374. No appeal was filed.

C. REFERENDUM ON THE QUESTION OF THE MWAMI OF RWANDA

375. General Assembly resolution 1580 (XV), adopted on 20 December 1960, provides, *inter alia*, that the General Assembly

"3. *Decides* that a referendum should be held under the supervision of the United Nations Commission for Ruanda-Urundi established under General Assembly resolution 1579 (XV) of 20 December 1960, in order to ascertain the wishes of the people concerning the institution of the Mwami, and, if necessary, the present Mwami of Ruanda".

376. In resolution 1605 (XV) of 21 April 1961, the General Assembly

"7. *Decides further* that the questions to be put at the referendum on the question of the Mwami in Ruanda should be the following:

"1. Do you wish to retain the institution of the Mwami in Ruanda?

"2. If so, do you wish Kigeli V to continue as the Mwami of Ruanda?"

377. As has already been explained in this report, the vote on the referendum took place at the same time as the electoral vote, and all the provisions laid down for the latter (such as those on the electorate, registration, organization of polling stations, appeals and penalties) were declared applicable to the referendum. The Commission's observations on the electoral operations are likewise applicable to the referendum.

378. It has been explained that in each polling station in Rwanda the voter had to pass through three sections, each provided with polling-booths and a ballot-box. The voting therefore took place in three stages, the first two being concerned with the two referendum questions.

379. When the Administration, considering that it was unable to comply with the desire expressed by the Commission for the referendum to be held before the election, decided to hold the two consultations on the same day, the Commission emphasized that the entirely separate character of the two votes must be maintained. From that point of view, it considered, *inter alia*, that it was necessary to choose the colours to be used for the referendum ballot-papers in such a manner as to avoid any possibility of confusion with those used for

the legislative elections. As a result of that position, the Resident was able to persuade PARMEHUTU to accept black for the "No" reply to the two questions, although that party for a long time insisted on red. A dispute arose later concerning the choice of colours for the monarchist parties. UNAR insisted on keeping the "white" for its electoral lists. The other monarchist parties demanded the same colour for the affirmative vote in the referendum, arguing that white had always been the colour of the Mwami. The final decision taken by the Administration was to leave "white" for the UNAR electoral list and to choose khaki for the affirmative vote in the referendum.

380. With regard to the referendum questions, the opposition parties, on 13 September, produced before the United Nations Commissioner at Kigali an official handbook, published on 27 August, explaining the elections in Kinyarwanda. In it the referendum questions had been changed and constant allusions were made to the choice which the population must make between the Mwami and the President of the Republic.

381. After studying the document, the Commission came to the conclusion that the pamphlet in question had not accurately reproduced the questions formulated by the General Assembly. In the course of an explanation of the referendum, for example, it was said that the question was one of choosing between the monarchy and the republic and of determining whether the Rwandese people wished to vote in favour of the President of the Republic or to place Mwami Kigeli V at its head once more.

382. The United Nations Commissioner immediately took the matter up with the Resident of Rwanda, pointing out to him that the General Assembly's "decision" in this respect had been categorical, that in the questions contemplated there had been no reference to the Republic or to choosing between a President and the Mwami, and that it would therefore be an extremely serious matter if the questions formulated by the General Assembly were changed in any manner whatever in the official documents and, *a fortiori*, on the referendum ballot-boxes in the polling stations. The Resident of Rwanda at once realized the importance of the problem, expressing surprise at the "error" which had been made. He immediately ordered the destruction of all the pamphlets in question.

383. It was found later that even in the notices which were to have been put up in the polling stations the text of the questions had been changed in the same way.

384. After deciding to destroy all the existing notices, the Resident then requested his representative to prepare the new text in complete agreement with the Commission. That consultation also made it possible to make other changes of presentation, in particular with

regard to the order of priority of the party colours, so as to avoid any preferential treatment of any of the parties. The Administration met the Commission's wishes on all these proposals. Many old pamphlets and

old notices were destroyed and burned, in most cases in the presence of United Nations observers.

385. The results of the referendum are shown in the following tables:

QUESTION 1. DO YOU WISH TO RETAIN THE INSTITUTION OF THE MWAMI IN RWANDA?

District	Number of registered voters	Valid votes	Blank or invalid ballots	Affirmative votes	Negative votes
Kigali	170,946	161,600	1,994	51,667	109,933
Gitarama	108,096	104,349	706	13,416	90,933
Nyanza	148,665	141,367	2,299	67,763	73,604
Astrida	235,673	218,615	3,492	51,333	167,282
Shangugu	96,468	90,610	1,319	13,302	77,308
Kibuye	85,879	80,327	1,027	16,982	53,345
Kisenyi	115,678	110,540	476	4,438	106,102
Ruhengeri	144,395	140,514	496	1,439	139,075
Biumba	118,399	113,000	1,392	18,344	94,656
Kibungu	113,143	99,380	1,128	15,279	84,101
TOTAL	1,337,342	1,260,302	14,329	253,963	1,006,339

QUESTION 2. IF SO, DO YOU WISH KIGELI V TO CONTINUE AS THE MWAMI OF RWANDA?

District	Number of registered voters	Valid votes	Blank or invalid voting papers	For	Against
Kigali	170,946	162,576	1,408	51,869	110,707
Gitarama	108,096	103,910	748	13,579	90,331
Nyanza	148,665	141,639	1,522	68,085	73,554
Astrida	235,673	219,208	2,138	52,818	166,390
Shangugu	96,468	91,183	1,050	13,763	77,420
Kibuye	85,879	79,962	1,193	17,013	62,949
Kisenyi	115,678	110,677	303	4,500	106,177
Ruhengeri	144,395	140,528	459	1,526	139,002
Biumba	118,399	112,338	1,763	18,590	93,748
Kibungu	113,143	100,144	742	15,767	84,377
TOTAL	1,337,342	1,262,165	11,526	257,510	1,004,655

386. The above figures show that 95 per cent of the voters on the electoral rolls actually voted, that the replies to both questions were in the negative and that, in both cases, the negative vote totalled 80 per cent of the valid votes.

V. Progress of events after the elections

387. In operative paragraph 9 (c) of resolution 1579 (XV), adopted on 20 December 1960, the General Assembly requested the Commission:

"To follow the progress of events in the Territory before and after the elections, to lend its advice and assistance, as appropriate, with a view to advancing peace and harmony in Ruanda-Urundi . . ."

388. In order to follow the progress of events in Ruanda-Urundi after the elections, the Commission decided to leave three observers in the Territory from 28 September 1961, the date of its departure, until the submission of the present report. Mr. Antonin J. Obrdlík, assisted by Miss Marianne Teyssier, secretary, therefore remained at Usumbura, to cover developments in Burundi, and Mr. Eric Brant and Mr. Eugene Adoboli, assisted by Miss Simone Gervais, stayed at Kigali, to cover developments in Rwanda.

389. It should also be recalled that, in compliance with resolution 1627 (XVI) on the assassination of the Prime Minister of Burundi, adopted by the General

Assembly on 23 October 1961, the Commission returned to the Territory on 29 October and stayed there until 4 November 1961.

390. Thus, the Commission was able to follow the progress of events in the Territory after the elections both through the reports it received from its observers on the spot and through the contacts it had established on its previous visit.

A. POLITICAL PROGRESS

391. Following the popular consultations held on 18 September in Burundi and on 25 September in Rwanda, progress has been made in both States towards the establishment of the basic political institutions.

(1) Burundi

392. In Burundi, the Legislative Assembly elected on 18 September 1961 held its inaugural meeting on 28 September, at Kitega. After the Mwami and the Resident of Burundi had made the customary speeches, they both left the meeting room, leaving Mr. Kamenge, the senior member of the Assembly, in the Chair. The latter then designated Muganwa Louis Rwagasore to form a government.

393. The Assembly proceeded to elect a President, Mr. Thaddée Siruyumunsi, and a Vice-President, Mr. André Baredetse.

394. Prince Louis Rwagasore then submitted the names of the members of his Cabinet to the Assembly:

Prime Minister and Minister for Joint Affairs:

Prince Louis Rwagasore;

Deputy Prime Minister and Minister of Finance:

Pierre Ngendandumwe ;

Minister of the Interior and of Information:

André Muhirwa;

Minister of National Education:

Pierre Ngunsu;

Minister of Economy and Commerce:

Félix Katikati;

Minister of Agriculture and Stock-raising:

Albin Nyamoya;

Minister of Public Health:

André Baredetse;

Minister of Justice:

Claver Nuwinkware;

Minister of Social Affairs:

Jean Ntiruhwama;

Minister of Public Works:

Ignace Ndimanya.

This Government immediately received a vote of confidence.

395. Lastly, as Mr. André Baredetse was now a member of the Cabinet, Mr. Bamina was elected to replace him as Vice-President of the Assembly.

396. Next day, on 29 September, the Ministers, led by Prince Louis Rwagasore, took the oath before the Mwami faithfully to carry out their duties and to respect the laws of the Territory and of the State of Burundi.

397. A very serious development then occurred: on the evening of 13 October, Prince Louis Rwagasore, the Prime Minister, was killed by a rifle shot while dining in a restaurant with several of his Ministers and principal private secretaries. Because no one knew what motives had prompted the murderer, who had succeeded in escaping, the State was plunged into an atmosphere of uncertainty, each section of the population suspecting the others or fearing popular reprisals against itself.

398. On 14 October, the Mwami and the Resident-General broadcast an appeal for calm to the population. The Mwami emphasized that no one can be a judge in his own cause and urged that the task of finding the criminal should be left to the judicial authorities. The Resident-General expressed the horror which the crime had aroused in Belgium and assured the people of Burundi that no stone would be left unturned in the effort to trace those responsible.

399. On 18 October Muganwa Louis Rwagasore was buried at Usumbura in the presence of his father, the Mwami, the Resident-General, all the leading personalities in the civilian and religious life of the State, and a large crowd of spectators.

400. On 19 October, Mr. Thaddée Siryuyumunsi, the President of the Legislative Assembly issued a communiqué stating that, following the death of the Prime Minister, the Legislative Assembly had held a meeting on 15 October 1961 to decide who was to replace him. The communiqué announced that Mr. André Muhirwa had been elected by fifty votes to two in the voting which had then taken place. It announced further that the new Prime Minister would also act as Minister for

Joint Affairs (that is to say, Burundi's relations with Rwanda) and Minister of the Interior.

401. On 22 October, the Legislative Assembly of Burundi was formally installed at Usumbura in the presence of the Resident-General, the Mwami and other authorities. After the President of the Legislative Assembly had underlined the significance of the meeting and called for a minute of silence in memory of Muganwa Louis Rwagasore, the deputies and ministers took the oath of allegiance to the Mwami and Burundi.

402. The new Prime Minister and Minister of the Interior, in a broadcast message, thanked the people and specifically all the authorities for the sympathy they had displayed on the occasion of Burundi's loss and for the way in which they had helped the judicial authorities to take prompt and effective action. The text of this message was published as a United Nations document (A/C.4/501).

403. As we have already mentioned, it was at this time that the General Assembly adopted resolution 1627 (XVI), of 23 October 1961, in which it requested the Commission for Ruanda-Urundi to visit the scene immediately in order to carry out without delay an investigation of the circumstances of the tragic death of Prince Louis Rwagasore, the Prime Minister. The Commission undertook this investigation in response to the Assembly's request; it left Geneva, where it had started to draft the present report, and travelled via Brussels to Burundi, where it remained from 29 October to 4 November. On 11 November, after completing the investigation requested, it dispatched a communication to the President of the General Assembly.⁶⁶

404. Since then, the judicial investigation has been in progress. The general atmosphere in the State is calm.

405. Lastly, as stated in paragraph 325 above, on 24, 25 and 26 October, the new elections authorized by the appeal board were held in the five communes of Buhinyuza (District of Muhinga), Burambi, Buyengero and Minago (District of Bururi) and Butambuka (District of Muhinga). The results of the new elections fully confirmed those obtained in the same communes on 18 September 1961.

(2) Rwanda

406. In Rwanda, the Legislative Assembly elected on 25 September 1961 was installed on 2 October. The Resident of Rwanda opened the meeting and then called upon Mr. Grégoire Kayibanda, the leader of the PARMEHUTU party, which had been victorious in the elections. After the customary speeches, the Resident invited the Assembly to elect its President (*Précepteur*). PARMEHUTU (thirty-five seats) proposed Mr. Amandin Rugira. As this candidate was supported by APROSOMA (two seats), and as UNAR (seven seats) stated that it would not submit a candidate, Mr. Rugira was elected unanimously by the forty-two members who took part in the voting. The Assembly then proceeded to elect a Vice-President, and APROSOMA nominated Mr. Aloys Munyanju. This candidate, who had the support of both PARMEHUTU and UNAR, was elected by acclamation.

407. On 4 October, the main question discussed by the Legislative Assembly was that of the constitutional

⁶⁶ A/4970.

régime of the new Republic. It may be of some interest to give a brief account of what occurred at this meeting.

408. Mr. Makuza (PARMEHUTU), Rapporteur, explained that the Assembly was called upon to choose between a presidential régime in which the powers of the Chief of State and Head of Government were exercised by the same person, and a parliamentary régime. He was in favour of the former. Mr. Rwagasana (UNAR) proposed that, before any further action was taken, a parliamentary committee should be appointed to draw up a code of procedure for the Assembly's guidance; any other method might lead to the minority being overwhelmed by something in the nature of a *coup d'état*. Mr. Munyangaju (APROSOMA), Vice-President, felt that a code of procedure was unnecessary, as the Assembly had its rules of procedure. There could be no possibility of a *coup d'état*, as the Assembly was entitled to set itself up as a constituent assembly. He suggested, however, that the opinion of a jurist should be sought on the question of whether, under the existing laws, the measures of self-government granted to Rwanda was such as to allow it to opt for a régime of its choice. Mr. Makuza, Rapporteur, replied that, in the present instance, that was a domestic issue, and it therefore lay within the Assembly's competence. He endorsed the view that there could be no question of a *coup d'état*, as the elections had conferred legality on PARMEHUTU and the republican institutions. Mr. Rwangomba (UNAR) said that, in order to avoid miscalculations, time should be taken to study the characteristics of the two régimes proposed in more detail. Furthermore, he felt that it was essential to study the draft constitution, with which the UNAR members of the Assembly were not familiar, before choosing a régime. Mr. Bicumupaka (PARMEHUTU) felt, on the contrary, that it was necessary first to decide on the régime to which the constitution would apply. The President decided to put to the vote the question of whether the Assembly was in favour of a republican régime of the presidential type.

409. The result of the voting was as follows: 37 in favour, none against and no abstentions, the UNAR representatives not having taken part in the voting.

410. At the same meeting and by a similar vote, the Legislative Assembly adopted a resolution on the establishment of a republican régime in Rwanda, proclaiming, *inter alia*, that: (1) the régime of the Mwami and its institutions should be abolished; (2) the Mwami Kigeli V and his dynasty should be divested of all their customary prerogatives; (3) Rwanda should be a democratic and social republic to be known as "the Rwandese Republic"; (4) the Rwandese Republic should be governed by a presidential type of government, the conditions of which would be defined by a fundamental law entitled "Constitution of the Rwandese Republic". This resolution also states that the Legislative Assembly shall elect by secret ballot and by a two-thirds majority of the members present a President of the Republic who shall act as both Chief of State and Head of Government and shall be responsible for forming a government which must be invested by the Legislative Assembly. The President shall exercise the executive power in agreement with his government, the powers of which shall be defined in the future constitution. Lastly, this resolution, dated 3 October 1961, provides that the Legislative Assembly shall become a constituent assembly as from 4 October 1961.

411. On 26 October, the Legislative Assembly elected the President of the Republic of Rwanda at Kigali, in the presence of the Resident-General. The votes were counted by the President of the Assembly in the presence of four witnesses, and the result was as follows: 36 votes for Mr. Grégoire Kayibanda (PARMEHUTU), 1 for Mr. Gasingwa (APROSOMA), and 7 abstentions.

412. President Kayibanda made a speech outlining his programme in which he pointed out that, if the State was to be prepared for independence, four problems would have to be considered: the currency, relations with Burundi, the re-establishment of peace, including the problems of the refugees and of relations with Belgium. He added that the date for independence would be considered by the Legislative Assembly on the proposal of the Government. He went on to stress the need for raising the level of living of the population by solving the problem of land reform and developing the economy, national education and the training of cadres. In conclusion, he requested the Administering Authority to assist Rwanda in establishing relations with the regional and international organizations and with other nations.

413. The President then announced the composition of his Cabinet, under his direct authority, which is as follows:

Finance and Economic Affairs and Plan:

Mr. Gaspard Cyimana;

Agriculture and Land Settlement:

Mr. Balthazar Bicumupaka;

Public Works:

Mr. Theodore Sindikubwabo;

Interior and Civil Service:

Mr. Lazare Mpakaniye;

National Education:

Mr. Jean-Baptiste Bwasibo;

Social Affairs:

Mr. Thaddée Bagaragaza;

Information and Postal and Telecommunications Service:

Mr. Callixte Habimenshi;

Justice:

Mr. Anastase Makuza;

Public Health:

Mr. Germain Gasingwa;

Foreign Relations:

Mr. Otto Rusinginzandekwe;

National Guard:

Mr. Calliope Mulindahabi.

414. The Assembly passed a vote of confidence in the Government by 37 votes, with 7 abstentions.

415. To mark the occasion of the election of the President of the Republic and the installation of the Government, the President of the Republic and the President of the Legislative Assembly sent a number of telegrams, including one addressed to Mr. Max H. Dorsinville, Chairman of the United Nations Commission for Ruanda-Urundi, as follows:

"On the occasion of appointment President Rwanda Republic and installation independent Government Stop President, Government, Legislative Assembly elected twenty-five September and Supreme Court present their respects to you Stop Thank you sincerely for constructive attitude shown by you and

Commission of which you Chairman during stay Rwanda Stop Request you kindly make known in Assembly true situation Rwanda Stop Highest consideration. Signed: Kayibanda, President, Rwanda Republic; Rugira, President, Legislative Assembly."

B. QUESTION OF RWANDA REFUGEES

416. This delicate question, which is dealt with in paragraphs 171-184 above, is unfortunately, still a matter of moment after the general elections. UNAR, which claims most of the Rwanda refugees as adherents, has signified its interest in their situation, both to the new Government and to the Administration. This party's position, as stated in a note dated 2 November 1961, from its President to the Resident of Rwanda, is that it supports the Administration's move to assemble refugees in missions and reception centres close to their communes of origin as likely to facilitate their gradual resettlement through the contacts they will undoubtedly resume. On the other hand, it is opposed to any over-simple and hasty solution and, in particular, to mass reintegration of refugees until the Parliament and Government, in agreement with the Administering Authority, have taken the requisite measures of every kind entailed by such a delicate operation. The UNAR spokesman stressed that any mass reintegration would merely result in delivering these defenceless refugees into the hands of those who had driven them out.

417. The Administering Authority, for its part, whilst desirous of seeing the new Government and Legislative Assembly, which placed the question on its agenda on 25 October but apparently has not yet considered it, take urgent steps in the matter, has made no secret of its urgent wish to settle this situation which is heart-rending, politically dangerous and costly.

418. According to information received, the number of Rwanda refugees in the Territory at the beginning of November amounted to approximately 40,000 in Rwanda and 32,500 in Burundi, as follows:

Rwanda

Astrida	8,186
Biumba	4,400
Gitarama	600
Kibungu	2,500
Kibuye	2,500
Kigali	13,000
Kisenyi	1,000
Nyanza	7,100
Ruhengeri	None
Shangugu	300

Burundi

Bubanza	3,000
Muhinga	3,000
Ngozi	20,000
Usumbura	6,500

419. Although more recent complete official figures are lacking for the comparison with those given above, it may be assumed that the number of refugees has declined considerably over the past month. For instance, about half the refugees in Kigali are reported to be resettled already in their places of origin.

420. The beginning of November when resettlement began to reach certain proportions was marked by several incidents the most serious of which occurred in Kigali and led to three deaths (one African soldier and two refugees). The action taken by the Administration, however, even before the return of the President of the

Republic and various Ministers from their tour of visits which they insisted on taking in order to persuade the population to give a friendly welcome to returning refugees, undoubtedly bore fruit. For instance, some 8,000 out of 11,000 refugees in the Kibungu district returned home during the month of October, as a result of the personal intervention of the Administrator and the burgomasters. This proved possible because the Administrator, in an attempt to clarify the position, was able to obtain from the burgomasters the names of families that might return to their villages without fear of ill-treatment. In addition, the building of new dwellings to replace the huts that were destroyed had gone on apace.

421. It would seem that, in practice, there are difficulties in the way of resettling three categories of refugees: (1) former chiefs, sub-chiefs and discredited political leaders; (2) refugees owning property that was looted by neighbours following their departure; and (3) refugees involved in disorders where one of their family was killed or is alleged to have killed someone else.

422. In addition to its action on the spot, the Administration is attempting to settle the situation by two other methods. Firstly by financial means; Belgium has estimated its expenditure up to the beginning of the month under this heading alone at 45,367,000 francs, or approximately \$907,340, and is now considering a total expenditure for the year 1961 of 73,850,000 francs, or approximately \$1,477,000; secondly, through external relations with adjacent countries to which Rwanda refugees fled. Thus, a meeting of Uganda and Rwanda representatives, attended by the Resident-General and the British Consul, was held at Kigali on 26 October 1961, to study the question of the Rwanda refugees now in Uganda.

423. It should be noted that the Governments of Uganda and Tanganyika have approached the United Nations High Commissioner for Refugees, through the representative of the Technical Assistance Board, asking him to study the possibility of granting assistance to Rwanda refugees. The High Commissioner has sent out a representative who is to report to him on the situation.

C. GENERAL SITUATION

424. The situation in Burundi has remained quiet, despite the tension caused by the murder of the Prime Minister, to which reference is made above. A certain uneasiness is apparent, however, among the European population, as a result of the arrival of European refugees from Albertville and other parts of the Congo, seeking refuge, temporarily at least, in Usumbura.

425. Since the elections, the gravity of the situation in Rwanda seems to have followed a rising and, subsequently, a descending curve. Attacks by one side or the other gained in intensity after the elections, particularly in the Astrida and Kigali districts, where many huts were burnt down, inhabitants were killed and some UNAR members or Batutsis were forced to flee the country. The military, chiefly the Territorial Guard, took steps to put an end to these disorders which were sufficiently serious to cause the Assembly of archbishops and bishops of Rwanda to launch an appeal on 24 October asking the constituted authorities, the Legislative Assembly and the population to take all legal means to stop all acts of violence and to give energetic support to the resettlement of refugees.

426. Subsequently, the situation appears to have quietened by degrees. Disorders were still occurring at the end of October, particularly in the Nyanza area and near Kibungu, and during the first week of November in Kigali, where three African civilians and a soldier of the Territorial Guard were killed. At the time of drafting this report, the whole country is apparently quiet, except for sporadic excursions across the border by bands of looters.

427. It may be interesting to note that according to the latest official information received from the Territory the military establishment in Ruanda-Urundi has developed since the election as follows:

The strength of the metropolitan forces at the time of the legislative elections stood at 2,190 men. One battalion, about 450 men, returned to Belgium in October, and a second battalion followed in November. Neither of these two units has been replaced. The present strength for the whole Territory is about 1,250 men. The strength of the Rwanda Territorial Guard, namely, 700 men, has remained unchanged since September, the election month. As a result of recent recruitment, the strength in Burundi has gone up from 350 to 600 men.

428. The ratio of troops, Territorial Guard included, to population would therefore be about one to every 2,000 civilians. It remains to state that the Administering Authority intends to reduce the metropolitan forces to 1,100 men in January 1962.

Conclusions

429. In the preceding chapters the Commission has endeavoured to set forth the various aspects of its mission and how it has fulfilled its task. It believes that in itself this account, which is as objective as possible, contains the analytical data which it would be hard to separate from the description of the circumstances and facts.

430. When the General Assembly adopted resolution 1605 (XV), which laid down the new terms of reference of the United Nations Commission for Ruanda-Urundi, it clearly did so in full awareness of the political situation prevailing in the Territory.

431. That situation, which was described in all its complexity in the interim report of the United Nations Commission for Ruanda-Urundi (A/4706), was characterized in Burundi by the tension due to the formation of an interim government based on the results of the communal elections and by the hurried procedure that had been used for the elections to the Interim Council.

432. In Rwanda there was a political situation which the Commission had described as "distinctly disquieting". PARMEHUTU had just consolidated its political supremacy by means of a *coup d'état* which was the culmination of its struggle for power since October 1959, had recently eliminated the opposition parties from the political scene, and was proclaiming the end of the monarchic régime. That *coup d'état*, the circumstances of which were described by the Commission in its interim report, and which constituted overt defiance of the United Nations, had immediately been supported by the Administering Authority, which, for that matter, had not been entirely a stranger to its execution. In general, the Administering Authority showed itself unable to cope with the situation which it attributed mainly to popular reaction against what it called United

Nations interference in the domestic affairs of the Territory.

433. In these circumstances, and despite the new Belgian Government's promptness, subject to certain reservations, in showing its desire and determination to remedy the situation in a manner consonant with resolution 1605 (XV), real and serious obstacles arose which it was difficult, if not impossible, to overcome with the limited time and means to be put at the Commission's disposal. The Commission's work proved to be even more difficult owing to the fact that the institutions created and gradually consolidated for the past two years felt more confident with the approach of independence and in the atmosphere created by an apparent failure of the Administering Authority to maintain full control.

434. The United Nations Commission, conscious of these real and serious difficulties, did its utmost to try to improve the political atmosphere in such a way as would best facilitate the full and regular implementation of the General Assembly's resolutions.

435. So far as both the Administering Authority and the population are concerned, the Commissioners addressed themselves with unremitting energy to their task, which was largely rendered possible by the dedication and tireless industry of the staff which the Secretariat had made available to the Commission and to which the Commission wishes to pay a special tribute. Moreover, this task was most fortunately understood by the Belgian Government, which abandoned the policy of the previous Government and displayed a general willingness to appreciate what was being aimed at and to act in a spirit of comprehension and sincere co-operation which also deserves the Commission's gratitude.

436. Thanks to this co-operation, the results of which are described in greater detail in the body of the present report, the Commission was able to operate up to the full limits of its terms of reference as laid down by the General Assembly, in persuading and helping the Administering Authority to implement the resolutions in question and in organizing the most effective possible system for supervising the popular consultations.

437. As was to be expected, the Commission's activities, limited as they were by its terms of reference and by the nature of its powers, could not radically alter the existing situation. The most that could be hoped for was that the co-operation of the Administration would enable it to lessen the existing obstacles as far as possible.

438. The following paragraphs contain an appraisal of the scope of these activities in the two parts of the Trust Territory.

BURUNDI

439. In Burundi, owing to some resistance by the local authorities to the measures advocated by the Commission and to the somewhat intransigent attitude of what were then known as the "majority" parties, it was not possible to promulgate an electoral law that was entirely satisfactory to the Commission, which accordingly had to express serious reservations regarding provisions of that law which could have distorted the results of the poll.

440. It should be added, however, that the apprehensions expressed by the Commission in its letter of 23 August 1961 turned out to be somewhat theoretical.

441. The Commission had feared that the electoral law finally promulgated on 17 August 1961 might re-introduce through the back door a system of indirect suffrage and also leave the way open for the electoral fraud that must always be reckoned with. As indicated above, these shortcomings in the law did not have the over-all effect of distorting the expressed will of the people. In fact, it might even be said that, despite the then "majority" parties' violent opposition to the simpler voting system proposed by the Commission, those very parties were the ones that were handicapped by the system that they had so fiercely defended.

442. Except for a few incidents, the atmosphere in which the preparations and the election campaign were carried out was calm on the whole, and all the political parties were able to organize their election campaigns under conditions of law and order and with an equally fair chance for each.

443. On 18 September, the day on which UPRONA gained its overwhelming victory, there were no serious incidents. The population was able to express its opinion freely and calmly. The discipline and enthusiasm shown on that historic day by the electorate of Burundi were in themselves a tribute to the goodwill of all the men and women who contributed to make those elections a resounding success.

RWANDA

444. In Rwanda, where political and social conditions were more difficult from the outset, the situation, as can be seen from what has already been stated above, was at all times so complex that an objective and more detailed examination of its various aspects appears essential to any honest and conscientious appraisal of the results obtained.

445. What now concerns the General Assembly is to find the reply to two main questions in which it seems to have been especially interested when it was considering the problem of these consultations, and which seems to be, in a sense, the guiding principle behind resolutions 1579 (XV), 1580 (XV) and 1605 (XV).

446. These questions are:

(1) During the pre-electoral period, was the "atmosphere of peace and harmony" referred to in resolution 1579 (XV) achieved, and were the requisite conditions created enabling political workers and leaders to resume what resolution 1579 (XV) refers to as "normal, democratic political activity"?

(2) Was the organization of the actual voting operations conducted in such a way as, firstly, to enable every voter to deposit the ballot of his choice in the ballot-box under conditions of absolute secrecy, and secondly, to enable the total of these votes to be determined with every necessary safeguard?

447. Before attempting to give an answer to the first question, it would perhaps be appropriate to say at once that it would have been naively optimistic to imagine that, given the narrow scope of the whole operation and the very limited time and particularly slender means contemplated in the General Assembly's resolutions, the situation in the Territory could be transformed to the point of bringing it into absolute conformity with the wishes expressed in those resolutions. The political development of the Territory since the events of October 1959 had degenerated to such an

extent that even the Belgian Government, with every good intention, could not have brought it entirely back to normal and into line with the wishes of the General Assembly.

448. This report has clearly shown that in Rwanda, except for the question of the Mwami which is the subject of resolution 1580 (XV), the Belgian Government has, on the whole, been willing to co-operate to the full in adopting the legal provisions necessary for achieving to a greater or lesser degree, the preliminary conditions envisaged by the General Assembly resolution and designed to create a satisfactory pre-electoral atmosphere. As a result of these provisions, the activities of the government set up in consequence of the Gitarama *coup d'état* have been suspended, a general amnesty has been proclaimed, women have been given the franchise, all legal obstacles to the return of the refugees have been removed, and special measures taken to give them the vote, a greater measure of freedom of assembly, expression and movement has been given to the opposition parties, certain sanctions have been imposed on burgomasters disinclined to abandon their partisan attitude, and so on.

449. The Commission considers, however, that in spite of these and the many other legal and administrative measures taken by the Administration, in close daily consultation with the Commission itself, and in spite of the sincere desire of the Belgian Government to remedy the situation described in the interim report (A/4706), serious obstacles have continued to arise up to the very eve of the consultations and to impede the task to be accomplished. It may be reasonably assumed that neither the large volume of legislation introduced during this period, nor the administrative dispositions taken by the Administering Authority, nor the constant vigilance and moral pressure exerted by the United Nations Commission on the Administration as well as on the people and the political parties, were finally able to establish all the conditions which the General Assembly wanted to be realized before the elections.

450. While refraining from attributing too much importance to the effects of this unfavourable pre-electoral atmosphere on the ultimate result of the voting, the Commission cannot help noting that this atmosphere was still further aggravated by a series of grave incidents that sporadically disturbed the peace in certain regions of the State during the two months of August and September, and by systematic attempts at intimidation and violence on the part of certain irresponsible bands. On the whole, this atmosphere of tension and insecurity was of a nature to prejudice rather substantially the action of the monarchist parties, whose rights to the exercise of civil liberties (more specifically those relating to freedom of assembly, expression and movement), while recognized and protected by law, could not be safeguarded to the same extent as for the parties that had traditionally enjoyed the support of the Administration.

451. Under these conditions, and taking into account all the factors mentioned above, it is difficult for the Commission to reply affirmatively to the first question.

452. That is not, however, the case with regard to the second question relating to the physical organization and the conduct of the voting operations themselves.

453. On this plane, where the action of the Commission, like that of the Administration, was less hindered by the contingencies of such a highly compli-

cated political situation, a careful examination of the present report will show that concrete and satisfactory results have been achieved. It has been shown above that in so far as the physical organization of the elections and the voting operations themselves are concerned, the unquestionable co-operation of the Administering Authority and the regular and fruitful contacts between the officials of the Administration and those of the Commission made it possible, in spite of the very short time available, to place this operation within a legal framework which, on the whole, was able to afford the necessary safeguards for the voters.

454. The law thus provided for the participation, on equal terms, of all sectors of public opinion and of all the political parties in the various phases of the operation from the registration of the voters to the counting of the ballots; it eliminated all possibility of fraud through multiple voting or other means; it guaranteed the secrecy of the ballot in spite of the difficulties due to wide-spread illiteracy; it enabled universal suffrage to be introduced for all adults over eighteen years of age, including women, who for the first time went to the polls in an orderly and dignified manner worthy of the highest praise; it went to the utmost possible limit to guarantee the legal right of refugees, uprooted from their homes, to vote; it provided a whole system of mutual control by the parties over the voting operations; and, finally, it introduced practical measures for combating attempts at intimidation to the extent of the laws and regulations in force.

455. As to the construction and arrangement of the polling stations, the Commission is likewise able on the whole to state its satisfaction. It was able to follow closely all the work that was done in this connexion, and it is grateful for the co-operation of the Administration and for the extent of the Administration's receptiveness to the very numerous suggestions that were continuously made by the Commission.

456. These efforts made it possible, *inter alia*, to build well-equipped polling stations and voting booths which, on the whole, were well protected, and to carry out other technical details that ensured the secrecy of the ballot and protected the polls from any attempt at intimidation.

457. The day of 25 September, in spite of the serious misgivings that it had inspired throughout the pre-electoral period, thus passed, on the whole, in an atmosphere of order and calm which are to the honour of the people of Rwanda.

458. It is true that in a fairly large number of polling stations, more especially in the regions entirely dominated by the PARMEHUTU, the arrangements to ensure the mutual control of the parties could not be realized, owing to the absence of the polling officers or representatives of the opposition parties. Those parties asserted that the degree of intimidation and violence in those districts was such that their representatives could not afford to risk their lives and property. The parties in power, on the other hand, claimed that the reason for this situation was simply that the opposition parties lacked adherents in those regions. The truth is, of course, more complex than that, and this explanation would not in any case hold for certain communes where the active members of the opposition suffered from arson and violence.

459. It is none the less true that in certain voting places, shortcomings were observed in the organization

of the voting operations, both in relation to the voting booths and to the impartiality of the voting officials, for the greater part indigenous personnel, who had been charged with making the necessary arrangements.

460. Notwithstanding all these reservations, and disregarding the conditions and atmosphere which prevailed up to the actual date of 25 September, the Commission considers that the physical organization of the popular consultations and the voting operations proper were, on the whole, calculated to enable the mass of voters representing 95 per cent of the electorate to vote according to their rights.

461. This finding is significant in so far as the Commission can affirm, firstly, that these popular consultations were not falsified, and secondly that, all things considered, and without going into the conditions in which the people's final choice was evolved and decided, the people as a whole were given the opportunity on 25 September to register their views as they wished, with adequate material and legal safeguards.

462. Thus, the Commission cannot give an affirmative answer to the first of the two basic questions raised by the implementation of the General Assembly resolutions with respect to Rwanda, but can give such an answer to the second question.

463. The reason why the Commission is unhappily unable to set forth a clear-cut conclusion on the operations as a whole, covering the various points which occupied its attention as a body, is that it is itself divided between two equally defensible points of view, one stressing the fact that the day of 25 September was a success in that the people were given the opportunity to go to the polls and register their wishes, and the other attaching more importance to the conditions prevailing prior to that date.

464. The first point of view is based on the principle that the very notion of electoral democracy should be regarded as proof in itself of the people's maturity, and that, constituting in some sort the very foundation of the people's right to independence, it presupposes a degree of consciousness in the voter such as can and must raise him to the level of events. Therefore, when that voter is provided with the legal safeguards and the material and physical means he requires in order to express his wishes in the secrecy of the polling-booth, it is ultimately up to him to register his convictions.

465. The second point of view stems from an analysis of freedom in its organic and more complex relation to the facts of life in the world in which that freedom has to develop. From this angle, and particularly in view of the general conditions characteristic of societies profoundly marked by domination, it is held that the fact alone of providing for the physical exercise of the right to vote loses its real significance when the voter's will and freedom of choice have been alienated by external and intrinsically corrupt forces.

466. For these reasons, with regard to Rwanda in particular, the Commission has thought it best to leave the complete and objective record of the case in the Assembly's hands and to rely on the Assembly, in full knowledge of the facts, to make the final judgement which is its prerogative.

467. The personal view of Mr. Dorsinville, Chairman of the Commission, is that a positive attitude to the elections would undoubtedly bring Burundi and Rwanda an element of stability that would be of direct benefit to the people of the two States.

468. His feeling is that, as a result of the legal safeguards afforded the political parties and the information campaign which was carried on, and as a result of the considerable interest which the population of both States consistently took in these popular consultations as a consequence, they were in a position to vote according to their lights.

469. It is true that the atmosphere prevailing before the elections was not exactly what the United Nations General Assembly had in mind when it appealed to all parties and political leaders of Ruanda-Urundi to exert their efforts to achieve an atmosphere of understanding, peace and harmony on the eve of independence and

reminded the Administering Authority of its obligation to create the necessary conditions and atmosphere for the proper conduct of the national elections.

470. However, he considers that it would be in the higher interest of the peoples of Burundi and of Rwanda for the fact of these elections to be accepted, so that those peoples may be given the status of legitimacy necessary to their accession to independence.

(Signed) Max H. DORSINVILLE

Chairman

Ernest GASSOU

Majid RAHNEMA

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Annexes

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ANNEX I

Text of the General Assembly resolutions

RESOLUTIONS 1579 (XV). QUESTION OF THE FUTURE OF RUANDA-URUNDI

[For the text of this resolution, see *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16.*]

RESOLUTION 1580 (XV). QUESTION OF THE MWAMI

[For the text of this resolution, see *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16.*]

RESOLUTION 1605 (XV). QUESTION OF THE FUTURE OF RUANDA-URUNDI

[For the text of this resolution, see *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16A.*]

ANNEX II

List of the staff and observers of the Commission showing the duties to which they were finally assigned

USUMBURA

Chairman of the Commission: Mr. Max H. Dorsinville;

Principal Secretary: Mr. Miguel A. Marín;

Political Adviser: Mr. Myles F. Minchin;

Legal Adviser: Mr. Maxime Tardu;

Administrative Officer: Mr. Jan G. Schumacher;

Field Service Officers: Mr. Aart van Egmond, Mr. Saleh Hamadeh (radio),^a Mr. Roger Humberst, Mr. Patrick Keane, Mr. Rogelio Santos (radio),^b Mr. Nello Tordini (finances);

Secretaries: Miss Wanda Betton,^c Miss Françoise de Billy;

Observer for the Usumbura District: Mr. Hubert Noël.

RWANDA: KIGALI

Commissioner: Mr. Majid Rahnema;

Office of the Commissioner: Mr. Claude Benjamin;

Field Service: Mr. Virgilio Chavez;

Secretary: Miss Simone Gervais;

Observers for the Districts of:

Astrida, Mr. George R. Kinnell;

Biumba, Mr. Ghelij Chernov;

Gitarama, Mr. Abolghassen Hatami;

Kibungu, Mr. Eric Brant;

Kibuye, Mr. Luis F. Martin;

Kigali, Mr. Paulo L. Correa;

Kisenyi, Mr. Felipe A. Pradas;

Nyanza, Mr. Saleh Habal;

Ruhengeri, Mr. Horacio M. Ureta;

Shangugu, Mr. Paul de Rodzianko.

BURUNDI: KITEGA

Commissioner: Mr. Ernest Gassou;

Office of the Commissioner: Mr. Antonin J. Obrdlik;

Field Service: Mr. Robert Aalders;

Secretary: Miss Marianne Teyssier;

Observers for the Districts of:

Bubanza, Mr. Herbert M. Sanborn;

Bururi, Mr. Jean P. Hesse;

Kitega, Mr. Karel Naprstek;

Muhinga, Mr. Kai Hylfelt;

Muramvya, Mr. David Ho;

Ngozi, Mr. Bedrich Syrový;

Rutana, Mr. Shifferaw Zelleke;

Ruyiga, Mr. Eugène Adoboli.

^a See note ^b below.

^b Replaced by Mr. Saleh Hamadeh on 19 August 1961.

^c Left the Mission on 5 September 1961.

ANNEX III

Addresses broadcast on 8 June 1961 over Radio Usumbura by Mr. Jean-Paul Harroy, Resident-General of Ruanda-Urundi, and Mr. Max H. Dorsinville, Chairman of the Commission

ADDRESS BY THE RESIDENT-GENERAL

People of Ruanda-Urundi,

After a comparatively long absence I am happy to be in touch with you again over the radio.

The length of my stay in Brussels was due to the magnitude of the three-fold problem which the new Belgian Government has just found itself faced with: the action to be taken in response to resolution 1605 (XV) adopted by the United Nations General Assembly on 21 April of this year; the problems which the accession of Ruanda-Urundi to independence will present for Belgium; and the consequences which the abolition of the Ministry of African Affairs entails for the administration of our Territory.

The last of these three questions has now been solved in principle. Mr. Spaak, the Minister for Foreign Affairs, has just been officially appointed to the additional office of Minister for Ruanda-Urundi. All the responsibilities which Belgium will exercise on behalf of its Trust Territory until the latter attains independence are thus once again concentrated in the hands of one single Minister. And although there are certain administrative changes still to be carried out and some difficulties yet to be overcome, the present organization will have the advantage over the past of a much greater simplicity, which is obviously important now that independence is at hand.

The determination of the general attitude Belgium will adopt towards Ruanda-Urundi when it accedes to independence and during the years to follow is naturally in the first instance a Government matter. The question has just been clearly stated in Brussels in its broad outlines. We may expect to see a first formulation of the official position in the not too distant future, whereupon the necessary negotiations can be started, on the basis of these Belgian intentions, with the local autonomous authorities, in liaison with the United Nations and certain of its specialized agencies.

Lastly, having learnt from qualified representatives how the present Governments of Rwanda and Burundi feel on this subject, Mr. Spaak has informed the members of the United Nations Commission for Ruanda-Urundi in Brussels of Belgium's firm intention to comply with the various provisions of General Assembly resolution 1605 (XV), to the fullest extent to which such implementation is practicable.

During the past week we have had important talks in the Rue de la Loi with the members of the United Nations Commission about the main problems presented by the provisions of resolution 1605 (XV) and the Belgian Government's intention of endeavouring to carry them out. These talks showed a willingness on both sides to co-operate, as also the very important and encouraging idea that the Commission is willing to lend its good offices in the conduct of certain delicate negotiations which lie ahead.

This assistance, which Belgium is glad to accept, will be all the more valuable in that certain difficult operations envisaged in resolution 1605 (XV) will require the co-operation of the people and of their leaders.

The plane which brought me back amongst you on Thursday morning also brought to Usumbura His Excellency Mr. Dorsinville, Chairman of the Commission, and one of his two colleagues, Mr. Ernest Gassou; the second, Mr. Majid Rahnema, is not due to arrive in Ruanda-Urundi until the beginning of next week.

This joint return is a sign that the moment has now arrived for us to set to work on our last great common task.

I invite you all to join with us to ensure its final success.

The chief spokesmen will be the Barundi and Banyarwanda leaders, the members of Governments or leaders of political parties; these are the men who most of all must strive to display understanding, good will and realism throughout the days of hard work which lie between us and the general elections scheduled for next August.

In these negotiations and arrangements, whose ultimate goal is harmonious accession to independence with the full assent of the United Nations, it is natural that the first initiative should be left to the local *élites*, the Administering Authority confining itself to its basic role, which is to stimulate, advise, conciliate, on rare occasions to prevent, and sometimes to serve as a substitute. In some of this work of mediation, it will have, I repeat, the help of the good offices of the United Nations Commission. But its most important and most delicate function, the one to which it will devote all the requisite material means and all the necessary vigour, will be the strict maintenance of law and order. It is in the interests of all of you who are listening that order should be protected to the utmost, everywhere and in all circumstances. You may rest assured that the representatives of the Administering Authority will keep a careful watch on this.

I also appeal to the officials, from whom such great efforts have already been asked for over a year. The special tasks that the implementation of the provisions of resolution 1605 (XV) will entail will fall mainly in the interior of the country. These executive officers will shortly be informed, through their various Residents, of the details of what more is expected of them. I thank them of behalf of Belgium.

I also urge the representatives of the business world to have confidence in the future. Their legitimate anxiety may, I hope, be dispelled as a result of the efforts which will be multiplied at the political level to lead Ruanda-Urundi, without undue internal or external shocks, towards an independence for which as much preparation as possible has been made. For the rest, no effort will be spared to keep those actively concerned in the Territory's economy promptly and honestly informed of the arrangements which will be contemplated by the indigenous leaders and the Belgian Government, as also by the United Nations, or indeed by other international or foreign organs, for the creation, immediately upon independence, of conditions necessary for the strict maintenance of law and order, for sound local administration, for a general upsurge of the economy and for a structurally sound balance in the public finances of the newly independent Rwanda and Burundi.

People of Ruanda-Urundi,

The United Nations Commission sends you its most cordial greetings.

I now have the pleasure of introducing His Excellency the Ambassador Max Dorsinville, Chairman of the United Nations Commission for Ruanda-Urundi, who arrived with me this morning from Brussels.

First of all I should like on behalf of you all to extend a warm welcome to him, his two colleagues and all his advisers on their arrival in Ruanda-Urundi. A moment ago I told you of the assistance which the Commission has kindly promised us, the good offices which it has agreed to lend us if necessary. At this time, when the future of the Territory is really at stake, may I also express to him all our good wishes for complete success.

ADDRESS BY THE CHAIRMAN OF THE COMMISSION

People of Ruanda-Urundi,

The Commission has just been having important talks at Brussels with the Belgian Government, represented by Mr. Spaak, Minister for Foreign Affairs and Minister for Ruanda-Urundi, and Mr. Fayat, Deputy Minister. These talks bode well for the implementation of the resolutions of the United Nations General Assembly.

This is an opportunity for the Commission to address an urgent appeal to everybody, no matter what ethnic group they belong to or what their social status, whatever their work or profession, whether they work in private business or for the Government, to all the political leaders, whatever their party or their present position, whether or not they are members of the Governments of Burundi and Rwanda, to unite their efforts so that we may come to the forthcoming popular consultations, which are of such vital importance, in peace and good order.

The Commission is appealing not only to the good will of all, but to the willingness of each one, conscious of his civic responsibilities, to make the effort a joint one, and above all to

you, the people of Ruanda-Urundi, who are called upon to bear the whole and exclusive responsibility for your destiny.

The Commission is certain that the Administering Authority will be careful to help you to take the last steps in complete understanding of the problems of the moment, for which practical solutions must be found.

Finally, I am glad to state that the United Nations Commission, which of course can never play a "partisan" role, will be accessible to all and will lend its good offices where necessary in the interests, of course, of the success of a mission to which we are all called upon to make our contribution.

On behalf of the United Nations Commission I wish to thank Mr. Jean-Paul Harroy, the Resident-General, for the opportunity which he has given me this evening of sending you this message of friendship and hope.

ANNEX IV

Addresses broadcast on 4 August 1961 over Radio Usumbura by Mr. Jean-Paul Harroy, Resident-General of Ruanda-Urundi, and Mr. Max H. Dorsinville, Chairman of the Commission

ADDRESS BY THE RESIDENT-GENERAL

People of Ruanda-Urundi,

The United Nations Commission for Ruanda-Urundi has now been with us for more than a month and a half, and it seems to me that the time has come to submit to you, in full agreement with the Commission, the results of those first weeks of co-operation.

The Belgian Government felt that, in order to enable Rwanda and Burundi to have political institutions recognized by the United Nations, the provisions of General Assembly resolution 1605 (XV) had to be carried into effect.

This process of implementation entailed two categories of preliminary arrangements.

The Administering Authority had to comply with certain demands laid down by the resolution in the matter of an amnesty and police powers. Furthermore, broad-based governments were to be constituted in the two States, in which agreements between the parties were needed—especially in Rwanda—to create an atmosphere of political calm suitable for the holding of the important popular consultations contemplated by the United Nations resolution for August 1961.

The Belgian Government, for its part, has faithfully carried out the requirements of paragraph 9 and 14 of resolution 1605 (XV) with regard to the amnesty and the policy powers.

The amnesty was arranged pursuant to a Legislative Ordinance of 31 May last, which established a Commission of three Belgian judges to determine the political nature of the offences for which an amnesty might be granted. That Commission, which worked in Ruanda-Urundi from 7 June to 12 July, examined several thousand cases and finally submitted to the United Nations Special Commission established under resolution 1605 (XV), which arrived in Ruanda-Urundi on 13 June, a total of 130 cases which, under the provisions of the Legislative Ordinance of 31 May, were deemed to constitute the "very grave crimes" referred to in operative paragraph 9 (b) of the United Nations resolution.

Of those 130 cases, about thirty were judged by the United Nations Special Commission not to deserve a special supplementary measure of leniency. On the other hand, it requested an extension of the amnesty for 101 of them, and this request was granted with only four exceptions.

Belgium has thus carried out the United Nations requests with regard to the amnesty. It hopes that those who benefited from those measures, and have thus been enabled, as stated in resolution 1579 (XV), "to resume normal, democratic political activity before the elections", will avoid behaving in such a way that their release might disturb public order.

Further, in compliance with the provisions of operative paragraph 14 of resolution 1605 (XV), the Administering Authority has rescinded the Legislative Order of 25 October 1960 concerning the trusteeship police powers or, more correctly, the Legislative Order of 4 March 1961 which replaced it.

By thus deliberately repealing a series of provisions previously regarded as essential to ensure the maintenance of public order and to guarantee normal standards of political life in the two States, the Trusteeship Authority took a risk.

But it knows that the political parties and the inhabitants of the two States in general will show their maturity and will consider themselves bound by this repeal of the Legislative Order of 4 March, and hence under an obligation to make every effort to ensure the conditions and atmosphere necessary for the forthcoming popular consultations to take place in an atmosphere of peace and harmony.

The Administering Authority, as well as the United Nations Commission, solemnly appeals in this connexion to all the Banyarwanda and Burundi that the coming electoral campaign be conducted without any violent incidents.

In agreement with the political parties, it is endeavouring to ensure acceptance and respect for a code of electoral conduct, the willing implementation of which by all concerned would be the best guarantee of calm and also of the validity of the imminent consultations.

A calm atmosphere for the conduct of the elections and of the referendum is sincerely desired by the Belgian authorities, by the United Nations Commission and by all men and women of good will in this country. But Belgium, which is alone responsible for the administration of Ruanda-Urundi, has, by virtue of the text of the ordinary laws of the Territory, all the powers necessary to ensure the proper conduct of the forthcoming popular consultations and intends to see that the law is respected by all, whoever they might be: private individuals, local authorities or political parties. It will use those powers where necessary with firmness in the interests of all. And a detachment of forces for maintaining order is stationed throughout the Territory, ready to face any eventuality.

The second series of preliminary arrangements which had to be made before the electoral campaign could begin was the creation in the two States of broad-based caretaker governments, to replace the Governments previously in power and responsible for attending to current affairs of administration pending the general elections.

The Administering Authority and the United Nations Commission agreed at an early stage that the most favourable solution would undoubtedly have been the formation of such ministerial teams, augmented in conformity with agreements spontaneously reached between the political parties after deliberating among themselves without outside interference.

Two weeks of the month of June were devoted to such deliberations, but with no more result in Burundi than in Rwanda.

In view of that failure, the local Trusteeship authorities offered their good offices. They were soon followed in that direction by the United Nations Commissioners. Thus Mr. Gassou and Mr. Rahmema took up their posts at Kitega and Kigali, respectively, where they attended a number of meetings and approached representatives of the parties with a view to recommending a spirit of concession or proposing formulas for an agreement. I take this opportunity to thank the three members of the Commission sincerely for the most valuable assistance they continuously gave to the Trusteeship authorities during the negotiations, which were often long and difficult.

At Kitega the negotiations ended, towards 7 July, with the agreement of which you are aware: the formation of a Government of eight ministers and eight secretaries of state, two of each from the four parties or party groups in Burundi.

At Kigali, on the other hand, the negotiations for an enlargement of the present Government did not succeed, and the Administering Authority had to resume temporarily the exercise of the powers which had been delegated.

Those, my dear listeners, were the first results of the seven weeks of joint efforts, devoted, I repeat, to creating the proper conditions demanded by resolution 1605 (XV) for the preparation, on the one hand, of the legislative elections in the two States and, on the other hand, of a referendum in Rwanda on the institution of the Mwami and on the person of Kigeli V.

The way is now open for those decisive consultations.

It goes without saying that the material preparation for the consultations did not wait for the completion of all the preliminary arrangements which I have mentioned.

As you know, two important innovations were prescribed by the United Nations with regard to the voting methods so far used in Ruanda-Urundi: the women's vote and the use of a system of balloting which will ensure complete secrecy. The new system will involve, in Rwanda, the use of coloured voting papers and in Burundi the use of symbols.

Preparations have been under way for several weeks, a considerable amount of material has been ordered, additional administrative personnel is arriving in the Territory, and the registration of voters, and particularly of nearly a million new women voters, has begun. The date of the elections in Burundi has been fixed for Monday, 18 September. The date of the elections and referendum, which will both take place on one day, in Rwanda will be Monday, 25 September.

The electoral campaign is declared open today; it is being supervised by the nineteen observers entrusted by the United Nations with the task of following the progress of events in the Territory, supervising the preparatory measures for the popular consultations and then supervising the conduct of the elections and the referendum.

I again appeal to everyone to ensure that this electoral campaign is conducted without disturbance, so that the elections and the referendum may lead in tranquillity to the establishment of those democratic institutions which the General Assembly envisages as the basis for the national independence of Ruanda-Urundi in accordance with the Principles and Purposes of the Charter of the United Nations.

ADDRESS BY THE CHAIRMAN OF THE COMMISSION

People of Ruanda-Urundi,

You will no doubt remember that, on 8 June last, on the evening of my arrival in this beautiful town of Usumbura, I made an appeal asking you to unite your efforts so as to approach the forthcoming popular consultations in order and peace. If I may be permitted to quote myself, I said this:

"The Commission appeals not only to the good will of all but also to the determination of each individual, in the discharge of his civic responsibilities, for a joint effort; this is indeed a primary necessity, peoples of Ruanda-Urundi who are called upon to bear the entire and exclusive responsibility for your destiny."

Since then we have sought, in co-operation with you, the best ways of implementing the General Assembly recommendations. I am delighted to be able to tell you that after more than a month and a half of patient labour, positive results have been obtained. The important steps taken by the Trusteeship Administration which the Resident-General, Mr. Harroy, has just described to you, give every indication that the referendum on the question of the Mwami and the legislative elections which are to take place in Rwanda, as well as the legislative elections to be held in Burundi, will go through in the peaceful conditions and constructive atmosphere which are indispensable to the proper conduct of those operations, which the United Nations Commission is responsible for supervising. I draw your attention to the word "supervise"; for—I insist on this point—it is not the Commission's task to organize popular consultations, the arrangement of which remains the exclusive responsibility of the Trusteeship Administration, acting in close consultation with the Commission.

As you know, the General Assembly of the United Nations did not restrict itself to sending a Commission to Usumbura. It recommended that the Commission should be accompanied by observers who would be in a sense its eyes and its ears, showing by their presence among you how much importance it attached to the coming consultations. Furthermore, in a desire to ensure for all the inhabitants of Rwanda and Burundi the opportunity of expressing their choice freely, the General Assembly has recommended that both the referendum and the legislative elections should be held under the system of direct, universal adult suffrage. This means that, for the first time in the Territory, women will vote as well as men.

I know that you, inhabitants of Rwanda and Burundi, will justify this confidence in your political maturity. I know that you will not underestimate the importance of a popular consultation in which all those of an age to choose, will be able to choose freely. At a time when your country is advancing rapidly towards a major turning-point of its history, at a time when this country is to make a vital choice through the free expression of its people, to deny the African woman the right of expressing her view would have been unworthy of the respect we have for her.

I spoke to you just now of the observers attached to the Commission who have taken up their respective posts in Rwanda and Burundi. Many of you have seen them and spoken to them and even, where necessary, told them of your problems. As you know, they are the local representatives of the Commission; they come without preconceptions and (do I need to remind you of this?) have no other interest in the result of the coming consultations than that of taking part in this exciting experience facing a country which has arrived harmoniously at the threshold of maturity.

These observers are your best friends, and you will give them your confidence; whether you are civil servants harassed by your delicate task, political leaders aware of your heavy responsibilities, or any other group of inhabitants of Rwanda or Burundi, they will help you to overcome your understandable hesitation in the face of the new road that lies ahead.

The terms of reference of these observers are precise, their role is clear and specific. It is not within their competence to take over any of the functions of the Administration; on the other hand, it certainly is their task to follow developments in their area. They are anxious to assist both the local authorities and the population of the area to ensure the implementation of the General Assembly resolutions. They will supervise all the preparatory measures for the popular consultations as well as the actual electoral operations and the referendum. The presence of these observers as impartial spectators is a guarantee of the protection of the right of each one of you to express his views in complete freedom. You will not, however, forget that, owing to the very fact of their impartiality, they will in no way espouse the quarrels of any party; and I know that the Commission is justified in believing that the good sense of the political leaders will not permit them to place those observers in embarrassing situations which would only complicate their task. And, since I am addressing the political leaders, I would add this:

It is of course understandable that in a pre-electoral period the strong feelings aroused by any competition may become intensified. But is it too much to ask politically responsible people to neutralize this latent danger of disturbance by recommending their adherents to observe calmness of language, moderation in gestures and control over actions? There is no doubt that, in the present circumstances, it is in your country's interest not to be rent by personal quarrels or clan rivalries, but to open the way for a clear expression of the popular will through the normal exercise of civil liberties and the free demonstration of individual choice. You, the political leaders, will give proof of your maturity and your understanding of the public welfare, by working above all for peace, knowing that you will thus be working for the greater good of your dear country.

In the final analysis, people of Ruanda-Urundi, I speak to you all. For it is in your hands that your destiny lies. It is you yourselves who will choose the governments who are to guide your steps.

In dignity, with calm and scrupulous respect for the opinions of each individual, you will carry out the basic function of exercising the right to appoint those who are to care for the supreme interests of the country. I know that I am not appealing in vain today to the legendary African wisdom. On behalf of the United Nations, I congratulate you in advance and thank you for it.

ANNEX V

Address by the Commissioner at Kigali broadcast on 28 August 1961

Men and women of Rwanda,

The United Nations is here to ensure in co-operation with Belgium, that you prepare for independence in the best possible circumstances.

The referendum and legislative elections to be held on 25 September constitute the most important step you have to take in this preparation for independence. These consultations are the foundation on which you will be invited to build your future and your institutions, in full freedom and with due regard for your people's deep aspirations.

In order that this independence may be real and effective, may enjoy the respect and support of the international community and may serve to cement the building of a national State harmoniously incorporating all its ethnic components, these elections must take place in order and in peace, enable every citizen, without exception, to enjoy all the safeguards provided, and particularly those envisaged in the recommendations of the United Nations General Assembly.

On the fourth of this month the Administering Authority outlined for you the series of constructive steps it has taken to that end during the past few months. These steps, together with the Legislative Orders of 8 August relating to the referendum and the elections, today constitute the framework within which the electoral campaign will be waged.

In the supervisory operations the United Nations has carried out in the past, it has been animated above all by its concern to ensure: (1) the propitious atmosphere necessary to the normal democratic activities of the whole population during the pre-election period; (2) the objectiveness and impartiality of all electoral operations, and in particular the participation of all sections of opinion in the preparatory work and in supervision of the actual voting operations; and (3) the absolute secrecy of the vote.

The Legislative Orders promulgated on 8 August are designed, *inter alia*, to ensure at the legal level both the secrecy of the vote and the participation of all parties, without exception, in the various phases of these operations.

The absolute secrecy of the vote is thus ensured and protected by law. And the population may also exercise its legal power of supervision over all the electoral operations, from registration to the emptying of the ballot boxes.

Those two guarantees alone should provide great encouragement to all those who would like to brave the verdict of the people in a democratic fashion and in conditions of peace and quiet. Likewise, they should provide food for reflection for all those who might be tempted to distort the meaning of these elections by resorting to anti-democratic methods of intimidation and incitement to disturbance and disorder.

Need I point out that, with the secrecy of the vote ensured, only those who manage to gain the good will and the trust of the electors will be successful. In such circumstances, intimidation and violence produce effects which are quite contrary to what their instigators intended, so much so that they sometimes even serve the interest of their intended victims. For the secrecy of the polling-booth is such as to give the voters the necessary time, and the unique and long-awaited opportunity, to reply at last, by the force of their votes, to the illusory and short-lived power of those who by their irresponsible behaviour would have shown themselves to be unworthy of the people's trust. The secrecy of the vote thus ensures the triumph of maturity and reason over the desperate attempts of blackmail and violence.

You must, therefore, keep calm and serene in the face of any possible trouble makers, or any irresponsible elements from one side or the other that may try to stir up disorder and panic. Experience has shown that, with the secrecy of the vote ensured, the miracle of democracy has been repeated everywhere, despite vain attempts to prevent it. When the secrecy of the vote is ensured, it is only conscience and the heart that speak; and you may be sure that it is this plain and unequivocal language which, in the confines of the polling-booth

and free from all external pressure, will finally bring about the triumph of true and worthy representatives of your people, to whatever ethnic group they may belong.

You who believe in the force of democracy must therefore prepare the heart and conscience of the people for the historic day of 25 September. You must make your voters understand the full importance of the ballot-paper they will be required to deposit in the box on that day. This ballot-paper, tell them, represents in itself alone a much more powerful force than the machetes, the knives, the cudgels and the fire that today might frighten or discourage some of them. It is this ballot paper that will decide their lives, their freedom and their future. This paper is their conscience: point out to them that it is by far the greatest force that has ever been placed in their hands throughout their history. It is for you who believe in the force of democracy to make your voters understand these elementary truths. You, the political leaders, must explain to them your position and your programme in order and in peace, and I can assure you that those of you who win their conscience and their heart, those of you who in the next few days demonstrate to them your political maturity and your sense of tolerance and responsibility, will by that very fact have paved the way for victory.

With those considerations in mind, I venture, four weeks before the elections, to address to you this urgent appeal on behalf of the United Nations. You have started along the road to independence, a glorious road as full of promise as of dangers. The whole world is watching you and, through the United Nations, is seeking to help you through these most difficult first stages. Bear well in mind, however, that this sacred right to freedom, which you are rightly seeking to exercise, imposes greater responsibilities and new obligations upon you. The right to freedom imposes on you, amongst other duties, that of tolerance, of respect for the law and for the opinion of others, of good relations with your neighbours and of maintaining peace. It therefore behooves you, in the weeks ahead, to show the world the full maturity, wisdom, good sense and sense of responsibility that characterize your people and that must constitute the very conditions for your independence.

I am convinced that the overwhelming majority of the peaceful and hard working people of Rwanda have condemned and deplored the recent acts of violence that in some places have disturbed the peace of your splendid hills and brought tragedy to many innocent homes. Whilst hoping from the bottom of my heart that these incidents will soon be nothing but a sad memory of the past, I should like on behalf of the United Nations Commission to express my deepest sympathy with the unfortunate victims of the incidents. At the same time, I venture on this occasion to recall the great precept of our Charter, whereby WE THE PEOPLES OF THE UNITED NATIONS solemnly call upon you "to practice tolerance and live together in peace with one another as good neighbours". It is in this lofty spirit that all men of good will must make a most serious effort, not only to succour the victims of these incidents, and more especially to bring about the speedy resettlement of all refugees in their native hills, but also to use all peaceful means in order to ensure in advance the failure of any further attempts at disorder and violence.

There is no need for me to remind you, who understand the true significance of the day of 25 September, that disturbances of this kind benefit no one, and that, now that you have the great opportunity offered by free elections, the virtues of patience and tolerance will soon triumph over the short-lived force of a few trouble-makers. This principle may sometimes, I know, try your patience and impose hard sacrifices on some of you. But believe me, you will very soon be the first to gather its marvellous fruits, as many other peoples have done before you throughout the great history of the world.

The United Nations is here to ensure, in co-operation with the Trusteeship Authority, the smooth conduct of the elections, and to see that they may take place free of any pressure and with absolute voting secrecy. It is your duty, men and women of Rwanda, to make these elections a complete and undeniable success, a proof of your right to independence and a striking victory for all the democratic and national forces that are seeking to build your future free and independent State in

order and in peace, a State in which all ethnic groups and all beliefs will live together in brotherly unity.

The historic day of 25 September is still four weeks ahead of you. These weeks will determine your freedom, your happiness and the future of your brothers, sisters and children. During these weeks you must be animated more than ever by the spirit of our Charter which, I repeat once again, calls upon you "to practice tolerance and live together in peace with one another as good neighbours". Animated by this spirit, take each other by the hand so that you may prepare yourselves in peace and tolerance, may prevent any disturbance of the proper atmosphere for the normal conduct of the electoral campaign, and, lastly, may in calmness and dignity ensure the triumph of the forces of democracy and the true and profound aspirations of your people.

With all my heart, I wish you good luck.

ANNEX VI

**Address by the Commissioner at Kitega,
broadcast on 16 September 1961**

Citizens,

Three and a half months ago, the Administering Authority and the political parties of Burundi set to work, in co-operation with the United Nations Commission for Ruanda-Urundi, to implement the resolutions of the United Nations General Assembly concerning your country. The first result of that joint and patient effort has been the setting up in your country of a broad-based government of national union. Today we are on the eve of the popular consultations which you have rightly been awaiting with so much interest.

I do not think I need emphasize the importance and significance of these elections, which are intended to enable you to select, in complete freedom and without compulsion, those who will be called upon to form your first Legislative Assembly elected by universal suffrage, and to set up a definitive government, which will preside over the destinies of your country.

All these efforts that have been made, have been designed to guarantee freedom for all and the absolute secrecy of the vote. Each one of you is free to express his views publicly without any interference from anyone. This freedom, which each individual citizen enjoys, must be respected by all. That is the very essence of a sound democracy which accords to all the same political rights. All forms of pressure and intimidation must therefore be ruled out.

Peace-loving men and women of the hills, workers and dwellers in the towns, you hold the future of your country in your hands. By your vote you will trace the path to be followed in the future.

Action of such importance must be taken with the same calm and dignity as is displayed by a judge who must render a verdict and who must heed only the dictates of reason and of conscience. You will therefore remain calm and controlled; you must refrain from committing any acts of violence, which will serve only to discredit you in the eyes of the world.

Women of Burundi, you are about to take part in legislative elections for the first time, side by side with your husbands, sons and brothers, as a result of the application of the principle of direct universal adult suffrage. The role which women play in the family and in the nation no longer needs to be demonstrated and it is only just that you should be allowed to have your say in the conduct of public affairs. You are now fully-fledged citizens; you will not fail to take this opportunity which is offered to you to express your will and to show that you are fully capable of assuming the ever increasing responsibilities you are called upon to exercise in modern society, in addition to the important traditional role which you already perform in the home.

Political parties of Burundi, you are witnessing an important and decisive period in the history of your country, which will soon be called upon to guide its own destiny. Together with the Administering Authority and the United Nations Commission for Ruanda-Urundi, we have worked patiently during the last few months in order to establish conditions in which the legislative elections that will lead to the establishment of

democratic national institutions and provide the basis for independence may take place in an atmosphere of peace and harmony. Thanks to the spirit of understanding, and frequently of compromise, which many of you have shown during these long discussions and negotiations, it proved possible, on 6 July, to form a Government of national union in which all the political trends in your country are represented. The success of this first attempt at mutual understanding between the various political parties of the country and the maintenance of this coalition despite the tension and difficulties with which your Government was inevitably beset, are an undeniable indication of the keen sense of responsibility which you feel at a time when a large part of humanity is deeply disturbed, when rivalries between factions and individuals are undermining the very foundation of certain nations, and when expansionist ambitions divide nations and bring them into fierce conflict. Heirs of noble traditions and African wisdom, you have succeeded in overcoming personal ambitions and in some instances you have even disregarded your own party interests and have thus risen to the level of the interest of the entire national community. Only such denial and self-sacrifice, where necessary for the common weal, will enable your nation to be built on a solid foundation.

The United Nations Commission appeals to all political leaders to make a personal effort to ensure that the atmosphere which now prevails may not be disturbed. It is inevitable that, as everywhere else in the world, political tension should increase on the eve of the elections. It is even normal that the battle of words should be heated, but all this excitement must of necessity be the prelude to a general relaxation of tension, just as the most violent storms are the precursors of fair weather. It is your duty to advocate calm on election day. Voting is something that must be done in an orderly and peaceful manner, albeit with enthusiasm. Order, peace and tranquillity—those are the essential conditions if the electorate is to give its verdict in all freedom on that day. Intimidation and pressure are always negative factors which inevitably recoil upon those who practise them. The magic of the ballot has always triumphed over such base manoeuvres and, implacably, the people have always done justice to those who respected and trusted them. In this grave hour, the eyes of the whole world are upon you. You will be judged according to the degree of seriousness with which you take this step. It will be a demonstration of your political maturity, which we have never doubted.

There are hundreds of you parliamentary candidates who are canvassing the votes of the people and you owe it to yourselves to respect the processes of democracy. Whatever may be the result of the struggle which has been going on for the last few weeks, each one of you must bow to the verdict of the people. The losers (for some there will inevitably be) must accept their defeat with good grace. There will be other elections and next time you may have better luck. You who are victorious will become representatives, not only of those who voted for you but of all, including your political adversaries. We must bear in mind the words of Renan, which I quote from memory: "Do not believe that you are so much in the right that your opponent is not right at all." As representatives you will be called upon to legislate for all, scrupulously to safeguard the interests of the entire national community and to preserve in a worthy manner the sovereignty conferred upon you by the trust of the people.

It is very much to your interest, as the possible leaders of tomorrow, that the balloting should take place in such a way that your election will not be contested: this will serve to increase your authority and prestige among your people and may also assure you the support and assistance of the United Nations.

To all you citizens and inhabitants of Burundi, peace-loving men of the hills and townsmen, to all of you who are listening to me this evening, to all of you whose interests are linked with the future of this country, I say: mankind has entered an era in which men are condemned to live together regardless of their race, their ethnic group or their creed. As the contemporary writer, Gaston Berger, has so rightly stated: "The whole of mankind is engaged in a great adventure in which all are shoulder to shoulder when they believe they are facing

each other in combat." Your country is no exception to this implacable law.

You live in a country which is to achieve independence in the very near future. The elections which will take place in two days' time are the final step in its preparation for assuming, for better or for worse (and we think it will be for better), full responsibility for the conduct of its affairs. It behooves you, all of you who to a greater or lesser degree are responsible for the evolution of your country, to bring all your good will to bear, so that the transformation which is now taking place may be effected in the best possible conditions, without friction and without any unnecessary waste of the energy which will be so much needed for the building of the country.

When the elections are over, you owe it to yourselves to forget your differences of opinion, to discard everything that divides you and to unite in the task of building your nation and consolidating its independence. The solution to the problem of under-development with which you will be faced in spite of the foreign aid your country may receive, and which indeed most of the new nations have to face, is to be found primarily in unity and in the mobilization of all the moral and human forces of the nation. That mobilization can be effective only to the extent to which you feel that you all embarked upon a common destiny.

Citizens and inhabitants of Burundi, there are so many reasons why you should all do your best to ensure that the elections on 18 September may be a link or a bond uniting you rather than a factor of hatred or division. This can and must be so if the rules of democracy are observed by all. Then, and then only, will you have laid a sound basis for the common edifice and then only will you be able to face with confidence a future full of promise.

The United Nations Commission for Ruanda-Urundi, which has followed all your efforts during these last few months with interest and sympathy and has endeavoured to understand all your difficulties, wishes to assure you that you have the full support of the international Organization.

I thank you and I wish you all good luck.

ANNEX VII

Joint communiqué of the Resident of Burundi and the Commissioner at Kitega, broadcast on 17 September 1961^a

Inhabitants of Burundi,

The Administering Authority and the United Nations invite you to go to the polls on Monday, 18 September to make a completely free choice of your representatives to the Legislative Assembly of Burundi.

This choice determines your future. In the interests of your people, it must be made freely, conscientiously and without pressure from any quarter. Think long and carefully before deciding. This choice is yours alone. You must choose candidates in whom you have complete confidence. This choice is therefore fundamental. Your own happiness and that of your children depend on it.

In the privacy of the polling-booth, where you will be protected from prying glances and external pressures, consult your conscience. You should think the matter over for the last time before making your final choice and placing the voting paper in the ballot-box corresponding to the candidate of your preference.

When you have received your voting paper from the presiding officer at the polling station, you will go into the polling-booth and you will place this voting paper in the ballot-box corresponding to the candidate of your choice. In each polling-booth there will be the same number of ballot-boxes as there are candidates, and the ballot-boxes will bear the names and symbols of the candidates. No one will know for which candidate you have voted.

^a A similar communiqué of the Resident of Rwanda and the Commissioner at Kigali was broadcast on 23 September 1961.

The secrecy of the vote is guaranteed by law. Take advantage of this fearlessly to delegate your sovereign powers solely to the candidates of the party of your choice, solely to those whom you consider worthy to represent you in all circumstances. It is these elected candidates who, as a result of your vote, will tomorrow decide your future.

Courage and good luck.

ANNEX VIII

Address by the Resident of Rwanda, broadcast on 19 September 1961

People of Rwanda,

In a few days' time—on 25 September 1961—you will go to the polls.

Through free elections by universal and direct suffrage, you men and women will together take an irrevocable and final decision on the future of your country.

Your decision will relate to three main points, of whose capital importance you are all aware.

You will tell the Rwandese nation and the whole world whether or not you wish to retain the institution of the Mwami in your country.

You will give a final verdict on Kigeli V personally by replying to the question "Do you wish Kigeli V to continue as the Mwami of Rwanda".

Finally, you will choose from the candidates presented by the different political parties, the forty-four men who will guide your country and preside over its destiny for four years.

Through the eyes of the United Nations observers who will be present during the voting operations a hundred nations are watching you closely and will pass judgement upon you. You will give these nations proof of your political maturity, you will show by your calmness and dignity that you are fit to occupy among them the place they are ready to offer you in the ranks of the independent nations. You have a civic duty to your country. You have a duty to Belgium which has given you everything and which asks from you nothing but the proof that it has brought you to a stage of political development which makes you worthy to take your place at its side, among civilized and democratic peoples.

During the last few weeks, public tranquillity and order have been disturbed in several communes. Extremists bent on destruction have committed crimes and thus provoked general outbursts of indignation and acts of retaliation.

The people responsible for these crimes will be traced by the police, brought to justice and punished as they deserve, but I would urge you all in the strongest possible terms not to take justice into your own hands. Do not play the game of the enemies of your freedom by countering their acts of provocation with force. The burgomasters are responsible for order and calm in the communes and they will be called to account.

The Administering Authority has dealt with the situation successfully everywhere and has never lost control anywhere. It has restored order wherever, and whenever, it has been threatened. The security forces have intervened impartially, energetically and rapidly where the circumstances required. It has been possible to carry out this thankless task because of the complete devotion of our Banyarwanda and Belgian soldiers, to whom I take this opportunity of expressing my admiration and my gratitude.

The Belgian authorities and the United Nations Commissioners and observers have been working continuously since the beginning of June in the fullest agreement and in the desire to co-operate in preparations for the referendum and the legislative elections.

The United Nations and Belgian attach major importance to these popular consultations. Together they have patiently and untiringly sought ways and means of achieving the implementation of resolution 1605 (XV) of the United Nations. Everything has been done to ensure that all of you, men and women of Rwanda, can express your opinion freely, protected from all coercion and in complete secrecy, through a universal and direct ballot.

In this connexion, I should like to pay a public tribute to Mr. Rahnema, United Nations Commissioner. During the weeks in which we have worked together, I have learnt to appreciate and admire his vast capacity for work, his extraordinary devotion and his scrupulous professional honesty. Day after day, and sometimes also at night, Mr. Rahnema has untiringly received innumerable visits, heard hundreds of requests, and listened to countless complaints and grievances. Without ever taking sides, but always concerned with the successful accomplishment of the task entrusted to him by the United Nations, he has given me great help in accomplishing my own.

I feel I must rapidly review the measures which have been taken by mutual agreement to ensure complete compliance with the provisions of the United Nations resolution, because I wish to make it absolutely clear that everything has been done to give the people of Rwanda the valid elections prescribed by the United Nations and that no stone has been left unturned to set them on the path to independence.

A full amnesty has been granted to more than 2,000 persons who committed political offences between 1 October 1959 and 1 April 1961. All these individuals were released by 24 July 1961, or two months before the elections. They all enjoy full political rights, including the right to vote or to stand for election.

The political parties of Rwanda met at Kigali and discussed, over a period of several weeks beginning on 19 June, the possibilities of creating a broad-based government to attend to the current affairs of administration. As it proved impossible to reach agreement, a formula was unanimously accepted under which the autonomous government of Rwanda would be recessed and current administration would be entrusted to the Secretaries of State acting under the order of the Resident of Rwanda. This measure took effect on 4 August 1961, at which date the Secretaries of State lost all their political prerogatives and were given the title of commissioners.

Two important prerequisites for the elections were thus satisfactorily met. All those who left the country at the time of the disturbances in Rwanda in late 1959 and in 1960 have had an opportunity to return. The Administration has given them every facility for returning and has aided their resettlement. They all enjoy full civil rights.

In order to make matters as easy as possible for them, legislation was enacted reducing from one month to fifteen days the period of residence required for voting.

Shortly after the requirement was further eased, and voters were permitted to register up to 21 September in the commune in which they happened to be living.

All steps have been taken to ensure that the pre-electoral operations and the operations on 25 September will be carried out correctly, with complete impartiality, and will provide all the guarantees to which the political parties and citizens are entitled.

With those ends in view, registration boards composed of the burgomaster and a representative of each party concerned were set up in every commune. These boards have performed a very important function in providing an assurance of fair play.

The electoral operations on 25 September will take place under the supervision of chairmen appointed by the District Administrator. They will be aided by polling officers designated by the candidates heading the lists, and the electoral operations will be supervised by officials of the Administration and representatives of the lists.

These practical control measures, combined with the electoral laws and regulations, provide a system of safeguards which should satisfy everyone.

The Administration has also made every effort to prevent pressure and intimidation in any form.

Very severe penalties are prescribed for those guilty of such practices.

In order to ensure that the Administration remains outside inter-party struggles and preserves its impartial nature, all officials wishing to take part in political activities have been officially instructed to take leave of absence until after the elections.

The leaders of the political parties have had ample opportunity to explain their programmes to you and to conduct their political campaigns. The Administration has allowed all schools of thought and trends of opinion the maximum freedom in the organization of public meetings.

With a view to ensuring liberty for all, it has been decided that none of the symbols used by the parties in their campaigning shall be displayed in the vicinity of the polling stations and individuals may not wear such symbols on their clothing.

Considerable military precautions will be taken to ensure to all the free exercise of their right to vote. The civilian officials responsible for the practical organization of the elections will be heavily reinforced, thus guaranteeing that the elections will be conducted in an orderly and proper manner, with respect for everyone and for all opinions.

Finally, to ensure that nothing can jeopardize the organization of your elections, it has been decided in agreement with the United Nations Commissioner that the frontiers of Rwanda will be closed to all traffic from midnight on Saturday, 23 September until midnight on Monday, 25 September. Within the country freedom of movement is guaranteed to all. All inhabitants of Rwanda may go where they wish. Any obstructions to such free movement is forbidden, identity checks are prohibited and no passes or travel warrants will be used. No barriers will be erected on any road or thoroughfare.

In closing this statement, I will make one more urgent appeal for understanding and mutual respect. Any manifestation of anger or hatred, any act of violence will achieve no purpose and will only harm your country. Voting alone matters—only by voting will your problems be solved. Vote, then, with a sense of responsibility, and when the outcome is announced during the evening of 25 September, let the victor show himself magnanimous and extend a hand to the vanquished so that they may build the future together.

Kigali, 19 September 1961
Colonel B. E. M. LOGEST

ANNEX IX

Address by the Commissioner at Kigali, broadcast on 21 September 1961

Four weeks before the elections scheduled for 25 September, I spoke to you about the importance of the historic days we are passing through together. In view of the encouraging reactions I received from all sides, I decided to renew our friendly discussion four days before the date for which we are all impatiently waiting.

The voting on 25 September will be for you an act of will, courage and intelligence. Hence the need to go about it in full awareness of its importance and hence your responsibility for performing it in such a way that you will later be able to answer to your children and to your own conscience.

During the last few months your political parties have tried to acquaint you with their programmes and, despite certain very real difficulties, I have the impression that, if only thanks to that natural system of communication among you poetically known as the bush telegraph you today all know more or less what those programmes are. You have been assailed from all sides by contradictory proposals and, like everywhere else during election periods, you have been subject to all kinds of pressure. Some may have appealed to you because of their air of truth and sincerity. Others may have succeeded in making an impression on you by reprehensible acts of pressure and intimidation. Still others, unfortunately, have even gone so far as to commit acts of violence and barbarity in the hope of destroying your freedom of choice and the courage of your convictions.

But, whatever attempts may have been made to influence you in one direction or another, it seems to me that their authors, the adventurers just as much as the honest men, have, though in different ways, helped you to a better understanding. They have certainly all helped to ensure that, today, you possess the means of upholding your convictions in the full knowledge of the facts. They have all, each in his own way, put you in a better position to make your choice.

And that indeed is the true significance of the consultations in which you are being called upon to participate. What matters is that on that day, you should freely express your choice, in the full knowledge of the facts and in the full realization of the importance of your decision, by means of the ballot-paper you will put in the envelope during each of the three operations you will have to perform. During the first operation you will indicate by choosing one of the colours khaki or black, i.e., by a Yes or by a No, whether or not you wish to retain the institution of the Mwami in Rwanda. Then, in the second operation you will determine by a choice between the same colours of khaki or black, i.e., again by a Yes or by a No, whether or not you wish Kigeli V to continue as the Mwami of Rwanda. During the third and final operation you will be called upon to make a completely free choice of your deputies to Rwanda's first Legislative Assembly. From among the hundreds of candidates who are standing, you must choose—and I repeat, the choice is completely free—those persons in whom you believe you have every reason to put your trust, persons who are capable and worthy of defending your interests and of helping you to live as you think best in your great national family. The men or the women whom you choose will thus be your representatives, your agents and, so to say, your personal advocates. And through the irrevocable mandate which you will give them, it will be they who tomorrow will speak in your name and will decide your problems and your future. It is they who will have to provide your children with the bread, the books and the medicines they need, and they, too, who will be called upon to protect you, you and your families, against fear and need, and to help you to live in a better world, in a world of happiness and freedom.

The historic ballot-paper which you will be called upon to drop into the ballot-box, free of all outside pressure, means all that. And it is because of the importance of that ballot-paper that we of the United Nations have done everything possible, in co-operation with the Administering Authority, to protect that ballot-paper and to ensure that it is the faithful expression of your own free will.

To that end, additional measures have been taken to strengthen the guarantees already provided for in the electoral law.

The polling station will also be a sanctuary within which everything has been done to ensure impartiality and an atmosphere of security. It is for the representatives of your candidates to see that operations run smoothly. The area within a radius of one kilometre from the polling station will be guarded and, within that area, nothing will be allowed to disturb the calm needed for the conscientious exercise of your choice. For instance, the exhibiting of badges, placards, slogans, emblems or any other sign favouring one particular political party, candidate, list or referendum option will be prohibited within a radius of one kilometre of the polling stations and any infringement of that provision will be severely punished.

You will thus go to your polling station calmly and resolved to listen only to the voice of your own conscience. Both the Belgian authorities and the political parties have already explained the voting procedure. However, the staff at the polling stations, which also includes representatives of your own candidates, will if necessary give you a final explanation of the voting operation. You will then take the ballot-paper and go into the polling-booth. And there, where you can be sure that nothing can disturb your freedom of choice, far from prying glances or outside pressure, you will reflect one last time before choosing the ballot-paper of your preference. When you have made your choice freely and after due consideration, you will put your ballot-paper in the envelope and you will immediately destroy the others by putting them into the opening which you will find at your feet, before going to drop your envelope in the ballot-box.

Whatever happens, you must destroy the unused ballot-papers and throw them away in the polling-booth itself. Do not on any account believe those who, for dishonest reasons, may ask you to break the law and to give them the unused ballot-papers. Not only will those who have made such an illegal request be severely punished themselves, but the Administration's officials may search you on your way out and if by any mischance,

either there or later on elsewhere, unused ballot-papers are found on your person, you, too, will be liable to severe penalties.

As I have already told you, the impartiality of the operations and the maintenance of order within the polling stations will be ensured by a joint system of control established by the representatives of the Administering Authority and representatives of the parties concerned.

But, wherever possible, the observers and whole staff of the United Nations Commission will also be present. Like your Commissioners, they will visit as many polling stations that day as it is humanly possible to reach. So your friends of the United Nations who, within the limits of their possibilities, have worked unremittingly to make a modest contribution to your national effort, will that day come and supervise more closely the voting machinery that has been installed, so that they can later provide the General Assembly with objective information.

Let us then make an appointment for the morning of that crucial day of 25 September. I do so in the hope that it will result in the orderly and peaceful establishment of the solid and unshakable foundations of your first free and independent State.

Once again courage and good luck!

ANNEX X

Addresses broadcast on 27 September 1961 over Radio Usumbura by Mr. Jean-Paul Harroy, Resident-General of Ruanda-Urundi, and Mr. Max H. Dorsinville, Chairman of the Commission

ADDRESS BY THE RESIDENT-GENERAL

The United Nations Commission, whose honoured hosts we have been for nearly four months, is leaving Ruanda-Urundi.

Its presence has been a token of United Nations interest in our Territory and of the importance attached to it by the community of nations. It has also been a pledge of the authenticity of the elections that have just been held, first in Burundi and subsequently in Rwanda.

You will all agree with me when I say that certain misgivings which arose out of resolution 1605 (XV) were speedily dissipated by the activity and impartiality of the members of the Commission, who strove untiringly to create an atmosphere of peace and justice. All of us have found in them guides and counsellors and we have gained friends. Tomorrow, in New York, it will be the Chairman and members of the Commission and the outstanding staff who accompanied them who, having learned to know and appreciate our hills and their people, will be the best friends of Rwanda and Burundi and the ones to whom the Banyarwanda and the Barundi will be able to address themselves in confidence, sure of understanding and help.

My friends, the elections that have just concluded were conducted in an atmosphere of order and discipline of which we can be justly proud. Barundi and Banyarwanda alike have carried out their duties as voters in a worthy manner and have shown themselves aware of their present and future responsibilities.

The personnel of the Administration, the veterans of these hills and the officials from Brussels, have performed magnificent and fruitful work, for which I thank them. This would have been impossible without the collaboration of the Belgian forces, whose discretion and intelligence have filled me with pride.

These popular consultations will pave the way for the future. They will enable the responsible Governments to lead both States towards their destinies. You are now sure of the assistance and co-operation of the United Nations, which will be a powerful factor for success.

I wish all those who are leaving today, Mr. Dorsinville, the Chairman of the Commission, his fellow-Commissioners Mr. Rahnema and Mr. Gassou, and the United Nations staff under the impeccable direction of Mr. Marin, a very good journey. I should like them to preserve from their visit to this country of a thousand hills a souvenir of the friendship and esteem

which we bear towards them, and to leave with our sincere thanks for the work we have done together.

ADDRESS BY THE CHAIRMAN OF THE COMMISSION

People of Ruanda-Urundi,

On 16 March 1954, in my capacity as representative of Haiti on the Trusteeship Council, I closed my speech in the general debate on the situation in the Territory of Ruanda-Urundi with the following words:

"I should like to believe that the aim in view is noble enough, and the development of other parts of Africa significant enough, for the Administering Authority to make it a point of honour to make up for lost time, so that Ruanda-Urundi is not the last to inscribe its name on the roll of History."

More than seven years have gone by since I spoke those words. Two United Nations missions have visited the Territory of Ruanda-Urundi, in 1957 and 1960 respectively, in order to survey its progress towards the achievement of its destiny.

In the meantime, several African territories have become independent and most of them have been admitted to the United Nations, thus giving the Organization that sense of universality envisaged by its founders, one of which was Belgium, the Administering Authority of Ruanda-Urundi.

There have been distressing events in the Territory since 1959 which have left grief and destruction in their train. The tension arising out of those events, the social revolution now in progress and already taking shape, the difficulties of adaptation to a new way of life and political organization, have hardly helped in the search for a formula which will enable the Trust Territory to arrive harmoniously at the final stage in the achievement of its destiny.

Yet it was in these circumstances and in this atmosphere that the United Nations General Assembly's resolutions on the popular consultations in the two States were adopted.

Since its arrival on 8 June 1961, the United Nations Commission has striven to carry out its duties to the best of its ability. There can be no doubt that the accomplishment of this task depended to a very great extent on the co-operation of the Belgian Administration. Tonight, therefore, on behalf of my colleagues and myself, I should like to express my very sincere gratitude to Mr. Georges Carlier, the representative of Mr. Paul-Henri Spaak, the Belgian Minister for Foreign Affairs, Mr. Jean-Paul Harroy, Resident-General of the Territory, Colonel Logiest, Resident of Rwanda, and Mr. Roberto Regnier, Resident of Burundi, for their generous hospitality and for all the facilities which they gave the Commission, as also for the warm co-operation which they extended to us, thus enabling us to carry out our duties. Our thanks also go to the officials of all ranks of the Administration and the customary authorities, whose every devoted act was a vital element in the common undertaking.

In my address on 4 August, announcing the date of the popular consultations, I said that I was sure that you, the people of Rwanda and Burundi, would not disappoint the confidence which the United Nations had shown in your political maturity.

I am glad, and may I say also that I am proud, that my predictions were justified by the facts.

The popular consultations have shown that the people of Ruanda-Urundi were able to express their wishes in a calm and dignified manner and with respect for each other's opinions. In Rwanda, the people have chosen their basic institution for themselves. In Rwanda and Burundi, the legislative elections, once they have been validated, will open the way for responsible governments which will lead the country forward in the pursuit of its destiny.

I have no doubt that the most important result of these popular consultations has been that at this juncture in history you have provided yourselves with legitimate institutions to which you will be able to cling in the difficult times ahead.

In the natural evolution of a people, having sound and lawful institutions to lean upon is a guarantee of collective security which makes it possible to look forward to the future

with faith and optimism. Regardless of the unavoidable political tensions which arise in days such as these, the legitimacy of your institutions will always be the most important element of that stability without which no political problem can truly be solved.

Yes, these days which we are proud to have lived through with you, are days of memory and of hope: of memory, because during this time you have turned a great page in your history; of hope, because this is the moment at which you enter upon a new life, full of uncertainty but also full of responsibilities, which you as your own masters will have to guide and direct so that your future may be joyful. This is a heavy responsibility and we hope to see you rise nobly to it.

We are about to leave you. As you know, the United Nations Commission must report on the accomplishment of the task assigned to it by the General Assembly. It will be the responsibility of the Assembly to make a final decision on this subject. We cannot, of course, know what the decision will be, but out of the friendship that we bear you we hope whole-heartedly that it will be the best possible one for the future of your country.

In taking leave of you tonight, I want to convey to you all our good wishes for your happiness, prosperity and success.

Thank you for your welcome!

Thank you for your understanding!

Good luck, peoples of Ruanda-Urundi!

ANNEX XI

Text of instructions given to observers

1. Circular No. 4 of 6 July 1961

INSTRUCTIONS TO OBSERVERS

1. The observers are the local representatives of the United Nations Commission and are entrusted with the following tasks:

(a) To follow the progress of events in the Trust Territory and to lend assistance to the local authorities and the inhabitants of the Territory with a view to the implementation of the General Assembly's resolutions;

(b) To supervise all the preparatory measures for the popular consultations;

(c) To supervise also the elections and the referendum in Rwanda, to be held in August 1961 on the basis of direct, universal adult suffrage.

2. Apart from their special responsibilities in connexion with the elections and the referendum, observers shall, in their official or personal relations with officials and inhabitants of the Trust Territory, display the utmost discretion, respect for local customs and understanding of political and social conditions in the Territory. The nature of the observers' personal relations with those around them will be no less important than the scrupulous manner in which they discharge their tasks. In this connexion, care shall be taken to ensure that the need for frequent contact with officials of all kinds, in the course either of work or of social relations, in no way prejudices the correctness of the observers' judgement. Similarly, observers shall, in their relations with the authorities, parties or political leaders, avoid any action which might be regarded as other than strictly impartial. They shall bear in mind that independence is essential to the success of their mission.

3. Observers may attend public political meetings—but not party congresses—simply as spectators. They need not remain at such meetings from the beginning until the end. They shall take care to alternate between such meetings and not to attend the meetings of a single party repeatedly. At such meetings, observers shall direct their attention particularly to matters relating to freedom of assembly and expression and not to the substance of the political questions discussed there. They shall refrain from making speeches and shall not accept the place of honour. The Trusteeship authorities may, if deemed appropriate,

introduce them at such meetings as United Nations observers. Observers shall not consent to be introduced by political leaders.

4. If speakers try to involve observers in the discussion, the latter shall at once cut them short. They shall leave the meeting immediately in order to signify their disapproval, and shall make this known to the responsible party leaders. They shall warn them against the repetition of such conduct. They shall immediately report the matter to the District Administrator.

5. Except in cases of *force majeure*, observers shall use only their own automobiles and shall not allow anyone to ride in such automobiles. So far as possible, drivers shall be chosen who know the local language. Observers shall, however, exercise discretion in their relations with drivers or with anyone serving as an interpreter. They shall try, wherever possible, to verify through another person the correctness of interpretations.

6. Press correspondents will probably be present during this period. Observers shall refrain from saying anything which might jeopardize the Commission's task, and shall not allow themselves to be quoted or let opinions be attributed to them.

7. Observers shall not intervene in the organization and conduct of the elections and the referendum, which are exclusively within the competence of the Administering Authority. Observers shall, however, supervise all phases of the elections and the referendum in order to make sure, in person, that the material organization is functioning smoothly and to satisfy themselves with regard to administrative regularity, the impartiality of the authorities of the Trust Territory towards all, and the free exercise of the rights of assembly and expression throughout every phase leading up to the elections and the referendum. They shall supervise the counting of the votes.

8. Whenever they note deficiencies in the material organization, or irregularities in the course of the operations, observers shall immediately report them to the competent local authorities and to the United Nations Commissioner. They shall receive all persons who wish to submit to them written or oral statements concerning the conduct of the electoral operations or the right of assembly. If they feel that there is reason to do so, they shall discuss with the District Administrator possibilities of finding a satisfactory solution for the problems raised in such statements. In any event, they shall transmit the substance of such statements, *in extenso* or in summary form, in their weekly reports or, if the matter is urgent, in special reports.

9. Observers shall report, as often as may be necessary, on the general situation relating to the refugees and politically annexed persons.

10. Observers shall meet once a week, at Kigali in the case of those in Rwanda and at Kitega in the case of those in Burundi, with the Commissioners stationed at those two capitals. The first meetings shall take place at Kigali on Thursday, 20 July and at Kitega on Saturday, 22 July, both at 11 a.m. At those meetings, observers shall give an oral account of the situation in their constituencies. Observers, by the day in the week on which they are visited by the member of the Field Service, shall have completed a written report, in French or in English, addressed to their respective Commissioners. A copy shall be sent to the Commission at Usumbura.

11. Important matters shall be taken up by the Commissioners with the competent authorities. It is therefore necessary that observers should make reports to their respective Commissioners concerning every matter which, in their opinion, should be brought to the latter's attention. If for any reason, however, an observer thinks that the normal procedure might entail loss of time and might consequently be ineffective, he himself may make his observations to the proper quarter and immediately inform his Commissioner of such action.

12. Observers shall also exercise discretion with regard to minor matters of detail. They shall report their observations orally to the district Administrators. Any other matter shall be reported in writing, a copy being sent to the Commissioner together with the regular reports. The reports shall, if necessary, include accounts of any oral observations made.

13. More detailed instructions will be communicated as necessary, particularly concerning each phase of the electoral operations.

2. Instruction No. 2 of 4 September 1961**NOTE CONCERNING JOINT MEETINGS OF ADMINISTRATORS
AND OBSERVERS**

1. As we expected, it emerges from almost all the reports of the observers that they maintain very satisfactory relations with the Administrators of the districts to which they are assigned. I have from the outset considered it desirable, however, to supplement these individual contacts by general meetings between Administrators and observers.

2. To my great regret, the first meeting, which I had had in mind since July, had for a variety of reasons to be postponed. The first meeting has therefore only just been held, both at Kitega and at Kigali, and the results appear to have been satisfactory to all concerned.

3. Second meetings are now scheduled, that at Kitega to be held on Friday, 15 September and that at Kigali on Wednesday, 20 September, both at 10 a.m. Following the meetings, we shall be guests of the Administering Authority at luncheon.

4. We expect a great deal from these meetings, which will be the last before the elections, and we think it desirable that on that occasion the Administrators and observers should make oral reports, as sincerely and objectively as possible, on the general atmosphere in their districts during the current pre-electoral period.

5. The Administering Authority has agreed to this procedure.

6. As far as Burundi is concerned, consideration might be given, in the reports in question, to the following among other matters:

(a) Preparations for the elections (registration, nominations, the drawing of symbols by lot, the number, distribution and organization of polling stations, the number of polling-booths, the distance to be covered, etc.);

(b) Respect for public freedoms (of expression, assembly, association);

(c) Maintenance of public order (troop movements and their effects on the morale of the population, etc., in the light of resolution 1605 (XV), operative paragraph 5, and resolution 1579 (XV), operative paragraph 6);

(d) General atmosphere (both as a whole and in relation to the implementation of resolution 1605 (XV), operative paragraph 5);

(e) Other problems.

3. Instruction No. 3 of 12 September 1961**FINAL REPORT, AND MOVEMENTS OF OBSERVERS**

1. The elections are at hand, which means that our mission will soon be completed.

2. During the pre-election period, observers have received the documentation referred to in Instruction No. 1. They have had the opportunity to follow the progress of events in their respective constituencies, to lend assistance to the local authorities and inhabitants, and to supervise the measures taken.

3. Both in their periodic reports and in their weekly meetings, on Wednesdays at Kigali for those in Rwanda and on Fridays at Kitega for those in Burundi, they have been able to record their observations and to compare them, as necessary, with those of their colleagues.

4. During the final phase, which is now beginning, observers will be expected not only to continue following closely the development of the general atmosphere and supervising the final preparatory measures but also, at the end, to supervise the actual electoral and referendum operations.

5. There is no need to dwell on the importance which the Commission attaches to the information which the observers will supply to it in their final reports. Accordingly, with a view to deriving the maximum benefit from them, it has drawn up a model report, a copy of which is attached hereto. In the interests of facilitating the work of the Commission, observers are asked to conform to this model.

6. When the popular consultation takes place, observers shall proceed as follows:

(a) *Those in Burundi:*

They will remain at their posts until 21 September and will proceed to Usumbura on 22 September, where they may submit the above-mentioned reports. They will spend the night at Usumbura and on Saturday, 23 September, will reach their assigned posts in Rwanda, in accordance with Administrative Circular No. 16. They may return to Usumbura on the 26th. If it is considerably easier for them to reach their assigned posts in Rwanda without passing through Usumbura they may do so, but they must in that case take steps to ensure that their reports reach Usumbura by 22 September.

(b) *Those in Rwanda:*

After their return from Burundi pursuant to Administrative Circular No. 14, they will remain at their posts in Rwanda until 27 September. On the 28th they will return to Usumbura, where they will submit the above-mentioned reports.

7. Thus the mission of the observers will be completed. As Principal Secretary, I should like to take this first occasion of expressing to all of them my thanks for the way in which they have discharged their task.

ANNEX TO INSTRUCTION NO. 3**Model of final report**

(1) *Administrative organization:*

(a) Information campaign;

(b) Registration stations;

(c) Registration operations;*

(d) Complaints and appeals against the roll;

(e) Registration of parties and deposit of nominations;

(f) Drawing of symbols by lot (Burundi);

(g) Polling stations (number of polling-booths and ballot-boxes, distance to be covered, etc.);

(h) Trial elections with blank ballots;

(i) Supervision of the distribution of ballot-papers;

(j) Conduct of the voting; hours during which stations will be open; supervision of polling stations and surrounding areas; conduct of party officials and representatives; conduct of voters; incidents; special problems.

(2) *Electoral campaign:*

(a) Intensity of the campaign;

(b) Respect for fundamental freedoms shown by the public authorities (recognition of parties, permits for meetings, freedom of expression, etc.);

(c) Respect for fundamental freedoms shown by the parties in relation to each other (cases of intimidation, violence, sabotage of meetings, etc.);

(d) Respective activities of the different parties.

(3) *Incidents and troop movements* (resolutions 1605 (XV), operative paragraph 5, and 1579 (XV), operative paragraph 6):

(a) Summary of incidents in the Territory (number of huts burnt, number of dead and number of refugees);

(b) Reintegration of refugees, number, etc.;

(c) Action of the armed forces;

(d) Extent and frequency of troop movements;

(e) Effect of these movements on the morale of the population.

(4) *General atmosphere* (resolution 1605 (XV), operative paragraph 5):

(a) Interest shown by the population in the electoral campaign;

* Including number of voters inscribed, number of inhabitants of each commune, irregularities and difficulties in the operations, and establishment and functioning of registration committees.

- (b) Rumours and false alarms;
- (c) Conduct of agents of the autonomous Government during the electoral period;
- (d) Maintenance of public order.
- (5) *Other miscellaneous problems.*
- (6) *Conclusions.*

ANNEX XII

Assignments of observers and other staff during the elections

1. ELECTIONS IN BURUNDI

In order to provide the observers in Burundi with the additional assistance which they needed in order to perform their tasks on Monday, 18 September 1961, the day of the elections, the following assignments were made:

Constituency	Observer	Staff assigned
Bubanza	H. M. Sanborn	N. Tordini
Usumbura	H. Noël	
Bururi	J. P. Hesse	
Rutana	S. Zelleke	L. F. Martin
Muramvya	D. Ho	V. Chavez
Kitega	K. Naprstek	R. Humberset
		M. Tardu
Ruyigi	E. Adoboli	A. J. Obrdlik
Muhinga	K. Hyfelt	R. Aalders
		G. Chernov
		P. L. Correa
		H. M. Ureta
Ngozi	B. Syrov	G. R. ffennell
		A. Hatami

2. ELECTIONS AND REFERENDUM IN RWANDA

In order to provide the observers in Rwanda with the additional assistance which they needed in order to perform their tasks on Monday, 25 September 1961, the day of the elections, the following assignments were made:

Constituency	Observer	Staff assigned
Kigali	P. L. Correa	C. Benjamin
		V. Chavez
Gitarama	A. Hatami	D. Ho
Nyanza	S. Habal	A. J. Obrdlik
		K. Hyfelt
Astrida	G. R. ffennell	R. Aalders
		B. Syrov
		N. Tordini
Shangugu	P. de Rodzianko	R. Humberset
Kibuye	L. F. Martin	H. M. Sanborn
		M. Tardu
		H. Noël
Kisenyi	F. A. Pradas	J. P. Hesse
Ruhengeri	H. M. Ureta	—
Biumba	G. Chernov	E. Adoboli
Kibungu	E. Brant	S. Zelleke
		A. van Egmond

ANNEX XIII

List of members of the broad-based caretaker Government of Burundi established on 6 July 1961

Prime Minister: Mr. Joseph CIMPAYE (UPP)
Minister for Social Affairs: Mr. Emmanuel NIGANE (UPP)
Minister for Technical Affairs: Mr. Paul BAGANZICAHIA (PDC)
Minister for the Interior: Mr. J. B. NTINDENDEREZA (DPC)
Minister for Information: Mr. Thadé SIRUYUMUNSI (UPRONA)
Minister for Finance: Mr. Pierre NGENDANDUMWE (UPRONA)
Minister for Agricultural Land and Livestock: Mr. Pierre BIGAYIMPUNZI (PDR)
Minister for Economic Affairs and Co-operatives: Mr. Laurent ZURUZURU (PDR)
Secretary of State for Justice: Mr. Urbain BANDYA (UPP)

Secretary of State for Health: Mr. Antoine NZOHABONA (UPP)
Secretary of State for the Civil Service: Mr. J. B. NTAKIYICA (PDC)
Secretary of State for Mechanization: Mr. Mathias NGOMIRAKIZA (PDC)
Secretary of State for the Budget: Mr. Joseph BAMINA (UPRONA)
Secretary of State for Information: Mr. Félix KATIKATI (UPRONA)
Secretary of State for Land Titles, Surveying and Mines: Mr. Gérard BITORIROBE (PDR)
Secretary of State for Veterinary Affairs and Co-operatives: Mr. Pascal KASHIRAHAMWE (PDR)

ANNEX XIV

Explanatory statement made by Mr. M. Rahnema, Commissioner at Kigali, on 26 June during the conference of the political parties of Rwanda

The representative of the Administering Authority has been good enough to let me hear the tape-recording of the discussions which took place the other day. Certain opinions were voiced at that meeting, in my absence, about the position of the United Nations with respect to certain problems and, in particular, the recognition or non-recognition of the governmental bodies set up at Gitarama, the different methods of conducting the elections and, finally, the date of the referendum and the elections. In order to avoid any misunderstanding on these questions, particularly as regards the recognition or non-recognition by the United Nations of the governmental bodies set up at Gitarama—and although these questions were not really on the agenda of that conference, that being the very reason why I had avoided raising them—I feel obliged to make an explanatory statement.

Resolution 1605 (XV) clearly states, and I quote from the preamble, that the General Assembly regrets "the *de facto* recognition by the Administering Authority of governmental bodies in Ruanda which were established by irregular and unlawful means and which cannot be regarded as fully representative of all segments of the population in the absence of free and fair elections on the basis of direct universal adult suffrage as envisaged in resolution 1579 (XV)".

The representative of Tunisia in the Fourth Committee, speaking on behalf of the sponsors of the draft resolution, made the matter quite clear at the 1140th meeting of that Committee when he said that "since the sponsors had regretted the *de facto* recognition by Belgium of those bodies, they obviously did not themselves recognize them".

It is thus incorrect to say that the General Assembly has recognized tacitly or indirectly the institutions set up at Gitarama. It is none the less true that it has not requested their complete abolition, because, as stated in operative paragraph 3, the Assembly considers that the Belgian Government is, after all, "alone responsible for the administration of the Trust Territory of Ruanda-Urundi and accountable to the United Nations, and that its responsibilities as Administering Authority cannot in any way be abdicated to local political bodies and leaders until after appropriate democratic institutions have been set up and the Trusteeship Agreement has been terminated, all with the approval of the United Nations".

It is also the Belgian Government which, according to paragraph 5, has "the obligation and the responsibility... to create the necessary conditions and atmosphere for the proper conduct of the national elections and not to permit any local authorities to impede the implementation of the resolutions of the General Assembly".

Nevertheless, as I said the other day, the General Assembly, being motivated solely by a desire to prevent the internal *status quo*, as it has been accepted by the Administering Authority, from having an unfavourable influence on the conditions necessary for the proper conduct of the elections, considers it necessary for Belgium to constitute immediately, in the words of the resolution, broad-based caretaker governments in both parts of the Trust Territory, whose functions would be

limited to attending to current affairs of administration and which would act, as operative paragraph 4 says, "in strict conformity with the obligations of the Administering Authority for the implementation of the resolutions of the General Assembly".

The Commission notes with regret that these governments, which ought to have been set up by the beginning of May, have not yet been established and that at this late hour the parties have still not been able to reach any agreement in this regard. It was therefore in this context and in order to find a way out of the deadlock, that the Commission urged the Administering Authority to assume its full responsibility and, if necessary, to take action on its own initiative to meet the pressing obligations imposed on it by the Trusteeship Agreement and resolution 1605 (XV).

The Commission is thus forced to remind the representative of the Administering Authority and the parties here present once more of the serious nature of this deadlock, which may have unpleasant consequences for the future of your country. It considers that the Administering Authority, by agreeing to put into effect the General Assembly's latest resolution on the future of Ruanda-Urundi, has undertaken to constitute broad-based caretaker governments such as I described to you the other day. In our view, these governments should represent the various political trends on a basis of complete equality so that, by cancelling each other out, none could influence the proper conduct and the result of the national elections to its own advantage or to the disadvantage of the others. Any other government which did not fulfil these conditions might, in the Commission's opinion, constitute an obstacle to the implementation of the resolutions of the General Assembly and might perhaps be such as to prejudice the success of the electoral operations as envisaged by the United Nations. If the political parties, to which the Administering Authority has rightly turned first for help in discharging its responsibilities, prove unable to reach a satisfactory agreement on the matter, it will then be for Belgium to decide, with full authority, to meet its obligations either by constituting *ex officio* a caretaker government in accordance with the conditions set forth above, or, as a last resort, by assuming direct responsibility for the administration of the Territory until appropriate democratic institutions have been set up.

I turn now to the second point I want to explain, that is, the questions relating to the compilation of the electoral rolls, the organization of a ballot system which will ensure absolute secrecy, women's suffrage, etc. The very constructive debate at which I was unable to be present the other day because of my journey to Kitega seemed to me of obvious importance. Many worth-while suggestions and proposals were made which the Administering Authority, I am sure, will take into account in reaching the decisions it will have to make in the days ahead.

However, I am obliged to clarify one aspect of this matter also, because of certain remarks made at that meeting, and at other meetings at which I have been present, concerning the role of the United Nations in these decisions. I have often repeated to the leaders of the political parties who have been good enough to discuss the matter with me that the Administering Authority alone is responsible for conducting and establishing the procedure for the forthcoming elections. In discharging this responsibility, it is free to consult the political parties concerned as well as the United Nations Commission or Commissioners. Thus the role of the United Nations Commission and Commissioners is merely an advisory one. It is not for the Commission or the Commissioners—and I would stress this—to propose solutions or to seek to share the Administering Authority's responsibility for conducting the elections or for any measures adopted for that purpose. The Commission is there to ensure that the resolutions in question are duly put into effect and, as is stated in operative paragraph 8 of resolution 1605 (XV), "to assist and advise the Administering Authority in the full and proper implementation of resolution 1579 (XV) and the present resolution, and to perform the other tasks entrusted to it".

Accordingly, the Commission is not, and will not be, in any way responsible for the decisions taken by Belgium in fulfilling

its obligations and in ensuring the proper conduct of the electoral operations. On the other hand, while seeking to "assist and advise the Administering Authority in the full and proper implementation" of the resolutions and giving its own opinion on the decisions taken in pursuance of those resolutions, it must in all conscience evaluate those decisions in the light of the General Assembly's recommendations, and make an objective compilation of the evidence so that the General Assembly will be able to reach a decision on the result of the electoral operations with a full knowledge of the facts.

As for the detailed methods which were discussed by you the other day in a constructive manner, the Commission has never taken a rigid attitude. It considers that the first aim should be to find methods on which all the parties concerned would be in a position to agree. If such agreement cannot be reached, the best solution will always be the one that is reasonable, is in accord with the principles of the Charter and is based on the need for fairness, order and respect for the rights of all without any distinction. It is in the light of these considerations and of your various constructive views that the Commission, you may be sure, will lend its good offices both to the representatives of the Administering Authority and to the parties concerned.

Applying these principles to the questions you debated, the Commission is in favour, for example, of any ballot system which would ensure absolute secrecy and which had the agreement of the political parties. It is in favour of women's suffrage, which, moreover, has been advocated by all the parties in a general agreement which, in my view, does honour to your sense of progress and political maturity. It is in favour of any procedure that would simplify the voting operations, and in particular of the system of colours, which has already been adopted in several countries in similar circumstances.

I nevertheless repeat once more that it does not have any final formula on which it would maintain a rigid and uncompromising position. The solution it would prefer above all would be one supported by the Administering Authority and accepted and approved on the basis of a general agreement between all the participants.

I should like, finally, to say a word or two about the question of the referendum and the date of the elections. The Resident, Colonel Logiest, told you the other day that the Commission would have liked the referendum to be held before the elections. I must say that it is not the practice of the Commission to divulge the nature of its talks with the Administering Authority or to put its intentions or preferences on record, since its aim is, understandably, to do nothing which would hinder the Administering Authority in fulfilling its responsibilities. However, since Colonel Logiest has seen fit to reveal certain views held by the Commission on this matter, I should also like to say something about it to you.

The Commission does indeed prefer that the referendum should be held before the legislative elections and has expressed that preference. Its reasons are based on the fact that the Commissioners closely followed the General Assembly's debates on this subject and that they have tried to analyse them and to discover the essential ideas which most delegations had in mind when considering this problem.

The General Assembly's discussions revealed the full extent of its concern over measures which it considered arbitrary and illegal. A régime which existed in the Trust Territory was abolished by irregular methods. Another régime was proclaimed and declares that it acted in accordance with the wishes of the people. This last assertion is nevertheless contested by part of the population, and the Administering Authority, which admits that this state of affairs exists, has done nothing to ascertain the true situation by putting the question to the people.

The General Assembly therefore wanted a return to the rule of law. In other circumstances, the United Nations might perhaps have called for the unconditional restoration of the legally constituted authority as it had previously existed, but after studying the realities of the internal political situation more carefully, it arrived at a solution which accorded still more closely with the spirit of our times. That was, quite simply, to put the matter to the people of Rwanda, as the sole custodians of the national sovereignty, so that they could make

their views known on the constitutional structure of their country. It is thus quite natural that constitutional legality should be re-established before the people go to the polls to choose their representatives.

It would be neither logical nor just to hold the elections in a constitutional framework whose legality had been questioned. You will therefore understand why we were pleased when the Administering Authority promised to tackle the problem of obtaining the agreement of the Banyarwanda to the referendum's being held fifteen days before the legislative elections.

I have considered with great care the arguments put forward by the parties, and the Administration's new misgivings about there being a gap of fifteen days between the referendum and the elections. I immediately informed my colleagues of the position even while you were debating this problem on Saturday. I am glad to be able to tell you that the Commission was very receptive to certain arguments put forward by the Resident and certain political parties. It accordingly decided that, as far as it was concerned, a shorter period of perhaps only a few days, that is, just enough time for the country to learn of the results of the referendum, might be regarded as perfectly justified and acceptable. The essential thing, in our view, is that a legally constituted authority should be established, or re-established, before the people go to the polls.

I think that I have now finished with the three important problems which I wished to raise. There remains the question of the procedure to be followed for the referendum and other questions apart from the referendum and the elections. I repeat once more that it is for the Administering Authority to take the decisions on these various questions, and I believe that it has acted very wisely in choosing this method of arriving at its decisions after consultations with the parties concerned. My role will be limited to offering my good offices if I am consulted. I would ask you, however, to leave me out of any consultations that might involve the Commission's responsibility, for the Commission has merely an advisory function which it is quite ready to perform; there can be no question of its sharing the responsibility for its decisions with the Administering Authority. It is not allowed to do so by its terms of reference.

ANNEX XV

Text of the draft protocol submitted by the Resident on 3 July 1961 to the conference of the political parties of Rwanda

I. PREAMBLE

The Administering Authority of Rwanda has, since 19 June 1961, gathered together the main national parties in order to discuss with them the best way of putting into effect the recommendations contained in United Nations resolution 1605 (XV).

It hoped that the political leaders, once they were brought together, would succeed in reaching agreement on common solutions to all the problems before them.

It has constantly encouraged them to do so.

It wishes to thank Mr. Rahnama, the United Nations Commissioner, for the help he has given both to the parties and to the Administering Authority by explaining to them the spirit behind the resolutions and by assisting them with his advice so that an atmosphere of peace and understanding might be maintained and that the electoral operations might proceed smoothly to the satisfaction of all concerned.

It is unfortunately compelled to recognize that although the parties quickly agreed on a number of questions, there were others, which are of great importance, on which it was not possible to reach unanimous agreement. The main issues are the establishment of a broad-based caretaker government and the order in which the elections and the referendum are to take place.

The Administering Authority, being conscious of the obligations incumbent upon it, particularly under operative paragraph 5 of the resolution, is creating the necessary conditions and atmosphere for the proper conduct of the national elections and is not permitting any local authorities to impede the implementation of the resolutions of the General Assembly.

In accordance with the resolutions adopted by the United Nations, the Administering Authority has made provision for the amnesty. The process of putting the relevant decisions into effect is far advanced, and all convicted and detained persons eligible under the amnesty are benefiting from the very far-reaching measures decreed by the Belgian Government.

The Administering Authority continues to favour and will encourage the return of refugees from abroad.

All persons freed under the amnesty and all refugees who return to the country will be able to stand for election and to vote.

The Administering Authority had thus given proof of its willingness to put the General Assembly's resolutions into effect.

It will take this decision further and give it concrete form during the next few weeks in conformity with its general attitude and that of its agents.

It wishes, however, to draw the attention of the parties to the fact that it must also take into account the aspirations of the people of the country.

It draws the attention of the political parties to their own responsibility for maintaining the conditions necessary for the proper conduct of the elections and the referendum.

The maintenance of the atmosphere of calm which is essential for the successful conduct of the electoral campaign, the legislative elections and the referendum will depend mainly, and even essentially, on the attitude of the political parties and their leaders. It is the duty of the leaders of the political parties, above all, to give the necessary orders and instructions to their members so that the latter will refrain from violence or intimidation.

The Administering Authority, for its part, is determined to respect the right to free expression of opinion.

It will nevertheless react firmly against any abuses which may result from this very tolerant attitude. It cannot allow inflammatory speeches or malicious charges against the Administration or its agents, or against individuals.

It will react firmly and quickly wherever law and order or the public peace are disturbed.

It draws the attention of the officers of the political parties to the fact that it can provide protection for individual persons and their property only in a general context of law and order and of respect for the convictions of others. It is the responsibility of the party leaders to prevent political antagonisms being aggravated by irresponsible party members or by calls to violence. The Administering Authority will take its decisions on an essentially pragmatic basis: if order is disturbed it will take action against those responsible for the disorder, wherever and whenever that may be necessary, with the utmost firmness.

The Administering Authority is determined not to allow any local authority, any political party or any party member to impede the implementation of the United Nations resolutions. It will give strict orders to that effect to the district staff, to the forces responsible for maintaining order and to the burgomasters of the communes.

II. PROVISIONS

A. Principles

1. The political parties assembled in conference at Kigali solemnly declare that they will co-operate to the full in the implementation of the resolutions of the United Nations.

2. They undertake to refrain from any action of a kind likely to disturb public order and tranquillity.

B. The elections and the referendum

At the meetings held between the parties in the presence of the Administering Authority, various opinions were voiced. Some parties asked that the referendum should be held before the elections, and others wanted it to be held afterwards.

Whichever of these operations takes place after the other, the Administration wishes to prevent it from being influenced by the results of the first.

It is important that the people should be able to express their views on the question of the monarchy and on their choice of leaders as freely as possible.

The announcement of the first, chronologically speaking, of these operations would probably lead to a certain state of excitement, which would prejudice the conduct of the second and might even provoke disturbances or disorders which would prevent the latter from being held.

The Administration considers that it would be preferable to avoid a situation where thousands of voters, both men and women, would have to go to the polls twice, within a few days, at polling stations which in some cases may be very far from where they live.

1. As a compromise between the opposing viewpoints and in order to ensure that the elections and the referendum proceed as normally as possible, the parties agree that the two operations should take place simultaneously, if possible on 27 August.

2. The electoral constituency shall be the district. There shall be one polling station for each commune. The number of deputies to be elected shall be that specified in article 2 of Legislative Ordinance No. 02/16 of 15 January 1961.

3. Voting shall be for lists of candidates, with proportional representation. Seats shall be allocated to each list in the order of presentation established in advance by the parties.

4. The parties adopt identifying colours for purposes of voting.

For legislative elections:

The Cartel adopts white as its colour.

The Parmehutu party adopts red as its colour.

The Aprosoma party adopts green as its colour.

For the referendum:

The parties adopt the following colours for replies to the two questions:

White to signify "yes".

Black to signify "no".

C. The constitution of a broad-based caretaker government to attend to current affairs of administration

The major political parties of Rwanda, which have been gathered together at Kigali since 19 June 1961, have been examining a pattern of government which would comply with the spirit of resolution 1605 (XV). In eleven days of debate, nothing was agreed upon, but the various parties stated their positions and advanced arguments in support of them.

Noting that no agreement could be reached, the parties unanimously expressed the desire that the representative of the Administering Authority should present a draft scheme of government.

The Administering Authority, desiring on the one hand to ensure the immediate implementation of the United Nations resolutions and, on the other, to help the parties to reach agreement, and bearing in mind the various points of view and the legitimate aspirations of the inhabitants, declares its willingness to propose a compromise formula. The Administering Authority notes that many different opinions are involved, which might be summed up, in a list which does not claim to be exhaustive, as follows:

(a) Some parties regard ethnic representation and the results of the communal elections as realities which cannot be ignored.

Others consider that no value should be attached to the results of the communal elections, which they regard as having been purely administrative.

(b) Some hold that a government which enjoys the allegiance of the majority of the inhabitants exists, that this government, enjoying *de facto* recognition, has actually governed the country and assumed responsibilities and is obeyed by the people, and that, consequently, its dissolution would give rise to discontent which might lead to disturbances.

Others consider that the government should be dissolved in order to give an equal opportunity to all, since its continuation at the head of a local administration which it set up would weigh the balance in its favour. Hence, they consider that

broadening the government would not suffice to overcome this obstacle unless there was a thorough reorganization.

(c) Some appear to interpret operative paragraph 4 of resolution 1605 (XV) to mean that in order to constitute a broad-based government, a new entity must be created, whereas their opponents consider that a broadening of the existing government would satisfy the spirit of the resolution.

(d) Even if the government is merely to be broadened, some consider that parity is the only possible solution, whereas others consider that it would suffice to include a number of opposition elements.

(e) The view held by one group, which would exclude the heads of political parties from the government, is opposed by another group.

The parties agree on the following composition of this Government: The transitional Government will be composed of nine ministries. They will be classified as principal ministries and secondary ministries. The principal ministries will be:

The Ministry of Justice;
The Ministry of Internal Affairs;
The Ministry of Agriculture;
The Ministry of Finance;
The Ministry of Economic Affairs.

The secondary ministries will be:

The Ministry of Technical Affairs;
The Ministry of Public Health.

Two new departments will be added:

The Ministry of Social Affairs and Refugees;
The Ministry of Communications.

In the case of the principal ministries, each department will be under the direction of two ministers of equal rank but of different party affiliation. These shall act jointly, and no decision taken separately shall be valid. In the case of the secondary ministries, each department shall be under the direction of only one minister.

There will be no changes in the case of the two existing departments, whereas the two new departments will be headed by representatives of the opposition.

Mr. Kayibanda will remain Prime Minister of this Government.

ANNEX XVI

Legislative Order No. 01-255 of 4 August 1961 concerning the trusteeship powers over decisions of the States and the communes

Article 1. Belgium shall exercise trusteeship over the districts, the States and the subordinate authorities through the Resident-General.

The Resident-General shall be represented in each State by the Resident.

In respect of the territories or provinces and the communes, he shall be represented by a delegate from the Administering Authority.

Article 2. Without prejudice to the legal provisions governing the administrative trusteeship of the communes, the trusteeship officer may, in the public interest, suspend decisions by the authorities and councils of the prefectures or provinces and of the communes.

The Resident shall immediately be notified of any such suspension together with the reasons for it.

The suspension shall come to an end after thirty days, or earlier if the Resident so decides.

Article 3. The Resident-General and the Resident may, in the public interest, annul decisions by the authorities and councils of the prefectures or provinces and of the communes.

Article 4. The Resident may, in the public interest, suspend decisions by the authorities and councils of the State.

The Resident-General shall immediately be notified of any such suspension together with the reasons for it.

The suspension shall come to an end after thirty days, or earlier if the Resident-General so decides.

Article 5. The Resident-General may, in the public interest, annul decisions by the authorities and councils of the States.

Article 6. Where the public interest so requires, the Resident-General may take the place of the authorities and councils of the States, of the prefectures or provinces and of the communes and, either personally or through special commissioners appointed by him, take all the decisions within the competence of those authorities or councils.

Article 7. The same power shall vest in the Resident as regards decisions by the authorities and councils of the prefectures or provinces and, if he is delegated to act on behalf of the Resident-General, of the States.

Article 8. In cases of emergency, the same power shall vest in the delegate of the Administering Authority as regards the authorities and councils of the prefectures or provinces and of the communes.

The Resident shall be immediately notified of measures taken under the preceding paragraph.

Such measures shall become null and void unless confirmed by the Resident within three months.

Article 9. This Legislative Order shall enter into force on 4 August 1961.

ANNEX XVII

Correspondence concerning the Mwami Kigeli V of Rwanda

1. Letter of 8 June 1961 from the Mwami Kigeli V to the Chairman of the Commission

Allow me to take this opportunity to address to you and to the other members of the Commission my hopes for your success in the important task which has again been entrusted to you: the task of guiding the Trust Territory of Ruanda-Urundi to democratic and peaceful independence.

For my part, I can assure you of my loyal collaboration in the work of remedying the scourge of political suffering which now afflicts the Trust Territory, and particularly my country, Rwanda.

It is in this spirit that I am writing to you today. While I do not know what plans the new Belgian Government may have with regard to the problems which have arisen owing to the shortsighted colonial policy of the former Belgian Government, I cannot regard this as a reason for pessimism. Accordingly, I hope that contacts will be established without delay between all parties interested in the faithful and complete implementation of resolutions 1579 (XV) and 1580 (XV) and of the resolution adopted by the United Nations General Assembly on 21 April 1961, all of which resolutions relate to the future of Ruanda-Urundi.

I place myself at the disposal of the Commission and of all who desire to restore peace and public order in the country, in order that the problems which have arisen may be solved with a minimum of conflict.

I am convinced:

(a) That Ruanda-Urundi is at last about to enjoy a period of public freedom for the free elections of August 1961;

(b) That a caretaker government based on a broad national coalition will be formed without delay in order to ensure the neutrality essential for the conduct of the electoral campaign and for democratic elections;

(c) That I shall be enabled to return to Rwanda immediately in conformity with General Assembly resolution 1580 (XV);

(d) That lastly, an atmosphere of mutual trust will be established between the new Belgian Government, the United Nations, the inhabitants of the Trust Territory and myself.

It is only in such an atmosphere of trust that Ruanda-Urundi will be able to attain its peaceful and democratic independence at the earliest possible date.

(Signed) KIGELI

2. Letter of 27 June 1961 from the Chairman of the Commission to the Resident-General

As I wish to reply to a communication dated 8 June 1961 sent to me from Dar es Salaam by the Mwami Kigeli V, a copy of which communication he has sent to you and to Mr. Spaak, Minister for Foreign Affairs, I should be grateful if you would inform me, having regard to resolutions 1580 (XV) and 1605 (XV), of the present position of the Belgian Government concerning the Mwami's possible return to the country.

(Signed) Max H. DORSINVILLE

3. Letter of 28 June 1961 from the Resident-General to the Chairman of the Commission

I have the honour to refer to your letter of 27 June, in which you ask me what is the position of the Belgian Government concerning a possible return of the Mwami Kigeli V to Rwanda.

As you know, the Mwami Kigeli V left Rwanda voluntarily last July and has remained in exile since that date, taking every opportunity to attack the Administering Authority.

May I add that General Assembly resolution 1605 (XV) does not call for any specific position with regard to the Mwami until his future status is decided by a referendum.

In the circumstances, my Government prefers that the exile which the Mwami Kigeli V has voluntarily chosen should continue, and is not prepared to discuss the conditions of his return until the referendum and the elections in Rwanda have taken place.

(Signed) J. P. HARROY

4. Letter of 29 June 1961 from the Chairman of the Commission to the Mwami Kigeli V

I have the honour to acknowledge receipt of your letter of 8 June 1961, which did not reach me until 17 June.

I have noted with great interest the desire which you express that a spirit of understanding may prevail on all sides, with a view to ensuring the order and calm necessary for the proper conduct of the coming popular consultations under the supervision of the United Nations Commission for Ruanda-Urundi.

I have no doubt of the sincerity of your feelings in this respect and I hope that you will continue to be guided in all your actions by the higher interests of your country.

I am attaching hereto a copy of a communication¹ which I have received from the Resident-General of Ruanda-Urundi regarding one of the matters with which you were concerned.

(Signed) Max H. DORSINVILLE

5. Letter of 6 July 1961 from the Mwami Kigeli V to the Chairman of the Commission

I have the honour to acknowledge receipt of your letter of 29 June, which reached me today accompanied by a copy of a letter from Mr. Harroy, Resident-General of Ruanda-Urundi, for which I thank you.

I am glad to know that you have no doubt regarding my feelings, which are, indeed, sincere. In accordance with the hope which you expressed, I will always be guided in my actions by the higher interests of my country, as is evidenced by the fact that I myself requested a referendum, which my people did not demand, solely in order to dispel the doubts raised by a foreign Power interested in the exploitation of Rwanda.

My present demand for the implementation of the United Nations resolutions, so far as concerns my return to Rwanda, is also motivated by the higher interests of my country, for which I remain responsible until such time as the people of Rwanda may decide otherwise.

My views regarding the communication which you have received from Mr. Harroy, Resident-General of Ruanda-Urundi, are as follows. The Resident-General claims that "...the Mwami Kigeli V left Rwanda voluntarily last July

¹ See this annex XVII, No. 3.

and has remained in exile since that date, taking every opportunity to attack the Administering Authority".

I have set out the reasons for and the circumstances of my departure in such detail, in my statements to the United Nations, that there should be no need for me to repeat them. I left to defend the higher interests of my country, as is attested by the resolutions adopted by the United Nations.

In claiming that I went into exile voluntarily, Mr. Harroy is going too far. Has he forgotten the statement made by the Minister for Foreign Affairs, Mr. Aspremont-Lynden? To refresh his memory, I refer him to paragraph 1 of United Nations resolution 1580 (XV), where he can read that the General Assembly: "*Notes with regret* that the Administering Authority has arbitrarily suspended the powers of the Mwami of Rwanda and has not allowed him to return to Rwanda to resume his duties of Mwami". It seems to me that that speaks for itself.

So far as attacking the Administering Authority is concerned, I do not deny it; I have done so. Has a ward not the right to attack his guardian when the latter has been remiss in his duty? The United Nations has judged us, and judgement was given for the ward against the Administering Authority. Let the Resident-General carry out the United Nations resolutions, or let him simply open his eyes and see the United Nations Commission beside him. Why would it be there, if not because the Administering Authority no longer has the full confidence either of its wards or of the United Nations? Have I been guilty of any wrong in denouncing this state of affairs? Rather, I should have been seriously delinquent in my duty to my people if I had remained silent concerning the shortcomings for which the local Administration has made the Administering Authority responsible.

If the new Belgian Government should by misfortune repeat the errors of the preceding Government I would attack it just as strongly, if not more so, just as I am fully prepared to collaborate with it sincerely if it renounces the attitude by which Belgian colonial policy has been guided in recent times.

The Resident-General goes on to say: "... General Assembly resolution 1605 (XV) does not call for any specific position with regard to the Mwami until his future status is decided by a referendum". I wonder if the Resident-General read the entire resolution. The General Assembly, in the second preambular paragraph, begins by "*Recalling* its resolutions 1579 (XV) and 1580 (XV) of 20 December 1960 concerning the future of the Trust Territory of Ruanda-Urundi", and it refers to those resolutions elsewhere in the text.

Even if these resolutions had not been cited, would they not nevertheless remain binding upon the Administering Authority? Must everything the United Nations recommends be repeated at each session or meeting if it is to remain valid? If that were the case, Belgium would be relieved of many responsibilities—including perhaps even the Trusteeship Agreement itself.

I firmly believe that every resolution which is not rescinded remains in force and must be carried out.

The Resident-General continues: "... my Government prefers that the exile which the Mwami Kigeli V has voluntarily chosen should continue...". If I understand him correctly, the Resident-General reaffirms officially and in clear terms that it is not by the will of the Administering Authority but by my own will that I am in exile. I note this with satisfaction. Being responsible for my own exile, I shall end it whenever I see fit. I regret that I cannot satisfy the Government's preference that I should continue my voluntary exile; the interests of my country come first.

Nevertheless, I should be glad if the Government, in co-operation with the United Nations Commission, would ensure the implementation of all the resolutions adopted by the United Nations, including resolution 1580 (XV). I consider that the non-implementation of this resolution constitutes an example of the obstruction referred to in operative paragraph 13 of resolution 1605 (XV).

I hope to receive a definite reply as soon as possible.

(Signed) KIGELI V

6. Telegram of 21 September 1961 from the Prime Minister of Tanganyika to the Chairman of the Commission

Following message is from Mwami Kigeli begins informed all airfields closed nonscheduled aircraft until September 26. I wish to return immediately accordance General Assembly resolution 1580 20/12/60. Most grateful secure immediately permission to land for British registered charter aircraft.

7. Telegram of 21 September 1961 from the Chairman of the Commission to the Mwami Kigeli V

Have honour acknowledge receipt of your message. Have communicated it to Resident-General who, after confirming Rwanda airfields closed, adds following: "I was unaware intentions of Mwami Kigeli who, since his conversations with Ambassador Carlier in June, has had no contact with Belgium. In view of this silence and lack of interest I am not inclined to rescind in his favour the measures adopted, particularly as his return three days before elections, without our being able to take adequate security measures, could only contribute to deterioration public order which Administering Authority has had to exert great efforts to maintain, as on occasion of recent Kibungu incidents."

ANNEX XVIII

Text of an appeal by the Mwami Kigeli V prepared for distribution in Rwanda on the eve of the popular consultations

TO ALL BANYARWANDA:

I am entering Rwanda; "PEACE" is my greeting.

Rwanda has just experienced two years of fire and bloodshed and has seen the destruction of all its property.

The perpetrators of these misdeeds have been none other but you, the Banyarwanda, yourselves.

There is a limit to everything. Those of you who do not realize that in destroying Rwanda you are destroying yourselves are totally blind. Awaken, children of Rwanda, subjects of the Mwami. Let there be an end to all that has been done in darkness and blindness and let us build a new Rwanda.

ERASE THE PAST.

All of you who seek vengeance, all of you who wish to begin killing again or to commit any other misdeeds, are wrongdoers; do not be surprised if you are prosecuted and punished severely. Love one another, Banyarwanda, and redouble your efforts for the development of the country of your birth.

Unity and strength: this is the motto which should fill your hearts.

And you, foreigners in Rwanda, Rwanda will become your homeland if you love it.

FOR PEACE, LIBERTY AND THE PROSPERITY OF RWANDA

(Signed) KIGELI V
Mwami of Rwanda

ANNEX XIX

Amended orders concerning the popular consultations in Burundi

1. Legislative Order No. 02/249 of 1 August 1961 concerning registration for the legislative elections, as amended

SECTION 1. VOTERS AND REGISTRATION

Article 1. A person may vote in the elections for members of the Assembly, provided that at the time when the electoral registers are closed, he has had his habitual residence in the commune for at least one month, is not less than eighteen years of age, and is a national of Burundi.

Article 2. Members of the armed forces of Ruanda-Urundi on active service, and members of the police force, shall not vote in the elections.

Article 3. The right to vote shall be suspended in the case of:

(1) A prisoner sentenced for a criminal offence or remanded in custody for an offence under the ordinary law; a person under detention for non-payment of taxes shall vote at the polling station nearest to his place of detention;

(2) A person confined to an institution or hospital by reason of insanity.

Article 4. Persons who satisfy the conditions laid down for the franchise shall be registered on the roll of the commune in which they have their main residence, i.e. that declared at the last census or on registration in the population register or, failing that, on registration on the roll.

Article 5. A roll of voters in a form prescribed by the Resident shall be kept in each commune.

Article 6. Every applicant for registration on the roll must furnish proof that he satisfies the conditions laid down for the franchise.

Article 7. If it is disputed that a voter has reached the age of eighteen years, his receipt for, or certificate of exemption from, the minimum personal contribution for the financial year 1961 shall be accepted as proof in the absence of other evidence.

Article 8. The right of a person to vote in the elections shall be established by his registration on the roll and the delivery of a voter's card in a form the model of which shall be prescribed by the Resident. If a card is lost or destroyed, a duplicate may be issued.

(Legislative Ordinance No. 02/285 of 25 August 1961—in force 1 August 1961)

Every voting card shall be signed at the time of its delivery by the chairman and one other member of the registration board as provided in article 11 below; the two signatories should, where possible, be members of different political parties.

Article 9. A board composed of representatives of the parties and presided over by the burgomaster shall register the voters, draw up the roll and issue the voters' cards at the time of registration. The absence of one or more representatives of the parties shall not affect the validity of the board's proceedings. The names and addresses of such representatives shall be communicated to the burgomaster not later than twenty-four hours before the start of operations.

Article 10. The roll of voters shall be closed eight days before the date fixed for the beginning of the elections in the constituency.

A copy of the roll shall be deposited or posted in the commune on that date.

It shall remain there until the date fixed for the elections in the constituency and may be consulted there by any person concerned.

Article 11. A record of closure of the roll shall be drawn up by the board provided for in article 9.

A copy of the record shall be sent to the district administrator.

SECTION 2. APPEALS AGAINST THE ROLL

Article 12. Any person may appeal to the administrator of the district to which the commune belongs, not later than six days before the elections, against registration or non-registration on the roll.

Article 13. The district administrator shall rule on every appeal not later than three days before the elections.

A copy of his ruling shall be sent to the burgomaster, the appellant and the person concerned.

Article 14. The rulings of the district administrator concerning registration or non-registration on the roll of voters shall be entered on the roll by the burgomaster within two days of the date on which they are made.

SECTION 3. PENALTIES

Article 15. Any person who by the use of violence disturbs or attempts to disturb the proceedings of a registration board with a view to hindering the registration operations shall be liable to hard labour for a term not exceeding two years and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 16. If a member of a registration board, while the board is in session, resorts to insults or violence towards one or more of the registration officers, or by assault and battery or threats delays or prevents the registration operations, he shall be liable to hard labour for a term not exceeding one year and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 17. If a person, with a view to having his name entered on a register of voters, knowingly makes false statements or produces documents which he knows to have been forged, he shall be liable to a fine not exceeding 200 francs.

If a person knowingly commits the acts aforesaid for the purpose of causing another person's name to be entered on or removed from a register of voters he shall be liable to the same penalty.

If a person knowingly causes his name to be entered, or presents himself for the purpose of having his name entered, on more than one electoral roll he shall be liable to the same penalty.

Article 18. Any person responsible in any capacity whatsoever for the preparation or compilation of electoral rolls who, in the performance of such duties and with a view to removing a voter's name from such a roll or to securing the franchise for a person, knowingly uses papers or documents which have been falsified by alteration, mutilation or addition or have been counterfeited, or who, for the same purpose, wilfully makes inaccurate entries in the electoral rolls through the alteration, addition or omission of data provided in such papers or documents as may be used in the compilation of the said rolls, shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

Article 19. This legislative Ordinance shall enter into force on 1 August 1961.

2. Legislative Order No. 02/269 of 17 August 1961 concerning the legislative elections, as amended

SECTION 1. ELIGIBILITY

Article 1. A person shall be eligible for election if, at the time when the electoral registers are closed:

- He has his habitual residence in the State;
- He is not less than twenty-one years of age;
- He is a national of Burundi;

He has successfully completed two years of post-primary schooling or undergone equivalent training.

Article 2. The following shall not, however, be eligible:

(1) A person who has been sentenced to hard labour for terms amounting in all to

(a) More than one year and less than five years within the preceding ten years;

(b) More than five years within the preceding twenty years.

These periods shall be calculated up to the closing date for the filing of candidatures.

These provisions shall not apply to any person who has benefited from an amnesty or who has been sentenced for the contravention of an administrative regulation (*décision de police administrative*) or of an act of negligence (*délit d'imprudence*);

(2) A person confined to an institution or hospital by reason of insanity;

(3) A person serving a sentence of imprisonment, unless he was sentenced for the contravention of an administrative regulation.

Article 3. The persons referred to in article 2 of Legislative Ordinance No. 02/249 of 1 August shall not be eligible.

SECTION 2. CANDIDATURES AND ALLOCATION OF SEATS

Article 4. Burundi is divided into sixty-four constituencies. The said constituencies are determined by Ordinance No. 02/21 of 17 January 1961.

Article 5. The names of candidates shall be submitted on lists sponsored by parties or associations.

There need be no more than one candidate on a list.

The number of names on a list shall not exceed four.

Article 6. The entry of a list of candidates must be accompanied by a deposit of 2,500 francs, regardless of the number of candidates on the list.

The deposit shall not be refunded if the list fails to receive one-tenth of the votes cast in the constituency.

Article 7. A candidature shall be null and void if the candidate:

Fails to secure acceptance;

Is not eligible;

Is entered on more than one list;

Has been presented in more than one constituency.

Article 8. In each constituency the seat shall be assigned to the list which obtains the highest number of votes.

Article 9. Whenever two or more lists are equally entitled to the seat, it shall be assigned by drawing lots.

Article 10. The seat won by a list shall be assigned to the candidate on the list who has obtained the highest number of votes.

Whenever two or more candidates are equally entitled to the seat, it shall be assigned by drawing lots.

SECTION 2 bis. THE ELECTORATE

(Legislative Order No. 02/286 of 25 August 1961—in force 25 August 1961)

Article 10 bis. The persons referred to in section 1 of Legislative Ordinance No. 02/249 of 1 August 1961 concerning registration shall be voters. A person under administrative detention, or serving a sentence of hard labour for the contravention of an administrative decision (*décision de police administrative*), or under detention (*contraint par corps*), shall vote at the station nearest to his place of detention. A person placed in supervised residence shall vote at the station nearest to his prescribed place of residence.

SECTION 3. ELECTIONS

Article 11. The Resident-General shall determine:

The procedures for verifying the qualifications of candidates and the grounds for disqualification, and procedures for the application of the relevant provisions;

The procedures for the presentation of candidates;

The technical procedures for organizing and conducting the elections.

Appeals from the results of an election and penalties for electoral offences shall, however, be governed by the following provisions:

A. APPEALS

Article 12. An appeal against the results of an election shall, under penalty of disqualification, be lodged within the six days following the announcement of the results.

The appeal shall be sent by registered post to the chairman of the board referred to in the next article.

The appeal shall in every case indicate the identity and the place of residence of the appellant.

Article 13. An appeal shall be examined within fifteen days of receipt by a board consisting of a chairman and two assessors appointed by the president of the court of first instance from among the judges on the local bench.

The board shall reach its decisions by majority vote.

If the board allows an appeal on grounds of an error of fact, it shall rectify the erroneous result. In all cases it shall annul the election wholly or partly if the irregularities in question could have materially affected the result of the voting.

Article 14. If the election is annulled, the chairman of the board shall inform the Resident-General immediately thereof by registered post.

The Resident-General or his deputy shall fix the date of the new elections. The new elections shall be held not later than fifteen days after the decision of the board. No new candidates may be presented.

B. PENALTIES

Article 15. If a person gives, offers or promises directly or indirectly to one or more persons who shall be specified any money, valuables or property in return for a vote or for abstaining from voting, or makes such gift, offer or promise contingent on the results of the election, he shall be liable to hard labour for a term not exceeding one month and to a fine not exceeding 500 francs, or to one of these penalties only.

Any person who accepts any such offer or promise shall be liable to the same penalties.

Article 16. If a person, in order to compel a voter to abstain from voting or to influence his vote, resorts to assault and battery, violence or threats, causes him to fear loss of employment, injury to his person or family or damage to his property, he shall be liable to hard labour for a term not exceeding six months and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 17. If a person knowingly provides funds for the commission of any one of the offences specified in the two preceding articles, or orders any offer, promise, threat or assault and battery, as therein referred to, to be carried out on his behalf, he shall be liable to punishment as principal in the first degree.

Article 18. If in the cases provided for in the three preceding articles the offender is a civil servant, the maximum penalty shall be imposed, and the length of the term of imprisonment and the amount of the fine may be doubled.

Article 19. Any person who employs, assembles or stations individuals, even unarmed, in a manner likely to intimidate the voters by exerting moral or physical pressure or to disturb the peace, or who himself acts with those aims in view, shall be liable to hard labour for a term not exceeding six months and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Any person who knowingly joins any band or group so organized shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

Article 20. Persons who, by means of unlawful assembly, or the use of violence or threats, prevent one or more voters from exercising their political rights shall be liable to penal servitude for a term not exceeding one year and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 21. If a person by the use of violence disturbs or attempts to disturb the proceedings of an electoral board with a view to hindering the election operations he shall be liable to hard labour for a term not exceeding two years and to a fine not exceeding 2,000 francs, or to one of these penalties only.

If the ballots have been tampered with, the maximum penalties as laid down shall be imposed, and the length of the term and amount of the fine may be doubled.

Article 22. Any member of an electoral board who, while the board is in session, resorts to insults or violence towards one or more of the electoral officers, or who by assault and battery or threats delays or prevents the election operations, shall be liable to hard labour for a term not exceeding one year and to a fine not exceeding 2,000 francs, or to one of these penalties only.

If the ballots have been tampered with, the maximum penalties laid down shall be imposed, and the length of the term and amount of the fine may be doubled.

Article 23. If a person affixes the signature or fingerprint of another person or of a fictitious person to any document whereby a person is put up for election or agrees to be a candidate he shall be liable to the penalties prescribed for forgery.

Article 24. If a person is found guilty of counterfeiting ballot-papers he shall be liable to the penalties prescribed for the forgery of public documents.

Article 25. If a person who is required in his official capacity to participate in the organization, supervision and, more generally, the proper conduct of the electoral operations, betrays the secrecy of the ballot he shall be liable to penal servitude for a term not exceeding two months and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 26. If a person votes or presents himself for the purpose of voting in the name of another voter he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

If a person votes or presents himself for the purpose of voting at more than one polling station he shall be liable to the same penalties.

If a person, in any manner whatsoever, abstracts one or more ballot-papers he shall be liable to the same penalties.

Article 27. If a person, while the votes are being cast or counted, fraudulently alters, suppresses or adds any ballot-paper, or who knowingly records a number of ballot-papers or votes lower or higher than the real number of those for the count of which he is responsible, he shall be liable to hard labour for a term of not less than three months nor more than two years and to a fine of not less than 50 nor more than 2,000 francs, or to one of these penalties only.

Any other person found guilty of any of the offences referred to in the preceding paragraph shall be liable to hard labour for a term of not less than one month nor more than one year and to a fine of not less than 50 nor more than 1,000 francs, or to one of these penalties only.

(Legislative Order No. 02/286 of 25 August 1961—in force 25 August 1961)

Article 27 bis. If a person places any means of transport belonging to the public authorities at the disposal of any person for the purpose of conveying him to the polling station he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only, unless the person conveyed is entitled to use the vehicle in question.

(Legislative Order No. 02/299 of 12 September 1961)

Article 27 ter. If a person displays any badge, writing, slogan, emblem or other sign in favour of any political party, candidate or list in any public place or place open to the public within one kilometre of a polling station on the polling day he shall be liable to penal servitude for a term not exceeding one month and to a fine not exceeding 200 francs, or to one of these penalties only.

(Legislative Order No. 02/286 of 25 August 1961)

Article 27 quater. If a person convenes, assembles or attends on the polling day a public meeting concerning the elections, or if he distributes any non-official written or printed matter concerning the same, or speaks in a public place concerning any party, list or candidate he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

SECTION 4. SUBSTITUTION

Article 28. The appointment of alternates to replace members of the Assembly shall be carried out in the following manner:

The candidates on each list who have not received the number of votes required for a seat shall be called upon, in the order

of the number of votes obtained, to replace the person on their list who was elected but who has been suspended from office, or whose seat has fallen vacant.

Whenever two or more candidates are equally entitled to the seat, it shall be assigned by drawing lots.

In the absence of an alternate on a given list, a by-election shall be held.

Article 29. An alternate who is called upon to sit shall serve the unexpired term of the regular member whom he replaces.

SECTION 5. REASONS FOR THE WITHDRAWAL OR SUSPENSION OF A MANDATE

Article 30. The mandate of a member or alternate member of the Assembly shall terminate in the event of:

- (1) Resignation;
- (2) Appointment to one of the offices specified in article 4 of Legislative Order No. 02/235 of 15 July 1961, subject to the provisions of article 31, paragraph (1), of this Order;
- (3) Loss of the qualifications specified in article 1;
- (4) Sentence upon conviction to one of the penalties enumerated in article 2, paragraph (1);
- (5) Death.

Article 31. The mandate of a member shall merely be suspended in the event of:

- (1) His appointment as a Minister or Secretary of State;
- (2) His call to the colours;
- (3) Loss of qualifications under article 2, paragraphs (2) and (3).

SECTION 6. GENERAL PROVISIONS

Article 32. Chapter II of Order No. 02/235 of 15 July 1961 is hereby repealed.

Article 33. This Legislative Order shall enter into force on 17 August 1961.

3. Ordinance No. 02/270 of 17 August 1961 concerning the legislative elections as amended

SECTION 1. GENERAL

Article 1. The legislative elections in the State of Burundi shall be held on 18 September 1961.

SECTION 2. NOMINATIONS

Article 2. Nominations shall be received by the district administrator or his representative not later than twenty days before the beginning of the elections in the district.

No nomination may be withdrawn after that date.

Article 3. The deposit of each list of candidates shall be entered in a record drawn up by the district administrator or his representative. A standard record form is annexed to this Ordinance.

Within four days after each record is drawn up, a copy thereof shall be deposited or posted in every commune in the constituency and may be consulted there by any interested person.

A copy shall be given immediately to each candidate as a receipt.

A copy shall be posted at the district office.

Article 4. Any list bearing the names of more than four candidates shall be null and void.

Article 5. Each candidate shall be given a symbol.

The Resident shall draw up a list of symbols, from which the symbols to be given to each candidate in each constituency shall be drawn by lot. The district administrator or his representative shall draw lots for this purpose on the closing date for the deposit of nominations.

SECTION 3. APPEALS AGAINST NOMINATIONS

Article 6. Not later than thirteen days before the date of the elections, an appeal may be made against a nomination to

the Resident through the district administrator, who shall forward his opinion and the necessary documents with the appeal.

Article 7. The Resident shall rule on appeals against nominations not later than ten days before the elections. A copy of his ruling shall be sent to the district administrator, to the district burgomasters, to the appellant and to the person concerned.

Article 8. The final list of candidates for the constituency shall be drawn up by the district administrator.

The list shall be posted at the communal office and at the district office.

Article 9. If a nomination is rejected, the symbol of the candidate concerned shall not be given to any other person in the constituency. If a new nomination is accepted following an appeal, the new candidate shall immediately be given a symbol drawn by lot from among the unused symbols of the constituency.

SECTION 4. ORGANIZATION OF POLLING STATIONS

Article 10. There shall be at least one polling station for each commune.

One polling station in each constituency shall be the central station. The Resident shall draw up the list of such stations.

Article 11 (Ordinance No. 02/206 of 8 September 1961, which came into force on that date). Each polling station shall be provided with one or more polling-booths each containing one ballot-box for each candidate of a type which shall be uniform throughout the State and which shall be determined by the Resident.

Each ballot-box shall bear the name and symbol of the candidate.

In addition, each candidate may, before the voting begins, place his photograph on his ballot-box in each booth.

Article 12. The place of each ballot-box in the booths shall be decided by the Chairman of the polling committee by drawing lots. The ballot-boxes of candidates on the same list shall be grouped together.

Article 13. Before the polling station opens, the Chairman of the polling committee shall seal the ballot-boxes with wax and a seal in the presence of the attending polling officers and representatives of lists of candidates.

The Chairman shall ensure that the seals remain unbroken throughout the electoral operations.

SECTION 5. COMPOSITION OF THE POLLING COMMITTEES

Article 14. Each polling committee shall consist of a Chairman, one or more Vice-Chairmen, and polling officers. The district administrator shall also appoint one or more inspectors, who shall ensure that the electoral operations are properly conducted.

Article 15. The Chairman and Vice-Chairmen of the committee shall be appointed by the district administrator from among the personnel who belong to the administration or who have been placed at the latter's disposal for the elections.

The polling officers and their substitutes shall be chosen from among the inhabitants of the constituency by the candidate at the head of each list and shall represent the lists in the committee. The names and addresses of such persons shall be communicated to the Chairman at least twenty-four hours before the polling station is opened.

Article 16. If one or more polling officers or substitutes are missing at the time fixed for the opening of the ballot or when voting is in progress, the Chairman shall replace them *ex officio*, by drawing lots, with persons resident within the jurisdiction of and present at the polling station.

Article 17. The Chairman shall be responsible for the conduct of all electoral operations and for the maintenance of law and order in the polling station.

He shall take all necessary steps to preserve order and the freedom of the ballot.

He may apportion among the Vice-Chairmen and the polling officers the tasks conferred on him by this Ordinance.

Article 18. In his absence from the polling station, the Chairman shall be replaced by such Vice-Chairmen as he may appoint.

Article 19. Before taking office, the Chairman, the Vice-Chairmen and the polling officers shall take the following oath: "I swear to ensure the proper conduct of the electoral operations and to preserve the secrecy of the ballot".

Article 20. The oath shall be taken, in the usual language of the person concerned, by the Vice-Chairmen and the polling officers before the Chairman and by the Chairman before the assembled committee.

Article 21. The polling officers may submit requests and observations to the Chairman of the committee. Such requests and observations, together with the Chairman's decision and the reasons therefor, shall be entered in the record of the election record.

Article 22. The Chairman, the Vice-Chairmen and the polling officers shall be entitled to attendance vouchers at the rate of sixty francs a day for the Chairman, forty-five francs a day for the Vice-Chairmen and thirty francs a day for the polling officers.

The said vouchers shall be honoured in cash by the district administrator or his representative at the close of the electoral operations in the constituency.

SECTION 6. REPRESENTATIVES OF THE LISTS

Article 23. One representative of each valid list of candidates may attend all the electoral operations.

Article 24. The representatives of the lists may address observations only to the Chairman of the committee. The said observations shall be entered in the record of the election.

SECTION 7. THE ELECTION PROPER

Article 25. The polling station shall be open to voters from 6 a.m. to 4 p.m. Should the need arise, however, the Chairman may decide that the station shall stay open until 6 p.m. at the latest. Voters present at the station at closing time shall be allowed to vote after that time. The Chairman's decision, accompanied by a statement of reasons, shall be entered in the record of the election.

Article 26. On entering the polling station each voter shall lay on the table his voter's card. The Chairman of the committee, having verified that the person in question has the franchise, shall hand him a ballot-paper of the kind prescribed by the Resident. The ballot-paper shall be initialled by the Chairman.

Article 27. Each voter shall then proceed directly to a polling booth and deposit the ballot-paper in the ballot-box of his choice.

Article 27 A (Order No. 02/298 of 9 September 1961, which came into force on that date). A voter who because of a physical disability is unable to enter the polling booth alone or to cast his vote himself may, with the permission of the Chairman, be accompanied by a person of his choice. The names of both shall be entered in the record.

If a polling officer or list representative doubts that the alleged disability is genuine or sufficiently serious, the committee shall give a ruling thereon, which shall be entered in the record together with a statement of reasons.

Article 28. After voting, each voter shall take back his voter's card, to which a stamp of a kind prescribed by the Resident has been affixed, and shall then dip his right thumb in indelible ink, or, if he has none, his left thumb, or, if he has neither, an un mutilated finger.

SECTION 8. CLOSURE OF THE BALLOT

Article 29. At the hour fixed in accordance with article 25, the Chairman of the committee shall declare the ballot closed.

Article 30. He shall count the unused ballot-papers and place them in a sealed envelope bearing a note of its contents.

Article 31. He shall then draw up, with his Vice-Chairmen and polling officers, the record of the election.

SECTION 9. THE COUNT

Article 32. When the electoral operations are completed, the Chairman, assisted by the Vice-Chairmen and the polling officers, shall proceed to count the votes.

The count shall take place in the presence of the representatives of the lists and under the supervision of the inspector.

Article 33. The Chairman shall perform, for each ballot-box in turn, the operations described in articles 34 to 38.

Article 34. After satisfying himself that the seals are intact, the Chairman shall open the ballot-box and withdraw and count the ballot-papers.

Article 35. He shall then sort the ballot-papers into the following categories: valid and invalid.

The following ballot-papers shall be invalid:

- (1) Any ballot-paper other than those prescribed for use;
- (2) Any ballot-paper which is torn or which bears marks or entries.

The remaining ballot-papers shall be valid.

Article 36. The Chairman shall write on each invalid ballot-paper the letter N, followed by the figure 1 or 2, as the case may be, to indicate the grounds for invalidity stated in the preceding article.

The Chairman shall count the invalid ballot-papers and place them in a sealed envelope bearing a note of its contents.

Article 37. The Chairman shall count the valid ballot-papers.

Article 38. He shall place the valid ballot-papers in a sealed envelope bearing a note of its contents and shall indicate the candidate and the list in whose favour they were cast.

Article 39. When the above operations have been completed, he shall enter the result of the vote in the record of the count, a copy of which shall be deposited at the communal office where it may be consulted by any interested person.

The record shall indicate:

- (a) The number of persons on the electoral roll;
- (b) The total number of invalid ballot-papers and valid ballot-papers;
- (c) The total number of votes obtained by each candidate;
- (d) The total number of votes obtained by each list.

Article 40. The Chairman shall place the sealed envelopes containing the valid and invalid ballot-papers in a ballot-box.

The ballot-box shall be sealed by the Chairman and sent on his responsibility to the Chairman of the central polling station of the constituency together with the sealed envelope containing the unused ballot-papers and the records.

SECTION 10. DISTRIBUTION OF SEATS

Article 41. By adding together the results from the different stations, the Chairman of the central polling station, assisted by two Co-Chairmen, whose names shall be drawn by lot, and by one polling officer for each list, shall determine, for the constituency as a whole:

- (a) The number of persons on the electoral roll;
- (b) The total number of invalid ballot-papers and valid ballot-papers;
- (c) The total number of votes obtained by each candidate;
- (d) The total number of votes obtained by each list.

Article 42. He shall assign the seat in accordance with articles 8 to 10 of Legislative Ordinance No. 02/269 of 17 August 1961.

Article 43. He shall enter the results in a record, which shall also contain the observations of the polling officers and representatives referred to in articles 14, 23 and 41 and the decisions taken concerning the same.

A copy of the record shall be deposited at the district office and may be consulted by any interested person.

Article 44. The name of the candidate elected shall be made known to the population forthwith, by proclamation and posting.

Article 45. The ballot-papers shall be kept at the district office for six months. On the expiry of this period they shall be destroyed by the district administrator, who shall draw up a record of this operation.

SECTION 11. ENTRY INTO FORCE

Article 46. This Order, which shall apply to the State of Burundi, shall enter into force on 17 August 1961.

ANNEX TO ORDER NO. 02/270 OF 17 AUGUST 1961

Record of deposit of nominations

In the year one thousand nine hundred and sixty-one, on the ... day of the month of

We,, being duly authorized by the (1) district administrator of

Have, in accordance with article 3 of Order No. 02/270 of 17 August 1961, received the nominations of the following persons:

Who are standing as candidates in the legislative elections of 18 September 1961 in the constituency of, being sponsored by the party/association (1)

In witness whereof we have drawn up this record, of which a copy has been remitted to the above-mentioned persons as a receipt.

....., on
District Administrator

(1) Strike out if not applicable.

4. Legislative Order No. 02/301 of 13 September 1961 containing supplementary provisions

Article 1. Voters who are unable to vote at the polling station of the commune where they are registered because they have been appointed to perform functions at another station may vote at the station to which they have been assigned.

Article 2. This Legislative Order shall enter into force on the date of its signature.

ANNEX XX

Amended Orders concerning the popular consultations in Rwanda

1. Legislative Order No. 02/250 of 1 August 1961 concerning registration for the legislative elections, as amended

SECTION 1. VOTERS AND REGISTRATION

Article 1. A person may vote in the elections for members of the Assembly, if, at the time when the electoral registers are closed, he has had his habitual residence in the commune for at least one month, is not less than eighteen years of age, and is either:

A national of Rwanda;

A national of Burundi or a Belgian citizen, able to furnish proof of two years' residence in the State;

A Congolese able to furnish proof of ten years' residence in Ruanda-Urundi, including two years' residence in the State; or

An alien able to furnish proof of ten years' residence in the State.

(Legislative Order No. 02/294 of 8 September 1961—in force 8 September 1961)

Article 2. The time-limit of one month's residence specified in the preceding article shall be reduced to fifteen days in the

case of a person returning from abroad or from another commune in Ruanda-Urundi to his commune of previous residence.

Any such person who is unable for reasons of *force majeure* to satisfy this condition may nevertheless vote if he goes to his commune of previous residence and registers there in person at any time up to three clear days before the elections. The registration boards shall for this purpose remain in operation until that date.

Any person who, following the disturbances, sought refuge in a commune in or outside Ruanda on or after 1 November 1959 may either return to his commune of previous residence in Ruanda in accordance with the two preceding paragraphs or register, at any time up to three clear days before the elections, in the commune in Ruanda where he now resides.

Article 3. Members of the armed forces of Ruanda-Urundi on active service, and members of the police force, shall not participate in the elections.

Article 4. The right to vote shall be suspended in the case of:

(1) A prisoner sentenced for a criminal offence or remanded in custody for an offence under the ordinary law.

A person under detention for non-payment of taxes shall be registered with the registration board nearest to his place of detention.

(2) A person confined to an institution or hospital by reason of insanity.

Article 5. Persons who satisfy the conditions laid down for the franchise shall be registered on the roll of the commune in which they have their main residence, i.e. that declared at the last census or on registration in the population register or, failing that, on registration on the roll.

Article 6. A roll of voters in a form prescribed by the Resident shall be kept in each commune.

Article 7. Every applicant for registration on the roll must furnish proof that he satisfies the conditions laid down for the franchise.

Article 8. If it is contested that a voter has reached the age of eighteen years, his receipt for, or certificate of exemption from, the minimum personal contribution for the financial year 1961 shall be accepted as proof in the absence of other evidence.

Article 9. For the purpose of determining residence qualifications in the district or State, absences of less than one year have a suspensory and absences of one year or longer have an interruptory effect.

Article 10. Registration on the roll and the issue of a voter's card in a form prescribed by the Resident shall confer the franchise. If a card is lost or destroyed, a duplicate may be issued.

Every voting card must be signed at the time of delivery by the chairman and one other member of the registration board as provided in article 11 below; the two signatories should, where possible, be members of different political parties.

(Legislative Order No. 02/282 of 25 August 1961—in force 1 August 1961)

Article 11. A board composed of representatives of the parties and presided over by the burgomaster shall register the voters, draw up the roll and deliver the voters' cards at the time of registration. The failure of one or more representatives of the parties to appear when duly summoned shall not affect the validity of the board's proceedings. The names and addresses of such representatives shall be communicated to the burgomaster not later than twenty-four hours before the start of operations.

Article 12. The roll of voters shall be closed eight days before the date fixed for the beginning of the elections in the district.

A copy of the roll shall be deposited or posted in the commune on that date.

It shall remain there until the date fixed for the elections in the constituency and may be consulted there by any person concerned.

Article 13. A record of closure of the roll shall be drawn up by the board provided for in article 8.

A copy of the record shall be sent to the district administrator.

SECTION 2. APPEALS AGAINST THE ROLL

Article 14. Any person may appeal to the administrator of the district to which the commune belongs, not later than six days before the elections, against registration or non-registration on the roll.

Article 15. The district administrator shall rule on every appeal not later than three days before the elections.

A copy of his ruling shall be sent to the burgomaster, the appellant and the person concerned.

Article 16. The rulings of the district administrator concerning registration or non-registration on the roll of voters shall be entered on the roll by the burgomaster within two days of the date on which they are made.

SECTION 3. PENALTIES

Article 17. Any person who by the use of violence disturbs or attempts to disturb the proceedings of a registration board with a view to hindering the registration operations shall be liable to hard labour for a term not exceeding two years and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 18. Any member of a registration board who, while the board is in session, resorts to insults or violence towards one or more of the registration officers, or who by assault and battery or threats delays or prevents the registration operations, shall be liable to hard labour for a term not exceeding one year and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 19. Any person who, with a view to having his name entered on a register of voters, knowingly makes false statements or produces documents which he knows to have been falsified, shall be liable to a fine not exceeding 200 francs.

Any person who knowingly commits the aforementioned acts for the purpose of causing another person's name to be entered on or removed from a register of voters shall be liable to the same penalty.

Any person who knowingly has his name entered, or who presents himself for the purpose of having his name entered, on more than one electoral roll shall be liable to the same penalty.

Article 20. Any person responsible in any capacity whatsoever for the preparation or compilation of electoral rolls who, in the performance of such duties and with a view to removing a voter's name from such a roll or to securing the franchise for a person, knowingly uses papers or documents which have been falsified by alteration, mutilation or addition or have been counterfeited, or who, for the same purpose, wilfully makes inaccurate entries in the electoral rolls through the alteration, addition or omission of data provided in such papers or documents as may be used in the compilation of the said rolls, shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

Article 21. This Legislative Order shall enter into force on 1 August 1961.

2. Legislative Order No. 02/262 of 8 August 1961 concerning the legislative elections, as amended

SECTION 1. ELIGIBILITY

Article 1. A person shall be eligible for election if, at the time when the electoral registers are closed, he has his habitual residence in the State, is not less than twenty-one years of age, and is either:

A national of Rwanda;

A national of Burundi or a Belgian citizen, able to furnish proof of two years' residence in the State;

A Congolese able to furnish proof of ten years' residence in the State; or

An alien able to furnish proof of ten years' residence in the State.

Article 2. The following shall not, however, be eligible:

(1) A person who has been sentenced to hard labour for terms amounting in all to

(a) Not less than one year nor more than five years within the preceding ten years;

(b) More than five years within the preceding twenty years.

These periods shall be calculated up to the closing date for the filing of candidatures.

These provisions shall not apply to any person who has benefited from an amnesty or who has been convicted of a contravention of an administrative regulation (*décision de police administrative*) or of an act of negligence (*délit d'imprudence*);

(2) A person confined to an institution or hospital by reason of insanity;

(3) A person serving a sentence of imprisonment, unless he was sentenced for the contravention of an administrative regulation.

Article 3. The persons referred to in article 3 of Legislative Order No. 02/250 of 1 August 1961 shall not be eligible.

SECTION 2. CANDIDATURES AND ALLOCATION OF SEATS

Article 4. The district shall constitute the constituency.

Article 5. The names of candidates shall be submitted on lists, which may or may not be sponsored by parties or associations.

There need be no more than one candidate on a list.

The number of names on a list shall not exceed twice the number of seats to be filled.

Article 6. A candidature shall be null and void if the candidate:

Has not accepted;

Is not eligible;

Is entered on more than one list;

Has been presented in more than one constituency.

Article 7. Voting shall be for lists of candidates, with proportional representation.

Article 8. In each constituency the number of seats to be assigned to each list shall be established in the following manner:

First operation: determination of the electoral divisor for the constituency by the following method:

Division of the total number of valid votes cast in the constituency, excluding blank ballots, by the number of seats to be assigned. The quotient shall be rounded off to the next higher integer.

Second operation: assignment to each list of a number of seats equal to the number of times the electoral divisor will go into the total number of valid votes cast for the list;

Third operation: determination of the number of seats remaining for allocation by subtracting the number of seats assigned in the second operation from the total number of seats for the constituency;

Fourth operation: classification of the lists in the descending order of the votes for which no seats were assigned in the second operation;

Fifth operation: assignment of the remaining seats at the rate of one per list, in the order of classification resulting from the fourth operation.

Article 9. If, during the second operation as provided in article 8, it should be impossible, for lack of a sufficient number of candidates, to assign to a given list all the seats to which it is entitled, the distribution of seats shall be begun

afresh among the remaining lists in accordance with the operations described in article 8 as aforesaid. In the first operation, a new electoral divisor shall be determined, leaving out of account the votes cast for the list with too few candidates and the seats assigned to all the candidates on that list.

If the situation described in the preceding paragraph arises in the fifth operation, the allocation of the remaining seats shall likewise be made in accordance with the procedure set out in article 8. In that case, however, the electoral divisor shall be determined solely on the basis of the votes taken into account in the fourth operation, exclusive of those cast for the list which has no more candidates.

If all the lists but one have obtained as many seats as there are candidates, the remaining seats shall be assigned to the list which still has non-elected candidates.

Article 10. Whenever two or more lists are equally entitled to the seat, it shall be assigned by drawing lots.

Article 11. The seats won by a list shall be assigned to the candidates on the list in the order of their presentation.

SECTION 2 bis. THE ELECTORATE (LEGISLATIVE ORDER No. 02/283 OF 25 AUGUST 1961—IN FORCE 25 AUGUST 1961)

Article 11 bis. The persons referred to in section 1 of Legislative Order No. 02/250 of 1 August 1961 concerning registration shall be voters. A person under administrative detention, or serving a sentence of hard labour for the contravention of an administrative regulation (*décision de police administrative*), or under detention (*contraint par corps*), shall vote at the polling station nearest to his place of detention. A person under a system of prescribed residence shall vote at the polling station nearest to his place of prescribed residence.

SECTION 3. ELECTIONS

Article 12. The Resident-General shall determine:

The procedures for verifying the qualifications of candidates and the rounds for disqualification, and procedures for the application of the relevant provisions;

The procedures for the presentation of candidates;

The technical procedures for organizing and conducting the elections.

Appeals against the results of an election and penalties for electoral offences shall, however, be governed by the following provisions:

A. APPEALS

Article 13. An appeal against the results of an election shall, under penalty of disqualification, be lodged within the six days following the announcement of the results.

The appeal shall be sent by registered post to the chairman of the board referred to in the next article.

The appeal shall in every case indicate the identity and the place of residence of the appellant.

Article 14. An appeal shall be examined within fifteen days of receipt by a board consisting of a chairman and two assessors appointed by the president of the court of first instance from among the judges on the local bench.

The board shall reach its decisions by majority vote.

If the board allows an appeal on grounds of an error of fact, it shall rectify the erroneous result. In all other cases it shall annul the election wholly or partly if the irregularities noted could have materially affected the result of the voting.

Article 15. If the election is annulled, the chairman of the board shall inform the Resident-General immediately thereof by registered post.

The Resident-General or his deputy shall fix the date of the new elections. The new elections shall be held not later than fifteen days after the decision of the board. No new candidates may be presented.

B. PENALTIES

Article 16. If a person gives, offers or promises directly or indirectly to one or more persons who shall be specified any

money, valuables or property in return for a vote or for abstaining from voting, or makes such gift, offer or promise contingent on the results of the election, he shall be liable to hard labour for a term not exceeding one month and to a fine not exceeding 500 francs, or to one of these penalties only.

If a person accepts such an offer or promise he shall be liable to the same penalties.

Article 17. If a person in order to compel a voter to abstain from voting or to influence his vote, resorts to assault and battery, violence or threats, or causes him to fear loss of employment, injury to his person or family or damage to his property, he shall be liable to hard labour for a term not exceeding six months and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 18. If a person knowingly provides funds for the commission of any one of the offences specified in the two preceding articles, or orders any offer, promise, threat or assault and battery, as therein referred to, to be carried out on his behalf, he shall be liable to punishment as principal in the first degree.

Article 19. If in the cases provided for in the three preceding articles the offender is a civil servant, the maximum penalty shall be imposed, and the length of the term of imprisonment and the amount of the fine may be doubled.

Article 20. Any person who employs, assembles or stations individuals, even unarmed, in a manner likely to intimidate the voters by exerting moral or physical pressure or to disturb the peace, or who himself acts with those aims in view, shall be liable to hard labour for a term not exceeding six months and to a fine not exceeding 2,000 francs or to one of these penalties only.

If a person knowingly joins any band or group so organized he shall be liable to hard labour for a term not exceeding two months or to a fine not exceeding 500 francs, or to one of these penalties only.

Article 21. Persons who by means of unlawful assembly, or the use of violence or threats, prevent one or more voters from exercising their political rights shall be liable to penal servitude for a term not exceeding one year and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 22. If a person by the use of violence disturbs or attempts to disturb the proceedings of an electoral board with a view to hindering the election operations he shall be liable to hard labour for a term not exceeding two years and to a fine not exceeding 2,000 francs, or to one of these penalties only.

If the ballots have been tampered with, the maximum penalties as laid down shall be imposed, and the length of the term and amount of the fine may be doubled.

Article 23. Any member of an electoral board who, while the board is in session, resorts to insults or violence towards one or more of the electoral officers, or who by assault and battery or threats delays or prevents the election operations, shall be liable to hard labour for a term not exceeding one year and to a fine not exceeding 2,000 francs, or to one of these penalties only.

If the ballots have been tampered with, the maximum penalties laid down shall be imposed, and the length of the term and amount of the fine may be doubled.

Article 24. If a person affixes the signature or fingerprint of another person or of a fictitious person to any document whereby a person is put up for election or agrees to be a candidate he shall be liable to the penalties prescribed for forgery.

Article 25. If a person is found guilty of counterfeiting ballot-papers and envelopes he shall be liable to the penalties prescribed for the forgery of public documents.

Article 26. If a person who is required in his official capacity to participate in the organization, supervision and, more generally, the proper conduct of the electoral operations, betrays the secrecy of the ballot he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 2,000 francs, or to one of these penalties only.

Article 27. If a person votes or presents himself for the purpose of voting in the name of another voter he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

If a person votes or presents himself for the purpose of voting at more than one polling station he shall be liable to the same penalties.

If a person in any manner whatsoever, abstracts one or more official ballot-envelopes he shall be liable to the same penalties.

Article 28. If a person, while the votes are being cast or counted, fraudulently alters, suppresses or adds any ballot-paper, or knowingly records a number of ballot-papers or votes lower or higher than the real number of those for the count of which he is responsible, he shall be liable to hard labour for a term of not less than three months nor more than two years and to a fine of not less than fifty nor more than 2,000 francs, or to one of these penalties only.

Any other person found guilty of any of the offences referred to in the preceding paragraph shall be liable to hard labour for a term of not less than one month nor more than one year and to a fine of not less than fifty nor more than 1,000 francs, or to one of these penalties only.

Article 28 bis (Legislative Order No. 02/283 of 25 August 1961—in force 25 August 1961). If a person plans any means of transport belonging to the public authorities at the disposal of any person for the purpose of conveying him to the polling station he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only, unless the person conveyed is entitled to use the vehicle in question.

Article 28 ter (Legislative Order No. 02/295 of 8 September 1961—in force 8 September 1961). If a person displays any badge, writing, slogan, emblem or other sign in favour of any political party, of a candidate on a list or of an option in a referendum in any public place or place open to the public within one kilometre of a polling station on the polling day, he shall be liable to hard labour for a term not exceeding one month and to a fine not exceeding 200 francs, or to one of these penalties only.

Article 28 quater. If a person convenes, assembles or attends on the polling day, a public meeting concerning the elections or the referendum, or if he distributes any non-official written or printed matter concerning the same, or speaks in a public place concerning any party, list or candidate or the referendum, he shall be liable to hard labour for a term not exceeding two months and to a fine not exceeding 500 francs, or to one of these penalties only.

Article 28 quinquies (Legislative Order No. 02/295 of 8 September 1961—in force 8 September 1961). Any voter who, in the course of the operations connected with the legislative elections and referendum, fails to leave the unused ballot-papers in the polling-booth as prescribed in article 25 of Ordinance No. 02/263 of 8 August 1961 and article 9 of Legislative Order No. 02/264 of 8 August 1961, and who is found by a supervising officer to be removing or attempting to remove from the polling station any unused ballot-paper or ballot-papers, shall be liable to hard labour for a term not exceeding fifteen days and to a fine not exceeding 200 francs, or to one of these penalties only.

Any voter who, contrary to the provisions of the first paragraph, removes from the polling station any unused ballot-paper or ballot-papers and shows the same to another person shall be liable to the same penalties.

Any person who incites a voter to commit any of the offences described in the first and second paragraphs of this article shall be liable to hard labour for a term not exceeding one month and to a fine not exceeding 500 francs, or to one of these penalties only.

SECTION 4. SUBSTITUTION

Article 29. The appointment of alternates to replace members of the Assembly shall be carried out in the following manner:

The candidates on each list who have not received the number of votes required for a seat shall be called upon, in the order of their presentation, to replace the members on their list who were elected but who have been suspended from office, or whose seats have fallen vacant. In the absence of an alternate on a list, a by-election shall be held.

Article 30. An alternate who is called upon to sit shall serve the unexpired term of the regular member whom he replaces.

SECTION 5. REASONS FOR THE WITHDRAWAL OR SUSPENSION OF A MANDATE

Article 31. The mandate of a member or alternate member of the Assembly shall terminate in the event of:

- (1) Resignation;
- (2) Appointment to one of the offices specified in article 4 of Legislative Order No. 02/234 of 15 July 1961, subject to the provisions of article 32, paragraph (1), of this Order;
- (3) Loss of the qualifications specified in article 1;
- (4) Sentence upon conviction to one of the penalties enumerated in article 2, paragraph (1);
- (5) Death.

Article 32. The mandate of a member shall merely be suspended in the event of:

- (1) His appointment as a Minister or Secretary of State;
- (2) His call to the colours;
- (3) Loss of qualifications under article 2, paragraphs (2) and (3).

SECTION 6. GENERAL PROVISIONS

Article 33. Chapter II of Order No. 02/234 of 15 July 1961 is hereby repealed.

Article 34. This Legislative Order shall enter into force on 8 August 1961.

3. Ordinance No. 02/263 of 8 August 1961 concerning the legislative elections, as amended

SECTION 1. GENERAL

Article 1. The legislative elections in the State of Rwanda shall be held on 25 September 1961.

SECTION 2. NOMINATIONS

Article 2. Nominations shall be received by the district administrator or his representative not later than eighteen days before the beginning of the elections in the district.

No nominations may be withdrawn after that date.

Article 3. The deposit of each list of candidates shall be entered in a record drawn up by the district administrator or his representative. A standard record form is annexed to this Ordinance.

Within four days after each record is drawn up, a copy thereof shall be deposited or posted in every commune in the constituency and may be consulted there by any interested person.

A copy shall be given immediately to each candidate as a receipt.

A copy shall be posted at the district office.

Article 4. Any list containing a number of candidates more than double the number of seats to be filled in the constituency shall be null and void.

Article 5. The Resident shall assign to each list one or more distinguishing colours.

SECTION 3. APPEALS AGAINST NOMINATIONS

Article 6. Not later than eleven days before the date of the elections, an appeal may be made against any nomination to the Resident through the district administrator, who shall forward his opinion and the necessary documents with the appeal.

Article 7. The Resident shall rule on appeals against nominations not later than eight days before the elections. A copy of his ruling shall be sent to the district administrator, to the district burgomasters, to the appellant and to the person concerned.

Article 8. The final list of candidates for the constituency shall be drawn up by the district administrator.

The list shall be posted at the communal office and at the district office.

SECTION 4. ORGANIZATION OF POLLING STATIONS

Article 9. There shall be at least one polling station for each commune.

Article 10. Each polling station shall be provided with not less than ten polling-booths and with at least one ballot-box of a type which shall be uniform throughout the State and which shall be determined by the Resident.

Article 11. Before the polling station opens, the chairman of the polling committee shall seal the ballot-box with wax and a seal in the presence of the attending polling officers and the representatives of lists of candidates.

The chairman shall ensure that the seal remains unbroken throughout the electoral operations.

SECTION 5. COMPOSITION OF THE POLLING COMMITTEES

Article 12. Each polling committee shall consist of a chairman, vice-chairmen and polling officers. The district administrator shall also appoint one or more inspectors, who shall ensure that the electoral operations are properly conducted.

Article 13. The chairman and vice-chairmen of the committee shall be appointed by the district administrator from among the personnel who belong to the administration or who have been placed at the latter's disposal for the elections.

The polling officers and their substitutes shall be chosen from among the inhabitants of the constituency by the candidate at the head of each list and shall represent the lists in the committees. The names and addresses of such persons shall be communicated to the chairman at least twenty-four hours before the polling station is opened.

Article 14. If one or more polling officers or substitutes are missing at the time fixed for the opening of the ballot or when voting is in progress, the chairman shall replace them *ex officio*, by drawing lots, with persons resident within the jurisdiction of and present at the polling station.

Article 15. The chairman shall be responsible for the conduct of all electoral operations and for the maintenance of law and order in the polling station.

He shall take all necessary steps to preserve order and the freedom of the ballot.

He may apportion among the vice-chairmen and the polling officers the tasks conferred on him by this Ordinance.

Article 16. In his absence from the polling station, the chairman shall be replaced by such vice-chairman as he may appoint.

Article 17. Before taking office, the chairman, the vice-chairmen and the polling officers shall take the following oath: "I swear to ensure the proper conduct of the electoral operations and to preserve the secrecy of the ballot".

Article 18. The oath shall be taken, in the usual language of the person concerned, by the vice-chairmen and the polling officers before the chairman, and by the chairman before the assembled committee.

Article 19. The polling officers may submit requests and observations to the chairman of the committee. Such requests and observations, together with the chairman's decision and the reasons therefor, shall be entered in the record of the election.

Article 20. The chairman, the vice-chairmen and the polling officers shall be entitled to attendance vouchers at the rate of sixty francs a day for the chairman, forty-five francs a day for the vice-chairmen and thirty francs a day for the polling officers.

The said vouchers shall be honoured in cash by the district administrator or his representative at the close of the electoral operations in the constituency.

SECTION 6. REPRESENTATIVES OF THE LISTS

Article 21. One representative of each valid list of candidates may attend all the electoral operations.

Article 22. The representatives of the lists may address observations only to the chairman of the committee. The said observations shall be entered in the record of the election.

SECTION 7. THE ELECTION PROPER

Article 23. The polling station shall be open to voters from 6 a.m. to 4 p.m. Should the need arise, however, the chairman may decide that the station shall stay open until 6 p.m. at the latest. Voters present at the station at closing time shall be allowed to vote after that time. The chairman's decision, accompanied by a statement of reasons, shall be entered in the record of the election.

Article 24 (Legislative Order No. 02/284 of 25 August 1961, which came into force on that date). Immediately after voting in the referendum, in accordance with Legislative Order No. 02/264 of 8 August 1961, each voter shall receive an envelope and a complete set of ballot-papers.

The envelopes and ballot-papers shall be of a type prescribed by the Resident.

Each envelope shall be initialled by the chairman at the time when it is handed to the voter.

Article 25. Each voter shall then proceed directly to a polling-booth, place the ballot-paper corresponding to the list of his choice in the envelope, leave the unused ballot-papers in the booth, go out of the booth and deposit the envelope in the ballot-box provided for the purpose.

Article 25 A (Ordinance No. 02/297 of 9 September 1961, which came into force on that date). A voter who because of a physical disability is unable to enter the polling-booth alone or to cast his vote himself may, with the permission of the Chairman, be accompanied by a person of his choice. The names of both shall be entered in the record.

If a polling officer or list representative doubts that the alleged disability is genuine or sufficiently serious, the committee shall give a ruling thereon which shall be entered in the record together with a statement of reasons.

Article 26. Only one ballot-paper may be placed in each envelope.

Article 27. After voting, each voter shall dip his right thumb in indelible ink, or, if he has none his left thumb, or, if he has neither, an unmutated finger.

Article 28. Before leaving, each voter shall submit his voter's card, to which a stamp of a kind prescribed by the Resident shall be affixed.

SECTION 8. CLOSURE OF THE BALLOT

Article 29. At the hour fixed in accordance with article 23, the chairman of the committee shall declare the ballot closed.

Article 30. He shall count the unused ballot-papers and place them in a sealed envelope bearing a note of its contents.

Article 31. He shall then draw up, with his vice-chairmen and polling officers, the record of the election.

SECTION 9. THE COUNT

Article 32. When the electoral operations are completed, the chairman, assisted by the vice-chairmen and the polling officers, shall proceed to count the votes.

The count shall take place in the presence of the representatives of the lists and under the supervision of the inspector.

Article 33. After satisfying himself that the seals are intact, the chairman shall open the ballot-box, withdraw the envelopes and count the same.

Article 34. He shall take the ballot-papers out of the envelopes and sort them into the following categories: valid, invalid and blank.

The following ballot-papers shall be invalid:

- (1) Any ballot-paper other than those prescribed for use;
- (2) Any ballot-paper placed in an envelope other than that prescribed by this Ordinance;
- (3) Ballot-papers placed together with one or more others in the same envelope;
- (4) Ballot-papers bearing, or placed in envelopes bearing, a sign, erasure or mark.

On invalid ballot-papers the word "nul" ("invalid") shall be entered, followed by the figure 1, 2, 3 or 4, as the case may be, to indicate the grounds for invalidity.

When the reason for invalidity is a sign, erasure or mark made on or affixed to an envelope, the envelope shall be attached to the invalid ballot-paper.

The same procedure shall be followed when the ballot-paper has been placed in an envelope other than that prescribed by this Ordinance.

The chairman shall count the invalid ballot-papers and place them in a sealed envelope bearing a note of its contents.

Envelopes of the type prescribed for use but not containing a ballot-paper shall be regarded as blank votes. The chairman shall mark them with the letter "B", count them and place them in a sealed envelope bearing a note of its contents.

The remaining ballot-papers shall be valid.

Article 35. The chairman shall count the valid ballot-papers.

Article 36. He shall add up the number of votes cast at the station in favour of each list.

Article 37. He shall place the valid ballot-papers in a sealed envelope bearing a note of its contents.

Article 38. He shall enter the result of the vote in the record of the count, a copy of which shall be deposited at the communal office where it may be consulted by any interested person.

The record shall indicate:

- (a) The number of persons on the electoral roll;
- (b) The total number of invalid ballot-papers, valid ballot-papers and blank ballot-papers;
- (c) The total number of votes obtained by each list.

Article 39. The chairman shall place the sealed envelopes containing the valid, invalid and blank ballot-papers in a ballot-box.

The ballot-box shall be sealed by the chairman and sent on his responsibility to the district administrator at the same time as the sealed envelopes containing the unused ballot-papers and the records.

SECTION 10. DISTRIBUTION OF SEATS

Article 40. By adding together the results from the different stations, the district administrator, assisted by three chairmen, whose names shall be drawn by lot, and by one polling officer for each list put to the vote, shall determine, for the constituency as a whole:

- (a) The total number of voters on the electoral roll of the constituency;
- (b) The total number of invalid ballot-papers, blank ballot-papers and valid ballot-papers;
- (c) The total number of votes obtained by each list;
- (d) The total number of votes obtained by all lists and, on the basis of this, the electoral divisor.

Article 41. He shall assign the seats in accordance with articles 8 to 11 of Legislative Order No. 02/262 of 8 August 1961.

Article 42. He shall enter the results in a record, which shall also contain the observations of the polling officers and representatives referred to in articles 12, 21 and 40 and the decisions taken concerning the same.

A copy of the record shall be deposited at the district office and may be consulted by any interested person.

Article 43. He shall draw up the list of members of the Legislative Assembly elected in his district and of their alternates.

The names of the candidates elected shall be made known to the population forthwith, by proclamation and posting.

Article 44. The ballot-papers shall be kept at the district office for six months. On the expiry of this period they shall be destroyed by the district administrator, who shall draw up a record of this operation.

SECTION 11. ENTRY INTO FORCE

Article 45. This Order, which shall apply to the State of Rwanda, shall enter into force on 8 August 1961.

4. Legislative Order No. 02/264 of 8 August 1961 concerning the referendum on the question of the Mwami of Rwanda

Article 1. In accordance with resolutions 1580 (XV) and 1605 (XV) of the General Assembly of the United Nations, a referendum on the question of the Mwami shall be held in Rwanda.

The said referendum shall be held concurrently with the legislative elections on 25 September 1961.

Article 2. Persons who have the franchise by virtue of articles 1 to 4 of Legislative Order No. 02/250 of 1 August 1961 shall participate in the referendum.

Article 3. The questions to be put at the referendum shall be those set forth in operative paragraph 7 of resolution 1605 (XV), namely:

(1) Do you wish to retain the institution of the Mwami in Rwanda?

(2) If so, do you wish Kigeli V to continue as the Mwami of Rwanda?

Article 4. The provisions of section 3 of Legislative Order No. 02/262 of 8 August 1961 concerning electoral appeals and penalties shall apply to the referendum.

Article 5. The provisions of articles 5 to 20 of Legislative Order No. 02/250 of 1 August 1961 concerning registration shall apply to the referendum on the question of the Mwami.

Article 6. The following provisions of Order No. 02/263 of 8 August 1961 concerning the legislative elections in Rwanda shall apply to the referendum on the question of the Mwami:

Section 4 on the organization of polling stations; save that the ballot-boxes provided for in article 10 of Ordinance No. 02/263 of 8 August 1961 shall be marked with the question in the referendum for which they are to be used;

Section 6 concerning the representatives of the lists;

Section 7, article 23, concerning the elections proper;

Section 8 concerning the closure of the ballot.

Article 7. The form of the ballot-papers, in different colours for affirmative and negative votes, shall be prescribed by the Resident.

Article 8. On entering the polling station each voter shall lay on the table his voter's card. When it has been verified that he has the franchise, and before he casts his vote in the legislative elections, each voter shall be handed an official envelope, initialed by the chairman or a vice-chairman, and two different ballot-papers with which to vote on the first of the questions in the referendum set forth in article 3.

Article 9. After receiving his envelope and two ballot-papers, the voter shall proceed to a polling-booth, insert in the envelope the ballot-paper signifying an affirmative or negative vote, throw the unused ballot-paper into a receptacle provided for the purpose in the polling-booth, leave the polling-booth and place the envelope in the ballot-box.

Article 10. The operations described in articles 8 and 9 shall then be repeated for the purpose of voting on the second question in the referendum set forth in article 3.

Before each such operation, the polling officers shall explain orally, especially to illiterates, what questions are asked in the

referendum, what colour has been assigned to the affirmative and the negative ballot-papers, and which ballot-box is to be used in answering each of the two questions. Such explanations must be unaccompanied by any comment, expression of opinion or encouragement, even indirect, to vote in a particular way. Any person who contravenes these provisions shall be liable to imprisonment for a term not exceeding one month, as principal penalty, or to a fine not exceeding 500 francs, or to both these penalties.

Article 11. After the closure of the electoral operations, the chairman, assisted by the vice-chairmen and polling officers, shall proceed to count the votes in the presence of the representatives of the lists and under the supervision of the supervising officers.

Article 12. The chairman shall carry out, for each ballot-box in turn, the operations described in articles 13 to 17.

Article 13. After satisfying himself that the seals are intact, the chairman shall open the ballot-box, withdraw the envelopes and count the same.

Article 14. He shall remove the ballot-papers from the envelopes and sort them into the following categories: valid, invalid and blank votes.

The following ballot-papers shall be invalid:

(1) All ballot-papers other than those prescribed for use;

(2) All ballot-papers inserted into an envelope other than those prescribed by this Ordinance;

(3) The contents of any envelope containing more than one ballot-paper;

(4) Any ballot-paper bearing, or inserted into an envelope bearing, any sign, erasure or mark.

A ballot-paper shall be marked invalid by writing on it the word "nul", followed by the figure 1, 2, 3 or 4, as the case may be, to indicate the grounds for invalidity.

Where the ballot-paper is invalidated by a sign, erasure or mark made on or affixed to the envelope, the latter shall be attached to the invalid ballot-paper.

The same shall apply where the ballot-paper has been inserted into an envelope other than that prescribed by this Order.

The chairman shall count the invalid ballot-papers and place them in a sealed envelope bearing a note of its contents.

Envelopes prescribed for use which contain no ballot-paper shall be treated as blank votes. The chairman shall write on them the letter B, count them and place them in a sealed envelope bearing a note of its contents.

The remaining votes shall be valid.

Article 15. The chairman shall count the valid ballot-papers.

Article 16. He shall count the affirmative and negative votes.

Article 17. He shall place the valid ballot-papers in a sealed envelope bearing a note of its contents.

Article 18. He shall enter the results of the ballot in the record of the count, a copy of which shall be placed in the communal office, where it may be consulted by any interested person.

The record must show, for each of the two questions asked:

(a) The number of voters registered on the roll;

(b) The total number of invalid ballot-papers, blank ballot-papers and valid ballot-papers;

(c) The total number of affirmative votes and negative votes.

Article 19. The chairman shall place in a ballot-box the sealed covers containing the valid, invalid and blank ballot-papers.

The chairman shall seal the ballot-box and send it, on his own responsibility, to the district administrator, together with the sealed covers containing the unused envelopes and the records.

Article 20. By adding together the results from the different polling stations, the district administrator, assisted as provided in article 40 of Ordinance No. 02/263 of 8 August 1961 by three chairmen drawn by lot and by one polling officer

for each list entered for the poll, shall determine for the constituency as a whole, and for each question:

- (a) The total number of voters registered on the rolls;
- (b) The total number of invalid ballot-papers, blank ballot-papers and valid ballot-papers;
- (c) The total number of affirmative and negative votes.

Article 21. He shall enter the results of the count in a record which shall also show the observations of the polling officers and representatives and the decisions taken thereon.

The record shall be placed under sealed cover and sent, on the district administrator's responsibility, to the Resident.

A copy of the record shall be placed in the district office, where it may be consulted by any interested person.

Article 22. The ballot-papers shall be kept at the district office for six months. On the expiry of this period they shall be destroyed by the district administrator, who shall draw up a record of this operation.

Article 23. By adding together the results from each district, the Resident, assisted by three officials whom he shall appoint and by a representative of each party which entered lists for the legislative elections in one or more constituencies, shall determine, for the State of Rwanda as a whole:

- (a) The total number of voters registered on the rolls;
- (b) The total number of invalid ballot-papers, blank ballot-papers and valid ballot papers for each of the two questions;
- (c) The total number of affirmative and negative votes on each of the two questions.

Article 24. He shall enter the results in a record which shall also show the comments of the polling officers and representatives referred to in article 23 and the decisions taken thereon.

A copy of the record shall be placed in the office of the Residency, where it may be consulted by any interested person.

Article 25. The results of the operations shall be made known to the population by proclamation and posting.

Article 26. This Legislative Order shall enter into force on 8 August 1961.

5. Legislative Order No. 02/300 of 13 September 1961 concerning the legislative elections and containing supplementary provisions

Article 1. Voters who are unable to vote at the polling station of the commune where they are registered because they have been appointed to perform functions at another station may vote at the station to which they have been assigned.

Article 2. This Legislative Order shall enter into force on the date of its signature.

ANNEX XXI

Calendar of electoral operations

Burundi

Time-limit for receipt of nominations.....	29 August
Time-limit for submission of appeals against a nomination	5 September
Time-limit for decisions on appeals against nominations	8 September
Closure of the electoral roll.....	10 September
Time-limit for submission of appeals against the roll	12 September
Time-limit for decisions on appeals against the roll	15 September
Date of the elections.....	18 September
Time-limit for submission of appeals against the results of the elections.....	26 September*

* The appeal must be submitted "within the six days following the announcement of the results". The results could be announced on 20 September.

Time-limit for decisions on appeals against the results of the elections.....	11 October
Time-limit for new elections in the event of partial annulment by the board of magistrates....	26 October

Rwanda

Time-limit for receipt of nominations.....	7 September
Time-limit for submission of appeals against a nomination	14 September
Time-limit for the Resident's decision on appeals against nominations.....	17 September
Closure of the electoral roll (except for refugees in cases of <i>force majeure</i>).....	17 September
Time-limit for submission of appeals against the roll	19 September
Time-limit for the District Administrator's decision on appeals against the roll.....	22 September
Time-limit for refugees in cases of <i>force majeure</i>	21 September
Date of the referendum and the elections.....	25 September
Time-limit for submission of appeals against the results of the elections or the referendum..	2 or 3 October ^a
Time-limit for decision of the board of magistrates on appeals against the results of the elections	17 or 18 October
Time-limit for new elections in the event of partial annulment by the board of magistrates	1 or 2 November

ANNEX XXII

Report of the Board for appeals against the legislative elections in Burundi

The legislative elections in Burundi, provided for in Legislative Order No. 02/269 of 17 August 1961, began on 18 September 1961 and were concluded on 18 and 19 September; the Board for Appeals against the Elections in Burundi instituted by articles 12 to 14 of the aforementioned Legislative Order, appointed by an order dated 26 September 1961 by the President of the Court of First Instance of Burundi, and composed of Mr. J. Guffens, Chairman, and Messrs. L. De Clerck and P. Knaepen, Assistants—met for the first time on 26 September 1961 at Usumbura.

The Board, consisting of three officers, held all its proceedings in the Usumbura law courts.

Appeals were received on 26, 27 and 30 September 1961. The Board recorded reception of a total of 34 registered letters, for which separate files were immediately opened, numbered from 1 to 34; files Nos. 7, 18 and 30 were subsequently combined with files Nos. 32, 29 and 2 respectively, either because the appeal in question had been duplicated or because it concerned the same electoral constituency as the other appeal.

Except for appeal No. 34 concerning the first electoral constituency of Bubanza-Kihanga, submitted late and by un-registered letter missive, all the appeals were submitted by registered letter within the time-limit of six days after announcement of the results of the vote, as required by law, and were consequently judged admissible by the Board.

The appeals against the legislative elections involved 113 out of the total of 182 communes in Burundi.

Two sets of statistics are attached¹ to the present report:

(a) A list of the files established by the Board for Appeals showing the decision given in each case;

(b) A table showing the number of communes whose elections were appealed against.

The appeals made to the Board may be classified as follows:

(a) A general appeal for the quashing of all the electoral operations of 18 and 19 September 1961 in Burundi. It was

^a The appeal must be submitted "within the six days following the announcement of the results". It may be presumed that the results will be announced on 26 or 27 September.

¹ Documents in the files of the Commission.

submitted by the residents of the following parties: PDC, UPP and PDR, on behalf of the Front commun. This appeal was rejected on 5 October: a copy of the Board's decision, stating the grounds on which it was based, is contained in the present report;¹

(b) Thirty-three individual appeals, 32 of which were submitted by prominent members of the Front commun, and one (Bubanza, Board for Appeals file No. 34, referred to above) by local representatives of UPRONA.

Given the substantial amount of work and the large number of communes criticized, the Board, which had only fifteen days in which to consider the appeals, decided to strengthen itself with a secretariat of three members, Messrs. Creten, Van Den Bossche and Zels.

The functions of the Board were:

1. To rectify any material errors discovered in the voting results;

2. To quash the election in all cases where the irregularities established might have influenced the result of the vote.

The Board decided to obtain possession, as promptly as possible, of all records of the election and records of the count, held both by the polling stations of the communes and by the main polling stations of the electoral constituencies. On receiving those records, the Board proceeded as follows:

(a) The arithmetical accuracy of the totals was checked. No errors were discovered.

(b) Where the facts alleged in an appeal could in no way have influenced the result of the election, the appeal was rejected, either partially or wholly.

(c) Where the facts alleged might have influenced the result of the elections, the Board decided to investigate the alleged acts of fraud, either:

(i) Through the hearing of witnesses, or

(ii) Through an inquiry on the spot.

In the large majority of cases, the Board summoned and heard the European observers who had directly supervised the electoral operations in the field. Almost all of them were heard before they returned to Europe. A record of the interrogation was drawn up in each case and placed in the file.

The Board also decided to go to Muhinga on 9 October 1961 in order to examine in greater detail the appeals against the elections held in the communes of Buhinyuza, Cendajuru and Vumbi.

On 10 October, the Board paid a visit to the district of Bururi in order to examine the appeals from Minago-Burambi-Buyengero (Rumonge province) and Kigwene-Bururi.

The Board terminated its work on 10 October 1961, exactly a fortnight after it had received the first appeals. In all, the Board quashed the elections in five communes—those of Butambuka and Buhinyuza in Muhinga District, and those of Minago, Buyengero and Burambi in Bururi District. This action affected three electoral constituencies, two of which were in Muhinga District. The three communes of Minago, Buyengero and Burambi together form a single constituency in Bururi District.

The appellants, as well as the Resident-General of Ruanda-Urundi and the Resident of Burundi, were advised by registered letter of each decision by the Board for Appeals, whether it involved the rejection of an appeal or the quashing of an election.

CONCLUSIONS

The Board for Appeals would be exceeding its competence if it attempted to assess the intrinsic value of the requests for quashing which it received, or to pass judgement on or evaluate the manner in which the legislative elections of 18 and 19 September took place.

However, having had occasion to examine the entire electoral operation, the Board can, in the interests of historical truth, here describe the principal complaints voiced by the appellants and summarize the most typical frauds encountered in the course of its work.

A. The general appeal

The copy of the rejecting decision attached to this report is sufficiently explicit. By that decision, the Board defined the limits of its competence in interpretation of articles 12 to 14 of Legislative Order No. 02/069 of 17 August 1961 whereby the Board for Appeals was established, and set judicial precedents in the matter. The Board, in its own view, was not competent to pass judgement on the manner in which the electoral campaign took place, or to quash all the elections held in Burundi. The Board's powers of annulment were limited to quashing the results of the voting in a given commune or electoral constituency.

It is nevertheless the fact that the appeals were almost unanimous in deploring the participation, in the election campaign, of a member of the family of the Mwami of Burundi—participation which, they claim, completely distorted the issue of the elections, literally making them into a referendum on the institution of the monarchy instead of an expression of opinion by the voters regarding the installation of a parliament. The same assertion is found in the only appeal lodged by members of UPRONA, in which protest is made against the election of an obscure figure who, although a member of their party, was imposed upon them, as a representative of the Mwami, by the party's executive.

Many appeals contain similarly worded statements to the effect that "we have been deceived, we have voted for the Mwami, and now we find that a stranger has become our deputy".

The Board received the impression that very many of the voters felt that they had been cheated, once they had learnt the results of the elections. It would accordingly appear that most of the electorate lacked the political maturity which might have been hoped for on the occasion of so important a decision.

B. The most obvious frauds

The Board's investigations proved the following:

(a) Removal of two ballot-boxes of the Front commun in the communes of Minago, Buyengero and Burambi. The elections were quashed in that constituency.

(b) All the ballot-boxes of the Front commun were hidden for the space of two hours, under a cloth, in a polling-booth in the commune of Butambuka, in Muhinga District; since the difference between the number of votes obtained by the Front commun and by UPRONA in that constituency was very small, the Board decided to quash the elections in that commune.

(c) In the commune of Buhinyuza, the chairman of the polling committee sent away two or three thousand voters on 18 September, at about 4 p.m. As a result, that election was quashed.

(d) A polling officer was found in the company of a woman voter in a polling-booth in Ruyigi District.

(e) It was not possible to prove any other fraud.

C. Principal complaints

In the aggregate, the complaints received relate to:

(a) Failure to check, or inadequate checking of, the identity of voters.

(b) Failure to tick off voters' names on the rolls.

(c) Impossibility of completing the voting operations in a single day. At several polling stations the voting had to be suspended at nightfall, for lack of light, until the following morning. Even where Coleman lamps were used, the task of supervising the operations was apparently a difficult one.

(d) Poor drafting of records of the elections and records of the counts.

(e) Propaganda activities by UPRONA in front of the polling stations.

(f) Over-weak construction of certain polling stations, which were often knocked over by impatient crowds.

(g) Inadequate supervision of voters leaving the polling station—which enabled propagandists waiting outside to recover

ballot-papers and place them *en bloc* in a ballot-box of their choice.

(h) During the voting, certain symbols were removed from ballot-boxes and placed on others.

Findings of the Board for Appeals concerning section C above

(a) In the vast majority of cases, the voting procedure took place quite normally. It is true that, on the very day of the elections, administrative instructions were received enabling certain legal provisions of the Legislative Order of 17 August 1961 to be departed from. However, such departures were rendered necessary by the slowness of the operations and were approved by the United Nations Commission for Ruanda-Urundi. As they were of general application, the Board considers that they cannot have affected the result of the voting.

(b) In point of fact no fraud was proved or detected in the matter of verifying the identity of voters or keeping the rolls.

(c) With two exceptions, all the staff taking part in the electoral operations (Chairman, polling officers, party representatives, European supervisors, etc.) carried out their tasks most conscientiously and with complete impartiality.

(d) As regards the other irregularities alleged by the appellants, either the Board was unable to obtain conclusive evidence in the course of its inquiries, or the irregularities were not such as to affect the results of the voting.

(Signed) Jacques GUFFENS,
Judge of the Court of First Instance
of Burundi

Usumbura, 24 October 1961

The Chairman of the Board for Appeals
against the Elections in Burundi

ANNEX XXIII

List of candidates elected to the Legislative Assembly of Burundi

District	Province	Constituency	Name	Party	
Bururi	Bururi	1	Seheye	UPRONA	
		2	Kandikandi	UPRONA	
		3	Biyorero	UPRONA	
		4	Sindamuka	UPRONA	
	Makamba	1	Ndabashinze	UPRONA	
		2	Mugunyira	UPRONA	
		3	Hajayandi	UPRONA	
	Kitega	Bukirasazi	1	Ntagabo, Th.	UPRONA
			2	Bucumi, E.	UPRONA
			3	Nkirabanko, M.	UPRONA
			4	Ntacorigira	UPRONA
			5	Butabo, A.	UPRONA
Karuzi		1	Mbazumutima, J.	UPRONA	
		2	Siryuyumunsi, Th.	UPRONA	
		3	Kasimbo	Front commun	
Kitega		1	Nibirantiza, P.	Front commun	
		2	Ntayega, A.	UPRONA	
		3	Karani, L.	UPRONA	
		4	Buname, S.	UPRONA	
		5	Nkeshimana, G.	UPRONA	
Muhinga		Kirundo	1	Mbazamihigo	UPRONA
			2	Kameca, A.	Front commun
	3		Ngendandumwe	UPRONA	
	4		Bimpenda, G.	UPRONA	
	5		Ndenzaka, M.	UPRONA	
	Muhinga	1	Nyamoya, A.	UPRONA	
		2	Kibwa, B.	UPRONA	
		3	Bizimana, S.	UPRONA	
		4	Nyizigiwe	UPRONA	
	Muramya	Muramya	1	Bamina, J.	UPRONA
			2	Barumpozako	UPRONA
			3	Benyaguye	UPRONA
Mwaro		1	Kabura	UPRONA	
		2	Ntamagara	UPRONA	
		3	Ntagwarara	UPRONA	
Ngozi	Kayanza	1	Bankumuhari, V.	UPRONA	
		2	Ndariganiwe, J.	UPRONA	
		3	Bucumi	UPRONA	
		4	Nirikana, B.	UPRONA	
		5	Kamenge, V.	UPRONA	
		6	Ntigacika, M.	UPRONA	
		7	Manirambona, A.	UPRONA	
		8	Ndikumagenge	UPRONA	
		9	Ndoricimga	UPRONA	
	Ngozi	1	Ziruburye, Z.	UPRONA	
		2	Hatungimana, A.	UPRONA	
		3	Rubamba, M.	UPRONA	
		4	Mbisagakuku	Front commun	
		5	Ndikuryayo, M.	UPRONA	
Rutana	Rutana	1	Ngunzu, P.	UPRONA	
		2	Ndikariyo	UPRONA	
		3	Nyaruguru	UPRONA	

<i>District</i>	<i>Province</i>	<i>Constituency</i>	<i>Name</i>	<i>Party</i>
Rutana (<i>continued</i>)		4	Barandigiye	UPRONA
		5	Nyankiye	UPRONA
Ruyigi	Cankuzo	1	Kahurura	UPRONA
	Ruyigi	1	Mukoma	UPRONA
		2	Kashirahamwe	Front commun
		3	Kayabo	UPRONA
Usumbura	Usumbura-	1	Siniremera	UPRONA
Bubanza	Bubanza-	2	Kayabu	UPRONA
	Cibitake-	3	Ngendabanyanka	Front commun
	Mwisale	4	Kibinakanwa	UPRONA
		5	Harusha	UPRONA
		6	Baredetse	UPRONA

ANNEX XXIV

List of candidates elected to the Legislative Assembly of Rwanda

<i>Constituency</i>	<i>Name</i>	<i>Party</i>
Astrida (8 seats)	GASINGWA, Germain KOZIVUZE, Deogratias MUNYANGAJU, Alois NKERAMUGABA, André REBERO, Côme RUGIRA, Amandin RWASIBO, Jean-Baptiste SEZIRAHIGA, Laurent	APROSOMA PARMEHUTU APROSOMA PARMEHUTU UNAR PARMEHUTU PARMEHUTU PARMEHUTU
Biumba (4 seats)	CYIMANA, Gaspard NIBASEKA, Lucien NSENIGYUMVA, François RWANGOMBWA, Chrisostène	PARMEHUTU PARMEHUTU PARMEHUTU UNAR
Gitarama (4 seats)	KAYIBANDA, Grégoire MULIHANO, Benoît MULINDAHABI, Calliope SENTAMA, Godefroid	PARMEHUTU PARMEHUTU PARMEHUTU PARMEHUTU
Kibungu (4 seats)	HABIMANA, Chrisante KAREMA, Etienne MUNYAKAZI, Venant SEBAZUNGU, Isidore	PARMEHUTU UNAR PARMEHUTU PARMEHUTU
Kibuye (3 seats)	IYAMUREMYE, Emmanuel NDEKEZI, Gaëtan NDUTIYE, Onesphore	PARMEHUTU PARMEHUTU UNAR
Kigali (5 seats)	BYUNGURA, Charles HAKIZIMANA, Jean MAKUZA, Anastase RUKABA, François SEBIHIRE, Christophe	PARMEHUTU PARMEHUTU PARMEHUTU UNAR PARMEHUTU
Kisenyi (4 seats)	BANZI, Wellars HABAMENSHI, Callixte KAMUZINZI, Chadrak MBERABIHIZI, Ladislav	PARMEHUTU PARMEHUTU PARMEHUTU PARMEHUTU
Nyanza (4 seats)	MUNYANZIZA, Augustin RWAGASANA, Michel SHAMUKIGA, Daniel UTUMABAHUTU, Jean-Baptiste	UNAR UNAR PARMEHUTU PARMEHUTU
Shangugu (3 seats)	BUSUNYU, Michel KALIMA, Vincent YAKAGABA, Joseph	PARMEHUTU PARMEHUTU PARMEHUTU
Ruhengeri (5 seats)	BICAMUMPAKA, Balthazar MPIRANYA, Mathias NYIRAMPILIMA, Dominique RUSINGIZANDENKWE, Olto SEBAPOLISI, Festus	PARMEHUTU PARMEHUTU PARMEHUTU PARMEHUTU PARMEHUTU

ANNEX XXV

Strength and distribution of military forces in Ruanda-Urundi during the election period

The regular strength of the metropolitan forces in Ruanda-Urundi on 15 July 1961 was 1,270 men.

As the election period approached in the two States, their strength was raised between 15 July and 15 September, to 2,190 men.

A Rwandese Territorial Guard of 700 indigenous troops and a Burundi Territorial Guard of 350 recruits should be added to these figures.

A. DISTRIBUTION OF METROPOLITAN FORCES DURING THE ELECTION PERIOD IN BURUNDI**1. Forces stationed in Burundi****(a) Land forces:**

3rd parachute battalion: 355 men;
1st and 2nd companies, 1st parachute battalion: 330 men;
Company 5 Li: 111 men;
Company 1 Cy: 144 men;
Company 1 Gr: 153 men;
Company 3 Cy: 143 men;
Supply service: 50 men.

(b) Air forces:

Five helicopters; six Harvards; five Pipers; one Tripacer;
Service corps and maintenance personnel: 60 men.

TOTAL: 1,266 men.

2. Distribution by regions**(a) Usumbura-Bubanza region:**

Personnel: 257 men;
Equipment: 1 helicopter, 1 Tripacer, 1 Harvard.

(b) Kitega region:

Personnel: 332 men;
Equipment: 1 helicopter, 3 Harvards.

(c) Muramvya-Kayanza region:

Personnel: 177 men;
Equipment: 1 Piper, 1 helicopter.

(d) Ngozi-Muhinga region:

Personnel: 208 men;
Equipment: 1 Piper, 1 helicopter.

(e) Ruyigi region:

Personnel: 120 men;
Equipment: 1 Piper.

(f) Lake Nyanza-Bururi-Rutana region:

Personnel: 172 men;
Equipment: 1 helicopter, 1 Piper, 1 Harvard.

3. General reserve at Usumbura (Burundi)**(a) Land forces:**

EM F/METRO: 80 men;
1st parachute battalion (—): 154 men;
Supply Service: 150 men.

(b) Air forces:

Personnel: 38 men;
Equipment: 4 C 47, 4 C 119.

TOTAL: 422 men.

4. Metropolitan forces in Rwanda

4th CDO battalion: 367 men;

1st company ChA: 135 men.

TOTAL: 502 men.

Equipment: 1 helicopter, 1 Harvard.

B. DISTRIBUTION OF METROPOLITAN FORCES IN RWANDA DURING THE ELECTION PERIOD**1. Forces stationed in Rwanda****(a) Land forces:**

4th CDO battalion: 367 men;
3 companies, 1st parachute battalion (—): 335 men;
4 infantry companies: 543 men;
Reconnaissance platoon 3 Para: 25 men;
Supply services: 50 men.

(b) Air forces:

Service corps and maintenance personnel: 60 men;
Aircraft: 6 helicopters, 6 Harvards, 5 Pipers L 18.

TOTAL: 1,380 men.

2. Distribution by sectors**(a) Kigali District:**

Personnel: 250 men;
Equipment: 2 Alouettes, 1 Harvard.

(b) Biumba District:

Personnel: 160 men;
Equipment: 1 Alouette, 1 Piper L 18.

(c) Kibungu District:

Personnel: 150 men;
Equipment: 2 Pipers L 18.

(d) Kisenyi District:

Personnel: 125 men;
Equipment: 1 Piper L 18.

(e) Kibuye District:

Personnel: 100 men;
Equipment: 1 Alouette.

(f) Shangugu District:

Personnel: 160 men;
Equipment: 1 Harvard.

(g) Nyanza District:

Personnel: 185 men;
Equipment: 1 Alouette, 1 Piper L 18.

(h) Astrida District:

Personnel: 190 men;
Equipment: 3 Harvards, 1 Alouette.

(i) Gitarama District:

Personnel: 40 men.

TOTAL: 1,360 men.

3. General reserve at Usumbura (Burundi)**(a) Land forces:**

EM metropolitan forces: 80 men;
1st parachute battalion (—): 151 men;
Supply services: 80 men;
3rd infantry company Cy: 143 men.

(b) Air forces:

Personnel: 46 men;
Equipment: 1 helicopter, 1 Tripacer.

TOTAL: 500 men.

4. Metropolitan forces in Burundi**Land forces:**

3rd parachute battalion (—): 310 men.