

T/1805

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**REPORT OF THE UNITED NATIONS
VISITING MISSION TO OBSERVE THE
REFERENDUM IN THE MARSHALL ISLANDS,
TRUST TERRITORY OF THE PACIFIC ISLANDS,
MARCH 1979**

TRUSTEESHIP COUNCIL

OFFICIAL RECORDS: FORTY-SIXTH SESSION

(May - June 1979)

SUPPLEMENT No. 3



UNITED NATIONS

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New York, 1979

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

T/1805

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LETTER OF TRANSMITTAL

25 April 1979

Sir,

I have the honour to transmit to you herewith, in accordance with Trusteeship Council resolution 2167 (S-XIV) of 15 February 1979 and rule 98 of the rules of procedure of the Council, the report of the United Nations Visiting Mission to observe the referendum in the Marshall Islands, Trust Territory of the Pacific Islands, 1979.

This report is subscribed to by both the members of the Visiting Mission.

Accept, Sir, the assurances of my highest consideration.

Sheila HARDEN
Chairwoman of the United Nations
Visiting Mission to observe the
referendum in the Marshall Islands,
Trust Territory of the Pacific
Islands, March 1979

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

CHAPTER I

TERMS OF REFERENCE AND COMPOSITION OF THE VISITING MISSION

1. At its fourteenth special session, the Trusteeship Council had before it a letter dated 29 January 1979 from the Permanent Representative of the United States of America to the United Nations enclosing a letter dated 24 January 1979 from the Speaker of the Marshall Islands Nitijela (Legislature), in which the latter invited the Trusteeship Council to send a visiting mission to observe the constitutional referendum in the Marshall Islands on 1 March 1979. 1/ In his letter, the Permanent Representative stated that his Government endorsed that invitation.

2. At its 1483rd meeting on 15 February 1979, the Trusteeship Council adopted resolution 2167 (S-XIV) by 3 votes to 1, by which it decided to send a visiting mission to observe the referendum in the Marshall Islands, the mission to begin on 22 February 1979 and to end as soon as practicable after the declaration of results. The Council further decided that the visiting mission should be composed of two members, one nominated by France and one by the United Kingdom of Great Britain and Northern Ireland. 2/ The Council directed the mission to observe the referendum, including the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results. At the same time and to the extent that its primary purpose permitted, the mission was to obtain first-hand information concerning political, economic and social developments in the Marshall Islands. The Trusteeship Council requested the mission to submit to the Council as soon as practicable a report on its observations of the referendum, containing such conclusions and recommendations as it might wish to make. Finally, the Council requested the Secretary-General to provide the necessary staff and facilities to assist the mission in the performance of its functions.

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

Ms. Sheila Harden (United Kingdom of Great Britain and Northern Ireland)
(Chairwoman)

Mr. Ricardo Duqué (France)

The Mission was accompanied by the following members of the United Nations Secretariat: Mr. Girma Abebe, Principal Secretary; Mr. Ozdinch Mustafa, Political Affairs Officer; Mr. Alberto Contreras-Suarez, Administrative Officer; and Miss Carmen Reinas, Secretary/Stenographer. The Mission was escorted by Mr. Daniel A. Strasser, Adviser, Political and Security Affairs, of the Permanent Mission of the United States of America to the United Nations.

1/ Official Records of the Trusteeship Council, Fourteenth Special Session, Sessional Fascicle, document T/1796.

2/ The representative of the Union of Soviet Socialist Republics informed the Council that his delegation objected to the dispatch of a visiting mission, and he voted against the resolution. China did not participate in the special session of the Council.

CHAPTER II

MARSHALL ISLANDS

A. Land

4. The Marshall Islands are located in the central Pacific and are the easternmost part of the Trust Territory of the Pacific Islands. The Marshall Islands, with a land area of about 180 square kilometres comprise 29 low-lying coral atolls and five low coral islands, which are widely scattered over 970,000 square kilometres of ocean. The islands form two parallel rows: the Ratak (sunrise) chain to the east and the Ralik (sunset) chain to the west. Most of the Marshall Islands are true atolls with central lagoons enclosed by coral reefs. These inlets seldom rise more than 6 metres above high tide and are easily flooded during storms, typhoons and tidal waves. The atolls are seldom more than 1.8 metres above sea level and the highest point is only 10 metres above the ocean. Islands are up to 16 kilometres in length and do not exceed 365 metres in width. Lagoons vary from less than a mile in length to 50 kilometres across and up to 120 kilometres or more in length. With a lagoon area of about 2,600 square kilometres, Kwajalein, in the northern Marshall Islands, is the largest atoll in the world.

5. Land, which is scarce, is of paramount importance to the Marshallese. Their agricultural economy is based on copra production and much of their food, particularly in the outer islands, comes directly from the land and the surrounding sea. The climate of the islands is favourable but the poor soil limits activities in the agricultural field. The principal source of cash income is copra. Coconut, pandanus, breadfruit, bananas and papaya are the main food items produced on the islands. Coconut trees and pandanus also furnish materials for buildings and handicraft purposes. Apart from pigs and chickens, there are few other animals. The lagoons and the surrounding sea are rich in marine life.

6. Majuro is the administrative headquarters of the Marshall Islands and is about 2,900 kilometres from Saipan, the provisional headquarters of the Trust Territory Government.

B. History

7. Although neither their names nor the date of their landfall is recorded, the first discoverers of the Marshall Islands most probably came from Malaysia some 4,000 years ago. Over a period of centuries, successive waves of immigrants from that region, travelling in deep-water canoes and "island-hopping", often in small family groups, gradually populated much of Oceania, including eastern Micronesia. Some of these remarkable early navigators eventually settled in destinations as far as 13,000 kilometres from their ancestral homes.

8. The first European explorer to sight the Marshall Islands was Garcíá de Loyasa, a Spanish captain, who sailed through and past the northern Marshall Islands in 1526. There was no other reported contact until 1788 when Marshall, an English

captain, rediscovered the islands which were given his name by the British Admiralty. The first systematic exploration of the Marshall Islands was made by Lieutenant von Kotzebue in the Russian ship Rurik in the years 1816-1817 and much information was obtained by the scientists who accompanied those expeditions. In the second half of the nineteenth century, Spain extended its administrative domain to include the Caroline and Marshall Islands.

9. During the same period, copra traders began to establish stations on several of the atolls and German traders became the most influential in the archipelago. In 1885, the German empire annexed the Marshall Islands and established a small administrative centre on Jaluit Atoll in the southern Marshall Islands. Germany ruled the Territory from 1899 to 1914, when Japanese naval squadrons took possession of the islands.

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

11. In 1946, the United States agreed to place the Territory of the Pacific Islands, consisting of the islands formerly held under mandate by Japan, under the International Trusteeship System established under the Charter of the United Nations. The draft trusteeship agreement for the Trust Territory of the Pacific Islands was formally submitted to the Security Council of the United Nations on 17 February 1947, and approved by it on 2 April 1947, in accordance with Article 83 of the Charter. 3/ The Agreement came into force on 18 July 1947 following its approval by the Congress of the United States.

12. For some time after its occupation by the United States Armed Forces, the Territory was administered by the United States Department of the Navy. In 1951, however, responsibility for the administration of the Territory within the United States Government was passed to the federal Department of the Interior. In 1965, the first elected Congress of Micronesia was convened. The Congress carried out its legislative responsibilities for the whole of Micronesia until 1975, when the district of the Northern Mariana Islands voted in a plebiscite for commonwealth status with the United States. 4/ Pursuant to Secretarial Order No. 2989, the Northern Mariana Islands were separated administratively from the Government of the Trust Territory of the Pacific Islands on 1 April 1976. The Administering Authority has, however, affirmed its intention to terminate the Trusteeship Agreement simultaneously for the entire Trust Territory.

13. Subsequently, Secretarial Order No. 3027 issued by the Secretary of the Interior on 29 September 1978 provided that the legislature of the Government would be vested in three legislatures of the Trust Territory as follows: for the districts of Kosrae, Yap, Ponape and Truk, that authority would reside in the Interim Congress of the Federated States of Micronesia; for the district of Palau, that authority would reside in the Palau Legislature; for the district of the

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

4/ See Official Records of the Trusteeship Council, Forty-third Session,
Supplement No. 2 (T/1771).

Marshall Islands, that authority would reside in the Marshall Islands Mitijela, which should be organized according to the terms of the charter of the Marshall Islands Legislature in force on the effective date of that order.

14. According to the same Secretarial Order, the authority of each of the three Trust Territory legislatures would be co-extensive; each would enjoy the same relationship with the executive authority of the Government of the Trust Territory but the authority and responsibility of each of the Trust Territory legislatures would not extend beyond the districts which elected members to it.

15. In a referendum conducted on 1 March 1979, the people of the Marshall Islands approved a constitution 5/ which had been adopted by a constitutional convention on 21 December 1978.

C. People

16. The people of the Marshall Islands are fairly homogeneous in race, language and culture, with only minor differences between the two chains (Ratak and Ralik) and among the different parts of the islands. The Marshallese language, known to the islanders as Kajin ailing kein (language of these atolls), or Kajin Majol (Marshall language), is closely related to the other languages of Micronesia with the exception of Palauan, which is spoken in the Palau Islands, and Chamorro, which is spoken in the Mariana Islands. There are slight variations in the Marshallese dialects spoken in the Ratak and Ralik chains, and on the more isolated atolls, such as Ujelang. Many Marshallese speak English and many of the older generation also speak Japanese.

17. The Marshallese society is matrilineal, and primary land rights and clan membership are transmitted by a mother to her children. Land is of paramount importance to the Marshallese and is their most valuable asset. Everyone inherits land-use rights. The three-tier social system which governs Marshallese society is reflected in the land tenure arrangements.

18. The Marshallese population has increased markedly over the past 25 years, owing to improved medical care. The birth-rate now greatly exceeds the death-rate. Today, there are about 28,297 Marshallese and their number is growing at the rate of 3.4 per cent per year. Majuro and Ebeye, the two main urban centres, have populations of about 10,000 and 8,500 respectively and together account for about 64 per cent of the total population.

D. Economy

19. The economic base of the Marshall Islands is weak and at present lacks the basic infrastructure necessary for development. The traditional economy of the Marshall Islands, which is still dominant in the outer islands, is a subsistence economy based on agriculture (mainly coconut plantations) and fishing. The

5/ For the text of the draft constitution, see Official Records of the Trusteeship Council, Forty-sixth Session, Sessional Fascicle, document T/1801, annex, enclosure.

development of government services as well as the establishment of the Kwajalein missile range have considerably changed the economic pattern at Majuro and Ebeye, where the majority of the people now participate in a cash economy. Because the supply of arable land is scarce and most fishing is done on a limited scale, the population is heavily dependent on imported food. In 1975, imports of consumer and capital goods represented 80 and 20 per cent respectively of total imports.

20. Even if efforts to increase tourism, agriculture and fisheries were to be intensified and pursued vigorously, the Marshall Islands would for the foreseeable future, require considerable external financial assistance if the present standard of living is to be maintained.

21. Further comments and observations on the economic situation in the Marshall Islands are contained in paragraphs 120-150 below.

CHAPTER III

SEARCH FOR FUTURE POLITICAL STATUS IN THE MARSHALL ISLANDS

A. Quest for separation from the rest of the Trust Territory

22. The people of the Marshall Islands have been seeking separate political status for some years. A number of resolutions on this issue were adopted by the Nitijela and communications containing those decisions were duly transmitted to the Trusteeship Council and the Administering Authority long before the July 1978 referendum which resulted in its administrative separation from the rest of the Trust Territory. 6/

23. In 1973, the United Nations Visiting Mission to the Trust Territory reported that it had become aware of centrifugal tendencies in some districts, especially in the Marshall Islands and Palau, and that a separate future status negotiating commission had been set up by the Marshall Islands Nitijela. 7/ The Mission commented that it was therefore a matter of urgency that the Congress, the Administration and the Administering Authority give the most serious attention to the question of preserving the unity of the Territory.

24. By District Law No. 20-34 of 8 June 1973, the Nitijela established the Marshall Islands Political Status Commission to assist the Nitijela in examining, considering and resolving those questions relating to the future political status of the Marshall Islands. In carrying out its duties and responsibilities, the Commission was required inter alia to study thoroughly the "free association compact" being considered and negotiated by the Joint Committee on Future Political Status of the Congress of Micronesia and the United States, to study governmental systems of other countries in the light of the unique characteristics of the Marshall Islands and to conduct a campaign of political education.

25. The Commission was responsible to the Nitijela and was required to receive specific authorization from that body before implementing the provisions relating to negotiations with the Government of the United States and other countries. Under its terms of reference, the Commission would be instructed and authorized to negotiate with other countries only in the event that the United States refused to recognize and negotiate with it. The Commission was requested to submit reports to the Nitijela on all its functions, including expenditures.

26. On 19 March 1974, the Nitijela adopted resolution No. 18, by which it informed the United Nations of the desire of the Marshall Islands District to negotiate separately with the Government of the United States on the future political status of the Marshall Islands and welcomed any advice it might render to the Nitijela

6/ Ibid., Supplement No. 2 (T/1795).

7/ Ibid., Fortieth Session, Supplement No. 2 (T/1748), para. 526.

(see T/COM.10/L.129). By the same resolution, the Nitijela further informed the United Nations that, owing to linguistic, cultural and other differences, the Marshall Islands District was unwilling to remain a member of the political family of Micronesia after the termination of the Trusteeship Agreement.

27. On 25 April 1974, the Nitijela adopted resolution No. 57, by which it recalled its earlier decision advocating separate talks regarding the future political status of the Marshall Islands, and resolved that it would be unwise and inappropriate for the Marshall Islands to send delegates, whether elected or appointed, to the Constitutional Convention for Micronesia.

28. In its interim report, published in April 1976, the Marshall Islands Political Status Commission, in accordance with the expressed wishes of the Marshallese people and their leaders, strongly recommended separate status for the Marshall Islands and the immediate commencement of separate negotiations with the United States for future political status appropriate to the special conditions and culture of the Marshall Islands and calculated to foster strong, friendly and lasting ties between the United States and the Marshall Islands.

29. In its report, the 1976 Visiting Mission observed that separatist opinions had been voiced more openly in the Marshall Islands District than anywhere else. The Mission reported that influential members of the Congress of Micronesia had contested even the concept of Micronesian unity and had stated that the great majority of Marshallese did not desire political union with the rest of the Territory. 8/ The Nitijela submitted to the Mission resolution No. 44 of 6 April 1976, by which it authorized the Marshall Islands Political Status Commission to enter into negotiations with the United States Government and with the representatives of other nations to find a form of political status which would take into account the unique features of the Marshall Islands and their population.

30. The resolution adopted by the Nitijela was based on the Commission's 1976 interim report (see para. 28 above). The Commission had rejected the draft constitution of the Federated States of Micronesia (in the preparation of which the Commission said the Marshallese had taken very little part) on the grounds that it: (a) discriminated against the Marshall Islands; (b) did not guarantee a fair distribution of revenue between the states of the future federation; (c) did not recognize the sovereignty of the Marshall Islands with regard to fishing rights and the right to negotiate the rental of land; and (d) would lead to destruction of the Marshallese culture and way of life.

31. By resolution No. 45, also adopted on 6 April, the Nitijela resolved to inform the Secretary of the Interior of the United States that the people of the Marshall Islands and their traditional and elected leaders wished to negotiate a future political relationship of free association with the United States, and apart from other Micronesian people.

8/ Ibid., Forty-third session, Supplement No. 3 (T/1774), para. 410.

B. Referendums conducted in 1975 and 1977 to ascertain the wishes of the people concerning their future political status

32. On 8 July 1975, an advisory referendum was held in all the districts of Micronesia. The ballot designed by the Congress of Micronesia had three major sections. The first asked the Micronesian people their personal preference as to future status, including the choice of independence, commonwealth, free association, statehood or the current status. The second sought an opinion on the concept of Micronesian unity. The third sought an opinion on the role of the Congress of Micronesia as the negotiating agency on the question of future status. In the Marshall Islands, the voters taking part in the referendum voted in approximately equal numbers for and against unity of the Trust Territory. In response to the question as to whether or not the Congress of Micronesia should negotiate the future political status of the Trust Territory, 1,415 voted against authorizing it to do so, while 1,258 favoured the Congress continuing as a negotiating body for the whole of Micronesia.

33. In May 1977, the Marshall Islands Nitijela passed an act (bill No. 114, N.D.-1) calling for a referendum in the Marshall Islands to determine whether or not those islands should seek separate political status. The referendum was held on 30 July 1977; of the valid ballots, 4,763 (62 per cent) favoured the proposal that "the Marshall Islands should pursue its own political status separate and apart from the rest of the Trust Territory", while 2,871 (38 per cent) voted against the proposal.

C. Decision by the Administering Authority to hold talks on the future political status of the Marshall and Caroline islands on a multilateral and bilateral basis

34. At its forty-fifth session, in May 1978, the Trusteeship Council heard two groups of petitioners from the Marshall Islands, who were almost equally divided between those who supported separate political status talks with the Administering Authority and those who favoured unity for Micronesia as a whole. Those who favoured separate talks with the United States pointed out that informal referendums had shown that the Marshall Islands preferred separate negotiations with the Administering Authority. In their view, the proposed federal constitution would amount to an imposition on their islands which would be economically disadvantageous to the Marshalls.

35. The petitioners who spoke in favour of unity maintained that the Trust Territory would be in a stronger position to conduct negotiations concerning its future political status if it remained united.

36. At the same session, the Administering Authority reported that in 1976 the negotiations on future political status between the United States and the Joint Commission on Future Political Status and Transition of the Congress of Micronesia had come to a deadlock. Therefore, at the status negotiations held at Guam in July 1977, an understanding had been reached with representatives of all six districts and the Congress of Micronesia that those negotiations would be conducted on a "two-tier" basis under which multilateral negotiations would focus on those aspects of the relationship between Micronesia and the United States, such as defence, foreign relations and the over-all question of the status of free association, which were common to all six districts. A bilateral tier would

include negotiations between the delegation of the United States and Palau, the delegation of the United States and the Marshall Islands and the delegation of the United States and the four central districts represented by the Congress of Micronesia.

37. The Administering Authority further reported that an understanding had also been reached that each legislature would choose on its own the commission by which it desired to be represented in the negotiations. It had been understood that the decisions taken by the respective legislatures would be made contingent on the outcome of the constitutional referendum to be held on 12 July 1978. The agreement of the United States Government to meet with separate commissions appointed by district legislatures of Palau and the Marshall Islands was designed to extricate the parties from an impasse which had threatened to prevent the resumption of status negotiations. The United States awaited the outcome of the referendum, before proceeding with its negotiations in the manner indicated by the vote in the various districts.

D. Referendum on the draft constitution of the Federated States of Micronesia, 12 July 1978

38. According to its report, the 1976 United Nations Visiting Mission had gained the impression during discussions in the Marshall Islands, where separatist feelings were the strongest, that if the draft constitution of the Federated States of Micronesia was amended so as to provide for greater autonomy of the districts in relation to the central authority, it would perhaps be possible to prevent the defection of the separatist districts. However, the advocates of unity feared that if decentralization took place, unity might be irrevocably compromised. 9/

39. In May 1978, at the forty-fifth session of the Trusteeship Council, the representative of the Administering Authority said that if the draft constitution of the Federated States of Micronesia should be rejected in one or more districts of the Trust Territory, it would become necessary for those districts to draft an alternative constitution to take its place. He pointed out that it was assumed that if the constitution were rejected, at least in those districts whose elected legislatures had been dominated by separatist elements in recent years, it would mean the rejection of the whole concept of unity as well as of the constitution in question. Those districts would then proceed, as the United States understood the intention of their present elected legislatures, to prepare constitutions which in due course would require ratification by the citizens of the districts concerned. 10/

40. The referendum on the draft constitution of the Federated States of Micronesia was held on 12 July 1978. Of the 12,996 registered voters in the Marshall Islands, a total of 10,105 participated. Of the actual votes cast, 6,217 (61.5 per cent) were against the constitution and 3,888 (38.5 per cent) were

9/ Ibid., para. 424.

10/ See Official Records of the Security Council, Thirty-third Year, Special Supplement No. 1 (S/12971), para. 466.

in favour of it. Thus, the Marshall Islands, having rejected the draft constitution of the Federated States of Micronesia, continued with the drafting of their own constitution. 11/

11/ For the report of the United Nations Visiting Mission to observe the referendum in the Trust Territory of the Pacific Islands, 1978, see Official Records of the Trusteeship Council, Forty-sixth Session, Supplement No. 2 (T/1795)

CHAPTER IV

DRAFT CONSTITUTION OF THE MARSHALL ISLANDS

A. Constitutional Convention, 1977-1978

41. As has already been noted, the people of the Marshall Islands, through their Nitijela and the Marshall Islands Political Status Commission, have been working for separate political status for their islands for some years. In 1976, the Political Status Commission issued an interim report in which it set forth the position of the Marshallese people with regard to their political future (see para. 28 above). The report stated inter alia that separate status should be sought immediately, with separate administration of the Marshall Islands to come at the earliest possible date.
42. At its second special session, in August 1976, the Nitijela passed an act (bill No. 2, N.D.-2) calling for a constitutional convention for the Marshall Islands, prescribing its powers, duties and functions. This act was signed into law (District Law 23-32-2) by the District Administrator of the Marshall Islands on 30 August 1976. The Convention consisted of 48 delegates, comprising 3 members of the Marshall Islands district delegation to the Congress of Micronesia; 8 iroij (traditional leaders), members of the Nitijela "who shall represent each of their respective delegate district"; 1 elected iroij each from the Mejit Islands, Arno Atoll and Ujelang and Enewetak atolls; 1 elected delegate from Likiep Atoll; and 33 delegates elected from each of the 24 delegate districts in accordance with section 3 of District Law 23-32-2.
43. District Law 23-32-2 also provided that the Constitutional Convention should draft a constitution in the English and Marshallese languages for the future government of the Marshall Islands District. The constitution would make adequate provision for the exercise of governmental functions and would guarantee to all the citizens of the Marshall Islands a form of government permitting the free democratic expression of their views.
44. The Constitutional Convention worked on the first draft of the constitution from 8 August to 6 October 1977, on the second draft on 1 February 1978 and from 17 February to 21 March and on the third draft from 15 November to 21 December. The Constitutional Convention concluded its task with the signing on 21 December 1978 of a draft constitution for the Marshall Islands. 12/

B. Terms of the draft constitution

45. The following is a brief summary of the main provisions of the draft constitution.
46. Supremacy: The constitution would be the supreme law of the Marshall Islands.

12/ For the text of the draft constitution, see Official Records of the Trusteeship Council, Forty-sixth Session, Sessional Fascicle, document T/1801, annex, enclosure.

Any existing law and any law made on or after the effective date of the constitution, if inconsistent with the provisions of the constitution, would be invalid.

47. Bill of rights: The constitution would set forth provisions for the protection of human rights and fundamental freedoms.

48. The council of Iroi,j: There would be a council of iroi,j of the Marshall Islands, consisting of 12 eligible persons, 5 to be selected from districts of the Ralik chain and 7 from districts of the Ratak chain. The council could consider any matter of concern to the Marshall Islands and express its opinion thereon to the cabinet. It could request the reconsideration of any bill affecting customary law, traditional practice, land tenure or any related matter adopted by the Nitijela. If the council were to request the Nitijela to reconsider such a bill, the Nitijela could, after reconsideration, decide not to proceed with it, or could amend it or, by resolution, could reaffirm its support for the bill without amendment.

49. Legislative power: Legislative power would be vested in the Nitijela, consisting of 33 members elected in accordance with rules laid down by the constitution but which the Nitijela itself could amend under certain conditions. A general election would be held every fourth calendar year. The President of the Marshall Islands could dissolve the Nitijela at any time if a motion of no confidence in the cabinet were to be twice carried and were to lapse twice, and if no other President were to hold office in the interval between the two votes. He could also do so if no cabinet were appointed within 30 days after the Nitijela had elected a President for any reason other than the resignation of the President following a vote of no confidence. Except where otherwise provided in the constitution, every question before the Nitijela would be decided by a majority of the votes of the members present and voting. A bill would become law if passed by the Nitijela provided the speaker was satisfied that it had acted in accordance with the constitution and its rules.

50. Executive power: Executive authority would be vested in the cabinet, whose members would be collectively responsible to the Nitijela. The cabinet would consist of the President, who would be a member of the Nitijela, and 6 to 10 other members of the Nitijela, appointed as ministers by the speaker on the nomination of the President. The President would be elected by a majority of the total membership of the Nitijela following each general election. The President would be the head of State of the Marshall Islands. He would be required to resign upon a vote of no confidence carried by the total membership of the Nitijela. His resignation would lapse if no successor were elected within 14 days following his resignation.

51. Judicial power: The judicial power of the Marshall Islands would be vested in a supreme court, a high court, a traditional rights court, district courts, community courts and other subordinate courts to be established by law. The Judicial power would be independent of legislative and executive powers. The supreme court would consist of a chief justice and such other judges as might be prescribed by act; it would have appellate jurisdiction.

52. Public service: The public service of the Marshall Islands, to be headed by a chief secretary, would comprise the employees necessary to assist the cabinet in exercising the executive authority and perform other duties as required. Provision is also made for a public service commission, an attorney-general and a secretary of finance.

53. Finance: No taxes would be imposed or other revenue raised and no public money would be expended without the approval of the cabinet. All revenues received by the Government of the Marshall Islands would be paid into an appropriate public fund or account established under the constitution or by an act. The minister of finance would submit to the Nitijela, for its approval, budget estimates for each financial year. As a rule, only the cabinet or its members would be empowered to make proposals to the Nitijela on financial matters.

54. Local government: The people of every atoll or island not part of an atoll would be entitled to a system of local government.

55. Traditional rights: Nothing in the section of the constitution on the bill of rights would be construed to invalidate the customary law or any traditional practice concerning land tenure or related matter in any part of the Marshall Islands. The Nitijela would declare, by act, the customary law in the Marshall Islands or any part thereof. The customary law so declared might include any provisions which, in the opinion of the Nitijela, would be necessary or desirable to supplement the established rules of customary law or to take account of any traditional practice.

56. Citizenship: The constitution would lay down the requirements to be fulfilled to qualify as a citizen of the Marshall Islands on or after the effective date of the constitution. Doubtful cases would be ruled upon by the high court. The constitution would also provide for the acquisition of citizenship by registration and would confer certain powers on the Nitijela regarding citizenship.

57. Amendments: The amendment of certain provisions of the constitution would require approval by a constitutional convention and two thirds of the votes cast in a referendum. The amendment of the other provisions would require approval by the Nitijela and a majority of the votes cast in a referendum.

58. Transitional measures: Except in so far as they might be repealed or amended, existing laws would continue in force following the effective date of the constitution. The rights, obligations and liabilities expressly acquired on behalf of the people of the Marshall Islands would pass to the Government of the Marshall Islands. To enable the Government of the Marshall Islands under the constitution to be conducted in conformity with the Trusteeship Agreement so long as it extended to the Marshall Islands as part of their law, transitional provisions could be laid down before the effective date of the constitution by the Legislature of the Marshall Islands District of the Trust Territory of the Pacific Islands, known as the Marshall Islands Nitijela, subject to confirmation by order of the Secretary of the Interior of the United States. To enable any institution or officer of that district to function as part of the Government of the Marshall Islands, transitional provisions could be laid down in the same manner or by the constitutional convention. To achieve consistency between the constitution and any provision of a compact of free association between the Marshall Islands and the United States, the constitution would require the adoption of an act by the Nitijela and its approval by a plebiscite in which the people of the Marshall Islands would also approve the compact of free association.

59. Effective date: Subject to prior approval of the constitution by a majority of the votes cast in a referendum, the effective date of the constitution would be 1 May 1979.

C. Programme of political education

Political education in the Trust Territory

60. The need to develop an objective programme of political education in the Trust Territory of the Pacific Islands to engender amongst the people a sense of political awareness of the alternative choices open to them has been emphasized by the Trusteeship Council and its visiting missions.

61. In 1974, a programme of Education for Self-Government (ESG) was formally inaugurated for the whole of the Trust Territory when territorial and district task forces were established. Initially, the programme was concerned with the general subject of political education.

62. At a later stage, the task forces were given the responsibility of disseminating objective information on the draft constitution adopted in 1975. They were also directed to explain to the people the meaning and implications of the provisions of the draft compact of free association with the United States whenever those became available. In carrying out their mandate, the task forces made use of radio programmes in local languages; organized workshops and seminars; prepared teaching packages for distribution to educational institutions; and arranged for the production of films.

63. In 1973, the Marshall Islands introduced its own programme of political education. The Nitijela directed the Marshall Islands Political Status Commission to conduct forums, seminars, discussions, conferences and hearings throughout the district to explain the purposes for which the Commission was established. In 1976, the Nitijela concluded that the programme of political education of the Trust Territory Government had been highly ineffective in reaching the residents of the outer islands in any meaningful way. The Nitijela therefore directed the Marshall Islands Political Status Commission to intensify its efforts to educate and consult the residents of the outer islands in the Marshalls about their future political status.

64. Subsequently, on 17 May 1977, the Nitijela directed the District Administrator to urge the High Commissioner of the Government of the Trust Territory to turn over the responsibility for conducting the political education programme to the Marshall Islands Political Status Commission.

65. In the meantime, the Nitijela made arrangements for a Marshall Islands referendum to be held on 30 July 1977 to ascertain the wishes of the people concerning their future political status. For this purpose, the Nitijela, by resolution No. 62 of 3 June 1977, directed the Marshall Islands Political Status Commission and its Judicial and Governmental Relations Committee to conduct political education programmes in each election district concerning that referendum.

Political education relating to the draft constitution of the Marshall Islands

66. At various stages of the drafting of the constitution of the Marshall Islands which took place from 8 August 1977 to 21 December 1978 (see para. 44 above), a programme of political education was conducted to explain the provisions of the constitution to the public. The programme was carried out by a special task force established by the Marshall Islands Constitutional Convention.

67. The task force included representatives from the majority of the major atolls in the Marshall Islands. The Mission was informed that they had been chosen on the basis of their competence, efficiency and integrity. A good knowledge of the constitution was a further requirement.

68. Members of the task force conducted political education programmes throughout the district. They made arrangements for radio broadcasts in the Marshallese language and prepared explanatory notes on the constitution which were translated into the local language for distribution in the various islands and atolls.

69. Public hearings were also conducted in Ponape, Palau, Guam and Hawaii, mainly with Marshallese students. Members of the task force submitted detailed reports to the Marshall Islands Constitutional Convention containing the observations and comments which had been made at meetings held both within and outside the district. These reports were taken into consideration by the drafters of the constitution.

CHAPTER V

PREPARATIONS FOR THE REFERENDUM

A. Proclamation calling for the referendum

70. On 21 December 1978, the Marshall Islands Constitutional Convention adopted the draft constitution of the Marshall Islands. By resolution No. 10 of 27 December 1978, the Constitutional Convention declared that the people of the Marshall Islands, acting through their elected representatives meeting in constitutional convention, had taken a significant step towards the fulfilment of the objectives set forth in the Trusteeship Agreement by adopting a proposed constitution which would enable them, on the termination of the Trusteeship Agreement, to attain self-government, or independence, in accordance with the freely expressed wishes of the people. 13/

71. On 18 January 1979, the Speaker of the Nitiijela, as authorized under District Law 23-32-2 of 30 August 1976, set 1 March 1979 as the date of the referendum (except in Kwajalein and Enewetak where, because of the time difference, the referendum would be held on 28 February). It had been decided that the referendum should be conducted in accordance with the procedure laid down in Title 43 of the Trust Territory Code, rather than the special procedure followed throughout the Trust Territory for the July 1978 referendum on the constitution of the Federated States of Micronesia. This was a reversion to the normal procedure followed in the Trust Territory in previous elections and referendums.

72. District Law 23-32-2 provided that the ballot for the referendum would appear in the Marshallese language substantially as follows:

Do you approve of the constitution of the Marshall Islands, as adopted by the Marshall Islands Constitutional Convention?

Yes _____

No _____

73. According to the same law, any voter so requesting would be provided with a ballot printed in the English language.

B. Arrangements for the conduct of the referendum

Election Commissioner

74. In accordance with Title 43 of the Trust Territory Code, the District Administrator served as Election Commissioner, and was responsible for the over-all supervision and administration of the referendum. His duties included the following:

13/ For the text of the resolution, see Official Records of the Trusteeship Council, Fourteenth Special Session, Sessional Fascicle, document T/1796, annex, enclosure.

- (a) To appoint all members of the boards of election;
- (b) To prescribe and promulgate rules, regulations and instructions for the conduct of the referendum, including those for absentee ballots;
- (c) To determine and prescribe forms of ballots and the forms of all instructions;
- (d) To obtain from the boards such reports as were required by law or which he might deem necessary;
- (e) To review and examine voting irregularities or violation of any election laws;
- (f) To establish election districts and designate appropriate polling places;
- (g) To register the voters;
- (h) To prepare a register of voters for each election district.

Boards of election

75. The Election Commissioner was also responsible for the appointment of an election board for each election district. Members of the boards were required to be citizens of the Marshall Islands registered to vote. Their number was to be such that at least one board member would be present at each polling place. No member of a board could participate in the campaign during his or her appointment.

76. The members of the boards of election were required inter alia, to register voters; to accept requests for absentee ballots; to keep lists of registered voters; to provide for the issuance of all notices and publications concerning the referendum; to recommend to the Election Commissioner appropriate polling places within each election district; to receive and maintain ballot boxes; to give instructions for the orderly conduct of the referendum; to supervise and manage polling places; to receive, investigate and decide on any complaints concerning irregularities; to certify the results announced by the local counting and tabulating committee; and to transmit all ballot boxes locked and sealed to the Election Commissioner.

77. On 31 October 1978, the Election Commissioner appointed the members of the election boards who would serve during the constitutional referendum of the Marshall Islands.

78. In a communication dated 7 March 1979, the office of the Election Commissioner informed the Visiting Mission that the members of the election boards appointed by the Commissioner were, with the exception of four individuals, the same persons who had served in earlier elections and referendums. The four persons had to be replaced because of a change of residence in one case and physical incapacity in the others.

C. Organization and activities concerning the referendum

79. The Trust Territory Code, as amended, provided for voter qualifications, voter registration and complaint procedures.

Voter qualifications

80. A citizen of the Marshall Islands was qualified to vote if he or she met the following requirements:

- (a) Was 18 years of age or older on the date of the referendum;
- (b) Fulfilled the residence requirements for registration;
- (c) Was not under a judgement of mental incompetency or insanity;
- (d) Was not currently under parole, probation or sentence for any felony for which he or she had been convicted;
- (e) Was registered to vote.

Voter registration

81. The Election Commissioner was responsible for the registration of all voters in the district. The register had to be open to public inspection at all times during business hours. District Law 23-32-2, as amended by District Law 26-1-1, further provided that the district register used for the general election for the Nitijela in November 1978 would constitute the "district register" for the purpose of the referendum, with the addition of those persons registered since the general election and before 22 February 1979.

82. The Election Commissioner had to ascertain information concerning the death, adjudication of insanity or feeble-mindedness, loss of citizenship or other disqualification to vote of any registered voter. If after such investigation he found that such person was dead, incompetent, had lost his or her citizenship or was disqualified for any reason to vote, he was to strike the name of such a person from the register. Any person whose name was so stricken could appeal to the board of election, the election commissioner or the District Court.

83. Every citizen of the Marshall Islands who had reached the age of 18 years by the date of the referendum, who had resided in the administrative district for three months preceding the date of registration and who was otherwise entitled to vote, was eligible to register to vote.

84. The Election Commissioner was to designate places within the district wherein residents could register. No person was permitted to register to vote in any election district other than that in which he or she resided and if any person resided in more than one precinct, he or she had to decide in which election district to register.

85. Any person qualified to register as a voter could do so by swearing an affidavit on application for registration. Pursuant to Public Law 6-104, every affidavit had to be submitted to the persons authorized to examine the

qualifications of electors not less than 90 days before the referendum. Any voter who changed his or her residence from one voting precinct to another, or who changed his or her name, after registration in any general district register, had to register again in the district register under the proper election district or the proper name.

86. District Law 23-32-2, as amended by District Law 26-1-1, provided however that, for the purpose of the referendum, the deadline for the registration of voters was extended to 22 February 1979.

87. If the official authorized to receive an affidavit for registration was satisfied that the applicant was entitled to be registered, he or she was to number the affidavit consecutively and transmit it to the Election Commissioner, who was to enter the details in the register. A voter having once been registered was not required to register again for any succeeding election.

Voting arrangements and procedures

88. The Election Commissioner was responsible for the printing of the ballots and for delivering an adequate number of ballots, in sealed packages, to the members of the election boards. The ballots could not be opened until the opening of the polls.

89. According to a directive issued by the Election Commissioner in February 1979, the box containing the ballots was to be kept by one member of the election board while the key to it was to be kept by another board member.

90. Any registered voter qualified to vote at any general or special election was entitled and enabled to vote by absentee ballot: (a) if he or she was confined to home or hospital by reason of such illness or physical disability as would prevent him or her from attending the polls; or (b) if he or she was prevented from voting by reason of being at sea or absent from the district.

91. Under District Law 26-1-1, the deadline for requests for absentee ballots was extended to 16 February 1979 (see para. 170 below).

92. The absentee voter was to mark the ballot in secrecy and deposit it in a sealed envelope. He then had to complete the affidavit and enclose it with the ballot envelope in the reply envelope and mail or deliver the sealed envelope to the Election Commissioner not later than the established closing date.

93. Any qualified voter who was confined to home or hospital by reason of illness or physical disability, was entitled to vote by notifying the Election Commissioner in writing, stating the reason for not being able to go to the polls. The Election Commissioner was then to notify the appropriate board members who were to provide the applicant with a ballot. Any qualified voter who was unable to mark the ballot was to be provided with two assistants, one being his or her own choice, and the other an election board member.

94. A voter had the right to vote at a polling place other than the one at which he or she was registered to vote provided he or she was present within the district on polling day; was lawfully registered to vote; and had submitted a request to the Commissioner in writing at least seven days before the referendum. Upon

receipt of such a request, the Election Commissioner was to notify the voter immediately of the place where he might vote.

95. The Election Commissioner was to ensure that polling places were supervised by a member of the election board and such other officials as he might deem necessary.

96. At the close of the polls, the election board members were to place the unused and spoiled ballots in the ballot boxes which were to be sealed and delivered to the magistrate concerned; the latter was to open the boxes in the presence of the members of the counting and tabulating committee, who were to immediately begin counting the ballots and to continue to do so until all ballots had been counted. The tabulation and counting of ballots was to be open to the public.

97. Ballots which had been declared invalid due to defacement or other irregularities were to be separated and marked as rejected ballots. Upon completion of the counting of the ballots, both the rejected and the valid ballots were to be placed in the ballot box and forwarded to the Election Commissioner.

Complaint procedure

98. Any person could file with a member of the election board an oral or written complaint regarding any person's eligibility to register or to vote, or regarding any referendum irregularity. The member of that board was to give the individual against whom the complaint had been made time to present witnesses and explanation. The complainant could appeal a decision by the member of the board to the Election Commissioner or his designated representative.

99. The Election Commissioner was to examine the finding of the members of the election board and hear witnesses, if he deemed it necessary, and to reach a decision before the closing of the polls. The complainant could appeal that decision to the District Court. A decision of the District Court in favour of the petitioner had the effect of disallowing the challenged votes but could not halt or delay voting or counting and tabulating.

Certification of results

100. Following counting of the ballots, magistrates of the various atolls or islands were to certify and transmit to the Election Commissioner the number of ballots cast in favour of or against the constitution.

101. The Election Commissioner was to certify the results of the referendum to the Speaker of the Nitijela, who was to transmit such certification to the Nitijela as soon as practicable following its receipt.

102. No recounts were to be permitted unless authorized or required by the Nitijela. The Nitijela was to be the sole judge of the referendum and its results.

CHAPTER VI

ACTIVITIES OF THE VISITING MISSION

A. Itinerary

103. The Visiting Mission had a very short time at its disposal for a full observation of the campaign, polling arrangements and the counting of votes in the various atolls and islands in the Marshalls. Its itinerary was therefore of necessity limited (see annex I to the present report). The two members of the Mission and the four staff members of the United Nations Secretariat left New York on 22 February and stopped en route in Honolulu where they held preliminary discussions concerning the referendum on the Marshall Islands constitution.

104. The Mission arrived at Majuro, the district centre of the Marshall Islands, on 25 February and held discussions with the Election Commissioner and his staff the same day. During the discussions, the Mission was provided with useful background information about the educational programme in preparation for the referendum and the voting arrangements, including those for registration and for the counting of ballots.

105. On 26 February, the Mission met with members of the Nitijela, the Marshall Islands Constitutional Convention and the Marshall Islands Political Status Commission, all of whom supported the adoption of the proposed constitution. It also met with representatives of the Voice of the Marshalls and the Lejmanjuri (a women's organization), both of which were opposed to the constitution. Later in the day, the Mission met with the Election Commissioner and the District Attorney to discuss the points raised at the earlier meetings (including complaints by the opponents of the referendum) and, where necessary, to seek clarification.

106. Following a meeting with members of the election boards on 27 February, the members of the Mission formed two groups in order to visit as many sub-districts as possible. Mr. Ricardo Duqué (France), accompanied by a member of the Secretariat, visited Kwajalein and Ebeye; and Ms. Sheila Harden (United Kingdom), Chairwoman of the Mission, accompanied by three members of the United Nations Secretariat, remained on Majuro, apart from a one-day visit to Arno. Provisional plans had been made to visit Mili but that had not been feasible owing to transportation problems. In the period preceding the referendum, the two groups attended meetings with both officials and the general public. On referendum day, the members of the Mission closely observed the arrangements made and the procedures followed during the casting of votes in the various polling stations, as well as the subsequent counting of ballots. After the referendum, both groups held further meetings with election officials, members of political organizations and the general public.

107. The group observing the referendum at Ebeye returned to Majuro on 3 March. Thereafter, the members of the Mission remained together for the last four days of observation. On 7 March, the Mission held a final briefing session with the

Election Commissioner and his staff. The Mission left the Marshall Islands for Honolulu that same day where it began the preparation of its report to the Trusteeship Council. The members of the Mission returned to New York on the weekend of 11-12 March.

B. Summary of activities

108. At Majuro and Kwajalein, the Election Commissioner and his representatives provided the members of the Mission with background material on the political education programme, registration and voting arrangements, and the members of the Mission were kept informed of events relating to the organization and conduct of the referendum. On referendum day, both groups received full co-operation from the officials concerned when they observed voting places in the various precincts at Kwajalein and Majuro.

109. On 27 February 1979, the Chairwoman of the Visiting Mission issued a statement at Majuro explaining the programme of work and functions of the Mission during the referendum. The statement was broadcast on the district radio station in both the Marshallese and English languages. The Chairwoman stated that the basic objective of the International Trusteeship System was to promote the advancement of the inhabitants of Trust Territories towards self-government. The Trusteeship Council had therefore decided, in response to the invitation extended by the Speaker of the Nitijela and the Administering Authority, to dispatch the present Mission to the Marshall Islands to observe the constitutional referendum on 1 March 1979.

110. The Chairwoman said that the task of the Visiting Mission was not to organize the referendum, which was the responsibility of the Election Commissioner and the election boards, but rather to observe the conduct of the referendum. The members of the Mission would, in particular, wish to satisfy themselves that the referendum had been conducted properly and to report to the Trusteeship Council: on the fairness of the referendum; whether the people of the Marshall Islands had understood the issues in the referendum; whether all sides had had an opportunity to make clear to the voters their views for or against the constitution; whether the voters had been free from unfair pressure to vote in a particular way; and whether the ballot had been secret.

111. The Chairwoman stated that in order to carry out their mandate, the members of the Mission wished to meet as many people as possible and to hear their views. They hoped to attend political meetings and would be available to meet groups and individuals who wished to see them. The times and places of such meetings would be announced.

112. In reporting that one member of the Mission would leave for Ebeye that day to observe the polling and vote counting there and that she would remain on Majuro, the Chairwoman stated that a member of the Mission would be present at each of the two major population centres. On polling day, members of the Mission would visit as many polling stations as possible to see how the voting was conducted and later they would watch the counting of the ballots.

113. The Chairwoman expressed disappointment that problems of transport would not enable members of the Mission to visit as many places as they would have wished,

particularly the outer islands. However, the Mission would try to see as many places and people as possible, subject only to the limitations of time and geography.

114. Finally, the Chairwoman said that the decision which the people of the Marshall Islands were about to take in the referendum was of the utmost importance and that it should be considered very carefully since it would determine the way in which they would govern themselves. She hoped that as many of the people as possible would vote and thus exercise their right to help shape the future destiny of their islands. The Chairwoman stated that it was for them to decide whether to vote "yes" or "no".

115. Members of the Mission subsequently spoke on similar lines at private and public meetings on the Majuro and Kwajalein atolls, explaining the position of the United Nations with regard to the future of the Marshall Islands, the role and functions of the Mission and its readiness to hear all points of view. Further, members of the Mission announced at those meetings that they would be available to meet groups and individuals.

116. The Mission held several public and private meetings on the Majuro, Arno and Kwajalein atolls and had the opportunity to hear the views of many groups and individuals regarding the constitution. It met traditional leaders, magistrates, members of election boards, municipal judges and councillors, medical personnel, representatives of the business community, teachers, students and the general public.

117. On Majuro, the Mission held meetings with several groups which were either supporters or opponents of the constitution. Similarly, the group on Kwajalein heard the views of those working for or against the adoption of the constitution.

118. On 1 March 1979, the day of the referendum, members of the Mission closely observed (twice in many cases), polling stations on the Majuro and Kwajalein atolls, which together accounted for some 70 per cent of the Marshallese people. For lack of means of transport and owing also to limited time at its disposal, the Mission was unable to send observers to other atolls and islands.

119. The activities of the Mission concerning the various phases of the referendum process are described in more detail in later chapters of the report.

C. Observations on economic and social conditions 14/

120. Under its terms of reference, the Visiting Mission was required to obtain first-hand information on economic and social developments in the Marshall Islands, in so far as time permitted. Because the Mission visited the District for only a short time and focused its attention on observing the referendum - its main objective - it will be understood that the Mission can make only relatively brief comments. The information and recommendations contained in the reports of the

14/In general, the statistical information appearing in section C was supplied to the Mission by the local authorities.

1973 15/ and 1976 16/ Visiting Missions and the Mission to observe the referendum of July 1978, 17/ are still relevant to a great extent.

Economic situation and prospects for development

121. The members of the Mission were able to observe that the economic situation in the Marshall Islands is still a matter for serious concern. The natural resources of the atolls, which are limited, are being inadequately developed, while the population is increasing at the rapid rate of 3.4 per cent a year.

122. Economic activity is based essentially on the appropriations provided by the Administering Authority for government services and the financing of infrastructural programmes. In 1977, agriculture, fishing, trade and private services accounted for only 13 per cent of the gross domestic product. This glaring imbalance illustrates both the dependence of the economy of the Marshall Islands and the precariousness of the situation. It is essential to develop local production in order gradually to achieve a healthier situation, and efforts should be directed towards that end. However, if the present standard of living is to be maintained, the Marshall Islands should continue to receive substantial external assistance. In that connexion, the economic development authorities informed the Visiting Mission of their concern regarding the size of the appropriations allocated to the District. They feared that, during the period preceding the termination of the Trusteeship Agreement, some economic and social programmes might be slowed down if not eliminated. The initial effects of such a loss of momentum are already evident. If this is a matter of policy, the Mission believes that the possibly adverse consequences should be carefully considered, since it is essential to ensure, at the very least, the continuity of the work which has been started in order not to jeopardize progress already made.

123. The low level of economic activity has resulted in considerable unemployment: 24 per cent of the labour force in the District (which totals some 7,000 people) is unemployed. The unemployment rate is even higher on Majuro and Ebeye (approximately 40 per cent).

124. Another consequence of the inadequacy of local production is the imbalance of external trade: the volume of imports is approximately four times larger than that of exports. Consumer goods make up as much as 80 per cent of the imports. More than 90 per cent of the food consumed is imported.

125. With a view to the installation of a new Government, a study on long-term development has been undertaken in consultation with international economic experts. According to the economic authorities in the District four objectives are outlined in the study: (a) the search for self-sufficiency in basic food-stuffs; (b) the development of agricultural and marine exports; (c) the provision of educational, health and social services to the whole population; and (d) the equitable distribution of an expanding domestic product.

15/ Official Records of the Trusteeship Council, Fortieth Session, Supplement No. 2 (T/1748), paras. 205-408.

16/ Ibid., Forty-third Session, Supplement No. 3 (T/1774), paras. 208-313.

17/ Ibid., Forty-sixth Session, Supplement No. 2 (T/1795), paras. 152-162.

126. The production of fruits and vegetables, which was formerly associated with coconut plantations, has long been neglected and should be revived. An initial area of 8 hectares has been placed under cultivation on Wotje Atoll. The production of fruits, vegetables and poultry and pork should help to bring about a gradual reduction in the proportion of food-stuffs imported.

127. Rehabilitation of the coconut plantations has also been started on Wotje Atoll, where 600 hectares have been treated. In all, 10,400 hectares are to be rehabilitated in order to develop the production of copra, which is currently much lower than it was before the Second World War. At the time of the Mission's visit to the Marshall Islands, the price of copra on the world market was at its highest. If prices remain at that level, it should encourage the development of production, provided that the necessary local facilities for drying, storage and transport are constructed. The copra mill on Majuro, which started operation in October 1977, produces a very good quality oil but without an adequate supply of copra, it is far from operating at full capacity.

128. Fisheries is another sector which has been inadequately developed; it is at present limited essentially to fishing in the lagoons. One half of the fish consumed in the Marshall Islands is imported, owing principally to the lack of facilities for fishing and marketing. A co-operative with refrigeration facilities was opened on Majuro in September 1977; this has enabled the local fishermen to supply the district capital to a greater degree.

129. Among the many handicaps from which the economy of the Marshall Islands suffers (lack of capital, shortage of technicians and qualified manpower, hypertrophy of the administration), particular mention should be made of the problem of transport. The six vessels which provide transportation between the atolls are old and unsuitable. It is essential that sea and air links be improved if the development of the remote atolls is to be promoted and their population encouraged to remain or to return there in order to relieve the congestion in the centres of Majuro (10,000 inhabitants) and Ebeye (8,500 inhabitants). The development of those atolls would meet both economic needs (agricultural development) and demographic needs (better distribution of the population). Basic services and equipment (electricity, water, housing, health and educational services) should also be improved in order to make life there more attractive.

130. Recent work undertaken on Wotje Atoll, where the last traces of the war (35 metric tons of mines) have been removed, has included agricultural improvement and the construction of a runway.

131. Tourism in the Marshall Islands is in an embryonic stage owing to the lack of infrastructure and reception facilities. There are only two small hotels on Majuro, one of which is in the process of being enlarged. Discussions are under way with a Japanese group regarding the establishment of a small tourist centre at Laura, on Majuro.

132. The Mission was favourably impressed with the realistic analyses of the economic authorities of the district. That realism is also reflected in the guidelines for the future development plan.

133. The Marshall Islands are not protected from the whims of nature. On 2 and 3 January 1979, shortly before the visit of the Mission, the district was struck by the typhoon Alice. The members of the Mission were able to observe the damage caused by the storm, particularly at Ebeye, where relief was being provided. A team of experts from the United States Federal Disaster Relief Agency, which had been instructed to provide assistance to the Marshall Islands, was present during the Mission's visit, to draw up an inventory of the damage caused to houses and plantations. A member of the Mission, and a member of the United Nations Secretariat, accompanied the team on a photographic reconnaissance flight over the Namu, Ailinglapalap, Jaluit and Namorik atolls.

Health and education

134. The Mission had been deeply disturbed by an account of the state of hygiene and the working conditions in the Marshall Islands District Hospital at Majuro, contained in a letter dated 19 July 1978 addressed to the Trusteeship Council by Dr. J. Michael Cummins, a surgeon from the United States on the staff of the hospital who subsequently resigned (T/PET.10/134). The Mission was also aware that the High Commissioner of the Trust Territory had subsequently ordered an inquiry and in September 1978 had appointed an emergency task force to correct "serious deficiencies" at the hospital; that a new hospital was to be built on a different site; and that the corrective interim measures recommended for the present hospital were being assigned the highest priority.

135. During its recent visit to the Marshall Islands to observe the referendum, the Mission visited the hospital to see for itself what improvements had been made. It was informed that the task force was composed of five senior officials from both the Trust Territory Headquarters and the Marshall Islands, including the District Administrator, with the knowledge and authority to implement without delay whatever measures were required.

136. The terms of reference of the task force were to take all necessary maintenance measures to raise the standards of operational efficiency and hygiene throughout the hospital complex; to set up a reliable procurement system and inventory control procedure; to ensure a continuous flow of medical supplies, equipment, etc., and to train local personnel in their upkeep; to introduce administrative procedures and regulations to ensure that the hospital was run in an orderly and efficient manner; and to review the staffing situation. The task force was instructed to send a weekly progress report to the High Commissioner.

137. The Mission called on Dr. Ezra Riklon, the Director of Health Services and a member of the task force, on 6 March. It discussed the situation with him and was given a detailed tour of the hospital. At the time of the visit, many of the improvements recommended had already been undertaken. The entire hospital had been cleaned and repainted, the grounds had been cleared of debris and a new parking area had been made to free the hospital entrance from obstruction. Some structural alterations had also been made to keep visitors away from working areas. This had been done both to lessen the danger of infection and to ease the problem of maintaining the requisite standards of hygiene and efficiency. A new service counter had been built to enable patients to obtain charts without entering the working area. For the same reasons, more restrictive visiting hours had been introduced and families were no longer allowed to remain overnight with patients, except in special cases and with the doctor's permission. The Mission was informed that the latter restriction was causing problems since it was alien to Marshallese local custom and tradition.

138. Other improvements undertaken included urgent plumbing and electrical repairs, reorganization of the statistical and medical records office, the drawing up of an inventory for the medical warehouse and the removal of drugs whose expiration date had passed. A card index system had been introduced to ensure that all dates of expiry would in future be properly recorded. Medical supplies had also been replenished so that stocks were now adequate. The Mission was informed that all orders for drugs and equipment from the hospital were now being promptly met.

139. The members of the Mission were also shown the renovations undertaken in the polio rehabilitation ward and the X-ray department. They toured the kitchen, which was still rather dark and old-fashioned in appearance, although it had been thoroughly cleaned. The Mission members saw no evidence of cockroaches or other pests. They were shown food being cooked for the evening meal and were informed that the standard and variety of the food served had been much improved but that the hospital still lacked the facilities and trained staff to provide special diet menus for individual patients. That had been one of the criticisms voiced by Dr. Cummins in his letter.

140. The Mission asked about staffing problems, which were unfortunately still a serious cause for concern. At the time of the Mission's visit, the hospital had only one fully qualified doctor, a general practitioner from the Philippines who had joined the staff at the beginning of November on a short-term contract. The remaining members of the hospital staff were medical officers. Efforts were being made to find a new surgeon (to replace Dr. Cummins), an internist and a fully qualified hospital administrator.

141. As on all other occasions during their visit to the Marshall Islands, the members of the Mission were received with utmost courtesy by the Director of Public Health Services and the staff and were given frank and detailed answers to all their questions. As neither member of the Mission had had any medical training or experience in hospital administration, their comments should be considered with these limitations in mind. They were impressed, however, by the energy with which the task force appeared to be trying to overcome the problem of transforming the hospital into a hygienic, well-run establishment. They noted with approval that steps were also being taken to train the present staff in methods of maintenance, which was particularly important in the climatic conditions of Majuro. In that context, they also noted that the High Commissioner had recommended that the site of the new hospital (the old airport at Dalap) should be as far from the sea as possible to minimize the process of corrosion from the ocean spray which had had such a damaging effect on the present building.

142. The Mission thought it appropriate to report in some detail on conditions in the Marshall Islands District Hospital because of the recent adverse publicity and the subsequent appointment by the High Commissioner of a task force to correct its deficiencies.

143. The Mission also paid a brief visit to the hospital on Ebeye; its attention was drawn to the inadequacy of the surgical equipment in the hospital. Three doctors are employed at the Ebeye hospital.

144. In the field of education, considerable efforts have been made in the Marshall Islands, as they have been throughout the Trust Territory. The district currently has 4 secondary schools (2 public and 2 private) and 80 elementary schools (69 public and 11 private). The pace of economic expansion is such

however, that there are still too few openings in the productive sector, and as a consequence, many young people, particularly in the two urban centres, are the victims of unemployment or underemployment. This situation also stems in part from the fact that the training provided in the schools is too general. The educational authorities are aware of the problem of adapting instruction to conditions in the islands, and an effort has been made, particularly at the secondary level, to provide more useful training for the pupils by developing a more practical and technical curricula.

145. During talks with the Mission, officials of the Department of Health and Education emphasized that too small a share of the District's budget was devoted to education and health services.

Ebeye

146. In its report, the Visiting Mission to observe the referendum in the Trust Territory in July 1978 has already described the critical conditions in which the population of the island of Ebeye, in the Kwajalein Atoll, is living. ^{18/} It is worth mentioning, however, that at present approximately 8,500 people (5,500 in 1973) are concentrated on Ebeye, which has a surface area of 30 hectares. This population, 60 per cent of which is not native to the Kwajalein Atoll, has been attracted to Ebeye by the employment and salaries offered by the Kwajalein missile range and by the amenities existing on the island (electricity, household appliances, cinemas etc.).

147. Approximately one third of the labour force of Ebeye is employed at the nearby Kwajalein base, one third is employed locally in the public services and shopkeeping, and the remainder (36 per cent, according to local statistics) is unemployed.

148. Ebeye presents all the characteristics of an over-populated and underdeveloped agglomeration. The families established there comprise on the average 13 people, who live together in a very small area. A traveller cannot but be struck by the glaring contrast offered by the Kwajalein base, 15 minutes away by boat, where 3,000 people live in very comfortable conditions in an area much larger than Ebeye.

149. Administration officials in Ebeye drew the attention of the Mission to three urgent major problems, the first being the lack of water resources. Although construction of a rainwater-catchment basin has just been completed, storage capacity is still limited and the problem of water supply may arise once again. Secondly, the drainage disposal system was damaged by the recent typhoon (see para. 133 above) and its present, defective operation may entail serious risks to the health of the population. It is hoped that the local authorities will take the necessary measures to repair the system without delay. Lastly, the electric power station, which comprises two old generators with a low capacity, has been unable to meet the increased demand for electricity.

150. Beyond those immediate problems, solutions for the future of Ebeye must be considered on a medium-term and long-term basis. Almost one half of the population of the island is under 15 years of age. It seems clear that if nothing is done to arrest or reverse recent developments, very serious difficulties can be expected. The authors of the proposed development plan for the Marshall Islands have

^{18/} Ibid., paras. 158-162.

studied the problem carefully. They propose, first, to encourage those who have emigrated to Kwajalein (beginning with those who are unemployed) to return to their atolls of origin where an effort would be made to better their living conditions. Secondly, a programme would be undertaken to develop other islands of the Kwajalein atoll (such as Carlos, Carlson or Ebadon) where another section of the population of Ebeye would be established, while continuing to be employed at the missile-testing base. The two migrations would enable Ebeye to regain a more normal population density. The plan seems reasonable and it is hoped that the resources required for its implementation can be found.

CHAPTER VII

POLITICAL CAMPAIGN

A. Organization

151. As the Mission arrived in the Marshall Islands on 25 February, less than a week before the referendum was due to take place, its first-hand observation of the political campaign was restricted to the last few days. The campaign during the final stage was orderly, even calm and conducted by both sides in a democratic manner. There were no reports of violence or complaints of intimidation, either then or before the Mission arrived. (Intimidation had been a cause for complaint in the July 1978 referendum, although the complaints had not been substantiated.)

152. During the campaign preceding the 1978 referendum, excitement on Majuro in particular had been almost at fever pitch; political slogans on billboards and t-shirts had been much in evidence and the rival political parties had competed in organizing open-air meetings and motorcades. The campaign preceding the 1979 referendum was in a lower key. There were almost no slogans to be seen and although one large motorcade and rally was organized by the supporters of the constitution during its visit, the Mission gained the impression that in general there were fewer mass meetings and less participation by the population as a whole in the campaign than had been the case in the earlier referendum. The lower turn-out on referendum day appeared to confirm that impression. (The possible reasons for the lower turn-out are discussed more fully in para. 226 below.)

153. The two campaigns were not, however, strictly comparable, for although the ostensible purpose of both referendums was to decide upon a constitution, the real issue in the Marshall Islands in the 1978 referendum was separatism. This was the issue which had aroused widespread passion and the one on which the political campaign had been fought. In the political campaign preceding the 1979 referendum on the other hand, the separatist question was no longer an issue since the Marshall Islands district, by rejecting the constitution of the Federated States of Micronesia in the 1978 referendum, had ipso facto set in motion the process of administrative separation from the four districts which had voted in favour of the constitution. (Under section 11 of Public Law 5-60, as amended, "the constitution of the Federated States of Micronesia would be deemed to have been ratified and approved by the people of Micronesia if it was approved by a majority of the districts of the Trust Territory existing on the date of the referendum. The constitution would not take effect, however, in any district where it would be disapproved by a majority of the voters.") The 1979 campaign, therefore, was fought by both sides primarily on the merits, or demerits, of the political system which would come into effect if the new constitution was endorsed by the referendum.

154. Once the draft constitution had been adopted by the Marshall Islands Constitutional Convention and the date set for the referendum, the supporters of

the constitution (the Marshall Islands Political Status Commission, which had the backing of the majority of the members of the Nitijela and of the Constitutional Convention) stepped up their campaign to publicize the constitution and explain its provisions. As has already been shown earlier (see paras. 60-69 above), that educational process had already been taking place for some time. The constitution adopted by the Constitutional Convention on 21 December 1978 was the third draft. Work on the first draft had begun in August 1977 and throughout the entire drafting process there had been public hearings and radio broadcasts. Meetings of the Constitutional Convention had been broadcast live and ESG teams had visited the various atolls and islands. Outside constitutional experts had been invited to explain abstruse constitutional points, comments had been sought from the various islands and amendments made in response to criticisms received. The drafts had also been submitted to Marshallese students in Hawaii and Saipan. In rejecting the complaint by The Voice of the Marshalls that insufficient time had been allowed for the study of the constitution, a leading member of the Marshall Islands Political Status Commission commented to the Mission that "no other document, apart from the Bible, has been given more attention in group and family discussions than the constitution".

155. In the present campaign, the opponents of the constitution appeared to have concentrated their efforts on seeking a postponement of the referendum (see paras. 169-177 below). They complained to the Mission that they lacked funds to send teams to the outer islands, pointing out that the supporters of the constitution had received funds both from the Nitijela and the Administering Authority for purposes of political education, whereas their organization had not received any such funds. The Mission ascertained, however, that the funds referred to had not been appropriated to finance the political campaign of the Marshall Islands Political Status Commission, but to defray the total costs of the Constitutional Convention and the referendum, including such items as the allowances of delegates, public hearing expenses, the engagement of temporary staff, rental and transport of equipment, etc. In November 1978, the Nitijela had appropriated \$313,376 "or so much thereof as necessary" for that purpose. The Administering Authority had provided a total of \$100,000 to finance the Constitutional Convention, of which almost half had been set aside for the ESG programme. Even the provision of non-partisan information on the constitution inevitably favoured its supporters. The Voice of the Marshalls had themselves enjoyed that advantage in the 1978 referendum on the draft constitution of the Federated States of Micronesia (supported by them) which was similarly publicized in ESG programmes.

156. It is a fact, however, that the opponents of the constitution undoubtedly had much less money at their disposal for the 1979 referendum than had been the case in the earlier referendum when they received funds and support from the Congress of Micronesia to campaign in favour of that constitution. That source was understandably no longer available and The Voice of the Marshalls and other opposition groups apparently had failed to organize a satisfactory alternative source of income.

B. Methods

157. As was the case in the 1978 referendum, the radio was by far the most important medium for information during the campaign preceding the 1979

referendum. Equal radio time was allotted to each side for political broadcasts during the campaign and, although The Voice of the Marshalls complained to the Mission of discrimination, in fact, neither side took up the full time available to it. A member of the Lejmanjuri (the women's organization opposing the constitution) informed the Mission that her organization had had no problem in securing radio time. The ESG programme also had to be considered as an element in publicizing the constitution, although it did so in a non-partisan manner. In the last weeks of the referendum campaign, apparently in response to criticism by The Voice of the Marshalls that inadequate time had been allowed to enable the population to acquire a proper understanding of the constitution, the ESG task forces broadcast extracts from the constitution, with a factual explanatory commentary, at intervals throughout the day. Although the members of the Mission could not check the wording of the Marshallese programme, they were reliably informed that the commentary was impartially phrased. They can, however, testify to the almost monotonous frequency with which they heard extracts from the constitution being read over the radio on the only public channel. The Mission was informed time and again by members of the public that they had received information on the constitution, both in political broadcasts by the parties and in ESG radio programmes.

158. The press, which is almost non-existent in the Marshall Islands (there are two weekly periodicals with a small circulation), appeared to have exerted no influence during the campaign. The local television station, which is commercially owned, transmitted no political programmes. As has already been mentioned, both sides organized political meetings, although rather less zealously than during the previous referendum. The supporters of the constitution (but apparently not the opponents, see para. 155 above) sent teams to the outer islands to campaign in favour of the constitution.

C. Arguments

159. The Mission held meetings with leaders of the opposing groups to hear the views of both sides. On 26 February 1979, Mr. Litokwa Tomeing, president of The Voice of the Marshalls, presented to the Mission a critical analysis of the constitution prepared by his organization which set out the chief objections of the opposition to the form of parliamentary government proposed (see also paras. 201-206 below). The Mission also heard the views of persons attending the public meetings.

160. The opponents of the constitution expressed preference for a presidential system of government on the model of the United States. They argued that the Marshallese people were used to that form of government, which was more compatible with their way of life. The presidential system guaranteed checks and balances between the Iroi,j (traditional leaders) and the people, as well as between the three branches of government. Such checks, they maintained, were particularly important in a society which at present lacked sophisticated political parties and news media to "keep the Government within its constitutional limits". In such circumstances, they feared that a political dictator might find it easier to seize power under a parliamentary system of government.

161. The opponents of the constitution contended that a parliamentary system of government would be more costly, since it would involve recruiting foreign

experts in the parliamentary system to help run the government for the first few years. It would also become necessary to reorganize their educational curricula in some fields to teach the Marshallese about the type of government. They voiced concern that the adoption of an alien system might weaken their existing ties with the United States. Students and government officials, for example, would increasingly be sent to countries with a parliamentary system of government for further education and training. They claimed that the constitution was designed to bring the Marshall Islands to full independence within 15 years, which they opposed on the ground that the islands were not yet sufficiently developed economically to sever all links with the United States.

162. The opposition also criticized specific provisions in the constitution, in particular the curtailment of the rights and prerogatives of the traditional leaders. Under the new system, the latter would be "merely advisers", whereas the opposition considered that they should play an active and equal role in the decision-making process, particularly on budgetary questions. In addition, the opposition criticized the constitution on substantive grounds. They also criticized the administrative arrangements for the referendum, especially the state of the registration list; the faulty translation of the constitution into Marshallese and the wording of the ballot papers which they alleged to be slanted. They were, above all, critical of the timing of the referendum, which they claimed allowed insufficient time for the population to study so long and complicated a document. (The attempts made by the opposition to postpone the referendum on those grounds and the arguments advanced by both sides on the question of timing are described in detail in paras. 169-177.)

163. The supporters of the constitution maintained that the parliamentary system of government was less expensive than the presidential system and that (contrary to the views being expressed by its critics) it was also closer to Marshallese experience and traditions.

164. In its report to the Marshall Islands Constitutional Convention at its third session in 1978, the Committee on Convention Procedure and Jurisdiction pointed out that, although the people of the Marshall Islands

"... have been governed under a system based on the separate physical identity of the legislative and executive branches of government, the democratically elected representatives of the people have served only in the legislative branch. The Marshall Islands have never been governed under a system where the head of the executive branch, also, was democratically elected. ... It must be said, therefore, that, in spite of their familiarity with the theory, nothing in the actual political experience of the Marshall Islands up till now particularly equips the people to live under the presidential system of government, to make it work well."

165. The Committee also argued that the cabinet system of collective responsibility was consistent with the Marshallese tradition of group decision-making.

166. Two of the chief criticisms made by opponents of the constitution - that it did not provide for checks and balances and for the separation of powers - were also dealt with in the report. Although the separation of powers was less complete under the parliamentary system, the Committee pointed out that:

"... both systems make the same distinction between the legislative, executive and judicial functions of government and entrust those functions to different bodies. Under both systems, the judicial branch is independent of the other two branches. The draft constitution strengthens this independence in every possible way. Appointments to the High Court and the Supreme Court are to be made only on the recommendation of a Judicial Service Commission, which is itself required to act independently; and the actual appointments may be made by the Cabinet only with the approval of the Nitijela.

"Under the parliamentary system, there is an overlap of personnel between the executive and legislative branches, in that some members of the legislature will also serve in the cabinet. But another important segment of the executive branch, the public service, will be entirely separate. Members of the Public Service will have to resign if they are elected to the Nitijela. There are important provisions, in article VIII, for appointments to the public service to be made by an independent public service commission. This will prevent the Government from rewarding its supporters with jobs, and will safeguard the public service from political influence."

167. On the related question of how checks and balances would operate under the proposed constitution to limit the powers of any one branch of government, reference was made in the report to the following: the provision for general elections at least every four years; the power of the Nitijela to pass a vote of no confidence in the cabinet; the power of the President to dissolve the Nitijela and call for a new general election; the limitations imposed upon both the executive and legislative branches by the bill of rights; the right of individual citizens to challenge any action by the Government or Administration in the courts; the right of the council of Iroi to call for the reconsideration by the Nitijela of bills affecting custom or tradition.

168. Underlying all the various arguments put forward by the opposition, the Mission detected fear of an unknown future under an unfamiliar system of government which might no longer be subsidized and protected by the United States. On the other hand, the leaders who supported the constitution appeared to be imbued with confidence in the form of political system they had chosen and in their ability to tackle the political and economic challenges ahead, in co-operation with the Administering Authority and the international community. Both sides voiced their hopes and fears frankly during discussions with the Mission and appeared to welcome United Nations observation of the referendum campaign.

CHAPTER VIII

MOVE TO DEFER THE DATE OF THE REFERENDUM

169. As noted in paragraph 71 above, the Speaker of the Nitijela announced on 18 January 1979 that the constitutional referendum would be held on 1 March. The measure was then signed into law by the High Commissioner of the Trust Territory.
170. In February 1979, The Voice of the Marshalls filed a minority report in the Committee on Judicial and Governmental Relations of the Nitijela to which Bill No. 9 (covering the conduct of the referendum) had been referred, seeking to postpone the referendum to a date "no sooner than 1 June 1979". In its report, The Voice of the Marshalls objected to the early date on two grounds: (a) that inadequate time had been provided for the voters to study the constitution so that they could make "an intelligent and informed choice" when they went to the polls to vote on an issue described elsewhere in the report as "one of the most important decisions the people of the Marshall Islands will ever make"; and that (b) insufficient time had been provided for the administrative arrangements for the proper conduct of the referendum. Because the date had been set early, the election law had, for instance, required amendment to extend the deadline for registration and absentee ballots. While not questioning the necessity of that course, it was argued that it would have been preferable to allow adequate time for the various processes by setting the referendum at a later date rather than by making last minute changes in the election law.
171. Having failed in its attempt to postpone the date of the referendum, The Voice of the Marshalls, on 16 February, less than two weeks before the referendum was due to take place, filed a court action to secure a court injunction for a delay of six months "to ensure proper understanding of the contents of the new parliamentary constitution by the Marshallese people" before they went to the polls. The question put to the court was "whether or not the notice requirements of due process of law have been met by the presentation and explanation of the Marshall Islands constitution, to the people thus far". The case was heard before the Honourable Robert A. Hefner, Associate Judge, on 23 February and he pronounced judgement the following day.
172. The case for postponement submitted by The Voice of the Marshalls was based primarily on the same complaint voiced in its minority report to the Nitijela: the insufficiency of time provided to the people of the Marshall Island to study the draft constitution before voting on it. The Voice of the Marshalls alleged that at the time its complaint was filed, copies of the draft constitution had not been distributed to the people of the Majuro, Arno and Mili atolls and that the people of the remaining islands were believed to have received copies less than a month before that date. The unseemly haste to hold the referendum was contrasted with the earlier campaign for the draft constitution of the Federal States of Micronesia. The latter had been adopted in 1975 but the referendum had not been held until July 1978 following "a bipartisan, intensive and comprehensive educational programme". Moreover, the earlier constitution had been modelled on the United States political system which had been in operation in the Marshall Islands

for the previous 30 years, whereas the present draft constitution was not only twice as long, but also provided for a new and unfamiliar parliamentary system of government. And yet the people of the Marshall Islands were being given barely a month, in some cases less than two weeks, to study a document which, if adopted, would govern their future lives.

173. The Voice of the Marshalls further complained that the Marshallese version of the constitution differed "substantially" from the English version; that the wording of the ballot paper was unfair; that the ESG task force was composed solely of supporters of the constitution; and that equal time had not been provided on the radio for those who opposed the constitution. It also criticized various provisions of the draft which they claimed required further study before a vote was taken.

174. The case for deferment was dismissed by Judge Hefner on 24 February. He found that there were "not sufficient grounds to issue a preliminary injunction". In his concluding judgement, Judge Hefner stated that three grounds for postponement had been raised in the pleading and the testimony. He dismissed the first two complaints concerned with the translation of the constitution and the proposed wording of the ballot papers. In the former case he considered that difficulties were bound to arise in translating a 61-page document of that nature from English into Marshallese. He found no evidence of substantial changes, however, and pointed out that in case of differences in the two texts, it was stipulated that the English version should prevail. On the subject of the ballot, he pointed out that the court had considered the testimony on the wording and had also studied a specimen ballot paper. Contrary to the evidence submitted by The Voice of the Marshalls, the wording had proved to be the same in District Law 23-32-2. He considered that the "recitation" on the ballot paper was factual and contained nothing "which would cause a voter to approach it with a bias".

175. Judge Hefner said that the final ground (whether the people had sufficient access to the constitution and information on it to enable them to be informed voters) had given the court much more concern. He suggested that two errors had been made: first, the designation of the Speaker as the sole person to set the referendum date; and secondly, the selection by "this one individual" of 1 March as the date of the referendum. Judge Hefner was both critical and puzzled over the fact that so little time had been allotted for the preparation of the referendum, particularly since there had been no showing of urgency such as a deadline. The timing had caused technical problems in a number of fields, including the printing of 8,000 to 10,000 copies of the new constitution, some of which were still being printed less than a week before the referendum. The shortness of time allowed had also created problems for those members of the executive branch responsible for organizing the referendum.

176. Although the judge strongly criticized the short time allotted for preparing the referendum, which had given the appearance of "a rush job", he concluded that that error of judgement did not constitute sufficient grounds to issue the preliminary injunction sought by The Voice of the Marshalls since the people of all the atolls had by then received copies of the constitution and still had time to study it. In rejecting the bid for postponement, Judge Hefner said he had taken into account the extensive radio broadcasts of the text of the constitution; the number of delegations which had visited all the outer islands and atolls to explain the constitution to prospective voters; and the fact that the constitution itself was

not a new document being presented to the people of the Marshall Islands without prior knowledge but was rather the end product of two years of public meetings and discussions.

177. The Voice of the Marshalls made an immediate appeal to the Appellate Division of the High Court. The Chief Justice, who heard the appeal, stated that the record of the trial court showed neither abuse of the court's discretion nor any "plain error". The appeal was therefore not allowed.

CHAPTER IX

THE POLL

A. Voting arrangements

178. As noted in chapter V above, the constitutional referendum in the Marshall Islands was conducted in accordance with Title 43 of the Trust Territory Code, as amended. This was a reversion to the normal election procedure, in contrast to the special procedure established for the 1978 referendum on the constitution of the Federated States of Micronesia.

179. The task of organizing the referendum was entrusted to the District Administrator, who was appointed Election Commissioner. The Election Commissioner entrusted the Bureau of Public Affairs with the practical preparations. The Bureau transmitted the necessary instructions for the conduct of the voting operations to the responsible local officials - and members of the boards of election and the counting and tabulating committees. During the month of February, it sent ballot boxes to the 25 populated atolls of the District, usually by boat. The ballot boxes, as well as the ballots and registers of voters, remained in the care of the members of the election boards until the day of the referendum. An official of the Bureau of Public Affairs was sent to Ebeye, the most densely populated island after Majuro, to help the local officers in carrying out their duties.

180. On the day of the referendum, the polling places were open from 7 a.m. to 7 p.m. In certain cases that schedule was amended in the light of the local circumstances to enable the greatest possible number of voters to vote.

181. At the polling places, the voters had to identify themselves to the members of the election board who, after checking their names on the register of voters, gave them ballot papers. The voters then marked their ballots in a booth and deposited them in the ballot box, which was kept under constant supervision by one of the members of the election board and by observers from both parties. Special arrangements were made for persons, such as the physically handicapped, who were unable to carry out the procedure by themselves.

182. Those voters who, for health reasons, were unable to travel were nevertheless able to vote on request, using special ballot boxes taken to their homes under the supervision of a member of the election board. Most of the polling places were at fixed locations. In certain cases, however, such as on Majuro Atoll, mobile voting units were employed. The ballot boxes were then taken from place to place, by automobile or boat, under the supervision of a member of the election board and observers from the two parties.

183. At each polling place, each of the opposing parties was authorized to appoint a representative to observe the voting process. At their first meeting with the Visiting Mission, at Majuro on 26 February, the representatives of The Voice of the Marshalls, the opposition party, pointed out that at the time of the 1978 referendum, the observers from the majority party had received compensation whereas those from The Voice of the Marshalls had not been paid because the party lacked the necessary financial resources. That situation was

unfair and prejudicial to The Voice of the Marshalls. The representatives of the party added that unless the financial difficulty could be satisfactorily overcome, they would not provide observers on polling day.

184. The Mission regarded the problem as very serious and drew the attention of the Election Commissioner to the need to find a solution which would enable observers from both parties to be present. The Election Commissioner decided, in order to place the two sides on an equal footing, to provide identical compensation to all observers, the funds to be taken from the district's operating budget.

185. At Majuro and at Ebeye, a number of persons who presented themselves at the polling place on the day of the referendum found that their names were not on the register of voters. These persons claimed, however, that they had registered in time to vote. To settle the problem, the Election Commissioner decided that a special procedure should be adopted.

186. At Majuro, each person whose name was not on the register had to sign a sworn statement to the effect that he, or she, had in fact registered to vote, and place the document in an envelope which also contained another sealed envelope enclosing his duly executed ballot. A total of 86 such ballots were collected and examined case by case, by the Election Commissioner in consultation with the members of the election boards and the counting and tabulating committee (on which both parties were represented) as well as observers from the two parties. Of the 86 ballots, 55 were validated and 31 set aside.

187. At Ebeye, claims by voters whose names did not appear on the register were examined on the spot before polling was closed. The sworn statements were studied immediately and countersigned by a magistrate after inspection by a member of the election board. Forty persons were thus able to vote, their votes being validated and tabulated separately.

188. After the polls had closed, the members of the election boards at each polling place replaced the unused ballots, which were first crossed out, in the ballot boxes, together with the registers of voters, in a separate compartment from the valid ballots. The ballot boxes were then padlocked and transported to the place where the votes were to be counted.

B. Counting of votes

189. The ballots were examined and counted at the major town on each atoll where the ballot boxes had been assembled. Those operations, which took place at locations open to the public, were performed by a counting and tabulating committee whose members were the only ones authorized to handle the ballots. The two parties for and against the constitution were given the opportunity to appoint representatives to observe the counting of the votes.

190. The counting and tabulating committees proceeded by separating and tabulating the "Yes" ballots and the "No" ballots. The acceptance or rejection of ballots regarded as doubtful was decided case by case.

191. The final count of ballots for and against recorded on the atoll was then certified and transmitted immediately by the local magistrate to the Election Commissioner at Majuro. The valid, spoiled and unused ballots, together with the register of voters and the key of the padlock, were replaced in each ballot box. Lastly, locked boxes were sent by boat or aircraft to Majuro.

C. Conduct of the polls and activities of the Mission

192. Because of the number of atolls comprising the Marshall Islands District and the long distances between them, the Mission was obliged to limit its presence on the day of the referendum to two atolls. As in July 1978, the two largest centres of population were chosen: Majuro Atoll and Kwajalein Atoll.

193. The members of the Mission stationed at Majuro were able to visit all of the polling places more than once in the course of the day. In the town of Majuro itself, the Mission observed all the polling places and visited certain villages outside the town. Members of the Mission also travelled to neighbouring islands such as Rongrong, in order to observe the electoral process being carried out there by means of a portable voting booth carried by boat from island to island.

194. The members of the Mission stationed at Kwajalein formed two groups. One member of the Mission stayed at the polling place at Ebeye where there were a large number of voters registered, in particular, persons working at the Kwajalein missile range. He left briefly only once, to observe voting by persons unable to travel. At the request of the Mission, the commanding officer of the missile range agreed to augment the boat service between Kwajalein and Ebeye on the day of the referendum in order to facilitate the polling operations.

195. Another member of the Mission observed the voting on two of the less-populated islands of Kwajalein Atoll, Roi Namur (where there is another installation belonging to the missile range) and Santos. Both at Majuro and Ebeye, the Mission observed the conduct of the voting operations very closely, offering its assistance and making suggestions whenever asked to do so. It was also present at the counting of the votes from start to finish. Lastly, it was present on 5 March at Majuro when the unofficial results of the referendum were announced.

CHAPTER X

RESULTS OF THE REFERENDUM

196. The results of the poll show that of a total of 14,385 registered voters, 8,880 cast their votes.

197. The official results, by election district, were as follows:

Atoll	Number of "Yes" votes	Number of "No" votes	Percentage of "Yes" votes
Majuro	2,092	1,142	64.6
Arno	405	124	76.5
Aur	158	7	95.7
Wotje	114	67	62.9
Likiep	73	88	45.3
Mejit	128	0	100.0
Namorik	139	63	68.8
Kili	37	214	14.7
Ebon	57	260	17.9
Namu	243	1	99.6
Kwajalein	1,117	219	83.6
Lib	15	19	44.1
Lae	80	0	100.0
Wotho	45	1	97.8
Ujelang	12	86	12.2
Mili	63	118	34.8
Ailuk	126	7	94.7
Maloelap	194	47	80.4
Jaluit	120	413	22.5
Ailinglapalap	240	209	53.4
Enewetak	10	27	27.0
Ujae	86	5	94.5
Jabot	15	19	44.1
Uterik	33	73	31.1
Rongelap	68	1	98.5
Bikini	0	0	-
Total	5,670	3,210	63.8

198. Thus, of 8,880 votes cast, 5,670, or 63.8 per cent, were in favour of the draft constitution. If the voting is analysed at the level of the individual atolls, it will be seen that "Yes" votes carried the day in 15 out of 25 atolls. The 10 atolls where "No" votes were in the majority represented only 19.7 per cent of all the votes cast.

CHAPTER XI

LOCAL REACTION TO THE RESULTS OF THE REFERENDUM

199. The Visiting Mission left the Marshall Islands one week after referendum day so that it can only comment from personal observation on the immediate public reaction to the outcome. The impressions of the Mission are perhaps worth recording, none the less, since it held meetings after the referendum with the leaders of both the supporters and the opponents of the constitution, as well as with the general public. It also held meetings with the Election Commissioner and his staff.

200. The leaders on the winning side appeared to be pleased but not overwhelmed by their victory, which they had anticipated. They pointed out that the results of the 1977, 1978 and 1979 referendums had been almost the same, except that the last has been slightly more favourable to the supporters of the constitution. They admitted frankly that they had learned a great deal from the latest referendum, particularly on the procedural side. They recognized, for instance, that the Marshall Islands needed to draw up a carefully compiled register of voters and to ensure that it was kept up to date. They further commented that there must be a less cumbersome method of voting and suggested that the Marshall Islands might perhaps learn from the experience of the United Nations and of other democratic countries. They were satisfied, however, that, despite procedural complications, all those who were eligible and wished to vote had had the opportunity to do so. Once the constitution had been approved by the referendum, its leading supporters appeared to be more interested in discussing their plans for the future than in conducting a post-mortem on the referendum. They appeared to view the future with confidence, even eagerness, while retaining a fairly realistic appreciation of the magnitude of the problems (particularly economic problems) which lay ahead.

201. The initial reaction of the opposition leaders, on the other hand, was one of extreme pessimism. In their meeting with the Mission on 6 March and in a letter which the President of The Voice of the Marshalls delivered to the Mission the next day, they reiterated their substantive objections to the constitution and their criticism of the timing of the referendum. They also complained of various alleged irregularities in the organization and conduct of the referendum. The Mission reported the latter complaints to the Election Commissioner, while at the same time impressing on the opposition the need to substantiate their general allegations of misconduct with detailed factual evidence. The strongest opponents of the draft constitution among the members of The Voice of the Marshalls appeared to regard it as alien, even dangerous to their way of life, and likely to weaken their ties with the United States; they also stated their belief that there would be no acceptable future for them under the new system of government.

202. At the meeting on 6 March, the spokesman for The Voice of the Marshalls informed the Mission that his organization took the view that the referendum should be declared null and void and that a new referendum should, if possible, be organized under the auspices of the United Nations and the Administering Authority. He also stated that those islands in which a majority had voted against the constitution "would take appropriate steps to separate from the rest

of the Marshall Islands District" and would seek commonwealth status within the family of the United States. In his letter of 7 March, the President of The Voice of the Marshalls concluded with the comment, "We do not wish to live under this constitution".

203. The Mission was disturbed by those initial reactions on the part of the opposition, especially by the threat of further fragmentation which appeared to be particularly ironic coming from an organization that had emphasized the dangers of separatism in the July 1978 constitutional referendum for the Federated States of Micronesia. In the event, however, The Voice of the Marshalls did not carry out its threat to contest the referendum result, probably because investigation of their various complaints by the Election Commissioner showed that there were not sufficient grounds to do so successfully. The Mission hopes that wiser counsels will also prevail on the separatist issue.

204. In his letter to the Mission of 7 March, the President of The Voice of the Marshalls claimed that his organization had striven to be fair in working with those who held opposite political views. It had participated in the referendum and had presented candidates for the regular election to the Nitijela held in November 1978. However, he accused the supporters of the constitution of failing to consult and co-operate with their opponents.

205. In her statement on 7 March 1979 (see annex II to the present report), the Chairwoman of the Mission expressed the hope of the Mission that the people of the Marshall Islands would try to forget their past differences and embark upon the crucial next phase in their political development as a united people. She hoped that the winners in the forthcoming elections would remember that any future Government they might form would represent not only their own supporters but all the people of the Marshall Islands, and that the losers would make a sincere attempt to pursue their political objectives within the new system, trying to make it work despite their previous misgivings. The Mission was pleased to learn that members of The Voice of the Marshalls participated in the elections for the Nitijela held on 10 April 1979 under the new Constitution.

206. The Mission cannot say how far the views voiced by the leaders on both sides reflected the reaction of the population as a whole. Those with whom they spoke appeared for the most part to have expected the constitution to be adopted and to be content with the result. The general atmosphere was calm and admirably orderly. It was marred neither by extravagant mass celebrations on the part of the winners, nor by hostile demonstrations on the losing side. The Mission was greatly impressed by the political maturity and democratic spirit of the electorate.

CHAPTER XII

OBSERVATIONS AND CONCLUSIONS CONCERNING THE REFERENDUM

A. Introductory remarks

207. The mandate of the Visiting Mission was to observe the referendum, the organization and supervision of the referendum being the task of the Election Commissioner and the election boards, while ultimate responsibility rested with the Administering Authority. The role of the Mission was to observe the conduct of the referendum at all stages and to report thereon to the Trusteeship Council. In particular, it wished to satisfy itself that the proceedings were fair, that the vote was secret, that no one was subjected to pressure to vote one way, and that all those who were eligible to vote had the opportunity to do so. The way in which the Mission carried out its task has been described in detail in the body of the report.

208. The Mission did from time to time make suggestions to those responsible where it seemed useful to do so, and the advice of members of the Mission was also sought on a number of occasions. Their suggestions were almost invariably accepted.

209. The Mission received full co-operation from all those concerned with the organization and conduct of the referendum and was well received wherever it went. The Mission was made to feel that its presence was valued, both as evidence of continuing United Nations interest in the Trust Territory and as an impartial witness, which by its mere presence increased confidence that the referendum would be fairly conducted.

B. Organization of the referendum

210. The choice of 1 March for the date of the referendum allowed very little time for all the organizational and administrative arrangements to be made, and must have placed a heavy burden on the Election Commissioner and his staff.

211. The lack of time doubtless also partly explained why the register of voters had not been properly updated since the elections for the Nitijela in November 1978. A further problem was the fact that a surname was not a Marshallese concept, so that voters might be listed under one of several names, the spelling of which could also vary according to the whim of the person concerned at the time of writing.

212. The discrepancies between the general register of voters and the precinct lists proved to be a major cause of confusion on voting day. Following the referendum, both supporters and opponents of the constitution stressed the urgency of revising and simplifying the registration procedure in the Marshall Islands. In its report to the Nitijela recommending the certification of the referendum, the Committee on Judicial and Governmental Relations expressed the view that the Nitijela should reform the electoral laws and hoped that the new constitutional Government would take up that task as soon as possible after it assumed office.

The Committee further recommended that the Public Affairs Office should consider ways of improving the registration procedure and should also report to the Nitijela on the possibility and cost of computerizing the registration of voters in the Marshall Islands.

213. The Mission supports the need for reform of the registration procedure. It also shares the puzzlement voiced by Judge Hefner (in considering the appeal by The Voice of the Marshalls for postponement) as to why so little time had been allowed for the preparation of the referendum.

214. However, once it became obvious that, owing to the imperfections of the registration procedure, some legally registered voters were in danger of losing their right to vote, the Mission considers that the Election Commissioner took the right decision in introducing the special procedure described in chapter IX (see paras. 186-187 above). This ensured that those legally entitled to vote were not prevented from doing so owing to administrative errors. The Mission would like to pay tribute to the Election Commissioner and his staff for their concern and patience in dealing with the problem and for the attention they gave to each individual case.

215. The Mission was in general deeply impressed by the concern shown to ensure maximum participation in the referendum; for example, the provision of mobile units to enable the inhabitants of even the smallest outlying islands, as well as the old and the sick, to cast their ballots. The Mission was moved by the sight of a boatman from one of the mobile boat units, wading ashore with a ballot box on his shoulders which he placed on the beach under a coconut palm to enable the three registered voters on that island to participate in the referendum. The ceremony was conducted by the accompanying election official with the same care and attention to regulations as was taken in the precincts of the district centre.

C. Political campaign

Role of the Administration

216. The Mission saw no evidence of improper intervention in the campaign by the Administration and received no complaint that it had done so.

Date of the referendum

217. In the final stages of the political campaign, the opponents of the constitution sought to secure a court injunction to defer the referendum on the grounds that the Marshallese people needed further time to study the constitution. Their case for deferment was rejected by the High Court in Majuro on 23 February 1979 and their subsequent appeal to the Appellate Division of the High Court in Saipan was likewise rejected on 28 February 1979.

218. The Mission concurs with those decisions. It believes that the last-minute attempts by the opposition to postpone the referendum were rightly rejected. To defer the referendum at so late a stage after all the physical and administrative arrangements had been virtually completed would, in the absence of compelling reasons for postponement, have constituted unjustifiable expenditure of public funds. For instance, the ballot papers and other materials were already printed and ships were at sea carrying the ballot boxes to the outer islands and atolls. In the view of the Mission, there were no such compelling grounds for postponement.

219. For the reasons set out in paragraphs 169-177 above and 227-228 below, the Mission is satisfied that the people of the Marshall Islands had sufficient understanding of the constitution to vote on 1 March 1979 as planned.

Finances

220. The opponents of the constitution repeatedly complained to the Mission about their lack of funds for campaigning (see also paras. 155-156 above). However, since by far the most important medium of publicity in the Marshall Islands is the radio (to which both sides had equal access), the Mission had no reason to believe that the disparity in funds materially affected the result of the referendum.

221. However, since financing was once again an emotive issue, as in the case of the 12 July 1978 referendum on the constitution of the Federated States of Micronesia, the Mission would like to support the suggestion contained in the report of the 1978 Visiting Mission that consideration be given to setting fixed limits for campaign expenditures in future elections or referendums in the Trust Territory. 19/

D. Voting arrangements and the counting of votes

222. The practical arrangements made by the Election Commissioner and the local election boards enabled the referendum to be carried out under favourable conditions. The number of polling places and their distribution was satisfactory. The voters were able to cast their votes in secret as required by the electoral law. The Visiting Mission received no complaints of pressure or attempts to intimidate or bribe voters.

223. The Mission was able to confirm that at most polling places observers from both parties were present during the voting and during the vote counting. The counting process, which was open to the public, was carried out in orderly fashion and was not challenged in any way. Because of the special voting procedure instituted for persons whose names were not on the registers of voters, the counting of the votes at Majuro took a great deal of time, each such case being examined individually. This complication could have been avoided if the registers had been updated more carefully. Efforts to bring the registers up to date should be started as soon as possible in view of the forthcoming elections.

224. The few minor irregularities which were noted and mentioned in the report of the Election Commissioner to the Marshall Islands Nitijela were the result of administrative errors and not of any intent to falsify the results. They concern only a very small number of ballots and did not in any way affect the results of the referendum.

225. Generally speaking, the dedicated and arduous work of the members of the election boards and counting teams and tabulating committees should be commended. They were appointed from lists submitted by both parties and most of them had performed similar duties during the referendum of July 1978 and the general elections of November 1978.

19/ Ibid., para. 292.

E. The poll and the results

226. Although a large percentage (about 62 per cent) of the registered voters voted, participation in the referendum of 1 March 1979 was lower than in that of 12 July 1978 (8,880 votes cast, as against 10,105). The reasons for the low turnout are necessarily speculative. Nevertheless, some suggestions can be made on the basis of the comments and reactions noted by the Mission in regard to the referendum. The subject of the present referendum, the proposed constitution, undoubtedly aroused less interest, not to say passion, than that of July 1978. The question of the status of the Marshall Islands vis-à-vis the rest of the Trust Territory was certainly more important in the eyes of the population, and therefore constituted a more urgent theme, than the text of the constitution. Despite the efforts made to inform and educate them, a number of voters were perhaps hesitant to express an opinion on a complex document which had given rise to debates on such unfamiliar topics as the respective merits of the parliamentary and presidential political systems. In addition, the electoral campaign was much less lively and intensive than in July 1978. Lastly, some observers noted that there were divisions between supporters and opponents within families or clans, and in the circumstances some persons chose not to vote in order to avoid dissension among family and friends. In any event, a large majority of voters, 63.8 per cent, voted in favour of the draft constitution. The result was therefore even clearer than in 1978, when 61.5 per cent of the voters rejected the proposed constitution of the Federated States of Micronesia.

F. Understanding of the issues to be decided

227. Extensive information on the draft constitution was disseminated both during the preparation of the successive drafts and during the electoral campaign itself. That information was provided under the ESG programme and on the radio with great care for objectivity. The text of the draft constitution in the Marshallese language was also distributed to all the atolls of the district.

228. During the electoral campaign, both the supporters and opponents of the draft constitution were able to make their views known, particularly on the radio. The Mission considers that any voter who wished to learn about the purpose of the referendum was able to do so and thus to form his own opinion.

G. Summing up

229. On 1 March 1979, the people of the Marshall Islands adopted a new constitution through a free, democratic referendum by a substantial majority. During the electoral campaign, which was free from any incident or act of violence, the party in favour and the party opposed to the draft constitution were able to defend their points of view before the voters. Despite the short time available, the organizers of the referendum did their utmost to enable all the voters to participate; their efforts were successful. The poll was secret and no pressure was exerted on the voters. Observers from both sides were allowed to be present during the electoral process and the counting of votes.

230. The report submitted by the Election Commissioner to the Marshall Islands Nitijela has not been contested and the Nitijela has endorsed the results of the referendum.

231. The Mission hopes that the new political institutions in the Marshall Islands will help to strengthen the unity of the district and promote its economic and social development. At the same time, it also hopes that determined and resolute efforts will be made by the people of the Marshall Islands to maintain and strengthen their links with the rest of the Trust Territory.

CHAPTER XIII

ACKNOWLEDGEMENTS

232. The members of the Visiting Mission wish to express their gratitude to all those who assisted them in carrying out their task. They owe special thanks to Mr. Girma Abebe, the Principal Secretary, and to the other members of the United Nations Secretariat for their dedication and good humour throughout the visit.

233. They also wish to thank Mr. Daniel Strasser, the escort officer, for all he did to help them.

234. Wherever they went, the members of the Mission were made to feel welcome and all their requests for help and information were met promptly and efficiently. They received much kindness and generous hospitality.

235. The members of the Mission wish to express their gratitude to: the High Commissioner of the Trust Territory of the Pacific Islands; the District Administrator/Election Commissioner; the Deputy District Administrator; the District Director, Public Affairs; the District Attorney; the Speaker and members of the Nitijela; the President of the Marshall Islands Constitutional Convention; the liaison officer of the Trust Territory Government in Honolulu; and to the many others known and unknown who helped and welcomed the Mission in the Marshall Islands.

236. Above all, the members of the Mission wish to express their gratitude to all the people of the Marshall Islands who welcomed them to their islands, overwhelmed them with kindness and hospitality and showed patience and good humour in explaining their views and preoccupations.

237. The members of the Mission take this opportunity to wish the people of the Marshall Islands a peaceful and prosperous future.

Annex I

ITINERARY OF THE VISITING MISSION

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
22 February	Honolulu	Arrived from New York
25 February	Marshall Islands Majuro	Arrived from Honolulu Met with Election Commissioner and his staff
26 February	Majuro	Met with members of <u>Nitijela</u> , Marshall Islands Constitutional Convention and Marshall Islands Political Status Commission Met with members of The Voice of the Marshalls and <u>Lejmanjuri</u> (a women's political organization - opponents of the constitution) Met with District Attorney
27 February	Majuro	Met with members of election boards Mission divided into two teams: Team A remained on Majuro and Team B departed for Kwajalein Atoll <u>Team A</u>
27 February	Majuro	Met with District Attorney
28 February	Arno	Arrived from Majuro Met with local leaders and public Arrived on Majuro
1 March	Majuro	Observed polling stations in various municipalities
2 March	Majuro	Observed counting and tabulation of ballots
3 March	Majuro	Observed counting and tabulation of ballots Met with President, The Voice of the Marshalls

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
		Met with Election Commissioner and his staff
		Witnessed announcement of unofficial results of referendum
		<u>Team B</u>
26 February (Kwajalein time)	Kwajalein	Arrived from Majuro
		Departed for Ebeye
		Met with Election Commissioner's representative and his staff
		Departed for Kwajalein
27 February	Kwajalein	Departed for Roi Namur
	Roi Namur	Departed for Third Island (Santos)
	Third Island (Santos)	Met with general public
		Visited public facilities
		Departed for Roi Namur
	Roi Namur	Met with general public
		Met with Marshallese workers from Third Island
		Departed for Kwajalein
	Kwajalein	Departed for Ebeye
	Ebeye	Met with election board members
		Met with community leaders and public
28 February	Ebeye, Roi Namur and Third Island Ebeye	Observed polling places in various municipalities
		Observed counting of ballots
		Departed for Kwajalein

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
1 March	Kwajalein	Departed for Ebeye
	Ebeye	Observed final counting of ballots and witnessed declaration of unofficial results of referendum
		Met with representative of Federal Disaster Assistance Administration, Department of Housing and Urban Development
		Visited public facilities
		Departed for Kwajalein
2 March	Kwajalein	Mission with representatives of Federal Disaster Assistance Administration, flew over Namu, Ailinglapalap, Jaluit and Namorik atolls, and observed from air extent of damage caused by recent typhoon
		Departed for Majuro
3 March (Majuro time)		Arrived on Majuro and joined Team A.
5 March	Majuro	Witnessed announcement of unofficial results
		Met with Director, Department of Resources and Development; and General Manager, Marshall Islands Development Authority
		Met with District Attorney
		Met with senior officials, Department of Education
		Met with Director of Health Services
6 March	Majuro	Met with officials and members of Marshall Islands Constitutional Convention, Chairman and members of Marshall Islands Political Status Commission and Speaker and members of <u>Nitijela</u>
		Met with officials, The Voice of the Marshalls and public
		Met with <u>Ailin Kein Ad</u> (a women's group in favour of constitution)

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
		Visited hospital, high school, copra processing plant and fishery
7 March	Majuro	Met with members of Education for Self-Government (ESG) Task Force
		Final briefing session with Election Commissioner and his staff
		Departed for Honolulu
11-12 March		Returned to New York

Annex II

VALEDICTORY ADDRESS BY MS. SHEILA HARDEN, CHAIRWOMAN OF THE VISITING MISSION, 7 MARCH 1979

1. As Chairwoman of the United Nations Visiting Mission, I asked to speak to you to say goodbye since we are leaving today. As I explained in a statement soon after our arrival, the United Nations Mission came here on the invitation of the Administering Authority and the Speaker of the Nitiijela of the Marshall Islands, and at the direction of the Trusteeship Council to observe the constitutional referendum and report our findings to the Trusteeship Council.
2. The first part of our task is now fulfilled. We arrived a few days ahead of referendum day so that we could observe the final stages of the election campaign. We tried to meet as many of you as possible and to hear every point of view, both by attending public meetings and by making ourselves available to individuals who asked to see us. We are only sorry that we were not able to travel more extensively. This was mainly because the ships which might normally have taken us to some of the outer islands were employed in distributing ballot boxes and were therefore not available. By dividing the United Nations Mission in two, we were, however, able to observe the polling on referendum day and the subsequent counting of votes at the two main population centres: Majuro and Ebeye.
3. We were at the polls before they were opened on 1 March. We visited and revisited the various polling stations, checking with the election officers and the poll watchers from both sides, in case they had any problems they wished to share with us or any irregularities to report. Some of us travelled by boat with mobile units to observe the voting in small and sparsely populated islands around the lagoons. Others observed the arrangements made to enable sick people to cast their votes. We also watched the counting of votes in both Majuro and Ebeye.
4. We are now leaving the Marshall Islands to undertake the second part of our task, the preparation of our report to the Trusteeship Council. We will certainly wish once again to testify to the patience and good humour of the election officials and the generally amicable and mature atmosphere in which the referendum was conducted. But I hope you will understand that we are not yet free to divulge the actual contents of our report which must first be presented to the Trusteeship Council and the Administering Authority. It would in any case be premature to do so at this stage. We have seen and heard so much in the short period that we have been here that we need time to study the extensive and detailed material which has been made available to us from all sides. We also need time for further reflection before we attempt to reach definitive conclusions. But once our report has been communicated to the Trusteeship Council, it will be published and those of you who wish to do so can read it and judge for yourselves how we have carried out our assignment. You may not all agree with everything we say in our report, but I promise you that we will do our best to report what we have seen and heard as accurately and fairly as possible.

5. When I spoke to you on the radio on our arrival in the Marshall Islands, I stressed the need to consider the issues carefully before voting in this referendum since the outcome would determine the way in which you would govern yourselves. Although the results have yet to be certified, preliminary reports suggest that you have now chosen a new constitution by democratic process. If this indeed proves to be the case, you are now about to embark upon a crucial new phase in your political development. It is important that you should do so as a united people. Perhaps you will allow me therefore to express the hope that in the excitement of planning new endeavours, any bitterness aroused during the referendum campaign will be forgotten by both sides; that the winners in the forthcoming election will remember that any future Government they may form will represent not only their own supporters but all the people of the Marshall Islands; and that "magnanimity in politics is not seldom the truest wisdom". Equally, I hope that the losers will make a sincere attempt to bury their grievances and to pursue their political objectives within the new system, trying to make it work, despite their previous misgivings. The Trusteeship Council will be following your progress with the keenest interest and I know that the other members of the Mission would like to join me in wishing you all a prosperous future and a happy outcome to all your problems.

6. I should like to conclude by expressing the gratitude of the members and staff of the Mission to all those who have welcomed us to your hospitable shores and overwhelmed us with your unparalleled generosity. We have received kindness and help from all sides, but in particular we owe thanks:

- To Mr. Oscar deBrum, the District Administrator and Election Commissioner of the Marshall Islands; Mrs. Carmen Bigler, the Director of Public Affairs; Mr. Traylor Mercer, the District Attorney; and the other members of the District Administrator's office. They have responded promptly and cheerfully to our many questions and have provided us with all the detailed information about the organization of the referendum which we have required. They have helped us to meet people and to plan our time-table while we were here and they have accepted with unfailing good humour the careful scrutiny to which we have subjected their activities;

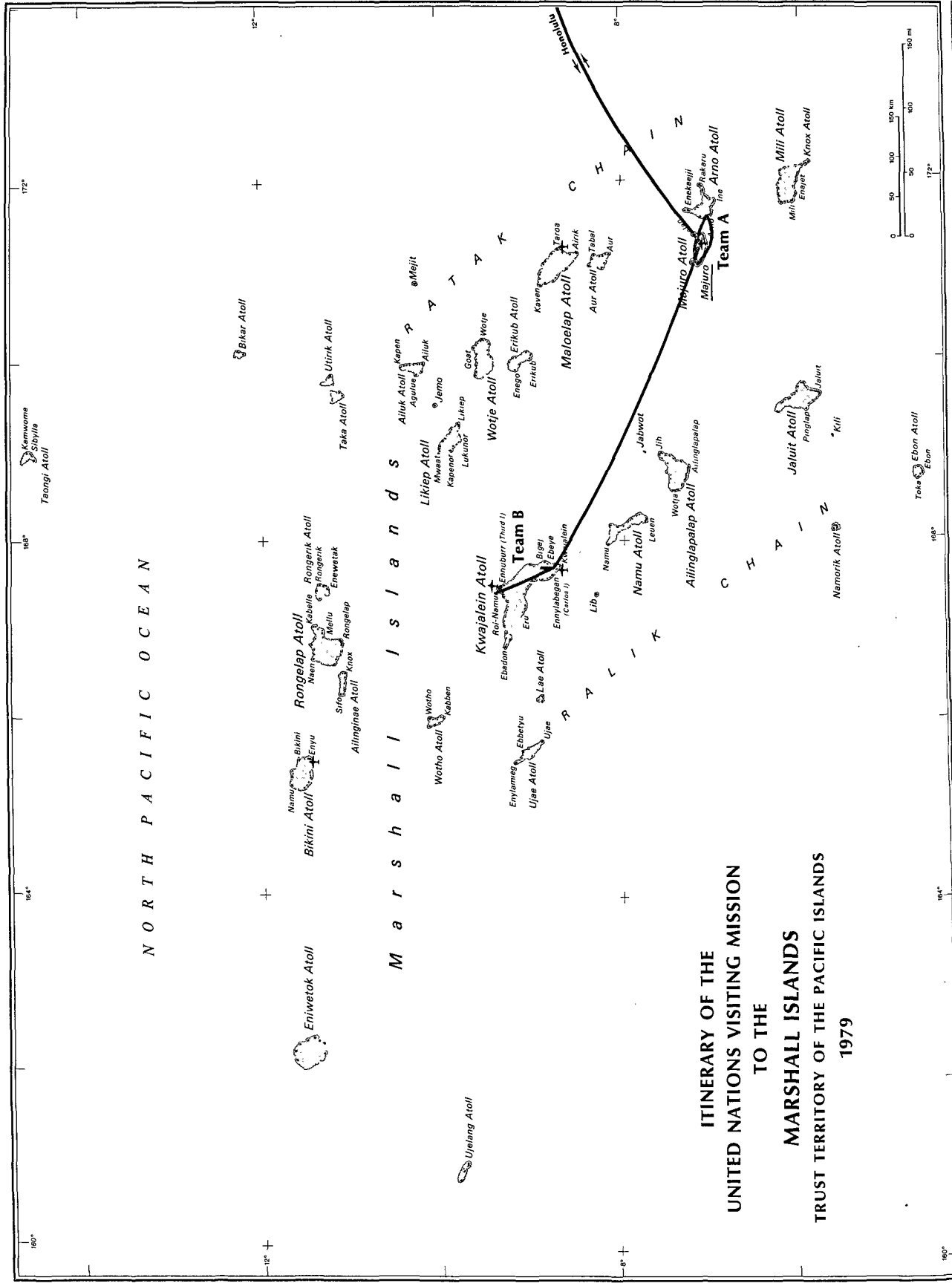
- To Mr. Laurence Edwards, the District Administrator's representative in Ebeye;

- To Colonel Reeve, the Commander at the Kwajalein missile range, and his staff;

- To the authorities on Arno who looked after us so hospitably when we visited that island;

- To the leaders of both the supporters and the opponents of the constitution for the time they spent in briefing us, so that we should fully understand the complexities of the referendum campaign; and above all

- To the ordinary men and women of the Marshall Islands, who by the warmth of their welcome to us, their generosity and their many kindnesses, have made our visit to the Marshall Islands an experience which we shall never forget.



ITINERARY OF THE
 UNITED NATIONS VISITING MISSION
 TO THE
 MARSHALL ISLANDS
 TRUST TERRITORY OF THE PACIFIC ISLANDS
 1979

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