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PLEBISCITES HELD SINCE 1920 UNDER THE CONTROL
OR SUPERVISION OF INTERNATIONAL ORGANIZATIONS

Memorandum prepared by the Secretariat

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INTRODUCTORY NOTE

At the 567th meeting of the Fourth Committee during the discussion of the question of the future of Togoland under British administration, a request was made that the Secretariat should prepare a study of plebiscites held under the supervision of international organizations. It was stated that such a study would be useful were another plebiscite under United Nations supervision to be held in a Trust Territory. At its 629th meeting, the Committee requested that the study should be circulated as an official document.

The present memorandum has been prepared, within the available time, in compliance with that request. It consists, of an account of various aspects of the organization and conduct of plebiscites held under international supervision, followed by some concluding observations in which an endeavour has been made to bring out the main points of similarity and difference in the conduct of these plebiscites.

It should be added that for reasons of time and space it has not been practicable to treat all aspects of the conduct of plebiscites. In such cases, details are given for a few plebiscites which may be regarded as typical and references are given to the source material for the others. Plebiscites held between 1920 and 1935 have been studied in great detail in the following works:

Wambaugh, Sarah: Plebiscites since the World War with a Collection of Official Documents, two vols., Washington Carnegie Endowment for International Peace, 1933.

Wambaugh, Sarah: The ^{Saar} ~~Saar~~ Plebiscite with a Collection of Official Documents, Cambridge, Massachusetts, Harvard University Press, 1940.

For the plebiscite in Togoland under British administration, reference must be made directly to the primary sources, namely, the report of the United Nations Plebiscite Commissioner (A/3173 and Add.1) and the report of the Plebiscite Administrator (T/1269 and Add.1). For the 1955 referendum in the Saar, reference should be made to the reports to the Assembly of Western European Union on the activity of the Council of that organization.

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I. PLEBISCITES COVERED BY THE PRESENT STUDY

1. In modern use, the term "plebiscite" has come to mean:

"direct vote of all electors of State on important public question";^{1/}

"public expression of community's opinion with or without binding force";^{2/} or

"the consultation of a people by means of a vote as to its wishes".^{3/}

2. The direct vote of all electors of a State may be, under the name of plebiscite or referendum, a normal constitutional instrument of internal legislation as, for example, in the Swiss cantons. In other cases, constitutional plebiscites have sanctioned new constitutions or fundamental constitutional changes as, for instance, the plebiscite held in France on 13 October 1946, by which the Constitution of the Fourth Republic was approved.

3. Plebiscites of an internal character have also been conducted with the intention of demonstrating the will of the population of a territory to be annexed to the State organizing the plebiscite,^{4/} for example, the plebiscites of the French Revolution, the plebiscites for national unity of Italy during the years following 1859, the plebiscite on Austria's union (Anschluss) with the German Reich in 1938. Similar internal plebiscites have been conducted to ascertain the popular will concerning the proposed dissolution of a union between two States or the separation of a certain territory from a State. As an example, one might cite the plebiscite concerning the dissolution of the union between Norway and Sweden of 1905 and the plebiscite in the Aaland Islands of 1919.^{5/}

4. International plebiscites differ from those previously mentioned in that they are organized and conducted on the basis of international agreements whether

^{1/} The Concise Oxford Dictionary of Current English, fourth edition, 1951, p. 914.

^{2/} Ibid.

^{3/} Hevesy, P.: Plébiscite - Dictionnaire diplomatique, Vol.II, p.416.

^{4/} Plebiscite and Referendum, Handbooks prepared by the Historical Section of the Foreign Office, No. 159, London, 1920, p. 7.

^{5/} Compare Wambaugh, S.: A Monograph on Plebiscite, 1920 and Plebiscites since the World War, 1933.

of a bilateral or multilateral character. They have been conducted as a general rule to enable the population of a particular territory to express by a vote its will as to whether that territory should remain attached to the State of which it forms a part or should be transferred to the sovereignty of another State.

5. The present study deals with plebiscites held under international control or supervision since 1919. Consequently, only international plebiscites such as are referred to in the previous paragraph fall within its scope. This study covers plebiscites conducted under the control or supervision of the League of Nations and the United Nations, as well as of the Principal Allied and Associated Powers of World War I and the Western European Union Organization.

6. During the period 1918-1939, the following international plebiscites were held:

- (a) the plebiscite in Schleswig on union with Denmark or Germany (1920);
- (b) the plebiscites in Allenstein and Marienwerder on union with Poland or East Prussia (1920);
- (c) the plebiscite in the Klagenfurt Basin on union with Austria or Yugoslavia (1920);
- (d) the plebiscite in Upper Silesia on union with Germany or Poland (1921);
- (e) the plebiscite in Sopron (Oedenburg) on union with Hungary or Austria (1921);
- (f) the plebiscite in the Saar on union with Germany or France, or on maintenance of the status quo (1935).

Only one of those plebiscites, namely the Plebiscite of 1935 in the Saar Basin was carried out by the League of Nations itself, while in another case, that of the plebiscite in Upper Silesia, the Principal Allied and Associated Powers, being unable to agree on an award, agreed to accept the recommendation of the Council of the League of Nations as to the division of the plebiscite zone between Germany and Poland.

7. Two plebiscites within the purview of the present study have taken place since the close of World War II. The referendum held in the Saar in 1955 to determine whether the inhabitants accepted a proposed Statute for that Territory within the framework of the Western European Union, was carried out under the auspices of that organization. In the 1956 plebiscite in Togoland under British administration organized under the provisions of a resolution of the United Nations

General Assembly, the inhabitants were called upon to choose between the union of the Territory with an independent Gold Coast or its separation from the Gold Coast and the continuance of trusteeship pending the ultimate determination of its political future.

8. No attempt has been made here to deal with the preliminary steps taken to organize certain proposed international plebiscites which have not actually taken place.

II. ORGANIZATION AND CONDUCT OF THE PLEBISCITES

A. The aims and objects of the plebiscites

The Plebiscite in Schleswig

9. Article 109 of the Treaty of Versailles of 28 June 1919 provided that

"The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population..."

10. A plebiscite was to be held in two zones in North Schleswig which together amounted to 2,063 square miles with some 270,000 inhabitants.

11. In the northern zone the vote was to be held within three weeks of the evacuation of the German troops and authorities, and the result was to be determined for the whole of the zone. In the southern zone the vote was to be held within five weeks of the vote in the first zone and the result was to be determined by communes.^{1/}

12. Regulations of the International Commission concerning registration and voting adopted on 10 January 1920 defined in greater detail the frontiers of the areas of plebiscite of the two zones.^{2/}

13. The International Commission conducting the plebiscite was to communicate the result of the vote to the Principal Allied and Associated Powers, which, pending a delimitation on the ... were to fix the frontier line "according to a line based on the result of the voting, and proposed by the International

^{1/} Details are contained in Article 109 of the Treaty of Versailles.

^{2/} Abschnitt 1 of the Regulations. See Wambaugh, S.: Plebiscites since the World War, Vol. II, p. 9.

Commission, taking into account the particular geographic and economic conditions of the localities in question" (Article 110 of the Treaty of Versailles).

14. The final frontier line was to be determined as provided in Article 111 of the Treaty which read:

"A Commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark and one by Germany, shall be constituted within fifteen days from the date when the final result of the vote is known, to trace the frontier line on the spot.

"The decisions of the Commission will be taken by a majority of votes and shall be binding on the parties concerned."

The Plebiscites in Allenstein and Marienwerder

Alenstein

15. Article 94 of the Treaty of Versailles provided that the inhabitants of the Allenstein area in the south-east of East Prussia would be called upon to indicate by a vote the State to which they wished to belong.

16. Article 95 of the same Treaty provided that the result of the vote would be determined by communes (Gemeinde) according to the majority of the votes in each commune. On the conclusion of the voting the number of votes cast in each commune would be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard was to be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers would then fix the frontier between East Prussia and Poland in that region.

17. The Allenstein plebiscite area consisted of almost the entire Regierungsbezirk or administrative division of that name, and part of the Kreis Oletsko in the southern part of East Prussia. The area measured about 4,715 square miles, with a population of about 558,000.

Marienwerder

18. Article 96 of the Treaty of Versailles provided that the inhabitants of the Marienwerder area in the south-west of East Prussia would be called upon to indicate by a vote, to be taken in each commune (Gemeinde), whether they desired the various communes situated in this territory to belong to Poland or to East Prussia.

19. Article 97 of the same Treaty provided that the result of the plebiscite was to be determined in substantially the same manner as in the case of Allenstein.

20. The Marienwerder plebiscite area of East Prussia stretched from the Free City of Danzig south, along the east banks of the Nogat and Vistula. It contained about 1,000 square miles and a population of 160,720.

The Plebiscite in the Klagenfurt Basin

21. Article 49 of the Treaty of St. Germain of 10 September 1919 read in part as follows:

"The inhabitants of the Klagenfurt area will be called upon, to the extent stated below, to indicate by a vote the State to which they wish to belong".

22. According to Article 50 of the Treaty of St. Germain, the area was to be divided into two zones, the first lying to the south and the second to the north of a defined line. It was provided in the same Article as follows:

"In the first zone the plebiscite will be held within three months from the coming into force of the present Treaty, at a date fixed by the Commission.

"If the vote is in favour of the Serb-Croat-Slovene State, a plebiscite will be held in the second zone within three weeks from the proclamation of the result of the plebiscite in the first zone, at a date to be fixed by the Commission.

"If, on the other hand, the vote in the first zone is in favour of Austria, no plebiscite will be held in the second zone, and the whole of the area will remain definitely under Austrian sovereignty."

23. The plebiscite area covered the greater part of the Basin and contained about 755 square miles and a population of about 125,900.

The Plebiscite in Upper Silesia

24. Article 88 of the Treaty of Versailles provided that the inhabitants of Upper Silesia would be called upon to indicate by a vote whether they wished to be attached to Germany or to Poland.

25. The conditions under which the plebiscite was to be held were set forth in the Annex to Article 88.

26. The result of the vote was to be determined by the majority of votes in each commune. The Commission conducting the plebiscite was to make a recommendation to the Principal Allied and Associated Powers as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation, regard was to be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality.

27. Article 88 of the Treaty of Versailles defined the boundaries of the plebiscite region. With an area of 4,150 square miles and a population of about 2,280,000, it was by far the largest in size and population of the Territories affected by the plebiscites following World War I. The region possessed important deposits of coal, iron ore and other minerals and was in parts highly industrialized.

The Plebiscite in Sopron

28. The Treaty of Trianon, which came into effect as between the Principal Allied and Associated Powers and Hungary on 26 July 1921, transferred the greater part of West Hungary (Burgenland), of which Sopron was the provincial capital, from Hungary to Austria. A Commission of Allied Generals was dispatched to Sopron to supervise the transfer of territory, but disturbances occurred and the city of Sopron and the surrounding area remained under Hungarian control. By a Protocol signed at Venice on 13 October 1921, the Foreign Ministers of Austria and Hungary, in addition to adopting general provisions regarding the pacification of West Hungary, agreed as follows:

"Eight days after the Commission of Allied Generals has decided that the country is in a state of complete tranquillity, a plebiscite will be held in the city of Sopron and its neighbourhood.

"It will rest with the Commission of Allied Generals to decide upon a procedure which will enable the plebiscite to be carried out as simply and as rapidly as possible; with this object, the Commission will at once undertake the necessary preparations.

"The plebiscite in the city of Sopron must take place before the plebiscite in the neighbouring districts, but the two plebiscites together shall determine the final result of the popular expression of opinion."^{3/}

29. The Commission of Allied Generals was instructed by the Conference of Ambassadors of the Principal Allied and Associated Powers to apply the Protocol of Venice.

30. The area of the plebiscite zone was about 80 square miles and the population about 48,000.

The Plebiscite in the Saar, 1935

31. According to the Treaty of Versailles (Part III, Section IV), Germany ceded to France full and absolute possession of the coal mines of the Saar Basin

^{3/} Wambaugh, S.: Plebiscites since the World War, Vol. II, p.263.

(Article 45) and renounced the government of that Territory in favour of the League of Nations in the capacity of trustee, for a period of fifteen years from the coming into force of the Treaty (Article 49).

32. Chapters I and II of the Annex to Section IV defined respectively the French rights as to the exploitation of the mines and the government of the Basin by a Commission representing the League of Nations (the so-called "Governing Commission").

33. In order to make in due time permanent provision for the Government of the Saar Basin in accordance with the wishes of the population, it was provided that at the end of the fifteen year period, the inhabitants were to be "called upon to indicate the sovereignty under which they desire to be placed" (Article 49).

34. Chapter III of the Annex provided that, in a plebiscite to be held at that time, a vote would take place by communes or districts on the three following alternatives:

- (i) maintenance of the regime established by the Treaty;
- (ii) union with France;
- (iii) union with Germany.

35. The League of Nations was to make the other arrangements for the plebiscite and to decide on the sovereignty under which the Territory was to be placed, taking into account the wishes of the inhabitants as expressed by the voting.

36. Various further steps were laid down in case the League of Nations should decide in favour of one of the three alternatives for the whole or part of the Territory. In particular if the whole or part of the Territory was to be united with Germany, France's rights to ownership in the mines situated in such part of the Territory were to be repurchased by Germany in their entirety at a price payable in gold.

37. The boundaries of the Saar Basin were defined in Article 48 of the Treaty. The Territory had an area of 730 square miles and a population in 1922 of 713,000.

The referendum in the Saar, 1955

38. The Saar Basin was placed under French occupation at the close of World War II. The French Government treated it separately from other parts of Germany occupied by it and established an economic union between it and France. A constitution approved in 1947 provided for the establishment of a Saar Government composed of a Prime

Minister and a Cabinet responsible to a Diet (Landtag) elected by the inhabitants. France remained responsible for defence and foreign affairs.

39. By an Agreement of 23 October 1954 between France and the Federal Republic of Germany, an international Statute was established for the Saar within the framework of the Western European Union. A referendum was to be held to determine whether the inhabitants of the Saar approved the Statute.

40. The basic provisions for the implementation of the referendum are contained in a resolution adopted by the Council of Western European Union on 11 May 1955.

41. The Territory affected by the 1955 referendum was a somewhat larger one than that affected by the 1935 plebiscite. It had an area of approximately 991 square miles (2,567 sq. kms.) and a population in 1955 of 987,650.

The Plebiscite in Togoland under British administration

42. In a memorandum dated 21 June 1954, the United Kingdom Government informed the General Assembly of the United Nations that, when, in the near future, the Gold Coast assumed full responsibility for its own affairs, it would no longer be possible for it to administer the Trust Territory of Togoland under British administration as an integral part of the Gold Coast. After stating that the basic objectives of the Trusteeship System had been substantially achieved in the Territory, the Administering Authority suggested that the United Nations should arrange to ascertain, in pursuance of Article 76 b of the Charter and by whatever means it considered desirable and appropriate, the wishes of the inhabitants as to their future status. The United Kingdom Government was prepared to agree to whatever practicable means of ascertaining these wishes the General Assembly might decide upon, including a plebiscite.^{4/}

43. By its resolution 860 (IX) of 14 December 1954 the General Assembly decided in principle to ascertain the wishes of the inhabitants of the Territory as to their future status and requested the Trusteeship Council and, through it, a mission of the Council to consider what arrangements should be made in pursuance of that decision.

44. By its resolution 944 (X) of 15 December 1955 on the Togoland unification problem and the future of Togoland under British administration the General

^{4/} General Assembly Official Records, Ninth session, Annexes, agenda items 35 and 52, page 1, A/2660.

Assembly accepted the recommendation of the 1955 Visiting Mission to the Territory that the wishes of the inhabitants of the Trust Territory of Togoland under British administration as to their future should be ascertained by means of a plebiscite. The Plebiscite was "to ascertain the wishes of the majority of its inhabitants in regard to (a) the union of their Territory with an independent Gold Coast; or (b) the separation of Togoland under British administration from the Gold Coast and its continuance under trusteeship pending the ultimate determination of its political future". A report on the plebiscite was to be submitted through the Trusteeship Council "so that the latter may, in consultation with the Administering Authority, assess the results and determine the further action to be taken on the attainment of independence by the Gold Coast in the light of all the circumstances and in accordance with the Charter of the United Nations and the Trusteeship Agreement". (A recommendation by the Visiting Mission that the results of the plebiscite should be separately assessed in four zones defined by the Mission had previously been rejected in Committee.)

45. The Territory is a narrow strip of land with a total area of 13,041 square miles lying between the Gold Coast and Togoland under French administration. Its population was estimated in mid-1954 at approximately 423,000 persons.

B. Bodies responsible for the conduct of the plebiscites

The Plebiscite in Schleswig

46. Article 109 of the Treaty of Versailles provided:

"The said zone shall immediately be placed under the authority of an International Commission, composed of five members, of whom three will be designated by the Principal Allied and Associated Powers; the Norwegian and the Swedish Governments will each be requested to designate a member ...

"The Commission, assisted in case of need by the necessary forces, shall have general powers of administration. In particular, it shall at once provide for filling the places of the evacuated German authorities, and if necessary shall itself give orders for their evacuation, and proceed to fill the places of such local authorities as may be required. It shall take all steps which it thinks proper to ensure the freedom, fairness and secrecy of the vote...

"Its decisions will be taken by a majority."

47. On 10 January 1920, the Commission issued the Regulations for Registration and Voting.^{5/}

48. Six Control Commissions were established and over each voting section a Plebiscite Board was placed.

49. Provision was made for equal representation of Germans and Danes on the Plebiscite Boards.

The Plebiscites in Allenstein and Marienwerder

Alenstein

50. Article 95 of the Treaty of Versailles provided:

"The said area will be placed under the authority of an international Commission of five members appointed by the Principal Allied and Associated Powers. This Commission will have general powers of administration and, in particular, will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness, and secrecy. The Commission will have all necessary authority to decide any questions to which the execution of these provisions may give rise. The Commission will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority."

51. Article 95 also provided that the expenditure by the Commission whether in the discharge of its own functions or in the administration of the Territory, would be borne by the local revenues, East Prussia being required to bear such proportion of any deficit as might be fixed by the Principal Allied and Associated Powers.

52. On 18 February 1920, the Commission issued an Order establishing equal status for Polish and German nationalities and languages.^{6/}

53. On 14 April, the Commission issued the Regulations concerning Registration and Voting^{7/} and on 30 April, Supplementary Instruction regarding Registration and Voting.^{8/}

5/ Wambaugh, S.: Plebiscites since the World War, Vol.II, pp. 9-19.

6/ Ibid., pp. 58-59.

7/ Ibid., pp. 63-69.

8/ Ibid., pp. 70-73.

Marienwerder

54. Article 97 of the Treaty of Versailles provided that the Marienwerder area would be administered by an International Commission having substantially the same powers and acting as far as possible in the same manner as the Allenstein Commission. On 27 March 1920, the Interallied Commission for the Administration and Plebiscite in Marienwerder issued an Order introducing instruction in the Polish language and the teaching of the Catholic religion in Polish in the schools.^{9/} On 12 April, the Commission issued the Regulations concerning Registration and Voting.^{10/}

The Plebiscite in the Klagenfurt Basin

55. Article 50 of the Treaty of St. Germain provided:

"The Klagenfurt area will be placed under the control of a Commission entrusted with the duty of preparing the plebiscite in that area and assuring the impartial administration thereof...".

56. The Commission was to be composed of four members nominated respectively by the United States, Great Britain, France and Italy, one by Austria, and one by the Serb-Croat-Slovene State.

57. The decisions of the Commission were to be taken by a majority.

58. The Austrian member was to take part in the deliberations of the Commission only in regard to the second zone and the Serb-Croat-Slovene member only in regard to the first zone.

59. The presence of representatives of the two contending States as members of the Plebiscite Commission was a deviation from the corresponding provisions of the Treaty of Versailles.

60. In August 1919, an Interallied Mission entered Klagenfurt to keep order through the area until the Plebiscite Commission arrived on 21 July 1920.

61. For supervisory purposes the area was to be divided into six districts of about twelve communes each. Over each of those was to be a district council, composed of a British, a French, and an Italian officer, who were to see that the orders of the Commission were carried out and to supervise not only the

^{9/} Wambaugh, S. : Plebiscites since the World War, Vol.II, pp. 87-88.

^{10/} Ibid., pp. 88-89.

electoral arrangements, but also the civil administration in the communes of their districts.

62. In addition, an Advisory Administrative Council of three members, British (Chairman), French, and Italian, was to supervise and report to the Commission on the administration and government of the whole area so as to ensure that the Austrian and Yugoslav officials were administering the respective zones in an impartial manner.

63. The Advisory Administrative Council was to have no executive powers unless so invested by the Commission for some special purpose.^{11/}

64. Details about the district councils and commune councils may be found in Section IV of the Instructions for the organization of the plebiscite.^{12/}

The Plebiscite in Upper Silesia

65. The plebiscite area was immediately to be placed under the authority of an international commission and occupied by troops of the Allied and Associated Powers.

66. The Commission was to consist of four members, designated respectively by the United States of America, France, the British Empire, and Italy.

67. The Commission was "to enjoy all the powers exercised by the German or the Prussian Governments except those of legislation or taxation".

68. Such changes as the German and Prussian Governments might adopt in the existing laws and the existing taxation could only be brought into force with the consent of the Commission.

69. It was further specifically stated that the Commission was substituted for the government of the province. The Commission was to interpret the powers conferred upon it, and determine to what extent it should exercise them and to what extent they should be left in the hands of the existing authorities.^{13/}

The Plebiscite in Sopron

70. According to paragraph II of the Protocol and Additional Article regarding the settlement of the question of Western Hungary signed at Venice on

^{11/} For details see Proclamation of the Commission regarding the Allied District Control Commissions and Joint Communal Plebiscite Councils and their functions as published by Wambaugh, S. : Plebiscites since the World War, Vol.II, pp. 129-131.

^{2/} Ibid., pp. 137-139.

^{13/} Ibid., pp. 164-167, text of the Annex to Article 88 of the Treaty of Versailles.

13 October 1921, the Commission of Allied Generals was the governing body of the plebiscite and was to decide upon a procedure to enable the plebiscite to be carried out as simply and as rapidly as possible; the Commission was ordered to undertake the necessary preparations.

71. The Commission issued on 15 November 1921 a decision regarding the organization of the plebiscite for the Sopron Territory, which, inter alia, nominated a Central Plebiscite Committee. The latter issued on 6 December 1921 a Proclamation regarding the voting procedure.^{14/}

72. The Central Plebiscite Committee was composed of three Allied officers, with two Austrians and two Hungarians serving in a consultative capacity and had charge of the general arrangements and supervision over the eight Plebiscite Committees which were set up. Each of these committees had charge of one of the eight divisions of Sopron and of one of the rural communes as well. Each committee, like the Central Plebiscite Committee, consisted of at least three Allied officers, assisted by two Austrian and two Hungarian commissioners, who had no vote.

73. The Protocol of Venice provided that the Commission would exercise the administrative power, but it issued no public pronouncement to that effect and established no machinery for supervising the activities of the Hungarian officials.^{15/}

The Plebiscite in the Saar, 1935

74. The question of "the Preparatory Measures to be taken with a view to the Plebiscite in the Saar Territory" was put on the agenda of the Council of the League of Nations on 15 January, 1934.

75. Germany, which was invited to take part in the discussion of this matter on 16 January, declined to participate in the proceedings of the Council.

76. The Council then appointed a committee of three members (Italy, Spain and Argentina), called the Committee of Three, to deal with Saar affairs; this Committee was instructed by the Council:

- (a) to study measures calculated to ensure by all appropriate means the regularity of the electoral proceedings;

^{14/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 265-269.

^{15/} Ibid., Vol. I, p. 284.

(b) to take particularly into consideration the study of the appropriate means of safeguarding the population against pressure of any kind and the execution of any threats likely to affect the trustworthiness of voting;

(c) to study any suggestions that might be submitted to it by the Governing Commission as regards the maintenance of order during the period of the plebiscite.

77. The Committee of Three immediately appointed a committee of jurists (Swedish, Dutch, Swiss) to report on certain questions concerning the interpretation of the provisions of the Treaty of Versailles on the Saar plebiscite.

78. In April, the Committee of Three further appointed three experts to make a study, based on existing precedents in plebiscite legislation, of the electoral law to be promulgated; in particular (a) the establishment of lists of persons entitled to vote and disputes regarding entries in such lists; (b) the election campaign, the right of assembly, the system of propaganda, the displaying of posters, etc.; (c) measures to guarantee the impartiality of the officials.

79. Towards the end of May, the Committee of Experts submitted to the Committee of Three the draft regulations covering registration, voting and penalties; then it prepared a draft decree for the establishment of the Supreme Plebiscite Tribunal (later called Court) and eight county (Kreis) tribunals, each one presided over by a county judge. The Supreme Plebiscite Tribunal and the county tribunals were given exclusive jurisdiction over all offences against the members of the Governing and Plebiscite Commissions, the officials and employees attached to the organs set up for the plebiscite, or their families or servants, the property belonging to the organs set up for the plebiscite or to the persons above-mentioned, and all offences defined in the plebiscite Regulations and such as might be indicated by special decrees.^{16/}

80. On 4 June the Council fixed 13 January 1935 as the date of the voting and approved a resolution to constitute a Plebiscite Commission of three members and an expert attached to the Commission as technical adviser and deputy member, with the powers of organization, direction and supervision in regard to the plebiscite. The Commission was to take its decisions by majority of the members present and was empowered to appoint and dismiss the staff, local or foreign, necessary for the performance of its duties.

^{16/} League of Nations - Official Journal, February 1934, p. 161, Annex 1480, p. 166, June 1934, pp. 644-645, p. 669 et seq.

. The Council further approved the draft regulations prepared by the Committee of Experts.

2. On 1 July the Plebiscite Commission arrived at Saarbrücken and immediately began to set up the eight district bureaux and the eighty-three communal committees through which, under the regulations, it was to administer the plebiscite.

83. The communal committees were each composed of a chairman and two regular and two deputy members appointed by the Commission, which decided that no committee chairman should be a native of the Saar Territory or belong to either the nations interested in the plebiscite, and that the most suitable means for accomplishing this was to make use of the assistant district inspectors who, with the inspectors, were to constitute the district bureaux.

84. The district inspectors and assistants, appointed subsequently by the Commission were from the following States: Great Britain (1), Denmark (5), Italy (4), Luxembourg (1), the Netherlands (10), New Zealand (1), Norway (6), Sweden (5), Switzerland (8), the United States (3).^{17/}

85. It should be noted that the Plebiscite Commission was not responsible for the administration of the Territory or for the maintenance of Law and Order. These matters were the concern of the Governing Commission of five members appointed by the Council of the League of Nations and responsible to it.

The referendum in the Saar, 1955

86. By its resolution of 11 May 1955, the Council of Western European Union appointed a Commission composed of representatives of Belgium, Italy, Luxembourg, the Netherlands and the United Kingdom to exercise powers of supervision on its behalf over the operations of the referendum. The Commission was to have the power to submit recommendations to the Saar Government, which was to grant it full facilities in carrying out its mission.

87. The Saar Government was to appoint a Director-General of the referendum operations and to draw up the necessary legislative measures, after the Commission had ascertained that they were in conformity with the principles laid down by the Council. Government and municipal officials were to be in charge of local operations.

^{17/} League of Nations - Official Journal, September 1934, pp. 1147 et seq.

Plebiscite in Togoland under British administration

88. In accordance with the recommendation of the Visiting Mission, the General Assembly recommended by resolution 944 (X) that the Administering Authority should organize and conduct the plebiscite in consultation with a United Nations Plebiscite Commissioner and under United Nations supervision; the General Assembly appointed a Plebiscite Commissioner to exercise on behalf of the General Assembly the powers and functions of supervision defined by the Visiting Mission. The Commissioner was to be assisted by observers and staff appointed by the Secretary-General in consultation with him.

89. The General Assembly recommended that the plebiscite be organized and conducted on the basis of the arrangements proposed by the Visiting Mission, subject to such modifications of detail as were agreed upon between the Administering Authority and the United Nations Plebiscite Commissioner and such additional measures as might be proposed by the Commissioner in order to secure a free and neutral atmosphere for the plebiscite.

90. The United Kingdom Government adopted an Order-in-Council containing the basic provisions for the conduct of the plebiscite. The Governor of the Gold Coast was made responsible for issuing detailed regulations. A Plebiscite Administrator was appointed by the United Kingdom Government to be responsible, under the Governor of the Gold Coast, for the organization of the plebiscite. All his senior staff were to be overseas officers, that is to say, officers recruited from abroad, principally from the United Kingdom.

91. In all other respects the plebiscite area continued to be administered as an integral part of the Gold Coast by the Administering Authority, acting through the Gold Coast Government.

C. The electoral right

The Plebiscite in Schleswig

92. Concerning voting qualifications, Article 109 of the Treaty of Versailles provided:

"The right to vote shall be given to all persons, without distinction of sex, who:

- (a) Have completed their twentieth year at the date of the coming into force of the Present Treaty, and

/...

the same voting qualifications as in Allenstein, except that it fixed 1 January 1914 as the latest date from which habitual residence would be a qualification.

The Plebiscite in the Klagenfurt Basin

98. Voting qualifications were determined as follows (Article 50 of the Treaty of St. Germain):

"The right of voting will be granted to every person without distinction of sex who:

- (a) Has attained the age of 20 years on or before January 1, 1919;
- (b) Has on January 1, 1919, his or her habitual residence within the zone subjected to the plebiscite; and,
- (c) Was born within the said zone or has had his or her habitual residence or rights of citizenship (pertinenza) there from a date previous to January 1, 1912."

99. Section II of the Instructions for the organization of the plebiscite added to the provisions of the Treaty of St. Germain the following:

"In order therefore to qualify for a vote, everyone must satisfy the first two conditions, and one or other of the alternatives under the third condition. If a person satisfies the conditions in respect of age, and of place of birth, it will be necessary that he or she should also have had his or her habitual residence in the zone of plebiscite on January 1, 1919.

"If a person is qualified in respect of age, but not of place of birth, then he or she must also have had his or her habitual residence or have enjoyed pertinenza in the zone of plebiscite on 1 January 1919 and for a period of not less than seven years preceding that date, i.e., from a date anterior to January 1, 1912.

"The word 'zone' in subheadings (b) and (c) of clause 50 of the Treaty of St. Germain should be interpreted in its wide sense as meaning the whole zone of plebiscite.

"Explan. 1. A person has 'habitual residence' who on or before the 1st January 1919 has settled in the plebiscite area with the obvious intention, or with the intent appearing from circumstances, to take there his permanent residence. 'Habitual residence' for the purpose of these rules will not be interrupted by absence if the circumstances show the intent to retain the residence, nor owing to the liability to render military service or as a consequence of the war.

(b) Were born in the zone in which the plebiscite is taken, or have been domiciled there since a date before January 1, 1900, or had been expelled by the German authorities without having retained their domicile there."

93. The same Article also provided that every person would vote in the commune where he was domiciled or of which he was a native; further, military persons, officers, non-commissioned officers and soldiers of the German army who were natives of the zone should be given the opportunity to return to their native place and vote.

94. The Regulations of the Commission concerning registration and voting stated that insane persons should not have the right to vote.

The Plebiscites in Allenstein and Marienwerder

Alenstein

95. Concerning voting qualifications, Article 95 of the Treaty of Versailles provided:

"Every person, irrespective of sex, will be entitled to vote who:

(a) Is 20 years of age at the date of the coming into force of the present Treaty, and

(b) Was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

"Every person will vote in the commune where he is habitually resident or, if not habitually resident in the area, in the commune where he was born."

96. In its Regulations, the Interallied Administrative and Plebiscite Commission for Allenstein stated that insane persons should not have the right to vote. It fixed 1 January 1905 as the latest date from which habitual residence would be a qualification.^{18/}

Marienwerder

97. As provided in Article 97 of the Treaty of Versailles, the Interallied Commission for the Administration and Plebiscite in Marienwerder established

^{18/} Wambaugh, S.: Plebiscites since the world war, Vol. 11, pp. 59-61.

"Explan. 2. Members of a family who are duly qualified in respect of age, but not living independently, will be considered to be 'habitually resident' with their parents or the other relatives, on whom they are dependent.

"Explan. 3. Employees living with their employers and entirely dependent on them will be regarded as members of the family of their employers.

GENERAL DISQUALIFICATION

"Persons who suffer from insanity or mental deficiency are not qualified to vote."^{19/}

The Plebiscite in Upper Silesia

100. By the Treaty of Versailles the right to vote was given to all persons without distinction of sex, who:

(a) Had completed their twentieth year on the 1st of January of the year in which the plebiscite should take place;

(b) Were born in the plebiscite area or had been domiciled there since a date to be determined by the Commission, which was not to be subsequent to January 1, 1919, or who had been expelled by the German authorities and had not retained their domicile there.

101. Persons convicted of political offences were enabled to exercise their right of voting.

102. Every person was to vote in the commune where he was domiciled or in which he was born if he had not retained his domicile in the area.^{20/}

103. In its regulations the Commission fixed 1 January 1904 as the date to be determined by it for the purposes of the domicile qualification.

The Plebiscite in Sopron

104. According to paragraph III of the Decision of the Commission of Allied Generals regarding the organization of the plebiscite for the Sopron Territory, all persons of both sexes over twenty years of age, born in the territory or having indigenat there, or having had habitual residence there since a date previous to 1 January 1919, were to vote, provided that they had had habitual

^{19/} Wambaugh, S.: Plebiscites since the World War, Vol. II, p. 136.

^{20/} Ibid., p. 165 - Annex to Article 88 of the Treaty of Versailles.

residence there since 1 January 1921 and were not mentally insane or condemned for a crime.^{21/}

The Plebiscite in the Saar, 1935

105. According to Chapter III of the Annex to Section IV of the Treaty of Versailles, the vote was to be exercised by all persons who were more than twenty years old at the date of the voting and had been resident in the territory at the date of the signature of the Treaty.

106. More detailed provisions are to be found in Articles 3-9 of the Regulations governing the plebiscite in the Saar Territory. They repeated the provisions of the Treaty whereby the right to vote was conferred on all persons, without distinction of sex or nationality, who had completed their twentieth year at the date of the voting and possessed the status of resident in the Territory on 28 June 1919; this status of "resident" was to be attributed to anyone who had had his or her habitual residence in the Territory on the date mentioned and had settled there with the intention of remaining. If the intention was not expressed, it might be deduced from records and documents in public offices, or from other kind of evidence. If habitual residence was proved, the intent to remain must be presumed in the absence of reasons to suppose the contrary.

107. Those under legal disability were excluded from the vote, as were those committed to an asylum for the insane and those who, in consequence of a sentence which had acquired the force of res adjudicata, had lost their civil rights, unless the loss of rights resulted from political offense.^{22/}

The referendum in the Saar, 1955

108. By the resolution of the Council of Western European Union of 11 May 1955, the right to vote was conferred on

"all men and women who will be twenty years of age on the voting day and who:

(a) are considered to be Saar nationals by virtue of Saar law, or,

(b) were born in the Saar and were domiciled or permanently resident in the Saar on 23rd October, 1954, or

^{21/} Wambaugh, S.: Plebiscites since the World War, Vol. II, p. 265.

^{22/} Wambaugh, S.: The Saar Plebiscite, pp. 356-358.

(c) if they were not born in the Saar, were domiciled or permanently resident in the Saar for at least 5 years on 23rd October, 1954.

"Persons expelled from the Saar after 8th May for political reasons will be qualified to exercise the right to vote.

"Nevertheless, if in particular cases the Saar Government raises objections to participation in the referendum, these cases may be referred to the Control Commission, whose decision will be final."

Members of the armed forces and police forces and customs officials and their families were not to be entitled to vote unless they were born in the Territory or were considered as Saar Nationals by virtue of Saar law. Insane and feeble-minded persons and common-law prisoners were disqualified.

The Plebiscite in Togoland under British administration

109. The 1955 Visiting Mission in its special report recommended, and the Administering Authority provided in the Plebiscite Order-in-Council, that the right to register and vote in the plebiscite should be accorded to every person who:

- (a) Was of the age of twenty-one or upwards;
- (b) Had resided in Togoland under British administration for at least twelve months in the two years preceding registration;
- (c) Was residing at the time of registration in the ward in which he applied to be registered; and
- (d) Was not disqualified by such causes as convictions, insanity, etc.

110. The Visiting Mission rejected, for the purpose of the plebiscite, the existing nationality requirement in the Gold Coast and Togoland under British administration of nationality (British subject or British-protected person) nor did it consider that, in the absence of any registration of births, it was possible to grant the right to vote on the basis of birth in the Territory alone. The Mission rejected also, for the purpose of the plebiscite, the existing condition of payment of the local authority basic rate, but nevertheless considered that tax receipts should constitute the primary and normal manner of establishing residence.

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D. Safeguards for the freedom of plebiscites
and for order in the plebiscite zones

The Plebiscite in Schleswig

111. On 20 January 1920, Allied troops entered the plebiscite area.
112. By 24 January, the evacuation of the German troops and officials was completed.
113. On 30 January the Commission issued two orders, one forbidding all officials to influence the people through agitation or speeches or by aggressive or partisan behaviour and the other forbidding on pain of expulsion persons not living in the plebiscite area to take part in agitation or demonstrations or to attempt to incite the population.
114. The general principles which were to guide the Commission in the discharge of its functions were set forth in October 1919 in a letter to the German liaison officer to the Commission, which read in part as follows:

"1. The officials will be entirely subordinate to the Commission as regards their functions and discipline.

"2. The salaries of the existing officials shall be paid as before by the German Government but through the medium of the Commission; salaries of officials appointed by the Commission to fill new posts or to replace those dismissed, shall be paid by the Commission.

"3. All important modifications of existing practice in the administrative services shall require the approval of the Commission before application in the plebiscite area.

"4. The railway, postal, telegraph, telephone and road maintenance and similar services, shall be conducted as before; in some or all of such services the Commission shall appoint a senior official who shall be responsible for their efficient working and at the same time the channel of communication between the Commission and the office in unoccupied Germany from which the services have hitherto been controlled.

"5. The gendarmerie (rural police) shall be disbanded and replaced by a force to be recruited by the Commission, which will also appoint a commanding officer for the other police forces in the area.

"6. Justice shall continue as before, the Commission reserving the right to intervene in political cases.

"7. The Commission shall lay down details of the boundary of the plebiscite areas."

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115. The Workmen's and Soldiers' Council which had been constituted in this zone were to be dissolved.^{23/}

116. On 10 January 1920 the International Commission, on taking over the administration of the plebiscite area, issued a proclamation explaining to the population the organization of the plebiscite.^{24/}

117. On 10 January 1920 the International Commission published an order concerning the control of entrance and exit (Regulations concerning the Control of Travelers' Passports entering and leaving the Plebiscite area).^{25/}

118. On the same day or subsequently, the International Commission published the following orders:

Order establishing directors of the railway, postal and telegraph services;

Order concerning expulsions;

Order concerning the administration of justice;

Order concerning departure from the plebiscite area of officials appointed by the German Government;

Order forbidding officials to exert influence on the inhabitants;

Order forbidding non-residents to take part in the campaign;

Supplementary order forbidding all officials to take part in political meetings;

Order concerning the sale of alcohol in Zone I;

Order forbidding persons under twenty years of age to attend public meetings;

Order establishing censorship over printed propaganda;

Supplementary order concerning censorship.^{26/}

The Plebiscites in Allenstein and Marienwerder

Alenstein

119. Article 95 of the Treaty of Versailles provided that the German troops and authorities would be withdrawn from the area of the plebiscites within a period not exceeding fifteen days after the coming into force of the Treaty. The German troops were evacuated by 1 February 1920 and were replaced by an Allied Force.

^{23/} See Article 109 of the Treaty of Versailles.

^{24/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 6-7.

^{25/} Ibid., pp. 20-23.

^{26/} Ibid., pp. 25-35.

120. The Allenstein Commission took over the administration of its area on 14 February 1920. The Commission announced that it would maintain existing laws and that the officials would administer the law under the authority of the Commission.^{27/}

121. On 24 February 1920 the Commission issued an Order concerning the courts of justice, on 25 February 1920 a Second Order concerning the courts of justice, on 5 March 1920 an Order concerning propaganda, on 24 June 1920 an announcement that Polish inhabitants might apply for membership in the Police Force and on 25 June a final Order concerning propaganda.^{28/}

Marienwerder

122. In general the administration of the Marienwerder plebiscite area was carried out on the same principle and in the same manner as that of the Allenstein plebiscite area. Unlike the Allenstein Commission the Marienwerder Commission dissolved the existing Police Force and established a special Plebiscite Police.^{29/}

The Plebiscite in the Klagenfurt Basin

123. Freedom of speech and action in the plebiscite area was protected by Article 92 of the Treaty of St. Germain, which provided that:

"No inhabitant of the territories of the former Austro-Hungarian Monarchy shall be disturbed or molested on account either of his political attitude between July 28, 1914, and the definitive settlement of the sovereignty over these territories, or of the determination of his nationality affected by the present Treaty".

124. On 21 July 1920 the Plebiscite Commission issued a Proclamation announcing that the Interallied Commission, composed of representatives of Great Britain, France and Italy, had come to guarantee a free and fair plebiscite, declaring the two nationalities concerned equal before the law, calling for public order and mutual respect of opinions, and warning that it would not allow any unfair act which could result in a false vote.^{30/}

^{27/} Wambaugh, S.: Plebiscites since the World War, Vol. I, pp. 113-115.

^{28/} Ibid., Vol. II, pp. 61-75.

^{29/} Ibid., pp. 84-107.

^{30/} Ibid., Vol. II, pp. 128-129.

125. On 10 August 1920 the Commission issued a Proclamation regarding identity cards and the display of flags and emblems;^{31/} on 12 August 1920 it issued a Proclamation forbidding public officials and employees and non-voters to speak at public meetings.^{32/}

126. On 27 August 1920 and 14 September 1920, respectively, withdrawal of the Austrian forces from the second zone and Yugoslav forces from the first zone was finally completed. They were replaced by a gendarmerie, which was reorganized by the Commission so as to consist entirely of natives of the area.

The Plebiscite in Upper Silesia

127. Within fifteen days of the coming into force of the Treaty of Versailles the German troops were to evacuate the plebiscite area.

128. The International Commission was to "take all steps which it should think proper to ensure the freedom, fairness and secrecy of the vote".

129. The Commission was to maintain order with the help of the Allied troops which were to be at its disposal.^{33/}

130. On 20 January 1920, the first contingents of Allied troops arrived in Upper Silesia.

131. On 11 February 1920, the Commissioners arrived in Upper Silesia. They decided to set up allied control both at the central and the local level.

132. On the one hand, the following departments were instituted: Interior, Justice, Finance, Military Department, Economic Department, Communications and Food Control.

133. On the other hand, Allied officers were to control local officials by acting as county (Kreis) controllers.

134. By various decrees the Commission regulated entrance into the area and exit from it, required the surrender of weapons and ammunition and re-organized the law courts.^{34/}

^{31/} Wambaugh, S. Plebiscites since World War, Vol. II, pp. 131-132.

^{32/} Ibid., p. 132.

^{33/} Ibid., p. 164, Annex I, Article 88 of the Treaty of Versailles.

^{34/} Ibid., pp. 167-205.

The Plebiscite in Sopron

135. According to the Protocol of Venice the plebiscite was to take place eight days after the Commission of Allied Generals had decided that the "country" [West Hungary as a whole] was in a state of complete tranquillity. The Commission decided that this would be at the time when the remainder of West Hungary had been occupied by Austria.

136. The Commission declared the area pacified on 3 December 1921. Allied troops did not arrive to take over the area from Hungarian troops and gendarmerie until 12 December. The voting began on 14 December.

137. The Commission issued no general administrative orders or regulations. Its decision concerning the organization of the plebiscite contained a paragraph prohibiting both sides from making any form of public propaganda. This prohibition was, however, largely disregarded.^{35/}

The Plebiscite in the Saar, 1935

138. The maintenance of law and order in the Territory had been since 1920 the responsibility of the Governing Commission. Already in September 1928 the Commission issued an ordinance dissolving all organizations which concerned themselves with military or semi-military activities.

139. At the request of the Governing Commission, the Council of the League on 27 May 1933 adopted a resolution affirming the principle that the rights of the officials of the Saar Territory would, in all circumstances, be safeguarded.

140. On 20 May 1933, the Governing Commission issued an ordinance concerning the maintenance of public order. This ordinance required twenty-four hours notice to the local police authorities for all political meetings and all outdoors demonstrations and empowered the authorities to prohibit them if there was reason to fear that there would be incitement to disobedience against the decrees or orders. The wearing of uniforms or emblems at political meetings might be forbidden and punished. Political posters and leaflets were to be communicated to the police authorities before publication. The Governing Commission included in the ordinance provisions authorizing it to suspend temporarily daily papers and periodicals.

35/ Wambaugh, S.: Plebiscites since the World War, Vol. I, pp. 285-291.

141. In two further ordinances promulgated on the same day, the Commission provided that, in the interest of public safety, it might provisionally withdraw police power from the Bürgermeister in the communes and vest it in a governmental official, and reserved to itself the power to order the immediate dismissal of any executive official of the police or Ländjäger convicted of a serious breach of his official duty.

142. On 18 July 1933 the Governing Commission issued a proclamation, calling attention to the fact that the Saar was a plebiscite territory, that all parties had equal right to freedom of political activity, that boycotts and threats were inadmissible and that all officials must maintain the strictest neutrality.

143. On 28 November 1933 the Governing Commission issued a series of ordinances concerning public order and safety, which for the most part closely reflected measures taken by several plebiscite commissions in the international plebiscites of 1920 and 1921. The ordinance of 20 May was strengthened. More severe action was provided against secret membership in associations prohibited in the Territory. A final ordinance forbade the flying of flags on public buildings or thoroughfares.

144. On 1 July 1934, the Plebiscite Commission arrived at Saarbrücken and issued a number of proclamations, including one dated 12 September 1934 by which it warned the Saar officials to cease all collaboration with political parties and another dated 12 November 1934 by which it recalled that there were three parties with equal rights and called for moderation in propaganda.

145. At its request, the Governing Commission issued on 22 November 1934 an ordinance requiring officials to maintain a neutral attitude and on 11 December 1934 a further ordinance forbidding the display of flags until proclamation of the result of the vote.^{36/}

146. The Council of the League of Nations authorized the Governing Commission, should it deem desirable, to increase the local police and gendarmérie during the plebiscite period. It proved, however, very difficult to recruit for the gendarmérie either within or outside the Territory. Finally on 11 December 1934 the Council of the League, with the agreement of the French and German Governments, established an International Force of 3,300 men composed of units provided by the

^{36/} Wambaugh, S.: The Saar Plebiscite, pp. 325-469.

United Kingdom, Italy, the Netherlands and Sweden and placed at the disposal of the Governing Commission. The Force arrived in the Territory on 20 December, some three weeks before the vote, and remained for more than two months. It was not called upon, however, to intervene actively in the maintenance of order.

The referendum in the Saar, 1955

147. The Agreement of 23 October 1954 between France and the Federal Republic of Germany expressly provided that political parties, associations, newspapers and public meetings were not to be subject to authorization. The referendum was not to take place until three months after that provision had been put into effect.

148. The Council of Western European Union in its resolution of 11 May 1955 laid down that the freedom of political activity and equality of rights and facilities for all political parties in all means of diffusion of information must be ensured. No prejudice should attach to any person as a result of his attitude during the plebiscite campaign.

149. The Saar Government prepared draft laws on the organization of the referendum, on associations, on public meetings and on the press, which were approved by the Commission as being in conformity with the Franco-German Agreement and the resolution of 11 May 1955. These draft laws were adopted by the Diet and, with the agreement of the Commission and of the Council of Western European Union, were promulgated by the Saar Government on 23 July 1955. The Saar Government accordingly fixed 23 October 1955 as the date for the referendum.

150. The Commission reported that it had been agreed between it and the Saar Government that, whenever important political questions arose, the Saar Government would approach the Commission before taking any action under those laws; that arrangement had been fully observed.

The Plebiscite in Togoland under British administration

151. The Visiting Mission, after reviewing the existing situation in Togoland under British administration, expressed the view that no special measures were necessary to ensure freedom of campaigning. It will be recalled, in this connexion, that the General Assembly authorized the United Nations Plebiscite Commissioner to propose additional measures in order to secure a free and neutral atmosphere for the plebiscite.

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152. The maintenance of law and order and the assurance of the basic freedoms continued to be the concern of the Gold Coast Government, which remained responsible for the normal administration of the Territory. Only the immediate conduct of the plebiscite came under the control of the Plebiscite Administrator appointed by the Administering Authority and under the supervision of the United Nations Plebiscite Commissioner.

153. In his report, the Plebiscite Administrator, referring to complaints of participation in plebiscite activities of leading personalities from the Gold Coast and Togoland under French administration, held that such participation was neither illegal nor objectionable according to recognized plebiscitary practice. He noted, however, that Ministers of the Gold Coast Government, other than Togoland, had undertaken to refrain from attending public meetings and rallies held in connexion with the plebiscite. The United Nations Plebiscite Commissioner, on the other hand, took the view that the presence of Gold Coast Ministers in Togoland for the purpose of influencing the people in the plebiscite would be contrary to the free and neutral atmosphere required. He protested against certain visits of Gold Coast Ministers and was able to influence Ministers not to undertake other proposed visits.

154. In order to prevent infiltration near polling day, both from the Gold Coast and Togoland under French administration, arrangements were made through the Customs Department to get prompt information of any marked ingress from the east and check posts were established by the Police to watch traffic on the main roads from the south. The Plebiscite Administrator reported that in the event no significant infiltration took place.

155. Neither the report of the Plebiscite Administrator nor that of the United Nations Plebiscite Commissioner reveal any major difficulty in maintaining order or in ensuring a free atmosphere for the Plebiscite. On the contrary, the Plebiscite Administrator and the Plebiscite Commissioner, while reporting a very few minor disturbances, were agreed in declaring that the campaign had been carried out in an atmosphere of freedom and fairness and in a manner which reflected great credit on the people of the Territory.

E. Registration

The Plebiscite in Schleswig

156. According to the Regulations of the International Commission concerning registration and voting, Plebiscite Boards composed equally of representatives of both sides were to draw up a provisional list of voters. Separate lists were to be made for four categories of voters, namely: (1) resident natives; (2) non-resident natives ("outvoters"); (3) non-natives domiciled since before 1 January 1900; and (4) non-natives who were resident before 1900, but had since been expelled by the German authorities. Persons in the first category were to be registered automatically, but should themselves verify the entry. The last three groups were to be registered only on written application to the Board of the section in which they had the right to vote. Anyone whose application was disallowed had to be given the reasons so that he might supply additional information. A voter whose qualifications were approved had to be given a written certificate with his number on the list. (See Abschnitt V).

157. The Plebiscite Boards were to decide on the qualifications of the applicants, making use of public records and church registers (Hauslisten, Standesregister, and Kirchenbücher), which had to be placed at their disposal by the authorities in charge. The lists were then to be open to public inspection for a period of six days, during which time claims might be made by anyone against the exclusion or inclusion of himself or another person (Abschnitt VI).

158. The claims, together with the Board's opinion thereon, were then to be forwarded to the Control Commission, which had to communicate its decision to the Board within seven days. The final lists were then to be completed, the whole procedure taking seventeen days (Abschnitt VII).^{37/}

The Plebiscites in Allenstein and Marienwerder

159. The Regulations for registration for both Allenstein and Marienwerder closely resembled the Schleswig regulations. In Allenstein, resident natives and non-natives who had had their domicile or habitual residence in the area since 1 January 1905, were to be registered automatically, without application. The non-resident natives, or "outvoters", had to make written application to the

^{37/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 13-16.

Plebiscite Committee of the commune in which the vote was to be cast. The Committee was to decide on the application and inform the interested party of its decision. In Marienwerder natives of the area who had had their domicile or habitual residence there since 1 January 1918 did not need to apply for registration but had to be entered on the lists by the Plebiscite Committee of the commune of residence, the official local registers being used. Non-natives who had had their domicile or habitual residence in the area since 1 January 1914, natives who had resided there since that date, and natives not residents of the area, were to present a written request for registration.

160. The Plebiscite Committees were to open the registration lists for public inspection and claims for ten days, instead of six as in Schleswig. For final decisions by the Control Commissions in regard to claims, twenty-six days were allowed instead of seven as in Schleswig.^{38/}

161. The Plebiscite Committees were to be composed as far as possible of an equal number of members from each side. In practice, Polish members could not be found in many communes and in Allenstein, the Polish members took no part in the registration processes.^{39/}

The Plebiscite in the Klagenfurt Basin

162. As soon as the District Councils had established the Communal Councils, the Interallied Commission issued detailed regulations designed to govern the preparation of the registers and the carrying out of the provisions regarding suffrage qualifications. The Communal Councils' first duty was to complete the preliminary voting lists. An equal number of representatives (not less than 2 representatives of the Austrian and 2 of the Slovene interests) was to be necessary to constitute a quorum at these sittings. The Councils were not only to compile the lists from the applications received but also to include the name of all persons who might otherwise be qualified.

163. Sections V and VI of the Instructions for the organization of the plebiscite, contained detailed provisions regarding the form of these provisional lists, the opening of public records, their public inspection, the issue of voting tickets,

^{38/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 63-66 and 70-73 for Allenstein, and pp. 92-94 for Marienwerder.

^{39/} Ibid., p. 80.

appeals, objections and final lists, finally corrected by the District Councils.^{40/}

The Plebiscite in Upper Silesia

164. The Regulations for Registration and Voting were published in three parts.^{41/}

165. The voting lists were to be drawn up by a comité paritaire in each commune, to be composed of an equal number of Germans and Poles. The four regular members of these committees and their assistants and alternates were to be nominated by the organization of the two parties from among the qualified voters, preferably resident in the commune, and appointed by the bureau interallié, which was also to choose the chairman.

166. This choice was to be made by lot in such a way that each side should have the chairmanship of half of the comités paritaires in the county.

167. Public elective and administrative officials, Polish technical advisers appointed by the Interallied Commission and ministers of religion were all excluded from membership of the comités paritaires.

168. Separate voting lists were to be drawn up for the various categories of voters. Persons residing in the commune in which they were born were to be automatically registered, but other voters had to apply personally and submit supporting documents. The applications of non-resident voters were to be accompanied by photographs.

The Plebiscite in Sopron

169. According to paragraphs IV-VI of the Decision of the Commission of Allied Generals the registers of voters were to be drawn up by the existing mayors' offices remaining from the Hungarian régime. These officials were to take as a basis the voters' lists for the elections in 1920 to the Hungarian National Council and to revise them according to the voting qualifications laid down for the plebiscite. The lists were then to be revised by the respective Plebiscite Committees, which were to perform their functions in various stages. They were to check the lists, receive all claims and objections, correct the lists accordingly, issue registration cards and make such further corrections of voting lists and cards as were necessary.^{42/}

^{40/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 139-145.

^{41/} Ibid., pp. 207-236.

^{42/} Ibid., Vol. I, pp. 265-267.

The Plebiscite in the Saar, 1935

170. The Regulations for the plebiscite were prepared by the Plebiscite Commission and issued on its behalf by the Governing Commission on 7 July 1934. Chapter III (Articles 17-26) deals with the registration of voters.

171. The registration lists were to be prepared in each voting district by a Communal Committee composed of a Chairman and two members appointed by the Plebiscite Commission. In practice the Chairmen of the Committees were officials of the Plebiscite Commission from outside the Territory and the members were chosen among responsible local inhabitants who had not been active in political movements. Qualified persons who were resident in the Territory at the time of registration were to be registered automatically, while persons not then residing in the Territory were to be registered only on written application (Article 19).

172. The provisional lists were then to be open to public inspection with details about the procedure regarding the claims and objections (Article 20). This procedure is to be found in Articles 23-26, which provided that the claims and objections should be decided in the first instance by District Boards composed of staff members of the Plebiscite Commission, with a right of appeal to the International Plebiscite Tribunal.^{43/}

The referendum in the Saar, 1955

173. In accordance with the resolution of the Council of Western European Union of 11 May 1955, the lists were drawn up in each voting district by an electoral Committee composed of the Burgomaster and at least one assessor from each party in the Territory, with equal representation of parties in favour of the Statute and of the other parties. Appeals against the decision of the electoral committees could be lodged with the Commission. Some 700 such appeals were received by the Commission.

The Plebiscite in Togoland under British administration

174. The 1955 Visiting Mission, after reviewing existing registration procedures in the Territory, made a number of suggestions for improving them, in particular that greater time should be set aside for the operation. The Mission further recommended that United Nations observers should be present in each electoral district at all stages of the registration process.

^{43/} Wambaugh, S.: The Saar Plebiscite, pp. 362-368.

175. The Togoland Plebiscite (Registration) Regulations, 1955, made by the Governor of the Gold Coast defined, for the purposes of the plebiscite, the wards in each electoral district, explained the duties of Registration Officers and Registration Assistants and prescribed the manner in which applications for registration should be presented and acted upon; it further described how claims against the omission and objections to the inclusion of names in the Register should be presented and how such claims and objections should be settled by the Revising Officers. Effect was given to the recommendations of the Visiting Mission as to time limits.

176. The sixty Registration Officers were appointed from among overseas officers of the Government. About 350 Registration Assistants were recruited, mostly from the staffs of Local Authorities and Schools. These were directed to leave all doubtful cases for decision by overseas officers.

177. The major difficulty in the registration was "to maintain the importance of tax receipts as the primary and normal manner of establishing residence and at the same time to ensure that they were regarded as contributory and not compulsory evidence". Both the Plebiscite Administrator and the United Nations Plebiscite Commissioner expressed their conviction that this difficulty had been solved in the main satisfactorily. Only 521 claims and objections were submitted for the whole Territory.

F. Voting

The Plebiscite in Schleswig

178. A description of the manner of voting was given in the Regulations of the International Commission concerning registration and voting. The International Commission was to provide the ballots, one for each alternative, and also the envelope bearing the stamp of the International Commission in which the voter was to place the ballot of his choice. The ballots were to be white, of a certain size, and to bear the words "Deutschland (Tyskland)" or "Danmark (Dänemark)".

179. The voting in each commune was to be carried out under the supervision of the same bipartisan Plebiscite Boards, which had conducted the registration. Before the polls were open the President of the Plebiscite Board was to ascertain that the ballot box was empty. As the voters arrived, a person stationed at the entrance was to hand to each in turn a stamped envelope for the ballot. The

voter was then to proceed to the inner room, select from the table the ballot he desired, place it in the envelope, return and, on his name being identified in the voters' list, hand the envelope to the President of the Board who would then place it in the box. Careful provision was made to safeguard the privacy of the voter when selecting his ballot and placing it in the envelope. During the voting no speeches were to be made and no pamphlets distributed. At the close of the voting each Board was to count the votes in its section, and to draw up its report. The ballots were then sent, with the report, to the Control Commission of the Kreis, which the same day, was to notify the Plebiscite Commission. The Board was to decide disputed cases, but appeal could be made to the International Commission.^{44/}

The Plebiscites in Allenstein and Marienwerder

180. The regulations for voting, for both Allenstein and Marienwerder, closely resembled the Schleswig regulations and are contained in Chapter VII (articles 11-18) of the Regulations concerning registration and voting issued in 14 April 1920 by the Interallied Commission for Allenstein and in articles 24-39 of the Regulations concerning registration and voting, issued on 12 April 1920, for Marienwerder.^{45/} The ballots were to carry the words: "Polen-Polska" and "Ost-Prüessen - Wschodnie Prusy".

The Plebiscite in the Klagenfurt Basin

181. The instructions for the organization of the plebiscite contained detailed provisions about voting, the closing of the poll and the scrutiny of the votes (Part II, Section I).

182. The ballots, envelopes, and ballot-boxes were to be supplied by the Plebiscite Commission. Owing to the presence of a certain proportion of illiterates it was thought inadvisable to use one ballot on which the voter should mark his preference and it was decided to have two, green for Austria and white for Yugoslavia, with the names of the countries in German and Slovene. It was provided that each voter should be handed two ballots, should tear up the one he did not wish to use, and should place the pieces of this, together with the ballot of his choice, in the same enveloped. The polling was to be conducted by the bipartisan Commune

^{44/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 16-18.

^{45/} Ibid., pp. 66-68, 94-98.

Councils, while the votes were to be counted by the Inter-Allied District Councils.^{46/}

The Plebiscite in Upper Silesia

183. According to the Regulations of the Commission governing the plebiscite, the county and the commune were taken as the units for the administration of the voting. For each county there was to be a "bureau interallié" for the administration and supervision of the plebiscite proceedings. Each bureau was to be composed of allied officers, the county controller acting as president. Representatives of both Poles and Germans, appointed by the Interallied Commission on agreement with the respective plebiscite commissariats, were to be present at all meetings.

184. The voting authorities in the communes were the bipartisan comités paritaires or, if more than one polling station was required, bureaux de vote appointed by the comités paritaires.

185. Chapter VII of the Regulations of the Interallied Commission governing the plebiscite, signed at Oppeln, contained detailed provisions about the voting, ballots, polling rooms, hours, etc.^{47/} The voter's privacy at the polls was safeguarded as in other plebiscites. As at Schleswig, Allenstein and Marienwerder, the Commission provided stamped envelopes and ballot papers for each alternative. The ballot papers were placed in the polling stations and were also made available to party organizations. The voter placed a ballot paper for the alternative of his choice in the stamped envelope provided.

The Plebiscite in Sopron

186. Paragraphs VII-XI of the Decision of the Commission of Allied Generals as well as the Proclamation of the Control Plebiscite Commission of 6 December 1921 contained provisions about voting which were similar to those used at Klagenfurt. According to these instructions each voter was to be handed two ballots; he was to tear up the one he did not wish to use, and to place the pieces, together with the ballot of his choice, in the same envelope.

187. Each polling station was to be under the control of a delegation composed of an Allied officer as Chairman, and an Austrian and a Hungarian representative.^{48/}

^{46/} Wambaugh, S.: Plebiscites since the World War, Vol. I, pp. 194-195 and Vol. II, pp. 145-146.

^{47/} Ibid., Vol. II, pp. 225-230.

^{48/} Ibid., pp. 265-269.

188. In the event, the Austrian representatives did not participate in the voting operations.

The Plebiscite in the Saar, 1935

189. Chapter IV (Article 27-57) of the Regulations governing the plebiscite in the Saar Territory contained provisions regarding voting. A single ballot was used, which the voter had to mark with a cross opposite the alternative of his choice; he had then to fold it in an envelope; on leaving the booth he gave the closed envelope to the Chairman, who put it in the ballot box; the ballot boxes were taken to Saarbrücken under the guard of neutral officials and the police; before the counting began, the contents of all the ballot boxes from one voting district were mixed together so that the result in any one voting bureau could not possibly be known even to the Plebiscite Commission. After the counting, which was conducted exclusively by neutral officers under the supervision of the Plebiscite Commission, the ballots were handed over to the League of Nations Council at Geneva, thus excluding all possibility of a later examination to ascertain the vote of individuals.^{49/}

The referendum in the Saar, 1955

190. The voting was carried out in each electoral district under the direction of the Electoral Committees. For the purpose of supervising the operations at the 930 polling stations, the Commission established a corps of 1,005 observers consisting of nationals of the states represented on it. These observers were also present during the counting of the votes.

The Plebiscite in Togoland under British administration

191. The 1955 Visiting Mission, after reviewing existing voting procedures, recommended that they be maintained for the plebiscite with some necessary modifications of detail. The voting procedure for the Plebiscite was laid down in the Togoland Plebiscite Regulations, 1956, made by the Acting Governor of the Gold Coast. These regulations, which conformed with the Visiting Mission's recommendation, provided that the method of voting would be by placing a ballot in one of two boxes bearing symbols associated with the alternatives between which the voters would have to choose.

^{49/} Wambaugh, S.: The Saar Plebiscite, pp. 368-383, p. 278.

192. The Regulations also specified the duties of Returning Officers, Presiding Officers at polling stations and Polling Assistants and the rights of Polling Agents of political parties supporting the two alternatives in the plebiscite. The ballot boxes were to be delivered by the Presiding Officers to the Returning Officer concerned. The votes were then to be counted in the presence of a United Nations observer and of counting agents appointed by the political parties.

193. The eighty Returning Officers were chosen among overseas officers of the Government. Approximately 1,500 Africans were employed to fill the posts of Presiding Officer and Polling Assistants at the 408 polling booths throughout the Territory. Polling Agents for both alternatives were present at all stations in the south and at the majority of stations in the north.

194. The voting operations were closely watched by the Returning Officers and by the United Nations observers. The counting of the votes was carried out under the immediate direction of the Returning Officers and in the presence of United Nations observers.

195. No major irregularities were reported either by the Plebiscite Administrator or by the United Nations Plebiscite Commissioner.

G. Offences and penalties

The Plebiscite in Schleswig

196. The Regulations of the International Commission concerning registration and voting contained a section on offences and penalties which provided in particular that fines of up to 10,000 marks or imprisonment up to six months would be imposed on persons:

- (a) who intentionally placed on a voting list the name of a person who was not qualified to vote or who in other ways falsified a voting list;
- (b) who by force or menace prevented anyone from using his vote or compelled him to vote;
- (c) who voted in more than one voting district;
- (d) who violated the secrecy of the voting;
- (e) who intentionally falsified a ballot or in any other way gave a different effect to a vote than that which was intended by the vote as cast.

Incitement to such actions would be punished in the same way as the actions themselves. Attempted offences or complicity would be punished by a fine of up

to 5,000 marks or by imprisonment of up to three months. Persons providing false information in order to be placed on voting lists would be liable to a fine of 5,000 marks.^{50/}

197. On 17 February 1920, the International Commission issued an order establishing a Special Tribunal consisting of three judges to be named by it and with exclusive jurisdiction over offences against orders of the Commission. Where no other law specified such offences were punishable by fines of from 30 to 10,000 marks and for imprisonment up to six months. By an order dated the same day, the defiance of instructions of the Commission or of the Police relating to the maintenance of public order, the use of force or threats of force against others or the destruction or defacement of posters and placards were declared to be punishable offences.^{51/}

The Plebiscites in Allenstein and Marienwerder

198. Chapter VIII (articles 19-21) of the Regulations concerning registration and voting in Allenstein of 14 April 1920 defined the offences committed in connexion with plebiscite and provided for penalties.^{52/} Articles 40, 41, 42 and 43 of the Regulations concerning registration and voting in Marienwerder of 12 April 1920 contained detailed provisions regarding offences and penalties in connexion with the plebiscite.^{53/}

199. At Allenstein electoral offences were defined as in Schleswig, while at Marienwerder, they were defined in terms of the German Penal Code. In neither area was a special tribunal established to deal with such offences.

The Plebiscite in the Klagensfurt Basin

200. On 3 September 1920, the Plebiscite Commission established an Interallied Plebiscite Tribunal composed of five members of whom three were to be appointed by the English and Italian Commissioners respectively and one each by the Austrian and Yugoslav delegations. (The two latter members of the Tribunal would function only in an advisory capacity.) Among the offences declared to be within the competence of the Tribunal were the following: wilful disobedience of the orders

^{50/} Wambaugh, S.: Plebiscites since the World War, Vol. II, p. 19.

^{51/} Ibid., pp. 33-34.

^{52/} Ibid., pp. 68-69.

^{53/} Ibid., p. 98.

of the Plebiscite Commission and actions designed to endanger the impartiality or execution of the plebiscite; wilful destruction or defacement of public notices of the Commission; wilful disturbance or interference with the activities of the Plebiscite Commission, of its organs or persons acting on its behalf; disorderly conduct in public places; interference with polling officers; registration under a false name; interference with the secrecy of the vote; intentional falsification or negligence in the preparation of voting documents; the exercise of improper influence on voters; all other acts of omission or commission which the Plebiscite Commission should declare to be offences. A maximum penalty of a fine of not more than £100 or imprisonment of not more than three months, or both, was laid down.^{54/}

The Plebiscite in Upper Silesia

201. By a decree signed on 11 March 1920, the Interallied Commission established a Special Court of Justice to deal with offences of every kind against the Interallied regime for Upper Silesia and against the members of the Commission and its officials. Such offences should be treated in the same manner as if they had been against the German authorities and officials. By a further decree dated 25 August 1920, the Special Court was given competence to decide on offences against orders of the Interallied Commission if it was seized of such matters by the prosecuting authorities. It was also given competence to deal with actions which were likely to disturb public order or the preparation of the carrying out of the plebiscite. Chapter V of the Regulations governing the plebiscite provided for a number of electoral offences in connexion with the plebiscite and provided that they were solely within the competence of the Special Court. In general, these offences were similar to those prescribed for other plebiscites but were set forth in greater detail. The maximum penalty provided was for imprisonment for up to three years or for a fine of not more than 5,000 marks, or both.^{55/}

The Plebiscite in Sopron

202. No specific provisions were issued concerning offences and penalties in connexion with the plebiscite.

^{54/} Wambaugh, S.: Plebiscites since the World War, Vol. II, pp. 133-135.

^{55/} Ibid., pp. 218-220.

The Plebiscite in the Saar, 1935

203. Part III (articles 58-74) of the Regulations governing the Saar Plebiscite contained detailed provisions concerning offences and penalties in connexion with the plebiscite operations. These were similar to the provisions adopted for previous plebiscites but were more detailed.^{56/} These offences were to be within the exclusive competence of the International Plebiscite Tribunal and its subordinate courts.

The referendum in the Saar, 1955

204. No special arrangements were made on an international level for dealing with election offences.

The Plebiscite in Togoland under British administration

205. Both the Togoland Plebiscite (Registration) Regulations, 1955, and the Togoland Plebiscite Regulations, 1956, detailed a number of offences in connexion with registration and voting and prescribed the maximum penalties which might be imposed on offenders. Persons accused of these offences were to be tried by the ordinary courts of the Gold Coast and Togoland under British administration.

206. In the event, only a very small number of persons were charged with electoral offences.

H. The results of the vote and the decisions
resulting from plebiscites

The Plebiscite in Schleswig

207. In the first zone the vote was held on 10 February 1920. There were 75,931 votes cast in favour of Denmark (74.2 per cent) and 25,329 (24.9 per cent) in favour of Germany. In a few communes, there was a majority in favour of Germany.

208. In the second zone the vote took place on 14 March. There were 51,724 votes cast in favour of Germany (78.7 per cent) and 12,800 for Denmark (21.3 per cent). In all communes, there was a majority for Germany.

209. As the plebiscite had been favourable to Denmark in the northern zone and to Germany in the southern zone, a majority report of the International Commission recommended that the frontier should follow the line between the two zones.

^{56/} Wambaugh, S.: The Saar Plebiscite, pp. 384-389.

210. In a minority report, however, the French and Norwegian Commissioners recommended, for economic and geographic reasons, and in order to protect the Danish minority, that a number of communes in the northern edge of Zone II, which had given 1,845 votes for Germany and 689 for Denmark, should be given to Denmark.

211. On 28 May 1920, the Conference of Ambassadors of the Principal Allied and Associated Powers finally decided in favour of the solution advocated in the majority report of the International Commission.

The Plebiscites in Allenstein and Marienwerder

Alenstein

212. On 9 July 1920, two days before the voting, the Polish Consul General at Allenstein handed to the Allied Commission an official note of the Polish Government demanding that the vote be postponed pending a revision of the lists of voters. The demand was not granted.

213. The vote was held on 11 July 1920. Out of the 1,704 voting divisions, 1,694 gave a majority for East Prussia and 9 for Poland, and in one the votes were equally divided. Of the total votes, 363,209 were for East Prussia, 7,980 for Poland and 545 were void.

214. On 30 July, the Polish Government submitted a protest charging that the vote had not been free, secret and independent.

215. The final Report of the Commission for Allenstein was issued on 14 August 1920 and stated that the plebiscite had been duly held according to plan and without serious disturbance, and might be taken as fairly representing the wishes of the populations.

216. In drawing up the recommendations as to the frontier the Allenstein Commission recommended that three villages on the frontier which had voted for Poland should be detached and given to her. The twenty-five other villages with a Polish majority were so isolated from the frontier that to give them to Poland would be to sacrifice German communes whose German vote far outweighed, numerically, the Polish votes concerned. The Commission therefore recommended that these communes should remain with East Prussia.

/...

217. The Conference of Ambassadors accepted the recommendation and assigned to Poland the three villages with 4,786 inhabitants, leaving the rest of the plebiscite area to Germany.^{57/}

Marienwerder

218. The vote was held on 11 July 1920. Out of the 396 voting districts (communes and Gutsbezirke) 368 gave a majority for East Prussia, and 28 for Poland. The total figures for the area were: registered voters, 125,090; votes cast, 105,071; votes for East Prussia, 96,923; for Poland, 8,018 (about 8 per cent).

219. The Commission recommended that a group of five villages on the frontier should be given to Poland and that the remainder of the area should be allotted to Germany. This recommendation was accepted by the Conference of Ambassadors.

The Plebiscite in the Klagenfurt Basin

220. On 10 October 1920, the plebiscite was held in Zone I (south). There were 22,025 votes in favour of Austria and 15,278 for Yugoslavia (59.04 and 40.96 respectively).

221. According to the provisions of article 50 of the Treaty of St. Germain,^{58/} a plebiscite in Zone II did not have to be held, and the whole of the plebiscite area was incorporated into Austria.

The Plebiscite in Upper Silesia

222. The plebiscite was held on 20 March 1921. Out of a total of 1,220,514 registered voters, 1,190,846 cast their ballots. There were 707,605 votes for Germany (59.6 per cent) and 479,359 votes for Poland (40.3 per cent). Eight hundred and forty-four communes declared themselves in favour of Germany, as compared with six hundred and seventy-eight in favour of Poland.

223. According to Section 5 of the Annex to article 88 of the Treaty, on the conclusion of the voting the Commission had to communicate to the Principal Allied and Associated Powers not only the number of votes cast in each commune, with a full report as to the taking of the vote, but also a recommendation "as to the line which ought to be adopted as the frontier of Germany in Upper Silesia" and in this recommendation regard was to be paid "to the wishes of the inhabitants as shown by the vote, and to geographical and economic conditions of the locality".

^{57/} Wambaugh, S.: Plebiscites since the World War, Vol. I, pp. 132-137; Vol. II, pp. 75-83.

^{58/} See paragraph 22 above.

24. The Interallied Commission sent two sets of recommendations, one signed by the President of the Commission, the French representative, the other by the British and Italian Commissioners. Neither set of recommendations was made public immediately.

225. When it was learned, however, that the majority favoured allotting to Poland only a small proportion of the industrial area, a Polish insurrection broke out on 2 May 1921. The Interallied Commission did not regain complete control of the area until 7 July 1921.

226. On 12 August 1921, the Supreme Council, under article XI, paragraph 2, of the Covenant, submitted to the Council of the League of Nations "the difficulty attending the fixing of the frontier between Germany and Poland in Upper Silesia" and invited "the recommendation of the Council as to the line which the Principal Allied and Associated Powers should lay down".

227. On 12 October 1921, the League Council adopted a recommendation which read in part as follows:

(The Council),... "convinced that its duty was above all to endeavour to find a solution in conformity with the wishes of the inhabitants, as expressed by the plebiscite, while taking into account the geographical and economic situation of the various districts, had been led to the conclusion that it is necessary to divide the industrial region of Upper Silesia."

228. The boundary line recommended - as described in the first appendix to the recommendation - allocated to Germany somewhat more than 75 per cent of the area and 57 per cent of the inhabitants.

229. The second appendix to the Council's recommendation provided for economic, financial and miscellaneous measures including measures for the protection of minority rights to be supervised by a mixed commission and an arbitral tribunal.

230. On the basis of the recommendation of the Council of the League of Nations, the Conference of Ambassadors of the Principal Allied and Associated Powers issued an award on 20 October 1921, which decided the boundary-line between Poland and Germany in the plebiscite area.^{59/}

The Plebiscite in Sopron

231. The polls were opened in Sopron on 14 December and, one day proving inadequate, the voting was continued on the following day. The vote was held in

^{59/} Wambaugh, S.: Plebiscites since the World War, Vol. I, pp. 206-271.

the mining settlement of Brennberg on 15 December and in the rural communes on 16 December.

232. In Sopron, out of 18,994 registered voters, 12,327 voted for Hungary and 4,620 for Austria, while 351 ballots were declared void. In the rural communes, Austria gained the majority in five of the eight communes and a total vote of 3,607 as against 3,007 for Hungary. By the Protocol of Venice, however, the vote of the whole was to be counted together and the Hungarian majority in Sopron far outweighed that of Austria in the five rural communes. The total vote was 15,334 (65.1 per cent) for Hungary, as against 8,227 (34.9 per cent) for Austria. Out of a total of 26,900 persons registered, 24,063, or 87 per cent, were recorded as voting. There were 502 void ballots.

233. The Conference of Ambassadors received the report of the Commission of Allied Generals and at the same time a note from the Austrian Government protesting that, owing to the absence of revision of a great part of the registers, which had been prepared solely by the Hungarians, the terms of the Protocol of Venice had not been observed and the plebiscite, which had been held without the participation of Austria, was void.

234. On 23 December 1921, the Conference of Ambassadors accepted the results of the plebiscite and ordered the transfer of the territory to Hungary. By a protocol signed on 1 January 1922 the Sopron area was handed over to the Hungarian Government and on 5 January the Allied troops departed. On 20 February 1922, the Austrian Government recognized the cession to Hungary by giving its adherence to the Protocol of 1 January 1922.^{60/}

The Plebiscite in the Saar, 1935

235. The plebiscite was held on 13 January 1935. Of 539,541 registered voters, 528,105 participated in the ballot. For union with Germany, there were cast 477,119 votes; for the status quo, 46,613; for union with France, 2,124; 1,292 votes were blank and 905 were invalid. There was a majority for union with Germany in every voting district.

236. On 17 January, the Plebiscite Commission presented its report on the results of the plebiscite to the Council of the League of Nations, which decided in favour of union with Germany for the whole of the Territory and fixed 1 March 1935 as the date for the re-establishment of Germany in the government of the Territory.

^{60/} Wambaugh, S.: Plebiscites since the World War, Vol. I, pp. 290-293.

237. Beginning with the middle of February, the International Force was gradually withdrawn, the last contingent departing on 26 February.

238. On 28 February, the President of the Council of the League of Nations transferred the police administration to the German authorities and delivered the government of the Territory to the Chairman of the Committee of Three, which on 1 March, on behalf of the League of Nations, handed the Territory over to the Interior Minister of the German Reich.^{61/}

The referendum in the Saar, 1955

239. The vote took place on 23 October 1955 with the following result:

Number of persons entitled to vote	663,970
Number of votes cast	641,299
Number of valid votes	625,53
Number of invalid votes	15,746
Number of "YES" votes	201,898
Number of "NO" votes	423,655

240. In its report, the Commission recorded that the accuracy of these official provisional results had not been challenged within the eight days prescribed in article 11 of the Council's resolution and in paragraph 46 of ^{1955/7.0.} ar Law ^{1955/7.0.} No. 457.

241. After having considered the report of the Commission, ^{1955/7.0.} Joun Western European Union decided on 14 November 1955 that ^{1955/7.0.} had rejected the Statute.

242. Subsequently, the Government of the French Republic and that of the Federal Republic of Germany negotiated a treaty as a result of which the Saar was politically reincorporated in Germany on 1 January 1957. The monetary and fiscal union with France is to be maintained for a further period of three years.

The Plebiscite in Togoland under British administration

243. It will be recalled that the plebiscite was to ascertain the wishes of the majority of the inhabitants of the Territory as regards the two alternatives, but that the General Assembly was to "assess the results and determine the

61/ Wambaugh, S.: The Saar Plebiscite, pp. 295-322.

further action to be taken on the attainment of independence by the Gold Coast in the light of all the circumstances and in accordance with the Charter of the United Nations and the Trusteeship Agreement".

244. The special results of the plebiscite as set forth in a special gazette prepared by the Plebiscite Administrator and as reproduced in his report and in the report of the United Nations Plebiscite Commissioner were given for each ward, for each local council area, for each plebiscite electoral district, for the Northern and Southern Sections and for the Territory as a whole. The following abbreviated returns show the results for each administrative district, for the Northern and Southern Sections and for the Territory as a whole.

	<u>Union</u>	<u>Separation</u>
Mamprusi District	17,870	3,429
Dagomba District	28,083	6,549
Gonja District	<u>3,166</u>	<u>2,729</u>
<u>Northern Section:</u>	<u>49,119</u>	<u>12,707</u>
Buem-Krachi District	28,178	18,775
Kpandu District	8,581	17,029
Ho District	<u>7,217</u>	<u>18,981</u>
<u>Southern Section:</u>	<u>43,976</u>	<u>54,785</u>
<u>Territory as a whole:</u>	<u>93,095 (58%)</u>	<u>67,492 (42%)</u>

245. The United Nations Plebiscite Commissioner and the Plebiscite Administrator both expressed the opinion, in their reports, that the plebiscite had been conducted in an atmosphere of freedom and had faithfully recorded the wishes of the population.

246. In a memorandum addressed to the Trusteeship Council, the Administering Authority noted that the plebiscite in British Togoland showed a clear majority in the Trust Territory as a whole in favour of the union of that Territory with an independent Gold Coast. In only two of the six districts was there a majority vote in favour of separation. A map was attached showing these areas, which comprised approximately one-seventh of the whole Trust Territory. The Administering Authority was satisfied, by its assessment of the interests of the inhabitants of the Territory and by reason of its experience in administering it during the past thirty-five years, that any partition of this small Trust Territory and the establishment of a fragment of it as a

distinct political entity would be harmful to the long-term interests of the Territory. Such partition would, moreover, create a most formidable administrative problem, and would inevitably cause serious difficulties for the newly independent state of the Gold Coast.

247. In subsequent statements in the Fourth Committee of the General Assembly, the United Kingdom delegation stated that the Gold Coast would become independent on 6 March 1957 and gave details of the constitutional proposals of the Gold Coast Government.

248. Following upon a recommendation of the Trusteeship Council, the General Assembly approved the union of the Territory with an independent Gold Coast and invited the Administering Authority to take such steps as were necessary to that end. It thus decided that in the circumstances the wishes of the majority of the inhabitants of the Territory as a whole should prevail. Reservations were expressed by certain delegations during the discussion in the Fourth Committee as to the appropriateness of this decision; however, no proposal to assess the plebiscite separately for the north and south of the Territory was introduced.

III. CONCLUDING OBSERVATIONS

249. All the plebiscites organized at the close of World War I were carried out under the immediate direction of international commissions; in the great majority of cases, the commissions were responsible not only for the organization and conduct of the plebiscites, but also for the general administration of the territories concerned. These international commissions had the assistance of a large number of officials usually appointed by the Governments represented on the commissions and could avail themselves of armed forces for the purposes of preserving order. Only in the case of the Klagenfurt plebiscite did the Commission in question not have troops of its own at its disposal, although at Sopron the troops at the disposal of the Commission entered the area only two days before the vote. Only at Sopron did the Commission not formally take over control of the local administration. In the case of the Saar plebiscite of 1935, the Plebiscite Commission was distinct from the Governing Commission for the Territory, but both were responsible to the Council of the League of

were born in the plebiscite area; or (b) who had been domiciled there since a particular date (varying from 1 January 1900 to 1 January 1914 in specific cases), or, in the case of Schleswig or Upper Silesia, who had been expelled by the German authorities. Certain objections were made during the conduct of plebiscites to the participation in the plebiscites of persons who had been born in the area but who had ceased to reside there. It was difficult in practice to verify claims to vote presented from outside the plebiscite area, while doubts were expressed as to the appropriateness of a participation by persons who might have ceased to possess any ties with the area. The voters in the plebiscites at Klagenfurt and Sopron were required (a) to have been habitually resident at a recent date and (b) either to have been born there or to have been habitually resident there as from a previous date (1 January 1912 for Klagenfurt and 1 January 1919 for Sopron). In the case of the Saar plebiscite of 1935, the right to vote was given to persons resident in the Territory at the time of the coming into force of the Treaty of Versailles and who had attained the age of twenty years at the time of the plebiscite. In the Saar referendum of 1955, adults who were residing in the Territory at a particular date and who had been born in the Territory or had resided there during the preceding five years were given the right to vote, as were all Saar nationals.

254. In essence, the right to vote in the Togoland plebiscite was conferred on persons over twenty-one years of age (a) who were residing in the Territory and (b) had resided there for at least twelve months in the two years preceding registration. In omitting any birth qualification and in providing a comparatively short period for the residential qualification, the 1955 Visiting Mission was guided by the fact there were no records of births in the Territory covering prospective electors and that the only written evidence of residence would be in the form of recently issued tax receipts.

255. In the various European plebiscites, registration was carried out at a local level by committees of the inhabitants on which representatives of each side usually participated in equal numbers. The work of these bodies was supervised by District Councils composed of officials of the Plebiscite Commissions, which also settled all claims and objections. In certain of the plebiscites, notably those in Schleswig and at Sopron, the time available for registration was very short. In other plebiscites, in particular in the Saar and Upper Silesia, an unhurried registration was assured. /...

Nations. The need for the neutralization of the plebiscite territories was of course great in the case of these plebiscites, which took place in the aftermath of war and military occupation and in which the populations were called upon to opt between neighbouring and vitally interested States.

250. The plebiscite in Togoland under British administration was, in accordance with the recommendation of the Visiting Mission and the decision of the General Assembly, carried out by the Administering Authority, the role of the United Nations being that of supervision and observation. The 1955 referendum in the Saar provides another case in which the role of the international body concerned - the Commission appointed by the Council of Western European Union was essentially confined to supervision and observation. In that instance, the operation was carried out by the local authority - the Saar Government.

251. The methods by which the results of the European plebiscites were to be assessed varied from case to case, but only in the case of the Sopron plebiscite was the result expressly to be determined as a whole by the majority vote. In Schleswig and Klagenfurt, the area was divided into two zones, in which the results were to be determined separately (in the southern zone in Schleswig, the result was also to be determined by communes, while in Klagenfurt, a vote was to be held in the northern zone, only if the vote in the southern zone was in favour of one alternative). In the plebiscites in Europe, the vote was to be determined by communes, having regard also to geographical and economic conditions. In the Saar plebiscite of 1935, the vote was to be held by communes or districts and the League of Nations was to determine, taking into account the wishes of the inhabitants, whether the whole or part of the Territory should remain under the International Régime or be united with France or with Germany. In the Saar referendum of 1955, the decision as to whether to approve the proposed Statute was to be taken for the Territory as a whole.

252. In the case of the plebiscite in Togoland under British administration, the General Assembly reserved the right to assess the results of the plebiscite in the light of all the circumstances and in accordance with the Charter and the Trusteeship Agreement.

253. In the case of the plebiscites provided for in the Treaty of Versailles which took place in the years immediately following the signing of the Treaty, the right to vote was granted to all persons over twenty years of age (a) who

me remained with the other. In Upper Silesia, where the voting revealed numerous enclaves of majority support for one party within areas where the other party held the majority, an award for the partition of the territory between the two States concerned was made only after the question had been referred to the Council of the League of Nations.

260. In the Saar referendum, by reason of the rejection of the proposed statute for the Territory by the voters, the existing status of the Territory was maintained for the time being. Effect was, however, given to the wishes of the majority against the Statute in the final settlement, by which the Territory as a whole was politically reattached to the State to which it had formerly belonged.

261. In the case of Togoland under British administration, it was noted by members of the General Assembly that in the southern part of the Territory there was a majority for the second alternative. Nevertheless, in the absence of any other proposal, the General Assembly decided to assess the results by the over-all majority in the Territory as a whole, which was for the first alternative, and therefore gave its approval to the union of the Territory with an independent Gold Coast.

256. In Togoland under British administration, registration was carried out under the direction of overseas Registration Officers, assisted by indigenous Registration Assistants. The parties were not directly represented on the staff responsible for the registration, but took an active part in presenting complaints to the Plebiscite Administrator and to the United Nations observers.

257. In general in the European plebiscites, the polling stations were manned by the same local committees, on which both sides were equally represented, as had conducted the operations of registration. The usual method of voting was for the voter to be provided with ballots for each alternative, one of which was under conditions of privacy, to be placed untorn in an envelope, and was then publicly placed in the ballot box. To provide further safeguards for voters against possible intimidation, it was provided in later plebiscites that the discarded ballot should also be placed - torn - in the envelope. In the Saar plebiscite of 1935 and referendum of 1955, however, the voters marked their preference on a single printed ballot.

258. In the case of Togoland under British administration, the polling was conducted by indigenous Polling Assistants acting under the direction of overseas Returning Officers. The two sides had the right to nominate polling agents for each station as well as counting agents to be present at the counting of the votes. The method of vote was for the voter to place in private, an official ballot paper in one of two ballot boxes bearing symbols corresponding to the alternatives presented.

259. As regards the decisions resulting from the plebiscites it is to be noted that in the case of the plebiscites in Klagenfurt and Sopron, the decisions to award the whole of the Territory to one of the States claiming it followed automatically from the terms of the basic instruments. In the case of the Saar plebiscite, the vote in all districts was overwhelmingly in favour of union with one State and hence precluded any consideration of partition. Allenstein and Marienwerder were, as a result of overwhelming votes, awarded entirely to one State, except for a few frontier communes in each case in which the results were different and which were awarded to the other State. Corresponding to a marked difference in the wishes of the populations concerned the northern zone in Schleswig was awarded to one State, while the southern

COUNTRY PAYS PAIS	REPRESENTATIVE REPRESENTANT REPRESENTANTE	ALTERNATES SUPPLEANTS SUPLENTES	ADVISERS CONSEILLERS CONSEJEROS
			A/C.4/334 Page 7
Thailand	Mr. Thanat Khoman		Mr. Padung Padmasank
Tunisia			
Turkey			
Ukrainian SSR	Mr. N.G. Maksimovich	Mr. I.G. Neklessa	
Union of South Africa	Mr. D.B. Sole	Mr. B.G. Fourie	
Union of Soviet Socialist Republics	Mr. T.T. Tazhibaev	Mr. I.I. Lobanov	Mr. V.N. Bendryshev
United Kingdom of Great Britain and Northern Ireland	Rt. Hon. J.S. Maclay	Hon. K.A. Gbedemah Hon. J.H. Allassani Mr. H.T. Bourdillon Mr. B.O.B. Gidden	Mr. D.A. Chapman Mr. M. de N. Ensor Mr. R.L.D. Jasper Mr. T.W. Keeble Mr. B.G. Smallman
United States of America			
Uruguay			
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Yemen	Mr. Tawfik Chamandy	Assayed Ahmad Zabarah	
Yugoslavia			