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UNITED NATIONS PLEBISCITE COMMISSIONER
FOR WESTERN SAMOA

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FILE BEGINS / DOSSIER COMMENCE LE: JAN. 1960

ENDS / TERMINE LE: DEC. 1963

DATE	REFERRED TO TRANSMIS A	ROOM BUREAU NO.	P. A.* / B. F.	DATE	INIT	DATE	REFERRED TO TRANSMIS A	ROOM BUREAU NO.	P. A.* / B. F.	DATE	INIT
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22 June 1961

Sir,

..... I have the honour to transmit to you herewith, in accordance with General Assembly resolution 1569 (XV) of 18 December 1961, my report on the organization, conduct and result of the plebiscite held in Western Samoa on 9 May 1961.

I should be grateful if you would submit it to the Trusteeship Council for consideration and transmission to the General Assembly at its sixteenth session.

Accept, Sir, the assurances of my highest consideration.

Najmuddine Rifai
United Nations Commissioner for the
Supervision of the Plebiscite in
Western Samoa

Mr. Dag Hammarskjold
Secretary-General
United Nations

UNITED NATIONS NATIONS UNIES

OFFICE OF THE UNITED NATIONS
PLEBISCITE COMMISSIONER
FOR WESTERN SAMOA

REGISTRY SECTION

28 JUN 1961

22 June 1961

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Supervision of the Plebiscite in
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Admy Secr. General
for Ref. f.
(T. Doc.)

Mr. Dag Hammarskjold
Secretary-General
United Nations

Distr.
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22 June 1961

ORIGINAL: ENGLISH

Twenty-seventh session
Agenda item 14

REPORT OF THE UNITED NATIONS COMMISSIONER FOR THE SUPERVISION OF THE PLEBISCITE IN WESTERN SAMOA

Letter dated 22 June 1961 from the United Nations Plebiscite Commissioner to the Secretary-General

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(signed) Najmuddine RIFAI

ORGANIZATION, CONDUCT AND RESULT OF THE PLEBISCITE IN WESTERN SAMOA

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INTRODUCTION

1. At its 954th meeting on 18 December 1960, the General Assembly adopted resolution 1569 (XV),[1] which provided for the holding of a plebiscite in the Trust Territory of Western Samoa in order to ascertain the wishes of the inhabitants concerning their future. The operative paragraphs of this resolution read as follows:

> "1. Recommends that the Administering Authority, in pursuance of Article 76b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, a plebiscite in Western Samoa under New Zealand administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future;
>
> "2. Recommends further that the plebiscite should take place in the month of May 1961 and that the questions to be asked should be:
>
> > "1. Do you agree with the Constitution adopted by the Constitutional Convention on 28 October 1960?
> >
> > "2. Do you agree that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution?";
>
> "3. Recommends further that the plebiscite should be conducted on the basis of universal suffrage with all adult citizens of Western Samoa being entitled to vote;
>
> "4. Decides to appoint a United Nations Plebiscite Commissioner who shall exercise, on behalf of the General Assembly, all the necessary powers and functions of supervision, and who shall be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;
>
> "5. Requests the United Nations Plebiscite Commissioner to submit to the Trusteeship Council a report on the organization, conduct and result of the plebiscite;
>
> "6. Requests the Trusteeship Council to transmit to the General Assembly, for consideration at its sixteenth session, the report of the United Nations Plebiscite Commissioner, together with any recommendations and observations it considers necessary."

2. At the same meeting of the General Assembly, I had the honour to be appointed United Nations Plebiscite Commissioner for Western Samoa.

1/ See Annex I for the full text of this resolution.

3. Before taking up my duties in the Territory, I was invited, together with the Principal Secretary of the Mission, to visit Wellington to meet members of the Government of New Zealand. I had the honour of being received by the Prime Minister, the Honourable Keith J. Holyoake and by the Minister of Island Territories, the Honourable F. L. A. Gotz. Talks were also held with Mr. F. H. Corner, Deputy Secretary of External Affairs, with Mr. J. M. McEwen, Secretary of Island Territories, and with other senior officials of the Departments of External Affairs and of Island Territories. The information gained during this visit proved to be of great benefit during the conduct of the Plebiscite. I wish to take this opportunity to thank again the Government of New Zealand for their courtesy and generous hospitality. I would also like to record here my grateful appreciation to Mr. Paul K. Edmonds, the First Secretary of the Permanent Mission of New Zealand to the United Nations, for his help and advice in connexion with the preliminary arrangements of the Mission.

4. In order to show the continuity of political progress since the Territory was placed under the International Trusteeship System, this report is prefaced by a brief summary of the developments leading up to the plebiscite.

CHAPTER I

CONSTITUTIONAL DEVELOPMENTS IN WESTERN SAMOA 1946-1961

Beginning of Trusteeship

5. The Trusteeship Agreement for the Territory of Western Samoa was approved by the General Assembly on 13 December 1946, during its first regular session. Although they recognized that the Agreement marked a considerable advance on the terms of the former Mandate, many Samoan leaders were of the opinion that the Territory should be granted immediate self-government, with New Zealand remaining in the role of adviser and protector. Consequently, a petition to this effect was submitted to the Trusteeship Council in 1947.

6. In response to this request, the Council sent a special mission which arrived in the Territory on 4 July 1947. In its report, the Mission concluded that the Samoans were not yet ready for self-government, but that constitutional advances should be made which would give them a greatly increased share in the responsibilities of Government. At the same time, the Government of New Zealand itself proposed constitutional advances which were embodied in the Samoa Amendment Act, 1947. This Amendment provided for a Council of State, and for a Legislative Assembly with more extended powers.

7. When the regular periodic Visiting Mission went to the Territory in 1950, a further request was made for immediate self-government. This Mission, like the 1947 Special Mission, also came to the conclusion that the Samoans were not yet ready for full self-government. It noted the urgent desire of Samoans for greatly increased participation in the executive branch of the Government and suggested that an Executive Council should be established to meet the demand.

8. Accordingly, in 1952, provision was made for the establishment of an Executive Council, whose function was "to confer with and advise the High Commissioner on the forming, determining and implementing of the policy of the Government of Western Samoa".

9. Shortly before the 1953 Visiting Mission arrived in the Territory, the Prime Minister of New Zealand made a statement on behalf of the Administering Authority proposing that a Constitutional Convention, representative of all sections of the Samoan community, should be held in the Territory to consider a constitutional plan for a future State of Western Samoa. The 1953 Visiting Mission made a number of observations which it suggested might be included in this plan.

Constitutional Convention, 1954

10. In 1953, a Working Committee was set up to prepare recommendations for submission to the Constitutional Convention. The Convention sat from 10 November until 23 December 1954, and adopted resolutions which followed the recommendations of the Working Committee. The constitutional proposals provided for a single legislature with a three-year term, which would replace the Legislative Assembly and the Fono of Faipule (Council of Chiefs). It was proposed that the legislature should be convened in 1957, after the expiry of the term of the Fono of Faipule. It was further planned to adjust the existing traditional Samoan constituencies as soon as possible in order to provide for better proportional representation, as a result of which the number of elected Samoan members would be increased to forty-five. It was also envisaged that the two official members would be replaced as soon as their functions could be taken over by elected Samoan members.

11. Questions relating to suffrage were discussed in detail by the Constitutional Convention. According to Samoan custom, the traditional spokesmen for the community were the matai, or family heads, who were elected by their respective families (aigas) and were removable by them. Samoans did not agree to accept universal suffrage, since they regarded the matai system as an essential feature of their way of life. They insisted that it was in full accord with democratic principles. In these circumstances, the Constitutional Convention recommended restricted suffrage. It was proposed to apply universal suffrage to the European community only, while in the Samoan constituencies the matai would have the right to vote and to be nominated as candidates for election. The Government of New Zealand accepted these recommendations of the Constitutional Convention, as reflecting the wishes of the overwhelming majority of the

Samoan people. It proposed, at the same time, that possible future adjustments should be facilitated by legal provisions permitting the extension of the franchise as and when this became acceptable to the people. This proposal, as well as the proposal that elections by secret ballot should be made compulsory when there was more than one nomination in a constituency, was agreed to in principle by the Samoan representatives.

12. The Constitutional Convention proposed further that a Prime Minister and a Cabinet should take office after the establishment of the new legislature in 1957. It was agreed that full cabinet government should be reached by progressive stages. The Administering Authority proposed, and the Samoan representatives agreed in principle, that in order to allow sufficient time and opportunity for a greater knowledge and understanding of the problems of executive government to be acquired, three successive steps should be envisaged. First, a "member system" of government would be instituted in 1956, with the elected members of the Executive Council as well as the official members assuming responsibility for departments allocated to them by the High Commissioner. Second, ministerial government would be established after the new legislature was created in 1957, with the Executive Council functioning as a Council of Ministers. Third, Cabinet government would be introduced with a Prime Minister presiding over the Council of Ministers and leading the legislature. At this final stage, which it was hoped could be reached in 1960, the High Commissioner and the Fautua (High Advisers) would no longer attend the Council of Ministers, which would thus become a Cabinet in the full sense of the term. With cabinet government established, there would remain only one more step to be taken before it could be said that full self-government had been finally achieved, namely, assumption by the Head of State of the proper powers and functions of that office, and the change of relationship with New Zealand.

13. By the middle of 1956, agreement between the Samoan representatives and the Administering Authority had been reached on most of the main features of the constitutional plan. The 1956 Visiting Mission noted this measure of agreement, and stated that it was to a considerable extent due to the desire of the Administering Authority that the Constitution should freely reflect the interests and aspirations of the peoples concerned. It emphasized, as the most important and commendable result of the negotiations that a time-table

had been introduced, whereby the necessary constitutional changes would be effected in an orderly manner which would enable the Territory to achieve self-government in 1960.

Implementation of the constitutional proposals

14. In May 1956, the New Zealand Parliament passed the Samoa Amendment Act, 1956. The Executive Council was enlarged by the addition of two members, thereby giving effect to the provisions of the Act for the establishment of a member system of government under which the elected members of the Executive Council, as well as the official members, would enjoy full status as members responsible for departments allocated to them. Four Samoans, appointed by the High Commissioner from among the elected members of the Legislative Assembly, assumed responsibility for the Departments of Agriculture, of Lands, of Education and of Health respectively.

15. On 11 October 1957, a new Samoa Amendment Act, 1957, was passed. This Act redefined and enlarged the membership of the Executive Council; provided for the appointment of a Leader of Government Business; reconstituted the Legislative Assembly with a reduced official membership and an elected Samoan membership; provided for a Speaker and a Deputy Speaker to be elected by the Assembly; redefined the authority of the Assembly and its power to make ordinances, and abolished the Fono of Faipule.

16. The Act further provided that members of the Executive Council (other than the High Commissioner and the Fautua) should be designated Ministers. The High Commissioner was required to consult with the Executive Council in the exercise of his powers and to act in accordance with the advice of the Council in any matter in which he was obliged to consult with it. The Amendment Act, 1957, also reconstituted the membership of the Legislative Assembly. According to this Act, the Assembly was to be composed of:

(a) Forty-one Samoan members representing single member constituencies, elected for a period of three years;

(b) Five European members elected for a period of three years;

(c) Not more than three official members to hold office during the High Commissioner's pleasure.

17. The elections to this Assembly took place on 15 November 1957, after which a formal session was held for the purpose of electing a Speaker and nominating Ministers for appointment by the High Commissioner. At the beginning of 1958, a Leader of Government Business was appointed.

18. When the Trusteeship Council met for its twenty-second session in June 1958, there remained only two major changes to be made in the governmental structure of the Territory before the achievement of full self-government. These were the withdrawal from the Executive Council of the High Commissioner, and the replacement of the Leader of Government Business by a Prime Minister who would preside over his own Cabinet. At a later stage, the Fautua would assume the position of joint Heads of State, and the Office of High Commissioner, as a part of the Government, would be abolished and a New Zealand representative of lesser status and powers be appointed.

Proposals for the attainment of independence

19. In January 1959, a Working Committee on Self-Government was established to consider the constitutional problems involved in the transition to full self-government or independence. It was composed of the two Fautua, all Ministers and seven other members of the Assembly, and was assisted by a constitutional adviser. The principal task of the Working Committee was to draft a constitution for the future State of Western Samoa which, after approval or modification by the Legislative Assembly, would be submitted to a second representative Constitutional Convention.

20. The 1959 Visiting Mission, while in the Territory in March-April of that year, was informed that the New Zealand Government was prepared to adopt the following tentative time-table for the attainment of self-government or independence by Western Samoa:

1. After the enactment of a citizenship law and the introduction of Cabinet Government in 1959, the Trusteeship Council would be asked in 1960, to recommend that the Question of the Future of Western Samoa should be placed as a separate item on the agenda of the General Assembly's fifteenth session.

2. During the intervening months, the elections to the Legislative Assembly would take place, based on the new citizenship law, and would be followed by a Constitutional Convention.

3. The General Assembly would be asked at its fifteenth session to make arrangements for supervising a plebiscite which would be held in Western Samoa in early 1961.

4. The report of the Plebiscite Commissioner would be examined by the Trusteeship Council in the summer of 1961 and the Council would be asked to make a recommendation to the General Assembly concerning the termination of the Trusteeship Agreement.

5. This would enable the General Assembly to take appropriate action at its sixteenth session and an agreed date would be determined for the termination of the Trusteeship Agreement.

21. The Trusteeship Council, at its twenty-fourth session in June 1959, although aware that this tentative time-table had not at that time been fully discussed with the Samoan authorities, endorsed it in its broad outline and considered that it provided a satisfactory basis for the attainment of the objectives of trusteeship by Western Samoa.

Progress towards the attainment of independence

(a) Citizenship

22. On 8 September 1959, the Legislative Assembly adopted the Citizenship of Western Samoa Ordinance, according to which inhabitants of Western Samoa were granted a common Western Samoan citizenship, either by birth, or descent, or naturalization. Persons born before the coming into force of the Ordinance were granted a period of ten months from 8 September 1959 to opt for Western Samoan citizenship. After the expiry of this option period, only Western Samoan citizens would be granted the right to vote or exercise any political rights. On 21 April 1961, the Legislative Assembly passed the Citizenship of Western Samoa Amendment Ordinance 1961, the details of which are given in paragraphs ~~70-71~~ 67-68.

(b) Executive authority

23. Also in September, the New Zealand Parliament passed the Samoa Amendment Act, 1959, which introduced a cabinet system of government. Under this Act, the Cabinet was charged with the general direction and control of the Government of Western Samoa. A Prime Minister was to be appointed by the Council of State as one who commanded the confidence of the majority of the Legislative Assembly. The Cabinet was to consist of nine Ministers drawn from the Legislative Assembly, at least one of whom should be chosen from among the members of European status. The Attorney-General and the Financial Secretary, who had been members of the former Executive Council, were to be replaced by Ministers of Justice and Finance, respectively. The Executive Council, as reconstituted by this Act, was to consist of the Cabinet and the Council of State, sitting jointly. It was not to be a decision-making body and would take no part in the formation of policy. Its power was limited to discussion of particular Cabinet decisions if any member of the Council of State or the Prime Minister so requested. The Council of State, composed of the High Commissioner and the two Fautua, would replace the High Commissioner as head of the executive government. It would be the constitutional Head of State. Apart from assent to bills, appointment and dissolution of Cabinet, it would have the authority to request a review of Cabinet decisions. This last measure was intended to be transitional until independence was attained.

24. On 1 October 1959, the Honourable Fiame Mata'afa F.M. II, chosen by the Legislative Assembly by a vote of 32 to 14, was sworn in as the first Prime Minister of Western Samoa. There followed his appointment of Ministers and the putting into force of the Samoa Amendment Act, 1959.

(c) Electoral system

25. The 1959 Visiting Mission had given considerable attention to the various views which were expressed to it by Samoan leaders and by deputations of the general public on the question of the electoral system existing in the Territory. In general, at its meetings with the members of the Legislative Assembly and in public gatherings throughout the Territory, the Mission met with little opposition to the existing matai suffrage, and found that spokesmen for these groups expressed determination to see this system of suffrage retained. On the other hand, the Mission saw that there was already a limited amount of support, even within the

Legislative Assembly, for the adoption of universal suffrage, with the matai alone being eligible as candidates. Various organizations of persons of European status expressed to the Mission their willingness, and even their desire, to be associated with the rest of the population in a common role based on universal suffrage, while this view was also expressed by a number of educated Samoans. None of these persons, as the Mission reported, were prepared, however, to claim that there was then wide support for this view among the broad mass of Samoans.

26. The Mission reported that it was often claimed that the system of matai suffrage might be regarded as more representative than would appear at first sight. First, there was approximately one matai for every seven adult Samoans, or for eighteen Samoans of all ages. Second, the greater number of matai titles were conferred by the families concerned in a basically democratic way, so that the system might in some respects be regarded as one of election at two stages.

27. Basing itself on the recommendations of this Visiting Mission, the Trusteeship Council at its twenty-sixth session, reiterated its hopes that universal suffrage would be accepted by the people of Western Samoa and that the Administering Authority would continue to impress upon the Samoan people the desirability of introducing that system. It also expressed the hope that universal adult suffrage for elections in the Territory would be adopted at an early date. It considered that the racial basis of the present electoral arrangements should be eliminated and commended to the Working Committee the suggestions of the 1959 Visiting Mission with regard to the electoral system. The Council also hoped that it would soon be possible to extend the normal practice of secret ballot for legislative elections. It shared the view of the Administering Authority that the plebiscite could play a positive role in educating the people regarding the advantages of that system.

Plebiscite

28. In its report, the 1959 Visiting Mission stressed the fact that it was a requirement of the United Nations that self-government or independence should be attained on terms and conditions which were in accordance with the freely expressed wishes of the people concerned. This requirement had been of paramount importance to the General Assembly when the question of terminating any Trusteeship

Agreement had been discussed. From an analysis of such cases, it appeared to the Mission that, while the General Assembly had been prepared to grant, without further consultation, a request for the termination of a Trusteeship Agreement on the basis of independence emanating from a territorial legislature elected by universal suffrage, it had insisted on a plebiscite, or other form of consultation on a wide suffrage, in cases where the body making the request had been elected on a restricted suffrage, or where a status other than independence as a separate State had been proposed.

29. Applying these principles to the case of Western Samoa, the 1959 Visiting Mission felt that the General Assembly might regard a plebiscite as desirable. Aware that the Constitution of the future Samoan State would be finally determined by a proposed Constitutional Convention composed of members, not all of whom would be elected on the basis of universal suffrage, the Mission had no wish to assert that a Constitution thus determined would not be in accordance with the wishes and aspirations of the Samoans. It felt, however, that all adult citizens of Western Samoa should have the opportunity, in accordance with the United Nations Charter, freely to express their wishes in regard to it.

30. In view of these considerations, the Mission sought to ascertain from the Fautua and members of the Legislative Assembly their views as to the methods of ascertaining the wishes of the people concerning the future Constitution of the State of Western Samoa, including any future relationship with New Zealand, as a basis for the termination of the Trusteeship Agreement. In doing so, it expressed the view that a plebiscite by universal suffrage might be necessary.

31. In a preliminary reply, the Samoan representatives stated that they were fully aware of the need to adopt a method for consulting the people of Samoa on these matters, which would be acceptable to the United Nations. Members of the Legislative Assembly considered, however, that because of the great importance of the matter, they should inform their constituents and consult them regarding the action to be taken. This consultation took place before the Mission left the Territory and the following resolution was adopted on the recommendation of the Working Committee:

"This meeting of the Hon. Fautua and Members of the Legislative Assembly, having now given careful consideration to the procedure for the termination of the Trusteeship Agreement and in particular to the need to satisfy the General Assembly of the United Nations that the request for the termination of the Agreement is in accordance 'with the freely expressed wishes of the people', recommends:

"(1) That a plebiscite should be held in which the people of Western Samoa would be asked whether or not they agreed to the termination of the Trusteeship Agreement and to the enactment of the proposed Constitution and Treaty of Friendship with New Zealand;

"(2) That all persons over the age of 21 should take part in this plebiscite."

32. During consultations with the New Zealand Government in Wellington, the Mission was informed that the suggestion of a plebiscite was acceptable to the Administering Authority, which would be ready to co-operate with the United Nations and the Western Samoan authorities in making the necessary arrangements.

33. In the course of its twenty-sixth session, the Trusteeship Council was informed by the Administering Authority that no treaties between Western Samoa and New Zealand would be concluded before the Territory had attained independence.

34. According to the wishes of the Samoan leaders, the meeting of the Constitutional Convention preceded the elections to the Legislative Assembly. A draft Constitution prepared by the Working Committee on Self-Government, was submitted to the Constitutional Convention, which was composed of the members of the Legislative Assembly plus three additional representatives of each Samoan constituency and additional European members, making a total of 175 persons, all of whom were citizens of Western Samoa. It sat from August until October 1960, and was presided over jointly by the Fautua, except during the discussion of the provisions concerning the Head of State, in which they had a direct interest. The final decision on every question which was put to the vote, was reached by a substantial majority in all but a few cases. The Constitution and its amendments were adopted on 28 October 1960, by all but one member. This Constitution, together with a series of resolutions adopted by the Constitutional Convention, was submitted to the General Assembly at its fifteenth session, for information purposes.[1]

1/ United Nations documents A/C.4/454 and Add. 1

35. During the twenty-sixth session of the Trusteeship Council, the Administering Authority requested that "The Question of the Future of Western Samoa" be inscribed as a separate item on the provisional agenda of the fifteenth session of the General Assembly. The Council endorsed this request in a resolution submitted to the Assembly.[1]

36. During the discussion of this item by the Fourth Committee of the General Assembly, the representative of the Administering Authority and the Prime Minister of Western Samoa pointed out that it was true that neither the Legislative Assembly, nor the Constitutional Convention, both of which had requested the termination of the Trusteeship Agreement on the achievement of independence for Western Samoa, had been elected on the basis of universal suffrage. In their opinion there was no doubt, however, that the views of both these bodies represented those of the vast majority of the Samoan people. They were, therefore, in general agreement with the position taken by the members of the Constitutional Convention that it was unnecessary to seek the views of the Samoan people when these had already been clearly expressed in resolutions of that body. Nevertheless, the representative of the Administering Authority and the Prime Minister of Western Samoa assured the Fourth Committee that, if the General Assembly considered it still desirable to seek confirmation of the views of the Samoan people by means of a plebiscite, both the Governments of New Zealand and of Western Samoa would co-operate fully with the United Nations.[2]

37. The general consensus of opinion in the Fourth Committee, however, was that a plebiscite should be held in the Territory on the basis of universal adult suffrage and that the people should be asked to express themselves not only on the question of independence but also on the Constitution. Subsequently, on the recommendation of the Fourth Committee, the General Assembly adopted resolution 1569 (XV) providing for the holding of the plebiscite and for the questions to be put in the plebiscite.

1/ Resolution 2014 (XXVI).

2/ A/C.4/SR.1081.

CHAPTER II

ORGANIZATION OF THE PLEBISCITE BY THE ADMINISTERING AUTHORITY

The Western Samoa Plebiscite Order 1961 and Amendments Nos. 1 & 2

38. To implement General Assembly resolution 1569 (XV) of 18 December 1960 on the question of the future of Western Samoa, an Order-in-Council, entitled "The Western Samoa Plebiscite Order 1961" was enacted by the Government of New Zealand and published on 8 February 1961.[1]

39. Clause 3 of the Plebiscite Order set forth the two questions to be voted on in the plebiscite, as adopted by the General Assembly in its resolution 1569 (XV). In the Schedule attached to the Order, From 8 contained the text of the voting paper to be used in the plebiscite. Paragraph 1 of this "Voting Paper" read: "You must vote on both proposals". This text raised the question whether the use of the word "must" implied that the ballot paper would be considered invalid if the voter voted only on one proposal. I, therefore, consulted the United Nations Office of Legal Affairs for comment both with regard to the Plebiscite Order as a whole and to this specific point in particular.

40. In general, the Office of Legal Affairs considered the Plebiscite Order to be satisfactory for the purpose for which it was designed.

41. With reference to the specific point, the Office was of the opinion that the words "must vote" on both proposals lead to the conclusion that the Returning Officers would be entitled to consider as invalid, voting papers on which the voter had answered only one of the two questions. This conclusion was supported by:

(a) The text of Clause 43 of the Plebiscite Order which stated that the voter was to "indicate whether he wishes to vote for or against <u>each</u> proposal";

(b) The text of Clause 48 (2) which also referred to "votes recorded for <u>each</u> proposal and the number of votes recorded against <u>each</u> proposal"; and

(c) The text of Clause 54 which stated that a voting paper shall be deemed to be informal "if it does not clearly indicate whether the voter is in favour or is not in favour of the proposals set out therein."

1/ Annex II

The Office also noted that Clause 48 (2), relating to the "preliminary count of votes", defined as informal "all voting papers which do not indicate whether the voter is in favour or is not in favour of the proposals set out thereon." It considered that while the word "proposals" was used in the plural, it might be said that a voting paper on which a voter had indicated his reply to one of the two questions only, did constitute a clear indication of the voter's intentions as to the reply he wished to give to that question while indicating not less clearly his unwillingness to answer the other question.

42. In view of the fact that there was no requirement in General Assembly resolution 1569 (XV) for a vote on both questions and in order to clarify the meaning of paragraph 1 of Form 8 (Voting Paper), I brought this matter to the attention of the Permanent Representative of New Zealand to the United Nations and asked for his comments.[1/]

43. The Permanent Representative informed me by letter dated 5 April 1961[2/] that the various points I raised had been considered by the New Zealand Government which had accordingly issued Amendment No. 1 of 4 April 1961 to the Western Samoa Plebiscite Order 1961.[3/] This Amendment changed the directive to the voter on the ballot paper from "must" to "should", and provided that voting papers would not be informal if they clearly indicated the wishes of the voter in relation to at least one of the proposals to be voted on. Other provisions of this Amendment are referred to later in this report.[4/]

44. While I was in Wellington on 13 April 1961, I met a group of eleven Western Samoa public servants who were undergoing a course of training in various departments of the New Zealand Government. In discussing the coming plebiscite, they informed me that several of them had enrolled before leaving Western Samoa and that they would like to vote in the plebiscite, but would be unable to do so because of their absence from the Territory on 9 May.

45. Since the General Assembly resolution clearly recommended that the plebiscite should be conducted on the basis of universal suffrage with all adult citizens of Western Samoa being entitled to vote, I brought this question of the eligibility to vote of Western Samoan citizens living in New Zealand to the notice of the Minister of Island Territories. Subsequently, on 17 April in Apia, I discussed the matter with the

1/ Annex III
2/ Annex IV
3/ Annex V
4/ See paragraph 63

High Commissioner and with the Plebiscite Administrators and requested that consideration be given to permit Samoan citizens who were living in New Zealand to take part in the plebiscite[1/].

46. The question then arose whether voting facilities should be provided in New Zealand only for those who had registered prior to leaving Western Samoa, or whether all eligible Western Samoans living there should be given an opportunity to vote. The Western Samoa Cabinet, which met on 18 April, expressed its preference for the first alternative.

47. After further discussions with the High Commissioner on 19 April 1961, the matter was taken up by the Council of State and, at its request, by the Executive Council on the following day. I was informed that the Executive Council had considered particularly my request that the fullest possible number of eligible Samoan citizens in New Zealand should be enabled to vote. However, the Council came to the conclusion that the earlier decision of the Cabinet was the only practicable course. At the same time, a communication received from the New Zealand Government indicated a similar judgment on its part. It was argued that many of the Samoans who had gone to New Zealand intended to settle there permanently and that the status of very many of them as inhabitants, or as citizens, of Western Samoa was thus greatly in doubt. It was stated that, in the last census in New Zealand, of 3,740 Samoans, only 267 had lived there for less than twelve months; 2,945 had not lived in Western Samoa for more than three years; and of these, 1,164 were born in New Zealand. Furthermore, if the Western Samoans living in New Zealand were permitted to vote, the same right should logically be extended to those living in other countries overseas, such as American Samoa, Hawaii, the United States of America, Fiji, Australia and other places. Apart from other reasons, the fact that these countries were under administrations other than that of New Zealand would prevent voting rights being extended to Western Samoans living there. Finally, it was argued that the residential qualification was an invariable prerequisite to a popular vote and that this principle had been applied in all plebiscites held under the supervision of the United Nations. Those, however, who were inhabitants of Western Samoa, with their citizenship established beyond doubt and their names duly enrolled in the Register of Voters, had much clearer claims to vote. From a practical point of view, some of these arguments did not fail to impress me and I no longer felt justified in

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1/ Annex VI.

pursuing the matter further.

48. Subsequently, on 24 April 1961, the Administering Authority issued Amendment No. 2[1] to the Western Samoa Plebiscite Order 1961, which made provision for voting at polling places in Wellington and in Auckland by those persons who had enrolled on the Register of Voters but who would be temporarily resident in New Zealand on the day of the plebiscite. Their number on 25 April 1961 was 47 and included six of the eleven Western Samoa public servants who were undergoing training in New Zealand.

Plebiscite staff

49. The Plebiscite Order provided, in Clauses 5 and 6, for the appointment of a Plebiscite Administrator and a Samoan Plebiscite Administrator. On 15 February 1961, the Governor-General of New Zealand appointed Cyril Gilbert Reeves McKay, I.S.O., to be Plebiscite Administrator and Papali'i Asiata Fauatea Poumau, M.B.E., to be Samoan Plebiscite Administrator.

50. Mr. C. G. R. McKay has had a long association with the Trust Territory. He was in government service in Western Samoa from 1919 to 1943, the last ten years as Secretary of Samoan Affairs, Member (ex-officio) of the Legislative Council and of the Samoan Land and Titles Court, and District Officer for the Tokelau Islands. From 1943 to 1947, he was Secretary of Island Territories, Wellington, and since 1948 to date, Senior Commissioner for New Zealand on the South Pacific Commission.

51. Papali'i Asiata Fauatea Poumau, the Samoan Plebiscite Administrator, was in Government service in Western Samoa from 1922 to 1960, Deputy Registrar of the High Court from 1932 to 1956, Registrar, Land and Titles Court, from 1956 to 1960, and Administrative Officer of Savai'i from 1957 to 1960.

52. The Plebiscite Order further provided for the appointment by the Plebiscite Administrator of a Registrar and a Chief Returning Officer, both of whom in turn were authorized to appoint staff for the performance of their respective duties. On 15 February 1961, Mr. F. J. Thomsen, Secretary of Justice, was appointed Registrar, and Mr. B. L. Clare, Head of the Legislative Department, was appointed Chief Returning Officer. Both are officials of the Government of Western Samoa.

1/ Annex VII

53. The Registrar appointed 55 Deputy Registrars and up to 90 Assistant Deputy Registrars, so that the total staff for the registration of voters came up to 146.[1]

54. Thirteen Returning Officers, 151 Deputy Returning Officers (Presiding Officers), one of whom was at headquarters, and 311 polling clerks were also appointed. Twelve of the Returning Officers were assigned respectively to the twelve plebiscite districts into which the Territory was divided[2] and seven polling clerks were also assigned to the plebiscite districts. A Deputy Returning Officer and two clerks were assigned to each of the 150 polling stations. One Returning Officer one Deputy Returning Officer and four of the polling clerks were assigned to headquarters. The total staff for the conduct of the plebiscite was therefore 475.

Registration

55. In order to conduct the plebiscite on the basis of universal suffrage, it was necessary to compile a completely new Register of Voters. Clauses 13 and 14 of the Plebiscite Order set out the methods for the claims of enrolment[3] and other details regarding registration.

56. The registration staff, which received detailed instructions as to their functions,[4] was divided into 24 teams for Upolu (1-24) and 18 for Savai'i (25-42). Each team covered one registration area which, as may be seen from the maps,[5] did not always coincide with a plebiscite district, and compiled its own register.

57. To ensure that registration would be as complete as possible, notices[6] announcing the manner and places where enrolment could be effected were issued by the Plebiscite Administrators and the Registrar during the ten days from 10 to 24 February and during the fourteen days from 1 to 29 March 1961. They also explained that the electoral rolls for the election of members to the Legislative Assembly were different and were not valid for the plebiscite. The notices were published in the daily "Press News" and in the two weekly newspapers "Samoa Bulletin" and "Samoana", and were broadcast over 2AP (the Samoan Broadcasting Station). In addition, appeals shown on slides in the Apia cinema, broadcast over 2AP, and by the registration teams, all urged the people to enrol and advised them how and where to do so.

1/ The number of Assistant Deputy Registrars varied according to the workload. Also, occasionally, public servants (10 in number) were appointed for overtime work.

2/ Annex ~~X~~ VIII. The last column contains the number of the booths, from 1 to 140; those which were opened later were marked with the letters A and B.

3/ Annex IX

4/ Annex X

5/ Annex XI

6/ Annex XII

58. After registration had been completed, the Register of Voters was compiled with names listed in alphabetical order and in the manner set out in Form 7 in the Schedule of the Plebiscite Order.[1] This Register contained the number on Roll, the voter's title or surname, his taulalea or Christian name, address, occupation and his registration number. Each person registered as a voter was given a registration certificate for identification purposes.[2] The Register was published and made available for inspection by the public, as laid down in Clause 26.[3] By the time I arrived in the Territory, the Register of Voters had been completed but one of my observers was able to check it and found it well prepared.

59. Every possible step was taken by the Plebiscite Administrators and the Registrar to induce the people to enrol. In particular, I wish to emphasize the point that the teams went to the districts to seek the registration of voters. I was informed that if this had not been done, a smaller number of persons would have registered.

60. When the Register of Voters was closed on 30 March 1961, it was found that in this first registration for universal adult suffrage in Western Samoa some 86.4% of the estimated number of eligible voters had enrolled. As far as could be calculated by the Plebiscite Administrators, this meant that some 6,000 eligible persons had not registered.

61. From the representations made to me by various sections of the population during my tour of the Territory which took place during April to May after the registration of voters was completed, there appeared to be several reasons why these people had not registered. There was, on the part of some, an indifference to the plebiscite since they took it for granted that Western Samoa would become independent in 1962. Others were unwilling to take part in the plebiscite because they considered it to be unnecessary and would have preferred, in any case, that the voting take place in accordance with the customary matai system. Certain young people, moreover, faced for the first time with universal suffrage, were reluctant to depart from traditional methods which had accustomed them to leave political decisions to their elders. A lack of understanding of the Constitution and ignorance of the issues involved in the plebiscite also kept some persons from registering. In this connexion, it may be noted that at that stage of the

1/ Annex XIII
2/ Annex XIV
3/ Annex XV.

proceedings, the Western Samoan Government had done little to publicize the plebiscite or to urge the people to register. This was due to their fear lest such action on their part might be construed as an attempt to influence the result of the plebiscite. Furthermore, because of the almost complete lack of political parties, there was no political campaigning.

62. Actual registration was as follows:

		Number of persons registered	Estimated potential electors	Percentage
For the Island of Upolu	25,923			
For the Island of Manono	393			
For the Island of Apolima	73	26,389	31,800	82.7
For the Island of Savai'i		11,619	12,200	95.2
Total		38,008	44,000	86.4

63. On consideration of the results of the registration, the Plebiscite Administrators felt that in view of the importance of the plebiscite to the future of the Territory and considering that the peopulation was small, additional efforts should be made so that all those qualified to vote would be enabled to do so. The Administrators therefore proposed that a new clause should be introduced in the Plebiscite Order which would allow any person, who was qualified but had not registered, to vote in the plebiscite by making before the Presiding Officer at the polling station, a declaration of the particulars he would have made to the Registrar in an application for registration. The views of the Plebiscite Administrators were supported by the New Zealand and Western Samoan Government. I was consulted, and also endorsed the proposal. A clause was thereupon included in Amendment No. 1 to the Western Samoa Plebiscite Order 1961, which permitted voting by declaration. Thus a way was opened for every citizen of Western Samoa, even though not registered, to take part in the plebiscite.

Objections and alterations to Register of Voters: Supplementary registers

64. Clauses 16, 17 and 18 of the Plebiscite Order dealt with objections and alterations to the Register of Voters and set out the procedures by which these might be effected. According to Clause 16 any name on the Register of Voters

could be objected to by any other voter or by the Registrar. The Registrar objected to 147 entries[1] but no objections were filed by voters. The grounds for objections and their numbers are given in the table below:

Grounds of objections	Number issued	Number of names removed	Number of objections withdrawn 2/
(a) Non-citizens	61	46	15
(b) Double Registrations	59	55	4
(c) Disqualified by law 3/	27	27	-
Totals	147	128	19

65. The result of these objections was reflected in the first Supplementary Register which, in accordance with Clause 24 of the Plebiscite Order, the Plebiscite Administrators directed the Registrar to prepare. The Registrar was also directed to include in this Supplementary Register the names of any persons omitted, or removed from the Register by mistake, clerical error or through false information as provided in Clause 19 of the Order, as well as of those persons entitled to be added to, or removed from, the Register as a result of objections or by direction or order of the Special Court as provided in Clause 20. The first Supplementary Register of Voters was closed on 27 April 1961, and contained 155 entries. The second Supplementary Register was issued on 8 May 1961 and contained 21 entries. Copies of the Register of Voters, Supplementary Registers of Voters and of the Register of Registration Certificates were supplied by the Registrar to the Chief Returning Officer, as stipulated in Clause 27 of the Plebiscite Order.

66. During our trips around the Territory, my observers and I heard protests that some persons had not been permitted to register. I was informed that these people were not citizens of Western Samoa and thus were disqualified as voters. They were mostly: (a) Tokelau Islanders; (b) Niueans; (c) Solomon Islanders; (d) inhabitants of American Samoa; and (e) Chinese. It appeared that they had failed to apply for citizenship through ignorance of the provisions of the

1/ Annex XVI
2/ When the Registrar was satisfied with the explanation received from the person whose name he wished to remove from the Register of Voters, he withdrew his objection.
3/ Clause 12 (e) (f) of the Plebiscite Order.

Citizenship of Western Samoa Ordinance, 1959, relating to the filing of a Declaration of Assumption of Citizenship of Western Samoa. They had come to work in the Territory some time ago, but had not applied for the certificate of naturalization before 8 July 1960. Their failure to do so meant that the right was lost and if, after that date, they wanted to become citizens they had to apply for naturalization at a fee of £5.

67. Since the granting of naturalization took some time and the cost was quite high, the Registrar suggested that Section 15 of the Citizenship of Western Samoa Ordinance 1959, be suitably amended so as to allow the persons concerned to become Samoan citizens without any cost before 9 May 1961. The matter was taken up by the Legislative Assembly, which on 21 April 1961, passed an Amendment to the Citizenship of Western Samoa Ordinance 1959.

68. According to this Amendment, those persons who were qualified to do so were allowed simply to make a Declaration of Assumption at no cost and become citizens of Western Samoa, provided they did so before 31 December 1961. Thus any person who: (1) was born outside Western Samoa but whose father (or mother, if born out of wedlock) was born in Western Samoa; or, (2) who had spent five of the nine years before 8 Spetember 1960 in Western Samoa and had not made the Declaration of Assumption, could apply immediately to the Prime Minister's Department for citizenship without paying any fee. Persons who acquired citizenship in this manner were permitted to vote in the plebiscite as declaration voters. Notice of the provisions of this Amendment was made public several times through the usual information media. I fully concurred with this step since it enabled a greater number of persons to vote in the plebiscite.

69. The United Nations observers also received complaints that some matai, who were under 21 years of age and who were entitled to take part in the elections to the Legislative Assembly and in other local elections, had been told that they were not qualified to vote in the plebiscite. According to operative paragraph 3 of General Assembly resolution 1569 (XV), the plebiscite was to be conducted on the basis of universal suffrage with all adult citizens of western Samoa being entitled to vote. The resolution did not define an "adult citizen". However, since the conduct of the plebiscite was the responsibility of the Administering Authority and Clause 12 (c) of the Plebiscite Order defined the word "adult citizen" as a person being of at least 21 years of age, I considered these complaints as invalid.

Public enlightenment programme

70. Shortly after my arrival in the Territory, it became apparent from the reports of my observers and from my own observations that the majority of the people were uninterested and showed a rather apathetic attitude towards the impending plebiscite in the Territory. It was my impression that this situation was due, in no small measure, to an insufficient knowledge of the issues involved.

71. Considering the importance of the plebiscite for the future of Western Samoa, I was quite perturbed by this state of affairs. Consequently, I brought the matter up at the meetings which I had with the High Commissioner, the Prime Minister, the Plebiscite Administrators and other officials of the Western Samoan Government connected with the plebiscite. I was reminded that the plebiscite was being held in accordance with the desire of the United Nations and that both the representative of the New Zealand Government and the Prime Minister of Western Samoa had, in fact, informed the Fourth Committee that in their opinion it was unnecessary to hold a plebiscite since the views of the Samoan people had already been clearly expressed.

72. I also learned that the Plebiscite Administrators had some time prior to my arrival in the Territory drawn the attention of the Western Samoa Government to the same need for informing the people about the plebiscite. A booklet,[1] in Samoan and English, containing a comprehensive set of questions and answers on the salient points of the Constitution and the issues involved in the plebiscite had been prepared and printed by the Western Samoa Government. This booklet had not, however, been distributed. It was the view of the Plebiscite Administrator, in this connexion, that in a country where great attention was paid the spoken word, an information campaign carried out by word of mouth, would be more effective than one carried out in print. For his part, the Prime Minister informed me that he had thought the United Nations might consider it improper and an interference in the plebiscite, for his Government to take any action in the matter. He had, therefore, refrained from any action until he could consult with me. I assured him that I considered it perfectly proper and, in fact, necessary, for the Western Samoa Government to inform the people, objectively of the issues involved and to urge them to exercise their right to participate in the plebiscite.

1/ Annex XVII

73. As a result, a wide distribution of this booklet was immediately undertaken. In addition, Government information parties were organized to travel throughout the whole Territory to inform the people about the issues involved in the plebiscite and, in particular, to demonstrate to them how to record their votes on the ballot paper. These parties were instructed to be careful not to tell the people which way they should vote.[1] Also, both Plebiscite Administrators undertook information journeys throughout the two main islands.

74. The United Nations observers, however, continued to report to me that the people seemed to a large extent as poorly informed as they were before the visit of the information parties. I, therefore, called the attention of the Plebiscite Administrator once again to the seriousness of this situation. He assured me that this would change after the adjournment of the Legislative Assembly, which was due to take place in a day or so, since the Prime Minister had requested members to return to their constituencies and explain to the people about the plebiscite and the issues involved. The Legislative Assembly adjourned on 21 April 1961, and I was informed that each member returned to his constituency to campaign and enlighten the public.

75. Two public meetings were held in Apia on 1 and 4 May, at which the Plebiscite Administrator and a representative of the Western Samoa Government explained in detail various aspects of the Constitution and the issues involved in the plebiscite and answered questions from the audience. The second meeting was broadcast on the local radio station 2AP. A public debate for and against the issues involved in the plebiscite took place in Apia on 5 May. This debate was also broadcast.

76. A total of 500 posters with four different texts in Samoan and English, urging people to vote, were displayed on the sides of motor buses and in the main stores and public places throughout the Territory.

77. Use of the cinema as a medium for publicizing the plebiscite was limited to slides shown on the screen in the only theatre, the Tivoli, in Apia. Prior to the close of the Register on 30 March 1961, slides, with texts in Samoan and English, appealed to Samoans to register while, from 24 April to 8 May 1961, they urged people to vote.

1/ Annex XIX

78. The Western Samoa Government radio station 2AP, which broadcasts in Samoan and English, is regarded as the most important means of disseminating information throughout the Territory. On 23 April 1961, the Prime Minister broadcast to the people, and reminded them of Western Samoa's progress towards independence over past years and urged them to vote on plebiscite day.

On 24 April, the Samoan Plebiscite Administrator broadcast in Samoan and emphasized the importance of the plebiscite and its impact on the future of Samoa. One of the Fautua, Hon. Tupua Tamasese, addressed the Samoan people on 3 May and urged them to vote for their independence. A week before plebiscite day, 2AP speeded up its campaign by broadcasting a series of talks on the plebiscite and by announcing at ten minute intervals slogans appealing to Samoans to use their voting rights. Government policy with regard to the use of its radio station was impartial. In two successive announcements on 28 and 29 April, the Government invited any person with views opposing the Constitution and independence for Western Samoa to use the radio and express their opinions with regard to the plebiscite.

79. There are three newspapers in Western Samoa, two are published weekly and one monthly. The two weeklies, the "Samoa Bulletin" and "Samoana", are privately owned and are the only printed media for the expression of non-official viewpoints. The "Savali", the monthly periodical, is a Government publication printed in Samoan only, and is distributed free to the Pulenu'u (Government agents) throughout the Territory. It is available for purchase by the public at a small cost. In addition, the Public Relations division of the Prime Minister's Department publishes daily a news bulletin, "Press News", which contains items of local and international interest and Government notices.

80. Publicity regarding the plebiscite in the Samoan Press followed two forms: (a) coverage of the daily activities of the United Nations plebiscite mission and various statements of the United Nations Commissioner, and (b) reproduction of Government press releases and announcements. The editorials and comments with regard to the plebiscite reflected various views and shades of opinion. The general theme revolved around the necessity to make the plebiscite as fully representative of the Samoan peoples' wishes as possible.

81. Although the people never reached the point of enthusiasm towards the plebiscite in the stages prior to polling, a livelier interest became noticeable as a result of the efforts described above.

82. In order to afford an idea of the state of mind of some of the people, it may be useful to give a sampling of the type of questions asked of me and the United Nations observers at our meetings throughout the Territory:

"What is a plebiscite?"

"Will New Zealand forsake the people of Western Samoa, so far as support for export crops and travel is concerned when the Territory becomes independent?"

"Will the United Nations offer financial and technical assistance once the Territory achieves independence?"

"Will the United Nations permit Western Samoans to go to New Zealand and to send their children there for education?"

"What will happen if the majority of the people vote NO in the plebiscite?"

"Could Western Samoa join the United Nations?"

"Why did the United Nations "force" Western Samoa against the wishes of the Prime Minister to accept the idea that all adults could vote in the plebiscite?"

"Did the United Nations think Western Samoa was ready for independence?"

"What can the individual do if he opposed the Constitution?"

"Who will defend Western Samoa when she is independent?"

"Would the universal suffrage be retained after independence?"

"Must the population of Western Samoa accept the matai system?"

"What about the possible loss of the power of matais after independence?"

Political parties

83. I was aware from the reports of United Nations Visiting Missions to Western Samoa that no political parties existed in the Territory, with the exception of the Samoan Democratic Party. The 1959 Visiting Mission had reported this Party "as not being particularly active" and "claiming a membership of only 105".[1]

1/ United Nations document T/1483, paragraph 69.

84. A meeting of this Party was held on Saturday, 22 April 1961, at which some ten persons were present. According to the Executive-Secretary, the membership of the Party numbered from about 90 to 150 persons. The meeting was called primarily to discuss the forthcoming plebiscite and the attitude of the Party towards it. It was decided that all members should be advised to vote against both questions of the plebiscite. It was agreed that an independent State was desirable, but members present at the meeting expressed the opinion that under the proposed Constitution, fundamental freedoms and human rights were endangered. It was felt that the Democratic Party could only support a Constitution which provided for government of the people, for the people and by the people, and not just a certain section of the people. The meeting appointed a delegation to meet and have discussions with me. It also decided to ask me that some money be allocated to enable the Party to publicize its views by means of newspaper advertisements. It was claimed that if public funds were used to pay for government advertisements, the opposing side should also be enabled to present its views.

85. On 1 May 1961, the Secretary of the Samoan Democratic Party asked me whether, in view of the fact that the Party wanted independence but did not like the Constitution, the words "on the basis of that Constitution" in the second question, could be deleted. I replied in the negative and explained that the wording of the questions had been adopted by the General Assembly and that it was impossible to make any changes now. The Secretary pointed out that the Party was composed mainly of people of mixed-blood, living for the most part in the Alesia settlement, just outside Apia, and were naturally against any perpetuation of the matai system. With regard to the request for funds, I replied that such a matter was outside my competence. I assured the Secretary that equal opportunity for the expression of their views was available to them and that the policy of the broadcasting station was to afford facilities to all shades of political opinion provided scripts were submitted in advance for correction of any mis-statement of fact.

Date of plebiscite

86. On 23 February 1961, it was announced from the Prime Minister's Office that the plebiscite would be held on 9 May 1961. On 20 March 1961, a notice was published in every district of Western Samoa, that is, before the 28th day preceding the plebiscite, which contained: (1) the date and hours fixed for the polling; (2) the proposals on which a vote might be cast in the plebiscite; and (3) the location of every polling place in each district.[1] (Clause 28). The latter part of the notice listed the 12 areas marked from (A) to (L), the districts with their numbers, the polling places and their number in each district.[2] 1)

Polling arrangements

87. For the purpose of the plebiscite, Clause 4 of the Plebiscite Order provided that Western Samoa was to be divided into districts corresponding to the constituencies defined in the Faipule Election Ordinance 1939, as amended by the Faipule Election Amendment Ordinance 1960. The Territory was accordingly divided into 41 districts.[3] However, since a person eligible to take part in the plebiscite was entitled to vote at any polling place throughout the Territory this division became insignificant.

88. At the start, the Chief Returning Officer decided to have 140 polling places in the Territory, 87 in Upolu and 53 in Savai'i. When the observers and I toured the Territory during April to May, we heard several requests for more polling places. I conveyed these requests to the Plebiscite Administrators and additional places were set up in Apolima-Fou, Sauniatu and Leusoalii. In addition to these three polling places, the Chief Returning Officer decided to open seven more in Mulivai (Apia), Magiagi, Moamoa, Paepaeala, Uafato, Saleufi (Apia) and Salelologa Wharf.[4] 3) The total number of polling places in the Territory was thus 150. For the most part, they were set up in schools, church halls and maota (chiefs' guest houses).[5] In addition two polling places were opened in Wellington and Auckland to enable Western Samoans, who were eligible under Amendment No. 2 of the Plebiscite Order, to record their votes.

1/ Annex XIX
2/ Annex XXAB
3/ Annex VIII
~~4/ Annex~~
~~5/ Annex~~

89. In addition to the furniture requred by the polling staff, each polling place was equipped[1] with (a) one or more inner compartments in which the voter could record his vote secretly and alone; (b) a ballot box with lock and key and a slit in the upper side by which the voting papers, and forms by declaration voters could be inserted; (c) two copies of the Register of Voters and a sufficient number of ballot books; and (d) in each inner compartment, pencils for the use of voters.[2]

Procedures for voting

90. Detailed written instructions[3] regarding the procedures for voting were issued to each officer connected with the conduct of the plebiscite. Special instructions were also issued and displayed in the polling places for the guidance of voters.[3]

91. In accordance with Clause 36 of the Plebiscite Order, voters in each polling place were invited by notice dated 16 March 1961[4] to nominate one or two scrutineers for the purpose of detecting any irregularity in connexion with the voting. Nominations stating the names and addresses, together with the polling place to which each would be assigned, were to be submitted by 20 April 1961. It was not proposed that the scrutineers should be paid by the Government since their function was to watch the voting on behalf of the voters; nevertheless, an allowance of six shillings was payable for the day's subsistence. Despite this appeal, when I arrived in the Territory, I was informed that by 20 April 1961, only a few scrutineers had been nominated and appointed.

92. During a meeting with the High Commissioner, the Plebiscite Administrators and other officials, it was suggested that the United Nations observers should urge the people to appoint scrutineers. Since my duty was only to supervise the plebiscite, I could not agree to taking any active part in this connexion. In view of the importance of having the scrutineers nominated, however, I consented that the observers, when touring the districts, might ask the people whether they had already appointed the scrutineers; emphasizing the importance of doing so. By 3 May 1961, 129 scrutineers had been appointed at 68 polling places. On polling day this number had increased to 232, leaving 34 polling places without

1/ Annex XXI ~~Compare Annexes~~
2/ Annex XXII
3/ Annex XXIII
4/ Annex XXIV
~~5/ Annex~~

any scrutineers. According to the Plebiscite Order (Clause 36), the presence of a scrutineer in a polling place was not obligatory. Each scrutineer was issued with detailed instructions as to his duties.[1/]

93. The procedures for dealing with the various types of voters were as follows:

(a) a voter who had his registration certificate: after his name had been checked in the Register of Voters[2/], he was given a ballot paper[3/] in exchange for his certificate[4/] and proceeded to vote;

(b) a registered voter who had lost his certificate: he had to complete a form[5/] stating that he had lost his certificate before proceeding to vote;

(c) an unregistered voter who wished to vote by declaration: he had to complete a form[6/] to the satisfaction of the Presiding Officer, and was then given a ballot paper and a small envelope in which to put his ballot paper after voting, while still in the inner compartment. This sealed envelope was handed to the Presiding Officer who inserted it together with the declaration form in a larger envelope[7/] which was then dropped into the ballot box. The voter's name was then entered on the Declaration Votes List[8/];

(d) a registered voter, or a declaration voter, with the same name as a person who had already voted: he had to answer any questions put to him by the Presiding Officer who, if satisfied with the replies, issued him with a ballot paper and entered his name on the Tendered Votes List.[9/] After voting, the ballot paper, which was called a "tendered voting paper", was handed to the Presiding Officer who put it in a special envelope[10/], endorsed it with the voter's name and number in the Register of Voters, and dropped the envelope in the ballot box;

1/ Annex XXV

2/ Annex XIII

3/ Annex XXVI

4/ Annex XIV The certificate was inserted in a special envelope.

5/ Annex XXVII, The form was inserted in a special envelope.

6/ Annex XXVIII

7/ Annex XXIX

8/ Annex XXX

9/ Annex XXXI

~~10/ Annex~~

(e) in the case of a voter who was blind, or illiterate, the Presiding Officer was authorized to record the voter's wishes, in the presence of a scrutineer or witnesses sworn to secrecy (Clause 45).

94. Before being permitted to vote, a voter could be required by the Presiding Officer, by a scrutineer or by a United Nations observer, to answer in writing all or any of certain questions relating to his right to vote as specified in Clause 41 of the Plebiscite Order.[1/]

95. According to Clauses 43 and 44 of the Plebiscite Order, a voter, after having received the ballot paper, had immediately to retire to the inner compartment and to record, alone and secretly, his vote for or against each or either of the questions by marking a cross (X) in the square set opposite the answer "Yes" or "No" as the case might be.[2/] On taking up their duties, all polling staff and scrutineers made a declaration that they would not disclose, except as provided by the Plebiscite Order, any fact coming to their knowledge at the poll.[3/]

96. Before leaving the inner compartment, a voter[4/] had to fold the paper so that his votes could not be seen, and deposit it in the ballot box. Any voter who satisfied the Presiding Officer that he had spoiled his ballot paper before depositing it in the box, could be supplied with a fresh paper after returning the spoilt one to the Presiding Officer. The Presiding Officer cancelled the spoilt ballot paper by writing across the face thereof the words "spoilt by voter and a fresh ballot paper issued in its place", affixed his initial thereto and retained it in a special envelope until the close of the polls.

1/ Annex XXXII. These forms were inserted in a special envelope.

2/ Annex XXVI

3/ Annex XXXIII

4/ See paragraph 93(c) and (d) for procedures relating to declaration and tendered votes respectively.

Closing of polling places and preliminary count of votes

97. Part VI of the Plebiscite Order provided that the poll should be closed when the prescribed hour for closing had been reached and that thereafter only persons already within the polling place, or in the immediate vicinity waiting to enter and vote should be permitted to vote. At closing time only the polling staff and scrutineers were allowed to remain inside, and if so desired, the Plebiscite Administrators and the United Nations observers. These persons were permitted to attend the preliminary counting of votes and the packaging of the Registers of Voters, counterfoils of used ballot papers, declaration and tendered voting papers, and other forms used during the polling and the preliminary count.

98. The preliminary count, excluding the declaration of tendered votes, had to be made after the closing of the polling places. It had to be recorded on a special form. Where a voter had marked his ballot paper for or against one proposal and abstained from voting on the other, only the proposal on which he had not voted had to be declared as "informal". All ballot papers which did not bear the official mark, or were suspected of not having been issued by the Presiding Officer, or on which there was any writing or mark by which the voter could be identified, were considered informal and were set aside [Clause 54 (2)][1]. Ballot papers had to be checked for the polling-place stamp with one number on the counterfoil and the other on the ballot paper.[2]

99. After the preliminary count, all the separate packages containing the used voting papers[3]; the tendered, declaration and informal voting papers; the Tendered Voters' Lists[4] and the Declaration Voters' Lists[5] were then sealed and endorsed by the Presiding Officer with a description of its contents and name and number of the polling place. The packages were then placed in the ballot box for the Returning Officer to pick up and take to the Chief Returning Officer at Mulinu'u (Apia).

100. The total number of ballot papers issued was checked against the last consecutive number on the counterfoil of the used ballot books. The "Receipt

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1/ Such ballot papers were kept in a special envelope.

2/ Annex XXVI verso.

3/ Annex XXVI

4/ Annex XXXI

5/ Annex XXX

for and Account of Voting Papers"[1] was then completed in duplicate and signed by the Presiding Officer, one copy being put in the ballot box and the other, together with the key of the box, handed to the Returning Officer.

101. The results of the preliminary count were recorded on the preliminary count form[2] which was posted outside the polling place for the information of the public. They were also radio-telephoned to the Chief Returning Officer at Mulinu'u and were broadcast by the radio station in Apia.

Scrutiny

102. All the remaining operations concerning the plebiscite took place at Mulinu'u under the supervision of the Plebiscite Administrators and the Chief Returning Officer. The first operation was the scrutiny of the Registers of Voters. Scrutiny consisted of comparing all the Registers of Voters from each polling place with the certified copies of the Registers, including the Supplementary Registers, for each Polling District (A to L), and thereafter with the Master Register of Voters. Upon comparison, the number and name of a voter, who had received a ballot paper, was deleted. Special instructions were issued for the scrutiny.[3]

103. In order to facilitate this operation, the Master Register of Voters was divided into the following ten sections: (i) A; (ii) B-E; (iii) F; (iv) G-K; (v) L; (vi) M-N; (vii) O-R; (viii) S; (ix) T; (x) U-Z; each section being in a separate fascicle. If, on comparison, it appeared that the same person had received a ballot paper at two or more polling places, the Plebiscite Administrator, in the presence of a member of my staff, opened the packets of ballot papers from the polling places concerned and made a thorough investigation of the Register of Voters, counterfoils and other documents in order to ascertain whether there was or was not sufficient evidence that the same person had voted more than once. If the Plebiscite Administrator found this to be the case, he selected from the ballot boxes concerned the ballot papers which seemed to be cast by that person twice and

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1/ Annex XXXIV

2/ Annex XXXV

3/ Annex XXXVI

disallowed the votes thereon. During this operation the staples or paper fasteners which secured the turned-down corner hiding the consecutive number were removed[1/] and care taken that the other ballot papers, or the votes on the ballot papers removed, were not seen by any other person.

104. The declaration voters lists were checked with the Register and its two supplements and a line drawn through the number and name of any voter who was shown as having received a ballot paper. All the declaration voters lists were compared with each other to check whether any person had made more than one declaration vote, or had also voted in the ordinary way. If such a case was found, the Plebiscite Administrator opened the packets of ballot papers from the polling places in question and proceeded as described in paragraph 103 above.

1/ See paragraph 118 below.

CHAPTER III

UNITED NATIONS PARTICIPATION IN the PLEBISCITE; Conduct + Result of the Plebiscite) CAPS

Consultation with the Administering Authority

105. The United Nations, through its Plebiscite Commissioner, had a dual role in the plebiscite: (a) to consult with the Administering Authority regarding its organization, and (b) to supervise its conduct, assisted by observers and staff to whom had been delegated all necessary powers and functions of supervision.

106. The Administering Authority, for its part, provided facilities to the Plebiscite Commissioner and his staff for the due discharge of their functions, as laid down in Clause 11 of the Plebiscite Order. The Order did not make specific provision for consultation. However, from the outset, close consultation was established between myself and the representatives of the Governments of New Zealand and of Western Samoa and the officers connected with the organization and conduct of the plebiscite. The results of my consultations have already been mentioned. It simply remains for me to express my appreciation to all those concerned for the opportunity given to me and my staff to discuss with them, and to seek of them, full information on any question which arose during my stay in New York, New Zealand and Western Samoa.

United Nations plebiscite staff

107. The selection and appointment of United Nations plebiscite staff was made in accordance with operative paragraph 4 of General Assembly resolution 1569 (XV) by the Secretary-General in consultation with me. The Officers so appointed, with the plebiscite areas to which they were assigned are listed below:

Headquarters staff

Title	Station	Name
Principal Secretary	Apia	William Frank Cottrell
Political Affairs Officer	Apia	Ludwik Sternbach
Administrative Officer	Apia	Frank Acinapura
Finance Clerk	Apia	Nello Tordini
Secretary	Apia	Evelyn Coelho
Secretary	Apia	Adela Patentreger

Observer staff

Observers' districts	Station	Name
Apia District	Apia	Zouhair Kuzbari
Upolu No. 1 - North East coast of Upolu, including Fagaloa Bay, Vaa-o-Fonoti, Lotofaga and Aleipata	Apia	Michael Irwin
Upolu No. 2 - North West coast of Upolu, including Falelatai, Manono and Apolima, Sa'anapu and Falealili	Apia	Hillman Djajasasmita
Savai'i No. 1 - Southern half of Savai'i from Tuasivi to Falealupo	Sapapali'i	Thomas Tanaka
Savai'i No. 2 - Northern half of Savai'i from Tuasivi to Falealupo	Sapapali'i	Richard Wathen

Field Service staff

Title	Station	Name
Field Service Officer	Sapapali'i	Bob Kales

Travel and other arrangements

108. Travel, as well as administrative, financial and transport arrangements for United Nations plebiscite personnel were handled by Headquarters at New York.

At the time the Mission was due to enter the Territory, the air service between American and Western Samoa had not resumed operations. With the generous co-operation of the Royal New Zealand Air Force based on Fiji, the Mission was flown in and out of the Territory on one of its flying-boats.

109. In order that all necessary arrangements concerning the establishment of a headquarters office, and preparations for the supervision of the plebiscite could be completed before the arrival of the main group, the Administrative Officer left New York on 3 April 1961, and arrived in Apia, Western Samoa, the following day; the journey from American Samoa being made by launch.

Simultaneously, two Field Service Officers were sent from Jerusalem and arrived in Apia at the same time as the Administrative Officer.

110. After consultations with the Government of Western Samoa, accommodation for myself and the staff based in Apia, as well as the headquarters office, were arranged in the Casino Hotel, Apia. Similar arrangements were made for the two observers and the Field Service officer stationed on Savai'i at Sapapali'i.

111. Four vehicles were hired for the mission staff assigned on the island of Upolu, and two for the use of observers stationed on the island of Savai'i. Public ferries were used for trips between the four islands of Upolu, Savai'i, Manono and Apolima.

112. Apart from the Administrative Officer and the two Field Service personnel, who had arrived on 4 April, I and the rest of my staff arrived in Apia on 16 April. Operations can be said to have started on 17 April, while the two observers stationed in Savai'i left Apia on the following day.

Itinerary and activities

113. Both in New York and after arrival in Apia, I addressed the Plebiscite Mission staff regarding their duties. Background papers containing information of a general and administrative nature, details about the Territory, and an account of the constitutional progress of the Territory as well as the developments leading up to the holding of the plebiscite, were given to each member of my staff before departure from New York.

114. The following is a brief summary of my movements and activities:

Date	Activity
7-13 April 1961	New York to Wellington by air via San Francisco, Honolulu, Papeete and Fiji.
13 April 1961	In Wellington, meeting with officials of Departments of External Affairs and Island Territories: meeting with group of Western Samoan public servants in training in New Zealand.
14 April 1961	Interview with Prime Minister of New Zealand and with Minister of Island Territories: departure by car for Wairakei.
15 April 1961	Wairakei - Rotorua - Waitomo by car.
16 April 1961	Waitomo - Auckland by car; Auckland - Fiji by air.
17 April 1961	Lautoka Bay (Fiji) - Faleolo (Western Samoa) by Royal New Zealand Air Force flying boat.
16 April 1961	Faleolo - Apia by car. (Change of date due to Eastbound crossing of the International Date Line).

Date	Activity
17 April 1961	In Apia, meeting with High Commissioner, Plebiscite Administrators (New Zealand and Western Samoan), Secretary, Prime Minister's Department and other officials of Western Samoa Government; meeting with Plebiscite Administrators, Registrar of Voters and Chief Returning Officer.
18 April 1961	In Apia: courtesy calls on the Prime Minister of Western Samoa and Fautua Tamasese.
19 April 1961	In Apia: meeting with High Commissioner, Plebiscite Administrator, Secretary of Prime Minister's Department and other officials of Western Samoa Government.
20 April 1961	In Apia.
21 April 1961	In Apia: meeting with High Commissioner.
22 April 1961	In Apia: meeting with High Commissioner, Tupua Tamasese, Prime Minister, Plebiscite Administrators and officials of Prime Minister's Department.
23 April 1961	In Apia: Sunday.
24 April 1961	To Manono Island, meeting at Faleu.
25 April 1961	To Savai'i Island, meetings at Asaga, Saleaula and Avao; overnight at Vaipouli.
26 April 1961	On Savai'i: meetings at Aopo, Neiafu and Samata; overnight at Sataua.
27 April 1961	On Savai'i: meetings at Taga and Gataivai, returned to Apia.
28 April 1961 - 1 May 1961	In Apia.
2 May 1961	On Upolu Island: meetings at Leauva'a, Leulumoega and Falelatai.
3 May 1961	On Upolu: meetings at Lufilufi, Falevao, Lotofaga and Lalomanu.
4 May 1961	On Upolu: meetings at Matautu, Satalo and Saanapu.
5 May 1961	In Apia: toured Apia district.
6 - 8 May 1961	In Apia.
9 May 1961	Polling Day: toured polling places in Apia and surrounding districts; attended preliminary counting at Mulinu'u.
10-15 May 1961	In Apia: attended scrutiny of the Registers and the official count of votes at Mulinu'u.
16 May 1961	Departed Western Samoa by Royal New Zealand Air Force flying boat for Fiji.

115. The disposition of my staff is given in paragraph ~~112~~ 107 above. In addition to his duties as an observer in the Apia district, Mr. Z. Kuzbari acted as press and

public relations officer of the Mission.

116. During the three weeks preceding polling day, I travelled extensively throughout the Territory accompanied by the Principal Secretary and the observer of each district, and visited certain places such as Fagaloa Bay and the islands of Manono and Apolima, which I was told had never previously been visited by any United Nations Mission.

Printing and distribution of ballot papers

117. While in Apia, I checked the printing of the ballot papers, which was done in the Government Printing Office there. I approved the specimen ballot paper and, after printing, one of my observers checked the ballot papers, which were bound in books of 100 each, consecutively numbered. In all, 1,200 books were printed. During the printing process, the machine broke down and some of the consecutive numbering was defective. Under the supervision of my observer, the affected ballot papers were destroyed and correct ones inserted.

118. In order to make doubly sure that it would not be possible for anybody in the polling place to see the consecutive number printed on the back of the ballot paper, I had requested the Plebiscite Administrator to arrange for instructions to be issued to the polling staff to turn back the left-hand corner where the number was printed and to secure the fold by stapling or by a paper fastener. This request was agreed to by the Plebiscite Administrator and a special instruction to this effect was issued by the Chief Returning Officer on 7 May 1961.[1/]

119. I and one of my observers were also present during the dispatch of the supplies of each polling place, checking in particular the number of ballot books so that during the scrutiny process the returned counterfoils and the unused ballot papers could be checked to ensure that no ballot papers were issued which could not be accounted for from each polling place.

1/ Annex XXXVIII; this amended the instructions contained in Annex XXXI

~~CHAPTER IV~~

CONDUCT AND RESULTS OF PLEBISCITE

120. In order to supervise polling operations on 9 May 1961, all staff members of the Mission were co-opted to act as observers. During the voting hours, the 92 polling places on Upolu were divided among six observers and the 54 polling places on Savai'i among three observers. One Field Service Officer remained in headquarters office during the day. Owing to the time involved in getting to the islands of Manono, with three polling places, and Apolima with a single one, it was impracticable to observe the voting in those four places. Nor, of course, was it possible for me to provide observation of the voting in Wellington and Auckland. I observed the voting in many polling places in Apia and in the nearby districts. Each polling place, with the exception of those mentioned above, was visited by the observers at least once during the day and many were visited two, three or even four times.

121. From my own observations and from the reports of all the observers, I can state with confidence that the plebiscite was conducted in an orderly manner, with strict impartiality and in complete freedom. The process of voting was somewhat slow owing to the need to locate the voter's name in the Register of Voters and its two supplementary lists, containing in all over 38,000 names, and to complete the procedures regarding declaration and tendered votes. With a few exceptions, the polling staffs carried out the rather complicated procedures in a correct manner. Some, however, appeared unable to grasp the detailed instructions laid down to deal with the different categories of voters. As a result, minor technical irregularities occurred such as not filling lists of the declaration and tendered votes; writing the voter's registration number on the counterfoil of the ballot paper instead of his number on the roll; inserting the declaration votes in the envelopes provided for tendered votes and vice versa. These irregularities in procedure in no way affected the result of the vote, but merely increased the burden involved in the scrutiny and final count carried out by the Plebiscite Administrators, the Registrar, the Chief Returning Officer, and their staff.

122. With regard to the Register of Voters, in which the names were listed in alphabetical order, it had seemed to me better if the Register had been divided into the twelve areas (A to L), with the names therein arranged in alphabetical

order. Some time before polling day, I had mentioned this to the Registrar who, while agreeing in principle, told me that since it was permissible for any eligible person to vote at any polling place throughout the Territory, irrespective of the district in which he had registered, the method adopted was found to be the only practical solution for compiling the Register.

123. Earlier in this report, I have mentioned my request for additional polling places, in reply to which some more were established.[1] On polling day, the need for more polling places in certain areas was clearly demonstrated both to me and to several of my observers. In order to accommodate the voters, some polling places had to remain open until past midnight.

124. A noticeable and encouraging feature of the polling, remarked on by all observers, was the large number of women voters, to the extent that at times at some polling places they appeared to outnumber the men.

125. The preliminary count of votes was made at each polling place after the closing of the poll, as laid down in Clause 48 of the Plebiscite Order and described in paragraphs 97 - 101 above. At many polling places my observers were present at the preliminary count, while at others, where the count had been completed, they checked the results and verified that the total number of votes corresponded with the number of used counterfoils in the ballot books. I attended the preliminary count at one polling place, then spent until past midnight with the Plebiscite Administrator at Mulinu'u, where the results of the voting were being received and where the locked ballot boxes were being returned for safekeeping.

126. In accordance with Clause 49 (3), the provisional results of the voting were announced by the Plebiscite Administrator on 10 May 1961. They were as follows:

> In answer to the first question: "Do you agree with the Constitution adopted by the Constitutional Convention on 28 October 1960?"
>
> 28,151, or 82.8% of the total vote cast, voted "Yes";
>
> 4,453, or 13.0%, voted "No";
>
> 1,451, or 4.2%, votes were set aside as informal.[2]

1/ See paragraph 88

2/ Informal votes included cases where the voter abstained from voting on a particular question, while casting a valid - and counted - vote on the other question (see paragraph 98).

In answer to the second question: "Do you agree that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution?"

26,766, or 78.7% voted "Yes";

4,666, or 13.7%, voted "No";

2,623, or 7.6%, votes were set aside as informal.

127. Thus, according to the preliminary count 34,055 voters voted, or 89.6% of the total registered voters. This preliminary count did not include the declaration and tendered votes.

128. The unpacking of the ballot boxes took place on 10 and 11 May. The scrutiny as described in paragraphs 102-104 above began on 11 May. Both these operations took place at Mulinu'u and were attended by myself and my observers.

129. During the unpacking of the ballot boxes and the checking of the "Receipts for and Account of Voting Papers"[1] an observer asked for a recount of the ballot papers from twenty-six polling places and requested an explanation regarding twenty-five ballot books in which the consecutive numbers appeared defective. The recount and the explanation given dispelled any doubts I may have had.

130. During the scrutiny of the register[2] 106 cases of apparent double voting were investigated. Seventy-two voting papers were set aside and disallowed[3]; and the records sent for further investigation in order to establish whether dual voting did in fact occur.[4] In the remaining cases, evidence was insufficient to establish the fact of dual voting.[5]

131. During the scrutiny of the declaration votes[6] eighteen declaration votes were disallowed by the Plebiscite Administrators[7] leaving 4,341 to be examined by the Chief Returning Officer at the official count. The latter found that fifty-seven ballot papers were informal as no declaration forms were included in the envelopes.[8]

1/ Annex XXXIV

2/ See paragraphs 102-103.

3/ Annex XXXVIII. These papers were removed from the packet and voting paper kept in the polling boxes (Annex XXXIX).

4/ Annex ~~XXXIX~~ XLAB

5/ Annex ~~XLIAB~~

6/ See paragraph 104

7/ Annex XLII

8/ Annex XLIII

132. The official count which began on 15 May 1961 after the scrutiny and comparison of the Register with the declaration voters lists, was performed by the Chief Returning Officer in the presence of the Plebiscite Administrators and myself or one of my observers. After my departure on 16 May, Mr. R. Wathen remained in Apia until the completion of the official count.

133. All the packets of ordinary ballot papers, excluding those set aside at the scrutiny, were opened and the votes thereon were counted. Officers were put in charge of counting the ballot papers from each of the twelve areas "A to L"; with twelve assistants to record the votes for each polling place. To facilitate the counting, the ballot papers were grouped as follows:

(a) Those with "yes" to both questions;

(b) Those with "no" to both questions;

(c) Those with a different vote on each question or an abstention on one of the questions;

(d) Doubtful, or fully informal ballot papers.

134. After counting, each bundle of ten ballot papers in the first two groups was folded in half so as to conceal the votes and rubber-banded. The ballot papers in the next two groups were inspected and counted personally by the Chief Returning Officer. He totalled up the "yes" and "no" votes. The 4,284 declaration voting papers which remained after scrutiny,[1/] were forwarded to the Registrar to determine the qualifications of the declarants. Acting on his advice, the Chief Returning Officer rejected 412 voting papers, in addition to 57 which had been found to be informal during the scrutiny, leaving a total of 3,872 qualified declaration votes. Tendered voting papers were dealt with by the Chief Returning Officer according to detailed instructions contained in "The Procedure for Official Count by Chief Returning Officer".[2/] Of the four tendered voting papers, he allowed two on the grounds that there was an apparent clerical error owing to similarity of names, and disallowed two, as there was no evidence readily available to determine whether or not impersonation was committed.[3/] The resulting votes were then included in the

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1/ See paragraph 131. (4,341 minus 57).

2/ Annex XLIV.

3/ Annex XLV

Official Count Certificate.[1] The total of the counted ballot papers and the result of the official count were then checked against the certificate of "Receipt for and Account of Voting Papers",[2] for the final check of the number of the issued and accounted-for ballot papers at each polling place, and if necessary, the "Receipt" amended. The official count was also compared with the "Preliminary Count"[3] and, if necessary, the totals of the "Preliminary Count" were amended. The originals of the completed Official Count Certificates[4] were handed to my observer and the copies retained by the Chief Returning Officer for preparation of the analysis of the final results.[5]

135. The results of the official count were therefore as follows:

	Yes		No		Informal	
	No.	%	No.	%	No.	%
In answer to the first question:	31,426	83	4,909	13	1,562	4
In answer to the second question:	29,882	79	5,108	13.5	2,907	7.5

The results show that 37,897, or 86.1 per cent of the total number of estimated eligible voters, participated in the plebiscite.

136. After the official count was completed, the Plebiscite Administrator reported the final result to the High Commissioner and the Council of State. Public notification of the result was declared on 24 May 1961.[6] Thereafter, arrangements were made for the safe custody of all documents relating to the plebiscite, as laid down in the Plebiscite Order. (Clause 59).[7]

Petitions

137. Part VIII of the Plebiscite Order laid down conditions under which any person could make a petition for inquiry complaining that a person who was not qualified to vote voted, or that a qualified voter voted for the second time, or that a qualified voter was refused to be allowed to vote. Also any person could complain that any corrupt or illegal practice has taken place in any polling district. No petitions for inquiry were submitted within the period laid down in part VIII of the Plebiscite Order.

1/ Annex XLVI.
2/ Annex XXXIV
3/ Annex XXXV
4/ Annex XLVI
5/ Annex XLVII
6/ Annex XLVIII
~~7/ Annex~~

CHAPTER IV
CONCLUSIONS

138. As I have attempted to describe in my report, the organization of the plebiscite was carried out with correct adherence to the law laid down in the Western Samoa Plebiscite Order 1961, and its two Amendments. The Registrar, the Chief Returning Officer and their staffs, under the able guidance and authority of the Plebiscite Administrators, executed their functions with efficiency, impeccable objectivity and a meticulous attention to every detail.

139. I can state with satisfaction that the plebiscite was fair and impartial. The official result showed that 83 per cent of the people who voted were in favour of the Constitution and 79 per cent were in favour of the independence of Western Samoa. The scrutiny of the Register of Voters and the final count were carried out under the constant supervision of myself or a United Nations observer. No complaints or petitions were submitted.

140. In the brief period during which I had the pleasure of meeting again many of the Samoan people, their dignity, courteous behaviour and generous hospitality won my profound admiration and gratitude. The participation of the large number of both titled and untitled men in the plebiscite as well as the enthusiasm with which women flocked to the polls were to me most welcome signs and a hopeful augury for the future. The conduct of all the people during the plebiscite showed a sense of responsibility and respect for order which deserves the highest praise. I am confident that the exercise of universal adult suffrage for the first time by the people of the Territory will be the beginning of an evolution which may, in due time, lead to its adoption in the political life of Western Samoa.

141. With regard to the results of the plebiscite, I cannot do better than take the liberty of quoting from a statement of the Prime Minister of New Zealand made in Wellington on 11 May 1961:

> "The overwhelming vote of the Samoan people in favour of their country becoming independent at the end of this year, represents the culmination of a long period of co-operation between Western Samoa, New Zealand and the United Nations designed to prepare Western Samoa to take its place in the international community as a sovereign independent State. All three parties can take pride in the result - New Zealand because it will see a country formerly administered by it become the first fully independent Polynesian state, and the United Nations because it will see the value of the Trusteeship System

demonstrated once again. But the main credit must go to the leaders of the Samoan people who have over many years worked untiringly for the advancement of their country."

142. Finally, I wish to express my gratitude to the staff of the Plebiscite Mission for the cooperation extended to me in the performance of my task. Their conduct and devotion to duty is a credit to them and to the United Nations.

DRAFTER Cottrell

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UNITED NATIONS
MAY 12 1961
RECEIVED

REGISTRY SECTION
8 MAR 1961
TR 100 WESA (1)

Mr. W. F. Cottrell, Principal Secretary,
Plebiscite Mission to Western Samoa

8 March 1961

O. Schachter, Director, General Legal Division,
Office of Legal Affairs

The Western Samoa Plebiscite Order of 1961

1. With reference to your memorandum of 24 February and your conversation with Mr. Schreiber, I would like to confirm:

1) that, generally speaking, the provisions of the Western Samoa Plebiscite Order of 1961 seem to be quite well conceived and expressed; they provide with adequate detail a satisfactory legal framework permitting a free expression of the wishes of inhabitants of the Territory on the questions asked. With the exception of what is said below, they call, therefore, for no special observations on our part.

2) As to the specific point you raised, the "Direction to the Voter" in Form 8 of the Schedule to the Plebiscite that he "must vote on both proposals" leads to the conclusion that the returning officers would be entitled to consider as invalid voting papers on which the voter has answered only one of the two questions put to him. This conclusion is supported by the text of paragraph 43 of the Plebiscite Order which states that the voter is to "indicate whether he wishes to vote for or against each proposal", that of paragraph 48 (2) which also refers to "votes recorded for each proposal and the number of votes recorded against each proposal" and that of paragraph 54 which states that a voting paper shall be deemed to be informal (and therefore will not be counted) "(c) if it does not clearly indicate whether the voter is in favour or is not in favour of the proposals set out thereon".

2. It may be noted that paragraph 48 [2] relating to the "Preliminary count of votes" defines as informal "all voting papers which do not clearly indicate whether the voter is in favour or is not in favour of the proposals set out thereon". While the word "proposals" is used in the plural, it might be said that a voting paper on which the voter has indicated his reply to one of the two questions only, does constitute a "clear indication" of the voter's intentions as to the reply he wished to give to that question while indicating not less clearly his unwillingness to answer the other question.

3. In view of the fact that there is no requirement in General Assembly resolution 1569 (XV) for a vote on both questions as an alternative to complete abstention from participation in the Plebiscite, it might be advisable for the Plebiscite Commissioner to discuss this point with the representative of the Administrating Authority with a view, possibly, to clarifying the meaning of the Order before the Plebiscite takes place.

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

8 MAR 1961

TO: Mr. O. Schachter, Director,
General Legal Division (Room 3440)

Date: 24 February 1961

FILE NO.: TR 100 WESA(1)

FROM: W. F. Cottrell, Principal Secretary,
Plebiscite Mission to Western Samoa

SENDER'S TELEPHONE EXTENSION: _____

SUBJECT: The Western Samoa Plebiscite Order 1961

Reference our telephone conversation, attached herewith is a printed copy of the Western Samoa Plebiscite Order 1961. I would be grateful if it could be read through, so that any comments could be brought to the attention of the Plebiscite Commissioner. For example, on page 28, Clause 35 (a), Form 8, Directions to Voter, paragraph 1, states "You must vote on both proposals."; does the use of the word "must" imply that the ballot paper would be invalid if only one proposal was voted on?

→ Mr. Schachter

24 FEB 1961

TR 100 WESA(1)

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of New Zealand to the United Nations and has the honour to acknowledge receipt of three copies of the Western Samoa Plebiscite Order 1961.

23 February 1961

5/3/6

NEW ZEALAND MISSION
TO THE UNITED NATIONS
630 FIFTH AVENUE, SUITE 530
NEW YORK 20, N. Y.
TELEPHONE
JUDSON 6-0060

FEB 22 1961
ACTION
TO: 1 Dr. Loutitch
2
3
☐ - Action Completed
☐ - Acknowledged
☐ - No Action Required
INITIALS
TR 100 WESA(1)

The Permanent Representative of New Zealand to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith three copies of the Western Samoa Plebiscite Order 1961 which is the legislation providing for the plebiscite to be held in the trust territory of Western Samoa in May 1961 under the supervision of the United Nations.

17 February 1961

5/3/6

NEW ZEALAND MISSION
TO THE UNITED NATIONS
NEW YORK

The Permanent Representative of New Zealand to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith three copies of the Western Samoa Plebiscite Order 1961 which is the legislation providing for the plebiscite to be held in the trust territory of Western Samoa in May 1961 under the supervision of the United Nations.

17 February 1961

NEW ZEALAND MISSION
TO THE UNITED NATIONS
630 FIFTH AVENUE, SUITE 530
NEW YORK 20, N. Y.
TELEPHONE
JUDSON 6-0060

FEB 1 1961
5/5/6
ACTION
TO:
Action Completed
Acknowledged
No Action Required
INITIALS

The Permanent Representative of New Zealand to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to acknowledge the receipt of the Secretary-General's note No. TR.100 WESA(1) of 26 January 1961 with which was transmitted, for the information of the Government of New Zealand, the text of resolution 1569(XV) adopted by the General Assembly at its 954th plenary meeting on 18 December 1960, concerning the "Question of the future of Western Samoa".

1 February 1961

MISSION OF NEW ZEALAND TO THE U.N.

UNITED NATIONS
RECORDS CONTROL

1981 FEB 2 PM 4:17

ORIGINAL DIRECT

WFC/mc

27 JAN 1961

TR.100 WESA (1)

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of New Zealand to the United Nations and has the honour to transmit herewith, for the information of the Government of New Zealand, the text of resolution 1569(XV) adopted by the General Assembly at its 954th plenary meeting on 18 December 1960 concerning the "Question of the future of Western Samoa".

26 January 1961

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
LIMITED

A/RES/1569 (XV)
3 January 1961

Fifteenth session
Agenda item 44

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Fourth Committee (A/4663)]

1569 (XV). Question of the future of Western Samoa

The General Assembly,

Having examined the report of the Trusteeship Council on the Trust Territory of Western Samoa under New Zealand administration,[1] as well as the report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959,[2]

Having taken note of the Constitution adopted by the Constitutional Convention of Western Samoa on 28 October 1960 and the resolutions adopted by that Convention,[3]

Noting the statements made in the Fourth Committee by the representative of the Administering Authority and by the Prime Minister of Western Samoa,[4]

1. Recommends that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, a plebiscite in Western Samoa under New Zealand administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future;

2. Recommends further that the plebiscite should take place in the month of May 1961 and that the questions to be asked should be:

1/ Official Records of the General Assembly, Fifteenth Session, Supplement No. 4 (A/4404), part II, chap. V.

2/ Official Records of the Trusteeship Council, Twenty-fourth Session, Supplement No. 2 (T/1483), document T/1449.

3/ See A/C.4/454 and Add.1.

4/ See Official Records of the General Assembly, Fifteenth Session, Fourth Committee, 1081st meeting.

"1. Do you agree with the Constitution adopted by the Constitutional Convention on 28 October 1960?

"2. Do you agree that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution?";

3. Recommends further that the plebiscite should be conducted on the basis of universal suffrage with all adult citizens of Western Samoa being entitled to vote;

4. Decides to appoint a United Nations Plebiscite Commissioner who shall exercise, on behalf of the General Assembly, all the necessary powers and functions of supervision, and who shall be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;

5. Requests the United Nations Plebiscite Commissioner to submit to the Trusteeship Council a report on the organization, conduct and result of the plebiscite;

6. Requests the Trusteeship Council to transmit to the General Assembly, for consideration at its sixteenth session, the report of the United Nations Plebiscite Commissioner, together with any recommendations and observations it considers necessary.

954th plenary meeting,
18 December 1960.

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At its 954th plenary meeting, on 18 December 1960, the General Assembly, on the recommendation of the Fourth Committee,[5] appointed Mr. Najmuddine Rifai (United Arab Republic) United Nations Plebiscite Commissioner for Western Samoa.

5/ See A/4663, para. 10.