

Resolution of the WEU Council on the implementation of the referendum on the Saar (Paris, 11 May 1955)

Caption: On 11 May 1955, in Paris, the Council of Western European Union (WEU) adopts a resolution on the organisation of the referendum on the Saar Statute.

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Resolution of the Council of Western European Union on the implementation of the referendum referred to in Article 1 of the Agreement on the Saar Statute (Paris, 11th May, 1955)

I – Commission

Article 1 - Composition and rules of procedure.

1 - A commission is to be set up consisting of representatives of the Governments of Belgium, Italy, Luxembourg, the Netherlands and the United Kingdom, responsible to the Council of Western European Union.

2 - The Commission will nominate its Chairman.

3 - The Commission's decisions will be taken by a majority vote. In any division of votes the Chairman will have a casting vote.

4 - The Commission will nominate delegates to whom certain powers will be attributed for limited and renewable periods, whenever it deems it necessary for the execution of its task. In particular, it may entrust them with missions in the different districts for the purpose of the referendum, and with the supervision of meetings and voting operations. The delegates must be nationals of the States whose Governments are represented on the Commission.

The Commission will itself appoint the staff it requires. The staff entrusted with technical work may be recruited on the spot.

Article 2 - immunities and privileges

1 - The members of the Commission will enjoy the immunities and diplomatic privileges of duly accredited heads of mission.

2 - The delegates and foreign staff appointed by the Commission will enjoy the immunities and privileges required for carrying out their mission, and in particular:

a) immunity from Saar jurisdiction for all their acts during the performance of their mission, including their verbal and written statements. This immunity will continue even after their mission has been ended;

b) exemption from all Saar taxation as regards their salaries and remunerations;

c) exemption from immigration restrictions and registration obligations, for themselves and for their wives and dependents;

d) duty-free import of furniture and personal effects and freedom to export at the end of their mission;

3 - The premises put at the disposal of the Commission shall be inviolable.

Article 3 - Powers of the Commission in its relations with the Saar Government:

a) In carrying out its tasks, the Commission may submit recommendations to the Saar Government.

b) In urgent cases and by a unanimous decision, the Commission may submit recommendations to the local authorities, while notifying them at the same time to the Saar Government.

c) The Saar Government will grant the Commission full facilities for the carrying out of its mission. It will transmit to the Commission all documentation connected with the referendum and will give all information

requested.

d) The members of the Commission and their delegates will have free access to the polling centres. They will be entitled to participate in all the returning operations. Members of the Commission or their delegates will have the right to be present at the determination of the voting results in the urban and regional districts and of the final result of the referendum.

The Saar Government will place at the disposal of the Commission the necessary offices, equipment and transport.

Article 4 - Powers of the commission in its relations with the Federal Government and the French Government.

a) The Commission may draw the attention of the Federal Government and of the French Government to occurrences which, in its opinion, do not correspond to Article VI, sub-paragraph 3, of the Agreement.

b) Should the Commission not receive a satisfactory reply from the Federal or French Governments, it may submit the matter to the Council of W.E.U.

II - Principles of the referendum

Article 5 - Right to vote

I. Persons entitled to participate in the referendum include all men and women who will be twenty years of age on the voting day and who:

- a) are considered to be Saar nationals by virtue of Saar law, or,
- b) who were born in the Saar and were domiciled or permanently resident in the Saar on 23rd October, 1954, or,
- c) if they were not born in the Saar, were domiciled or permanently resident in the Saar for at least 5 years on 23rd October, 1954.

Persons expelled from the Saar after 8th May, 1945 political reasons will be qualified to exercise the right to vote.

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

II. Will not be entitled to participate in the vote:

- a) officials of diplomatic and consular staffs in the Saar and their families;
- b) members of the armed forces and their families;
- c) members of the police forces, of the gendarmerie, and customs officials and their families.

This restrictive measure will only apply to persons of Group II (c) if they do not come within category I (a).

Article 6

Will be deprived of their right to vote:

- a) persons receiving treatment in an asylum or nursing home for mental or feeble-minded cases;

b) common law prisoners.

Article 7

Persons having the right to vote must answer the question by yes or no.

Article 8 - Freedom and equality of the voting

The referendum will be general, equal, secret and free.

a) The freedom of political activity and the secrecy of the vote must be ensured.

b) The rules of procedure of the referendum will include provisions required to ensure equality of rights and facilities for all political parties in the press, radio, television, meetings and, generally speaking, in all means of diffusion of information. Electoral leaflets and posters must be printed in the Saar. Should this equality not be respected for the printing of posters and leaflets, the Saar Government should have the necessary authority to take appropriate measures such as rationing of printing of posters and leaflets, to ensure an equitable distribution to all the parties.

The Commission may inform the Council of W.E.U. of all occurrences which, in its opinion, would not conform to the principle of equal treatment of all parties.

c) No prejudice will attach to any person as a result of his attitude in the three months preceding the referendum and during the referendum itself.

Article 9 - Electoral districts and voting commissions

Each borough constitutes one or several electoral districts. The burgomaster will be the head of the district, (should there be several districts the burgomaster will appoint as many heads of electoral operations (Abstimmungsleiter) as may be required).

The electoral districts of each circle will be grouped in one electoral district made up of sub-districts. The heads of these districts will be the Landräte.

The Saar Government will appoint the Director General of the referendum operations.

An electoral Committee will be set up in all districts at each electoral level, and for the Land as a whole. It will be presided over by the Head of the electoral operations to whom each party represented in the territory concerned will appoint at least one assessor. In any event, there must be equal representation of the parties in favour of the Statute and of the other parties.

Article 10 - Electoral lists

a) The electoral lists will be drawn up in each borough, and will be made available to the public for a fortnight, not later than thirty days before the date of the referendum.

b) Any person having the right to vote or claiming such a right will be entitled to appeal to the electoral committee of the borough if he considers that the lists are inaccurate or incomplete.

c) Appeals against the decisions of the electoral committee of the borough may be lodged with the Commission. The Commission may delegate its power of decision to a Committee consisting of a member of the Commission and two Saar judges, appointed by the Commission on the proposal of the Saar Government.

Article 11 - Infringements

Any complaints relating to infringements during the preparation of the referendum and the referendum itself may be submitted to the Commission no later than eight days after the date of the referendum.

Article 12 - Drawing up of the legislation

On the basis of the principles laid down by this resolution, the Saar Government will draw up the legislative measures relating to the organisation of the referendum and will promulgate such legislation, after the Control Commission has ascertained its conformity with the above-mentioned principles.

Article 13 - Date of the referendum

The Council of W.E.U. will ascertain, on the basis of the report of the Commission, whether and when the three-months period provided for in Article X of the Agreement has begun.

The Saar Government will then fix the date of the referendum.

Article 14 - Control by the commission

During the preparatory period of the referendum and during the referendum itself, the Commission will ensure the observance of the principles adopted for the referendum.

Article 15 - Determination of the result

After the returning operations, the Commission will examine the provisional results which shall be announced by the Saar Government. Two weeks after the close of the referendum, the Commission will submit to the Council of W.E.U. a report on the provisional results and the conditions in which the referendum took place, and on the possible infringements which may have occurred during the preparation of the referendum and the referendum itself.

The Council of W.E.U. will then finally decide whether the Saar population has approved the Statute.