



**REPORT  
OF THE SPECIAL COMMITTEE ON THE SITUATION  
WITH REGARD TO THE IMPLEMENTATION  
OF THE DECLARATION  
ON THE GRANTING OF INDEPENDENCE  
TO COLONIAL COUNTRIES AND PEOPLES**

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**VOLUME III**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTY - FIRST SESSION**

**SUPPLEMENT No. 23 (A/31/23/Rev.1)**

**UNITED NATIONS**



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**New York, 1977**

#### NOTE

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

The report of the Special Committee is divided into four volumes. The present volume contains chapters XV to XXIV;\* volume I, chapters I-VI; volume II, chapters VII-XIV; and volume IV, chapters XXV-XXXII.

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\* The present version of chapters XV to XXIV is a consolidation of the following documents as they appeared in provisional form: A/31/23/Add.8 (Parts I-III) of 8 October, 1 November and 15 October 1976.

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of the Cocos (Keeling) Islands to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account the consensus adopted by the General Assembly on 8 December 1975 <sup>1/</sup> whereby the Assembly noted "with appreciation the close co-operation of Australia, as the administering Power concerned, in the relevant work of the Special Committee, and its continued preparedness to receive a further visiting mission to the Territory, at an appropriate time"; noted "with interest the administrative and legislative steps taken and the further measures envisaged by the Government of Australia in the light of the conclusions and recommendations

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<sup>1/</sup> Official Records of the General Assembly, Thirtieth Session, Supplement No. 34 (A/10034), p. 119, item 23.

of the 1974 Visiting Mission to the Territory 2/ with a view to enabling the people of the Cocos (Keeling) Islands to exercise their right to self-determination in accordance with the principles of the Charter and the Declaration"; and requested the Special Committee, "in continued co-operation with the administering Power, to seek the best ways and means of implementing the Declaration with respect to the Territory ...".

4. During its consideration of the Territory, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

5. Australia, both as a member of the Special Committee and as the administering Power concerned, continued to participate in the work of the Committee during its consideration of the item.

6. At the 1042nd meeting, on 19 August, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee (A/AC.109/PV.1042), introduced the report of that Sub-Committee (A/AC.109/L.1117), containing an account of its consideration of the Territory.

7. At its 1043rd meeting, on 20 August, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the draft consensus contained therein (see para. 9 below).

8. On 20 August, the text of the consensus was transmitted to the Permanent Representative of Australia to the United Nations for the attention of his Government.

#### B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the consensus concerning the Cocos (Keeling) Islands adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

The Special Committee, having heard the statements of the representative of Australia on the implementation of the relevant provisions of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), with regard to the Cocos (Keeling) Islands, notes with appreciation the continuing co-operation of Australia, as the administering Power concerned, in the relevant work of the Committee and its continued preparedness to receive a further visiting mission to the Territory at an appropriate time. Bearing in mind the responsibility of the administering Power to create such conditions in the Territory so as to enable its people to determine fully their future political status, the Special Committee notes the measures taken

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2/ Ibid., Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. IV, chap. XX, annex, paras. 200-217.

so far by the Government of Australia in the light of the conclusions and recommendations of the report of the 1974 Visiting Mission to the Territory. 3/ The Special Committee also notes that the Government of Australia is reviewing recent developments in the Territory. It regards with concern the divisions of opinion among the people of the Territory concerning their future and expresses the hope that, in the light of that review, the administering Power will take steps to remedy these divisions and assess what measures might best be taken, having regard to the obligations of the administering Power with a view to enabling the people of the Territory to exercise their right of self-determination in accordance with the principles of the Charter and the Declaration.

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3/ Ibid.

ANNEX\*

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\* Previously issued under the symbol A/AC.109/L.1106.

## COCOS (KEELING) ISLANDS a/

### 1. GENERAL

1. The Territory of the Cocos (Keeling) Islands consists of 27 small coral islands in two separate atolls with a total land area of about 14 square kilometres. It is situated in the Indian Ocean, approximately 2,768 kilometres north-west of Perth and 3,685 kilometres west of Darwin, Australia. The administrative headquarters of the Territory are located on West Island.

2. The largest segment of the population is now formed by the descendants of original Malayan settlers brought to the Territory in 1827 by John Clunies Ross, a Scottish seaman. These people, known as Cocos Islanders or Cocos Malays, live on Home Island. Europeans form the other population group in the Territory, comprising the Clunies Ross family and employees of government departments, the Shell Company (Pacific Islands) Ltd., and Commonwealth Hostels Ltd., together with their families.

3. The population of the Territory was 604 at 30 June 1975; of this number, 512 lived on Home Island (mostly Cocos Malays) and 92 lived on West Island (mostly Australians).

### 2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

4. At the 2166th meeting of the Fourth Committee on 18 November 1975, b/ the representative of Australia, as the administering Power, outlined further developments which had taken place in the Cocos (Keeling) Islands since the publication of the report of the 1974 Visiting Mission to the Territory. c/ Australia had upgraded the level of its government representation in the Territory by creating a new position of Administrator, to which Mr. R. J. Linford, a senior Australian Public Service Officer, had been appointed; the then Special Minister of State responsible for the Cocos (Keeling) Islands had stressed that that step represented a substantial upgrading.

5. The representative of Australia further stated that his Government d/ was committed to a comprehensive programme of change which would eventually lead to the self-determination of the people of the Territory. The unique socio-economic

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a/ This section is based on published reports and on the information submitted to the Secretary-General by the Government of Australia under Article 73 e of the Charter of the United Nations on 6 July 1976 for the year ending 31 December 1975.

b/ Official Records of the General Assembly, Thirtieth Session, Fourth Committee. 2166th meeting.

c/ Ibid., Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1) vol. IV, chap. XX, annex.

d/ A new Australian Government was elected on 13 December 1975 to replace the former Labour Government, which had held office since December 1972.



structure of the community made that task very difficult and it was therefore necessary to have an official of senior status in the Territory who could consult on a day-to-day basis with the community and with the proprietor of the Estate, Mr. John Clunies Ross. According to the administering Power, the necessary administrative action had been taken to confirm the Administrator's responsibilities as the representative of the Australian Government in the Cocos (Keeling) Islands.

6. At the same meeting, the representative of Australia informed the Fourth Committee that Mr. Clunies Ross had explained his position to the former Australian Government. In setting out his views, Mr. Clunies Ross had stated that, if the Australian Government continued to pursue its current policies, he would not be prepared to continue to live in the Cocos (Keeling) Islands since his position would be untenable. His presence in the Territory had already caused the islanders some difficulties; his departure would remove some of their reluctance to accept changes. Mr. Clunies Ross had also expressed the view that some form of local government could be established for the community. He had concluded by saying that the administering Power should finance the acquisition of his operations in the Territory.

7. Since it appeared that Mr. Clunies Ross was not prepared to co-operate with the former Australian Government and since the situation in the Cocos (Keeling) Islands was not satisfactory because the indigenous people were being denied their human rights, the former Government had resolved to act firmly and to introduce changes without further delay. Accordingly, on 10 September 1975, it had introduced in Parliament the Lands Acquisition Ordinance, 1975, in order to establish a basis for the acquisition of the Territory on just terms either by agreement or by compulsory acquisition.

8. It was also announced that the former Australian Government had appointed an Interim Advisory Council to hold consultations with the community and to advise the Administrator. The Council was to be replaced by a fully elected council as soon as the necessary arrangements could be made. The administering Power considered that the establishment of the Council was an important step towards greater participation of the people of the Territory in the discussion of matters of concern to them. Other steps had reportedly also been taken with a view to restricting the powers of Mr. Clunies Ross.

9. According to the assessment provided by Senator Douglas McClelland, former Special Minister of State, following his visit to the Territory from 7 to 10 August 1975, public opinion in the islands was more or less equally divided among three groups. One group was dissatisfied with Mr. Clunies Ross and the present situation; another supported him and opposed any government intervention; and a third was waiting to see how matters developed. Senator McClelland emphasized that the Australian Government was committed to a comprehensive programme of change to enable the 500 islanders eventually to engage in an act of self-determination.

10. To provide the Administrator with specific authority to gain access to the Clunies Ross Estate in order to hold discussions with, and to pursue the interests and welfare of, the Cocos Malay community residing there, the Administrator was

appointed to various statutory offices under ordinances in force in the Territory. These offices, as published in the Government Gazette of 14 October 1975, were the following:

Controller of Labour; Protector (Women and Girls); Protector (Children and Young Persons); Inspector (Protection of Workers); Food Controller; Officer for purposes of the Sale of Food and Drugs Ordinance; Sanitary Authority; Inspector (Weights and Measures); Price Controller; Inspector (Machinery); Inspector (Petroleum); Inspecting Officer (Agricultural Pests); Registrar of Schools.

11. An interim Advisory Council with the Administrator as Chairman was appointed by the former Special Minister of State on 27 September 1975. It was established as a point of consultation with the Cocos Malay community and a source of advice on general matters for the Administrator. The Council comprised nine persons, in addition to the Administrator, seven Cocos Malays, including members of the Imarat (the Headmen's Council of the Clunies Ross Estate, consisting of Mr. Clunies Ross, his estate manager and nine appointed headmen); the Official Secretary; and one member drawn from the West Island community, which consists mainly of government employees. Three meetings were held during the year. Matters discussed included a proposal by Mr. Clunies Ross for a community co-operative, the Cocos Community Fund, possible ways to codify customary law and educational advancement. The Council also held brief discussions with visiting Australian officials.

12. Mr. Clunies Ross subsequently objected to the establishment of the Council and asked that it be disbanded. He claimed that there was neither precedent nor need for such a body and that aspects of its operations were illegal. Two of three members of the Imarat resigned from the Council at the end of the year. The third member of the Imarat on the Council resigned from the Imarat on the basis that his support for greater involvement by the Australian Government in Cocos matters created a conflict in loyalty.

13. The Australian Government elected in December 1975 indicated that it would give early attention to its future policy in relation to the Territory. Mr. Malcolm Fraser, the Australian Prime Minister, appointed Senator Reginald Withers, the Minister of Administrative Services, as the Minister responsible for the Territory.

14. It was reported in February 1976 that the new Australian Government intended to review the plans of the former Government, including its contemplated purchase of part or all of the plantation from Mr. Clunies Ross. Senator Withers, who was concerned about the situation of confrontation that had developed, visited the Cocos (Keeling) Islands for three days in April 1976 to hear the views of the islanders and those of Mr. Clunies Ross before submitting proposals to the Australian Government on a future course.

15. The Territory was also discussed briefly during a meeting between the Secretary-General and Mr. Andrew Peacock, Minister for Foreign Affairs, during the Secretary-General's visit to Australia in February 1976.

### 3. ECONOMIC CONDITIONS

#### A. General

16. The economy of the Territory is based almost solely on the production and export of copra grown by the Clunies Ross Estate. The aviation and other facilities maintained by the Australian Government and the few commercial organizations in the Territory provide only a small amount of revenue. Exports of copra during 1974/1975 totalled 300 metric tons.

#### B. Public finance

17. Imports are admitted free of customs duty. The Cocos (Keeling) Islands Act exempts from customs duty goods which are imported into Australia from the Territory, provided the goods: (a) are the products or manufacture of the Territory; (b) have been shipped in the Territory for export to Australia; and (c) are not goods which, if manufactured or produced in Australia, would be subject to a duty or excise tax.

18. Expenditure on administration and on capital works and services is financed from funds appropriated for the Australian Government departments represented in the Territory. Some revenue is derived from mess charges, hospital and medical fees, aircraft landing and handling charges and from miscellaneous sources. Residents of the Territory are exempt from income tax from sources within the Territory and from stamp or death duties.

19. Total revenue amounted to \$A 37,891 e/ in 1974/1975, compared with \$A 11,629 in 1973/1974. Expenditure for 1974/1975 totalled \$A 514,039, compared with \$A 552,188 in 1973/1974.

#### C. Land

20. As previously noted, all land in the Territory above the high-water mark was granted in perpetuity to the Clunies Ross family under a royal indenture of 1886. A number of land transactions have since been concluded between the Australian Government and the Clunies Ross family. At 31 December 1975, the situation was as follows: (a) the Australian Government owned approximately 148 hectares on West Island on which the administration centre and airfield were situated (formally conveyed to Australia in 1955); (b) the Government held under licence areas adjacent to the northern and southern boundaries of the radio transmitter site on West Island (approximately 2.3 and 3.9 hectares); and (c) as a result of agreements reached with Mr. Clunies Ross, the Government had access to and use of facilities in various parts of Direction and West Islands, including access by government personnel to certain beach areas for recreational purposes. The Shell Company (Pacific Islands) Ltd., held the lease of a site near the West Island jetty intended for a bulk fuel depot.

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e/ One Australian dollar (\$A 1.00) equals \$US 1.26.

#### D. Business enterprises

21. Companies located in the Territory are required by ordinance to register with the local government. The Administrator serves as Registrar. Companies incorporated in the Territory and wholly owned and controlled by permanent residents of the Territory are exempt from the payment of Australian income tax on earnings from territorial or other non-Australian sources. Nine companies are currently registered in the Territory.

#### E. Transport and communications

22. The international airport on West Island, which is equipped with full radio facilities, is under the jurisdiction of the Department of Administrative Services under licence from the Department of Transport. During the period under review, a charter service every three weeks for passengers and freight following a Perth-Cocos (Keeling) Islands-Christmas Island-Perth route was conducted by Trans-Australia Airlines (TAA) using Boeing 727 aircraft. The number of passenger arrivals and departures via air charter totalled 538. In addition, a shipping service operates to the Territory at intervals of about six months.

23. The location of the Cocos (Keeling) Islands is such that the airfield is used by transient civil and military aircraft crossing the Indian Ocean. It provides a useful staging point for aircraft lacking the range to fly directly between Australia and other countries in the region. There are no military facilities on the island and no Australian military personnel are stationed there. The airport is intended for civil use and was built solely for that purpose.

### 4. SOCIAL CONDITIONS

#### A. Labour

24. The copra industry operated by the Clunies Ross Estate provides the main source of employment for the Cocos Malays. The Estate provides housing, rations, medical services, clothing subsidies and pension benefits for its workers, in addition to a cash wage. Another major source of employment is the contract work (generally building maintenance and repairs) undertaken by the Clunies Ross Estate for the government authorities and the Shell Company (Pacific Islands), Ltd. on West Island.

25. Following is a partial listing of Estate wage levels (paid in tokens) in 1975:

Weekly wage a/

(rupiahs)

Headmen	17.50	
Junior headmen	12.00	
Estate workers	9.00	(age 25 years and over)
" "	6.00	(17-24 years)
" "	3.00	(14-16 years)
Women workers	4.50	

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a/ During 1975, a rupiah was equivalent to approximately one Singapore dollar (\$S 1.00) or 33 cents (Australian).

B. Public health

26. A medical officer and two nursing sisters are attached to the Administration to provide medical care for the Home Island community and all staff on West Island and their dependants. The medical officer also has responsibility for quarantine, sanitation and public health matters. A four-bed hospital maintained on West Island is equipped to handle most surgical and medical emergencies. A dentist and an eye specialist visit the Territory at regular intervals.

5. EDUCATIONAL CONDITIONS

27. Until 1973, teaching duties were carried out by Mr. Clunies Ross, assisted by his wife, and a number of young Cocos Malays, who served as assistants. Mr. Clunies Ross had over-all control of the school and its curriculum.

28. In September 1973, a teacher/adviser was appointed by the Government and a second part-time teacher was appointed in December 1974. The role of the teacher/adviser includes advising on the development of an appropriate curriculum and the training of Cocos Malays in teaching methods and curricular subjects.

29. The Government meets the cost of the two teachers, who were recruited from the mainland. Both reside on West Island and travel daily by launch to the school on Home Island. A Home Island school committee, comprising the Administrator and Mr. Clunies Ross, has been established. The Committee reports to the Minister of Administrative Services on progress and needs.

30. Students from 5 to 15 years of age attend the school, which basically provides tuition at a primary level. The classes are divided into eight grades. All instruction is in English. General information about the world, including the United Nations and its agencies, forms part of the curriculum. The curriculum also covers training in the use of Australian currency.

31. Attendance at the school is not compulsory, but a child must attend regularly if enrolled. Of approximately 120 children in the age group of 5 to 15 years, 68 attend the school. All children in the lower age groups attend. In accordance with the wishes of Mr. Clunies Ross, no official inspections are carried out at the school. The Clunies Ross Estate conducts adult education classes two evenings a week on Home Island. During the year five men and four women were enrolled in the classes, which are basically English language courses.

32. The primary school on West Island follows the syllabus of the Western Australian Department of Education. During 1975, the school was staffed by one teacher and, at 30 June, 13 pupils were being accommodated in its two class-rooms.

33. On 10 December 1975, Australia ratified the United Nations International Covenant on Economic, Social and Cultural Rights. In accordance with article 14 of the Covenant, each signatory State undertakes within two years "... to work out and adopt a detailed plan of action for the progressive implementation within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all".

## CHAPTER XVI

(A/31/23/Add.8 (Part I))

### NEW HEBRIDES

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of the New Hebrides to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1041st, 1043rd and 1044th meetings, between 19 and 23 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account General Assembly resolution 3433 (XXX) of 8 December 1975 concerning three Territories, including the New Hebrides, by paragraph 10 of which the Assembly requested the Committee, inter alia, "to continue to seek the best ways and means for the implementation of the Declaration with respect to the New Hebrides, ... including the possible dispatch of visiting missions in consultation with the administering Powers concerned ...".

4. During its consideration of the Territory, the Special Committee had before it a working paper prepared by the Secretariat (see annex I to the present chapter) containing information on developments concerning the Territory. In addition, the Committee took into account a letter dated 2 July 1976 from France and the United Kingdom addressed to the Secretary-General (see annex II to the present chapter). The Special Committee also had before it the following written petitions concerning the New Hebrides:

(a) Undated letter from Mr. Walter Lini, President, New Hebrides National Party (A/AC.109/PET.1264);

(b) Undated letter from Mr. Jean-Marie Lehey and Mr. Vincent Boulekone, President and Vice-President, respectively, of the Union des communautés des Nouvelles-Hébrides (UCNH) (A/AC.109/PET.1265).

5. The representative of the United Kingdom of Great Britain and Northern Ireland, as one of the administering Powers concerned, participated in the work of the Special Committee during its consideration of the item.

6. At its 1041st meeting, on 19 August, by adopting the 196th report of the Sub-Committee on Petitions, Information and Assistance (A/AC.109/L.1119), the Special Committee decided to grant the requests for hearings contained in the petitions referred to in paragraph 4 (a) and (b) above.

7. At the same meeting, Mr. Lini made a statement, and Mr. George Kalkoa, of the same party, replied to a question put by the representative of Australia (A/AC.109/PV.1041). Mr. Lehey and Mr. Boulekone made statements, and Mr. Boulekone replied to questions put to him by the representatives of Australia and the Ivory Coast (A/AC.109/PV.1041). Mr. Lini made a further statement (A/AC.109/PV.1041). The representative of the United Kingdom made a statement in connexion with the hearings (A/AC.109/PV.1041).

8. At the 1043rd meeting, on 20 August, the representative of the United Kingdom made a further statement (A/AC.109/PV.1043).

9. At the 1044th meeting, on 23 August, the Rapporteur of the Sub-Committee on Small Territories in a statement to the Special Committee (A/AC.109/PV.1044), introduced the report of that Sub-Committee (A/AC.109/L.1114), which contained an account of its consideration of the Territory, together with suggested amendments to the conclusions and recommendations contained therein (A/AC.109/L.1114/Add.1).

10. At the same meeting, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the conclusions and recommendations contained therein, as amended (see para. 12 below). The Chairman made a statement (A/AC.109/PV.1044).

11. On 24 August, the text of the conclusions and recommendations was transmitted to the Permanent Representatives of France and of the United Kingdom to the United Nations for the attention of their respective Governments.



## B. DECISION OF THE SPECIAL COMMITTEE

12. The text of the conclusions and recommendations adopted by the Special Committee at its 1044th meeting, on 23 August, to which reference is made in paragraph 10 above, is reproduced below:

(1) The Special Committee reaffirms the inalienable right of the people of the New Hebrides to self-determination, in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the problems peculiar to the New Hebrides by virtue of its being a condominium, and of other special factors, such as its size, geographical location, population and limited natural resources, the Special Committee reiterates its view that these circumstances should in no way delay the process of self-determination and the speedy implementation of the Declaration contained in resolution 1514 (XV), which fully applies to the Territory.

(3) The Special Committee expresses its appreciation for the co-operation and participation of one of the administering Powers, namely, the United Kingdom of Great Britain and Northern Ireland, in its discussions of the situation in the New Hebrides. The Committee notes with regret, however, the continued absence from the discussions of the representative of France, the other administering Power. In the interest of promoting the well-being of the inhabitants of the Territory, the Special Committee once more urges the Government of France to change its policy and to participate in the discussions on the New Hebrides.

(4) The Special Committee notes with interest that, during the period under review, two events of major political and constitutional significance took place in the New Hebrides: the first municipal elections were held on 16 August 1975, and the elections for the new Representative Assembly were held between 10 and 16 November 1975. Both elections were the first held in the Territory on the basis of direct universal suffrage. The fact that the percentage of participation in both elections was more than 83 per cent is proof of a strong and healthy interest on the part of a large majority of the people of the New Hebrides in these new institutions, and provides a sound basis for concluding that they represent constitutional developments which accord with the aspirations and wishes of the people of the Territory.

(5) The Special Committee notes that the inaugural meeting of the Representative Assembly took place on 29 June 1976 and that one of the first items on its agenda was the question of the elections of chiefs. In this connexion, the Committee reiterates its firm belief that the people of the New Hebrides, through their elected representatives, are the only persons qualified to decide who the chiefs are to be and how their representatives for the Assembly should be chosen.

(6) The Special Committee notes with interest the joint ministerial message of the administering Powers to the first meeting of the Representative Assembly, in which they expressed their recognition that the Anglo-French Protocol of

6 August 1914 was not a satisfactory basis for a relationship between the administering Powers and the people of the New Hebrides in 1976. <sup>1/</sup> It also notes the statement of the administering Powers that their intention is to co-operate with each other in building the future of the Territory in full agreement with its people and that they will work together for the orderly and democratic evolution of the New Hebrides in accordance with the basic principle of self-determination. The Committee is aware, however, that the establishment of the Representative Assembly is only a beginning, and urges the administering Powers to transfer greater legislative responsibility to the Assembly and to facilitate the creation of an executive body in the near future to supervise the Government of the New Hebrides in accordance with the wishes of the people.

(7) The Special Committee urges the administering Powers to ensure that Standing Orders will be available for consideration by the Representative Assembly at its next session.

(8) The Special Committee notes the statement of the representative of the United Kingdom, as one of the administering Powers concerned, whereby sessions of the Representative Assembly can be convened either by the Resident Commissioners or at the written request of two thirds of the members of the Assembly. The Committee expresses the hope that the administering Powers will apply these provisions with the maximum flexibility to enable the Representative Assembly to meet regularly. In this connexion, the Committee recommends that early consideration be given to the election of a New Hebridean Speaker of the Representative Assembly.

(9) The Special Committee emphasizes the need for the administering Powers to intensify their efforts to promote national unity, to preserve the territorial integrity of the New Hebrides and to facilitate the process of self-determination in accordance with resolution 1514 (XV).

(10) Although the administering Powers have agreed to consider the possibility of conferring on New Hebrideans a status of double ressortissant, the Special Committee notes with concern that the nationality of the New Hebrideans remains undefined and that they do not have a national passport.

(11) The Special Committee notes with concern the state of the economy of the Territory, which is based mainly on subsistence farming and on the production of copra: one has no potential growth, while the other is strongly affected by fluctuating world market prices. The Committee further notes that economic progress is dependent on foreign aid, and, in that connexion, is encouraged to learn that, at the 1974 joint ministerial meeting, the administering Powers agreed to initiate a joint economic and social development plan for the Territory, with particular emphasis on rural areas. The Committee welcomes the recent creation of the Joint Development Office and notes that its first task will be to prepare a comprehensive development plan for submission to the Representative Assembly before the end of 1976. The Committee again urges the administering Powers to safeguard

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<sup>1/</sup> See annex II to the present chapter.

the right of the people of the New Hebrides to own and dispose of their natural resources and to maintain control over their future development.

(12) The Special Committee notes from the statement of the representative of the United Kingdom that comprehensive land tenure legislation has been drafted for consideration by the Representative Assembly in the near future. The Committee is of the view that an orderly system of land tenure is most desirable, and expresses the hope that the new system will not in any way sacrifice the customary rights to land of the indigenous population.

(13) The Special Committee notes that the future of the fishing industry is in doubt since, according to one of the administering Powers, there was a substantial reduction in fish exports in 1974, owing to the lack of fish in the traditional fishing grounds as a result of overfishing. The Committee draws attention to the need to prescribe optimum permissible levels of catches to ensure adequate resources for the fish to regenerate.

(14) The Special Committee notes with interest the statement of the representative of one of the administering Powers that some improvements in the field of education have taken place in the New Hebrides during the period under review. The steady increase in the number of overseas scholarships and the continuing development of adult education, education in family planning and the expansion of library facilities are encouraging. The Committee notes, however, that the subject of educational conditions was apparently not covered by the joint Anglo-French ministerial discussions in November 1974 and that the administering Powers do not yet appear to have developed a joint educational policy for the Territory. The Committee reiterates its concern about the lack of trained indigenous personnel in the Territory and urges both administering Powers to make a combined effort to promote a unitary system of education. It believes that such a system would help to promote a sense of national identity among the New Hebrideans and would enable the indigenous inhabitants to prepare themselves adequately for their future political and economic responsibilities and to achieve a significant degree of localization within the civil service.

(15) The Special Committee stresses once again the importance of dispatching a visiting mission to the Territory. It is only through the acquisition of adequate first-hand information on the situation prevailing in the Territory and direct communication that the true attitudes, aspirations and wishes of the people can be ascertained. The Special Committee expresses the hope that the administering Powers will allow early access of a visiting mission to the New Hebrides.

ANNEX I\*

WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.109/L.1079 and Add.1.

## NEW HEBRIDES a/

### 1. GENERAL

1. The New Hebrides form an irregular chain of islands in the south-western Pacific Ocean covering an area of 11,881.7 square kilometres. At 31 December 1973, according to the report of the Government of France, the total population of the New Hebrides was estimated at 93,976, compared with approximately 92,362 the previous year. Non-indigenous persons numbered 6,509, including 4,158 French citizens and persons electing to come under French jurisdiction in the Territory. This category includes Wallis Islanders, Tahitians, Vietnamese and others. The British and ressortissants include Chinese, Fijians and Gilbertese. Vila, on the island of Efate, is the administrative headquarters of the Territory.

### 2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

#### A. Administration

2. As previously reported, the Territory of the New Hebrides is a condominium administered jointly by France and the United Kingdom and is governed according to the terms of the Anglo-French Protocol of 6 August 1914. Until 1974, the joint and equal heads of the Administration were the British and French resident commissioners, acting respectively on behalf of the British High Commissioner, who resides at Honiara in the Solomon Islands, and the French High Commissioner, who resides at Nouméa in New Caledonia. The French Administration has remained unchanged. Since the dissolution of the Western Pacific High Commission in 1974, the functions of the British High Commissioner have been vested in Mr. E. N. Larmour, an Assistant Under-Secretary of State at the Foreign and Commonwealth Office. The United Kingdom Resident Commissioner is responsible to the Assistant Under-Secretary of State.

3. The Joint Administration consists of the British National Service, the French National Service and the Joint (or Condominium) Services. The national services consist of administrative, clerical, accounting, medical and educational services. The latter two groups are primarily considered national matters, although they are subsidized from the Condominium budget. The Joint (Condominium) Services include the Treasury, public works and transport, posts and telegraphs, radio, lands, survey, agriculture, mines and meteorology, civil aviation, ports and marine services. Each service has its own set of estimates, the revenue of which derives mainly from each metropolitan Government.

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a/ This section is based on published reports and on information transmitted to the Secretary-General under Article 73 e of the Charter of the United Nations by the Government of the United Kingdom of Great Britain and Northern Ireland on 30 May 1975 for the year ending 31 December 1974 and by the Government of France on 1 August 1975 and 20 July 1976 for the year ending 31 December 1974.

## B. Legislature

4. Until 1975, there was an Advisory Council made up of 24 unofficial and 6 official members, including the British and French resident commissioners. Following Anglo-French ministerial talks at London on 4 and 5 November 1974 and at Paris on 11 July 1975, b/ the administering Powers agreed, inter alia, to replace the Advisory Council with a Representative Assembly invested with new powers and responsibilities. The final meeting of the Advisory Council was held in April 1975.

5. The Assembly is "elected by universal suffrage and ... /is/ so constituted as to ensure fair representation of all sectors of the population". It is composed of 42 members: 4 representatives of the chiefs, 29 elected members and 9 appointed members from among the economic interests of the Territory. Of the latter number, three British and three French members represent the Chamber of Commerce and three New Hebrideans represent the Co-operative Federation. The first elections for the Assembly took place in November 1975 (see para. 13 below).

## C. Local government

6. Twenty-one elected local councils represent islands or districts throughout the group. Vila has an advisory Town Planning Commission and Santo (Luganville) c/ an elected town council. In April 1975, the Protocol was amended to permit the establishment of municipal councils at Vila, Santo, Erakor and Mele.

7. At its December 1974 session, the Advisory Council had adopted further draft legislation on local government, providing for the establishment of councils in municipal and rural communities. The mayor of each town would preside over a multiracial municipal council. Community councils would be set up in rural areas, with a chairman presiding over each council. Councillors would be elected from a single ballot by a majority vote. Elections to the municipal councils of Vila and Santo were held on 16 August 1975 (see paras. 10-12 below).

## D. Judiciary

8. The Anglo-French Protocol provides for three courts, namely, the Joint Court and French and British national courts. The Joint Court is a court of final adjudication in matters of a purely condominium nature. One of its chief functions is that of a land court. British and French national courts administer their own national laws where British or French subjects are concerned, except in cases reserved for the Joint Court. In addition, there are Native courts, which have jurisdiction throughout their district over offences against New Hebridean regulations and customs.

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b/ For the text of the communiqué issued at the conclusion of the talks, see A/10175, annex.

c/ Luganville, on the island of Espiritu Santo, is known locally as Santo.

### E. Political parties

9. Of the political parties in the Territory, the two largest in terms of followers appear to be the New Hebrides National Party, which has about 58,000 members, and Na-griamel, which claims to have 20,000 members. Two other parties, the Union des communautés des Nouvelles-Hébrides (UCNH) and the Mouvement autonomiste des Nouvelles-Hébrides (MANH), represent minority interests and are believed to have several hundred members each. The existence of a fifth party, known as Tabowe-Massane, has been reported on Espiritu Santo. No information is available concerning this group.

### F. Elections

10. The first municipal elections in the Territory were held on 16 August 1975. The results showed an overwhelming victory for the candidates supporting continued joint rule by France and the United Kingdom. The New Hebrides National Party, which advocates independence in 1977 and an end to joint rule, obtained only a small minority of municipal seats. More than 80 per cent of the registered voters in Vila and Santo went to the polls and, despite the complexity of the cross-voting system, less than 10 per cent of the votes cast were declared invalid.

11. The New Hebrides National Party made serious allegations of gross malpractice in the conduct of the elections. In a letter dated 17 October 1975, the Board of Ecumenical Mission and Relations of the Presbyterian Church of Australia informed the Secretary-General that the allegations concerning the elections had been transmitted to the French and British resident commissioners in accordance with the November 1974 agreement (see para. 4 above). d/ The Board also stated that "the allegations have not been investigated. The Resident Commissioners have ignored the complaint and proceeded to declare the poll in contravention of the 1974 Agreement."

12. At Vila, of the 24 seats being contested, 18 went to UCNH (8 to New Hebridean, 5 to French and 5 to British candidates); the remaining 6 went to the New Hebrides National Party. Of the 16 seats being contested at Santo, 15 seats went to a coalition of MANH, Tabowe-Massane and Na-griamel members (8 to New Hebridean, 4 to French and 3 to British candidates); the remaining seat was won by the New Hebrides National Party. The six members of the New Hebrides National Party who won seats on the Vila Municipal Council were reported to have boycotted its first meeting, having decided that they would not attend meetings until their complaints concerning the electoral campaign had been dealt with.

13. The elections for the new Representative Assembly were held between 10 and 16 November 1975. In that election, the New Hebrides National Party won 17 of the 29 seats being contested and UCNH, the main opposition party, won 10, including all 6 seats representing the capital, Vila. No information is available on the contest for the remaining two seats.

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d/ See A/INF/171/Add.2, cf 17 December 1975, communication No. 6.

14. On 16 December, Na-griamel reportedly requested that the results of the elections for the six seats representing Santo in the Representative Assembly be declared invalid. Na-griamel allegedly claimed that 400 electoral cards had not been distributed. This was said to have helped the New Hebrides National Party to win the elections.

#### G. Future status of the Territory

15. In a joint letter dated 27 December 1975, addressed to the French and British resident commissioners, Mr. Jimmy Stevens (Na-griamel) and Mr. Aimé Malère (MANH) reportedly requested that the United Kingdom administration leave Espiritu Santo by 1 April 1976 and that the French administration take up the Joint (Condominium) Services there. In the letter, the two political parties stated, inter alia, that they were in possession of a "complete file on the acts of the British administration at Santo". The acts reportedly included the promotion of electoral fraud in the elections for the Representative Assembly and opposition to economic development. On the same day, the contents of the letter were disclosed at a public meeting of approximately 3,000 people outside the residences of the British and French resident commissioners.

16. At the same meeting, Mr. Stevens announced a unilateral declaration of independence for the Na-griamel Federation, which included "all of the island of /Espiritu/ Santo except Luganville; all of the islands surrounding /Espiritu/ Santo, including Acre, Malo, Aota, Maewo and Sakau; all of the islands in the Banks and Torres group; and any other settlements in the New Hebrides wishing to join the Federation as free and independent people".

17. On 29 December, the resident commissioners reportedly informed their respective Governments of the contents of the letter referred to in paragraph 15 above. In a joint press release issued on 30 December, the two administering Powers affirmed that they would not recognize the unilateral declaration of independence and declared that constitutional questions must first be taken up by the French and British Governments and by the representatives of the people of the Territory chosen in an appropriate manner.

#### H. Public service

18. In 1973, there were 993 officers in the French National Service (816 in 1972); 756 in the British National Service (458 posts, of which 69 were vacant in 1972); and 1,065 in the Joint (Condominium) Services (958 in 1972). In 1974, there were 992 officers in the French National Service and 1,069 in the Joint (Condominium) Services.

19. As reported earlier, the United Kingdom has stated that the British National Service attaches the highest importance to localization of the services and the training facilities necessary to achieve this.



### 3. ECONOMIC CONDITIONS

#### A. General

20. The economy of the New Hebrides is based mainly on subsistence gardening and the production of copra, mainly for export, which is generally restricted to coastal plains and low plateaux. Other export products are coffee and cocoa, meat (both frozen and canned) and frozen fish. There is also a declining timber industry. Plans under consideration include the expansion of the small tourist industry (see paras. 37-39 below) and measures to attract foreign business by establishing a tax haven.

21. The New Hebrides Condominium Joint Regulation No. 7 of 1975 modifies the Chamber of Commerce so that it now has 30 members, of whom 18 are elected and 12 are nominated jointly by the resident commissioners. The Chamber of Commerce is divided into three sections, each composed of 10 members: 6 represent British and French interests and 4 represent New Hebridean interests. The three sections deal, respectively, with agriculture, industry (tourism, financial, business and professional firms) and all other commercial and industrial interests.

22. According to the annual report of the United Kingdom, progress in the implementation of projects included in the development plan for 1971-1974 has generally been good, although rising costs and climatic difficulties have caused some setbacks.

#### B. Land

23. The New Hebrides is not considered a territorial possession of either Power concerned. There are no Crown lands or their equivalent. All land is held to belong or to have belonged until alienated to the indigenous inhabitants. The Anglo-French Protocol regulates the acquisition of unregistered land from indigenous persons and the registration of land claims. It also provides for the creation of inalienable indigenous reserves and for the control of sales of land by indigenous persons to non-indigenous persons.

24. The Territory covers an area of 1,188,166 hectares, of which 251,243 hectares are registered. In 1974, the New Hebrides National Party, in a land policy statement, requested that all land owned by expatriates eventually be returned to the indigenous population. According to the Party, it based its requests on popular demand as expressed at a Party conference held in February 1974 and at subsequent public rallies. The Party defined a four-part programme of land recuperation, as follows: (a) the return of all land owned by expatriates; (b) confirmation of titles to land currently held by New Hebridean owners; (c) the return of all undeveloped bush land owned by expatriates to the people of the Territory; and (d) recognition of the various New Hebridean customary titles, rights and claims to land. The Party also asked that no further land be sold until a land law had been formulated.

25. According to reports published in 1975, it was decided at the ministerial conference held at London (see para. 4 above) to establish a new system of land tenure, applicable to all inhabitants of the Territory without distinction of origin. The plan would replace the land provisions of the Anglo-French Protocol with joint regulations based on New Hebridean land concepts. Some work has already been done on a uniform land scheme.

26. On 3 December 1974, approximately 10,117 hectares of so-called Commonwealth lands held by Burns Philp and Company, Ltd., on behalf of the Australian Government, were formally transferred to the newly created Land Trust Board of the New Hebrides. e/ During the ceremony at the British residence, the deeds and titles to 52 separate parcels of land in all four districts of the Territory passed into the hands of the Board.

27. In 1975, it was reported that the Assembly of the Presbyterian Church of the New Hebrides had called for the return, where possible, of its own and other alienated lands to the rightful original owners. In rebuttal, Mr. David Curtis, an Australian lawyer employed by the Honolulu land development firm of Eugene Peacock, claimed in a statement to the Church Assembly that acquisition of land on Espiritu Santo had been a model of legal and financial propriety. Under the agreement, areas made over for development in the area controlled by Na-griamel in the northern part of Espiritu Santo were ceded by Chief Puluk and, he said, would yield handsome returns for the community.

28. Subsequently, members of the Kalsakan family of Vila requested the Assembly of the Presbyterian Church to return to them the Church-owned island of Iririki in Vila harbour. The island is the site of the British Resident Commissioner's residence and of buildings of the former Presbyterian hospital, unused since the Government assumed control of the institution and moved it to Vila. The Assembly of the Presbyterian Church reportedly decided to offer to return the bulk of the island to its original owners. Although no conditions were set concerning the use of the land, under the terms of the agreement, the Assembly stipulated that the Presbyterian Church must be satisfied that funds derived from future use of the land would be applied to the long-term benefit of all the original owners. They also requested compensation for the buildings on the land.

### C. Agriculture and livestock

29. The New Hebrides is reported to be the second largest copra-producing country in the South Pacific, surpassed only by Papua New Guinea. Virtually all copra produced in the Territory is exported, although there have been some small-scale local enterprises. Copra is exported mainly in bulk, although copra in sacks is exported to Japan.

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e/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. IV, chap. XV, annex, para. 36.

30. Copra production during 1974 totalled 35,350 metric tons, representing a better-than-average year. Exports amounted to 35,667 metric tons valued at FNH 1.5 billion, f/ compared with 22,159 metric tons (\$A 3.4 million) in 1973. Production may have been helped by the unprecedentedly high world price paid for copra during the first half of the year, which, however, was followed by a steep decline in price during the second half of the year.

31. Cocoa and coffee are second and third in importance as agricultural cash crops. Cocoa exports declined from 828 metric tons in 1973, valued at \$A 495,000 to 508 metric tons in 1974, valued at \$A 500,000. Coffee exports rose from 2 metric tons, valued at \$A 1,400, to 26 metric tons in 1974, valued at \$A 25,200.

32. According to the annual report of the United Kingdom, there were about 104,000 head of cattle in the Territory (100,000 head in 1973). During 1974, exports of beef and other animal products were as follows (1973 figures in parentheses):

	<u>Metric tons</u>	<u>Volume</u> (Australian dollars)
Beef (fresh and frozen)	415 (658)	351,691 (461,000)
Beef (canned)	90 (189)	204,681 (259,000)
Other animal products	72 (78)	23,466 (26,000)
Live cattle (head)	90 (29)	42,500 (30,000)

#### D. Fisheries

33. In 1974, 9,824 metric tons of frozen fish were exported with an f.o.b. value of almost \$A 6.5 million (27 per cent of the total value of exports), compared with 15,131 metric tons in 1973, valued at \$A 8.0 million (61 per cent of the total value of exports).

#### E. Forestry

34. During 1974, 1,476 metric tons of timber were exported at a value of \$A 133,118 (11,895 metric tons valued at \$A 780,000 in 1973). Timber production and exports

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f/ The pound sterling and the French franc are legal tender in the Territory. The currencies in use, however, are the Australian dollar (\$A) and the New Hebrides franc (FNH). \$A 1.00 equals FNH 100, or approximately \$US 1.26.

have declined owing to the cessation of timber operations at the end of 1973 by La Société Agathis on Erromango. Other operators produced about 600 cubic metres of sawn timber for the domestic market during 1974.

#### F. Mining

35. In 1974, the expenditures of the Condominium Mines Department totalled \$A 44,160 (\$A 36,882 in 1973). For 1974/75, the budget of the Geological Survey Department was \$A 57,297. During the year under review, 47,311 metric tons of manganese were exported at a value of \$A 545,000 (30,682 metric tons valued at \$A 329,000 in 1973).

#### G. Industry

36. In 1974, a small factory manufacturing barbed wire and nails was established at Vila by Melanesia Wire Products. The present output of the factory is 90 kilograms an hour. The company expects to reach an annual output of 350 metric tons of nails within a year. Five New Hebrideans are employed in the factory.

#### H. Tourism

37. Development of the tourist industry has been slow in the New Hebrides in comparison with other Pacific Islands. There are mixed feelings among the population about a rapid development of tourism in view of its social consequences, but at the same time, there is a growing demand for the economic benefits that would be generated by visitors to the Territory.

38. Tourism received a major impetus in late 1971 and early 1972 when the Australian airline, Qantas Airways, and the Union des transports Aériens (UTA), a French company, introduced a promotion campaign in the Australian market. A new hotel, the Santo, was opened in August 1975 at Santo and contains 22 rooms, to be increased eventually to 60 rooms. The tourist industry is also expected to benefit from the tour visits in 1976 of a new cruise liner, the Pacific Princess. Twenty-one visits by overseas lines are scheduled for 1976.

39. In 1974, 21,743 tourists visited the New Hebrides (16,000 in 1973).

#### I. Public finance

40. As previously reported, the Territory has three budgets. Revenue and expenditure for 1974 were as follows:

(In Australian dollars)

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	<u>Revenue</u>	<u>Expenditure</u>
Joint (Condominium) Services	12,000,845	10,172,734
British National Service	5,557,889	5,555,880
French National Service	2,825,518	2,775,250

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J. Transport and communications

41. The United Kingdom reported that a total of 647 aircraft and 382 vessels entered the Territory in 1974.

4. SOCIAL CONDITIONS

A. Co-operative societies

42. British-supervised co-operative societies are administered from Vila by a chief co-operative officer and by senior staff in four districts. There was no change in the number of staff employed during the year under review. In 1974, there were 162 co-operatives under the supervision of the British National Service (131 in 1973). Total membership of co-operative societies under British supervision numbered approximately 8,000 (heads of families only) in 1974, compared with 7,000 in 1973. The total turnover in 1974 was \$A 7.5 million (\$A 3.0 million in 1973). In 1974, there were 59 co-operative societies under the supervision of the French National Service (39 in 1973), with a total membership of 2,922 (approximately 2,020 in 1973). The total turnover in 1974 was \$A 926,199.

B. Labour

43. As previously reported, most of the employed labour work on copra plantations, trading ships or in semi-skilled jobs. In 1974, salaried employees numbered 8,530, of whom 5,703 were New Hebrideans. The Joint (Condominium) Services employed 1,065 persons; the British National Service, 756; the French National Service, 993; and the private sector, 5,716.

44. In 1974, the total number of New Hebrideans migrating to New Caledonia continued to decline. Six hundred New Hebridean workers left the Territory for New Caledonia during the year and 631 returned.

45. During the second half of 1974, a Labour Advisory Committee comprising representatives of employers and workers was appointed under a joint regulation and met on three occasions to consider possible legislative amendments.

46. A project of the United Nations Development Programme (UNDP) and the

International Labour Organisation (ILO), designed to upgrade the skills of industrial workers through vocational training was approved during the latter half of 1974, and an ILO expert was scheduled to begin work on the 18-month project in 1975.

### C. Public health

47. In 1974, the staff of the British Medical Department consisted of 1 chief medical officer, 9 expatriate medical officers (7 in 1973), 5 local medical officers (graduates of the Fiji College of Medicine), 14 medical assistants, 16 registered nurses, 90 certified nurses, 50 partially-trained nurses, 2 sanitary inspectors, 3 laboratory technicians and 1 pharmacist. This staff serves the base hospital, a district hospital and the rural dispensary service. The new base hospital at Vila was scheduled to be opened in early 1975.

48. In 1974/1975, expenditure on public health by the British National Service totalled \$A 1.8 million (\$A 1.3 million in 1973/1974). Expenditure by missionary and philanthropic organizations was approximately \$A 150,000 (unchanged).

### 5. EDUCATIONAL CONDITIONS

49. In 1974, there were 24,900 school-age children in the Territory (23,000 indigenous and 1,900 non-indigenous), compared with 22,500 in 1973. Estimated illiteracy in the Territory was 15 per cent of the total population 10 years of age and over. Primary education supported by the British National Service was provided in 95 public schools and 76 independent schools (96 public schools and 95 independent schools in 1973). There were 7,575 students enrolled in British primary schools, 172 in British secondary schools and 83 students studying overseas. Seventy-four students were enrolled in teacher-training courses in the Territory and 40 enrolled overseas.

50. As at 1 April 1975, primary education supported by the French National Service was provided in 55 public schools and 35 private schools. In March 1975, there were 9,196 students enrolled in French primary schools (8,076 New Hebrideans), an increase of 7.4 per cent over the previous year. There were also 523 students enrolled in French secondary schools (197 New Hebrideans), 109 students in vocational schools (70 New Hebrideans) and 38 students studying overseas.

51. The reorganization of the school system into a six-year primary school cycle was virtually completed in 1974. All seventh year classes were to be dropped in 1975.

52. The Joint Administration of the Condominium provides an annual subvention for education, which is equally divided between the two national services and is used to help provide educational facilities in accordance with the respective policies of the metropolitan countries.

53. In 1974, total expenditure on education by the British National Service amounted to \$A 1.4 million (\$A 1.5 million in 1973) and British development aid provided an educational grant of \$A 1.1 million (\$A 1.2 million in 1973). Expenditure by the District Education Committee was \$A 71,201 (\$A 67,323 in 1973) and expenditure by missionaries and voluntary bodies was estimated at \$A 118,000 (\$A 150,000 in 1973). Aid from other sources was estimated at \$A 88,000. In 1975, total expenditure on education by the French National Service amounted to \$A 346,875.

ANNEX II\*

LETTER DATED 2 JULY 1976 FROM THE REPRESENTATIVES OF FRANCE AND  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE  
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to inform you that the inaugural meeting of the Representative Assembly of the New Hebrides was held on 29 June 1976. The enclosed joint statement of the policy of our Governments in respect of the future of the New Hebrides was delivered at that meeting by the Resident Commissioners.

(Signed) Louis de GUIRINGAUD  
Permanent Representative of  
France to the United Nations

(Signed) James MURRAY  
Acting Permanent Representative  
of the United Kingdom of  
Great Britain and Northern Ireland  
to the United Nations

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\* Previously issued under the symbol A/31/121.



## APPENDIX

### Joint British/French Ministerial Message to the inaugural meeting of the Representative Assembly of the New Hebrides delivered by the two Resident Commissioners on 29 June 1976

This first meeting of the Representative Assembly is a milestone in the history of the New Hebrides, with which we as the Ministers responsible in Paris and London are proud to be associated.

We were impressed by the very high poll in the elections last November. It is evident that the people of the New Hebrides are ready to make their voices heard in the affairs of the group and in determining their own future development. The Governments of France and Great Britain recognize and respect these aspirations and will work together for the orderly and democratic evolution of the New Hebrides in accordance with the basic principle of self-determination.

Much remains to be done to overcome the less happy legacies from the past, but we must look to the future, not the past. The 1914 Protocol is not a satisfactory basis for a relationship between our peoples in 1976, but we do not propose to embark on new negotiations to define rights and responsibilities for ourselves in the New Hebrides. Our intention is to co-operate with each other in building the future of the group in full agreement with the people of the New Hebrides.

The establishment of this Representative Assembly is just a beginning. The experience drawn from this first legislature will lead us, if you so desire, to look into the transfer to this Assembly of a greater measure of legislative responsibility and to consider the creation of an executive body to supervise the condominium services.

We have instructed the two Resident Commissioners to draw up plans to rationalize the joint administration. This process is to start during the present Assembly and we intend to complete it as soon as possible, to create an administration closely adapted to the needs of the New Hebrides. In parallel with this task, improvements in the workings of the Representative Assembly itself can be studied.

We also invite you to consider with us during this Assembly how best to achieve these aims. We do not wish to impose institutions on the French or British model, but to draw on what is best irrespective of origin. We shall look to your wisdom and co-operation, and those of all sections of the community, to devise democratic methods of government to suit the present and future needs of the New Hebrides. Our role will be to help in any way we can, and to provide the specialist advice or material assistance which you may seek. We shall not allow differences of language, of culture, of tradition or of race to weaken our shared determination to make the New Hebrides a truly exemplary society in which all constituent groups can live and work in peace.

CHAPTER XVII  
(A/31/23/Add.8 (Part II))

TOKELAU ISLANDS

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A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066) decided, inter alia, to refer the question of the Tokelau Islands to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1025th, 1029th and 1057th meetings, between 10 February and 26 October.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Committee also took into account General Assembly resolution 3428 (XXX) of 8 December 1975 concerning the Tokelau Islands, by paragraph 3 of which the Assembly welcomed "the invitation extended by the Government of New Zealand to the Special Committee to dispatch a visiting mission to the Tokelau Islands in 1976, in order to obtain first-hand information on conditions in the Territory and on the wishes and aspirations of its people". 1/

4. At the 1025th meeting, on 10 February, the Chairman informed the Special Committee that he had undertaken preliminary consultations with the Permanent Representative of New Zealand to the United Nations concerning the Visiting

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1/ See also General Assembly resolution 2868 (XXVI) of 20 December 1971.

Mission to the Tokelau Islands and, on the conclusion of his consultations, he would consult members, through the officers of the Committee, concerning the details of the mission.

5. At its 1029th meeting, on 1 April, the Special Committee decided to request the Chairman to hold the necessary consultations with a view to the designation of the members of the Mission. In accordance with that decision, the Chairman subsequently announced that the Visiting Mission would be composed of the representatives of the United Republic of Tanzania (Chairman), Iran and Tunisia.

6. The representative of New Zealand, as the administering Power concerned, participated in the work of the Committee during its consideration of the item.

7. At its 1057th meeting, on 26 October, in the light of consultations undertaken by its Chairman, the Special Committee took up the question of the Tokelau Islands directly in plenary meeting, on the basis of a decision taken by the Sub-Committee on Small Territories at its 246th meeting, on 24 March.

8. At the same meeting, the representative of the United Republic of Tanzania, in his capacity as Chairman of the Visiting Mission, introduced the report of the Mission (see annex to the present chapter). Statements were made by the representative of New Zealand, as the administering Power concerned, as well as by the representatives of Fiji and Indonesia (A/AC.109/PV.1057).

9. At the same meeting, following a statement by the Chairman (A/AC.109/PV.1057), the Special Committee decided without objection to adopt the report of the United Nations Visiting Mission to the Tokelau Islands, 1976, and to endorse the observations, conclusions and recommendations contained therein (see para. 11 below).

10. On 27 October, the text of the observations, conclusions and recommendations of the Visiting Mission was transmitted to the Permanent Representative of New Zealand to the United Nations for the information of his Government.

## B. DECISION OF THE SPECIAL COMMITTEE

11. The text of the Visiting Mission's observations, conclusions and recommendations adopted by the Special Committee at its 1057th meeting, on 26 October 1976, to which reference is made in paragraph 9 above, is reproduced below and should be read in conjunction with the observations of the Visiting Mission set out in other parts of its report.

### 1. General

(1) The administering Power informed the Visiting Mission that it had consulted the people through the general Fono on the style of the name of the Territory and that the representatives preferred that it should be known as Tokelau, as it is in the indigenous language, and not the Tokelau Islands. The

Mission recommends therefore that henceforth the United Nations should also adopt that style so that the name should appear as Tokelau.

(2) During its visit to Tokelau, the Mission became acutely aware that the size of the Territory, its tiny population, remote geographical situation and paucity of resources, much of the latter owing to very poor soil, has combined to foster an extreme sense of solitude. That sense appears to heighten the primary concern of the people for their economy and, therefore, their relationship with New Zealand. They are apprehensive of any change which might alter the present relationship with the administering Power and therefore the survival of the community. It is only understandable then that they should wish to remain under the protection of the administering Power, at least until they perceive fully the implications of any change in their status.

## 2. Economic conditions

### General

(3) Throughout the present report, the Mission has elaborated on the many difficulties facing the people and the need to improve the Territory's economic and social situation. The people tend to stress often the improvements which they expect the administering Power and, to a lesser extent, the international community to bring to the Territory. Improvements are, of course, limited by the factors involved, for example, the small amount of land available and the quality of the land on which crops are grown, as well as the availability of able-bodied workers.

### Agriculture

(4) The coconut is the principal cash crop (copra) as well as food product of the islands. Other than the pandanus, the coconut palm is the one tree that dominates the motus (islets) which are not used for habitation. It has been the unfortunate victim of rats and, on Nukunonu since 1963, of the rhinoceros beetle. The Mission was informed that the rhinoceros blight had been brought under control, but the trees are still ravaged by rats. The Mission recognizes the invaluable assistance which the South Pacific Commission has rendered to the Territory in this connexion. It considers that further assistance from other international agencies to both the Territory and the administering Power in the Mission's endeavour to aid the local farmers may be called for, and it therefore suggests that the administering Power continue to explore the possibilities of seeking assistance from such institutions.

(5) Other food crops exist on the islands - pulaka, bread-fruit, ta'amu, pawpaw, pandanus fruit and bananas - but the soil is so thin that these crops are cultivated only with great difficulty. Plots are covered with cast-off vegetation, which is allowed to rot and become mulch. Humus is also produced, almost inch by inch. Some thought needs to be given as to how to improve the soil of the atolls and what other crops may prove an economic resource to the people.

(6) It is perhaps ironic that one of the most serious problems facing the Tokelauans, who virtually live on the sea, is that of a sufficiently pure water supply. Ground water is not enough and therefore a policy is pursued of catching rain water from the roofs of buildings in large storage tanks. For this water supply system to work effectively, buildings must have suitable roofs. The Mission was informed that in new housing projects, the people (or community) supply the walls, while the Administration supplies the roof as well as water tanks. In Fakaofo, which was host to the delegates to the general Fono, as well as the Mission, the situation was beginning to become acute. The Nukunonu Fono raised the question with the Mission. Apparently droughts occur periodically. The Mission was informed that the most severe drought had lasted for four months some 15 years ago.

(7) The South Pacific Commission has made a survey of all roofs in the Territory which are designated to catch water for storage. The Mission expresses the hope that, when the report on this survey becomes available, the Administration and the village elders will be in a better position to respond to the problem. In the meantime, it urges the administering Power to take the necessary measures to continue to improve roofing, guttering and tanks which it has undertaken to provide. It also urges the administering Power in this connexion to ensure that the water supply is examined regularly at frequent intervals to ascertain its potability and to supply improved testing facilities and access to those facilities.

#### Fishing

(8) The Mission is seriously concerned regarding the problems besetting the Tokelauans when they attempt to fish from the sea around them. Fish are both food and a principal source of revenue. They are perhaps the real potential of the Territory and, in the future, fishing could become the most important source of income. Bearing in mind the protection of the interests and rights of the Territory, the Mission is particularly interested in how the Tokelauans are made aware of the developments of, and how they are enabled to express their views to, the United Nations Conference on the Law of the Sea, as well as regional and other international bodies. Whatever the results of the present Conference, it is bound to have a profound effect on the people of Tokelau as an island people and it is essential that they be made aware of the issues and that they participate in formulating policies in this regard. The Mission was informed that results of previous conferences have been relayed to Tokelau. It feels, however, that Tokelauans should be provided with all relevant information and the opportunity to have their views reflected in these forums.

(9) At present, Tokelau has a 3-nautical-mile limit. New legislation projects an additional 9 nautical miles as a fishing zone, making 12 nautical miles in all. The policing of these waters rests with the Tokelauans, which they are unable to do effectively. The Mission received many complaints about poaching in this area. The New Zealand authorities said that a strong pair of binoculars had been left with the faipule on each island so that the Tokelauans could identify ships which fished illegally in these waters and could pass the relevant information on to Wellington. The New Zealand Ministry of Foreign Affairs delivers notes of protest to the countries concerned.

(10) If the 200-nautical-mile zone is adopted by the United Nations Conference on the Law of the Sea, protecting these waters will be even more difficult and a new approach will be required. The Mission considers that all parties concerned, the islanders, the administering Power and the United Nations, need to continue to search diligently for an effective answer to the serious problem of poaching.

(11) In connexion with fishing for food and the possibility of establishing some sort of fishing enterprise as a means of augmenting income, one of the major obstacles is the reefs surrounding the atolls. Both in the Territory and from the Tokelauan communities in New Zealand, the Mission heard grievances expressed on the risks and difficulties of going out to fish when the sea is rough and how much time and money is lost in such circumstances. The Tokelauans need reef channels to ease their passage to the sea. The administering Power is mindful of this and has been carrying on reef channel blasting. A demolition team from the New Zealand Ministry of Works was present at Fakaofo when the Mission visited that atoll and the team returned to Apia on the Cenpac Rounder with the Mission.

(12) The Mission is also aware that too large an opening to the sea might bring larger open-sea life into the lagoon and upset the environmental balance around the islands; on the other hand, the Mission considers that there is ample reason to give more study to this particularly important question and urges the administering Power, in consultation with appropriate international agencies, to study and implement means of improving the access by the Tokelauans to the sea around them.

(13) Also in connexion with fishing, the Mission suggests that the administering Power, in consultation with the people, investigate the feasibility of establishing a commercial enterprise in the Territory by determining which markets might be available and studying the impact of such an enterprise on the community.

#### Transport and communications

(14) One of the major problems the Mission found was that of communication with the outside world. Although the islands are only about 480 kilometres from Samoa and both the Office for Tokelau Affairs and the New Zealand High Commissioner at Apia seem to be in daily radio contact with the Territory, until recently there has been no regular shipping service to Tokelau. Even now, given the daily charge of chartering a vessel, frequency and regularity of contact are not guaranteed. This situation naturally presents problem in shipping supplies to the Territory and evacuating those sick who must be treated at the hospital at Apia and are obliged to remain at Apia two or three months, away from their families and daily routine. This is a major disruptive factor in their lives.

(15) The Mission therefore considers that, especially in the light of the new structure of the Office for Tokelau Affairs at Apia, the representatives of the administering Power and the leaders of the people should together study the shipping schedule with regard to the needs of the population, bearing in mind, among other things, the funds available to charter boats. They may well consider hiring smaller craft than the present ship under charter, which would be more appropriate to the needs and means of the Territory, in order to co-ordinate supply and deliveries.

(16) With regard to further increasing local revenues, the Mission considers that there are certain areas, such as handicrafts and boat-building, which have not yet been thoroughly explored. During its tour, the Mission observed fine pandanus weaving, and an interest in constructing small craft, which is now done on a non-profit basis, or as a pastime; it is aware that other Pacific island groups have made use of similar talents to augment their small budgets. Although the amount received from those industries may not generally seem to be considerable, in the case of Tokelau, any amount would constitute welcome additions to the Territory's revenue. The Mission would therefore urge the administering Power, in consultation with the people of the Territory, to examine those markets which may be open to them and which may prove to be viable.

### 3. Social conditions

#### Housing

(17) The Mission has mentioned above the Administration's housing policy in connexion with the water supply system. The representative of the administering Power also stated that an added incentive to housing was for local inhabitants to contribute their labour to construction of houses up to a certain point. The Mission finds this commendable. Mindful, moreover, of the influence that housing may play in the maintenance of a better life and the good health in the communities, the Mission considers it of primary importance that the Administration set out and sustain a clear policy in this field.

#### Public health

(18) The Mission was impressed by the new hospital quarters which have recently been constructed on all three atolls. Indeed, it attended the opening of the new institution at Fanua Fala on Fakaofu. It also commends the steps taken by Dr. Peni to improve village sanitation by constructing a separate piggery at one end of Nukunonu so that the animals do not wander around the houses and gardens of the inhabitants spreading disease. The Mission suggests that perhaps more emphasis should be placed on preventive measures in the field of public health.

(19) The Mission was informed that, because of the isolation of the Territory, the inhabitants are not particularly resistant to diseases which each visit of a ship may bring and that, from 10 days to two weeks after such visits, the islands suffer from outbreaks of minor diseases. The Mission considers that there should be firmer health control of the visitors to, from and within the Territory.

(20) Finally, the Mission heard a number of complaints regarding hospital supplies, dwindling stocks and shipments of wrong medicines. It expresses the hope that under the new arrangement, the Office for Tokelau Affairs at Apia will be able to deal more effectively with this question.

## Labour

(21) From among the civil servants, the Mission heard a number of complaints concerning the excessive amount spent on expatriate salaries and inequities that exist in their wage and salary system. It is aware that, under the new approach of the administering Power, the number of overseas officers is being reduced to an essential minimum. Bearing in mind, however, the reasons given by the representatives of the administering Power at Wellington concerning wage discrepancies, which may have come about owing to variations in the development of the economies in Western Samoa and New Zealand (see paras. 270-271 above), the Mission shares the view of the administering Power that Tokelauan wage earners should not suffer because of the fluctuating economies of other countries and suggests that the administering Power take steps to review and equalize the Tokelauan salary structure.

(22) The educational system should meet the needs of the people of Tokelau and, in so doing, prepare each individual for one of several possibilities, namely, life in the Territory or emigration to New Zealand or elsewhere. It is this dichotomy that has helped to shape the educational policy of Tokelau in the past and which has led until the present to considerable frustration on the part of the people. Although New Zealand educational standards have been followed, at the present time there seems to be little opportunity for a student to acquire skills which he or she may need if migrating to New Zealand. On the other hand, if the individual is fortunate to receive an education overseas and then, for whatever reason, must return to live in the Territory, the mounting frustration may be equally severe. Too often, the educational system has not fit the style of life in which the inhabitant has found himself. The Mission welcomes the intention of the New Zealand Government to improve the educational system as set out by the Administrator of Tokelau and reflected in paragraphs 75 to 79 above. It considers, moreover, that this is a subject which should be kept under constant review by the administering Power and discussed by it in depth, in consultation with the people of Tokelau, in the hope of finding more satisfactory solutions.

## 4. Constitutional and political developments

### General

(23) The Mission found during its visit what it considers to be a unique situation on the three atolls which comprise Tokelau. Each island is virtually an autonomous unit in itself made up of posts of the pulenuku (mayor) and the faipule (representative of the Administration), elected every three years by universal suffrage, and a taupuulega, the deliberating and legislative body which sits as the fono matai (Council of Elders) on extraordinary matters. That body is made up of a number of tooeaaina (elders), who also sit as the local court. The faipule acts as the judge of that court. It seems to the Mission that in this quasi-traditional internal structure the areas of competence of each of these political-institutions - the faipules, the pulenukus, the village fonos, the local



courts - has not yet been clearly defined. The Mission accepts that these bodies now perform certain functions and that, so far as the people of Tokelau are concerned, they represent supreme bodies.

(24) The Mission did not detect any challenge to the authority of these institutions which appeared to be acceptable by all concerned. It is true that at present the women and younger men are not allowed to participate in the policy-making bodies mentioned, although older women play a key role in the functioning of the kaaiga (family group), in the distribution of the food supply of the bilateral descent units and in ensuring the structural continuity of residential groups. Yet those men and women who in the last generation have gone abroad to live and study, who have become doctors and nurses, teachers and public servants of various qualifications, are now reaching the age of venerability and will soon play a more active role in running the affairs of the community and change will probably occur.

(25) Only when it has become clear what form of change it is that the people of Tokelau desire to take place, does the administering Power consider it wise to act upon the wishes of the people and to formalize the modified institution. Following further discussions and consultations with the people of the Territory, the Mission would request the administering Power to continue to inform the United Nations on measures adopted in this area of development.

(26) There appears to be a considerable body of New Zealand law applicable in the Territory. It would seem to the Mission therefore that some work must be done to bring about uniformity in the public law in order to ensure that there are no conflicts or contradictions between customary law and the New Zealand laws which have effect in Tokelau.

#### Office of Tokelau Affairs

(27) The Mission was informed of the reorganization, new general approach and the aspirations of the Administration for the Office of Tokelau Affairs at Apia in order to make it more responsive to Tokelau and its people. It also takes note of the desire by both the people of the Territory and by those in the New Zealand communities for a greater participation by Tokelauans in running the Office. The Mission shares their view, especially since it is the wish of all concerned that the Office should be the servant of the Tokelauans and respond directly to their wishes.

(28) The Mission was informed in Wellington that it was New Zealand's aim to reduce the difficulties of transport which in the past have placed so many limitations on the village fonos and their operations. To a large extent, New Zealand considered that it had been successful. Nevertheless, there may still be a tendency on the part of the Tokelauans to regard the Office as an instrument of the New Zealand Government and especially of the Administrator. An effort must be made to change this attitude and, according to the administering Power, the process of education has begun so that the people now believe that the Office belongs to them. The Mission was assured that the Office was moving towards more

autonomy, that eventually it would be headed by a Tokelauan and that the post of Administrator would be eliminated. This would come about at some subsequent reorganization, however, when the Office's legal status would have been clarified.

(29) Concerning the status of the Office for the Tokelau Affairs with respect to the Government of Western Samoa, the New Zealand Government informed the Mission that relations between the two had always worked simply and smoothly. Moreover, when the faipules and the elders travelled to or through Apia, they always called on the Prime Minister and officials of the Western Samoan Government. The New Zealand Government anticipated that relations would continue to be cordial and work in the "Pacific way".

(30) The Mission expresses the hope that the New Zealand Government will continue to meet any increase in budget caused by the reorganization and revitalization of the Office at Apia.

#### Future status

(31) Taking into account the apprehensions of the Tokelauans that the administering Power may wish to cut itself free from its responsibilities in the Territory, the people of Tokelau consider that they are not yet ready to run their own affairs by themselves. At present, therefore, they wish to maintain their close ties with New Zealand and, in this connexion, they have emphasized that it is within the interests of Tokelau to improve further the economic and social conditions in the islands so as to meet the needs of the people. It was clear to the Mission that this view had widespread support among the people for it was an expression which the Mission heard repeatedly - at meetings with members of the general Fono, the village fonos and by the communities residing in New Zealand, as well as in private discussions.

(32) For its part, the representatives of the administering Power assured the Mission that, under its new policy, the wishes of the people would be respected and that it did not wish to influence or force the people one way or another.

(33) The Mission considers that in order to allay the apprehensions of the people, the administering Power must make the issues clear to the people and explain the choices available to them in such a manner as not to exacerbate their fears for the future. The Mission was informed by the administering Power that it was ready to give its support to the people to meet their needs and allow them to run their own affairs. In that regard, it may well be necessary to guarantee to the people of Tokelau financial and technical assistance in the future.

#### Swains Island

(34) The Mission recalls that at its meeting with the general Fono on Fakaofu on 8 June, a claim was submitted to the Mission (see appendix IX.A to the present report) in which it was stated that the island of Swains Island (or Olohega), 2/ which now makes up a part of American Samoa and is administered by the United States of America, rightfully belonged to Tokelau. The Fono demanded the return of that island for which it claimed the people were in great need. Some evidence in support of the claim was attached to the submission and it was stated that additional evidence might be submitted later.

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2/ Known as Olosega in American Samoa.

(35) The Mission took up the claim with the New Zealand authorities at Wellington who stated that the claim was not new. Reputedly, the first Tokelauans were on Swains Island about 1400 A.D. The island was "given" to Eli Jennings by an unknown Englishman in 1850 and it had continued in the Jennings' family until annexed by proclamation to American Samoa in 1925. Walter Jennings, who operates the plantation on the island at present, is mostly Tokelauan himself. The New Zealand Government officials informed the Mission that Wellington might, at a later date, submit supplementary information on the matter (see appendix IX.B to the present report).

(36) In the Mission's view, the claim will have to be considered by all parties concerned and in the light of any further information which may be submitted to the Special Committee.

#### Nuclear testing in the South Pacific

(37) Mindful of the submission made to the Mission by the general Fono regarding nuclear testing in the Pacific Ocean and recalling paragraph 9 of General Assembly resolution 3433 (XXX) of 8 December 1975, as well as other relevant resolutions dealing with the strong opposition to such tests expressed by the peoples of the South Pacific, including those of the Non-Self-Governing Territories in the region, the Mission draws the attention of the Special Committee and of the General Assembly to this particular request of the people of Tokelau.

#### Assistance by the specialized agencies of the United Nations

(38) The Mission has recommended several areas in which specialized agencies and regional bodies might give assistance to the administering Power in improving the living conditions of the people of Tokelau. In that regard, the Mission wishes to urge those bodies offering assistance to review their methods and techniques and to examine ways to gear their assistance to small Territories and to take into account the size of the Territory and the scope of its problems which doubtless require a special approach.

(39) The Mission wishes to recall that it is the role of New Zealand, as the administering Power concerned, to approach the international organizations, to draw the attention of those bodies to the problems and projects at hand and to co-ordinate policies and projects.

#### Future United Nations visiting missions

(40) Bearing in mind the intricate problems confronting very small Territories such as Tokelau, the Mission considers that the question of these Territories should be kept under constant review and therefore recommends that the United Nations pursue the matter with a view to reaching an adequate and satisfactory solution concerning the future political status of all small Territories. The Mission is convinced, as others have been before it, that the dispatch of United Nations visiting missions to these Territories is essential and is the critical element in the search for such a solution.

# Annex\*

## REPORT OF THE UNITED NATIONS VISITING MISSION TO THE TOKELAU ISLANDS, 1976

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## INTRODUCTION

### 1. Terms of reference

1. In July 1971 the Government of New Zealand invited the Special Committee to send a small visiting mission to Niue and to the Tokelau Islands. a/ In June 1972 and again in August 1974 missions of the Special Committee visited Niue, b/ but it was not possible to include a visit to Tokelau in either itinerary. The invitation to visit the Tokelau Islands remained open, however, while New Zealand authorities continued to examine ways to overcome logistical problems associated with travel to the Territory. On 10 April 1975, the representative of New Zealand indicated in a statement made before Sub Committee II of the Special Committee, c/ that it appeared that a vessel with suitable passenger accommodation, the MV Cenpac Rounder, would be available for charter in 1976. Subsequently, in a letter dated 16 April 1975, d/ the Chargé d'affaires a.i. of the Permanent Mission of New Zealand to the United Nations informed the Chairman of the Special Committee that, should the Committee include the dispatch of a small fact-finding mission to the Territory in its programme of work for 1976, the New Zealand authorities would consult the Tokelau Islanders, through the general Fono (Council), on receiving the Mission to charter the ship so that the Mission could take place in June 1976.

2. In a letter dated 6 May 1975, the Chairman of the Special Committee informed the Charge d'affaires that the members of the Committee had agreed that the Committee should envisage the dispatch of such a mission in its programme of work for 1976. e/ At its thirtieth session, the General Assembly adopted without objection resolution 3428 (XXX) of 8 December 1975, whereby it, inter alia, welcomed the invitation extended by the Government of New Zealand to the Special Committee to dispatch a visiting mission to the Territory in 1976, in order to obtain first-hand information on conditions in the Territory and on the wishes and aspirations of its people and requested the administering Power and the Secretary-General to provide all necessary assistance and facilities to the Mission in the discharge of its task.

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a/ Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 23 (A/8423/Rev.1), vol. I, chap. IV, annex I, para. 11.

b/ Ibid., Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), vol. IV, chap. XVI, annex I; and ibid., Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXII, annex I.

c/ See A/AC.109/SC.3/SR.225 and corrigendum.

d/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XIX, annex II.

e/ Ibid., annex III.

## 2. Composition of the Mission

3. On 3 May 1976, following consultations held by the Acting Chairman with members of the Special Committee in April and May, it was decided that the proposed visiting mission to Tokelau should consist of the representatives of Iran, Tunisia and the United Republic of Tanzania. Accordingly, the Mission was composed as follows:

Mr. Nimrod M. Lugoe	United Republic of Tanzania (Chairman)
Mr. Mohamed Bachrouch	Tunisia
Mr. Gholam-Hosseini Shahid-Nooray	Iran

4. The Mission was accompanied by the following staff members from the United Nations Secretariat: Mr. Richard W. Wathen, Principal Secretary; Mr. Michael Chelchowski, Administrative Officer; and Mrs. Jacqueline Singer, Secretary.

## 3. Fourteenth anniversary of the independence of Western Samoa

5. On 13 April 1976, the Permanent Representative of New Zealand to the United Nations addressed a letter to the Acting Chairman of the Special Committee in which he formally conveyed the wish of the Government of Western Samoa that the Chairman and members of the Mission be present at, and share in, the celebrations of Western Samoa's fourteenth anniversary of independence, commencing on 1 June 1976. Both the Chairman of the Special Committee and the Chairman of the Mission accepted the invitation on behalf of the members of the Visiting Mission.

## 4. Itinerary and programme

6. The Mission departed from New York on 28 May 1976 for Apia, Western Samoa, where it was met by Mr. Paul Cotton, the New Zealand High Commissioner in Western Samoa; Mr. Rodney J. Gates, Mr. Neil D. Walter and Mr. Tioni Vulu of the New Zealand Ministry of Foreign Affairs; Mr. Ata Mai'ai of the Prime Minister's Department of Western Samoa; and other officials of the Government of Western Samoa. The High Commissioner and his wife, and Messrs. Gates, Walter and Vulu accompanied the Mission to Tokelau. The latter three returned to Wellington with the Mission for its talks with officials of the New Zealand Government; Messrs. Walter and Vulu also escorted the Mission to Rotorua and Auckland.

7. The Mission participated in the three-day celebration of the fourteenth anniversary of the independence of Western Samoa on 1, 2 and 3 June. On the morning of 1 June, the Mission attended the flag-raising ceremony and heard a speech by His Highness Malietoa Tanumafili II, the Head of State. That afternoon and the following two days it attended various functions offered in celebration of the anniversary, including a colourful boat race which it witnessed from the deck of the Cenpac Rounder, the ship which subsequently took its members to Tokelau. The festivities culminated in an anniversary ball at Vailima, the home of the Head of State.

8. On 4 June, the Mission visited and held talks with officials at the Office for Tokelau Affairs at Apia. It also held a meeting with Messrs. Gates, Walter and Vulu.
9. On 5 June, the Mission embarked on the Cenpac Rounder for the voyage to Tokelau. After 21 hours, the ship arrived at Nukunonu, a distance of 440 kilometres, where it disembarked medical staff and supplies. During its first day at sea, the Mission held talks with its escort officers and with Mr. Opeta Faraimo, senior clerical officer from the Office for Tokelau Affairs at Apia. The ship then proceeded to Fakaofu, 92 kilometres south-east of Nukunonu, where the Mission went ashore in outrigger canoes, shooting the reef, to begin its programme in the Territory on 7 June.
10. The Mission first attended the opening of Fakaofu's new fale fonu (council house), at which Mrs. Cotton, the High(er) Commissioner's wife, cut the ribbon. After the speeches of welcome, the Mission met with the members at the Fakaofu Fonu. In the afternoon, the Mission crossed the lagoon in outrigger canoes to Fenua Fala to open the new hospital and visit the school.
11. The following day, 8 June, the Mission met with the general Fonu. Delegates from the other two atolls had travelled to Fakaofu to hold the general Fonu, to make known their views concerning their present situation and their future to the representatives of the administering Power and the United Nations.
12. At the end of the morning, the Mission met with the indigenous medical and educational staff to hear their views. That evening, the Mission returned to the Cenpac Rounder to continue to Atafu, the northern-most atoll, which is 515 kilometres from Apia. En route, the ship stopped again at Nukunonu to disembark delegates who had attended the general Fonu, and to take on other passengers. Among those who came aboard was Professor Judith Huntsman, an anthropologist at the University of Auckland, who has been studying the social customs of the Tokelauans since the early 1970s. The Mission was pleased to hold informal discussions with Professor Huntsman and members of the Tokelauan communities in New Zealand who were also travelling on board the ship.
13. The Mission landed at Atafu late in the afternoon of 9 June. It first met with the village fonu and then visited the atoll's hospital and school. The following day, it again met with the village fonu and the medical and educational staff of the island, all of whom were indigenous.
14. Late in the afternoon of 10 June, after a delay caused by the large number of passengers who wished to avail themselves of the opportunity of the vessel's sailing to travel to the other two atolls, the Cenpac Rounder departed for Nukunonu the next morning where it arrived after dark.
15. The Mission went ashore and followed its usual plan of meetings. Although the school holidays had begun, the children were summoned and the Mission was able to observe the school in full operation. The Mission was impressed by the standards maintained by the local teaching staff. After taking tea with the teachers and discussing their situation with them, the Mission inspected the new piggery, a project initiated by Dr. Simeona Peni, the local doctor.



16. Among the passengers who boarded the ship at Nukunonu were Dr. Ian Prior and his team who have been establishing complete medical histories of all Tokelauans, both in the Territory and in New Zealand; Professor Antony Hooper, another anthropologist from the University of Auckland who has been co-operating with the Prior team and whose headquarters were on Fakaofu; Mr. Robert Garner, a New Zealand builder and contractor working in the Territory; and five persons who needed medical attention at Apia Hospital in Western Samoa. The members of the Mission were grateful for the opportunity to talk informally with some of the group and thus broaden their knowledge of Tokelau.
17. The Cenpac Rounder sailed very late in the afternoon of 11 June and arrived at Fakaofu the following morning where it disembarked Professor Hooper and embarked the demolition team from the New Zealand Ministry of Works which had been in the Territory for several months blasting channel reef openings. The Mission returned to Western Samoa on 13 June.
18. On 14 June, the Mission held a final meeting with members of the Office for Tokelau Affairs and, on 15 June, departed for Western Samoa en route to Wellington. On its trip to Wellington by way of Nadi (Fiji) and Auckland, it was accompanied by Messrs. Gates, Walter and Vulu.
19. Because the Mission crossed the International Date Line on its way from Apia to Nadi, it arrived at Wellington on the evening of Wednesday, 16 June. On 17 June, the Mission first called on Mr. Frank Corner, Administrator of the Territory and Permanent Secretary of the Ministry of Foreign Affairs. It then began its meetings with Mr. M. Norrish, Deputy Secretary of Foreign Affairs, and other senior officials of the Ministry. The Mission interrupted those talks to meet with Mr. B. E. Talboys, Deputy Prime Minister and Minister of Foreign Affairs. In the evening, the Mission travelled to the Maraerua Marae (meeting house) in the suburb of Porirua to meet with the Tokelauan community in and about Wellington.
20. The following morning, 18 June, the Mission completed its talks with the senior officials at the Foreign Ministry. It departed Wellington on Saturday morning, 19 June, for Rotorua, where it met the local Tokelauan community.
21. On Sunday, 20 June, the Mission drove to Auckland and that evening met with the Tokelau community in and about New Zealand's largest city. On 21 June, the members of the Mission held a private meeting, and departed Auckland on 22 and 23 June.

## 5. Acknowledgements

22. The Mission wishes to record its appreciation to the Government of New Zealand for the close co-operation and assistance it received, as well as for the courtesy and kindness extended to it by Mr. B. E. Talboys, the Deputy Prime Minister and Minister for Foreign Affairs, Mr. Frank Corner, Administrator of Tokelau and Permanent Secretary of the Ministry of Foreign Affairs, Mr. M. Norrish, Deputy Secretary of the Ministry, and by other senior officials of their departments during the Mission's stay at Wellington, Rotorua and Auckland.

23. The Mission is equally grateful to His Highness Malietoa Tanumafili II, Head of State, and to the Government and people of Western Samoa for the invitation which made it possible for the Mission to participate in the fourteenth anniversary celebrations of the independence of that country. It wishes to thank, in particular, both Mr. Iulai Toma, the Secretary to the Western Samoan Government, and Mr. Ata Maiáí, the Mission's liaison officer with the Prime Minister's Department, whose attention to the Mission contributed to the latter's enjoyment of the historic occasion.

24. The Mission is deeply appreciative in particular of the solid support and invaluable assistance which it received from the local officials - the faipules (the chief representatives of the Administration), pulenukus (village mayors) and members of the village fonos - the medical and educational staff and the people in general of Fakaofu, Atafu and Nukunonu, both in connexion with the Mission's official programme in Tokelau and throughout its stay on the islands. The Mission was extremely touched not only by the degree of warmth and hospitality shown to it by the Tokelauan people and their leaders, but also by their readiness to assist the Mission in its work and to participate in its deliberations.

25. The Mission wishes to record its special gratitude to Mr. Paul Cotton, the New Zealand High Commissioner to Western Samoa, as well as to Mrs. Cotton and to Messrs. Rodney J. Gates, Neil D. Walter (both former members of the Permanent Mission of New Zealand to the United Nations) and Tioni Vulu, officials of the Ministry of Foreign Affairs at Wellington, who, by their constant presence and attention, contributed substantially to the Mission's success. The Mission also wishes to express its thanks to the officers and staff of the Office for Tokelau Affairs, in particular, to Mr. John Bain.

26. The Mission wishes also to take this opportunity to thank Captain H. A. Sproul-Crau and the members of his crew aboard the Cenpac Rounder, whose amiable attention also greatly helped the Mission to fulfil its task.

## A. INFORMATION ON THE TERRITORY

### 1. General

27. Tokelau is made up of the three atolls of Fakaofu, Atafu, and Nukunonu. Each atoll consists of a number of reef-bound islets encircling a lagoon. Nukunonu is the largest atoll with about 550 hectares; the areas of Fakaofu and Atafu are about 260 and 200 hectares, respectively. f/ The census held on 25 September 1975 showed the following population figures (compared with 1974 figures):

	<u>1975</u>	<u>1974</u>
Fakaofu	665	(648)
Atafu	564	(549)
Nukunonu	374	(377)
	<u>1,603</u>	<u>(1,574)</u>

According to information which the Mission obtained from the Office for Tokelau Affairs at Apia, the population continued to decline in 1976. In April, Fakaofu had a population of 657; in May, Atafu had 524; and in June, Nukunonu had 377, a total of 1,558.

### 2. Constitutional and political developments

28. Tokelau is included within the boundaries of New Zealand and is administered under the authority of the Tokelau Islands Act, 1948, as amended (see appendices I-VI of the present report), which constitutes the basis of the Territory's legislative, administrative and judicial system. Under the provision of the British Nationality and New Zealand Citizenship Act, 1948, Tokelauans are British subjects and New Zealand citizens.

29. Tokelau, which had been a British Protectorate since 1877, was annexed in 1916, and included within the boundaries of the former Gilbert and Ellice Islands Colony. In 1925, at the request of the Government of the United Kingdom of Great Britain and Northern Ireland, the New Zealand Government assumed responsibility for their administration and Tokelau was separated from the Gilbert and Ellice Islands. In 1948, Tokelau became a part of New Zealand.

30. In November 1974, legislation was enacted transferring the administration of the Tokelau Islands from the Department of Maori and Island Affairs to the Ministry of Foreign Affairs. The Secretary of Foreign Affairs is the Administrator of

f/ These figures appear to derive from a report which was made on the basis of a seven-day, official visit by a representative of the New Zealand Government to the islands in 1925, and their validity has been challenged based on the total number of coconut palms on each atoll. The figures should therefore be regarded as an approximation.

Tokelau and is responsible to the Minister for Foreign Affairs. There is no formal administration in the Territory itself. There has been some limited progress in the 18-month period of development since the Foreign Ministry took over. Under the provisions of the Tokelau Islands Administration Regulations, 1971, certain powers of the Administrator are delegated to the Senior Administrative Officer (formerly the district officer) at Apia and to senior officers of the Ministry of Foreign Affairs. By agreement with the Government of Western Samoa, the Office for Tokelau Affairs continues to be based at Apia. The Senior Administrative Officer and his staff regularly visit the Territory by chartered ship.

31. Tokelau is included in the South Pacific Commission area and benefits from the results of work carried out by that organization. In September 1974, the Territory was represented by two delegates at the Fourteenth South Pacific Conference, held at Rarotonga (Cook Islands).

### Legislation

32. Under the Tokelau Islands Act, the laws of the Gilbert and Ellice Islands, which had been in force in the Territory immediately before New Zealand assumed formal sovereignty of the group, were continued in force. Those laws which, according to the administering Power, were largely out of date, have been replaced by laws suited to present conditions.

33. English law, as existing in 1840 (the year in which the colony of New Zealand was established) applies to Tokelau except in so far as it is inconsistent with the Tokelau Islands Act, 1948, as amended, or any other enactment in force in Tokelau. New Zealand statutes do not apply to Tokelau unless expressed to do so. The Governor-General of New Zealand may make all such regulations as he deems necessary for the peace, order and good government of Tokelau.

34. A faipule (who is also the commissioner of the court), a village mayor (pulenuku) and a village clerk (failautuki) are responsible for day-to-day administration on each atoll. The faipule is the chief representative of the Administration and acts in a supervisory capacity over government officials on his island. He administers the law and presides over the court. The pulenuku is also an executive official who is responsible for such matters as the maintenance of good order, sanitation, cleanliness, water supplies, the inspection of plantations and the packing of copra for overseas shipment. It was explained to the Mission that the faipule generally is responsible for external business, while the pulenuku takes care of internal affairs. The village clerk keeps the records of births, deaths and marriages.

35. The faipule and pulenuku on each atoll are elected by secret ballot and universal suffrage for a term of three years. In January 1975, an election was held for each atoll. Following this, a by-election was held at Nukunonu following the sudden death of the recently elected pulenuku.

36. The Tokelau Islands Amendment Act, 1971, amended those provisions of the 1970 Amendment Act relating to the appointment and duration of the office of a commissioner of the court and the performance of his functions in case of his absence or incapacity (see appendices III and IV to the present report).

## Judiciary

37. The Tokelau Islands Amendment Act, 1970, gave the High Court of Niue civil and criminal jurisdiction in the Territory as if that Court had been a separate Court of Justice in Tokelau, and the Supreme Court of New Zealand an original and appellate jurisdiction. The Act also provides for the appointment of a Tokelauan commissioner for each of the three atolls in the group with jurisdiction to deal with certain civil proceedings and criminal offences.

## Public service

38. Part I of the Tokelau Islands Amendment Act, 1967, which came into force on 1 January 1969, established a separate Tokelau Islands public service under the control of the New Zealand State Services Commission. The enactment contains the provisions necessary for the control of a public service (see para. 285 below).

39. At 31 March 1976, there were 9 expatriate staff and 204 locally appointed employees, including 115 casual labourers (see also appendix VII below). These figures include teachers, nurses and others not classified as public servants in New Zealand. There is close administrative co-operation between the Government of Western Samoa and the Tokelau Administration. Officers of the Western Samoan Government, particularly medical officers and radio technicians, visit the Territory regularly. Tokelauan public servants receive in-service training in Western Samoa under the Administration's training scheme and in New Zealand under the New Zealand training scheme. At 31 March 1975, there were three short-term in-service teacher trainees in New Zealand and 25 other Tokelauans in training in Western Samoa sponsored by the Administration. At 31 March 1976, the number in Western Samoa had increased to 30.

## 3. Economic conditions

### General

40. The physical characteristics of the atolls allow very little scope for economic development and the few natural resources are sufficient only to meet the needs of the simple pattern of life followed by the people. There has, until recent years, been little demand for the material standards of more developed countries, but increasing contacts with Western Samoa and New Zealand have stimulated a desire among the people for wider opportunities to advance their living standards. The high copra price during most of 1974 assisted the economy of the Territory.

41. The economy is based mainly on the resources of the sea and on the coconut and pandanus palms. Local timber is used to build canoes and houses, and in the manufacture of tools and utensils. Handicrafts of wood and plaited ware are marketed on a small scale. The coconut palm provides a staple export in the form of copra. Most families obtain part of their cash income from relatives working in New Zealand. Funds are also sent by the Tokelauan communities in New Zealand for village and church projects.

42. Employment in the works programme, which was started in 1966, has diverted much of the islands' labour force from food-gathering and copra production, although, according to the administering Power, care is taken to limit such dislocation. Logistical problems, difficulties in recruiting supervisors from New Zealand and the use of unskilled labour have caused delays in the programme. The rate of progress is also partially determined by the need to ensure minimum disruption in the routine life of the small communities. Projects completed so far include the construction of three hospitals, three schools, three radio stations, copra sheds, water storage tanks, an office building and housing for education officers and building supervisors.

#### Land tenure

43. Almost all land is held by customary title in accordance with the customs and usages of the inhabitants. Under the Tokelau Islands Amendment Act, 1967 (see appendix II to the present report) indigenous inhabitants may dispose of their land among themselves according to their customs, but they may not alienate land by sale or gift to non-indigenous inhabitants other than to the Crown. Land holdings, which pass from generation to generation within families, are held by the head of a closely related family group (kaaiga), although some land is held in common. The numerous uninhabited islets (motus) of each atoll are used as food plantations.

#### Agriculture and livestock

44. Apart from the manufacture of copra, agricultural products are of a basic subsistence nature: coconuts, ta'amu and pulaka (root vegetables), bread-fruit, pawpaw, the fruit of the edible pandanus and bananas. According to the administering Power, the seeds of numerous other fruits and vegetables have been tested, but very poor results were achieved owing to the poverty of the soil, which is composed mainly of coral rubble and sand.

45. Livestock consists of pigs, which, except on Fakaofo, are kept apart from the village areas, and fowl. Ocean and lagoon fish and shellfish are available in quantity and form a staple constituent of the diet, the most common species being tuna, bonito, trevally and mullet.

46. The rhinoceros beetle was found on Nukunonu in 1963. Although efforts were made to confine the infestation to the islet on which they were discovered, beetles have since spread to all motus of the Nukunonu atoll. With the assistance of the Rhinoceros Beetle Control Project of the Food and Agriculture Organization of the United Nations (FAO) and the South Pacific Commission, a pilot eradication programme was begun in December 1972, using both attractant traps and Rhabion virus disease. According to the administering Power, results are promising and a full-scale programme has been put into operation in an effort to eradicate the beetle within a period of five years. The Rhinoceros Beetle Regulations, 1964, require occupiers of land to take steps to eradicate the beetle and specify the measures which must be taken for that purpose. The Regulations also provide for the appointment of inspectors empowered to implement the measures.

47. The rat control programme now in effect is based on the recommendations of the New Zealand scientist who visited the Territory between November 1972 and February 1973; emphasis has changed from the use of zinc phosphide, a highly toxic substance, to Wayfarin, an anti-coagulant agent.

#### Transport and communications

48. The MV Aoniū, under charter to the Administration for many years, has not been available for this purpose since May 1974. There followed a period of searching for suitable vessels to serve the needs of Tokelau. An Australian vessel, the Brewarrina, made one voyage to the Territory with cargo; in July and October, a vessel of the United States Government, the Talitiga, based in American Samoa, made several trips to the Territory; and in December, the MV Holmburn of the Union Steamship Company was chartered to transport both passengers and cargo to the Territory. Finally, in February 1975, the Nauru Government's vessel, MV Cenpac Rounder, was chartered to serve the needs of Tokelau and has proved satisfactory. It visits Tokelau once every two months. In addition, the tug Tatoso was chartered from the Government of American Samoa in June and December 1975 for medical emergencies.

49. Radio stations at Atafu and Fakaofu broadcast commercial traffic schedules at 10 a.m. and 2 p.m. and weather reports at 7 a.m. and 1 p.m. daily. The radio station at Nukunonu transmits traffic and weather reports every four hours, in addition to commercial schedules. Radio telephone facilities are available at the three stations. Single sideband telephone-radio equipment has been installed at all stations, including Apia, and the reception has been improved.

50. A special set of postage stamps featuring the shells of Tokelau were issued in November 1974.

#### Public finance

51. Revenue is derived principally from the export duty on copra, which is levied at the rate of 9.5 per cent ad valorem on the f.o.b. value of all copra exports at the port of Apia. Revenue derived from the copra tax is now paid to special village funds and the expenditure of these funds on village projects is decided wholly by the village fonos. A customs duty of 12.5 per cent ad valorem is levied on all goods entering the Territory. Other revenue is derived from trading profits, the sale of postage stamps and radio and telegram services. Total revenue for the year ending 31 March 1976 was \$NZ 63,817 g/ compared with \$NZ 33,197 for the previous year.

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g/ The local currency is the New Zealand dollar; \$NZ 1 equals approximately \$US 0.99.

52. Expenditure is mainly devoted to capital works development, the provision of social services and the cost of administration. Following discussions with the village fonos, with particular reference to the works programme, annual estimates of revenue are prepared by the Administrator and approved by the Minister for Foreign Affairs. Financial aid totalling \$NZ 1.4 million for the triennium 1974/75-1976/77 was announced by the administering Power in February 1974. Subsequently, the New Zealand Government announced additional aid totalling \$NZ 112,650 in 1974 and a further \$NZ 37,000 in 1975.

53. Expenditure for 1975/76 was \$NZ 709,585, the major items being capital works development, \$NZ 169,747; education, \$NZ 163,765; communications and transport \$NZ 143,704; health, \$NZ 79,890; administration, \$NZ 69,598; and public works, \$NZ 43,260.

### Trade

54. Trading operations in the Territory are carried out by Burns Philp (South Seas) Company Ltd., on chartered vessels. In 1975/76, 106 metric tons of copra, valued at \$NZ 22,658, were exported, compared with 252 metric tons, valued at \$NZ 87,154, in the previous year.

55. The balance in the Copra Stabilization Fund at 31 March 1976 was \$NZ 22,447, which is invested in New Zealand securities, but is currently being drawn upon to subsidize a payment of 9.375 cents (New Zealand) per pound to the growers.

56. The summary of trading results for 1975/76 were as follows:

(In New Zealand dollars)

<u>Expenditure</u>		<u>Income</u>	
Charter hire	71,741		
Copra purchases	22,658	Copra sales	19,465
Wharfage and stevedoring	8,112	Freight	5,850
Transport and labour	7,084	Passages	3,083
Miscellaneous charges	6,532		
Commission and overhead	4,139		
Crew overtime	3,416		
Copra tax	2,053		
Pilot and harbour dues	1,339		
Insurance	1,166		
Copra sacks	719	Appropriation from the New Zealand Government	100,921
Administration travel expenses	310		
Advertising	50		
	<u>129,319</u>		<u>129,319</u>



57. Copra was the only export in 1975/76. Imports in 1974/75 and 1975/76 were as follows:

(In New Zealand dollars)

	<u>1974/75</u>		<u>1975/76</u>	
	<u>Quantity</u>	<u>Value</u>	<u>Quantity</u>	<u>Value</u>
Sugar (bags)	558	12,211	734	28,081
Rice (bags)	602	9,303	1,177	15,404
Flour (bags)	772	11,134	1,086	14,869
Kerosene, benzine and oil (litres)	630.20	12,545	42,600	8,843
Building materials	...	64,061	...	8,152
Soap	...	2,083	...	5,670
Tobacco	...	216	...	1,316
Others (groceries, draperies and household goods)	...	25,767	...	48,825
Total		137,320		131,160

#### 4. Social conditions

##### General

58. Tokelauan society is centred largely on the family group (kaaiga), village affairs being conducted by a Council of Elders, comprising representatives of the families which influence the village labour force. In this way, the traditional form of patriarchal authority has been preserved. The term kaaiga refers to a number of various social groups, such as: (a) the descendants of any given ancestor; (b) the descendants of an ancestor in whose name a land division is made; (c) blood relatives; and (d) households which eat together.

##### Human rights

59. Inasmuch as the Territory is part of New Zealand, policies relating to human rights which obtain in the metropolitan country are similarly applicable. A restriction of the right to leave the islands was introduced by the Tokelau Islands Departure Regulations, 1952, by which residents over the age of 12 years of age must obtain a permit from the Administration before departure. This measure was introduced to ensure that Tokelauans wishing to leave are adequately prepared, financially and otherwise, to enter the completely different environment which will face them overseas.

60. According to the annual report of the administering Power, local custom and usage reinforce statute law, and guarantee the rights of the individual, no discrimination being made between men and women. It is the declared policy of the New Zealand Government that the general provisions of the Universal Declaration of Human Rights h/ should be applied to Tokelau so far as is compatible with the needs of the people and the conditions peculiar to the small and separate atolls constituting the Territory.

61. Policies relating to the elimination of racial discrimination which obtain in metropolitan New Zealand are applicable in Tokelau. In practice, racial discrimination is not a problem in the Territory, since all the inhabitants, except for a few expatriates, are of the same race.

#### Tokelau Resettlement Scheme

62. By 31 March 1975, 528 persons had been resettled in New Zealand, where they received financial assistance and were provided with housing and employment. The services of the Wellington Division of the Department of Maori Affairs were also made available to them. The Scheme, by which the inhabitants of the Territory could, of their own choice, be resettled in New Zealand over a number of years, has now been suspended at the request of the Tokelauans, although four families and several relatives of families already settled (a total of 26 persons), were brought to New Zealand in 1975/76.

63. A number of Tokelauans, usually assisted financially by relatives already living in New Zealand, have also travelled to the metropolitan country on their own to take up permanent residence. As a result of migration, the population of the islands is now in a better state of equilibrium with the natural resources of the Territory.

#### Labour

64. Copra production and the manufacture of plaited ware and wood-work are the only industries, and no supervision of employment conditions is deemed necessary. Between trading calls, the people devote their labour to procuring food from the lagoon, ocean or plantations, to village maintenance and to the production of woven mats, fans and curios. Many of the men also work on the Administration's building projects.

65. Some Tokelauans work in Western Samoa, where they experience a different style of living and participate in a much more advanced type of economy.

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h/ General Assembly resolution 217 A (III).

## Public health

66. Medical services, introduced early in this century, were administered from the Gilbert and Ellice Islands. The Government of Western Samoa assists with the medical services of the Territory and its medical staff makes regular visits to the atolls. In 1974/75, there were three Tokelauan medical officers, as well as a medical officer from the Ellice Islands (now Tuvalu) serving at Nukunonu. The doctor-patient ratio is thus 1:400. There are 11 registered nurses (1 for every 150 population). At 31 March 1975, four student nurses were training in New Zealand under the New Zealand Training Scheme and one student-nurse, sponsored by the Tokelau Islands Administration, was at Apia Hospital. On Fakaofu, the Mission attended the opening of the latest of the three new hospitals referred to earlier (see para. 38 above). There is now a hospital on each atoll, all of similar design and construction.

## Housing and community development

67. The villages of Tokelau are well laid out and housing is constructed of kanava and pandanus timbers with walls and roofs of plaited pandanus. The people of Atafu live in one village, which occupies part of a motu. At Nukunonu, the village occupies about half of one motu, which is connected by bridge to a neighbouring motu, where some families have settled and where the hospital and piggery are located.

68. The village of Fakaofu is situated on a small but comparatively high and well-shaded motu. Until recently, some over-crowding was evident, but emigration to New Zealand has lessened the problem. The Administration is helping to establish a new village on a larger, nearby motu, Fenua Fala, where the school is located and a new hospital and other facilities are being built.

69. The population of the Territory is divided into three groups, each of which forms a single, cohesive unit embracing all the people on each of the atolls. There is no community development project or programme as such in operation, but the communal organization of the village is recognized and used in promoting improved standards.

70. According to the administering Power, the need for formal organization of community development does not exist, since it has always been the normal way of life on Polynesian islands. The small scope of the operations makes it unnecessary to set up a separate administrative organization. No formal training has been given to officers of the Administration or voluntary workers in community development.

## Co-operatives

71. Each island has its own co-operative store, which operates on a small scale. The Mission was astonished that they had survived at all in the face of high-priced competition. The stores are operated from small, dingy sheds, where storage facilities for bulk stock are inadequate. The Administration has now agreed to provide assistance to the people in their enterprises and three Tokelauans are to be sent abroad for training as managers of their respective stores.

## 5. Educational Conditions

### General

72. Primary education is available to all children. Scholarships are awarded for secondary and tertiary education in Western Samoa, Fiji and New Zealand. The New Zealand Department of Education provides advisory assistance to the Administration as well as material and equipment for schools; it also carried out periodic inspections. Two qualified New Zealand teaching couples, i/ 31 trained Tokelauan teachers and 16 teachers' aides were in the education service in 1975/76. The duties of the expatriate couples are to assist the Tokelauan staff to improve teaching standards and to help prepare prospective migrants for life in New Zealand.

73. The schools are equipped with radios and slide and motion picture projectors. They are supplied with electricity from diesel-powered generating plants. Electricity also allows the school buildings to be used at night for such purposes as adult education courses and youth club activities. According to the administering Power, attendance at schools is almost 100 per cent.

74. In 1974/75, 15 children began secondary school in New Zealand on scholarships awarded under the New Zealand Training Scheme, bringing the total number of such students to 40; one primary school teacher trainee and one university student also studied in New Zealand. During the same period, 25 Tokelauans sponsored by the Tokelau Islands Administration attended schools in Western Samoa and 30 Tokelauans studied in Western Samoa in the following year. Expenditures under the New Zealand Training Scheme totalled \$NZ 58,561 in 1974/75, compared with \$NZ 52,427 in the previous year.

75. In a memorandum dated 10 November 1975, addressed to the Senior Administrative Officer at Apia, the Secretary of Foreign Affairs (who is also the Administrator of Tokelau) referred to the New Zealand Government's "rethinking" on the question of the education of Tokelau children. The answer to the simple question, "What are we educating Tokelau children for?" depended, he stated, on the other questions concerning the future of the Territory. Now that the Prime Minister had approved the broad guidelines for New Zealand's future relations with Tokelau, the Government was in a better position to face the questions relating to education. He stated that the Government had assumed that the Tokelauan people would continue to inhabit Tokelau; that they would wish to maintain their close association with New Zealand, and that there would be increasing mobility between Tokelauans on the islands and those in New Zealand.

76. According to the memorandum, the Administration should accept responsibility for providing educational opportunities to Tokelauan children between the ages of 5 and 15 years. Although there should be Tokelauan orientation of syllabus material, the curriculum for primary education should bear a reasonably close relationship to the New Zealand curriculum so that when children reach the age of about 10 or 11 years they would have three options from which to choose: (a) to obtain a scholarship from the New Zealand Government; (b) to obtain a scholarship in Western Samoa or elsewhere; (c) to remain on Tokelau for secondary schooling.

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i/ At the time of the Mission's visit, only one such couple remained and was living on Fakaofo.

77. It was further stated that the first priority should be the consolidation of primary school facilities to enable Tokelau children to achieve levels comparable to New Zealand children of a similar age. Streaming should be expected at the intermediate level. If it were possible to identify probable New Zealand scholarship candidates, a curriculum should be available to prepare them as far as possible for New Zealand schools. Children destined to attend secondary school in the Tokelaus should have a more practical orientation and those going to Western Samoa might receive a mixture of the two. Secondary facilities should be established in the Territory for all children who were not attending school outside Tokelau on scholarship.

78. In general, the scholarship system should not be seen as a resettlement programme for the more intelligent Tokelauan children. It has worked that way in the past and has led to intellectual erosion in Tokelau. The Administration should seek ways to encourage those educated in New Zealand to return for a period to Tokelau. There would be difficulties as long as there was no private sector in the Tokelau economy. In addition, allowance should be made to foster skills which would enable a person educated in Tokelau to move to New Zealand for a period with a reasonable chance of finding employment.

79. According to the memorandum, the Administration viewed its approach to the question of education in Tokelau as an opportunity to take a forward-looking stance on the larger question of the future of the Territory.

B. PRELIMINARY TALKS WITH OFFICIALS OF THE NEW ZEALAND GOVERNMENT  
AND THE OFFICE FOR TOKELAU AFFAIRS AT APIA ON 4 AND 5 JUNE 1976

80. On 31 May and 5 June, the Mission held preliminary discussions with officials of the New Zealand Foreign Ministry, the New Zealand High Commissioner in Western Samoa and its escort officers (see para. 6 above). In addition, it held two meetings with officials of the Office for Tokelau Affairs at Apia on 4 and 5 June, prior to its departure for Tokelau on the Cenpac Rounder, and another meeting on 14 June on its return to Apia (see paras. 238-256 below).

81. At the preliminary meetings with the New Zealand officials, the Mission learned that the administering Power had consulted the elders on Tokelau in 1975 concerning a possible visit to the Territory by a United Nations mission and on its significance for the Territory. The Mission was also informed that, although there would normally be six trips by a ship to the Territory over the period of a year, within the week in which the Mission arrived in Tokelau, the ship would have called at the Territory twice, the first time to collect delegates on Nukunonu and Atafu and to deliver them to Fakaofu to attend meetings of the general Fono being held from 2 to 5 June.

82. The New Zealand officials stated that the Cenpac Rounder would return to Apia on 2 June and, on 5 June, would transport the Mission and its entourage to Fakaofu. There the Mission would first meet with the general Fono, but it would also be free to talk with other people whose viewpoints varied concerning life in the atolls and their future.

83. The Mission was informed that there would be representatives of the Tokelauan communities in New Zealand on board ship. Earlier, the general Fono had requested the administering Power to give financial assistance to help bring some Tokelauans living in New Zealand to the Territory while the Mission was there (see paras. 164-166 below).

84. Further, the Mission would have the opportunity to consult with the village fonos. It was planned that the Mission would spend about two days in each atoll. (As explained later in the present report, this was unfortunately not true with respect to Nukunonu, the last island visited, and the Mission regrets that it was unable to spend more time there.)

85. When the Mission inquired if the Tokelauans and, in particular, the village fonos understood the reasons for the Mission's visit, it was informed that the Tokelauans had known several experts from some of the specialized agencies (in particular FAO and the World Health Organization (WHO)) and that they had heard of the United Nations in that connexion. Furthermore, copies of the Declaration on the Granting of Independence to Colonial Countries and Peoples in English and Tokelauan had been distributed to the islanders. In the beginning, there had been some apprehension among the people that a visit by a United Nations mission would mean that New Zealand was no longer interested in them and that they would be cut loose to fend for themselves - three lonely coral atolls in the Pacific. The islanders had been even more deeply concerned than the Niueans (see para. 1 above), but their initial alarm had given way to curiosity about the United Nations and the Mission.

86. The Mission wished to know if those Tokelauans who had sought residence in New Zealand were still considered by the people in the islands as participating in the life of Tokelau. It appeared to the Mission that Tokelauans who had left the islands - even those who had been absent for years - continued to maintain an active interest in the Territory, through the Kaaiga.

87. The Mission learned that the word Tokelau meant a number of things. It applied to the wind from the north, or the trade wind, and it also referred to the principal god of the people before they espoused Christianity. In that connexion, the people preferred that the Territory be known as Tokelau instead of the Tokelau Islands.

88. In the course of its preliminary talks with the officials of the New Zealand Foreign Ministry, the Mission received an account of the reasons for shifting the administration of Tokelau to authorities within the Ministry. Following the Second World War, New Zealand administered four Territories: Western Samoa, the Cook Islands, Niue and Tokelau.<sup>j/</sup> By the end of 1974, however, only Tokelau remained. At that time, the New Zealand Government decided to eliminate the Department of Maori and Island Affairs, which had been the government agency responsible for administering the Trust and Non-Self-Governing Territories. Maori affairs gained a ministry of its own, and responsibility for Tokelau affairs was transferred to the Ministry of Foreign Affairs at the beginning of 1975. The Ministry normally dealt with relations with other countries, but it also dealt with the aid programme for the Cook Islands, Niue and Western Samoa. Although New Zealand remained the Power administering Tokelau and the Office for Tokelau Affairs was located at Apia, there were certain political aspects to decolonization which logically relegated the question of Tokelau to the Foreign Ministry.

89. When the Ministry was assigned the above task in early 1975, it had no structure for dealing with the matter. The staff of the Office for Tokelau Affairs at Apia was then responsible for shipping, supplies, Tokelauan stamps and other postal services, teacher referral, radio and public works. The New Zealand Government therefore decided to assign the practical administration of the Territory to the Office for Tokelau Affairs and to abolish the post of district officer. At the time of the Mission's visit, the Senior Administrative Officer at Apia was not authorized to deal with matters of policy, which were the responsibility of New Zealand's High Commissioner at Apia. It was stated that he would have less of a burden, however, when the Office assumed that responsibility. The Ministry intended eventually to eliminate all Europeans from the Office and to place a Tokelauan at its head. It was also envisaged that all units of Tokelauan administration, including staff matters, would be transferred from Wellington to Apia. The Government of New Zealand wished to impress on the Tokelauans that the Office at Apia was a Tokelauan Office and that in a matter of time the Tokelauans might be called on to decide whether the Office should remain at Apia or be moved to Tokelau.

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<sup>j/</sup> In addition, New Zealand joined Australia and the United Kingdom in their responsibility for administering the Trust Territory of Nauru until the latter's independence in January 1968.

90. Before that could happen, however, the New Zealand Government felt that there had to be considerable improvement in communications. At present, the Office for Tokelau Affairs in almost daily radio communication with the Territory and half the staff travelled to the Territory every two months by chartered ship. The reasons for transferring the administration to the Territory were obvious; for example, it would be easier to pay salaries and the discrepancy in money remittances would no longer arise. Although the administering Power had contemplated assigning an assistant administrative officer, who would be directly responsible to the people, to each island, the Mission was told that candidates with the necessary qualifications for such a post were not easily found in Tokelau. The one change which had been backed by legislation was the transfer of the administration of Tokelau from the Department of Maori and Island Affairs to the Ministry of Foreign Affairs and the designation of the Administrator. Thus far, all other changes had been made at a lower level.

91. At present, the staff of the Office for Tokelau Affairs at Apia consisted of the Senior Administrative Officer (a New Zealander), an accounts clerk, an administration officer, a stores/accounts clerk, a shorthand/typist, a typist, three clerks and three casual workers. Of these, five were Tokelauan and six were Samoan. The new responsibilities for the Office had not yet gone into effect, but the Ministry had drafted a delegation of authority which it intended to enact fully and expeditiously when the post of Acting Head of Tokelau Affairs was filled. It was felt that the Tokelauan people would contribute valuable advice to the Office concerning its various responsibilities.

92. On its first visit to the Office for Tokelau Affairs, on 4 June, the Mission met with Mr. John Bain, the Senior Administrative Officer. It was informed that, in addition to the responsibilities referred to in paragraph 89 above, the Office was responsible for registering births and issuing travel documents to Tokelauans, functions which were recognized by the Western Samoan Government. The only records kept on the islands were those concerning village affairs. Stamps were responsible for a small source of revenue and were issued by the New Zealand Postal Service, which was responsible for responding to inquiries from philatelists around the world. A new issue had been designed by a Tokelauan.

93. The Mission inquired about the census and was informed that a count had been taken on 25 September 1975 which showed a population of 1,603. A medical team under the direction of Dr. Ian Prior, who was in the Territory at the same time as the Mission, was tabulating vital statistics (see para. 16 above). This was the third visit to Tokelau of the team, which also worked among Tokelauans residing in New Zealand.

94. The Mission was informed that the Tokelau Resettlement Scheme had left a gap of middle-aged persons in Tokelau. There were more children and elderly persons in the Territory than those in their middle years, thus rendering a projection of the population difficult. The Scheme had been terminated at the request of the Tokelauans, who had originally requested it because of over-population in the islands. It had been a communal project and would be started again only at the request of the people of the Territory.



95. The Mission was informed that the Office for Tokelau Affairs verified the amount paid to Tokelauans by Burns Philp for copra, based on the amount produced and exported, bearing in mind the reduction in the weight of the product as it dried out. The tax on copra was returned to Tokelau.

96. The Mission was further informed that the New Zealand's Ministry of Education, in consultation with the Ministry of Foreign Affairs, was responsible for educational policy and the curriculum used in the Territory. Periodically, an inspector was sent to the Territory to investigate the system. Seven Tokelauan teachers were at present being trained abroad. Of these, two would be ready to return to Tokelau in 1976/77, three in 1977/78 and two in 1978/79. An education officer of the Ministry of Education advised on the number of teachers required in the Tokelau schools, bearing in mind the number resigning or retiring. If the senior teacher of one of the schools considered that an additional teacher was required, a request had to be made through the Office for Tokelau Affairs, since the addition would constitute an increase in the public service.

97. The Mission learned that, in 1976/77, there were 89 wage employees in Tokelau under the direction of faipule, the chief representative of the administering Power on each island.

98. To the Mission's inquiry concerning who was responsible for establishing a new school or dispensary, the representative of the Office for Tokelau Affairs stated that it would depend on a recommendation from the senior teacher or medical officer. The faipule and elders might, however, overrule such requests, which normally passed through the Office to be forwarded to Wellington. A request might be initiated by an island community without consulting or co-ordinating with the other atolls.

99. It was the view of those in the Office for Tokelau Affairs that some Tokelauans who had received training in New Zealand might be able to perform functions in the Office without supervision by a New Zealander or other European. In their opinion, however, there was no one among those trained in Tokelau or Western Samoa who was prepared to assume such a post. It was emphasized that those with skills and training did not remain in the Territory. Teachers were often lost to the system and those training to be nurses seldom returned.

100. On the subject of monitoring projects undertaken in the islands by regional and international bodies, the Mission was informed that the Office for Tokelau Affairs usually accepted the bodies' recommendations or modifications concerning a given project or programme.

101. The pressure of population and the lack of resources naturally led the Mission to inquire about over-population. Until recently, the matter had been generally dealt with by the Tokelau Resettlement Scheme (see para. 63 above). It was recalled that Nukunonu's population was almost entirely Roman Catholic. If a doctor considered that a woman should practise some form of birth control, that was a matter strictly between the patient and the physician. Doctors were generally guided by prevailing conditions, such as the findings of the Prior team (see paras. 16 and 100 above), as well as by the visits of their Samoan colleagues. Since the community is small, any practice against local custom would quickly surface.

102. The Mission was informed that the Office for Tokelau Affairs was responsible for the movements of Tokelauans; the Western Samoan Government had no jurisdiction in the matter. However, the Office was legally responsible only for those who were undergoing training in Western Samoa, although it also provided assistance to other Tokelauans when needed. It was recalled that Tokelauans residing in Western Samoa were New Zealand citizens and that matters concerning them properly fell under the aegis of the New Zealand High Commissioner at Apia. For various reasons, it was difficult to estimate the size of the Tokelauan community in Western Samoa.

103. So far as the Office was concerned, there were no signed agreements and no privileges and immunities vis-à-vis the Government of Western Samoa. To date, the Samoan authorities had offered their co-operation to the Office, which relied on the goodwill of the Western Samoan Government. Officials of the Office and of the New Zealand Government in Wellington stated that the status of the Office would be discussed by the New Zealand authorities with the Western Samoan Government.

104. On 5 June, the day of embarkation on the Cenpac Rounder, the Mission held the last of its preliminary meetings with its New Zealand escorts and the members of the Office for Tokelau Affairs. The Chairman stated that, although a picture of government structure and administration in Tokelau had begun to emerge, the Mission would like to have further clarification on the membership of the fonos, the roles of the faipules and pulenukus in the villages and on suffrage in the Territory, in particular the qualifications of those elected and of the voters.

105. The Mission was told that the three village fonos were made up of members of the three village councils, while the general Fono consisted of members of the village fonos. The Tokelauans present at the meeting stated that the composition of the village councils was decided by customary law; there was no formal law setting forth the composition. Five or six persons were usually nominated for each vacant position. All persons 16 years of age and older were eligible to participate in an election, which was held by secret ballot, and the election continued until only one name remained. All voters were literate in Tokelau or Samoan and some knew English.

106. On Fakaofo and Nukunonu, candidates were chosen from among two groups: the heads of families and extended families and the aliki (elders). Concerning the second group, although an elected elder was not necessarily the oldest in his family, in most cases he was. There was no definite number of members in the village council, since the membership was dependent on the number of families on the island. The general Fono, however, provided for 20 delegates from each island. A trend was beginning whereby teachers and doctors, as well as heads of families or elders, were being designated to the general Fono. Although it had been suggested that women should sit in the general Fono and the village fonos, the practice had not yet been generally accepted.

107. An individual Tokelauan might have a number of representatives in the general Fono, according to the various branches of his or her family; yet if he or she were elected to the general Fono, it was to represent only one family. The most popular representative in the general Fono, it was pointed out, was not always the wealthiest on the island.

108. The Mission was informed that a faipule fulfilled a number of functions. His legal status was recognized by New Zealand legislation. He was the spokesman for the people and was elected every three years to represent the Administration on his island. He is the mouthpiece through whom the people talk to the Administration. The Mission pointed out that, if the faipule were also the chief representative of the Administration, certain conflicts could arise in regard to his responsibilities; for example, in the case of friction between a village and the Administration. Differences might also arise between a faipule and a pulenuku. In response to its inquiry, the Mission was informed that there was no list of the functions and duties assigned to each of these posts. The pulenuku was involved in local affairs and the faipule was concerned with matters pertaining to the Administration.

109. The Mission believed that the responsibilities of the two posts should be defined. It was explained to the Mission that there was a general understanding in this matter. For example, since the hospital was sponsored by the Administration, it was in the area of responsibilities of the faipule, whereas piggeries (which had been established primarily for reasons of village sanitation) were in the domain of the pulenuku.

110. When asked who decided on the forms of punishment to be meted out, the Mission was told that this responsibility was exercised by the elders, although the heads of families and the elders could also order a punishment. No serious crimes had taken place in Tokelau in the past 20 years. In the case of a lesser crime, an offender was given the opportunity to explain his or her position, but once an order for punishment had been made, it had to be carried out. For a major crime against the community, the offender's house, crops and animals might be destroyed. The punishment was carried out by the able-bodied men of the island.

111. When the Mission inquired if there were recourse to New Zealand legislation, it was pointed out that New Zealand law did not apply to customary law. There had recently been a divorce case, which had followed New Zealand legislation and had proceeded through New Zealand courts. There were also instances of litigation concerning insurance for cargo damage and a case of a workman who was still awaiting workmen's compensation for an injured finger.

112. The Mission wondered if the judicial role of the faipule, which seemed to have lapsed somewhat, should not be reactivated. It was explained that the administering Power found the community life of the islands very fragile, its customary lifestyle easily susceptible to change. It considered that the Administration must proceed cautiously; in particular, it must contemplate at some length, in consultation with the people, before expanding the role of the faipule in the community.

113. The Mission inquired if any attempt had been made to talk with the Tokelauans about that fragility and to work out more modern arrangements. The representatives of the administering Power believed that the educational process would help solve that problem. Tokelau was isolated geographically, but not in the sense of mobility. A large number of Tokelauans attended schools in New Zealand and gradually a change would take place. Administrative efforts never seemed to be the right way to initiate change. A tighter framework of law for its own sake was not the way to accomplish the change. More could be accomplished where the people understood and

requested a change to which the administering Power would respond. It was argued that the present system worked. There was virtually no crime in the islands, but when the question of divorce had arisen, a petition had been heard and a decree issued.

114. The Mission pointed out that divorce was rare, and was informed that the recent one had been the only case in the last 22 years and had involved a couple who had studied abroad.

115. Religion plays a very strong role in the life of the community. The people on Atafu are all Protestant; those on Nukunonu are all Roman Catholic; and the people on Fakaofu are divided between the two. In that context, the Mission requested an elaboration of the relationship between the churches and the local system. It was told that religion had played a more prominent role in the past and that the people might have listened more to a pastor or a priest than to the representatives of the Administration, but a separation now existed and there was a lessening of the role of religion. For example, land given to the church on Nukunonu 100 years ago by the Council of Elders was now being used for the production of coconuts. The Church however, was still respected.

116. The Mission wondered whether some difficulties might arise if the present system of representation were allowed to develop in an uncontrolled way without establishing a programme of political education in consultation with the people. It wondered about the effects of new ideas coming from outside the Territory and was told by New Zealand government representatives that the islanders were constantly exposed to new ideas and were expanding their political education, through the Tokelauans who went to Fiji, Samoa and New Zealand to become doctors and nurses and teachers. They had responded favourably to such things as cash economies, hospitals and schools. The system has been adapted without political engineering on the part of the Administration.

117. The representatives of the administering Power had asked themselves whether or not they should reorganize and how did one educate people politically. They had concluded that people learn from experience, and perhaps participation in international meetings helped to form a political sense. Tokelauan delegations had attended meetings of the South Pacific Commission and other Pacific regional conferences as well as the independence ceremonies at Suva. They added that the United Nations Visiting Mission was part of the political educational process.

118. The Chairman pointed out that the Mission was aware of the attempts made in the 1960s to terminate the colonial relationship between Tokelau and New Zealand. The Mission was also aware that a decision taken in 1963 by the general Fono to continue the existing relationship had been regarded as premature. In 1964, a general Fono had been held following the return to Tokelau of a group which had visited other islands in the region, and a resolution had been adopted in which it was stated that Tokelauans did not wish to join either Western Samoa or the Cook Islands and that they preferred to continue to be associated directly with New Zealand. At a general Fono held in June 1966, the question had again been raised, and the Fono had decided to adhere to its earlier decision to continue in close association with New Zealand.

119. In response to the Chairman's inquiry, he was told that no further attempts had been made to join the Territory with another country, although attempts had been made to stimulate discussion on the options for the future status of the islands. In the past 12 months, attempts had been made to create a dialogue on the subject in Tokelau, and the members of the general Fono had been encouraged to take up the subject with the Mission. When Tokelauans visited Wellington, they were encouraged to raise the matter on their return home. Both New Zealand and the Territory were aware that Tokelau was the last Non-Self-Governing Territory under the administration of New Zealand and they were equally aware of what would follow when the time was ripe. Moreover, both the present New Zealand Government and its Opposition appeared to be in agreement on this point.

120. On the question of land, the Mission was informed that the 110 motus which made up the three atolls had a total area of 10.4 square kilometres. Land for schools and hospitals had been leased to the Crown by individual landowners, and, in accordance with a decision taken at a general Fono in June 1975, arrangements had been made to pay the rent on the land from the Tokelau budget. The landowners retained the right of residual use. There were no written leases, because the arrangement appeared to benefit everyone concerned at the time.

121. The Administration had studied for some time possible methods of improving the poor quality of the soil in the Territory. The Roman Catholic Church on Nukunonu had imported soil in an attempt to improve farming conditions. (It was believed that the rhinoceros beetle might have been brought to the atoll in the new soil.) Advice on building humus had been sought from a number of experts. Mulch was being made from coconut fibre and husk. There had been some hesitation about importing fertilizers because there were some doubts about the quality of soil which would result from a mixture of fertilizer with the coral dust and sand which make up the basis of the soil of the islands.

122. At the general Fono in April 1976, the problem of the declining rate of copra production had been raised. In the Gilbert Islands, for example, it was known that copra production was increasing and that the soil in that Territory had been improved by the use of fertilizer. There was also a better programme for the provision of seed nuts in the Gilbert Islands. Three requests to establish nursery areas in Tokelau had been received by the Office of Tokelau Affairs.

123. The rhinoceros beetle infestation (see para. 46 above) had been virtually controlled, although people continued to complain about the rats and constantly requested more poison with which to kill them. The number of plants which might be grown were limited. It was thought that bananas might be viable. However, soil capable of holding water had to be introduced. Root vegetables, such as taro, ta'amu and pulaka, might be grown in man-made pits. Existing pits were carefully treated with manure every two months and commercial fertilizer every nine months.

124. On the question of fishing, the Mission was told that the Administration was studying the possibility of purchasing cold storage containers in which excess fish could be frozen for subsequent use as food or for export. The only export market appeared to be Apia, which had a fish shortage. Some fish were treated with salt, although that method of preservation did not have a lasting effect. A request had been made to the South Pacific Commission for the services of a fish-meal expert, but this had not been followed up.

125. The people and the members of the general Fono in Tokelau were aware of the activities of the Third United Nations Conference on the Law of the Sea. The general Fono had requested that New Zealand representatives safeguard the interests of Tokelau and report to it on the results of the Conference. There was always the risk of poaching. The general Fono had also raised that question with the Administration and the New Zealand Government had made formal complaints on behalf of Tokelau through diplomatic channels to countries guilty of such practices. Binoculars were provided on each island and sea planes patrolled the area at times. New Zealand naval vessels passing through the area had acted as fisheries patrol. Tokelau shared the benefit of New Zealand legislation on the subject of territorial waters. A bill had been presented before the New Zealand Parliament to extend the territorial waters of Tokelau to the 12-mile limit, as was the case in New Zealand. This legislation was intended exclusively for Tokelau because New Zealand had no fishing fleets. Since Tokelau had requested assistance in this area, they might consider leasing their waters on a royalty basis.

126. Other areas in which Tokelau had benefited from membership in the South Pacific Commission were agriculture and public health. One of the Commission's experts had found a method of turning waste into methane gas, which might be compressed to facilitate cooking.

127. The islands' water supply came from rain water collected from the roof areas of the three villages. There were no springs.

## C. TALKS HELD WITH THE PEOPLE OF TOKELAU AND THEIR REPRESENTATIVES

### 1. Fakaofu, 7 and 8 June 1976

128. The Mission first came ashore in the Territory at Fakaofu on 7 June 1976. It was greeted by Mr. Itieli Pereira, the faipule, and Mr. Peni Semisi, the pulenuku. Following the ceremony of opening the new fale fonu (council house), the Mission met briefly with the delegates to the general Fono. It was suggested that the delegates from Atafu and Nukunonu recess while the Mission met with the delegates of the Fakaofu Fono. The general Fono would reconvene the following day to submit its requests to the Mission and the administering Power.

129. The first problem raised was that of lack of space for the village to expand. The present village was built on a very restricting motu and the elders felt that land should be reclaimed from the water in order to give them more room. Otherwise, they would be obliged to move to another motu, Fenua Fala, and in that way a second village would be formed, upsetting their present social and political arrangements.

130. The Mission began its discussions by inquiring into the economic and social problems of the village. The elders expressed a desire for a motorized fishing boat and a cold storage unit for fish. They would also need the diverse paraphernalia required for fishing - lines, hooks, wire lures and nets - all of which were usually purchased at Apia. Expert advice on commercial fishing was also needed.

131. They also requested an additional channel to allow passage over the reef at high tide, pointing out that the single small channel now available for Fakaofu was not convenient for the entire community.

132. In the field of agriculture, the Fakaofu Fono requested additional poison to kill the rats which were thriving on the coconut palms. Fertilizers to improve the soil were needed, as well as experts to demonstrate their use together with techniques to improve copra production.

133. Mr. Hosea Kirifi, the headmaster of the government school, who was acting as interpreter for the Fakaofu Fono, reported that fruits and vegetables from abroad had proved difficult to grow and expert advice was needed, particularly with respect to mangoes, pawpaws and cabbages.

134. Often the men used themselves as beasts of burden, carting various materials on their backs, which resulted in a rather high frequency of hernias among them. They would like to have a small portable railway (with 10.8 kilogram aluminium rails) running through their coconut plantations. This improvement might also increase copra production.

135. In reply to questions on housing and water collection put to them by the Mission, members of the Fakaofu Fono stated that, if there were a long drought, they would run out of water as the water supply had been low for several weeks. Although

the headmaster believed that the administering Power was planning to improve the situation, he thought that it might need assistance from the United Nations. Dr. Iona Tinielu, a local doctor, expressed the view that additional water tanks were needed and that land should be reclaimed on which to install them, as well as housing with roof catchments.

136. By improving housing, including the installation of indoor flush toilets with proper sewerage disposal, health conditions would be improved. It was believed that the high incidence of typhoid fever and gastroenteritis was caused by the present outdoor facilities which emptied directly into the sea from which cooking and bathing water were taken.

137. Although Fakaofo received adequate financial and technical assistance, the Fakaofo Fono intended to appeal for additional aid from either the administering Power or the international community, whichever was willing to help.

138. The Mission delved into the sentiment of the community regarding the Tokelau Resettlement Scheme. Among the questions it asked were what the people considered the ties between Tokelauans abroad and in the islands should be; whether the Scheme was removing essential manpower; what contributions were being made by Tokelauans overseas to the community in the Territory; and whether those Tokelauans were still regarded as members of the community. Following a discussion in their own language among the members of the Fakaofo Fono, the headmaster replied, on behalf of the group, that in many ways the people had appreciated the Resettlement Scheme, which had been initiated at their request to help some of the Tokelauans to make a living and send money back home, as well as to solve the problem of overcrowding. They found, however, that if the Scheme were to be continued, there might not be enough men to do the village work. The general Fono had discussed the question with the New Zealand authorities and the administering Power had returned the problem to the local authorities. The general Fono had halted the Scheme for the present. It might request that it be renewed, depending on an expression from the people that they so desired it.

139. As for the Tokelauans residing in New Zealand, the Tokelauans in the Territory considered that they were still Tokelauans and as such were of assistance in putting forward to the New Zealand Government the Tokelauan point of view as problems arose.

140. As to their future status, the Fakaofo Fono alluded to the reply which the Mission would receive from the general Fono the following day: the people desired to remain a New Zealand dependency with the hope that development assistance would increase from the administering Power and the United Nations.

141. On the afternoon of 7 June, the Mission went by outrigger canoe to Fenua Fala to attend the opening of the new Fakaofo hospital and to visit the school. The new hospitals have been built on each atoll as part of the administering Power's development programme in the Territory. The New Zealand Government appropriated the funds, donated the materials and requested each island to donate the labour of its most able-bodied men to assist in erecting the buildings. The Mission briefly visited the school, but, since it was in recess, there were no children there.



142. On 8 June, the Mission again met with the general Fono in the new Fale Fono. The general Fono made three submissions to the Mission: one dealing with the future of the Territory; another claiming Swains Island from the United States of America; and a third protesting nuclear testing in the Pacific Ocean by the French Government (see appendix VIII below).

143. On the question of Tokelau's future status, the members of the general Fono announced that they had unanimously agreed to remain a New Zealand dependency and stated that it was in the Territory's interest that the development and progress of the islands be improved further to ameliorate the conditions of the people.

144. The Chairman of the Mission, after thanking the members of the general Fono for their submissions, inquired whether the Fono believed at the present time that its decision was final or whether it believed that it might make another decision in the future. He referred to the case of Niue, where the people wanted to maintain their New Zealand citizenship as well as to continue to receive assistance from New Zealand, but also wanted responsibility for all other matters. The Mission, he said, would like to know whether Tokelauans wanted their dependency under New Zealand to continue in the same manner or whether they had other suggestions. The members of the general Fono replied that they had arrived at one agreement and that they had no other thoughts on the matter at that time.

145. As to how they viewed the process of development of the Territory, the members of the general Fono said that when they had arrived at their decision the main thought had been New Zealand, which meant that they depended on that country. New Zealand had been administering the Territory for some time and had done much for Tokelau. However, since they were now being visited by a United Nations mission, they also hoped to receive help from the United Nations; that would also help New Zealand to help them.

146. Concerning their claim to Swains Island, the members of the general Fono stated that they would forward further evidence of their claim if required (see appendix IX below).

147. The Mission informed the members of the general Fono that the Special Committee had already studied the question of French nuclear testing in the Pacific Ocean and that it would pay special attention to the request of the people of Tokelau concerning this matter.

148. The members of the general Fono then turned to discussion of a number of submissions made to the New Zealand Government, several of which related to labour relations.

149. The members stated that when the Administration employed a person from overseas for service in Tokelau exceeding a three-month period, preference should be given to a married person, who should be accompanied by his or her spouse. The spouse should also respect the laws of the village.

150. The members requested the administering Power to consider the matter of workmen's compensation, which had been raised at a recent meeting of the general

Fono. The New Zealand spokesman stated that the question had been referred to the Ministry of Foreign Affairs at Wellington for legal advice. The Office for Tokelau Affairs and the Ministry of Foreign Affairs both agreed that there was a need for workers compensation in cases of accidents which occurred on government business. A legal solution was required and would be forthcoming. As it might take some time to conclude the drafting of legislation on the matter, a progress report would be given to the general Fono. In the meantime, if anyone were injured between the present meeting and the next meeting of the general Fono, arrangements would be made for payment of compensation.

151. Concerning the secretary of the general Fono, it was considered that her services were valuable to New Zealand as well as to the Fono and that she should be paid for the work she had done. In reply, the representative of the Office for Tokelau Affairs said that she would be paid for her work as soon as the Office knew how many days she had worked for the Fono.

152. The Office had taken note of the request to review salaries in the Tokelau Public Service in the light of the present increase in the cost of living and would soon begin the review to ensure that the higher cost of living was taken into account. The review might, however, take several months to complete.

153. The general Fono had suggested that the hourly rate for channel work be raised from its present rate to 50 senes. k/ The wage scales for the team working on the channel had three categories: unskilled workers, 23 senes per hour; semi-skilled workers, 25 senes; and lead hands, 32 senes.

154. The representative of the New Zealand Government stated that the present phase of the channel reef clearing project would be completed at the end of that week and that workers would therefore not be needed beyond that time. In a few months, another phase of the channel project would begin, at which time another work gang would be needed. At that time, the New Zealand Administration would decide whether it was reasonable to increase the rate for the workers and would set new rates then.

155. The Administration suggested that the request that the wages of wharfworkers be increased from \$WS 75 to \$WS 100 per voyage be considered when a review of salaries and allowances had taken place.

156. The members of the general Fono requested the New Zealand Government to provide each island with two deep freezers for the storage of fish, meat and other food imported from Western Samoa. It appeared to the New Zealand representatives present at the meeting that there would be two possible uses for the freezers: to store food and to store fish for sale to visiting ships or at Apia. The Administration would consider the request carefully. The solutions might differ according to the uses made of the various freezers. Later, co-operatives would be discussed, and those stores might need freezers to preserve food for the villages.

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k/ The local currency is the Western Samoan tala (\$WS); 100 senes equal \$WS 1.00; \$WS 0.76 equals \$US 1.00.

As such, it would make a good village project. The representative of the administering Power thought that fisheries would fall into the category of the type of development project, that the Government of New Zealand would be interested in supporting. Perhaps an international organization might also support such a project.

157. The members of the general Fono agreed that co-operative stores should be established with the funds allocated by the Ministry of Foreign Affairs for that project. The New Zealand representative told the members of the general Fono that each village had to choose the location for the store as well as the person who would direct it. The Office for Tokelau Affairs was working on the legal aspects of the co-operative question. Each person chosen to direct the co-operative stores would receive training overseas. Funds for the co-operatives would come either from the New Zealand Administration or from a contribution in the form of a loan to the co-operatives.

158. The members of the general Fono reminded the Administration of a previous request concerning the improvement of their coconut plantations. They had received the reports and instructions concerning that programme and now requested that supplies of fertilizers be made available as soon as possible. The New Zealand representatives replied that the Administration would look for a supply of fertilizers for the plantations and would arrange to find out how the fertilizers were to be used. The Office for Tokelau Affairs would keep the faipule informed of the progress made in obtaining fertilizers. The Fono added that fertilizers might also be needed for other kinds of plants.

159. The members of the general Fono requested that the housing scheme for Tokelau be implemented as scheduled. The Office for Tokelau Affairs agreed that the housing scheme should go ahead quickly. Finances would be appropriated in 1976 for some experimental housing. Some difficulties had been encountered in obtaining a good design and the proper materials for roofs. The New Zealand representatives expressed the hope that those problems would soon be resolved. They also hoped the stage of experimental housing could be quickly disposed of.

160. The members of the general Fono agreed that the Tokelauan community in New Zealand should be given recognition by the New Zealand Government and should have the opportunity to speak on matters that might be of help to Tokelau after receiving a signed approval from the three Councils of Elders in Tokelau. The New Zealander representatives acknowledged the request and stated that the Administration would follow up the matter as soon as it had received a signed approval from the three Councils of Elders.

161. The members of the general Fono requested the Administration to carry out the programme of building copra dryers on each atoll. The representatives from Nukunonu said that, although their new copra dryer had not yet been used, the people thought that it was satisfactory. The Administration asked whether a dryer similar to the one built on Nukunonu would be suitable for the other villages. One person could be sent to study the design and, if that were agreeable, supplies would be sent to the other villages which might provide the labour for erecting the buildings.

162. The members of the general Fono asked if the labourers would receive a salary, to which the Administration replied that the copra dryer on Nukunonu had been a gift from the Rotary Club of Johnsonville, New Zealand, which had also provided funds for the construction of the dryer. The payment of workers on Nukunonu had been a special gift from the Club. The material for copra dryers on Atafu and Fakaofo would be sent only when the requests were received from the two atolls, but there were no funds to pay the wages of the workers.

163. The members of the general Fono requested that the Administration consider the erection of a nurses' residence on each atoll. The New Zealand representative stated that the matter was considered each year when the Administration allocated funds for building capital projects. There was already one such project in 1976 - the co-operative stores. There could be money to start only one such project and the Administration wanted the Fono to advise on which project should be given the priority. The Fono agreed that preference should be given to the co-operative stores project in 1976. In the following year they might consider the nurses' homes.

164. The members of the general Fono wished to confirm a decision taken by the Fono in April 1976 that the fares for three of the six delegates from the Tokelauan communities in New Zealand who were attending the present Fono should be paid out of the Tokelau Fund and not the Village Fund. The New Zealand officials stated that apparently some misunderstanding had developed as a result of that decision. The Fono had asked that money should come from the New Zealand community and Mr. K. W. Piddington, the former Head of the Pacific Division in the Ministry of Foreign Affairs at Wellington, had wished to meet that request as far as possible. When he returned to New Zealand, he had suggested that the New Zealand Government should pay for three delegates and that the Tokelauans should find other funds to pay for the remaining three delegates. That was where the misunderstanding had arisen. Some believed that the funds would be raised by the New Zealand communities; while others thought that they would be supplied by the Village Fund or by the Administration. Two communities in New Zealand had raised funds for two delegates and the Administration had lent funds for the third delegate. The questions, therefore, were who should pay for the travel of the third delegate and should the arrangements made for the other two delegates be changed. The Administration would respect the decisions of the Fono.

165. The New Zealand officials further stated that the New Zealand Government supplied funds for the administration of Tokelau and the Tokelau people. If the general Fono recommended that the fare of the third delegate should be paid out of the Tokelau Fund, that would mean that some other activities would have to be charged to the Administration. The Fono had seen the budget estimates and would recall the section dealing with travel expenses. It was used for the travel of nurses, teachers and doctors, as well as for new staff for the Office for Tokelau Affairs. It was also used to pay the fare of the administration officials to attend meetings of the general Fono. The Administration allocated that travel money in accordance with the wishes of the general Fono. The New Zealand officials asked for a decision from the Fono.

166. It was stated that the general Fono had decided that payment of the fare for the third delegate should be divided between the Village Fund and the Tokelau Fund.

167. The last submission was a matter of insurance concerning payment for lost or damaged goods. The members of the general Fono stated that: (a) no one who had ordered goods from Burns Philp was responsible for payment for the loss or damage of such goods; and (b) the loss or damage of any goods that came from any firm other than Burns Philp should be paid for by the Office for Tokelau Affairs or Burns Philp if that freight had been paid for. The representative of the Administering Power stated that it was difficult to obtain insurance for goods sent to Tokelau because the amount being shipped was too small. He stated that the Office for Tokelau Affairs would continue to look for new ways to insure against loss or damage, since goods would, in future, be ordered in larger quantities. The Office took note of the people's concern and would do what it could to ensure that there were no further losses in the future.

168. During the session on submissions to the administering Power, the meeting with the General Fono was interrupted by the receipt of a telegram from Mr. Tupuola Efi, the Prime Minister of Western Samoa, addressed to the faipule and the general Fono on behalf of the people and Government of Western Samoa, conveying best wishes to the general Fono, which he stated had that day taken an important step for the good of the future of Tokelau. He further stated that he could not just sit back and watch that important event; as a brother he wished to convey his best wishes.

169. While the above talks were proceeding, the members of the Mission also met with the doctors, nurses and teachers of Fakaofu. The mission was interested in what possibilities were available for higher studies. One teacher replied that, in 1956, she had entered the Teachers' Training College in Western Samoa and had returned in 1959 to Tokelau, where she had remained ever since. She explained that children began at the Roman Catholic School at three years of age, at the primary school at five years and continued until the third form. Girls and boys studied together. Instruction began in Tokelauan, and English was introduced in the second year. Thereafter, Tokelauan was considered a special subject. There was a standard examination for those who wished to continue their studies abroad, but only the best were chosen. In 1975, there had been 15 students in the third form. Five students in the first to third forms had received scholarships for study abroad in that year.

170. The Mission inquired about the chances for those who wished to continue their education but did not obtain scholarships from the Government, and was told that families in New Zealand occasionally offered assistance. When children went abroad, they could choose the subjects they wished to study. More often than not, those going to New Zealand did not return to the Territory. Those who went to Western Samoa had to return to Tokelau for a certain number of years to fulfil a contract.

171. The Mission was told that education in the Territory was free and compulsory, although there was a charge of 20 cents (New Zealand) per term per child. All

children were eligible to attend school and all did so. Although over-crowding existed, there were enough chairs, desks and material. One teacher complained that with 22 pupils, it was difficult to maintain control in the classrooms.

172. It was explained that the syllabus was established in New Zealand and modified to meet Tokelau conditions. Books and materials were provided by the New Zealand Government and some books came from the Cook Islands and Niue. There was some variation in the subjects studied from island to island. Certain problems existed with books coming from New Zealand, which needed to be adapted. For example, since there were no trains or buses in the Territory, the text references were changed to canoes and ships. Books were translated into Tokelauan for the lower classes.

173. The New Zealand Minister of Education exerted considerable influence on school programmes. The Schools Inspector from the Ministry frequently visited the Fakaofo school. More teachers could be employed, in particular those with higher qualifications. The teachers stated that the Territory needed a high school. When children were particularly bright, they were sent to Niue or to New Zealand to improve their qualifications.

174. A form of adult education existed, since the Women's Committee undertook to discuss medical and public health problems, anatomy and physiology. The teachers thought that manual training courses were not necessary, since the people work together and exchange skills in that fashion.

175. Teachers were sometimes offered in-service training in order to further their education, but once they had obtained a Bachelor of Arts degree, they were eligible to teach in New Zealand.

176. On the subject of public health, the medical staff informed the Mission that there were enough beds in the new hospitals, unless there were an epidemic. In general, the islands people in the Territory were very healthy, but, in the event of an epidemic, there would not be enough room for the sick. The islanders' resistance to typhoid, dengue fever, chicken pox, measles and influenza was generally low.

177. Programmes of providing regular inoculations had been started years ago for tuberculosis and the better known children's diseases. Last year vaccinations and booster shots for typhoid, paratyphoid A and paratyphoid B (TAB) had been given. In the field of preventive medicine, reference was again made to the Women's Committee, which gave lessons on how to prevent diseases.

178. Much improvement was needed in the field of public health, including the training of nurses and nurses aides. At the time of the Mission's visit, there were four nurses and two nurses aides, which meant that during epidemics, the staff was over-worked. There was also a need for a qualified obstetrics nurse and operating-room nurse. Deliveries were at present done by the staff. As there was no programme of in-service training, when staff replacement was necessary, the Office for Tokelau Affairs at Apia was informed and arranged for an exchange with a member of the staff on one of the other islands. Although the

Mission was told that the need had not arisen, a decision by the general Fono would be necessary to obtain additional funds, if needed.

179. The sick usually went to the hospital, although doctors also made house calls, in particular to the aged and infirm and in the case of emergency. Treatment was free, even at home. In extraordinary cases, patients were sent abroad for treatment, but emergency cases usually went to Apia. In 1975, three patients with heart problems had been sent to New Zealand.

180. Doctors were responsible for inspecting the water in catchment tanks for impurities; the elders were responsible for the removal of impure ingredients.

181. The greatest desire of the medical staff was to obtain a home where nurses might stay when on duty. At present they travelled back and forth to Fenua Fala by canoe.

182. The trained medical staff told the Mission that they suffered greatly from frustration. They found themselves cut off from the world and medical developments and they would like to work again in a large hospital, because they were not able to use the knowledge they had learned in school. They received medical documentation from overseas institutions, but reading was not a substitute for practice. Ironically, the general health of the population was good.

183. One doctor stated the problem in this manner: "Staying here too long is frustrating. When we go for a break, we think we may stay forever. Now personally, until my children reach a certain level of education, we stay. There is the possibility of the islands becoming depopulated. We have thought of this. The islands should retain their identity. Those who are outside have the best of two worlds."

184. The Chairman said that in view of the very limited opportunities and resources available and considering the possibility of the islands being depopulated, the Mission understood the problem.

## 2. Atafu, 9 and 10 June 1976

185. The Mission went ashore at the second atoll, Atafu, in the late afternoon of 9 June, where it was greeted by the elders of the village Fono. They knew of the experience of the Special Committee in sending visiting missions to small Territories in an attempt to help them find viable solutions to their future. They also knew that the United Nations was trying to maintain peace in the world. The Atafu Fono decided to meet formally with the Mission the next morning and invited the Mission to attend a fiafia (festivity) in the fale Fono that evening. Those of the Mission's party who remained ashore that night accepted and were able to attend.

186. Before the party returned to the Cenpac Rounder, the Mission visited the

new hospital, where the only patient was a maternity case, and the school, which was empty because of the holiday recess.

187. The following morning, the Mission met first with the educational and medical staffs of Atafu. The Mission informed those present that it had already had a similar meeting with the staffs on Fakaofo. It understood that the systems differed slightly from island to island and it was in this context that it would ask questions.

188. The Tokelauan headmaster of the school said that children from three to five years of age attended a play centre, after which they were admitted to the first standard at primary school, where they remained through the third form. They attended school until they were 16 years of age. For the five or six students who went abroad each year for higher education, the scholarships in New Zealand were paid by the New Zealand Government, but educational fees in Western Samoa were paid from the Village Fund.

189. The Mission was again assured that everyone who wished to do so attended school. At present, there were five students on Atafu in the third form. It was again stated that the New Zealand syllabus was modified to make it more suitable for local pupils. When students left school, they had to work in the village. Representatives of the New Zealand Government inspected the schools regularly. When replacements were necessary, teachers aides usually took over for teachers undergoing in-service training in Western Samoa or for those who were sick. Nevertheless, a permanent relief teacher was needed.

190. The children attended school about five hours a day. Teachers might be transferred from one island to another, but this really depended on the opinion of the people concerned. Co-ordinating meetings sometimes took place between the teachers of the three atolls. The total school enrolment in the islands numbered 245.

191. The adult education programme was similar to that on Fakaofo. On the subject of manual or technical training, a boat-building course had been initiated at the school. It was thought that this sort of skill should be taught, but there was a problem in obtaining a teacher in that area. The previous evening while at the school, the Mission had seen some of the boats built at the school and was told that there was a potential market both in Tokelau and in Western Samoa for the boats.

192. Mr. Tenise Atoni, the headmaster, stated that it was most difficult to obtain special aids for children. When a teacher went abroad for a special course, he or she should return with teaching materials, but they were often difficult to find. That was one of the school's greatest problems. It was thought that one solution would be to affiliate the school in Tokelau with an institution abroad which might then send it the necessary materials.

193. Regarding public health, Dr. Iuta Tinielu, the head of the hospital, stated that Atafu had one staff nurse who had qualified in New Zealand. He himself had qualified at the Fiji School of Medicine. After three years of



working on the island, he should go to New Zealand, Fiji or Western Samoa for six months' in-service training. That was difficult to arrange, however, because of the replacement problem and, consequently, he had been unable to do so for five years.

194. Nurses had no special programme for in-service training. Staff nurses went to Apia to learn laboratory techniques, but that was not a long-term project. In the present circumstances, the arrangement was adequate to deal with the health of the people. The New Zealand Government was helping in special cases, such as that of a child with a congenital heart problem who had been sent abroad for treatment. The present staff was made up of five nurses, two nurses aides and himself. There were three operating-room nurses on Atafu and two on Nukunonu. There was no midwife.

195. In reply to the Mission's inquiries, Dr. Tinielu stated that the family planning programme on the island was not well established, although the pill was being used. The parents usually limited the number of children by spacing them.

196. At full capacity, the hospital could accommodate six maternity patients and six other patients at the same time. An epidemic, such as the poliomyelitis epidemic in 1955, would render the hospital inadequate. There were no regular immunization programmes, although TAB vaccinations had recently been given. Skin and chest infections constituted the illnesses most often treated.

197. The doctors were responsible for checking the quality of the local water, but they had had no training in laboratory analysis nor was any purifying chemical even added to the water supply. Nurses were trained in improving public health in the community, but the training was inadequate and more training was necessary.

198. Both the medical and educational staffs stated that their salaries were inadequate when compared with that of their colleagues outside the Territory. If they went to New Zealand to work, they would be tempted to remain a long time, if not forever. If they remained abroad 6 to 10 years, they would forget all about Tokelau and would be satisfied to live like New Zealanders, at least until they saw the need of their people.

199. When prompted by the questions raised by the Mission, one teacher (female) replied that the people responsible for preparing the textbooks used in the Territory should study the Tokelau culture more thoroughly to understand the needs of the islanders. Sometimes the children who studied outside the Territory were away for so long that they forgot their background. She admitted that they came home for the school holidays, but those intervals were far apart.

200. The headmaster said that there was a need for more educated people in the islands. He pointed out that in 1975, a telegram had been received saying that there were vacancies in the training programme in New Zealand, but the salaries offered to teachers in the Territory were not sufficient. They did not offer compensation for better training. The people felt that they should receive equal pay for equal hours worked - there were too many inequalities. The Mission suggested that those who went abroad for training should be obliged to

return to the Territory under contract for a certain period of time. This might meet, at least in part, the problem of acquiring trained personnel.

201. The Mission asked who made the final decision when a teacher or nurse was to be employed by one of the islands and was told that the Office for Tokelau Affairs employed staff from overseas and Tokelauan teachers' aides were recruited locally. The level of qualifications of the local staff was not very high, however, since most had only studied to the second form before going overseas. Of those who attended secondary school overseas, few returned to the islands. The present staff would like to introduce studies through the fourth form.

202. The Mission stated that, although it had received an answer from the general Fono concerning the future of Tokelau, it would like to know how the people of Atafu conceived of the future of the Territory. Dr. Iuta stated that, although the New Zealand Government was providing financial assistance, what the Territory most needed was development in the academic field. The old fishing skills, he pointed out, could not compete with modern fishing fleets and their technological development. New development should begin right away.

203. The headmaster agreed with the doctor. He said that the first requirement was additional scholarships; then, he would like to draw back to the islands those Tokelauans who had gone abroad for training and had not returned.

204. When asked by the Mission if they saw any solution in their future other than remaining a New Zealand dependency, the doctor replied that development should come first and then change could follow. Tokelau should not be left in its present condition.

205. When the Mission asked if they thought the Tokelauans should have more say in their own administration, it was told that they already participated in the administration. When the Mission asked if they should participate further in the Office for Tokelau Affairs, the doctor said that a budget should be introduced setting out the priorities. The teacher (female) said that, because of the lack of knowledge among Tokelauans, they were not able to make final decisions concerning their development. It would help them if New Zealand would guarantee financial assistance to them.

206. Later that morning, the Mission held a brief meeting with the Atafu Fono before departing for the ship. In the field of agriculture, the Atafu Fono averred that they had trouble with rats damaging the coconut palms. They were working to eliminate that problem and had had some success. They checked on the infestation every two months. With the increased frequency of the visits by the Administration's ship, supplies were coming through much better.

207. When asked if they were satisfied with the Office for Tokelau Affairs, the members of the Atafu Fono stated that they were dissatisfied that so many Samoans were working in that Office. They thought Samoans should not be employed there and that skilled Tokelauans should be found to fill those posts. Generally, their relations with the Office were good, but some of their requests to the Office took too long to fulfil. That was not a new problem and they had already informed the

New Zealand Government of the problem. For example, the transaction of funds through the Office took too long. Tokelauans did not always understand the procedure for those transactions, and the Office should explain the procedure to the people.

208. One member of the Atafu Fono said that he understood that the value of New Zealand currency being sent to the people in the Territory was reduced because of its unfavourable exchange rate with the Western Samoan tala. He thought that the New Zealand Government should make arrangements so that money being sent from New Zealand would be received in Tokelau instead of Apia, as was the present arrangement. There was also the restriction on more than \$NZ 50 leaving New Zealand. There seemed to be difficulties in obtaining larger amounts of money to change into other currencies, to send abroad and with which to travel.

209. A representative of the administering Power who was present pointed out that all those leaving New Zealand were limited to \$NZ 50 unless the Reserve Bank approved an additional sum. 1/ If, however, a Tokelauan residing in New Zealand wished to transmit money to Tokelau through the Office for Tokelau Affairs, he was obliged to have his money converted into Samoan talas. But he received a more favourable exchange rate than the daily bank rate.

210. Another member of the Atafu Fono asked that the Office for Tokelau Affairs look into matters of goods lost and damaged at the Apia wharf. In the past, there had been difficulties with the shipping schedules and it was hoped that the present one would be maintained.

211. The faipule pointed out that in 1974, Atafu had produced more than 400 metric tons of copra to sell through Burns Philp. The profit from that sale had been returned to the village. The village still maintained the sales receipts. For every dollar which the village placed in the Village Fund, the New Zealand administration placed \$NZ 2.00.

212. As to their attitude regarding the Tokelau Resettlement Scheme, the doctor thought that the Scheme was a good idea and wanted to see it continued. It was one way to reduce the over-population of the islands and of dealing with the land situation. The faipule said that it should be up to each individual island to decide.

213. The members of the Atafu Fono wanted the channel reef development project to continue so that the island could participate in modern methods of fishing. The people of Atafu were still fishing for tuna in the old way and they could not compete with others. They also wanted the administering Power to supply them with deep-freeze storage units.

214. The members of the Atafu Fono also believed that there should be an airfield at Atafu to improve communications, reduce the Territory's isolation and assist tourism, thereby bringing in further revenue from those who wished to visit the

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1/ See para. 265 below, which reflects the correct official position.

islands. The members also thought that fresh water should be conducted to each section of the village to reduce the burden of carrying it from a central source. Finally, they wanted a winch or trolley constructed to assist in loading and unloading ships.

### 3. Nukunonu, 11 June 1976

215. The ship arrived at Nukunonu on 10 June too late to allow the Mission to go ashore that evening. The following morning, however, it went ashore early and met first with the members of the Nukunonu Fono.

216. The first questions dealt with copra production. The Nukunonuanans stated that it was difficult to estimate the yield. Production was low because of insufficient labour. The young and able-bodied men worked for the hospital, the school or elsewhere and only the older men were available to gather coconuts. They would like to produce more copra, in particular when the price was good (\$NZ 10 per 45 kilograms in 1974). There was usually a surplus of men available to gather coconuts for food and eventually to make copra. But there was never enough manpower when prices were good. Many of the able-bodied men had also gone to New Zealand under the Tokelau Resettlement Scheme.

217. Nukunonu was the only island affected by the rhinoceros beetle. It was also badly ravaged by rats, which affected the coconut palms. The beetle situation had recently been reduced, although it was still necessary to use poison on the rats.

218. Each family sold its own copra and kept the profit from it. Each ship brought a report from Apia on the amount of copra sold and how much had been deposited in their accounts at the bank. If the copra had been sold collectively, the revenue would have gone to the Village Fund.

219. The shortage of manpower was most acute on Nukunonu, the most able-bodied workers of the village having gone to New Zealand. Some had gone for training, while others had decided to return to New Zealand. Since the Tokelau Resettlement Scheme had been halted temporarily and conditions on the island were improving, the people would try to reorganize themselves. They would review and restudy the Scheme later. It depended, of course, on the individual. The village could not detain anyone who wished to emigrate. Some men had gone, leaving their families behind them, and had stayed away one or two years before returning. The members of the Nukunonu Fono thought that, if the men wished to stay in New Zealand, they should take their families with them.

220. The members of the Fono stated that there was a water shortage on Nukunonu. They were rationing water to each family, and there was none at all at the school.

221. In the field of public health, there were programmes of vaccination for school children. The islanders were inoculated as required by the medical staff.

222. The Nukunonu Fono appeared to be satisfied with the present arrangements for the Office for Tokelau Affairs at Apia, in particular since additional Tokelauans were now working there.

223. The Fono reported that Tokelauans residing in New Zealand, sent money home periodically to assist in the development of the islands. If there was a special need, the people of Tokelau might request assistance from the communities in New Zealand.

224. The Mission inquired how the budget was divided to assist new development projects, and was informed that many projects were supported by New Zealand but that special projects, such as the piggery, were financed exclusively from the Village Fund.

225. Regarding fishing, the amount of the catch depended on the season and what fish (tuna or otherwise) were running beyond the reef. There were only 15 motor boats on the island and the people considered that additional ones were needed, and that they suffered from competition from Pago Pago (American Samoa), where new methods were employed.

226. Members of the Nukunonu Fono complained that a number of Asian fishing boats coming from Pago Pago were poaching in their waters and that there was little the Tokelauans could do about it. They knew some of the poachers, who came ashore when they needed help or water.

227. On the question of assistance from the church, the members of the Nukunonu Fono stated that the school had originally been operated by the Catholic mission, but had been taken over by the Government. The church only took part in the social functions of the community.

228. The Chairman asked if there were any questions which the members of the Nukunonu Fono would like to put to the Mission. The members of the Fono said that they would like assistance from the United Nations in connexion with three of the Fono's projects. They had decided to install a new fale fono to be financed from the Village Fund. Their first priority, a piggery, had been obtained, financed from the Village Fund, but they would need outside assistance to construct a new fale fono. The fale was important to them not only as a place for discussion, but also to display their handicrafts and for housing travellers and visitors.

229. Secondly, they needed aid in blasting a channel through the reef. It was the only way they could go fishing and when the sea was rough, it was difficult and perilous to go out.

230. The members of the Nukunonu Fono stated that they would also like to receive assistance from the United Nations in solving the problem of rats in the coconut palms. Moreover, a research project on the crown of thorns starfish was taking place in the Pacific Ocean area. Any assistance in that field would also help them greatly.

231. The members of the Nukunonu Fono then took up certain questions with the

New Zealand Government officials. In connexion with water storage, the Fono told the Administration that the village water tank was leaking and, if possible, they would like to replace it with an underground tank. The representative of the Administration said that the Government was studying the possibility of installing a concrete tank instead of the usual metal kind. On the last trip they had looked at the school emplacement. Plans were presently being drawn up with this in mind. The administration was awaiting the report of the South Pacific Commission on roof catchments.

232. It was stated that the church roof needed to be replaced or repaired. The spokesman for the Administration said that such a request should be made to the headquarters of the Roman Catholic church. The renewal of the roof should be considered by the church authorities.

233. The third request was a renewed appeal for a generator. The spokesman for the Administration said that he could not recall such a request being made in the recent past. It was explained that it had been made three years ago, on the last trip of Mr. P. A. Amos, former Minister of Maori and Island Affairs. The Administration spokesman said that when the water supply project had been completed, the Administration would inquire into the matter of a generator and electrical wiring. He mentioned that, in the case of Atafu, the village had provided the labour and the Administration had furnished the materials (wiring etc.). When asked for what purpose the generator would be used, the members of the Nukunonu Fono answered that it was needed to provide lighting and for the use of drills, chains etc.

234. It was pointed out that pipes were needed to carry water to various points of the village. The members of the Fono were asked if they had inquired about the possibility of using surplus water from the hospital, which had its own tank. The Fono had not discussed the matter with the doctor, but they would raise the matter with the community at Motu Saga, at the extreme end of the village where the hospital was located.

235. After the meeting was completed and before returning to the ship, the Mission visited the school and the piggery. Although the school was closed because of holiday recess, Mr. Luciano Perez, the headmaster, called the children into the school so that the Mission would have a better idea of how it functioned. The Mission was informed that each of the three schools on the three atolls had an expatriate teaching couple in attendance, but now it was thought the expatriate educational system should be replaced. At first, the villagers had been reluctant to change the system, but the Government of New Zealand had suggested using local teachers for several years and, after one year, the experiment seemed to have succeeded, at least on Nukunonu. In fact, the expatriate teaching couple had only recently left Atafu and the teaching couple at Fakaofo was still there when the Mission passed through. The Mission was informed that there were about 120 students enrolled on Nukunonu, with nine teachers and three teachers' aides. Four students from the island were studying in New Zealand and six were in school in Western Samoa.

236. The piggery, which was initiated by the local doctor as a village sanitation project, held about 100 pigs.

237. The Cenpac Rounder sailed from Nukunonu in the late afternoon of 11 June, where it embarked members of Dr. Prior's team (see para. 16 above). The ship arrived at Fakaofo too late to send in boats to embark the demolition team and others from that island. The ship therefore returned to Apia only at noon on 13 June. Among those travelling on board the Cenpac Rounder in the islands were Professors Antony Hooper and Judith Huntsman (see para. 12 above). The Mission was aided in gaining knowledge concerning the Territory by reading prior to its visit anthropological works by these two authorities and by holding informal exchanges with them while on board ship. It wishes to acknowledge here its gratitude to them as well as to other travellers on board, in particular those from Dr. Prior's team, who generously shared information with its members.

D. FINAL MEETING WITH OFFICIALS OF THE OFFICE FOR  
TOKELAU AFFAIRS AT APIA ON 14 JUNE 1976

238. After returning to Apia, the Mission held a final meeting with representatives of the Administration at the Office for Tokelau Affairs on 14 June 1976. The interview was based on a series of questions which the Mission had drawn up for the consideration of the Office.

239. The Mission requested a list of the staff serving the Office for Tokelau Affairs at Apia (see also para. 91 above). It was pointed out that, because of the New Zealand race relations act, it was illegal to advertise for Tokelauans as such. Moreover, there was the problem that a Tokelauan candidate might not be in the good graces of the Western Samoan Government, which might refuse to let him or her remain.

240. Tokelauans stated to the Mission that some of their requests were abnormally slow in being cleared by that Office. The Mission asked why there were delays and whether the Office had difficulties in obtaining the proper school or hospital supplies or stores in general.

241. Mr. Bain, the Senior Administrative Officer, assured the Mission that the problem was principally a question of shipping. If an item could not be obtained at Apia, the request would have to go to New Zealand through the government stores' system. Ships en route from New Zealand to Western Samoa arrived about every three weeks. There might be delays from two to eight months, however, before a requested item was delivered to the islands. One of the problems was the lack of storage space in the Office, although some basic medical and school supplies were kept. Another was the shortage of staff, which led to delays in placing orders. In the case of emergency, air drops were made.

242. The Mission inquired if, in view of the new policy and the greater autonomy of the Office, improvements might be made. It was explained that a certain procedure had to be followed. Medical and other supplies had to be ordered through the Administration, which was able to obtain more favourable prices on goods than could be found at Apia. Personal requests were more complicated to fill. Items not normally found in Apia, such as biscuits from Fiji, might be purchased in advance and stored. Improvements were expected with the establishment of co-operatives and administrative suboffices in the islands.

243. A reporting system was not maintained on available supplies or requirements for the hospitals and schools. The Office ordered supplies when requested.

244. The Mission would have welcomed the statistical figures on which the concepts of present projects had been based, and the priority given to each project, but there were no statistical figures. A representative of the Administration said that it was hoped to undertake a complete feasibility survey of needs. Reference was again made to surveys made by the South Pacific Commission in connexion with water storage, the rhinoceros beetle and other aspects of agriculture. The administering Power was attempting to respond step by step to the wishes of the



Tokelauans. The Mission considered that discussion with the people on what was possible should be undertaken, with the participation of the faipules. It appeared to the Mission that there was a need for co-ordinated development planning in the different projects.

245. The Mission asked for an explanation of the Copra Stabilization Fund and if there were a "Tokelau fund" as distinct from the Stabilization Fund or the Village Fund. The Administration explained that the Copra Stabilization Fund, which was administered by the Office, had been established a number of years ago to assist the copra producers in difficult times. According to the annual report of the administering Power on the Territory, as at 31 March 1976, the Fund amounted to \$NZ 22,447, which was invested in New Zealand Government stock. The Mission was told that the Fund had risen to almost \$NZ 30,000, but that it was now reduced to about half that sum. According to the annual report, it was currently being drawn upon to subsidize a payment to the grower of 9.375 cents (New Zealand) per pound, although the officials at Apia told the Mission that the subsidy was 10 cents per pound.

246. For every ton of copra sold, \$NZ 5 was deducted and placed in the Fund. For example, if the price were \$NZ 150, or 7.5 cents per pound, as it was when the Mission was in Tokelau, the amount returned to the producer would be reduced to \$NZ 145 per ton. The Fund is similar to the scheme by which the New Zealand Government stabilized its meat industry.

247. The Mission was informed that there was also a copra tax, which was deducted and deposited in the Village Fund. The Administration contributed \$NZ 2 for every \$NZ 1 deposited by the family units.

248. The Mission requested clarification as to whether Burns Philp had a monopoly on the copra market of the Territory and if there were a contract or any control of the price by Burns Philp. The representative of the Administration stated that Burns Philp did not have a monopoly on the copra market. They were the agents for the Office for Tokelau Affairs - they bought and weighed the copra and arranged for its shipment to New Zealand. The price was set by the Office. Burns Philp received a commission for their services, which were obtained through tenders. Prior to Burns Philp, the West Trade Company had handled the copra. Other companies had shown some interest in the market until they learned what was involved.

249. The Mission asked what role the people played in preparing and deciding their budget and if they were able to criticize it or make suggestions concerning it. In that connexion, the Mission asked about the financial arrangements for the export of copra and whether the amount received was paid directly to the family or to the village. The Mission was informed that the Office for Tokelau Affairs prepared a list of estimates based on the year's previous budget which it submitted to the general Fono. The Fono seemed to have trouble arriving at decisions in time for budgetary hearings in New Zealand. The 1976/77 budget estimates had been prepared in February, but the Fono had not yet submitted any amendments to it. In the past, there had been occasional queries concerning maintenance or the schools,

but there had been no depth to the discussion. Except for special projects, the funds for operating the Office of Tokelau Affairs were provided by the New Zealand Government.

250. Concerning the sale of copra, the representative of the Administration stated that the funds were returned directly to the family producer unless there had been joint co-operation in gathering copra in the village.

251. The Mission inquired whether it was possible to furnish each village with the necessary equipment, such as a camera, to obtain evidence of foreign poachers in fishing areas. The representative of the Administration replied that strong binoculars had been given to the faipule of each island, as ships were often too far away for a camera to be effective.

252. The Chairman said that it was most important to provide the people with the means of obtaining evidence to prove that poachers had been in the area. The representative of the Administration said that one possibility might be through the use of aerial photography from aircraft based in New Zealand, although that would present large practical problems. Some New Zealand aircraft made routine sweeps through the area. The Government of American Samoa had been helpful by providing the names of ships sailing out of Pago Pago and by threatening to remove the licences of offending ships.

253. The Mission inquired why money transfers took so much time at Apia and what procedures had to be followed. The representatives of the Administration said that almost all such transfers arrived by money order telegrams, which had to be cashed by the Office, and the funds were then placed on the first departing ship. The Office was therefore surprised to hear about the number of complaints. The post office would advertise if the name and address were not complete. Anyone could go to the post office to check uncashed money orders. Sometimes families in the Territory thought that money had been sent, when there had only been a promise to do so by a relative in New Zealand. In reality, the money order might not have been sent.

254. The Mission inquired about the laws governing the wages of the medical and educational staff and about the complaints it had received concerning unequal pay for equal work. The representative of the Administration replied that the salaries and gradings for each position in the Tokelau Islands Public Service were determined by the State Services Commission at Wellington (see appendix VII below). Seniority of position might play a part in making it appear that some were receiving more than others for equivalent work.

255. Finally, the Mission inquired whether a register was kept of Tokelauans receiving scholarships to study in Western Samoa. Mr. Bain said there was such a register, since the Office was required to pay the school fees each month to the scholarship holders.

256. With that meeting, the Mission completed its task in the area and the next day, 15 June, it proceeded to New Zealand to continue its discussions with government officials at Wellington and to meet with various Tokelauan communities in New Zealand.

E. TALKS WITH OFFICIALS OF THE NEW ZEALAND GOVERNMENT,  
17 AND 18 JUNE 1976

257. On 17 and 18 June, the Mission met with Mr. B. E. Talboys, Deputy Prime Minister and Minister for Foreign Affairs; Mr. Frank H. Corner, Secretary of Foreign Affairs and Administrator of Tokelau; and with Messrs. M. Norrish, Deputy Secretary of Foreign Affairs; Brian Lynch, Head, Pacific Division; D. G. Holborow, Head, United Nations Division; John Springford, Assistant Head, Pacific Division; R. J. Gates, Assistant Head, Pacific Division; K. W. Piddington, former Head, Pacific Division; N. D. Walter and Tioni Vulu.

258. The Chairman of the Mission informed the New Zealand officials that, since this was the first United Nations Mission to visit Tokelau, it was best to go into as many aspects of the situation as possible. The Chairman said that the Mission would like to know the general approach and co-ordinated plan for dealing with economic and social problems arising in Tokelau.

259. The Mission was informed that, to some degree, the New Zealand Government was experimenting with a new and unique situation. In conformity with the request of the general Fono, the Government was endeavouring to ensure that more and more appropriations were made for economic and social development. The New Zealand Government itself could not hope to assess the situation. It was for the people of the Territory to judge. It was up to the New Zealand Government to continue to ensure that adequate resources were made available to meet both the wishes of the people and the practical possibilities in Tokelau, and that projects were carried out according to priorities set by the Tokelauans themselves. For example, the people had asked for improvements in the frequency of shipping. Shipping was a major obstacle, since it was expensive. It was not clear how much could be accomplished in a relatively short period of time.

260. Tokelau had been more successful than many societies in carrying out and reconciling project programmes to its culture. A New Zealand official wondered what the Mission had had in mind when it had asked about a "co-ordinated plan". If the Territory were larger, co-ordination might be possible. In Tokelau, however, the New Zealand Government was groping to some extent. It could not be certain whether a plan would be feasible as had been the case in the Cook Islands. However, if it proved useful, a project would be encouraged.

261. It was explained that the Mission had no ideological plan or rigid idea in mind. It only wanted to know whether New Zealand's responses to Tokelauan requests were satisfactory and whether they related one to another. For example, on each atoll the Mission had heard requests for deep-freezer units, but it might take two months for fish caught in those waters and stored to reach the market. Such considerations prompted the Mission to inquire as to the administering Power's approach to the subject.

262. In reply, it was stated that the Government of New Zealand was now trying to strike an appropriate balance in meeting the needs of the Territory. If New Zealand were to approve all requests, it must also be prepared to point out that the policy of accepting the wishes of the fonos might go too far. On the other hand, by meeting the requests of the fonos, the New Zealand Government was helping to build the self-reliance of the Tokelauans. Requests which had a low priority, however, would have to be eliminated. New Zealand was increasing the staff of the Office for Tokelau Affairs at Apia and staffing the Office with Tokelauans who would be in a position to consider the issues.

263. If it were true, on the one hand, that New Zealand was not as questioning as it had been in the past and responded more readily to requests, it would not, on the other hand, do anything foolish. It also had to answer to New Zealand taxpayers. Better co-ordination in planning would surely assist the future of Tokelau. When the New Zealand Government reorganized the Office for Tokelau Affairs, on which the fonos were dependent, it would be conscious that co-ordination and a considered response were necessary.

264. The Mission asked if, in co-ordinated action, the budget of the Territory were presented within the budgetary year or prior to it. It was told that in the transitional phase, the islands were assimilated in the over-all pattern established for a 12-month period. The New Zealand Parliament only received a broad breakdown of the needs of the Territory, but within that breakdown there was sufficient flexibility to meet real needs. Tokelau was considered a special case when the total development budget was drawn up.

265. Concerning the complaints about exchange rates, it was understood that the Tokelauan community in New Zealand sent a considerable amount of money to the Territory in the form of postal money orders. The facility to cash those money orders did not exist in the Territory and therefore had to go through Western Samoa. For that reason, they were subject to foreign currency exchange controls. To obviate the problems connected with receiving money from abroad, a money order officer would be added to the staff of the Office at Apia. The Office would act as a money order clearing house and it was hoped that it would resolve the problem.

266. The Mission pointed out that on Atafu, as elsewhere, it had heard Tokelauans claim that they could receive no more than \$NZ 50 from their families residing in New Zealand. The officials explained that Tokelau's situation was special, but some postal employees in New Zealand might not be aware of it and not allow more than \$NZ 50 in cash to leave the country. There was in fact no restriction on sending money and the complaints would have to be verified.

267. The Chairman of the Mission inquired what measures were envisaged to alleviate the problems associated with the drought. In reply it was stated that the New Zealand Government viewed the drought as a serious problem. Ground water was not sufficient and the Government continued to rely on collecting rain water from roofs in water tanks. A suitable roof was essential if the system were to

work properly. In the new housing projects, the people were encouraged to build the walls. If they did, the Administration would take care of the water tanks to ensure against water shortage. It was felt by the Government, in view of the limited number of properly equipped roofs, the Administration should pursue its policy more vigorously. The South Pacific Commission had carried out a survey of all roofs in the Territory. When that report became available, the Administration would be in a better position to reply to the problem.

268. In the new hospitals where underground tanks had been installed, the double-tank system was employed. The first or top tank was open for all to use. The key to the second or bottom tank was in the possession of the faipule. When the supply was so low that only the second tank contained water, usually there was some form of rationing. The village fono and the doctor decided whether the hospital water supply could be used by the entire community. The longest drought had lasted four months, some 15 years ago. When there was no water, the population could drink the liquid from coconuts.

269. The question of the purity of the water was regulated by the local doctor and it was up to him to check on the water. He did not have to report to anyone or to verify the quality of the water, although the officials explained that the problem was self-curing, because the doctor would be the one most aware if the water were not safe. Water samples were sent to Apia for analysis since there were no facilities in the Territory. That was perhaps not rapid enough. The New Zealand officials said that they would try to have the water examined more frequently, at regular intervals and to supply better testing facilities.

270. Concerning the complaints on wages, the New Zealand officials stated that the problem related to civil servants. Historically, in the subsistence economy, the islanders had given their time freely, but that work did not produce food. There was therefore an obvious need to compensate the civil servants, and a wage scale had been worked out on the basis of what his or her time would be worth if he or she had been fishing or producing copra in Tokelau. As the system grew, civil servants were giving all their time to the Administration and they were therefore given weekly wages based on earning ability in Western Samoa.

271. It was not clear whether this had become a deliberate policy established and maintained between Tokelau and Western Samoa, but in recent years the Samoan economy had declined while it had increased in New Zealand. A large number of Tokelauans came to live in New Zealand and some entered the public service. Tokelauan wage earners, the New Zealand officials admitted, should not suffer because of the decline in Western Samoa's economy. Those in New Zealand now received higher wages.

272. Without prejudice as to whether immigration from the Territory was good or bad, the Mission asked the officials of the Foreign Ministry about the situation in the Tokelau communities in New Zealand. The Mission asked if the media, Government or others, were conducting any information programmes oriented towards

the European community to improve its knowledge and understanding of the Tokelauan immigrants, their origins and characteristics.

273. In reply, it was stated that there were some 2,200 Tokelauans residing in New Zealand, mostly in the Wellington area. A substantial number of those supported the continuation of the Tokelau Resettlement Scheme. Careful arrangements had been made to help Tokelauans brought to New Zealand by the former Department of Maori and Island Affairs. The Department had introduced Tokelauans into the ways of New Zealand. There was a committee on race relations and island welfare officers introduced Tokelauans to other groups.

274. A number of publications had been produced by the Department and the Vocational Training Council specifically for that purpose, some of which were printed in Tokelauan, including the following: Living in New Zealand, Understanding Polynesians, Understanding Pakehas (European New Zealanders), Consumer Rights and other pamphlets on voting, taxes and the advantages of the Maori Housing Act, which had been extended to Tokelauans. m/ The Race Relations Act had been translated into Tokelauan. The pamphlets were available in six Polynesian languages, including Tokelauan. Most radio and all television in New Zealand was managed by the Government. News programmes were given in Samoan and Cook Islander Maori, but not yet in Tokelauan, although special radio programmes for Tokelauans had been broadcast. There were no regular programmes relating to the Polynesian situation in New Zealand.

275. The Mission inquired what policy the administering Power followed concerning foreign fishing poachers. The New Zealand officials stated that the Legal Department of the Ministry of Foreign Affairs had drafted the laws concerning the territorial limits of Tokelau. At present, Tokelau had a three-mile (4.8 kilometres) limit to its territorial waters. New legislation had added an additional nine miles (14.5 kilometres) as a fishing zone. The responsibility for policing their territorial waters rests initially with the Tokelauans. All reports of poaching vessels are forwarded to the New Zealand Ministry of Foreign Affairs. The New Zealand Government then pursues any complaints in the same way as in the case of foreign fishing vessels within New Zealand's territorial waters, namely, by delivering notes of protest to countries in which offending ships are registered.

276. A powerful pair of binoculars was available on each atoll and the people were responsible for obtaining the specific name of a poaching ship, its serial number, location and date of offensive act.

277. Concerning the United Nations Conference on the Law of the Sea, the Tokelauans had explicitly requested New Zealand to care for their interests at the meetings of the Conference. Until the Conference succeeded in adopting some measures, the territorial waters would not be protected and fishing and the sea-bed would continue to be exploited by poachers. The 200 nautical-mile zone

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m/ Some of these publications are on file with the Secretariat and may be consulted by members of the Special Committee.

would require a new approach. The administering Power would continue to protect the rights of the Territory. It had been brought quite firmly to the attention of delegates attending the Conference that the interests of Tokelau had to be protected. The New Zealand Government would soon be transmitting to Tokelau the results of the most recent conference.

278. The Chairman stated that the Mission had heard, both in the Territory and at Apia, views concerning the new role of the Office for Tokelau Affairs. To complete its consideration of the question, the Mission asked that the representatives of the New Zealand Government give their comments on the Office.

279. The Office for Tokelau Affairs, the officials thought, should be the servant of the Tokelau Islanders, with the emphasis placed on being available to meet directly the wishes of the people. In that respect, it was more than an instrument of the administering Power. Transportation difficulties had placed limitations on the fonos, and one of the principal aims was to eliminate that difficulty completely: indeed it had to a large extent been eliminated. The Office was staffed more and more by Tokelauans. In the future, the head of the Office would be a Tokelauan, but, in the meantime, Mr. N. D. Walter, who had been designated the new Acting Head, had the proper sort of background to set the new concepts in motion. He had just returned from the Permanent Mission of New Zealand to the United Nations, where he had been directly concerned with the question.

280. The present changes taking place reflected the new approach and working arrangement. Changing the legal status would come later. At present, the Office was an instrument of the Administrator. The Ministry would like to see Tokelau arrive at a stage of development where there was no need for an administrator. At the present time, he was needed for legal reasons and he played a practical role, but the change in the legal status would include elimination of the post of Administrator.

281. The officials of the Ministry agreed with the Mission that a special effort should be made to show the Tokelauans that the Office belonged to them. At present, the tendency was to view it as part of the New Zealand Government. The Acting Head of the Office would have firm instructions in that regard, but it might take longer to get the message across. Like the Cook Islanders and Niueans before them, the Tokelauans were apprehensive that New Zealand might want to cut them adrift at its initiative and not their own. Although the process of political education had begun, much remained to be done.

282. Since the Office was moving towards more autonomy and those working for it were public servants, the Mission stated that it was interested in the status of the Office with respect to the Government of Western Samoa.

283. The New Zealand officials stated that the relationship had so far worked simply and smoothly and it would doubtless continue in "the Pacific way", although community rivalry could arise. Mr. Gates pointed out that prior to leaving Apia, he and Mr. Cotton, the New Zealand High Commissioner, had called on the Prime Minister of Western Samoa to outline New Zealand's aims concerning the Territory.

Moreover, when faipules and alíkis visited Apia they called on the Prime Minister and other officials of the Western Samoan Government.

284. It was planned that the New Zealand Government would approach the Western Samoan Government soon to regularize the relationship. Samoans would not be dismissed from the Office, but additional Tokelauans would be recruited. Plans to increase staff and supplies, and the purchasing for, and servicing of the co-operative stores in the Territory had, of course, increased the budget.

285. The Mission inquired whether any modifications were envisaged in the Tokelau Islands Public Service. In reply, it was stated that there was a separate Tokelau Public Service Commission under the control of the New Zealand State Services Commission, which had been modelled on the Niue Public Service. There were two members of the New Zealand Staff Services and one member from outside (Mr. Jock McEwen). The organization had its own constitution. Although the political arrangements varied from former Territories, it was thought that the Service could become quite personal. Modifications were expected, but the present arrangement could continue indefinitely. The New Zealand Government was not yet clear on what the Tokelauans desired in this field. The Government would welcome ideas which might be useful on how to maintain the service independent of political control.

286. The Mission inquired whether the Ministry could submit further material concerning the claim to Swains Island. In reply, it was stated that the first Tokelauans reputedly came to Swains Island (Olohega) about 1400 A.D. It was supposedly "given" by an unknown Englishman to the American, Eli Jennings, in 1850. The island remained in the Jennings family until it was annexed to American Samoa by proclamation in 1925. The Tokelauan claim had been raised on a number of occasions. It was brought to the attention of the United States authorities most recently in 1976. The New Zealand authorities stated that they might have supplementary information on the claim at a later date.

287. One of the submissions made by the general Fono concerned nuclear testing in the Pacific by the Government of France. The Mission asked for the views of the New Zealand Government concerning the effects of the tests on the people and environment of Tokelau. n/ New Zealand officials stated that there was a difference in effect depending on whether testing was in the atmosphere or underground. It had not been ruled out that some day the French Government might return to testing in the atmosphere. A programme had been established to monitor the south-eastern area of the Pacific Ocean from Fiji to the South American continent to check on health hazards. Up to the present time, the French had been careful to test in proper weather conditions so that the wind carried the debris over 5,000 miles of

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n/ Subsequently, the Mission had access to a body of technical material prepared by the Commissariat à l'Energie Atomique of the Government of France. The reports covered radioactive fallout in 1967 and 1968 and radioactive surveillance from May to December 1970, June to October 1971 and for 1972, 1973, 1974 and 1975. This material is on file with the Secretariat, where it may be consulted by members of the Special Committee.



open ocean before coming in contact with populated areas. Thus far, Polynesia had had the effects of the debris only after it had gone around the world.

288. There was, however, the phenomenon of "blow back", which increased the possibility of radiation. In practice, the area had remained clear and that phenomenon had not occurred. The New Zealand Government was nevertheless in the vanguard of a vigorous campaign against French nuclear testing in the area and it had been joined by other independent Pacific Ocean States, as well as Non-Self-Governing Territories in the area. It had expressed the wishes of the Tokelauans (and of the Niueans) and had associated itself with moves within the United Nations to cease nuclear testing in the Pacific Ocean.

289. In a practical sense, there was less danger to health now that testing was done underground. A possibility existed of radiation dangers which might cause damage to the ocean and its environment, although that possibility was not expected to become a reality. Coral structure did not permit the testing of very large bombs and major tidal waves could not, therefore, result from such tests.

290. The matter of greatest concern to the New Zealand Government and to those for whom it was responsible was "venting". It had been co-operating with scientists at a seismological laboratory who believed that the French Government was conscious of the danger and had therefore tunnelled deep into the basalt base of the coral atolls rather than detonate in a coral structure. Underground testing did not take into account weather conditions and, if "venting" occurred, it could send an unclean cloud over the atolls.

291. In Tokelau, there was fear that fish in the territorial waters might have been contaminated. The French Government had conducted rigorous examinations in that field and up to now there had been no evidence of such contamination.

292. The Ministry officials replied negatively to both parts of the Mission's inquiry as to whether Tokelau was being used at present or was envisaged to be used in the future for any military purpose. As to whether the Territory was a strategic area, it was admitted that there was an increased interest in the South Pacific Ocean, but primarily for fishing. Strategic reasoning could not be ruled out, however, on the part of the great Powers. No serious implications were seen in connexion with new tensions in the area. If and when the United Nations Conference on the Law of the Sea established a 200-nautical-mile limit on the fishing waters, large fishing fleets might be forced out of the northern seas. Until that time, negotiations could limit the size of catches. Tokelau would be in an advantageous position of selling food supplies to those countries in need. Harmful consequences were not foreseen.

293. The new attitude on the part of the great Powers confirmed New Zealand's policy towards its neighbours in the South Pacific Ocean, namely, that they should not be depopulated. The moral, humane and now strategic interest bore out the wisdom of that policy, which had led to the creation of a more viable existence in the Territory, thereby meeting the aspirations of the islands' people.

294. The Mission requested and obtained copies of the Tokelau Islands Act of 1948 (see appendices I-VI below) and certain amendments. The Mission remarked that there appeared to be a considerable body of law and wondered how those laws were applied. The Chairman asked if they had been modified to apply to Tokelau, since there was no administrative structure in the Territory to apply them.

295. The New Zealand officials explained that there was a clear difference between statutory law and the practical, customary laws and procedures by which Tokelauans still lived. The laws of the Gilbert and Ellice Islands Colony, under which Tokelau had been administered until 1925 when New Zealand assumed responsibility for its administration, had been progressively supplemented with New Zealand equivalents and those changes were generally accepted, but the evolution of the laws was sometimes a complicated procedure.

296. The laws of the Gilbert and Ellice Islands were based mainly on the Anglican Prayerbook and the first time that the Tokelauans saw some of the New Zealand laws, they asked the Government not to change anything or to try to improve on the laws, in particular the question of the marriage of first cousins, which Tokelau custom would not allow. Tokelauans had asked that the New Zealand law which replaced that law be amended. Tokelauans thought that New Zealand statutory law had been introduced to flaunt customary law. The New Zealand officials stated that, in applying the New Zealand laws to the Territory, it had been considered that all aspects of Tokelau life should be covered.

297. In any case, as with the question of divorce, there was no way to exclude New Zealand law. With coming changes, more laws might have to be applied. The faipule might have to give a ruling based on law. The New Zealand officials thought that that issue could no longer be ignored and ought to be looked at more closely; they believed that it might lead to a kind of legal self-determination.

298. The Mission inquired how Tokelau affairs were represented in regional and international bodies and in particular at the United Nations Conference on the Law of the Sea. The New Zealand officials stated that a Tokelau delegation had been sent to attend a conference of the South Pacific Commission. It was speculated that perhaps there should be more widely representative meetings of independent countries and those self-governing Territories for which New Zealand had been spokesman. At the United Nations Conference on the Law of the Sea there were better means than usual since the Oceania group (including the Cook Islands, Niue and Western Samoa) made up a representative family. Their interest was in evidence.

299. New Zealand was pressing for the adoption by the Conference of a 200-nautical-mile zone attached to each island group, as well as to continents. Assuming that the Conference succeeded, New Zealand would have to consider the best ways to draw up the legal position, in particular the zone around Tokelau, which had to be done through New Zealand legislation. If the Conference did not succeed, New Zealand would, nevertheless, declare a 200-nautical-mile zone, unless Tokelau would not want it, but that was not expected.

300. The Mission considered that Tokelau should be aware of the regional and international forums, which would strengthen the feeling within the Territory that it was part of the structure of the world around it and diminish its feeling of isolation. New Zealand represented Tokelau interests, but the Mission wondered how much the people were aware of those organizations.

301. The New Zealand officials stated that the Oceania group, for example, had met prior to the Law of the Sea Conference. Tokelau had been unable to participate as a member, although perhaps it should be represented in the future as an observer.

302. Tokelau had participated in Papua New Guinea's independence celebrations, the Niue self-government celebration, the Fijian anniversary celebration and at the labour ministers' conference at Auckland. At the local level there were meetings of the Tokelau Islands Public Service for two days every two months. Those who were receiving training overseas were sometimes sent to represent Tokelau at international conferences, but participation had to be built up and it had to be ensured that sufficient material and reports on the meetings reached the fonos. Furthermore, there were serious practical difficulties in regard to transportation and long-term absences from the islands.

303. The Mission inquired about the role played by regional and international bodies and their contribution in regard to Tokelau. It was explained that the South Pacific Commission had investigated the water supply, co-operatives, fisheries, agricultural development and health programmes. Some of the specialized agencies had worked closely with the Commission, particularly the Food and Agriculture Organization of the United Nations (FAO) in the rhinoceros beetle control programme on Nukunonu and the World Health Organization (WHO) in the filariasis eradication programme.

304. As to whether similar roles for other United Nations agencies might be envisaged, the New Zealand authorities considered that a question to be discussed with all small territories. There was a degree of confusion which reigned if there were too many agencies, too many visits and/or too many reports. Assistance would be welcomed, if desirable, but perhaps it was best channelled through the South Pacific Commission, which had the best grasp of the problems in very small countries. Perhaps the effectiveness of the Commission had been reduced because of political considerations, and non-Pacific Powers were still among its members.

305. The agencies should work nevertheless through the Commission and the administering Power. It was important to co-ordinate the various programmes. In any case, New Zealand would like to draw the attention of the specialized agencies to the unique problems of small Territories and request that the agencies adjust their techniques to deal more effectively with those problems.

306. The Mission was subsequently informed that the New Zealand authorities had found it difficult to obtain such information, since most assistance had taken the form of visits by experts, many of whom were combining assistance to Tokelau as part of a larger project or broader responsibility. Experts had visited the Territory, principally under the aegis of an international organization, since 1959, as follows: three visits by experts from WHO concerning mosquito

control (1959) and filariasis control (1965 and 1967); five visits by experts from the South Pacific Commission concerning handicrafts (1963), the water supply (1969), fisheries (1971), dental hygiene (1973) and agriculture (1974); a visit by a United Nations regional representative (1967); a visit by an expert from UNDP concerning mosquito control; and four visits by joint South Pacific Commission/FAO/UNDP teams concerning rhinoceros beetle eradication (1967, 1969, 1972 and 1974).

307. The Mission told the Foreign Ministry officials that it was aware that contact with the world beyond their reef was slowly changing the ways of the Tokelauan people. However, those people appeared to be apprehensive about any change which might eventually lead to a break in their present relationship with New Zealand. Bearing that in mind as well as the obligations of the administering Power under the Charter of the United Nations and General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and other relevant resolutions, the Mission asked what guidelines the administering Power was following so as to reassure the people of Tokelau concerning their future and to enlighten them of the possible choices which lay before them when they were prepared to exercise their right to self-determination.

308. The New Zealanders found a certain dichotomy in the formulation of the Mission's final question. No doubt it was natural to enlighten the Tokelauans as to the choices which lay before them and, in that regard, the New Zealanders explained that: (a) General Assembly resolution 1514 (XV) had been translated into the Tokelauan tongue and distributed to each Tokelau family in 1961; (b) radio programmes had been made available and films distributed to the Tokelauans concerning the matter from time to time; (c) the attention of the people had been drawn to the possibilities open to them; (d) at meetings of the fonos, in particular, the general Fono, there was occasion for political deliberation sometimes in the presence of a representative of the administering Power; and (e) henceforth, a representative from Tokelau might participate in discussions of the question of Tokelau before the United Nations. But having stated this, they would have to add that the Tokelauans had not shown a great interest in many of the choices open to them. In any event the matter no longer made them apprehensive.

309. One had to take into consideration that Tokelauans were already New Zealand citizens and had a political cover - more Tokelauans lived in New Zealand than in the Territory. A situation was not imaginable in which the New Zealand Government would take steps against the wishes of the Tokelauan community to increase its anxiety.

310. There was, moreover, the sense of a link brought about by the two halves of the community which differed from the usual colonial situation. No suggestion had been heard that New Zealand should sever that link in order to save money. In brief, both communities were covered by the same comment: the New Zealand Government stood ready to meet the wishes of the Tokelau people.

311. The New Zealand Government would not restrain Tokelau from moving on to a new status, as and when it so wanted, nor would New Zealand force Tokelau along to something it did not wish. The steps first towards administrative and practical

decolonization would be taken and then that status would be legalized. In that process, it should become clearer to the Tokelau Islanders that their future lay entirely in their own hands. If they wanted change, they could have it.

312. The Mission pointed out that that process raised some problems. The obligations of the administering Power under the Charter were positive and not passive. Apparently there had been some movement to reach a decision, but the problem of apprehensiveness still existed. Although the people could choose between dependence and independence, there were between those two extremities other possibilities of which the people should be made aware. To prepare them, it might be necessary to give a positive assurance that the new status would not impair the relationship with New Zealand, but in the process, it was necessary that the choice be made by the people and not by New Zealand. Tokelau need not follow the examples of Niue and the Cook Islands. It might even choose to retain a position not unlike the present. There was, nevertheless, an obligation to inform the people without raising apprehensions. It seemed to the Mission, therefore, that a positive step was needed from the administering Power to that end.

313. The Mission further stated that the question was how to inform the people who might not at present be able to grasp fully the options before them. The act of choosing was quite as important as what was chosen. How to present or make accessible reports to the people was important; if the people were forced to adopt certain concepts, there would be room for misunderstanding. Both the will to explain and how to explain were important.

314. The representatives of New Zealand thought that in that area there was no difference between them and the Mission. Tokelau probably wished to arrive at some solution that was different from those for Niue and the Cook Islands. New Zealand did not know in fact what Tokelau wished to do. New Zealand was not reluctant, however, to make clear the range of possibilities, although it had to take care not to increase the apprehensiveness of the Tokelauans. The best way to arrive at a solution was not to cast it in theoretical terms, but to approach it in a practical way. The new solution would develop resembling some model of self-government, but it would be inhibited by a financial subsidy which would not be limited. New Zealand would help to advise and would co-ordinate aid. In several years the point might be reached where New Zealand representatives could sit down with the general Fono and produce a new awareness that a practical relationship which had evolved could be formalized without the Tokelauans' fearing that they would be cut adrift and left independent. The means of expression was vitally important.

315. New Zealand might be opened to criticism because it lacked a formal political education programme, but it was aware that the future survival of that unique community depended upon New Zealand's capacity to avoid taking decisions which could destroy the Territory. In a period of political change, when people tended to drift to the cities, all the people might leave Tokelau. Both the administering Power and the United Nations must develop a technique of sensitivity.

316. The New Zealand officials wished to give the United Nations every assurance that the general Fono and the people of Tokelau would be made aware of the range of options. The New Zealand officials hoped that in the need to change, it was appreciated that the practical way was best. The New Zealand Government was experimenting with a new idea by which it was difficult to measure progress. If the matter was not approached in those terms it might not succeed. It needed the continued goodwill of both the administering Power and the United Nations.

317. The talks between the members of the Mission and the officials of the Ministry of Foreign Affairs at Wellington concluded on 18 June. On the previous day, the Mission had met with Mr. F. H. Corner, the Administrator of Tokelau and Mr. B. E. Talboys, the Acting Prime Minister and Foreign Minister.

318. Mr. Corner referred to the new phase in Tokelau and the desire of the New Zealand Government to change the system without alarming the people. New Zealand would meet the needs of the people and try to develop their authority to run their own affairs. It would assure them of New Zealand's support. Tokelau could opt for whatever status it wished, but small Territories had small options. He hoped that the new attitude would commend itself to the Mission.

319. It might be difficult to interpret their resolution (the first submission received by the Mission at the general Fono on Fakaofu on 8 June), but it demonstrated a considerable change over the past 10 years.

320. Tokelau was one of the last remaining areas of the world to come under international scrutiny and the people of the area formed their concepts in a different manner. The Pacific Ocean came as a surprise to those who were accustomed to a "land" world. The Pacific Ocean was a continent of water. When one was among the people, one was struck by their pride and ability - they were very impressive. They could survive on the ocean.

321. They were vibrant now, but how long would they maintain the will to survive? Transport, communications, Western food and education were all against their traditional attitudes. There were only two obvious ways to earn money: tourism or a large-scale fishing industry. Either of those might wipe out the entire island characteristics. But it was impossible to admonish the people concerning that matter. One could only create the structure to enable them to make a decision.

322. Mr. Talboys stated that the Government of New Zealand would move with the people of Tokelau. It would not urge them in any direction, nor would it try to take away the value which the people attached to their New Zealand association. There was a lively appreciation of Tokelauans in New Zealand.

323. He believed that the Mission and New Zealand both had the same sort of responsibility. Tokelauans depended on both to establish that no one was trying to force the people to take a decision. If there was a fundamental sense of security, there might be a willingness to move towards administrative change.

324. A large part of the population of Tokelau was already in New Zealand, where there was concern that, if a decision were forced on the people, additional Tokelauans would come to live in New Zealand and it was not known how that would affect the Territory. It was up to the people to set the pace. Even if they set no pace at all, that would also be acceptable. The Minister saw the resolution of the general Fono as an expression of a basic sense of security.

## F. MEETING WITH THE TOKELAUAN COMMUNITIES IN NEW ZEALAND

### 1. Wellington, 17 June 1976

325. In the evening of 17 June, the Mission and its escort officers drove to the suburb of Porirua to meet with members of the Tokelauan community who lived in the Wellington area, mostly in Porirua and Lower Hutt. There were about 100 persons in attendance.

326. In his opening address, the Chairman pointed out that, pursuant to the principle of the right of a people to decide its own destiny, the United Nations had been sending visiting missions to study the situation in a number of small Territories and to ascertain the wishes of their peoples concerning their future. For that reason, the present Mission had visited Tokelau and had held discussions with the general Fono, the village fono of each island and with others, and the Mission had welcomed the expression of the views of the people on their future. In pursuance of the policy of aiding small Territories, the Mission could not impose its own views in the matter. The discussions would be held in that context.

327. The first speaker stated that the relationship between Tokelau and New Zealand was not one of exploitation by a great Power. He thought independence was out of the question.

328. The second speaker asked for a clarification on self-government and independence. The Chairman explained that, in the view of the Special Committee, any decision concerning future political status should be taken by the people of Tokelau whether they opted for self-government, independence or some other form of government. Concerning other Territories, each had its own problems and each solution might well be different.

329. The Mission was learning more and more concerning Tokelau. It wished to find out how the United Nations could assist the people of Tokelau and, in the present dialogue, how did the community see itself helping the Territory. The Mission asked if they had considered maintaining their ties to the atolls or how they could channel assistance to the Territory?

330. The first speaker stated that, as New Zealand citizens, they were all taxpayers, and part of those taxes were used for the administration of Tokelau; indirectly they were each making a contribution. Directly, their family ties were very strong; therefore Tokelauans in New Zealand, who were relatively well-off in comparison with those in the Territory, sent funds to their immediate and individual families in the Territory. Certain projects had been financed by the New Zealand communities. When storms (hurricanes or typhoons) struck the Territory, Tokelauans in New Zealand made a direct contribution. Family obligations would continue as they were bound together indefinitely.

331. The third speaker stated that Tokelau had been under the administration of New Zealand for more than 50 years. Forty years ago, the Territory was still



being coddled by New Zealand, but he was uncertain about the conditions in the Territory at present. He knew that Tokelau still relied heavily on New Zealand. He thought that the Territory should now be operating on its own. The staff at Apia was too far removed from the Territory to know what was happening there on a daily basis. The Administration should be in the islands. In 51 years, schools should have been established to train doctors and teachers, but they were not yet up to New Zealand standards. There were no professional people, such as lawyers. That should have been accomplished 25 years ago. In the last three years, he had noticed a change in New Zealand's attitude. He asked if that were because of the Mission. He also asked if New Zealanders were living in Tokelau. If New Zealand had done its job properly, Tokelau would now be able to run its own affairs.

332. The fourth speaker wished to make it clear that the views he was about to express were his own. He thought that Tokelauans in New Zealand had bigger problems than those in the Territory, and they should be asking what they could do for themselves. The local Tokelauans did not fully understand western civilization. Trying to become independent was dangerous and self-defeating. It would be better to obtain a better understanding of their present situation.

333. The fifth speaker stated that some countries and islands had obtained self-government and independence, but they lacked the resources to feed themselves. In some years Tokelau produced only 70 metric tons of copra, and he asked how the Territory could live on that. There was no other way that they could earn a living but to come to New Zealand and contribute to that economy. To set up a business in Tokelau, the coconut trees had to be cut down. If that continued, the coconuts would eventually disappear. It was, in short, suicide for Tokelau to try to go it alone.

334. The sixth speaker believed that whatever the general Fono decided to do in Tokelau, the country could handle it because New Zealand's grant to the Territory was sufficient. There was space to increase copra production. An increase in the number of coconut trees had been fought by the elders in the past. He did not agree with the present system of the elders controlling copra production. He questioned how the younger generation could make a living. If the advice of professional people were obtained, the Council of Elders still overruled all decisions. For the present talks to be successful, Tokelau would have to wait for the present elders to die. The Tokelauans living in New Zealand should be caring for their own little islands and not the other way around.

335. The seventh speaker inquired if the present decolonizing programme included New Caledonia and Tahiti or only Territories in the British Commonwealth. The Chairman of the Mission explained that the Territories named had been removed from the list of Non-Self-Governing Territories some years ago, as France had claimed that the people of those countries had chosen to be part of the metropolitan country.

336. The eighth speaker pointed out that the Tokelauans present had discussed only their individual views. He asked why they should express their views as individuals. Matters had not reached the stage where Tokelau could become

independent. There was no self-sustaining economy, no expert knowledge on which to formulate an independent State. To build a good house, a good foundation was needed and good posts (he was speaking of building a Tokelauan fale). Perhaps the Mission could recommend to Tokelau how to build a good house, before discussion proceeded on Tokelau operating its own house. First, one should speak of a good education and then of a good economy. He wanted to know how one could build a good economy on thin soil. He believed help should be given to develop a fishing industry, as Tokelau produced good fishermen. In any case, the welfare of the people of Tokelau should be considered. Perhaps internal self-government in line with what Niue had attained could be evolved.

337. The ninth speaker thought the Tokelauans living in New Zealand should help in the field of education. They had stressed to their families the need to obtain an education. Eight years ago, they had finally obtained the services of European teachers. They sent money home to the extended family to buy motor boats to help with fishing and in solving the food problem. He said that the nuclear testing in the Pacific was poisoning the fish of the islands. Most Tokelauans in New Zealand worked for the railroads or in factories. They wrote to those planning to come to New Zealand under the Resettlement Scheme and described the climate and clothes. They always tried to send information back to the islands.

338. The tenth man said that Tokelau should not become independent. He said that the Wellington community could help the atolls through income tax and the financial assistance of the New Zealand Government. The income tax paid by the Tokelauan community in New Zealand should be used exclusively in Tokelau. He had heard that there were not enough professional people in the Territory. A special programme should be set up and operated in Tokelau. In his view, some of the unnecessary official trips to the islands should be reduced and instead bags of soil should be sent to reclaim the land. The United Nations should also help to increase the land area. The Mission might not think that way now, but he urged them to consider the point when they returned to New York. He believed everything was possible if one tried to do it.

339. The eleventh speaker, who had accompanied the Mission on the Cenpac Rounder, wanted to tell the United Nations how well New Zealand had taken care of Tokelau since 1925. Some countries had shed blood to gain independence, but no such thing would take place in Tokelau, which was the paradise of the South Seas. It was wrong for Tokelau to become independent. New Zealand had given considerable assistance and others in the South Seas were jealous. He supported what had been said by the general Fono to the Mission and added that the people wanted neither independence nor self-government. He wondered how the United Nations would treat New Caledonia or French Polynesia. Would the Special Committee decide to place them on the list or would it consult with France? They were, after all, like other Territories in the area. When the Tokelaus were administered as part of the Gilbert and Ellice Islands, they were removed from the "hierarchical" system in 1916 and it was replaced by a local government under the Crown. The Council of Elders had continued to function up to the present time. Finally, he requested that any solution the Mission might suggest be published by the New Zealand press for all to read.

340. The twelfth and final speaker was a woman who said that neither self-government nor independence should take place in Tokelau. There was no stable earning power in the Territory. Only one resource (copra) could be exported and it was not sufficient to maintain either self-government or independence. Tokelau was like a school pupil and it should keep on learning. She had read that various countries had achieved self-government, but she thought that, should either be attained, Tokelau would be the worse for it. There were not enough well-qualified doctors and teachers and no Prime Minister or lawyers in the Territory. The Territory should continue to learn until it was able to stand on its own two feet.

341. All members of the Mission spoke at the conclusion of the meeting, assuring the community that they had visited the Territory with an open mind and that it would be against the principles of the United Nations to force the people into a decision which they had not chosen freely. The role of the Mission was only fact-finding and reporting to the Special Committee. The report would be a public document and available to all who wished to read it.

## 2. Rotorua, 19 June 1976

342. The Mission flew to Rotorua on 19 June, accompanied by Messrs. Walter and Vulu, and that evening it met with the Tokelauan community in that city. There were about 40 or 50 persons present. Mr. Walter opened the proceedings, stating that the Mission had been told in Tokelau how strong the links were between Tokelauans in New Zealand and those in the islands. Each year, the Government of New Zealand had reported to the United Nations concerning new projects undertaken and conditions in Tokelau. Now the United Nations had dispatched a Mission to the Territory and it was here for discussions with Tokelauans.

343. The Chairman stated that the Mission had visited Tokelau because the United Nations thought all peoples had a right to decide for themselves what they wanted. Some people had chosen independence, others self-government and some had chosen other solutions. It was important that people decide of their own free will without exterior pressures. Tokelauans had looked at the resources which were available to them, they had looked at their population and it was now for them to make their own decision. The Mission was meeting with the Tokelauan communities in New Zealand not so much to ask questions, but to listen in order to complete its picture of the views of the people of Tokelau and to ascertain beyond any doubt what the people of Tokelau wanted as a whole.

344. The first speaker said that Tokelauans hoped to return to Tokelau once they had achieved their goals in coming to New Zealand. They were quite happy living in New Zealand and enjoyed the same rights as any New Zealand citizen, no matter what colour. He personally had come for an education. Having obtained some knowledge and having been trained, he had found it difficult to return to Tokelau; his skills were not employable there. Those who were trained in New Zealand for five or six years very often would remain there. Nine out of 10 Tokelauans educated overseas would remain, whereas they should be considered as New Zealand's aid to Tokelau. They should be used for the benefit of Tokelau.

345. The Mission reiterated that it was there to inquire of the people directly how they saw the future of the islands, economically and politically. It was up to them to tell the Mission frankly what they thought.

346. The second speaker was Mr. Tualavi, the President of the Tokelauan community in Rotorua. He considered that Tokelau was not yet ready for any change from its present system, primarily because there were not enough Tokelauans who had been educated and who had had the experience to try for a change. Secondly, there was the question of finance. Unless New Zealand or the United Nations decided to install industries or factories in the Territory, the people would never be able to stand on their own feet. There were a variety of light industries suitable for the economy.

347. The third speaker said that deciding one's future was not easy. It took time to look at every angle. There had never been any incentive for the people of Tokelau to act for themselves and unless some industry or business were established in the islands, it would take quite a long time for them to decide on their own future. Later in the meeting, he returned to point out that several years ago the people of Tokelau had expressed the wish to have a secondary school built in Tokelau. The New Zealand Government chose only four or five children from the islands each year to send to New Zealand for secondary education. The other children had no place to turn for assistance in continuing their education. That was his only criticism of the administering Power.

348. The fourth speaker was happy that the Mission had seen for itself the difficulties faced by the Tokelauans. There were no resources and the people had no possibility of creating an economy. He had lived two years in American Samoa and four years in New Zealand and had seen the differences between the two. In New Zealand there was equal opportunity. In Tokelau there was not enough opportunity to receive an education. His New Zealand salary was divided into two parts: one part was sent to the family in Tokelau, the other part was used by himself and his family in Rotorua. The difficulty was that the money sent to Tokelau had not been received in total. Part was kept in Western Samoa. Another difficulty related to the reef channels in Tokelau. When the sea was rough, merchandise was lost on the reef and therefore money was lost. He asked the Mission's help to improve the work on the channels.

349. In regard to the question of money, the Mission explained that the difference in the value of money sent to Tokelau was caused by the rate of exchange between the currencies of New Zealand and Western Samoa. Tokelauans needed Samoan money in any case to buy Samoan goods.

350. Almost with one voice, the Tokelauans present said they wanted to make all transactions in New Zealand currency. It should be not only the legal tender in the islands, but also the working currency.

351. Mr. Walter explained that there were two problems involved in sending money. One was related to the machinery used to send money, since postal money orders did not exist in the Territory. The Office for Tokelau Affairs at Apia hoped to rectify that situation in the near future. The other problem related to the exchange rate. The New Zealand dollar was now weak. At the present time, \$NZ 1.00 was worth \$WS 0.75. Two years ago \$NZ 1.00 had been equal to \$WS 1.10.

352. The fifth speaker stated that he lived in New Zealand in the hope that his children would be educated sufficiently to be useful to Tokelau. He approved of the relationship between New Zealand and Tokelau and supported the thoughts of those who had previously spoken.

353. The next speaker said that he had come to New Zealand to work for the New Zealand Government. The thoughts the Mission had heard in Tokelau were the thoughts of the people here. Although he lived in New Zealand, he awaited the decision of the elders in Tokelau.

354. The seventh speaker had several suggestions to make. The islands needed some industries. Because of the amount of land available for development in farming, some detailed plans were needed for land utilization in the islands. One problem was the difficulty of transportation between the three atolls. In 1964, a worker had been killed and, as far as he knew, no compensation had ever been paid to his wife and family. That was not the only such case. No action had been taken by the people themselves or by the Office at Apia relating to workers' compensation. Before deciding on their future status, the people should study the development of conditions in the Territory. He suggested that, among other enterprises, pearl culture should be considered.

355. The eighth speaker thanked the New Zealand Government for the efforts it had expended in caring for Tokelau, but he thought that the medical equipment used in the Territory's hospitals was not sufficient. He expressed the hope that the United Nations would assist New Zealand in extending aid to the Territory. He favoured establishing some sort of industry in Tokelau so that the children would have a place to work when they had completed their education. He thought that the children of those Tokelauans who had come to New Zealand were fortunate and expressed the hope that they would use their knowledge for the benefit of the Territory.

356. A woman stated that she represented the local women's group. In her opinion, the administering Power was doing commendable work. She asked what views had been expressed to the Mission by the fonos and what was the Mission's impression of Tokelau. She was told that the Mission had not yet formulated its report on the Territory, but the submissions made by the general Fono at Fakaofu were relayed to her and the meeting. Subsequently, she requested that copies of the report be sent to the communities for their information. The Mission stated that it had been assured by the New Zealand officials accompanying it that copies would be sent to each community for those interested in it.

357. The tenth speaker thanked the Government for being allowed to live in New Zealand. He had left Tokelau because of a shortage of food and the scarcity of land. He wanted Tokelau to retain its ties with New Zealand, but concerning local matters in the Territory, Tokelau should deal with those. He thought that children's education was better in New Zealand.

358. The last speaker stated that Tokelau wished to decide its own future, although there was very little choice. During its trip, the Mission had seen the

way and under what conditions people lived in the islands. Tokelau had long depended on the New Zealand Government. There had been very little study as to what form of aid was possible, either from the New Zealand Government or from the United Nations. Concerning the exploitation of resources, although he was not informed about the industrialization of small Territories similar to Tokelau, he was certain that it was within the Mission's jurisdiction to influence the New Zealand Government. The Mission was more aware than he of projects in preparation. There was a lack of consultation between the communities in New Zealand and the people in the Territory. Nevertheless, he was grateful for any aid which the New Zealand Government was generous enough to give the Territory. He expressed the hope that the Mission would be able to convey these thoughts to the New Zealand Government and that the United Nations would contribute to some projects. Tokelau was not self-sufficient and would not become so unless the United Nations could step in and assist by carrying out research, particularly in farming and, in shell fishing, studying endangered fish; and by advising the Territory how to deal with foreign poachers and on the possibility of extending the land by scientific means or by filling in the lagoon with imported soil. It was also indispensable to extend the limits on fishing. When those problems were solved, then the people of Tokelau would have the opportunity to think and speak for themselves. In the meantime, Tokelau should continue as it was, with regular consultations with representatives of the communities in New Zealand regarding projects in the Territory. Finally, he endorsed the thoughts expressed by previous speakers. He looked forward to improvements in the islands' conditions so that the people would be able to manage their own affairs.

359. At the conclusion of the meeting, Mr. Walter told the audience that at the end of July he would be going to Apia to the Office for Tokelau Affairs. For that reason, he had found this meeting of particular interest. Those present had made a number of suggestions for improvements which the Administration could make and that would be his principal occupation. Although he would be working with Tokelauans in the Territory, he would also be working with Tokelauans in New Zealand, and he would like to return to Rotorua to talk with the community again before his departure for Apia.

### 3. Auckland, 20 June 1976

360. On Sunday, 20 June, after a brief tour of Rotorua, the Mission drove to Auckland. That evening, during a record winter storm in the area, the Mission met with the Tokelauans living in the vicinity of Auckland. There were about 75 persons in the group. Mr. Walter introduced the Mission and explained its purpose. He said that the present meeting was the final formal meeting on the Mission's itinerary. Only then would it be able to formulate its report, which would be a public document available to all who desired to read it.

361. The first speaker asked whether any help could be given to Tokelauan students who desired to continue in school to the fourth and fifth forms. Further education was needed so the people could manage their own affairs. Even higher education was needed. In the speaker's opinion, the Tokelauan students who attended the high schools in New Zealand needed to have other doors opened to them so that they could

continue on to teachers' training, medical school and other institutions of advanced study. He supported the claim to Swains Island and said that, in his opinion, Tokelau's future lay in fishing. States Members of the United Nations should assist Tokelau to rid itself of poachers.

362. The Mission assured the speaker that the spirit and the will to help was at the United Nations, but there would, of course, be financial limitations.

363. A second speaker stated that New Zealand aided Tokelau with large amounts of money, but in his opinion the work being done did not seem to match those sums. Some of that money went to pay the salaries of the expatriate workers in the Territory, and those salaries could pay for additional aid to Tokelau. Tokelauans, for example, should work in the Office for Tokelau Affairs at Apia. He then criticized the Government of France for carrying out nuclear tests in the Pacific Ocean and said that it was a pity that his people had to put up with that testing. The Mission pointed out that the subject of nuclear testing had been mentioned in one of the submissions of the general Fono to the Mission. Later in the meeting, the speaker said that he thought the New Zealand Government should set up light industries in Tokelau on land not used for copra production to provide wages in the Territory. He also complained about poachers in the fishing waters belonging to the Territory. He thought the debris from the reef channel blasting should be used to build an airport, thereby facilitating travel.

364. The third speaker inquired if the United Nations would play a part in the Territory's future. The Mission explained that the United Nations would listen to and support the wishes and the aspirations of the people. No one could decide for the people what they wanted. The speaker continued, drawing attention to the "brain drain" from Tokelau. If Tokelau decided on self-government or independence, he asked what the United Nations could do for the Territory and if it had land available to give to the Tokelauans. The Mission explained that it would promise nothing now, and that recommendations would subsequently be formulated on the basis of the report. The speaker stated that, because of the small size of Tokelau, he did not foresee much future for it. In his opinion, New Zealand was Tokelau's future. The Maoris in New Zealand, who were the first cousins of the Tokelauans, might help the Tokelauans to settle in New Zealand.

365. The fourth speaker wanted a clarification on how Tokelau could govern itself. He asked if the Mission had come to establish a Tokelauan Government. The Mission stated that it had not come with any preconceived ideas concerning the future of Tokelau. It definitely had not come to establish a Tokelauan Government. That was a matter which depended on the people and no one could decide for them what they wanted. If they wanted to keep their present system, that was their decision. If they preferred another system which they themselves had "imagined", that was their decision. The Mission was there to listen to the people and to report what they said.

366. The speaker then expressed his gratitude to the New Zealand Government for the way in which it had looked after the interests of the Tokelauan people. He also thanked the United Nations for the assistance which it had rendered either directly

or indirectly through the New Zealand Government. He was not, however, happy about the manner in which financial assistance came from New Zealand. Tokelau consisted of three islands, each of which elected a faipule, who in turn represented the New Zealand administration. The faipules had control of the aid given by New Zealand and the manner in which it would be distributed. The faipule might want certain projects, but the speaker did not know who decided on the programmes. He thought that the faipule should have the right to distribute the assistance as he saw fit.

367. The fifth speaker thought the question of the future posed a very difficult question. Everyone wanted freedom. He lived by his strength and free will, but he had nothing to support him in Tokelau. That was the reason for New Zealand assistance and also the reason he had come to New Zealand. If he could have made a living at home, he would never have migrated to New Zealand. The Mission had been to Tokelau and had seen the size of the islands and that there really was very little to develop there.

368. He wanted to thank the representatives of the Ministry of Foreign Affairs and the New Zealand Government and not to injure their feelings, but he thought the administering Power was beginning now what it should have started in 1925. The people of Tokelau felt the need to criticize New Zealand now; their relationship was that of offspring and parent. Even if change were effected, there would still be criticism. In his opinion, Tokelau would never be free to run its own Government as others did. He said that the Mission's views would be drawn in part from its meetings with the communities in Wellington, Rotorua and Auckland. Its recommendations should centre on the future development of those areas. If scientific research were carried out in Tokelau, where would it be, if not only on the reef and in the sand? If the sand turned to pearls, maybe Tokelau would then achieve its freedom. He thought that the Mission should recommend to the New Zealand Government that research be undertaken in fishing and in education so that the Tokelauans might carry out research themselves on their own islands. In his opinion, even if teachers or doctors were produced in the future, unless a Tokelauan received a New Zealand salary, he would never return to Tokelau. He would not go back to the local salary.

369. The next speaker was a woman who said she spoke only for herself. The only exports of Tokelau were copra and perhaps some handicrafts. There was nothing to sustain the people. She could only ask that Tokelau become an integrated part of New Zealand in order to enjoy a better life.

370. The seventh speaker was happy with the treatment of the New Zealand administration, which he said had provided a good government. He raised the problem of sending money to the islands and not having the full amount reach Tokelau, and asked if it were cut by the Office at Apia. The Mission explained the exchange rate to him and told him that the Mission had heard about the problem throughout its visit. The first speaker joined in the discussion and said that in order to solve the problem, it might be better to situate the Office in the Territory.

371. The eighth speaker said that the money paid to patients sent to the hospital in Apia, \$NZ 21 per month, was insufficient as it did not even cover meals.



372. The ninth speaker thought the Office at Apia should be localized. It was for Tokelauans and the work should be done by Tokelauans. Many problems arose because the Office was located in Western Samoa. Last week he had wanted to telephone the Office and he had had interference from the Western Samoan Post Office and consequently he could not get through. No one seemed to know where Tokelau was. Banks and post offices should be set up in the Territory to give it international status. New Zealanders said that Tokelauans were New Zealand citizens, but perhaps New Zealanders reaped more benefits from their citizenship than Tokelauans did. The elders had applied to the New Zealand Department of Social Welfare and had been turned down. They had been told that they had to live in New Zealand 10 years in order to qualify for old age pensions. That situation should never exist. Tokelauans should not be compared with immigrants from Europe where that criterion was applied. If they were New Zealand citizens then they should be treated as New Zealand citizens. If something were wrong, the New Zealand Government should work towards rectifying it and finding a future for the Tokelauans. It should begin developing industries in the Territory.

373. The tenth speaker wanted to know the results of the Mission's tour in Tokelau. The Tokelauan community at Auckland might be starting some discussion anew. Perhaps there were subjects which had already been settled in Tokelau but could be reopened at Wellington, Rotorua or Auckland. Perhaps some subjects needed their additions. The Mission explained the questions submitted to it by the general Fono. The Mission had told the Fono that it would be meeting with three of the Tokelauan communities in New Zealand. If there were a matter that the local community considered serious, it should be raised and discussed.

374. One woman endorsed what previous speakers had said concerning the education of children. She also felt that the Office for Tokelau Affairs should be in the Territory and not at Apia. She wanted a bank in Tokelau and a direct shipping line to the Territory. She would also like to see some light industry established there. Perhaps Tokelau could not manage its own affairs now, but it might be able to do so in the future.

375. The twelfth speaker returned to the matter of the location of the Office at Api and the difficulty of obtaining old age benefits in New Zealand. If there were no improvements, he said there would be no future development towards self-government or self-determination. He feared that the 12-nautical-mile limit could not be adequately protected. He thought that, although there was a potential for the tourist industry, improvement was impossible with the present level of education in the islands. He thought that the Tokelau Resettlement Scheme was a waste of time since those in New Zealand were not contributing anything to Tokelau during their absence. Unless there were a specific plan for each child to return to the islands after his or her studies, that also was a waste of time.

376. Another speaker commented that the present system whereby New Zealand aided Tokelau did not cater to the custom in which the faipule and the general Fono take decisions concerning Tokelau's future. He asked why it was so difficult to make the aid-grant directly to Tokelau and its people. It was a noble idea, but the people never saw the result of the aid.

377. The fourteenth speaker asked if the Mission had visited the hospitals in the Territory. How was it possible to improve life in the islands when there were no food shops and no markets?

378. The speaker said that because of the limitation on education, Tokelau could not plan for its future. Rather than send students abroad to study, a secondary school should be established in the Territory. If a high school were established, perhaps doctors and teachers might be drawn from those schools.

379. The final speaker said he had not yet heard the submissions by the general Fono. Since they had not yet reached New Zealand, he asked if they had been stopped at Apia. He supported the request for a direct shipping line to the Territory. In his view not all projects in the Territory were as complete as they should be. Equipment and skills were not always there.

380. Having completed its last formal task in New Zealand, the Mission held several informal private meetings of its own, after which its members departed from Auckland for New York on 22 and 23 June.

## G. OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

381. As reflected in the foregoing sections, the Mission made a series of observations of a tentative character covering various aspects of conditions as well as the aspirations of the people which it found in the Territory, including its views on possible measures which the administering Power might wish to adopt in that regard. The observations, conclusions and recommendations should therefore be read bearing in mind those earlier observations.

### 1. General

382. The administering Power informed the Visiting Mission that it had consulted the people through the general Fono on the style of the name of the Territory and that the representatives preferred that it should be known as it is in the indigenous language as Tokelau and not the Tokelau Islands. The Mission considers the name, Tokelau, eminently suitable and recommends that henceforth the United Nations also adopt that style so that the name should appear as Tokelau.

383. During its visit to Tokelau, the Mission became acutely aware that the size of the Territory, its tiny population, remote geographical situation and paucity of resources, much of the latter owing to very poor soil, had combined to foster an extreme sense of solitude. That sense appears to heighten the primary concern of the people for their economy and, therefore, their relationship with New Zealand. They are apprehensive of any change which might alter the present relationship with the administering Power and therefore the survival of the community. It is only understandable then that they should wish to remain under the protection of the administering Power, at least until they perceive fully the implications of any change in their status.

### 2. Economic conditions

#### General

384. Throughout the present report, the Mission has elaborated on the many difficulties facing the people and the need to improve the Territory's economic and social situation. The people tend to stress often the improvements which they expect the administering Power and, to a lesser extent, the international community to bring to the Territory. Improvements are, of course, limited by the factors involved, for example, the small amount of land available and the quality of the land on which crops are grown, as well as the availability of able-bodied workers.

#### Agriculture

385. The coconut is the principal cash crop (copra) as well as food product of the islands. Other than the pandanus, the coconut palm is the one tree that dominates the motus (islets) which are not used for habitation. It has been the unfortunate victim of rats and, on Nukunonu since 1963, of the rhinoceros beetle. The Mission

was informed that the rhinoceros blight had been brought under control, but the trees are still ravaged by rats. The Mission recognizes the invaluable assistance which the South Pacific Commission has rendered to the Territory in this connexion. It considers that further assistance from other international agencies to both the Territory and the administering Power in its endeavour to aid the local farmers may be called for, and it therefore suggests that the administering Power continue to explore the possibilities of seeking assistance from such institutions.

386. Other food crops exist on the islands - pulaka, bread-fruit, ta'amu, pawpaw, pandanus fruit and bananas - but the soil is so thin that these crops are cultivated only with great difficulty. Plots are covered with cast-off vegetation which is allowed to rot and become mulch. Humus is also produced, almost inch by inch. Some thought needs to be given to the problem of how to improve the soil of the atolls and what other crops may prove an economic resource to the people.

387. It is perhaps ironic that one of the most serious problems facing the Tokelauans, who virtually live on the sea, is that of a sufficiently pure water supply. Ground water is not enough and therefore a policy is pursued of catching rain water from the roofs of buildings in large storage tanks. For this water supply system to work effectively, buildings must have suitable roofs. The Mission was informed that in new housing projects, the people (or community) supply the walls and the Administration supplies the roof as well as water tanks. In Fakaofu, which was host to the delegates to the general Fono, as well as the Mission, the situation was beginning to become acute. The Nukunonu Fono raised the question with the Mission. Apparently droughts occur periodically and the Mission was informed that the most severe drought, some 15 years ago, had lasted for four months.

388. The South Pacific Commission has made a survey of all roofs in the Territory which are designated to catch water for storage. The Mission expresses the hope that when the report on this survey becomes available, the Administration and the village elders will be in a better position to respond to the problem. In the meantime, it urges the administering Power to take the necessary measures to continue to improve roofing, guttering and tanks which it has undertaken to provide. It also urges the administering Power in this connexion to ensure that the water supply is examined regularly at frequent intervals to ascertain its potability and to supply improved testing facilities and access to those facilities.

### Fishing

389. The Mission is seriously concerned regarding the problems besetting the Tokelauans when they attempt to fish from the sea around them. Fish are both food and a principal source of revenue. They are perhaps the real potential of the Territory and, in the future, fishing could become the most important source of income. Bearing in mind the protection of the interests and rights of the Territory, the Mission is particularly interested in how the Tokelauans are made aware of the developments of, and how they are enabled to express their views to, the United Nations Conference on the Law of the Sea, as well as regional and other international bodies. Whatever the results of the present Conference, it is bound to have a profound effect on the people of Tokelau as an island people and it is essential

that they be made aware of the issues and that they participate in formulating policies in this regard. The Mission was informed that results of previous conferences had been relayed to Tokelau. It feels, however, that Tokelauans should be provided with all relevant information and the opportunity to have their views reflected in these forums.

390. At present, Tokelau has a 3-nautical mile limit. New legislation projects an additional 9 nautical miles as a fishing zone, making 12 nautical miles in all. The policing of these waters rests with the Tokelauans, who are unable to do this effectively. The Mission received many complaints about poaching in the area. The New Zealand authorities said that a strong pair of binoculars had been left with the faipule on each island so that the Tokelauans could identify ships which fished illegally in these waters and could pass the relevant information on to Wellington. The New Zealand Ministry of Foreign Affairs delivers notes of protest to the countries concerned.

391. If the 200-nautical mile zone is adopted by the United Nations Conference on the Law of the Sea, protecting these waters will be even more difficult and a new approach will be required. The Mission considers that all parties concerned, the islanders, the administering Power and the United Nations, need to continue to search diligently for an effective answer to the serious problem of poaching.

392. In connexion with fishing for food and the possibility of establishing some sort of fishing enterprise as a means of augmenting income, one of the major obstacles is the reefs surrounding the atolls. Both in the Territory and from the Tokelauan communities in New Zealand, the Mission heard grievances expressed on the risks and difficulties of going out to fish when the sea is rough and how much time and money are lost in such circumstances. The Tokelauans need reef channels to ease their passage to the sea. The administering Power is mindful of this and has been carrying on reef channel blasting. A demolition team from the New Zealand Ministry of Works was present at Fakaofu when the Mission visited that atoll and the team returned to Apia on the Cenpac Rounder with the Mission.

393. The Mission is also aware that too large an opening to the sea might bring larger open sea life into the lagoon and upset the environmental balance around the islands; on the other hand, the Mission considers that there is ample reason to give more study to this particularly important question and urges the administering Power, in consultation with appropriate international agencies, to study and implement means of improving the access by the Tokelauans to the sea around them.

394. Also in connexion with fishing, the Mission suggests that the administering Power, in consultation with the people, investigate the feasibility of establishing a commercial enterprise in the Territory by determining which markets might be available and studying the impact of such an enterprise on the community.

#### Transport and communications

395. One of the major problems the Mission found was that of communication with the outside world. Although the islands are only about 480 kilometres from Samoa and

both the Office for Tokelau Affairs and the New Zealand High Commissioner at Apia seem to be in daily radio contact with the Territory, until recently there has been no regular shipping service to Tokelau. Even now, given the daily charge of chartering a vessel, frequency and regularity of contact are not guaranteed. This situation naturally presents problems in shipping supplies to the Territory and evacuating those sick who must be treated at the hospital at Apia. In the case of the latter, they are obliged to remain at Apia two or three months, away from their families and daily routine. This is a major disruptive factor to their lives.

396. The Mission therefore considers that, especially in the light of the new structure of the Office for Tokelau Affairs at Apia, the representatives of the administering Power and the leaders of the people should together study the shipping schedule with regard to the needs of the population, bearing in mind, among other things, the funds available to charter boats. They may well consider hiring smaller craft than the present ship under charter, which would be more appropriate to the needs and means of the Territory, in order to co-ordinate supply and deliveries.

397. With regard to further increasing local revenues, the Mission considers that there are certain areas, such as handicrafts and boat-building, which have not yet been thoroughly explored. During its tour, the Mission observed fine pandanus weaving, and an interest in constructing small craft, which is now done on a non-profit basis, or as a pastime; it is aware that other Pacific island groups have made use of similar talents to augment their small budgets. Although the amount received from those industries may not generally seem to be considerable, in the case of Tokelau, any amount would constitute welcome additions to the Territory's revenue. The Mission would therefore urge the administering Power, in consultation with the people of the Territory, to examine those markets which may be open to them and which may prove to be viable.

### 3. Social conditions

#### Housing

398. The Mission has mentioned above the Administration's housing policy in connexion with the water supply system. The representative of the administering Power also stated that an added incentive to housing was for local inhabitants to contribute their labour to construction of houses up to a certain point. The Mission finds this commendable. Mindful, moreover, of the influence that housing may play in the maintenance of a better life and good health in the communities, the Mission considers it of primary importance that the Administration set out and sustain a clear policy in this field.

#### Public health

399. The Mission was impressed by the new hospital quarters which have recently been constructed on all three atolls. Indeed, it attended the opening of the new

institution at Fanua Fala on Fakaofo. It also commends the steps taken by Dr. Peni to improve village sanitation by constructing a separate piggery at one end of Nukunonu so that the animals do not wander around the houses and gardens of the inhabitants spreading disease. The Mission suggests that perhaps more emphasis should be placed on preventive measures in the field of public health.

400. The Mission was informed that because of the isolation of the Territory, the inhabitants are not particularly resistant to diseases which each visit of a ship may bring and that from 10 days to 2 weeks after such visits the islands suffer from outbreaks of minor diseases. The Mission considers that there should be firmer health control of the visitors to, from and within the Territory.

401. Finally, the Mission heard a number of complaints regarding hospital supplies, dwindling stocks and shipments of wrong medicines. It expresses the hope that under the new arrangement, the Office for Tokelau Affairs at Apia will be able to deal more effectively with this question.

#### Labour

402. From among the civil servants, the Mission heard a number of complaints concerning the excessive amount spent on expatriate salaries and inequities that exist in their wage and salary system. It is aware that under the new approach of the administering Power, the number of overseas officers is being reduced to an essential minimum. Bearing in mind, however, the reasons given by the representatives of the administering Power at Wellington concerning wage discrepancies which may have come about owing to variations in the development of the economies in Western Samoa and New Zealand (see paras. 270-271 above), the Mission shares the view of the administering Power that Tokelauan wage earners should not suffer because of the fluctuating economies of other countries and suggests that the administering Power take steps to review and equalize the Tokelauan salary structure.

403. The educational system should meet the needs of the people of Tokelau and in so doing prepare each individual for one of several possibilities, namely, life in the Territory or emigration to New Zealand or elsewhere. It is this dichotomy that has helped to shape the educational policy of Tokelau in the past and which has led until the present to considerable frustration on the part of the people. Although New Zealand educational standards have been followed, at the present time there seems to be little opportunity for a student to acquire skills which he or she may need if migrating to New Zealand. On the other hand, if the individual is fortunate to receive an education overseas and then, for whatever reason, must return to live in the Territory, the mounting frustration may be equally severe. Too often the educational system has not fit the style of life in which the inhabitant has found himself. The Mission welcomes the intention of the New Zealand Government to improve the educational system as set out by the Administrator of Tokelau and reflected in paragraphs 75-79 above. It considers, moreover, that this is a subject which should be kept under constant review by the administering Power and discussed by it in depth, in consultation with the people of Tokelau, in the hope of finding more satisfactory solutions.

#### 4. Constitutional and political developments

##### General

404. The Mission found during its visit what it considers to be a unique situation on the three atolls which comprise Tokelau. Each island is virtually an autonomous unit in itself made up of posts of the pulenuku (mayor) and the faipule (representative of the Administration), elected every three years by universal suffrage, and a taupuulega, the deliberating and legislative body which sits as the fono matai (Council of Elders) on extraordinary matters. That body is made up of a number of tooesaaina (elders), who also sit as the local court. The faipule acts as the judge of that court. It seems to the Mission that in this quasi-traditional internal structure the areas of competence of each of these political institutions - the faipules, the pulenukus, the village fonos, the local courts - has not yet been clearly defined. The Mission accepts that these bodies now perform certain functions and that so far as the people of Tokelau are concerned they represent supreme bodies.

405. The Mission did not detect any challenge to the authority of these institutions which appeared to be acceptable by all concerned. It is true that at present the women and younger men are not allowed to participate in the policy-making bodies mentioned, although older women play a key role in the functioning of the kaaiga (family group), in the distribution of the food supply of the bilateral descent units and in ensuring the structural continuity of residential groups. Yet those men and women who in the last generation have gone abroad to live and study, who have become doctors and nurses, teachers and public servants of various qualifications, are now reaching the age of venerability and will soon play a more active role in running the affairs of the community and change will probably occur.

406. Only when it has become clear what form of change it is that the people of Tokelau desire to take place, does the administering Power consider it wise to act upon the wishes of the people and to formalize the modified institution. Following further discussions and consultations with the people of the Territory, the Mission would request the administering Power to continue to inform the United Nations on measures adopted in this area of development.

407. There appears to be a considerable body of New Zealand law applicable in the Territory. It would seem to the Mission therefore that some work must be done to bring about uniformity in the public law in order to ensure that there are no conflicts or contradictions between customary law and the New Zealand laws which have effect in Tokelau.

##### Office of Tokelau Affairs

408. The Mission was informed of the reorganization, new general approach and the aspirations of the Administration for the Office of Tokelau Affairs at Apia in order to make it more responsive to Tokelau and its people. It also takes note of the desire by both the people of the Territory and those in the New Zealand



communities for a greater participation by Tokelauans in running the Office. The Mission shares their view, especially since it is the wish of all concerned that the Office should be the servant of the Tokelauans and respond directly to their wishes.

409. The Mission was informed in Wellington that it was New Zealand's aim to reduce the difficulties of transport which in the past have placed so many limitations on the village fonos and their operations. To a large extent, New Zealand considered that it had been successful. Nevertheless, there may still be a tendency on the part of the Tokelauans to regard the Office as an instrument of the New Zealand Government and especially of the Administrator. An effort must be made to change this attitude and, according to the administering Power, the process of education has begun so that the people now believe that the Office belongs to them. The Mission was assured that the Office was moving towards more autonomy, that eventually it would be headed by a Tokelauan and that the post of Administrator would be eliminated. This would come about at some subsequent reorganization, however, when the Office's legal status would have been clarified.

410. Concerning the status of the Office for the Tokelau Affairs with respect to the Government of Western Samoa, the New Zealand Government informed the Mission that relations between the two had always worked simply and smoothly. Moreover when the faipules and the elders travelled to or through Apia, they always called on the Prime Minister and officials of the Western Samoan Government. The New Zealand Government anticipated that relations would continue to be cordial and work in the "Pacific way".

411. The Mission expresses the hope that the New Zealand Government will continue to meet any increase in budget caused by the reorganization and revitalization of the Office at Apia.

#### Future status

412. Taking into account the apprehensions of the Tokelauans that the administering Power may wish to cut itself free from its responsibilities in the Territory, the people of Tokelau consider that they are not yet ready to run their own affairs by themselves. At present, therefore, they wish to maintain their close ties with New Zealand and, in this connexion, they have emphasized that it is within the interests of Tokelau to improve further the economic and social conditions in the islands so as to meet the needs of the people. It was clear to the Mission that this view had widespread support among the people for it was an expression which the Mission heard repeatedly - at meetings with members of the general Fono, the villages fonos, and by the communities residing in New Zealand, as well as in private discussions.

413. For its part, the representatives of the administering Power assured the Mission that, under its new policy the wishes of the people would be respected and that it did not wish to influence or force the people one way or another.

414. The Mission considers that in order to allay the apprehensions of the people, the administering Power must make the issues clear to the people and explain the choices available to them in such a manner as not to exacerbate their fears for the future. The Mission was informed by the administering Power that it was ready to give its support to the people to meet their needs and allow them to run their own affairs. In that regard, it may well be necessary to guarantee to the people of Tokelau financial and technical assistance in the future.

#### Swains Island

415. The Mission recalls that at its meeting with the general Fono on Fakaofu on 8 June, a claim was submitted to the Mission (see appendix IX, section A, to the present report), in which it was stated that Swains Island (or Olohega), o/ which now makes up a part of American Samoa and is administered by the United States of America, rightfully belonged to Tokelau. The Fono demanded the return of that island for which it claimed the people were in great need. Some evidence in support of the claim was attached to the submission and it was stated that additional evidence might be submitted later.

416. The Mission took up the claim with the New Zealand authorities at Wellington who stated that the claim was not new. Reputedly, the first Tokelauans were on Swains Island about 1400 A.D. The island was "given" to Eli Jennings by an unknown Englishman in 1850 and it had continued in the Jennings' family until annexed by proclamation to American Samoa in 1925. Walter Jennings, who operates the plantation on the island at present, is mostly Tokelauan himself. The New Zealand Government officials informed the Mission that Wellington might, at a later date, submit supplementary information on the matter (see appendix IX, section B, to the present report).

417. In the Mission's view, the claim will have to be considered by all parties concerned and in the light of any further information which may be submitted to the Special Committee.

#### Nuclear testing in the South Pacific

418. Mindful of the submission made to the Mission by the general Fono regarding nuclear testing in the Pacific Ocean and recalling paragraph 9 of General Assembly resolution 3433 (XXX) of 8 December 1975 as well as other relevant resolutions dealing with the strong opposition to such tests expressed by the peoples of the South Pacific, including those of the Non-Self-Governing Territories in the region, the Mission draws the attention of the Special Committee and of the General Assembly to this particular request of the people of Tokelau.

#### Assistance by the specialized agencies of the United Nations

419. The Mission has recommended several areas in which specialized agencies and regional bodies might give assistance to the administering Power in improving the

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o/ Known as Olosega in American Samoa.

living conditions of the people of Tokelau. In that regard, the Mission wishes to urge those bodies offering assistance to review their methods and techniques and to examine ways to gear their assistance to small Territories and to take into account the size of the Territory and the scope of its problem which doubtless require a special approach.

420. The Mission wishes to recall that it is the role of New Zealand, as the administering Power concerned, to approach the international organizations, to draw the attention of those bodies to the problems and projects at hand and to co-ordinate policies and projects.

#### Future United Nations visiting missions

421. Bearing in mind the intricate problems confronting very small Territories such as Tokelau, the Mission considers that the question of these Territories should be kept under constant review and therefore recommends that the United Nations pursue the matter with a view to reaching an adequate and satisfactory solution concerning the future political status of all small Territories. The Mission is convinced, as others have been before it, that the dispatch of United Nations visiting missions to these Territories is essential and is the critical element in the search for such a solution.

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Appendix I

Tokelau Islands Act, 1948, No. 24

REPRINTED ACT

/With Amendments Incorporated/

TOKELAU ISLANDS

Reprinted as on 31 December 1958

Analysis

...

An Act to provide for the incorporation of the Tokelau Islands as part of New Zealand, and to make provision for their government /29 October 1948/

WHEREAS by an Order of His Majesty in Council dated the twenty-ninth day of February, nineteen hundred and sixteen, and published in the Western Pacific High Commission Gazette on the fifth day of May, nineteen hundred and sixteen, certain islands in the Pacific Ocean known as the Tokelau Islands and also known as the Union Islands (hereinafter referred to as the Tokelau Islands) were annexed to His Majesty's dominions, and the boundaries of the Gilbert and Ellice Islands Colony were extended so as to include the Tokelau Islands: And whereas by an Order of His Majesty in Council cited as the Union Islands (No. 1) Order in Council 1925 the boundaries of the Gilbert and Ellice Islands Colony were altered so as to exclude the Tokelau Islands: And whereas by an Order of His Majesty in Council cited as the Union Islands (No. 2) Order in Council 1925 the Governor-General of New Zealand was appointed Governor of the Tokelau Islands: And whereas by an Order of the Governor-General in Council cited as the Union Islands (No. 1 of New Zealand) Order 1926, as amended by subsection three of section three of the Samoa Amendment Act 1947, the powers and authority of the Governor-General under the Union Islands (No. 2) Order in Council 1925 were delegated to the High Commissioner of Western Samoa: And whereas it has been agreed between His Majesty's Government in the United Kingdom and His Majesty's Government in New Zealand that it is expedient that the Tokelau Islands should become part of New Zealand: And whereas by an Order in Council of His Majesty cited as the Union Islands (Revocation) Order in Council 1948 provision has been made for the revocation of the Union Islands (No. 2) Order in Council 1925 to take effect on a date to be fixed by Proclamation by the High Commissioner of Western Samoa after he is satisfied that legislation has been enacted by the Parliament of New Zealand providing for the incorporation of the Tokelau Islands with New Zealand:

1. Short title. Commencement - (1) This Act may be cited as the Tokelau Islands Act 1948.

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine.

2. Interpretation - For the purposes of this Act the expression "the Tokelau Islands" means the islands of Fakaofu, Nukunonu, and Atafu, together with all small islands, islets, rocks, and reefs depending on them.

3. Tokelau Islands to form part of New Zealand - The Tokelau Islands are hereby declared to form part of New Zealand.

4. Regulations for the peace, order, and good government of the Tokelau Islands - (1) In addition to all special powers of making regulations that may be conferred upon the Governor-General by any Act, the Governor-General may from time to time, by Order in Council, make all such regulations as he thinks necessary for the peace, order, and good government of the Tokelau Islands.

(2) No regulation made under this section shall be of any force or effect so far as it is repugnant to this or any other Act of the Parliament of New Zealand in force in the Tokelau Islands, but no such regulation shall be deemed to be repugnant to this Act because it is repugnant to the law as established in the Tokelau Islands by section five of this Act, or because it deals with a matter already dealt with by this or any other Act; and every such regulation shall have effect according to its tenor, except so far as it is inconsistent with any such Act in force in the Tokelau Islands.

(3) The power conferred on the Governor-General by this section to make regulations for the Tokelau Islands shall extend to the imposition of tolls, rates, dues, fees, fines, taxes, and other charges.

5. Existing laws to continue in force - All laws in force in the Tokelau Islands at the commencement of this Act shall continue in force except so far as they are inconsistent with this or any other Act of the Parliament of New Zealand in force in the Tokelau Islands or with any regulation in force therein.

6. Statute law of New Zealand not applicable to Tokelau Islands - Except as otherwise expressly provided, the statute law of New Zealand, whether enacted before or after the commencement of this Act, shall not be in force in the Tokelau Islands.

The following New Zealand Acts are expressed to be in force in the Tokelau Islands:

The Visiting Forces Act 1939; see s. 7 of that Act.

The United Nations Act 1946; see s. 4 of that Act.

The International Air Services Licensing Act 1947; see the definition of "New Zealand" in s. 2 of that Act.

The Civil Aviation Act 1948; see s. 12 of that Act.

The British Nationality and New Zealand Citizenship Act 1948; see s. 33 (1) (b) of that Act.

The Republic of Ireland Act 1950; see s. 4 (1) (b) of that Act.

The Republic of India Act 1950; see s. 3 (1) (b) of that Act.

The Treaty of Peace (Japan) Act 1951; see s. 3 of that Act.

The Official Secrets Act 1951; see s. 17 (1) of that Act.

The Patents Act 1953; see s. 118 of that Act.

The Designs Act 1953; see s. 50 of that Act.

The Trade Marks Act 1953; see s. 86 of that Act.

The Merchandise Marks Act 1954; see s. 23 (1) of that Act.

The Republic of Pakistan Act 1956; see s. 3 (1) (b) of that Act.

The Federation of Malaya Act 1957; see s. 3 (1) (b) of that Act.

The Diplomatic Immunities and Privileges Act 1957; see s. 21 (1) of that Act.

The Geneva Conventions Act 1958; see s. 10 (1) of that Act.

7. When Act in force in Tokelau Islands, amendments and regulations to be in force also - When any Act of the Parliament of New Zealand is in force in the Tokelau Islands, every existing or future amendment of that Act, and all existing or future regulations, rules, Orders in Council, and other acts of authority in force under any such Act, and every Act passed in substitution for any such Act, shall, so far as applicable and with all necessary modifications, be or become also in force therein, except where otherwise expressly provided.

8. Acts Interpretation Act in force in Tokelau Islands - (1) The Acts Interpretation Act 1924, so far as it is applicable, shall extend to and be in force in the Tokelau Islands, and shall apply to Orders in Council and to regulations in the same manner as to Acts of Parliament.

(2) Notwithstanding anything to the contrary in the Acts Interpretation Act 1924, the term "New Zealand" as used in any Act, whether now in force in New Zealand or hereafter to be passed, shall not include the Tokelau Islands, except where a contrary intention appears.

(3) This subsection amended s. 4 of the Acts Interpretation Act 1924.

9. Act to be administered by Minister of Island Territories - The Minister of Island Territories shall be charged with the administration of this Act.

## Appendix II

### Tokelau Islands Amendment Act, 1967, No. 38

#### ANALYSIS

...

#### An Act to amend the Tokelau Islands Act 1948

[26 October 1967]

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title. This Act may be cited as the Tokelau Islands Amendment Act 1967, and shall be read together with and deemed part of the Tokelau Islands Act 1948 (hereinafter referred to as the principal Act).

#### PART I

#### The Tokelau Islands Public Service

2. Commencement. This Part of this Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General, by Order in Council.

3. Interpretation. In this Part of this Act, unless the context otherwise requires:

"Employee" means a person employed in the Tokelau Islands Public Service;

"New Zealand controlling authority" means, in respect of a person employed in any branch of the New Zealand Government Service to which the State Services Act 1962 applies, the Commission, and, in respect of a person employed in any other branch of the New Zealand Government Service, the Minister in charge of that branch;

"New Zealand Government Service" means the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; and includes service which is education service within the meaning of the Superannuation Act 1956;

"Tokelau Islands Public Service" means the service of the Tokelau Islands Administration; but does not include service remunerated by way of fees or commission only, or honorary service, or service in any of the following capacities, namely, as:



- (a) Minister of Island Territories;
- (b) Administrator of the Tokelau Islands;
- (c) Secretary of Island Territories;
- (d) Faipule, Fa'amasino, or Pulenu'u;
- (e) The holder of any position specified in a declaration made pursuant to section 5 of this Act.

4. Appointment of employees. (1) Subject to the provisions of this Part of this Act, the Commission may appoint to the Tokelau Islands Public Service such employees as it considers necessary.

(2) Notwithstanding anything to the contrary in any other Act, all employees of the Tokelau Islands Public Service shall be appointed by the Commission, and, subject to the provisions of any regulations made under section 9 of this Act, shall hold office subject to such conditions as may from time to time be prescribed or determined by the Commission.

(3) In case of the absence from duty of any employee (from whatever cause arising) or on the occurrence from any cause of a vacancy in any position in the Tokelau Islands Public Service (whether by reason of death, resignation, or otherwise), and from time to time while the absence or vacancy continues, all or any of the powers and duties of the employee or pertaining to the position may be exercised and performed by any other employee for the time being directed by the Commission to exercise and perform them, whether the direction has been given before the absence or vacancy occurs or while it continues.

(4) No such direction and no acts done by any employee acting pursuant to any such direction shall in any proceedings be questioned on the ground that the occasion for the direction had not arisen or had ceased, or on the ground that the employee had not been appointed to any position to which the direction relates.

5. Exemptions. (1) The Governor-General in Council, on the recommendation of the Commission, may declare that any specified position or class of position in the Tokelau Islands Public Service shall cease to be in a position in that Service, and thereupon any person then holding that position or any position in that class shall cease to be an employee of the Tokelau Islands Public Service, and shall thereafter hold his appointment during the pleasure of the Minister and upon such terms and conditions as the Minister directs from time to time.

(2) If any position to which a declaration under subsection (1) of this section refers is vacant at the time the declaration comes into force or thereafter becomes vacant, any appointment thereto shall be made by the Minister, and shall continue during his pleasure and upon such terms and conditions as the Minister directs from time to time.

(3) The Governor-General in Council, on the recommendation of the Minister, may revoke any declaration made under this section in whole or in part, and thereupon the person then holding any position in respect of which the declaration was so revoked shall, if his appointment is confirmed by the Commission, be deemed

to have been duly appointed thereto by the Commission, and shall hold office as an employee of the Tokelau Islands Public Service.

6. State Services Act 1962 not applicable. Except as provided in this Part of this Act, the State Services Act 1962 shall have no application to the Tokelau Islands Public Service or to employees of the New Zealand Public Service in their capacity as employees of the Tokelau Islands Public Service.

7. Delegation of powers. (1) The Commission may from time to time, either generally or particularly, delegate any of its powers in relation to the Tokelau Islands Public Service (including this power of delegation) to any of its members or to any other person or persons.

(2) Subject to any general or special directions given by the Commission, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office.

(5) The delegation of any powers under this section shall not prevent the exercise of those powers by the Commission or by any person making the delegation.

8. Duties of Commission. (1) The Commission shall from time to time take such action as it thinks necessary to ensure a proper standard of efficiency in the Tokelau Islands Public Service.

(2) The Commission may from time to time issue instructions for carrying into effect the provisions of this Part of this Act and of any regulations made pursuant to section 9 of this Act.

(3) In the exercise of its powers and duties in relation to the Tokelau Islands Public Service, the Commission may conduct such inquiries and investigations as it thinks necessary. For the purposes of conducting any such inquiry or investigation, the Commission shall have the same powers and authority to summon witnesses and receive evidence as are conferred on a Commission of Inquiry by the Commissions of Inquiry Act 1908; and all the provisions of that Act shall apply to witnesses so summoned, and evidence so received and given, as completely and effectually as if the witnesses had been summoned and the evidence had been received or given by virtue or under the authority of that Act, and as if that Act were in force in the Tokelau Islands.

9. Public Service Regulations. (1) The Commission may, with the approval of the Governor-General, make regulations as to the pay, allowances, discipline, control, and management of the Tokelau Islands Public Service. Any such regulations may be made either generally or with respect to any particular case or class of cases.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section, the Commission may under that subsection make regulations relating to the appointment, promotion, transfer, retirement, removal, suspension and dismissal of employees of the Tokelau Islands Public Service, including the review of or appeals against any decisions in relation thereto.

(3) Without limiting any other powers of the Commission, the Commission may affix to breaches of any regulations under this section or prescribe for offences against discipline a fine not exceeding 20 dollars according to the nature and gravity of the offence; and those fines shall be recoverable by deduction from salary or otherwise.

(4) Any regulation made under this section shall come into force on a date to be specified therein in that behalf (whether before or after the date on which it is made), and if no such date is specified shall come into force on the date of the publication in the New Zealand Gazette of a notification of the making of the regulation:

Provided that no provision of any regulation imposing any liability or disability shall come into operation before the date on which the regulation is made.

(5) No regulation made under this section shall be held to be invalid on the ground that it confers any discretionary authority on the Commission or on any person, or that it authorises the Commission or any person to determine the conditions on which leave of absence may be approved or allowances paid or any conditions of service not inconsistent with this Part of this Act, or that it leaves any matter to be determined, applied, dispensed with, prohibited, or regulated by the Commission or by any person from time to time by instruction, either generally or for any classes of case or in any particular case.

10. Payment of salary and allowances. (1) Subject to the provisions of any regulations made under section 9 of this Act, employees of the Tokelau Islands Public Service shall receive such pay and allowances as the Commission thinks fit.

(2) The pay and allowances of employees of the Tokelau Islands Public Service shall be paid from the Tokelau Islands Administration Account out of money appropriated by Parliament.

11. Bonds and deeds of covenant by employees or prospective employees. (1) An employee or prospective employee to whom money is advanced or on whose behalf expenditure is incurred with the approval of the Commission in connection with transportation, education, training, or sustenance, or for any other special purpose, may be required, as a condition of that advance or expenditure, to sign a bond in a form to be determined by the Commission requiring him to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond.

(2) The Commission, instead of requiring a bond as aforesaid, may require the employee or prospective employee to sign a deed of covenant whereby he covenants

to repay to the Crown all money so advanced to him or expenditure so incurred on his behalf, up to a maximum amount specified in the deed of covenant, if he fails to render service in accordance with the provisions of the deed of covenant.

(3) The amount of any such bond or, as the case may be, the maximum amount payable under any such deed of covenant shall be reduced during the currency thereof by an amount equivalent to the proportion that the service rendered by the employee or prospective employee in accordance with the condition of the bond or the provisions of the deed of covenant bears to the full period of service required for the discharge of the bond or deed of covenant.

(4) The Commission may require that such a bond or deed of covenant shall also be signed by a parent or guardian, or by some other person approved by the Commission, as surety, or the Commission may accept any other security offered by the employee or prospective employee. The parent or guardian or person who signs such a bond or deed of covenant shall be jointly and severally liable thereunder.

(5) Every such bond or deed of covenant shall be enforceable against the employee or prospective employee and the surety who signs it, notwithstanding anything in any enactment or rule of law; and the amount of the bond or, as the case may be, the amount payable under the deed of covenant, subject to any deduction pursuant to subsection (3) of this section, shall be recoverable as liquidated damages.

12. Concurrent offices. An employee of the Tokelau Islands Public Service may hold concurrently any offices, whether judicial or administrative, to which he may be appointed.

13. Employment in New Zealand Government Service and Tokelau Islands Public Service. (1) Any person permanently employed in the New Zealand Government Service may, with the consent of the New Zealand controlling authority, be appointed to any position in the Tokelau Islands Public Service in all respects as if he were an employee thereof; but, until he is appointed to a position in the Tokelau Islands Public Service, no such person shall have any right of appeal against any determination of the Commission in relation to any appointment, promotion, or transfer in or to the Tokelau Islands Public Service.

(2) Any person permanently employed in the Tokelau Islands Public Service may be appointed to any position in the New Zealand Government Service in all respects as if he were permanently employed therein; but, until he is appointed to a position in the New Zealand Government Service, no such person shall have any right of appeal against any determination of the New Zealand controlling authority in relation to any appointment, promotion, or transfer in the New Zealand Government Service.

(3) Any person appointed to a position in the Tokelau Islands Public Service under subsection (1) of this section or to a position in the New Zealand Government Service under subsection (2) of this section may hold positions concurrently in both services, and in such a case:

(a) His status, rights, and liabilities in each service shall be unaffected by the fact that he holds a position in the other service; and

(b) In respect of each position he shall be subject to the laws governing the service to which that position belongs, irrespective of his tenure of a position in the other service; and

(c) He shall in respect of each service be qualified for promotion, increase of salary, and appointment to any other position as if he held no position in the other service.

(4) So long as any person so holds positions concurrently in both services, he shall be deemed to be absent on leave without pay from the New Zealand Government Service or, as the case may be, from the Tokelau Islands Public Service, unless the New Zealand controlling authority or, as the case may be, the Commission otherwise directs.

(5) When an employee of the New Zealand Government Service is appointed to a position in the Tokelau Islands Public Service, and then or thereafter ceases to hold a position in the New Zealand Government Service, he shall not be deemed for that reason to have retired from the New Zealand Government Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the New Zealand Government Service, shall so remain until he ceases to be employed in the Tokelau Islands Public Service and for such further period, not exceeding six months, as the New Zealand controlling authority may from time to time in any case allow.

(6) When an employee of the Tokelau Islands Public Service is appointed to a position in the New Zealand Government Service, and then or thereafter ceases to hold a position in the Tokelau Islands Public Service, he shall not be deemed for that reason to have retired from the Tokelau Islands Public Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the Tokelau Islands Public Service, shall so remain until he ceases to be employed in the New Zealand Government Service and for such further period, not exceeding six months, as the Commission may from time to time in any case allow.

(7) A supernumerary employee shall receive no pay in respect of the service of which he is a supernumerary employee, but shall for all other purposes be deemed to remain an employee of that service.

(8) Any employee of the Tokelau Islands Public Service may, with the consent of the New Zealand controlling authority, be attached to the New Zealand Government Service for training or experience, and during the period of his service in New Zealand that employee shall be paid such salary and allowances as may be determined by the New Zealand controlling authority.

14. Contribution to Government Superannuation Fund by employees. (1) While any employee to whom subsection (1) of section 13 of this Act applies holds positions concurrently in both services, or is a supernumerary employee of the New Zealand Government Service in accordance with the provisions of subsection (5) of that section, and is a contributor to the Government Superannuation Fund, the salary together with increments, if any, that in the opinion of the New Zealand controlling authority he would have been entitled to receive in respect of his employment in the

New Zealand Government Service had he not been appointed to the Tokelau Islands Public Service shall be deemed to be his salary for the purposes of the Superannuation Act 1956:

Provided that, when any such employee has held a position in the Tokelau Islands Public Service for a continuous period of six years, he may, at any time after the expiration of that period while he still holds a position in that service, or, if he is transferred to or returns to employment in the New Zealand Government Service, within one year after the termination of service in the Tokelau Islands, elect to contribute on the salary received by him in respect of his employment in the Tokelau Islands Public Service (exclusive of any special allowance received by him in respect of his residence in the Tokelau Islands) with effect from the date of his appointment in the last-mentioned service.

(2) For the purposes of the proviso to subsection (1) of this section, an appointment to a position in the Cook Islands Public Service or in the Niue Public Service in relation to the Tokelau Islands Administration made before the commencement of this Act shall be deemed to be an appointment to the Tokelau Islands Public Service, and service in that position before the commencement of this Part of this Act shall be deemed to be service in a position in the Tokelau Islands Public Service.

(3) While any person to whom subsection (2) of section 13 of this Act applies holds positions concurrently in both services, or is a supernumerary employee of the Tokelau Islands Public Service under subsection (6) of that section, or is attached to the New Zealand Government Service under subsection (8) of that section, the salary together with increments, if any, that in the opinion of the Commission he would have been entitled to receive in respect of his employment in the Tokelau Islands Public Service had he not been appointed to a position in or been attached to the New Zealand Government Service shall be deemed to be his salary for the purposes of the Superannuation Act 1956:

Provided that, when any such employee had held a position in the New Zealand Government Service for a continuous period of six years, he may, at any time after the expiration of that period while he still holds a position in that service, or, if he is transferred to or returns to employment in the Tokelau Islands Public Service, within one year after the termination of service in New Zealand, elect to contribute on the salary received by him in respect of his employment in the New Zealand Government Service with effect from the date of his appointment in the last-mentioned service.

(4) Upon any such election, there shall be payable by the employee to the Fund, within such time and in such manner as the Government Superannuation Board determines, such sum as the Board fixes in respect of the excess of his salary during the past period as an employee of the Cook Islands Public Service or of the Niue Public Service or of the Tokelau Islands Public Service or of the New Zealand Government Service, as the case may be, over the amount deemed to be his salary during that period under the foregoing provisions of this subsection.

(5) In this section the term "employee" includes:

(a) The Administrator of the Tokelau Islands;

(b) The holder of any position specified in a declaration made pursuant to section 5 of this Act.

15. Provisions as to existing employees. Every person who immediately before the commencement of this Part of this Act was an employee of the Niue Public Service to whom section 671 of the Niue Act 1966 applied shall be deemed to be an employee of the Tokelau Islands Public Service, and shall hold the position in the last-mentioned Service corresponding to the position in the Niue Public Service held by him immediately before the commencement of this Part of this Act.

16. Consequential amendments to Superannuation Act 1956. (1) The Superannuation Act 1956 (as amended by section 733 (4) of the Niue Act 1966) is hereby consequentially further amended:

(a) By inserting in the definition of the term "Government service" in subsection (1) of section 2, after the words "Niue Public Service", the words "and the Tokelau Islands Public Service":

(b) By inserting in subsection (1) of section 50, and also in subsections (2), (3), (4), (5), and (10) (as added by section 8 of the Superannuation Amendment Act 1964), after the words "Niue Public Service" the words "or the Tokelau Islands Public Service":

(c) By inserting in subsection (1) of section 51, and also in subsection (2), subsections (2A) and (2B) (as inserted by section 15 of the Superannuation Amendment Act 1959), and subsection (3), after the words "Niue Public Service", the words "or the Tokelau Islands Public Service":

(d) By omitting from subsection (2) of section 51 the words "partly in one of those Services and partly in one or both of the other Services", and substituting the words "partly is one of those Services and partly in one or more of the other Services".

(2) Section 50 of the Superannuation Act 1956 is hereby further amended by inserting, after subsection (5), the following subsection:

"(5A) Where any person who is a permanent officer of the Tokelau Islands Public Service is a contributor to the Fund, then, for the purposes of this Act any period of service by him as an employee of the Tokelau Islands Administration or of the Western Samoan Public Service in relation to the Tokelau Islands Administration shall be deemed to be a period of service in the Government service."

(3) Section 50 of the Superannuation Act 1956 is hereby consequentially further amended by inserting, after subsection (9A) (as inserted by section 733 (5) of the Niue Act 1966), the following subsection:

"(9B) Notwithstanding anything in Part I of the Tokelau Islands Amendment Act 1967, every person shall be deemed for the purposes of this Act to be a permanent officer of the Tokelau Islands Public Service while he is the holder of either of the following offices:

"(a) Administrator of the Tokelau Islands:

"(b) The holder of any position specified in a declaration made pursuant to section 5 of the Tokelau Islands Amendment Act 1967."

(4) All payments made to the Government Superannuation Board after the commencement of the principal Act and before the commencement of this Part of this Act by persons in the employ of the Tokelau Islands Administration by way of contributions for superannuation purposes shall be deemed to have been validly made and received, and those payments shall be deemed to be superannuation contributions for the purposes of the Superannuation Act 1956, and the periods in respect of which those payments were made shall be deemed to be contributory service for the purposes of that Act.

17. Repeals. Section 671 and paragraph (f) of subsection (4) of section 733 of the Niue Act 1966 are hereby repealed.

## PART II

### Land

18. Interpretation. (1) In this Part of this Act, unless the context otherwise requires:

"Customary title" means title to land in accordance with the customs and usages of the Tokelauan inhabitants of the Tokelau Islands:

"Public purposes" includes public health, education, public recreation, the burial of the dead, water supply, drainage, lighting, the provision of public buildings, the provision of sites for townships, the provision of wharves and harbours, the provision of radio transmitters, and all lawful purposes and functions of the Tokelau Islands Administration:

"Tokelauan" means a person belonging to the Polynesian race of the Tokelau Islands; and includes a person descended from a Tokelauan:

"Tokelauan land" means land vested in the Crown but held by the inhabitants of the Tokelau Islands by customary title, and not by grant from the Crown.

(2) Any land in the Tokelau Islands which at the commencement of the principal Act was owned in fee simple by any person other than the Crown shall for the purposes of this Part of this Act be deemed to be held in fee simple by grant from the Crown, and accordingly shall be deemed not to be Tokelauan land for the purposes of this Part of this Act.



19. Designation of land. Subject to the provisions of this Part of this Act, all land in the Tokelau Islands is hereby declared to be Tokelauan land.

20. All land in Tokelau Islands (with certain exceptions) vested in Crown, subject to customary title. (1) Subject to the provisions of this Part of this Act, all land in the Tokelau Islands (not being land to which subsection (2) of section 18 or section 21 of this Act applies) is hereby declared to be vested in the Crown as the trustee of the beneficial owners thereof, and shall be held by the Crown subject to the customary title, and all such land is hereby declared to be Tokelauan land accordingly, but shall remain subject to any rights which may have been lawfully acquired in respect thereof before the passing of this Act otherwise than in accordance with the customs and usages of the Tokelauan inhabitants of the Tokelau Islands.

(2) Subject to the provisions of this Part of this Act, the beneficial ownership of Tokelauan land shall be determined in accordance with the customs and usages of the Tokelauan inhabitants of the Tokelau Islands.

21. Foreshore and sea-bed vested in Crown. The foreshore of the Tokelau Islands - that is to say, all land lying between high-water mark at mean high-water spring tides and low-water mark at mean low-water spring tides - and the sea-bed and subsoil of submarine areas bounded on the landward side by that low-water mark along the coast of the Tokelau Islands and on the seaward side by a line every point of which is distant three international nautical miles from the nearest point of that low-water mark shall be deemed to be and always to have been vested in the Crown, subject only to the public rights of fishing and navigation.

22. Control of Crown land by Administrator. The Administrator of the Tokelau Islands may exercise on behalf of the Crown all rights of suit, entry, re-entry, receipt of rents and profits, use, management, control, and possession vested in the Crown in respect of any land in the Tokelau Islands.

23. Saving of existing interests in Tokelauan land. Where at the passing of this Act any Tokelauan land is subject to any valid and subsisting leasehold or other interest vested in any person or body corporate otherwise than by way of customary title, that leasehold or other interest shall be deemed to be held by grant from the Crown.

24. Taking of land for public purposes. (1) The Governor-General may from time to time, by Order in Council, take any land in the Tokelau Islands for any public purpose specified in the order, and it shall thereupon become absolutely vested in the Crown as from the date of the order, or from any later date specified therein in that behalf, free from all estates, rights, and interests of any other person therein, save so far as any such estates, rights, or interests are expressly saved by the order.

(2) When any land has been so taken for a public purpose, all persons having in respect of that land any right, title, estate, or interest which is extinguished or divested by the taking of the land, shall be entitled to compensation therefor from the Crown.

(3) The Administrator of the Tokelau Islands shall, within 90 days after the date on which any land so taken has vested in the Crown, offer to the persons entitled to share in the compensation such sum by way of compensation as he thinks fit. If the offer is not accepted by all those persons within 60 days after it has been communicated to them, the compensation shall be assessed and awarded by a Judge or Commissioner of the Land Court of Niue, either on the application of the Administrator or of any person claiming the compensation or any share therein.

(4) Any compensation so awarded to any person shall constitute a debt due to him by the Crown, and shall be paid from the Tokelau Islands Administration Account out of money appropriated by Parliament.

(5) Any lease, easement, or other limited right, title, estate, or interest in any land may be taken by Order in Council, for any public purpose, and compensation in respect thereof shall be payable in the same manner as in the case of land taken under the foregoing provisions of this section.

25. Alienation of land by Tokelauans. (1) Save so far as may be otherwise provided by regulations made under the principal Act, it shall not be lawful or competent for a Tokelauan to make any alienation or disposition of Tokelauan land, or of any interest in Tokelauan land, whether by way of sale, lease, licence, mortgage, or otherwise howsoever, other than an alienation or disposition in favour of the Crown, nor shall Tokelauan land or any interest therein be capable of being taken in execution or be assets for the payment of the debts of a Tokelauan on his death or insolvency.

(2) For the purposes of this section, a contract of sale of crops, timber, minerals, or other valuable thing attached to or forming part of any Tokelauan land shall be deemed to be a contract for the alienation of an interest in the land, unless the thing so sold or agreed to be sold has been severed from the land before the making of the contract.

(3) For the purposes of this section, all rent and other money receivable by a Tokelauan in respect of his interest in any Tokelauan land shall be deemed to be an interest in the land.

(4) The Administrator of the Tokelau Islands may, in the name of Her Majesty, grant a lease of any Tokelauan land for a period not exceeding 40 years, and on such terms as he thinks fit, if he is satisfied that the grant of such a lease is in accordance with the desires and interests of the owners of the land and with the public interest, and he may on the like conditions accept a surrender of any lease so granted by him.

(5) Every such lease shall operate as if it were a lease of Crown land, but the rents or other revenues derived therefrom shall be received by the Crown in trust for the owners of the land.

(6) Nothing in this section shall affect the power of Tokelauans to dispose of Tokelauan land amongst themselves according to the customs and usages of the Tokelauan inhabitants of the Tokelau Islands.

26. Certain Gilbert and Ellice Islands Ordinances not to apply to Tokelau Islands. (1) The following Ordinances of the Gilbert and Ellice Islands Colony shall after the passing of this Act cease to have effect as part of the law of the Tokelau Islands:

- (a) The Native Lands Ordinance 1917;
- (b) The Native Lands Amendment Ordinance 1919;
- (c) The Gilbert and Ellice Native Lands Ordinance 1922;
- (d) The Native Lands (Amendment) Ordinance 1935.

(2) The provisions of sections 20, 20A, and 21 of the Acts Interpretation Act 1924 shall apply with respect to the Ordinances specified in subsection (1) of this section as if they were Acts of the Parliament of New Zealand that had been repealed by that subsection.

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This Act is administered in the Department of Island Territories.

Appendix III

Tokelau Islands Amendment Act, 1970, No. 41

ANALYSIS

...

An Act to amend the Tokelau Islands Act 1948

/13 November 1970/

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title. This Act may be cited as the Tokelau Islands Amendment Act 1970, and shall be read together with and deemed part of the Tokelau Islands Act 1948 (hereinafter referred to as the principal Act).

PART I

Civil and Criminal Jurisdiction

2. Commencement. This Part of this Act shall come into force on a date to be appointed for its commencement by the Governor-General, by Order in Council.

3. Interpretation. In this Part of this Act, unless the context otherwise requires, "Commissioner" means a Commissioner for Atafu or for Fakaofo or for Nukunonu appointed under section 9 of this Act.

4. High Court of Niue may exercise jurisdiction in Tokelau Islands. (1) The High Court of Niue shall have all jurisdiction, whether civil or criminal, which may be necessary to administer the laws of the Tokelau Islands in the same manner in all respects as if that jurisdiction had been conferred upon that Court as a separate Court of Justice in and for the said islands.

(2) In the exercise of the jurisdiction conferred on it by this section, the High Court of Niue may set either in the Tokelau Islands or in Niue.

(3) Notwithstanding anything in this Part of this Act, a Commissioner of the High Court of Niue or a Justice of the Peace for Niue appointed under Part III of the Niue Act 1966 shall not exercise any jurisdiction in respect of the Tokelau Islands.

5. Civil jurisdiction of Supreme Court extends to Tokelau Islands. The civil jurisdiction of the Supreme Court of New Zealand shall extend to the Tokelau Islands, and may be exercised in New Zealand in respect of those islands in the same manner in all respects as if those islands were for all purposes part of New Zealand.

6. Criminal jurisdiction of Supreme Court in respect of Tokelau Islands.

(1) The criminal jurisdiction of the Supreme Court of New Zealand shall extend to acts done or omitted in the Tokelau Islands which are offences against the laws of the Tokelau Islands and which, if done or omitted in New Zealand, would be indictable offences, and may be exercised in New Zealand in respect of such offences accordingly in the same manner as if they were indictable offences committed in New Zealand.

(2) Except in the case of an offence in respect of which, pursuant to the Crimes Act 1961, the Supreme Court has jurisdiction notwithstanding that the offence was committed outside New Zealand, the jurisdiction conferred by subsection (1) of this section shall be exercised only in respect of persons found in New Zealand.

(3) In respect of any offence which is within the jurisdiction of the Supreme Court under this section, the like proceedings before Justices of the Peace or a Stipendiary Magistrate may be taken in New Zealand as in the case of offences committed in New Zealand.

(4) The punishment to be imposed by the Supreme Court for any such offence (not being an offence in respect of which, pursuant to the Crimes Act 1961, the Supreme Court has jurisdiction as aforesaid) shall be that which is provided for that offence by the laws of the Tokelau Islands.

7. High Court of Niue may state a case for the Supreme Court. A case may be stated by the High Court of Niue exercising civil or criminal jurisdiction in respect of the Tokelau Islands for determination by the Supreme Court of New Zealand in the same manner as the High Court may state a case in the exercise of its jurisdiction in respect of Niue.

8. Appeal from final judgment of High Court of Niue. An appeal shall lie to the Supreme Court of New Zealand from any final judgment of the High Court of Niue exercising civil or criminal jurisdiction in respect of the Tokelau Islands in the same manner as from any final judgment of the High Court exercising its jurisdiction in respect of Niue.

9. Appointment of Commissioners. (1) The Governor-General may appoint fit and proper persons to be:

- (a) Commissioner for Atafu;
- (b) Commissioner for Fakaofo;
- (c) Commissioner for Nukunonu.

(2) Every Commissioner, unless he sooner ceases to hold office, shall retire from office on reaching the age of 68 years.

(3) The Governor-General may, if he thinks fit, remove a Commissioner for inability or misbehaviour.

(4) A Commissioner may resign his office by writing under his hand addressed to the Administrator of the Tokelau Islands.

(5) Every Commissioner may be paid out of the Tokelau Islands General Account such salary or allowance and other allowances as may be fixed by the Administrator of the Tokelau Islands.

(6) Section 3 of the Tokelau Islands Amendment Act 1967 is hereby amended:

(a) By omitting from paragraph (d) of the definition of the term "Tokelau Islands Public Service" the word "Fa'amasino";

(b) By adding to the same definition the following paragraph:

"(f) Commissioner for Atafu, Commissioner for Fakaofo, or Commissioner for Nukunonu."

10. Jurisdiction of Commissioners. (1) A Commissioner shall have jurisdiction:

(a) In actions for the recovery of any debt or damages not exceeding \$100 in amount;

(b) In actions for the recovery of chattels not exceeding \$100 in value;

(c) In criminal proceedings for any offence punishable by fine only;

(d) In criminal proceedings for any offence punishable by imprisonment for not more than one year.

(2) A Commissioner shall not have power to impose any fine exceeding \$20 or to impose any term of imprisonment exceeding three months, whatever may be the maximum fine or term of imprisonment provided by law for the offence.

(3) A Commissioner shall have jurisdiction only in respect of the island for which he is appointed.

(4) Save as aforesaid, a Commissioner shall not exercise any of the powers or functions, whether judicial or administrative, of a Judge of the High Court of Niue in respect of the Tokelau Islands.

11. Appeal from Commissioners. Any party to any proceedings, whether civil or criminal, before a Commissioner may appeal from the judgment of the Commissioner to a Judge of the High Court of Niue in the same manner as a party to any proceedings before a Commissioner of that Court may appeal from a judgment of the last-mentioned Commissioner to a Judge of the Court pursuant to the rules of the Court.

12. Certain Gilbert and Ellice Islands Ordinances not to apply to Tokelau Islands. (1) The following Ordinances of the Gilbert and Ellice Islands Colony shall after the commencement of this Part of this Act cease to have effect as part of the law of the Tokelau Islands:

- (a) The Native Laws Ordinance 1917;
- (b) The Native Laws Amendment (Bastardy) Ordinance 1921;
- (c) The Native Laws (Divorce) Ordinance 1921;
- (d) The Native Laws Amendment Ordinance 1923.

(2) The provisions of sections 20, 20a, and 21 of the Acts Interpretation Act 1924 shall apply with respect to the Ordinances specified in subsection (1) of this section as if they were Acts of the Parliament of New Zealand that had been repealed by that subsection.

## PART II

### Miscellaneous Amendments

13. Interpretation. Section 2 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

"(2) In this Act, unless the context otherwise requires, the term 'enactment' includes any Act, Ordinance, regulation, rules, Order in Council, Proclamation, or Warrant of the Minister of Island Affairs."

14. When enactment in force in Tokelau Islands, amendments and regulations to be in force also. Section 7 of the principal Act is hereby amended by omitting the word "Act" wherever it occurs, and substituting in each case the word "enactment".

15. Other enactments in force in Tokelau Islands to be read subject to principal Act. The principal Act is hereby further amended by inserting, after section 7, the following section:

"7a. Except where otherwise expressly provided, every enactment of the Parliament of New Zealand which by virtue of this Act or any other enactment is in force in the Tokelau Islands, and all regulations, rules, Orders in Council, and other acts of authority under that enactment that are in force in the Tokelau Islands, shall, in their application to the Tokelau Islands, be read subject to the provisions of this Act, and subject also to all modifications necessary for such application."

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This Act is administered in the Maori and Island Affairs Department.

Appendix IV

Tokelau Islands Amendment Act, 1971, No. 142

ANALYSIS

...

An Act to amend the Tokelau Islands Act 1948

/9 December 1971/

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement. (1) This Act may be cited as the Tokelau Islands Amendment Act 1971, and shall be read together with and deemed part of the Tokelau Islands Act 1948 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date appointed for the commencement of Part I of the Tokelau Islands Amendment Act 1970.

2. Interpretation. Section 2 of the principal Act (as amended by section 13 of the Tokelau Islands Amendment Act 1970) is hereby further amended by adding the following subsection:

"(3) In this Act, unless the context otherwise requires,-

"'Administrator' means the Administrator of the Tokelau Islands:

"'Elder' means the head of a Tokelauan family:

"'Faipule', in relation to any island, means the chief representative of the Administrator on that island:

"'Tokelauan' means a person belonging to the Polynesian race of the Tokelau Islands; and includes a person descended from a Tokelauan."

3. Appointment of Commissioners. Section 9 of the Tokelau Islands Amendment Act 1970 is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

"(1) The Governor-General, on the recommendation of the Minister of Island Affairs made after consultation by him with the Elders of the island concerned, may appoint any Tokelauan to be--

"(a) Commissioner for Atafu:

"(b) Commissioner for Fakaofo:



"(c) Commissioner for Nukunonu.

"(2) Every Commissioner, unless he sooner ceases to hold office, shall retire from office on reaching the age of 68 years:

"Provided that where a Faipule holds concurrently the office of Commissioner, he shall remain in office as Commissioner, unless he is sooner removed from office as Commissioner or resigns that office, until the completion of his term of office as a Faipule, notwithstanding that he attains the age of 68 years before the completion of his term of office as a Faipule."

4. Incapacity or absence of Commissioner. The Tokelau Islands Amendment Act 1970 is hereby further amended by inserting, after section 9, the following section:

"9A. (1) If at any time a Commissioner is incapable by reason of sickness or otherwise of performing the office of Commissioner or is absent from the island for which he is Commissioner, or where there is a vacancy in the office of Commissioner, any person performing in that island the functions of a Faipule with the authority of the Administrator, may, without further authority or appointment, exercise any power, duty, or function of the Commissioner during that incapacity, absence, or vacancy.

"(2) The fact that any person performing the functions of a Faipule exercises any power, duty, or function of a Commissioner shall be conclusive evidence of his authority to do so."

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This Act is administered in the Maori and Island Affairs Department.

Appendix V

Tokelau Islands Amendment Act, 1974, No. 124

ANALYSIS

...

An Act to amend the Tokelau Islands Act 1948

/8 November 1974/

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Tokelau Islands Amendment Act 1974, and shall be read together with and deemed part of the Tokelau Islands Act 1948 (hereinafter referred to as the principal Act).

2. Administration of principal Act - (1) The principal Act is hereby amended by repealing section 9, and substituting the following section:

"9. The Minister of Foreign Affairs shall be charged with the administration of this Act."

(2) The Schedule to the Maori and Island Affairs Department Act 1968 is hereby consequentially amended by repealing so much thereof as relates to the principal Act.

(3) Every reference in any enactment relating to the Tokelau Islands, or in any regulation, rule, order, agreement, deed, instrument, application, licence, notice, or other document whatsoever made under the principal Act or relating to the Tokelau Islands and in force at the passing of this Act shall, unless the context otherwise requires -

- (a) In the case of a reference to the Minister of Island Affairs, be read after the passing of this Act as a reference to the Minister of Foreign Affairs:
- (b) In the case of a reference to the Secretary for Maori and Island Affairs, be read after the passing of this Act as a reference to the Secretary of Foreign Affairs:
- (c) In the case of a reference to the Department of Maori and Island Affairs, be read after the passing of this Act as a reference to the Ministry of Foreign Affairs.

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This Act is administered in the Ministry of Foreign Affairs.

Appendix VI

Tokelau Islands Amendment Act  
Commencement Order 1975/261

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DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of  
November 1975

Present:

The Right Hon. W. E. Rowling presiding in Council

Pursuant to section 2 of the Tokelau Islands Amendment Act 1970,  
His Excellency the Governor-General, acting by and with the advice and consent  
of the Executive Council, hereby makes the following order.

---

ORDER

1. Title - This order may be cited as the Tokelau Islands Amendment Act  
Commencement Order 1975.

2. Commencement of Part I of Tokelau Islands Amendment Act 1970 - Part I  
of the Tokelau Islands Amendment Act 1970 shall come into force on the 1st day  
of December 1975.

P. G. MILLEN,  
Clerk of the Executive Council

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Issued under the authority of the Regulations Act 1936.  
Date of notification in Gazette: 13 November 1975.  
This order is administered in the Ministry of Foreign Affairs.

# Appendix VII

## TOKELAU ISLANDS PUBLIC SERVICE, APRIL 1974

<u>Name</u>	<u>Birth date</u>	<u>Date of appointment</u>	<u>Job description</u>	<u>Location</u>	<u>Salary a/ at 1 April 1974</u>	<u>Date from which payable</u>	<u>Maximum</u>	<u>Education</u>
<u>A. Permanent staff</u>								
<u>Seconded Officers:</u>								
Stewart, D. W. J. b/	6/41	15/1/71	District Officer	Apia	7 432	1/4/72	7 432	U.E.
Penetito, R. b/	7/38	1/2/72	Education Officer	Atafu	7 352	1/2/73	7 352	U.E. TTC (NZ)
Chappell, T. O. b/	7/42	1/2/72	Educ. Off.	Nukunonu	7 105	1/2/73	7 105	U.E. TTC (NZ)
Webster, J. H. b/	12/42	1/2/73	Educ. Off.	Fakaofu	7 105	1/2/74	7 105	U.E. TTC (NZ)
Penetito, C. L. (Mrs.)	9/39	1/2/72	Asst. Advisory Tchr.	Atafu	6 088	1/2/72	6 088	U.E. TTC (NZ)
Bain, J. A. b/	12/37	12/3/74	Admin. Off.	Apia	5 858	12/3/74	5 858	
Chappell, Z. A. (Mrs.)	10/41	1/2/72	Asst. Adv. Tchr.	Nukunonu	5 827	1/5/73	5 827	TTC (NZ)
Webster, W. G. (Mrs.)	8/44	1/2/73	Asst. Adv. Tchr.	Fakaofu	6 088	1/2/73	6 088	TTC (NZ)
Bickerstaff, G. D. b/	11/35	16/8/68	Bldg. O/seer	Fakaofu	5 471	16/8/73	5 471	
Lamb, P. S. b/	3/30	23/11/72	Bldg. O/seer	Atafu	5 043	23/11/73	5 043	
Lindsay, R. E. b/	6/45	23/2/73	Accts. Clerk	Apia	4 868	23/2/73	4 868	
Lineham, E. W. b/	4/27	19/11/73	Block layer	Atafu	4 193	19/11/73	4 193	
<u>Administration:</u>								
Faraimo, O. c/	12/33	24/10/56	Clk/Int.	Apia	2 180	1/4/72	2 180	PSE (Sam)
Rimoni, E.	9/45	17/5/73	Clerk	Apia	1 610	30/11/73	1 940	
Blakelock, H. (Mrs.)	11/38	8/5/69	Typist	Apia	1 530	1/4/74	1 690	S.S.T. (NZ)
Alo, L. (Miss)	12/51	13/11/72	Typist	Apia	890	1/4/74	1 095	
<u>Carpenter:</u>								
Green, M. c/	12/16	1/4/54	Carpenter	Apia	1 610	1/4/74	1 690	
Sale, M. c/	7/36	5/3/73	Carpenter	Apia	750	5/3/74	1 095	
<u>Communications:</u>								
Perez, S. d/	9/22	16/8/39	Radio Opr.	Nukunonu	1 450	1/4/73	1 450	
Sili, L. d/	5/25	1/4/51	Radio Opr.	Fakaofu	1 370	1/4/74	1 450	
Tyrell, J. d/	7/36	1/2/55	Radio Opr.	Fakaofu	1 370	1/4/74	1 450	
Palesau, P. d/	9/39	1/8/64	Radio Opr.	Nukunonu	1 160	1/4/74	1 450	
Sefo, S. c/ d/	11/53	20/10/71	Radio Opr.	Atafu	450	12/6/73	1 095	
Reuelu, M. d/	9/52	11/2/73	Radio Opr.	Atafu	450	9/12/73	1 095	
<u>Education:</u>								
Kirifi, H. e/	11/23	1/2/54	Head Tchr.	Fakaofu	1 770	1/4/74	2 305	TTC (Sam)
Atoni, T. e/	12/28	1/2/54	Head Tchr.	Atafu	1 690	1/4/74	2 305	" "
Perez, L.	1/43	2/65	Head Tchr.	Nukunonu	1 450	1/4/74	2 305	" "
Galo, S.	4/27	1/2/55	1st Asst. Master	Fakaofu	1 530	1/4/74	1 610	" "
Enosa, S.	7/17	1/2/55	Asst. (Secondary)	Atafu	1 530	1/4/74	1 610	" "
Mamoe, E.	5/33	1/2/56	1st Asst. Master	Atafu	1 530	1/4/74	1 610	" "
Tumua, I.	4/44	1/2/66	1st Asst. Master	Nukunonu	1 160	1/4/74	1 610	" "
Logologo, A.	3/25	1/2/54	Teacher	Atafu	1 450	1/4/72	1 450	" "
Mamoe, N. (Mrs.)	11/24	1/2/50	Teacher	Atafu	1 450	1/4/72	1 450	" "
Patea, A.	8/21	1/2/54	Teacher	Atafu	1 450	1/4/72	1 450	" "
Kalolo, F.	11/26	1/2/56	Teacher	Fakaofu	1 450	1/4/73	1 450	" "
Suka, S.	7/28	1/2/56	Teacher	Atafu	1 450	1/4/73	1 450	" "
Foai, T.	12/33	1/2/59	Teacher	Fakaofu	1 450	1/4/74	1 450	" "
Lope, V. (Mrs.)	6/37	1/2/58	Teacher	Atafu	1 450	1/4/74	1 450	" "
Tegai, S. (Miss)	1/45	1/2/65	S/visor Jnr. Class	Nukunonu	1 230	1/4/74	1 530	" "
Sosene, S. (Mrs.)	3/46	1/2/66	Teacher	Fakaofu	1 230	1/4/74	1 450	" "
Isaako, M. (Mrs.)	5/45	1/2/66	Teacher	Atafu	1 095	1/4/74	1 450	" "

Appendix VII (continued)

TOKELAU ISLANDS PUBLIC SERVICE, APRIL 1974

<u>Name</u>	<u>Birth date</u>	<u>Date of appointment</u>	<u>Job description</u>	<u>Location</u>	<u>Salary a/ at 1 April 1974</u>	<u>Date from which payable</u>	<u>Maximum</u>	<u>Education</u>
<u>A. Permanent staff</u>								
<u>Education: (continued)</u>								
Lene, M. (Miss)	4/45	1/2/66	Teacher	Nukunonu	1 095	1/4/74	1 450	TTC (Sam)
Tuilave, K.	4/38	1/2/66	Teacher	Nukunonu	1 095	1/4/74	1 450	" "
Vase, M. (Mrs.)	2/41	1/3/69	Teacher	Atafu	1 095	1/4/74	1 450	" "
Perez, I. (Mrs.)	3/46	1/2/68	Teacher	Nukunonu	1 025	1/4/74	1 450	" "
Sese, M.	11/46	1/2/68	Teacher	Fakaofu	1 025	1/4/74	1 450	" "
Tuia, T.	11/46	1/2/68	Teacher	Nukunonu	1 025	1/4/74	1 450	" "
Poasa, M. (Mrs.)	3/47	1/2/70	Teacher	Fakaofu	890	1/4/74	1 450	" "
Siaosi, L. (Mrs.)	3/47	1/2/70	Teacher	Fakaofu	890	1/4/74	1 450	" "
Siaosi, S. f/	1/47	1/2/70	Teacher	Fiji	890	1/4/74	1 450	" "
Sitivi, S. (Mrs.) f/	12/46	1/2/70	Teacher	Fakaofu	890	1/4/74	1 450	" "
Peleni, P. (Miss)	11/51	5/2/73	Teacher	Fakaofu	680	5/2/74	1 450	" "
Samuelu, S. (Miss)	4/47	5/2/73	Teacher	Atafu	680	5/2/74	1 450	" "
Venasio, S. (Miss)	2/52	5/2/73	Teacher	Nukunonu	680	5/2/74	1 450	" "
Vavega, S.	9/44	5/2/73	Teacher	Fakaofu	680	5/2/74	1 450	" "
Neemia, A.	7/53	1/2/73	Student Tchr.	Apia	500	1/2/74	550	" "
Salesio, L.	1/53	1/2/74	Student Tchr.	Apia	450	1/2/74	550	" "
Tominiko, M. (Miss)		1/2/74	Student Tchr.	Apia	450	1/2/74	550	" "
<u>Health:</u>								
Tinielu, Iona g/	9/21	1/2/54	Med. Officer	Fakaofu	3 080	1/4/74	3 080	Dip. Med. (Fiji)
Peni, S. c/ g/	10/18	26/6/72	" "	Nukunonu	3 080	1/4/74	3 080	" "
Tinielu, Iuta	4/39	8/1/67	" "	Atafu	2 680	1/4/74	2 680	" "
Uili, R.	11/41	8/12/72	" "	Fakaofu	2 430	1/4/74	2 680	" "
Perez, C. c/ h/	10/44	1/2/67	Dental Off.	Suva	1 940	1/4/74	2 175	Dip. Den. "
Teao, F. c/ h/	3/45	1/2/67	" "	Suva	1 940	1/4/74	2 175	" "
Fiaola, K. (Miss)	4/24	1/11/43	Staff Nurse	Fakaofu	1 160	1/4/74	1 160	RN (Sam)
Ariu, E. (Miss) f/	11/35	23/7/59	" "	Atafu	1 025	1/4/74	1 160	" "
Rouelu, M. (Mrs.)	5/37	1/8/66	" "	Atafu	1 025	1/4/74	1 160	" "
Simone, S. (Miss)	8/38	1/11/63	" "	Fakaofu	1 025	1/4/74	1 160	" "
Gaulofa, S.	8/37	4/8/60	" "	Fakaofu	1 025	1/4/74	1 160	" "
Tumua, M. (Mrs.) f/	10/45	1/3/69	" "	Nukunonu	955	1/4/74	955	" "
Kilino, T. (Miss)		1/1/73	" "	Fakaofu	955	1/4/74	955	RCN (NZ)
Solomona, M. (Miss) c/	2/49	19/2/73	" "	Nukunonu	955	1/4/74	955	RCN (NZ)
Tinielu, I. (Miss)	1/49	10/9/70	" "	Fakaofu	890	1/4/74	955	RN (Sam)
Hope, S. (Miss)	5/43	10/2/72	" "	Atafu	820	1/4/74	955	RN (Sam)
<u>B. Temporary staff</u>								
<u>Education:</u>								
Mino, S.		26/2/73	Tchr. Aid	Nukunonu	165			
Reupena, T.		13/7/72	" "	Atafu	165			
Schuster, A. (Miss)		9/3/70	" "	Atafu	165			
Simi, L.		19/10/70	" "	Atafu	165			
Sio, M. (Miss)		18/10/71	" "	Fakaofu	165			
Tuale, P.		4/5/71	" "	Nukunonu	165			
Initolo, R. (Miss)		14/8/73	" "	Nukunonu	125			
Panapa, M. (Miss)		29/2/72	" "	Fakaofu	125			
Peleti, M. (Miss)		4/3/74	" "	Fakaofu	125			
Pereira, M.		26/2/73	" "	Fakaofu	125			
Sale, T.		13/7/72	" "	Atafu	125			
Tamoa, T. (Mrs.)		25/5/70	" "	Atafu	125			
Iosua, F.		13/7/72	" "	Nukunonu	125			
Sanele, A. (Miss)		3/11/69	" "	Nukunonu	125			

Appendix VII (continued)

TOKELAU ISLANDS PUBLIC SERVICE, APRIL 1974

<u>Name</u>	<u>Birth date</u>	<u>Date of appointment</u>	<u>Job description</u>	<u>Location</u>	<u>Salary a/ at 1 April 1974</u>	<u>Date from which payable</u>	<u>Maximum</u>	<u>Education</u>
<b>B. <u>Temporary staff</u></b>								
<u>Health:</u>								
Atonia, K. (Miss)		7/10/71	Nurse Aid	Nukunonu	125			
Kalepo, T. (Miss)		1/2/74	" "	Fakaofu	125			
Peato, K. (Miss)		31/10/73	" "	Fakaofu	125			
Pelesa, T. (Miss)		1/2/73	" "	Atafu	125			
Sefo, M. N. (Miss)		25/6/73	" "	Nukunonu	125			
Tonuia, S. (Miss)		1/5/67	" "	Atafu	125			
<u>Police:</u>								
Naseri, T.		11/11/53	Police Sgt.	Atafu	165			
Perez, F.		1/1/63	" "	Nukunonu	165			
Tovio, V.		11/2/55	" "	Fakaofu	165			
Gaualofa, L.		1/1/63	Police Constable	Fakaofu	85			
Maka, P.		22/2/73	" "	Atafu	85			
Pou, S.		25/6/73	" "	Nukunonu	85			
Samu, F.		23/2/68	" "	Fakaofu	85			
Viliamu, A.		1/4/64	" "	Atafu	85			

Key

Distr. off.	- District officer
Educ. off.	- Education officer
Asst. adv. tchr.	- Assistant advisory teacher
Admin. off.	- Administrative officer
Bldg. O/seer	- Building overseer
Accts. clerk	- Accounts clerk
Clk/Int.	- Clerk/interpreter
Radio opr.	- Radio operator
Head tchr.	- Head teacher
S/visor junior class	- Supervisor junior class
Student tchr.	- Student teacher
Med. off.	- Medical officer
Dental off.	- Dental officer
U.E.	- University
TTC (NZ)	- Teachers' Training College (New Zealand)
PSE (SAM)	- Primary school (Western Samoa)
S.S.T.	- Secondary school
Dip. med.	- Medical diploma
Dip. den.	- Dental diploma
RN	- Registered nurse
RCN	- Registered community nurse

Source: State Services Commission, Wellington.

a/ Seconded officers' salaries expressed in New Zealand currency (\$NZ). Other salaries expressed in Western Samoan talas (\$WS); \$NZ 1.00 is equivalent to \$WS 0.889.

b/ Receiving scale overseas allowances.

c/ Receiving Tokelau Islands Public Service location allowance.

d/ Receiving postmaster allowance.

e/ Receiving head teacher allowance.

f/ On leave without pay.

g/ Receiving rat programme allowance.

h/ Notional appointment date.

Appendix VIII

AGENDA OF GENERAL MEETING HELD ON 8 JUNE 1976 AT FAKAOFU

Submissions to the United Nations Visiting Mission

1. New Zealand dependency: The general Fono of the Tokelau Islands have unanimously agreed to remain a New Zealand dependency and it is within the interests of the Tokelauans that the development and progress of the islands be improved further to meet the needs of the people.
2. Swains Island: The Tokelauans would like to put forth a claim to the United Nations that the island of Olohega, or Swains Island, rightfully belongs to us, so please, we demand the return of the island to us as we are in great need of it. We attach some evidence of our claim. Any other evidence further to support our claim may be submitted later.
3. French nuclear tests: We strongly protest against the French nuclear tests in the Pacific. Why not carry these out in France?

(Signed) Itieli PEREIRA, Faipule, Fakaofo

(Signed) Amusea PATEA, Faipule, Atafu

(Signed) Tominiko INELEO, Faipule, Nukunonu

## Appendix IX

### TOKELAU CLAIM TO SWAINS ISLAND

#### A. Submission from the general Fono

1. The island of Olohega (Swains Island) belongs to the Tokelau group. That has been proved by the fact that it was first inhabited by Tokelauan people in about 1400. These Tokelauan people came from Fakaofu. They had their own chief. After many years, a war was fought between the people of Olohega and the people of Fakaofu because the people of Olohega would not obey the rules from the people of Fakaofu. Olohega was defeated by Fakaofu. Therefore Olohega was again put under the control of Fakaofu and the Olohega people resumed paying tributes to the people of Fakaofu.

2. In about 1606, a Spanish ship arrived at Olohega. But in 1856, a French ship arrived. During that same year, two Frenchmen arrived at Olohega. Their names were Hula and Falāhua. They came to Olohega to make oil from copra.

3. The people of Olohega rejected the wish of the (papalagis) Europeans. But the Europeans threatened the people of Olohega with guns and they even shot one of the men. So the people of Olohega accepted the wish of the Europeans. From that time Hula took authority over the whole of Olohega.

4. Hula sailed to Fakaofu to seek labourers because the people of Olohega were not happy to work for him. After some time, Hula went on a visit to Tahiti and the Rarotongan group, but Falāhua remained on Olohega. During his tour, Hula was killed on the island of Magalogalo.

5. Some time after that, Falāhua went to take the oil to Tahiti. (Hula never paid the people of Olohega any money for the work they did for him.)

6. Now, only the Tokelauan people remained on Olohega with their chief Faiva-le-hoko-o-alo. At this time an American named Ilai (Eli Jennings) was living on Upolu, Western Samoa. He was running a poultry farm. When Ilai heard that no Europeans were then living on Olohega, he came with his family to live there. When he arrived, the Tokelauan people were still working making oil from the copra.

#### B. Submission from the Government of New Zealand

1. The island was reputedly first inhabited by the Tokelauan people about 1400 A.D., but was "given" to Mr. Eli Jennings, an American citizen, by an English Captain in the 1850s. Since then, the island has been occupied and privately owned by the Jennings family. The question of sovereignty first came to New Zealand's attention in 1917, when some inhabitants of the island complained about conditions there to the Western Samoan administration, which decided to refer them to the United States of America. In the early 1920s, diplomatic exchanges between



Britain, the United States and New Zealand led to formal United States annexation in 1925. At that time, the Tokelauans of Fakaofu lodged a counterclaim to the island, but were largely disregarded.

2. For the next 50 years, no further development in the situation occurred. When the question of Swains Island arose at all, it did so in connexion with United States claims to the Tokelau group itself and to the Northern Cook Islands. Even this wider question tended to surface only when United States maps of the Pacific were published.

3. In 1975 and during the United Nations Mission's visit in June 1976, the Tokelau claim to Swains Island was again raised. The New Zealand Government was asked to bring it to the attention of the United States. We have discussed the matter with the United States Government on occasion during the past two years. Two aide-mémoires were presented in June this year, one relating to the United States claim to Tokelau and the Northern Cook Islands, and another relating to the Tokelau claim to Swains Island.

4. The New Zealand Government is now awaiting a response from the United States Government on these questions.

## Appendix X

### STATEMENT MADE BY THE CHAIRMAN OF THE VISITING MISSION AT THE OPENING OF THE GENERAL FONO AT FAKAOFU, ON 8 JUNE 1976

I should like to begin by thanking God for safely guiding us on the long journey from United Nations Headquarters in New York to Tokelau. We are very happy to be here today and in particular to have participated in the opening of the new fale fono, the handsome new council house which you have helped to build with your own labour.

Since the adoption of its historic Declaration on the Granting of Independence to Colonial Countries and Peoples on 14 December 1960, the General Assembly of the United Nations has repeatedly reaffirmed the fact that all non-self-governing peoples have the right to self-determination and, by virtue of that right, freely to determine their political status and to pursue their economic, social and cultural development. In accordance with this principle, the General Assembly has also reiterated the vital importance of United Nations visiting missions to small Territories so as to secure adequate and first-hand information on the political, economic and social conditions prevailing in those Territories and to ascertain the true attitude, wishes and aspirations of their inhabitants. Accordingly, it has urged administering Powers to allow such missions to visit all Territories under their administration. The presence of a United Nations mission in Tokelau has been made possible by the willingness to co-operate continually demonstrated by the Government of New Zealand in issuing an invitation to the United Nations Special Committee to dispatch such a mission to this Territory.

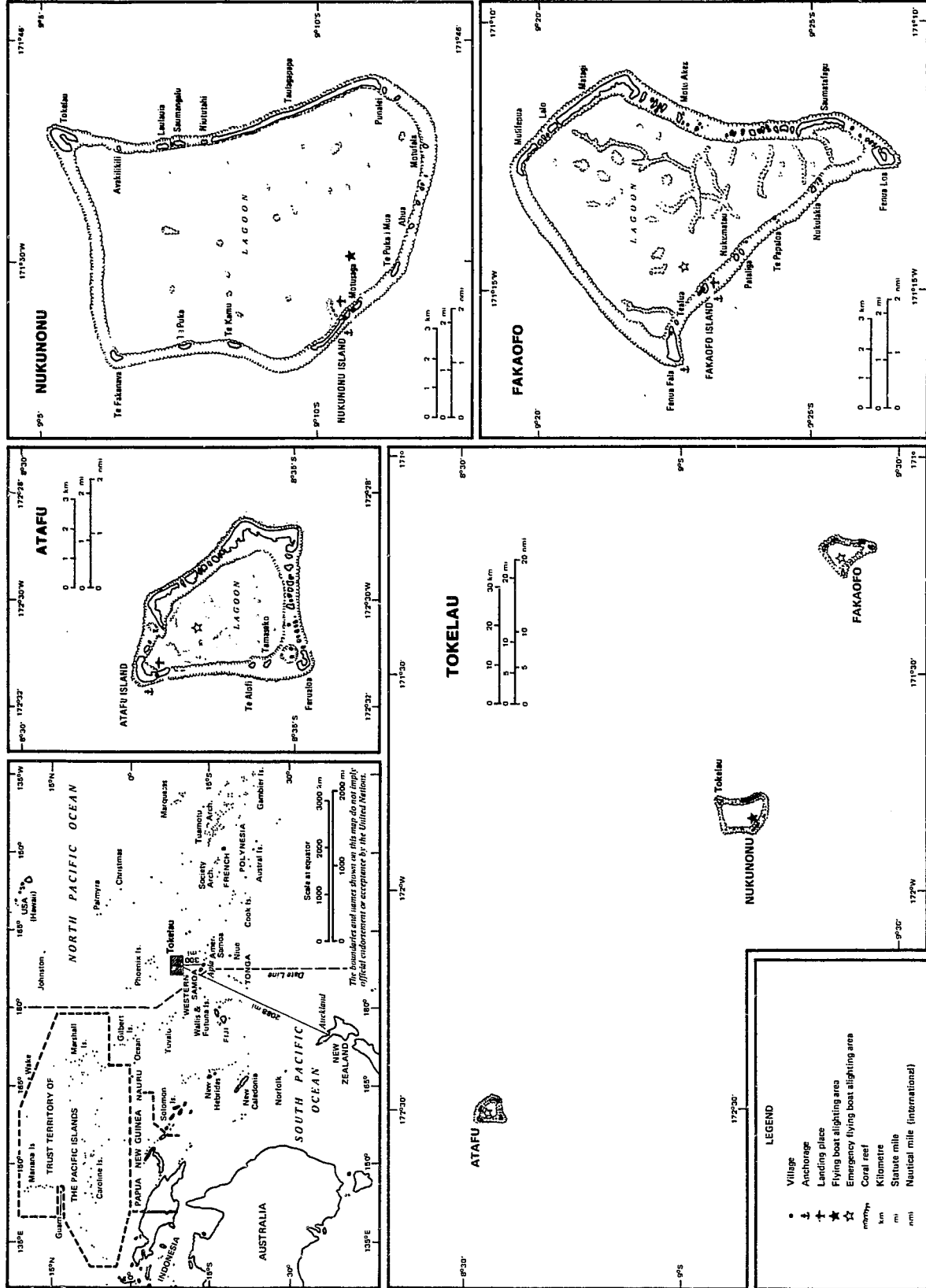
This Mission has not come with preconceived ideas as to what the people of Tokelau should do about their future, but rather it has come to determine their legitimate aspirations and how the United Nations can assist them in the realization of those aspirations. During its brief stay in Tokelau, the Mission would like to contact as great a cross-section of the Tokelau community as possible, listen to and talk with as much of the population as possible in an effort to help all concerned to find a solution to the unique problems facing you and to help you to determine your future in accordance with your freely expressed will.

In this respect, we find it particularly ideal for our work that we should commence our deliberations by being honoured with a meeting with you. We trust that you will be able to convey to us your thinking and aspirations. The Mission wants to learn your evaluation and appreciation of what measures you would believe it desirable to introduce towards the goal which I believe is common to all of us - the goal of self-determination. We know that the New Zealand authorities have been having talks with you on this subject. I believe that we are all agreed on this issue. By we, I mean you, the people of Tokelau who are directly concerned, the Government of New Zealand as the administering Power and the United Nations, which firmly upholds the principle that all peoples, irrespective of race, colour, creed, the size of their country or the nature of their problems, have an inherent right to decide for themselves freely their future and destiny.

The United Nations Visiting Mission to Tokelau which I have the honour and privilege to lead has been given a clear and unambiguous mandate by both the Special Committee on the Situation with regard to the Implementation of the Granting of Independence to Colonial Countries and Peoples - to give the body its full name - and by the General Assembly. We have been instructed to obtain first-hand information on conditions in Tokelau and on the wishes and aspirations of its people. Obviously our report can be made only on the basis of what we find here and in the light of the expressed wishes of the inhabitants and their leaders. I stress that we are here to study and to try to find ways of assisting and not to try to impose our own thinking on you.

I should also like to emphasize that the Mission's preoccupation is not only with constitutional development of the country - as important as that aspect is, but we are equally interested in learning at first hand about the general welfare and progress of Tokelau. In this respect, we would like to be more enlightened on the economic and social problems facing the islands, how these are being resolved and in what manner the international community may be able to assist. We recognize that Tokelau has special problems, some of which are unique. Nevertheless, given the determination of the people, the co-operation of the New Zealand Government as the administering Power concerned and the goodwill of the international community, the future of the community is, in our opinion, assured.

At this stage, these preliminary remarks should suffice, particularly since we have travelled this distance to listen, observe and exchange views rather than to make long statements outlining our positions. The essential consideration is your position and your views. The United Nations believes in certain sacred principles, one of the most prominent of which is, as stated earlier, the right of all peoples to self-determination. How this principle is implemented from one Non-Self-Governing Territory to another depends on the wishes of the people, taking into account the particular conditions of their Territory. In the case of Tokelau, therefore, our paramount interest is how the Tokelauans can be assisted in achieving their legitimate and noble objective in the manner they themselves see appropriate.



## CHAPTER XVIII

(A/31/23/Add.8 (Part III))

### BRUNEI

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of Brunei to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account General Assembly resolution 3424 (XXX) of 8 December 1975 on the question of Brunei, whereby the Assembly, inter alia, requested the Special Committee "to keep the situation in the Territory under review and to report thereon to the General Assembly at its thirty-first session".

4. During its consideration of Brunei, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

5. At the 1042nd meeting, on 19 August, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee (A/AC.109/PV.1042),

introduced the report of that Sub-Committee (A/AC.109/L.1103), containing an account of its consideration of the Territory.

6. At its 1043rd meeting, on 20 August, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the draft consensus contained therein (see para. 8 below).

7. On 23 August, the text of the consensus was transmitted to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations for the attention of his Government.

#### B. DECISION OF THE SPECIAL COMMITTEE

8. The text of the consensus adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 6 above, is reproduced below:

The Special Committee, mindful of General Assembly resolution 3424 (XXX) of 8 December 1975, whereby the Assembly, inter alia, reaffirmed the inalienable right of the people of Brunei to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, calls upon the administering Power, consistent with its responsibility as the administering Power, to take all steps within its competence to facilitate expeditiously the holding of free and democratic elections by the appropriate government authorities in Brunei, in consultation with and under the supervision of the United Nations; further calls, prior to the elections, for the lifting of the ban on all political parties and the return of all political exiles to Brunei so that they can participate freely and fully in the elections and calls upon the administering Power, in conformity with the provisions of the relevant General Assembly resolutions, to extend full co-operation to the Special Committee; noting that no progress has been achieved so far in the implementation of resolution 3424 (XXX), calls on all the parties concerned to work towards its early implementation and decides, subject to any new directives which the General Assembly might give in that connexion at its thirty-first session and taking into account the results of the consultations between the Chairman of the Special Committee and the administering Power, to continue consideration of the question at its next session.

ANNEX\*

WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.109/L.1077.

## BRUNEI a/

### 1. GENERAL

1. Brunei is situated on the northern coast of the island of Borneo and comprises two enclaves in north-east Sarawak, East Malaysia, covering an area of about 5,765 square kilometres. Its capital is Bandar Seri Begawan. In 1975, the population was estimated at 147,000.

### 2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

#### A. Status

2. Brunei became a British-protected State following the signing of the Treaty of Friendship of 1888 and the Treaty of 1906 by the Sultan of Brunei and the Government of the United Kingdom of Great Britain and Northern Ireland. Under an agreement signed in 1959 and amended in 1971 (see below), the United Kingdom Government continues to be responsible for Brunei's external affairs and now plays a consultative role in defence in the event of the threat of an external attack by a third Power on the Territory. The United Kingdom is represented by a High Commissioner, whose appointment is subject to the agreement of the Sultan.

3. In a note verbale dated 18 September 1972 (A/8827), the United Kingdom Government informed the Secretary-General that, consequent to an agreement of 23 November 1971 between the United Kingdom and Brunei, the latter had attained full internal self-government and that it was the view of both Governments that it was no longer appropriate for the United Kingdom to transmit information on Brunei relating to the requirements of Article 73 e of the Charter of the United Nations. By its resolution 2978 (XXVII) of 14 December 1972, the General Assembly reaffirmed that, in the absence of a decision by the Assembly itself that a Non-Self-Governing Territory had attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 e with respect to that Territory.

#### B. Constitution

4. The main provisions of the Constitution are as follows:

5. Supreme executive authority is vested in the Sultan, Sir Hassanal Bolkiah, whose assent is required for all bills passed by the Legislative Council. The Mentri Besar (Chief Minister), who is one of the ex officio members of the Legislative Council and the Council of Ministers, is responsible to the Sultan for

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a/ The information contained in the present paper has been derived from published reports. See para. 3 below.



the exercise of all executive authority in the State. The Chief Minister is assisted by a State Secretary, an Attorney-General and a State Financial Officer, all of whom are appointed by the Sultan.

6. The Privy Council advises the Sultan, who presides over the Council in matters concerning the amendment of the Constitution and any other matters at his request. The Council consists of the Chief Minister and five other ex officio members, the High Commissioner and any other persons the Sultan may appoint.

7. The Council of Ministers, which is presided over by the Sultan, comprises the High Commissioner, six ex officio members (including the Chief Minister), and four assistant ministers appointed from among the unofficial members of the Legislative Council. The Constitution provides that, in the exercise of his powers and in the performance of his duties, the Sultan shall, with certain exceptions, consult with the Council of Ministers. He may act in opposition to the advice given him by a majority of the members of the Council, but must record fully in the minutes of the Council the reason for his decision.

8. The Legislative Council is presided over by a Speaker and consists of 6 ex officio, 5 nominated and 10 elected members. The Speaker is appointed by the Sultan either from among the membership of the Council or from outside it. Subject to the assent of the Sultan, the Council may make laws for the peace, order and good government of the State. It may not proceed upon any bill, motion or petition concerning certain matters, particularly financial matters, without the prior approval of the Sultan. If the Council fails to pass a bill which has been introduced or to carry a motion which has been proposed, the Sultan may declare such a bill or motion effective if he considers such action to be in the public interest. Elections to the Legislative Council are held every five years.

9. It was reported that the Legislative Council, formed in 1959, had met in January 1973 for the first time since April 1969, when it concluded a meeting begun in December 1968. The 1973 estimates were discussed and laws and amendments were introduced. Since 1968, the budgetary estimates have been adopted by the Sultan under an emergency order.

10. The Supreme Court of Brunei, consisting of the High Court and the Court of Appeal, was established in 1963. The High Court has unlimited jurisdiction in all criminal and civil matters. There are also magistrates' courts, which have limited jurisdiction. Questions concerning the Moslem religion and custom are dealt with by special Islamic courts.

### C. Local government

11. Brunei is divided into four districts, each of which is administered by a district officer advised by a district council, most of whose members are elected. There are municipal authorities in Bandar Seri Begawan, Kuala Belait, Seria and Tutong.

#### D. Public service

12. The withdrawal of senior British civil servants continued during the period under review. Six senior expatriate government officers left Brunei in 1975 and three more were to leave before the end of the year. All nine were heads of departments.

13. At the opening of the Legislative Council at the end of 1975, the Sultan reportedly stated that it was his Government's policy to send students overseas for higher education to acquire the skills and training which would help in Brunei's development. As an indication of the success of this policy, he pointed to the number of young officials who had been educated abroad and were now serving in posts previously held by expatriates. The Sultan added, however, that Brunei was still lacking specialists, which it was forced to recruit from outside the country.

14. The Sultan further stated that the Government of Brunei "recruits the service of expatriate officers based on existing and unilateral regulations. All officials recruited from abroad are the officials of our Government and are subject to the regulations of our Government. ... They, as also in the case of local officials, will be responsible to our Government - not to any other Government".

#### E. Political parties

15. There are two recognized political parties in Brunei: Partai Barisan Kermerdekaan Rakyat, known as BAKER (People's Independent Front of Brunei), formed in August 1966 with the stated objectives of constitutional advance and independence; and the People's National United Party (PERKARA), formed in November 1968, with the stated aim of strengthening the position of Brunei as a sultanate. No recent information is available on the activities of these two parties or on their present status. A third party, the Partai Rakyat Brunei (PRE) (the People's Party of Brunei), registered in August 1956, has been banned since 1962 following the postponement of the meetings of the Legislative Council. At that time, PRB held all elected seats in the Council. On 8 December 1962, PRB declared independence unilaterally. On 12 December, the Sultan declared a state of emergency and called in British troops to re-establish order.

#### F. Future status of the Territory

16. In a statement to the Fourth Committee of the General Assembly on 13 November 1975, Mr. A. M. Azahari, President of PRB, recalled his party's activities since its creation in 1956 and denounced the 1971 agreement, denying that it had granted Brunei full internal self-government. b/ Mr. Azahari stated

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b/ Official Records of the General Assembly, Thirtieth Session, Fourth Committee, 2167th meeting.

that Brunei was really being run by United Kingdom officials, who occupied nearly all posts of heads of department. He denounced the arrests, threats of arrests and other repressive measures to which he alleged the members of his party were subject, as well as the "economic exploitation" of Brunei by the United Kingdom, and he urged the United Kingdom to "end colonialism in Brunei as soon as possible". Finally, Mr. Azahari appealed to the Fourth Committee to support free and democratic elections in Brunei, in consultation with, and under the supervision of, the United Nations and urged the Committee to support his call for the lifting of the ban on PRB and for the return of all exiles, so that they could participate fully and freely in the elections.

17. In a letter dated 26 September 1975 (A/10269), the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations transmitted to the Secretary-General a note verbale of the same date, containing the observations of his Government on the constitutional status of Brunei. After recalling his note verbale addressed to the Secretary-General on 18 September 1972 (see para. 3 above), the Permanent Representative referred to the consensus on Brunei adopted by the Special Committee on 19 August 1975. c/ He stated that, in the view of his Government, "Chapter XI of the United Nations Charter is not applicable to Brunei and the matters covered by the consensus do not therefore lie within the competence of the Special Committee. For these reasons it is not possible for the United Kingdom to act upon an appeal to participate in a conference relating to constitutional development in the State of Brunei, a matter for which the United Kingdom has no responsibility".

18. By its resolution 3424 (XXX) of 8 December 1975, the General Assembly called on the administering Power to take all steps within its competence to facilitate expeditiously the holding of free and democratic elections in Brunei in consultation with and under the supervision of the United Nations. The Assembly further called, prior to the elections, for the lifting of the ban on all political parties and the return of all political exiles so that they could participate freely and fully in the elections. The Assembly also called on the administering Power to extend full co-operation to the Special Committee.

19. Speaking at the opening of the Legislative Council on 29 December 1975, the Sultan declared that no other country had the right to meddle in Brunei's affairs. He condemned the help given to PRB by foreign sources and said that his Government would continue to defend the position of Brunei as a fully internally self-governing State, while continuing at the same time to strengthen the Treaty of Friendship with the United Kingdom concerning defence.

20. According to reports, Lord Goronwy-Roberts, United Kingdom Minister of State at the Foreign and Commonwealth Office, had held secret talks with the Sultan at Bandar Seri Begawan in January 1976 concerning his Government's relationship with Brunei. Further discussions were said to be planned for May or June in London.

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c/ Ibid., Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XX, para. 10.

21. During a visit to Hong Kong in May 1975, members of the Legislative Council reportedly declared that the Territory would resist the plans of the United Kingdom to withdraw the battalion of Gurkhas stationed in Brunei. They claimed that the battalion was essential to Brunei's security, and pointed out that the Brunei Government paid for the garrison's maintenance costs.

### 3. ECONOMIC CONDITIONS

22. Brunei's economy depends almost entirely on its rich petroleum resources, which account for over 95 per cent by value of all exports. Other economic activities include rubber cultivation, subsistence agriculture, forestry and fishing.

23. In 1974, the Sultan-in-Council approved a five-year development plan intended to bring new industries to Brunei and to end its economic reliance on oil and natural gas. By 1978, the plan is expected to create 10,000 jobs while increasing agricultural and industrial production. To achieve its objective, the plan calls for a government investment of \$BR 500 million d/ at a rate of \$BR 100 million a year, which would be taken from surplus government funds. Additional investment would be provided by private groups, and the total investment each year would represent 18 per cent of the annual gross domestic product.

24. Apart from the investments in agriculture and industries, the development plan also provides for an expenditure of \$BR 36 million on education, in addition to the annual expenditure of the Department of Education; \$BR 35 million on roads; \$BR 26 million on telecommunications; \$BR 31 million on government housing; and \$BR 68 million on medical and health services, including the construction of a 500-bed hospital at Bandar Seri Begawan.

25. A new economic authority, the Economic Development Board, has been established under the development plan to promote private industry and to encourage foreign investment. It was scheduled to begin operation early in 1976.

26. In July 1974, the Government announced plans to declare Brunei a development control area for the purpose of subdividing the land. It was also to set up competent authorities for the control and subdivision of land and the control of building and alteration of use of all land within 457 metres of the municipal boundaries of Gadong, Tutong, Seria and Kota Batu. The plan permits the subdivision of plots of land of less than 1.2 hectares in area.

27. In his statement before the Fourth Committee (see para. 16 above), Mr. Azahari of PRB said that, according to statistics released in 1975 by the Sultanate Department of Customs and Excise, oil and natural gas production had

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d/ At 1 July 1972, \$BR 2.82 were reported to be equivalent to approximately \$US 1.00.

increased significantly. e/ Income from oil showed an increase of 158 per cent over the 1973 figures, while income from natural gas increased by 526 per cent over the same period.

28. There have been no imports of ready-made furniture since 1974 and, as a consequence, local manufacturers have increased their production to meet local demand. It was reported that teak imports from Singapore had increased from about 1 ton in January 1975 to 31 tons (valued at \$BR 58,410) in May of the same year.

29. Latest statistics on tourists showed that between January and June 1975, a total of 1,086 visitors came to Brunei, compared with 461 for the first five months of 1974.

30. In 1975, total revenue was estimated at \$BR 1,173.0 million and total expenditure at \$BR 462.8 million, compared with \$BR 975 million and \$BR 273 million, respectively, in 1974.

31. According to Mr. Azahari, the largest single item of expenditure in 1975 was \$BR 110.6 million for defence, which included the establishment of a second battalion of the Royal Brunei Malay Regiment. An estimated \$BR 45.0 million went to education, compared with \$BR 32.0 million in 1974. The Development Fund accounted for \$BR 80.0 million, which, together with \$BR 20.0 million carried forward from 1974, totalled \$BR 100.0 million.

32. In December 1975, the United Nations Development Programme (UNDP) approved a three-month preparatory assistance project for 20 Asian and Pacific countries (including Brunei) for which the Economic and Social Commission for Asia and the Pacific (ESCAP) will be the executing agency. The aims of the project, which was scheduled to begin in January 1976, are to ensure continuity of the essential operations of the Asian Development Institute (ADI) and to prepare a plan for the full project for the period 1976-1978, at which time ADI is expected to focus its activities on poverty and its problems.

#### 4. EDUCATIONAL CONDITIONS

33. Brunei's first junior college for sixth form students was opened in January 1975. According to the Director of Education, its staff includes 40 honours graduate teachers from the United Kingdom.

34. It was also announced that the Training College, which until recently had issued only teaching certificates, would be upgraded to college level and would offer diplomas in education to university graduates.

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e/ Earlier information on Brunei's oil industry is contained in Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. XIX, annex, paras. 20-22.

35. A new agricultural training centre near Tutong (Brunei's second largest town) enrolled its first 20 students in late 1975. Although the college building has still to be constructed and many crop plantings remain to be done, the centre was sufficiently organized to start the first one-year course. The aims of the centre are twofold: to demonstrate agricultural techniques and to carry out economic studies concerning the profitability of a given crop. The cost of running the centre is shared by the Brunei Government and the Brunei Shell Petroleum Company.

36. At present, an area of 7.3 hectares is under cultivation at the centre, with crops of rubber, coffee, pepper and rice. Tree crops include rambutans, pineapples, bananas, avocados, durians, jack fruit, longans and mangosteens. Local and imported (Californian) citrus plants are to be added. A new fish pond covering an area of less than half a hectare is also under construction.

## CHAPTER XIX

(A/31/23/Add.8 (Part III))

### GILBERT ISLANDS, 1/ PITCAIRN AND TUVALU

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of the Gilbert Islands, Pitcairn and Tuvalu to the Sub-Committee on Small Territories for consideration and report.
2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.
3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account General Assembly resolutions 3426 (XXX) of 8 December 1975, concerning the Gilbert Islands, and 3433 (XXX) of the same date concerning three Territories, including Pitcairn and Tuvalu. By paragraph 5 of resolution 3426 (XXX), the Assembly requested the Committee, inter alia, "to continue to seek the best ways and means for the implementation of the Declaration

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1/ Following a referendum in the former Territory of the Gilbert and Ellice Islands in August 1974, which was observed in part by a United Nations visiting mission, the Territory was separated into the Gilbert Islands and Tuvalu with effect from 1 October 1975 (see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXI, annex I).

with respect to the Gilbert Islands, including the possible dispatch of a further visiting mission in consultation with the administering Power". By paragraph 10 of resolution 3433 (XXX), the Assembly made essentially the same request with respect to Pitcairn and Tuvalu.

4. During its consideration of the three Territories, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territories.

5. The representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, participated in the work of the Special Committee during its consideration of the item.

6. At the 1042nd meeting, on 19 August, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee (A/AC.109/FV.1042), introduced the report of the Sub-Committee (A/AC.109/L.1108), containing an account of its consideration of the Territories.

7. At its 1043rd meeting, on 20 August, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed both the conclusions and recommendations concerning the Gilbert Islands and Tuvalu and the draft consensus on Pitcairn contained therein (see paras. 9 and 10 below).

8. On 23 August, the text of the conclusions and recommendations concerning the Gilbert Islands and Tuvalu, as well as the text of the consensus on Pitcairn, were transmitted to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations for the attention of his Government.

## B. DECISIONS OF THE SPECIAL COMMITTEE

9. The text of the conclusions and recommendations concerning the Gilbert Islands and Tuvalu adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

### 1. GILBERT ISLANDS 2/

(1) The Special Committee reaffirms the inalienable right of the people of the Gilbert Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the special circumstances of the Gilbert Islands, owing to such factors as their size, geographical location, population and limited natural resources, the Special Committee reiterates the view that

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2/ Ibid.



these circumstances should in no way delay the speedy implementation of the process of self-determination in conformity with the Declaration contained in General Assembly resolution 1514 (XV), which fully applies to the Territory.

(3) The Special Committee reiterates its expression of appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for enabling the Committee to conduct a more informed and more meaningful examination of conditions in the Gilbert Islands, with a view to accelerating the process of decolonization towards the full and speedy implementation of the Declaration, by increasing its level of co-operation with the Special Committee, by actively participating in the consideration of the Territory and by having invited a United Nations visiting mission to the Territory in 1974.

(4) On the subject of constitutional and political development in the Gilbert Islands, the Special Committee notes that significant progress has been made towards internal self-government, including the adoption of a Constitution providing for an elected House of Assembly with 21 members and a Speaker. It welcomes the results of the constitutional talks held at London on 14 July 1976 between representatives of the Gilbert Islands Government and the administering Power concerning the introduction of full internal self-government, which is planned to come into effect on 1 November 1976. The Committee also welcomes the agreement that, following elections to be held in the Gilbert Islands, independence will be achieved during 1978.

(5) The Special Committee notes with appreciation the two overseas visits made in 1975 by government officials and public servants of the Territory, sponsored by the Aid Fund of the United Nations Development Programme. The purpose of the visits was to enable the participants to examine in other countries interrelated social, political and economic developments similar to those in their own, and to compare and select the best examples of solutions for possible application in the Gilbert Islands. The Committee considers that these visits constitute positive steps in the field of political education and urges the administering Power to make further efforts in this regard.

(6) The Special Committee notes that Gilbertese have been appointed to senior positions in the public service. In the view of the Committee, this step will help the Gilbertese to acquire the necessary qualifications and experience to conduct their own administration in the near future.

(7) The Special Committee again recommends that steps be taken towards diversification of the economy of the Territory and notes that this process is primarily the responsibility of the administering Power and could be facilitated through the co-operation of the international community. In this connexion, the Committee takes note of the pledge of the administering Power to continue a programme of development assistance to the Territory. The Committee also welcomes the assistance programmes being carried out by

the specialized agencies and other organizations within the United Nations system and by regional organizations, such as the Asian Development Bank.

(8) The Special Committee welcomes the establishment by the Governor of the Gilbert Islands of a Commission of Inquiry into the Gilbert Islands Development Authority (GIDA), to reappraise its objectives, functions and structure. The Committee expresses the hope that such a reappraisal will result in appropriate recommendations which will further enhance the well-being of the people of the Territory and expects to receive information from the administering Power on these recommendations and their implementation.

(9) With regard to Ocean Island, the Special Committee reiterates its view that the parties directly involved should resolve their differences by negotiation, bearing in mind the wishes and interests of the peoples of the Territory and with a view to achieving a settlement satisfactory to all concerned.

(10) The Special Committee firmly believes that recent missions to small Territories have helped to provide clearer assessments of the situation in the Territories visited, thus enabling the administering Power, in co-operation with the United Nations, to promote the welfare and progress of the peoples of the Territories concerned, thereby accelerating the process of self-determination in accordance with General Assembly resolution 1514 (XV). The Committee recalls, in particular, that the United Nations Visiting Mission to the Gilbert and Ellice Islands, 1974, had considered that conditions in the Territory should be kept under constant review, and it calls on the administering Power, in accordance with its expressed readiness to continue to receive visiting missions, as appropriate, to the Territories under its administration, to allow such missions access to the Gilbert Islands, thereby enabling the United Nations to continue to secure first-hand information on the situation in the Territory and on the views and wishes of its people concerning their future.

## 2. TUVALU 3/

(11) The Special Committee reaffirms the inalienable right of the people of Tuvalu to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(12) Fully aware of the special circumstances of Tuvalu, owing to such factors as its size, geographic location, population and limited natural resources, the Special Committee reiterates the view that these circumstances should in no way delay the speedy implementation of the process of self-determination in conformity with the Declaration contained in General Assembly resolution 1514 (XV), which fully applies to the Territory.

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3/ Ibid.

(13) The Special Committee reiterates its expression of appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for enabling the Committee to conduct a more informed and more meaningful examination of conditions in Tuvalu, with a view to accelerating the process of decolonization towards the full and speedy implementation of the Declaration, by increasing its level of co-operation with the Special Committee, by actively participating in the consideration of the Territory and by having invited a United Nations visiting mission to the Territory in 1974.

(14) The Special Committee notes that Tuvalu has its own Constitution, providing for a new House of Assembly of eight elected members, and has advanced towards the ministerial system of government. The Committee takes note of the statement made by the Chief Minister to the effect that "independence should follow perhaps in two or three years with the assistance of the administering Power".

(15) The Special Committee notes with satisfaction the rapid establishment in Tuvalu of a new public service, composed almost entirely of Tuvaluans. In this connexion, the Committee, bearing in mind the responsibility of the administering Power, considers that appropriate training and guidance provided from overseas assistance continues to be necessary in order further to promote the efficiency of the new service.

(16) The Special Committee expresses its concern over the fragility of the economy of the Territory and notes that, apart from being dependent on "overseas remittances", the only other economic prospects are copra and fisheries. The Committee therefore reiterates its call for continued assistance in the development and implementation of the fisheries programme and for an increase in the output of copra for export. The Committee takes note of the various forms of assistance which the Territory has received both from the administering Power and from neighbouring countries on a bilateral basis. The Committee also notes with regret the departure of the United Nations Development Advisory Team in Suva (UNDATS) from the region and calls for much needed economic and development assistance from the administering Power, as well as from the specialized agencies within the United Nations system.

(17) The Special Committee firmly believes that recent missions to small Territories have helped provide clearer assessments of the situation in the Territories visited, thus enabling the administering Power, in co-operation with the United Nations, to promote the welfare and progress of the peoples of the Territories concerned, thereby accelerating the process of self-determination in accordance with General Assembly resolution 1514 (XV). The Committee recalls, in particular, that the United Nations Visiting Mission to the Gilbert and Ellice Islands in 1974 had considered that conditions in the Territory should be kept under constant review and the Committee calls on the administering Power, in accordance with its expressed readiness to continue to receive visiting missions, as appropriate, to the Territories under its administration, to allow such missions access to Tuvalu, thereby

enabling the United Nations to continue to secure first-hand information on the situation in the Territory and on the views and wishes of its people concerning their future.

10. The text of the consensus on Pitcairn adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

The Special Committee, having examined the question of Pitcairn and taking note of General Assembly resolution 3433 (XXX) of 8 December 1975, whereby the Assembly, inter alia, requested the administering Power concerned to take all appropriate steps to strengthen the economy of Pitcairn and to work out concrete programmes of assistance and economic development, takes note of the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, reaffirming the policy of his Government as the administering Power concerned, to preserve the island community life for as long as the people of the Territory wish and are physically able to remain on the island. The Committee also welcomes the plans of the administering Power to improve the harbour facilities by helping to construct a new jetty and to clear the landing area of dangerous rocks, and hopes that these plans will soon be implemented.

# ANNEX\*

## WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.109/L.1074.

## 1. GILBERT ISLANDS a/

### A. GENERAL

1. In a letter dated 24 September 1975, addressed to the Secretary-General, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stated that, following the separation on 1 October 1975 of the Ellice Islands from the Gilbert and Ellice Islands "to form a new dependent Territory with the name of Tuvalu. The remainder of the present colony will then take the name Gilbert Islands" (A/C.4/786). His Government would, he continued, "following the first full administrative year after separation, submit separate information for the two Territories in accordance with our obligation under Article 73 e of the Charter of the United Nations".

2. The reconstituted Territory now comprises the Gilbert Islands, Ocean Island, the Phoenix Islands and the Line Islands - 33 in all - which stretch over 5.1 million square kilometres across the central Pacific, just north of the equator. It is estimated that the Gilbert Islands have an area of 684 square kilometres and a population of 52,000.

### B. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

#### General

3. The Gilbert Islands Order, 1975, of 17 September 1975, which came into force on 1 October 1975, establishes the Territory of, and provides a constitution for, the Gilbert Islands. Essentially, it follows the Gilbert and Ellice Islands Order, 1974, b/ which came into force in March of that year. As stated in previous reports, the Constitution provides for a Governor, a Deputy Governor, a Council of Ministers, a House of Assembly and a High Court. The Council includes the Chief Minister and at least four but not more than six other ministers appointed by the Governor on the advice of the Chief Minister, from among the elected members of the House of Assembly; the Deputy Governor, the Attorney-General and the Financial Secretary are ex officio members of the Council. The new House of Assembly consists of 21 elected members, the Deputy Governor, the Attorney-General and the Financial Secretary.

4. At the end of 1974, the Select Committee on Constitutional Development had recommended that the administering Power should amend section 45 of the Gilbert and Ellice Islands Order, dealing with the composition of the House, to provide for an elected member to represent the Line Islands.

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a/ The information contained in the present section has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 6 August 1975, for the year ending 31 December 1974.

b/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), chap. XXI, vol. V, annex I, appendix XIII.

5. In accordance with the 1975 Constitution, the necessary legislative measures have been made to create the new Line Islands' constituency. The election of the Line Islands member was to take place on 27 March 1976. The present House of Assembly must be dissolved no later than 13 May 1978. The eight representatives of the Ellice Islands withdrew from the House at the end of the May 1975 session.

6. At the May session of the House of Assembly, Mr. Rota Onorio, a retired teacher, was appointed to become speaker to replace Mr. Reuben L. Uatiosa, who had resigned from that position earlier because of his health.

7. It is reported that at the first meeting of the Gilbert Islands House of Assembly in November 1975, Mr. Abete Merang, Member for South Tarawa, was speaking against the budget when he was interrupted and accused by a government member of campaigning. This upset Mr. Merang who then walked out, followed by the other members of the Opposition.

8. The objections to the budget speech had reportedly resulted from a proposal by Mr. Naboua Ratietia, the Chief Minister, to call a constitutional conference in 1976. Some members alleged that the proposal had come as a surprise to them and that they had not had time to consult their constituents, although the Chief Minister was said to have given advance notice, in a speech before the House in May 1975, of the Government's intention to move towards self-government and eventual independence.

9. The High Court for the Gilbert Islands replaces the High Court of the Western Pacific as a court for the Territory. Its jurisdiction and powers are prescribed by the Constitution. The appointment of the judges to the High Court, as well as its jurisdiction and the procedure to appeal its decisions, are basically the same as those for the High Court of Tuvalu, appointments being made by the Governor of the Gilbert Islands (see paras. 111 and 112 below).

#### Local government

10. All of the Gilbert Islands have elected island councils established under the 1966 Local Government Ordinance, which came into force on 28 March 1967. The Governor in Council establishes a local council by issuing a warrant which describes its membership and functions and defines its area of authority.

11. Subject to the approval of the Governor-in-Council, the island councils may make by-laws concerning a wide range of subjects, and are charged specifically with the duty of providing services for the general health, security and well-being of the inhabitants of the islands. Each council prepares annually its estimates of revenue and expenditure, which are submitted to the minister responsible for local government for approval. Council revenue derives from basic rates, licence fees, land taxes, grants from the central Government, special levies and sundry minor accounts. Loans may be made to the councils towards the cost of particular projects.

12. In 1972, the Betio Town Council, a nominated body established in 1958, was converted to an elected membership under an amendment to the 1966 Local Government Ordinance. In the same year, a new elected council, the Te Inainano Urban Council, was established for the rest of urban Tarawa.

13. The reconstituted Betio Town Council now consists of 9 elected councillors and 3 ex officio members nominated by the Government. The Te Inainano Urban Council consists of 10 elected members and 3 ex officio members to assist it in technical matters.

#### Political parties

14. The 1974 United Nations Visiting Mission to the Gilbert and Ellice Islands learned that, although a political party structure had been developing within the legislature, the campaign for elections to the House of Assembly had not taken place along party lines. c/ The government party is the National Progressive Party (NPP).

#### Political education

15. In the field of political education, two political tour parties were to depart from Tarawa in May 1975, composed of members of the House of Assembly and civil servants. One was to visit the West Indies, in particular Jamaica, the British Virgin Islands and St. Lucia, while the other was to go to Mauritius, the Seychelles and Papua New Guinea. On those islands, the parties were to see interrelated problems similar to their own and compare and select the best examples of solutions for possible application at home. The tours were made possible by the Aid Fund of the United Nations Development Programme (UNDP).

#### Public service

16. At 31 December 1974, the number of employees of local government bodies in the Gilbert and Ellice Islands, excluding councillors, totalled about 360, unchanged from the previous year. In the central government administration, there were 982 Gilbertese and Ellice Islander permanent civil servants (767 in 1973) and about 428 unestablished employees (255 in 1973). There were also 106 expatriates in government employment (109 in 1973), most of whom were under contract.

17. While the 1974 United Nations Visiting Mission was in the Territory, it learned that the Public Service Advisory Board, presided over by the Deputy Governor, advised the Governor on questions in the field of public service, but that the next constitutional stage envisaged the establishment of an independent public service commission with the transfer of responsibility from the Deputy Governor to an elected minister. d/

18. The May 1975 session of the House of Assembly was the last to be attended by the Ellice Islands members. At the close of the session, the Chief Minister stated

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c/ Ibid., annex I, para. 24.

d/ Ibid., para. 28.



that, from 1 October 1975, the Ellice Islands (Tuvalu) would have its own Government. All Gilbertese members of the House wished the people of Tuvalu well. Replying to a question about the future of employees and students of Ellice nationality when separation became effective, Mr. Thomas Layng, Deputy Governor (who subsequently became the Commissioner of Tuvalu) said that government officers would have the option of transferring to the Tuvalu civil service, remaining in the Gilbert Islands or retiring. Ellice Islanders in other employment would be allowed to continue in their jobs, but it was government policy to encourage employers to give priority to Gilbertese in future.

### C. ECONOMIC CONDITIONS

#### General

19. The only economic crop in the Territory is the coconut, from which copra is produced. Practically all the land is owned by villagers and copra production is, therefore, in their hands, but owing to the unscientific methods of land utilization employed, the yield tends to be low. The yield is higher on the commercial plantations on Fanning and Washington islands and on the government plantation on Christmas Island.

20. The only other commercial export is phosphate rock, which is obtained by opencast mining on Ocean Island. Production and exports are controlled by the British Phosphate Commissioners (BPC), who are responsible to the Governments of the United Kingdom, Australia and New Zealand.

#### Public finance

21. Since 1970, assistance from the administering Power has been provided in the form of development aid funds. Development projects have also been financed by specialized agencies of the United Nations, the Australian South Pacific Aid Programme and the New Zealand Aid Programme.

22. In September 1975, Mr. Edward Rowlands, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, visited Tarawa and Ocean Island in connexion with the Banaban question (see below). He assured the Council of Ministers that future constitutional advancement for both the Gilbert Islands and Tuvalu would not jeopardize the inflow of financial assistance. He informed the press that the United Kingdom would continue to be responsible for aid to the two Territories "for a long way to come".

23. It was stated in the United Kingdom House of Commons that £2.1 million had been disbursed to the Gilbert and Ellice Islands in the form of aid in 1974 and that about £2.3 million was expected to be disbursed in 1975, more than half of which was to be for development aid and the balance for technical assistance.

24. In 1974, ordinary revenue in the Gilbert and Ellice Islands amounted to

\$A 15.3 million, e/ to which was added a capital revenue of \$A 2.8 million, making a total of \$A 18.1 million (\$A 7.9 million in 1973). This included \$A 10.6 million from phosphate taxes (\$A 2.9 million in 1973).

25. Recurrent expenditure in 1974 was \$A 12.7 million and capital expenditure was \$A 2.2 million, amounting to a total expenditure of \$A 14.9 million (\$A 7.8 million in 1973).

26. The Revenue Equalization Reserve Fund was instituted in 1956 to provide capital, with accumulating interest, against the exhaustion of the phosphate deposits on Ocean Island. The interest has been used to balance the budget of the Gilbert and Ellice Islands when necessary. The market value of the fund as at 31 December 1974 was \$A 11.9 million.

27. In 1974, the shift in the terms of trade first evident in 1973 continued in a markedly favourable direction. Export prices of both phosphate and copra (which together accounted for over 99 per cent of exports) rose dramatically, and this, combined with a record production of copra, resulted in exports valued at \$A 22.6 million (\$A 9.7 million in 1973).

28. Total import figures for 1974 are not yet available; however, for the period from January to June of that year, they amounted to \$A 3.2 million. Although there will be substantial increases in the value of imports and, in particular, that of mineral fuels, it is anticipated that there will be a favourable over-all balance of trade for 1974. Most imports continued to come from Australia (56 per cent), the United Kingdom (12 per cent) and Japan (8 per cent). Exports go to Australia (44 per cent), New Zealand (42 per cent) and the United Kingdom (14 per cent).

### Mining

29. The only mining carried on in the Territory is at Ocean Island (or Banaba, as it is known locally), where phosphate of lime is extracted by BPC. The land at Ocean Island is owned by the Banabans who, at the end of the Second World War, with royalties received from BPC, bought and moved en bloc to Rabi, an island of Fiji. The Banabans continue to receive rent and royalties from their lands.

30. Under a revised arrangement concluded in 1967 among the United Kingdom, Australia and New Zealand on the level of taxation on phosphate exports, BPC aimed to reach an annual production level of as near 609,600 metric tons as practicable. In the phosphate year ending June 1975, it was 605,826 metric tons (620,281 metric tons and 617,243 metric tons in the previous two years). Because of the general decline in the demand for phosphates in Australia and New Zealand, the production level for the current phosphate year ending 30 June 1976 has been fixed at 457,220 metric tons, which would have the effect of postponing the exhaustion of the

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e/ The local currency is the Australian dollar (\$A). At 18 February 1976, \$A 1.00 equalled approximately \$US 1.26.

deposits until 1979. The rate of production from July 1976 onwards has not yet been fixed.

31. The Banabans, in the belief that they should have received a higher level of revenues from the phosphate proceeds in the period up to 1966, have instituted two major legal actions in the High Court in London. The first action, known as the "replanting" action, ran from April to December 1975, and in it the Banabans sued BPC for allegedly failing to replant some 100 hectares of worked-out land on Ocean Island; for mining on unleased land; for disturbing a Banaban cemetery; and for illegally removing sand from the foreshore. They also sued the Crown, in the person of the Attorney-General, for the alleged failure of the Resident Commissioner to prescribe the type of trees or shrubs to be planted on worked out mining land. The Banabans are believed to estimate the value of this legal action in the region of \$A 22.0 million. The second action, known as the "royalty" action, also against the Attorney-General, began in early December 1975 and is unlikely to be completed before April 1976. In this action, the Banabans claimed that all phosphate taxation monies levied by the territorial Government on the operations of BPC on Ocean Island were held by the Crown in trust for the Banabans and that the Crown was in breach of trust in not paying the money to the Banabans and in not obtaining, prior to 1966, the best price for the phosphates. The Banabans are believed to estimate the value of this action to be in the region of £21.5 million. It is expected that judgement in both cases will be handed down in June or July 1976.

32. In 1974, the Reverend Tebuke Rotan, on behalf of the Banabans, decided to press a claim for the separation and independence of Ocean Island from the rest of the Territory. This led to a visit by the Chief Minister to United Nations Headquarters in order to rebut that claim (see A/AC.109/PV.987 and 988). In the Territory, Ocean Island is regarded as an integral part of the Gilbert Islands.

33. In 1975, the Reverend Rotan returned to the United Nations to petition the Special Committee in connexion with the Banaban claims (see A/AC.109/SC.3/SR.221 and 226).

34. In March 1975, it was reported that 56 young, unmarried Banabans had arrived by ship at Ocean Island from Rabi Island. Their expressed purpose was to establish a presence on Ocean Island and to resettle some of the unleased land. The territorial Government made clear that the Banabans, as landowners, were entitled and welcome to return to Ocean Island, and no obstacles were put in their way. During 1975, further groups of Banabans travelled to Ocean Island, the numbers there eventually reaching over 200; the majority of these have since returned to Rabi.

35. Two backbench members of the United Kingdom Parliament, Sir Bernard Braine of the Conservative Party, and Mr. John Lee of the Labour Party, visited Ocean Island to investigate the Banaban claim for independence. Their report, submitted to the Foreign Office in June 1975, has not yet been released. The report is said to recommend that "there should be immediate discussions between the Governments (Australia, New Zealand and the United Kingdom) with a view to wiping the slate clean and making a fresh start". Sir Bernard and Mr. Lee reportedly view

the Banabans as victims of the exploitation of the island for its phosphates and consider that some political urgency is involved because the Territory is moving towards independence. They are said to have concluded that the United Kingdom's refusal to consider a separate existence for the Banabans is based on economic considerations.

36. At the July meeting of the South Pacific Forum in Tonga, representatives of the Banaban community on Rabi launched another campaign for the self-determination of Ocean Island. Since the Banabans did not wish to be part of the Gilbert and Ellice delegation or the Fiji delegation, they were not accorded official status. During the meeting, they met with Mr. Ratieta, the Chief Minister of the Gilbert and Ellice Group, who reportedly reaffirmed his position (see para. 32 above).

37. In his address to the Forum, Mr. Ratieta described some of his country's problems and its constitutional progress. He spoke of the need for Pacific nations to respect territorial sovereignty and to refrain from any action which might "threaten the sovereignty of another territory". He reiterated his Government's objection to the demands of the Banabans.

38. Ratu Sir Kamisese Mara, the Prime Minister of Fiji, told the session that he was disappointed that the Banaban question had been raised in the absence of one of the parties to the dispute, thus preventing the Forum from hearing the other side of the story.

39. Mr. Ratieta's statement evoked an immediate reaction from the Banabans, who stated that, if the Chief Minister continued to insist on his country's rights to Ocean Island, they would assume that the Gilbert Islands was making provision for the rehabilitation of the island, which they calculated would cost some \$A 84 million.

40. At a press conference, held in London in August, Mr. John H. Smith, the Governor of the Territory, urged that an anticipated £30 million in royalties from phosphates extracted from Ocean Island should not be withheld from the people of the islands. Mr. Smith pointed out that 80 per cent of the revenue of the Territory as a whole had been derived from the phosphates and that the remaining royalties were therefore needed to develop sources of livelihood for the inhabitants. Mr. Smith pointed out that there were only 2,000 Banabans, nearly all absentee landlords. He said that the Banabans had the wealth to put forward their side of the case in the United Kingdom, and he felt it his duty to present the claims of the poorer majority.

41. Mr. Rowlands, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, visited the Territory between 7 and 13 September. His party included Mr. E. N. Larmour, Head of the Dependent Territories Division of the Foreign and Commonwealth Office, and Mr. E. A. W. Bullock, Head of the Pacific Dependent Territories Department. They spent two days on Tarawa and then proceeded to Ocean Island, accompanied by the Governor and Chief Minister.

42. Subsequently, Mr. Rowlands stated in a press conference in Wellington that

the United Kingdom would take responsibility for the problem of the Banaban claim for the independence of Ocean Island.

43. On 2 October, in an unprecedented action, Sir Robert Megarry, the High Court judge hearing the case of the Banaban people against the British Crown and BPC, left London to visit Ocean Island. He was accompanied by his clerk and the barristers from each side of the case, as well as their instructing solicitors. The Court first spent several days investigating conditions on Rabi Island. During their trip, they were accompanied by the Land Courts Officer for the Gilbert Islands and Tuvalu.

44. The elected members of the Council of Ministers (Gilbert Islands) and a delegation of Banaban leaders met at Tarawa from 13 to 15 October to discuss the question of separation and independence for Ocean Island. The purpose of the meeting was to explore the possibility of establishing some common ground between the two sides. The Prime Minister of Fiji presided at the meetings.

45. During the talks, both the Banabans and the Gilbertese expressed concern for their future well-being after the Ocean Island phosphate deposits were exhausted. They believed that the partner Governments of BPC had been the main beneficiaries of the phosphate mining and thus had a moral obligation to ensure the future economic survival of the islanders. They decided to seek immediate negotiations on an intergovernmental basis to find some satisfactory and amicable solution and agreed to continue discussing the constitutional relationship of Ocean Island pending the settlement of the question of financial provisions for their future.

46. A second round of talks between representatives of the Gilbert Islands Government and the Banabans was to take place on Nauru in December. The Banabans have continued to press their claim and the question remains unresolved.

#### Agriculture

47. Coconuts are the only commercial crop grown in the Territory and, apart from the three plantations referred to in paragraph 19 above, practically all land is owned by islanders in small peasant proprietorships. The coconut also provides the islanders with an important source of food and drink. The palms are mainly grown in irregularly spaced groves, frequently with intervening bush. The latter has some importance in the subsistence economy because various trees are required for building, canoe construction and food.

48. Surveys indicate that the average number of coconut-bearing palms per acre is 55. The average yield of copra per hectare is difficult to estimate, owing to the use of coconuts as food, but it is likely that the average total yield is in the region of 135 kilograms per hectare.

49. Copra production and export statistics for the Gilbert and Ellice Islands in 1973 and 1974 are set out below, in metric tons:

	<u>Production of</u> <u>peasant landowners</u>	<u>Production of</u> <u>plantations</u>	<u>Total</u> <u>production</u>	<u>Total</u> <u>exports</u>
1973	7,229	1,490	8,719	5,469
1974	9,469	3,203	12,672	11,844

50. The quality of copra produced is generally very good. At 31 December 1974, the Copra Board's general reserve fund stood at \$A 2.7 million, an increase of almost \$A 2.0 million over the previous year. This very substantial increase was due to the sudden, if ephemeral, rise in world prices and favourable weather conditions in 1972/1973.

51. During 1975, the Gilbert and Ellice Islands House of Assembly passed the Copra and Other Specified Coconut Products (Marketing Control) Bill, in line with a policy statement made by the Chief Minister at the 1974 budget meeting of the House. f/ Following the bill's adoption, 18 delegates from throughout the Territory met in Betio in September 1975 to set up the Gilbert Islands Copra Co-operative Society, Ltd., to replace the former Copra Board. The change was made to ensure greater participation by the copra cutters in the industry. In recent times, it has become evident that copra cutters were dissatisfied with their influence over copra prices and grading, among other things. Copra cutters now decide for themselves who represents them on the Society's Committee of Management.

52. Registration for the coconut grove improvement schemes was once more deliberately held to a minimum in order to balance the area under production with that for new planting schemes. Statistics on the schemes are given below:

	<u>Improvement schemes</u>		<u>New planting schemes</u>	
	<u>1973</u>	<u>1974</u>	<u>1973</u>	<u>1974</u>
Hectares registered	1,406	1,437	674	930 <sup>a/</sup>
Hectares completed	1,248	1,381	171	406

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a/ Plus 205 hectares awaiting seedlings.

#### Gilbert Islands Development Authority (GIDA)

53. The Gilbert and Ellice Islands Development Authority (GEIDA) was established by Ordinance No. 12 of 1970, as a statutory corporation, to foster the economic development of the Territory and to improve the social and economic conditions of the inhabitants. GEIDA, which incorporated the former Wholesale Society, the Marine Department and the Public Works Department, began operations on 1 January 1972. The Wholesale and Merchandise Division of GEIDA, with the exception of the Betio cold storage facility, was transferred to the Co-operative Federation on 1 January 1973. GEIDA was wholly owned by the Government of the Territory and was operated as a commercial organization. g/

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f/ See Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XXI, annex I, para. 10.

g/ A comprehensive account of GEIDA is contained in Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXI, annex I, paras. 39-50.

54. In 1974, the Government undertook to re-examine the role of GEIDA with a view to improving and emphasizing its development function. That examination was reported to have been completed in 1975. The Chief Minister presided as Chairman over the reconstituted Board of Directors, comprised of government ministers whose portfolios dealt with economic development and utilities. Under the new arrangement, it was anticipated that the development policies of the Government and of the Authority would be strengthened.

55. In line with government objectives, the Authority created several subsidiary companies to concentrate development in specific areas. Among these were Atoll Hotels, Ltd., which was established to develop the Otintai Hotel at Bikenibeu; and Atoll Soft Drinks, Ltd., a manufacturer of soft drinks, such as lemonade, tarax, cola etc. Atoll Plantations, Ltd., which replaced Christmas Island Plantation, was to provide supporting services to other projects on the island, in addition to maintaining the copra industry there.

56. With the separation of the Ellice Islands from the Territory, GEIDA was renamed the Gilbert Islands Development Authority (GIDA). On 19 November 1975, Governor Smith established a commission of inquiry into GIDA's affairs, to reappraise its objectives, functions and structure. The commission was also said to have been requested to make specific recommendations on labour and staff relations, with a view to the avoidance of industrial and other disputes; and on the management and control of finance, to ensure that the Authority had funds adequate for its functions and that services were provided as economically as possible.

57. It was expected that the commission, to be composed of persons not resident within the Gilbert Islands, would commence its inquiry on 26 January 1976, on Tarawa and that the report would become available in March 1976. It was planned to hold both public and private meetings.

#### Transport and communications

58. The main means of communication between the various islands of the Territory are provided by ships owned by the territorial Government and GIDA. All of the vessels are managed by GIDA and are operated on a commercial basis.

59. Under customs and quarantine ordinances, the ports of entry to the Territory until its division were Ocean Island, Tarawa (Betio), Funafuti (Ellice), Fanning and Christmas islands. At each of these ports, there was a customs officer and an immigration officer.

60. For marine communications with other countries, the Territory is dependent on vessels owned or chartered by BPC and on those operated by the Columbus Line, the Nauru Shipping Line, the Bank Line and the Daiwa Line. Fuel tankers chartered by the Mobil Oil Corporation bring fuel and petroleum products mainly from Fiji and occasionally from Noumea.

61. During 1974, a total of 104 overseas ships called at ports in the Territory (108 in 1973 and 99 in 1972). Of this number, 38 were owned and chartered by BPC and called at Ocean Island, where 5,284 metric tons of cargo were discharged and 548,443 metric tons of phosphate loaded.

62. On Tarawa, 250 vessels were handled during 1974 and, of these, 54 were overseas vessels, discharging 22,253 metric tons of cargo. In 1973, a 20-metric-ton crane was installed at Betio to handle containers.

63. The territorial Government approved an increase of 10 per cent on all fares and freight on territorial ships as of 1 January 1975. At the same time, the freight tables used for calculating the cost of carrying cargo on territorial ships were revised to include the cost of lighterage and wharfage at Tarawa and Funafuti (Ellice). This means that only one payment is now made for shipping cargo, instead of three separate payments for three services.

64. A new airfield was opened at Marakei (Tarawa) in 1975.

#### D. SOCIAL CONDITIONS

##### Co-operative societies

65. In 1974, the co-operative movement continued to provide the basis for most of the economic activity in the Gilbert and Ellice Islands. On the outer islands, co-operative societies act as sole buying agents for the Copra Board, and are practically the only suppliers of consumer goods. In 1975, its second year of operation, the sales of the Co-operative Federation increased from over \$A 3.3 million to over \$A 4.4 million. Following the separation of the two groups of islands, Tuvalu began work on the establishment of its own co-operative wholesale society.

66. During the year under review, there were 50 registered societies in the Territory (one less than the previous year), including two island wholesale societies and the Co-operative Federation. Total membership in the societies increased slightly, from 21,399 to 21,996.

67. Copra sales were \$A 683,000, three and a half times greater than in 1973 (\$A 195,000). Of this total, the Ellice Islands provided only \$A 2,900. Initially, members were paid 3 cents (Australian) per pound, but were receiving 8 cents by the end of the year, the highest price ever paid.

##### Labour

68. A census conducted in December 1973 indicated that the total number of persons in paid employment was 6,188 (4,997 men and 1,191 women). The total number of expatriate workers was approximately 200, including 134 employed by the Government, GEIDA and trading organizations and 60 employed by churches, in religious and teaching duties.



69. At the end of 1974, a total of 1,350 Gilbertese and Ellice Islanders were employed in the phosphate industry (1,178 in 1973). BPC employed 349 Gilbertese, 143 Ellice Islanders, 47 Europeans and 27 Chinese on Ocean Island. An additional 858 workers from the Territory were employed by the Nauru Phosphate Corporation. In 1973, the monthly wages of Gilbertese and Ellice Islander employees of BPC ranged from \$A 45.83 for labourers to \$A 268.00 for staff grades. Copra plantations, both government and privately owned, employed 306 persons. On the copra plantations at Fanning and Washington islands, the average monthly wage in 1974 was \$A 71.00, including skilled workers. During 1974, GEIDA had a staff of 1,484 local employees and 24 expatriates, while Co-operative Federation, Ltd., had a work force of 83, including 4 expatriates. Co-operatives throughout the Territory employed a labour force of about 300.

70. There were two major strikes during 1974. One involved GEIDA workers, who were protesting the allegedly unfair behaviour of a senior supervisor in the Bairiki mechanical workshop. They returned to work when it was agreed to engage an arbitrator from Fiji to investigate the matter. The second involved workers employed by the Government and paid on a daily basis, who struck successfully for a pay increase.

71. Seamen serving on overseas vessels are not subject to the Workmen's Compensation Ordinance but, by agreement with the employers, they receive benefits not less favourable than those provided by the Ordinance. The Commissioner of Labour advises on the amount of benefit that would be payable if the accident occurred in the Territory. The employment contract for Gilbertese and Tuvalu seamen was reportedly renewed after negotiations were successfully completed in Tarawa in December 1975. Taking part in the negotiations were representatives of the Gilbert Islands and Tuvalu Seamen's Union, the South Pacific Marine Service, the Waterside Workers Federation of Australia and the International Transport Workers' Federation in London. The agreement will last for three years, effective as from 1 January 1976 until 31 December 1978. The major changes involved wage rates, length of contract, leave and discipline. Wages are to be increased by 15 per cent in 1976, 7.5 per cent in 1977 and 7.5 per cent in 1978.

72. A dispute arose in May 1975 when the Betio water supply project and the cable-laying project at Bairiki were completed, and no alternative work could be found for about 58 labourers and semi-skilled employees of GEIDA, whom the Authority wished to lay off. A union committee objected, although there was neither money nor work available. A board of inquiry was appointed which found that the terminations were justified, but the union called for a general strike.

73. On 5 August, GEIDA and the union committee reached an agreement, which brought the dispute to an end. The agreement reached was in two parts: the first concerned a "work sharing" arrangement by which every week 58 of the 360 employees of the Engineering Division would take their turn at having a week off without pay. The week off, which was expected to affect each worker once every six weeks, would not earn leave or redundancy benefits. The second part of the agreement consisted of an arrangement whereby the union would seek to obtain voluntary written consent from union members to deduct approximately \$A 2.00 per fortnight from their pay. This sum would be paid into a temporary union provident fund to be set up, from which payments would be made to workers having their unpaid week off.

74. The House of Assembly passed an industrial relations code bill to establish machinery to resolve disputes between employers and employees. The bill requires that strikes be disallowed in the first instance until one or more of the procedures to find a solution to the dispute have been tried. If the procedures of the code have been exhausted and the number of workers involved exceeds 50, a secret ballot by those workers is required to decide whether strike action should be taken. Also if a strike is called before the termination date of an agreement or award then in effect, the strike may be declared unlawful until the date on which the agreement or award ceases to be in effect.

#### Public health

75. In 1974, all government activities in the medical and public health fields were carried out by the Health Division of the Ministry of Health and Welfare. The head of the division was the Chief Medical Officer, assisted by two senior medical officers in administrative posts. Expatriate medical staff consisted of one medical specialist based at the Colony Central Hospital, Bikenibeu (Tarawa), a part-time family planning doctor, a matron and a medical officer assigned to the Marine Training School at Betio. Local staff numbered 247, employed as medical officers, medical assistants, dental officers, nurses and clerical officers. In addition, the BPC hospital had a medical staff at Ocean Island, consisting of an expatriate medical officer, 3 expatriate nurses and an expatriate pharmacist and hospital administrator, 19 local nurses and 15 orderlies. The Government paid a retainer fee to the BPC medical officer, who also acted as a part-time government medical officer and port health officer for Ocean Island.

76. There are three hospitals in the Territory with 280 beds: 160 at the Central Hospital in Tarawa; 20 at the general hospital at Funafuti (Ellice); and 100 at the general hospital maintained by BPC on Ocean Island. The hospital at Funafuti was almost entirely destroyed by hurricane "Bebe" in October 1972. A completely new hospital, on which construction was started in 1974 was to have been completed in 1975. All islands with a resident population have a dispensary, usually comprising a central permanent building with surrounding buildings to house 20 to 40 patients.

77. The Maternity and Child Health Programme continued to receive assistance in 1974 from both the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF). The two international organizations were also involved in small-scale water supply and sanitation projects at Bonriki (Tarawa), Nikunau, Tamana and Arorae.

78. In 1974, the total expenditure by the Medical Department was \$A 631,935, compared with \$A 557,250 in the previous year.

#### E. EDUCATIONAL CONDITIONS

79. As at 1 May 1974, when the ministerial system of government was established, a Minister for Education, Training and Culture was charged with responsibility for education.

80. There are generally three types of primary schools in the Territory: government primary, local government primary and mission schools. Mission schools fall into three categories: aided, unaided and infant schools. In 1974, there were 9 government primary schools, 31 local government primary schools and 68 mission schools, of which 26 were aided, 16 unaided and 15 were infant schools. There were also three private schools. Enrolment totalled 13,506, not including the primary schools on Line Islands, for which no figures were available.

81. In 1974, secondary education was provided up to the fifth form level in two schools run by the Roman Catholic Mission (one for girls at Tarawa and one for boys at Abaiang), and to the third form level in two co-educational schools run by the Gilbert Islands Protestant Church and the Ellice Islands Church, respectively, at Beru and Vaitupu. The King George V - Elaine Bernacchi School at Bikenibeu, Tarawa, the only government secondary school, provided secondary education to the fifth form level. The total enrolment in 1974 was 802.

82. Two courses were offered by the Tarawa Teachers' College in 1974: a three-year course leading to certification as a third-grade teacher and a two-year course leading to certification as a fourth-grade teacher. Enrolment in 1974 numbered 55.

83. There were no facilities in the Territory for secondary education beyond the fifth form level for tertiary education or for advanced technical education. The Scholarships Committee was responsible for the over-all direction of a comprehensive programme of scholarships. Participants in 1974 were 69 Gilbertese and Ellice Islander students, trainees and apprentices studying and training overseas.

84. The Tarawa Technical Institute and the Marine Training School, for which the Ministry of Education is also responsible, provided technical training. h/

85. It was reported at the beginning of 1975 that Mr. Roniti Teiwaki, the new Minister for Education, had recommended a number of changes in primary, secondary and technical education and in teacher training, as well as in the working conditions for teachers. The Minister had reportedly solicited public comment on these changes.

86. In 1974, government expenditure on education, including development aid, was \$A 1.22 million, compared with \$A 1.16 million the previous year.

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h/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXI, annex I, paras. 86 and 97.

## 2. PITCAIRN i/

### A. GENERAL

87. In November 1974, it was reported that the Under-Secretary for Foreign and Commonwealth Affairs had informed Parliament that the current population of Pitcairn numbered 63. (There were three deaths and two births on Pitcairn during 1974). A year later, however, it was reported that the population had increased by 6 Pitcairners who had returned from New Zealand. Pitcairners have expressed fear that, because of a diminishing population, they might have to leave their island.

### B. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

88. Since the independence of Fiji in 1970, responsibility for the Territory has been in the hands of the United Kingdom High Commissioner to New Zealand, designated as Governor of Pitcairn. Pitcairn Islanders manage their internal affairs through an Island Council consisting of 10 members: the Island Magistrate, elected for three years; 3 councillors, elected each year; the Island Secretary, who is a public officer serving ex officio; 1 member appointed by the Governor; 2 members chosen by the elected members; and 2 non-voting advisory members (one chosen by the Governor and the other chosen by the rest of the Council).

89. The Internal Committee comprises the elected Chairman and any other members the Island Council may appoint. Its principal function is to organize and implement the works programme.

90. The Island Court consists of the Island Magistrate and two councillors. Its jurisdiction is limited to offences under the Island Code, and civil actions between residents of the Territory or those which arise in territorial waters. There is provision for appeal to the Supreme Court of Pitcairn, which the Governor has the power to constitute and which also has jurisdiction in cases outside the competence of the Island Court.

### C. ECONOMIC CONDITIONS

91. Pitcairn's revenue and expenditure for 1973/74 amounted to \$NZ 124,335 j/ and \$NZ 75,493, respectively (\$NZ 84,404 and \$NZ 63,333 in 1972/73). Revenue included

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i/ The information contained in this section has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United Kingdom under Article 73 e of the Charter on 12 May 1975 for the year ending 31 December 1974.

j/ The local currency is the New Zealand dollar (\$NZ). At 18 February, \$NZ 1.00 equalled approximately \$US 1.07.

\$NZ 92,302 from stamp sales (\$NZ 51, 684 in 1972/73) and \$NZ 30,296 from interest and dividends (\$NZ 23,510 in the previous year).

92. Thirty-four ships called at Pitcairn in 1974. Supply vessels now make scheduled calls at the island once every three months.

#### D. EDUCATIONAL CONDITIONS

93. In 1974, the school roll comprised seven girls and one boy, compared with eight girls and four boys in 1972.

94. In 1973/74, expenditure on education was \$NZ 13,959 (\$NZ 8,828 in 1972/73), representing 18.49 per cent of total recurrent expenditure (13.94 per cent in 1971/72).

### 3. TUVALU k/

#### A. GENERAL

95. The Territory of Tuvalu, formerly known as the Ellice Islands, was joined to the Gilbert Islands as a single Territory for 93 years. On 1 October 1975, it was legally separated from its northern neighbour and assumed its own identity (see A/C.4/786). The action was taken in accordance with the wishes of the people of the Territory as expressed in a referendum held in August and September 1974 and observed in part by a United Nations Visiting Mission. 1/

96. The nine islands of the central Pacific group, lying just south of the equator and separated by vast stretches of Pacific Ocean, are estimated to have an area of approximately 25.9 square kilometres. Tuvalu has a population of some 7,000.

#### B. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

##### General

97. On 1 January 1976, Tuvalu formally took over its own administration with headquarters at Funafuti and prepared to move towards internal self-government. The Tuvalu Order 1975 of 17 September, which took effect on 1 October 1975, establishes the Territory and provides a Constitution for it. Tuvalu now has its own ministerial form of government with a Cabinet consisting of an elected Chief Minister, assisted by two appointed ministers, and of two ex officio members, the Attorney-General and the Financial Secretary. The Order also establishes a House of Assembly as well as a High Court of Tuvalu to replace the High Court of the Western Pacific as a court for the Territory. The officer administering government is known as Her Majesty's Commissioner.

##### Commissioner

98. Mr. Thomas Layng, the first Commissioner of Tuvalu, is also Deputy Governor of the Gilbert Islands.

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k/ The information contained in this section has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United Kingdom under Article 73 e of the Charter of the United Nations on 9 October 1975 for the year ending 31 December 1974. Statistical data provided by the administering Power for 1974 refers mainly to the Territory of the Gilbert and Ellice Islands and has been incorporated in the working paper on the Gilbert Islands (see paras. 19-36 above).

1/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXI, annexes I and III.

99. The Commissioner is directly responsible to the United Kingdom Government for the conduct of any business with respect to external affairs, defence, internal security (including the police force), finance and the public service. The Commissioner consults the Cabinet on the exercise of all powers conferred upon him by or under the Constitution or any law in force in the Territory, except: (a) any constitutional power which he is to exercise at his discretion; (b) any other legal power which he exercises, either expressly or by implication, without consulting the Cabinet; (c) any power conferred upon him by the Constitution or any other law which he is required or authorized to exercise after consultation with, or on the advice of, a person or authority other than the Cabinet; and (d) any power conferred upon him where, in his opinion, the exercise relates to, or affects, any of the matters for which he is specifically responsible.

100. The Commissioner is not required to consult the Cabinet on the following: (a) any case in which, in his judgement, the service of Her Majesty would sustain material prejudice thereby; (b) decisions considered too unimportant for consultation; or (c) where the urgency of the matter requires him to act before the Cabinet can be consulted. With respect to (c), the Commissioner should, if practicable, consult the Chief Minister and in any case should, at "the next convenient opportunity, communicate to the Cabinet the measures he has adopted and the reasons for those measures".

101. Where he is obliged to consult the Cabinet, the Commissioner shall act in accordance with the advice of the Cabinet, except in those cases where he thinks it right not to do so. Where he acts against the advice of the Cabinet, he shall, at the first convenient opportunity, report the matter to the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, with the reasons for his action. He shall not be obliged to so report, however, in any case in which he so acts for the purposes of maintaining or securing the financial or economic stability of Tuvalu, or of ensuring that a condition attached to a financial grant or loan made by the United Kingdom Government to the Government of the Territory is complied with. The question of whether the Commissioner has exercised any power after consultation with the Cabinet or the Chief Minister, or in accordance with the advice of the Cabinet, is not subject to court action.

#### Cabinet

102. The Cabinet consists of the Chief Minister and two other ministers appointed by the Commissioner, in accordance with the advice of the Chief Minister, and two ex officio members, the Attorney-General and the Financial Secretary. The Commissioner presides at meetings of the Cabinet. In his absence, the Chief Minister presides.

103. As soon as possible after a general election of members to the House of Assembly, or whenever there is a vacancy in the office of the Chief Minister, the Commissioner shall convene a meeting of elected members for the purpose of electing a Chief Minister. All elected members are eligible for candidature. Election is by secret ballot, with each elected member having only one vote. If any candidate receives five votes or more, he is thereby elected Chief Minister.

104. Mr. Toalipi Lauti, the first Chief Minister of Tuvalu, is a 44-year old former school teacher and representative of Funafuti in the Gilbert and Ellice Islands House of Assembly. He also holds the portfolio of Home Affairs. His Cabinet is composed of Mr. Tau'i Finikaso, Minister for Social Services, and Mr. Tomu Sione, Minister for Commerce and Industry.

#### House of Assembly

105. The House of Assembly consists of eight elected members representing the nine islands of the Territory, m/ the Attorney-General and the Financial Secretary. The name Tuvalu means "eight standing together" in the local Polynesian language. A person is qualified to be elected if he or she is a British subject or a British protected person and has attained the age of 21 years. Persons who owe allegiance to a foreign power, hold any office involving election responsibilities or, subject to exemptions prescribed by a Tuvalu law, already hold a public office, are not qualified to be elected. The High Court has jurisdiction in the determination of questions concerning the membership of the House of Assembly.

106. The House of Assembly has the power to make laws for the peace, order and good of the Government of Tuvalu. Any member may introduce any bill or propose any motion for debate, except bills providing for taxes, revenues and other funds or those effecting alteration in the salary, allowances and other conditions of service of the public service. A bill passed by the House shall not become law until the Commissioner has assented to it or Her Majesty has given assent to it through a Secretary of State. Any law to which the Commissioner has given his assent may be disallowed by Her Majesty through a Secretary of State.

107. The Commissioner reserves the power to declare in effect any bill or motion which has failed to pass the House of Assembly within such time and in such form as he thinks reasonable and expedient. He must report any such declaration and the reasons for it forthwith to a Secretary of State. Any member who objects to such a declaration may, within seven days, submit his written objection and the reasons for making it to the Commissioner, who shall, as soon as practicable, forward a copy to a Secretary of State.

108. The Speaker of the House of Assembly shall be appointed by the Commissioner after consultation with the elected members of the House.

109. The Commissioner, acting in his discretion, may call for a general election within three months of the dissolution of the House of Assembly.

110. The first Tuvalu House of Assembly was to hold its first meeting on 28 October 1975 at Funafuti.

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m/ The small island of Niulakita is part of Niutao's constituency.



## High Court

111. The High Court for Tuvalu replaces the High Court of the Western Pacific as the court for the Territory. Its jurisdiction and powers are prescribed by the Constitution. The judges of the High Court shall be appointed by the Commissioner in pursuance of instructions given to him by Her Majesty through a Secretary of State. If no judge of the High Court is available to attend to the Court's business the Commissioner may, after consultation with the Senior Magistrate, appoint the Senior Magistrate or some other person recommended by the Senior Magistrate to perform all or any of the functions of a judge of the High Court. This appointee shall be known as a Commissioner of the High Court.

112. The High Court has jurisdiction to hear and determine appeals from subordinate courts established in Tuvalu. Appeals from the High Court, whether in the exercise of original or appellate jurisdiction, in any civil or criminal case, may be made to the Court of Appeal and thence, in certain enumerated cases, to Her Majesty in Council.

## Future status

113. In a news conference held at the opening of the House of Assembly, Mr. Toalipi, the Chief Minister, is reported to have stated that now that Tuvalu had self-government, he would like to see it become independent as soon as possible, perhaps in two or three years. This, he continued, depended on the United Kingdom, which had promised development funds to make it possible to build administrative offices and staff housing and to set up the new Government.

## C. ECONOMIC CONDITIONS

### General

114. The 1974 United Nations Visiting Mission reported that the Ellice Islands (Tuvalu), although deficient in copra production, had a high per capita income from overseas remittances. n/ These remittances emanated, in principle, from seamen and phosphate workers abroad, the latter on Nauru and on Ocean Island (now part of the Gilbert Islands).

115. The only other known natural resources of the Territory are products of the seas around them. However, the Visiting Mission also reported that "the Governor did not believe that the fishing industry could contribute substantially to the development of the /Gilbert and Ellice Islands/ Territory. The process of deep-sea commercial fishing was too difficult because of high fuel costs, water problems,

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n/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. V, chap. XXI, annex I, para. 110.

the resultant lack of refrigeration facilities, the high risk involved in investment and, above all, the competition from foreign fleets". o/

#### Public finance

116. It is reported that the first budget for the new Territory for 1976 totalled \$A 1.4 million, over half of which was to come from local revenues (estimated at \$A 850,000), derived mainly from philately and coinage (\$A 360,000), customs duties (\$A 125,000) and personal taxes (\$A 50,000), and the remainder from a United Kingdom grant of \$A 587,290.

117. In addition, Tuvalu would have development funds of \$A 1.7 million derived from grants for 1976, to be used, inter alia, for the building of an administrative centre at Funafuti; the capital assets and working capital for the Co-operative Wholesale Society, \$A 425,000; a home ownership loan scheme for civil servants, \$A 424,000; education, including overseas scholarships and training, \$A 220,000; and the construction of houses for the Commissioner and the Chief Minister and a government rest house, \$A 120,000.

118. The budget estimates included an expenditure of \$A 758,980 on home affairs, including shipping and works; \$A 354,280 on social services and education; and \$A 42,030 on commerce and natural resources.

119. New sources of revenue will reportedly be needed without delay. Efforts are being made to raise additional revenue by minting coins for Tuvalu and by concentrating on the sale of stamps to collectors. It is estimated that these projects will bring in about \$A 250,000 in 1976. As it is unlikely that these sources of revenue will be capable of significant increases in the future, the Government has suggested the development of a fishing and a copra industry, as well as the introduction of new crops and the establishment of small industries.

#### Transport and communications

120. Early in December 1975, the MV Nivanga reportedly sailed for the last time from Tarawa with the last six or seven Tuvaluans returning to Funafuti to join the Tuvalu Civil Service, the majority having been repatriated. Thus, in accordance with the conditions governing separation, p/ the MV Nivanga became a Tuvalu ship.

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o/ Ibid., para. 111.

p/ Ibid., para. 170 (d).

## CHAPTER XX

(A/31/23/Add.8 (Part III))

### ST. HELENA

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of St. Helena to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Committee also took into account the consensus on the question of St. Helena adopted by the General Assembly at its 2431st meeting, on 8 December 1975. 1/ By this consensus, the Assembly, inter alia, requested "the Special Committee in continued co-operation with the administering Power, to seek the best ways and means of implementing the Declaration with respect to St. Helena and to report thereon to the Assembly at its thirty-first session".

4. During its consideration of St. Helena, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

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1/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 34 (A/10034), p. 119, item 23.

5. The representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power concerned, participated in the work of the Special Committee during its consideration of the item.

6. At the 1042nd meeting, on 19 August, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee, introduced the report of that Sub-Committee (A/AC.109/L.1109), containing an account of its consideration of the Territory.

7. At its 1043rd meeting, on 20 August, the Special Committee adopted, without objection, the report of the Sub-Committee on Small Territories and approved the draft consensus contained therein (see para. 9 below).

8. On 23 August, the text of the consensus was transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government.

#### B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the consensus approved by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

(1) The Special Committee, having considered the question of St. Helena and having heard the statements of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, regarding developments in the Territory, reaffirms the inalienable right of the people of St. Helena to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, which fully applies to the Territory.

(2) The Special Committee notes that there has been no change in the constitutional system of the Territory since the Committee last examined the situation in the Territory. Nevertheless, it welcomes the commitment of the Government of the United Kingdom to respect the wishes of the people of the Territory in relation to their advance towards self-determination, as well as to carry out a policy aimed at implementing the consensus on St. Helena adopted by the General Assembly on 8 December 1975. 2/ The Committee considers that the administering Power should take all the necessary measures to create conditions under which St. Helenians may exercise their right to self-determination in accordance with the provisions of resolution 1514 (XV). It also believes that encouragement and opportunities should be given to St. Helenians to enable them to continue in their efforts to form political parties in order that the local political leadership can be strengthened, thus encouraging greater political awareness in the Territory.

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2/ Ibid.

(3) In expressing its concern over the fragility of the local economy, the Special Committee calls upon the administering Power to continue and intensify its efforts to assist the Territory in promoting its economic growth, particularly the establishment of a well-organized fishing industry. In this connexion, it welcomes the economic and technical assistance which St. Helena has received from the administering Power, including in particular the financing of the five-year Development Plan, 1974-1979, to increase local production, mainly in agriculture and fisheries, and to create a private sector with small industries. Taking into account the particular problems of St. Helena arising from its geographical isolation, limited natural resources and small population, the Committee considers that such assistance constitutes an important means of developing the economic potential of the Territory and of enhancing the capacity of its people to realize fully the goals set forth in the relevant provisions of the Charter of the United Nations.

(4) Bearing in mind the extreme remoteness and isolation of St. Helena, the Special Committee urges the administering Power to give priority to the development of air services and the expansion of sea transport facilities.

(5) The Special Committee urges the administering Power to continue to assist the Territory in fostering its social development, and especially to hasten progress in the fields of labour and education.

(6) The Special Committee notes the positive attitude taken by the Government of the United Kingdom on the question of receiving visiting missions, and expresses the hope that the administering Power will permit the access of such a mission to St. Helena so as to enable the Committee to obtain first-hand information on the conditions existing in the Territory and to ascertain the wishes and aspirations of its people concerning their future.

ANNEX\*

WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.109/L.1086 and Corr.1.

## ST. HELENA a/

### 1. GENERAL

1. The Territory of St. Helena lies in the South Atlantic, approximately 1,931 kilometres from Angola and 2,896 kilometres from Brazil. The Territory, covering an area of 411.8 square kilometres, consists of the island of St. Helena and two dependencies, Ascension Island, and a group of six islands (five uninhabited) forming the dependency of Tristan da Cunha. St. Helena is the largest island of the Territory, with an area of 121.7 square kilometres and a population, mainly of African, Asian and British descent, estimated at 5,056 at the end of 1972, including 1,600 in Jamestown, the capital. Ascension, with an area of 88 square kilometres, has no indigenous population; the number of inhabitants varies from year to year according to the availability of local employment (1,129 at the end of 1972, of whom 660 were from St. Helena). Tristan da Cunha, with an area of 98.4 square kilometres, had 292 inhabitants, also of mixed origin, in December 1975.

### 2. CONSTITUTIONAL ARRANGEMENTS

2. An Order in Council and Royal Instructions of November 1966, which came into force on 1 January 1967, provides for a Legislative Council, consisting of the Governor, 2 ex officio members (the Government Secretary and the Treasurer) and 12 elected members; and an Executive Council, consisting of the Government Secretary and the Treasurer as ex officio members and the chairmen of the council committees (all of whom must be members of the Legislative Council). The Governor presides at meetings of the Executive Council. Council committees, a majority of whose members must be members of the Legislative Council, are appointed by the Governor and charged with executive powers and general supervision of government departments. General elections were held in February 1968 and May 1972. The next elections were scheduled for 1976.

3. On 2 July 1975, the representative of the United Kingdom, as the administering Power, informed Sub-Committee II at its 237th meeting (A/AC.109/SC.3/SR.237) that, in the view of his Government, the Constitution was working well and that further changes at the current stage would be premature. He went on to say that there was no desire for independence among the islanders, who were strongly attached to the United Kingdom. The United Kingdom representative noted, however, that his Government respected the right of the people of St. Helena to self-determination

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a/ The information contained in this paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 6 August 1975, for the period 1 April 1973 to 31 March 1974. Information transmitted on Tristan da Cunha relates to the year ending 30 June 1975.

and that, if the Legislative Council were to make proposals at any time concerning the Territory's future, they would receive very careful study.

4. There are four courts on St. Helena: the Supreme Court, the Magistrate's Court, the Small Debts Court and the Juvenile Court. Provision exists for a St. Helena Court of Appeal, which can sit in Jamestown, the capital, or in London.

### 3. ECONOMIC CONDITIONS

5. The period 1974/75 was the first year of the five-year Development Plan, 1974-1979, which had been approved by the Legislative Council in June 1974. The Plan envisages an expenditure of approximately £1.5 million b/ over the five-year period, with particular emphasis on the development of the Territory's natural resources, such as the plentiful supply of fish in the waters surrounding St. Helena.

6. In addition to the funds to be provided for the implementation of the development plan, the United Kingdom will provide an annual grant-in-aid amounting to £300 per capita over the period of the Plan (see table below). The United Kingdom has also provided funds to enable the St. Helena Government to exercise its option to purchase the shares of Solomon and Company, the leading island company, held by the South Atlantic Trading and Investment Company. The territorial Government was thus able to increase its participation from 32 to 63 per cent of the company shares.

7. According to the administering Power, exceptionally good rains in 1974 following long periods of severe drought revived agricultural production. The situation deteriorated later, however, owing to the virtual failure of the winter rains, and the Territory suffered a return to near drought conditions in February 1975.

8. Departmental expenditure for the period 1 April 1974 to 31 March 1975 was £146,794, excluding £64,120 on development projects.

9. At the end of March 1975, there were 82.9 kilometres of surfaced roads. Motor vehicles numbered 791, including 126 taxis and 36 privately owned vehicles operating as buses.

10. In 1974, 35 merchant ships, 44 yachts and 23 other vessels called at St. Helena. There is a post office in Jamestown and seven regional offices in the country districts. The telephone exchange handled 239,928 calls during the period under review.

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b/ The local currency is the pound sterling (£).



St. Helena: public finance, 1974/75

A. Revenue

(In pounds sterling)

Customs	91 998
Port and marine	20 662
Licences and taxes	26 981
Fees and reimbursements	32 452
Post office	48 814
Revenue from properties	28 117
Interest	49 192
Miscellaneous	93 169
Electricity and telephones	22 300
Overseas Service Aid Scheme	4 475
Grant-in-aid	560 232
Development aid	377 657
	<hr/>
	1 356 049

B. Expenditure

Governor	11 361
Agriculture and forestry	146 794
Audit	3 016
Education	73 544
Electricity and telephones	75 113
Miscellaneous	226 095
Pensions	28 079
Police and gaol	17 255
Post office	20 232
Public health	97 735
Public works	33 750
Public works, annual recurrent	281 900
Secretariat	23 106
Social welfare	74 979
Treasury and customs	21 199
Judicial	3 230
Overseas Service Aid Scheme	4 508
Development aid	378 206
	<hr/>
	1 520 102

#### 4. SOCIAL AND EDUCATIONAL CONDITIONS

##### A. Labour

11. At the end of March 1975, the principal categories of wage earners were: skilled labourers, tradesmen and apprentices, 593; semi-skilled and general labourers, 315; agricultural labourers, 272; mechanics and motor drivers, 68; and fishermen and boatmen, 12.

12. The average weekly rates of pay for both government and commercial employees ranged from £7.73 to £8.77 for skilled labourers; £6.69 to £7.73 for agricultural and general labourers; and £3.92 to £7.50 for apprentices. Workers in all categories received a cost-of-living allowance of £2.50 per week.

13. At the end of March 1975 there were 451 St. Helenians employed on Ascension Island.

##### B. Standard of living

14. The steep rise in the cost of living continued throughout 1974/75, which reportedly led to the receipt of an additional grant from the United Kingdom to cover increased payments to social welfare recipients, as well as increases in the cost-of-living allowance and its extension to the entire territorial government staff. To mitigate the higher cost of living caused by the rising cost of essential imported food-stuffs, the government subsidy was increased with effect from September 1974, thereby reducing the price of those commodities to the level of the previous April.

15. The index of retail prices at 7 April 1975 was 192.04, based on an index of 100 at 28 February 1971.

##### C. Housing

16. In 1974/75, three semi-detached housing units (three 2-bedroom and three 3-bedroom) were built in the Half Tree Hollow area. Two private houses, one in Jamestown and one in the Sandy Bay area, were purchased by the Government for occupation by expatriate staff.

##### D. Social security and welfare

17. Unemployment relief payments in 1974/75 for persons over 60 years of age amounted to £3.00 per week for a single person and £4.50 for a couple, with 75 new pence for each additional dependant up to a maximum of £7.00. Men under 60 years of age were paid at a rate of £1.34 per day plus a cost-of-living allowance of £1.50 for three days.

18. At the end of March 1975, 257 needy persons were receiving relief in the form of cash payments varying from 50 new pence to £7.00 weekly.

#### E. Public health

19. Recurrent expenditure on public health totalled £96,205 in 1974/75. Capital expenditure during the same period amounted to £1,530. Total public health expenditure (£97,735), which was covered by a United Kingdom grant-in-aid, represented 8.6 per cent of territorial government expenditure for the period under review.

#### F. Education

20. In 1974/75, recurrent expenditure on education amounted to £73,544, which was covered by a United Kingdom grant-in-aid. There was no capital expenditure on education during the period. Total educational expenditure represented 6.5 per cent of territorial government expenditure.

### 5. DEPENDENCIES OF ST. HELENA

21. Tristan da Cunha and Ascension Island are governed from St. Helena.

#### A. Tristan da Cunha

22. Tristan da Cunha, the main island of the group of islands forming the dependency, lies approximately 1,930 kilometres south of St. Helena.

23. The local government is headed by an Administrator aided by an advisory Island Council (eight elected and three appointed members). The Council's advisory functions are carried out by elected committees dealing with education and social welfare; agriculture and natural resources; public health; and public works. Elections to the Island Council were last held in February 1973; new elections were scheduled for March 1976.

24. For the year ending 30 June 1975, estimated revenue totalled £111,640, of which philatelic sales contributed approximately £60,000. Expenditure for the same period was an estimated £107,784. There is no income tax, but each householder pays an annual rate of 65 new pence, irrespective of the value of his property.

25. The main sources of employment are the Government and the crayfish industry, the major economic activity of the island.

26. A medical officer from the United Kingdom, assisted by two nurses and two public health assistants, is responsible for public health on the island. In 1974/75, public health expenditure amounted to £10,700, including £1,000 for capital expenditure.

27. Education is free and compulsory for all children between the ages of 5 and 15 years. In 1974/75, expenditure on education totalled £6,096, of which £2,600 was for capital expenditure. The Government maintains one school which had an average of 67 pupils during the period under review.

B. Ascension Island

28. The small island of Ascension lies approximately 1,120 kilometres north-west of St. Helena.

29. The island is an important communications centre serving as a relay station for cables between South Africa and Europe. The station is operated by the South Atlantic Cable Company.

30. The expatriate staff of Cable and Wireless, Ltd. and the staff of the base established in 1942 by the Government of the United States of America numbered approximately 460. The base, which was set up under an arrangement with the United Kingdom Government, is now operated as part of the United States tracking system.

## CHAPTER XXI

(A/31/23/Add.8 (Part III))

### SOLOMON ISLANDS

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of the Solomon Islands to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular, ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Committee also took into account General Assembly resolution 3431 (XXX) of 8 December 1975, in paragraph 4 of which the Assembly requested the Special Committee "to continue its examination of the question, including the dispatch, as appropriate and in consultation with the administering Power, of a United Nations visiting mission to the Solomon Islands in connexion with the processes leading to the Territory's accession to independence ...".

4. During its consideration of the Solomon Islands, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

5. The representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power concerned, participated in the work of the Special Committee during its consideration of the item.
6. At the 1042nd meeting, on 19 August, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee (A/AC.109/PV.1042), introduced the report of that Sub-Committee (A/AC.109/L.1110), containing an account of its consideration of the Solomon Islands.
7. At its 1043rd meeting, on 20 August, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the conclusions and recommendations contained therein (see para. 9 below).
8. On 23 August, the text of the conclusions and recommendations was transmitted to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations for the attention of his Government.

#### B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the conclusions and recommendations concerning the Solomon Islands adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

(1) The Special Committee reaffirms the inalienable right of the people of the Solomon Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the special circumstances of the Solomon Islands, owing to such factors as their size, geographic location, population and limited natural resources, the Special Committee reiterates the view that these circumstances should in no way delay the speedy implementation of the process of self-determination in conformity with the Declaration contained in General Assembly resolution 1514 (XV), which fully applies to the Territory.

(3) The Special Committee notes with appreciation the continued co-operation of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, in participating actively in the work of the Committee, thereby enabling the Committee to conduct a more informed and more meaningful examination of the Solomon Islands, with a view to accelerating the process of decolonization towards the full and speedy implementation of the Declaration.

(4) The Special Committee is encouraged by the latest political, economic and social developments in the Territory and the efforts being made by the administering Power and the people of the Solomon Islands and their leaders towards facilitating a smooth transition of the Territory to independence. The Committee welcomes in particular the achievement of full

internal self-government on 2 January 1976, following the 16-month experience of the ministerial system of government initiated in August 1974. It notes with interest the outcome of the general elections, held on 30 June 1976, which, together with the report of the Constitutional Committee, will determine the basis of the Territory's approach to the constitutional conference to be held later in 1976. The Special Committee hopes that the constitutional conference will determine the exact date of independence and the content of the Solomon Islands independence constitution.

(5) The Special Committee notes that Solomon Islanders account for some 83 per cent of the public service and the expatriate officers serving under the Overseas Aide Scheme declined from 13 per cent in 1975 to 12 per cent in 1976. It also notes that four out of nine ministries are headed by Solomon Islanders. The Committee considers that this process of localization is an essential development, and it urges the administering Power to continue the training of local officers in the technical and professional fields, in order to accelerate the filling of vacant posts by Solomon Islanders and also to reduce the need for experts from outside the Territory.

(6) The Special Committee notes with regret that progress in the field of economic development does not seem to have matched the speed of the constitutional changes which have taken place. Despite natural resources, such as agricultural land, fisheries and minerals, production for export is confined mainly to copra and timber. Bearing in mind that the territorial Government is aware of the problem, the Committee calls for more efforts towards diversification of the economy of the Territory, with emphasis on the development of fisheries, beef production, palm oil and minerals.

(7) The Special Committee notes with satisfaction the provisions of the 1976 territorial appropriation bill, calling for progress towards economic self-reliance in conformity with the National Development Plan for the period 1975-1979, which provides an impressive blueprint for the Territory's development. The Committee is pleased to note that the plan aims, inter alia, at phasing out budgetary grants-in-aid by 1980/81 and transferring greatly increased resources and responsibilities to the local councils and to the people at large, through the area committees of the councils.

(8) The Special Committee also notes that, although the Government of the Solomon Islands is aware of the need for the financial and technical skills which foreign investment can bring, it has established guidelines whereby foreign investment proposals will be assessed by the criterion of their effectiveness in improving the quality of life in the Territory, particularly in rural areas. In this connexion, the Committee notes with satisfaction the economic contributions from Australia and New Zealand in aid programmes, as well as the participation of the United Nations Development Programme (UNDP) in the economic development of the Territory for the year 1976. The Committee also takes note of the fact that United Kingdom aid and technical assistance to the Solomon Islands currently amounts to £6 million per annum.

(9) The Special Committee expresses its concern over the continuing problems in the area of national land policy. It welcomes the report of the Land and Mining Commission on all aspects of land use in the Solomon Islands, published in March 1976, and requests the administering Power to provide information on the implementation of the recommendations of the report.



ANNEX\*

WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.109/L.1078 and Add.1.

## SOLOMON ISLANDS<sup>a/</sup>

### 1. GENERAL

1. The Solomon Islands comprise the largest Territory administered by the United Kingdom in the Pacific Ocean area. They form a scattered archipelago stretching approximately 1,448 kilometres in a south-easterly direction from Bougainville, Papua New Guinea, to the Santa Cruz Islands, that is, from 5 to 12 degrees south latitude. The total land area is 28,560 square kilometres. The nearest land mass, other than the island of New Guinea, is north-eastern Australia, 1,609 kilometres to the west.

2. The first full census in the Solomon Islands was taken in February 1970, and another full census was planned for February 1976. According to an estimate made in 1975, the total population was 187,500, compared with an estimated 184,500 in 1974. The largest concentration of people was in Honiara, the capital, which had a population of 14,000 in 1972.

### 2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

#### A. General

3. As previously reported, until 1973, the Solomon Islands was one of two remaining Territories administered by the United Kingdom through its High Commissioner for the Western Pacific, the other being the condominium of the New Hebrides, administered by both France and the United Kingdom. In 1974 the High Commissioner ceased to act for the New Hebrides. On 28 August 1974, following the entry into effect of the new Constitution, Mr. Donald C. C. Luddington, previously the High Commissioner for the Western Pacific, was sworn in as Governor of the Solomon Islands.

4. Under the terms of the new Constitution, which came into effect on 21 August 1974, the Governing Council has been replaced by a Legislative Assembly, consisting of 24 elected members, who elect the Chief Minister, and 3 ex officio members: the Deputy Governor, the Attorney-General and the Financial Secretary. Ministers, other than the Chief Minister, are formally appointed by the Governor, acting in accordance with the advice of the Chief Minister. The Council of Ministers is collectively responsible to the Legislative Assembly. At present, the Governor presides over the Council; the Chief Minister is expected to assume this function in the future. The Governor retains responsibility for defence, foreign affairs, internal security and the public service.

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<sup>a/</sup> The information contained in this paper has been derived from published reports and from the information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations on 24 June 1975 for the year ending 31 December 1974.

5. According to the administering Power, the chief function of the Deputy Governor is to act as an assistant to the Governor in the exercise of his responsibilities for defence, external affairs, internal security and the public service.

6. It was reported that the necessary order conferring internal self-government on the Solomon Islands was approved by the Legislative Assembly on 12 November 1975 and went into effect on 2 January 1976 (see paras. 19-20 below).

7. On 18 November 1975, Mr. Solomon Mamaloni, member for West Makira, and the first Chief Minister of the Solomon Islands, resigned over a discrepancy by his Government in issuing gold and silver coins commemorating self-government. On 1 December 1975, he was reportedly reinstated following a vote taken in the Legislative Assembly. As a result of the vote, an agreement was reached whereby the United Solomon Islands Party (USIP), the Opposition party, acquired five seats in the eight-member cabinet. Mr. Mamaloni's party, the People's Progress Party (PPP), has two seats, the eighth being held by an independent. General elections for the new Legislative Assembly are expected to take place in June 1976 (see para. 20 below).

8. On 2 January 1976, it was reported that some 200 people marched on the Governor's office in Honiara to protest the Territory's move to internal self-government. The demonstration coincided with a general strike called by the unions, which, according to a press report, objected to the Territory's party system of Government as unsuitable and undemocratic. Police reportedly used tear gas to drive the demonstrators back.

9. The Constitutional Committee, in its investigation into what kind of constitution the Solomon Islanders would prefer, found, inter alia, that there was general satisfaction throughout the Territory with the current electoral system, but that there was a division of opinion on whether chiefs should be represented in the legislature which is to lead the Solomon Islands towards independence. The Committee also found that there was some anxiety regarding the pace at which the Solomon Islands had proceeded from a ministerial system of government, instituted in 1974, to a stage of complete self-government by 2 January 1976. There was concern, as evinced by the 2 January demonstration, that the speed of progress should have been what it was and that the Solomon Islands Government should have decided to go ahead with internal self-government without a new general election.

#### B. Judiciary

10. Civil and criminal jurisdiction is exercised in the Solomon Islands by the High Court of the Western Pacific, constituted under the Western Pacific (Courts) Order in Council, 1961, consisting of a Chief Justice and a puisne judge. The Chief Justice is ordinarily resident in the Territory and the puisne judge in the New Hebrides. The Court is a superior court of record and exercises jurisdiction similar to that vested in the High Court of Justice in the United Kingdom. The High Court (Civil Procedure) Rules, 1964, regulate the civil procedure of the Court.

### C. Local government

11. The Territory is divided into four administrative districts, each under a district commissioner, assisted by one or more district officers who may have geographical or functional duties. The four districts are: Malaita, Eastern, Western and Central. District commissioners are responsible for advising on the development of local government, general administration and the co-ordination of departmental activities within the districts. The larger islands are administratively divided into subdistricts and the smaller islands and groups of islands are also classified as subdistricts.
12. By late 1974, the number of local councils operating within the four districts had been reduced through amalgamation from 18 to 9, as follows:
- (a) Western Council, consisting of all the islands in the Western District;
  - (b) Guadalcanal Council, consisting only of Guadalcanal Island, with the exception of Honiara;
  - (c) Central Islands Council, consisting of the islands of Nggela, Russell, Savo, Rennell and Bellona;
  - (d) Malaita Council, consisting of the islands of Malaita, Sikaiana and Ontong Java;
  - (e) Isabel Council, consisting only of the island of Santa Isabel;
  - (f) Eastern Islands Council, consisting of the islands of Santa Cruz, Tikopia, Anuta and the Reef group;
  - (g) Honiara Town Council;
  - (h) Makira Council, consisting of the islands of Makira and Ugi;
  - (i) Ulawa Council, consisting only of Ulawa Island.
13. During 1974, significant progress was made in developing the scope of responsibilities of local government in accordance with a plan being implemented under the aegis of the United Kingdom Ministry of Home Affairs. Local councils, served by their own staff as well as increasing numbers of seconded officers from the public service, now administer a wide range of local services. Many councils have established administrative services, communications, rural health services, schools, markets and village water supplies. This substantially affects the status of the district commissioners.
14. Under the new reforms, councils are provided with adequate financial and management assistance from the central Government to cope with the extra duties and responsibilities that they have agreed to take on. Most of the councils' revenue is derived from an annual basic rate. There are some 20,000 rate payers and rates

vary from \$A 1 b/ in some remote islands to \$A 20 in a few richer areas. The average rate is \$A 5 a year. Other revenue is obtained from court fees and fines, licences, bank interest, fees for services, grants from the central Government and sundry minor accounts.

15. Most councils held elections during 1974, and the turn-out of voters, according to the annual report of the administering Power, was between 50 and 75 per cent of those registered. The total number of elected seats in 1974 was 174, compared with 228 in 1973. The reduction of seats reflects the amalgamation of the smaller councils.

16. According to the administering Power, the aim of the Solomon Islands Government is to amalgamate the Ulawa and Makira councils, thereby reducing the number of local councils to eight. It was reported in 1975, however, that Ulawa had refused to join with Makira.

#### D. Future of the Territory

17. At the first session of the Legislative Assembly on 9 October 1974, Governor Luddington outlined the following eight general principles upon which the new Government proposed to base its thinking and action:

(a) Decentralization of government in order to bring the functions of government closer to the people;

(b) Promotion of the self-reliance of the Territory and its people by making the best possible use of natural resources;

(c) Equitable distribution of government services, direct financial aid and all forms of economic development among the different areas and peoples of the Territory;

(d) Ensuring that Solomon Islanders assume increasing responsibilities in respect of all sectors of the economy;

(e) Encouragement of active participation and involvement of all members of the community in the development of the country;

(f) Encouragement of all Solomon Islanders to develop a greater feeling of pride in their unique background and heritage and a dedication to its preservation;

(g) Encouragement of regional co-operation to protect the Pacific Ocean area from exploitation and pollution;

(h) Maintenance of law and order, and continuation of constitutional government.

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b/ The local currency is the Australian dollar (\$A). At 18 February 1976, \$A 1.00 equalled approximately \$US 1.26.

18. On 21 May 1975, it was announced in London that a delegation composed of representatives from the Solomon Islands and the United Kingdom Government had agreed on internal self-government for the Territory by 1 November 1975, if possible, but, at any rate, not later than the end of the year, on the understanding that, subject to the approval of the United Kingdom Parliament, independence should follow within 12 to 18 months. The agreement also called for the holding of a general election before independence.

19. In August 1975, a constitutional committee was appointed to make recommendations for an independence constitution and report to the Solomon Islands Legislative Assembly no later than April 1976. PPP and USIP reportedly differ on the date for independence, the latter favouring an early date. The view of the United Kingdom Government is that after the recommendations of the constitutional committee have been considered by the Legislative Assembly, a constitutional conference should be convened at London to draw up the independence constitution and fix the date for independence, bearing in mind that a general election should precede the granting of independence.

20. In October 1975, it was reported that the Solomon Islands Government had drawn up a tentative time-table which would lead to independence in July or August 1977. The first step was to be internal self-government on 1 November 1975, followed by a general election in June 1976 and the constitutional conference in London, around November 1976.

#### E. Public service

21. The composition of the public service at 1 January 1975 and the percentage of each group, compared with the previous two years, was reported to be as follows:

	<u>1973</u>		<u>1974</u>		<u>1975</u>	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Solomon Islanders	1 661	73.1	1 621	74.1	1 569	74.6
Expatriate officers designated under the Overseas Service Aid Scheme	324	14.3	279	12.7	273	13.0
Non-designated officers, including temporary officers from overseas	48	2.1	56	2.6	53	2.5
Vacant posts	<u>238</u>	<u>10.5</u>	<u>231</u>	<u>10.6</u>	<u>208</u>	<u>9.9</u>
Total	2 271	100.0	2 187	100.0	2 103	100.0

According to these figures, the number of Solomon Islanders employed in the public service decreased in 1975, but their proportion increased slightly. The number of designated and non-designated expatriates also decreased slightly, while the number of vacancies was the lowest recorded over the past six years.

22. The term "designated" is used to describe the way in which the officers in question are rewarded for their services. If the Solomon Islands Government is unable to fill a position from among the locally trained personnel, it may recruit overseas. The salaries of the majority of those officers are financed partly from funds allocated by the United Kingdom Parliament under the Overseas Service Aid Scheme, which covers all the remaining British dependent Territories and a number of other countries as well. Under this scheme, where the Solomon Islands Government is not capable of meeting the full cost of an expatriate officer from its own resources, funds are designated to that vacancy in the public service to help the Solomon Islands Government.

23. Currently, the proportion of officers of Solomon Islands origin in senior positions in the public service amounts to 22 per cent of the 228 most senior positions (18 per cent are vacant, and 60 per cent are filled by expatriates). According to the administering Power, the proportion of expatriates in the public service has decreased by one third during the last two years, and currently four of the nine ministries (education and cultural affairs, home affairs, health and welfare and works and public utilities) are headed by Solomon Islanders.

24. According to the annual report of the administering Power, in-service training courses and supervision and management training proceeded at a good pace throughout 1974. In all, 37 locally organized, in-service training courses were held either by government departments or by the Regional Training Development Unit, and were attended by 455 persons. Various seminars held throughout the year were attended by 146 persons. During the year under review, 113 officers attended in-service courses or seminars overseas, mainly in the technical and professional fields, where local facilities were not available or numbers did not justify the organization of courses locally.

25. In 1975, it was reported that the fund for the training of Solomon Islanders in the United Kingdom under the British Technical Assistance Programme had been increased to £55,000 on 1 April 1975. The first to benefit were to be study fellows already in the United Kingdom whose studies were to continue into 1975 and 1976. Others whose applications had already been received, accepted and processed would receive priority. This would cost about £6,500. The balance of £48,500 would enable an additional 26 awards to be made during the period ending 31 March 1976.

### 3. ECONOMIC CONDITIONS

#### A. General

26. The Territory's principal natural resources are its agricultural land, coconut palms, fisheries, forests and minerals. Although there are no mining operations as such, there are prospects of nickel mining on Santa Isabel. The Solomon Islands specialize in the production of a few agricultural commodities for export, mainly copra and timber, and depends heavily on imported goods to satisfy local requirements. In 1974, total exports, including re-exports, increased by

90.6 per cent over 1973. The main contributor was copra, where exports in terms of value increased from \$A 2.8 million to \$A 9.0 million. In volume, however, copra exports increased only from 15,240 to 21,337 metric tons. Timber also improved in value and fish exports, after a slump in 1973, recovered to just over the 1972 level.

27. According to the annual report of the administering Power, a trade surplus was recorded for the first time in 1974. Provisional figures show that exports amounted to \$A 18.3 million and imports to \$A 17.0 million, thus giving a surplus of approximately \$A 1.3 million. (In 1973, exports were valued at \$A 9.6 million and imports at \$A 11.3 million, a deficit of \$A 1.7 million.) In 1974, apart from the three major exports (copra, fish and timber), the other domestic exports remained insignificant.

28. The pattern of imports in 1974 was similar to that of 1973. Australia increased its dominance as the origin of imports, followed by Japan and the United Kingdom in the second and third positions (\$A 7.2 million, \$A 2.1 million and \$A 1.3 million, respectively). Imports from all other countries totalled \$A 6.4 million.

29. Since 1974, the per capita income of the Solomon Islanders has been approximately \$US 300. This total includes non-cash income.

#### B. Development plans

30. The annual report of the administering Power states that in 1974, with the Sixth Development Plan, 1971-1974, drawing to a close, the Financial Secretary had devoted considerable time towards constructing the National Development Plan, 1975-1979. There was no noticeable hiatus in development projects, which according to the administering Power maintained a healthy momentum, although the meshing of the two plan periods inevitably created a number of problems. The National Development Plan was reportedly approved by the Government on 4 April 1975 and adopted by the Legislative Assembly on 8 May 1975.

#### C. Land

31. The Territory has two formalized systems of land holding: registered land and land held under documentary title. The law specifically prohibits dealings in customary land between Solomon Islanders and non-Solomon Islanders, except in special circumstances in accordance with customary usage. In March 1976, the Land and Mining Commission, appointed in 1974 to study all aspects of land holding and land use (traditional and modern) in the Territory, submitted its report to the Government of the Solomon Islands.

32. Owing to shortages of staff and to changes in the Government, less progress was made on land settlement issues than had been expected. Field work was completed on two settlements of 518 hectares and 420 hectares, respectively. Although other



projects already under way were delayed 50 applications for land settlement were listed, showing an increasing interest in land settlement work; and 61 applications for first registration were disposed of during the year, some 30 of which involved settlement of documentary titles. The total area of land held under registered title in 1974 was 267,347 hectares, representing 4,600 titles registered, an increase of 31 per cent over the previous year.

#### D. Agriculture

33. The year under review, 1974, was the final year of implementation of the Sixth Development Plan, 1971-1974, which recognized the fundamental importance of agriculture to the economy. The objectives of policy during the plan period, in order of priority, were to:

- (a) Rehabilitate and increase smallholders' coconut production, provide incentives and services to ensure that crops were harvested and plan coconut plantation rehabilitation;
- (b) Develop oil palm to become the second main crop by 1980;
- (c) Increase meat production to supply up to 50 or 60 per cent of internal demand by 1976, achieve internal self-sufficiency by 1980-1983, and establish the basis for a beef export industry;
- (d) Achieve self-sufficiency in rice production by 1974-1975 and maintain it thereafter;
- (e) Increase productivity in subsistence crop production;
- (f) Develop cocoa, spices and other cash crops on an economic basis;
- (g) Build an infrastructure for agriculture (marketing, research, availability of supplies, mechanization, transport etc.) and a training and localization programme as prerequisites to development; and
- (h) Educate and encourage the community towards a modern concept of agriculture (intermediate technology, commercial farming, zoning and specialization, increased labour productivity, improved genetic material, etc.) leading to more productive allocation of resources in future.

34. Implementation of the plan progressed with the approval of all projects submitted under the agricultural programme. However, administrative delays, particularly with project revisions, staff shortages and delays in supply of materials placed a strain on agricultural services and achievements in the field. Nevertheless, better integration of resources was achieved and individual farmer and community response strengthened to the extent that the programme was well on course and in certain sectors ahead of schedule. It was expected that most of the agricultural programme would be completed with the extension of the Sixth Development Plan into early 1975.

## Copra

35. In 1974, the production of copra increased by 8,983 metric tons in the smallholders sector and 3,480 metric tons in the plantation sector, bringing the total to a record level of 28,549 metric tons. The record production was primarily due to the high price incentive, and to the increased yields brought about by the recovery of areas affected by cyclones.

36. During 1974, the Copra Board maintained buying points at Gizo, Yandina and Honiara. At the beginning of the year, the price paid was \$A 203 per metric ton for first and second grade and \$A 189 for third grade copra. In February 1974, the Board reverted to buying in three grades and increased the differential between grades. Prices offered were \$A 227 per metric ton for first grade, \$A 216.21 for second grade and \$A 204.48 for third grade copra. During the year, the world vegetable oil market became buoyant and domestic prices rose to a record of \$A 341.38 per metric ton for first grade, \$A 330.00 for second grade and \$A 318.63 for third grade copra. This price level was maintained to 31 December 1974.

37. The Copra Board found markets in Europe (17,764 metric tons) and Japan (1,223 metric tons); some 9,561 metric tons remained unshipped at the end of 1974.

## Other crops

38. Production of dried cocoa beans showed further improvement during 1974, with a total export of 105.6 metric tons, compared with 84.8 metric tons in 1973. Good world prices and an increased acreage were principally responsible for the additional yield. The general high quality of production was reported maintained. There was little change in the marketing arrangements with the bulk of the crop being sold on the European market.

39. In 1974, Solomon Islands Plantations, Ltd., continued large-scale field planting of oil palm seedlings on the Guadalcanal Plains. During 1975, almost 2,023 hectares were planted at N'galimbiu and Tetera and 728 hectares east of the Mbalisuna River. Further supplies of improved seed are expected from Malaysia. Preparation of land, construction of roads, staff housing and the oil mill were said to be well in hand. The mill should be operational in 1976. No further progress has yet been made, however, in the development of the Oil Palm Outgrowers Scheme. Reticence and land disputes continue to prevent advancement.

40. According to the administering Power, interest in spices diminished in 1974, largely as a result of favourable copra prices and the recovery of the copra industry in cyclone-affected areas. During the year, 40.7 metric tons of spices were exported (73.7 metric tons in 1973), as follows: tabasco chillies, 34.7 metric tons; turmeric, 4.4 metric tons; and long red chillies, 1.5 metric tons. The United Kingdom, Australia and New Zealand, were the recipients of those exports. In early 1975, it was reported that some overseas countries had increased their demand for chillies and that Green Acres, a local company, had received orders for about 100 metric tons of tabasco and long red chillies from Australia and New Zealand. Prices paid for chillies in Honiara at that time were \$A 0.12 and \$A 0.13 per kilogram for first grade.

41. A 5.7-hectare block of turmeric planted on Santa Cruz had yielded over 11 metric tons of dried rhizomes with harvesting still in progress. Difficulties had arisen, according to the administering Power, in encouraging local people to replant. Ginger and turmeric planting were popular with smallholders on Malaita and harvesting from those areas was to begin early in 1975. A hectare of young lime trees yields about 36.7 kilograms of fresh limes per week.

#### E. Livestock

42. During 1974, there were 21,048 head of cattle in the Territory, an increase of 2,842 head over the previous year. The distribution of ownership was as follows: plantations, 13,162 head (24 herds); missions, 1,511 head (35 herds); Solomon Islander smallholders, 3,682 head (483 herds); Solomon Islanders plantation, 756 head (18 herds); and Government, 1,937 head (14 herds).

43. The supply of locally produced beef improved during 1974, with approximately 2,300 head of cattle being slaughtered for local consumption. This trend was expected to continue with the completion of a butchery and the appointment of a meat marketing technician. Additional landing barges, cattle trucks and trailers and veterinary/livestock staff have been offered through the Australian South Pacific Aid Programme to strengthen the industry and further develop livestock marketing. A feasibility study for a meat cannery was completed and submitted to the Government for consideration.

44. In 1975, it was reported that Mr. Hammer DeRobert, President of Nauru, had promised financial aid to the Government of the Solomon Islands for beef production, warehouses, irrigation for cattle projects and the expansion of Honiara's port facilities. Mr. DeRobert had said that Nauru needed Solomon Islands' beef, but had been told that there was no surplus for export.

#### F. Fisheries

45. The Solomon Islands are linked, in terms of marine ecology, to an enormous reef system which stretches through New Guinea and Indonesia to South-East Asia. The Territory enjoys a rich and varied marine life, with an estimated 2,000 varieties of fish.

46. Mr. Mamaloni, the Chief Minister, reportedly consented to the establishment of a marine research station off the east coast of San Cristobal and it is hoped that the station will permit a study of more appropriate methods of fishing in tropical waters, the preservation of reef environments and the exploration of new areas.

47. In 1974, the catches of Solomon Taiyo, Ltd., were unprecedented, according to the administering Power, despite the limited number of vessels available to the company. A total catch of 11,115 metric tons of skipjack was landed, of which 8,605 metric tons were shipped frozen and the remainder processed in cans or preserved by smoking. The canning factory produced 75,000 cases of canned skipjack,

mainly for the European market, of which 64,400 cases were exported. The smoking plant opened in May 1974 and produced 69 metric tons of smoked fillets. Local sales amounted to 25 metric tons of frozen skipjack tuna and 10,600 cases of canned fish. Exports of marine produce in 1974 included 18 metric tons of bêche-de-mer. In 1974, Solomon Taiyo employed 442 Solomon Islanders, an increase of 205 over the previous year.

#### G. Forestry

48. An interim programme adopted in 1968 for the period 1969-1972 set a maximum limit of 283,200 cubic metres for annual timber output, and a replanting target of 4,047 hectares of fast-growing general purpose hardwoods by the end of 1972; and aimed at increasing the area of productive land to 1,295 square kilometres. The Sixth Development Plan sought both more rapid timber working (566,400 cubic metres per annum) and replanting (2,023 hectares per annum). Moreover, since sufficient land was available for replanting for many years, even at the expanded rate, the Plan stressed acquisition by the Government of timber rights rather than land as the basis for increased timber production. Neither the timber production nor the replanting targets were achieved and the programme of acquiring timber rights ran into difficulties.

49. In 1974, the economist in the Forestry Department completed the studies he had begun in 1973 in collaboration with a specialist from the Food and Agriculture Organization of the United Nations (FAO) on the timber industry. Their recommendations, including a detailed appraisal of a large-scale timber replanting programme, were incorporated into an application to the United Kingdom for funds for timber planting during the Seventh Development Plan period. An application was also submitted to the Government of New Zealand for funds to convert the timber planting programme to one of combined timber and pulpwood production. One of the aspects of the timber industry study was a preliminary appraisal of the benefits of local processing. Further help on this matter was sought through the United Nations Development Programme (UNDP), which sent a first consultative mission to the Territory in 1974.

50. Firm decisions on main issues connected with forestry programmes and policy were not reached in 1974, partly owing to the postponement of the National Development Plan (see para. 30 above). The Government, acting on a motion passed in the Legislative Assembly, also decided to set up a Forest Policy Review Committee.

51. The buoyant timber market experienced during 1973 continued during the early part of 1974, but thereafter suffered serious decline. The three main log exporting companies were forced to curtail output to some degree. The Allardyce Lumber Company made its final shipment from Allardyce (devastated by cyclone Ida in 1972) during 1974. The company's sawmill at Santa Cruz was expected to come into production during 1975. Foxwoods (BSI timbers), Ltd., which took over milling operations from another company on Guadalcanal during 1973, made progress in 1974. The company reportedly made a net profit of \$A 888,257 in 1974, compared with \$A 610,502 in the previous year.

52. In 1974, total production of logs amounted to 226,560 cubic metres valued at \$A 4.4 million, of which 211,210 cubic metres (254,112 cubic metres in 1973), valued at almost \$A 4.0 million, were exported. Because of the adverse market and curtailment of production in the latter part of the year, the volume of log exports was the lowest since 1969.

#### H. Manufacturing

53. The Solomon Taiyo fish-freezing and canning facilities at Tulagi operated successfully in the period under review (see para. 47 above). Other manufacturing industries included boat-building, production of rattan and other furniture, fibreglass articles, clothing and spices.

54. A growing number of Solomon Islanders are engaged in the supply of building materials and general, electrical and plumbing contracting. Small concerns owned by Solomon Islanders are making furniture and clothing. Mats, baskets, inlaid carvings and curios are produced for sale locally and to visitors. The manufacture of costume jewellery from shells has expanded and is finding a market locally and overseas. Processing industries operating in 1974 included biscuits, twist and rubbed tobacco, soft drinks, ice cream, bêche-de-mer and dried shark fins. The production of bêche-de-mer and dried shark fin decreased as a result of the high price of copra.

#### I. Tourism

55. The number of tourists visiting the Solomon Islands has increased each year from 1,739 in 1970 to an estimated 4,000 in 1974. In addition, four cruise ships brought some 4,600 passengers to Honiara in 1974. In 1975, it was reported that the tourist industry claimed to be worth about \$A 1.3 million a year.

#### J. Public finance

56. The Territory's recurrent budget is balanced by a grant-in-aid from the United Kingdom and most of the capital budget is met from United Kingdom development funds. It was reported in 1975, however, that, although the administering Power provides a greater part of the money for development and an increasing amount each year, the percentage of the total is declining. In 1975, about \$A 1 million was to come from sources outside the United Kingdom. According to the report of the administering Power, revenue and expenditure for 1972 and 1973 were as follows:

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	<u>1972</u>	<u>1973</u>
	(Australian dollars)	
Recurrent revenue	5,411,730	5,708,309
Customs and excise duties	2,218,192	2,355,995
United Kingdom development aid	4,966,951	3,573,567
United Kingdom grant-in-aid	1,848,614	1,573,121
Recurrent expenditure	7,209,767	7,277,410
Capital expenditure	4,779,760	3,864,635

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57. A Central Planning Office, under the Office of the Chief Minister, was established in October 1974 and, because of the increasing volume of aid coming to the Territory, an external aid section was established in the Office of the Financial Secretary.

58. At 31 December 1973, the public debt amounted to \$A 553,540. The Government has issued guarantees in respect of the repayment of certain loans and thereby maintains a contingency liability fund totalling \$A 1.3 million.

59. It was reported that estimated government expenditure in 1975 amounted to almost \$A 15.6 million, making the biggest spending year in the history of the Territory and \$A 3 million more than in 1974.

60. The Government of the Solomon Islands is receiving financial aid from both Australia and New Zealand. During the period 1975-1979, Australia will assist the Territory and other South Pacific Territories in a programme designed to preserve the cultural heritage of the area and to promote cultural activities, at a cost of \$A 250,000 a year. For the year ended 31 March 1976, New Zealand aid to the Solomon Islands amounted to \$NZ 170,000. c/

#### K. United Nations

61. On 28 January 1976, the Governing Council of UNDP assigned an indicative planning figure of \$US 3.7 million for the Territory for the period 1977-1981. The country programme of UNDP for the period for the Solomon Islands emphasizes the development of natural resources, with particular attention to the promotion of productive investment and increased productivity through plant protection, coconut research, livestock development, strengthening of veterinary services and fisheries development, with considerable stress on training in all sectors. During 1975, the Territory also received UNDP assistance for two regional projects concerning off-shore prospecting and secondary school curriculum development.

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c/ At 18 February 1976, \$NZ 1.00 equalled approximately \$US 1.07.

#### L. Transport and communications

62. The Territory had 414 kilometres of main roads at the end of 1974 (356 kilometres in 1973) and some 805 kilometres of secondary roads. Transport between the islands is provided mainly by numerous small boats and by Solomon Islands Airways, Ltd. (SOLAIR). Vessels surveyed during 1974 numbered 137 (145 in 1973), including 31 government vessels. A new landing barge was under construction in Australia.

63. In September 1975, it was reported that the Honiara Marine and Shipyard Company, Ltd., had built and delivered a 54-metric-ton fishing vessel, equipped with storage facilities and freezers, to Yap District in the Trust Territory of the Pacific Islands.

#### 4. SOCIAL CONDITIONS

##### A. Co-operative societies

64. During 1974, 20 co-operative societies were formed, bringing the total number of active societies to 190, with a membership of just over 11,000. According to the annual report of the administering Power, the total turnover of primary societies increased by some 50 per cent in 1973, of which about one third resulted directly from an interest in copra. This development continued in 1974, with an estimated total turnover of some \$A 2.5 million, all of which resulted directly from copra prices. Activities in other produce, including cocoa and chillies, remained relatively unchanged in 1973, but showed a marked decline in 1974. Marine shell prices remained high and the activity in this area increased.

65. The considerable increase in business was reflected in the two co-operative wholesale organizations at Gizo and Honiara, both in terms of produce and goods handled and in the organization of shipping. The turnover of the two associations totalled almost \$A 1.5 million in 1974.

##### B. Labour

66. The total labour force in 1973 was 13,867, compared with 14,454 in 1972. Of this number, 2,033 were in the public service. The acute shortage of skilled Solomon Islanders continued to be offset by the employment of expatriates, who numbered 1,010 in all categories at the end of June 1974 (974 in 1973). Immigrant workers with a skill not yet obtainable in the Solomon Islands may enter and work in the Territory on condition that their employers either train Solomon Islanders in the skill or pursue agreed schemes of training for Solomon Islanders. In 1974, there were 1,381 Solomon Islands women in paid employment.

67. In January 1974, the Government reviewed the wage rates paid to its daily-paid workers. Under these arrangements, newly engaged unskilled workers received \$A 1.35 per day for a five-day working week of 40 hours; experienced labourers and

artisans received from \$A 1.75 to \$A 3.60 per day according to skill; and housing, transport, light and water, previously provided free to labourers and artisans, became subject to a charge against wages. The new rates were also reflected in parts of the private sector.

68. Five reported work stoppages occurred during 1974, with a total loss of 192 man-days compared with two stoppages and a loss of 292 man-days in 1973.

69. According to press reports, the labour laws in the Territory might be changed following an inquiry by a tribunal into a dispute on the Honiara waterfront, which led to an 11-day strike in August 1975. The stevedores had asked, inter alia, for an increase of wages by 25 per cent for seniors and by 30 per cent for juniors. The main issue for the tribunal was whether the 50 stevedores involved in the strike should be paid for the period they were on strike.

70. Mr. Fred Osifelo, the presiding officer of the tribunal, made six awards and recommendations, including that the stevedores were not entitled to wages for the time they were on strike, that seniors should receive a 20 per cent and juniors a 25 per cent increase in wages and that the Government should act urgently to change the labour laws to protect the rights of both employers and employees, especially the law covering strikes.

#### C. Public health

71. In 1974, the principal government medical institutions were a central hospital in Honiara (158 beds), three district and three rural hospitals (318 beds) and a 20-bed tuberculosis annex at Malaita. There was also a government leprosarium on Guadalcanal. Religious missions maintained three hospitals (275 beds), and many church centres provided medical services ranging from first-aid treatment to in-patient hospital care by qualified nurses.

72. The problem of malaria in the Solomon Islands is among the worst on record and has had widespread adverse effects on the people's health, with serious economic consequences. The malaria eradication programme reached its peak activity during 1974. The population covered by spraying with dichlor-diphenyl-trichlorethane (DDT) was 178,864. The only areas where spraying was not carried out were Bellona, Tikopia, Anuta and some areas of the Reef Islands, all areas in which the malaria vector mosquito has not been found. Almost all of the malarious area remained under spray coverage and surveillance during 1974, with the exception of part of the New Georgia Islands in the Western District where spraying ceased, although surveillance was intensified. The area was the first part of the Territory to enter into the final consolidation phase of the programme. Rennell Island and parts of Malaita were also excluded after several rounds of spraying owing to the rapid disappearance of the vector mosquito in those areas. Malaria cases dropped from 6,000 in 1973 to 3,000 in 1974.

73. Expenditure by the medical department was estimated at \$A 1.1 million in 1974, compared with an actual expenditure of almost \$A 1.0 million in 1973. This excludes the cost of the malaria eradication programme, which is funded as a capital project from United Kingdom aid, and which reportedly amounted to almost \$A 500,000 in 1975.



## 5. EDUCATIONAL CONDITIONS

74. At the end of August 1974, the former Department of Education, after a life span of just over 20 years, ceased to exist and was replaced by the Ministry of Education and Cultural Affairs. The portfolio includes library and museum services, sociological research, the national archives, church affairs and tourism.

75. In 1975, the Legislative Assembly adopted a White Paper on Education, which had been prepared as a result of an education policy review undertaken in 1973. The White Paper provides, inter alia, for the reorganization of school curricula to ensure that Solomon Islands children are taught to have pride in their heritage, their country and their people and to feel that their education will enhance that heritage. The aim is to provide education relevant to the needs and aspirations of the Solomon Islanders and in keeping with the development for primary and secondary schools.

76. In 1974, primary education was still mainly in the hands of the churches, although grants were paid to schools with trained teachers. Government aid paid to churches in respect of secondary education has been approved for both recurrent and capital purposes. The Government participates directly at the secondary, technical and teacher education levels, as well as in the field of tertiary training. The secondary programme has been closely related to manpower requirements and the need to localize key sectors of the national economy, including the public service, as quickly as possible.

77. The entire cost of tertiary training has been borne by overseas aid, mainly from the United Kingdom, but also from Australia, Canada and New Zealand. Honiara Technical Institute continues to serve both the Solomon Islands and, to the extent of about 10 per cent of its total enrolment, other Territories in the South-West Pacific.

78. Primary education is provided in a seven-year course, divided into junior courses (standards 1 to 4) and senior courses (standards 5 to 7). The number of registered primary schools at 31 March 1974 was 323 (365 in 1973). Of this number, 277 were church schools, 35 were local council schools, 6 were private schools and 5 were government schools. The number of students in primary schools was 24,115 (25,442 in 1973). There were six registered secondary schools (five church and one government) with a total enrolment of 1,566 (1,526 in the previous year).

79. At Honiara Technical Institute, there was a total enrolment of 706 students in 1974 (685 in 1973). Students following higher education courses overseas numbered 110 (94 in 1973).

80. Government expenditure on education was estimated at \$A 2.1 million in 1974, compared with an actual expenditure of \$A 1.9 million in 1973.

CHAPTER XXII  
(A/31/23/Add.8 (Part III))

AMERICAN SAMOA

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A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of American Samoa to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account General Assembly resolution 3429 (XXX) of 8 December 1975 concerning three Territories, including American Samoa, by paragraph 10 of which the Assembly requested the Committee, inter alia, "to continue to seek the best ways and means for the implementation of the Declaration with respect to American Samoa, ... including the possible dispatch of visiting missions in consultation with the administering Power ...".

4. During its consideration of American Samoa, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information in developments concerning the Territory.

5. The representative of the United States of America, as the administering Power concerned, participated in the work of the Special Committee during its consideration of the item.

6. At the 1042nd meeting, on 19 August, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee (A/AC.109/PV.1042), introduced the report of that Sub-Committee (A/AC.109/L.1113), containing an account of its consideration of the Territory.

7. At its 1043rd meeting, on 20 August, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the conclusions and recommendations contained therein (see para. 9 below).

8. On 20 August, the text of the conclusions and recommendations concerning American Samoa was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

#### D. DECISION OF THE SPECIAL COMMITTEE

9. The text of the conclusions and recommendations concerning American Samoa adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

(1) The Special Committee reaffirms the inalienable rights of the people of American Samoa to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the special circumstances of American Samoa, owing to such factors as its size, geographic location, population and limited natural resources, the Special Committee reiterates the view that these circumstances should in no way delay the speedy implementation of the process of self-determination, in conformity with the Declaration contained in resolution 1514 (XV), which fully applies to the Territory.

(3) The Special Committee expresses its appreciation for the co-operation of the United States of America, as the administering Power, in participating actively in the work of the Committee, thereby enabling the Committee to conduct a more informed and more meaningful examination of American Samoa, with a view to accelerating the process of decolonization towards the full and speedy implementation of the Declaration.

(4) The Special Committee notes that, during the period under review, the main political development in the Territory was the decision to hold another special referendum on 31 August 1976 on the question of the proposed popular election of the Governor and Lieutenant-Governor of the Territory. The Committee also notes that this proposal follows previous referendums on the same subject, which resulted in the issue being defeated each time by narrowing margins. The Committee notes with satisfaction, however, that the referendum scheduled for August 1976 on this question will not be held simultaneously with other elections in the Territory, as has been the case with some of the previous referendums, thus enabling the people of the Territory to focus their attention exclusively on the question of the popular election of the Governor and Lieutenant-Governor.

(5) The Special Committee notes that an independent Special Election Commissioner from outside American Samoa has been appointed to supervise the special referendum. One of his tasks will be the over-all supervision of a political education programme to ensure that the voters fully understand the significance of the issue and to encourage maximum participation by eligible voters.

(6) The Special Committee notes that the eligibility requirements for voting, established by the Legislature of American Samoa, appear to be impeding the rights of some 60,000 American Samoans living abroad. The Special Committee urges the administering Power, in consultation with the Government of American Samoa, to consider reviewing the absentee ballot procedure in order to enable suitably qualified American Samoans living overseas to exercise their right to vote.

(7) With regard to economic conditions, the Special Committee notes with interest the statement of the administering Power that, during 1975, the economy of American Samoa began to show signs of slow but steady improvement following the economic recession and a series of local disasters. It urges the administering Power to provide the Territory with a safe and secure water supply system and a reliable electric power system, in order to maintain its important fishing industries and to encourage and support new industrial development.

(8) The Special Committee notes that an administrative judge of the United States Civil Aeronautics Board (CAB) has recommended the establishment of an air route linking American Samoa with other countries in the South Pacific. It expresses the hope that this long-outstanding issue will soon be finally resolved, and that, with the introduction of larger-capacity flights early in 1976, an expansion of the tourist industry in the Territory will take place. It also expresses the hope that the expansion will benefit the people of American Samoa.

(9) The Special Committee takes note of the exchange of letters between the Delegate-at-large of the Government of American Samoa in Washington, D.C. and the Secretary of the Committee which dealt with a decision of the General Assembly concerning American Samoa. In his reply, the Secretary referred to the constructive results which had been achieved by recent United Nations visiting missions to other small Territories and suggested that it would facilitate communication and understanding between the people of American Samoa and the Special Committee if a United Nations visiting mission could also visit the Territory. In this connexion, the Special Committee reiterates its support for the dispatch of visiting missions whenever possible so as to enable it to obtain first-hand information on the situation prevailing in the Territory and the aspirations and wishes of its people concerning their future status. It also urges the administering Power, in consultation with the Government of American Samoa, to send representatives to participate in the work of the Sub-Committee on Small Territories when it considers American Samoa.

ANNEX\*

WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.109/L.1099.

## AMERICAN SAMOA a/

### 1. GENERAL

1. American Samoa consists of seven islands covering some 196.8 square kilometres of land scattered over the South Pacific Ocean. Based on the preliminary results of a government census conducted in September 1974, the population of the Territory was 29,191.

### 2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

#### A. General

2. The Territory is administered by the United States Department of the Interior. The Governor and Lieutenant Governor are appointed by the Secretary of the Interior. The present Governor is Mr. Earl Baker Ruth of North Carolina, who has served in the office since February 1975.

3. American Samoans rejected the proposal to elect their own Governor in 1972, 1973 and 1974. In his inaugural statement, Governor Ruth said, inter alia:

"I know of your desire to some day elect your own Governor. Already you elect your own Fono /Legislature/, and I look forward to working with your elected leaders. I realize that your vote to postpone electing your own Governor to lengthen your period of preparedness took both courage and forethought ...".

4. The Territory is divided administratively into three political districts, which are further subdivided into 14 counties. The chief executive officer in each district is a district governor.

#### B. Legislature

5. The Legislature, which meets twice a year, is composed of a House of Representatives and a Senate, with a membership of 21 and 18, respectively. Public servants are prohibited from serving in the Legislature. Representatives are elected by adult suffrage for two years; 14 senators, each representing a county, serve for four years and the remaining four are selected by rotation from four counties in the Western District to serve for two years. The Legislature is empowered to conduct a preliminary review of the budget.

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a/ The information contained in the present paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 9 June 1976, for the year ending 30 June 1975.

6. The second regular session of the Fourteenth Legislature, elected in November 1974, began on 14 July 1975 and the third regular session convened on 12 January 1976. At the latter session, two new members (including High Chief A. U. Fuimaono, who had until recently served as the Territory's delegate-at-large to Washington, D.C.) were appointed to complete the terms of senators who had died in office.

7. At the opening meeting of the third regular session, Governor Ruth stressed the need for co-operation between the Legislature and the Executive. The Governor reminded the legislators that he had arrived in the Territory in the wake of a task force which had found American Samoa more than \$US 10 million b/ in debt and with a serious shortage of cash. There had been insufficient electric power to serve the main island of Tutuila and a water shortage.

8. "The priority of our problems remains the same," he stated, " - water and electric power, roads and improved services. ... The solution to these problems lies in increased revenue, both federal and local, and more efficient management. ... In the 1976 budget, over \$US 10 million was sought for water, electricity and permanent improvements - also, \$US 2.6 million was sought for operational funds to replace the local revenue decrease. Most of this money was approved by the Bureau of the Budget, in spite of the cut to other federal agencies."

### C. Judiciary

9. The judicial branch consists of a High Court with jurisdiction throughout the islands and a district court for each of the five judicial districts into which the Territory is divided. The High Court is composed of the Chief Justice, an associate justice and Samoan judges. The Chief Justice has general supervision over the judicial branch and presides at all sessions of the High Court. He and the associate justice are appointed by the Secretary of the Interior.

10. It was reported late in 1975 that the Governor had signed into force Public Law 14-18 granting admiralty and maritime jurisdiction to the High Court. Inasmuch as the Legislature had classified the law as emergency legislation, it became effective immediately.

11. Early in 1976, it was reported that Judge A. P. Lutali, the new delegate-at-large to Washington, D.C., had urged the United States Secretary of the Interior to appoint a new Chief Justice as soon as practicable, because the continued delay in filling the position would deprive the people of the Territory of essential judiciary services.

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b/ The local currency is the United States dollar (\$US).

D. Future status of the Territory

12. In October 1975, it was reported that Governor Ruth had vetoed a House bill, passed by the Legislature, which would have established a new territorial political status commission. In a letter to the Fono leadership, the Governor stated:

"This bill contains provisions for a number of activities that would require an expenditure of funds to carry out the purpose of the legislation. However, the Legislature has not provided a provision for funding of the proposed legislature. This would make it impossible to carry out the purpose of the bill.

"It should be noted that the first Territorial Political Status Commission has completed a comprehensive study in the last two years. c/ The extensive report of the Commission provides answers and directions towards the solution of many of the concerns of political status. It is recommended that the Legislature take into consideration the report in the process of any reconsideration of this legislation."

13. In a letter dated 12 January 1976, addressed to the Permanent Representative of the United States of America to the United Nations, Judge Lutali stated, inter alia, as follows:

"The Samoan people do not want independence at this point in time. When we want a new political arrangement, the United Nations can rest assured we will ask for it directly to the Congress of the United States and the President. Self-determination is an important ingredient of the Samoan traditional decision-making process. We want political progress at our own pace and we aspire to making that determination ourselves. ...

"Since 1933 the Congress of the United States /has/ made several well-meaning attempts to enact legislation granting to our people American citizenship, and to provide for the election of our own Governor. In every instant, Congress was requested to delay action until such time /as/ we are ready to make our own determination. Our people felt that to become a citizen of the United States by legislation would not be /as/ meaningful as to become one by self-determination."

14. In a report issued by his office in March 1976, Judge Lutali said that, in accordance with the desire of the people of American Samoa, as expressed in Senate Concurrent Resolution No. 49, approved by the Fono at its most recent session, he had drawn up a bill requesting the United States Congress to grant the American Samoan delegate to Washington, D.C., the same privileges extended to representatives of other United States Territories. The draft bill, copies of

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c/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), vol. IV, chap. XVIII, annex, paras. 9-10.



which were sent to members of the Fono for comment, provides for a non-voting delegate to represent American Samoa in the United States Congress with all the privileges accorded to him under the rules and regulations of the House of Representatives of the Congress. The delegate would be a United States national or citizen qualified to vote in the Territory and would be elected by those qualified to vote for members of the territorial House of Representatives.

15. In April, Judge Lutali announced that two bills for the election of a non-voting delegate had been introduced in the United States House of Representatives and referred to the House Committee on Interior and Insular Affairs: House resolution No. 12740, introduced by Representative Spark M. Matsunaga of Hawaii; and House resolution No. 12810, introduced by Mr. Matsunaga and Representative Phillip Burton of California. Both bills call for the election of an American Samoan non-voting delegate during the general federal elections on 2 November 1976.

16. The delegate-at-large was reported to have met in March 1976 with leaders of Samoan communities located in northern California in what he described as the first attempt by representatives of Samoan communities in the United States to bring their problems before members of the United States Congress and federal agencies. Judge Lutali said that he was encouraging Samoans in the United States to become involved in political and social activities in their communities in order to make known their desires and needs to representatives and officials in those areas.

#### E. Public service

17. At the end of June 1975, the local work force of the Government of American Samoa comprised 3,714 public service, legislative and judicial employees and 212 contract employees, mainly expatriates, as well as part-time employees.

18. The new personnel system which had been developed and implemented in 1974 was further refined during the year. A new personnel administrative manual was prepared which clarified and improved personnel policies.

19. The severe financial crisis experienced during 1975 necessitated the introduction of certain temporary emergency measures in the public service sector. All step increases for career civil service employees were suspended and a temporary freeze was placed on the hiring of new personnel. In February 1975, the worsening financial situation brought about a general reduction in the government work force and reduced hours of employment. These temporary measures were to be lifted as soon as the financial position of the Territory improved. On 5 March, Acting Governor Frank Barnett announced that the freeze would be continued until there was an increase in local revenue or local spending was reduced, or unless additional appropriations were received from Washington, D.C. (see also para. 39 below).

20. In 1975, in accordance with the provisions of the Comprehensive Employment and Training Act, the Government of American Samoa received a grant of approximately

\$US 700,000 which provided economic relief for many of the individuals affected by the Government's measures to reduce the work force. Funds provided under the Act enabled students to obtain training abroad in skills critically needed in the Territory, financed the expansion of a skills centre at the Community College, provided in-service training for several hundred persons to improve their skills and made possible the employment of several hundred workers.

### 3. ECONOMIC CONDITIONS

#### A. Public finance

21. According to the Federal Information Exchange System, the Territory received almost \$US 29.6 million in federal funds during 1974/75.

22. The 1974 drought forced the closing of the two fish canneries in the Territory and caused a \$US 6 million shortfall in anticipated revenues. When Governor Ruth visited Washington, D.C. early in 1975, to request \$US 14.0 million for 1975/76, as had been done at recent budget sessions of the United States Congress, he also requested an additional \$US 10.2 million to carry the Territory through the remainder of 1974/75. This figure included \$US 2.9 million to aid the fishing industry; \$US 2.2 million to help the water and electric power systems to return to normal operation; \$US 700,000 to meet "cash-flow" obligations, such as the public payroll; and \$US 300,000 to cover military assistance to supply power during the emergency.

23. It was subsequently reported that the United States Congress had approved the supplemental appropriation, as well as the budget for 1975/76, which was said to amount to \$US 32.7 million. When Governor Ruth visited Washington, D.C., at the end of June 1975, he obtained a grant of \$US 3.0 million from the United States Department of Housing and Urban Development (HUD) for the territorial water improvement programme, which entails improving the ground-water supply, rebuilding the pipeline system and meeting the requirements of the federal Environmental Protection Agency (EPA).

24. A loan officer from the Honolulu district office of the United States Small Business Administration (SBA) was to visit the Territory in October 1975 to meet with established and prospective businessmen interested in obtaining SBA loans. The financial assistance programme of SBA is primarily limited to the guarantee of up to 90 per cent, or \$US 35,000, whichever is less, of loans extended by banks or other qualified lending institutions.

#### B. Land

25. More than 96 per cent of the land in American Samoa is owned communally; its occupancy and use are dictated by Samoan custom. Under the terms of the deeds of cession, the United States agreed to respect and protect the traditional rights of the Samoan people, especially those relating to their lands and property. As

a result of this commitment, no large tracts of Samoan land have been alienated. The Government of American Samoa occupies 5.9 square kilometres (less than 3 per cent), which are used for administrative purposes. The tiny remainder of the land is individually owned in fee simple.

26. Of the 19,684 hectares making up the total land area of the Territory, the vast mass is mountainous, with only 4,047 hectares amenable for the cultivation of tropical crops and another 3,574 hectares of limited use (for coconut cultivation) because of the steep slopes. The present population density is 154 persons per square kilometre and the annual rate of population increase is 3.5 per cent. It is therefore essential that land resources be used judiciously and only on the basis of maximum long-term benefits.

#### C. Agriculture and livestock

27. In September 1975, the territorial Department of Agriculture announced a severe outbreak of taro armyworm (anufe) in some areas of Tutuila and Manu'a. Sprayers and chemicals were available from the Department for those who wished to do their own spraying.

28. The Department also announced in November 1975 that 15 head of cattle (10 heifers and 5 bulls) from the government herd were available to farmers interested in starting a cattle-breeding operation. There is a limit of four heifers and one bull to a buyer. The price of the breeding cattle is \$US 0.70 per pound liveweight for heifers and \$US 0.50 per pound liveweight for bulls. Farmers must have adequate land and water for a cattle raising operation.

#### D. Fisheries

29. Canned tuna, the Territory's main export, suffered a sharp decline in 1975 owing to the effects of a severe drought, the resultant power failures and generally bad fishing conditions during late 1974 and all of 1975. Consequently, the export value of tuna in 1975 was only \$US 48.6 million (\$US 73.6 million in 1974). According to reports, however, fishing conditions for tuna were unusually good during the first quarter of 1976 and if these conditions prevail for the rest of the year, the tuna industry should show an increased profit over 1975.

30. During 1974/75, emphasis continued to be placed on the development of a small-craft fishing project. In 1972, the Office of Marine Resources developed a small 24-foot Samoan dory which local fishermen were trained to operate in an attempt to increase the catch of fresh fish for the local market. The programme suffered a setback in 1974 because the high-speed gasoline engine used in the dories proved to be unsatisfactory. Recently, the small fleet of 23 dories was refitted with diesel engines. The catch improved towards the end of the year and local owners were averaging about \$US 90 in gross revenues for each fishing trip. These boats supply fish to the local markets. Other projects carried on during the year by the Office of Marine Resources included a three-year survey of sources of skipjack

tuna; a programme to develop bait-fish resources; a sports fisheries programme; and a continuing survey of American Samoa's inshore reef fish.

#### E. Public utilities

31. It was reported that the territorial Government was having difficulty collecting unpaid electricity, telephone and water bills, which amounted to \$US 717,000 at the end of 1975. Delinquent customers claimed not to have received the bills sent by mail, but the Government found that customers were not picking up their mail at the Post Office. Consequently, a new procedure has been devised by which the bills are sent to the Government Revenue Office and announcements are made on radio and television and in the government news bulletin. Customers are then to pick up their bills at the revenue office and remit the necessary sum at that time.

#### F. Tourism

32. During 1975, the territorial Office of Tourism continued its promotion campaign with special attention directed towards potential tourists from Australia and New Zealand as well as the United States. A new publication entitled Discover American Samoa was printed and given widespread distribution among travel agents and transportation agencies throughout the world.

33. The Island Beautification Committee, with the assistance of the Office of Tourism, the Office of Samoan Affairs, the Department of Public Health and village committees, stressed the advantages of cleaning up and beautifying the island. Tourist attractions, in addition to the beaches, mountain streams and waterfalls, now include a small golf course, a bowling alley, the Museum of American Samoa and a cable car.

34. Despite the reduced flight schedules of the airlines flying into American Samoa and the general world-wide recession, a slightly larger number of air passengers entered American Samoa during 1975 (71,548) than in 1974 (69,351). At the time the annual report of the Administering Power was being compiled, the final tabulation of visitors had not been completed, but it appeared that the number of tourists entering the Territory would be about the same as in the previous year. The number of cruise ships stopping at American Samoa declined from 34 in 1974 to 26 in 1975, thus affecting the local tourist industry. It is anticipated, however, that generally improved economic conditions will help the tourist industry in 1976.

#### G. Transport and communications

35. The United States Federal Communications Commission (FCC) has reportedly approved the application of Radio Samoa, Ltd., for authority to operate radio station WVUV, which had previously been operated by the Department of the Interior.

Both the Samoan Legislature and the former Samoan delegate-at-large to Washington opposed the application, which was submitted by Mr. Lawrence S. Berger, President of Radio Samoa, who is also the president of a radio station in Honolulu. Mr. Berger has consulted with the Samoan Government over the past six years on the operation of the television station in the Territory. According to Mr. Berger, his company would provide a more professional service than has been the case under government management, and would save the Government about \$US 100,000 a year in operating expenses.

36. According to Judge Lutali, the United States Department of Justice has strongly urged the Civil Aeronautics Board (CAB) to provide additional air service between the United States and American Samoa and other destinations in the South Pacific. The Department maintains that Pan American World Airways (Pan Am) and a second unrestricted United States air carrier can operate competitive service profitably and that CAB "is obligated by the Federal Aviation Act to authorize competition when, as in this case, there are no overriding foreign policy factors involved and where sufficient traffic exists to support new services".

37. An administrative law judge who has conducted hearings on the subject was expected to make his recommendation known in April 1976. The recommendation would be transmitted to CAB, which would in turn make a final recommendation to the President of the United States, who has indicated that he would like to resolve the case by the middle of 1976.

#### 4. SOCIAL CONDITIONS

##### A. Labour

38. The financial crisis in American Samoa affected all sectors of employment (see para. 19 above). The drought and poor fishing conditions brought about substantial temporary lay-offs in the private sector, mainly in the fish-canning industry; however, the workers were assured of re-employment as local conditions improved. Employment in the private sector, which totalled 2,700 in August 1974, subsequently dropped to 2,100 in November 1974, but by August 1975, it had risen to 2,400. Employment in the fish canneries, which had declined to 843 in November 1974, eventually rose to its normal average of approximately 1,300 in February 1975 and remained at that level for the first three quarters of the year.

39. In March 1975, it was reported that the territorial Department of Manpower Resources was prepared to dismiss 360 government employees or place them on leave of absence, in order to cope with American Samoa's financial situation. The government work force, including part-time employees, totalled approximately 5,000 persons, which would indicate that about 7.2 per cent were to be affected by the reduction in the force. According to the report, employees with emergency appointments would be dismissed first, followed by those with intermittent appointments, temporary appointments, probationary appointments and, finally, those with permanent appointments.

40. In 1975, the United Cannery and Industrial Workers of the Pacific Union was said to have won a victory in its effort to organize the Van Camp Sea Food Company. In a previous election, held in May, the Van Camp workers had rejected the union by 391 votes to 179. Union officials charged, however, that there had been local interference in the May election, including a television statement against unionism by a local representative the night before the election. The United States National Labor Relations Board (NLRB) ruled that the argument was valid, and both the union and Van Camp agreed to a new election. A vote taken on 23 October found 383 votes in favour of the union and 187 against. NLRB also ordered an election at Star Kist Samoa, Inc., on 13 November. At that election, Star Kist workers rejected union affiliation by 366 votes to 130.

41. Early in 1976, Governor Ruth signed into law Public Law 14-19 relating to the "right to work". Under the law, "the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or association".

42. The United States Department of Labor was to have begun hearings on minimum wages in American Samoa on 29 March 1976 to determine if current federal minimum wage rates should be revised. Under the Fair Labor Standards Act, all wage rates below the level in the United States must be reviewed every two years, and the two-year period for reviewing the current rates ends 30 June 1976.

#### B. Public health

43. In 1974/75, the additions and alterations to the Lyndon B. Johnson Tropical Medical Center begun in 1974 were completed. The project, which cost approximately \$US 2 million, was financed under the federal Hill-Burton programme, which provided 90 per cent of the funds with local funds making up the balance. The new buildings at the Medical Center contain a chapel, a medical library, a new nursery, an intensive care unit and storage units. The improved facilities also resulted in an increase in the number of patients treated: 118,732 out-patients (106,891 in 1974) and 4,669 in-patients (4,028 in 1974).

44. Seventeen nurses graduated from the School of Practical Nursing during the year. The school is being upgraded and will become a unit of the Community College during 1976 (see also paras. 49-53 below).

45. Following an epidemic of measles, a mass immunization programme was carried out to prevent a recurrence. Special attention was also given during the year to infectious hepatitis and filariasis control, both of which are endemic in American Samoa.

46. The territorial Department of Public Health began a survey of skin and respiratory diseases on 10 November 1975, to be carried out with technical and financial assistance from the United States Public Health Service and the World Health Organization (WHO). The aim of the survey was to detect such diseases as tuberculosis and leprosy. It was planned for the survey team to see about

500 persons a day over a four-month period, working from the westward side of Tutuila towards the east and covering all villages accessible by road.

47. The Department has announced that a mosquito survey conducted by WHO in February and March 1976 revealed high densities of the vector of dengue fever in Pago Pago, Fagatogo and Aoloau. The Acting Director of Medical Services urged American Samoans to clean their houses thoroughly as the best way to control dengue fever. Earlier, a WHO entomologist had found that most areas surveyed in the Territory in June 1975 contained the mosquito responsible for dengue fever and had recommended improvements in village sanitation and the application of granular insecticides.

48. Although the financial crisis brought about a temporary cutback in some employees, the total budget for the Department of Medical Services for 1975 was almost \$US 3.7 million, an increase of 7 per cent over 1974.

## 5. EDUCATIONAL CONDITIONS

49. During 1974/75, 10,891 students were enrolled in the public schools in American Samoa: 2,062 children in the pre-school programme; 5,927 in the elementary schools; 2,052 in the secondary schools; and 877 in the Community College. Eighty-five students on government scholarships were enrolled in institutions of higher learning abroad. The private schools in the Territory had a total enrolment of approximately 2,000 students.

50. In November 1975, the territorial Department of Education arranged meetings at nine elementary schools to enable the staff of the Bilingual/Bicultural Education Project to explain to the parents of the children in the seventh and eighth grades (300 to 400) the need for and the objectives of such a programme and how it was to be implemented in 1976.

51. Students at the American Samoa Community College were eligible for basic educational opportunity grants for the first time in 1975. Forty-three students applied for the grants, which are awarded to financially needy students who would otherwise be unable to attend college.

52. The Legislature increased the territorial budget for scholarships from \$US 101,000 to \$US 250,000 in 1975. As a result, 63 scholarship students were able to return to their studies late in that year and 27 new recipients were named. The individual scholarships were reduced, however, from \$US 4,000 to \$US 2,000 a year.

53. The United States Office of Education of the Department of Health, Education and Welfare (HEW) reportedly awarded grants totalling \$US 217,273 to the Territory for the fiscal year 1975/76.

54. The 1974/75 budget for the Department of Education was \$US 2.0 million (\$US 1.9 million in 1973/74).

## CHAPTER XXIII

(A/31/23/Add.8 (Part III))

### GUAM

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the question of Guam to the Sub-Committee on Small Territories for consideration and report.

2. The Special Committee considered the item at its 1042nd and 1043rd meetings, on 19 and 20 August.

3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session". The Special Committee also took into account General Assembly resolution 3429 (XXX) of 8 December 1975 concerning three Territories, including Guam, by paragraph 10 of which the Assembly requested the Committee, inter alia, "to continue to seek the best ways and means for the implementation of the Declaration with respect to ... Guam ..., including the possible dispatch of visiting missions in consultation with the administering Power ...".

4. During its consideration of the Territory, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Territory.

5. The representative of the United States of America, as the administering Power



concerned, participated in the work of the Special Committee during its consideration of the item.

6. At the 1042nd meeting, on 19 August 1976, the Rapporteur of the Sub-Committee on Small Territories, in a statement to the Special Committee (A/AC.109/PV.1042), introduced the report of that Sub-Committee (A/AC.109/L.1116), containing an account of its consideration of the Territory.

7. At the 1043rd meeting, on 20 August, following a statement by the representative of China (A/AC.109/PV.1043), the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the conclusions and recommendations contained therein (see para. 9 below), it being understood that the reservation made by a member would be reflected in the record of the meeting.

8. On 20 August, the text of the conclusions and recommendations was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

#### B. DECISION OF THE SPECIAL COMMITTEE

9. The text of the conclusions and recommendations concerning Guam adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 7 above, is reproduced below:

(1) The Special Committee reaffirms the inalienable right of the people of Guam to self-determination and independence, in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960.

(2) Fully aware of the special circumstances of Guam, owing to such factors as its size, geographical location, population and limited natural resources, the Special Committee reiterates the view that these circumstances should in no way delay the speedy implementation of the process of self-determination in conformity with the Declaration contained in resolution 1514 (XV), which fully applies to the Territory.

(3) The Special Committee takes note of the participation of the administering Power in the work of the Committee, thereby enabling the Committee to conduct a more informed and more meaningful examination of Guam, with a view to accelerating the process of decolonization towards the full and speedy implementation of the Declaration.

(4) The Special Committee takes note of certain political and constitutional developments in Guam during the period under review, namely, the establishment of a new Guam Political Status Commission which began working in July 1975, towards a referendum, to be held in September 1976, on the question of the future relationship between Guam and the Government of the United States of America. The proposed referendum will present to the voters of Guam the following specific options concerning their future political

status: (a) to remain an incorporated Territory of the United States; (b) to remain a Territory with a separate constitution; (c) to vote for statehood; (d) to declare independence; or (e) to choose a relationship with the United States other than those presented above. The Committee calls upon the administering Power to ensure that all the members of the Guam Political Status Commission are fully consulted in advance in the preparation of a draft constitution for the Territory. The Committee draws the attention of the administering Power to the need for an adequate programme of political education prior to the referendum with a view to explaining to the people of Guam their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV).

(5) The Special Committee takes note of the decision of the Ninth United States Circuit Court of Appeals, which ruled on 14 January 1976 that Guam had acted within its authority when it created a Supreme Court in 1974 with appellate jurisdiction over local issues. The Court decision thus gave Guam "judicial autonomy" to establish a unique body of laws.

(6) The Special Committee expresses its concern over the continuing presence of the military bases of the administering Power on Guam and the hope that that presence will not be an inhibiting factor in permitting the people of the Territory to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV) as well as the principles and objectives of the Charter.

(7) The Special Committee notes that some economic progress has been achieved in some fields. In particular, it takes note of the proposal by the Guam Economic Development Authority (GEDA) to have prepared a preliminary comprehensive economic plan, concentrating on such areas as the integration of Guam's economy into the banking activities in the Pacific basin; the development of agriculture and light industries; the impact of the United States armed forces on Guam; and tourism. The Committee looks forward to receiving further details on the implementation of the economic plan.

(8) The Special Committee expresses its profound regret over the devastating effects of typhoon Pamela, which struck the Territory on 20 May 1976, and is concerned over the extensive human and material losses which were inflicted on the people of Guam. It considers that the damages caused by the typhoon emphasize the need to undertake a study to ensure that future buildings in the Territory could be designed in such a way so as to better withstand such a natural disaster.

(9) The Special Committee takes note of the resolution adopted by the thirteenth Guam Legislature on 8 January 1976, in which it expressed its sincere appreciation to the United Nations General Assembly for the interest and concern it has been showing for the welfare of Guam. 1/ The Committee stresses the continuing need for United Nations participation in the process of ascertaining the wishes of the Guamanian people through the dispatch of a United Nations visiting mission to Guam and the participation of representatives of Guam during the Committee's consideration of the Territory.

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1/ See annex to the present chapter, para. 23.

ANNEX<sup>16</sup>

WORKING PAPER PREPARED BY THE SECRETARIAT

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\* Previously issued under the symbol A/AC.104/L.1104.

## GUAM a/

### 1. GENERAL

1. Guam, the southernmost of the Mariana Islands, lies in the western Pacific about 2,400 kilometres south-east of Manila. It is a volcanic island 48.3 kilometres long and ranges from 6.4 kilometres at its narrowest point to 13.7 kilometres at its broadest; it has a land area of 1,401 square kilometres. The capital of Guam is Agaña. Within the territorial waters surrounding Guam there are 20 small islands, ranging from rock size to islet size. The smallest, Calas Rock near Cetti Bay, is about 270 square metres in size; the largest, Cocos Island off Merizo, is 36.4 hectares in extent. The smaller islands are public lands, except for Cocos Island and Bangi Island off Agat, which are owned by the Won Pat family.

2. In April 1973, the Guam Research Bureau reported that there were 70,331 civilians in the Territory and about 19,000 military personnel. It was also reported that there were 19,713 households on the island. According to the Immigration and Naturalization Office in Agaña, about 18,000 aliens from 50 different countries were residing in the Territory, the largest group being Filipinos (13,186), of whom half were on temporary work visas and half were permanent residents.

3. The number of Guamanians of Chamorro-Guamanian ancestry had decreased from 90.5 per cent in 1940 to 55 per cent by 1970. According to the 1970 census, 28 per cent were citizens from various parts of the United States and 15 per cent were aliens.

4. Owing to rapid changes in population and economic growth in recent years, Guam applied for a special census to be conducted in 1975 by the United States Bureau of the Census, in order to enable the federal planners, who normally appropriate funds for projects in the Territory, to base their projections on the latest population figures.

### 2. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

#### A. General

5. The Territory is administered under the Organic Act of Guam, 1950, as amended, and is under the general supervision of the United States Department of the Interior. It is administered by a Governor and a Lieutenant-Governor and has

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a/ The information contained in this paper has been derived from published reports and from information transmitted to the Secretary-General by the Government of the United States of America under Article 73 e of the Charter of the United Nations on 29 April 1976 for the year ended 30 June 1975.

a unicameral Legislature consisting of 21 representatives. All government officials are elected under a system of universal adult suffrage, applicable to persons 18 years of age and older. Although Guamanians are United States citizens, they are not eligible while resident in Guam to vote in national elections.

6. To become law, or part of the laws of Guam, a bill must be introduced, debated and enacted by members of the Guam Legislature. To become law, a bill requires 11 votes, or 14 votes if it is voted on before 15 legislative days have elapsed since its introduction. It also requires 14 votes to override the Governor's veto. Immediately after introduction, a bill is referred to the standing committee with jurisdiction over the subject of the bill. There are 14 standing committees of the Twelfth Guam Legislature responsible for: rules, finance and taxation; governmental operations; education; housing and urban development; the judiciary; labour and industrial relations; public utilities; the commercial port and air terminal; agriculture, resources and development; health and welfare; youth, recreation and parks; consumer protection and commerce; public safety, military and veteran affairs; and ecology and environmental protection.

7. In March 1972, the United States Congress enacted a law providing for a Guamanian non-voting delegate to its House of Representatives. Mr. Antonio B. Won Pat was re-elected to serve in this post for a second two-year term beginning in January 1975.

#### B. Executive and Legislature

8. On 20 October 1975, the Guam Legislature passed a bill creating an "order of succession" delineating the line of succession in the event of the temporary or permanent absence of the Governor and/or the Lieutenant-Governor. In case of temporary disability or temporary absence of both the Governor and the Lieutenant-Governor, the line of succession to the position of acting governor would be: the Director of Administration, the Director of Budget and Management and the Attorney-General. In case of permanent vacancies in the offices of both the Governor and the Lieutenant-Governor, the Speaker would become Governor for the rest of the term or until a successor is elected. Should there be no Speaker, the line of succession would be: the Director of Administration, the Director of Budget and Management and the Attorney-General.

9. The Thirteenth Guam Legislature opened on 27 January 1975. It had been elected in November 1974 with a Republican majority for the first time in Guam's legislative history: 12 Republicans and 9 Democrats. The previous Legislature had 14 Democrats and 7 Republicans. Mr. Ricardo J. Bordallo, the new Governor, and Mr. Rudy Sablan, the Lieutenant-Governor, are both Democrats. Their margin of victory was officially set at 627 votes. Of the 28,854 registered voters, 23,608 actually voted.

### C. Judiciary

10. The Code of Civil Procedure of Guam provides that the administration of the judicial branch of the Government of Guam should be placed under the Judicial Council of Guam, whose membership consists of the Judge of the District Court as chairman, the Chief Judge and other judges of the Island Court, the Attorney-General of Guam, the Chairman of the Judiciary Committee of the Guam Legislature and the President of the Guam Bar Association.

11. The District Court of Guam has the same jurisdiction as that of a United States court. It also has jurisdiction in local civil cases involving sums exceeding \$US 2,000, b/ and felonies punishable under the laws of Guam, as well as exclusive jurisdiction as a tax court for income tax and business privilege tax cases when the amount assessed has been paid.

12. The Island Court has jurisdiction in all criminal cases not involving felonies, certain civil matters, marital relations, probate, land registration and special proceedings. The Court also has a division known as the Juvenile Court, which has exclusive jurisdiction in all proceedings involving any minor under the age of 18 years. There is also a procedure for small claims not exceeding \$US 100. A Police Court has jurisdiction in all offences under the Motor Vehicles Code and in simple misdemeanours.

13. In December 1973, the Twelfth Guam Legislature adopted a Court Reorganization Act, which, inter alia, would have created a Supreme Court for the Territory and a Superior Court to replace the Island Court of Guam. The Court Reorganization Act was challenged, however, and the District Court of Guam ruled on 6 November 1974 that all sections of the Act dealing with the proposed Guam Supreme Court were null and void because the Organic Act did not provide for the establishment of such a court. Bearing this in mind, Mr. Won Pat introduced legislation into the United States Congress on 10 March 1975 which would amend the Organic Act in order to authorize the establishment of a Supreme Court in Guam.

14. On 14 January 1976, the Ninth United States Circuit Court of Appeals ruled that Guam had acted within its authority when it created a Supreme Court in 1974 and gave it appellate jurisdiction over local, non-federal issues. According to the ruling, the United States Congress, under the 1950 Organic Act, had given the Territory the power to eliminate the appellate jurisdiction of the District Court of Guam over such issues by transferring jurisdiction to the court created by the territorial Legislature. The court decision thus gave Guam the "judicial autonomy" enjoyed by the 50 States of the administering Power and allowed the Territory to establish a unique body of laws. With the establishment of a Supreme Court, definitive local rulings can now be obtained.

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b/ The local currency is the United States dollar (\$US).

#### D. Public service

15. The rapid growth of the Government of Guam Retirement Fund has resulted in a membership increase from 1,782 members at its inception in 1951, to 7,121 at 30 June 1975. Total assets of the Retirement Fund were estimated at \$US 7.4 million, an increase of \$US 4.4 million over the previous year.

16. During the period under review, the Personnel Service Division found posts for 317 terminated employees of the Commercial Port in other departments and agencies, administered group insurance programmes on a government-wide basis and revised a number of job specifications. It also received and processed 4,911 applications, 874 of which were accepted.

#### E. Future status of the Territory

17. In June 1975, Mr. Won Pat introduced a joint resolution in the United States House of Representatives to establish a seven-member panel to review the political status of Guam and make recommendations concerning political status options and changes in the Organic Act. The panel would have consisted of members of the House of Representatives and the Senate, a White House official, officials from the office of the Governor of Guam and the Speaker of the Guam Legislature. Subsequently, on 18 July 1975, the Governor and the Speaker of the House announced the membership of a new Political Status Commission whose 13 members had been chosen from the majority and minority ranks in the Guam Legislature, the administration and the community. The Commission was to hold public hearings beginning 1 March 1976 and report its recommendations to the Legislature in April 1976, in order to enable the Legislature to hold a plebiscite on the future status of Guam on primary election day in June 1976. A report on the results of the plebiscite and on the question of future status of the Territory is required by 15 November 1976. Although the first Political Status Commission - which operated for a year and a half, until October 1974 - had spent \$US 150,000, the new Commission was not given an appropriation. The Commission held a series of village meetings during the year under review, but attendance was not as high as had been expected. As a consequence, the referendum may be delayed for an undetermined length of time.

18. At its first "organizational" session, on 7 August 1975, the new Commission elected officers and chose Senator Frank Blas as its chairman. It also appointed a special committee to establish procedures and time-tables and drafted a letter to the President of the United States, explaining its objectives and asking for the appointment of an officer to act as liaison between the President and the Commission. During September, the Commission discussed, among other things, direct political autonomy and the possibility of a constitution for Guam. The members agreed that such a constitution would have to be discussed with United States officials in any negotiations concerning the future political status of the Territory.

19. Following this decision, Mr. Won Pat introduced legislation in the United States House of Representatives to establish a constitution for Guam. Co-sponsored

by 45 United States congressmen, the bill would authorize a convention to prepare a constitution for Guam, which would subsequently be presented to the Territory's electorate for approval. If passed by the voters, the constitution would be forwarded to the President of the United States to determine whether the constitution provided for a republican form of government and included a bill of rights. It would take effect as soon as the President made such a determination.

20. Members of the Guam Political Status Commission criticized Mr. Won Pat for not having consulted them on the subject in advance. The Commission proposed that the bill be amended to recognize the existence of the Commission and to specify that the Commission should negotiate on matters that went beyond the powers of the constitution, such as foreign affairs, federal lands, immigration, naturalization, etc.

21. In October 1975, the House Committee on Interior and Insular Affairs of the United States House of Representatives unanimously approved legislation authorizing the people of the United States Virgin Islands and Guam to write their own constitution. Identical bills on Guam and the United States Virgin Islands were passed without debate and received unanimous support which, according to the Chairman of the Committee, demonstrated congressional commitment to the principle of self-determination in United States Territories. Mr. Won Pat said that the bill would not "affect the relationship between Guam and the Federal Government", but would merely allow Guam to draft a new constitution to replace the Organic Act of 1950. He also called the measure "a real step forward for Guam". The bill, which reportedly did not have the support of the United States Department of the Interior, would authorize the Guam Legislature to convene a constitutional convention and to decide how the delegates would be designated and apportioned. The convention would prepare a draft constitution which would have to be approved by a two-thirds vote of the convention before it could be submitted to the voters in a referendum. It would then go to the President of the United States for a 60-day examination to determine whether it complied with the United States Bill of Rights. The bill would permit the President to return the draft constitution, with his comments, to the convention for further deliberations if necessary.

22. It was reported that a poll conducted by the Community Development Institute of the University of Guam had indicated that 35 per cent of the people of the Territory would choose to maintain the present political status of the Territory, but with increased local control over immigration. The survey was prepared by a steering committee consisting of members of the Legislature, the Governor's office, the Village Government Council, the local Bureau of Planning, the Chamber of Commerce and the Pacific Daily News, a Guam periodical.

23. On 15 January 1976, the Legislative Secretary of the Thirteenth Guam Legislature transmitted to the Secretary-General of the United Nations resolution 216 c/ adopted on 8 January by the Legislature whereby, inter alia, it expressed its sincere appreciation to the United Nations General Assembly for the interest and concern it had shown for the welfare of Guam, but stated that, at that time, it was the desire of the people of Guam to maintain their current relationship with the Government of the United States.

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c/ A copy of the resolution is available in the files of the Secretariat for those who may wish to consult it.



### 3. ECONOMIC CONDITIONS

#### A. General

24. The Board of Directors of the Guam Economic Development Authority (GEDA) has voted to contract with Overseas Bechtel, Inc. of San Francisco to prepare a preliminary comprehensive economic master plan for Guam. According to the proposal, Bechtel will make recommendations for the preparation of a master plan "prepared according to international and regional development bank standards". It will also prepare individual programmes within the context of the plan including the following: management of the recommended expansion of the infrastructure; and monitoring, reviewing and bringing services up to date. The master plan proposal will concentrate on four areas: integration of Guam's economy into the banking activities in the Pacific Basin; development of agriculture and light industries; impact of United States armed forces on Guam; and tourism.

25. According to the annual report of the administering Power, GEDA administers the Agricultural Development Fund (see para. 35 below) and the Agricultural Expense Insurance Program. It is also the designated agency responsible for the administration of a \$US 5 million federally financed programme established under United States Public Law No. 90-601 (Guam Development Fund Act of 1968). The funds provide seed money for eligible agricultural, fishing, tourism and industrial/commercial ventures through direct loans and guarantees.

26. During the period under review, the Development Fund, through GEDA, received \$US 500,000 from the United States Department of the Interior, bringing to \$US 2 million the amount the Fund has received to date.

#### B. Public finance

27. During the period under review, the Guam Department of Revenue and Taxation reported that taxes collected in 1974/75 totalled \$US 95.1 million, surpassing the previous year's collection by almost \$US 20.0 million. Income taxes accounted for the principal amount (\$US 68.2 million), which represented an increase of \$US 17.2 million (25.3 per cent) over 1973/74. Business privilege taxes totalled \$US 28.3 million, an increase of \$US 1.9 million (6.6 per cent) over 1973/74.

28. The financial officers of the executive and legislative branches of the Government of Guam predicted only \$US 70 million in net revenues for government operating expenses for 1975/76, a decrease of \$US 59.0 million from 1974/75. On 29 June 1975, the Legislature approved the 1975/76 budget of the executive branch, amounting to \$US 107.0 million, a reduction of 12.8 per cent from the original amount requested.

29. It was reported that the United States Government had spent approximately \$US 299 million on Guam during 1974/75, an increase of 28 per cent over the previous year. Some 85 per cent of the federal funds were from the Department of Defense, which increased its spending in 1975 to \$US 255 million (27 per cent over

1974). Other large expenditures listed were education and welfare \$US 9.1 million; Treasury Department, \$US 9.0 million; the Environmental Protection Agency, \$US 7.7 million; the Department of Agriculture, \$US 4.9 million; the Department of the Interior, \$US 3.7 million; the Veterans Administration, \$US 1.3 million; the Department of Transportation, \$US 9.8 million; the Federal Energy Administration, \$US 53,000; arts and humanities, \$US 212,000; the Selective Service Commission, \$US 74,000; and the Small Business Administration, \$US 49,000.

30. Based on projected revenues of some \$US 183.9 million for 1976/77, the Governor of Guam requested \$US 98.4 million from the Legislature. The revenue projection includes funds for the General Fund, special funds, federal income and revenues of autonomous agencies. During his State of the Territory message, Governor Ricardo J. Bordallo called for an austerity operating budget for 1976/77 of \$US 111.0 million for the executive, judicial and legislative branches, 3 per cent below the \$US 113.0 million budget approved for 1975/76. Approximately \$US 73 million, in addition to the \$US 111 million budget projected for the three branches, has been earmarked for capital projects, and fixed obligations for operation of semi-autonomous and autonomous agencies.

31. The United States Office of Water Research and Technology (OWRT) announced that it would allocate to Guam for the first time funds totalling \$US 40,000 for 1976/77. The United States Army Corps of Engineers also proposed \$US 100,000 for navigation studies in the harbours and rivers of Guam.

32. The Territory has been awarded grants totalling \$US 978,000 by the United States Department of Housing and Urban Development (HUD) for four projects, including the preparation of designs and construction of public facilities and demolition and disposal of dilapidated properties.

### C. Land

33. The President of the United States has signed into law legislation giving land on Cabras Island to the Guam Power Authority (GPA) and increasing the maximum amount military personnel on Guam may pay for civilian-owned rental housing. On 10 October 1975, the Governor of Guam signed a bill which would exchange government land for land taken without compensation by the Government for rights-of-way.

### D. Agriculture and livestock

34. According to the report of the administering Power, a general increase in agricultural activities is currently taking place in Guam, as the result of the Government's "Green Revolution" campaign. New vegetable plantings during the period April-June 1975 totalled 304 hectares (162 hectares for the same period in 1974). During the period under review, 400,000 seedlings were produced and sold to farmers and home gardeners. The Plant Nursery was expanded to provide much-needed room for the increased production of vegetables and fruit tree seedlings.

35. Under territorial Public Law 9-107, the Agricultural Development Fund was established with an appropriation of \$US 100,000 as a revolving fund. GEDA and the territorial Department of Agriculture are jointly responsible for the operations of the Fund; GEDA manages the finances and disburses the funds, and the Department of Agriculture evaluates and supervises each project. During the year under review, five loans were approved, ranging from \$US 750 to \$US 20,000 for a new poultry farm and cash crop farms. From its inception up to the end of June 1975, the programme has given financial assistance to 20 farmers in the form of loans totalling \$US 204,000.

36. With the exception of cattle production, which continued to decline, the output of eggs, chicken meat and pork registered substantial gains over their levels of the previous year (see table below).

Guam: Production of selected commodities, 1974 and 1975  
(In United States dollars)

	<u>1974</u>		<u>1975</u>		<u>Percentage of monetary change</u>
	<u>Quantity (kilograms)</u>	<u>Value</u>	<u>Quantity (kilograms)</u>	<u>Value</u>	
Fruits and vegetables	1,580,825	798,065	1,701,152	937,600	+17.5
Beef	58,400	94,068	52,721	87,173	-8.0
Pork	110,994	104,300	117,072	116,145	+11.4
Chicken meat	336,248	563,200	385,893	656,292	+16.5
Eggs (dozens)	2,436,000	1,982,904	2,498,620	2,098,840	+5.8
Total		3,542,537		3,896,050	+10.0

#### E. Fisheries

37. According to the report of the administering Power, a major product of the fish farming programme was the cultivation of giant Malaysian, fresh-water shrimp. As a result, 34,000 shrimps were raised and harvested at the government fish-pond in Talofolo. Tests were also continued on eel, carp, milkfish and tilapia. Pacific oysters were also test-grown in the Talofolo River, in Apia Harbour and in Agfayan Bay.

38. Another event of major significance to the local fishing industry was the designation of Guam as a base for tuna fishing operations by the United States Government. During the year under review, 131,080 kilograms of fish were caught locally, an increase of 44 per cent over the previous year.

#### F. Forestry

39. During the year 30,000 trees covering 45 hectares were planted at Cross Island Road and in the Mount Lamlam area. Another 22 hectares were cleared of swordgrass for future planting. All trees planted during the last two years were cultivated and fertilized with the help of the 15-man crew of the territorial Department of Labor and 100 Youth Corps students.

#### G. Tourism

40. From 1972 through 1974, an increasing number of Japanese tourists visited Guam. During 1975, however, there was a drastic reduction in the influx of Japanese tourists.

41. In early 1976, Mr. Won Pat reported that the United States Congress had passed a bill waiving visa requirements for tourists visiting Guam, in an effort to facilitate the flow of tourists to the Territory.

#### H. Transport and communications

42. It was reported, in February 1976, that the United States Civil Aeronautics Board (CAB) had granted pick-up rights in Guam to Air Nauru. Previously, Japanese from Kyushu had been forced to fly via Osaka or Tokyo on their way to Guam. Air Nauru also provides connecting service to Fiji, the Solomon Islands and Australia.

### 4. SOCIAL CONDITIONS

#### A. Housing

43. During the year under review, construction activities continued in both the Yona and Sinajana urban renewal projects. The Yona project is reported to be virtually completed. The only work remaining is construction of new residential and commercial buildings. The housing industry has slowed down considerably due to the general economic recession. Construction prices remain high and interest rates on home mortgages continue to increase. During the year, 202 new buildings were started and completed at a total cost of \$US 6,280,649.

44. The Guam Rental Corporation, a subsidiary of the Guam Housing Corporation (see below) manages the low-rent housing project known as Lada Gardens at Dedelo. The project consists of 115 units, leased on an annual basis to low-income families at a monthly rental of \$US 105 to \$US 136. All units are typhoon resistant and provide decent accommodation for 800 persons.

45. Over the years, housing construction activity in the Territory has outstripped the capacity of the local lending institutions, with the result that outside financial sources are now being sought. The relatively high rate of interest

charged by local lending institutions forces many low-income families to seek financial assistance through the Guam Housing Corporation.

46. The Guam Housing Corporation was established to promote and finance low-cost houses for low-income residents of Guam. It is governed by a Board of Directors of seven members appointed by the Governor with the advice and consent of the Legislature. The Corporation operates on a revolving fund of \$US 5,295,600, from which all corporate obligations and expenditures are incurred and paid. The corporation derives its revenues mainly from interest on loans.

47. During the year under review, the corporation was able to authorize the construction of 32 residential homes, requiring an outlay of \$US 524,452, without the benefit of an appropriation from the territorial Government. A sum of \$US 2.5 million in revolving credit obtained in March 1972 from the bank in addition to the corporation's own resources, made possible the financing of the much needed housing accommodation.

48. The subsequent decline in the liquid assets of the corporation has affected families with modest incomes as well as those who cannot afford to obtain a Federal Housing Authority (FHA) mortgage or who do not qualify for private conventional mortgages.

49. During July 1975, a United States Government grant of \$US 695,700 was approved for housing assistance to low-income families. According to the United States Housing Act of 1957, the funds would be made available through the Guam Housing and Urban Renewal Authority (GHURA) to assist low-income families to pay rent in existing housing. Families in the programme would pay a minimum of 15 per cent and a maximum of 25 per cent of their adjusted incomes for housing; and the difference between their share and the rent would be paid by the programme. To qualify, a person must earn no more than 80 per cent of the median income in Guam, which is \$US 10,429. It was anticipated that 200 families would benefit from the programme.

#### B. Labour

50. According to the Guam Bureau of Labor Statistics, employment declined by 15 per cent from the record high during the period December 1973 to June 1975. Employment figures for June 1975 totalled 33,900 (37,650 in June 1974). The first unemployment survey conducted by the territorial Department of Labor reported an unemployment rate of 8.3 per cent with an estimated 2,360 individuals unemployed in June 1975. Teen-agers and adult women (20 years and over) comprised over 75 per cent of the unemployed. A second survey, conducted in September 1975, showed that the unemployed figure totalled 3,200 or an 8.6 per cent unemployment rate. Of the unemployed, 70 per cent were in the private sector and 30 per cent in government. From 1974 to 1975, the construction industry laid off 3,100 people, accounting for 96.9 per cent of the decline in employment.

51. According to the report of the administering Power, there was a decline of 24.8 per cent in non-agricultural job openings over the previous year. Job seekers

increased from 2,800 during 1974 to 6,700 in 1975 (a 139 per cent increase). Likewise, placement increased by 140 per cent from 1,272 to 3,054. Placements were made in service occupations (5 ), clerical and sales (541), professional and managerial (181) and the remainder in trade and crafts.

### C. Public health

52. The activities of the Communicable Disease Control Section includes programmes in immunization, tuberculosis, venereal diseases, leprosy (Hansen's Disease) and investigation of disease outbreaks. A total of 20,443 patients were seen in the Communicable Disease Control Clinics. Tuberculin tests were administered to 4,771 persons. Of this number, 1,178 were positive reactors, 58 cases were admitted to the Tuberculosis Ward at Guam Memorial Hospital and 922 were placed on preventive chemotherapy.

53. The Dental Division provides a continuous programme of free emergency dental health care to eligible residents of Guam. Primary emphasis is placed on the need of pre-school children through 16 years of age. Secondary emphasis is placed on providing services to other eligible groups. During the year under review, 40,003 patients were provided dental services and 93,919 dental procedures were performed by the dental clinic staff.

54. A public law was signed during the period under review appropriating \$US 1 million for renovation of the Guam Memorial Hospital to meet accreditation requirements. The project was expected to be completed in March 1976. During the same period, Guam Memorial Hospital realized a revenue of \$US 7,126,568, a decrease from the previous years (\$US 7,609,327). Some 5,328 patients were given therapy (11,705 during the previous year) and 9,542 clinical treatments were provided (17,223 in 1974).

### D. Refugees

55. "Operation New Life" was the biggest event to occur on Guam during the year. Over 100,000 Vietnamese refugees entered Guam. The first refugees arrived by plane on 23 April 1975. From that date planes unloaded some 5,000 refugees daily at Andersen Air Force Base and at the Naval Air Station. On 7 May, ships brought an additional 15,000 Vietnamese refugees. The civilian and military community of Guam amassed the necessary logistic support to meet the daily needs of the refugees, raising hectares of tents in what was called Tent City. Thousands of refugees were thus processed on Guam and thence moved to the United States. The last of 111,919 refugees left the Territory on 15 February 1976.

56. It was reported that the United States Government had given assurances in June 1975 to Governor Ricardo Bordallo that the expenses incurred from sheltering the Vietnamese refugees and maintaining the ships that had brought them to Guam would be reimbursed. The Governor estimated the cost for Guam at about \$US 250,000 up to June 1975 and he anticipated that the total would reach \$US 5 million. The Government of Guam had tried to persuade the Vietnamese fishermen to remain on

Guam and to obtain control of their 40 to 50 fishing vessels held in Singapore. This would have provided Guam with an excellent fishing fleet to develop the tuna industry.

## 5. EDUCATIONAL CONDITIONS

57. The school enrolment for 1974/75 totalled 28,127: 16,803 in the elementary grades; 6,460 in the junior high schools; and 4,864 in the senior high schools. The Department of Education employed 772 teachers in the elementary levels and 560 in the secondary schools.

58. Regular adult evening classes continued to be held at Guam Vocational-Technical High School, which has an enrolment of 1,557 (677 women and 890 men) and 38 instructors. Some 70 courses are given annually and 40 high school diplomas were awarded during the period under review.

59. Three resident teacher trainees graduated from the University of Guam and were assigned to teach in the public system as a continuation of the efforts to train more teachers locally. Financial arrangements were approved to enable five trainees to continue in the programme during 1975/76. Concurrently, 18 interns were given a six-week pre-service orientation course and subsequently assigned to junior high schools participating in the Teacher Corps Program for teacher-training.

60. During the academic year 1974/75, the enrolment at the University of Guam totalled 9,365 (5,492 full-time and 3,873 part-time students). A total of 302 academic degrees were conferred (46 associate degrees, 169 bachelor degrees and 87 master degrees).

61. Local appropriations for the operation of the University amounted to \$US 9,310,536. Federal grants-in-aid totalled \$US 1,589,741. Revenue from tuition fees and other charges in the amount of \$US 390,039 were collected and remitted to the general fund of the Government of Guam. A total of \$US 884,684 was disbursed for financial aid to students. Of this amount, \$US 479,897 was financed by Government of Guam programmes and \$US 404,787 came from federal programmes.

62. The Chamorro Language and Culture Program was introduced in 10 public schools and two private schools serving approximately 3,000 intermediate students. The Bilingual-Bicultural Program was implemented in four public schools and one private school serving approximately 600 youngsters. In addition to the regular English school curriculum, children received daily instruction in Chamorro, both oral and reading, science and social studies.

63. In 1975, the United Nations Asian Development Institute (ADI) subregional course in the Pacific held graduation ceremonies for 15 participants from six Pacific Ocean countries who had undertaken a project development and planning course. The six-week course was attended by government officials responsible for economic and social development in their respective countries. Four persons from Guam attended the course.

64. The 1975/76 school year will be financed with \$US 35,306,367 from territorial government revenues which represents 31 per cent of the total operating budget of the Government. This sum is \$US 5.4 million less than that requested by the territorial Department of Education and \$US 9.4 million less than the previous year's total of \$US 44.7 million.



## CHAPTER XXIV

(A/31/23/Add.8 (Part III))

### TRUST TERRITORY OF THE PACIFIC ISLANDS

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#### A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 1027th meeting, on 18 February 1976, the Special Committee, by approving the seventy-eighth report of the Working Group (A/AC.109/L.1066), decided, inter alia, to refer the Trust Territory of the Pacific Islands to the Sub-Committee on Small Territories for consideration and report.
2. The Special Committee considered the item at its 1041st and 1043rd meetings, on 19 and 20 August.
3. In its consideration of the item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3481 (XXX) of 11 December 1975 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly, inter alia, requested the Special Committee, "to continue to seek suitable means for the immediate and full implementation of resolution 1514 (XV) in all Territories which have not yet attained independence and, in particular: ... to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-first session".
4. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on developments concerning the Trust Territory.
5. The Special Committee also had before it a written petition, dated 27 April 1976, from Mr. Jerome J. Shestack, Chairman, International League for Human Rights 1/ which contained a request for hearing (A/AC.109/PET.1263).

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1/ Formerly known as the International League for the Rights of Man.

6. At its 1033rd meeting, on 8 June, by approving the 195th report of the Sub-Committee on Petitions, Information and Assistance (A/AC.109/L.1085), the Special Committee granted the request for hearing referred to in paragraph 5 above.
7. At the 1041st meeting, on 19 August, Mr. Roger Clark, representative of the International League for Human Rights, made a statement (A/AC.109/PV.1041). Statements were made by the representatives of the Union of Soviet Socialist Republics and Bulgaria.
8. At the 1043rd meeting, on 20 August, the Rapporteur of the Sub-Committee on Small Territories introduced the report of that Sub-Committee (A/AC.109/L.1118 and Corr.1), containing an account of its consideration of the Trust Territory.
9. At the same meeting, following statements by the representatives of Bulgaria and the Ivory Coast, as well as by the Chairman, the Committee decided to request the Chairman to convey to the President of the Trusteeship Council its sentiments concerning the Council's decision not to report to the General Assembly, which had resulted in the discontinuance of the Council's co-operation with the Committee, and to ask the President of the Council for further information on the matter (A/AC.109/PV.1043).
10. At the same meeting, the Special Committee adopted without objection the report of the Sub-Committee on Small Territories and endorsed the conclusions and recommendations contained therein (see para. 12 below).
11. On 20 August, the text of the conclusions and recommendations was transmitted to the Permanent Representative of the United States of America to the United Nations for the attention of his Government.

#### B. DECISION OF THE SPECIAL COMMITTEE

12. The text of the conclusions and recommendations adopted by the Special Committee at its 1043rd meeting, on 20 August, to which reference is made in paragraph 10 above, is reproduced below:

(1) The Special Committee reaffirms the inalienable right of the people of the Trust Territory of the Pacific Islands to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960. The Committee reaffirms the importance of ensuring that the people fully and freely exercise their rights in this respect and that the obligations of the Administering Authority are duly discharged.

(2) Fully aware of the special circumstances of the Trust Territory of the Pacific Islands, owing to such factors as its size, geographical location, population and limited resources, the Special Committee reiterates its view that these circumstances should in no way delay the speedy implementation of the Declaration contained in General Assembly resolution 1514 (XV), which fully applies to the Territory.

(3) The Special Committee once again notes with regret the refusal of the Administering Authority to co-operate with the Committee on this item by declining to participate in the examination of the situation in the Trust Territory. It calls upon the Government of the United States of America, as the Administering Authority concerned, to comply with its repeated requests that a representative be present at meetings of the Committee to provide vital and up-to-date information which would thereby assist the Committee in the formulation of conclusions and recommendations concerning the future of the Trust Territory.

(4) The Special Committee takes note that a draft constitution for the Trust Territory has been approved by the Micronesian Constitutional Convention and expresses the hope that it will be adopted by all districts of the Territory. The Committee also takes note of the creation by the Congress of Micronesia of a Commission for Future Political Status and Transition, and expresses the hope that it will work to strengthen the unity of the Territory.

(5) The Special Committee notes that, at a referendum held on 8 July 1975, a majority of the people voted in favour of territorial unity. The Committee notes that the draft compact of free association will come into effect in each district unless 55 per cent of the people of that district vote against it.

(6) The Special Committee notes that the Administering Authority hopes to be able to propose the termination of the Trusteeship Agreement in 1980 or 1981. The Committee remains of the view that this provides an unduly long transitional period and reiterates its hope that the people of the Trust Territory will be encouraged to decide freely upon their future political status, in conformity with the Declaration, well before 1981. The Committee notes, however, that the Administering Authority informed the Trusteeship Council, at its forty-third session, that the Authority intended to terminate the Trusteeship Agreement simultaneously for all parts of the Trust Territory and not for one part separately. In this connexion, the Special Committee reaffirms its view that the unity of the Trust Territory of the Pacific Islands should be preserved until it achieves self-determination in accordance with General Assembly resolution 1514 (XV).

(7) The Special Committee notes with concern that the Administering Authority has not implemented its previous recommendation that necessary regulations should be adopted which would distinguish between the special interests of the Territory and the international obligations of the Administering Authority with the ultimate objective of restricting as far as possible the occasions for the exercise of the power of veto by the High Commissioner. The Special Committee remains aware, however, that some of the difficulties associated with the use of the veto power result from the separation of powers between the legislative and executive branches and that these difficulties are further exacerbated because this power is exercised by an appointed rather than elected Chief Executive.

(8) The Special Committee urges the Administering Authority to give serious consideration to preparing Micronesians for assuming the highest executive functions. Bearing in mind its previous recommendations on localization, the Committee urges the Administering Authority, in the time remaining before self-government, to continue the trend of increasing the number of Micronesians in executive and administrative positions. It concurs in the recommendations of the Trusteeship Council that consideration should be given to providing for the appointment of a Micronesian to the post of Deputy High Commissioner as an interim measure towards filling the post by popular election.

(9) The Special Committee welcomes the establishment in 1976 of the new budgetary procedures, which authorize the appropriate committee of the Congress of Micronesia to present to the corresponding committee of the Congress of the United States its own budgetary justification for the annual appropriation for the Trust Territory.

(10) The Special Committee regrets the lack of significant economic development in the Trust Territory. The Committee endorses the recommendations contained in the report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1976, 2/ which called for greater participation by the local government in the development of the Territory's economy. It notes that the Economic Development Loan Fund, the Production Development Loan Fund, the Marine Resources Development Fund and the Agricultural Development Fund are intended to stimulate development of local resources in Micronesia. It also notes that the Micronesian Development Bank is now in operation. The Committee also believes that the provision of local credit facilities is essential to economic development in the Trust Territory.

(11) The Special Committee notes that land identification and survey work on all public land is now in progress and should be completed by the middle of 1977. It expresses the hope that this work will be completed satisfactorily so as to provide effective measures to guarantee and safeguard the rights of the indigenous population over their own natural resources and their right to dispose of them. In this connexion, the Special Committee also takes note of the concern expressed by the people of Palau District and by the Congress of Micronesia regarding the intention of the Administering Authority to construct a deep-water seaport on the island of Babelthuap which could adversely effect the environment and the socio-economic structure of the Territory.

(12) The Special Committee notes with satisfaction the Trust Territory's involvement in regional and international organizations and, in particular, the agreement with the United Nations Development Programme (UNDP) to draw

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2/ Official Records of the Trusteeship Council, Forty-third Session, Supplement No. 3 (T/1774).

up a country programme for the Trust Territory. It also welcomes the assistance of UNDP in fisheries development. The Committee expresses the hope that these measures will contribute to the growth of a viable Micronesian economy.

(13) The Special Committee notes with satisfaction that the Congress of Micronesia achieved observer status at the Third United Nations Conference on the Law of the Sea with the sponsorship of the Administering Authority, and that such participation is expected to continue.

ANNEX\*

WORKING PAPER PREPARED BY THE SECRETARIAT

Information on recent developments concerning the Trust Territory which was placed before the Trusteeship Council at its forty-third session, together with the supplementary information furnished by the Administering Authority to the Council at the same session, is contained in the report of the Trusteeship Council to the Security Council (8 June 1975 - 13 July 1976). a/

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\* Previously issued under the symbol A/AC.109/L.1107.

a/ Official Records of the Security Council, Thirty-first year, Special Supplement No. 1 (S/12214).

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