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ISSUE ON TOKELAU

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I. BASIC INFORMATION ON THE TERRITORY

Tokelau is a small New Zealand dependency located in the central South Pacific approximately 483 kilometres north of the State of Samoa, consisting of the three atolls of Fakaofu, Nukunonu and Atafu. Nukunonu, which lies between the other two atolls, is 64 kilometres to the north of Fakaofu and 92 kilometres to the south of Atafu. Each atoll is composed of a number of reef-bound islets encircling a shallow lagoon. The islets are covered with a coarse, rubbly sand which yields little vegetation. Nukunonu, the largest atoll, has a land area of 546 hectares, while Fakaofu and Atafu have land areas of 263 and 202 hectares respectively.

There are no ports in the Territory and landing conditions at the main settlements of all three atolls require periodic blasting in order to provide adequate, small boat channels through the reef. Bi-monthly shipping services to the islands are provided by the chartered vessel, Cenpac Rounder. There are no air services to the Territory.

The inhabitants are of Polynesian descent and are closely related physiognomically and culturally to the people of Samoa. By virtue of the British Nationality and New Zealand Citizenship Act of 1948, they are New Zealand citizens.

In 1976, the total population was 1,575 with 666 people living on Fakaofu; 546 on Atafu; and 363 on Nukunonu. These figures reflect the results of the Tokelau Resettlement Scheme which was initiated by the administering Power in 1963 to encourage Tokelauan immigration to New Zealand as a means of creating a better state of equilibrium between the inhabitants and the limited natural resources on the islands. By 1975, 528 persons had been resettled in New Zealand where they received financial assistance from the administering Power and were provided with housing and employment. As a consequence of the scheme, however, the age distribution of the Territory's population was altered, resulting in a population with a higher percentage of children and elderly people than those in their middle years. Upon the request of the Tokelauan people, the programme has been terminated by the New Zealand Government.

The mean average temperature in the Territory is 20°C (68°F). Rainfall is heavy, but inconsistent, with a fall of 80 millimetres or more being a daily norm. The islands are subject to periodic droughts and have a serious problem maintaining a sufficiently pure water supply. Severe tropical storms are rare.

II. BRIEF HISTORICAL OUTLINE

The British were the first Europeans to come into contact with Tokelau in 1765. Life in the Territory, however, remained relatively

undisturbed until the 1850's when the islands became a source of labour for the notorious "blackbirding" labour trade which developed in the South Pacific. ^{1/} In 1863, raids by labour traffickers carried off over 100 Tokelauans to work on the cotton, sugar and rice plantations of Peru. ^{2/} Such raids continued until around 1883 when the reservoir of labour began to dry up.

By 1863, Roman Catholic missionary activity had proselytized Nukunonu but had not yet spread to the other islands. In 1861, the London Missionary Society established a Protestant Mission on Atafu and in 1863, extended its activities to Fakaofu. The islanders were quickly converted to Christianity and the church came to occupy an important role in the life of the Territory. Today, the people on Atafu are Protestant; those on Nukunonu are Roman Catholic; and the people on Fakaofu are divided between the two.

In 1877, by the provision of the Western Pacific Order in Council, British subjects in the Tokelau Islands (then known as the Union Islands) were placed under the jurisdiction of the British High Commissioner for the Western Pacific in Fiji. While the Order sought to regulate the labour traffic by giving powers to the High Commissioner over British subjects in a wide area of the Western Pacific, it did not give him jurisdiction over the indigenous people of the islands nor did it amount to an extension of British sovereignty over new territory. Apart from an annual visit by the British Consul in Samoa, as Deputy Commissioner, the Order had little effect on the labour trade in Tokelau.

In 1889, Commander C.F. Oldham of H.M.S. Egeria, acting in accordance with the British policy of annexing those Pacific islands which could serve as cable stations for the then proposed trans-Pacific cable, visited Tokelau and formally placed the islands under British protection. During the next thirty-six years, Britain ruled the Territory in absentia, successively placing administrative responsibility with its representatives in Western Samoa, Tonga and finally Ocean Island. In 1916, the islands were incorporated as part of the Gilbert and Ellice Islands colony. Throughout its rule, the British Government, while attempting to govern the Territory in harmony with traditional Tokelauan institutions and with the co-operation of the indigenous leaders, paid little attention to the

^{1/} For further details on the labour traffic in the South Pacific, see Decolonization No. 12, Issue on The Solomon Islands, p. 3.

^{2/} Rev. J.E. Newell in the Report of the Sixth Meeting of Australasian Association for the Advancement of Science, 1895, p. 607, estimates that about 247 inhabitants were taken from Fakaofu alone in the Peruvian raids of 1863.

development of the islands. ^{3/}

In 1925, in an administrative readjustment, the British Government by the Union Islands Order in Council ^{4/} separated the Tokelau Islands from the Gilbert and Ellice Islands colony and in agreement with the New Zealand Government, placed the Territory under the administration of the Governor-General of New Zealand. The Governor-General, as authorized by the Order, delegated his powers to the Administrator of Western Samoa, ^{2/} who assumed responsibility for administration of the Territory. In 1948, the Tokelau Islands Act of the British Parliament formally transferred sovereignty to New Zealand and brought the islands within New Zealand's territorial boundaries. The administration of Tokelau was thereupon placed under the jurisdiction of the Minister of Island Territories, ^{6/} with administrative and executive functions vesting in the High Commissioner of Western Samoa in Apia. Since the independence of Western Samoa in 1962, the New Zealand Government, by agreement with the State of Samoa, has continued its administration of the Territory from Apia.

In November 1974, legislation was enacted transferring the administration of Tokelau to the Ministry of Foreign Affairs. Under this arrangement, the Secretary of Foreign Affairs is the Administrator of the Territory and is accountable to the Minister of Foreign Affairs in carrying out his responsibilities. In practice, however, most of the powers of the Administrator are now exercised by the Official Secretary of the Office for Tokelau Affairs based in Apia.

In December 1976, the Territory ceased being called The Tokelau Islands and was officially designated "Tokelau", the name by which it has customarily been known to its inhabitants.

^{3/} Area Handbook for Oceania, 1970, p. 17. Published by The American University.

^{4/} The Union Islands Order in Council, 1925.

^{5/} Following the end of the First World War, Western Samoa, which had been annexed by Germany in 1899, became a League of Nations Mandate administered by New Zealand. After the Second World War, it became a United Nations Trust Territory under New Zealand's administration and in 1962, became the independent State of Western Samoa. In 1976, the country's name was changed to the State of Samoa at the time of its admission to the United Nations.

^{6/} Tokelau Islands Amendment Act, 1974, No. 124.

III. CONSTITUTIONAL AND POLITICAL OUTLINE

The declared policy of the New Zealand Government has been "to disturb as little as possible, the village institutions which go to make up the Tokelauan way of life."^{7/} As a consequence, traditional indigenous institutions have played a significant role in local government. Village affairs are conducted by a council of elders (fono) which is composed of the heads of family groups (tooeaaina), the faipule and the pulenuku, or mayor. The Council is presided over by the faipule who represents the village in its dealing with the Government of New Zealand, acts in a supervisory capacity over government officials on his island, and presides over a local court consisting of the tooeaainas. The pulenuku is responsible for the general administration of village affairs, such as the scheduling of work, cleanliness, sanitation, water supplies and the inspection of plantations. In addition, each village has a failautuhi, or village clerk, who keeps records of transactions arising from the discussions of the council, as well as maintaining a record of births, deaths and marriages. The faipule and pulenuku on each atoll are elected by secret ballot and universal suffrage for a term of three years. Together with the failautuhi who is also elected by secret ballot, they are responsible for the day to day administration of each atoll. In 1976, the United Nations Visiting Mission to Tokelau found that each island was virtually an autonomous political unit but that in the quasi-traditional internal structure of local government, the areas of competence of the political institutions (the faipules, the pulenukus, the village councils, the local courts) were not yet clearly defined. Political development in the Territory has been slow, a fact which one authority had attributed in part to the "brain drain" which has resulted from the Tokelau Resettlement Scheme.^{8/} So far, the political system has not developed along traditional Westminster lines and the only unified political institution for the islands is a general fono, composed of the elders of the three atolls, which meets several times a year to consider issues of general concern to the Territory as a whole.

New Zealand administers the Territory through the Office for Tokelau Affairs in Apia and members of the Tokelau Public Service stationed on the three atolls.

^{7/} Tokelau Annual Report, 1977, (submitted by the administering Power under Article 73 (e) of the United Nations Charter), p. 4.

^{8/} Area Handbook for Oceania, *supra*, p. 38. For details of the Resettlement Scheme, see pp. 1-2 above.

The Tokelau Islands Act, 1948, as amended ^{9/} provides the basis for the Territory's legislative, judicial and administrative system. Under its terms, the legal system consists of the laws of the Gilbert and Ellice Islands which were in force in the Territory immediately before New Zealand assumed responsibility for administration of the islands as well as the laws of England as existing in 1840 (the year in which the colony of New Zealand was established) in so far as they are not inconsistent with the 1948 Act, as amended or any Act of the New Zealand Parliament in force in the Territory. ^{10/} New Zealand statute law applies to the islands only when expressly provided for in the statute. ^{11/} In addition, the Governor-General of New Zealand is empowered with the authority to make "all such regulations as he thinks necessary for ^{12/} the peace, order, and good government of the Tokelau Islands."

The Tokelau Islands Amendment Act, 1970, conferred civil and criminal jurisdiction in Tokelau on the High Court of Niue as if it were a separate Court of Justice in Tokelau. ^{13/} Appeals from the High Court may be taken to the Supreme Court of New Zealand. ^{14/} The Act also provides for the appointment of a Tokelauan Commissioner in each of the three atolls to deal with minor civil proceedings and criminal offences. The Commissioner may not impose a fine exceeding \$20 or a prison term of more than three months. ^{15/}

The Tokelau Islands Amendment Act, 1967, established a separate Tokelau Public Service under the jurisdiction of the New Zealand State Services Commission. ^{16/} In 1977, the public service consisted of 143 permanent employees, representing a staff of 23 in the Office of Tokelau Affairs in Apia and 40 members on each of the islands, who receive in-

^{9/} Tokelau Islands Act, 1948, No. 24. The Act has been amended in 1967 (No. 38); 1970 (No. 41); 1971 (No. 142); 1974 (No. 124) and 1975 (No. 261).

^{10/} Ibid., Section 5.

^{11/} Ibid., Section 6.

^{12/} Ibid., Section 4.

^{13/} Tokelau Islands Amendment Act, 1970, No. 41, Section 4.

^{14/} Tokelau Islands Amendment Act, 1970, No. 41, Sections 5 and 6.

^{15/} Ibid., Sections 9-11.

^{16/} Tokelau Islands Amendment Act, 1967, No. 38.

service training in the State of Samoa and New Zealand. ^{17/}

In recent years, an effort has been made by the administering Power to attract New Zealand-based Tokelauans with skills and qualifications into the public service. Between October 1976 and March 1977, six such appointments were made.

According to the 1976 United Nations Visiting Mission, ^{18/} the people of Tokelau considered that they were not yet ready to manage all their affairs by themselves and wished to maintain their close ties with New Zealand for the time being. In this connexion, the Tokelauans emphasized that it was in the Territory's interests to further improve the economic and social conditions of the islands so as to meet the needs of the people. The Mission noted that the administering Power had to make the issues clear to the people and explain the choices available to them in such a manner as to allay their apprehensions about the future. The representatives of the administering Power assured the Mission that the wishes of the people would be respected, and that the New Zealand Government was ready to give its support to the people to meet their needs and allow them to run their own affairs. ^{19/}

In 1978, in the statement of the administering Power at a meeting of the Sub-Committee on Small Territories of the Special Committee on Decolonization, ^{20/} the administering Power indicated that on-going discussions were being conducted between New Zealand and the people of Tokelau concerning the Territory's future status. It noted that the process of political education was leading to an increasing awareness on the part of the Tokelauan leaders that Tokelau could and should shoulder increasing responsibility for its own affairs without anxiety that this would result in diminishing support from New Zealand in areas where Tokelau would continue to need assistance. In this regard, the general fono in

^{17/} An average breakdown of public service employees on each island might be 14 teachers, 1 medical officer, 1 dental officer, 8 nurses, 10 tradesmen, 2 policemen, 2 radio operators, 1 administration officer and 1 clerk/typist.

^{18/} See Section V: Action by the United Nations at p.10 of this report.

^{19/} Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev. 1), Vol. III, Chapter XVII, Annex. The text of the Observations, Conclusions and Recommendations concerning political conditions in the Territory contained in the Report of the Visiting Mission is reproduced below in Annex I.

^{20/} Its full title is: The Sub-Committee on Small Territories 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.

1978 affirmed its readiness to assume responsibility for decisions concerning Tokelau's welfare and development and decided to set up an Advisory Committee to assist in the consideration of financial and budgetary questions. The Government of New Zealand indicated that it expected that the end result of the process of political education would be an act of self-determination by the people of Tokelau.

In the course of the Visiting Mission's consultations with the people of Tokelau, a long-standing claim was submitted, asserting that Swains Island (Olohega), a small island located about 300 kilometres north of American Samoa and 175 kilometres south of Tokelau and now part of American Samoa, rightfully belonged to Tokelau. ^{21/}

IV. ECONOMIC AND SOCIAL CONDITIONS

The ^{22/}economy of Tokelau is based primarily on the resources of the sea and the coconut and pandanus palms. As there are few additional natural resources, there is little scope for economic development. Application of fertilisers to the islands' thin, infertile soil has failed to increase productivity, leaving agricultural production, apart from copra, of a basic subsistence nature. Due to this scarcity of economic resources, development programmes have tended to emphasize the improvement of community facilities to raise the Territory's standard of living. In keeping with this approach, schools, hospitals, radio stations, post offices and other public buildings have been constructed in the Territory. As a result, much of the islands' labour force has been diverted from food gathering and copra production to public service projects.

^{21/} Tokelau has based its claim on historical links with Swains Island, asserting that Tokelauans first settled the island around 1400 A.D. and that the present population is composed primarily of descendants of those early settlers. On the other hand, the United States has noted that the island is linked to American Samoa on the basis of the citizenship of Eli Jennings, an American trader who moved to the island around 1865 and brought it under his control as a private estate. In 1925, the island was formally annexed by proclamation to American Samoa. It is still owned today by the Jennings family. For further details see Decolonization No. 13, Issue on American Samoa, p.4 and the Report of United Nations Visiting Mission, supra, p. 79.

^{22/} In 1976, a bill was enacted in the New Zealand House of Parliament extending the fishing zone of Tokelau from 3 to 12 nautical miles and in 1977, legislation was enacted providing for the establishment of a 200-mile economic zone in the waters surrounding the Territory.

The real potential for economic development appears to lie with the expansion of fishing activities. Already a principal source of revenue and a mainstay of the food supply, fishing could in the future become the most important source of revenue. As noted in the report of the United Nations Visiting Mission, the results of the United Nations Conference on the Law of the Sea will inevitably have a profound effect on the Tokelauans as an island people, providing new economic opportunities for the Territory. The Mission also noted, however, that in the event the 200 nautical mile zone were adopted, it would be difficult to protect those waters against poaching by unauthorized intruders. ^{23/}

Until recently, the people of Tokelau seemingly showed little interest in the material standards of more developed countries. However, as contacts with the State of Samoa and New Zealand have increased, a desire among the people for wider opportunities to advance their living standards has developed.

The only industries of significance in the Territory are copra production and the manufacture of plaited ware and wood-work, neither of which is subject to laws regulating employment conditions. Recently, an experimental piggery with a capacity for 130 animals was established on Nukunonu as a commercial enterprise.

The principal source of local revenue is the export tax on copra, which is levied at the rate of 10 per cent ad valorem of its f.o.b. value at the port of Apia. Additional revenue is derived from an export tax (also 10 per cent) on handicrafts, shipping and freight charges, the sale of postage stamps and radio and telegramme services. A customs duty of 12.5 per cent ad valorem is levied on all goods entering the Territory. Earnings from these sources in 1976 were approximately NZ \$100,000. ^{24/} In fiscal year 1976/77, the New Zealand Government contributed a total of NZ \$751,579 in financial aid to the Territory.

Almost all of the land in the Territory is held by customary title in accordance with the customs and usages of the inhabitants. The Tokelau Islands Amendment Act, 1967 ^{25/} provides that the people of Tokelau may

^{23/} Report of the United Nations Visiting Mission, supra, p. 74.

^{24/} New Zealand currency is legal tender in Tokelau, but for convenience, the currency of the State of Samoa is used throughout the Territory. At the end of 1978 one New Zealand dollar was worth US \$1.06.

^{25/} Tokelau Islands Amendment Act, 1967, No. 38, Part II.

dispose of their land among themselves according to their customs, but that land may not be alienated by sale or gift to non-indigenous inhabitants. Land holdings which pass from generation to generation within families are held by the head of the family group, although some land is held in common.

The main items imported into the Territory are staple foods and fuel. Since 1976, the Office for Tokelau Affairs at Apia has conducted trading operations formerly carried out by the Australian company Burns Philp (South Seas) Co., Ltd.. In 1977, a co-operative store opened for business in each atoll, providing the people of Tokelau with goods at cheaper prices, permitting the purchase of items throughout the year instead of only on shipping days and ensuring that profits from sales remain inside the Territory.

Each atoll has a primary school for students from 5 to 15 years of age. These schools are free and are attended by almost 100 per cent of all Tokelauans of primary school age. The New Zealand Department of Education provides advisory services to the principals of the three schools, as well as supplying educational materials and equipment. The schools are inspected annually by a senior officer of the New Zealand Department of Education.

In 1977, 133 Tokelauan students and trainees were studying overseas in primary and secondary schools mainly in New Zealand, but also in the State of Samoa and in Niue. On the University level, Tokelauans were pursuing advanced studies in New Zealand, Fiji and Samoa.

The report of the United Nations Visiting Mission noted that the Tokelauan educational system had failed to resolve the dichotomy between the need to prepare the people for life in the islands while at the same time giving them sufficient skills to migrate to New Zealand or elsewhere. This has led to considerable frustration both on the part of people who want to migrate to New Zealand and find that they lack the required skills, as well as those Tokelauans who, having received an education overseas, find it hard to readapt to life in the Territory.

In 1976, a new hospital was opened on each atoll to serve the medical needs of the people. The isolation of the Territory is such that the inhabitants are not resistant to infectious diseases which each visit of a ship may bring. As a result, a few days after such visits there is often an outbreak of minor diseases amongst the islanders.

V. ACTION BY THE UNITED NATIONS

A. Consideration by the Special Committee on Decolonization

Tokelau was originally included, together with the Cook Islands,^{26/} on the 1946 list of Non-Self-Governing Territories, as a dependent Territory administered by the Government of New Zealand.^{27/} In 1962, it was placed on the list of territories governed by the Declaration on the Granting of Independence to Colonial Countries and Peoples;^{28/} and, as such it has been considered by the Special Committee^{29/} responsible for monitoring the implementation of the Declaration. In 1964, the first year in which the Special Committee considered the question of the Tokelau Islands, it studied the Territory jointly with Niue and the Cook Islands. From 1965 to 1973 Niue and the Tokelau Islands were considered together and in 1974 Tokelau became a separate item in the Special Committee's agenda.

From 1964 until 1978 the Special Committee, in a series of conclusions and recommendations, has repeatedly reaffirmed the right of the people of Tokelau to self-determination and independence and reiterated the view that factors of size, geographic location, population and limited natural resources should in no way delay the implementation of the Declaration on Decolonization to the Territory.

In 1976, a Mission of the Special Committee on Decolonization^{30/} visited the Territory at the invitation of the administering Power. On the basis of a series of on-the-spot observations and after holding several meetings with New Zealand authorities in Apia, Wellington and in the Territory itself, as well as meeting with the inhabitants on the three atolls and members of the Tokelauan community in New Zealand, the

^{26/} In August 1965, the Cook Islands became fully self-governing in free association with New Zealand.

^{27/} General Assembly Resolution 66 (I). See Decolonization No. 6 of December 1975, Table I.

^{28/} Ibid., Table III.

^{29/} Its full title is: Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

^{30/} The Mission was composed of Mr. Nimrod M. Lugoe, United Republic of Tanzania (Chairman); Mr. Mohamed Bachrouch, Tunisia; and Mr. Gholam-Hosseini Shahid-Nooray, Iran.

Mission issued a report ^{31/} which examined the economic, social and political problems resulting from the Territory's small population, remote geographical situation and limited natural resources. It noted that these factors caused a sense of solitude which heightened the primary concern of the people for their economy and, therefore, their relationship with New Zealand, resulting in an apprehension of any change which might alter the relationship with the administering Power. The Mission concluded that it was understandable that the people of Tokelau should wish to remain under the protection of the administering Power, at least until they perceived fully the implication of any change in their status. In this regard, the Mission concluded further that in order to allay the apprehension of the people, the administering Power should make the issues clear to the people and explain the choices available to them in such a manner that their fears for the future were not exacerbated.

The Special Committee has consistently requested the administering Power to continue its efforts to strengthen the economic and social sectors of the Territory with the aim of improving the welfare of the people. In 1978, it urged the New Zealand Government, in co-operation with the territorial Government to continue to take effective measures to safeguard and guarantee the rights of the people of Tokelau to their natural resources and to establish and maintain control of their future development.

In 1978, the Special Committee, while noting with satisfaction the importance which New Zealand attached to the process of political education, welcomed in particular the encouragement of discussions between the representatives of the people of the Territory and the administering Power and expressed its hope that Tokelauans will undertake additional responsibility for their own affairs at a pace commensurate with increased political awareness and education.

B. Action by the General Assembly

Beginning in 1965, when it first considered the question of the Tokelau Islands and until 1970, the General Assembly adopted a series of resolutions concerning the Tokelau Islands, together with a variety of small territories in the Caribbean, the Atlantic and Indian Oceans

^{31/} Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/Rev. 1), Vol. III, Chap. XVII, Annex. The text of the Observations, Conclusions and Recommendations concerning political conditions in the Territory contained in the Report of the Visiting Mission is reproduced below in Annex I.

and the Pacific. ^{32/} These resolutions, inter alia, called upon the administering Powers to implement without delay the relevant resolutions of the General Assembly and of the Declaration on Decolonization in particular; reaffirmed that questions of territorial size, geographical isolation and limited resources should in no way delay the implementation of the Declaration; deprecated any attempt aimed at the partial or total disruption of the national unity and territorial integrity of colonial territories; urged the administering Powers to guarantee effectively the rights of the people of those territories to own and dispose of their natural resources.

In 1971 and 1972, the General Assembly adopted resolutions ^{33/} dealing jointly with Niue and the Tokelau Islands. In 1973, the Assembly adopted a consensus ^{34/} concerning the questions of the Cocos (Keeling) Islands and the Tokelau Islands together and in 1974 it adopted its first consensus ^{35/} dealing solely with the question of the Tokelau Islands. In 1975, a resolution ^{36/} relating to the Tokelau Islands alone was adopted in which it welcomed the invitation of 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 islands and on the wishes and aspirations of the Tokelauan people.

At its Thirty-first Session 1976 the General Assembly adopted a resolution ^{37/} in which it expressed its appreciation to the administering Power, the fonos (councils) and the Tokelauan people for the close co-operation and assistance extended to the Mission and reaffirmed the inalienable right of the people of the Territory to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It expressed its view that measures

^{32/} See General Assembly Resolutions 2069 (XX), 2232 (XXI), 2357 (XXII), 2430 (XXIII), 2592 (XXIV), 2709 (XXV), 2869 (XXVI), 2984 (XXVII), 3156 (XXVIII), and 3290 (XXIX).

^{33/} See General Assembly Resolution 2868 (XXVI) and 2986 (XXVII).

^{34/} General Assembly Official Records, Twenty-eighth Session, Supplement No. 30 (A/9030), Other Decisions, p. 111.

^{35/} Ibid., Twenty-ninth Session, Supplement No. 31 (A/9631), Other Decisions, p. 116.

^{36/} General Assembly Resolution 3428 (XXX).

^{37/} General Assembly Resolution 31/48. Reproduced in Annex II below.

to promote the economic development of the islands were an important element in the process of self-determination and requested the New Zealand Government "to take the necessary measures to intensify programmes of political education, as well as to ensure the preservation of the identity and cultural heritage of the people of Tokelau." Also, it decided that "in accordance with the wishes of the people of the Tokelau Islands," the Territory "shall henceforth be known as 'Tokelau'."

At its Thirty-second Session in 1977, the General Assembly adopted a consensus ^{38/} in which it commended the administering Power for its continued co-operation and noted the declared policy of the New Zealand Government "to disturb as little as possible the internal institutions making up the Tokelauan way of life, as well as the fact that the Territory already exercises a great degree of practical self-government." It noted "the various measures taken in the economic field to assist the development of the Territory and the steps being taken, in consultation with the people of Tokelau to formulate an overall development plan for Tokelau." It urged "the administering Power to continue to explore various avenues for diversifying the sources of revenue of the Territory."

In a consensus adopted in the course of its Thirty-third Session in 1978, the General Assembly noted the stated policy of the administering Power "that it will be guided by the wishes of the people of Tokelau concerning their future relationship with New Zealand in full accordance with resolution 1514 (XV)." ^{39/} It commended the administering Power for its continued co-operation and "particularly for its efforts to foster an increased awareness of all the possibilities open to the Tokelauans through the process of political education." It noted "the various steps taken in the economic and administrative fields to assist the development of the Territory and to provide an administrative instrument responsible to the wishes and needs of the people." It again urged the administering Power "to continue to explore various avenues for diversifying the sources of revenue of the Territory."

^{38/} General Assembly Decision No. 32/409.

^{39/} General Assembly Decision No. 33/409 reproduced in Annex III below.

ANNEX I

OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS
OF THE 1976 UNITED NATIONS VISITING MISSION

Constitutional and Political Developments

General

During its visit, the Mission found 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 taupunulega, 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. The Mission is of the opinion 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.

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.

The administering Power considers it wise to act upon the wishes of the people and to formalize the modified institution only when it has become clear what form of change the people of Tokelau desire. 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.

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

The Mission was informed of the reorganization of the new general approach 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.

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 its efforts in this area 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.

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".

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

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 further improve 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.

The representative of the administering Power assured the Mission that, in accordance with New Zealand's new policy, the wishes of the people would be respected and that the administering Power did not wish to influence or force the people one way or another.

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 financial and technical assistance to the people of Tokelau in the future.

Assistance by the specialized agencies of the United Nations

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.

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

Future United Nations visiting missions

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 II

GENERAL ASSEMBLY RESOLUTION 31/48 OF 1 DECEMBER 1976

The General Assembly,

Having considered the question of the Tokelau Islands,

Having examined the relevant chapters of the 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,^{a/} including in particular the report of the United Nations Visiting Mission dispatched to the Territory in June 1976^{b/} at the invitation of the Government of New Zealand, as the administering Power, and people of the Tokelau Islands,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 3428 (XXX) of 8 December 1975 on the question of the Tokelau Islands,

Having heard the statement of the administering Power,^{c/}

Having also heard the statement of one of the members of the Visiting Mission,^{d/}

Mindful of the responsibility of the United Nations to help the people of the Tokelau Islands to realize their aspirations in accordance with the objectives set forth in the Declaration,

Aware of the special problems facing the Territory by virtue of its isolation, small size and meagre resources,

a/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev. 1), Chaps. III and XVII.

b/ Ibid., Chap. XVII, annex.

c/ Ibid., Thirty-first Session, Fourth Committee, 12th meeting, paras. 1-11.

d/ Ibid., 24th meeting, paras. 3-7.

1. Approves the chapter of the 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 relating to the Tokelau Islands;^{e/}
2. Reaffirms the inalienable right of the people of the Tokelau Islands to self-determination in conformity with the Declaration;
3. Commends the conclusions and recommendations of the United Nations Visiting Mission to the Tokelau Islands, 1976^{f/} to the Government of New Zealand, as the administering Power, and to the people of the Tokelau Islands for their consideration;
4. Expresses its appreciation to the members of the Visiting Mission for the constructive work which they accomplished, and to the administering Power, the fonos (councils) and the people of the Tokelau Islands for the close co-operation and assistance extended to the Mission;
5. Decides that, in accordance with the wishes of the people of the Tokelau Islands, as expressed through their representatives, and in conformity with the recommendation of the Visiting Mission, the Territory shall henceforth be known as "Tokelau";
6. Expresses the view that measures to promote the economic development of Tokelau are an important element in the process of self-determination, and the hope that the administering Power will continue to intensify and expand its programme of budgetary support and development aid to the Territory;
7. Requests the administering Power, in the light of the conclusions and recommendations of the Visiting Mission, to continue to enlist the assistance of the specialized agencies and other organizations within the United Nations system, as well as other regional and international bodies, in the strengthening and development of the economy of the Territory;
8. Requests the specialized agencies and other organizations to consider the methods and scale of their operations, in order to ensure

^{e/} Ibid., Thirty-first Session, Supplement No. 23 (A/31/23/Rev. 1), Chap. XVII.

^{f/} Ibid., Chap. XVII, annex, paras. 381-421.

that they are able to respond appropriately to the requirements of such small and isolated Territories as Tokelau;

9. Requests the administering Power to take the necessary measures to intensify programmes of political education, as well as to ensure the preservation of the identity and the cultural heritage of the people of Tokelau;

10. Requests the Special Committee to continue to examine this question at its next session in the light of the findings of the Visiting Mission, including the possible dispatch of a second visiting mission to Tokelau, as appropriate and in consultation with the administering Power, and to report thereon to the General Assembly at its Thirty-second session.

ANNEX III

GENERAL ASSEMBLY DECISION 33/409

QUESTION OF TOKELAU

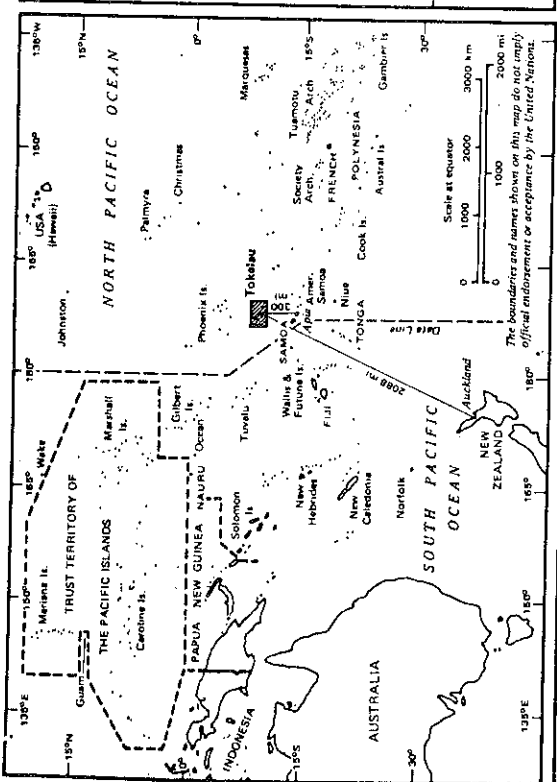
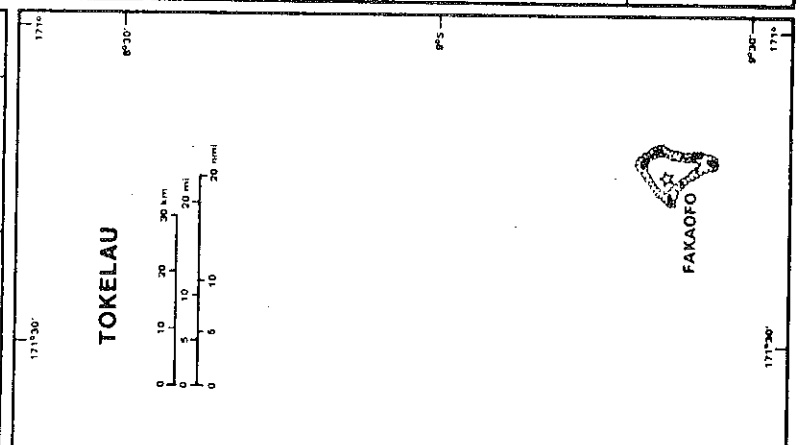
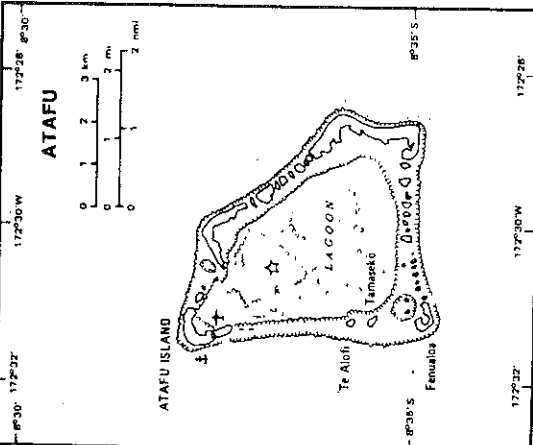
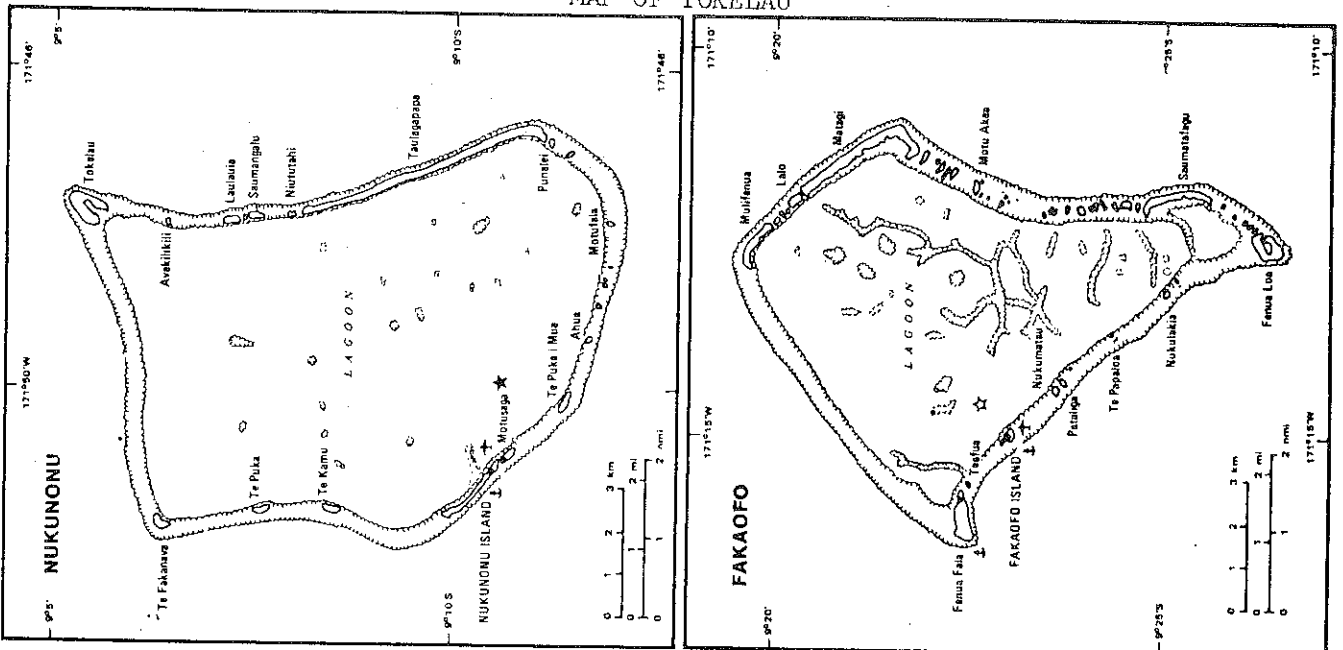
The General Assembly, having heard the statement of the representative of New Zealand as the administering Power,^{1/} and having examined the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples^{2/} and endorsing the conclusions and recommendations contained therein,^{3/} reaffirms the inalienable right of the people of Tokelau 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 General Assembly notes that it is the stated policy of the administering Power that it will be guided by the wishes of the people of Tokelau concerning their future relationship with New Zealand in full accordance with resolution 1514 (XV). The General Assembly commends the administering Power for its continued co-operation and, particularly for its efforts to foster an increased awareness of all the possibilities open to the Tokelauans through the process of political education. The General Assembly notes the various steps taken in the economic and administrative fields to assist the development of the Territory and to provide an administrative instrument responsible to the wishes and needs of the people. It urges the administering Power to continue to explore various avenues for diversifying the sources of revenue of the Territory.

1/ A/C.4/33/SR 25.

2/ A/33/23 (Part II), chap. III and A/33/23/Add.4, chap. XIV.

3/ A/33/23/Add. 4, chap. XIV, para. 10.

MAP OF TOKELAU



LEGEND

- Village
- ⚓ Anchorage
- ✈ Landing place
- ✈ Flying boat alighting area
- ☆ Emergency flying boat alighting area
- ▭ Coral reef
- km Kilometre
- mi Statute mile
- nmi Nautical mile (international)