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No. 30
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DECOLONIZATION



A publication
of the United Nations Department of Special Political
Questions, Regional Co-operation, Decolonization and
Trusteeship

No. 30
June 1987

TOKELAU

1987
TRADE COORDINATION

CONTENTS

	<u>Page</u>
I. BASIC INFORMATION ON THE TERRITORY	2
II. BRIEF HISTORICAL OUTLINE	2
III. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS	3
IV. ECONOMIC AND SOCIAL CONDITIONS	5
V. ACTION BY THE UNITED NATIONS	7
A. Consideration by the Special Committee of 24	7
B. Action by the General Assembly	8
Annex. General Assembly resolution 41/26 of 31 October 1986	10
Map. Tokelau	13

I. BASIC INFORMATION ON THE TERRITORY

Tokelau, a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls (Nukunonu, Fakaofu and Atafu) lying in the South Pacific about 480 kilometres north of the State of Samoa, its nearest sizeable neighbour. Collectively, the three atolls have a total land area of 12.2 square kilometres and the elevation is nowhere more than 5 metres above sea level. Nukunonu, the central and largest atoll (4.7 square kilometres), lies 92 kilometres south-east of Atafu (3.5 square kilometres) and 64 kilometres north-west of Fakaofu (4.0 square kilometres). Each atoll is composed of a number of reef-bound islets encircling a shallow lagoon; the islets are covered with a coarse sand and have little vegetation.

Tokelauans are people of Polynesian descent, with linguistic, family and cultural links with Samoa. In 1985, the population was estimated at 1,700, of which 600 lived on Atafu, 400 on Nukunonu and 700 on Fakaofu. Over the years, some 3,000 Tokelauans have emigrated to New Zealand and Samoa.

The only means of transport to and within Tokelau is by sea. A ship chartered by the New Zealand Government departs Apia for Tokelau every five weeks, carrying both passengers and freight and stopping at each atoll for some 10 hours.

The mean average temperature in the Territory is 28°C (82°F). Although rainfall is heavy at times, the atolls are subject to periodic droughts with the result that there is a problem maintaining an adequate supply of rainwater for drinking. Severe tropical storms are very rare but can cause widespread damage. In March 1987, a cyclone virtually devastated all three atolls, uprooting coconut palms and destroying homes and other buildings. High waves soaked the ground-cover with corrosive salt which will impede new vegetation from growing for years to come.

II. BRIEF HISTORICAL OUTLINE

The three atolls of Tokelau were discovered one by one during the latter part of the eighteenth and first half of the nineteenth centuries. Atafu, the first atoll to be seen by Europeans, was discovered on 24 July 1765 by Commander John Byron of HMS Dolphin; Nukunonu was sighted in 1791 by Captain Edward Edwards of HMS Pandora while searching for the Bounty mutineers. Fakaofu apparently remained unknown to outsiders until 14 February 1835, when it was sighted by an American whaling ship. In 1841, ships from the United States Exploring Expedition spent several days among the atolls, obtaining the first detailed knowledge of Tokelau and recording something of the local language. At that time, Fakaofu's population was estimated at between 500 and 600 and about 120 people were thought to live on Atafu. Between 1845 and 1863, the population of the three atolls was converted to Christianity. Atafu and Nukunonu became Protestant and Catholic, respectively, while Fakaofu has both Protestant and Catholic adherents.

The most unhappy chapter in Tokelau's history began in 1863 when slave raiders ("blackbirders") removed about 140 people from the three atolls to work on the cotton, sugar and rice plantations in Peru. Periodic raids continued until about 1883, succeeding, together with outbreaks of disease, in reducing the population, at one point, to 200 people.

The islands now known as Tokelau became a British protectorate in 1877, although it was not until 1889, when Britain thought the islands might prove useful as staging points for the then proposed trans-Pacific cable, that formal declarations to this effect were made.

For some years, Britain ruled the atolls (then known as the Union Islands), in absentia, through representatives in Western Samoa, Tonga and Ocean Island successively. Then, in 1916, Tokelau was annexed and included within the boundaries of the newly proclaimed Gilbert and Ellice Colony. In 1925, however, Tokelau was placed under the administration of the Governor-General of New Zealand, who was authorized to delegate his powers for the Territory to the Administrator of Western Samoa.

In 1948, by the Tokelau Act, 1948, the United Kingdom of Great Britain and Northern Ireland formally transferred sovereignty over Tokelau to New Zealand and brought the islands within New Zealand's territorial boundaries. Tokelauans became New Zealand citizens. In 1976, by New Zealand legislation, the atolls, which had been known officially since 1946 as the "Tokelau Islands", were redesignated Tokelau, the name customarily used by the inhabitants.

III. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

Overall responsibility for Tokelau is vested in the New Zealand Ministry of Foreign Affairs. The Minister of Foreign Affairs appoints an Administrator for the Territory who, in turn, delegates most of his powers to the Official Secretary of the Office of Tokelau Affairs which, by agreement with the Government of Samoa, is based in Apia. The Official Secretary is also head of the Tokelau Public Service which is responsible for the day-to-day administration of the Territory.

Tokelau's legislative and judicial systems are based on the Tokelau Act, 1948, under whose provisions a variety of British regulations have continued in force, together with, where no other enactment applies, the law of Britain in 1840. New Zealand statutes apply to Tokelau only where explicit reference is made to the Territory and, in practice, no New Zealand legislation is extended to Tokelau without Tokelauan consent. The Governor-General of New Zealand is empowered to make such regulations as he deems necessary for the peace, order and good government of the Territory.

In the early 1980s, a major law reform project was undertaken with the aim of ensuring that Tokelau had a coherent body of law responsive to current needs and giving due recognition to Tokelauan custom. The project, which since 1985 has been funded by the United Nations Development Programme (UNDP), involves intensive consultations with

Tokelauan representatives. In July 1986, the first new legislation arising from the project was enacted, known as the Tokelau Amendment Act of 1986. The Act, among other provisions, transferred High Court jurisdiction for Tokelau from Niue to the High Court of New Zealand and specified that appeals might be made to the New Zealand Court of Appeals.

Over the years, New Zealand has delegated increasing responsibility for the internal administration of the Territory to the Tokelauans themselves. The main governing organ for the Territory as a whole, the General Fono, consists of 15 representatives of each atoll chosen by its respective Council of Elders (taupulega). The General Fono usually meets twice a year under the joint chairmanship of the faipule of each atoll to determine Tokelau's development policies and establish priorities for the expenditures of Tokelau's income. Major policy questions are referred to the General Fono by the New Zealand Government and no policies are approved by the Administrator or the Ministry of Foreign Affairs without the General Fono's prior endorsement. Similarly, all the budgetary recommendations of the General Fono are accepted by the New Zealand Government.

Village affairs are conducted on each atoll by a Council of Elders, composed of the heads of family groups, the faipule and the pulenuku. The faipule represents the village in its dealings with the Government of New Zealand and the Tokelau Public Service, presides at meetings of the Council of Elders, and usually serves as Court Commissioner. The pulenuku is responsible for the general administration of village affairs, such as the scheduling of work, sanitation, water supplies, and the inspection of plantations. The faipule and pulenuku are elected by secret and universal suffrage for terms of three years. Minor civil proceedings and criminal offences on each atoll are dealt with by the Court Commissioner, usually the faipule.

Public works projects, education and health services and development projects are carried out by the 175-member Tokelau Public Service. Since January 1987, the Service, which is staffed almost exclusively by Tokelauans, has been headed by a Tokelauan. For practical reasons the Tokelau Public Service headquarters are located in Apia even though most employees are stationed in the atolls. However, consideration is being given to relocating the headquarters to Tokelau.

As regards the Territory's future political status, New Zealand's stated policy is to be guided by the wishes of the Tokelauan people and to introduce greater self-government at a pace they desire. It continues to prepare the Territory for eventual self-determination, particularly through persuading the General Fono gradually to accept greater responsibility and reaffirming that New Zealand will continue to provide financial support to Tokelau even as it becomes more autonomous. Options for Tokelau's future political status, under the terms of the relevant United Nations resolutions, include independence, integration or free association with another country, or the establishment of a unique relationship with New Zealand. For the time being, however, Tokelau has expressed the desire to preserve its present political status and relationship with the administering Power. Tokelauan representatives

informed the 1986 United Nations Visiting Mission that there were several issues relating to economic and social development that should be addressed before they could give serious consideration to the various political options. On the basis of discussions with Tokelauans, the Visiting Mission recommended that the administering Power should continue to encourage Tokelau to pursue its political development towards assuming greater autonomy, noting that it might be desirable to adopt a flexible approach to the evolving relationship, taking into account developments in countries that had undergone similar experiences. The Mission noted also the assurance of the administering Power that it would allow Tokelau to change "at its own pace". 1/

IV. ECONOMIC AND SOCIAL CONDITIONS

The economy of Tokelau is basically at a subsistence level, with most labour devoted to the gathering of food, primarily fish, coconuts and bread-fruit, village maintenance and the loading and unloading of cargo. Owing to the Territory's shortage of natural resources - including the lack of topsoil - its isolation and small size, there is limited scope for future development. Apart from the sale of small quantities of copra and handicrafts, virtually the only sources of cash income are the salaries of public service employees and remittances from Tokelauans resident abroad. Efforts to diversify agriculture beyond the coconut palm, the bread-fruit and pandanus, in particular to grow vegetables and to raise small live-stock such as chickens, goats and pigs for local consumption, were initiated and showed some promise, but are now retarded by years by the cyclone of 1987. Similarly, the development of commercial fishing is not considered practicable for a variety of reasons, including Tokelau's extreme remoteness from markets. However, since Tokelau's 200-mile exclusive economic zone was declared in 1980, the Territory is eligible to receive some revenues from inclusion in regional fishing agreements.

In recent years, there has been strong emphasis on community development programmes and public service projects, largely financed by the administering Power. The extent of development is reflected in the growth of New Zealand's budgetary aid - from \$NZ 751,579 2/ in 1976/77 to \$NZ 3.32 million in 1986/87. During the same 10 year period, locally-generated revenues increased from approximately \$NZ 100,000 to \$NZ 639,000. Local revenue is derived mainly from shipping and freight charges, customs duties, radio and telegram services, and the sale of postage stamps, handicrafts and coins. In addition to regular budgetary grants, New Zealand also funds special projects such as reef channel clearance on an ad hoc basis.

Tokelau also receives assistance from regional and international organizations, particularly UNDP, which has set an indicative planning figure of \$US 1,103,000 for the programme period 1987-1991. In the past, UNDP funds have been allocated for agricultural development projects, fish-aggregating devices, the upgrading of telecommunications, a transport survey and the provision of water tanks.

Because of its isolation, Tokelau has remained a deeply traditional society, centred on the extended family group, with authority for decision-making vested in the older men. Land holdings pass from generation to generation within families and are held by the head of the family group, although some land is held in common. Traditional-style houses, built of local timbers with walls and roofs of plaited pandanus leaves, are clustered in villages, one each on Atafu and Nukunonu and two on Fakaofu.

Recently, however, the pace of change is accelerating, parallel with improvements in the standard of living. Traditional houses are gradually giving way to houses built of imported materials; a decision in principle has been reached to proceed with the construction of airstrips on each atoll; and efforts are being made to replace the inadequate radio and telegraph system among the atolls and between Tokelau and the outside world with a new system which would permit direct dialing. Also reflecting change is the growing pressure from women, younger men and young people to participate in the decision-making process until now monopolized by the village elders. In July 1986, a Tokelau National Council of Women was inaugurated and village elders informed the United Nations Visiting Mission that they would welcome limited participation in their deliberations by young people.

The growth of the Tokelau Public Service has also had a great impact on the Territory, particularly insofar as it provides the first and only regular source of cash income to the population. To insure some distribution of Tokelau Public Service earnings among Tokelauans as a whole, several measures have been taken, including the rotation of unskilled jobs among all able-bodied men. Also, a requirement was instituted in 1983 that all public servants resident in Tokelau contribute 5 to 10 per cent of their earnings to a community services levy. The majority of Tokelau Public Service employees are in fact resident in the Territory as teachers, medical personnel, agriculture experts, etc.

Education is of high priority, accounting for over 25 per cent of annual budgetary expenditures. Schooling is free and each atoll has classes for children between the ages of 5 and 15 with attendance being close to 100 per cent. In 1986, total enrolment was 623 students and there were 39 qualified teachers and 18 teachers' aids, all Tokelauans. Recently, the question of curriculum has come under particular scrutiny in order to assure that it provides basic academic and technical skills which would enable Tokelauans to function in other societies while at the same time developing and strengthening the Tokelauan cultural heritage. The preparation of texts in Tokelauan, to be used alongside books in English, is being undertaken at the same time that laboratory science courses are being offered. In 1987, a form V class is to be established on one of the atolls.

Students who demonstrate particular ability are often sent abroad for further schooling. In 1986, 75 Tokelauans were pursuing secondary, university and teacher-training courses overseas, while 42 were taking

technical courses in fields such as nursing, marine science, agriculture and mechanics, mainly in Samoa and New Zealand. Other Tokelauans were studying in Fiji, Niue, Tonga and Tuvalu.

The Tokelauan community enjoys a satisfactory level of health apart from outbreaks of influenza, attendant on the visits of the monthly ship, and all health services are provided free. Each atoll has a 12-bed general hospital with a qualified doctor, four staff nurses, two nurses' aids and an orderly. A dentist and a school dental nurse travel among all three islands. Cases beyond the capabilities of the local facilities are evacuated to Samoa or New Zealand for treatment.

V. ACTION BY THE UNITED NATIONS

A. Consideration by the Special Committee of 24

Tokelau was included on the General Assembly's original list of Non-Self-Governing Territories in 1946. In 1962, it was placed on the list of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples applied and has been considered annually since 1964 by the Special Committee of 24, which is responsible for monitoring the implementation of the Declaration.

The Special Committee has repeatedly reaffirmed the inalienable right of the people of Tokelau to self-determination and independence in conformity with the Declaration and has reiterated the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the implementation of the Declaration, which fully applies to Tokelau.

In 1976, 1981 and 1986, the Special Committee, at the invitation of the administering Power, sent visiting missions to the Territory to make first-hand assessments of the situation in Tokelau and to ascertain the wishes of the people of the Territory concerning their future.

On the basis of the observations, conclusions and recommendations of its 1986 Visiting Mission 1/, the Special Committee noted that the people of the Territory did not wish to review the nature of the existing relationship with New Zealand for the time being. It welcomed the assurances of the administering Power that it would continue to be guided solely by the wishes of the people of Tokelau as to the future status of the Territory.

The 1986 Visiting Mission, comprising three members of the Special Committee, was in Tokelau from 7 to 12 July, spending approximately 36 hours on each atoll and holding discussions with the village elders, women's groups, the village work-forces, teachers and youth, and attending a special meeting of the General Fono and visiting schools, hospitals and major development projects. The Mission also visited New Zealand for meetings with Mr. H.H. Francis, the Administrator of Tokelau, officials of the Ministry of Foreign Affairs, the New Zealand State Services Commissioner responsible for Tokelau, and other officials. In

Apia, the Mission held discussions with the directors of the Tokelau Public Service and representatives of United Nations specialized agencies. The Mission also met with the Tokelauan communities in Auckland, Wellington and Apia.

In its report, 1/ the Visiting Mission welcomed the fact that in recent years an increasing degree of responsibility and decision-making had been devolved to the General Fono and recommended that the administering Power should continue to encourage Tokelau to pursue its political development towards assuming greater political autonomy while preserving its cultural heritage. The Mission noted the assurances of the administering Power that it would allow Tokelau to change at its own pace and that it would assist in maintaining Tokelau's culture. It noted further that in order to preserve their culture, the Tokelauans were attempting to manage their development so as to exercise control over the necessary changes. As regards the lack of economic resources, the Mission observed that it was necessary for the infrastructure and existing resources to be carefully managed to ensure their maximum utilization, and recommended that technical and financial assistance should continue and be increased as necessary.

In a resolution based on the report of the Visiting Mission and adopted in 1986, 3/ the Special Committee noted the desire of the people of the Territory to maintain at that stage their present status and relationship with New Zealand; noted the continuing development of the General Fono as Tokelau's highest political body and considered that the process of devolution of authority to Tokelau's political and administrative institutions should continue; urged the administering Power, in co-operation with the Tokelau Public Service, to expand and intensify its programme of political education in the Territory so as to improve the awareness of the people of the options available to them in the exercise of their right to self-determination and independence; welcomed the assurance of the administering Power that legislation affecting Tokelau would only be passed after consultation with the General Fono and commended the Fono for the role it was playing in the development of a new legal code to give due recognition to Tokelauan custom and culture. The Special Committee welcomed the efforts being made to develop an education system specifically geared to the needs of Tokelau; requested the administering Power to continue to enlist the assistance of the specialized agencies and other organizations of the United Nations system in developing and strengthening the Territory's economy; and called upon the administering Power, in close co-operation with the General Fono, to continue to intensify and diversify its programme of development assistance to Tokelau.

B. Action by the General Assembly

The General Assembly has considered the question of Tokelau since 1965 and has adopted annually either a resolution or a decision on the item.

In 1986, the General Assembly took into account the report of the Special Committee, the report of the 1986 Visiting Mission to the Territory 1/ and the statements on the Territory made by the Chairman of the Visiting Mission and the representative of New Zealand as the administering Power.

In its resolution 41/26, adopted on 31 October 1986 (see annex), the General Assembly noted with satisfaction the continuing exemplary co-operation of the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by the United Nations Visiting Mission thereto, and expressed awareness of the special problems facing Tokelau by virtue of its isolation, small size, limited resources and lack of infrastructure.

The General Assembly endorsed the observations, conclusions and recommendations contained in the report of the Visiting Mission; noted that the people of Tokelau, with whom the Visiting Mission consulted, had expressed their desire to maintain at that stage their present status and relationship to the administering Power; and commended the people of Tokelau for their determination to manage their economic and political development in such a way as to ensure that it did not compromise or undermine Tokelau's distinct and valued cultural heritage; and urged the administering Power and international agencies to respect fully the wishes of the people of Tokelau in this regard.

The General Assembly requested the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a further visiting mission to Tokelau at an appropriate time and in consultation with the administering Power.

Notes

1/ For the report of the 1986 Visiting Mission, see A/AC.109/877 and Add.1.

2/ The local currency is the New Zealand dollar (\$NZ). At 6 August 1986, \$NZ 1.00 was equivalent to \$US 0.53.

3/ A/41/23 (Part VIII), chap. XI, para. 14.

Annex

GENERAL ASSEMBLY RESOLUTION 41/26 OF 31 OCTOBER 1986

Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

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, 1/

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

Having examined the report of the United Nations Visiting Mission to Tokelau dispatched in July 1986 2/ at the invitation of the Government of New Zealand and of the General Fono (Council) of Tokelau, 3/

Having heard the statement of the Chairman of the Visiting Mission, 4/

Having heard the statement of the representative of New Zealand, the administering Power, 5/

Noting with satisfaction the continuing exemplary co-operation of the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions thereto,

Aware of the special problems facing Tokelau by virtue of its isolation, small size, limited resources and lack of infrastructure,

1/ A/41/23 (Part II), chap. III; and A/41/23 (Part VIII), chap. XI.

2/ A/AC.109/877 and Add. 1.

3/ See A/AC.109/823.

4/ See Official Records of the General Assembly, Forty-first Session, Fourth Committee, 13th meeting, para. 50.

5/ Ibid., paras. 51-53.

Reiterating the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the implementation of the Declaration, which fully applies to Tokelau,

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 Tokelau; 6/
2. Approves the report of the United Nations Visiting Mission to Tokelau in July 1986, 2/ and endorses the observations, conclusions and recommendations contained therein; 7/
3. Reaffirms the inalienable right of the people of Tokelau to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV);
4. Expresses its deep appreciation to the elders, people and public service of Tokelau and to the administering Power for the courtesies, co-operation and assistance extended to the Visiting Mission;
5. Notes that the people of Tokelau with whom the Visiting Mission consulted expressed their desire to maintain at this stage their present status and relationship with the administering Power;
6. Notes the continuing development of the General Fono (Council) of Tokelau as the Territory's highest political body, and considers that the process of devolution of authority to Tokelau's political and administrative institutions should continue;
7. Urges the administering Power, in co-operation with the Tokelau public service, to expand and intensify its programme of political education in the Territory so as to improve the awareness of the people of the Territory of the options available to them in the exercise of their right to self-determination and independence, in accordance with the Charter of the United Nations and the Declaration;

6/ A/41/23 (Part VIII), chap. XI.

7/ A/AC.109/877, sect. III.

8. Commends the people of Tokelau for their determination to manage their economic and political development in such a way as to ensure that it does not compromise or undermine Tokelau's distinct and valued cultural heritage, and urges the administering Power and international agencies to respect fully the wishes of the people of Tokelau in this regard;

9. Welcomes the assurance of the administering Power that legislation affecting Tokelau will only be passed after consultation with the General Fono (Council) of Tokelau, and commends the Fono for the role it is playing in the development of a new legal code to give recognition to Tokelauan customs and culture;

10. Welcomes also the efforts being made to develop an education system specifically geared to the needs of Tokelau and urges that these efforts be intensified;

11. Requests the administering Power, taking into account the Visiting Mission's observations, conclusions and recommendations, to continue to enlist the assistance of the specialized agencies and other organizations of the United Nations system, as well as other regional and international bodies, in the development and strengthening of the economy of the Territory;

12. Welcomes the participation of Tokelau in South Pacific regional organizations and institutions and requests the administering Power to facilitate the participation of the Territory as an associate member of various organizations of the United Nations system, as well as other regional and international bodies;

13. Expresses the view that measures to promote the economic and social development of Tokelau are an essential element in the process of self-determination and, in that connection, calls upon the administering Power, in close co-operation with the General Fono (Council), to continue to intensify and diversify its programmes of development assistance to Tokelau;

14. Notes the assistance extended to Tokelau by the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization and other regional and international institutions and urges them to continue to increase such assistance to the Territory in close consultation with the Tokelau Administration;

15. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a further visiting mission to Tokelau at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its forty-second session.

