

**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**

VOLUME V

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-NINTH SESSION

✓SUPPLEMENT No. 23 (A/9623/Rev.1)



UNITED NATIONS

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UNITED NATIONS

New York, 1976

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 six volumes. The present volume contains chapters XXI and XXII;* volume I, chapters I to III; volume II, chapters IV to VI; volume III, chapters VII to XIV; volume IV, chapters XV to XX; and volume VI, chapters XXIII to XXIX; each volume contains a full table of contents.

* The present version of chaps. XXI and XXII is a consolidation of documents A/9023/Add.5 (Parts III, IV and V) of 19, 25 and 18 November 1974 as they appeared in provisional form.

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CHAPTER XXI

(A/9623/Add.5 (Parts III and IV))

GILBERT AND ELLICE ISLANDS, PITCAIRN AND
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A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer the Gilbert and Ellice Islands, Pitcairn and the Solomon Islands to Sub-Committee II for consideration and report.
2. The Special Committee considered the item at its 975th, 976th, 983rd, 987th and 988th meetings between 1 July and 13 November.
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 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of this resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) 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 twenty-ninth session". The Committee also took into account other resolutions of the General Assembly, particularly resolution 3156 (XXVIII) of 14 December 1973 concerning eight Territories, including the Gilbert and Ellice Islands, Pitcairn and the Solomon Islands, by paragraph 14 of which the Assembly requested the Committee "to continue to give full consideration to this question, including in particular the dispatch of visiting missions to those Territories ...".
4. During its consideration of the Territories, the Special Committee had before it a working paper prepared by the Secretariat (see annex II to the present chapter) containing information on the latest developments concerning the Territories.
5. The Special Committee also had before it the following communications addressed to the Chairman relating to the Gilbert and Ellice Islands:
 - (a) Letter dated 13 June 1974 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations (see annex III.A to the present chapter);
 - (b) Letter dated 14 June 1974 from the Permanent Representative of the United Kingdom (see annex III.B to the present chapter);
 - (c) Letter dated 2 July 1974 from the Deputy Permanent Representative of the United Kingdom (see annex III.C to the present chapter).

In addition, the Special Committee had before it a note by the Secretariat (A/AC.109/L.967) containing the text of a communication dated 5 August 1974 from the Permanent Mission of the United Kingdom concerning the report of Sub-Committee II relating to Pitcairn and the Solomon Islands (see para. 8 below).

6. Further, the Special Committee had before it the following written petitions concerning the Gilbert and Ellice Islands:

(a) Telegram dated 27 September 1974 from the Reverend Tebuke Rotan containing a request for a hearing (A/AC.109/PET.1257);

(b) Letter dated 23 September 1974 from the Reverend Setareki A. Tuilovoni of the Methodist Church in Fiji (A/AC.109/PET.1258).

7. At its 983rd meeting, on 30 October, the Special Committee decided without objection to grant the above-mentioned request for a hearing.

8. At the 975th meeting, on 1 July, the Rapporteur of Sub-Committee II, in a statement to the Special Committee (A/AC.109/PV.975 and Corr.1), introduced the report of that Sub-Committee (A/AC.109/L.948) containing an account of its consideration of the Territories (A/AC.109/SC.3/SR.191-194, 202 and 203).

9. At the same meeting, following a statement by the Chairmar, the representative of the United Kingdom, the administering Power concerned, informed the Special Committee that, having regard to the express readiness of his Government to co-operate in the related work of the Committee, as reflected in the communication referred to in paragraph 5 (a) above, his delegation welcomed the opportunity to study the report and comment thereon in due course, where necessary (A/AC.109/PV.975 and Corr.1). In the same statement, the representative of the United Kingdom submitted further information concerning the proposed referendum in the Gilbert and Ellice Islands, to which reference is made in the communications listed in paragraph 5 above.

10. The Special Committee decided, at the same meeting, that, with regard to the possibility of sending a United Nations visiting mission to the Gilbert and Ellice Islands, the Chairman should be authorized to hold the necessary consultations with a view to taking appropriate action. Subsequently, the members of the Committee agreed that: (a) it should accept the invitation extended to it by the administering Power in that regard; and (b) the Visiting Mission should be composed of India, Sierra Leone and the Syrian Arab Republic.

11. At its 976th meeting on 20 August, the Special Committee, on the proposal of the Chairman of Sub-Committee II (A/AC.109/PV.976 and Corr.1) and in modification of the decision referred to in paragraph 1 above, decided without objection to take up directly at its plenary meetings the report of the Visiting Mission to the Gilbert and Ellice Islands, together with the report of Sub-Committee II relating to that Territory and to Pitcairn and the Solomon Islands.

12. At its 987th meeting, on 12 November, the representative of Sierra Leone, in her capacity as Chairman of the United Nations Visiting Mission to the Gilbert and Ellice Islands, 1974, introduced the report of the Mission (see annex I to the present chapter). Statements were also made by the representatives of India and the United Kingdom (A/AC.109/PV.987).

13. At the same meeting, the representative of Ethiopia, in his capacity as Chairman of Sub-Committee II, submitted suggested revisions (A/AC.109/L.989) to the draft conclusions and recommendations contained in the report of the Sub-Committee (A/AC.109/L.948).
14. At the same meeting, in accordance with a decision taken at the 983rd meeting, (see para. 7 above), the Special Committee heard a statement by the Reverend Tebuke Rotan (A/AC.109/PV.987).
15. Mr. Naboua Ratieta the Chief Minister of the Gilbert and Ellice Islands, made a statement at the same meeting. Statements were also made by the representatives of the United Kingdom and Fiji (A/AC.109/PV.987).
16. Also at the same meeting, a draft resolution (A/AC.109/L.988) relating to the the report of the Visiting Mission to the Gilbert and Ellice Islands, 1974, was circulated.
17. At the 988th meeting, on 13 November, in continuation of the hearing granted at the 983rd meeting, a further statement was made by the Reverend Rotan. Mr. Ratieta, the Chief Minister of the Gilbert and Ellice Islands, also made a statement.
18. The Special Committee then adopted without objection the report of Sub-Committee II (A/AC.109/L.948) and endorsed the conclusions and recommendations contained therein, as modified in accordance with the proposed revisions referred to in paragraph 13 above (see para. 21 below). The Committee also adopted the draft resolution (A/AC.109/L.988) without objection (see para. 22 below).
19. At the same meeting, further statements were made by the representative of the United Kingdom and by the Chairman of the Special Committee (A/AC.109/PV.988).
20. On 18 November, the text of the conclusions and recommendations and of the resolution were transmitted to the Permanent Representative of the United Kingdom to the United Nations for the attention of his Government.

B. DECISIONS OF THE SPECIAL COMMITTEE

21. The text of the conclusions and recommendations adopted by the Special Committee at its 988th meeting, on 13 November, to which reference is made in paragraph 18 above, is reproduced below:

1. General

(1) The Special Committee reaffirms the inalienable right of the peoples of the Gilbert and Ellice Islands, Pitcairn and the Solomon 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.

(2) The Special Committee notes the continuing tendencies within these Territories to either separatism or association with other entities. In the view of the Committee, these tendencies call for consultation with the peoples of the Territories, so as to promote national identity and preserve national unity. The Special Committee considers that a colonial entity should be encouraged to exercise its right to self-determination under resolution 1514 (XV) as an unbroken whole. In this field, the Committee would welcome additional information on programmes of political education designed to promote national identity and national unity which the administering Power has introduced in the Territories.

(3) The Special Committee, recalling its earlier concern with continued nuclear testing in the atmosphere of the South Pacific, reflected in General Assembly resolution 3156 (XXVIII) of 14 December 1973, notes that the Government of France is, nevertheless, again planning to explode nuclear devices on Mururoa Atoll and expresses its concern over the hazards created by such tests for the people of the area. The Committee strongly condemns such activities which endanger the life and environment of the peoples of the South Pacific and, in particular, of the peoples of the Non-Self-Governing Territories of the area.

(4) Having in mind that recent visiting missions to small Territories, including in particular those dispatched this year to Niue, the Cocos (Keeling) Islands and the Gilbert and Ellice Islands, have patently demonstrated the usefulness of such missions, the Special Committee reiterates its firm view that visiting missions are a vital element in the participation of the United Nations in the process of decolonization. Bearing in mind recent developments in each Territory under consideration, it is now more important than ever that the Committee acquire adequate first-hand information on the situation prevailing in the Territories and that it ascertain the views and wishes of the peoples concerning their future. The Committee therefore calls upon the administrative Power, in keeping with its express readiness to receive visiting missions as appropriate to the Territories under its administration, to allow such missions access to these Territories, thus enabling the United Nations to secure first-hand information on the genuine wishes and aspirations of the peoples of the respective Territories.

(5) The Special Committee, in welcoming the positive decision of the administering Power to participate in the related work of the Committee, expresses

the hope that the close co-operation thus established will be strengthened further so as to accelerate the process of decolonization towards the full and speedy implementation of the Declaration with respect to the Territories under consideration.

2. Gilbert and Ellice Islands

(6) Fully aware of the special circumstances of the Gilbert and Ellice Islands, owing to such factors as their 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). Resolution 1514 (XV) fully applies to the Gilbert and Ellice Islands, and their peoples should promptly be given the opportunity freely to determine for themselves their future political status and form of government. In this connexion, the administering Power should seek, in consultation with the peoples of the Territory and the Special Committee, a constructive approach to solving the problems of the Gilbert and Ellice Islands.

(7) The Special Committee notes with interest that some constitutional and political progress has taken place in the Territory during the period under review. The replacement of the Legislative Council by a House of Assembly and of the Executive Council by a Council of Ministers ensures a fuller measure of self-government to which the people are entitled. It falls short, however, of the aims of the Declaration. The proposed steps to curtail the arbitrary powers of the Governor should be taken with a view to advancing the goal of self-government based on the free will and full participation of the people of the Territory. The Committee also welcomes the extensive localization of the public service and expresses the hope that it will be further enhanced and continued for the welfare of the people.

(8) The Special Committee continues also to be seriously concerned that the economy of the Territory is still largely based on phosphate mining on Ocean Island and that total depletion of the deposits continues to be predicted for 1978. The Committee considers it imperative, therefore, that a diverse economic structure be developed with greater emphasis on agriculture and fisheries. In this connexion, it notes the new development plan for the period 1973 to 1976. It expresses the hope that the Territory's application for membership in the Asian Development Bank will be favourably received, thereby opening up new development prospects for the near future.

(9) The Special Committee draws the attention of the administering Power to the report of the United Nations Visiting Mission to the Gilbert and Ellice Islands. 1/

3. Pitcairn

(10) The Special Committee recalls that the factors which the people of Pitcairn must take into account in deciding their future political status for

1/ See annex I to the present chapter.

themselves, freely and without pressures of any kind and in the presence of the United Nations, include the Territory's tiny size, its small and decreasing population, mineral resources and dependence on postage stamps for the bulk of its revenue. The Committee wishes to stress, moreover, that the role which these factors play in determining the future status of the Territory, to be decided by the Pitcairn Islanders themselves, should be decided in accordance with the basic principles of resolution 1514 (XV).

(11) The Special Committee regrets that it has not yet received clarification on the role of the Governor in the affairs of the Territory which it had previously requested. It expresses the hope that it may soon obtain the elucidation it requires on this point, including the attitude of the people towards an absentee Governor.

(12) Noting the declaration of the Island Council of 16 June 1968, and bearing in mind the provisions of paragraph 10 of resolution 3156 (XXVIII), the Special Committee once again calls upon the administering Power to consult the people of Pitcairn in the presence of a United Nations mission, about their views on present constitutional arrangements and the future status of the Territory.

4. Solomon Islands

(13) Fully aware of the special circumstances of the Solomon Islands, owing to such factors as their 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). Resolution 1514 (XV) fully applies to the Solomon Islands, and their people should promptly be given the opportunity freely to determine for themselves their future political status and form of Government.

(14) In this connexion, the Special Committee notes the accelerated political activities in the Solomon Islands in recent months, which have created a climate appropriate for the discussion of the Territory's future constitutional status. The expansion of the number of members of the new Legislative Assembly suggests only the first step towards the enjoyment of the inalienable rights of the people to self-determination. The Committee looks forward to receiving a comprehensive report on the discussion of the proposed constitution in the Legislative Assembly, scheduled to take place later in 1974.

(15) The Special Committee notes that a serious lack of diversification still obtains in the economy of the Solomon Islands. The Sixth Development Plan has given rise to the hope that its basic vulnerability may eventually be overcome. Problems of inflation, the depression in the world market for its products and the cyclonic destruction of valuable crops must be dealt with effectively. The Committee therefore expresses the hope that the administering Power and other affluent nations, as well as the relevant specialized agencies, associated with the United Nations will provide the aid necessary to ensure the success of plans laid in the fields of forestry and agriculture, mining and tourism. It also urges the administering Power to take such steps as to ensure that the people of the Solomon Islands will benefit from the revenues obtained from industries made possible through foreign investments in the Territory and the employment opportunities flowing therefrom.

(16) In this connexion, the Special Committee expresses the hope that efforts to introduce Solomon Islanders into businesses and to replace expatriates with local inhabitants through the Seventh Development Plan will be approved by the Legislative Assembly.

(17) The Special Committee continues to be seriously concerned that educational conditions in the Solomon Islands, as in the Gilbert and Ellice Islands, lag considerably behind the requirements of those two Territories. It once again urges the administering Power to institute free and compulsory education, at least through the primary level, expand public school facilities more rapidly and accelerate the pace of replacing non-secular schools.

22. The text of the resolution (A/AC.109/472) adopted by the Special Committee at its 988th meeting on 13 November, to which reference is made in paragraph 18 above, is reproduced below:

The Special Committee,

Having considered the question of the Gilbert and Ellice Islands,

Recalling General Assembly 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 dispatched to the Territory in August/September 1974, 2/ at the invitation of the administering Power,

Having heard the statements of the administering Power and the Chief Minister of the Gilbert and Ellice Islands, 3/

Noting the observation of the Visiting Mission relating to the results of the referendum, 4/

Welcoming the positive decision of the administering Power to participate in the relevant work of the Special Committee and to permit United Nations visiting missions access to the Territories under its administration, and expressing the hope that the close co-operation thus established will be strengthened further so as to accelerate the process of decolonization towards the full and speedy implementation of the Declaration with respect to these Territories,

Having considered the petitions relating to Ocean Island, 5/

2/ Ibid.

3/ A/AC.109/PV.987.

4/ See annex I to the present chapter, para. 303.

5/ A/AC.109/PET.1257 and 1258; A/AC.109/PV.987.

1. Takes note of the report of the United Nations Visiting Mission to the Gilbert and Ellice Islands, 1974, and the observations, conclusions and recommendations contained therein; 6/

2. Expresses its appreciation to the members of the Visiting Mission for the constructive work accomplished and to the administering Power and the Government of the Gilbert and Ellice Islands for the co-operation and assistance extended to the Mission;

3. Requests the administering Power to take all necessary measures to expedite the process of decolonization in the Territory in accordance with the relevant provisions of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

4. Requests the administering Power to continue to enlist the assistance of the specialized agencies and the organizations within the United Nations system in the development and strengthening of the economy of the Territory;

5. Decides, subject to any directives which the General Assembly might give in this regard at its twenty-ninth session, to continue the full examination of this question at its next session in the light of the findings of the Visiting Mission, including the possible dispatch of a further visiting mission in consultation with the administering Power.

6/ See annex I to the present chapter.

Annex I*

REPORT OF THE UNITED NATIONS VISITING MISSION
TO THE GILBERT AND ELLICE ISLANDS, 1974

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INTRODUCTION

1. Terms of reference

1. At its twenty-eighth session, the General Assembly adopted resolution 3163 (XXVIII) of 14 December 1973, paragraphs 14 and 15 of which read as follows:

"14. Requests the Special Committee to continue to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate methods and also the steps to be taken to enable the populations of these Territories to exercise fully and without further delay their right to self-determination and independence;

"15. Calls upon those administering Powers which have not done so to co-operate fully with the Special Committee in the discharge of its mandate and, in particular, to participate in the work of the Committee relating to the Territories and their administration and to permit the access of visiting missions to the Territories in order to secure first-hand information and ascertain the wishes and aspirations of their inhabitants;"

2. In a letter dated 13 June 1974, addressed to the Chairman of the Special Committee (see annex III.A to the present chapter), the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stated that his Government believed that visiting missions could in certain circumstances serve a most useful purpose in the process of bringing the peoples of Non-Self-Governing Territories to exercise their right to self-determination. It therefore looked forward to closer-co-operation with the Special Committee in that regard. The Permanent Representative said that he looked forward to consulting further with the Chairman on that matter and particularly on the possibility of a mission to the Ellice Islands to observe the proposed referendum there.

3. At the 975th meeting of the Special Committee, on 1 July, the representative of the United Kingdom, as the administering Power concerned stated that his Government and the Government of the Gilbert and Ellice Islands looked forward to welcoming a mission from the Committee to observe the referendum in the Ellice Islands later in the year (A/AC.109/PV.975 and Corr.1).

4. On 12 July, the Acting Chairman of the Special Committee addressed a letter to the Permanent Representative of the United Kingdom to the United Nations in which he stated that he had consulted the members of the Committee concerning the possibility of sending a visiting mission to the Territory. On the basis of these consultations, he proposed on behalf of the Special Committee, that the visiting mission be composed of the representatives of India, Sierra Leone and the Syrian Arab Republic. In arriving at that consensus, the members of the Special Committee had expressed the hope that, "in accordance with the provisions of the relevant resolutions of the General Assembly, the visiting mission would be able to secure adequate and first-hand information on conditions in the Territory and ascertain

the wishes and aspirations of its people concerning their future status, with a view to facilitating the discharge of the mandate entrusted to the Special Committee by the General Assembly in the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to the Territory of the Gilbert and Ellice Islands".

5. During meetings with officials of the United Kingdom Government, which were held at the Foreign and Commonwealth Office in London prior to the Mission's visit to the Territory, members of the Mission expressed the view that, although the invitation extended by the United Kingdom Government related to the observations of the proposed referendum in the Ellice Islands, in view of the provisions of relevant General Assembly resolutions, every opportunity should be explored to enable the Mission to obtain first-hand information on conditions in the Territory and to ascertain the true aspirations of the inhabitants as regards their future status. They said that the Mission would appreciate being afforded, in so far as was practicable, the opportunity to establish the widest possible contacts with different sectors of the population. The officials of the United Kingdom Government assured the Mission that it would have every opportunity to establish such contacts.

2. Composition of the Mission

6. Accordingly, the Mission was composed as follows:

Mrs. Famah J. Joka-Bangura	Sierra Leone (Chairman)
Mr. Dilip Lahiri	India
Mr. A. F. Al-Masri	Syrian Arab Republic

7. The Secretary-General made available the following staff members to accompany the Mission: Mr. Richard W. Wathen, Principal Secretary; Mr. Kenneth Jordan, Political Affairs Officer; Mr. Barry De Crummere, Administrative Officer; and Mrs. Jacqueline Singer, Secretary.

3. Itinerary

8. For the convenience of members, the Mission was briefed by members of the United Kingdom Foreign and Commonwealth Office on 1 and 12 August. It subsequently assembled in Nadi, Fiji, on 20 August and proceeded by air to Tarawa, the capital of the Gilbert and Ellice Islands, where it arrived on 21 August.

9. The itinerary of the Mission is contained in appendix I to the present report. The Mission completed its tour of the Ellice Islands in Funafuti and returned from there to Suva, on 5 September. In Suva, the Mission began work on the outline of its report. The Mission departed Fiji on 8 September for United Nations Headquarters.

4. Acknowledgements

10. The Mission wishes to place on record its deep appreciation to the United Kingdom Government for the close co-operation and assistance which it received throughout its visit and for the courtesy and kindness extended to it by Sir Duncan Watson, Deputy Under-Secretary of State for Foreign and Commonwealth Affairs; Mr. Nicholas Larmour, Assistant Under-Secretary of State for Non-Self-Governing Territories; Sir Leslie Monson, Special Commissioner; Mr. John R. Williams, former United Kingdom High Commissioner to Fiji; Mr. John Hunter, former Deputy Governor of the Gilbert and Ellice Islands; Mr. John MacLaren of the United Nations Department within the Foreign and Commonwealth Office and by other senior officials with whom it met in London.

11. The members of the Mission also wish to express their profound gratitude to the Government and people of the Gilbert and Ellice Islands for the co-operation and the warm and overwhelming hospitality which they extended to the Mission. The Mission wishes in particular to convey its appreciation to Mr. John H. Smith, the Governor; Mr. Naboua Ratieta, the Chief Minister; the other members of the Council of Ministers; as well as to Mr. Tupua Leupena, the District Officer at Funafuti, for facilitating the work of the Mission.

12. The Mission wishes to single out for special commendation those who were its constant companions during its stay in the Territory and especially those who accompanied it on the MV Nivanga. It wishes to express its deep appreciation to Mr. Eric E. Bailey, the Referendum Administrator and Mr. Mose Oma, his assistant, to Mr. Tito Isala, the liaison officer and Mr. Tokia Greig, his assistant, both employees of the Gilbert and Ellice Islands Government; and to Captain Taniera Naua of the Nivanga and his crew. Their presence, attention and firm support were necessary elements in the successful completion of the Mission's task.

13. The Mission also wishes to thank Mr. Thomas L. Richardson, First Secretary of the United Kingdom Mission to the United Nations, who accompanied it during its stay in London and Suva as well as in the Territory. His helpful suggestions and close co-operation proved very useful to the Mission.

14. Finally, the members of the Mission also wish to place on record their gratitude to the Government of Fiji for the hospitality extended to them and for the facilities placed at their disposal during their brief visits to that country while en route to and from the Gilbert and Ellice Islands.

A. INFORMATION ON THE TERRITORY

1. General description

15. The Territory of the Gilbert and Ellice Islands, which includes Ocean Island and the Phoenix and Line Islands, is situated in the western Pacific around the point at which the international date-line cuts the Equator. The Gilbert Islands consists of 16 atolls; the Ellice Islands, 8; Phoenix Islands, 8; and the Line Islands, 8. Ocean Island lies 240 miles west of the Gilbert Islands. Except for Ocean Island (an upthrust coral formation which rises to a height of almost 265 feet), all of the islands are low-lying coral atolls, most of them enclosing a lagoon, on the eastern side of which are long narrow stretches of land. The surface of these islands seldom rises more than 12 feet above sea level. On the western side of the atolls, the reefs, which scarcely rise above the level of high tide, are broken by several channels providing entrances to the lagoons. Navigation through them is often difficult, and the lagoons themselves have shoals of coral rock which are dangerous even for small vessels and spoil what otherwise might have been good harbours. Nevertheless, good anchorages exist in the lagoons at Tarawa, Butaritari and Abemama in the Gilbert Islands; Funafuti and Nukufetau in the Ellice Islands; Canton in the Phoenix Islands; and Fanning in the Line Islands.

16. The islands are scattered over about 2 million square miles of ocean, with a total land area of 324 square miles, of which Christmans Island in the Line Islands comprises over half. The distances between extreme points are enormous. Christmas Island in the east is 2,000 miles from Ocean Island in the west and Washington Island in the north is about 1,000 miles from Niulakita in the south. Furthermore, the islands are remote from large centres of civilization; Tarawa is about 2,500 miles from Sydney and 1,365 miles from Suva. Thus, the scattered nature of the Territory and its remoteness cause many difficulties in administration, transport and communications.

17. Very few accurate surveys are known to have been made in the Territory, but it is estimated that the Gilbert Islands cover 102 square miles and the Ellice Islands 10 square miles. The Mission had the pleasure of travelling on the MV Nivanga with Mr. Moffett, a surveyor of the United Kingdom Directorate of Overseas Surveys, and his team who have spent more than a year surveying the Ellice Islands. The Mission has since learned that his work has been completed and looks forward to the time in the near future when the results of the survey become available.

18. Twenty-nine of the 42 islands in the Territory are permanently inhabited. According to the provisional results of a census taken by Mr. Eric E. Bailey in December 1973, prior to his appointment as Referendum Administrator, the population numbered approximately 58,500 persons, an increase of 8.7 per cent since the 1968 census. In 1968, the census showed that there were 44,897 Micronesians, almost entirely Gilbertese, and 7,465 Polynesians, almost entirely Ellice Islanders.

19. In both the Gilbert and Ellice Islands, over-population is a pressing problem and planned migration has been resorted to. As population density is unequal in the Gilbert Islands, some efforts have been made to transfer families from the more densely to the less densely populated islands, but this internal movement does not provide a complete solution. The problem has been overcome, in part, by migration to more favoured lands outside the Territory. The policy is not, however, thought to have been a great success and there is no provision for further overseas resettlement in the current development plan. To date, settlements have been established at Rabi in Fiji (for the Banabans from Ocean Island) and at Gizo and Wagina in the Solomon Islands (for the Phoenix Islanders and some of the southern Gilbertese).

20. Owing to its isolated position, the Territory has always been one of the more inaccessible parts of the world. The islanders live in villages of from 10 to 170 dwellings with a population ranging from 50 to 1,000. Apart from buildings housing government officials, missionaries and employees of commercial organizations, dwellings are almost entirely of local construction and are built of materials derived from the coconut and pandanus trees. They are well spaced and between each dwelling crops such as breadfruit, pawpaw and banana are planted where the climate and soil are favourable. Beyond the villages, babai or pulatea is cultivated in deep pits dug down to water level. Subsistence cultivation is carried out mainly by families. This applies also to fishing, since nearly every family possesses its own canoe. Most islanders are consummate out-igger sailors, as the Mission grew to appreciate, as well as fishermen, and spend much of their time in their craft.

2. Constitutional and political developments

General

21. According to the new Constitution (see appendix XIII to the present report) which came into force on 26 March 1974, the House of Assembly, which replaced the Legislative Council, consists of 28 elected members, including 8 from the Ellice Islands, the Deputy Governor, the Attorney General and the Financial Secretary. Elections to the new House took place on 4 April 1974.

22. When the Territory separated from the Western Pacific High Commission on 1 January 1972, Sir John Field, then Resident Commissioner, was appointed the Territory's first Governor. Sir John departed in April 1973 and Mr. Smith, the present Governor, replaced him in July 1973. Under the new Constitution, the office of Deputy Governor was created. In effect, the new office supersedes that of Chief Secretary, but has lesser powers.

23. The Executive Council has been replaced by a Council of Ministers, consisting of: the Chief Minister (formerly the Leader of Government Business); not less than four nor more than six 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 as ex officio

members. There is a provision that at least one such minister should be a member elected to represent an Ellice Islands district. In fact, there are six ministers, two of whom are from the Ellice Islands (see paras. 94 and 114 below).

Political parties

24. The Mission was informed by both the Governor and the Council of Ministers that although a party structure had been developing within the legislature, the campaign for elections to the new House of Assembly had not taken place along party lines (see paras. 101 and 118 below). The government party is the National Progressive Party (NPP). The member for Betio/Ocean Island, together with other members, has also formed an unofficial opposition.

25. On the proposal of the Chief Minister, a new Select Committee on Constitutional Development has been set up as a result of the emerging party system and in recognition of the fact that, following the Ellice Islands referendum, certain changes in the Constitution may be necessary. The Select Committee had only recently begun to meet when the Mission visited the Territory. The mandate of the Select Committee is "to review the operation of the present Constitution and to make recommendations as to what changes, if any, should be made for its more efficient or acceptable operation". Mrs. Tekarei Russell, member for urban Tarawa, is its Chairman, and two of its four other members are representatives of Ellice Islands constituencies: Mr. Meauma Moeanga (Nakufetau) and Mr. Toalipi Lauti (Funafuti).

Political education

26. According to the report concerning the Gilbert and Ellice Islands, which was prepared by the United Nations Development Programme (UNDP) for its Governing Council early in 1974, UNDP had sponsored political education visits by groups of the Territory's politicians in 1971, 1972 and 1973. In reply to a question put by the Mission concerning the present and future plans of the territorial Government concerning such visits, the Governor replied that none had been planned for 1974. He said that the general election had been held in April and the House of Assembly had first met in May. It had been decided that preoccupation with the formation of the first ministerial Government and the Ellice Islands referendum, combined with opportunities for several members to attend the meetings of the Commonwealth Parliamentary Association and the South Pacific Conference before the end of 1974, made it preferable to defer UNDP-sponsored visits until early 1975, by which time members would be in a better position to take full advantage of them. Past experience, he added, suggested that more benefit was gained by visits to countries of similar size and limited resources such as those in the Pacific and Caribbean areas.

Public Service

27. At 31 December 1973, the number of employees of local government bodies, excluding the councillors themselves, totalled about 360, all of whom were

Gilbertese and Ellice Islanders. In the central government administration, there were 767 Gilbertese and Ellice Islander permanent civil servants (734 in 1972) and about 255 unestablished employees (the same number as in 1972). There were also 109 expatriates in government employment (105 in 1972), most of whom were under contract.

28. The question of the public service arose during the Mission's meetings with the Governor (see para. 108 below), who stated that he was at present being served by the Public Service Advisory Board, presided over by the Deputy Governor. Its functions, however, could easily be transferred to ministerial authority and, indeed, the next constitutional stage envisaged the establishment of an independent public service commission with the transfer of responsibility in the legislature from the Deputy Governor to an elected minister, most probably the Chief Minister, whose secretary would become the head of the civil service.

3. Economic conditions

General

29. The only economic crop in the Territory is the coconut from which copra is produced. In the Gilbert and Ellice Islands, where practically all the land is owned by villagers, copra production is in their hands, but because unscientific methods of land utilization are employed, the yield is usually low. In the Line Islands however, commercial plantations have been established, and the yield is higher. The only other export is phosphate rock, which is obtained by opencast mining on Ocean Island. The removal of the phosphate rock leaves a barren surface of jagged limestone; hence the movement of the Banabans to Fiji. a/ With the threatened exhaustion of the phosphate deposits in a few years' time, the Territory is faced with a bleak economic future unless alternative sources of income can be found.

Agriculture

30. The major part of all the islands, except Ocean Island, some of the Phoenix Islands and the southern Line Islands and much of Christmas Island, is covered with coconut palms which provide the islanders with an important source of food and drink and with copra, which is their only cash crop. Copra production on Christmas Island, in the northern Line Islands, is under control of the government-owned Christmas Island Plantation. The island has no indigenous population and is Crown land. On Washington and Fanning Islands, also in the northern Line Islands, the copra plantations are operated on a commercial basis by Fanning Island Plantation, Ltd., a subsidiary of Messrs. Burns Philp and Company, Ltd. These plantations are virtually the only non-indigenous freehold properties of any size in the Territory.

a/ See Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. XV, paras. 22 and 26-32.

31. The former leaseholders of Sydney, Hull and Gardner Islands, in the Phoenix group, were bought out by the Government prior to the Second World War and most of the land was issued to settlers from the Gilbert Islands. Because Sydney Island proved unsuitable for permanent settlement and Hull and Gardner Islands suffered prolonged drought, the Phoenix Islands resettlement project was abandoned. The islands are now uninhabited.

32. Apart from the three plantations mentioned and the small island of Niulakita in the Ellice Islands (which is worked as a plantation by the people of Niutao), practically all land in the Territory is owned by islanders in small peasant proprietorships.

33. According to the annual report of the administering Power, the year 1973 was noteworthy for the rise in the price of copra after four poor years. By the end of 1973, it had risen from \$A 60 b/ to \$A 432 a ton. Indigenous landowners produced 7,115 tons (3,208 in 1972) and plantations produced 1,467 tons (1,912 in 1972). Exports totalled 6,355 tons (5,066 in 1972) valued at \$A 1,044,100 (\$A 416,909 in 1972). Export duties on copra amounted to \$A 182,041 in 1973, compared with \$A 44,511 in 1972.

34. The Copra Board, established by an ordinance in 1950 and reconstituted by a further ordinance in 1955, buys all copra through its agents, the island consumer/marketing co-operative societies (see paras. 66-72 below). The Board sells the bulk of the crop to Europe at current world prices. At 31 December 1973, its general reserve fund stood at \$A 789,123 an increase of \$A 262,399 over the previous year. This is the first increase in the Board's funds since 1969, and just exceeds the total losses suffered over the three years 1970 to 1972, so that the reserve is now at about the same level as it was on 31 March 1970. The Board's existing reserves are thought to be sufficient to maintain current prices for the next three years but it is believed that they could not sustain these prices thereafter. The Board hopes to add to its reserves in 1974 if the world price remains high. At 10 June 1974, the prices paid to the producer were \$A 0.05 a pound for first grade copra and \$A 0.04 a pound for second grade.

35. Progress was reportedly made with coconut replanting schemes in 1973. The target of 1,000 acres was exceeded in all respects, except for the actual planting of palm seedlings, which was not possible owing to a drought from May to December. Registration of new grove improvement schemes was slowed deliberately since the areas under improvement by far exceeded those being replanted. By the end of 1973, there were replanting schemes in all the Gilbert Islands except Marakei and Maiana; in the Ellice Islands, only Nanumea, Nui and Nukulaelae had schemes, the other islands in the group remaining indifferent towards the production of copra.

Mining

36. The other major element in the economy of the Territory is the extraction

b/ The local currency is the Australian dollar (\$A). \$A 1.00 equals approximately \$US 1.49.

of phosphate of lime, which is carried out on Ocean Island by the British Phosphate Commissioners (BPC). In September 1967, it was agreed that with effect from 1 July 1967, the rate of extraction would be increased to the maximum economic rate. After deducting production costs from a national f.o.b. price, fixed initially at \$A 11.00 per ton and increased to \$A 12.30 in 1970, the full proceeds of extraction are divided between the Banaban landowners, in the form of royalties, and the Gilbert and Ellice Islands Government, in the form of taxation, in proportions agreed to by the United Kingdom Government.

37. In 1973, 730,500 tons of phosphate of lime were produced, compared with 503,500 tons in the previous year. Phosphate taxation amounted to \$A 2.9 million in 1973 compared with \$A 2.7 million in 1972.

38. The Mission requested and has received from the administering Power the latest report of the British Phosphate Commissioners, for the year ending 30 June 1972, which was presented to the United Kingdom Parliament in August 1973 (see appendix XIX to the present report).

Gilbert and Ellice Islands Development Authority (GEIDA)

39. 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 its people. GEIDA, which incorporates the former Wholesale Society and the Marine Department and the Public Works Department, began to operate on 1 January 1972. The Wholesale and Merchandise Division of GEIDA, with the exception of the Betio Cold Storage facility, was transferred to the Gilbert and Ellice Islands Co-operative Federation, Ltd. on 1 January 1973 (see paras. 66-68 below). At present, GEIDA's activities include shipping, port and ferry operations, warehousing, shipbuilding and repairing, mechanical, electrical and civil engineering, hotel operation and a travel agency. It has a branch office at Funafuti in the Ellice Islands.

40. GEIDA is wholly owned by the Government of the Territory, but is operated as a commercial organization. Its eight-member Board of Directors is appointed by the Council of Ministers and at present includes Mr. Tui Kleis, the Minister of Commerce and Industry, as Chairman; Mr. Patrick Reardon, the Financial Secretary as Deputy Chairman; Mrs. Tekarai Russell, the member of the House of Assembly for urban Tarawa; and Mr. Takaai Tekaa, the former elected member of the Legislative Council. According to the Governor, representation on the Board of Directors ensures that maximum use is made of competent local manpower with a knowledge of government policies. He also informed the Mission that the decision-making of the Board was by consensus rather than by voting.

41. According to Mr. Tekaa, speaking to the former Legislative Council on 30 November 1973, GEIDA was financed by a direct government contribution of ships, plant and stores, valued at almost \$A 2 million and indirectly by the net worth of the former Wholesale Society amounting to \$A 1.9 million. On the total investment of \$A 3.9 million, GEIDA showed a profit of only \$A 69,368, but \$A 36,000 of that sum had to be set aside for a retroactive wage claim.

42. The Government's financial involvement did not stop at this initial investment. In addition, it provided a loan of \$A 200,000, to be repaid over 21 years beginning in 1977 with interest at the rate of 3 per cent. An advance from the Crown Agent of over \$A 1 million was also underwritten and the bulk of the Territory's development aid funds, about \$A 2 million, was turned over to GEIDA. For additional investments the Authority had been obliged to borrow on the open market at interest rates of from 8.5 to 14.5 per cent. The Mission was informed that GEIDA also received governmental subsidies.

43. As a result, Mr. Tekaa'i introduced a motion in the former Legislative Council for the appointment of a Select Committee to "examine reports of the Director of the Audit on the accounts of Gilbert and Ellice Islands Colony and on the Accounts of GEIDA for the year ended 31 December 1972". The Director of the Audit reported difficulties in carrying out its audit, weaknesses in the system of internal control and other irregularities. The Director of the Audit suggested that the asset replacement question was hampering the progress of GEIDA but that that was not the fault of GEIDA. Mr. Tekaa'i's motion was carried.

44. Progress towards achieving the objectives of GEIDA was made during 1973, according to the First Annual Review of the Development Plan 1973-1976. Public utilities, transport and contract services were provided, as required by the Government. An increase in tariff by the Marine Department, coupled with the recovery and growth of the economy, in particular the increase in copra prices and production, enabled the Government subsidy for shipping services to be reduced from \$A \$427,000 in 1972 to an estimated \$A 100,000 in 1973. GEIDA also receives subsidy in the form of a depreciation allowance for one of its ships.

45. Several potentially profitable commercial enterprises have been identified and include the following:

(a) The acquisition of sole rights to a brand name which would be used for all products of GEIDA and its subsidiaries;

(b) The establishment of four new companies during 1974;

(c) The development of Christmas Island, by providing infrastructural services under the aegis of the Christmas Island Plantation, a limited liability company, which would also produce copra. Included in the development of Christmas Island is a GEIDA project for the production of brine shrimp and shrimp eggs. Substantial markets exist in Japan for the eggs and in the United States for the shrimp. Small-scale production was begun this year;

(d) The development of tourism. During 1973, the Authority extended the hotels of Otintai, on Tarawa, and Vaiaku Langi, on Funafuti. Christmas Island was investigated by GEIDA for its tourist potential. It is expected that proposals for tourist development will be made during 1974.

(e) An agreement was reached in November 1973 with a New Zealand-based company to provide advice on the formation of a local company to manufacture soft drinks.

The factory was to be located on Butaritari and would be the first commercial development to provide income and employment in a rural area of the Territory.

46. Another major area of development by GEIDA has been in shipping. The volume of cargo carried by the GEIDA fleet increased considerably over 1973. This increase, together with the increase in tariff introduced in January 1973, resulted in the reduction of the government subsidy (see para. 44 above). Difficulty in obtaining repairs speedily for two of GEIDA's ships in Suva caused a disruption in the service, which was aggravated by a breakdown of the Moanaraoi in September 1973. As a result, by the end of 1973, the fleet had insufficient capacity to meet its obligations.

47. A firm of consultants was commissioned by GEIDA To study the fleet which GEIDA had inherited. The consultant's main findings were that the composition of the existing fleet was unsuitable for the many conflicting requirements to be met by it; that certain route schedules had to be broken and the standard of service reduced during certain journeys; that freight and passenger rate structures did not reflect the true economic cost of transport; and that passenger fares were heavily subsidized. It also found that data on passenger traffic were inadequate.

48. The consultants recommended the following:

(a) In the short-term, all shipping should remain under the control of GEIDA in order to maintain the highest possible utilization of vessels; a new passenger and freight rate structure should be introduced to reflect the true economic cost over the recommended routes; and a transit camp at Abemama should be established for passengers for Ocean Island and Nauru. The cost of establishing and operating the camp would be set against any income made.

(b) Future fleet structure should anticipate the doubling of traffic flows over a 10-year period. To meet the 1983 demand, four additional vessels would be needed at an estimated cost of \$A 9.4 million. The capacity of the recommended fleet would be twice that of the existing one.

(c) The use of two sea trucks for ship-to-shore transport from ocean-going vessels would result in an estimated net saving of \$A 76,000 a year.

49. The Marine Department of GEIDA was expected to initiate action on the consultants' recommendations and produce detailed plans during 1974. Further consideration would be given to communications with the Line Islands (both sea and air) when the pattern and scope of development there became clearer.

50. The Mission, in the course of its visit, held discussions on GEIDA with the Governor, the Council of Ministers and Mr. W. S. Brown, the General Manager of GEIDA. In addition to the information provided above, Mr. Brown informed the Mission that GEIDA continued to employ 1,400 indigenous persons but that the number of expatriates had been reduced from 45 to 28 in an effort to implement the Government's policy of localization. Although GEIDA operated on economical lines, according to Mr. Brown, its profits were limited to 4 per cent of the funds invested plus a 3 per cent token hedge against inflation. He said that GEIDA had had little

contact with the United Nations family of organizations although it had occasionally sent specialists to United Nations meetings. From its earlier meeting with the ministers, the Mission had learned that there was some dissatisfaction in the Territory with GEIDA and that there was talk of returning to a public works system. The Mission also questioned Mr. Brown about shipping conditions in the Ellice Islands. Mr. Brown explained that GEIDA would like to set up a direct route from Funafuti to Suva, whether or not the Ellice Islands separated. This would eliminate the need to trans-ship goods via Tarawa and would bring prices down. The Nivanga could continue to service the outlying Ellice Islands and in Mr. Brown's opinion was the ideal ship to do so.

Development plan

51. In addition to the information already set out in the Secretariat working paper concerning the development plan for the period 1973-1976 (A/AC.109/L.922, paras. 28-30), the Mission learned that, in fact, the estimated budget amounted to \$A 2.4 million for 1973 and \$A 4.7 million for 1974. The sources of the funds included United Kingdom Government aid funds (\$A 3.0 million); and the United Kingdom Government development aid research funds (\$A 14,000); grants and loans from the Australian Government (\$A 413,000) and from the New Zealand Government (\$A 103,500); local budget funds transferred from the recurrent budget (\$A 60,000); and miscellaneous revenue (\$A 19,492). These sources left \$A 1 million to be financed through negotiations.

52. The sectors to be covered by this assistance included agriculture, fisheries, trading and marketing and the manufacturing and service industries (\$A 692,612); economic infrastructure, including transport, GEIDA and post and telecommunications (\$A 1.4 million); social infrastructure, including public utilities and housing (\$A 1.3 million); social services including education, training, medical and welfare (\$A 440,500); administration, including local government, lands and surveys, information and broadcasting, law and order, central services (\$A 347,163); and reconstruction at Funafuti following the 1972 hurricane "Bebe" (\$A 498,515) (see also paras. 277 and 278 below).

53. As in previous years, the Gilbert and Ellice Islands received assistance for both its development programme and for social services from agencies of the United Nations, the South Pacific Commission, the South Pacific Aid Programme of Australia and the Government of New Zealand. Volunteers, provided by the United Nations, Voluntary Service Overseas (United Kingdom) and Voluntary Service Abroad (New Zealand) continued to serve the Territory in several fields.

Transport and communications

54. The ports of entry to the Territory under the customs and quarantine ordinances are Ocean Island, Tarawa (Betio), Funafuti, and Fanning and Christmas Islands. At each of these ports, there is a Customs Officer and an Immigration Officer. At Ocean Island and Tarawa there are harbour masters and pilots.

55. 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. GEIDA'S vessel, the Moanaraoi visits every two months. The territorial Government vessel Ninikoria, operated by GEIDA, is engaged in voyages between the Territory and Nauru at regular intervals and occasionally visits Suva.

56. During 1973, a total of 108 overseas ships called at ports in the Territory, compared with 96 in 1971 and 99 in 1972. Of this number, 59 owned or chartered by BPC, called at Ocean Island where 5,276 tons of cargo were discharged and 730,613 tons of phosphate loaded.

57. On Tarawa, 176 vessels were handled during 1973 and, of these, 49 were overseas vessels which discharged 24,144 tons of cargo.

58. The RCTS Teraka, an 860-ton steel passenger vessel, which was used in conjunction with the Merchant Marine Training School to train young Gilbert and Ellice Islanders for service abroad with overseas shipping companies, reached the end of her serviceable life in June 1973 and was scuttled off Betio Islet on 20 June 1973. Since then, the MV Ninikoria has been used for some of the in-service training by the young seamen.

59. During its programme at Betio Islet on 22 August 1974, the Mission visited the Marine Training School and was escorted around the quarters by Captain K. Barnett, the Superintendent of the School whose post is made possible by UNDP assistance. In 1973, the Merchant Marine Training School on Betio Islet trained 148 seamen for service on foreign ships, making a total of 973 seamen trained since 1967. There were approximately the same number of young seamen in training in 1974.

60. Training is given in three classes of approximately 50 students each. The seamen are an important source of revenue for the Territory; the remittances which they send home to their families now amount to approximately \$A 500,000. The Mission was interested to learn that about 207 Ellice Islanders had graduated from the school and obtained employment abroad.

Public finance

61. The revised estimate for ordinary revenue in 1973 amounted to \$A 5.7 million, to which was added a capital revenue of \$A 2.4 million. The revised estimate of total revenue was therefore \$A 8.1 million, compared with an actual revenue of \$A 6.9 million in 1972. This included revenue from phosphate taxes amounting to \$A 2.9 million in 1973 (\$A 2.7 million in 1972).

62. The revised estimate for recurrent expenditure in 1973 was \$A 5.5 million, and the revised estimate of capital expenditure was \$A 2.3 million, amounting to a revised estimate of total expenditure of \$A 7.8 million, compared with an actual expenditure of \$A 6.6 million in 1972.

63. With the coming into operation of the Public Finance (Control and Audit) (Amendment) Ordinance, 1973 on 1 January 1974, expenditure on the capital account is financed through a development fund, mainly by United Kingdom aid, as well as from contributions from other metropolitan countries, international agencies, the territorial recurrent budget and loans.

64. The Revenue Equalization Fund was instituted in 1956 with an initial allocation of \$A 155,580 from war assets, and \$A 400,000 from the general revenue balance. The object of the Fund is to provide a capital sum, accumulating with interest, against the time when the phosphate deposits at Ocean Island are exhausted; the interest has been used to balance the Territory's budget when necessary, for example, during periods of prolonged drought. The value of the Fund at 31 December 1973 was estimated at \$A 7.3 million. It was expected to reach \$A 9.3 million by 31 December 1974.

65. Imports, mostly from Australia and the United Kingdom, were valued at \$A 6.6 million in 1973, compared with \$A 5.4 million in the previous year. Exports, going principally to Australia and New Zealand, were valued at \$A 9.7 million in 1973, compared with \$A 6.6 million in 1972. This gave a visible surplus in 1973 of \$A 3.1 million.

4. Social conditions

Co-operative societies

66. The co-operative societies are grouped in a federation known as the Gilbert and Ellice Islands Co-operative Federation, Ltd. There are 51 registered societies (48 primary and 3 secondary), of which 40 are consumer marketing societies operating about 90 retail outlets. The societies also have about 110 stores which buy the entire copra production of the Territory. They transport the copra in their own lorries and boats to the shipping point for each island, from whence it is shipped to Tarawa and stored in sheds to await shipment (mainly to Europe) every 6 to 12 weeks. In the outer islands, the societies are the almost exclusive suppliers of consumer goods.

67. Total membership in the societies declined slightly in 1973, from 23,026 to 21,399 owing to the removal of non-residents from the membership rolls. Membership on South Tarawa, however, continued to increase, despite private competition, rising from 4,385 to 5,282. This figure represents only 25 per cent of the total membership of the societies, but accounted for 58 per cent of the \$A 3.6 million in co-operative sales during the year.

68. On 1 January 1973, in accordance with government policy the Co-operative Federation assumed all the wholesale and retail merchandising functions of the Wholesale and Merchandise Division of GEIDA, a goal of the Federation since the end of the Second World War.

69. Copra sales for fiscal year 1973 were only \$A 193,603 compared with \$A 512,009 in 1971/72. These sales do not coincide with those for the calendar year 1973, because the financial year of most of the societies ended before June 1973, when the 1971 drought and the historically low world price continued to hold down production.

70. Following its visit on 22 August with the General Manager of GEIDA at Betio, the Mission paid a short visit to the Co-operative Federation where it was met by Mr. I. B. Whittam, the Acting Manager. During his brief discussion with the Mission, Mr. Whittam explained that the Federation was set up after the Second World War because the previous purchaser of copra, Messrs. Burns Philp, Ltd., was no longer interested in continuing this task. Mr. Whittam said that one representative of the Federation sat on the Copra Board, but that the new Government considered this inadequate and would seek a larger representation. According to the 1973 annual report of the administering Power, a representative of the Co-operative Federation and of the Registrar of Co-operative Societies sit on the Board.

71. Mr. Whittam also pointed out that in the 18 months since the Federation had taken over the Wholesale and Merchandise Division of GEIDA, the operation had been profitable. Both GEIDA and the Federation receive some competition; beer, for example, is imported by private firms. The Federation was self-financed. One

share equalled \$A 0.50. According to the 1973 annual report, there were 258,410 shares distributed among the membership.

72. Following this meeting, the Mission looked in briefly on the Federation's handicraft shop. The production of handicrafts is essentially a cottage industry. Mats for bedding and floor covering, thatch, finely woven hats, table mats, baskets and fans made from the leaves of the pandanus and coconut palms and from shells are made by householders in their own homes. String made from coconut fibre is also produced and has a ready sale. In 1973, revenue from handicrafts totalled \$A 94,136 of which \$A 10,600 worth was exported.

Public health

73. On 23 August, during its visit to Bikenibeu on Tarawa Atoll, the Mission met at the Central Hospital with Dr. A. W. Marr, the Secretary for Health and Welfare (one of the few expatriates serving in the Territory in the public health system) and with Dr. Teimone Flood, the Chief Medical officer. The Mission also met with Sister Alitaake Semese at the Nursing School adjacent to the hospital. It found the health situation much as that described in annual reports of the administering Power. The Mission was informed that the Department of Public Health had been one of the first to employ local personnel, and that if separation came about the Gilbert Islands might suffer the most because of the many posts held by Ellice Islanders. In fact, it was reported that if the Ellice Islanders were obliged to return home after separation, no new staff would have to be trained in those islands for about five years.

74. Since the Territory has no facilities for training doctors rapidly enough, most receive their education at the nearest regional institution, the Fiji School of Medicine. Communications pose a major problem because of the need to maintain several small units on scattered islands. Seriously ill patients are sometimes held in the maneaba waiting for evacuation to a centre served by air, such as Abemama, Butaritari or Tabiteuea whence they are flown to the Central Hospital.

75. There are now four dentists in the Territory, among which is an Ellice Islander who has just qualified. Preventive dental services are offered in the schools on Tarawa where a dental hygienist regularly visits the island schools. It is hoped that two additional hygienists will be available within the next three years. At present, two dentists visit each of the 33 inhabited islands once a year.

76. Family planning services have now been integrated into the Maternal and Child Health Services, and some material from the United Nations Fund for Population Activities (UNFPA) principally vaccines, has been made available for the service. The Governor told the Mission that he thought the family planning programme had been highly successful.

77. The total estimated expenditure for the Medical Department in 1973 was \$A 557,250 compared with \$A 435,060 in the previous year.

5. Educational conditions

78. There are three types of primary schools in the Territory: government primary, local government primary and mission schools. Government primary schools are constructed of permanent materials and are situated at the main centres of government. They are staffed mainly by qualified teachers, usually six at each school. Pupils are admitted at the age of six years. Previously known as island council schools, local government primary schools are equipped and staffed on the same scale as government primary schools.

79. Mission schools fall into three categories: aided, unaided and infant schools. Aided schools are organized and maintained by the missions, with government assistance for staff and equipment. Their standard corresponds to that of government schools. A few of the mission schools have a standard comparable to that of aided schools but do not yet receive government assistance.

80. Finally there are a number of unaided schools in villages, taking children for the first two years (infant stage) of the primary syllabus. Children go on from these schools to the other mission schools.

81. As at 1 April 1973, there were 62 government and aided schools with an enrolment of 11,540 and 71 unaided schools with an enrolment of 2,654.

82. The Mission was informed during its visit to the Territory that the decline in enrolment and number of schools from 1971 (15,106 in 144 schools) to 1972 (13,962 in 118 schools) was attributable to the withdrawal of the London Missionary Society from its work in education. The Government has gradually absorbed the village schools into its own and aided schools. It is hoped that in 1974 all children of school age (6 to 15 years) will be attending school.

83. At the secondary level, the chief aim is to develop selective education in the light of the manpower requirements of the Territory and to take into account the ability and aptitudes of outstanding boys and girls. Government efforts have therefore concentrated on the development of the King George V School and the Elaine Bernacchi School. The school roll in January 1973 stood at 407 pupils, an increase of 36 over the 1972 figures.

84. Four secondary schools are maintained by voluntary agencies. The Roman Catholic mission runs two residential schools: St. Joseph's College on Abaiang, which had an enrolment of 119 boys in 1973, and the Immaculate Heart College in North Tarawa, which had an enrolment of 131 girls during the same period.

85. The Gilbert Islands Protestant Church has a residential co-educational junior secondary school, the Hiram Bingham High School on Beru (39 boys and 55 girls). At Vaitupu, the Ellice Islands Protestant Church runs the Motufoua High School as a co-educational institution. It was established in 1905 as a boys' school, by the Council of World Missions (formerly the Congress of the Council of World Missions). Girls were first admitted in 1970 and now account for half of the enrolment of 104 pupils. Current plans are to increase the intake of boys on a 6-to-4 ratio over girls. The school employs seven graduate teachers, one volunteer from the United Kingdom and four auxiliary staff.

86. The Tarawa Technical Institute on Betio Islet, administered by the Department of Labour, offers English, clerical and management courses and apprenticeship courses for personnel employed in both the public and private sectors. English courses are also offered to cadets from the Merchant Marine Training School.

87. The Tarawa Teachers' College supplies teachers for government, local government and mission primary schools. Two courses are offered in primary teacher education: a two-year course leading to certification as a Grade IV teacher, and a three-year course leading to certification as a Grade III teacher. The College is organized to take 90 students for the full three-year training course.

88. Finally, 62 students and trainees received secondary, tertiary, professional and technical training overseas in 1973. More than 200 scholarships are offered by the United Kingdom and other Governments.

89. In 1973, government expenditure on education was estimated at \$A 1,142,590, compared with an actual expenditure of \$A 1,017,656 in the previous year.

90. While at Tarawa, the Mission made a brief conducted tour of the government primary school in Betio. On the same day, the Mission was shown through the Tarawa Technical Institute.

91. On the following day, at Bikenibeu, the Mission held discussions with Mr. Otiuea Tanentoa, Minister for Education, Training and Culture, Mr. G. S. Bull, the Secretary for Education, Mr. I. C. Batten, Headmaster of the King George V High School, and Mr. H. J. Tinsley, principal of the Teachers' College, in the latter's office to discuss educational policy in general and the particular problems of the Teachers' College and the King George V High School. In response to the Chairman's inquiry, Mr. Tinsley replied that the most serious need was for assistance in developing an up-to-date curriculum. The present material was limited and antiquated, and assistance was needed to create and publish up-to-date texts for use in the schools. He also needed additional teaching aids for mathematics and the language laboratory and equipment to carry out vernacular research to preserve the language and the culture of the islands.

92. On 30 August, while on Vaitupu, the Mission had the pleasure of a longer visit at the Motofoua Junior High School. Bicycles and motorcycles were provided to enable the Mission members to reach the school. The Mission was escorted by the Headmaster and some of the teachers through the dormitories and classrooms of this well-situated school by the sea and were then entertained by songs and later offered tea prepared by the girls in their home economic class. The Mission has pleasant memories of the afternoon spent at Motofoua.

6. Meetings in Tarawa, 21-23 August 1974

Meeting with the Governor

93. In addition to the meetings described above, the Mission also met with the Governor and the Council of Ministers and visited the village of Eita. Its discussions were relevant to conditions in general in the Territory. On 21 August 1974, the Mission met the Governor, John H. Smith, at his office at Bairiki. Mr. Thomas L. Richardson, the Mission's liaison officer, and Mr. Eric E. Bailey, the Referendum Administrator, were also present.

94. The Governor welcomed the Mission and remarked on the historical nature of this first visit by a United Nations Mission to the Territory. He explained that of the six elected ministers, the two from the Ellice Islands would be absent when the Mission met the Council the following day. The Mission would, however, be able to meet Mr. Isakala Paeniu, the Minister for Natural Resources (member from Nukulaelae), that evening before he left for the Line Islands; it would also meet Mr. Sione Tui Kleis, the Minister for Commerce and Industry (member from Nui), when it reached Funafuti.

95. The Governor emphasized the importance of some of the institutions the Mission would visit during its stay on Tarawa, several of which the Mission would see the next day during its programme on Betio Islet. One such institution was the Gilbert and Ellice Islands Development Authority (GEIDA) whose activities included public utilities, shipping and local transport. This was more than a corporation; it was state-owned but operated to earn profits. It employed more people than the Government and was a monopoly operating as a quasi-governmental agency. The purpose of creating GEIDA had been to make the Government of the Territory more cost-conscious by charging it for certain services at a commercial rate.

96. The trading services of GEIDA had been transferred to the Co-operative Federation at the beginning of 1973. Only bulk wholesaling remained. The Co-operative Federation maintained a policy of price equalization, whereby copra exports and imported goods were bought or sold at identical prices throughout the Territory. The interisland transport costs were offset by a freight levy upon imported goods, fuller details of which were later supplied by Mr. Brown of GEIDA. In addition to selling to constituent co-operatives, the Federation exported handicrafts to Hawaii and to OXFAM in the United Kingdom.

97. Continuing on the programme proposed for the Mission, the Governor stressed the importance of the Marine Training School which had found places for nearly 1,000 men in overseas shipping firms (mainly German and Nauruan). The training was thorough and good and the remittance income of the sailors made a substantial contribution to the economy. Although the wages were not high by international standards, they were high by local standards.

98. The Mission would meet the Council of Ministers following a visit to Mr. Bailey's office to observe the opening of the postal vote. Normally the Council

consisted of the six ministers, the Governor and the three ex officio members of the House, but on this occasion the Mission would meet the elected members by themselves.

99. The Chairman thanked the Governor for the comprehensive programme of visits and meetings and expressed the hope that the programme would be flexible enough to enable the Mission to devote additional time to visits which it considered more important, such as the meeting with the General Manager of GEIDA. The Governor said that the Mission should feel free to suggest any changes it saw fit.

100. During the question-and-answer period which followed, the Mission received the following information from the Governor concerning conditions in the Territory in general.

101. The Governor stated at the outset that the changes which had come about as a result of the Gilbert and Ellice Islands Order, 1974 (see appendix XIII to the present report) represented the final step before internal self-government. The elections held in April 1974 had not been fought along party lines, but a party structure was developing within the House of Assembly. The Government party was called the National Progressive Party (NPP) and had issued a manifesto (see appendix XVII to the present report). Mr. R. Teiwaki, the member for Betio/Ocean Island, and other members of the House had formed an unofficial opposition. They had not yet formulated a policy of action, nor had they given a name to their party. There were 15 members in the Chief Minister's party and 13 in the opposition. The Chief Minister could also rely on the three ex officio votes. Under the Constitution, the Chief Minister could be removed by a simple majority vote of the elected members in the House.

102. At the August 1974 sitting of the House of Assembly, a Select Committee had been appointed to review the operations of the present Constitution and make recommendations. Mrs. T. Russell had been appointed its Chairman. The Select Committee was expected, inter alia, to look into the questions of the official recognition of the leader of the opposition and representatives of the Line Islands as well as the consequences of a vote for separation in the Ellice Islands' referendum.

103. The Governor informed the Mission that, even under previous constitutional provisions, he had never refused the advice of the Executive Council. His present attitude was to encourage the Chief Minister to hold meetings with other ministers in the Governor's absence in order to formulate policy. The Mission also learned that ex officio members could introduce bills but only within their own portfolios. c/ If the House refused to pass an appropriations bill, for example, the Governor could take steps to have one adopted, but this had never happened.

c/ A list of the fields of competence of the Council of Ministers is set forth in appendix XVI to the present report.

104. On a question concerning the voting age, the Governor said that the Electoral Reform Ordinance (No. 3 of 1973) had in effect lowered the voting age from 21 to 18 years at the time of the last general election in April 1974.

105. When questioned on the legislative powers of the House of Assembly and the United Kingdom Government's right to disallow legislation, the Governor said that the United Kingdom Government had seldom exercised that right but that in a recent case it had advised against legislation designed to limit general strikes. d/ There was only one powerful union in the Territory. Any general strike therefore had the effect of bringing the Territory's life to a halt. No final decision on industrial legislation had yet been taken. The Governor thought the United Kingdom Government was fully aware of the importance of endorsing legislation proposed by the Gilbert and Ellice Islands, save in exceptional circumstances (see para. 116 below).

106. The United Kingdom Government had accepted most of the Select Committee's recommendations. The main exception was a clause aimed at restricting the movement of nationals not belonging to Tarawa and Betio, in those two areas (see para. 117 below).

107. In general, the debates on the Constitution in the Legislative Council had been quite lively. In contrast, the members of the new House of Assembly were perhaps too quiet and tended to allow the Government to do much of the work. He would appoint a Speaker at the next sitting of the House and this might stimulate a more active political debate.

108. In answer to a question as to whether he would appoint a public service commission to advise him on the "appointment, promotion and disciplinary action of the public service", the Governor replied that at present he was being served by the Public Service Advisory Board, whose chairman was the Deputy Governor. It was a function which could easily be transferred to ministerial authority at some future stage.

109. In the economic field, the Governor informed the Mission that the Banabans, the original occupants of Ocean Island, had petitioned the United Kingdom Government for its separation from the Gilbert and Ellice Islands and its independence. They had also instituted legal proceedings to obtain a substantial sum of money from the United Kingdom Government as compensation for the removal of the phosphate deposits. The parliamentary opposition in the House had

d/ The Mission was informed by the administering Power that it was chiefly concerned to ensure that any new legislation did not attract criticism from the International Labour Organisation (ILO). Relevant international labour conventions on freedom of association and protection of the right to organize are fully applied in the Territory.

presented a motion calling on the United Kingdom Government to review the various agreements concerning the phosphates on Ocean Island including the surrender of its 42 per cent shareholding in BPC.

110. Continuing, the Governor said that he found the buoyancy of the economy misleading because it resulted from the currently high world prices for copra and phosphates. Phosphate deposits would be exhausted by 1978, however. Transport difficulties meant that there was an 18-month lag before copra from the Territory reached world markets, and the Copra Board reserves were still low. Phosphate revenues had increased as a result of having their price pegged to that of Nauruan phosphates. The President of Nauru had forced the price of phosphate up and the Territory had profited by this. The policy of the Government was to increase its reserves from this source of \$A 60 million by 1978; the interest on these reserves would help balance the budget in the future. Remittances from seamen working overseas were estimated at \$A 500,000 annually. Remittances were also received from phosphate workers in Nauru and Ocean Island where there were about 500 workers from the Territory. The continuation of these remittances would depend on the effects of social change. The Ellice Islands, although deficient in copra production, maintained a high per capita income from overseas remittances.

111. The Governor did not believe that the fishing industry could contribute substantially to the development of the Territory. The process of deep-sea commercial fishing was too difficult because of high fuel costs, water problems, the resultant lack of refrigeration facilities, the high risk involved in investment, and, above all, the competition from foreign fleets. The Territory might become involved in an arrangement similar to one which the Governor had helped to conclude between the Solomon Islands and a Japanese firm when he had been Financial Secretary in the Solomon Islands.

112. In reply to a question on budgetary provisions for the development of agricultural projects, the Governor replied that coconut replanting schemes were being implemented (see para. 35 above) and individual co-operatives were being encouraged to develop markets in local goods.

113. The meeting continued with the participation of the Referendum Administrator (see paras. 174 et seq. below).

Meeting with the Council of Ministers

114. On 22 August, upon its return from touring the commercial centre of Tarawa, Betio, the Mission met with members of the Council of Ministers in the Chief Minister's office in Bairiki. Only four of the six ministers were present: Mr. Naboua Ratietia, Chief Minister; Mr. Otiuea Tanentaa, Minister for Education, Training and Culture; Mr. Teweia Uaruta, Minister for Health and Welfare; and Mr. Ibeata Tonganibeia, Minister of State.

115. After welcoming the Mission to the Territory, the Chief Minister, in answer to a question, said that the recommendations on the curtailment of the powers of

the Governor were contained in the report of the Select Committee on Constitutional Amendments of which he had been a member. The report had been tabled at the last meeting of the Legislative Council. Under the new Constitution, ministerial responsibility had been introduced. According to the ministerial system, policy-making was in the hands of the Council of Ministers. Policy was implemented by the ministers after it had been approved. Certain powers remained in the hands of the three ex officio members: the Financial Secretary who had budgetary powers and the Attorney-General and the Deputy Governor who had certain powers under the Governor.

116. Continuing, the Chief Minister said that any member could put a motion to be debated; it could be senseless, or unconstitutional or one counter to other ordinances in force. The Governor in his capacity as Acting Speaker could block any of these.

117. In reply to a question on whether the present Constitution had come up to their expectations, the Chief Minister replied in the affirmative. The administering Power had declared only the second recommendation of the 1973 Select Committee on constitutional development ultra vires, since it had the effect of curtailing freedom of movement. The Select Committee had recommended the enactment of legislation to impose such restrictions on movement or residence as might be reasonably required in the interests of the conservation or promotion in any particular island or other place of a wholesome and reasonably tolerable social environment in a democratic society. e/

118. The Chief Minister stated that there were not two political parties as such. In the Legislative Council, members had been elected as individuals, but parties had begun to emerge since the last election. Mr. Teiwaki, the member for Betio/Ocean had bid unsuccessfully for the Chief Minister's post and had subsequently formed another party as yet unnamed. The Chief Minister's party was NPP and it had a constitution and platform (see appendix XVII to the present report). There was not much ideological difference between the two groups.

119. In reply to a question by the Chairman of the Mission as to whether Ellice Islanders were in the party in power and the effect of the separation on that party, the Chief Minister replied that the two Ellice Island ministers were in his party and had co-operated with the Government. In the event of separation, he expected that there would be an Ellice Islands National Progressive Party. If there were enough votes in favour of separation, the Constitution would have to be reviewed. The motion for this could come during the November-December 1974 meeting of the House of Assembly. A select committee had been re-established in recognition of the party system that had evolved and because of de facto changes which might result from the referendum.

e/ The Government of the United Kingdom subsequently agreed to the addition to the Constitution of a reference to environmental conservation but asked to be consulted before any legislation restricting freedom of movement or residence was introduced, as it could affect the United Kingdom's obligations under the European Convention on Human Rights.

120. In reply to a question on the future status of the Territory, the Chief Minister stated that the Territory was preparing to be self-governing while it was still under the authority of the administering Power. In 1974, the United Kingdom had set up the Central Planning Office to deal with plans for the future. He added that the United Kingdom would not remain for longer than necessary. At the moment, however, the Government was concerned with the question of separation. Later, during the next four years, he would make internal self-government an electoral issue. They would work for self-government when ready for it and would change the Constitution at that time.

121. Turning to economic matters, the Chief Minister stated that the Government had not yet gone into details on the question of providing alternative employment for the 500 persons now working for BPC in Ocean Island when the phosphates deposits were exhausted in three or four years time. He pointed out that, although there was a United Kingdom Commission, Australia and New Zealand actually operated BPC. It would be difficult to do anything with Ocean Island once the phosphates were exhausted. He referred to the claim made by the Banabans to obtain retroactively the value of mining there and the difficulties this would present to the Gilbert and Ellice Islands Government. With reference to the Reserve Fund, he referred to the report on BPC which had been made available to the Mission (see appendix XIX to the present report).

122. In the field of economic development, the Chief Minister stated that the United Kingdom had recently brought in the Regional Development Planning Unit which had previously prepared plans for the New Hebrides and the Solomon Islands. He also explained how GEIDA had been set up and what had been done to avoid duplication of work. He pointed out that the board of GEIDA was presided over by the Minister for Commerce and Industry and that the management of GEIDA was responsible to the Government.

123. In reply to a question as to whether the Government was satisfied in having set up a single corporation dealing with public utilities and development instead of placing the latter within the competence of the ministerial system, the Chief Minister stated that there had been complaints and that some people would like to re-establish a public works department. GEIDA projects were financed by GEIDA; development projects were financed by the United Kingdom and other overseas sources.

124. Questioned as to the Government's attitude concerning the proposed separation of the Ellice Islands from the Gilbert Islands, the Chief Minister said that it should be left to the Ellice Islanders themselves. Economically, separation would be difficult for the Ellice Islanders, because they had not been producing much copra; however, there was also the question of the fear of losing their identity. The people's wishes had to be respected and the Gilbertese would not stand in their way.

125. Another minister stated that he would not be happy about the separation of the Ellice Islanders. He would welcome a vote not to separate the islands; however, the Ellice Islanders had accused the Gilbertese of treating them unfairly and he understood their feelings in the matter. The Chief Minister added that if they remained together the Ellice Islanders would always be a minority.

126. The Mission suggested examining the establishment of a loose federation. The Chief Minister agreed that such an arrangement was possible but would, depend on the terms of the federation.

127. Finally, the Mission suggested that the Chief Minister should consider the possibility of requesting the United Kingdom Government to send a member of the Gilbert and Ellice Islands Government to participate in the consideration of their item at the United Nations.

Public meeting at Eita

128. On the morning of 23 August, the Mission stopped at the village of Eita on Tarawa where it was greeted by the local headmen and population of Eita in the village maneaba (meeting house). Six leaders, including one woman, came forward to speak to the Mission.

129. The Mission was told that Eita was the centre of South Tarawa and a place often visited by important visitors. The villagers were glad that the Mission had come to see them and to receive the blessings of its elders. The Chairman thanked the headmen and members of the village for their warm hospitality and added that the Mission was greatly honoured to receive the blessings of its elders.

130. The Chairman asked the people what they saw in the future for themselves. One elder replied that progress in the Territory was good but he did not consider that it was yet ready for independence as the resources were not yet being developed. He inquired if it were possible for the United Nations to supply aid to the Territory since it was not wealthy.

131. The Chairman replied that provision had been made for dependent Territories to receive assistance if a request was made through the administering Power. This was particularly true of UNDP and the specialized agencies. She pointed out that they were already receiving some aid. If they desired additional assistance they should make this known to their representative in the House of Assembly.

132. The village was known for its self-help project and the Mission inquired where the money and materials were coming from for the village housing project. It was told that when the project was initiated, it had been necessary "to start from scratch". They had therefore begun trading in Tarawa, selling fish, crab meat, coconut oil and cigarette papers made from the pandanus leaf. Some financial backing had been forthcoming and they were pursuing this line of business.

133. The Chairman said that, as a woman, she would like to know how far the women were involved in the political, social and economic life of the village. One woman replied that women were involved in trade, fishing, weaving mats, making oil and selling in the commercial centres. Asked if the women were involved politically, she was told that some were. The women trusted the Government in power for its future, the Mission was informed.

134. The Chairman urged the village not to leave the women behind since no nation could rise above its womanhood. The Mission thanked the people for their useful replies and thereby concluded its visit.

B. TOUR WITH THE REFERENDUM ADMINISTRATOR FROM
24 AUGUST TO 5 SEPTEMBER 1974

1. Background to the referendum

General

135. The Gilbertese, who have a common language, are of Micronesian stock, having their origins somewhere in South-East Asia. According to traditional beliefs, the Gilbert Islands were already inhabited when large parties of Samoans arrived some time late in the fourteenth or early fifteenth century. Prior to having contact with Europeans, the Gilbertese did not live in large consolidated villages, but in small hamlets which reflected the clan organization of society.

136. There are nine islands in the Ellice group, which extends for a distance of 370 miles from Nanumea in the north to Niulakita in the south. Fiji lies 500 miles further south. The Ellice Islands are smaller in size than the Gilbert Islands, except for Vaitupu which has an area of 2.2 square miles. The group has a combined land area of 10 square miles. Because the rainfall is more regular and heavier, the Ellice Islands are more fertile than the Gilbert Islands.

137. In contrast to the Gilbertese, the Ellice Islanders are Polynesians and have much in common with the other Polynesian societies in the South Pacific, such as the Samoans, the Cook Islanders and the Tongans. Opinion is divided as to whether the Samoans or the Tongans are their ancestors.

138. Shortly after its initial settlement, the island of Nui suffered an invasion from Tarawa, in the Gilbert Islands, and it is possible that there may have been a later influx of exiles from Tabiteuea. Since then, Nui's social structure has become a hybrid mixture of the two cultures and the people now speak both the Gilbertese and Ellice Islands languages.

139. Although the two groups of islands were sighted by mariners in the sixteenth and seventeenth centuries, European contact did not begin until the late eighteenth century. Prior to 1840, contact was limited to barter exchanges between the crews of visiting ships and the islanders. Resident traders first appeared in the mid-1840s. By 1870, all the Ellice Islands, as well as the two most southerly Gilbert Islands, Tamana and Arorae, had become nominally Christian communities, ruled by laws suggested by the pastors and accepted by the deacons on behalf of the people.

Political

140. The political structure in the Gilbert Islands prior to the arrival of Europeans was based on four social grades, which were roughly the equivalent of chiefs, nobles, commoners and slaves. Succession to the rank of chief was not determined by fixed lines of descent and the powers of the uea (chiefs) were by no means absolute. The political and social order was changed in the seventeenth

century when armies from the island of Beru conquered all the islands as far north as Marakei, and introduced the maneaba, of Samoan origin. The maneaba is a large thatched meeting house which is the focus of the political and social life of the community. Under this system, authority is firmly placed in the hands of the unimane (elders), meeting in council. The maneaba was later introduced in other islands with varying degrees of success.

141. Political organization in the Ellice Islands conformed to a pattern common to Polynesia. On all islands the demands of defence, especially against the Tongans, led to the emergence of two or more chiefly families. Each island had a tupu (high chief), and a subsidiary chief, each chosen from different families. Political and social power rotated from family to family. Any tendency towards autocracy resulted in a rapid shift of public opinion and the election of a new tupu.

142. Since 1892, the two groups of islands, despite the differences in their political and social structures, as well as their different cultural heritage, have been administered jointly by the United Kingdom Government through a single Resident Commissioner. Tarawa was the principal station of the Resident Commissioner from 1895 to 1908, when the Commissioner transferred his residence to Ocean Island.

143. Centralized influence was gradually extended and local authorities were encouraged to pass regulations in conformity with the central Government's policies. The authority of the high chiefs was gradually eroded and younger men were appointed as kaubure (councillors), who, having no traditional authority on the islands, were obliged to rely heavily on the central administration. Direct interference in government affairs by the Christian churches was reduced, but their influence over the islanders remained untouched, particularly in the Ellice Islands and southern Gilbert Islands where the Protestant mission remained the sole religious body.

144. From 1908 onwards, successive resident commissioners became more involved in the development of the phosphate deposits on Ocean Island and as a result their subordinates administered the islands more independently. By an Order in Council, which came into force in 1916, the two groups of islands were annexed to the British Crown.

145. In 1917, the Native laws were revised in order to conform with existing practices. The revised laws, including those relating to local government, were to be applied uniformly to all islands in the Territory. As a result of this revision, the position of High Chief was abolished, that of Native Magistrate was retained with its existing powers and the position of Chief Kaubure was officially recognized.

146. The absence of regular interisland shipping made it difficult for the central Government to maintain satisfactory contact with local government authorities in the Ellice Islands. The islands were often without a district officer and between 1915 and 1931 they had 14 successive district officers. Being free from intervillage rivalries and religious intolerance, which were a feature of life in the Gilbert Islands, the Ellice islanders needed less supervision and the island

governments, often operating outside the limits prescribed by the central Government, were generally acceptable to the majority of the islanders.

147. Almost all legislation for the Territory was drafted with the Gilbert Islands in mind and, being aimed at conformity, caused traditional sources of power in the Ellice Islands to suffer. In 1915, there was a re-emergence throughout the islands of aumaga (young men's clubs), which generally evolved beyond the control of the island authorities. On occasions, these aumaga usurped the role of the police and enjoyed sufficient power to determine which regulations were to be obeyed.

148. In 1937, a memorandum was forwarded to the Resident Commissioner by a district officer in the Ellice group, suggesting a list of amendments to the regulations in force in the Ellice Islands. In particular, the district officer pointed out the differences in social and political organizations which existed between the Gilbertese and Ellice Islanders and the inapplicability of many of the regulations to the smaller communities among the latter. He emphasized that all the inhabitants of an island lived, for a large part of the year, in a single village and were mostly related. Restrictions on interisland travel had only reinforced this situation. Regulations affecting living conditions were not generally enforced and, if they had been, would have been regarded as intolerably oppressive. It was not until 1947 that revised regulations for the Ellice Islands were published.

149. The Japanese occupied the Gilbert Islands from February 1942 until November 1943, but apart from Tarawa, Abemama, Butaritari and Ocean Island, where garrisons were established, there was little interference with the islanders or their property. United States military forces occupied the Ellice Islands from 1942 and maintained substantial garrisons on Funafuti, Nanumea and Nukufetau. After the recapture of the Gilbert Islands, the United States forces remained in the Territory until the end of the Pacific war. The islanders were impressed both by their willingness to mix more freely with the local people than had the administrators and missionaries and also by their generosity. In early 1944, petitions were presented on both Tarawa and Butaritari calling for United States rule.

150. The Ellice Islands educational system remained intact during the war and this continuity proved to be a great advantage, especially in the field of employment opportunities, when the Territory was re-united after the war.

151. The appointment of Mr. Michael Bernacchi to the post of Resident Commissioner in 1952 brought a new vigour to the Territory. Among other things, he established high schools for boys and girls and a central hospital at Tarawa, developed the port at Betio and revised the Native Government Ordinance so as to devolve more financial powers to the island councils; he also convened the first conference of Native magistrates.

152. In 1963, an Advisory Council composed of 5 official members and 12 unofficial members was established. In 1964, an Executive Council was set up, composed of four official and four unofficial members, which the Resident Commissioner was obliged to consult in the exercise of almost all of his powers.

153. The unofficial members of the Council, especially when on Tarawa, were in close contact with civil servants at a time when racial tension between the Gilbertese and Ellice Islanders within the public service was becoming increasingly evident. At the third meeting of the Advisory Council in 1964, a Gilbertese member questioned the Government's policies concerning admission to secondary schools and the number of key posts in the civil service held by Ellice Islanders. (At that time, 10 Gilbertese and 7 Ellice Islanders were receiving further education overseas and in the civil service 15 key posts were held by Gilbertese and 13 by Ellice Islanders.) The issue was again raised in 1965 at a meeting of senior civil servants with a visiting United Kingdom Under-Secretary of State. From that time onwards, a small group of Gilbertese, mainly senior civil servants, held meetings in private with a view to forming a political party to promote Gilbertese interests.

154. At the next meeting of the Advisory Council in 1965, one member of the Gilbertese group initiated a debate on racial differences in the Territory. He alleged that the Ellice Islanders had created ill-feeling by taking a superior attitude towards the Gilbertese and that the Ellice Islanders had shown favouritism to their relatives in the civil service and in admissions to government primary schools on Tarawa. The Ellice Islands members did not reply and the Assistant Resident Commissioner, admitting that there was evidence of racial tension, pointed out that such divisive forces could have harmful effects on the Territory's future. In 1965, the Funafuti Island Council proposed to a visiting United Kingdom Member of Parliament that the Ellice Islands should be separated from the Gilbert Islands.

155. The Gilbertese National Party was formed on 16 October 1965 and verbally attacked the Ellice Islanders in the Advisory Council and at public meetings. A second party, the Christian Democratic Party, was soon formed by the Gilbertese Roman Catholics, part-Europeans and Ellice Islanders living on Tarawa. The constitution and platform of this party emphasized a non-racial, non-sectarian approach to politics and called for unity in the Territory.

156. The party system did not enjoy a prolonged existence because the leaders of both parties were civil servants and the Government prohibited senior civil servants and those serving in district administrations from active participation in party politics. Attention was soon transferred to the next stage of constitutional advance, namely the establishment, by an Order in Council of August 1967, of a Governing Council and also of a House of Representatives, the members of which were elected on the basis of universal adult suffrage, and which possessed legislative as well as executive functions.

157. It is significant that the Order in Council included, at a much earlier stage of constitutional development than is customary, a chapter on the "Protection of Fundamental Rights and Freedoms of the Individual". This was in accordance with the general recommendations of the United Nations in regard to all dependent Territories but it was clearly inserted at that time with the situation concerning the Ellice Islands specifically in mind.

158. When the Select Committee's report was debated in the former House of Representatives, which then included eight representatives from the Ellice Islands -

one from each island f/ - the Ellice Islands representatives supported the proposals but reserved the right to press for separation of the Ellice Islands from the Territory if they considered that their interests so required. In 1970, the administering Power was still of the opinion that separation might be avoided and the central Government was at that time looking for ways of starting projects in the Ellice Islands which would either tend to unify the Territory or provide an infrastructure if separation were to take place.

159. The separation issue has gathered momentum since 1971, when, during a tour of the Ellice Islands by Sir John Field, then Resident Commissioner, six of the seven island councils raised the question of separation. On his return to Tarawa, the Resident Commissioner initiated inquiries into the possibilities of departmental decentralization, improved shipping, the expansion of radio broadcasting in the Ellice Islands and the upgrading of the Motufoua School on Vaitupu. g/

160. In November 1971, the representative of Nui, on behalf of several other Ellice Islands representatives, introduced a motion in the Legislative Council, which had superseded the House of Representatives in 1970, requesting that the Resident Commissioner should formally approach the United Kingdom Government with a view to constituting the Ellice Islands "as a separate colony with internal self-government in January 1974, so that immediate steps /could/ be taken to ensure that the Ellice Islands /would/ by then be a viable political and economic entity".

161. The motion was later withdrawn on the advice of the Resident Commissioner, who undertook to submit factual information to a gathering of Ellice Islands representatives. The position of the Gilbertese parliamentary group hardened, however, because of the activity by the Ellice Islanders. The Gilbertese representatives argued that the existing system favoured the Ellice Islanders, in that each Ellice Islands representative had approximately 1,000 constituents, whereas each Gilbertese represented about 2,500 constituents; that the Ellice Islanders cut little copra and their contribution to foreign trade was limited; and that no employment opportunities existed in the Ellice Islands for Gilbertese, whereas many Ellice Islanders held senior positions on Tarawa.

162. A group of Ellice Islanders living on Tarawa subsequently sent a letter to Mr. Reuben Uatioa, the then Leader of Government Business, in which they "confirmed their willingness to go forward for separation in a way of friendship when time is permitted". In their letter, they claimed that under majority rule there could never be an Ellice Islands Prime Minister; they also drew attention to the racial and cultural differences between the island groups. They contended that all development took place in the Gilbert Islands and quoted a Gilbertese correspondent of the Pacific Islands Monthly who wrote that "if work decreased the Ellice /Islanders/ must seek work in /their/ own islands".

f/ Except Niulakita and Niutao, which have one representative.

g/ Apparently only one of these proposals has since been implemented: the establishment of a broadcasting station at Funafuti, which is due to be completed early in 1975.

163. On 24 April 1972, the Governor, as the Resident Commissioner had been renamed, presented a discussion paper on the situation as it affected the Ellice Islands to a representative group at a meeting on Funafuti. In his paper, he set out the alternatives of separation, federation, regional government or maintenance of the status quo, showing the political, administrative and financial implications of each alternative. Subsequently, he visited every island in the Ellice group. On his return, he reported that the minds of the people were closed and nearly all were in favour of separation although there were small pockets of opinion which favoured some other form of association or were against separation. He said that the Gilbertese and Ellice Islanders worked side by side but that there was no real bond of common interest between them and that there never had been. Indigenous trading or other economic links had never existed between the two.

164. Other alternatives to separation were dismissed by the Leader of Government Business who, in October 1972, informed the United Kingdom Under-Secretary of State for Foreign and Commonwealth Affairs, then visiting the Territory, that the Ellice group would remain part of the Territory on the present basis and no other.

165. In November 1972, the United Kingdom Government stated its intention to appoint a commissioner to visit the Territory "to study the relationship of the Gilbert and Ellice Islands, and, having regard to the suggestion that the two groups be separated, and, in the light of the political, economic, financial and social circumstances of the people of the two groups, to make recommendations". Sir Leslie Monson was appointed and visited the Territory, including every island in the Ellice group, during January and February 1973.

166. In a statement read by the Governor to the Legislative Council on 27 November 1973, the Government of the United Kingdom announced that before a referendum was held to determine whether the majority of Ellice Islanders supported the separation, a statement of the conditions governing separation would be circulated to all Ellice Islanders eligible to vote. h/

167. At a meeting of the Legislative Council in December 1973, it was announced that the United Kingdom Government had accepted the recommendations of Sir Leslie Monson that there should be a referendum of the Ellice people to ascertain whether they supported separation based on the conditions laid down by the administering Power; and that if the referendum showed a majority to be in favour of separation and if the Government of the Gilbert and Ellice Islands also wished it, the United Kingdom Government should take the necessary action to put it into effect.

168. The Ellice Islands (Referendum) Order, 1974 (see annex III.C to the present chapter) was published on 21 May 1974 and the statement of conditions by the United Kingdom Government included in the Schedule to the Order was, according to the administering Power, translated and made available to every eligible voter (see para. 295 below).

h/ See the Schedule of the Ellice Islands (Referendum) Order 1974, reproduced in the appendix to annex III.C to the present chapter. See also para. 170 below.

169. The questions to be asked in the referendum were:

"(a) Do you support the establishment of a separate Ellice Islands colony in accordance with the conditions set out in the statement by the Government of the United Kingdom? or

"(b) Do you support the Ellice Islands remaining part of the Gilbert and Ellice Islands colony?"

170. The conditions governing the separation of the Ellice Islands, as set out in the statement by the Government of the United Kingdom, included the following:

"(a) The Ellice Islands would become a separate dependent Territory of the United Kingdom;

"(b) The Ellice Islands would receive no part of the Revenue Equalization Reserve Fund of the Gilbert and Ellice Islands colony;

"(c) The Ellice Islands would receive no part of present or future phosphate royalties;

"(d) The Ellice Islands would have no claim to any assets (whether fixed, movable or in cash) belonging to the Gilbert and Ellice Islands colony and situated outside the Ellice Islands themselves, except for one ship which would be transferred from the Gilbert and Ellice Islands Development Authority (GEIDA);

"(e) An Ellice Islands colony would be limited to the Ellice Islands group and would have no right to any other territory of the Gilbert and Ellice Islands colony."

171. The statement of conditions also contained a provision to the effect that in the event of a vote in favour of separation, the Government of the present Territory and representatives of the Ellice Islanders should meet with representatives of the administering Power to discuss the following:

"(a) The future constitution and form of administration of an Ellice Island colony;

"(b) Questions relating to access in the future by Ellice Islanders to training establishments in Tarawa (including the King George VI School, the Merchant Marine Training School and the Teachers' Training College);

"(c) Questions relating to the future employment of Ellice Islanders now working in the public and private sectors in the Gilbert and Ellice Islands colony outside the Ellice Islands group;

"(d) Questions relating to the level and future employment of Ellice Islanders outside the Gilbert and Ellice Islands colony; and

"(e) The level of British aid, both current and development, needed to maintain a separate Ellice Islands colony."

172. In May 1974, Mr. Eric E. Bailey was appointed Referendum Administrator, and, under the directions of the Governor, initiated a system of voting by which the majority of the Ellice Islanders, those living on their own islands, on South Tarawa or on Ocean Island, would vote by ballot. The poll would be conducted on a rolling basis, so that the Referendum Administrator would be available to answer any questions which might arise concerning the statement of conditions or the procedure. All other Ellice Islanders, resident on other islands or overseas, would vote by post.

173. Because of the scattered nature of the voters, especially seamen, the postal ballot provided for registration and balloting at the same time and for validation of the registration by a panel of referees living on South Tarawa. It was expected that more than 700 people would be eligible to vote this way, including some 350 persons on the island of Nauru working for the phosphate industry.

2. Meetings with the Referendum Administrator

174. The Mission met with Mr. Bailey and Governor Smith at Bairiki on 21 August when the Governor introduced the two registration officers, and with Mr. Bailey alone on 22 August during the opening of the postal votes. The Mission had a final meeting with the Referendum Administrator at Funafuti on 5 September.

175. On 21 August, the Mission was informed that the decision to hold the referendum was that of the United Kingdom Government. The Governor said that he did not have to consult the Council of Ministers on questions relating to the referendum since the latter did not wish to interfere and took the view that the separation issue was a matter between the United Kingdom Government and the people of the Ellice Islands.

176. Mr. Bailey stated that the referendum would be conducted as a straight poll in the normal way where there was a large concentration of Ellice Islanders. Other arrangements, such as the postal vote, had been designed for small Ellice Islands communities in the outer Gilbert Islands and for Ellice Islanders living on ships and overseas. He had visited the Republic of Nauru and collected the votes from Ellice Islanders there. In the previous week, voting by Ellice Islanders had also taken place in three communities on Tarawa (Bikenibeu, Betio and Bairiki) and 78 per cent of the eligible voters had turned out to vote.

177. On the procedure for the counting of postal votes, Mr. Bailey stated that independent observers had been appointed to assist him (see para. 185 below).

178. The Administrator estimated that a total of 4,676 Ellice Islanders were eligible to vote, including 769 postal voters. The largest number of eligible postal voters would be workers and their relatives in Nauru (352). The next largest groups would be seamen working abroad (estimated at 207) and students and others living abroad (estimated at 95).

179. The Mission was told that the Governor had visited the Ellice Islands in March 1974 to talk on the separation issue and had reported that the turnout had

been high, as it had also been when Sir Leslie Monson toured the islands. Mr. Bailey said, however, that there had been little discussion at the public meetings. It was customary for heads of families to speak for the community.

180. Although the Governor recognized the political realities which lay behind the demand for separation, he expressed the view that most of the people did not fully understand the economic consequences of separation. He added that the Ellice Islanders expected to maintain or improve their living standards and that the United Kingdom Government would have to provide aid to the Ellice Islands, since the Revenue Equalization Fund would not be divided. Secondary schools would have to be constructed in the Ellice Islands and a modest form of governmental structure would have to be introduced.

181. Concerning Ellice Islanders in the public service of the Gilbert and Ellice Islands, the Governor stated that he did not expect them to be dismissed in the event of separation. He said that the Government of the Ellice Islands would have to take major decisions on the future structure of government, the economy and the public service, but he expected that any Ellice Islander currently employed would be given the choice to work either in the Gilbert Islands or in the Ellice Islands. He considered that a separate Ellice Islands civil service would not be large enough to absorb all the Ellice Islanders now working on Tarawa.

182. The Governor, replying to the Chairman's question concerning his attitude towards being appointed Governor of both the Gilbert Islands and the separated Ellice Islands, said that he had a number of ideas about separation. He was now of the opinion that the Ellice Islands need not have a resident Governor. A Chief Minister could easily administer from day to day, with periodic visits by an absentee Governor. The Ellice Islanders could rely on the United Kingdom Government to find a solution to the problems of separation and indeed felt that the United Kingdom should remain in order to do so.

183. Speaking of the Territory as a whole, the Governor thought that the islanders were politically aware but not nationalistic. Although there was some interest over French nuclear testing in the Pacific, there was not the flair of nationalism that had been present in other ex-colonial Territories.

184. The Governor expressed the opinion that further constitutional advancement could have been achieved more rapidly if certain measures had been taken at an earlier period. He did not, however, elaborate on this. He added that some islanders thought that the United Kingdom was forcing the Territory into political progress too rapidly.

185. The meeting with the Referendum Administrator on 22 August was mainly concerned with the operations of the postal vote. Mr. Bailey introduced and explained the functions of the two independent observers.

186. Briefly, the regulations governing the registration of the postal votes are contained in part V of the Ellice Islands (Referendum) Order, 1974 (see

annex III.C to the present chapter), in the Ellice Islands Referendum (Registration) Regulations, 1974 and subsequent regulations. The Referendum Administrator was required to take all practicable steps to ascertain the whereabouts of those persons qualified to vote in the referendum who were unlikely to vote by ballot on South Tarawa, the Ellice Islands or Ocean Island and to transmit an application form and a ballot paper for the purpose of voting at the same time as registration. The marked ballot paper was to be returned in a sealed envelope together with the completed registration form, and the counterfoil to the ballot paper, all within a larger envelope addressed to the Referendum Administrator to be delivered to him as soon as possible and in any event no later than the appointed day. The information provided on the registration form would be validated when a member of the panel established for the purpose, had identified the applicant.

187. If the Referendum Administrator was satisfied that the applicant qualified to be registered as a voter in the referendum, the word "accepted" was then written against the name of the applicant in the part of the register reserved for postal voters and he was thereby deemed to be fully registered.

188. The Mission was informed that over 347 valid postal votes had been received, including a limited number of local postal votes. Mr. Bailey remarked on the very small number of instances where the applicant had not completed the procedure for postal voting. In most of those cases, he intended to give the applicant an opportunity to qualify.

189. He explained that the seamen working in ships overseas were normally recruited through three main shipping agencies and that he had been able to obtain the names and addresses from these agencies and had transmitted the relevant documents to the seamen. In all, he has sent referendum information and forms to 207 Ellice Islands seamen through these sources.

190. Mr. Bailey said that the Ellice Islands students studying abroad had been located from information obtained from the Department of Education and that other Ellice Islanders overseas had been reached through relatives or friends or other direct methods.

191. Polling for the ordinary voters began on Tarawa between 15 and 17 August, continued on the Ellice Islands between 27 August and 12 September, and was completed on Ocean Island on 17 September. The count of all votes, both from the rolling ballot and the postal ballot, took place in public at Bairiki on 1 October. The Mission has been informed that 3,799 voted in favour of separation, 293 voted against and that there were 40 invalid votes.

3. Observation of the referendum in six of the nine Ellice Islands

Nanumea

192. The Mission and the Referendum Administrator, together with his assistants, embarked on the MV Nivanga at Betio on 23 August. On 26 August, the vessel arrived at Nanumea, the first port of disembarkation in the Ellice Islands. Mr. Maheu Naniseni, the member for Nanumea in the House of Assembly, came aboard to welcome the Mission and to inform it of the programme which had been arranged for its stay on the island. The Mission then put to shore in boats which were escorted into the lagoon by a number of men and women in decorated canoes.

193. Access to the Nanumea was through a channel made by the United States occupying forces during the Second World War. The island appeared more fertile than Tarawa and the other Gilbert Islands, owing to heavier and more frequent rainfalls. The island has a population of 978 and its total area is 956 acres.

194. Nanumea produces less copra than it could. The islanders have a relatively prosperous subsistence economy based on the cultivation of root-crops and other small-scale farming, the rearing of poultry and pigs and fishing. There are no household industries as such, although local handicrafts are made for everyday use. The only commercial concern is the local co-operative, which carries a limited range of consumer goods for sale.

195. The Mission and the Referendum Administrator were met by representatives of the Nanumea Island Council and other community organizations and were escorted to the maneaba where Mr. Bailey addressed the gathering.

196. In his statement, the Referendum Administrator outlined the nature and purpose of the referendum and explained that the United Nations Mission was present to observe that the referendum was carried out in accordance with the procedure laid down by the administering Power. At a public meeting later that afternoon, he explained the referendum in greater detail and outlined the qualifications for voting. The statement of conditions for separation (see para. 170 above), laid down by the administering Power, was formally read out. The Referendum Administrator then invited questions from the assembly.

197. Mr. Naniseni, the member for Nanumea in the House of Assembly, asked whether separation would be immediate if the results of the referendum were in favour of secession. The Referendum Administrator replied that both the administering Power and the territorial Government had undertaken to grant separation if the Ellice Islanders desired it. However, it was his belief that the mechanics of separation, including the discussion of the various provisions set out in the statement of conditions among representatives of the United Kingdom Government, the present Government of the Gilbert and Ellice Islands and representatives of the Ellice Islands would take some time. Later he said that he believed such negotiations could not be completed before early 1976. Even if legislation was passed quickly, problems of staffing would remain which had to be resolved in an orderly and friendly fashion between the two groups.

198. In reply to a question as to what the constitutional status of an Ellice Islands colony would be, the Referendum Administrator said that he thought it would be similar to the present status of the Gilbert and Ellice Islands as a whole; that is to say, the new colony would be "at a stage before internal self-government" and would have its own administration, to which the United Kingdom Government would delegate a number of responsibilities.

199. Mr. Naniseni asked a number of questions concerning the conditions for separation set out in the statement of conditions, which were non-negotiable. Mr. Bailey emphasized that those conditions, although non-negotiable, did not necessarily mean that the Ellice Islands would suffer as a result. He stated that it was not unreasonable to expect that United Kingdom aid, the level of which would be discussed in the event of separation, would at least be sufficient to maintain the services which the Ellice Islands now received, in addition, development aid would be forthcoming. He would, however, consider it his duty to report to the Governor that there was some dissatisfaction with the conditions.

200. A question was raised concerning the disqualification from voting of persons who had been sentenced to imprisonment. Mr. Bailey replied that he had taken note of the objection to this disqualification. It had been raised previously, but in any case it was too late to alter the law. He informed the meeting, however, that only four persons were affected.

201. Further questions mainly reflected discontent with the conditions for separation set out in the statement of conditions and with the amount of time which would be required to implement full separation.

202. Appeals were made to the Mission to take note of the unfavourable conditions existing in the Ellice Islands and, in the event of separation, to give consideration to any requests to the United Nations for aid. The Referendum Administrator stated that the Mission had been invited by the United Kingdom Government primarily to observe the referendum but that anyone could approach it during its stay on the island. He then appealed to those who had not yet registered to do so.

203. After the vote had taken place on 27 August, the Mission met with the member of the House of Assembly, the members of the Island Council and with other members of the community. The Chairman invited those present to discuss the issue of separation and their present and future plans for the Territory. Mr. Fati Telavi, a former representative in the Legislative Council, spoke first. He said that at one time the Ellice Islands had been associated with the Tokelau Islands i/ and that no explanation had ever been given for the ties with the Gilbert Islands. He considered that the association with the Gilbert Islands had been satisfactory until the United Nations had pressed for decolonization. The three constitutional steps taken by the Gilbert and Ellice Islands in recent years, which had resulted in the increasing devolution of powers to the elected

i/ Until 1925, when the administration of the Tokelau Islands passed to the New Zealand Government.

territorial representatives, had loosened the ties with the United Kingdom. He added that further constitutional developments would see two separate Territories, where one existed before.

204. The member of the House of Assembly and later the President of the Island Council traced the issue of separation to cultural and social differences and to the fears of the Ellice Islanders that, because they were outnumbered 7 to 1 by the Gilbertese, they would be dominated by the latter.

205. Another speaker said that there would be difficulties so long as the two groups of islands remained together. He remarked that most, if not all of the development money, was spent in the Gilbert Islands.

206. Several speakers replied to a question put by the Mission as to what plans existed for development, particularly regarding the economy and education. The pastor of the Ellice Islands Protestant Church stated that he expected the United Kingdom Government to co-operate with the Ellice Islands in the event of separation. He said that the latter would also approach the United Nations and its specialized agencies, as well as friendly Governments, in order to develop the resources of the islands in the best possible way. Mr. Naniseni said that a number of projects might be implemented, which had not been carried out by the Government of the Gilbert and Ellice Islands. These included increased production of copra, fishing and agriculture. The President of the Island Council expected that economic links would be developed with the Gilbert Islands from the time of separation and that they would be strengthened as time progressed.

207. The Chairman thanked those present for the free discussions which had taken place and gave an assurance that the United Nations would continue to follow closely developments in the Territory. She said that the visit had afforded the Mission an opportunity to see conditions in the Territory at first hand and to have valuable talks with the leaders and members of the Nanumean community.

208. At a farewell ceremony which began in the maneaba and continued at the rest house where the party was staying, the Chairman and the Referendum Administrator expressed their gratitude to the people of Nanumea. Songs j/ were sung and additional statements made by the leaders and elders. The party then left the island by boat for the ship.

Nui

209. The Mission arrived at Nui, the second island in the Ellice group to be visited, on 28 August. Nui has a population of 569 and an area of 699 acres. It was the Mission's first experience of going ashore by canoe. The members of the Mission, the Referendum Administrator and his assistants were hoisted over the reef and carried ashore by the young stalwarts of the island. Following this

j/ One of the songs showing the sentiment of the people for separation is reproduced in appendix XXIV to the present report.

colourful welcome, the Island Chiefs and the President and members of the Nui Island Council escorted the entire group into the maneaba where it was refreshed with the traditional coconuts.

210. Mr. Sione Tui Kleis, the member for Nui in the House of Assembly, was absent from the island. The Mission subsequently met him at Funafuti. The Vice-President of the Island Council, who took a very active role in the proceedings throughout the Mission's stay on Nui, expressed the hope that the party would be able to clear away any doubts which the population might have before they decided on the separation issue. He also expressed the hope that the United Kingdom Government would continue to consider the Ellice Islands as a colony and that any request the islanders might make would receive attention.

211. The Chairman replied that the Mission was happy to be in the islands. It was there to observe the referendum and to see that it was properly carried out. The members of the Mission hoped to be able to talk with the people of the island and to discuss with them their present and future plans. She appealed for frank discussions. The Referendum Administrator also thanked those present for the warm reception given to the party.

212. After retiring briefly to its quarters, the party reassembled at the maneaba, where the Referendum Administrator addressed the people of the island. He told them that the votes which each person would cast the next day would concern that person individually, and that what was at issue was an important and serious matter not only for those present but also for their children and their children's children. He explained to them what a referendum was and emphasized that the voting would be secret.

213. Subsequently he stated that the meeting had three purposes: (a) to provide an opportunity for the people of Nui to clear their minds of any doubts: the United Nations observers, he said, were there not only to see that the referendum was properly conducted but to assure themselves that the people understood the implications of what they were doing; (b) to allow those who felt entitled to vote to make a late application to register; and (c) to read out the names of those registered so that anyone who had cause to do so could object to the inclusion of any name in accordance with the Ellice Islands (Referendum) Order, 1974 (see the appendix to annex III.C to the present chapter).

214. As he had done previously at Nanumea, the Referendum Administrator read out, or caused to be read, the voting qualifications in the Ellice and Gilbertese languages. Having been under Gilbertese domination, most of the people of Nui speak the latter language. The local pastor asked questions concerning the conditions for separation set out in the statement of conditions by the administering Power, especially those conditions which the United Kingdom had stated were not negotiable.

215. The Referendum Administrator offered some thoughts for the meeting's consideration. The final point listed in the statement governing separation concerned the level of the aid which the United Kingdom would offer to maintain normal services and to finance new development (see para. 171 (e) above). Some

islanders had criticized the statement as not being sufficiently precise. The Referendum Administrator explained that it would be premature for the administering Power to say, before the vote had taken place, how much aid would be granted. It was only possible to say that the assistance would be sufficient to enable services to be continued in the manner to which the population was accustomed. In the first place, the United Kingdom Government would save money inasmuch as the income from the Revenue Equalization Fund would henceforth be devoted to the Gilbert Islands alone and not to the Territory as a whole. It was therefore not unreasonable to assume that the United Kingdom would take account of the savings in providing assistance to a separate Ellice Islands colony. The metaphor of a father with two sons was used to illustrate his point. If two sons wanted to go their separate ways, then it might be wise to remove certain matters from the area of dispute, so that both could part in peace.

216. A former President of the Island Council inquired whether the conditions had been laid down by the United Kingdom Government. The Referendum Administrator affirmed that they had been. Another speaker inquired what would happen to Ellice Islanders employed in the Gilbert Islands. The Referendum Administrator stated that it was up to the representatives of the Ellice Islanders and to the Gilbert and Ellice Islands Government to decide whether Ellice Islanders could work in the Gilbert Islands. There were two interests involved: that of the two separate colonies, and that of the individuals concerned. For a time the Ellice Islanders might not lose by working where they wanted to, and some near retirement age might, in any case prefer to remain on Tarawa.

217. A retired radio broadcaster who had opened broadcasting services in Tarawa in 1945 said that the Ellice Islands would require United Nations aid, no matter how little, if the islanders voted to separate. The Referendum Administrator referred him to the sources of aid now being received from the United Nations and said that he believed this would be continued and expanded where possible.

218. The President of the Island Council said that the first part of the statement of conditions by the United Kingdom Government (see para. 170 above), on conditions governing the separation of the Ellice Islands from the Territory, would have to be reconsidered. The Referendum Administrator said that in voting for separation, the people must understand that they were automatically accepting those conditions. He again undertook, however, to report that objection to the conditions had been raised.

219. The Referendum Administrator then went on to explain the balloting procedure for the following day.

220. On the following day, towards the end of the balloting, the Mission met with those of the community who had already cast their votes. The Chairman asked those present to feel free to put questions to the Mission. She said that the Mission understood that, according to local custom, women and young people did not always participate in such discussions. The Mission understood that copies of the conditions governing separation had been distributed among the people. She asked for a show of hands by those who had received a copy of the conditions and had read and studied them. About 20 per cent of those present responded in the affirmative.

221. She then inquired what plans the people had for the future if separation took place. The pastor said that, in setting up the new Ellice Islands colony, the people would first request financial assistance from the administering Power and then possibly from the United Nations. As to what kind of political institutions the people wanted, he said that, in the main, they preferred to remain associated with the United Kingdom and, in general, with the British Commonwealth. There was room for political development but the new Territory should never be alone.

222. The Chairman pointed out that if separation took place, some of those working outside the Territory might well have to return to the Ellice Islands. She asked what plans for economic development had been discussed with a view to giving employment to those returning. The pastor replied that the people understood there were not enough jobs. That was the reason for wanting the United Kingdom Government to review the conditions for separation under which the referendum was being held. In particular, he would like a reconsideration of the number of islands to be included in the new colony. When queried further about this last remark, the pastor said that the people would like to include Christmas Island, which was a big island and had the potential to be developed.

223. The Chairman inquired why the people of Nui wished to separate. The pastor said that those reasons had been explained to Sir Leslie Monson and to Mr. Anthony Kershaw, the United Kingdom Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs. They were not, for example, satisfied with the allocation of scholarships for overseas study, the ratio for which was 1 Ellice Islander to every 5 or 6 Gilbertese. The Mission inquired whether this was based on ability or whether it was decided on the basis of numerical proportion. The pastor considered that it was the latter. Other reasons for separation were the differences in customs and in the way of life.

224. When asked why they were only now coming to realize these differences after living together for so long, the pastor replied that they had not complained earlier because contacts between the two groups had been fewer in the past.

225. The Mission observed that, despite what the Referendum Administrator had said, some Ellice Islanders still seemed to believe that after a vote for separation the conditions would still be negotiable. Would the islanders still want to separate if they knew that none of the conditions could be altered? The Mission was informed that the people had voted on the separation issue but not on the conditions set by the United Kingdom Government. When the result was known, the people hoped to approach the United Nations to help review the conditions set down by the United Kingdom.

226. The Mission inquired whether there had been any co-ordination with other Islands in the group to decide on their future. It was informed that there had been only two formal interisland discussions at the meetings with Mr. Kershaw and Sir Leslie Monson. There had, however, been some opportunity for Ellice Islands leaders to discuss common problems when Prince Charles had visited Funafuti.

227. The Mission inquired how many Nui children were at King George V High School and how many persons from Nui were working on Tarawa. Had there been any exchange of views with these friends and relatives concerning separation? The pastor replied that by Ellice Islands custom all of those studying and working in Tarawa would follow what their leaders thought, but the separation issue had in fact been raised by Ellice Islands leaders in Tarawa who had held meetings and exchanged views with the elected Ellice Islands representatives in the House of Assembly.

228. The Mission inquired if the people thought that the leaders should have met together to plan for the future and was told that there had been difficulty in holding meetings - a difficulty principally caused by lack of transport. The Chairman stated that there was a strong need for consultation, in particular if the Ellice Islanders were to request aid from the United Kingdom Government.

229. The pastor then asked the Mission to explain what the United Nations was and how it operated. The Chairman said that the United Nations was an organization of independent States which had joined together to work for peace in the world. One of its aims was to ensure that all peoples of dependent Territories should decide their own future and the best way to accomplish this was to have the administering Power and the United Nations work together to give all people their own government. The United Nations also worked to raise the standard of living of poor nations to a level which was acceptable for all. That was the reason for the existence of many specialized agencies in such fields as health, food, development, weather and so forth.

230. Every year the administering Power, which in Nui's case was the United Kingdom Government, submitted an annual report concerning improvements which had taken place during the period under review in the fields of health, education and other services, in an endeavour to develop the Territory towards self-government. This report was discussed each year by a sub-committee of the Special Committee. On the basis of the discussion, conclusions and recommendations were drawn up. These were examined and endorsed or altered and sent on to the General Assembly where they were discussed by all the Members of the United Nations. Therefore, the Territory was considered at least twice a year.

231. The pastor thanked the Mission and expressed the hope that the United Nations would keep an eye on developments in that part of the world. The Chairman replied that whatever the outcome of the referendum, she wished to assure the people that the United Nations would continue to watch over their interests and see how the people fared.

232. The pastor inquired of the United Kingdom liaison officer accompanying the Mission, whether or not the administering Power was happy about separation. Mr. Richardson explained that although he was not directly involved in work on matters relating to the Gilbert and Ellice Islands, he was sure that the United Kingdom Government would accept whatever the people decided. The pastor asked Mr. Richardson to take note that the Ellice Islanders would very much like to remain with the United Kingdom. The Mission departed from Nui late in the afternoon of 29 August.

Vaitupu

233. The MV Nivanga arrived at the island of Vaitupu on the morning of 30 August. The Chairman and the Referendum Administrator received Mr. Telematua Leupena, the President of the Vaitupu Island Council, on board. The party was taken ashore on canoes which had accompanied Mr. Leupena out to the ship. Access to the island was through a natural channel in the reef. At low tide, the water runs half-way between the reef and the shore line. The Mission's canoes were carried shoulder-high by a number of Vaitupu's young men.

234. The island of Vaitupu is the largest in the Ellice group and has a land area of 1,385 acres. Its population, numbering 948, is the second largest in the Ellice Islands. Like most of the islands in the Territory, it exports copra and imports rice and European food-stuffs, for which there is a growing demand. The land is fertile and supports a number of root and tree crops. Two types of bananas are grown. The only commercial concerns on the island are two co-operative retail stores, both of which have plans to expand later in 1974 through the construction of additional facilities. The local diet is supplemented by poultry and fish. Pigs are reared on a small scale.

235. The Mission was met by a reception group similar to those mentioned earlier. The island's master of ceremonies then escorted the party to the maneaba where the local people were gathered. A welcoming drink of coconut juice was offered to the party which was also entertained with a display of traditional dancing. The President of the Island Council, in his welcoming address, said that he was aware of the peace-keeping role of the United Nations and of the Mission's task of observing the referendum. He was sure that the United Nations would see that the Ellice Islands received fair treatment.

236. The Chairman thanked the people of Vaitupu for the entertainment which they had provided, particularly the invitation to dance which members of the party had accepted. She said that it was indeed the quickest way of getting to meet the people. The Mission had been invited by the administering Power to observe the referendum, but she explained that it was also the Mission's responsibility to gather first-hand information on conditions in the Territory; in that regard, she and the other members of the Mission would like to meet with people to discuss not only the issue of separation but also matters relating to the present and future plans for development of the Ellice Islands.

237. At the same meeting, the Referendum Administrator told the people that after the welcoming ceremony he would outline the purpose of the referendum and the procedure for voting; the actual balloting would take place on the following day. He added that the administering Power and the Government of the Territory wished the people of Vaitupu to speak freely to the members of the Mission. He then introduced Mr. Michael Murray, who was collecting material for the radio station at Funafuti and appealed to the people to come forward with songs, chants, fables and other suitable material that could be used by the Ellice Islands radio station when it was set up in 1975.

238. The Referendum Administrator, in an address to the islanders delivered later that morning, said that the administering Power had decided on the holding of a referendum and the Governments of the United Kingdom and of the Gilbert and Ellice Islands had both agreed that, if the Ellice Islanders voted for separation, they would implement that decision. The main purpose of the meeting was to provide information so as to ensure that the people clearly understood the issue and, if necessary, that they could reconsider their individual positions before voting next day. He pointed out that at meetings held on other islands, discussions had focused on the conditions for separation laid down by the administering Power. Those conditions were not negotiable. The question of separation, he said, was more fundamental than any conditions which might be attached. Separation would affect the lives of future generations. The people should consider, when they voted on the following day, not how much money they would obtain but whether separation would provide the sort of life that they wanted for their children. Voting would be carried out by secret ballot and nobody would know how any person had voted.

239. The meeting also furnished an opportunity for late registration of voters. After this had taken place, the Referendum Administrator read out the two questions which would appear on the ballot paper and explained the qualifications laid down for voting in the referendum (see paras. 169-170 above), as well as the conditions for separation which were set out in the Ellice Islands (Referendum) Order, 1974 (see the appendix to annex III.C to the present chapter). As he had done previously, he pointed out that the conditions, which related inter alia to the Revenue Equalization Fund, the phosphate royalties and the assets of the Gilbert and Ellice Islands Territory, were non-negotiable. A vote for separation meant acceptance of those conditions. In the event of separation, the questions listed in the statement of conditions (see para. 171 above) would be open for discussion by the administering Power, the Government of the present Territory and representatives of the Ellice Islanders.

240. The President of the Island Council and other speakers focused their questions on the conditions for separation. They wanted to know, among other things: why the administering Power had decided to exclude the Ellice Islanders from the benefits of the Revenue Equalization Fund; why, in the apportionment of land, the Ellice Islanders could not obtain additional land, for example, Christmas Island, which was Crown land; and whether the Ellice Islanders could open negotiations on the conditions at a later stage.

241. In his replies, the Referendum Administrator said that he did not know the specific reasons why the administering Power had decided upon the conditions set out in the statement of conditions. Perhaps it had thought that the conditions would make the negotiations easier between the representatives of the territorial Government and of the Ellice Islanders. For instance, it would be easier for the two groups to discuss such matters as, the level of employment of Ellice Islanders in the Gilbert Islands and the continued access by Ellice Islanders to the Merchant Marine Training School, if there had not previously been heated discussion on matters such as the Revenue Equalization Fund. He assured the meeting that the administering Power would provide aid, both for recurrent and capital expenditure,

which would compensate for any loss of revenue and would be at least sufficient to maintain the existing level of services. The Referendum Administrator said that he would take note of the question concerning the boundaries of a possible Ellice Islands Territory. It was clear that the conditions for separation were non-negotiable, but the Ellice Islanders could certainly try to open negotiations on them at a future date.

242. In reply to further questions about the conditions in general, the Referendum Administrator said he would speak very frankly. The Ellice Islanders were proposing to secede from the Gilbert Islands, not the reverse. United Kingdom officials who had previously visited the islands had pointed out the economic disadvantages of separation. Nevertheless, the United Kingdom Government had respected the wishes of the Ellice Islanders and had agreed to hold a referendum and to abide by its results. If the Ellice Islanders wished to separate, they must accept that more effort would be required to make the islands self-sufficient. Only then would separation have meaning. The conditions for separation were relatively unimportant by comparison. He wished to avoid expressing personal opinions but felt, nevertheless, that those who voted for separation should look upon it as a challenge and not seek guarantees against all contingencies.

243. Continuing, the Referendum Administrator pointed out that the amount of income from the Revenue Equalization Fund was relatively small. Its capital was not for spending, and the interest on it would not suffice for the needs of the Gilbert Islands after 1978 when the phosphate deposits were finally exhausted. A search was being made for other development prospects, but continuing United Kingdom aid to both the Gilbertese and Ellice Islanders could not be excluded. Moreover, expenditure in the Gilbert Islands would remain high whether or not the Ellice Islands separated. Many of the Territory's activities were centred on Tarawa and separation would not reduce the cost of those central services, from which the Ellice Islanders living there benefited. It followed that even if the United Kingdom Government had divided the Fund according to the two groups' respective need for money to defray the cost of services, the Ellice Islanders could not have expected a large share.

244. In response, one speaker argued that the Gilbertese wanted separation as much as the Ellice Islanders, and that the Gilbert and Ellice Islands Government should have taken the decision on the allocation of assets, and not the United Kingdom Government.

245. During the remainder of the meeting, questions were put relating to the aid which the Ellice Islands might receive, after separation, from the United Kingdom Government, international organizations and other sources. The Referendum Administrator said that, at present, aid was being furnished by the South Pacific Commissioner and by the Governments of the United Kingdom, Australia and New Zealand. In addition, the specialized agencies of the United Nations were carrying out a number of projects in the Territory, including the Ellice Islands. There was no reason to believe that overseas aid would not continue in the future.

246. In reply to questions concerning the transfer of only one ship to a separate Ellice Islands colony, the Referendum Administrator explained that it cost from

\$A 600 to \$A 700 per day to operate the Nivanga, including the cost of repairs and spare parts. GEIDA required a heavy subsidy to run the Territory's fleet. It might therefore be prudent for the Ellice Islanders to begin in a small way and to assess the financial factors involved before enlarging their fleet.

247. In the afternoon, the party paid a visit to the Motofoua High School, the only secondary school in the Ellice Islands group. It is a boarding school, operated by the Ellice Islands Protestant Church, and it caters to students from the Ellice Islands.

248. The Mission was very much impressed with the school and the curriculum offered. In a short address, the Chairman told the students of the role of the Mission and of the importance of the referendum for their future lives. The Chairman asked the students to remember, as future leaders in their respective societies, their responsibilities to their villages, their islands and the world. The Referendum Administrator, who spoke afterwards, thanked the students for their songs and said that he hoped that their secondary education would not separate them from their traditions. He appealed to them to work for the future of the Ellice Islands and to bear in mind that their responsibilities would be increased if the Ellice Islands should separate from the Gilbert Islands.

249. The Mission met with the people of Vaitupu in the early afternoon after they had voted. About 300 people attended the meeting, including Mr. Puapua, the member for Vaitupu in the House of Assembly, the President and members of the Vaitupu Island Council and six chiefs, as well as dignitaries and other members of the community. The Chairman gave a brief outline of the work of the United Nations, including its composition and its peace-keeping role. She explained that the specialized agencies of the United Nations were involved in numerous projects around the world and sought in their various capacities to raise the living standards of the world's population. The purpose of the Special Committee and its role in regard to decolonization was then explained. She also explained that the United Nations Mission was in the Ellice Islands to assist the Special Committee in the discharge of its functions and she appealed to the audience to be forthcoming with any information which would help the Mission and the Special Committee in their work.

250. She asked how many people had received the statement of conditions for separation at least one week prior to the referendum. About one third of those present signified that they had by raising their hands. A number of persons spoke on the issue of separation. Most of them referred to the differences in social customs and language which existed between the Gilbertese and Ellice Islanders and mentioned specifically their fear that the Ellice Islanders might lose their identity if intermarriage continued. Others feared that, so long as the Gilbert and Ellice Islands constituted a single Territory, the Ellice Islanders would always have the status of a minority and would consequently be dominated by the Gilbertese. The differences between the two peoples had become more apparent and the fears of domination had increased with every constitutional advance. They had been further exacerbated by the disproportionate levels of development in the Gilbert Islands.

251. The Mission inquired whether any plans existed for the economic development of the Ellice Islands if separation should occur. The local pastor said that he envisaged the development of a fishing industry, market gardening, a poultry industry and local handicrafts as well as an increase in copra production. Replying to further questions, the pastor said that most of these developments could be undertaken by the Ellice Islands with its own resources and that, although the Ellice Islanders would look to the administering Power for aid, they would also work harder than before to achieve their goals. He hoped that markets for their products would be found. He complained that, although shipping services had improved since 1972, they were still extremely inadequate.

252. In reply to a question as to whether those who were eligible to vote had considered the conditions laid down for separation, one speaker said that they would not vote for the conditions, but for separation. He added that they would petition the United Nations to request the administering Power to re-open negotiations on the conditions.

253. The discussion was then directed towards the political and constitutional development of the Ellice Islands. Speakers thought that a separate Ellice Islands Territory should have a constitution broadly similar to the one at present in force for the Territory of the Gilbert and Ellice Islands as a whole, incorporating a ministerial system of government. They envisaged that the Ellice Islands should remain under United Kingdom administration for about 10 years before further constitutional steps were taken. k/

Niulakita

254. The Mission arrived off the coast of Niulakita on the morning of 2 September. Mr. Ikapoti Moiono, the agent for the Niutao Island Council (see para. 256 below), came aboard the Nivanga and was received by the Chairman and the Referendum Administrator. The party went ashore by the ship's boats, as it was high tide. Access to the island was through a passage in the reef.

255. The name "Niulakita" is derived from the type of coconut tree found on the island at the time of its discovery. In size, the island is 10⁴ acres, most of which is covered by coconut trees. From the lush vegetation on the island, the Mission noted that the soil was very fertile. It was the Mission's opinion that other food crops and livestock could be successfully introduced, especially since the Mission learned that cattle had been raised there earlier. Niulakita has a plantation economy and its population, currently 65, is recruited from the neighbouring islands of Nukulaelae and Nukufetau for periods of two years. However, for local government purposes, it is linked with the island of Niutao and the two form a parliamentary constituency. An agent of the Niutao Island Council is resident on the island and is responsible for its administration.

k/ Similar views were expressed to the Mission on the island of Nukulaelae.

256. The Mission and the Referendum Administrator were given a formal welcome in the maneaba by the agent of the Island Council and the residents of Niulakita. The Referendum Administrator introduced his assistants and the members of the Mission to the gathering. He informed them that the votes taken on the island would be combined with those of Niutao. The meeting was then adjourned and the members of the party walked around the island.

257. At a subsequent meeting, the Referendum Administrator explained the referendum in greater detail, referring to Sir Leslie Monson's visit to the Ellice Islands in January and February 1973 (see paras. 165-167 above). After outlining the procedure for voting, he then invited questions. On the whole, the major preoccupation of most speakers was with the conditions for separation.

258. The meteorological officer, among his many questions, asked whether the House of Assembly had made any decision concerning the future of Ellice Islanders employed by the central government. The Referendum Administrator replied in the negative and said that such matters were to be negotiated in the event of separation. The same speaker sought and was given clarification on the referees who would function as verifiers in the case of postal voting.

259. The Mission met with representatives of the people after they had voted and the discussion embraced a wide variety of topics. One speaker looked forward to the time when the Ellice Islands would be on its own and called on the United Nations to watch over political developments in the Territory. The United Kingdom liaison officer, in response to a question, replied that the United Kingdom Government had undertaken to provide both budgetary and development aid to the Ellice Islands, if separation occurred. The Chairman closed the meeting by thanking the people of Niulakita for the frank discussion and assured them of the continuing interest of the United Nations in the Territory.

260. The names of 26 persons were inscribed in the register of voters and 29 people participated in the vote, including 3 persons registered in Niutao. Allowance was made under the Ellice Islands (Referendum) Order, 1974, for residents of the Ellice Islands to vote on the island where they happened to be on a day when the rolling poll was taking place on that island.

261. The Mission and the Referendum Administrator bade farewell and left for the Nivanga. Later that evening the ship departed for Nukulaelae.

Nukulaelae

262. The MV Nivanga made the journey from Niulakita to Nukulaelae in about five hours. The visiting party went ashore on the island of Nukulaelae very early on the morning of 3 September by canoe and the ship's work boats. Mr. Timo Maunga, the president of the Island Council, met and escorted the party through the reception groups to the maneaba.

263. In a welcoming address, the pastor said that it was a great honour to welcome a United Nations Mission to the island and that the long-cherished dream of separation had arrived. He stated that the peoples of the Pacific, including the

Gilbert and Ellice Islands, were strongly opposed to the nuclear testing in the Pacific which had recently been carried out by France. The Mission noted that this reflected the statement made in the House of Assembly in early August by Mr. Isakala Paeniu, the member for Nukulaelae, who is also the Minister for Natural Resources. Mr. Paeniu had stated that the Gilbert and Ellice Islands had already associated itself with other Pacific Territories in condemning the French nuclear tests at Mururoa Atoll.

264. A second speaker said that it was a special occasion for the people of Nukulaelae to welcome the visiting party which had come to administer and observe the referendum. He said that the last months had brought concern, but finally the moment of the referendum had arrived and he expressed the hope that the voters of Nukulaelae would cast their votes in the same way as those who had voted on other islands. 1/

265. The Referendum Administrator replied to the welcome on behalf of the party and introduced the members of the Mission. He then asked for a short adjournment to review the programme which had been prepared for the party and to allow more people to join the meeting.

266. When the meeting was reconvened, the Administrator explained the nature of the referendum and outlined the procedure for voting. He then invited questions from those present. The majority of the questions concerned the conditions for separation. This reflected the attitude of the people in the other islands previously visited by the Mission. The issue of aid was closely linked to the conditions and there were a number of questions as to whether aid would be forthcoming from the administering Power, the United Nations and other sources.

267. Mr. Melitiana Kaisami, a member of the former Legislative Council, requested clarification on voting restriction applicable to convicted criminals (see para. 200 above). The President of the Island Court wanted to know why Vaitupuanans now living on an island in Fiji would not be allowed to vote. The Referendum Administrator explained that they were now citizens of Fiji.

268. After the balloting, the meeting was reconvened. In reply to a question on the future of secondary education in the Ellice Islands, the Administrator said that secondary education was among the subjects to be discussed between the administering Power, the Gilbert and Ellice Islands Government and representatives of the Ellice Islands, if separation were to take place.

269. A number of speakers spoke on economic issues. The pastor recorded his concern over the presence of foreign fishing boats within the territorial waters of the Gilbert and Ellice Islands. He called on the United Nations to help put a stop to that encroachment. Other speakers suggested increasing the production of local handicrafts and agricultural products, particularly copra, as a source of increased local revenue.

1/ Mr. Paeniu had been the only Ellice Islands representative to oppose separation on the grounds that an independent Ellice Islands would not be economically viable. The Mission was informed, however, that prior to the referendum he had told his constituents that he would support whichever choice they made.

270. It was the opinion of many speakers, that there was a pressing need for better communications and travel facilities, both interisland and interregional. The Mission concurred in that opinion. Particular mention was made of the cumbersome and dangerous reef passages. The Mission noted, in this connexion, that the current development plan for the period 1973-1976 made provision for feasibility studies to be carried out on reef passages in the Territory. The Mission was informed that preliminary studies had been made by a consulting firm from the United Kingdom.

271. The pastor said that he would like to see the people of the Territory given access to the United Kingdom and to employment there just as the people of the Tokelau Islands and Niue were able to raise their living standards by working in New Zealand. Mr. Richardson replied that the peoples of the Tokelau Islands and Niue were citizens of New Zealand. Furthermore, he pointed out, both of those Territories were closer to New Zealand than the Gilbert and Ellice Islands were to the United Kingdom. He added that it was important that the Ellice Islanders should develop their own economy and not depend solely on remittances from abroad.

272. In response to a question about the maintenance of ties with the Gilbert Islands, one speaker expressed the hope that all such ties could be severed as soon as the Ellice Islands had developed its own educational system. Another speaker stressed the importance of maintaining friendly relations with the Gilbertese.

273. When asked if the United Nations and the United Kingdom Government were opposed to the separation of the Ellice Islands from the Gilbert Islands, the Chairman replied that the United Nations was opposed in principle to fragmentation, but at the same time believed that the wishes of the people had to be respected. Mr. Richardson added that although the Government of the United Kingdom had originally considered that the economic disadvantages of separation were of overriding importance, nevertheless it too felt bound to respect the wishes of the Ellice Islanders.

274. The Chairman, in closing the meeting, called on the leaders of the Ellice Islands community to work together for the development of the Territory. She gave an assurance that the United Nations and the Special Committee would continue to watch its progress. The Mission left Nukulaelae by canoes in the evening of the same day.

Funafuti

275. Funafuti has a population of 871 and a total land area of 689 acres. The District Officer for the Ellice Islands is located there as well as the headquarters of the Ellice Islands Protestant Church.

276. On 21 October 1972, the island was extensively damaged by hurricane Bebe. Six persons were killed, the fisheries survey fleet was sunk and nearly all the buildings and infrastructure on the island were destroyed. Immediate relief

measures were instituted by the Government and by GEIDA; the island received assistance from overseas, particularly from the New Zealand Government, which provided temporary shelter for the population and a team of engineers to undertake clearance work. Relief grants were received from the United Nations and a number of Governments, private organizations and individuals. Total donations, including those from within the Territory, amounted to \$A 95,000.

277. The United Kingdom Government has assumed responsibility for the reconstruction of Funafuti. The Mission is not certain, however, of the precise amount of aid which the island has received or which is planned for it. According to the development plan for the period 1973-1976, the cost of reconstruction was originally estimated at \$A 1.13 million. By the end of 1973, \$A 933,000 had been approved and an additional \$A 499,000 allocated in the 1974 estimates. This brought the over-all estimates for reconstruction to \$A 1.5 million, including the donations mentioned above.

278. Projects are under way to repair and renovate buildings and replace buildings including the 20-bed Funafuti hospital, the wharf and the Island Council school, as well as the new radio station, construction of which was delayed by the storm.

279. The Mission and the Referendum Administrator arrived in Funafuti on 4 September. The party was met by Mr. Sione Tui Kleis, the Minister for Commerce and Industry, who is also the member for Nui in the House of Assembly; Mr. Toalipi Lauti, the member for Funafuti in the House of Assembly; Mr. Tupua Leupena, the District Officer; and members of the Island Council. Immediately upon its arrival, the Mission had a short private meeting with Mr. Kleis at the Vaiaku Langi Hotel before his departure by air that morning for Tarawa. The Mission also took leave of its two liaison officers, Mr. Isala and Mr. Greig, who left by the same plane.

280. In his discussion with the Mission, Mr. Kleis recounted developments leading to the present referendum. He said that the Ellice Islanders were not satisfied with the conditions for separation set out by the United Kingdom Government, in particular, those conditions which would exclude their sharing in the Revenue Equalization Fund and the Crown lands in the Phoenix and Line islands. The Minister explained that he had moved the first motion for separation in the former Legislative Council.

281. In reply to questions from the Mission, the Minister stated that the Ellice Islands parliamentary group had discussed the conditions among themselves and in their individual constituencies, but had not made any formal protest regarding the conditions in the House of Assembly. He added that the parliamentary group had been given to understand that the conditions were non-negotiable. He was hopeful, however, that it might be possible to negotiate with the Gilbert Islanders for a share of the Revenue Equalization Fund. The policy of the Government of the Gilbert and Ellice Islands was to give its approval to separation if the results of the referendum revealed that the majority of Ellice Islanders had voted for it. The Government's approval would take the form of a decision by the Council of Ministers.

282. The Minister said that, after separation, the Ellice Islanders would form a government and would develop the resources of their group of islands. He added that there would be no difficulty in absorbing the Ellice Islanders now working in various professions in the Gilbert Islands. The only exception he saw was the redeployment of police, as there were already too many.

283. Concerning GEIDA, of which he was Chairman, the Minister said that GEIDA was responsible to the Government but that the final decision-making body was its Board. The Chairman thanked the Minister, who then departed for his flight.

284. Following the meeting with the Minister, the Mission then attended a public meeting in the maneaba with the Referendum Administrator. In welcoming the Mission, Mr. Lauti, the member for Funafuti in the House of Assembly, said that the presence of the Mission showed how much the United Nations cared for small nations. He asked the Mission to convey the thanks of the islanders to the Secretary-General. In reply, the Referendum Administrator said that the United Nations took a close interest in dependent Territories, regardless of their size. The Mission, in addition to observing the referendum, would also gather first-hand information on conditions in the islands and the aspirations of the people. It would hold discussions with representatives of the community the following day. The Administrator then explained the purpose of the referendum and the procedures for voting.

285. During the discussion that followed, Mr. Lauti stated that, despite the harsh conditions laid down by the administering Power and the problem of population density, he was in favour of "freedom". Subsequent speakers criticized the conditions for separation and requested economic aid for the Ellice Islands. One speaker asked whether the Referendum Administrator knew the reasons for the stringent conditions. Mr. Bailey replied that he did not think the United Kingdom Government was in principle in favour of fragmentation; nevertheless, the United Kingdom Government recognized the people's right to self-determination and had promised to abide by the results of the referendum. He said that he would note the objections raised at the meeting in his report.

286. Mr. Lauti, in reply to criticism that the Ellice Islands were not producing enough copra, said that on a per capita basis the poundage of copra produced in the Ellice Islands compared favourably to that produced on the Gilbert Islands; he granted that the Gilbertese were more numerous. In any case, because of the damage caused by hurricane Bebe Funfuti would not be able to produce copra for the next three years.

287. The Mission held its final meeting with the Referendum Administrator on 5 September at Funafuti, where the last ballot observed by the Mission was about to be held. The Referendum Administrator spoke candidly in his personal capacity about the conditions for separation, aid and other matters raised by the Mission. He thought that lack of political sophistication was the main reason why the Ellice Islanders and their parliamentary representatives had not discussed the conditions for separation at an earlier stage. The Referendum Administrator felt that, regardless of the explanation which he had given during the meetings held on each island, a consensus having been reached earlier, as was the custom among

the Ellice people, the voting would reflect that consensus. The Ellice Islanders had been well aware of the conditions but these had not influenced their vote in any way; separation, he thought, was inevitable.

288. Turning to the future, the Referendum Administrator thought that the Ellice Islands already had enough able manpower to run their everyday affairs and he cited as an example the Ellice Islands Protestant Church, which conducted its affairs very successfully. In conclusion, he thanked the Mission for having observed the referendum and said that he was grateful to it for its close co-operation.

289. On the same day, the Mission held a meeting with Mr. Lauti and other local leaders. The member of the House of Assembly told the Mission that the Ellice Islands parliamentary group had decided, inter alia, on a ministerial form of government after separation. It was his opinion that the Ellice Islands representatives in the House of Assembly were preoccupied with separation but he envisaged some degree of co-operation with the Gilbertese after separation, in particular with regard to those services which were now shared by both groups.

290. In Mr. Lauti's view, political development in the Ellice Islands was more advanced than economic development, which was what had led to complaints concerning the conditions. He expected that aid from the administering Power would bridge the gap. He said that the Ellice Islands would increase its production of copra and revitalize other industries. He expressed cautious optimism concerning tourism, noting that it was also a potential threat, since it could weaken the social structure.

291. He asked the Mission whether the conditions for separation could be renegotiated when the three parties met to discuss the questions enumerated in the statement. The United Kingdom liaison officer replied that it was clear that the conditions could not be negotiated, but a protest could certainly be made. He could not say whether his Government would reconsider its decision..

292. The Chairman thanked the participants and brought the meeting to a close. The Mission expressed its gratitude for the hospitality it had received to the member of the House of Assembly, the District Officer and the people.

293. Having concluded its programme in the Territory, the Mission departed Funafuti by air on the afternoon of 5 September for Fiji.

C. OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

294. As reflected in the above chapters, in particular in the account of meetings held with local authorities during its tour of the Ellice Islands, the Mission made a number of impromptu observations of a tentative nature covering various aspects of the referendum and conditions in general obtaining in the Territory, including views for possible courses of action which the administering Power might wish to pursue. The observations, conclusions and recommendations set out below are therefore to be read in conjunction with the Mission's earlier observations.

1. The referendum

295. It will be recalled that when the United Kingdom Government extended its invitation to the Special Committee to dispatch a mission to the Territory, it was for the purpose of observing a proposed referendum in the Ellice Islands to take place in August and September 1974. Members of the Special Committee, in calling for acceptance of the invitation, expressed the hope that the Mission would be able to secure adequate and first-hand information on conditions in the Gilbert and Ellice Islands and ascertain the wishes and aspirations of its people concerning their future status. At the preliminary meetings held in London, the Chairman of the Mission reiterated the above hope and stated that members of the Mission would appreciate being given every opportunity to establish the widest possible contact with different sectors of the population, as far as practicable. At the same time, she expressed gratitude to the administering Power for the positive attitude which it had recently adopted concerning visiting missions.

296. Members of the Mission were informed that they would have ample opportunity to meet with all sectors of the Territory's population, including members of the Council of Ministers, senior government officials and prominent personalities in commerce and industry. As a perusal of its itinerary will show (see appendix I to the present report), the Mission, in addition to observing the referendum procedures, had time to consult local authorities of both the Gilbert and the Ellice Islands concerning general conditions in the Territory.

297. The Chairman had stated in London that inasmuch as the United Nations had not been consulted in advance concerning the issue to be voted upon or the procedural and organizational aspects of the vote, that the presence of the Mission in the Territory should not be construed as an endorsement or otherwise of the proposed referendum. Members of the Special Committee were particularly mindful of the specific provisions of the Declaration contained in General Assembly resolution 1514 (XV) relating to the safeguarding of the national unity and territorial integrity of the colonial Territories.

298. Nevertheless, the Chairman had continued, the Mission was aware of political developments relating to the Ellice Islands, in particular the desire of its people to vote on secession from the Territory. In order that members might understand the situation in depth, it would perhaps assist them, she said, if they could obtain a copy of Sir Leslie Monson's "Study on the relationship of the Gilbert and Ellice Islands".

299. The United Kingdom Government had not found it possible to furnish the Mission with a copy of a synopsis of the Monson report and the Mission therefore had had to rely on Sir Leslie's own oral description of his examination of conditions prevailing in the Territory. The Mission was subsequently informed that the report was classified as confidential to the United Kingdom Government because its publication would, in the latter's judgement, inhibit any discussions that Government might have with the Gilbertese and Ellice Islanders following the referendum.

300. In this connexion, the Mission notes that the Referendum Administrator had stated in his preliminary consultations with the people on each island that he was not aware of the reasoning of the United Kingdom Government when it laid down the conditions governing separation in the statement contained in the Ellice Islands (Referendum) Order, 1974 (see the appendix to annex III.C to the present chapter). There appeared to be widespread dissatisfaction among the Ellice Islanders with the conditions set forth in paragraph 2 of the statement.

301. The Mission concludes that the conditions governing separation are based on the Monson report without any apparent consultation with the Ellice Islanders.

302. As for the Referendum Administrator, the Mission wishes to commend Mr. Bailey, who scrupulously and conscientiously conducted the referendum as set forth in the Ellice Islands (Referendum) Order, 1974 and who saw to it that all who were eligible were able to participate in the vote. He had made it amply clear to all who heard him that those who voted for separation automatically accepted the conditions in the United Kingdom statement. He had assured the people that if the Ellice Islanders voted for separation, the present level of services would be maintained. He had also stated that it was his duty faithfully to report objections to the conditions to the administering Power.

303. Although the Referendum Administrator had repeatedly emphasized that voting for separation implied an acceptance of the conditions, there appeared to be a general expectation that these conditions would be subject to renegotiation following the referendum. This led the Mission to inquire further concerning the extent to which the Ellice Islanders were aware of the conditions. It was informed by the Governor that the statement of conditions governing separation had received publicity through Valo, the Ellice-language newspaper, Atoll Pioneer, the weekly government publication printed at Tarawa, and Radio Tarawa. There had been radio programmes of comment and discussion. The Ellice Islands members of the former Legislative Council had been informed of the statement of conditions by the Governor before it was made public and had been asked to ensure that it was understood in their constituencies. The District Officer, on his regular tours, had discussed the conditions and the forthcoming referendum, as had the Governor during a special tour of all the Ellice Islands in March 1974. The Referendum Administrator informed the Mission that it had been planned to supply every voter with a copy of the statement in the Ellice language. There had in fact been only one copy for approximately every two voters owing to a shortage of paper and lateness in printing. The Mission therefore concludes, in the light of the above, that there is a general awareness of the conditions, particularly among the leaders

of the people. The Mission is also of the opinion that the conditions, which the Ellice Islanders considered as unduly harsh, have been regarded by them as a challenge to their determination to separate. As the Mission has recorded on each island visited, even where some caution had been registered earlier, there was an overwhelming desire for separation. Moreover, the results of the referendum (see para. 191 above) bear this out.

2. General conditions

304. During this visit, the Mission was able to observe a number of encouraging signs of economic, social and educational development. The comments which follow should be read in this light.

305. Concerning matters which affect the entire Territory as it is constituted today, the Mission wishes to recall the statements of the Chief Minister and the Governor on the subject of future constitutional development (see paras. 120 and 183 above). The Chief Minister had forecast that, although the ministerial system had only just begun to operate in the Territory, by the time of the next general elections four years hence, there would be sufficient experience to move on to full internal self-government and early progress might be made to this end. In view of these statements, the Mission considers it necessary that steps be taken progressively to give elected representatives experience in subjects at present reserved to the Governor and the ex officio members of the Council.

306. The Mission also has the impression that there is still a need for additional programmes of political education. This could be enhanced by regular interisland contacts and visits such as those envisaged by the United Nations Development Programme (UNDP), whereby parliamentarians would visit Territories and States of similar size with related problems.

307. Finally, in the area of constitutional development, the Mission notes that a new select committee has been appointed to review the present Constitution and to make recommendations as to what changes, if any, should be made for its more efficient or acceptable operation. The Mission is certain that the Special Committee will be glad to receive a copy of the report of the select committee when it becomes available.

308. Interisland transport and communications are hampered by a lack of reef passages. The Mission was informed that, in transferring cargo from ship to shore, a high percentage is often lost on the reef. The Mission was also informed that some studies have been undertaken m/ to improve the accessibility of the islands, but that there has been no real accomplishment in this field. It appears to the

m/ The studies on reef passages were carried out in 1973 by consultants provided by the United Kingdom under its technical assistance programmes. An additional survey was found to be necessary and is now taking place. At the same time, the Government of the Gilbert and Ellice Islands has approached the Government of New Zealand with a view to the latter's undertaking a trial blasting of one or two passages to ascertain the technical problems involved in, and the costs of, such operations.

Mission that the time has come, especially in the light of the vote for separation, for the administering Power to pursue the matter actively. The Mission urges the administering Power, in consultation with the representatives of the people, to explore new ways to improve the accessibility of the islands.

309. The Mission became acutely aware during its visit of the need to diversify the economy. Other than phosphates, copra and handicrafts, no other cash commodities are exported. Moreover, handicrafts represent less than 1 per cent of the value of exports. The Mission can only echo the recommendation already made by the Special Committee that more effort should be made to diversify the economy, that greater emphasis should be given to the development of agriculture and fisheries and that consideration should be given immediately to the formulation of a development plan for the Ellice Islands in case it becomes a separate Territory early in 1976. The Mission notes that the Government of the Gilbert and Ellice Islands is already taking steps in those areas. It further notes with satisfaction that the Territory's application for membership in the Asian Development Bank has been accepted.

310. The Mission also notes that the Territory already receives valuable assistance from the specialized agencies and other organizations within the United Nations system. It hopes that the administering Power will continue to take full advantage on behalf of the Territory of the assistance which is available from the United Nations family of organizations.

311. The Mission notes that, owing to the poorness of the soil, particularly on those atolls closer to the Equator, agriculture has not been developed. It notes further that for years phosphate of lime has been extracted from Ocean Island and sent to farmers in Australia and New Zealand to fertilize their soil, but that apparently none has been used in the Territory. The Mission therefore recommends that consideration be given to exploring the possibilities of enriching the soil of the Territory with some of its own product.

312. During its tour, the Mission learned that the Territory imports considerable quantities of canned fish. Moreover, it heard a number of complaints about foreign fishing vessels poaching in local waters. In this regard, the Mission trusts that effective measures can be devised to discourage this practice. It welcomed the information that, while it was visiting the Territory, the Chief Minister, accompanied by the Financial Secretary, had gone to Japan to hold discussions with Japanese firms on various aspects of the fishing industry in the Territory. Bearing this in mind, the Mission urges the administering Power to encourage the territorial Government to continue its efforts, despite the difficulties so far encountered, to set up a fishing industry in order to ensure that the benefits, including employment, accrue to the local population.

313. The Mission notes the omnibus character of Ordinance No. 12/1970 which provided for the establishment of the Gilbert and Ellice Islands Development Authority (GEIDA). It considers that the exclusive responsibility for development of an autonomous corporation, with expatriate management at the higher levels for the time being, inhibits the participation and involvement of the population in

the economic development of the Territory. The Mission notes further that, although the Government is responsible for appointing the Board of GEIDA and that the Minister for Commerce and Industry is its Chairman, the number of government-appointed officials appears to be in the minority. In the Mission's view, governmental representation and control of the Board of GEIDA should be strengthened.

314. In the field of public health, the Mission was informed that, owing to difficulties of transport, there were long delays in evacuating emergency cases to medical centres for prompt attention. This is particularly true of the Ellice Islands, which has only one airport, at Funafuti. The Mission therefore expresses the hope that the administering Power will take steps to provide facilities for rapid evacuation by air when separation becomes effective.

315. The Mission is aware of the difficulties of the Ellice Islanders in the field of secondary education. It therefore expresses the hope that, regardless of whether or not separation comes about, the administering Power will carry out its plans to expand facilities for secondary education in the Ellice Islands.

316. Mindful of the problems peculiar to the Gilbert and Ellice Islands, the Mission considers that conditions in the Territory should be kept under constant review. It is very much encouraged by the Governor's letter of 12 September 1974 addressed to the Chairman in which he expresses the hope for future visits (see appendix XXIII to the present report). The members of the Mission agree with the Governor that it is essential that the outside world learn more of the special difficulties which confront small Territories in their endeavour to take their place in the modern world. The Mission therefore recommends that the United Nations pursue the matter with a view to obtaining an adequate and satisfactory solution concerning the future political status and economic progress of the Gilbert and Ellice Islands.

Appendix I

ITINERARY OF THE UNITED NATIONS VISITING MISSION TO THE
GILBERT AND ELLICE ISLANDS, 1974

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
Tuesday, 20 August	Nadi, Fiji	Mission assembled in Nadi.
Wednesday, 21 August	Ellice Islands Funafuti	Departed from Nadi by air for Tarawa. Received by Mr. Tupua Leupena, the District Officer, at Funafuti Airport while in transit to Tarawa.
	Gilbert Islands Tarawa Bairiki	Officially welcomed at Tarawa International Airport by Mr. John H. Smith, the Governor, and Mr. Naboua Ratietia, the Chief Minister. Met with the Governor and Mr. Eric E. Bailey, the Referendum Administrator.
Thursday, 22 August	Tarawa Betio	Arrived in Betio from Bairiki by boat. Toured relics and memorials of the Second World War. Met with officials of the Gilbert and Ellice Islands Development Authority (GEIDA) and the Co-operative Federation. Visited the government primary school, the Merchant Marine Training School and the Tarawa Technical Institute.
	Bairiki	Arrived from Betio by boat. Visited the office of the Referendum Administrator to observe the opening of postal votes. Met with the Chief Minister and the Council of Ministers.
Friday, 23 August	Eita village	Arrived from Bairiki by car. Met with the Village Council and the people of Eita village.
	Bikenibeu	Arrived from Eita by car. Met by Mr. Teweia Uaruta, the Minister of Health and Welfare. Toured Central Colony Hospital and the Nurses Training School.

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
Friday, 23 August	Bikenibeu	Met with Mr. Otiuea Tanentoa, the Minister of Education, Training and Culture, with the Secretary for Education, Training and Culture and with the Principal of Tarawa Teachers' College. Toured the college and the King George V High School. Visited the United Nations Development Programme and the Food and Agriculture Organization (UNDP/FAO) Fisheries Project.
	Bairiki	Arrived from Bikenibeu by car.
	Betio	Departed by the MV <u>Nivanga</u> for the Ellice Islands.
Monday, 26 August	Ellice Islands Nanumea	Arrived from Betio via Nonouti and Arorae. Met in the <u>maneaba</u> with Mr. Maheu Naniseni, the member for Nanumea in the House of Assembly, the leader of the Island Council and other representative groups.
Tuesday, 27 August	Nanumea	Observed the referendum. Held private meetings with the member of the House of Assembly, members of the Island Council and others. Departed for Nui.
Wednesday, 28 August	Nui	Arrived from Nanumea. Met with members of the Island Council and the people of Nui. (Met with representative to the House of Assembly, Mr. Sione Tui Kleis, the Minister of Commerce and Industry, at Funafuti on 4 September.)
Thursday, 29 August	Nui	Observed the referendum ballot. Held private meetings with leaders of the Island Council and other community groups. Departed for Vaitupu.
Friday, 30 August	Vaitupu	Arrived from Nui. Attended referendum meetings with Mr. Puapua Puapua, the member of the House of Assembly, the leader of the Island Council and other groups. Visited the Motufoua Secondary School.

<u>Date</u>	<u>Place</u>	<u>Remarks</u>
Saturday, 31 August	Vaitupu	Observed the referendum. Held private meetings with local leaders. Departed for Niulakita.
Monday, 2 September	Niulakita	Arrived from Vaitupu. Met with the Agent of the Island Council at Nukufetau and the local people. Toured the coconut plantation. Held private meeting with the Agent and the local people. Departed for Nukulaelae.
Tuesday, 3 September	Nukulaelae	Met with members of the Island Council and members of the public. Met with the representative of the House of Assembly, Mr. Isakala Paeniu, the Minister for Natural Resources, informally in Tarawa on 21 August. At the time of the Mission's visit to his constituency, he was on an official visit to Christmas Island. Observed the referendum. Held private meeting with the local leaders. Departed for Funafuti.
Wednesday, 4 September	Funafuti	Arrived from Nukulaelae. Met with the Minister of Commerce and Industry, Mr. Sione Tui Kleis, representative for Nui. Met with Mr. Toalipi Lauti, the member of the House of Assembly, the District Officer, the Island Council and members of the public. Observed the referendum.
Thursday, 5 September	Funafuti	Held a private meeting with the Referendum Administrator. Mission concluded its visit to the Territory and departed by Air Pacific for Fiji.
Friday-Sunday 6-8 September	Suva, Fiji	Held meetings on the preparation of the draft outline of the report. Departed for New York.

Appendix XIII

THE GILBERT AND ELLICE ISLANDS ORDER, 1974

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2. Interpretation.
3. Revocations.

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7. Protection from slavery and forced labour.
8. Protection from inhuman treatment.
9. Protection from deprivation of property.
10. Protection for privacy of home and other property.
11. Provisions to secure protection of law.
12. Protection of freedom of conscience.
13. Protection of freedom of expression.
14. Protection of freedom of assembly and association.
15. Protection of freedom of movement.
16. Protection from discrimination on the grounds of race, etc.
17. Provisions for periods of public emergency.
18. Enforcement of protective provisions.
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CHAPTER I

INTRODUCTORY

1.—(1) This Order may be cited as the Gilbert and Ellice Islands Order 1974 and shall be construed as one with the Gilbert and Ellice Islands Order in Council 1915(a), and that Order and this Order may be cited together as the Gilbert and Ellice Islands Orders 1915 and 1974.

(2) This Order shall be published in the Colony by exhibition at the Public Office of the Governor and printed in the Gazette as soon as may be after the date of such publication and shall come into operation on such date as the Governor acting in his discretion, by notice published and printed in like manner respectively, shall appoint.

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(4) Where any power is conferred by this Order to make any proclamation, regulation, order or rule, or to give any direction or instructions, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such proclamation, regulation, order, rule, direction or instructions.

(5) The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting the Gilbert and Ellice Islands Order in Council 1915 and this Order, and otherwise in relation thereto, as it applies for the purpose of interpreting and in relation to Acts of Parliament of the United Kingdom.

3. The Gilbert and Ellice Islands Order 1970 and the Gilbert and Ellice Islands (Amendment) Order 1971 are revoked.

CHAPTER II

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

4. Whereas every person in the Colony is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- (a) life, liberty, security of the person and the protection of the law ;
- (b) freedom of conscience, of expression and of assembly and association ; and
- (c) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations on that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

5.—(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law in force in the Colony of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable—

- (a) for the defence of any person from violence or for the defence of property ;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained ;
- (c) for the purpose of suppressing a riot, insurrection or mutiny ; or
- (d) in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

6.—(1) No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say—

- (a) in consequence of his unfitness to plead to a criminal charge ;
- (b) in execution of the sentence or order of a court, whether established for the Colony or some other country, in respect of a criminal offence of which he has been convicted ;
- (c) in execution of the order of a court of record punishing him for contempt of that court or of a court inferior to it ;
- (d) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law ;
- (e) for the purpose of bringing him before a court in execution of the order of a court ;

- (f) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in the Colony ;
- (g) in the case of a person who has not attained the age of eighteen years, under the order of a court or with the consent of his parent or guardian, for the purpose of his education or welfare ;
- (h) for the purpose of preventing the spread of an infectious or contagious disease ;
- (i) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community ;
- (j) for the purpose of preventing the unlawful entry of that person into the Colony, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from the Colony or for the purpose of restricting that person while he is being conveyed through the Colony in the course of his extradition or removal as a convicted prisoner from one country to another ; or
- (k) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within the Colony or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of the Colony in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, and in a language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained—

- (a) for the purpose of bringing him before a court in execution of the order of a court ; or
- (b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in the Colony,

and who is not released, shall be brought without undue delay before a court ; and if any person arrested or detained upon reasonable suspicion of his having committed or being about to commit a criminal offence is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

7.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include—

- (a) any labour required in consequence of the sentence or order of a court ;
- (b) any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained ;
- (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service ;
- (d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation ; or
- (e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

8.—(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in the Colony immediately before the coming into operation of this Order.

9.—(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

- (a) the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town or country planning or the development or utilisation of any property in such a manner as to promote the public benefit ; and
- (b) there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property ; and
- (c) provision is made by a law applicable to that taking of possession or acquisition—
 - (i) for the prompt payment of adequate compensation ; and
 - (ii) securing to any person having an interest in or right over the property a right of access to the High Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right

and the amount of any compensation to which he is entitled, and for the purpose of obtaining prompt payment of that compensation.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section—

(a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property—

- (i) in satisfaction of any tax, rate or duty ;
- (ii) by way of penalty for breach of the law or forfeiture in consequence of a breach of the law ;
- (iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract ;
- (iv) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations ;
- (v) in circumstances where it is reasonably necessary so to do because the property is in a dangerous state or injurious to the health of human beings, animals or plants ;
- (vi) in consequence of any law with respect to the limitation of actions or acquisitive prescription ; or
- (vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, the carrying out thereon—

(A) of work of soil conservation or of conservation of other natural resources ; or

(B) of work relating to agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out,

except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society ; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of—

- (i) enemy property ;
- (ii) property of a deceased person, a person of unsound mind, a person who has not attained the age of twenty-one years or a person who is absent from the Colony, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein ;
- (iii) property of a person declared to be insolvent or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the insolvent or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property ; or
- (iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust.

(3) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate established for public purposes by any law and in which no moneys have been invested other than moneys provided by the Government of the Colony.

10.—(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources, or the development or utilisation of any other property in such a manner as to promote the public benefit ;

(b) for the purpose of protecting the rights or freedoms of other persons ;

(c) for the purpose of authorising an officer or agent of the Government of the Colony, a local government authority or a body corporate established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or duty or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, authority or body corporate, as the case may be ;

(d) for the purpose of authorising the entry upon any premises in pursuance of an order of a court for the purpose of enforcing the judgment or order of a court in any proceedings ; or

(e) for the purpose of authorising the entry upon any premises for the purpose of preventing or detecting criminal offences,

and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

11.—(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Every person who is charged with a criminal offence—

(a) shall be presumed to be innocent until he is proved or has pleaded guilty ;

(b) shall be informed as soon as reasonably practicable, in detail and in a language that he understands, of the nature of the offence charged ;

(c) shall be given adequate time and facilities for the preparation of his defence ;

- (d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal representative of his own choice ;
- (e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution ; and
- (f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge,

and, except with his own consent, the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established or recognised by law and shall be independent and impartial ; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(9) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(10) Nothing in the last preceding subsection shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

- (a) may by law be empowered so to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings or in the interests of decency, public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings ; or
- (b) may by law be empowered or required so to do in the interests of defence, public safety or public order.

(11) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

- (a) subsection (2)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts ;
- (b) subsection (2)(e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds ; or
- (c) subsection (5) of this section to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(12) in this section—

“criminal offence” means a criminal offence under the law in force in the Colony ;

“legal representative” means a person lawfully in, or entitled to be in, the Colony and entitled to practise in the Colony as an advocate or, except in relation to proceedings before a court in which a solicitor has no right of audience, as a solicitor.

12.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it wholly maintains.

(3) No religious community shall be prevented from providing religious instruction for persons of that community in the course of any education provided at any place of education which it wholly maintains or in the course of any education which it otherwise provides.

(4) Except with his own consent (or, if he is a person who has not attained the age of twenty-one years, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(5) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(6) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

(a) in the interests of defence, public safety, public order, public morality or public health ; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

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13.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section the said freedom includes the freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, public morality or public health ;

(b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television ;
or

(c) that imposes restrictions upon public officers,
and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

14.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, public morality or public health ;

(b) for the purpose of protecting the rights or freedoms of other persons ; or

(c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

15.—(1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout the Colony, the right to reside in any part of the Colony, the right to enter the Colony and immunity from expulsion from the Colony.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) for the imposition of restrictions on the movement or residence within the Colony of any person or on any person's right to leave the Colony that are reasonably required in the interests of defence, public safety or public order ;

(b) for the imposition of restrictions on the movement or residence within the Colony or on the right to leave the Colony of persons generally or any class of persons that are reasonably required in the interests of defence, public safety, public order, public morality, public health or environmental conservation ;

(c) for the imposition of restrictions on the movement or residence within the Colony of any person who does not belong to the Colony or the exclusion or expulsion from the Colony of any such person ;

(d) for the imposition of restrictions on the acquisition or use by any person of land or other property in the Colony ;

(e) for the imposition of restrictions upon the movement or residence within the Colony of public officers that are reasonably required for the purpose of ensuring the proper performance of their functions ;

(f) for the removal of a person from the Colony to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in that other country in execution of the sentence of a court in respect of a

criminal offence under the law in force in the country of which he has been convicted;

(g) for the imposition of restrictions, by order of a court, on the movement or residence within the Colony of any person or on any person's right to leave the Colony either in consequence of his having been found guilty of a criminal offence under the law of the Colony or for the purpose of ensuring that he appears before a court at a later date for trial or for proceedings relating to his extradition or lawful removal from the Colony ; or

(h) for the imposition of restrictions on the right of any person to leave the Colony in order to secure the fulfilment of any obligations imposed upon that person by law, except so far as the provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(4) If any person whose freedom of movement has been restricted by virtue only of such a provision as is referred to in subsection (3)(a) of this section so requests at any time during the period of that restriction not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal presided over by a person, qualified to be admitted to practice as an advocate or solicitor in the Colony, appointed by the Chief Justice.

(5) On any review by a tribunal in pursuance of the last preceding subsection of the case of a person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity or expediency of continuing the restriction to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

16.—(1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(a) for the imposition of taxation or the appropriation of revenue by the Government of the Colony or any local authority or body for local purposes ;

(b) with respect to persons who do not belong to the Colony ;

(c) for the application, in the case of persons of any such description as is mentioned in the last preceding subsection (or of persons

connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description ;

(d) with respect to land, the tenure of land, the resumption and acquisition of land and other like purposes ; or

(e) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of a local authority or any office in a body corporate established directly by any law for public purposes.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Subsection (2) of this section shall not affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Order or any other law.

(8) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 10, 12, 13, 14 and 15 of this Order, being such a restriction as is authorised by section 10(2), 12(6), 13(2), 14(2) or 15(3), as the case may be.

(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section—

(a) if that law was in force immediately before the coming into operation of this Order and has continued in force at all times since the coming into operation of this Order ; or

(b) to the extent that the law repeals and re-enacts any provision which has been contained in any enactment at all times since immediately before the coming into operation of this Order.

17.—(1) Nothing contained in or done under the authority of any regulation made under the Emergency Powers Order in Council 1939 as amended , shall be held to be inconsistent with or in contravention

of section 6, 7(2), 10, 12, 13, 14, 15 or 16 of this Order to the extent that the regulation in question makes in relation to any period of public emergency provision, or authorises the doing during any such period of anything, that is reasonably justifiable in the circumstances of any situation arising or existing during the period for the purpose of dealing with that situation.

(2) Where any person who is lawfully detained in pursuance only of such a regulation as is referred to in the last preceding subsection so requests at any time during the period of that detention not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person, qualified to be admitted to practise as an advocate or solicitor in the Colony, appointed by the Chief Justice.

(3) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

18.—(1) Subject to the provisions of subsection (6) of this section, if any person alleges that any of the provisions of sections 4 to 17 (inclusive) of this Order has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person) then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the High Court for redress.

(2) The High Court shall have original jurisdiction—

(a) to hear and determine any application made by any person in pursuance of the last preceding subsection ;

(b) to determine any question arising in the case of any person which is referred to it in pursuance of the next following subsection,

and may make such orders, issue such writs and give such direction, as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 4 to 17 (inclusive) of this Order :

Provided that the High Court may decline to exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any subordinate court any question arises as to the contravention of any of the provisions of sections 4 to 17 (inclusive) of this Order, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless, in his opinion, the raising of the question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the High Court under this section may appeal therefrom to the Fiji Court of Appeal :

Provided that no appeal shall lie from a determination of the High Court under this section dismissing an application on the ground that it is frivolous or vexatious.

(5) A law made under section 53 of this Order may confer upon the High Court powers additional to those conferred by this section for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(6) Rules of court making provision with respect to the practice and procedure of the High Court in relation to the jurisdiction conferred on it by or under this section (including rules with respect to the time within which any application or reference shall or may be made or brought) may be made by the person or authority for the time being having power to make rules of court with respect to the practice and procedure of that court generally.

19.— . . .

(3) For the purposes of this Chapter a person shall be deemed to belong to the Colony if he is a British subject or a British protected person and—

- (a) was born in the Colony or of parents who at the time of his birth were ordinarily resident in the Colony ; or
- (b) has been ordinarily resident in the Colony continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of the Commonwealth or in the Republic of Ireland ; or
- (c) has obtained the status of a British subject by reason of having been naturalised in the Colony before the British Nationality Act 1948 came into force or by reason of his having been naturalised in the Colony as a citizen of the United Kingdom and Colonies under that Act or registered in the Colony as such under any provision of that Act ; or

- (d) is the wife of a person to whom any of the foregoing subparagraphs applies not living apart from such person under a decree of a court or a deed of separation ; or
- (e) is the child, stepchild, or child adopted in a manner recognised by law under the age of eighteen years of a person to whom any of the foregoing paragraphs applies ; or
- (f) is a member of any other class of persons that may be prescribed by any law enacted under this Order:

Provided that for the purpose of calculating the period for which any person has been ordinarily resident in the Colony (but not of determining whether he has been continuously so resident) no account shall be taken—

- (i) of any period during which he was serving a sentence of imprisonment exceeding six months imposed on him by a court or substituted by competent authority for some other sentence imposed upon him by a court ; or
- (ii) of any period during which any adjudication that he was of unsound mind was in force under the law of the Colony or during which he was lawfully detained in the Colony as a criminal lunatic ; or
- (iii) of any period during which his presence in the Colony was unlawful.

(4) In relation to any person who is a member of a disciplined force raised under a law made under section 53 of this Order, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 5, 7 and 8.

(5) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in the Colony, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

CHAPTER III

THE GOVERNOR

20.—(1) There shall be a Governor for the Colony who shall be appointed by Her Majesty by commission under Her Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such functions as may be conferred upon him by or under this Order or any other law for the time being in force in the Colony and such other functions as Her Majesty may assign to him and, subject to the provisions of this Order (and, in the case of functions conferred upon him by or under any other law, subject to the provisions of that law or any law amending that law) shall perform all the functions of his office, including those he exercises in his discretion, according to such instructions as may be given to him by Her Majesty:

Provided that the question whether or not the Governor has in any matter complied with any such instructions shall not be inquired into in any court.

(3) The holder of the office of Governor shall receive such emoluments as may be prescribed from time to time by a Secretary of State and which are hereby charged on and shall be paid out of the Consolidated Fund.

21. Every person appointed to the office of Governor shall, before assuming the functions of his office—

(a) cause the commission appointing him to be Governor to be read and published in the presence of the Chief Justice, or such person as the Chief Justice may designate for the purpose, and of such members of the Council of Ministers as can conveniently attend ; and

(b) make before the above-mentioned persons the oaths of allegiance and for the due execution of his office in the forms set out in Schedule 2 to this Order, which oaths the Chief Justice, or person designated by him, shall administer.

22. There shall be a Deputy Governor, who shall be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State and shall hold office during Her Majesty's pleasure.

23.—(1) Whenever the office of Governor is vacant or the Governor is absent from the Colony or is for any other reason unable to discharge the functions of his office—

(a) the Deputy Governor ; or

(b) if the office of Deputy Governor is vacant or the Deputy Governor is absent from the Colony or is for any other reason unable to discharge the functions of his office, such person as Her Majesty may have designated by instructions given through a Secretary of State (hereinafter referred to as " the person designated "),

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor and administer the government of the Colony accordingly.

(2) Before assuming the administration of the government of the Colony, the Deputy Governor or the person designated shall take and subscribe oaths of allegiance and for the due execution of the office of Governor in the forms set out in Schedule 2 to this Order.

(3) The Deputy Governor shall not continue to administer the government after the Governor has informed him that he is about to assume or resume the administration of the government, and the person designated shall not continue to administer the government after the Governor or the Deputy Governor has so informed him.

(4) For the purposes of subsection (1) of this section, the Governor or Deputy Governor shall not be regarded as absent from the Colony or as unable to discharge the functions of the office of Governor—

(a) by reason only of the fact that he is in passage from one part of the Colony to another ; or

(b) at any time when there is a subsisting appointment of a deputy under the next following section.

...

24.—(1) Whenever the Governor—

- (a) has occasion to be absent from Tarawa but not from the Colony ;
or
- (b) has occasion to be absent from the Colony for a period that in his opinion will be of short duration ; or
- (c) is suffering from an illness which he has reason to believe will be of short duration,

he may, acting in his discretion, by instrument under the public seal, appoint any public officer in the Colony to be his deputy during his absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor as may be specified in the instrument, other than functions conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any such Act.

(2) The powers and authority of the Governor shall not be in any way affected by the appointment of a deputy under this section otherwise than as Her Majesty may from time to time direct by instructions to the Governor through a Secretary of State and the deputy shall conform to and observe such instructions relating to the exercise by him of any of the functions of the office of Governor as the Governor, acting in his discretion, may from time to time address to him:

Provided that the question whether or not the deputy has in any matter complied with any such instructions shall not be enquired into in any court.

(3) A person appointed as deputy under this section shall hold that office for such period as may be specified in the instrument by which he is appointed but his appointment may be revoked at any time by Her Majesty by instructions given to the Governor through a Secretary of State or by the Governor, acting in his discretion.

...

25.—(1) The Governor, acting in his discretion, may, by writing under his hand, authorise the Deputy Governor to exercise for and on behalf of the Governor, subject to such exceptions and conditions as the Governor may from time to time specify, any or all of the functions of the office of Governor.

(2) The powers and authority of the Governor shall not be in any way affected by any authority of the Deputy Governor under the preceding subsection otherwise than as Her Majesty may from time to time direct by instructions to the Governor through a Secretary of State, and the Deputy Governor shall conform to and observe such instructions relating to the exercise by him of any of the functions of the office of Governor as the Governor, acting in his discretion, may from time to time address to him:

Provided that the question whether or not the Deputy Governor has in any matter complied with any such instructions shall not be enquired into in any court.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by instructions given to the Governor through a Secretary of State or by the Governor, acting in his discretion, by writing under his hand.

(4) In subsection (1) of this section the reference to any functions of the office of Governor does not include a reference to—

- (a) the functions conferred upon the Governor by this section ; or
- (b) any functions conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any such Act.

...

26. The Governor shall be responsible for the conduct (subject to the provisions of this Order and of any other law) of any business of the Government of the Colony, including the administration of any department of government, with respect to the following matters—

- (a) external affairs ;
- (b) defence, including armed forces ;
- (c) internal security, including the Police Force ;
- (d) the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal or retirement of any public officer, or taking of disciplinary action in respect of any public officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision :

Provided that the Governor, acting in his discretion, or, in the case of a Minister, after consultation with the Chief Minister, may assign to any member of the Council of Ministers responsibility for the conduct on behalf of the Governor of any business in the House of Assembly with respect to any of the said matters.

27.—(1) Subject to the provisions of this section, the Governor shall consult the Council of Ministers in the exercise of all powers conferred upon him by or under this Order or any other law for the time being in force in the Colony, except—

- (a) any power conferred upon him by this Order which he is empowered to exercise in his discretion ;
- (b) any power conferred upon him by any other law which he is empowered, either expressly or by implication, to exercise without consulting the Council ;
- (c) any power conferred upon him by this Order or any other law which he is required or authorised to exercise after consultation with or on the advice of a person or authority other than the Council ;
- (d) any power conferred upon him by any law where, in his opinion, the exercise of the power relates to, or would affect, any of the matters specified in the immediately preceding section.

(2) The Governor shall not be required to consult the Council of Ministers in any case in which, in his judgment—

- (a) the service of Her Majesty would sustain material prejudice thereby ;
- (b) the matters to be decided are too unimportant to require such consultation ; or
- (c) the urgency of the matter requires him to act before the Council can be consulted :

Provided that before acting in pursuance of paragraph (c) of this subsection the Governor shall, if practicable, consult the Chief Minister, and shall in any case at the next convenient opportunity communicate to the Council the measures he has adopted and the reasons for those measures.

28.—(1) In exercising any power in the exercise of which he is obliged by the immediately preceding section of this Order to consult the Council of Ministers, the Governor shall act in accordance with the advice of the Council with the exception only of those cases where he thinks it right not to do so.

(2) Where the Governor acts, in accordance with the provisions of the preceding subsection, against the advice of the Council of Ministers, he shall at the first convenient opportunity report the matter to the Secretary of State with the reasons for his action :

Provided that he shall not be obliged to so report the matter in any case in which he so acts for the purposes of—

- (a) maintaining or securing the financial or economic stability of the Colony ; or
- (b) ensuring that a condition attached to a financial grant or loan made by the United Kingdom Government to the Government of the Colony is complied with.

(3) Whenever the Governor acts against the advice of the Council of Ministers any member of the Council may require that there shall be recorded in the minutes any advice or opinion he may give upon the question at issue and his reasons.

(4) The question whether the Governor has exercised any power after consultation with the Council of Ministers or the Chief Minister, or in accordance with the advice of the Council, shall not be inquired into in any court of law.

29.—(1) Subject to the provisions of this Order and of any other law for the time being in force in the Colony, the Governor shall have power, in Her Majesty's name and on Her Majesty's behalf—

- (a) to constitute such offices as may lawfully be constituted by Her Majesty and abolish any office so constituted by him ;
- (b) to make appointments (including appointments on promotion or transfer) to any office so constituted by him ; and
- (c) to terminate the appointment of or dismiss any person so appointed, or suspend him from performing the functions of his office, or take such other disciplinary action with respect to him as may be necessary.

(2) A person appointed to an office constituted under this section shall, unless it is otherwise provided by law, hold office during Her Majesty's pleasure.

(3) The Governor may delegate to any public officer, in such manner and on such conditions as he may think fit, any of the powers conferred upon him by this section.

(4) The powers conferred upon the Governor by this section shall, with the exception of the powers referred to in subsection 1(a) of this section, be exercised by him in his discretion.

30.—(1) The Governor, acting in his discretion, may, in Her Majesty's name and on Her Majesty's behalf—

- (a) grant to any person concerned in or convicted of any offence against the law in force in the Colony a pardon, either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence ;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence ; and
- (d) remit the whole or part of any punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the Crown on account of any offence.

(2) The provisions of this section shall not apply in relation to any conviction by a court-martial established under any Act of Parliament of the United Kingdom, any punishment imposed in respect of any such conviction or any penalty or forfeiture due under any such Act.

...

CHAPTER IV

THE EXECUTIVE

Composition

32. There shall be a Council of Ministers in and for the Colony which shall consist of—

- (a) the Chief Minister, who shall be elected as such in accordance with the provisions of Schedule 1 to this Order ;
- (b) not less than four nor more than six Ministers, as the Chief Minister shall determine, appointed in accordance with the provisions of the next following section from among the elected members of the House of Assembly :

Provided that at least one of such Ministers shall be a member who has been elected to represent an electoral district in the Ellice Islands ; and

- (c) the Deputy Governor, the Attorney-General and the Financial Secretary.

33. Ministers shall be appointed by the Governor, in accordance with the advice of the Chief Minister, by instrument under the public seal.

34.—(1) The office of the Chief Minister shall become vacant—

- (a) upon the happening of any of the events specified in paragraphs (a), (b), (c) or (e) of subsection (2) of this section ; or
- (b) if a motion of no confidence in the Chief Minister receives in the House of Assembly the affirmative votes of a majority of all the elected members.

(2) The office of a Minister shall become vacant—

- (a) when, after a general election, the elected members of the House of Assembly meet, in accordance with the provisions of paragraph 1 of Schedule 1 to this Order, to elect the Chief Minister ;
- (b) if he ceases to be an elected member of the House of Assembly for any reason other than a dissolution of the House ;
- (c) if he resigns such office by writing under his hand addressed to the Governor ;
- (d) if his appointment to the office of Minister is revoked by the Governor, acting on the advice of the Chief Minister, by instrument under the public seal ;
- (e) if he is absent from the Colony for a period of more than four weeks without the written permission of the Governor, acting in his discretion ;
- (f) if the office of Chief Minister becomes vacant and the Minister is elected in accordance with the provisions of paragraph 1(1)(b) of Schedule 1 to this Order to be Chief Minister ; or
- (g) if the office of Chief Minister becomes vacant pursuant to subsection (1)(b) of this section.

(3) Any question whether the office of Chief Minister or of a Minister has become vacant shall be determined by the Governor, acting in his discretion.

35.—(1) Whenever a Minister is, by reason of his illness or absence from the Colony or for any other reason, incapable of performing his functions as a member of the Council of Ministers, or has been elected, in accordance with the provisions of paragraph 2 of Schedule 1 to this Order, to act as Chief Minister, the Governor, acting in accordance with the advice of the Chief Minister, may, by instrument under the public seal, appoint an elected member of the House of Assembly, who is not already a Minister, to be temporarily a Minister :

Provided that, if occasion arises for making an appointment under this section between a dissolution of the House of Assembly and the date appointed for the completion of the voting in the next following general election, a person who was an elected member of the House immediately before the dissolution may be appointed as if he were still a member of the House.

(2) Subject to the provisions of this section, the provisions of this Order shall apply to a person appointed under this section as they apply in relation to the Minister in whose place he has been temporarily appointed.

(3) A person appointed under subsection (1) of this section to be temporarily a Minister shall vacate his seat if the Governor, acting in accordance with the advice of the Chief Minister, revokes his appointment, or when he is informed by the Governor that the circumstances giving rise to the appointment have ceased to exist.

36. Before assuming the functions of his office every member of the Council of Ministers shall make before the Governor, or some person authorised in that behalf by the Governor, an oath of allegiance and an oath for the due execution of his office in the form set out in Schedule 2 to this Order.

General Provisions Relating to Procedure

37. The Governor shall summon the Council of Ministers if the Chief Minister so requests but it shall not otherwise be summoned except by authority of the Governor acting in his discretion.

38. There shall preside at meetings of the Council of Ministers—

(a) the Governor ;

(b) in his absence, the Deputy Governor ;

(c) in the absence of the Governor and the Deputy Governor, such member of the Council as may be generally or specially appointed by the Governor, acting in his discretion, for that purpose.

39.—(1) No business except that of adjournment shall be transacted in the Council of Ministers if objection is taken by any member present that there are less than four members present besides the Governor or member presiding.

(2) Subject to the provisions of subsection (1) of this section, the Council of Ministers shall not be disqualified for the transaction of business by reason of any vacancy in its membership, and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

40.—(1) The Governor shall, after consultation with the Chief Minister, decide what business shall be considered at any meeting of the Council of Ministers.

(2) If the Governor declines to submit a matter to the Council of Ministers when requested by any member of the Council to do so that person may require that the request and the reply of the Governor be reported in the minutes of the Council.

41. The Governor, or the member presiding, may summon any person to a meeting of the Council of Ministers, notwithstanding that that person is not a member of the Council, when in his opinion the business before the Council makes the presence of that person desirable :

Provided that a person shall not be under any obligation to answer any question put to him by any member of the Council, or by the Governor, at such meeting.

42.—(1) The Attorney-General shall be the principal legal adviser to the Government of the Colony.

(2) The Attorney-General shall have power in any case in which he considers it desirable to do so—

(a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person ;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Attorney-General under the last foregoing subsection may be exercised by him in person or by officers subordinate to him acting in accordance with his general or specific instructions.

(4) The powers conferred on the Attorney-General by subsection (2)(b) and (c) of this section shall be vested in him to the exclusion of any other person or authority :

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) In the exercise of the functions vested in him by subsection (2) of this section the Attorney-General shall not be subject to the direction and control of any other person or authority.

(6) For the purposes of this section any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court (including the Judicial Committee of Her Majesty's Privy Council) shall be deemed to be part of those proceedings :

Provided that the power conferred on the Attorney-General by subsection (2)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

43.—(1) The Governor, acting in accordance with the advice of the Chief Minister, may, by directions in writing, assign to any Minister responsibility for the conduct (subject to the provisions of this Order and of any other law) of any business of the Government of the Colony, including responsibility for the administration of any department of government :

Provided that a Minister shall not be charged with responsibility under this section for finance or for any of the matters mentioned in section 26 of this Order.

(2) The Governor, acting in his discretion, may at any time call for any official papers or seek any official information or advice available to a Minister with respect to a matter for which that Minister is responsible under this section.

(3) Without prejudice to the generality of the provisions of section 77 of this Order, the Governor, acting in his discretion, may, by order published at the Public Office of the Governor, provide that, subject to such limitations and conditions as may be prescribed in the order, any of the functions of the Governor or of any public officer under any local enactment that are specified in the order shall be performed by the Minister charged with responsibility for the matter to which those functions relate.

(4) Where an order under subsection (3) of this section in relation to any functions is in force—

(a) the Governor or public officer, as the case may be, shall not perform those functions ; and

(b) the Minister performing those functions may vary or rescind anything previously done in the performance thereof to the same extent as the Governor or public officer, as the case may be, could have done.

(5) Where, by reason of the revocation or amendment of a direction under subsection (1) of this section, functions cease to be performed by a Minister anything done by him in the performance thereof and having effect immediately before the revocation or amendment shall continue to have effect, but without prejudice to the power of the Governor or public officer or any other Minister authorised under this section to perform the functions to rescind or vary the same.

(6) Nothing in this section shall apply to—

(a) any functions relating to the making of any subsidiary instrument ; or

(b) the functions of any judge, magistrate or court of law.

(7) The Governor shall cause a copy of every order made under subsection (3) of this section to be laid before the House of Assembly at its sitting next following the date on which the order was made.

44. The members of the Council of Ministers shall be collectively responsible to the House of Assembly for any advice given to the Governor in the exercise of their functions under this Order and for all things done by or under the authority of any member of the Council in the exercise of his functions :

Provided that the provisions of this section shall not apply to any advice given by the Chief Minister under subsection (1) of the immediately preceding section.

CHAPTER V

HOUSE OF ASSEMBLY

Composition

45. There shall be a House of Assembly which shall consist of—

(a) twenty-eight elected members who shall be directly elected in such manner as may be prescribed by regulations made by the Governor, acting in his discretion ; and

(b) the Deputy Governor, the Attorney-General and the Financial Secretary.

46. For the purpose of the election of the elected members of the House of Assembly, electoral districts shall be established within the Colony having such boundaries and such number of elected representatives as may be prescribed by or under regulations made under the immediately preceding section.

47. Subject to the provisions of the next following section, a person shall be qualified to be elected as an elected member of the House of Assembly if, and shall not be so qualified unless,---

- (a) he is a British subject or a British protected person ;
- (b) he has attained the age of twenty-one years ; and
- (c) he has resided in the Colony during the three years immediately preceding the date of his election for a period or periods amounting in the aggregate to not less than thirty months, or is domiciled in the Colony and is resident there at that date.

48.—(1) No person shall be qualified to be elected as an elected member of the House of Assembly who---

- (a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state ;
- (b) has been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth and has not been discharged ;
- (c) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in the Colony ;
- (d) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) for a term of or exceeding twelve months, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under a sentence of imprisonment the execution of which has been suspended ;
- (e) is disqualified from membership of the House under any law for the time being in force in the Colony relating to offences connected with elections ;
- (f) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register ; or
- (g) subject to such exemptions as may be prescribed by any law in force in the Colony, holds, or is acting in, any public office.

(2) For the purposes of paragraph (d) of the last preceding subsection---

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms ; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

49. The seat of an elected member of the House of Assembly shall become vacant---

- (a) on a dissolution of the House ;
- (b) if he is absent from the sittings of the House for such period and in such circumstances, as may be prescribed in the rules of procedure of the House ;
- (c) if he resigns his seat by writing under his hand addressed to the Governor ;
- (d) if any circumstances arise which, if he were not a member of the House would cause him not to be qualified for election thereto under paragraph (a) of section 47 of this Order or to be disqualified for election thereto by virtue of paragraph (a), (b), (c), (e), (f) or (g) of subsection (1) of the immediately preceding section ; or
- (e) in the circumstances specified in the next following section.

50.—(1) Subject to the provisions of this section, if an elected member of the House of Assembly is sentenced by a court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term of or exceeding twelve months, he shall forthwith cease to discharge his functions as a member of the House, and his seat in the House shall become vacant at the expiration of a period of thirty days thereafter :

Provided that the Governor, acting in his discretion, may, at the request of the member, from time to time extend that period of thirty days to enable the member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate one hundred and fifty days shall not be granted without the approval of the House signified by resolution.

(2) If at any time before the member vacates his seat he receives a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted, his seat in the House of Assembly shall not become vacant under the provisions of the immediately preceding subsection and he may again discharge his functions as a member of the House.

(3) For the purposes of this section—

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms ; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

51.—(1) The High Court shall have jurisdiction to hear and determine any question whether---

- (a) any person has been validly elected as a member of the House of Assembly ; or
- (b) any elected member of the House has vacated his seat therein or is required by virtue of the immediately preceding section to cease to perform his functions as a member.

(2) An application to the High Court for the determination of—

(a) any question under paragraph (a) of the immediately preceding subsection may be made by any person entitled to vote in the electoral district, and at the election, to which the application relates or by any person who was a candidate in that district at that election or by the Attorney-General ;

(b) any question under paragraph (b) of the immediately preceding subsection may be made by any person entitled to vote at an election in the electoral district for which the member concerned was returned or by any elected member of the House of Assembly or by the Attorney-General :

Provided that if such an application is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(3) Regulations made under section 45(a) of this Order may make provision with respect to—

(a) the circumstances and manner in which and the imposition of conditions upon which any application may be made to the High Court for the determination of any question under subsection (1) of this section ; and

(b) the powers, practice and procedure of the High Court in relation to any such application.

(4) No appeal shall lie from any decision of the High Court in proceedings under subsection (1) of this section.

52.—(1) Any person who sits or votes in the House of Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty dollars for each day upon which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the High Court at the suit of the Attorney-General.

Legislation

53.—(1) Subject to the provisions of this Order, the Governor, with the advice and consent of the House of Assembly, may make laws for the peace, order and good government of the Colony.

(2) In the making of laws the Governor and the House of Assembly shall conform as nearly as may be to the directions contained in any Instructions given under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

54. Subject to the provisions of this Order, the House of Assembly may make rules of procedure for the regulation and orderly conduct of its proceedings and the discharge of business at meetings of the House and for the passing, intituling and numbering of Bills and for the presentation thereof to the Governor for assent ; but no such rules shall have effect until approved by the Governor, acting in his discretion.

55.—(1) Subject to the provisions of this Order and of the rules of procedure of the House of Assembly, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the House, and the same shall be debated and disposed of according to the rules of procedure of the House.

(2) Except on the recommendation of the Governor, the House of Assembly shall not—

(a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the House—

(i) makes provision for imposing, or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Colony, or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Government of the Colony ; or

(ii) would effect any alteration in the salary, allowances or other conditions of service (including leave, passages and promotion) of any public officer or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives ; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which in the opinion of the person presiding in the House is that provision would be made for any of the purposes aforesaid.

56.—(1) A Bill passed by the House of Assembly shall not become a law until—

(a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of his assent ; or

(b) Her Majesty has given Her assent to it through a Secretary of State, and the Governor has signified that assent by proclamation published together with the law by exhibition at the Public Office of the Governor.

(2) When a Bill is presented to the Governor for his assent, he shall, acting in his discretion, declare that he assents or refuses to assent to it, or that he reserves the Bill for the signification of Her Majesty's pleasure.

57. A law made under section 53 of this Order—

(a) shall be published in the Colony by exhibition at the Public Office of the Governor ; and

(b) shall come into operation on the date of such publication or, if it is enacted either in the law or in some other law that it shall come into operation on some other date, on that date.

58.—(1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty the Governor shall cause notice of the disallowance to be published by exhibition at the Public Office of the Governor.

(3) A law disallowed by Her Majesty shall be annulled with effect from the date of the publication of the notice of the disallowance.

(4) Section 38(2) of the Interpretation Act 1889 shall apply to the annulment of any law under this section as it applies to the repeal of an Act of Parliament, save that any enactment amended or repealed by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

59.—(1) If the Governor considers that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Colony as a territory within the Commonwealth, and all matters pertaining to the creation or abolition of any public office, or to the salary or other conditions of service of any public officer) that any Bill introduced or any motion proposed at any meeting of the House of Assembly held in accordance with the provisions of this Chapter should have effect, then, if the House fails to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any rules of procedure of the House, declare that the Bill or motion shall have effect as if it had been passed or carried by the House either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit that have been moved or proposed in the House, including any committee thereof; and the Bill or motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons for it.

(3) If any member of the House of Assembly objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting and, if he furnishes a copy of that statement and requests the Governor to do so, the Governor shall as soon as practicable forward the copy to a Secretary of State.

(4) Any declaration made under this section, other than a declaration relating to a Bill, may be revoked by a Secretary of State and the Governor shall forthwith cause notice of the revocation to be published in the Colony by exhibition at the Public Office of the Governor; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and section 38(2) of the Interpretation Act 1889 shall apply to the revocation as it applies to the repeal of an Act of Parliament.

(5) The powers conferred upon the Governor by this section shall be exercised by him in his discretion.

(6) The motions to which this section applies are—

- (a) any motion relating to or for the purposes of a Bill;
- (b) any motion proposing or amending a resolution which, if passed by the House of Assembly, would have the force of law; and
- (c) any motion proposing or amending a resolution upon which the coming into force or continuance in force of a subsidiary instrument depends.

Procedure

60. No member of the House of Assembly shall be permitted to take part in the proceedings of the House (other than proceedings necessary for the purpose of this section) until he has made before the House an oath of allegiance in the form set out in Schedule 2 to this Order.

61.—(1) There shall be a Speaker of the House of Assembly who shall be appointed by the Governor, acting after consultation with the Chief Minister, from among persons who are not members of the House.

(2) The Speaker shall hold office during Her Majesty's pleasure and, subject thereto, for such period as may be specified in the instrument by which he is appointed, and shall not vacate his office by reason only of a dissolution of the House of Assembly.

(3) Any appointment made under subsection (1) of this section shall be by instrument under the public seal.

(4) No person shall be appointed as Speaker if—

- (a) he is not a British subject or a British protected person ; or
- (b) he is a person disqualified for election as an elected member of the House of Assembly by virtue of any provision of section 48 of this Order.

(5) A person shall vacate the office of Speaker—

- (a) if he announces the resignation of his office to the House of Assembly or if, by writing under his hand addressed to the House and received by the Clerk of the House, he resigns that office ;
- (b) if he ceases to be a British subject or a British protected person ;
- (c) if any circumstances arise that would cause him to be disqualified for election as an elected member by virtue of any provision of section 48 of this Order ; or
- (d) if he was at the date of his appointment a party to (or a partner in a firm or a director or manager of a company which was a party to) any contract with the Government of the Colony for or on account of the public service and if, before the expiration of a period of thirty days from the date of his appointment, he has not disclosed to the House the nature of such contract and his interest, or the interest of such firm or company, therein and the House has not exempted him from vacating his office under this paragraph.

62.—(1) Subject to the provisions of subsection (2) of this section, the Speaker or, in his absence or when his office is vacant, a member of the House of Assembly (not being a member of the Council of Ministers) elected by the House for that sitting, shall preside at each sitting of the House.

(2) Until such time as a person is appointed to the office of Speaker, the Governor (or, in his absence, such member of the House of Assembly as the Governor, acting in his discretion, may generally or specially designate) shall preside at each sitting of the House.

63.—(1) Subject to the provisions of this Order, all questions proposed for decision in the House of Assembly shall be determined by a majority of the votes of the members present and voting.

(2) If the person presiding is :

- (a) the Speaker or the Governor, he shall have neither an original nor a casting vote ;

- (b) a member elected in accordance with the provisions of subsection (1) of the immediately preceding section, or designated by the Governor in accordance with the provisions of subsection (2) of that section, he shall not have an original vote but shall have and shall exercise a casting vote if on any question the votes are equally divided.

64. If objection is taken by any member of the House of Assembly present that there are present in the House (besides the person presiding) less than fifteen members of the House and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that the number of members present is still less than fifteen, he shall thereupon adjourn the House.

65. At the request of a member of the Council of Ministers, the person presiding in the House of Assembly may summon any person to a sitting of the House, notwithstanding that that person is not a member of the House, and a person so summoned shall be entitled to take part in the proceedings of the House as if he were a member but shall not have a vote.

Provided that a person shall not be under any obligation to answer any question put to him by any member of the House, or by the person presiding, at such sitting.

66. Notwithstanding any other provision of this Order, the Governor may address the members of the House of Assembly at any time and call a sitting of the House for that purpose.

67. The House of Assembly shall not be disqualified for the transaction of business by reason of any vacancy in its membership, and any proceedings in the House shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

68.—(1) Subject to the provisions of subsections (2) and (3) of this section, a law made under section 53 of this Order may determine the privileges, immunities and powers of the House of Assembly and of its members.

(2) No civil or criminal proceedings may be instituted against any member of the House of Assembly for words spoken before, or written in a report to, the House or a committee of the House, or by reason of any matter or thing brought by him in the House or in a committee of the House.

(3) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the House of Assembly while the House is sitting.

Summoning, Prorogation and Dissolution

69.—(1) Subject to the provisions of this section, each session of the House of Assembly shall be held at such place within the Colony and shall commence at such time as the Governor, acting in his discretion, may appoint by proclamation published by exhibition at the Public Office of the Governor.

(2) The first session of the House of Assembly shall be held within six months after the appointed day, and thereafter sessions shall be held so that a period of twelve months does not intervene between the end of one session and the first sitting of the House in the next session.

70.—(1) The Governor, acting in his discretion, may at any time prorogue or dissolve the House of Assembly by proclamation published by exhibition at the Public Office of the Governor.

(2) The Governor shall dissolve the House of Assembly at the expiration of four years from the date when the House first sits after any general election unless the House has been sooner dissolved under the last preceding subsection.

71. If before the appointed day a general election has not been held pursuant to the provisions of section 2(2) of the Gilbert and Ellice Islands Colony (Electoral Provisions) Order 1974, there shall be a general election at such time within three months after the appointed day, and thereafter within three months of every dissolution of the House of Assembly, as the Governor acting in his discretion, shall appoint by proclamation published by exhibition at the Public Office of the Governor.

CHAPTER VI

PUBLIC ACCOUNTS COMMITTEE

72.—(1) There shall be a Public Accounts Committee of the House of Assembly which shall consist of three elected members of the House:

Provided that no such person shall be qualified for appointment as a member of the Committee if he holds, or is acting in, the office of a Minister or of Chief Minister.

(2) The members of the Committee shall be appointed by the Governor by instrument in writing under his hand.

(3) A member of the Committee shall hold his seat thereon for such period as may be specified in the instrument by which he was appointed:

Provided that his seat shall become vacant—

- (a) if he ceases to be an elected member of the House of Assembly;
- (b) if he is elected as Chief Minister or to act as such;
- (c) if he is appointed to the office of a Minister or to be temporarily a Minister; or
- (d) if the Governor by instrument under his hand, so directs.

(4) In the exercise of the powers conferred on him by subsections (2) and (3) of this section the Governor shall act after consultation with the Chief Minister.

(5) The functions of the Committee shall be—

- (a) to consider the accounts of the Government in conjunction with the report of the Director of Audit;

- (b) to report to the House of Assembly, in the case of any excess or unauthorised expenditure of funds, the reasons for such expenditure ;
- (c) to propose any measures it considers necessary to ensure that the funds of the Government are properly and economically spent ; and
- (d) where a report on the examination and audit of the accounts of any corporation, statutory board, body or commission is required by law to be laid before the House of Assembly, to consider, report on and make recommendations to the House in respect of such accounts.

CHAPTER VII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

73.—(1) When the holder of any office constituted or deemed to be constituted by or under this Order is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

(2) When two or more persons are holding the same office by reason of an appointment made pursuant to subsection (1) of this section, then for the purpose of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office.

74. Notwithstanding the revocation by this Order of the Gilbert and Ellice Islands Order 1970, the Executive Council established by that Order—

- (a) shall continue on and after the appointed day to exist as if the provisions of sections 25 and 27, and Chapter V, of that Order were still in force, until such time as the Council of Ministers established by this Order first meets ; and
- (b) shall until that time perform its functions and be consulted by the Governor in accordance with the provisions of that Order and of the Instructions given under Her Majesty's Sign Manual and Signet in relation to that Order.

75. Subject to the provisions of this Order, the Governor, acting in his discretion, may make laws for the peace, order and good government of the Colony during the period beginning with the appointed day and ending when the House of Assembly first sits.

76.—(1) Any office constituted, or deemed to be constituted, for the Colony by the Governor under section 28 of the Gilbert and Ellice Islands Order 1970 and subsisting immediately before the appointed day shall, on and after that day, be deemed to be an office constituted by the Governor under section 29 of this Order.

(2) Any person who, immediately before the appointed day, holds or is acting in any such office shall, on and after that day, continue to hold or to act in his office as if he had been appointed to it in accordance with the provisions of this Order.

(3) Any person to whom the immediately preceding subsection applies who, before the appointed day, has made any oath required to be made by him before assuming the functions of his office shall not, by reason only of that subsection, be required to make a like oath.

77.—(1) The existing laws shall, as from the appointed day, be construed with such adaptations and modifications as may be necessary to bring them into conformity with the provisions of this Order.

(2) (a) The Governor, acting in his discretion, may, by order published by exhibition at the Public Office of the Governor, at any time within twelve months after the appointed day provide that any existing law shall be read and construed with such adaptations and modifications as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the order.

(b) An order made under this subsection may be amended or revoked in relation to any law affected thereby by the authority competent to amend or revoke that law.

(3) In this section "existing law" means any law made for the Colony by the Governor or any subsidiary instrument made thereunder, that has effect as part of the law of the Colony immediately before the appointed day.

78. The rules of procedure of the Legislative Council constituted by the Gilbert and Ellice Islands Order 1970 as in force immediately before the appointed day shall, until it is otherwise provided under section 54 of this Order, be the rules of procedure of the House of Assembly but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring those rules into conformity with this Order.

79. Where in this Order it is provided that any proclamation, notice, law, regulation or order shall be published by exhibition at the Public Office of the Governor then such proclamation, notice, law or order shall be printed in the Gazette as soon as may be after the date of such publication.

80. Until such time as it is otherwise provided by regulations made under section 45(a) of this Order, any regulations made under the Gilbert and Ellice Islands Colony (Electoral Provisions) Order 1974 and in force immediately before the appointed day shall have effect on and after that day as if they were a law made in pursuance of that section:

Provided that, until such time as the Council of Ministers established by this Order first meets, the Governor, acting in his discretion, may by regulations amend or revoke those regulations.

81. There is reserved to Her Majesty full power to make laws from time to time for the peace, order and good government of the Colony, including, without prejudice to the generality of the foregoing, laws amending or revoking this Order.

ELECTION OF CHIEF MINISTER

1.—(1) The Governor shall cause an election of the Chief Minister to be held—

(a) in the case of a general election, as soon as practicable after the holding of a general election of the members of the House of Assembly and before the House first sits after that general election ; and

(b) in the case of a bye-election to the office of Chief Minister, as soon as practicable after that office has become vacant.

(2) In respect of any election of the Chief Minister, any elected member of the House of Assembly shall be entitled to nominate from among the elected members of the House, one candidate for election as Chief Minister.

(3) Any meeting of the elected members of the House of Assembly held for the purpose of electing the Chief Minister shall be summoned by the Governor, and the proceedings at any such meeting shall be valid notwithstanding any vacancy among the elected members of the House or the absence of any such member.

(4) A list of the candidates nominated for election under sub-paragraph (2) of this paragraph shall be prepared, and each elected member of the House of Assembly present at the meeting shall have one vote and shall be entitled to cast it for one candidate on the list so constituted.

(5) The vote of every such elected member shall be given by ballot in such a manner as not to disclose how that member voted.

(6) No other business than the holding of the election of the Chief Minister may be transacted at any meeting of the elected members of the House of Assembly summoned under sub-paragraph (3) of this paragraph and such a meeting shall not be regarded as a sitting of the House of Assembly for the purposes of any other provision of this Order.

(7) The candidate on the list constituted in accordance with the foregoing paragraphs who receives the greatest number of votes shall, subject to the provisions of the next following sub-paragraph, be deemed to have been elected.

(8) When two or more candidates equally receive the greatest number of votes, no candidate shall be deemed to have been elected and a further ballot or, if necessary, ballots, shall be held in accordance with the provisions of this Schedule :

Provided that—

(i) for the purposes of any such further ballot only those candidates who received the greatest number of votes in the preceding ballot may stand as candidates ; and

(ii) where in two successive ballots the same two or more candidates equally receive the greatest number of votes, the Governor may determine by lot which of those candidates is deemed to be elected instead of holding a further ballot.

2.—(1) If the office of the Chief Minister becomes vacant or the person holding that office is, by reason of his illness or absence from the Colony or for any other reason, in the opinion of the Governor incapable of performing the functions of such office, the Governor shall summon a meeting of the Ministers for the election by them of one of their number to act as Chief Minister during the said vacancy or, as the case may be, during the said incapacity.

(2) The proceedings at any such meeting shall be conducted by the Governor in such manner as he may direct and shall be valid notwithstanding any vacancy or the absence of any Minister.

(3) The Minister who receives the greatest number of votes cast at any such meeting shall be declared to have been elected to act as Chief Minister ; and if two Ministers equally receive the greatest number of votes, the Governor may, if he thinks fit, determine by lot which of them shall be deemed to have been so elected.

(4) A person elected or deemed to have been elected under the preceding sub-paragraph shall cease to act as Chief Minister when a person has been elected, or deemed to have been elected, in accordance with paragraph 1 of this Schedule as Chief Minister, or when he has been informed by the Governor that the Chief Minister is again able to perform the functions of his office, as the case may be.

3. The powers conferred upon the Governor by this Schedule shall be exercised by him in his discretion.

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Appendix XVI

LIST OF PORTFOLIOS HELD BY MEMBERS OF THE COUNCIL OF MINISTERS

Office of the Governor

Governor: Mr. J. H. Smith

External affairs
Defence
Courts
Internal security
Police
Public service

Office of the Chief Minister

Chief Minister: Mr. Naboua Ratieta

Constitutional and political affairs
Election
Chairmanship of the Development
Committee
Local Intelligence Committee
District administration
Local government
Phoenix Island affairs
Broadcasting
Information
Census
Immigration
Resettlement
Liquor
Gambling and lotteries
Film censorship
Public holidays
Church affairs
Charities

Office of the Minister of State

Minister of State: Mr. Ibeata Tonganibeia

Land
Town planning
Labour

Office of the Attorney-General

Attorney-General: Mr. J. H. Hobbs

Legal affairs

Ministry of Commerce and Industry

Minister of Commerce and Industry:

Mr. Sione Kleis

Gilbert and Ellice Islands Development
Authority (GEIDA)
Agricultural and Industrial Loan Board
Copra Board
Co-operatives
Industrial development
Trade
Tourism
Foreign investment
Line Islands development

Ministry of Communications, Works and
Utilities

Minister of Communications, Works and
Utilities: Mr. Bwebwetake Areieta

Civil aviation
Meteorological services
Shipping
Ports and harbours
Roads
Traffic
Posts and telecommunications
Building construction and maintenance
Electricity supplies
Water supplies
Sewage
Air Pacific

Ministry of Education, Training and
Culture

Minister of Education, Training and
Culture: Mr. Otiuea Tanentoa

Education
Teacher training
Technical training
Apprenticeship schemes
Vocational training
Merchant marine training

Ministry of Education, Training and Culture (continued)

University of the South Pacific
Scholarships
Archives
Libraries
Museums
Handicrafts
Traditional skills in song and dance
Language boards

Ministry of Finance

Financial Secretary: Mr. P. W. Reardon

Financial policy
Development policy and planning
Overseas aid
Taxation
Customs and excise
Investment policy
Public debt
Banking
Exchange control
Currency

Ministry of Health and Welfare

Minister of Health and Welfare:

Mr. Teweia Uaruta

Medical services
Public health
Social welfare
Youth organizations
Housing policy
Prisons

Ministry of Natural Resources

Minister of Natural Resources:

Mr. Isakala Paeniu

Agriculture
Animal husbandry
Fisheries
Forestry
Geological survey
Mining

Appendix XVII

CONSTITUTION OF THE NATIONAL PROGRESSIVE PARTY (NPP)

A. Name: The name of the party shall be The National Progressive Party, hereinafter referred to as "the party".

B. Aims and objectives

1. To safeguard the Constitution of the nation.
2. To promote national consciousness, responsibility, unity and independence.
3. To work for the speedy and full development of the nation, raising the people's standard of living, wealth, education, health and welfare.
4. To maintain and expand existing employments in the nation and overseas, and to create and seek new employment opportunities both in the nation and overseas.
5. To stabilize and increase the price of copra to the copra cutter where possible.
6. To utilize the nation's entire marine resources and improve the development of agricultural production.
7. To develop industrialization of the nation.
8. To seek cheaper markets for our imports and find the best ones for our exports.
9. To promote the wealth of our people by maximum utilization of natural resources.
10. To develop new industries in outer islands, thus providing for new employment opportunities for our people and export commodities for our national market and overseas markets.
11. To encourage and assist private enterprise, particularly income generating industries of local ownership.
12. To secure for the workers and people of the nation the full fruits of their industry and the most equitable distribution thereof by ensuring that the means of production, distribution and exchange are under the best obtainable system of popular control and fair play.
13. To legislate for procedure to be followed in the settlement of industrial disputes so as to reduce and if at all possible avoid action.
14. To maintain and improve postal, radio and radio-telephone services on every island in the nation.

15. To provide and expand air transport to outer islands and improve existing marine transport communications.
16. To provide a co-ordinated system of primary, secondary and tertiary education and professional training to meet the needs of the nation.
17. To provide and maintain a respected and practicable system of settling land disputes.
18. To foster harmonious relationships between Government and the churches.
19. To maintain and promote traditional skills and culture.

C. Membership

1. A person of any colour, race or religion who accepts and upholds the Constitution of NPP, shall be eligible for membership provided that he or she is not a member of any political union or of any organization whose policy is inconsistent with that of NPP.
2. Application for membership shall be made either verbally or in writing to the sub-branch secretary for consideration by the branch executive committee. On enrolment, each member shall be supplied with a membership and dues card.
3. Admission fee: each individual member of NPP shall pay, on enrolment, an admission fee of \$A 1.00 a/ in urban areas and 20 cents in rural areas.
4. Annual subscription: each member shall pay an annual subscription of 50 cents (10 cents in rural areas).
5. Subsidiary membership: there shall be formed:
 - (a) An NPP parliamentary association,
 - (b) An NPP women's association,
 - (c) An NPP youth association,
 - (d) An NPP copra producers' association,
 - (e) An NPP co-operative federation movement,
 - (f) An NPP workers' union,

which shall be subsidiary organizations of the party. The rules governing these organizations shall be provided for in articles 10, 11, 12, 13, 14 and 15 of this Constitution.

6. Resignation: the resignation of any member from the party or from any of its subsidiary organizations shall take effect from the moment the letter of resignation has been delivered to the party office concerned. A member who has resigned will not be entitled to a refund of any subscription which may have been paid in advance.

a/ The local currency is the Australian dollar (\$A). \$A 1.00 equals approximately \$US 1.49.

D. National officials

1. The party shall have the following elected officials:
 - (a) President;
 - (b) Vice-president;
 - (c) Secretary-general;
 - (d) Assistant secretary-general;
 - (e) National treasurer;
 - (f) Assistant national treasurer;
 - (g) National organizing secretary;
 - (h) Assistant national organizing secretary.
2. All these office-bearers shall be elected at an annual delegates conference by secret ballot. They shall hold office for two years and shall be eligible for re-election at the expiry of their term of office.
3. The president shall, in consultation with the national executive committee, appoint full-time officers for all the departments of the party.
4. Duties of national officers:
 - (a) The president shall be elected by the annual delegates conference. He shall be the head of the party. He shall ensure discipline and proper order in the party. The president shall be empowered to suspend any member of the party, providing that such suspension by the president shall be ratified by the national governing council within three months, failing which such suspension shall lapse. The president shall have full authority over the entire organizations, i.e., the NPP parliamentary association, branches, youth, women, copra producers, co-operatives and workers and their respective officials and ensure discipline subject only to ratification by the national governing council. He shall in all respects assume leadership of the party, symbolize its unity and be the party's national and international spokesman. He shall ensure adherence to union policy by all officials, members and the parliamentary association and shall be empowered to discipline and suspend from office any person or groups of persons who act or speak contrary to party policy.

The president shall be the leader of the parliamentary association as well as the leader of Government when the party is in power.

 - (b) The vice-president shall be elected at the annual delegates conference. He shall be appointed by the president to act as chairman of various standing committees set up by the national governing council or the national executive committee. He shall further the party programme and policy under the president's direction in the various branches and help to create the spirit of national unity throughout the country.

- (c) The secretary-general shall be responsible for all party affairs and the secretariat under the direction of the president and the national executive committee. He shall ensure that meetings of the national executive committee and the national governing council take place as prescribed by the Constitution and at such times as may be decided by the president. He shall ensure that standing committees and the departments perform their functions effectively. He shall keep or cause to be kept a proper record of minutes of all meetings of the national executive committee, the national governing council and the annual delegates conference and ensure the distribution of such minutes to persons or branches concerned.
- (d) The assistant secretary-general shall be available for such duties as may be prescribed for him by the president or the secretary-general. He shall assume the responsibilities of the secretary-general in the latter's absence and assist him in his duties.
- (e) The national treasurer shall be in charge of the party's financial offices and supervise branch financial transactions under the direction of the president, the national executive committee and the national governing council. He shall prepare and submit to the national governing council a financial statement every quarter of the year, and shall ensure that the annual statement of accounts, duly audited, is circulated to all delegates at the same time as the notices convening the annual delegates conference are sent out.
- (f) The assistant national treasurer shall undertake the duties of the national treasurer in the latter's absence and generally assist in such matters as are prescribed by the national treasurer or the president.
- (g) The national organizing secretary shall supervise the work of the director of organization and through him ensure the proper and effective functioning of all branch organizing secretaries. He shall also supervise the work of all subsidiary associations. He shall prepare and report on progress in the organization of the party at every meeting of the national governing council.
- (h) The assistant national organizing secretary shall perform such duties as are allocated to him by the national organizing secretary with the approval of the national executive committee. He shall undertake the national organizing secretary's duties in the latter's absence.

- 5. No national office-bearer elected at the annual delegates conference shall hold at the same time an office in any branch or sub-branch of NPP.
- 6. Any of the elected officers may be employed on a full time basis at a salary to be decided by the national executive committee.

COMPONENT PARTS OF NPP

E. National executive committee

1. The national executive committee of the party shall be composed as follows:
 - (a) All officials elected at the annual delegates conference;
 - (b) The vice-president, elected from the branches;
 - (c) Two members elected from among members of the national governing council;
 - (d) The whip and secretary of the parliamentary association.
2. The national executive committee shall have the following functions:
 - (a) It shall act as the executive body of the national governing council and the annual delegates conference and shall ensure that all decisions and policies made are duly carried out;
 - (b) It shall supervise the administrative machinery of the party at all levels and shall take such measures as it deems necessary to enforce decisions and programmes of the party as laid down by the national governing council and the delegates conference;
 - (c) It shall meet at least once every month. In the event of an emergency, it shall assume full responsibility for the party and shall report to the national governing council as soon as possible;
 - (d) It shall work in close liaison with the parliamentary association and ensure that party policies are adhered to in parliament;
 - (e) It shall report its activities to the plenary session of the national governing council;
 - (f) The national executive committee may suspend one of its own members or ratify any suspension already ordered by the president of any party official for misconduct, contravention of the party's code of discipline, or failure to uphold policy pending decision by the national governing council whose decision shall be final.

F. National governing council

1. The national governing council of the party shall consist of:
 - (a) All officials elected at the annual delegates conference;
 - (b) One representative elected by each branch executive committee;
 - (c) One representative of the NPP parliamentary association from each of the following:
 - (i) Makin - Abaiang
 - (ii) Rural and urban Tarawa and Betio-Banaba
 - (iii) Maiana - Abemama
 - (iv) Nonouti - Onotoa
 - (v) Beru - Arorae
 - (vi) Nanumea - Nui
 - (vii) Vaitupu - Nukulaelae
- elected by elected members;

(d) The chief whip and officials of the NPP parliamentary association.

2. The governing council shall have the following functions:

- (a) To carry out the policy and programme of the party as laid down at the annual delegates conference and/or the special delegates conference;
- (b) To ensure proper organization and discipline of all the branches of the party;
- (c) To enforce the Constitution and rules, standing orders and by-laws of the party, and to take any other action that it deems necessary for such purpose whether by way of suspension for any period or by expulsion of any member from the party;
- (d) To initiate and undertake all such activities as may further the aims and objectives of the party;
- (e) To select candidates for central and local government elections from lists or panels of names submitted by the constituencies concerned;
- (f) To elect committees that will scrutinize and report on policies to be implemented by the departments of the party;
- (g) The national governing council shall delegate to the national executive committee such powers as may be required to set up specialized departments and other advisory bodies at the secretariat as may be required to carry out aims and objectives of the party;
- (h) Any vacancy occurring in the national governing council during the course of the year may be filled by nomination by the national governing council in the case of national officers and by branches in case of branch representatives and by election by the elected members in the case of representatives of the NPP parliamentary association. and such persons shall fill the said post or vacancy until the next annual delegates conference;
- (i) The national governing council shall meet in plenary session every three months;
- (j) Emergency meetings of the national governing council shall be convened as thought fit by the president or national executive committee or by written request made by 12 branches of the party;
- (k) The national governing council shall have power to make by-laws which are not inconsistent with the Constitution and rules of the party;
- (l) The national governing council shall ensure that the national treasurer prepares and submits a financial statement which has been circulated to all the members of the council every three months, and that all branches submit a monthly financial report to the headquarters of the party.

G. Annual delegates conference

1. There shall be two classes of delegates conferences: an annual delegates conference and a special delegates conference.

2. In each case the composition of a delegates conference shall be as follows:

- (a) Members of the national executive committee;
- (b) All NPP members of the house of assembly;
- (c) One delegate from each branch which has no elected members in the house of assembly.

The annual delegates conference shall be held each year at a place and date which shall be decided by the national executive committee.

Notices in writing of such annual delegates conference, accompanied by the annual statement of accounts and the agenda for the meeting, shall be sent by the secretary-general to all branches and persons entitled to attend the conference where practicable not later than one month before the date of the conference, and by broadcast advertisement on radio not less than 14 days before the date of the conference.

The agenda for the annual delegates conference shall consist of the following:

- (a) Confirmation of minutes of the previous annual delegates conference and matters arising therefrom;
- (b) Report of the secretary-general and matters arising therefrom;
- (c) Report of the national treasurer and statement of accounts duly audited;
- (d) Resolutions;
- (e) Elections of office-bearers;
- (f) Election of a qualified auditor or firm of auditors who may not be members of the party;
- (g) Such other matters as the national executive committee may decide or as to which notice shall have been given in writing by a branch to the secretary-general at least two weeks before the date of the conference;
- (h) Any other business with the approval of the president.

6. Special delegates conference: A special delegates conference may be called for any specific purpose by the national governing council or the national committee. Notice in writing of such meeting shall be sent to all branches not less than seven days before the date of such meeting. The conference shall not discuss any other matter other than that for which it has been convened. The composition of a special delegates conference shall be the same as that for an annual delegates conference.

H. NPP island branch

1. Each branch shall be controlled by a branch executive committee which shall consist of:
 - (a) Chairman, vice-chairman, secretary, treasurer, and organizing secretary;
 - (b) A branch executive officer who shall be appointed by the president in consultation with the branch executive committee;
 - (c) One member elected from each village branch working committee;
 - (d) One representative each of the youth, women, copra producers, co-operative federation and workers' associations.

2. The general meeting of the branch shall be held annually and shall elect the office-bearers of the branch. The general meeting shall be convened by the branch executive committee not later than 31 July and all elections shall be by secret ballot. The general meeting shall consist of:
 - (a) Office-bearers of the branch, including the branch executive officer;
 - (b) Office-bearers of all sub-branches;
 - (c) Ten members elected by each sub-branch;
 - (d) Four representatives each of the NPP youth, women, copra producers, co-operative federation and workers' associations.
3. The agenda of the general meeting shall include:
 - (a) Minutes of the last general meeting and matters arising therefrom;
 - (b) Report by the treasurer, together with an audited statement of accounts;
 - (c) Election of office-bearer;
 - (d) Election of an auditor who need not be a member of the party.
4. The duties of the branch executive committee shall be:
 - (a) To carry out propaganda and organization work among the people in order to realize the aims, objectives and policies and programmes of the party;
 - (b) To promote political and general education among the people;
 - (c) To recruit new members to the party;
 - (d) To represent the views and interests of the members in the branch to the national governing council;
 - (e) To foster among the people a spirit of self-reliance and self-help and to encourage them to organize collectively for the task of nation-building;
 - (f) To ensure discipline and adherence to party policies and programmes among individual party members and subsidiary associations. The branch executive is empowered to suspend any member, and order an investigation into any of its subsidiary organizations. A report of such suspension shall be submitted to the president within one week of the suspension, and the president, in consultation with the national executive committee, shall either ratify or set aside such suspension. Such suspension shall be effective until such time as the national governing council ratifies or sets aside the suspension, and the member concerned shall be entitled to appear before the national governing council. If the national governing council ratifies the suspension, or if no appeal is lodged within six months of the president's order of suspension, such member shall be deemed to have been expelled from the party.

5. The branch executive officer shall also be the party's revenue officer in the branch. He shall supervise and co-ordinate the activities of the party and all revenue collectors in the branch. All monies paid to or accruing to the party shall be paid to him. He shall remit all such monies to the national treasurer and the branch treasurer according to the percentages set out under finance of the Constitution. The branch executive officer shall assist in the preparation of a full statement of account to the national treasurer every three months or as often as may be demanded.
6. The treasurer shall take charge of and supervise all branch expenditure. He shall keep a proper record of expenditure of all monies remitted to him.

I. NPP village branch

1. Each branch shall, in the interests of efficient organization, be subdivided into sub-branches. The national executive committee may authorize variation in such subdivision in special conditions.
2. The sub-branch shall be governed by a working committee which shall consist of:
 - (a) Chairman, vice-chairman, secretary and treasurer;
 - (b) An organizer, appointed by the branch executive officer in consultation with the branch executive committee, who shall supervise the work of the area party collectors in a village or ward;
 - (c) Two representatives from each of the NPP youth, women, copra producers, co-operative federation and workers' associations.
3. (a) The committee shall hold a meeting annually not later than 30 June of every year;
 - (b) Such meeting shall have the following items on its agenda:
 - (i) Confirmation of minutes of the last meeting and matters arising therefrom;
 - (ii) Statement of account of monies expended and audited by the branch executive officer;
 - (iii) Election of sub-branch office-bearers;
 - (iv) Any other business with the consent of the chairman.
4. The meeting shall consist of:
 - (a) Office-bearers elected at the last annual meeting;
 - (b) Twenty delegates appointed by the committee;
 - (c) The organizer;
 - (d) Three representatives each from the NPP subsidiary organizations in the sub-branch.

5. Duties of the sub-branch committees shall be:

- (a) Similar to those of the branch but at a sub-branch level, except that it shall have no power to suspend any member, but shall report misconduct of any member to the branch chairman who will place the matter before the branch executive committee;
- (b) Sub-branches shall have no original powers of expenditure. All monies collected shall be paid by sub-branch collectors directly to the branch executive officer, and the sub-branch shall present all their claims for financial assistance to the executive committee through the branch treasurer.

J. NPP parliamentary association

- 1. All NPP members in the house of assembly shall belong to the parliamentary group.
- 2. The group shall be allowed to take into its membership members of the assembly not originally being members of NPP who accept the NPP whip, policies and programmes. Such members shall be required within three months to become members of the union.
- 3. The parliamentary group shall be under the direct supervision of the president of NPP who shall report to the national governing council and the national executive committee on the activities, and general conduct of the parliamentary group.
- 4. The parliamentary group shall be responsible for tactics and programmes within Parliament, but shall have no power to initiate new policy. It shall consult closely and regularly with the national governing council.
- 5. It shall be based on discipline under the whip, and any member or members may be expelled by the president or the national executive committee for any disregard of policy. There shall be an appeal to the national governing council whose decision shall be final.
- 6. It shall follow a cabinet system in which ministers or shadow ministers shall be appointed by the president of the party.
- 7. When in opposition its "shadow cabinet" shall be vigilant, active and constructive.
- 8. Members of the group, including ministers, may be required from time to time to pay a levy fixed by the national executive committee.

K. NPP youth association

- 1. The group shall consist of NPP members who have attained the age of 14 but who have not attained the age of 35. Application for membership shall be made verbally or in writing to the sub-branch secretary or to the branch secretary. On enrolment each member shall be supplied with a youth group card and badge.

2. Every member of the youth group shall pay fee of \$A 1.00 and a monthly subscription of 20 cents. Any members who are three months in arrears of monthly subscription shall cease to be members of the youth group.
3. While retaining a measure of self-identity, the organization of the NPP youth group shall be an integral part of the party and amenable to NPP control and discipline at the branch and sub-branch level.
4. Sub-branch youth group committees and office-bearers shall be elected at the annual meeting of NPP members of the sub-branch.
5. The youth group sub-branch committee shall consist of:
 - (a) Chairman, secretary and organizing secretary;
 - (b) Ten members;
 - (c) Office-bearers and members (a) and (b) shall be elected by all the youth group members in the sub-branch;
6. At the time of the sub-branch elections, youth group sub-branch committees shall convene a meeting to elect two representatives to the branch committee.
7. The branch executive committee shall, within one month of its annual general meeting, convene a branch youth group meeting which shall consist of:
 - (a) Office-bearers and committee members of the branch youth group organization;
 - (b) Two delegates elected each sub-branch youth group committee;
 - (c) The chairman of the branch and six other members elected by the branch executive committee;
 - (d) The branch executive officer.
8. At its annual meeting the branch youth group shall have the following agenda:
 - (a) Election of the branch leader, secretary and organizing secretary;
 - (b) Election of one member from each sub-branch to sit on the branch committee;
 - (c) Minutes of the last annual group meeting and matters arising therefrom;
 - (d) Problems confronting the youth in the branch (Island);
 - (e) Programmes for self-help and voluntary group activities;
 - (f) Any other business with the permission of the leader.
9. The group shall have the following functions:
 - (a) To work in closest co-operation with all sub-branch committees to ensure the success of the policy and programme of NPP;
 - (b) To raise funds of their own in order to enable them to fulfil their duties;
 - (c) They shall organize self-help, voluntary work, youth rallies and sports and organize meetings among youth in the branch.

10. (a) The president of NPP may, from time to time, convene a national convention of youth over which he shall preside;
- (b) Such a convention shall consist of one representative elected by each branch of the NPP youth group committee;
- (c) The convention shall discuss such matters as are raised by the branch youth group committees and agreed to by the president.

L. NPP women's association

1. The membership of the NPP women's group shall be opened to all women who are fully paid-up members of NPP.
2. The structure and organization of the women's group shall be similar in every respect to the provisions for the youth group under 1-10.
3. The women's group shall have branch leaders who will work closely with community development officers so as to assist in organizing women's self-help and voluntary groups. The women's groups shall organize seminars, group discussions, literacy groups, women's rallies and other activities intended to create national consciousness among the women of the Colony.

M. NPP copra producers' association

1. The group shall consist of NPP members who cut copra as an employment or a source of income. Application for membership shall be made verbally or in writing to the sub-branch secretary or to the branch secretary. On enrolment, each member shall be supplied with a copra producers' association card and badge.
2. Every member of the copra producers' association shall pay a fee of \$A 2.00 and a monthly subscription of 20 cents. Any member who is three months in arrears of monthly subscription shall cease to be a member of the copra producers' association.
3. While retaining a measure of self-identity, the organization of the NPP copra producers' association shall be an integral part of the party and amenable to NPP control and discipline at the branch and sub-branch level.
4. Sub-branch copra producers' committees and office-bearers shall be elected at the annual meeting of NPP members of the sub-branch.
5. The copra producers' sub-branch committee shall consist of:
 - (a) Chairman, secretary, and organizing secretary;
 - (b) Ten members.

Office-bearers and members shall be elected by all the copra producers' association members in the sub-branch.

6. At the time of the sub-branch elections, copra producers' association sub-branch committees shall convene a meeting to elect two representatives to the branch committee.
7. The branch executive committee shall, within one month of its annual general meeting, convene a branch copra producers' association meeting which shall consist of:
 - (a) Office-bearers and committee members of the branch copra producers' association;
 - (b) Two delegates elected by each sub-branch copra producers' association committee;
 - (c) The chairman of the branch and six other members elected by the branch executive committee;
 - (d) The branch executive officer.
8. At its annual meeting the branch copra producers' association shall have the following agenda:
 - (a) Election of the branch leader, secretary and organizing secretary;
 - (b) Election of one member from each sub-branch to sit on the branch committee;
 - (c) Minutes of the last annual group meeting and matters arising therefrom;
 - (d) Problems confronting the copra producers in the branch;
 - (e) Programmes for self-help and voluntary group activities;
 - (f) Any other business with the permission of the leader.
9. The group shall have the following functions:
 - (a) To work in closest co-operation with all sub-branch committees to ensure the success of the policy and programme of the NPP;
 - (b) To raise funds of their own in order to enable them to fulfil their duties;
 - (c) They shall organize self-help, voluntary work, copra producers' rallies and sports and organize meetings among copra producers in the branch;
10.
 - (a) The president of NPP may, from time to time, convene a national convention of copra producers over which he shall preside;
 - (b) Such a convention shall consist of one representative elected by each branch of NPP copra producers' association committee;
 - (c) The convention shall discuss such matters as are raised by the branch copra producers' association committees and agreed to by the president.

N. NPP co-operative federation movement

1. The group shall consist of NPP members who are shareholders in any Boboti. Application for membership shall be made verbally or in writing to the sub-branch secretary or to the branch secretary. On enrolment each member shall be supplied with a co-operative federation movement card and badge.

2. Every member of the movement shall pay a fee of \$A 2.00 and a monthly subscription of 20 cents. Any member who is three months in arrears of monthly subscription shall cease to be a member of the co-operative federation movement.
3. While retaining a measure of self-identity, the organization of the NPP co-operative federation movement shall be an integral part of the party and amenable to NPP control and discipline at the branch and sub-branch level.
4. Sub-branch co-operative federation committees and office-bearers shall be elected at the annual meeting of NPP members of the sub-branch.
5. The co-operative federation movement's sub-branch committee shall consist of:
 - (a) Chairman, secretary and organizing secretary;
 - (b) Ten members.
6. At the time of the sub-branch elections, co-operative federation movement sub-branch committees shall convene a meeting to elect two representatives to the branch committee.
7. The branch executive committee shall, within one month of its annual general meeting, convene a branch co-operative federation movement meeting which shall consist of:
 - (a) Office bearers and committee members of the branch co-operative federation movement;
 - (b) Two delegates by each sub-branch co-operative federation movement committee;
 - (c) The chairman of the branch and six other members elected by the branch executive committee;
 - (d) The branch executive officer.
8. At its annual meeting the branch co-operative federation movement shall have the following agenda:
 - (a) Election of the branch leader, secretary and organizing secretary;
 - (b) Election of one member from each sub-branch to sit on the branch committee;
 - (c) Minutes of the last annual meeting and matters arising therefrom;
 - (d) Problems confronting the co-operative federation movement in the branch;
 - (e) Programmes for self-help and voluntary group activities;
 - (f) Any other business with the permission of the leader.
9. The group shall have the following functions:
 - (a) To work in closest co-operation with all sub-branch committees to ensure the success of the policy and programme of NPP;

- (b) To raise funds of their own in order to enable them to fulfil their duties;
 - (c) They shall organize self-help, voluntary work, co-operative federation movement rallies and sports and organized meetings among co-operative federation movement members in the branch.
10. (a) The president of NPP may, from time to time, convene a national convention of co-operative federation movement members over which he shall preside;
- (b) Such a convention shall consist of one representative elected by each branch of the NPP co-operative federation movement committee;
 - (c) The convention shall discuss such matters as are raised by the branch co-operative federation movement committees and agreed to by the president.

O. NPP workers' union and staff associations

1. The union shall consist of NPP members who are full-time or part-time employees in the Government, the Gilbert and Ellice Islands Development Authority (GEIDA), the British Phosphate Commissioners (BPC), churches, federations, island councils or private enterprises. Application for membership shall be made verbally or in writing to the sub-branch secretary or to the branch secretary. On enrolment, each member shall be supplied with a workers' union card and badge.
2. Every member of the workers' union shall pay a fee of \$A 2.00 and a monthly subscription of 50 cents. Any member who is three months in arrears of monthly subscriptions shall cease to be a member of the workers' union.
3. While retaining a measure of self-identity, the organization of the NPP workers' union shall be an integral part of the party and amenable to the party's control and discipline at the sub-branch and branch levels.
4. Sub-branch workers' union committees and office bearers shall be elected at the annual meeting of NPP members of the sub-branch. Upon completion of the sub-branch elections of the office-bearers and committee members, the newly elected chairman shall conduct elections at a meeting of all workers' union members in the sub-branch.
5. The workers' union-sub-branch committees shall consist of:
 - (a) Chairman, secretary and organizing secretary;
 - (b) Ten members;
 - (c). The sub-branch party organizer and two members elected by the working committees who shall be ex officio members.

Office bearers and members (a) and (b) above shall be elected by all the workers' union members in the sub-branch.

6. At the time of the sub-branch elections, the workers' union committees in the sub-branch shall convene a meeting to elect two representatives to the branch committee.
7. The branch executive committee shall within one month of its annual general meeting convene a branch workers' union meeting, which shall consist of:
 - (a) Office-bearers and committee members of the branch workers' union organization;
 - (b) Six delegations elected by sub-branch workers' union committees;
 - (c) The chairman of the branch and six other members elected by the branch executive officer.
8. At its annual meeting, the branch workers' union shall have the following agenda:
 - (a) Election of the branch leader, secretary and organizing secretary;
 - (b) Election of one member from each sub-branch to sit on the branch committee;
 - (c) Minutes of the last annual group meeting and matters arising therefrom;
 - (d) Problems confronting the workers in the branch;
 - (e) Programmes for self-help and voluntary group activities;
 - (f) Any other business with the permission of the leader.
9. The union shall have the following functions:
 - (a) To work in closest co-operation with branch and sub-branch committees to ensure the success of the policy and programme of the party;
 - (b) They shall have no original powers of expenditure, but shall be given funds by the branches in order to enable them to fulfil their duties;
 - (c) They shall organize self-help, voluntary work, workers' rallies and sports and organize meetings among workers in the branch.
10.
 - (a) The president of the party may, from time to time, convene a national convention of workers over which he shall preside;
 - (b) Such a convention shall consist of six representatives elected by the branch NPP workers' union committees;
 - (c) The convention shall discuss such matters as are raised by the branch workers' union committees and agreed to by the president.

P. International relations

1. The department concerned with international relations shall scrutinize all matters affecting the party, i.e., representation abroad, attendance at conferences and receiving of guests to the nation and place these before the president at the national executive committee.

2. No party member or official shall visit a foreign country, accept scholarships, funds or any form of assistance, or make any commitments in the name of the party unless such action has been previously approved by the national executive committee and a written authority duly issued by the president.

Q. Quorum

1. A quorum for the national executive committee and the national governing council shall be one half of the membership thereof.
2. A quorum for all delegates conferences and all general meetings at the branch and sub-branch levels shall be two thirds of the persons entitled to attend.
3. The quorum for meetings of the branch executive committee and the sub-branch working committee, and all committees of subsidiary organizations shall be one half of the members entitled to attend.
4. The quorum for the parliamentary association shall be two thirds of the members thereof.
5. Should there be insufficient members present to form a quorum at a duly convened meeting, the meeting shall be postponed to the next or any other day when those present shall be empowered to transact the business on the agenda even without a quorum.

R. Press and publications

1. The party may own and operate a printing press, or it may have an interest or shares in any existing printing press.
2. The party may publish its own literature, periodicals, magazines, pamphlets, books, etc.
3. There shall be a press and publicity relations committee appointed by the national executive committee.

S. Amendment to the Constitution and rules

The Constitution and rules may be amended by a resolution carried by a two-thirds majority vote of members present at any delegates conference. Only party branches and the national executive committee may sponsor resolutions seeking amendments to the Constitution and rules, for consideration by a delegates conference.

T. Procedure of meetings

1. At all meetings of the national executive committee, the national governing council, the parliamentary association or a delegates conference, the president, or, in his absence, the vice-president nominated by him shall take the chair. In the case of the branch and sub-branch meetings, the chairman or, in his absence, the vice-chairman, or in the absence of either of these officials, a member elected by the meeting, shall take the chair.

2. The chairman may at his discretion limit the number of persons permitted to speak in favour of or against a motion, unless a motion against a closure of debate is passed by a two-thirds majority.
3. Resolutions, unless otherwise stated in this Constitution, shall be decided by simple majority. Voting shall be by a show of hands, unless one fifth of the members present at any meeting request a secret ballot, in which case the chairman shall order voting by secret ballot.
4. In the event of an equality of votes at any meeting, the chairman shall have a casting vote.

U. Finance

1. Each member of the party shall pay his/her entrance or monthly subscription to his/her respective sub-branch organization as it is primarily at the sub-branch level that members shall enrol.
2. Each sub-branch organization of NPP shall remit all monies received in membership fees and monthly dues to the branch headquarters.
3. The branch shall retain 50 per cent of all membership fees and dues received from sub-branches and remit 50 per cent to the national headquarters. All branch treasurers shall submit a monthly statement to the national treasurer not later than the first week of the month showing monies received from each sub-branch in the branch, and the amount remitted to the national headquarters.
4. Funds collected at public rallies and meetings shall be treated in the same way as funds received from membership fees and dues, i.e., 50 per cent of all funds collected after paying expenses must be remitted to the national headquarters of the party not later than four days after the rally or meeting has been held.
5. Branches shall ensure that not less than 20 per cent of the money received from any sub-branch is remitted to cover the expenses in that sub-branch.
6. All monies received by the national treasurer, a branch treasurer or sub-branch treasurer shall be deposited in a bank savings account approved by the national executive committee.
7. No payment shall be made out of a bank savings account without resolution of the national executive committee or working committee responsible for the account and all cheques or withdrawal forms shall be signed by three office bearers of the committee one of whom shall be the treasurer, or person authorized to sign in his/her absence.
8. NPP subsidiary organizations shall adhere to the above procedure in so far as it affects any of their organizations and the treasurer shall retain an account of all monies expended which shall be checked by the branch executive officer. All monies collected by the subsidiary organizations shall be remitted to the branch treasurer, and the branch executive committee shall approve a budget and all expenses of the organizations.

9. The party's auditor shall have access to all party accounts and resolutions affecting the disbursement of funds. The party's auditor/accountant shall examine the annual statement of accounts prepared by the national treasurer for the annual delegates conference, and certify the correctness or otherwise of such annual statement.
10. A copy of the auditor's report on the accounts and statement of accounts prepared by the national treasurer shall be furnished to all branches and members of the national executive committee at the same time as the notice convening the annual delegates conference is sent out.
11. Every branch shall appoint a qualified auditor at its branch annual general meeting.
12. The branch auditor shall have access to all branch accounts and shall audit the annual statement of accounts prepared by the branch treasurer. A copy of the branch accounts duly audited shall be sent to every member entitled to attend the branch annual general meeting and three copies shall, in addition, be forwarded to the national headquarters of the party.
13. The national executive committee shall appoint an inspector of books who shall audit, or cause to be audited, the accounts of all sub-branch organizations. The inspector of books, or a person authorized by him in writing, shall have access to all party accounts at all levels.
14. The national executive committee shall be empowered to suspend any member of the party, or any office-bearer who:
 - (a) Is guilty of misappropriation of funds;
 - (b) Consistently ignores directives contained in this Constitution or in any rules made by the national governing council, for the proper management of the party's finances, whether at the national, branch or sub-branch levels. Such suspension shall remain in force until the next meeting of the governing council which shall either set aside the suspension or dismiss the person or persons concerned. The national executive committee may further suspend an individual or office-bearer pending investigation into any suspected fraud conducted by the inspector of books or any of the party's auditors.
15. The funds of the party shall be used in furtherance of the aims and objectives of the party.
16. The party shall be free to accept donations in cash or kind from any lawful source.
17. The national executive committee shall ensure that a statement of account is prepared quarterly for presentation to the national governing council.
18. A sum agreed by the national executive committee, the branch executive committee and the sub-branch working committee may be kept by the respective treasurers as petty cash, for which proper accounts shall be kept, duly vouched for by two persons other than the treasurer.

V. Trustees

1. All land, building and other immovable property, investment and securities which are acquired by the party shall be vested in the names of five trustees elected at the annual delegates conference.
2. Trustees shall be appointed for a period of four years and shall not be removed from office except for the following reasons:
 - (a) Voluntarily resigns in writing;
 - (b) Becomes bankrupt;
 - (c) So conducts himself that a motion calling for his removal is passed by a two-thirds majority vote of the national governing council.
3. The quorum necessary to transact business of the trustees shall be three trustees personally present.
4. The trustees may sue and be sued in their capacity as trustees of the party.
5. The trustees shall collect, repair and lease the properties and submit their annual reports and accounts to the national executive committee under the Trust Act.
6. The trustees shall have power to sell, purchase and/or transfer any immovable properties of the party and cause monies belonging to the party to be invested in, or used for, or exchanged for, the purchase of such bonds, mortgages, shares and other forms of investment as deemed fit with the written approval of the national committee.
7. The trustees shall pay all income received from property invested by the trustees to the national treasurer of the party.
8. Branches shall appoint not more than three trustees at their annual general meeting and such trustees shall be liable to the same conditions as applicable to the trustees elected at the party's delegates conference.
9. Trustees shall be eligible for re-election on the expiry of their term of office.

W. Discipline

1. The president of the party shall be empowered to suspend any member or office-bearer of the party for misconduct or breach of the Constitution and such suspension shall prevail until such time as the national governing council either sets aside or ratifies the suspension, in which latter case the person concerned shall be expelled.
2. The branch executive committee shall have power to suspend any member or office-bearer in the branch, including an office-bearer of a sub-branch. Such suspension shall be reported to the national executive committee which shall either ratify or set aside the suspension. Should the national executive committee ratify the suspension, the matter will be placed before the next meeting of the national governing council, whose decision shall be final.

3. The president may at any time, in consultation with the national executive committee, appoint a commission to investigate the affairs of any branch or sub-branch. The president may act on any decisions reached by the commission, and such decision shall stand until such time as the national governing council shall either ratify, modify or set aside such decision.
4. The president shall, with the approval of the national executive committee, dissolve any branch, sub-branch or any subsidiary committee and order fresh elections to such committee, if he and the national executive committee consider the activities of any such committees detrimental to the interests, aims and objectives of the party.

X. Dissolution

1. The party may, by a resolution passed by two-thirds majority of members at a special delegates conference, called expressly for the purpose of dissolution, resolve that it be dissolved. In the case of dissolution, all properties and funds of the party, after meeting all liabilities, shall be distributed in such a manner as shall be determined by the conference at which the resolution favouring dissolution is passed.
2. The sub-branch or branch components of the party can be dissolved if a resolution favouring dissolution is passed at their annual general meeting by a two-thirds majority. In the event that a resolution calling for dissolution of a sub-branch or branch of the party is passed, all properties and funds of the body being dissolved shall firstly be utilized towards meeting liabilities outstanding as at the date of dissolution and the balance, if any, shall be sent to the national treasurer of the party.

Appendix XVIII

GILBERT AND ELLICE ISLANDS COLONY COPRA BOARD: ANNUAL
REPORT, BALANCE SHEET AND FINANCIAL ACCOUNTS FOR THE
YEAR ENDING 31 DECEMBER 1972

A. Gilbert and Ellice Islands Colony Copra Board: Annual Report
for the nine months ending 31 December 1972

Introduction

1. The report covers a nine-months period, owing to a change in the financial year.
2. This report is prepared and presented in accordance with section 18 of the Copra Board Ordinance, 1955.

Membership of the Board

3. Members of the Board are appointed by the Governor and at the commencement of the year comprised the following:

D. M. Freegard	Chairman
R. T. Harberd	Deputy Chairman
Reuben K. Uatiao MBE.	Member
I. R. Spaven	"
R. E. N. Smith	"
Tito Teburoro	"
Tataua Kauriri	"
George Kwong	"
Babera Kirata	"
W. O'Brien	"

4. At the close of the year after various changes due mainly to postings and termination of contracts, the Board comprised the following:

P. W. Reardon OBE.	Chairman
M. E. H. Vickers	Deputy Chairman
I. R. Spaven	Member
R. E. N. Smith	"
A. L. Macdonald	"
Babera Kirata	"
George Kwong	"
W. O'Brien	"
Tito Teburoro	"
Tataua Kauriri	"

Meetings

5. Board meetings were held in April, May, June, July, August, October and November.

Staff

6. The staff remained unchanged throughout the period.

Visitors

7. Mr. R. Numata, Assistant Manager of Oil and Fats, Mitsui, together with Mr. Ohashi, of the Fuji Oil Mill, visited Tarawa on 22 April 1972 on an overnight stay to negotiate with the Chairman and Secretary regarding copra exports to Japan.
8. Mr. John Fischel of L. M. Fischel and Company, London, arrived and stayed overnight on Tarawa on 13 May 1972 to discuss with the Chairman and Secretary problems that are mutual between the Board and themselves.
9. Mr. J. M. Small, of the Czarnikow Copra Department in London, also paid an overnight call at Tarawa on 30 September 1972 to discuss with the Board problems that arise between the two parties.

Agency

10. The Gilbert and Ellice Islands Development Authority (GEIDA) vessels continued to centralize copra from the outer islands to Tarawa.
11. Co-operative societies on all outer islands continued to act as agents, buying copra from the producers (who are members of the Co-operative) and shipping the product on GEIDA vessels to Betio. There were no copra shipments to Suva during the financial year.

Marketing

12. The Fischel contract has been renewed for 1973, with a proviso that the Board can sell 2,500 tons outside the contract.
13. The amount of 1,000 tons of the 1972 proviso was exported to Japan per Samoa Maru.
14. Copra shipments during the year were as follows:

	<u>Tons</u>	<u>Fob. value</u> (Australian dollars) <u>a/</u>
Tarawa to Europe April 1972 <u>Lossiebank</u>	1 000	77 425.44
Tarawa to Japan September 1972 <u>Samoa Maru</u>	1 000	81 060.99
Line Islands to Europe April 1972 <u>Lossiebank</u>		
Fanning Island	309)	36 690.00
Washington "	203)	
Christmas "	278	23 102.76
November 1972 <u>Cedarbank</u>		
Fanning Island	283)	32 144.46
Washington "	121)	
Christmas "	172	
Total	1 366	\$105 166.88

a/ The local currency is the Australian dollar (\$A). \$A 1.00 equals approximately \$US 1.49.

Prices

15. The following prices per ton paid to the producer and co-operative societies during the year remained unchanged.

(Australian dollars)			
<u>Grade</u>	<u>Producer</u>	<u>Co-operative societies</u>	
		<u>Agency fee</u>	<u>Centralizing bonus</u>
First	44.80	14.00	1.35
Second	33.60	14.00	1.35

16. The Board continued to subsidize the price of copra to the producers throughout the financial year. A subsidy of \$A 22,065 was paid to the producers, reducing the working capital of the Board to \$A 526,724.

Quality of copra

17. Production fell by about 50 per cent on 1971 figures, because of heavy rains and the low world price, which gave little incentive to produce. The percentage of first grade quality was slightly lower than 1971.

Grade percentage of first and second grade copra

<u>Grade</u>	<u>1963</u>	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
First	73.0	76.5	81.0	77.2	93.2	90.4	90.0	96.9	98.1	97.7
Second	27.0	23.5	19.0	22.8	6.8	9.6	10.0	3.1	1.9	2.3

Table 1

Gilbert and Ellice Islands: copra production
by island, 1972

<u>Island</u>	<u>Estimated population</u>	<u>Production</u>		<u>Average annual production, 1947-1972</u>	<u>Highest</u>		<u>Lowest</u>	
		<u>1971</u>	<u>1972</u>		<u>Tons</u>	<u>Year</u>	<u>Tons</u>	<u>Year</u>
		(tons)						
Northern Gilberts								
Makin	1 300	239	201	243	399	1949	132	1950
Butaritari	2 650	554	588	409	629	1972	159	1950
Marakei	2 250	414	415	390	533	1955	289	1950
	6 200	1 207	1 204	1 042				
Central Gilberts								
Abaiang	3 400	651	171	487	799	1955	172	1972
Tarawa	13 000	718	395	540	937	1953	202	1956
Kaiana	1 750	304	142	312	615	1967	134	1972
Kuria	1 000	253	202	201	291	1965	66	1956
Aranuka	800	162	61	127	221	1967	6	1957
Abemama	2 200	899	518	675	1 142	1959	195	1957
	22 150	2 987	1 489	2 342				
Southern Gilberts								
Nonouti	2 500	361	18	324	788	1967	1	1957
Tabiteuea	4 500	479	119	433	993	1965	15	1957
Onotoa	2 000	141	17	139	320	1967	2	1957
Beru	2 500	287	116	198	512	1967	14	1957
Nikunau	2 100	303	127	205	525	1967	14	1957
Tamana	1 500	137	15	63	226	1967	2	1957
Arorae	1 850	96	1	107	313	1967	1	1964
	16 950	1 804	413	1,469				
Ellice Islands								
Nanumea	1 100	29	2	29	91	1965	1	1957
Nanumanga	600	87	23	81	116	1967	2	1963
Niutao	800	31	5	38	119	1959	5	1965/72
Nui	600	57	7	52	76	1956	7	1972
Vaitupu	900	115	35	107	157	1964	20	1963
Nukufetau	700	23	-	22	36	1967	-	1972
Funafuti	850	26	-	25	59	1960	-	1972
Nukulaelae	400	56	3	46	74	1968	3	1972
Niulakita	60	35	27	22	35	1971	11	1957
	6 010	459	102	422				

18. Analytic reports from independent analysts gave satisfactory results for copra shipped. Listed below are average grades attained:

<u>Tarawa</u>	<u>Percentage of oil</u>	<u>Percentage of free fatty acid</u>	<u>Percentage of moisture</u>
1970	68.9	2.4	3.1
1971	66.7	2.5	3.5
1972	68.9	2.7	3.3
<u>Line Islands</u>			
1970	68.0	1.9	3.7
1971	67.5	4.13	2.9
1972	-	3.4	3.8

Production

19. The following table gives production tonnage over the last 10 years.

	<u>1963</u>	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
Island producers	4 067	4 501	7 678	6 174	8 683	4 335	5 061	5 106	6 451	3 208
Plantation	<u>1 597</u>	<u>1 844</u>	<u>2 055</u>	<u>2 273</u>	<u>2 516</u>	<u>2 297</u>	<u>1 605</u>	<u>1 868</u>	<u>2 451</u>	<u>1 216</u>
Total produced	5 664	6 345	9 733	8 447	11 199	6 632	6 666	6 974	8 908	4 424
Exported	6 105	5 316	9 027	8 973	10 841	6 071	7 824	6 175	8 062	3 366

Accounts and financial position

20. The final accounts for the nine months ending 31 December 1972 are appended. These show the copra trading accounts, the income and expenditure account and the balance-sheet.

(Signed) /Illegible/
Secretary

(Signed) /Illegible/
Chairman

Table 2

Gilbert and Ellice Islands Colony Copra Board: trading account
for the year ending 31 March 1972 and the nine-month period
ending 31 December 1972

(Australian dollars)

	<u>31 March 1972</u>	<u>31 December 1972</u>
Copra sales	1,095 920	261 883
Gross loss on trading	196 158	22 065
Copra stock at 1 April 1972		51 610
Purchases of copra	810 618	217 684
Freight on copra	117 748	42 529
Stevedoring on copra	71 399	<u>24 386</u>
		284 599
Less copra stock at 31 December 1972		<u>83 772</u>
		200 827
Purchases of copra sacks	9 097	9 847
Freight on copra sacks	4 025	1 581
Stevedoring on copra sacks	617	<u>256</u>
		11 684
Less copra sacks stock at 31 December 1972		<u>7 816</u>
		3 868
Bonus for centralizing copra	14 054	3 376
Export duty (GEIC)	186 777	3 843
Export duty (Line Islands)	-	20 424
Packing allowance	1 993	<u>-</u>
		283 948

Table 3

Gilbert and Ellice Islands Colony Copra Board: income and
expenditure account for the year ending 31 March 1972 and
the nine-month period ending 31 December 1972

(Australian dollars)

	<u>31 March 1972</u>	<u>31 December 1972</u>
<u>A. Income</u>		
Income from investment	28 928	14 203
Interest on loans	11	14
Levy for expenses	469	267
Rents receivable	2 808	2 309
P.W.D. repairs deposit refunded	67	-
Adjustment - conversion rate	4 952	-
Cash surplus	1	-
Gain on sale of investment (capitalized)	8 712	-
Fire insurance refunded	-	541
	<u>45 948</u>	<u>17 334</u>
Excess of expenditure over income for the year	164 516	26 207
<u>B. Expenditure</u>		
Salaries	2 418	2 030
Leave pay	-	450
Printing and stationery	244	83
Postage	17	3
Telephone rents	33	27
Lighting	92	70
Letter box rentals	5	-
Telegrams	255	342
Bank charges	64	1 289
Audit fee	100	245
Travelling expenses	7	7
Repairs	98	449
Depreciation	1 083	1 044
Fire insurance	683	-
Betio Town Council's service charges	9	20
Advertisement	6	-
Telmo Commission	1	-
Sacks labour	4 068	2 091
Fumigation	1 079	-
Provident fund	109	97
Interim award	-	140
Loss on conversion rate	-	3 756
Grading table expenses	-	59
Travelling expenses - auditors	35	-
Sundry expenses	2	9
Directors' expenses	1 546	2 045
Rhino beetle eradication	-	200
Tolls subsidy	1 730	7 020
Land tax rebate	622	-
Gross loss on trading	<u>196 158</u>	<u>22 065</u>
	210 464	43 541

Table 4

Gilbert and Ellice Islands Colony Copra Board: balance sheet for the year ending 31 March 1972
and the nine-month period ending 31 December 1972
(Australian dollars)

	<u>31 March 1972</u>	<u>31 December 1972</u>
<u>Accumulated fund</u>		
Balance at 1 April 1972	673 577	536 344
Add provisional export duty transferred to general reserve	28 269	-
Gain on sale of investment	-	44 900
Less loss on conversion rate	-	30 586
Less tax unrefundable	986	-
Net loss for the year	164 516	26 207
	<u>536 344</u>	<u>524 451</u>
Outer Islands Insurance Fund	2 273	2 273
	<u>538 617</u>	<u>526 724</u>
<u>Investments (at cost) (Market value \$A 408,500)</u>	349 805	300 715
Joint miscellaneous fund on call	3 137	81 239
		<u>381 954</u>
<u>Long-term loans, unsecured</u>		
Gilbert and Ellice Islands Development Authority (GEIDA)	66 000	66 000
Agricultural and Industrial Loans Board	50 000	50 000
		<u>116 000</u>
<u>Fixed assets</u>		
		<u>Cost Depreciation Book value</u>
Houses	12 820	16 021 3 999 12 022
Furniture	780	1 467 489 978
Office equipment	297	628 393 235
Copra weighing scale	174	218 87 131
		<u>18 334 4 968 13 366</u>
<u>Current assets</u>		
Stock at 31 December 1972: copra	51 610	83 772
Stock at 31 December 1972: copra sacks	7 674	7 816
Stock at 31 December 1972: tools for sale	17 498	6 549
Sundry debtors (Government Treasury, Lands Department, Crown Agent)	459	21 275
Loans - personal	93	357
Czarnikow	25 570	9 344
Post Office box key deposit	2	2
Accrued interest	5 587	566
Joint Consolidated Fund	15 445	-
Joint Miscellaneous Fund No. 2 and Copra No. 2	27 651	6 146
<u>Bank balances</u>		
Bank of New Zealand (Australia)	4 744	4 003
Bank of New South Wales (Tarawa)	60 688	15 405
Cash in hand	5	87
	<u>700 039</u>	<u>155 322</u>
<u>Less current liabilities</u>		
GEIDA current account	125 607	105 701
Christmas Island Plantation	14 001	29 416
Fanning/Washington Plantation	740	257
Post and Telecommunications Department	62	44
Audit Department	100	245
GEIDA suspense	8 289	2 993
Treasury Department	517	-
Co-operative Societies Federation suspense	-	1 190
Provident Fund "A" accrued	-	36
Provident Fund "B" accrued	-	36
Sundry creditors	12 106	-
	<u>161 422</u>	<u>139 918</u>
		<u>526 724</u>

I have examined the attached accounts in accordance with the provisions of section 55 (i) of the Public Finance Control and Audit) Ordinance, 1971. I have obtained all the information and explanations that I have required, and I certify as the result of my audit that in my opinion the attached accounts are correct.

(Signed) /Illegible/
Director of Audit
30 October 1973

Appendix XIX

BRITISH PHOSPHATE COMMISSIONERS: REPORT AND ACCOUNTS
FOR THE YEAR ENDING 30 JUNE 1972

Foreword to the British Phosphate Commissioners' report and
accounts for the year ending 30 June 1972

1. An agreement (given effect to by the Nauru Island Agreement Act, 1920, 10 and 11 Geo. 5 Cap. 27) was signed on 2 July 1919, between the Governments of the United Kingdom of Great Britain and Northern Ireland, Australia and New Zealand (the partner Governments) which, inter alia, provided for the setting up of a board of commissioners, one to be appointed by each Government, to hold and manage the phosphate deposits to be acquired from the Pacific Phosphate Company. By an agreement dated 25 June 1920, the partner Governments acquired the company's rights on Nauru and on Ocean Island, for a sum of £3,500,000, a/ the United Kingdom Government subscribing 42 per cent.
2. By the Nauru Phosphate Agreement, 1967, Nauru, which became a Republic on 31 January 1968, purchased the assets on Nauru at an agreed valuation and from 1 July 1970 took full control of their operation. The remaining capital, that is to say the capital in respect of Ocean Island, was recalculated and is repayable by 30 June 1976, with interest at 6 per cent. The United Kingdom Government share of this annuity is accounted for as a Consolidated Fund Extra Receipt.
3. Since 1950, the accounts of the British Phosphate Commissioners, which had previously been included in the annual volume of trading accounts and balance-sheets, have, together with the report of the Commissioners, been presented to Parliament as a command paper.
4. The financial arrangements in respect of Ocean Island, agreed between the partner Governments in the Wellington Agreed Minute, 1967 and the Suva Agreed Minute, 1970, provide for a selling price (\$A 12.30 b/ per ton for 1971/72) from which are deducted the actual costs of production and a prior contractual royalty of 20 cents per ton payable to the Banabans. The total remaining sum (the "net proceeds") is then distributed to the Gilbert and Ellice Islands Colony as taxation prescribed by colony legislation, and to the Banabans as additional royalty. The "net proceeds" for the year 1971/72 were \$A 3,155,806.97 (after the deduction of \$A 59.19 carried forward from 1970/71), the equivalent of \$A 5.74 per ton to the nearest whole cent, on the export tonnage of 550,045 tons. The resultant distribution for 1971/72 was \$A 2,773,821.93 to the Gilbert and Ellice Islands Colony and \$A 493,445.37 (including the contractual royalty) to the Banabans, leaving a debit balance of \$A 1,451.33 - arising from payment to the nearest whole cent per ton - to be carried forward to 1972/73.

a/ One pound sterling (£1) equals approximately \$US 2.35.

b/ The local currency is the Australian dollar (\$A) - \$A 1.00 equals approximately \$US 1.49.

Table 1

BRITISH PHOSPHATE COMMISSIONERS

A. Ocean Island phosphate operations for the years ending 30 June 1971 and 1972

	30 June 1971	30 June 1972
(Australian dollars)		
Phosphate sales	7 168 932	6 765 553
Operating expenses, including:		
Expenses at Ocean Island and for administrative		
expenses, interest charges, pension fund,		
depreciation of island installations and		
charges for special service ships	3 713 296	3 499 678
Disposition of proceeds, in accordance with		
Ocean Island Agreed Minutes, 1967 and 1970	3 455 636	3 265 875
	<hr/>	<hr/>
	7 168 932	6 765 553

B. Revenue account balances for the years ending 30 June 1971 and 1972

Charges	24 105	12 988
Transferred to:		
Pension fund	1 500 000	-
Reserves	4 000 000	-
Balance, carried forward, 30 June 1972	1 433 328	2 806 475
	<hr/>	<hr/>
	6 967 433	2 819 463
Accumulated revenue: balance brought		
forward, 1 July 1971	5 472 557	1 443 328
Non-island operations	299 115	259 726
Interest	1 195 761	1 116 409
	<hr/>	<hr/>
	6 967 433	2 819 463

Table 2
Balance-sheet, for the years ending 30 June 1971 and 1972
(Australian dollars)

	<u>30 June 1971</u>	<u>30 June 1972</u>
<u>A. Capital</u>		
Subscribed by Government of:		
United Kingdom	3 260 637	3 260 637
Australia	3 260 637	3 260 637
New Zealand	1 242 148	1 242 148
	<hr/> 7 763 422	<hr/> 7 763 422
Less repayment at 30 June 1972	6 980 246	7 119 179
	<hr/>	<hr/>
Balance	78 176	644 243
Reserves	18 942 947	18 944 524
Revenue account balances	1 443 328	2 806 475
Pension fund	6 239 180	6 742 770
Current liabilities: accounts payable and accrued expenses	2 226 986	2 087 426
	<hr/> 29 635 527	<hr/> 31 225 438
<u>B. Assets</u>		
Fixed assets: installations and plant at Ocean Island, ships and freehold property (at cost, less depreciation)	4 910 290	4 225 953
Investments:		
Pension fund		6 619 951
Other		250
	4 635 458	<hr/> 6 620 201
Current assets:		
Short-term deposits	15 955 000	18 370 000
Net balance at banks	84 662	59 848
Cash in hand	152 544	121 261
Christmas Island Phosphate Commission	2 598 147	209 917
Stocks (at or under cost)	672 124	592 074
	<hr/> 20 089 779	<hr/> 20 379 284
	<hr/> 29 635 527	<hr/> 31 225 438

We report that we have examined the balance-sheet at 30 June 1972 and accompanying operations and revenue accounts for the year then ended with the books of account of the British Phosphate Commissioners. We have accepted the certificates of officers of the Commissioners for valuation of stocks. We have obtained all the information and explanations we have required.

In our opinion, the balance-sheets and accompanying operations and revenue accounts are properly drawn up so as to exhibit a true and fair view of the state of the Commissioners' affairs and the results of their operations for the year, according to the best of our information and the explanations given to us and as shown by the books of the Commissioners.

(Signed) KENT BRIERLEY AND BARRACLOUGH
Chartered Accountant
Auditors

Melbourne, 10 November 1972

Appendix XX

GILBERT AND ELLICE ISLANDS DEVELOPMENT AUTHORITY
ORDINANCE (NO. 12) OF 1970

AN ORDINANCE

TO PROVIDE FOR THE ESTABLISHMENT OF THE GILBERT AND
ELLICE ISLANDS DEVELOPMENT AUTHORITY, FOR THE
FUNCTIONS OF THAT AUTHORITY AND FOR ALL MATTERS
CONNECTED THEREWITH AND FOR THE REPEAL OF THE
WHOLESALE SOCIETY ORDINANCE, 1955.

Enacted by the Governor with the advice and consent of the
Governing Council.

PART I. PRELIMINARY

1. This Ordinance may be cited as the Gilbert and Ellice Islands
Development Authority Ordinance, 1970, and shall, with the exception of the
provisions thereof specified in the Schedule, come into operation on such day as
the Governor may by notice appoint.

...

PART II. THE GILBERT AND ELLICE ISLANDS DEVELOPMENT AUTHORITY

3. There is hereby established the Gilbert and Ellice Islands Development
Authority which shall, in that name, be a body corporate with perpetual succession
and a common seal, and shall be capable of suing and being sued, and subject to
this Ordinance of doing and suffering all such other acts and things as bodies
corporate may lawfully do and suffer.

4. The objects of the Authority are:

- (a) To foster the economic development of the Colony, and
- (b) To improve the social and economic conditions of the people of
the Colony

by the promotion, establishment, operation or expansion of undertakings in the
Colony.

5. (1) For the purpose of achieving the objects specified in section 4,
the Authority shall have the power either alone or in association with other bodies
or persons or as managing agent or otherwise on behalf of other bodies or persons:

- (a) To investigate and formulate projects for the promotion,
establishment, operation or expansion in the Colony of new or
existing undertakings and to carry out such projects;

- (b) To promote, establish, operate or expand new or existing undertakings;
- (c) To carry on any activities incidental to a project falling within paragraph (a) or to an undertaking falling within paragraph (b) that appear to the Authority to be requisite, advantageous or convenient for or in connexion with that project or undertaking;
- (d) To assist other bodies or persons, either financially (by the taking up of share or loan capital, or by grant, loan or otherwise) or in any other way, to perform any functions which the Authority is empowered to perform by virtue of paragraphs (a), (b) or (c);
- (e) To establish or expand, or promote the establishment or expansion of, other bodies to carry on (either under the control or partial control of the Authority or independently) any such functions as are mentioned in paragraph (d).

(2) The Authority may do all things necessary or convenient to be done for or in connexion with, or incidental or conducive to, the discharge of its functions and, in particular, may:

- (a) Acquire, take on lease, purchase, hold, manage and enjoy any property and sell, let or otherwise dispose of the same;
- (b) Borrow money for the purposes of the day-to-day operations of the Authority;
- (c) Enter into any contract;
- (d) Make, draw, accept or endorse negotiable instruments.

6. (1) The Governor in Council may give to the Authority directions as to the exercise and performance of its functions in relation to matters that appear to him to concern the public interest, and, subject to subsection (2), the Authority shall give effect to such directions.

(2) Where the Authority certifies that it is of the opinion that the carrying out of directions given by the Governor under subsection (1) will result in financial loss to the Authority and produces an estimate of such loss, it shall not give effect to the directions until the legislature, by approval, vote or resolution, affirms that any loss incurred up to the maximum estimated by the Authority will be met from the revenues of the Colony.

(3) Without prejudice to the generality of the power given to the Governor under subsection (1), such power shall include the power to direct:

- (a) That the Authority shall act in accordance with a general programme of policy or development settled from time to time with the approval of the Governor in Council;

- (b) That the Authority shall discontinue or restrict any of its activities;
- (c) That any proposed scheme of reorganization or development involving substantial outlay on the capital account or that any form of financial assistance proposed under section 5 (1) be submitted for the prior approval of the Governor in Council; and
- (d) That allocations to the reserve fund be reviewed.

(4) The Authority shall afford to the Governor facilities for obtaining information with respect to the property and activities of the Authority, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished in such manner and at such times as he may require.

7. (1) The Authority may, by resolution or otherwise, delegate to the general manager or to any committee with or without restrictions or conditions, as the Authority thinks fit, such of its powers and functions as it deems expedient for the efficient discharge of the day-to-day operations of the Authority.

(2) Nothing in subsection (1) shall permit the delegation of the power:

- (a) To make major decisions of policy in connexion with the functions of the Authority;
- (b) To authorize expenditure exceeding such amount as may, from time to time, be fixed by the Authority.

8. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the Authority by any person generally or specially authorized by the Authority for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed to be a document so executed.

PART III. MEMBERSHIP AND PROCEDURE OF THE AUTHORITY

9. (1) The Authority shall consist of a chairman, a deputy chairman and not less than five nor more than nine other members, all of whom shall be appointed by the Governor in Council.

(2) Members of the Authority, other than public officers and personnel of the Authority, may resign their membership by giving written notice to the Governor.

10. (1) Meetings of the Authority shall be held at such times and places as the chairman or, in his absence, the deputy chairman may from time to time appoint.

(2) The chairman or, in his absence, the deputy chairman shall preside at every meeting of the Authority.

(3) No business shall be transacted at a meeting of the Authority unless at least five members, including the chairman or deputy chairman, are present.

(4) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose to the Authority the fact and nature of his interest.

(5) Minutes of each meeting shall be kept by the secretary, and shall be confirmed by the chairman or deputy chairman (as the case may be) at the subsequent meeting.

(6) Subject to this Ordinance, the Authority may make rules for the procedure at, and conduct of, its meetings and the adjournment of any meeting at which a quorum is not present.

11. Members of the Authority and of committees may be paid, out of the funds of the Authority, such travelling and other expenses as may be incurred by them in respect of their duties as members of the same and, excepting those members who are public officers or personnel of the Authority, an attendance allowance at such rate as may be determined from time to time by the Authority.

12. For the avoidance of doubt, it is hereby declared that, unless otherwise provided for in this Ordinance, section 35 (which provides for the exercise of powers incidental to, or consequential upon, the exercise of the power of making an appointment or establishing a board or similar body) and part VII (which makes certain general provisions consequential upon the establishment of boards and committees and upon their incorporation) of the Interpretation and General Clauses Ordinance, 1968, apply to the establishment and incorporation of the Authority and to the appointment of its members.

PART IV. COMMITTEES

13. (1) The Authority may appoint a committee for any such general or special purpose as in the opinion of the Authority would be better regulated or managed by means of a committee.

(2) The number of members of a committee and their term of office shall be fixed by the Authority.

(3) A committee may include persons who are not members of the Authority.

14. (1) The Authority may make rules respecting the quorum, proceedings and place of meeting of any committee.

(2) Subject to subsection (1), the quorum, proceedings and place of meeting of a committee shall be such as the committee may determine.

15. Subject to section 7 (2) and to any other provision of this Ordinance, upon the appointment of a committee under section 13 (1), there shall be deemed to be delegated to the committee such of the powers and functions of the Authority as will enable the proper and efficient discharge by the committee of the purpose for which it is appointed.

PART V. GENERAL MANAGER AND PERSONNEL

16. (1) Subject to subsection (2), the Authority may, from time to time, appoint, at such remuneration and upon such terms and conditions as it may think fit:

- (a) A general manager who shall be the chief administrative officer of the Authority and of all its operations;
- (b) A secretary to the Authority; and
- (c) Such other officers and employees as it may consider necessary for the proper and efficient discharge of the functions of the Authority.

(2) The appointment of the general manager shall require the prior approval of the Governor.

17. The Authority may:

- (a) Grant pensions, gratuities or retiring benefits to officers or employees and their dependants and to the dependants or estates of deceased officers or employees;
- (b) Establish, maintain and manage a provident or pension fund for the benefit of officers or employees;
- (c) Require its officers or employees to contribute to any pension or to a provident fund.

PART VI. FINANCIAL PROVISIONS: ASSETS AND LIABILITIES OF THE AUTHORITY

18. (1) On the appointed day, there shall vest in the Authority by virtue of this Ordinance and without any further assurance all the assets, funds, investments, resources and undertakings which immediately before the appointed day were vested, or in any way belonged to, the Board.

(2) As from the appointed day, the rights, interests, obligations and liabilities of the Board shall be deemed to be, and by virtue of this subsection shall be, assigned to and vested in the Authority.

(3) Every agreement to which the Board was a party shall have effect as from the appointed day as if:

- (a) The Authority had been a party to the agreement;
- (b) For any reference to the Board or to the Wholesale Society there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Authority.

(4) Where by operation of this section any right or liability becomes a right or liability of the Authority, the Authority and all other persons shall,

as from the appointed day, have the same rights, powers and remedies for ascertaining, perfecting or enforcing that right or liability as they would have had if it had been at all times a right or liability of the Authority and any legal proceedings pending on the appointed day by or against the Board shall be continued by or against the Authority.

19. Notwithstanding anything contained in section 18, the bonus shares allocated to co-operative societies under section 20 of the Wholesale Society Ordinance, 1955 (by this Ordinance repealed) and which, by virtue of section 20 (3) of that Ordinance, would, in the event of the dissolution of the Board under part VII of that Ordinance, have ranked, according to their nominal value, pari passu with other liabilities as an unsecured debt due from the Board to the shareholders, shall, upon the appointed day, be deemed debts due by the Authority to the shareholders as if the Board had been so dissolved and shall be paid off within three months of the appointed day.

20. The funds and resources of the Authority shall consist of:

- (a) All the assets, funds, investments, resources, undertakings and interests vested in the Authority pursuant to section 18;
- (b) Such sums as may be appropriated from time to time to the Authority by a vote or resolution of the legislature;
- (c) All property and investments acquired by, or vested in, the Authority and all money earned or arising therefrom;
- (d) Any loan or grant made to the Authority;
- (e) All sums from time to time received by, or falling due to, the Authority in respect of the repayment of any loan made by the Authority or the interest payable in respect thereof;
- (f) All other sums or property which may in any manner whatever be paid or payable to, or vested in, the Authority.

21. (1) The Governor in Council may, upon such terms as he thinks fit, vest the use, occupation, management or control of any Crown land or property or of any interest in such land or property unto the Authority where it appears desirable to do so to enable the Authority to discharge its functions.

(2) The Governor in Council may, upon giving the Authority three months' notice in writing, call for the surrender of any land or property or of any interest in land or property vested unto the Authority by virtue of subsection (1) and the Authority shall surrender such land or property or the interest therein (as the case may be) without any claim to compensation for any improvements effected to such land or property.

22. (1) Subject to section 5 (2) (b), the Authority shall not borrow money except with the prior approval of the Governor in Council.

(2) An approval given under subsection (1) may be either general or limited to a particular borrowing and may or may not be subject to conditions.

23. (1) Save as otherwise provided in this Ordinance, the moneys of the Authority shall be applied only:

- (a) In payment or discharge of the expenses, charges and liabilities incurred or undertaken by the Authority in the exercise of its powers or the performance of its functions and duties under this Ordinance;
- (b) In payment of the allowances and expenses of its members and of members of committees;
- (c) In payment of the salaries, allowances and gratuities or pension of its officers or employees.

(2) Moneys of the Authority not immediately required for the purposes of the Authority may be invested on deposit with any bank or in accordance with such general directions as the Resident Commissioner may give from time to time.

PART VII. ACCOUNTS AND REPORTS

24. (1) The Authority shall keep proper accounts of all income and expenditure and shall maintain proper and adequate records thereof.

(2) As soon as may be convenient after the end of each financial year, the Authority shall cause to be drawn up a statement of its income and expenditure during such financial year and a statement of its assets and liabilities of the Authority on the last day thereof.

25. (1) The Authority shall, within a period of six months, or within such longer period as the Governor may determine, after the end of each financial year, furnish to the Governor a report of its activities during that financial year (which report shall contain separate information as respects each of the main activities of the Authority) and copies of the financial statements in respect of that year drawn up under section 24 (2).

(2) The Resident Commissioner shall cause to be laid on the table of the House of Assembly the reports and statements furnished to him pursuant to subsection (1).

PART VIII. PROFITS

26. The annual profits (and in calculating the amount of such profits for the purposes of this section account shall be taken of all moneys realized upon the sale of capital assets) of the Authority shall, after making adequate deductions to meet:

- (a) Payments due to be made in respect of the operating expenses of the Authority;
- (b) Provision for expenditure on capital items, on replacements of fixed assets, on depreciation and on amortization payments incurred by the Authority;

(c) Any other liabilities,

be paid into the general revenue of the Colony.

27. The profits of the Authority shall not be subject to taxation.

PART IX. MISCELLANEOUS

28. The chairman, deputy chairman and every member of the Board, and every officer and employee holding an office or appointment under the Board immediately before the appointed day shall, subject, in the case of officers and employees, to the terms of their contracts of service, continue in their respective positions, offices and appointments as though they had been appointed to the equivalent position in or under the Authority by virtue of this Ordinance until such time as their appointments shall be terminated (whether by expiry or termination of contracts of service, or by dismissal or otherwise) or new appointments made under this Ordinance.

29. The Governor in Council may make regulations for all or any of the following purposes:

- (a) Prescribing the financial year of the Authority;
- (b) Generally, for the carrying into effect of the purposes of this Ordinance.

30. The Wholesale Society Ordinance, 1955, is repealed and the regulations made thereunder are revoked.

Appendix XXI*

GILBERT AND ELLICE ISLANDS DEVELOPMENT AUTHORITY:
ANNUAL REPORT, 1972

* Note by the Secretariat. The complete text of this appendix is contained in the files of the Secretariat and is available to members of the Special Committee on request.

Table 1
Gilbert and Ellice Islands Development Authority:
balance sheet at 31 December 1971 and 1972
(Australian dollars)^{a/}

	1971 ^{b/}	1972		1971 ^{b/}	1972
Capital and reserves			Fixed assets		
Fixed capital ^{c/}	1 888 857	1 888 857	Fixed assets at cost	1 427 471 ^{d/}	1 456 098
Transferred to Federation ^{d/}		<u>150 645</u>	Transferred to Federation ^{d/}		<u>69 198</u>
		1 738 212			1 380 900
Asset utilization reserve		61 746	Depreciation	564 910	700 151
Asset revaluation reserve ^{e/}	330 108	330 108	Transferred to Federation ^{d/}		<u>34 645</u>
Currency exchange reserve ^{f/}	<u>10 000</u>	<u>160 314</u>			<u>665 506</u>
		<u>552 168</u>			715 394
	2 228 965	2 290 380			
Current liabilities			Investments (at cost)		
Trade creditors and accruals	356 939	629 243	Quoted in United Kingdom of Great Britain and Northern Ireland ^{g/} (market value \$A 200,952 - \$A 188,566 at 1 January 1972)	223 230	221 195
Advance - crown agents	371 382	1 008 435			
Depositors ^{h/}	177 375	87 292	Current assets		
Amount received against current contracts	122 940	483 909	Cash at banks and in hand	53 801	77 520
Provisions for employees	114 470	294 080	Short-term deposit		100 000
Provisions - other	90 363	78 181	Trade debtors (less provision for doubtful debts \$A 35,000 - \$A 5,000 at 1 January 1972)	946 653	1 990 090
Provision for doubtful claims		44 922	Stock of finished goods - at or below current landed cost	1 142 838	1 294 656
Provision for dividend		<u>33 368</u>	Discount to Federation ^{d/}		<u>116 092</u>
		2 659 430			1 178 564
Deferred liability			Goods in transit at suppliers' invoiced prices	95 722	278 863
Long-term loan ^{h/}		<u>200 000</u>	Work in progress at cost	137 629	<u>588 184</u>
	<u>3 462 434</u>	<u>5 149 810</u>			<u>4 213 221</u>
				<u>3 462 434</u>	<u>5 149 810</u>

a/ The local currency is the Australian dollar (\$A). \$A 1.00 equals approximately \$US 1.49.

b/ Comparative figures at 1 January 1972 reflect the vested assets and liabilities of the Wholesale Society together with the government stores referred to in foot-note e/ below.

c/ Fixed capital is the net worth of the former Wholesale Society as at 31 December 1971, modified by adjustments which took place subsequent to the closure of the Society's accounts.

(Australian dollars)	
Net worth as per 31 December 1971 balance sheet	1 963 095
Plus:	
Overprovision for income tax 1971	6 837
Less:	
Share capital converted to deposits	57 000
Work-in-progress written off	<u>24 075</u>
Fixed capital of the Development Authority	1 888 857

d/ By a board resolution and with the approval of the Governor-in-Council, certain fixed assets of the Authority were donated to the Gilbert and Ellice Islands Co-operative Federation, Ltd. to enable it to increase its scale of merchandizing operations from 1 January 1973. In addition, a discount of 25 per cent was granted to the Federation on merchandise stocks transferred.

(Australian dollars)	
Details of transaction:	
Merchandise goods at landed cost	464 370
25 per cent discount (to Federation)	<u>116 092</u>
Net realizable value of merchandise stock	348 278
Total gift to Federation:	
Discount	116 092
Donation of fixed assets - cost	69 198
Less:	
Depreciation	<u>34 645</u>
	<u>34 552</u>
Total	150 645

The Authority effectively ceased its merchandizing activities on 31 December 1972, and, for accounting purposes, the transfer of fixed assets is deemed to have taken place on that date.

e/ The amount of \$A 330,108 credited to asset revaluation reserve is the estimated value of government stores transferred to the Authority at no cost. This estimated value is also reflected in the accounts as a charge against operations for the year or as stock on hand.

f/ This reserve represents the gain to the Authority resulting from changes in foreign exchange rates during the year.

g/ Comprising:

(Australian dollars)	
Proceeds from Co-operative Societies' shares in former Wholesale Society	57 000
Other Co-operative Societies' deposits	<u>30 292</u>
	87 292

h/ Loan of \$A 200,000 from Government to be repaid in 21 equal annual instalments of \$A 12,666.66 (including interest at 3 per cent per annum). First payment to be made on 4 April 1977.

i/ Includes \$A 29,259 being the value of capital work-in-progress in the accounts of the Wholesale Society at 31 December 1971. This amount is included in the attached schedule of fixed assets as an addition during the year 1972.

j/ The rate of exchange prevailing at the balance date has been used to convert sterling balances to Australian currency.

W. S. BROWN
(General Manager)

P. W. LEARDON
(Member)

I. T. TABAI
(Member)

Table 2

Profit and loss account, 31 December 1972
(Australian dollars)

Contribution from the supply of goods and services after crediting shipping subsidy of \$A 427,307 and charging \$A 89,059 depreciation and \$A 61,746 asset utilization	918 707
<u>Less operating expenses</u>	
Salaries and wages	463 833
Insurance	7 330
Office, stationery and communications	48 728
Audit fees	9 069
Housing allowance	31 865
Lagoon freight	38 890
Maintenance and repairs	71 519
Staff engagement	14 870
Depreciation	54 067
Bad debts written off	644
Provision for doubtful debts	30 000
	<u>770 815</u>
	147 892
<u>Less</u>	
Provision for doubtful claims in respect of shortlanded goods	44 922
Interest paid	66 000
	<u>110 922</u>
	36 970
<u>Add income from other sources</u>	
Sale of investments	14 807
Dividends and interest received	13 758
Profit on sale of fixed assets	1 444
Other income	2 389
	<u>32 398</u>
Profit for year	69 368
<u>Less</u>	
Provision for settlement of retrospective wage claim	36 000
Provision for proposed dividend	33 368
	<u>69 368</u>

AUDIT REPORT

Pursuant to our appointment to audit the accounts under Section 55 (2) (b) of the Public Finance (Control and Audit) Ordinance, 1971.

At 31 December 1972, the assets of the Authority included goods in transit from overseas suppliers. An amount of \$A 278,863 has been attributed to this asset in the 1972 accounts. We have been unable to substantiate this amount.

Subject to the foregoing qualification, in our opinion the accompanying balance sheet and profit and loss account, when read in conjunction with foot-notes c/ and i/ thereon, are properly drawn up so as to give a true and fair view of the state of affairs of the Gilbert and Ellice Islands Development Authority.

MELBOURNE, 6 July 1973

KENT BRIERLEY AND BARRACLOUGH
Chartered Accountants

Table 3

Divisional profit and loss accounts, 31 December 1972
(Australian dollars)

	<u>Engineer- ing</u>	<u>Marine</u>	<u>Develop- ment</u>	<u>Supply</u>	<u>Merchan- dise</u>	<u>Training</u>
Gross contribution (after charging depreciation and utilization and after crediting subsidy)	382 928	151 361	29 947	126 421	208 050	20 000
<u>Less operating expenses</u>						
Salaries and wages . .	78 879	87 432	9 979	28 669	53 320	48 285
Allocated expenses . .	192 527	60 580	7 047	32 176	55 646	(22 041)
Insurance	1 508	-	1 200	1 200	2 837	-
Stationery, etc. . . .	5 990	13 987	8 292	2 582	8 131	614
Lagoon freight	-	-	-	19 138	19 752	-
Maintenance	4 545	1 807	443	-	982	-
Depreciation	2 001	2 335	-	-	3 162	-
Other	<u>5 827</u>	<u>3 383</u>	<u>3 922</u>	<u>185</u>	<u>7 472</u>	<u>17 021</u>
Net	91 651	(18 163)	(936)	42 471	56 748	(23 879)

Total \$A 147 892

Table 4

Fixed assets
(Australian dollars)

Purchased assets	Cost			Depreciation			Net book value at 31 Dec. 1972
	Balance at 1 Jan. 1972	Additions during the year	Disposals during the year	Balance at 31 Dec. 1972	Charge for 1972	Eliminated on disposals	
Buildings	666 895	-	-	666 895	39 704	-	429 691
Furniture and fittings	85 387	5 472	-	90 859	13 902	-	30 655
Plant and equipment	175 917	7 465	3 318	180 064	22 295	2 275	59 267
Ship	340 050	-	-	340 050	34 004	-	161 459
Barges and small craft	85 952	33 980	-	119 932	19 706	-	51 588
Motor vehicles	44 011	10 206	5 110	49 107	7 515	5 110	14 096
Capital work in progress	-	3 191	-	3 191	-	-	3 191
	1 398 212	60 314	8 428	1 450 958	143 126	7 885	749 947
Transferred to Federation	-	-	69 198	1 380 900	-	34 645	715 394

Other fixed assets not shown on balance sheet

The following fixed assets were received by deed of gift from the Government at no cost to the Authority. Full depreciation has not been provided in the accounts as, in most cases, special arrangements for replacement will be made. A utilization provision has been made for those assets for which the Authority is fully responsible for replacement.

The values have been carefully estimated by the management.

(Australian dollars)

	Estimated value at 1 January 1972	Utilization charged in accounts	Depreciation (not charged)	Estimated value at 31 December 1972
Furniture and fittings	-	-	-	-
Ships	800 666	-	96 666	704 000
Small craft	50 486	4 164	11 667	34 655
Motor vehicles	217 153	9 194	59 977	147 982
Plant and equipment	553 907	48 388	6 323	499 196
	1 622 212	61 746	174 633	1 385 833

1972 ACTIVITIES

Members

1. Board meetings were held on 11 occasions, at which 26 formal presentations were considered. One meeting was cancelled due to the absence of a quorum.

Aircraft handling

2. The number of international flights handled at Bonriki increased during 1972 and short transit stops plus landings and take-offs after overnight halts at 174 were 22 more than in 1971.
3. Arrivals and departures of the internal air service involved 226 handling operations, i.e. an increase of 27 over 1971.

Construction

4. In May, a reorganization merged the civil engineering and building subdivisions to form a construction subdivision and, at the same time, a technical office was created at Betio to carry out the designing, estimating and planning of all major construction works, with an emphasis on the two latter functions.
5. The unit constructed, during 1972, houses for senior and junior staff of the Government and the Authority, public and institutional buildings, steel-framed dock warehouses, ferry ramps, water galleries, and a variety of other work.
6. The half-million gallon mass concrete reservoir on Betio was taken to an advanced state of completion and a pipeline, two miles long, was laid under tidal conditions across the reef between Betio and Bairiki. Adverse weather, a feature of 1972, frequently delayed work but the reservoir will be completed early in 1973. As this is the first major concrete structure to be built in the Colony it was necessary to train operatives in the specialized skills required and to devise and establish a concrete mixing and pouring production line. Three specialists, seconded from the Royal New Zealand Army Corps of Engineers, supervised the work during 1972 and this assistance will continue during the early part of 1973.

Electrical supplies and electrical engineering

7. An extensive overhaul of the generators and distribution systems commenced during 1972 and the distribution network was extended to include new housing and other buildings.
8. The electrical workshops provided a variety of services, ranging from putting new plugs on domestic appliances to the repair of alternators and X-ray machines. The workshops also played a major part in the practical training of apprentice electricians attending courses at the Government's Vocational Training Unit.

9. Consultants were retained to examine the future growth of the demand for electricity on South Tarawa. The study indicated the necessity to supplement, initially, existing generation and distribution facilities and to replace most of them during this decade. Plans are being prepared accordingly.

Ferry service

10. The MV Tabakea provided a two-hourly vehicular and passenger service between Bairiki and Betio, supplemented at peak periods by the MV Nei Auti, which re-entered service in July after having been re-engined. The landing pontoons at the ferry terminals were reinstalled at the beginning of the year and new vehicle ramps at Bairiki and Betio were completed and brought into service.

11. The age and condition of the vessels employed on the Betio-Bairiki and Tarawa Lagoon services made it impossible to avoid several interruptions to the service. A programme of vessel replacement has been prepared and funds are being sought.

Funafuti

12. The Funafuti office was upgraded to agency status in May to enable it to represent all divisions of the Authority and to facilitate the Authority's participation in the increased volume of engineering work available there. Warehousing travel agency, shipping agency and aircraft handling business also increased.

13. Hurricane "Bebe" struck Funafuti on the night of 21 October causing severe damage. The Agency initially concentrated its efforts on restoring essential services and supplies and, later, participated in the immediate work of rehabilitation. Since then, the Authority, having made an assessment of the damage to all government and its own property, has made recommendations for repair and replacement.

14. The reconstruction of Funafuti will necessitate the construction of a new hospital, prison, power station, workshops, houses and offices, jetty and sea wall. This list is by no means comprehensive and the magnitude of the task will mean a temporary increase in the scale of the Authority's operations there.

Insurance agency

15. Fifteen claims were processed by the Agency and compensation was paid in all cases.

Mechanical engineering

16. The new workshop on Betio was commissioned and the greater area made available permitted an improved work flow. Overhauls of heavy plant and equipment were concentrated in this workshop, which also has a section devoted to marine work. In addition to routine maintenance, the latter installed new engines in the ferry launch Nei Auti and commissioned the fishing vessel Tekokona.

17. There was a steady demand for the hire of vehicles and utilization was restricted only by the amount of down time for maintenance. The system of hire charges was revised during the year so as to make them more equitable and to reduce the amount of paper work required from users. A programme of asset replacement was prepared but could not be fully implemented during the year owing to the non-availability of funds. This, plus the long delays which occur between placing an order and receiving the plant - 12 months being quite normal - rendered it difficult to keep some essential items in working order.

18. The facilities of the Bairiki workshop were fully utilized during the year. Two new buses were commissioned into the South Tarawa Bus Service as replacements for older vehicles.

Merchandising

19. Compared with 1971, wholesale and retail sales were down by 17 per cent probably due to the depressed state of the copra market.

20. A committee comprising representatives of the Authority's Board and the co-operative movement under the chairmanship of the general manager was formed to prepare the Merchandise Division for flotation as a separate entity. The committee : on 10 occasions and completed all necessary arrangements to restructure the Gilbert and Ellice Islands Co-operative Federation, Ltd. so as to enable it to carry on the business of principal suppliers to primary and secondary co-operatives and others.

21. The Governor-in-Council approved a reduction in the Authority's capital so as to permit the transfer to the Co-operative Federation of stocks at a discount plus the fixed assets employed in merchandising on 31 December.

22. With the exception of the trade in refrigerated goods, the Authority withdrew from merchandising at the close of business on 31 December.

Otintai Hotel

23. Occupancy was low at an average of 48 per cent and fluctuated between 100 per cent at aircraft stop-over halts and 20 per cent at the mid-week low point.

24. Film shows, dances and other entertainment were well received and showed an increasing popularity throughout the year.

Port services

25. Some 19,700 tons of cargo from overseas were discharged at Betio during 50 calls by ocean-going vessels. Twelve of the calls were by the Authority's own ships. Some 4,260 tons were loaded for export. Imports from outer islands amounted to approximately 3,400 tons, while 5,100 tons of outward cargo were handled for destinations within the Colony.

26. Loading and discharging operations were sustained at a speed considered to

be high for a lighterage port. One new lighter was commissioned and a programme to replace the remaining elderly lighters and two tugs will commence in 1973 and will be completed in 1974.

27. A study of the feasibility of introducing a container service between Australia and Tarawa was commenced at the end of the year by an overseas shipping line. The Authority is collaborating in the study, which will be completed by the middle of 1973. If the project proves to be feasible and attractive, the service will probably commence late in 1973 with a frequency of about 19 days.

28. Regular calls at Tarawa were made by vessels operated by:

Columbus Overseas Services Pty., Ltd.

Nauru Pacific Line

Daiwa Navigation Line

Bank Line (Australasia) Pty., Ltd.

Dilmun Navigation Company, Ltd.

Projects investigation

29. Preliminary studies of several possible commercial ventures resulted in the selection of 12 for further investigation during 1973.

Sales agencies

30. The agencies dealing in motor vehicles, spares, outboard motors and petroleum products had a successful year and maintained good relations with principals.

Sewerage

31. With the exception of the Colony Central Hospital, where sewerage is pumped across the reef, and of course the picturesque "kai nakotari", all sanitation on South Tarawa uses septic tanks. While the latter are satisfactory in lightly populated rural areas, they can be a health hazard in densely populated places like Betio, with its 7,000 people on 300 acres. A further survey during the year by the consultants who had prepared a scheme for piped sewage in 1967 reiterated the dangers and recommended the installation of a piped-sewerage system. Design of the system commenced in 1972 and a programme for its installation was prepared.

Shipping service

32. The six vessels of the Authority's fleet provided a frequent service to all Gilbert and Ellice islands and maintained a regular link with Fiji and Nauru.

33. The low level of trading during 1972 was most noticeable in the fleet's operations, which had to be heavily subsidized by Government. Steps were taken to initiate a review of the fleet structure and operations with a view to reducing future losses.

34. The MV Teraka was used, at her Betio anchorage, as a training vessel by the Marine Training School.

35. Hurricane "Bebe" hit Funafuti while the MV Moanaraoi was at anchor in the lagoon. The master, officers and crew displayed great skill and resourcefulness while riding out the storm and accompanying tidal wave, in the few days following the hurricane, the staffs of the MV Moanaraoi, Ninikoria and Nivanga rendered invaluable assistance to Funafuti.

36. Several search and rescue operations were carried out when small boats and canoes were reported missing. Most found their own way home but three men were rescued when they were found swimming in the ocean several miles off Betio. Their canoe had broken up in a squall.

Shipyard

37. Extension of the slipway to allow the slipping of vessels of draughts up to nine feet was completed during the year. It was subsequently possible to slip two fishing vessels and a large schooner, in addition to the Authority's vessels Tautunu and Temaui and other small craft.

38. New building at the shipyard was confined to the completion of one lighter and one launch and, as repair work on the Authority's and other vessels absorbed only part of the shipyard's capacity, it was not possible to maintain full employment throughout the year. In order to alleviate the situation and to utilize existing wood-working machinery, the prefabrication of houses and other buildings was commenced and that section of the yard has a full order book.

39. A programme to construct replacements for some of the vessels employed by the port has been prepared and will commence during 1973. In addition, it is planned to build a number of fishing dories, both for the Government and the Authority.

Supply

40. Considerable manufacturing, shipping and trans-shipment delays were experienced, especially in the procurement of supplies from Europe. Stock levels were increased to reduce the effects of such delays but, despite this, shortages occurred.

41. Some difficulties were experienced in meeting clients' requirements and efforts to improve the service, commenced in 1972, will continue into 1973.

Tarawa travel service

42. The volume of agency work showed a significant increase over 1971 and it is anticipated that this trend will continue throughout 1973.

Training

43. A comprehensive training programme embracing skilled and professional activities was prepared and implementation commenced. The programme covers several years and

caters for the localization aspirations of the Authority, as well as for the acquisition of skills and knowledge which, although not currently required, will become necessary as new and diversified undertakings are established.

Water supply

44. Although most Government and GEIDA buildings have rain water tanks, these are not adequate for washing and flushing lavatories, so it is necessary to supplement them by providing ground water, which is delivered by tanker. Rain water is also delivered to certain communal tanks for drinking purposes. The increase in the number of buildings and the implementation of the Government's policy of providing water-borne sanitation for all new houses has greatly increased the demands on the existing inadequate equipment, but new road tankers are on order.

45. A survey of ground-water resources on Tarawa was carried out during the year by the Institute of Geological Sciences, London, and the report is awaited. Additionally, a scheme for providing a limited potable water distribution system for Betio was prepared by an engineer provided under the Australian South Pacific Aid Programme. It is planned to implement this scheme during 1973 and provision has also been made in the Colony's 1973-1976 development plan for similar schemes at Bikenibeu and Bairiki.

Appendix XXII

TELEGRAM DATED 6 SEPTEMBER 1974 FROM THE CHAIRMAN OF THE
UNITED NATIONS VISITING MISSION TO THE GILBERT AND ELLICE
ISLANDS, 1974, ADDRESSED TO THE GOVERNOR AND THE CHIEF
MINISTER OF THE GILBERT AND ELLICE ISLANDS

Have honour on behalf Mission to express profound gratitude to you for warm reception and overwhelming hospitality from all we have met in Gilbert and Ellice Islands. Experience will be cherished by all in our party for all our lives. Please convey our deepest thanks to all who made it a memorable visit, including headmen, island councils, women's committee, pastors and the people themselves. Our particular thanks to Mr. Bailey and his staff, the liaison officers and Captain of Nivanga and crew for their close co-operation and guiding hand.

Appendix XXIII.

LETTER DATED 12 SEPTEMBER 1974 FROM THE GOVERNOR OF THE
GILBERT AND ELLICE ISLANDS ADDRESSED TO THE CHAIRMAN OF
THE UNITED NATIONS VISITING MISSION TO THE GILBERT AND
ELLICE ISLANDS, 1974

It was very kind of you to send so warm a message at the conclusion of your visit. It has been sent to the islands you visited, broadcast in all languages and published in the local press.

I am glad that you enjoyed your visit and I was most interested to hear the views you expressed in the radio interview you made before departure from Funafuti. My only regrets are that you were not here longer and had a very limited view of the Gilberts. This can, of course, be remedied by a future visit.

I very much hope that there will be future visits because I am convinced that our people need exposure to others who have trodden the same path from colonial status to independence before them and who are in a much better position than such as myself to persuade those without the strong nationalist sentiments of the fifties and sixties that good government is no substitute for self-government. I also believe it essential that the outside world learn more of the special difficulties which face small and remote island communities in their endeavour to partake in the modern world.

(Signed) John H. SMITH

Appendix XXIV

SEPARATION SONG OBTAINED FROM VISIT TO NANUMEA, 26 AUGUST 1974

- I. Talofa koutou te mamalu mote paia.
Koa oko mai te malanga mote manuia,
Ilunga i Nanumea,
Te fenua e tuu ite tongaa laa,
Ite tongaa laa ote atu Elise.
- II. Koa oko mai koutou,
O fai te Palotanga,
Mote vavaenga o Elise mo Kilipati.
Tenei laa koa nohoaki atu
Ate hina o Nanumea,
No ona tupulanga tuputupu, ote tongaa laa.
- Chorus. We must say,
Ke mavae Elise mo Kilipati,
Tena loa ate loto o Nanumea,
Ke mavae ailoa Elise mo Kilipati,
Tofaa laa, Tia Kabo, forever.

* * *

- I. Welcome all of you, most honoured and respected.
Having arrived safely at Nanumea,
Our island lying in the west,
The sunset of all the Ellice Islands.
- II. All of you have come,
To carry out the referendum,
On the separation of the Ellice and Gilberts.
And waiting here to meet you
Are we, the elders of Nanumea,
And the younger, growing generation.
- Chorus. We must say,
Let Ellice and the Gilberts separate,
This alone is the desire of Nanumeans,
That Ellice and the Gilberts stand separately,
Goodbye and "Tia Kabo" a/ forever.

a/ Gilbertese for "goodbye".

Annex II*

WORKING PAPERS PREPARED BY THE SECRETARIAT

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* The original text of this annex, which contained information on the Gilbert and Ellice Islands, Pitcairn and the Solomon Islands, was previously issued under the symbol A/AC.109/L.922 and Add.1. The information on the Gilbert and Ellice Islands has been incorporated in annex I above.

1. PITCAIRN a/

1. Basic information on the Territory is contained in the Special Committee's report to the General Assembly at its twenty-eighth session. b/ The following consists mainly of supplementary information.

A. General

2. One birth was recorded in 1972. According to 1973 press reports, four deaths during the year further reduced the population to 70 Pitcairn Islanders and seven foreigners. The Pitcairn Islanders, descendants of the mutineers of the HMS Bounty, share five family names among them: Brown, Christian, Clark, Warren and Young.

B. Constitutional and political developments

General

3. At the 2065th meeting of the Fourth Committee of the General Assembly, on 23 November 1973, c/ the representative of the administering Power reiterated that Pitcairn Islanders run their internal affairs through an Island Council consisting of 10 members: the Island Magistrate, elected for three years; three councillors, elected each year; the Island Secretary, who is a public officer serving ex officio; one member appointed by the Governor; two members chosen by the elected members; and two non-voting advisory members (one chosen by the Governor and the other chosen by the rest of the Council). According to press reports, two women were elected unopposed to the Territory's chief administrative body in 1973.

4. The Governor is the United Kingdom High Commissioner to New Zealand. He recently made a visit to the Territory.

5. 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 power to constitute and which also has jurisdiction in cases outside the competence of the Island Court. The Island Court is seldom required to sit and did so last in 1967.

Future status of the Territory

6. In connexion with the Special Committee's recommendation d/ calling on the

a/ This section is based on published reports and on 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 on 9 August 1973, for the year ending 31 December 1972.

b/ Official Records of the General Assembly, Twenty eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. XV, annex.

c/ Ibid., Twenty-eighth Session, Fourth Committee, 2065th meeting.

d/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. XV, para. 9 (17).

administering Power formally to consult the people of Pitcairn about their views on present constitutional arrangements and the future status of the Territory, and further calling on the administering Power to invite the Special Committee to send a representative to observe such consultations, the representative of the United Kingdom drew the Fourth Committee's attention to the following declaration made unanimously by the Island Council on 16 June 1968:

"Having noted the discussions which had taken place from time to time in the ... /Special/ Committee ... about the future status of the remaining smaller colonial Territories; and having also noted that ... Pitcairn ... is one of the Territories considered by the Committee, the Pitcairn Islands Council declares that it has no present wish to seek to change the nature of the relationship between the Government and the people of Pitcairn and ... the United Kingdom but if, at any time, change should be desirable, the Council has full confidence that this can and will be negotiated satisfactorily by free agreements between those whose sole concern it is. The Council further declares that independent statehood would be administratively and economically impracticable for the small isolated island community of Pitcairn."

The representative concluded that, according to the information available to his delegation, this declaration still accurately reflected the views of the people of Pitcairn.

7. Subsequently, the General Assembly adopted resolution 3156 (XXVIII) of 14 December 1973, paragraph 10 of which called upon the administering Power "formally to consult, in the presence of a United Nations mission, the people of Pitcairn about their views on present constitutional arrangements and the future status of the Territory".

C. Economic conditions

8. Pitcairn's revised estimated revenue and expenditure for 1972/73 were \$NZ 84,404 ^{e/} and \$NZ 63,333 respectively, compared with \$NZ 73,517 and \$NZ 59,402 for 1971/72. Revenue included \$NZ 51,684 from stamp sales (\$NZ 44,400 for 1971/72) and \$NZ 23,510 from interest and dividends (\$NZ 27,057 in the previous year). The island also received a development grant of \$NZ 7,723 in 1972/73.

9. It was reported in 1973 that residents of Pitcairn Island, whose average annual income is \$US 285, are very much concerned about the devaluation of the United Kingdom pound and the United States dollar, inasmuch as the Islanders deal mostly in New Zealand currency.

D. Social and educational conditions

10. The population is self-employed. There is no permanent labour force. The rate of wages for casual labour in 1972 was 31 cents an hour.

^{e/} The local currency is the New Zealand dollar (\$NZ). One New Zealand dollar equals approximately \$US 1.42.

11. In 1972, the school roll comprised 8 girls and 4 boys, compared with 12 girls and 9 boys in 1971. The revised estimate of expenditure on education was \$NZ 8,828 (\$NZ 12,662 in 1971/72), representing 13.94 per cent of total recurrent expenditure, compared with 16.59 per cent in the previous year.

2. SOLOMON ISLANDS f/

12. Basic information on the Territory is contained in the Special Committee's report to the General Assembly at its twenty-eighth session. g/ Supplementary information is set out below.

A. General

13. According to an estimate made in July 1972, the total population of the Territory was 173,510.

14. As previously reported, three cyclones crossed the Solomon Islands in late 1971 and 1972: Ursula, Carlotta and Ida. It was reported that cyclone "Ida" caused an estimated \$A 49,000 h/ worth of damage to government property. The Territory suffered from further cyclones in 1972, which destroyed a valuable timber prospect, that had been developed to the point where it might have begun to contribute significantly to the internal budget. The widespread devastation caused by the cyclones also delayed a number of other development projects.

B. Constitutional and political developments

General

15. The Solomon Islands is one of the two Territories now administered by the High Commissioner for the Western Pacific, the other being the Anglo-French condominium of the New Hebrides.

16. A special Select Committee on Constitutional Development, comprising all members of the Governing Council, issued a report on the matter in November 1972. A summary of its recommendations appears in the last report of the Special Committee. i/

17. The Governing Council now consists of 24 elected members, three ex officio members and a chairman appointed from outside the Council. According to press reports, the present Governing Council, known as the Second Council, is to be called

f/ This section is based on published reports and on the information transmitted to the Secretary-General by the Government of the United Kingdom under Article 73 e of the Charter on 9 August 1973, for the year ending 31 December 1972.

g/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. XV, annex, sect. B.3.

h/ The local currency is the Australian dollar (\$A). One Australian dollar equals approximately \$US 1.47.

i/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. XV, annex, paras. 88-92.

upon in April 1974 to approve, modify or reject the proposed Constitution which would introduce a ministerial system, with a Chief Minister, to replace the committee system of the First Council.

Elections

18. General elections were held between 22 May and 12 June 1973 to the newly enlarged Governing Council. In the 1970 elections for the First Council, there were 56 candidates in 17 electorates. In the recent election, 118 candidates contested 24 seats. Six of the 17 members of the First Council were returned to office, 8 were defeated and 3 did not run. The 24 elected members include 3 expatriates, all of whom are married to Solomon Islanders.

19. Compared with the 1970 elections, the number of registered voters increased by 60 per cent to 65,534. In Honiara, the capital, where seats were most heatedly contested, the turn-out of the voters was lowest (about 42 per cent), while elsewhere it reached as high as 82 per cent.

Political parties

20. A new, short-lived political party was formed in August 1973 from among some 15 of the successful candidates elected to the Second Council. The party was known as the United Solomon Islands Party (USIPA), as distinct from the now defunct Solomons United National (SUN) Party. After its formation, USIPA attempted in vain to draw the remaining nine members of the Council into its ranks. These nine included all the members of the First Council who had been re-elected. After being criticized for not discussing their policies first, before forming the party, and for the sake of unity, USIPA decided to disband as the majority party and hand the chairmanship of a steering committee for an all-encompassing parliamentary party to one of its opponents. According to reports, the elected members of the Second Council have decided to form a one-party government under the new Constitution to be adopted in 1974. The general feeling appears to be that the Territory could not withstand the divisive effects of multiparty politics.

Local government

21. The local government system in the Solomon Islands remains unchanged. It was reported that in 1973 there were 17 local government councils established under the Local Government Ordinance. At the budgetary meeting of the Second Council at the end of 1973, a draft plan was introduced whereby the poorer and generally disorganized local councils would be amalgamated in an effort to consolidate the often tiny organizations into eight councils. The local government councils would then assume some of the functions performed by the central Government.

Public service

22. The composition of the public service at 1 January 1973, compared with the previous two years, was reported to be as follows:

<u>Posts</u>	<u>1971</u>		<u>1972</u>		<u>1973</u>	
	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Solomon Islands	1,725	71.6	1,599	70.3	1,661	73.5
Expatriate officers designated under the Overseas Service Aid Scheme	319	13.2	315	13.8	324	14
Non-designated officers, including temporary officers from overseas	77	3.2	72	3.2	48	2.1
Vacant posts	<u>290</u>	<u>12.0</u>	<u>289</u>	<u>12.7</u>	<u>238</u>	<u>10.4</u>
Total	2,411	100.0	2,275	100.0	2,271	100.0

23. These figures show that the 3.2 per cent increase in the number of Solomon Islanders employed is balanced by the 2.3 per cent decline in vacancies and an over-all decline of 0.9 per cent in the number of non-Solomon Islanders. The expatriate designated staff comprised 40 permanent and pensionable officers and 284 contract officers. The non-designated staff consisted of 26 Fijian contract officers and 22 local contract or temporary officers.

24. The structure of the service can be divided into three levels: senior appointments, including professional and administrative time-scale officers; middle management appointments; and operational appointments. Of the 1,661 Solomon Islanders in the public service, 30 held appointments at the senior level and 100 at the middle level.

25. According to the report of the administering Power, departmental training officers have been designated within each department for training administration and liaison duty, and in particular to ensure that progressive, on-the-job training and development of local officers is carried out. A centralized training administration, set up within the establishment branch for the co-ordination of the Government's over-all in-service training programme, covers apprenticeship schemes, localization programmes, staff development and external training. In 1973, 39 officers attended in-service training courses overseas, mainly in professional and technical disciplines.

C. Economic conditions

General

26. The Territory's principal natural resources are its agricultural land, coconut palms, fisheries, forests and minerals. It specializes in the production of a few

agricultural commodities for export, mainly copra and timber, and depends heavily on imported goods to satisfy local requirements.

27. The level of the Territory's foreign trade in 1972 was only slightly higher than in 1971. In 1972, the value of external trade was \$A 24.8 million, compared with \$A 23.0 million in 1971. Exports were valued at \$A 8.7 million (\$A 8.8 million in 1971). Re-exports for the corresponding years amounted to \$A 2.2 million and \$A 426,000 respectively. Imports totalled \$A 14.0 million (\$A 13.8 million in 1971). Domestic exports fell by 2 per cent, but the unusually high re-export total more than compensated for this, so that the deficit on visible trade (\$A 3.5 million) was substantially lower than in 1971 (\$A 4.5 million). The figures reflect the activity of the newly established fishing industry to an even greater extent than in 1971; two-way movements of fishing boats affected import and re-export totals, while "fresh and frozen fish" became the major export commodity.

28. The three major commodities, copra, timber and fish, comprised 95 per cent of total domestic exports in 1972, as in 1971. However, although the amount of fish exported in 1972 increased almost threefold, the volume of copra exported decreased by 20 per cent and its value by almost 50 per cent; timber exports suffered a similar but milder set-back. Copra comprised only 21 per cent by value of domestic exports, compared with 68 per cent five years ago. Re-exports stood at \$A 2.2 million in 1972, well above their value in previous years: the difference is due to the repatriation of major items of capital equipment, most importantly, fishing boats returning to Japan.

29. Japan continued to be the dominant export market for the Territory, accounting for 65 per cent of the Territory's exports in 1972 (58 per cent in 1971). This included the bulk of the Territory's timber, and more than half of the fish. The remainder of the fish was sent for processing to American Samoa, which thus became the second most important export destination. Exports to Australia and Western Europe were 50 per cent lower than in 1971.

Development plans

30. The Sixth Development Plan, covering the period 1971-1974, sets the pace for a major transformation of the economy of the Territory. Some of its projections go well beyond the life of the plan itself. It anticipates private investment ranging from \$A 18.0 million to \$A 20.0 million during the period 1971-1975. By the end of 1972, 43 of the 54 projects outlined in the development plan had been approved by the United Kingdom Foreign and Commonwealth Office, and two projects not included in the original plan also received approval. Moderate progress was made with projects receiving late approval in 1971, but again the major area of implementation was in the grant schemes, some of which had been initiated prior to the period covered by the present plan.

31. It was reported early in 1973 that set-backs in the Sixth Development Plan during the previous year had been caused by inflation, the depression in the world copra and timber markets, and by cyclonic destruction of valuable crops. On the

other hand, conspicuous and encouraging progress towards the objectives of the plan was said to have been achieved in regard to fisheries development, oil palm cultivation, cattle breeding, coconut plantings, road construction and malaria eradication.

32. The Seventh Development Plan has been drafted for possible consideration by the Governing Council in August 1974. According to reports, the new plan may differ from its predecessor by including more recommendations for rural development, in order to disperse benefits more evenly throughout the Territory, and for more concerted efforts to introduce Solomon Islanders into businesses and to replace expatriates with local inhabitants. There may also be less reliance on overseas funds to finance the government services each year.

Agriculture

(a) Copra

33. In 1972, over-all production of copra amounted to 20,823 tons, of which 11,783 tons were produced by Solomon Islanders and 9,040 tons by plantations. This reflected a decrease of 2,546 tons in the Solomon Islander sector and 2,362 tons in the plantation sector from the 1971 output, owing primarily to the devastating effects of three cyclones early in the year. However, the sharp drop in the world price for copra, which was reflected in local buying prices, also dissuaded some producers from processing their crop.

34.. During 1972, the Copra Board maintained buying points at the three main ports. The quality of copra offered for sale showed a further improvement over the previous year; at the beginning of 1972, copra prices were \$A 100 per ton for first grade, \$A 96 for second grade and \$A 86 for third grade. However, as a result of numerous fluctuations in world prices, with an over-all downward trend, local buying prices fell to a record low in May: \$A 65 per ton for first grade and \$A 61 and \$A 51 per ton respectively for second and third grades. In January 1973, prices began to increase and by July 1973, the price for first-grade copra had risen to \$A 135 a ton. Nevertheless, production in the first three months of 1973 was reported to be 50 per cent lower than for the same period in 1971 and 1972. Production remained low not only because of the low world price and cyclone damage in 1972 but also because growers who had turned to other income producing activities while the copra market was quiescent, had failed to return to copra production.

35. The Copra Board found markets in Japan (7,639 tons), Sweden (3,611 tons), the Netherlands (3,445 tons), the United Kingdom (2,768 tons), Norway (2,207 tons), Denmark (991 tons) and the Federal Republic of Germany (910 tons). It will be noted that 38.8 per cent of the total exported was to the European Economic Community (EEC).

(b) Other crops

36. Exports of dried fermented cocoa beans declined sharply in 1972, owing primarily to the effects of the cyclones earlier in the year. Total production was

only 62.9 tons, compared with 117.3 tons in the previous year. Dry-land rice cultivation ceased during the year and all plantings are now irrigated. About 800 acres were established in 1972 and it is expected that this area will be gradually increased to a maximum of 1,500 acres to provide self-sufficiency in local demand. By the end of the year, Solomon Island Plantations, Ltd. had completed the planting of 1,700 acres of oil palm. Smallholders have expressed interest in the crop and efforts were being made to encourage an "outgrower" scheme linked to the main plantation. The Territory reportedly hopes to develop an oil palm industry including a mill and associated buildings in the Guadalcanal Plains to process the fruit. Negotiations were in hand for the Government to take up a 26 per cent interest in the company in 1973. The Government is seeking investments outside the Territory in an effort to complete the mill in time to process the first crop of palm fruit.

Livestock

37. During 1972, there were 15,721 head of cattle in the Territory, an increase of 2,102 head (15.4 per cent) over the previous year. The distribution of ownership was as follows: plantations, 12,135 head; missions, 1,300 head; Solomon Island farmers, 1,606 head; and Government, 680 head. In 1971, the distribution of ownership was 10,785; 1,004; 1,527 and 303 head respectively. The cattle and meat marketing situation continued to improve with the establishment and subsequent expansion of a retail outlet at Yandina. A second fresh meat outlet was also established in Honiara and plans were approved for butcher shops in other districts. The erection of four district slaughterhouses was approved and one had been completed by the end of the year.

38. The Australian High Commissioner in Fiji recently stated in Honiara that his Government's 1972 promise of \$A 15 million in aid to South Pacific countries by 1975 would have a direct effect on the cattle industry of the Territory. An Australian aid mission has visited the Territory to see at first-hand aid possibilities.

Fisheries

39. The survey of fisheries resources begun in 1971 by the Taiyo Fishery Company of Japan was completed in 1972. As a result, a Joint Venture Agreement was negotiated between Taiyo Fishery Company and the Solomon Islands Government and signed on 4 November 1972. It provides principally for the exploitation of skipjack tuna. The Government holds 25 per cent of the authorized share capital (\$A 1 million) and has the option of acquiring a further 24 per cent of the equity. When the factory is fully operational it will employ a staff of 150, producing 1,000 cases of 48 half-pound cans a day. It was expected to be working near peak capacity at the start of 1974. It is restricted to 30,000 tons of skipjack a year. The amount which remains after canning will go either to Japan or to American Samoa.

40. The locally based Coral Seas Fishing Company continued to supply frozen fish to Honiara and to export crayfish tails to the United States of America. Refrigeration plants were installed at Takwa and Star Harbour, but the quality, regularity and type of fish products offered to the company at these points raised economic difficulties.

41. The bêche-de-mer industry is reportedly enjoying record prices in the export market. In 1972, the Territory produced 86 per cent of all the bêche-de-mer in the Pacific area. By August 1973, exports had exceeded \$A 44,000, equivalent to the total output for 1972.

42. The Fisheries Ordinance (No. 13 of 1972) was adopted by the Governing Council in August 1972 and came into force on 1 January 1973. In addition a 12-mile fishery limit was declared by Proclamation (No. 3 of 1972) and came into effect on 3 November 1972.

Forestry

43. During the period under review, forestry suffered from the disastrous effects of cyclone "Ida", especially on Santa Isabel, where nearly 40 per cent of the Territory's main timber resources are located. Those were devastated throughout the island, and it is doubtful if any of the tracts will again be commercially exploitable for many years. One of the Territory's leading timber companies, Allardyce Lumber Company, was forced to close down its operations on the island during 1973.

44. Marketing difficulties in Japan remained acute during most of 1972 and led to the closure of Shortland Development, Ltd. in May. This reason and the damages caused by cyclone "Ida" led to a decline in the amount of timber exported from the Solomon Islands for the first time since 1965. In 1972, 8.4 million cubic feet were exported (9 million in 1971). The value of log exports slumped heavily, from approximately \$A 3.3 million in 1971 to \$A 2.6 million in 1972.

Mining

45. During the year under review, prospecting declined, mainly due to the recession in Australia. Expenditure by the mining camps during the year amounted to about \$A 350,000 and involved the employment of about 60 Solomon Islanders. The Territory's gold production was 193 ounces during 1972, valued at \$A 9,000. There was no activity in petroleum prospecting during the year.

46. The Mitsui Mining and Smelting Company is still scouting the potentially rich mineral deposits of the Territory which include, in addition to gold, silver, iron, nickel, copper and bauxite in quantities yet to be determined. Conzinc Rio Tinto of Australia and the United States Utah Development Company are also in the field.

47. A contract between the administering Power and Mitsui for exploration of bauxite resources on Rennell Island guarantees the future Government of the Territory a substantial share in the enterprise if the Japanese decide to proceed with the development.

Manufacturing and businesses

48. Manufacturing industries operating in 1972 included the production of rattan

and other furniture, fibre-glass articles, steel trusses and the corrugation of galvanized iron. Mats and baskets are made in villages mainly for sale locally, although some Honiara firms are developing an export trade. Processing industries operating in 1972 included those for biscuits, twist tobacco, soft drinks, ice cream and other milk products and bêche-de-mer. The bêche-de-mer, some biscuits and twist tobacco are exported, but the bulk of the products is sold locally.

49. The business interest in Honiara of the Solomons Wholesale Union, Ltd. and the Australian company, C. Sullivan, merged in 1973. C. Sullivan owned the Honiara importing company of E. V. Lawson Pty., Ltd. David Kausimae, the chairman of the Solomons Wholesale Union, said that his company was buying a 25 per cent share in Lawson immediately, with an option to buy another 25 per cent. Both companies would be combined under the name Solomons Wholesale Union, 97 per cent owned by the Solomon Islands.

Tourism

50. Tourists numbered 2,455 during the year under review (1,994 during 1971), mainly in conducted tours. Cruise ships carrying some 7,870 passengers also stopped for week-long visits to the islands. Thirty-three new rooms of international standard were completed during the year in one hotel and 20 first-class rooms and 20 rooms of more modest standards were completed in another hotel.

51. The Tourist Authority met monthly throughout the year. It has concentrated on formulating a plan of development, education and ways to control the more undesirable side effects of tourism. Touristic promotion of the Territory is at a low key, owing partly to financial reasons and partly to lack of facilities to deal with large numbers.

Public finance

52. According to the report of the administering Power, revenue and expenditure for 1971 and 1972 were as follows:

	<u>1971</u> (million Australian dollars)	<u>1972</u>
	<u>Actual</u>	<u>Actual, unaudited</u>
Recurrent revenue	5.4	5.4
Import, export and excise duties	2.4	2.7
United Kingdom development aid	2.4	4.7
United Kingdom grant-in-aid	1.8	1.8
Recurrent expenditure	7.4	7.1
Capital expenditure	2.6	4.7

53. Some momentum was achieved in 1972 in implementing the Sixth Development Plan. For the first time, capital expenditure almost equalled the Territory's total allocation of United Kingdom development aid in 1972, an indication that executive capacity has significantly increased. The public debt on 31 December 1971 stood at \$A 550,863. Import, export and excise duties and fees collected during 1972 amounted to approximately 45 per cent of all locally raised revenue (50 per cent during 1971).

Transport and communications

54. The Territory had 211 miles of main roads at the end of 1972 (176 miles in 1971) and 428 miles of secondary roads (400 miles in 1971). Transport between the islands is provided mainly by numerous small boats and by Solomon Islands Airways, Ltd., a small, privately owned airline which operates Beechcraft Baron and Britten Norman Islander aircraft. Overseas communications are provided mainly by Australian and Japanese vessels and by Trans-Australia Airlines on behalf of Qantas, Air Pacific, Ltd. (formerly Fiji Airways, Ltd.) and Air Nauru. On 1 June 1973, Air Pacific inaugurated its first direct flight from Honiara to Brisbane (Queensland), Australia, using a BAC 1-11 aircraft equipped to carry 75 passengers.

United Nations assistance

55. Assistance from UNDP has been requested by the Government of the Solomon Islands in the amount of \$US 868,270 for the period 1972-1975. The country programme is set forth in document DP/GC/SOI/R.1.

D. Social conditions

Labour

56. The total labour force in 1972 was 14,454, compared with 14,144 in 1971. Of this number, 2,275 were in the public service (2,411 in 1971). The acute shortage of skilled Solomon Islanders continued to be offset by the employment of expatriates, who numbered 1,011 in all categories at the end of June 1972 (1,037 in 1971). 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. During the period under review, 1,091 women were in paid employment; of this number, 250 were in domestic service. The proportion of workers who are accompanied by their families to the place of employment remained low. There were no changes in wage rates during the period under review.

Public health

57. The principal government medical institutions in 1972 comprised a central hospital in Honiara, with 171 beds, three district and three rural hospitals with a total of 318 beds and a leprosarium. Missions maintained three hospitals with

275 beds, and many church centres provided medical service ranging from first-aid treatment to in-patient hospital care by qualified nurses.

58. The Malaria Eradication Programme continued to expand its operation in 1972, offering protection to some 167,836 people. A decrease of 9.5 per cent in notification of new cases of tuberculosis (336), the second most important endemic disease, was recorded in 1972 (366 in 1971). There was also a decrease in the number of "open" cases, from 147 in 1971 to 118 in 1972. Forty-one new cases of leprosy were reported, compared with 38 in 1971.

59. Expenditure on public health was estimated at \$A 1,521,745 in 1972, compared with an actual expenditure of \$A 1,096,753 in 1971.

E. Educational conditions

60. Primary education remains largely in the hands of the churches. In general, direct government participation is mainly in the field of secondary education, teacher-training and higher education overseas, as well as assistance to the churches and local councils in providing primary education. Education is not compulsory, and fees are payable in the majority of schools.

61. Primary education is provided in a seven-year course, divided into junior courses (standards 1-4) and senior courses (standards 5-7). Children are encouraged to enter standard 1 at the age of seven. The number of registered schools at 31 March 1972 was 380 (390 in 1971). Of this number, 5 were government schools and 37 were local council schools (5 and 28 respectively in 1971). The number of students in the primary schools was 26,873 (25,057 in 1971).

62. Implementation of the proposals contained in the Sixth Development Plan for the expansion of secondary education was begun in 1971 and continued in 1972. The secondary selection tests took place in July 1972 and acceptance lists for all secondary schools were published in November. From a total of 1,983 candidates, 510 students were selected, of whom approximately 30 per cent were girls. The figures for 1971 were 1,833 and 488 respectively.

63. During 1972, 46 students (of whom 13 were women) successfully completed their two-year course at the British Solomons Training College. Honiara Technical Institute had a total enrolment of 423 students during 1972, 200 of whom attended courses in technical and commercial subjects. Students following higher education courses numbered 98 tertiary overseas, 15 at the University of Papua New Guinea, 6 at the University of South Pacific and 1 in New Zealand. Government expenditure on education was estimated at \$A 1,560,180 in 1972, compared with an actual expenditure of \$A 1,493,183 in 1971.

Annex III

COMMUNICATIONS RECEIVED FROM THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND

- A. Letter dated 13 June 1974 from the Permanent Representative of the United Kingdom to the United Nations, addressed to the Chairman of the Special Committee*

When I last wrote to you on 9 May, I promised to let you have a substantive reply to your invitation to me to consult with you on the implementation of paragraph 4 of the resolution adopted by the Special Committee at its 933rd meeting on 8 August 1973. a/ Perhaps you will allow me to take advantage of this occasion to inform you of some other steps that my Government contemplates in respect of the United Kingdom's association with the work of the Special Committee.

My Government believes that visiting missions can in certain circumstances serve a most useful purpose in the process of bringing the peoples of Non-Self-Governing Territories to exercise their right to self-determination. It therefore looks forward to closer co-operation with the Special Committee in this regard and I am directed to inform you of our broad agreement in principle to this effect. I look forward to consulting further with you on this matter, and particularly on the possibility of a mission to the Ellice Islands to observe the proposed referendum there later this summer providing that we can agree on such matters as timing and composition. I am bound to reiterate, however, that the United Kingdom Government, as administering Power, retains the duty to decide whether or not a particular mission is appropriate. In arriving at such a decision, the view of the locally elected Governments, where these exist, will be one of our major considerations.

I should also like to inform you that we shall be happy to provide the Special Committee with up-to-date information on recent developments in Non-Self-Governing Territories for which we are responsible, and to use our best endeavours to respond to any request for further information that the Special Committee may make. We also stand ready to take part in meetings of the Special Committee and its sub-committees on United Kingdom Non-Self-Governing Territories should we be asked to do so.

My Government now look forward to a period of far greater mutual co-operation with the Special Committee than has been the case in the recent past. The Special Committee's objectives are shared by the United Kingdom, and my Government's earnest hope is that our work can be carried forward in this way.

(Signed) Ivor RICHARD

* Previously issued under the symbol A/AC.109/450.

a/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. III, para. 14.

B. Letter dated 14 June 1974 from the Permanent Representative of the United Kingdom to the United Nations, addressed to the Chairman of the Special Committee*

Further to my letter of 13 June, a/ I think it will help the Special Committee to have the proposed time-table of the Ellice Islands referendum. It is as follows:

3 July:	Dispatch postal votes
22 July-27 July:	Registration on South Tarawa (Gilbert Island)
12 August-17 August:	Validation of rolls and ballot on South Tarawa
22 August-18 September:	Rolling ballot on Ellice Islands and Ocean Island
30 September:	Last day for receipt of postal votes
1 October:	Count in Tarawa

2. As you will appreciate, the task of holding a referendum among a scattered island community is difficult and of necessity somewhat long drawn out. Might I perhaps suggest that if, as we hope, the Special Committee is able to send an observer mission to witness the referendum, the most appropriate part would be the ballot on the Ellice Islands themselves between 22 August and 18 September. This will cover the great majority of the population qualified to vote, though as you will see, we are conducting subsidiary polls of Ellice islanders living in the Gilbert Islands (Tarawa) and Ocean Island, and of those working on ships.

3. I realize that these dates may be rather inconvenient for the Special Committee, in so far as they extend well into September. Although I have no instructions, you might think that an alternative would be for a mission to arrive in the middle of August, in time to witness part of the ballot on South Tarawa, and then to spend a fortnight, or as much time as the mission could afford, witnessing the greater part of the rolling ballot on the Ellice Islands themselves. At an appropriate stage I shall have to make recommendations on timing to my Government. Before doing so, I should be grateful for your views on the most suitable dates for the proposed observer mission.

(Signed) Ivor RICHARD

* Previously issued under the symbol A/AC.109/451.

a/ See section A above.

- C. Letter dated 2 July 1974 from the Deputy Permanent Representative of the United Kingdom to the United Nations, addressed to the Chairman of the Special Committee*

Further to my statement made at the 975th meeting of the Special Committee, on 1 July 1974, relating inter alia to the Ellice Islands (A/AC.109/PV.975 and Corr.1), I have the honour to transmit herewith for the information of the Committee a copy of the Ellice Islands (Referendum) Order 1974.

John Oscar MORETON
Deputy Permanent Representative
of the United Kingdom to
the United Nations

* Previously issued under the symbol A/AC.109/451/Add.1.

Appendix

THE ELLICE ISLANDS (REFERENDUM) ORDER 1974

AT THE COURT AT BUCKINGHAM PALACE

THE 21ST DAY OF MAY 1974

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY

IN COUNCIL

Her Majesty, by virtue and in exercise of all the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Ellice Islands (Referendum) Order 1974.

(2) This Order shall be published by exhibition at the Public Office of the Governor and shall come into operation on the date of such publication and shall be printed in the Gazette as soon as maybe after such date.

2. (1) This Order shall be construed as one with the Gilbert and Ellice Islands Order 1974.

(2) In this Order "prescribed" means prescribed by regulations made under section 4 of this Order.

(3) In the exercise of the powers conferred upon him by this Order the Governor shall not be obliged to consult the Council of Ministers.

3. (1) There shall be a referendum for the purpose of enabling the Ellice people of the Colony to state which of the following courses they support:

- (a) The establishment of a separate Ellice Islands Colony in accordance with the conditions set out in the statement by the Government of the United Kingdom set out in the Schedule to this Order; or
- (b) The Ellice Islands remaining part of the Gilbert and Ellice Islands Colony.

(2) Without prejudice to any provisions which may be made for voting by post, the referendum shall be held on such day or days and during such hours as the Governor, after consultation with the Referendum Administrator, shall appoint by notice published at the Public Office of the Governor and different days may be appointed for different islands or districts.

(3) The period between the date of publication of the notice in accordance with the provisions of subsection (2) of this section and the day or the first of the days, as the case may be, appointed thereunder shall not be less than twenty-eight days.

(4) The Referendum Administrator shall take all practicable steps to publicise in the island or district concerned the day and hours appointed for voting in that island or district in accordance with the provisions of subsection (2) of this section.

(5) Voting may take place after the date or hour so appointed if in the opinion of the Referendum Administrator circumstances make it impossible or impracticable to hold the referendum on the date or at the hour appointed and the Referendum Administrator publishes as soon as possible by exhibition in the island or district concerned a notice specifying the new date or time, as the case may be.

4. (1) Subject to the provisions of this Order, the Governor may by regulation make provision for the conduct and organisation of the referendum, all matters incidental or ancillary thereto, and generally for the purposes of this Order.

(2) Regulations made under this section shall make provision -

- (a) For the registration as voters of persons qualified to be so registered by virtue of the provisions of section 5 of this Order;
- (b) For the procedure to be followed at the holding of the referendum, including the manner in which votes shall be cast;
- (c) For ascertaining and publishing the result of the voting;
- (d) For affording facilities to observe the conduct and organisation of the referendum to any persons selected for that purpose by the Secretary-General of the United Nations or by any other international organisation or Government invited to do so by the Government of the United Kingdom;
- (e) For the presentation to the High Court of petitions relating to any dispute concerning the result of the voting and for the time and manner in which such petitions shall be heard and determined by that Court;
- (f) For giving effect to any directions given under section 9 (2) of this Order; and
- (g) For the definition and trial of offences relating to the referendum and the imposition of penalties therefor:

Provided that the penalty for such an offence shall not exceed a fine of one hundred pounds or a term of imprisonment of twelve months or both such fine and imprisonment.

(3) Regulations made under this section shall be published by exhibition at the Public Office of the Governor, and unless otherwise provided therein shall take effect and come into operation on the date of such publication and may be amended or revoked by subsequent regulations so made.

5. (1) Subject to the provisions of subsection (2) of this section, a person shall be qualified to be registered as a voter if, and shall not be so qualified unless, on the prescribed date -

- (a) He is of the age of eighteen years or upwards; and
- (b) He is a citizen of the United Kingdom and Colonies or a British Protected Person; and
- (c) He is domiciled in the Colony:

Provided that he is wholly or partly of Ellice descent in that one or more of his ancestors was born in the Ellice Islands before 1 January 1900.

(2) No person shall be qualified to be registered as a voter who, on the prescribed date -

- (a) Has at any time been sentenced by a court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months and has not been granted a free pardon:

Provided that if three years or more have elapsed since the termination of the imprisonment the person convicted shall not be disqualified from registration as a voter by reason only of having been so sentenced; or

- (b) Is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Colony; or
- (c) Is disqualified for registration as an elector for, or disqualified from voting at, elections of members of the House of Assembly by any law in force in the Colony relating to offences connected with elections.

6. (1) Any person who is registered as a voter shall be entitled to cast a vote in the manner prescribed for the purpose of indicating which of the alternatives specified in section 3 (1) of this Order he prefers:

Provided that no such person shall be entitled so to vote if on the date appointed for voting he is in lawful custody or (except in so far as may be otherwise prescribed) he is for any other reason unable to attend in person at the place and time appointed for voting.

(2) Subject to the provisions of section 9 (2) of this Order, no person shall be entitled to vote more than once in the referendum.

7. (1) There shall be a Referendum Administrator who shall, subject to the provisions of section 8 (1) and (3) of this Order, be responsible for the conduct of the referendum.

(2) The Referendum Administrator shall be appointed by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State:

Provided that no person shall be appointed who is qualified to be registered as a voter or who is in the service of the Crown in respect of the government of the Colony.

(3) The Governor may, in Her Majesty's name and on Her Majesty's behalf, constitute such other offices as he may consider necessary for the purposes of this Order and any regulations made thereunder, and appoint persons to those offices and exercise disciplinary control over and dismiss persons appointed to those offices.

(4) The Referendum Administrator and the other officers appointed under this section shall hold office at Her Majesty's pleasure.

8. (1) The Governor may give the Referendum Administrator such directions with respect to the exercise of his functions under this Order or any regulations made thereunder as he may consider desirable; and the Referendum Administrator shall comply with those directions or cause them to be complied with.

(2) Subject to the provisions of subsection (1) of this section, the Referendum Administrator may give the officers appointed under section 7 (3) of this Order such directions with respect to the exercise of their functions under this Order or any regulations made thereunder as he may consider desirable; and those officers shall comply with those directions or shall cause them to be complied with.

(3) Until the Referendum Administrator has been appointed and has assumed the functions of his office, the functions of the Referendum Administrator under this Order or any regulations made thereunder, including the power to give directions under subsection (2) of this section, may be exercised by the Governor.

9. (1) The Decision of the High Court in respect of any petition for which provision is made by regulations made in pursuance of paragraph (e) of section 4 (2) of this Order, including the findings of the Court upon the facts of the case, shall be transmitted to the Referendum Administrator.

(2) The Referendum Administrator may, if he considers it desirable so to do in the light of any decision of the High Court relating to any dispute concerning the result of the voting, declare that the result of the voting, either generally or at a particular place, is invalid, and direct that the voters or, as the case may be, the voters entitled to vote at that place shall be given a further opportunity of voting for the purposes of the referendum.

W. G. Agnew

THE SCHEDULE

Section 3 (1) (a)

Statement by the Government of the United Kingdom

1. In a statement read by His Excellency the Governor to the Legislative Council of the Gilbert and Ellice Islands Colony on 27 November 1973, the Government of the United Kingdom announced that before a referendum is held to determine whether the majority of Ellice islanders support the separation of the Ellice Islands from the Colony, a statement of the conditions governing separation would be circulated to all Ellice islanders eligible to vote.

2. The conditions governing the separation of the Ellice Islands from the Colony are as follows:

- (a) The Ellice Islands would become a separate dependent territory of the United Kingdom;
- (b) The Ellice Islands would receive no part of the Revenue Equalisation Reserve Fund of the Gilbert and Ellice Islands Colony;
- (c) The Ellice Islands would receive no part of present or future phosphate royalties;
- (d) The Ellice Islands would have no claim to any of the assets (whether fixed, moveable or in cash) belonging to the Gilbert and Ellice Islands Colony and situated outside the Ellice Islands themselves, except for one ship which would be transferred from the Gilbert and Ellice Islands Development Authority; and
- (e) An Ellice Islands Colony would be limited to the Ellice Islands Group and would have no right to any other territory of the Gilbert and Ellice Islands Colony.

3. As stated in the announcement to the Legislative Council, if the referendum shows a majority of Ellice islanders to be in favour of separation, and if the Government of the Gilbert and Ellice Islands Colony also wishes it, the Government of the United Kingdom will invite the Government of the Colony and representatives of the Ellice islanders to discuss:

- (a) The future constitution and form of administration of an Ellice Island Colony;
- (b) Questions relating to access in the future by Ellice islanders to training establishments in Tarawa (including the King George VI School, the Merchant Marine Training School, and the Teachers' Training College);
- (c) Questions relating to the future employment of Ellice islanders now working in the public and private sectors in the Gilbert and Ellice Islands Colony outside the Ellice Islands Group;
- (d) Questions relating to the level of and future employment of Ellice islanders outside the Gilbert and Ellice Islands Colony; and
- (e) The level of British aid, both current and development, needed to maintain a separate Ellice Islands Colony.

CHAPTER XXII

(A/9623/Add.5 (Part V))

NIUE

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A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 952nd meeting, on 26 February 1974, the Special Committee, by approving the seventy-first report of the Working Group (A/AC.109/L.920 and Corr.1), decided, inter alia, to refer Niue to Sub-Committee II for consideration and report.
2. The Special Committee considered the item at its 974th, 976th, 986th and 988th meetings between 17 May and 13 November 1974.
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 3163 (XXVIII) of 14 December 1973 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 11 of the resolution, the Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of General Assembly resolutions 1514 (XV) and 2621 (XXV) 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 report thereon to the General Assembly at its twenty-ninth session". The Committee also took into account other resolutions of the General Assembly, particularly resolution 3155 (XXVIII) of 14 December 1973, concerning the question of Niue, whereby the Assembly, in welcoming the invitation extended by the administering Power to the United Nations to observe the act of self-determination in Niue in 1974, requested the Special Committee, in consultation with the administering Power and the Government of Niue, to appoint a special mission to undertake that task and to report on the question to the Assembly at its twenty-ninth session.
4. At its 974th meeting, on 17 May, the Special Committee, on the proposal of its Chairman, decided without objection that the Special Mission to Niue should be composed of Ethiopia, Iran and Venezuela.
5. At its 976th meeting, on 20 August, the Special Committee, on the proposal of the Chairman of Sub-Committee II and in modification of the decision referred to in paragraph 1 above, agreed to take up Niue directly in plenary meetings at the time that the report of the Special Mission became available.
6. At the 986th meeting, on 8 November, the representative of Ethiopia, in his capacity as the Chairman of the Special Mission, introduced the report of the Mission (see annex I to the present chapter). The report contained the conclusions and recommendations of the Mission including the text of a draft resolution for the Committee's consideration (see annex I to the present chapter, paras. 142-147). The Special Committee also had before it the text of a telegram from the Chairman of the Special Committee addressed to the Leader of Government of Niue (see annex II to the present chapter).

7. At the same meeting, statements were made by the Chairman of the Special Committee and by the representatives of Iran, Venezuela, Indonesia and Czechoslovakia. Statements were also made by the representative of New Zealand, as the administering Power and Professor R. Q. Quentin-Baxter, Constitutional Adviser to the Niue Island Assembly, on behalf of the Government of Niue (A/AC.109/PV.986).
8. At the 988th meeting on 13 November, the Chairman drew attention to the revised text (A/AC.109/L.987) of the draft resolution mentioned in paragraph 6 above. Following statements by the representatives of Australia and Fiji (A/AC.109/PV.988), the Committee adopted the report of the Special Mission, endorsed the conclusions and recommendations contained therein and approved the revised draft resolution (see para. 12 below).
9. At the same meeting, statements were also made by the Chairman of the Special Mission, Professor Quentin-Baxter and by the Chairman of the Special Committee (A/AC.109/PV.988).
10. On 18 November, the text of the revised resolution concerning the question of Niue was transmitted to the Permanent Representative of New Zealand to the United Nations for the attention of his Government. Copies of the resolution were also transmitted to the specialized agencies and other organizations within the United Nations system.

B. DECISIONS OF THE SPECIAL COMMITTEE

11. The text of the conclusions and recommendations of the United Nations Special Mission to observe the act of self-determination in Niue, to which reference is made in paragraph 8 above, is set out in paragraphs 142 to 147 of the report of the Special Mission (see annex I to the present chapter).
12. The text of the revised resolution (A/AC.109/469) concerning the question of Niue, to which reference is also made in paragraph 8 above, is reproduced below:

The Special Committee

Having considered the question of Niue,

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

Recalling also General Assembly resolution 3155 (XXVIII) of 14 December 1973, by which the Assembly inter alia noted with approval that the Government and people of Niue were resolved to achieve self-government in 1974, welcomed the invitation extended to the United Nations by the Government of New Zealand to observe the act of self-determination in Niue and requested the Special Committee, in consultation with the administering Power and the Government of Niue, to appoint a special mission to Niue in 1974 for the purpose of observing the proceedings relating to the act of self-determination by the people of Niue,

Having considered the report of the Special Mission to Niue appointed pursuant to the above resolution of the General Assembly,

1. Notes with satisfaction the findings and conclusions of the Special Mission, 1/ in particular that the arrangements for the conduct of the referendum in Niue were such as to ensure that the people exercised their right of self-determination freely, under circumstances which guaranteed the secrecy of the ballot, and with full information regarding the issues involved;

2. Expresses its appreciation to the Government of New Zealand, as the administering Power, and the Government of Niue for the co-operation and assistance extended to the Mission and for the manner in which the referendum was conducted;

3. Takes note that the people of Niue voted, by a substantial majority, for self-government in free association with New Zealand on the basis of the Constitution and the Niue Constitution Act, 1974;

4. Considers that in so doing the people of Niue have freely expressed their wishes and have exercised their right of self-determination in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

5. Considers further that, in view of the entry into force of the Niue Constitution Act, 1974, and the attainment by the Territory of self-government in free association with New Zealand, the transmission of information in respect of Niue under Article 73 e of the Charter is no longer necessary;

6. Notes with appreciation the commitment entered into by the Government of New Zealand to continue to furnish economic and administrative assistance to Niue after self-government;

7. Expresses the hope that the United Nations Development Programme and the specialized agencies and other institutions associated with the United Nations will likewise endeavour to contribute in every way possible to the development and strengthening of the economy of Niue.

1/ Annex I to the present chapter, paras. 142-147.

Annex I*

REPORT OF THE UNITED NATIONS SPECIAL MISSION TO OBSERVE
THE ACT OF SELF-DETERMINATION IN NIUE

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* Previously issued under the symbol A/AC.109/L.982.

INTRODUCTION

1. Responding to the appeals by the General Assembly that administering Powers permit the access by United Nations visiting missions to Territories under their administration, the Government of New Zealand in June 1971 invited the Special Committee to send a mission to Niue and the Tokelau Islands at a suitable time in 1972 so as to enable the United Nations to obtain first-hand information on the wishes of the people, the situation prevailing in, and the problems being faced by, those two Territories.
2. The Special Committee accepted that invitation with appreciation and subsequently in June 1972 dispatched a three-member mission a/ to Niue. The mission's report b/ served as a basis for a series of conclusions and recommendations by the Committee which were included in its report to the General Assembly at the latter's twenty-seventh session. The General Assembly, by adopting its resolution 2986 (XXVII) of 14 December 1972, commended these conclusions and recommendations to the Government of New Zealand and to the Niue Island Assembly for their consideration.
3. During the same session of the General Assembly, the Permanent Representative of New Zealand to the United Nations, in a note dated 5 December 1972 (A/C.4/757), informed the Secretary-General, in reference to the provisions of Article 73 of the Charter of the United Nations, that the Niue Island Assembly had, on 21 November 1972, resolved that the Government of Niue should inform the Government of New Zealand of the wish of the Government and people of Niue to achieve the status of full-self-government in free association with New Zealand in 1974 on a date to be agreed upon by both Governments.
4. Subsequently, in a letter dated 26 September 1973 (A/9170), the Prime Minister of New Zealand informed the Secretary-General that a time-table for the attainment of that objective had been agreed upon between his Government and the Government of Niue, and that it was planned to hold a referendum during 1974 at which the people of Niue would decide whether or not to accept a new Constitution. The Prime Minister added that the New Zealand Government, recognizing the valuable role of the United Nations in verifying acts of self-determination on behalf of the international community, invited the United Nations to observe the referendum.

a/ The visiting mission was composed of Mr. Salim Ahmed Salim, United Republic of Tanzania (Chairman); Mr. Frank Owen Abdullah, Trinidad and Tobago; and Mrs. Brita Skottsberg-Ahman, Sweden.

b/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. XVI, annex I.

1. Terms of reference

5. At its twenty-eighth session, the General Assembly considered the question of Niue in the light of further developments reported by the Special Committee and of the above invitation by the Government of New Zealand. Following a discussion in the Fourth Committee in which the Honourable Robert Rex, Leader of Government of Niue, heading a delegation from the Territory, actively participated, the General Assembly, on 14 December 1973, unanimously adopted resolution 3155 (XXVIII), which reads as follows:

"The General Assembly,

"Having considered the question of Niue,

"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, c/

"Having heard the statement of the Leader of Government of Niue, d/

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

"Recalling its resolutions 2868 (XXVI) of 20 December 1971 and 2986 (XXVII) of 14 December 1972,

"Recalling the report of the United Nations Visiting Mission to Niue, 1972, e/

"Noting with satisfaction the outcome of the constitutional talks between the administering Power and a Niuean Government delegation which was embodied in a joint communiqué issued at Wellington on 2 March 1973, f/

"Noting further that a time-table has been established for the completion in 1974 of the final steps which will enable Niue to achieve self-government,

"Mindful of the responsibility of the United Nations to render all help to the people of Niue in their efforts freely to decide their own future,

c/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chaps. III and XVI.

d/ Ibid., Twenty-eighth Session, Fourth Committee, 2067th meeting.

e/ Ibid., Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. XVI, annex I.

f/ Ibid., Twenty-eighth Session, Supplement No. 23 (A/9023/Rev.1), chap. XVI, annex, para. 19.

"1. Reaffirms the inalienable right of the people of Niue to self-determination in conformity with General Assembly resolution 1514 (XV);

"2. 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 Niue g/ and endorses the conclusions and recommendations of the Special Committee on the question;

"3. Notes with approval that, during the period since the United Nations Mission visited Niue in June 1972, the Government and people of Niue resolved to achieve self-government in 1974 and that agreement has been reached with the Government of New Zealand, as the administering Power, on a specific time-table for the free exercise by the people of Niue of their right to self-determination;

"4. Welcomes the invitation extended by the administering Power to the Secretary-General for the United Nations to observe the act of self-determination in Niue in 1974;

"5. Requests the Special Committee, in consultation with the administering Power and the Government of Niue, to appoint a special mission to Niue in 1974 which will observe the proceedings relating to the act of self-determination by the people of Niue and to report to the General Assembly at its twenty-ninth session;

"6. Requests the administering Power and the Government of Niue, as well as the Secretary-General, to provide all the necessary assistance and facilities to the special mission in the discharge of its task;

"7. Requests the Special Committee to report on this question to the General Assembly at its twenty-ninth session."

2. Composition of the Mission

6. In accordance with the above resolution and with its programme of work for 1974, the Special Committee, at its 974th meeting on 17 May 1974, decided, on the proposal of the Chairman, that the special Mission should consist of the representatives of Ethiopia, Iran and Venezuela and that it should be presided over by the Chairman of Sub-Committee II of the Special Committee. Accordingly, the Mission was composed as follows:

Mr. Yilma Tadesse, Ethiopia (Chairman)

Mr. Gholam-Hosseini Shahid-Nooray, Iran

Mr. Horacio Arteaga-Acosta, Venezuela

g/ Ibid., chap. XVI.

7. The following staff members accompanied the Mission: Mr. Mylēs Minchin, Principal Secretary; Mr. Abdul Kabia, Political Affairs Officer; Mr. Thomas Theobald, Administrative Officer; and Mrs. Cecilia Bowles, Secretary.

8. In a letter dated 17 July 1974, the Chargé d'affaires, a.i. of the Permanent Mission of New Zealand informed the Chairman of the Special Committee of a decision by the Niue Island Assembly that the referendum on Niue's future constitutional status would take place on 3 September 1974.

3. Itinerary and programme

9. The Mission departed from New York on 25 August 1974 for Apia, Western Samoa, where it was met by Mr. J. M McEwen, the Secretary of Maori and Island Affairs of New Zealand, and Miss Alison Stokes of the Ministry of Foreign Affairs, who accompanied the Mission during its stay in Niue and in Wellington.

10. The Mission arrived in Niue on Friday, 30 August. The following day was devoted to meetings with officials and to a tour of the island which enabled the Mission to visit every village and acquaint itself with the location of the polling booths and the arrangements for voting. On Monday, 2 September, the Mission had a meeting with the Resident Commissioner and the Registrar of Electors at which it discussed the procedures for the referendum and reached agreement on arrangements to enable the Mission to carry out its task. Thereafter, the Mission attended a briefing given by the Registrar to electoral officers.

11. On polling day, 3 September, the Mission toured the polling booths throughout the period of voting, 9 a.m. to 6 p.m., visiting every polling booth on the island. Thereafter members of the Mission visited each polling booth in order to observe the counting of votes. The Mission was also present on the evening of 3 September, when the provisional results of the voting was announced and at the official count on the following day, after which it made a tour of selected development projects on the island. On 5 September, the Mission had meetings with the Executive Committee of Niue and with the Island Assembly.

12. After completing its task in Niue, the Mission departed on 6 September for Wellington, where it arrived on 10 September. The afternoon of the day was devoted to a visit to the Brandon Intermediate School at Porirua, which afforded an opportunity to meet with Niuean children living in New Zealand. The Mission also gave an interview, subsequently broadcast, to the New Zealand Broadcasting Corporation.

13. Despite the tragic death of the Right Honourable Norman Kirk, the Prime Minister of New Zealand, which had occurred while the Mission was in Niue, and the subsequent reorganization of the Cabinet, the Mission was able to meet, on 11 September, with the Honourable P. A. Amos, Acting Minister of Island Territories, the Honourable J. A. Walding, Associate Minister of Foreign Affairs, Mr. K. T. Wetere, Chairman of the Parliamentary Select Committee on Island Affairs, and also with Mr. F. H. Corner, Secretary of Foreign Affairs, and other officials of

the New Zealand Government. In the evening, the members of the Mission addressed a meeting of the Wellington Branch of the New Zealand Institute of International Affairs, at which they met with representatives of the Niuean community in New Zealand.

14. Upon completion of its programme in Wellington, the Mission returned to New York where it adopted the present report on 3 October 1974.

4. Tragic death of the New Zealand Prime Minister

15. The Mission was deeply saddened to learn during its visit to Niue, of the untimely death of Mr. Norman Kirk, the then Prime Minister of New Zealand, who will be remembered for his personal interest and concern on behalf of the people of Niue and his strong support of the United Nations. Upon hearing of the tragic event, the Chairman of the Mission sent a telegram to the Acting Prime Minister expressing the deep regret of the Mission members, their deepest sympathy for the family of Mr. Kirk, as well as to the Government and people of New Zealand.

5. Acknowledgements

16. The Mission wishes to place on record its appreciation to the Government of New Zealand for the co-operation and assistance which it received, as well as for the courtesy and kindness extended to it by Mr. P. A. Amos, the Acting Minister of Island Affairs, Mr. J. Walding, the Associate Minister for Foreign Affairs, and by the senior officials of their departments, during the Mission's stay in Wellington.

17. The Mission is profoundly grateful to the Government and people of Niue for their co-operation and invaluable assistance, both in connexion with the Mission's observation of the act of self-determination and throughout its stay on the island. The Mission was very much moved not only by the extraordinary warmth and hospitality displayed to it by the Niuean people and their leaders, but also by their readiness to help the Mission in every respect. The Mission wishes to convey its appreciation to Mr. C. A. Roberts, the Resident Commissioner, the Honourable Robert R. Rex, Leader of Government, and to all the members of the Executive Committee and the Island Assembly, the Registrar of Electors, and the electoral officers, as well as the liaison staff, who did so much to assist the Mission in the discharge of its task.

18. The Mission wishes to record its special gratitude to Mr. J. M. McEwen, the Secretary of Maori and Island Affairs, and to Miss Alison Stokes of the New Zealand Ministry of Foreign Affairs, who, both by their constant presence and attention, contributed greatly to its success.

19. Finally, the Mission wishes to thank the High Commissioner of New Zealand in Western Samoa, and his staff, and the staff of the Tokelau Islands administration office in Western Samoa, as well as the Governments of Western Samoa and American Samoa for the hospitality and assistance which it received during its brief visits to those countries on its way to and from Niue.

A. INFORMATION ON THE TERRITORY

1. General description

20. The island of Niue is situated in an isolated position in the South Pacific Ocean approximately 300 miles east of the Kingdom of Tonga, 350 miles south-east of Samoa and 580 miles west of Rarctonga. It has an area of just over 100 square miles and is approximately 13 miles long, measured from north to south, and 11 miles wide. Its circumference by road is 40 miles.

21. The island consists entirely of upheaved coral and is probably the result of a series of upheavals, which would account for the existence of many deep chasms. The coastline is precipitous and broken, fringed by a narrow coral reef beyond which the ocean bed plunges abruptly. In general formation, the island takes the shape of two terraces: a narrow lower coastal terrace, which is 90 feet above sea level; and an upper terrace, which forms the largest part of the total area, and is about 220 feet above sea level, sloping down to 100 feet at the centre. The interior of the island, which is covered by forest, is uninhabited. For the most part, the people live in the small township of Alofi and in 12 other villages, scattered along the coast on the lower terrace on the western side of the island and on the upper terrace on the north-eastern and southern side.

22. The island, which is on the edge of the hurricane belt, has no harbour. The port of Alofi is an open roadstead and ships visiting the island either anchor in Alofi Bay or cruise about offshore. Passengers and cargo are brought ashore to a small wharf by launches towing lighters through a passage in the reef. There is no alternative safe anchorage in the island but there are landings at Tuapa and Avatele. The island also possesses an international airport, with a sealed runway of 5,400 feet, and is served on a regular basis by Polynesian Airlines which operates a weekly flight from Western Samoa via Tonga.

23. Niue is believed to have been inhabited for more than 1,000 years, settlement having been made by two principal migrations from Samoa and Tonga respectively and a smaller migration from the Cook Islands.

24. At the last census, taken in 1971, the population totalled 4,990, of whom more than half were under 14 years of age. At 31 December 1973, however, estimates showed a decrease to 4,142, the decline being principally due to a continuing net emigration, mainly to New Zealand, the rate of which has accelerated since the commencement of commercial air service in 1971. The net loss of population due to emigration was 307 in 1971, 499 in 1972 and 477 in 1973. A primary cause of emigration, according to explanations given to the Special Committee's Visiting Mission in 1972, is the lack of economic and other incentives available in the island and the contrasting opportunities in New Zealand, both for education and personal advancement, as well as the attraction of a higher standard of living. The number of Niueans resident in New Zealand, now about 5,500, exceeds the population of the island.

25. The people of Niue are Polynesians and their social organization is similar to that of other Polynesian societies except that there are no chiefs and hereditary links are of little importance. The village community is based on the biological family, only the head of each family having a vote in determining land matters, while village matters are determined following discussions by all the patus (married men) in the community. Because education is free for all children between 5 and 14 years of age, and most primary school leavers go on to high school, there is a high level of literacy and most of the people speak English in addition to Niuean.

2. Status of the Territory

26. Following a brief period during which it was a British protectorate, Niue was brought under British sovereignty in October 1900 and in June of the following year was annexed by proclamation to New Zealand. The island is included within the territorial boundaries of New Zealand and its people are British subjects and New Zealand citizens; they are therefore free to enter New Zealand without restriction. For the same reason, Niue is included within the currency area of New Zealand. The New Zealand Department of Maori and Island Affairs has provided the executive link between the Government of Niue and the Government of New Zealand.

3. Existing constitutional arrangements

27. At the time of writing this report, Niue continued to be governed in accordance with the Niue Act, 1966, which, as amended in 1971, gave the Territory a large measure of autonomy. Under the terms of the Act, the executive Government of Niue is vested in the Crown in right of the Government of New Zealand. The latter is represented in Niue by the Resident Commissioner who formerly was charged with the executive Government of the island under the authority of the Minister of Island Affairs. However, with the entry into force of the Niue Amendment Act, 1971, on 4 March 1972, the responsibility for the general direction and control of the executive Government was transferred from the Commissioner to the Executive Committee of Niue which is comprised of the Leader of Government, who is elected by the Niue Island Assembly, and three other members of the Assembly chosen by the Leader of Government. The Resident Commissioner has continued to be a member of the Executive Committee, but since the transfer of powers, he normally attends meetings only when matters are discussed which concern the public service or when his presence is necessary in order to explain the viewpoint of the New Zealand Government or to ensure that he fully understands the approach of the Leader of Government and the three other members on policy decisions. Apart from his function of chief administrative officer of the Government of Niue, his principal role is to report to the Minister of Island Affairs with respect to the Affairs of Niue and to convey to the Niue Government the views of the Government of New Zealand on any matter.

28. From the entry into force of the 1971 legislation, the members of the Executive Committee, excluding the Resident Commissioner, have been collectively

responsible to the Niue Island Assembly for the formulation and implementation of policy. The distribution of portfolios since the last general election in March 1972 has been as follows:

R. R. Rex, Leader of Government and Member for Finance and Government Administration

Dr. E. Lipitoa, Member for Health, Justice, Post Office and Radio

F. F. Lui, Member for Works and Police

M. Y. Vivian, Member for Agriculture, Education, Economic Development and Tourism

29. Under the 1966 Act, the Niue Island Assembly was composed of a Speaker elected by the Assembly and 14 assemblymen, who were elected for a term of three years (or less if the Assembly was dissolved sooner), one from each of 14 constituencies consisting of Alofi North, Alofi South and the 12 other outlying villages. Elections were by secret ballot and universal adult suffrage. A person was deemed qualified to be registered as an elector if he or she was a British subject over 18 years of age, had been ordinarily resident in Niue for three months prior to registration, had at some period resided continuously in the Territory for 12 months and was not disqualified by virtue of conviction for a felony or being of unsound mind. There are no political parties in Niue and in the 1973 elections only 5 of the 14 constituencies were contested. Because of the smallness of the village constituencies - the average number of registered voters being less than 130 per constituency - and the limited size of the island, contact between the electorate and their representatives is close. All the representatives live in their constituencies and hold weekly meetings with their electors. In addition, the proceedings of the Assembly, which are conducted in Niuean, are broadcast throughout the island.

30. The post of elected Speaker was created in 1973, following a recommendation by the 1972 United Nations Visiting Mission and at the request of the Island Assembly. Previously, the Resident Commissioner had presided.

31. Under the Niue Act, 1966, legislation could be enacted either by the New Zealand Parliament or by the Niue Island Assembly, but the New Zealand Parliament had progressively delegated broader powers to the Assembly and in recent years had always consulted the Assembly before enacting any legislation concerning Niue. The Assembly could make ordinances on all subjects except defence, foreign affairs and the title of the Crown to any land, which were reserved subjects. All ordinances required the formal assent of the Resident Commissioner which, since the entry into force of the Niue Amendment Act, 1971, has been given on the recommendation of the Leader of Government. The Assembly controls the appropriation of all government moneys, including New Zealand grants and loans and funds raised locally.

32. Niue has its own judicial institutions consisting of a High Court, Land Court and Land Appellate Court. The High Court has full jurisdiction, both civil and

criminal, for the administration of justice. Appeals from the High Court lie to the Supreme Court of New Zealand.

33. Separation between the executive Government and the judiciary has been ensured by an arrangement whereby the Chief Justice of Western Samoa serves as Judge of the High Court of Niue. This appointment was made in 1973 at the request of the Island Assembly, following a recommendation to that effect by the United Nations Visiting Mission in 1972.

4. Public service

34. Because the Government is the principal employer in Niue, wages and conditions of service in private employment generally follow those in the public service. Consequently, questions of policy relating to the public service are of major importance both for the economy and social life of the island.

35. Under the Niue Act, 1966, control over the public service was exercised by the New Zealand State Services Commission. However, in the interests of local autonomy, the Commission was made responsible to the Executive Committee of Niue in the discharge of its functions, although it continued to act independently in making decisions relating to individual employees. This arrangement has ensured governmental direction of policy while providing the necessary guarantee of impartiality.

36. At 31 March 1974, the Public Service comprised 392 regular employees of whom 344 were permanent locally appointed staff and 48 were expatriates, a number of them seconded from the New Zealand Public Service. In addition, the Government employed 312 casual workers.

37. It is the policy of the Niue Government and of the administering Power wherever possible to train Niueans to fill vacancies in the public service, and to a large extent this has been accomplished, many of the departments being headed and staffed predominantly by Niueans. However, the process of localization has been affected by the tendency for skilled Niueans to emigrate to New Zealand where the salaries paid are much higher than the local economy can sustain. Their place has had to be filled by expatriate officers who must be offered the higher rates of remuneration prevailing outside the Territory. The amount of the administrative subsidies made available to Niue by the New Zealand Government have taken account of this trend.

5. Economic conditions

38. Niue's economy is based on subsistence fishing and agriculture as well as on the production of a few cash crops. The deep waters off the coast of the island are fished mainly from canoes by the adult male population. Agriculture is difficult owing to the rocky nature of the terrain and poor quality of the soil. Of the total area of approximately 64,900 acres, it is estimated that 13,600 acres are in

merchantable forest, and 50,900 acres are available for agriculture. Only part of that area is suitable for cultivation, however, the remainder supporting only ferns and scrub. A portion of the land covered by fern has been developed and found suitable for pasture and livestock production. Most local farming is done on a shifting cultivation and there are long intervals between crop production.

39. The principal crops grown on the island, and the estimated number of acres devoted to their production are as follows: coconuts (5,000 acres); taros (350 acres); passion fruit (70 acres); limes (42 acres); yams and cassava (30 acres). In addition, there are about 1,500 acres of pasture which not only provide grazing for 700 head of cattle, but also produce legume and grass seeds for local use and for export. The islanders also produce honey and there is a small handicrafts industry making baskets, mats and other plaited ware from pandanus leaves. Timber is produced for local consumption.

40. Most of the produce is consumed locally, but the island exports frozen passion fruit pulp and lime juice, which are processed locally, limes, copra, grass seeds, honey and handicrafts, most of which is sold in New Zealand. Economic development, which is necessarily on a small scale, is carried out in accordance with a development plan instituted in 1966 which has concentrated mainly on the rehabilitation and extension of the coconut plantations, expansion of cattle production and the development of an export trade in frozen passion fruit pulp and juice and lime juice. These projects are mainly financed by New Zealand which in the period 1968-1971 provided \$NZ 200,000 ^{h/} for coconut development and \$NZ 70,000 for the construction of a factory to process passion fruit. This factory has been further assisted by a grant of \$US 48,000 from the United Nations Development Programme (UNDP), mainly for the provision of equipment.

41. The task of planning, financing and, in many cases, managing development schemes and projects, is the responsibility of the Niue Development Board created by the Niue Island Assembly in 1966. The Board, which is self-supporting in machinery and manpower, provides assistance in the form of loans, or participates directly in a number of ventures such as the rehabilitation of coconut plantations and the establishment of combined coconut and cattle farming schemes, the creation of copra driers, the development, processing and export of passion fruit, the operation of a slaughterhouse and the handicrafts industry.

42. Because of its small size, isolated location and paucity of natural resources, Niue depends to a considerable extent on imports and on external assistance, in the form of financial support and technical aid. Although there has been a marked increase in the value of exports, from \$NZ 69,988 in 1969 to \$NZ 136,640 in 1973, imports, consisting largely of food-stuffs and manufactured consumer goods, were valued at \$NZ 720,646 in 1973, more than five times greater. Since the Territory derives insufficient revenue from exports and internal taxation to balance its budget, the New Zealand Government has made up the deficit with grants which are fixed every three years in advance.

43. For the year ended 31 March 1974, Niue's revenue and expenditure amounted to \$NZ 1,104,313 and \$NZ 2,407,137 respectively. Aid given by New Zealand amounted to

^{h/} The New Zealand dollar is the local currency; \$NZ 1.00 equals approximately \$US 1.31.

\$NZ 1,558,000, of which \$NZ 1,147,000 was to supplement the deficit in ordinary expenditure and \$NZ 411,000 was for capital expenditure. Total New Zealand budgetary support during the three years 1971-1974 was \$NZ 3,978,000, while local revenue amounted to \$NZ 3,109,064.

44. As the Mission has noted in paragraph 59 below, the New Zealand Government, prior to the referendum, and regardless of its outcome, undertook to continue to provide aid and budgetary support to Niue. The aid already approved for the three years 1974-1977 is as follows:

	<u>1974/75</u>	<u>1975/76</u>	<u>1976/77</u>
	(thousand New Zealand dollars)		
Ordinary aid (grant towards administrative expenses)	1,125	1,150	1,175
Capital grants (contribution to general capital programme)	120	150	200
Specified capital grants	580	325	395
Niue Development Board grants	<u>70</u>	<u>70</u>	<u>70</u>
Total	1,895	1,695	1,840

45. In addition to the above, the New Zealand Government, on 18 February 1974, approved a level of unallocated development aid to be made available as required to the Cook Islands, Niue and the Tokelau Islands up to a total of \$NZ 1.5 million for each of the three financial years. From this amount the New Zealand Government has already allocated payments to Niue amounting to \$NZ 549,275 during the three-year period to cover the cost of salary increases and arrears for staff of the public service approved by the State Services Commission. Additional allocations may be made to Niue from this unallocated aid to cover the expected costs of extending the airport runway and to supplement the grant already approved for the extension of electricity supply to all villages on the island.

6. Social and educational conditions

46. Curative and preventive medical and dental services are integrated and are provided by the Health Department under the control of the Director of Health, and in general is provided free of charge. There is one hospital with 30 beds which provides general medical and surgical treatment. If specialist treatment is required, patients are transferred to New Zealand at the cost of the Government, or are treated by a visiting surgeon. The daily average of bed occupancy at the hospital during the year ended 31 March 1973 was 12.16, or well below the hospital's capacity. In addition, there is mobile medical service available throughout the island, and mobile dental clinics visit the schools and villages to give treatment to school and pre-school children.

47. Education is free and is compulsory between 6 and 14 years of age, although most children start school after the age of 5 years. The average duration of attendance is slightly more than 10 years. Virtually all primary school leavers attend the Niue High School. At 31 March 1973, the eight primary schools on the island had a total enrolment of 1,190 pupils and a staff of 67 Niuean and two European teachers, a ratio of approximately 1:16.

48. The Niue High School, which provides secondary education up to form V, has an enrolment of 213 and is staffed mainly by New Zealand certificated teachers, both Niuean and European. There are 10 student teachers in training at the Teachers Training Centre.

49. At 31 March 1974, a total of 62 Niueans were undergoing educational or technical and professional training abroad. Eleven of these were attending secondary schools and universities in New Zealand, nine were undergoing medical or nursing training in Fiji and 12 were government employees on short-term in-service courses in New Zealand.

B. BACKGROUND TO THE REFERENDUM

1. Progress towards self-government

50. Consultations between the administering Power and the Niueans concerning the question of their future status took place, first in 1962 following the adoption by the United Nations General Assembly of its resolutions 1514 (XV) and 1541 (XV) of 14 December 1960, and later in 1965 shortly before the elections in the Cook Islands which resulted in the attainment by the latter of self-government in free association with New Zealand. i/ On both occasions, the people of Niue expressed opposition to any precipitate changes, preferring to progress gradually towards some system of internal self-government, while at the same time retaining close links with New Zealand. Because of their geographical isolation, the small size of the island and the paucity of its economic resources, the Niueans attached great importance to retaining their New Zealand citizenship and the right of access to New Zealand and wished to be sure of continued financial and administrative support from New Zealand. They were therefore hesitant to commit themselves to a fixed time-table of constitutional changes, preferring to approach the matter on a step-by-step basis. The Niue Act, 1966, took account of these views and at the same time provided a vehicle whereby, in practice, increasing powers and responsibilities were devolved upon the island Government, and particularly the Executive Committee. A most important step in this direction was the introduction in 1968 of a full member system of executive government whereby the Resident Commissioner delegated a large part of his powers and functions to the Niuean members of the Executive Committee.

i/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 23 and 24, document A/5962.

51. In accordance with the expressed wish of the Niuean people to pursue a cautious approach to constitutional development, the Government of New Zealand had given an assurance that no further constitutional steps would be introduced except in response to the wishes of the Niueans and after full consultation with the Niue Island Assembly and the people of Niue. In early 1970, the Assembly decided that the time had come to review progress and, accordingly, after consultation with the New Zealand Government Professor R. Q. Quentin-Baxter was appointed as constitutional adviser to the Island Assembly. The recommendations contained in his report on the constitutional development of Niue, which appears in the report of the Special Committee to the General Assembly at its twenty-sixth session, j/ after being approved by the Island Assembly, served as the basis for the Niue Amendment Act, 1971. Under this Act effective control of the island's internal affairs was transferred to the Executive Committee and Island Assembly, thus bringing the Territory significantly closer to full self-government. As a result of this amendment Act, the role of the Resident Commissioner was, as already stated, restricted in practice to that of chief administrative officer and interlocutor between the Government of Niue and the Government of New Zealand. Moreover, while the latter retained all of its powers including the power to legislate for the Territory, these powers have been either progressively delegated to the Niuean authorities or are exercised only after full consultation with them. Thus, the two years following the entry into force of the amendment Act enabled the Government of Niue to gain experience in the management of the island's affairs and paved the way for further constitutional advance.

52. In March 1972, following the last general elections, the Island Assembly created a Select Committee on Constitutional Development, to undertake extensive study and discussions with the Niuean people throughout the island and thereafter to consult with the New Zealand Government with a view to reaching an agreement concerning the requirements of the Niuean people as to their future status and all other related matters.

53. Shortly after the creation of the Select Committee, a United Nations Visiting Mission, headed by the Chairman of the Special Committee, visited Niue and held extensive discussions both with the Niuean authorities, including all the members of the Executive Committee and the Island Assembly, and a broad spectrum of the island's community. The Mission also visited New Zealand where it discussed, among other things, the question of the Territory's future status with the Prime Minister of New Zealand, the Minister of Island Affairs and other officials of the New Zealand Government and also heard the views of representatives of the Niuean community living in New Zealand. In its report, k/ the Mission concluded, as a result of its consultations with a broad cross-section of the community, that a substantial majority of the people living in Niue was in favour of full self-government and that, whereas a significant number of Niueans who had emigrated permanently to New Zealand wished to see the island integrated with New Zealand, this preference

j/ Ibid., Twenty-sixth Session, Supplement No. 23 (A/8423/Rev.1), chap. XV, annex II.

k/ Ibid., Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), chap. XVI, annex I, para. 267.

was shared by only a minority of those living in Niue. The Mission found among the population of the island a widespread desire to retain the identity of Niue as a political entity, coupled with a general consensus on the need to continue the existing close relationship with New Zealand in whatever form of self-government the Territory might attain. The Mission stated that almost everyone interviewed in Niue had stressed the desire of the islanders to retain New Zealand citizenship and free access to New Zealand and had repeatedly emphasized the Territory's need for continued assistance from New Zealand.

54. In the months following the Mission's visit, the Select Committee on Constitutional Development continued to study the question of Niue's future constitutional status, holding several meetings with the Assembly's constitutional adviser, Professor Quentin-Baxter. The Select Committee submitted its report to the Island Assembly on 1 November 1972 and thereafter discussed its conclusions with the people of Niue in a series of public meetings, all of which were broadcast by radio.

55. On 21 November, the Assembly resolved that the Government of Niue should inform the Government of New Zealand of the wish of the Government and people of Niue to achieve the status of full self-government in free association with New Zealand in 1974, on a date to be agreed upon by both Governments, and that a delegation of the Assembly, led by the Leader of Government, should visit New Zealand early in 1973 to discuss the formalities of implementing the Assembly's decisions.

56. The resolution adopted by the Island Assembly also called, among other things, for the preparation of a draft constitution for consideration first by the Assembly and later by the New Zealand Parliament. It stipulated: (a) that the constitution should establish the position of Secretary to the Government of Niue, who would be the Government's Chief Administrative Officer, responsible to the Executive Committee, and acting also as the delegate of the State Services Commission in matters of personal administration; (b) that in order to ensure the independence of the Niue public service, control over the service should remain with the New Zealand State Services Commission which would be responsible to the Niuean Government, except that it would have power to act independently in matters relating to individual employees; and (c) that changes in the constitution would require a two-thirds majority vote in the Island Assembly followed by a referendum approving the change by a two-thirds majority of the voters of Niue.

57. The resolution further provided that New Zealand should remain responsible for the defence and external affairs of Niue, that existing trade arrangements would be maintained and financial assistance continued and that Niueans would remain New Zealand citizens.

58. Finally, the resolution asked that New Zealand should continue to be represented in Niue after self-government by the establishment of the post of New Zealand Representative, the appointee to be resident in Niue.

59. The constitutional talks between the New Zealand Government and the

delegation from the Niue Island Assembly took place in Wellington between 21 February and 2 March 1973. According to the communiqué issued at the conclusion of the talks, the Leader of Government of Niue had outlined to the New Zealand Prime Minister, the Acting Minister of Island Affairs, and to the members of the Island Affairs Committee of the New Zealand House of Representatives the specific proposals approved by the Niue Island Assembly in November 1972. It went on to state:

"New Zealand Ministers stated that it was New Zealand's wish that Niue should complete its constitutional development in accordance with the wishes of its people. Accordingly, the New Zealand Government was delighted that Niue had indicated so clearly what it wished its future status to be and offered its full co-operation in working out the content and timing of the final steps which required to be taken to enable Niue to achieve self-government.

"During the talks agreement was reached on a time-table for the completion of these steps by the end of 1974. It was agreed that there would be close consultation between the two Governments at all stages of the preparation of Niue's constitution.

"It was also agreed that Niueans would remain New Zealand citizens and that financial and other assistance would be maintained. The New Zealand Prime Minister stated that, in response to Niue's request, New Zealand would be pleased, following self-government, to appoint a New Zealand Representative to be resident in Niue. It was further agreed that New Zealand would remain responsible for the defence and foreign affairs of Niue.

"The Niuean delegation stated its desire to maintain and extend the present trading arrangements with New Zealand. New Zealand received these requests with full understanding and sympathy and stated that detailed talks would be held on these questions."

The text of the communiqué was publicized throughout Niue and the Leader of Government gave a broadcast on the subject following his return to the island.

60. In November 1973, the Leader of Government and another member of the Executive Committee of Niue had further talks in Wellington with the Prime Minister and other ministers of the New Zealand Government covering detailed arrangements to implement the remaining steps leading to full self-government.

61. Meanwhile, in a letter dated 26 September 1973, the Prime Minister of New Zealand had informed the Secretary-General of the decision of the Niuean Island Assembly and of the outcome of the consultations which had taken place in Wellington in February and March of that year, and also of the intention to hold a referendum in Niue at which the people would decide whether or not to accept a new constitution (A/9170). The Prime Minister stated that his Government recognized the valuable role of the United Nations in verifying acts of self-determination on behalf of the international community and accordingly invited the United Nations to observe the referendum.

62. At its twenty-eighth session, the General Assembly considered the invitation from the New Zealand Government, together with the relevant chapters of the report of the Special Committee. During its discussion of the question, the Fourth Committee heard a statement by the representative of New Zealand, l/ who informed it, inter alia, that New Zealand economic assistance to Niue would continue after self-government and that a formal agreement was planned between the two Governments concerning such assistance. The Fourth Committee also heard a statement by Mr. Robert R. Rex, the Leader of Government of Niue, who participated in its discussion as the head of a Niuean delegation. Mr. Rex informed the Committee of Niue's constitutional and political plans for the future and of the economic and other reasons why the people wished to retain their association with New Zealand while at the same time having unrestricted constitutional freedom to control and direct their own government. m/ In the light of these statements and of the related discussion, the General Assembly, on the recommendation of its Fourth Committee, unanimously adopted resolution 3155 (XXVIII), the text of which is reproduced in paragraph 5 above.

63. During January 1974, Professor Quentin-Baxter again visited Niue for extensive discussions with the Executive Committee, the Island Assembly and the people of Niue regarding the form and content of the new Constitution. These discussions led to the unanimous adoption by the Island Assembly on 18 March of a resolution which reads as follows:

"1. Requests the Government of New Zealand

"(A) To draft for Niue a Constitution for self-government, embodying the institution of Government at present provided by law in Niue, and to provide in this Constitution that the membership of the Niue Island Assembly will, at the first general election held after the attainment of self-government, be increased by the addition of six 'common roll' members, to be chosen by vote of all those entitled to vote in a general election in Niue;

"(B) To introduce into the New Zealand Parliament a Niue Constitution Bill, containing provisions to ensure that after self-government

"(i) The people of Niue will continue to be New Zealand citizens;

"(ii) The agencies of the New Zealand Government will continue to take responsibility for the external relations and defence of Niue;

"(iii) The Government of New Zealand, acting in consultation with the Government of Niue, will continue to provide necessary economic and administrative assistance to Niue;

"(iv) There will be appointed, under the provisions of appropriate

l/ Ibid., Twenty-eighth Session, Fourth Committee, 2067th meeting.

m/ Ibid.

New Zealand legislation, a New Zealand representative, who will be resident in Niue; and

"(C) To provide in the Niue Constitution Bill that the Bill, when enacted, and the draft Constitution appended to the Bill, will enter into force on a day to be appointed, and to appoint such a day in consultation with the Government of Niue, only if and when a referendum approving self-government on the basis of the draft Constitution has been held in Niue and has been carried by a majority of the persons voting.

"2. Resolves to make provision at the appropriate time for the holding of a referendum of all those eligible to vote in a general election in Niue, on the question whether Niue should attain self-government in free association with New Zealand, on the basis of the draft Constitution appended to legislation enacted by the New Zealand Parliament."

64. The resolution was presented to the Prime Minister of New Zealand in the course of a visit which he made to Niue from 23 to 25 March. During this visit, the Prime Minister spoke to the people of Niue about self-government and gave assurances of New Zealand's continuing support for the island. He also assured the Niueans that his Government would immediately prepare a draft constitution embodying the provisions which the Island Assembly had requested.

65. In accordance with this undertaking, a bill entitled the Niue Constitution Bill, 1974, setting out a draft constitution for Niue was later introduced in the New Zealand Parliament and referred to the Parliamentary Select Committee on Island Affairs.

66. Thereafter, the text of the draft constitution, in the Niuean language, was distributed to every household on Niue on 6 August 1974. At the same time, a delegation from the Select Committee on Island Affairs of the New Zealand Parliament, headed by its chairman, Mr. K. T. Wetere, M.P., himself a representative of the Maori people in the New Zealand Parliament, visited Niue to hear the views of the Government and people of Niue on the draft. Meetings were held with the Executive Committee, the Niue Island Assembly and the Public Service Association and four public meetings were held covering all the villages of the island. The proceedings of the Assembly and the village meetings were broadcast and the chairman of the Select Committee on Island Affairs also broadcast to the Niuean people.

67. In the light of its consultations with the Government and people of Niue, the Select Committee on Island Affairs introduced certain detailed amendments to the draft constitution and reported the bill back to the New Zealand Parliament on 21 August. The bill was subsequently enacted by Parliament and power was given to bring the Act and Constitution into force on a future date; but it was understood that its entry into force was contingent upon the acceptance of the proposed constitution by a majority of the people of Niue in the referendum which, according to a decision by the Niue Island Assembly, would take place on 3 September 1974.

68. It was further decided by the Island Assembly that, in the event of a favourable vote in the referendum, the new Constitution would enter into force on 19 October 1974, the anniversary of Niue's annexation by the United Kingdom.

2. Niue Constitution Act, 1974

69. The Niue Constitution Act, 1974, as reported from the Select Committee on Island Affairs and subsequently enacted by Parliament, sets out the text of the proposed constitution in both the Niuean and English languages. The Act provides that Niue shall be self-governing, that its people shall retain British nationality and New Zealand citizenship and that a representative of the Government of New Zealand shall be appointed and be stationed in Niue.

70. The Act further provides that New Zealand shall continue to be responsible for the external affairs and defence of Niue and, most importantly, that it shall be a continuing responsibility of New Zealand to provide necessary economic and administrative assistance to Niue. It is also stipulated in the Act that effect shall be given to its provisions and to any other aspect of the relationship between New Zealand and Niue which may call for positive co-operation between New Zealand and Niue, after consultation between the Prime Minister of New Zealand and the Premier of Niue, and in accordance with the policies of their respective Governments; moreover, should it appear desirable to make provision in the law of Niue in order to carry out these policies, such provision must be made in the manner prescribed in the Constitution, namely by the Niue Assembly or with its authority.

71. The Constitution appended to the Act, the full text of which is contained in annex II to the present report, provides for a cabinet, consisting of the Premier and three other ministers, to replace the existing Executive Committee. The Premier and ministers would be chosen by the Assembly from among its own membership in the same manner as previously (see para. 27 above), except that their formal appointment would be made by the Speaker of the Assembly. The Constitution provides that the Cabinet would exercise the general direction and control of the executive Government of Niue on behalf of the Crown and that its members would be collectively responsible to the Assembly. As at present, the Premier would be elected by an absolute majority of the Assembly after each general election, or whenever the office became vacant, and would nominate the other ministers from among the members of the Assembly. Provision is made for the removal of the Cabinet by a vote of no confidence in the Assembly and, in the case of illness or absence, for the appointment of an Acting Premier or a temporary minister.

72. The Island Assembly, renamed the Niue Assembly, would be expanded to comprise, in addition to a Speaker elected by the Assembly, 20 members, 14 elected from single-member village constituencies as at present, and 6 others elected by all the electors of Niue, voting on a combined common roll. This arrangement, by providing for retention of the village constituencies, takes account of Niuean custom according to which the village is the basic political entity. At the same time, the arrangement to some extent compensates for the representational imbalance caused by the differing sizes of village constituencies:

and it provides opportunities for persons of recognized ability to gain election to the Assembly, without waiting for vacancies to arise in the representation of their villages.

73. Members of the Assembly would, as at present, be elected by secret ballot and universal adult suffrage, the qualification for inscription on the electoral rolls remaining unchanged. General elections would be held at intervals of three years, unless the Assembly was dissolved sooner in accordance with the Constitution.

74. The Niue Assembly would be empowered, subject to the Constitution, to make laws for the peace, order and good government of Niue and such powers would extend to the making, in relation to Niue, of laws having extraterritorial operation, and to the repeal, revocation, amendment or extension of any law in force in Niue. Moreover, a bill to make any change in the Niue Constitution Act, 1974, or in the Constitution itself could become law only if it had received, on two separate occasions at least 90 days apart, the affirmative vote of two thirds of the members of the Assembly, and had subsequently been approved in a referendum of the electorate. (In most cases, a simple majority vote would suffice to carry the referendum; but in the case of a few designated provisions, which are considered to be of fundamental importance, the Constitution requires that any amendment must be approved by two thirds of the votes validly cast in the referendum.)

75. The Constitution further provides that the New Zealand Parliament would not legislate for Niue except at the request and with the consent of the Niue Assembly. Thus, the initiative in all law-making for Niue would rest with the Niue Assembly. The only restrictions would be those noted in the preceding paragraph, and other constitutional provisions which require the Assembly to obtain expert advice before it determines its own course of action in regard to certain classes of legislation. Thus, the Assembly would not be empowered to proceed upon any bill or amendment relating to: (a) the constitution or jurisdiction of any court other than the Land Court or Land Appellate Court or to other matters affecting the legal system unless the Chief Justice had been invited to comment on the legal, constitutional and policy issues involved; (b) the conditions of the public service unless it had before it a report by the Public Service Commission thereon; and (c) matters relating to land tenure and the constitution and jurisdiction of the Land Court or Land Appellate Court unless the matter had been considered and reported on by a Commission of Enquiry.

76. With regard to the judiciary, the constitutional provisions would remain substantially unchanged. Appeals from the High Court of Niue would, however, lie to the Court of Appeal of New Zealand, instead of to the Supreme Court, and the Chief Justice of the High Court would be appointed by the Governor-General of New Zealand on the advice of the Cabinet of Niue. Other posts, including those of the Chief Judge and the judges of the Land Court, as well as commissioners of the High Court, would be filled by cabinet appointment. The Land Appellate Court would be composed from among the Chief Judge and the judges of the Land Court of Niue and the Chief Judge and judges of the Maori Land Court of New Zealand.

77. The Constitution further provides for the creation of a Niue Public Service Commission which would be responsible to the Cabinet for the organization and

management of the public service but would act independently in all matters relating to decisions about individual employees. The Commission would consist of the Chairman and one other member of the New Zealand State Services Commission and a third person having special knowledge of Niue, who would be appointed by the New Zealand State Services Commission with the concurrence of the Cabinet of Niue. For reasons reflected in paragraphs 35 to 37 above, article 69 (3) of the Constitution requires that:

"(3) In establishing and revising the terms and conditions of employment in the Niue public service, the factors to be taken into account shall include:

"(a) The need for the Niue public service to recruit and retain an efficient staff, and, in particular, to provide varied careers and adequate advancement for Niueans with special skills;

"(b) The need to afford reasonable opportunities of employment in Niue for the people of Niue, and in so doing to have regard to the employment opportunities and levels of remuneration available in New Zealand;

"(c) The need to act consistently with government economic and social policy, bearing in mind that the terms and conditions of employment in the Niue public service are a major element in the general well-being of Niue."

78. The Constitution also provides for an officer, to be called the Secretary to the Government of Niue, who would be the permanent head of the Niue Public Service and the chief administrator of the Government, a function at present discharged by the Resident Commissioner. In view of the importance of this post, and as an exception to the general rule, the Public Service Commission would appoint the officer after consulting with the Premier and obtaining the concurrence of the Cabinet.

79. Finally, the Constitution contains transitional provisions according to which: (a) the existing Government would continue in office after the Constitution's entry into force until general elections had been held; (b) the judicial courts of Niue would continue in operation; and (c) the existing law would continue in force until repealed.

3. Public understanding of the issues

80. One of the Mission's principal concerns upon arriving in Niue was to ascertain not only that the people of Niue as a whole understood the procedures to be followed in the referendum, but also that they had been adequately informed concerning the meaning and significance of the changes proposed by the Government of Niue and embodied in the new Constitution.

81. On the basis of the information supplied to it, and of its own inquiries, the Mission gained the impression that everything possible had been done to associate the people of Niue with the issues involved and with the provisions of the draft constitution, especially during the two years which had elapsed since the visit of

the previous mission in 1972. In the first place, it noted that all the discussions on the subject which have taken place in the Assembly had been broadcast throughout the island and that all of the members of the Assembly held regular meetings every Sunday in their constituencies at which questions might be asked of them.

82. More importantly, however, the Mission was pleased to observe that both the administering Power and the Government of Niue made particular efforts to ensure the widest possible consultation and discussion at each successive stage. Thus, in November 1972, after tabling its report in the Assembly, the Select Committee on Constitutional Development toured the island and discussed its conclusions in a series of public meetings. Following his discussions with the Prime Minister and Government of New Zealand in March 1973 and his appearance before the Fourth Committee of the United Nations General Assembly later that year, the Leader of Government broadcast to the people of Niue. The text of the joint communiqué, issued in Wellington on 2 March 1973, was published in the weekly newspaper Tohi Tala Niue, which is published in both Niuean and English by the Government Information Office, and is circulated throughout the island. Similar radio and newspaper coverage was also given when the late Prime Minister of New Zealand visited the island from 23 to 25 March 1974. In the course of his visit, the Prime Minister spoke to the people about self-government and gave assurances of New Zealand's continuing support for Niue.

83. The Mission was informed that since March 1974, there had been a particularly intensive programme of political education. During July, the members of the Executive Committee had held a series of meetings in the villages at which they had explained the meaning of self-government and had answered questions. These meetings reportedly had been well attended and the whole question of self-government had been thoroughly discussed.

84. In addition, there had been "talk back" sessions on Radio Niue in which the Leader of Government and other members of the Executive Committee had been interviewed about self-government and had answered questions telephoned in by citizens; letters, articles and other news items concerning self-government had been published in the weekly newspaper throughout the period. Radio Niue had carried interviews with people who held views different from or critical of those held by the Government. The Mission was informed that during this period, moreover, Niue's leaders had provided explanations in response to written questions submitted by the public; members of the Assembly had discussed self-government at their weekly meetings with their constituents; and members of the Government had made speeches on the subject on numerous formal and informal occasions.

85. A month prior to the referendum, a copy of the draft constitution in the Niuean language was distributed to each household on the island. As already stated, the delegation from the Select Committee on Island Affairs of the New Zealand Parliament, which visited Niue from 6 to 9 August 1974 to hear the views of the Government and people of Niue on the draft constitution, held meetings with the Assembly as well as public meetings in every village, all of which were broadcast by Radio Niue. At the conclusion of the visit, the Chairman of the Select Committee on Island Affairs also gave a radio address.

C. ORGANIZATION OF THE REFERENDUM

1. Referendum ordinance and regulations

86. On 16 July 1974, the Niue Island Assembly decided that the referendum should take place seven weeks later, on 3 September. It took this decision by passing the Referendum Ordinance, No. 85 of 1974, which received the assent of the Resident Commissioner two days later. The Ordinance, together with the Assembly (Referendum) Regulations, 1974, issued on 19 July by the Resident Commissioner, acting with the concurrence of the Executive Committee, set out the provisions and procedures for the conduct of the referendum. Copies of these documents were transmitted to the United Nations by the Permanent Mission of New Zealand on 31 July 1974.

87. As already indicated, by the time the Mission arrived in Niue on 30 August, most of the organizational arrangements had been completed. The information contained in the following sections is therefore based largely on the documentation supplied to the Mission and on information obtained in discussions with the New Zealand officials, members of the Niuean Government and others.

2. Object of the referendum

88. As explained previously, the referendum was the culmination of a long process of consultations between the New Zealand Government and the Niueans and among the Niueans themselves, in the course of which the issues relating to the Territory's future political status had been widely discussed and had been narrowed down to a simple issue: acceptance or rejection of the formula contained in the draft constitution and the Niue Constitution Act, 1974, which had been drawn up in accordance with the expressed wishes of Niue's elected representatives. Since all Niueans of voting age are literate, many of them in both the Niuean language and English, and all had been given every opportunity to study and fully acquaint themselves with the draft constitution and the Act, there was every reason to presume that they fully understood the issue involved. It only remained, therefore, for the Niuean electorate to decide the matter once and for all in a free and unfettered vote.

89. Accordingly, the Referendum Ordinance provided that the ballot paper would contain only a single question calling for a simple affirmative or negative reply. The question was:

"Do you vote for self-government for Niue in free association with New Zealand on the basis of the Constitution and the Niue Constitution Act 1974?"

90. The Ordinance further provided that the result of the referendum would be determined by a simple majority of validly cast votes. If the total number of valid affirmative ballots exceeded the total number of valid negative ballots Niue

would be deemed self-governing and the Constitution Act would be brought into effect, if the reverse, Niue would retain its non-self-governing status.

3. Persons entitled to vote at the referendum

91. The Referendum Ordinance provided that those entitled to vote in the referendum should, subject to the exception explained below, be all those persons eligible to vote in a general election in Niue and duly qualified and registered as electors. In determining eligibility, the Ordinance specified that the conditions should be the same as those set out in the Assembly Ordinance No. 33 of 1 February 1966. Under that Ordinance a person is deemed qualified to be registered as an elector if he or she: is a British subject, over the age of 18 years; has been ordinarily a resident of Niue for three months immediately prior to his or her enrolment; has at some period resided continuously in the Territory for 12 months; has not been convicted in Niue or any other part of the Commonwealth of any offence punishable by death or by imprisonment for a term of one year or more, nor convicted in Niue of a corrupt practice, unless in each case he or she has either received a free pardon or completed sentence; and is not of unsound mind. The term "ordinarily resident" includes persons temporarily outside the Territory but whose intention, since departure, has been to return and reside therein indefinitely.

92. The exception mentioned above excluded all persons who were qualified to be registered on an electoral roll, or eligible to vote in a general election, outside Niue. Excluded under this exception were expatriate members of the public service of New Zealand seconded to Niue, who retained their eligibility to vote at home n/ and also a comparatively small number of Niueans living in New Zealand who might otherwise have qualified on the grounds that their absence from Niue was temporary. Since Niueans are New Zealand citizens, they become eligible for registration on the electoral roll in New Zealand as soon as they have resided there for a period of three months. Consequently, this provision in the Referendum Ordinance restricted participation in the referendum, so far as concerns Niueans in New Zealand, to those who had established residence in New Zealand within the three months prior to the date of the referendum; that is to say, to those Niueans (believed to number about 80) who had migrated to New Zealand after 3 June.

93. The Mission was informed that the question of whether, and to what extent, Niueans living in New Zealand should vote in the referendum was a delicate issue which had been carefully considered by the Select Committee on Constitutional

n/ New Zealand electoral laws provide that public servants who have been previously qualified as electors in New Zealand and are employed overseas in the service of the Crown and have every intention of returning to New Zealand to reside there permanently, may continue to vote in parliamentary elections in New Zealand. A large proportion of expatriate staff in Niue are not public servants on secondment from the New Zealand Service and therefore do not retain this right.

Development and on which the Legislative Assembly had taken a firm position. The reason for this was that the Niuean community in New Zealand outnumbered the population of the island and, although most of its members were permanent emigrants and therefore ineligible to vote in a Niuean election, they nevertheless exercised considerable influence through their contacts at home and, for fairly obvious reasons, many of them had opposed self-government. The Assembly had imposed the restriction because it believed the views of those Niueans who chose to make a home in New Zealand should not be allowed to weigh against the wishes of the island's inhabitants.

94. It is interesting to note that, in the final outcome, this view was evidently accepted by the Niuean community in New Zealand. Although polling booths were established in Wellington and Auckland on referendum day to enable the 80 Niueans recently arrived there to vote, only 4 votes were cast, 3 in favour of self-government and 1 against. Furthermore, after the results of the referendum were announced, the Leader of Government received numerous telegrammes of congratulation from the emigrant community.

4. Referendum staff

95. The Referendum Ordinance provided for the appointment by the Resident Commissioner of a Registrar of Electors and such electoral officers, returning officers and other staff as might be necessary for the conduct of the referendum.

96. On 24 July, the Resident Commissioner, in a public notice, announced the appointment as Registrar of Electors of Mr. S. M. Kalauni, the Registrar of Justice of Niue. In addition, 14 returning officers and an equal number of polling clerks were appointed, many of whom had served in a similar capacity in the 1972 elections. All of them were Niueans.

97. For the conduct of the vote at Auckland and Wellington, two additional returning officers and four polling clerks were appointed, all of whom were public service officers.

98. All electoral staff were required to sign a solemn declaration that they would faithfully and impartially exercise all the powers and duties reposed in, or required of, them and that they would not directly or indirectly disclose without authority any fact coming to their knowledge at the referendum. This was done in the presence of the Mission.

5. Registration of voters

99. The Assembly Ordinance of 1966 makes it compulsory for every person qualified to vote in an election to have his name entered on the electoral roll of the constituency in which he resides. For the purposes of the referendum, the Referendum Ordinance provided that the electoral roll, although a common roll,

should be printed in divisions of existing constituency rolls and contain the names, residences, occupations and sex of each elector so as to facilitate identification.

100. In accordance with the Referendum Ordinance, a public notice was issued on 19 July and published in both the Niue Gazette and the local newspaper announcing that the electoral roll had been drawn up and was available for public inspection and indicating the locations and places at which this might be done. Similar notices were issued in Auckland and Wellington. The public was informed that thereafter a period of over two weeks was allowed for persons whose names had been omitted to apply to be included or for the lodging of objections to the inclusion of any name on the list on the grounds that that person was not qualified. o/ The Referendum Ordinance provided that if the Registrar was satisfied, after investigation, that an applicant was qualified to be registered, his name would be included in a supplementary roll. If not, the application was to be referred to the Resident Commissioner for final determination, as were any objections received.

101. On 9 August, in accordance with the Referendum Ordinance, a further public notice was issued announcing the display of the supplementary roll containing the names which had been added and a list of the names which had been removed from the main roll. Fourteen days thereafter, on 23 August, a further public notice announced that the electoral roll was closed. After that date, no names could be added to or removed from the amended roll unless a name had been omitted by clerical error.

6. Ballot papers

102. A model of the ballot paper used in the referendum is contained in annex I to the present report. Its form was approved by the Island Assembly which decided that each ballot paper should be printed in both English and Niuean. As can be seen from the model, the ballot contains a single question, together with two boxes, one containing the words "I vote Yes" and the other the words "I vote No". The voter was required to indicate his preference by striking out the answer with which he did not agree. The ballot paper also contained instructions in both English and Niuean.

103. In order to prevent fraud and to make possible a subsequent check at the official count in the event of an apparent dual vote, since for the purposes of the referendum voters were permitted to cast their votes at any polling booth, the ballot papers were numbered consecutively and each was accompanied by a counterfoil containing the same number. At the time of voting, the returning officer

o/ A false statement made in an application for inclusion in the electoral roll or an objection to the inclusion of a name carried a penalty of a fine not exceeding \$NZ 100 or imprisonment not exceeding three months.

was required to write on the counterfoil the number on the electoral roll of the voter to which the ballot paper had been given, the number on the ballot paper having been previously concealed. The counterfoils were, after the voting, delivered to the Registrar together with the marked rolls used to record the voting and the completed ballot papers, for reference at the official count and thereafter placed in safe-keeping by the Justice Department.

104. In the case of blind or disabled persons or any person who, for any reason, was unable to read or write, an electoral officer was required, at the voter's request, to accompany the voter into the voting compartment and assist the voter to mark the ballot. In such case, the returning officer was required to sign his name on the ballot with the words "Witness for blind or disabled voter" as the case might be.

7. Polling booths

105. Section 46 of the Assembly Ordinance of 1966 provides that public notice be given of the location of the polling places appointed for the taking of votes. Accordingly, in a notice published in the Niue Gazette and in the weekly newspaper, the Registrar of Electors announced the location of 14 polling booths which corresponded with each of the village electoral constituencies established for the elections to the Assembly as follows:

Alofi South	Tamakautoga
Avatele	Vaiea
Hakupu	Liku
Lakepa	Mutalau
Toi	Hikutavake
Namukulu	Tuapa
Makefu	Alofi North

106. Additional polling booths were set up in Auckland and Wellington.

107. Except in Alofi North, Alofi South and Mutalau, where public booths were available, the polling booths, all of which were identified clearly with large signs in Niuean and English, were located either at the village police stations or at the homes of village pastors. Each polling booth was equipped with one or more private compartments to which each voter, after receiving his or her ballot paper, could retire to mark the ballot under conditions of secrecy.

108. Each polling booth was, moreover, provided with a security guard, usually a police officer, to prevent any disruption of the vote and to ensure that not more than six persons entered the booth at any time and that they left the booth immediately after casting their vote.

8. Hours of polling

109. Section 52 of the Assembly Ordinance of 1966, which was made applicable to the referendum, provides that the poll should commence at 9 a.m. on the day set aside for voting and that the polling booths should close at 6 p.m. on the same day.

110. In order to facilitate the attendance of voters at polling booths, the Government proclaimed the afternoon of 3 September to be a holiday.

9. Instructions to voters

111. Printed instructions to voters, in Niuean and English, were published prior to the referendum and copies of these instructions were required to be displayed at the entrance to every polling booth. These instructions were additional to the instructions contained on the ballot paper. Large posters explaining the procedure were also displayed at a number of booths and at various other locations.

112. In addition, the returning officers, on handing a ballot to each voter, were required to explain the procedure and to ascertain that it was fully understood.

10. Voting arrangements and procedure

113. The Mission was present at the second of two briefing meetings at which the returning officers and polling clerks received final and detailed directions from the Registrar of Electors concerning their responsibilities and the procedures to be followed. Each of the electoral staff was provided with a written booklet of instructions setting out the steps to be followed and the Registrar explained points on which there appeared to be any doubt.

114. According to these procedures, returning officers were required to ask each voter to identify himself by name and such other particulars as necessary for identification on the electoral roll. Having been identified, the name of the voter would be crossed off on the electoral roll and the number identifying him would be inscribed on the counterfoil of the ballot paper, together with the initials of the returning officer and the official stamp of the polling booth, the latter being so placed as to mark both the counterfoil and the ballot paper. The returning officer would then detach the ballot paper, whose identifying number had been previously concealed and, handing it to the voter, instruct him on the procedure to be followed. The voter would retire behind a screen to mark the ballot paper in secrecy and, folding it to conceal his vote, deposit it in the ballot box in full view of the returning officer.

115. In the case of persons not resident in the constituency in which they were voting, the polling clerk was required to mark their names in red ink. At the final count, names so marked would be cross-checked with the voting records of other polling booths, so as to eliminate any possibility of dual voting.

116. In the event that the name of any person seeking to vote had already been ruled out as having voted, the instructions provided that the returning officer should question the applicant and on his giving satisfactory answers, he should be handed a ballot paper and permitted to vote, except that the ballot paper should not be placed in the ballot box but handed to the returning officer who would place it in a sealed envelope marked with the identifying number of the voter and the words "Tendered ballot paper". A list of such tendered votes would be kept for scrutiny at the final count.

117. The instructions further provided that not more than six voters be permitted inside the polling booth at any time, that no person other than the returning officer or an interpreter might speak to a voter in the polling booth and that the polling booth must be identified with signs in Niuean and English posted at the entrance. Copies of the voting instructions in both languages must also be displayed at the entrance.

118. At the briefing meeting, the members of the Mission were introduced to the electoral staff and the role of the Mission was carefully explained to them. In essence, the members of the Mission were given the same rights as scrutineers. They might enter or leave any polling booth at will, examine the electoral rolls and the arrangements in the polling booth, witness the voting and speak to the staff of the polling booth. The instructions also provided that a scrutineer might require the returning officer to put certain questions to any person seeking to vote in order to establish his or her identity and qualifications to vote, or whether or not the applicant had already voted.

11. Preliminary count

119. The instructions to electoral staff provided that the polling booths should be closed promptly at 6 p.m., and that thereafter no person should be allowed to enter the booth except for electoral officials and any member or members of the United Nations Mission. Voters already in the booth at the time would be permitted to vote and leave.

120. As soon as possible after the closing of the poll, the returning officer, assisted by the polling clerk, should make up into separate parcels the following:

- (a) Certified copies of the main and supplementary electoral rolls used for recording the issuance of ballot papers;
- (b) Counterfoils of used ballot papers;
- (c) Spoilt ballot papers;
- (d) Unused ballot papers.

Each parcel should be sealed and endorsed by the returning officer for safe delivery to the Registrar of Electors.

121. Thereafter, in the presence of a member of the United Nations Mission (see below), the returning officer should open the ballot boxes and count the votes, examining each one to see that it bore the stamp of the polling booth. The returning officer should count the total of ballots and ascertain that they corresponded with the total of ballot papers issued. He should then count the number of votes recorded for each answer, setting aside as informal all ballot papers which did not clearly indicate the intention of the voter. A ballot paper was also to be declared informal if it did not bear the official stamp of the polling booth, or if there was any writing on it which might identify the voter. Such informal ballots were to be kept separate for further scrutiny at the final count.

122. Having counted the votes, the returning officer was then required to make public announcement of the results of the vote and finally convey the results, together with all the ballot papers, other documents and the ballot boxes to the Registrar of Electors.

123. At the special request of the Mission, returning officers were instructed not to begin the preliminary count unless a member of the Mission was present. In order to witness the preliminary count, arrangements were made for the members of the Mission, each accompanied by a member of the Mission secretariat, to visit every polling booth after the closure of the vote.

124. Because of the smallness of the island and its population, it was possible to complete the returns and announce the preliminary results of the vote at Alofi on the evening of referendum day.

12. Official count

125. The official count of the voting in Niue took place on the following day in the Executive Committee offices under the supervision of the Registrar of Electors and in the presence of all the returning officers. The procedure, which lasted all day, involved the comparing of all the certified copies of the electoral roll on which the names of voters had been marked, in order to ensure that no person had voted at more than one polling booth. It also involved the scrutiny of every ballot paper which had been set aside as informal at the preliminary count and of the lists of "tendered votes" (i.e., apparent dual votes). Having done this, the Registrar of Electors then counted the votes cast in the presence of the returning officers and reported the results to the Resident Commissioner.

126. The official results of the referendum, including the votes cast in New Zealand, were subsequently notified to the Leader of Government by the Resident Commissioner.

D. CONDUCT AND RESULTS OF THE REFERENDUM

1. Role of the United Nations Mission

127. Since its mandate was to observe the proceedings relating to the act of self-determination, the Mission sought to associate itself, from the moment of its arrival in Niue, with all the relevant proceedings, including the final phase of preparations. Accordingly, the Mission spent the day after its arrival touring all the villages on the island in order to acquaint itself with the location of the various polling booths.

128. On Monday, 2 September, the Mission was given a briefing by the Resident Commissioner and the Registrar of Electors on the arrangements for, and procedures to be followed in the referendum on the following day. Since the Mission could not possibly be present at each of the 14 polling booths throughout the day, it was agreed that the Mission as a whole should circulate from polling booth to polling booth during the hours of voting, visiting each without prior notice. In this way the Mission was able to visit each polling booth and to spend some time in each observing the conduct of the vote.

129. It was also agreed at the Mission's specific request that the preliminary counting of votes at each polling booth should take place in the presence of a member of the Mission. To achieve this it was decided that the three members of the Mission should separate and that each member, accompanied by a member of the secretariat, should visit specified polling booths, the returning officers being instructed to await the arrival of the Mission member before opening the ballot boxes and beginning the count. The assignment of polling booths for this purpose was as follows:

<u>Mission member</u>	<u>Polling booth</u>
Mr. Tadesse (Chairman):	Namukulu Tuapa Makefu Alofi North Alofi South
Mr. Shahid-Nooray:	Liku Lakapa Mutalau Toi Hikutavake
Mr. Arteaga-Acosta:	Hakupu Vaiea Avatele Tamakautoga

This arrangement involved for some polling booths a lapse of up to two hours between the closure of the poll and the commencement of the preliminary count, but, with the willing co-operation of the electoral staff, the Mission was enabled to observe this important phase of the proceedings at all the polling booths, except the one at Hikutavake, where the returning officer concerned, despite the clear instructions given to him, had completed the count before the arrival of the Mission member.

130. Following the meeting with the Resident Commissioner at which time arrangements were made, the Mission, as already mentioned, attended the final briefing given by the Registrar of Electors for returning officers and polling clerks, at which the electoral staff was introduced to the Mission and its role was explained to them.

131. Finally, the Mission was also present on the evening of 3 September when the results of the preliminary count were announced at Alofi and, on the following day, it visited the Legislative Assembly chamber, where the official count was taking place.

2. Conduct of the voting and preliminary count

132. In the course of its visits to the polling booths, between 9 a.m. and 6 p.m. on polling day, the Mission was impressed by the orderly manner in which the voting was conducted, the competent and responsible behaviour of the electoral staff and the care which they took to comply with their instructions and to ensure that each voter understood the procedure and what was expected of him. At each of the polling booths, the Mission inspected the compartments, spent some time observing the voting and, during intervals between the arrival of voters, inquired as to any difficulties or problems which might have arisen during the day. In one or two cases, the Mission noted minor errors, such as the displaying of the printed instructions to voters elsewhere than at the entrance to the polling booths, but these errors, which were relatively insignificant, were corrected by the returning officers concerned immediately the matter was drawn to their attention. The Mission wishes to place on record its appreciation of the helpful attitude of the staff of the polling booths and the co-operation extended to the Mission in every case.

133. As a result of its visits to all the polling booths, the Mission is satisfied that voting throughout the island proceeded in an atmosphere of complete calm and without any incident or hitch. Credit for this is due to the voters of Niue as well as to the electoral staff.

134. The Mission is also appreciative of the co-operative manner in which the returning officers complied with its request that, after the closing of the polls, they await the arrival of a member of the Mission before beginning the preliminary count. Although this involved a delay in some cases of up to two hours, it enabled the Mission to observe the count at all except one booth (see para. 129 above).

135. The Mission is therefore able to report that the preliminary count was carried out in accordance with instructions. In only one case, was there difficulty in reconciling the number of ballots cast with a number of counterfoils of ballots issued, but this was found to have been due to an error in the initial counting.

136. By being present at the preliminary count, the members of the Mission were able to examine the ballot papers which were rejected as informal. p/ Although the number of informal or spoilt ballot papers was too few to affect the outcome of the vote, the Mission members gained the impression that, in a few cases the failure to complete the ballot correctly may have been due to confusion in the mind of the voter resulting from the fact that the ballot paper was printed in both English and Niuean.

137. The Mission members also wondered whether some voters might possibly have been confused by the fact that the instruction required them to strike out on the ballot paper the answer which did not correspond with their choice rather than mark the answer which did. However, when the Mission raised this matter subsequently with the members of the Executive Committee of Niue, it was explained to the Mission that the procedure followed was in conformity with Niuean custom, whereby electors were accustomed to eliminate the alternatives which they rejected, and therefore perfectly comprehensible to the voters.

3. Results of the referendum

138. The results of the voting showed that out of a total of 1,422 voters inscribed on the electoral roll in Niue, 1,380 had voted, representing a participation of 97 per cent. Of the estimated number of 80 persons eligible to vote in New Zealand, however, only 4 had voted, which indicated, in the opinion of the Mission, a decision by the emigrant community in New Zealand to refrain from influencing the vote in Niue.

139. At the preliminary count, undertaken in the polling booths on referendum day, a total of 57 ballots were rejected as informal. At the official count, however, this number was reduced to 26. The final results of the voting, by polling booths was as follows:

p/ Of the 57 ballot papers rejected as informal at the preliminary count, 29 were reclassified at the official count:

<u>Locality</u>	<u>Yes</u>	<u>No</u>	<u>Informal</u>	<u>Total</u>
Alofi South	115	32	2	149
Avatele	56	94	1	151
Hakupu	115	37	1	153
Lakepa	81	4	2	87
Toi	41	16	3	60
Namukulu	25	11	-	36
Makefu	33	31	-	64
Tamakautoga	83	28	2	113
Vaiea	26	18	-	44
Liku	49	59	7	115
Mutalau	94	24	1	119
Hikutavake	44	32	3	79
Tuapa	48	53	6	107
Alofi North	74	29	-	103
Auckland/Wellington	<u>3</u>	<u>1</u>	<u>-</u>	<u>4</u>
TOTAL	887	469	28	1,384

140. Thus, of a total of 1,384 votes cast, 887 or 63.87 per cent were cast in favour of the proposition and 469, or 33.85 per cent were cast against.

141. The results of the referendum showed that the people of Niue had voted by a majority of nearly two thirds in favour of self-government in free association with New Zealand on the basis of the Constitution and the Niue Constitution Act, 1974.

E. CONCLUSIONS AND RECOMMENDATIONS

142. On the basis of the information set out in this report and of its observations of the procedures relating to, and the conduct of, the referendum, the Mission reached the following conclusions.

143. The proposals embodied in the Constitution and the Niue Constitution Act, 1974, are in accordance with the wishes of the Niuean Government and the Niue Assembly as expressed to the 1972 Visiting Mission and set out in the Assembly's resolution of 18 March (see para. 63 above). By providing for self-government in free association with New Zealand, the proposals ensure on the one hand that the separate identity of Niue will be fully maintained and that the Niueans will control their own affairs and, on the other hand, that the Niueans will continue to have free access to New Zealand as New Zealand citizens and to receive economic and

administrative assistance from New Zealand. Furthermore, the Niuean people may, if it should be their will to do so, modify or amend these arrangements through due constitutional process.

144. These proposals were the result of prolonged consultations between the Government of New Zealand and the Government of Niue, at each stage of which the views of the Niuean people, expressed through their elected leaders, were fully taken into account. In view of this, and bearing in mind the further measures which were taken to consult and obtain the views of the entire population, including the holding of meetings in every village and the distribution of the draft constitution and the Constitution Act to each household, as well as the extensive use of radio and press coverage for this purpose, the Mission has reason to believe that the people of Niue were fully informed on the issues involved and the significance of the act of self-determination.

145. On the basis of its observations, the Mission wishes to place on record that the administrative and other arrangements for the conduct of the referendum were such as to ensure that the people of Niue exercised their right of self-determination freely and under circumstances which guaranteed the secrecy of the ballot. The democratic manner in which the referendum was conducted is indicated by the fact that a large minority of voters felt free to cast their votes in opposition to the wishes of the majority.

146. The results of the voting, in which 97 per cent of the registered voters participated and in which a substantial majority of the votes cast favoured self-government in free association with New Zealand, lead to the conclusion that the people of Niue have exercised their right of self-determination in accordance with the principles of the Charter of the United Nations.

147. In the light of the above, the Mission recommends for the Special Committee's consideration the following draft resolution:

The Special Committee,

Having considered the question of Niue,

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

Recalling also General Assembly resolution 3155 (XXVIII) of 14 December 1973, by which the Assembly, inter alia, noted with approval that the Government and people of Niue were resolved to achieve self-government in 1974, welcomed the invitation extended to the United Nations by the Government of New Zealand to observe the act of self-determination in Niue and requested the Special Committee, in consultation with the administering Power and the Government of Niue, to appoint a special mission to Niue in 1974 for the purpose of observing the proceedings relating to the act of self-determination by the people of Niue,

Having considered the report of the Special Mission to Niue appointed pursuant to the above resolution of the General Assembly,

1. Notes with satisfaction the findings and conclusions of the Special Mission, in particular that the arrangements for the conduct of the referendum in Niue were such as to ensure that the people exercised their right of self-determination freely, under circumstances which guaranteed the secrecy of the ballot, and with full information regarding the issues involved;

2. Expresses its appreciation to the Government of New Zealand, as the administering Power, and the Government of Niue for the co-operation and assistance extended to the Mission and for the manner in which the referendum was conducted;

3. Takes note that the people of Niue have voted, by a substantial majority, for self-government in free association with New Zealand on the basis of the Constitution and the Niue Constitution Act, 1974;

4. Considers that in so doing the people of Niue have freely expressed their wishes and have exercised their right of self-determination in accordance with the principles of the Charter of the United Nations;

5. Considers further that, following the entry into force of the Niue Constitution and the Niue Constitution Act, 1974, the transmission of information in respect of Niue under Article 73 e of the Charter will no longer be necessary;

6. Notes with appreciation the commitment entered into by the Government of New Zealand to continue to furnish economic and administrative assistance to Niue after self-government;

7. Expresses the hope that the United Nations Development Programme and the specialized agencies and other institutions associated with the United Nations will likewise endeavour to contribute in every way possible to the development and strengthening of the economy of Niue.

Appendix I

NIUE CONSTITUTION ACT, 1974

An Act to make provision for self government by the people of Niue, and to provide a constitution for Niue

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 Niue Constitution Act 1974.

(2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General, by Proclamation.

2. Application to Niue - This Act shall extend to Niue as part of the law of Niue.

3. Niue to be self-governing - Niue shall be self-governing.

4. Constitution of Niue - (1) The Constitution set out in its Niuean language version in the First Schedule to this Act and in its English language version in the Second Schedule to this Act shall be the Constitution of Niue (in this Act called the Constitution), and shall be the supreme law of Niue.

(2) Where the Constitution provides that any New Zealand Court or Department of Government or statutory authority shall perform any function or exercise any power in relation to Niue, that Court, or, as the case may be, the officers of that Department or the members and staff of that authority are by this Act authorized and required to perform that function or exercise that power in accordance with the Constitution.

5. British nationality and New Zealand citizenship - Nothing in this Act or in the Constitution shall affect the status of any person as a British subject or New Zealand citizen by virtue of the British Nationality and New Zealand Citizenship Act 1948.

6. External affairs and defence - Nothing in this Act or in the Constitution shall affect the responsibilities of Her Majesty the Queen in right of New Zealand for the external affairs and defence of Niue.

7. Economic and administrative assistance - It shall be a continuing responsibility of the Government of New Zealand to provide necessary economic and administrative assistance to Niue.

8. Co-operation between New Zealand and Niue - Effect shall be given to the provisions of sections 6 and 7 of this Act, and to any other aspect of the relationship between New Zealand and Niue which may from time to time call for positive co-operation between New Zealand and Niue, after consultation between the Prime Minister of New Zealand and the Premier of Niue, and in accordance with the

policies of their respective Governments; and, if it appears desirable that any provision be made in the law of Niue to carry out these policies, that provision may be made in the manner prescribed in the Constitution, but not otherwise.

9. New Zealand Representative - (1) There shall be appointed under the State Services Act 1962 a New Zealand Representative in Niue.

(2) The New Zealand Representative shall be stationed in Niue, and shall be the representative of the Government of New Zealand in Niue.

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PART I

The Executive Government of Niue

1. Executive authority vested in the Crown - the executive authority of Niue is vested in Her Majesty the Queen in right of New Zealand, and the Governor-General of New Zealand is accordingly the representative of Her Majesty the Queen in relation to Niue.

The Cabinet

2. Cabinet of Ministers of Niue - (1) There shall be a Cabinet of Ministers of Niue (hereinafter referred to as the Cabinet) which shall consist of the Premier of Niue (who shall be a member of the Niue Assembly) and 3 other members of the Niue Assembly.

(2) Subject to this Constitution, the executive authority of Niue may be exercised on behalf of Her Majesty by the Cabinet, which shall have the general direction and control of the executive government of Niue, and shall have such other functions and powers as are conferred on it by law.

3. Ministers to be collectively responsible - (1) The members of the Cabinet (hereinafter referred to as Ministers) shall be collectively responsible to the Niue Assembly.

(2) Subject to Article 7 of this Constitution, the Ministers shall continue in office until their successors are appointed pursuant to Article 5 (2) of this Constitution.

4. Premier of Niue - (1) There shall be a Premier of Niue, who shall be elected to that office by an absolute majority of the members present and voting at a meeting of the Niue Assembly.

(2) The Niue Assembly shall proceed to elect the Premier at the first meeting of the Assembly after a general election, and also in each of the following circumstances:

- (a) If the Premier ceases to be a member of the Assembly for any reason other than the dissolution thereof; or
- (b) If the Premier tenders his resignation by writing under his hand addressed to the Speaker or is deemed to have tendered his resignation pursuant to Article 6 (3) or Article 7 (3) of this Constitution.

5. Appointment of Ministers after election of Premier - (1) As soon as practicable after his election to that office, the Premier elect shall nominate to the Speaker, with their consent, 3 other members of the Niue Assembly for appointment as Ministers.

(2) Upon receiving those nominations, the Speaker shall appoint as Ministers the Premier elect and the members so nominated.

(3) Appointments under subclause (2) of this Article shall be made by the Speaker by instrument under the Seal of Niue.

(4) If the Premier elect has not within 7 days after but excluding the date of his election to that office submitted to the Speaker his nominations for appointments to the Cabinet pursuant to this Article, his election to that office shall have no effect, and, subject to Article 26 (1) (a) of this Constitution, a meeting of the Niue Assembly shall be held as soon as practicable for the purpose of again electing a Premier.

6. Vote of confidence in Cabinet - (1) At any meeting of the Niue Assembly -

- (a) The Premier, or another Minister acting on behalf of the Premier, may give notice of his intention to move a vote of confidence in the Cabinet, either generally or on any measure proposed by the Cabinet for adoption by the Assembly:
- (b) Any 4 or more members of the Assembly who are not Ministers may give notice of their intention to move a vote of no confidence in the Cabinet.

(2) Any motion of which notice is given under subclause (1) of this Article shall be voted on at a meeting of the Niue Assembly held not earlier than 5 days nor later than 10 days after but excluding the date of the giving of the notice.

(3) If the motion of confidence is lost, or, as the case may be, the motion of no confidence is carried, the Premier shall be deemed to have tendered his resignation from his office at the expiration of 5 days after but excluding the date of the meeting of the Niue Assembly, unless before the expiration of that period he requests the Speaker to dissolve the Assembly.

7. Vacation of office by Ministers-- (1) Any Minister, other than the Premier, shall vacate his office if -

- (a) His appointment to that office is revoked by the Speaker, acting on the request of the Premier, by instrument under the Seal of Niue; or
- (b) He ceases to be a member of the Niue Assembly for any reason other than the dissolution thereof; or
- (c) He resigns his office by writing under his hand delivered to the Speaker.

(2) Within 7 days after the occurrence of any vacancy in the office of Minister, other than the Premier, the Premier shall nominate to the Speaker, with the consent of the member, a member of the Niue Assembly for appointment as a Minister, and the Speaker shall by instrument under the Seal of Niue appoint the member so nominated.

(3) If the Premier does not, within 7 days after but excluding the date of the occurrence of a vacancy in the office of a Minister, other than the Premier, nominate a Minister pursuant to subclause (2) of this Article, he shall be deemed to have tendered his resignation from his office as Premier at the expiration of that period of 7 days.

8. Temporary Ministers - (1) Whenever it appears to the Premier that any Minister will, by reason of illness or absence from Niue, be unable to discharge his functions in Niue for a period of 7 days or longer, the Premier shall nominate to the Speaker, with the consent of the member, a member of the Niue Assembly for appointment as a temporary Minister and the Speaker shall, by instrument under the Seal of Niue, appoint that member accordingly.

(2) Every such temporary Minister shall be appointed in place of the Minister who is unable to discharge his functions in Niue, and, subject to subclause (3) of this Article, shall hold office, as if he had been appointed under Article 5 of this Constitution.

(3) Every such temporary Minister, unless he sooner vacates his office pursuant to Article 7 of this Constitution, shall remain in office until the Minister in whose place he is appointed is again able to discharge his functions in Niue.

9. Acting Premier - (1) Whenever, by reason of illness or absence from Niue, the Premier is temporarily prevented from discharging his functions in Niue, the Speaker, acting on the request of the Cabinet, may, by instrument under the seal of Niue, appoint another Minister to discharge the functions of Premier until such time as the Premier is capable of again discharging his functions or has vacated his office.

(2) Where the Premier dies or tenders his resignation to the Speaker after a dissolution of the Niue Assembly and before the appointment of the Ministers after the general election following that dissolution, the Speaker, acting on the request of the Cabinet, shall, by instrument under the Seal of Niue, appoint another Minister to discharge the functions of Premier until the Ministers are appointed after that general election.

10. Official oath - Every Minister shall, before assuming the functions of his office, take and subscribe before the Speaker the following oath:

I,, being chosen and accepted as Premier of Niue (or a Minister), swear by Almighty God that I will to the best of my judgement, at all times when thereto required, freely give my counsel and advice for the good management of the affairs of Niue, and that I will not directly or indirectly reveal such matters as may be debated in the Cabinet or any committee of the Cabinet and committed to my secrecy, but that I will in all such things be a true and faithful Premier of Niue (or Minister). So help me God.

11. Allocation of responsibilities to Ministers - (1) The Premier shall from time to time, by writing under his hand countersigned by the Clerk of the Cabinet and published in the Niue Gazette, allocate to any Minister (including himself) the primary responsibility for any Department or function of Government, and may from time to time in like manner vary any such allocation.

(2) The Premier shall have the primary responsibility for any Department or function of Government in respect of which, for the time being, no allocation under subclause (1) of this Article is in effect.

12. Meetings of Cabinet - (1) No business shall be transacted at any meeting of the Cabinet unless at least 3 Ministers are present.

(2) The Cabinet shall not be disqualified for the transaction of business by reason only that there is a vacancy among its members, or that, in any case where Article 8 of this Constitution applies, no appointment has been made pursuant to that Article. No proceedings of the Cabinet shall be questioned on the ground that some person who acted as a Minister in relation to those proceedings was not qualified so to act.

(3) Notice of every meeting of the Cabinet and a copy of every paper to be considered at that meeting shall be given to each Minister, and to the Secretary to the Government.

(4) The Secretary to the Government shall have the right to attend any meeting of the Cabinet and to speak on any matter under consideration by the Cabinet, and he shall so attend if required to do so by the Premier.

(5) The decision of the Cabinet on any matter shall be taken only by the Ministers present at a meeting of the Cabinet.

(6) Subject to this Article, the Cabinet shall regulate its own procedure in such manner as it thinks fit.

13. Rules, other enactments, and decisions of Cabinet - Any rule or other enactment of the Cabinet shall have effect, and any other decision of the Cabinet shall be duly authenticated, when that rule or other enactment, or the record of that decision, has been signed by the Premier, whether or not he was present at the meeting of the Cabinet at which the rule or other enactment or decision was made, and by the Clerk of the Cabinet.

14. Clerk of the Cabinet - There shall be an officer of the Niue Public Service to be called the Clerk of the Cabinet, who shall be responsible for arranging the business for, and keeping the minutes of, meetings of the Cabinet, and for conveying decisions of the Cabinet to the appropriate person or authority, and shall perform with respect to the Cabinet such secretarial and other functions as may be required.

The Seal of Niue

15. Seal of Niue - (1) There shall be a Public Seal of Niue (in this Constitution referred to as the Seal of Niue), to be in such form or forms as the Cabinet from time to time approves.

(2) The seal of Niue shall be in the custody of the Speaker.

(3) The Seal of Niue may be used by the Speaker for the authentication of any public document in relation to the Government of Niue or for the execution of any document required by law to be executed under the Seal of Niue.

(4) Judicial notice shall be taken of the Seal of Niue in all Courts.

PART II

The Legislative Government of Niue

The Niue Assembly

16. Niue Assembly - (1) There shall be in and for Niue a legislative Assembly to be called the Niue Assembly.

(2) The Niue Assembly shall consist of -

(a) The Speaker; and

(b) Twenty members to be elected by secret ballot under a system of universal suffrage in the following manner:

(i) Fourteen members, each of whom shall represent a village constituency, shall be elected by the electors of that constituency:

(ii) Six members shall be elected by the persons qualified to be electors of Niue voting on a common roll, which, for the purpose of electing those members, shall comprise the rolls of the several village constituencies.

(3) Subject to this Article and to Articles 17, 18, 19, 24, and 25 of this Constitution, the boundaries of village constituencies, the qualifications and disqualification of electors and of candidates, the mode of electing members of the Niue Assembly, and the terms and conditions of their membership shall be as prescribed by law:

Provided that -

- (a) There shall be 14 village constituencies; and
- (b) Every person qualified to be an elector for the election of members of the Niue Assembly shall be entitled to vote in one, and one only, village constituency; and
- (c) Any determination or redetermination of the boundaries of any village constituency shall, so far as practicable, having due regard to local community interest, be made in accordance with the principle that the number of electors in that village constituency should not be substantially greater or smaller than the number of electors in any other village constituency.

(4) Unless the context otherwise requires, every reference in this Constitution to a member of the Niue Assembly shall be construed as a reference to a member elected pursuant to subclause (2) (b) of this Article, and shall, in any case where the Assembly has been dissolved, be read as a reference to a person who was a member of the Assembly immediately before that dissolution.

17. Nationality and residential qualifications of electors and candidates -
 (1) Without limiting the provisions of any law prescribing any additional qualifications, a person shall be qualified to be an elector for the election of members of the Niue Assembly, or to be a candidate at any such election, if, and only if, -

- (a) He is a New Zealand citizen; and
- (b) He has been ordinarily resident in Niue throughout the period of 3 months immediately preceding his application for enrolment as an elector or, as the case may be, his nomination as a candidate, and has at some period resided continuously in Niue for not less than 12 months.

(2) For the purposes of this Article, a person shall be deemed to be ordinarily resident in Niue if, and only if, -

- (a) He is actually residing in Niue; or
- (b) Having been actually resident in Niue with the intention of residing there indefinitely, he is outside Niue but has, and has had ever since he left Niue, an intention to return and reside there indefinitely:

Provided that any person who has been outside Niue continuously for any period of more than 3 years shall be deemed not to have such an intention, unless during the whole or substantially the whole period of that absence he was undergoing a course of education or of technical training or instruction, or was in the service of the Government of Niue.

18. Public servants may become candidates or be elected - (1) Employees of the Niue Public Service who become candidates for election as members of the Niue Assembly shall be granted leave of absence for the purposes of their candidature in accordance with such terms and conditions as may be prescribed by law.

(2) If any such employee is elected as a member of the Assembly, he shall, on being declared so elected, be deemed to have been granted leave of absence without salary from his employment in the Niue Public Service for the period during which he is a member.

19. Members disqualified from becoming public servants or interested in Government contracts - The seat of any member of the Niue Assembly shall become vacant -

(a) If he becomes an employee of the Niue Public Service, or, being an employee of that Service at the time of his election, he accepts paid employment in that Service; or

(b) If he otherwise becomes interested in the execution or enjoyment of any contract under which any public money is payable, except to such extent as may be permitted by law.

20. Speaker of Niue Assembly - (1) The Speaker of the Niue Assembly shall be elected to that office by an absolute majority of the members present and voting at a meeting of the Niue Assembly.

(2) Only a person who is qualified for election as a member of the Niue Assembly may be elected as Speaker.

(3) If any person elected as Speaker is, at the time of that election, a member of the Niue Assembly, he shall vacate his office as a member when he enters upon the duties of the office of Speaker.

(4) The election of the Speaker shall take place, before the despatch of any other business, at the first meeting of the Assembly after each general election, and, at a meeting of the Assembly called for that purpose, as soon as possible after any vacancy in the office of Speaker has occurred.

(5) Before a person who has been elected Speaker enters upon the duties of his office, he shall take and subscribe before the Clerk of the Niue Assembly at a meeting of the Assembly the Oath of Allegiance prescribed in Article 21 of this Constitution, and the provisions of that Article shall apply with the necessary modifications as if the references therein to a member were a reference to the Speaker.

(6) The Speaker may resign his office by writing under his hand addressed and delivered to the Clerk of the Niue Assembly, and shall vacate his office -

(a) On the entry into office of a new Speaker elected when the Assembly first meets after a general election; or

(b) If he ceases to be qualified for election as a member of the Assembly; or

(c) If he becomes a candidate at any election of a member or members of the Assembly.

(7) If at any meeting of the Assembly the Speaker is absent or the office of Speaker is vacant, the members of the Assembly present at that meeting shall elect one of their number, not being a Minister, to preside over that meeting until the Speaker is again present, or, as the case may be, until a Speaker has been elected and has entered upon the duties of his office.

(8) If, at any time when the Assembly is not meeting, the Speaker is, by reason of illness or absence from Niue, temporarily prevented from performing his functions, or the office of Speaker is vacant, then, until the Assembly again meets, or, as the case may be, the Speaker is again able to perform his functions, those functions shall be performed by a member of the Assembly, not being a Minister, who has presided over a meeting of the Assembly pursuant to subclause (7) of this Article. If more than one member of the Assembly is so qualified and is available to perform the functions of the Speaker, those functions shall be performed by the member who most recently presided over a meeting of the Assembly, pursuant to that subclause.

(9) If it appears that no person is, for the time being, qualified and available to perform the functions of the Speaker, -

- (a) A meeting of the Assembly shall be called as soon as possible, and the Clerk of the Niue Assembly shall perform such of the functions of the Speaker as are required to be performed for the purpose of enabling that meeting to be held, and the provisions of Article 22 (6) of this Constitution shall not apply to that meeting; or
- (b) In any case where the Assembly has been dissolved and the ensuing general election has not taken place, a meeting of those persons who were members of the Assembly immediately before its dissolution shall be called as soon as possible for the purpose of electing one of their number to perform the functions of the Speaker until the Speaker is again able to perform his functions, or, as the case may be, the new Assembly first meets; and the Clerk of the Niue Assembly shall do everything necessary to ensure that the meeting is called and to certify to the result of the election. The person elected shall, for the purpose of subclauses (7) and (8) of this Article, be deemed to be a person who has presided over a meeting of the Assembly.

(10) Every document, including the certificate on any Bill, signed by the Speaker in the performance of his functions shall be countersigned by the Clerk of the Niue Assembly, and, where, pursuant to this Article, any such document or certificate is signed by a member performing the functions of the Speaker, it shall be so stated on the document or in that certificate.

21. Members to take Oath of Allegiance - Except for the purpose of enabling this Article to be complied with and for the election of a Speaker, no member of the Niue Assembly shall be permitted to sit or vote therein until he has taken and subscribed the following oath before the Speaker, namely:

I, , swear by Almighty God that I will be faithful and bear true allegiance to Her (or His) Majesty /Specify the name of the reigning Sovereign, as thus: Queen Elizabeth the Second/, Her (or His) heirs and successors, according to law, and that I will justly and faithfully carry out my duties as a member of the Niue Assembly. So help me God.

22. Procedure of Niue Assembly - (1) The Niue Assembly shall meet at such places and at such times as the Speaker, acting on the request of the Premier, from time to time appoints in that behalf:

Provided that, if more than 6 weeks has elapsed since the time of the last meeting of the Assembly, any 4 or more members of the Assembly who are not Ministers may request the Speaker to appoint a place and time for a meeting of the Assembly, and the Speaker shall appoint a place and time in that behalf, such time to be not earlier than 5 days nor later than 10 days after but excluding the date of the making of the request.

(2) The Speaker shall preside at every meeting of the Niue Assembly at which he is present.

(3) Except where this Constitution otherwise provides, every question before the Niue Assembly shall be decided by a majority of the votes of the members present.

(4) Subject to any law requiring any member of the Assembly to refrain from voting on any matter concerning a contract in whose execution and enjoyment he is interested, every member present when any question is put to the Niue Assembly shall vote thereon.

(5) The Speaker or other presiding officer shall not have a casting vote and the Speaker shall not have a deliberative vote, but a member presiding in place of the Speaker shall have a deliberative vote.

(6) Subject to Article 20 (9) (a) of this Constitution, no business shall be transacted at any meeting of the Niue Assembly if the number of members then present, including any member presiding in place of the Speaker, is less than 10.

(7) The powers of the Niue Assembly shall not be affected by any vacancy in its membership.

(8) No Bill shall be passed unless it has been read 3 times in the Assembly.

(9) Any Bill or other business before the Assembly at its dissolution shall lapse.

(10) Subject to this Constitution, the Niue Assembly may from time to time make Standing Orders for the regulation and orderly conduct of its proceedings and the despatch of business.

23. Languages - (1) The speaker or any member of the Niue Assembly may speak in the Assembly either in the Niuean language or in the English language:

Provided that the Clerk of the Niue Assembly shall, at the request of the Speaker or of any member made through the Speaker, arrange for the remarks of the Speaker or of any member to be translated into the English language or the Niuean language, as the case may be.

(2) Every Bill introduced into the Niue Assembly and every Act shall be in the Niuean language and also in the English language:

Provided that the Assembly may, by resolution, determine that any Bill or Act shall be in the Niuean language or the English language only.

(3) The records of proceedings in the Niue Assembly or in Committees thereof shall be in the Niuean language, and such of those records as are specified in the Standing Orders of the Assembly or as the Assembly may by resolution determine shall also be in the English language.

(4) The Niuean version and the English version of this Constitution and, subject to subclause (5) of this Article, the Niuean version and the English version of any record of proceedings in the Niue Assembly or any Committee thereof and of any enactment shall be equally authentic:

Provided that if in any case there is any apparent discrepancy between any provision of the Niuean version and of the English version of this Constitution or of any such record or of any enactment, then, in construing that provision, regard shall be had to all the circumstances that tend to establish the true intent and meaning of that provision.

(5) In the case of any record of proceedings in the Niue Assembly or any Committee thereof the Assembly may by resolution determine, and in the case of any enactment it may be expressly provided, that where there is any conflict between the Niuean version and the English version of any such record or of any such enactment, one version only, being either the Niuean version or the English version, shall prevail.

24. Privileges of Niue Assembly and its members - (1) The validity of any proceedings in the Niue Assembly or in any Committee thereof, and the validity of any certificate duly given by the Speaker under Article 34 or Article 35 of this Constitution shall not be questioned in any Court.

(2) Neither the Speaker nor any member or officer of the Niue Assembly in whom powers are vested for the regulation of procedure or the conduct of business or the maintenance of order shall in relation to the exercise by him of any of those powers be subject to the jurisdiction of any Court.

(3) Neither the Speaker nor any member of the Niue Assembly nor any person entitled to speak therein shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Assembly or in any Committee thereof.

(4) No person shall be liable to any proceedings in any Court in respect of the publication by or under the authority of the Niue Assembly of any report, paper, vote, or proceeding.

(5) Subject to this Article, the privileges of the Niue Assembly and of the Committees thereof and the privileges of members and the Speaker of the Assembly and of the persons entitled to speak therein may be determined by Act; and any such Act may, subject to Article 31 of this Constitution, define offences relating to breach of privilege or contempt of the Assembly, and may make provision for the trial and punishment of such offences by the High Court, but not otherwise.

25. Remuneration of Premier, other Ministers, other members of the Niue Assembly, and the Speaker - (1) The Niue Public Service Commission may from time to time, and shall when there is a general alteration of the levels of remuneration of employees of the Niue Public Service, report and make recommendations to the Assembly as to the levels of remuneration and other entitlements of the Premier, other Ministers, the members of the Assembly who are not Ministers, and the Speaker.

(2) The Premier, the other Ministers, the members of the Niue Assembly who are not Ministers, and the Speaker may receive such remuneration and allowances and such other benefits as may be prescribed by Act.

(3) If, in the opinion of the Speaker, any Bill, or any amendment to any Bill, deals with a matter to which this Article relates, that Bill or that amendment may not be introduced unless -

- (a) There is before the Assembly a report and recommendations made by the Niue Public Service Commission pursuant to this Article; and
- (b) The issues raised by that Bill or by that amendment are, in the opinion of the Speaker, substantially similar to those considered in the Commission's report and recommendations.

26. Dissolution of Niue Assembly - (1) The Speaker shall, by notice in the Niue Gazette, dissolve the Niue Assembly -

- (a) At the expiration of 3 years from the date of the last preceding general election, if it has not been sooner dissolved:
- (b) At any time after the expiration of 2 years and 9 months from the date of the last preceding general election, if the Premier so requests:
- (c) If, pursuant to Article 6 (3) of this Constitution, the Premier requests him to dissolve the Assembly:
- (d) If a new election of Premier has been held pursuant to Article 5 (4) of this Constitution and that new election has become of no effect pursuant to that subclause.

(2) There shall be a general election of the members of the Niue Assembly at such time, being not less than 4 weeks nor more than 6 weeks after the date of every dissolution of the Assembly, as the Speaker shall, at the request of the Premier, appoint, or, if the Premier makes no such request within 7 days of any dissolution, as the Speaker, acting in his own discretion, shall appoint, by notice in the Niue Gazette.

27. Clerk of the Niue Assembly - (1) There shall be an officer of the Niue Public Service to be called the Clerk of the Niue Assembly, who shall be responsible for -

- (a) Arranging the business and keeping the records of the proceedings of the Niue Assembly; and

- (b) Arranging for the signing of documents and giving of certificates by the Speaker, whenever any signature or certification by the Speaker is required pursuant to this Constitution or to any enactment, and keeping the records of all documents and certificates so signed or given.

(2) The Clerk of the Niue Assembly shall perform with respect to the Speaker and to the members of the Assembly such secretarial and other functions as may be required.

The Making of Laws

28. Power to make laws - (1) Subject to this Constitution, the Niue Assembly may make laws for the peace, order, and good government of Niue.

(2) The powers of the Niue Assembly shall extend to the making, in relation to Niue, of laws having extra-territorial operation, that is to say, affecting or concerning any person or matter or thing outside Niue or any act done or omitted outside Niue.

(3) Without limiting the generality of the Powers conferred by this Article, those powers shall include the power to repeal or revoke or amend or modify or extend, in relation to Niue, any law in force in Niue.

(4) Except to the extent to which it is inconsistent with this Constitution, no Act and no provision of any Act shall be deemed to be invalid solely on the ground that it is inconsistent with any law in force in Niue.

29. Introduction of Bills, etc., into Niue Assembly - Subject to this Constitution and to the Standing Orders of the Niue Assembly, any member of the Assembly may introduce any Bill or propose any motion for debate in or present any petition to the Assembly, and the same shall be considered and disposed of in accordance with the Standing Orders.

30. Restrictions with regard to financial measures - Except with the recommendation or consent of the Premier or another Minister acting on behalf of the Premier, the Niue Assembly shall not proceed upon any Bill (including an amendment to any Bill) which, in the opinion of the Speaker, would dispose of or charge any of the public revenues of Niue, or revoke or alter, otherwise than by way of reduction, any disposition thereof or charge thereon, or impose or alter or abolish any toll, rate, due, fee, fine, or tax.

31. Special provisions with regard to measures affecting the criminal law or personal status - (1) The Niue Assembly shall not proceed upon any Bill, or upon any amendment to a Bill, after its introduction, if, in the opinion of the Speaker, that Bill or that amendment makes provision concerning -

- (a) The constitution or jurisdiction of any Court other than the Land Court and the Land Appellate Court; or
- (b) The definition of any criminal offence; or

- (c) The sentence to be imposed on any person convicted of any criminal offence; or
- (d) The arrest or release on bail of any person; or
- (e) The procedure to be followed for the trial of any person charged with having committed any criminal offence; or
- (f) The law of evidence; or
- (g) The extradition of any offender or the return of any fugitive to or from Niue; or
- (h) The law relating to marriage; or
- (i) The law relating to divorce; or
- (j) The law of adoption; or
- (k) The law relating to maintenance and affiliation -

unless the Chief Justice has been invited to comment on the legal, constitutional, and policy issues raised by that Bill or by that amendment, and there is before the Assembly the response of the Chief Justice to that invitation.

(2) If, pursuant to this Article, the Assembly by resolution decides to invite the Chief Justice to comment in relation to a Bill or to an amendment, the Speaker shall cause to be sent to the Chief Justice a copy of that resolution and an account of the Assembly's discussions thereon, together with a copy of that Bill or, as the case may be, of that amendment and of the Bill to which it relates; but if the Assembly takes a contrary decision, the Bill or the amendment to which that decision relates shall lapse.

(3) Whenever, pursuant to this Article, the Chief Justice is invited to comment in relation to a Bill or to an amendment, he shall, in responding to that invitation, either furnish comments or state that there are no comments which he considers should be made.

(4) When pursuant to this Article the Assembly has received the response of the Chief Justice to any invitation to comment in relation to a Bill or an amendment to a Bill, and a new or revised amendment is thereafter introduced, the requirements of this Article shall not apply in relation to that new or revised amendment, unless, in the opinion of the Speaker, it raises legal, constitutional, or policy issues which were not raised by the previous invitation to the Chief Justice or by his response.

32. Special provisions with regard to measures affecting the Niue Public Service - (1) The Niue Assembly shall not proceed upon any Bill or upon an amendment to any Bill, after its introduction, if, in the opinion of the Speaker, that Bill or that amendment makes provision concerning -

- (a) The pay, allowances, discipline, control, and management of the Niue Public Service; or
- (b) The appointment, promotion, transfer, retirement, removal, suspension, and dismissal of employees of the Niue Public Service, including the review of or appeals against any decisions in relation thereto, -

unless the Assembly has before it a report, made by the Niue Public Service Commission pursuant to this Article, on the legal, constitutional, and policy issues raised by that Bill or by that amendment.

(2) If, pursuant to this Article, the Assembly by resolution decides to request the Niue Public Service Commission to report in relation to a Bill or to an amendment, the Speaker shall cause to be sent to the Niue Public Service Commission a copy of that resolution, and an account of the Assembly's discussions thereon, together with a copy of that Bill or, as the case may be, of that amendment and of the Bill to which it relates; but, if the Assembly takes a contrary decision, the Bill or the amendment to which that decision relates shall lapse.

(3) When, pursuant to this Article, the Assembly has received the report of the Niue Public Service Commission in relation to a Bill or an amendment to a Bill, and a new or revised amendment is thereafter introduced, the requirements of this Article shall not apply in relation to that new or revised amendment, unless, in the opinion of the Speaker, it raises legal, constitutional, or policy issues which were not raised by the previous request to that Commission or by its report.

33. Special provisions with regard to measures affecting Niuean land -

(1) The Niue Assembly shall not proceed upon any Bill or upon an amendment to any Bill, after its introduction, if in the opinion of the Speaker, that Bill or that amendment makes provision concerning -

- (a) The customary title to Niuean land; or
- (b) The alienation of Niuean land; or
- (c) The purchase, taking, or other acquisition of Niuean land for any public purpose; or
- (d) The constitution or jurisdiction of the Land Court or of the Land Appellate Court, -

unless the Assembly has before it a report, made by a Commission of Inquiry, having such powers and authority to summon witnesses and to receive evidence as are conferred on a Commission of Inquiry by law, on the legal, constitutional, and policy issues raised by the Bill or by that amendment.

(2) If the Assembly by resolution decides that any Bill or amendment to which this Article applies is worthy of consideration by a Commission of Inquiry pursuant to this Article, the Cabinet shall as soon as possible consider whether and in what manner it should act to enable effect to be given to the Assembly's decision; but, if the Assembly takes a contrary decision in relation to any such Bill or amendment, that Bill or that amendment shall lapse.

(3) Whenever the Assembly has by resolution decided that any Bill or amendment to which this Article applies is worthy of consideration by a Commission of Inquiry pursuant to this Article, -

- (a) The Cabinet may establish a Commission of Inquiry with appropriate terms of reference, or may make any necessary alteration in the terms of reference of a Commission of Inquiry already established to inquire into any matter affecting Niuean land; and the Premier shall as soon as possible inform the Assembly of any arrangement that has been made by the Cabinet to enable effect to be given to the Assembly's decision; and
- (b) Whenever it appears that such an arrangement has been made by the Cabinet, the Speaker shall cause to be sent to the Commission of Inquiry designated by the Cabinet for the purpose of considering the Bill or the amendment to which the Assembly's resolution relates a copy of that resolution and an account of the Assembly's discussions thereon, together with a copy of the Bill or, as the case may be, a copy of the amendment and of the Bill to which it relates, and the Commission of Inquiry shall, pursuant to this Article, in due course make its report to the Assembly.

(4) When, pursuant to this Article, the Assembly has received the report of a Commission of Inquiry in relation to a Bill or to an amendment to a Bill and a new or revised amendment is thereafter introduced, the requirements of this Article shall not apply in relation to that new or revised amendment, unless, in the opinion of the Speaker, it raises legal, constitutional, or policy issues which were not raised by the previous report of that Commission of Inquiry.

(5) In this Article -

"Alienation", in relation to Niuean land, means the making or grant of any transfer, sale, gift, lease, licence, easement, profit, mortgage, charge, encumbrance, trust, or other disposition, whether absolute or limited, and whether legal or equitable; and includes a contract to make any such alienation; and also includes the surrender or variation of a lease, licence, easement, or profit and the variation of the terms of any other alienation as hereinbefore defined:

"Customary title" means title in accordance with the customs and usages of Niue:

"Niuean land" means land in Niue vested in the Crown but held by Niueans according to the customs and usages of Niue; and includes any land granted by the Crown in fee simple before the 1st day of April 1916 and any customary land declared to be Niuean freehold land or native freehold land by an order of any Court before the 1st day of November 1969.

34. When Bills become law - (1) Subject to the requirements of Article 35 of this Constitution in those cases to which that Article applies, a Bill shall become law if, and only if -

- (a) It has been passed by the Niue Assembly; and

- (b) The Speaker, being satisfied that it has been passed in accordance with this Constitution and with the Standing Orders of the Assembly, has endorsed on a copy of the Bill a certificate of compliance with the requirements of this Article, and has, in the presence of the Clerk of the Niue Assembly, signed that certificate and sealed that copy with the Seal of Niue, and inscribed thereon the date of that signing and sealing; and
- (c) The Clerk of the Niue Assembly has, in the presence of the Speaker, countersigned the certificate on that copy of the Bill.

(2) A Bill which becomes law in accordance with the requirements of this Article, shall be an Act of the Niue Assembly.

(3) Subject to its provisions, an Act shall come into force on the date of its certification and sealing.

35. Power of the Niue Assembly to repeal or amend this Constitution -

(1) A Bill repealing or amending or modifying or extending any of the provisions of the Niue Constitution Act 1974 or of this Constitution or making any provision inconsistent with any of those provisions shall become law, if, and only if -

(a) It has been passed by the Niue Assembly in compliance with the following requirements:

(i) On both the final reading, and on the reading which preceded it, the Bill receives the affirmative votes of not less than two thirds of the total membership of the Assembly, as provided in Article 16 (2) (b) of this Constitution; and

(ii) The vote on the final reading takes place at least 13 weeks after but excluding the day of the vote on the reading which preceded it; and

(b) It has thereafter been submitted to a poll, conducted in a manner prescribed by law, of the persons who at the time of that poll were entitled to vote as electors at a general election of members of the Niue Assembly, and has at that poll received the support -

(i) In the case of any Bill repealing or amending or modifying or extending any of the provisions of sections 2 to 9 of the Niue Constitution Act 1974 or of Articles 1 and 69 of this Constitution or of this Article, by two thirds of the votes validly cast; and

(ii) In any other case, of a majority of the votes validly cast; and

(c) The Speaker, being satisfied that it has been passed in accordance with this Constitution and with the Standing Orders of the Assembly, has endorsed on a copy of the Bill a certificate of compliance with the requirements of this Article, and has, in the presence of the Clerk of the Niue Assembly, signed that certificate and sealed that copy with the Seal of Niue, and inscribed thereon the date of that signing and sealing; and

(d) The Clerk of the Niue Assembly has, in the presence of the Speaker, countersigned the certificate on that copy of the Bill.

(2) A Bill which becomes law in accordance with the requirements of this Article shall be part of this Constitution and shall be described as a constitutional amendment.

(3) Subject to its provisions, a constitutional amendment shall come into force on the date of its certification and sealing.

36. New Zealand Parliament not to legislate for Niue, and New Zealand subordinate legislation not to apply to Niue, except with consent - (1) No Act, and no provision of any Act, of the Parliament of New Zealand passed on or after Constitution Day shall extend to Niue as part of the law of Niue, unless -

(a) The passing of that Act or the making of that provision, so far as it extends to Niue, has been requested and consented to by resolution of the Niue Assembly; and

(b) It is expressly declared in that Act that the Niue Assembly has requested and consented to the enactment of that Act or of that provision.

(2) No subordinate legislation made after Constitution Day pursuant to any Act of the Parliament of New Zealand shall extend to Niue as part of the law of Niue unless -

(a) At the date of its making, the Act pursuant to which that subordinate legislation was made extends to Niue as part of the law of Niue; and

(b) The extension to Niue of that subordinate legislation has been requested and consented to by the Cabinet of Ministers of Niue; and

(c) It is expressly declared in that subordinate legislation that the Cabinet of Ministers of Niue has requested and consented to that extension.

(3) Any Act of the Parliament of New Zealand which, pursuant to this Article, extends to Niue as part of the law of Niue, shall have the same force and effect as if it were an Act of the Niue Assembly.

(4) In this Article the term "subordinate legislation" means any Order in Council, Proclamation, regulations, rules, or other subordinate legislation.

PART III

The Judiciary

The High Court of Niue

37. High Court established - (1) There shall be a Court of record, to be called the High Court of Niue, for the administration of justice in Niue.

(2) The High Court shall have all such jurisdiction (both civil and criminal) as may be necessary to administer the law in force in Niue.

(3) No provision, except in an existing law, shall limit or restrict the jurisdiction or powers of the High Court, or confer exclusive jurisdiction on any other Court or tribunal, unless that provision is made by this Constitution or by Act.

38. Judges and Commissioners of the High Court - (1) The High Court shall consist of the Chief Justice and such other Judges and such Commissioners as are from time to time appointed under this Constitution.

(2) A person shall not be qualified for appointment as Chief Justice or as another Judge or as a Commissioner of the High Court unless he possesses such qualifications as may, subject to this Constitution, be prescribed by Act.

39. Jurisdiction of Commissioners of the High Court - (1) A Commissioner of the High Court shall possess and may exercise such of the functions of a Judge of the High Court (whether judicial or administrative, but excluding those vested exclusively in the Chief Justice) as may be prescribed by law, either generally or with respect to any particular Commissioner or Commissioners of that Court, and all references in any enactment to a Judge of the High Court shall be construed as applying to a Commissioner of the High Court within the limits of the jurisdiction so conferred on him.

(2) The office of Commissioner of the High Court may, with the approval of the Niue Public Service Commission, be held concurrently with the office of a Registrar of that Court or with any other office in the Niue Public Service, or may be held concurrently with any other position or employment, but a Commissioner of the High Court in the exercise of his functions shall not be under the control of the Niue Public Service Commission.

(3) Provision may be made by law for appeals from a Commissioner of the High Court to a Judge of that Court.

The Land Court of Niue

40. Land Court established - There shall be a Court of record, to be called the Land Court of Niue, which shall have the jurisdiction and powers conferred on it by existing law or by this Constitution or by Act.

41. Judges and Commissioners of the Land Court - (1) The Land Court shall consist of a Chief Judge and such other Judges and such Commissioners of that Court as are from time to time appointed under this Constitution.

(2) A person shall not be qualified for appointment as Chief Judge or as another Judge or as a Commissioner of the Land Court unless he possesses such qualifications as may, subject to this Constitution, be prescribed by Act.

42. Jurisdiction of Commissioners of the Land Court - (1) A commissioner of the Land Court shall possess and may exercise such of the functions of a Judge of the Land Court (whether judicial or administrative, but excluding those vested exclusively in the Chief Judge of that Court) as may be prescribed by law, either generally or with respect to any particular Commissioner or Commissioners of that Court, and all references in any enactment to a Judge of the Land Court shall be construed as applying to a Commissioner of the Land Court within the limits of the jurisdiction conferred upon him.

(2) The office of Commissioner of the Land Court may, with the approval of the Niue Public Service Commission, be held concurrently with any other office in the Niue Public Service other than the office of Registrar of that Court, or may be held concurrently with any other position or employment, but a Commissioner of the Land Court in the exercise of his functions shall not be under the control of the Niue Public Service Commission.

(3) Provision may be made by law for appeals from a Commissioner of the Land Court to a Judge of that Court.

The Land Appellate Court of Niue

43. Land Appellate Court of Niue - There shall be a Court of record, to be called the Land Appellate Court of Niue, which shall have the jurisdiction and powers conferred on it by existing law or by this Constitution or by Act.

44. Judges of the Land Appellate Court - (1) The Chief Judge and the other Judges of the Land Court of Niue and the Chief Judge and the other Judges of the Maori Land Court of New Zealand shall be the Judges of the Land Appellate Court.

(2) Any 2 or more of the Judges (other than a Judge who determined the matter in dispute in the Land Court) shall have power to act as the Land Appellate Court but at least 2 Judges, or a majority of those Judges if the Court comprises more than 3 Judges, shall concur in every decision of that Court.

(3) The Chief Judge of the Land Court of Niue shall preside at any sitting of the Land Appellate Court at which he is present. In his absence the Chief Judge of the Maori Land Court of New Zealand, if present, shall preside, and in the absence of both of those Judges the Judge who is senior in terms of the date of his appointment to his present judicial office shall preside.

Appointment, Tenure of Office, and Salaries of Judges
and Commissioners

45. Appointment of Judges and Commissioners - (1) The Chief Justice and the other Judges of the High Court shall be appointed by the Governor-General on the advice of the Cabinet.

(2) The Chief Judge and the other Judges of the Land Court and the Commissioners of the High Court or of the Land Court shall be appointed by the Cabinet.

(3) A person may be appointed as a Judge or Commissioner of the High Court or of the Land Court whether he holds any other judicial office, in Niue or elsewhere.

46. Tenure of office of Judges and Commissioners - (1) Except in the case of an appointment made under Article 47 of this Constitution, no person who has attained the age of 68 years shall be appointed to or continue to hold office as a Judge or a Commissioner of the High Court or of the Land Court.

(2) Nothing done by a Judge or Commissioner of the High Court or of the Land Court in the performance of his functions shall be deemed to be invalid by reason only that he has reached the age at which he is required by this Article to retire, or, in the case of a Judge or Commissioner appointed under Article 47 of this Constitution, that his term of office has expired.

(3) A Judge or Commissioner of the High Court or of the Land Court may resign his office by writing under his hand addressed to the Premier.

47. Temporary Judges and Commissioners - The Cabinet may at any time appoint any person of any age who is otherwise qualified for appointment to hold office as Chief Justice or as another Judge or as a Commissioner of the High Court or as Chief Judge or as another Judge or as a Commissioner of the Land Court for such time, not exceeding one year, as is specified in his warrant of appointment.

48. Acting Chief Justice of the High Court and Acting Chief Judge of the Land Court - (1) Where any vacancy exists in the office of Chief Justice, or it appears that the Chief Justice is, for any reason, for the time being unable to perform the functions of his office, those functions may be performed by another Judge of the High Court, and, if there is more than one such Judge who is able to perform those functions, then by the Judge who is senior in terms of the date of his appointment to that office, and that Judge may continue to perform those functions until a new Chief Justice is appointed and assumes office, or, as the case may be, until the Chief Justice is again able to perform the functions of his office.

(2) Where any vacancy exists in the office of Chief Judge of the Land Court or it appears that the Chief Judge is, for any reason, for the time being unable to perform the functions of his office, those functions may be performed by another Judge of the Land Court, and, if there is more than one such Judge who is able to perform those functions, then by the Judge who is senior in terms of the date of his appointment to that office, and that Judge may continue to perform those functions until a new Chief Judge is appointed and assumes office, or, as the case may be, until the Chief Judge is again able to perform the functions of his office.

49. Removal of Judges and Commissioners from office - (1) A Judge of the High Court shall not be removed from office except by the Governor-General, acting on the advice of the Cabinet given in accordance with a recommendation contained in a resolution of the Niue Assembly.

(2) A Judge of the Land Court shall not be removed from office except by the Cabinet, acting in accordance with a recommendation contained in a resolution of the Niue Assembly.

(3) A Commissioner of the High Court or of the Land Court shall not be removed from office except by the Cabinet, acting in accordance with a recommendation of the Chief Justice.

(4) The only ground upon which any Judge or Commissioner may be removed from office is that of inability to discharge the functions of his office (whether arising from infirmity of body or mind or from any other cause) or of misbehaviour.

50. Salaries of Judges and Commissioners - (1) The Judges and Commissioners of the High Court or of the Land Court shall receive such salaries and allowances as may from time to time be prescribed by enactment; but, if any Judge or Commissioner is appointed on terms which do not require him to devote the whole of his time to performing the duties of that office, he shall receive, by way of salary and allowances, the amount that is appropriate, having regard to the extent of the duties he has performed and to the terms and conditions of his appointment.

(2) The salaries of the Judges and Commissioners shall be a charge upon the Niue Government Account.

(3) During the term of office of any Judge or Commissioner, his salary may be increased, whether to take account of any increase in general levels of remuneration or for any other reason, but his salary shall not during the term of his office be reduced, unless as part of a general reduction of salaries applied proportionately to all persons whose salaries are determined by enactment.

Appeals From the High Court

51. Appeal from High Court to Court of Appeal of New Zealand - (1) Subject to this Constitution, an appeal shall lie to the Court of Appeal of New Zealand from a final judgment of the High Court -

- (a) As of right, if the High Court certifies that the case involves a substantial question of law as to the interpretation or effect of any provision of this Constitution:
- (b) As of right, from any conviction by the High Court in the exercise of its criminal jurisdiction whereby the appellant has been sentenced to imprisonment for a term exceeding 6 months or to a fine of not less than \$200, and from any such sentence (not being a sentence fixed by law):
- (c) As of right, when the matter in dispute on the appeal amounts to or is of the value of \$400 or upwards:

(d) With the leave of the High Court in any other case, if in the opinion of that Court the question involved in the appeal is one which by reason of its general or public importance, or of the magnitude of the interests affected, or for any other reason, ought to be submitted to the Court of Appeal of New Zealand for decision.

(2) Notwithstanding anything in subclause (1) of this Article, the Court of Appeal of New Zealand may, in any case in which it thinks fit and at any time, grant special leave to appeal to that Court from any final judgment of the High Court, subject to such conditions as to security for costs and otherwise as the Court of Appeal thinks fit.

52. Transmission of order of Court of Appeal on appeal - The determination of the Court of Appeal of New Zealand on any appeal from the High Court under Article 51 of this Constitution shall be transmitted to the Registrar of the High Court by the Registrar of the Court of Appeal under the Seal of the High Court in conformity with that determination, or such other proceedings by way of new trial or otherwise shall be taken in the High Court as are required by that determination.

Justices of the Peace

53. Justices of the Peace - (1) The Cabinet may appoint Justices of the Peace for Niue, who shall hold office for such time as may be prescribed in their warrants of appointment.

(2) Any 2 Justices of the Peace for Niue, acting together, shall possess and may exercise in Niue any of the functions that are by law conferred generally on Commissioners of the High Court; and Article 39 of this Constitution, with the necessary modifications, shall apply as if references therein to a Commissioner of the High Court were references to any 2 Justices of the Peace for Niue; but this subclause shall not apply in the case of any Justice of the Peace who is a member of the Niue Assembly or has attained the age of 68 years.

(3) A Justice of the Peace for Niue shall not be removed from office except by the Cabinet acting in accordance with a recommendation of the Chief Justice.

(4) Justices of the Peace for Niue shall receive, in respect of any duties they perform, such remuneration as may from time to time be prescribed by enactment.

Oath of Allegiance and Judicial Oath

54. Oath of Allegiance and Judicial Oath - (1) Every Judge or Commissioner of the High Court, every Justice of the Peace for Niue, every Judge or Commissioner of the Land Court, and every Judge of the Land Appellate Court who is not also a Judge of the Land Court (being persons appointed to those offices on or after Constitution Day) shall, before performing the functions of his office, take and subscribe the Oath of Allegiance and the Judicial Oath prescribed in subclauses (2) and (3) of this Article, respectively, before the following persons:

- (a) In the case of the Chief Justice or of any other Judge or any Commissioner of the High Court, before a Judge of the High Court or before the Premier:
- (b) In the case of the Chief Judge or any other Judge or any Commissioner of the Land Court, or of a Judge of the Land Appellate Court, before a Judge of the High Court or of the Land Court, or before the Premier:
- (c) In the case of any Justice of the Peace for Niue, before any Judge or Commissioner of the High Court.
- (2) The Oath of Allegiance shall be in the following form -

I, swear by Almighty God that I will be faithful and bear true allegiance to Her (or His) Majesty /Specify the name of the reigning sovereign as thus: Queen Elizabeth the Second/ Her (or His) heirs and successors, in accordance with the Constitution and the law. So help me God.

- (3) The Judicial Oath shall be in the following form -

I,, swear by Almighty God that I will well and truly serve Her (or His) Majesty /Specify as above/ Her (or His) heirs and successors, in accordance with the Constitution and the law, in the office of ...; and I will do right to all manner of people, without fear or favour, affection or ill will. So help me God.

- (4) No proceedings before any judicial officer or officers to whom this Article applies shall be questioned in any Court solely on the ground that any one or more of those judicial officers have failed to comply with a requirement of this Article.

Comment by Chief Justice on Certain Bills

55. Chief Justice to comment on certain Bills - Whenever, pursuant to Article 31 of this Constitution, the Chief Justice is invited to comment on the legal, constitutional, and policy issues raised by any Bill or amendment, he shall as soon as possible, and in any case within one month after receiving the papers relating to the Bill or amendment, respond to that invitation, either by furnishing his comments to the Speaker, or by informing the Speaker that there are no comments which he considers should be made, or, if he requires further time or information before forming a final opinion, by making that known to the Speaker.

PART IV

The Public Revenues of Niue

56. Legislative control of public revenue and expenditure - (1) No taxes shall be imposed except by law.

(2) All revenue received by the Government of Niue shall be paid into an appropriate public fund or account; and every such fund or account, unless established by existing law, shall be established by or pursuant to Act.

(3) All expenditure of public money, unless authorized by existing law, shall be authorized by Act.

57. Niue Government Account - (1) There shall be a Niue Government Account.

(2) All taxes and other revenues and money raised or received by the Government of Niue shall be paid into the Niue Government Account, unless required or permitted by law to be paid into any other public fund or account.

58. Annual estimates and appropriations - (1) Except as provided in Article 59 (4) (b) of this Constitution or where authorized by a specific appropriation contained in any existing law or in any Act, all expenditure of public money in any financial year shall be charged to votes specified in the Appropriation Act and in accordance with the estimates for that year.

(2) Each Appropriation Act shall relate to one financial year, and shall lapse at the end of that year.

59. Cabinet to supervise expenditure - (1) It shall be the responsibility of the Cabinet to make proposals to the Assembly as to the projected levels of public revenue and of public expenditure in each financial year, and as to all other budgetary matters. In particular, the Premier or another Minister shall introduce or take responsibility in the Assembly for all Bills relating to financial measures, and for the submission of a detailed statement of estimated expenditure in respect of each financial year.

(2) The Cabinet shall also be accountable to the Assembly for all public expenditure, and for relating such expenditure to the appropriations made by the Assembly pursuant to Article 58 of this Constitution, or to any discretion to approve expenditure pursuant to subclause (4) of this Article, and shall lay the accounts for each financial year before the Assembly.

(3) Any delegation by the Cabinet, whether or not to one or more of its own members, of the power to approve public expenditure shall, subject to existing law, be made by or pursuant to Act, and shall be without prejudice to the generality of the Cabinet's continuing responsibilities under this Article.

(4) Subject to such lower limits and such restrictions as may from time to time be prescribed by any enactment, the Cabinet may approve the expenditure of such sums as it considers necessary -

(a) In anticipation of provision to be made in the Appropriation Act for any financial year; but the total amount issued and paid under this paragraph in relation to any vote in any financial year shall not exceed the unexpended balance of the corresponding vote in the Appropriation Act for the preceding financial year, together with an amount equal to one fourth of that vote, and all money so spent shall be included in the estimates for that year; or

(b) Where, during the period between the passing of the Appropriation Act for any financial year and the end of that financial year, it is desirable that money should be expended in excess of or without the appropriation of the Niue Assembly, but the total amount of all sums

issued and paid under this paragraph in any financial year shall not exceed 1 1/2 per cent of the total amount of all sums appropriated by the Appropriation Act for that financial year.

(5) All expenditure made under subclause (4) (b) of this Article shall be charged as unauthorized expenditure to the appropriate fund or account.

(6) A statement of the unauthorized expenditure for any financial year shall be included in the accounts for that year laid before the Assembly.

60. Audit - (1) The Audit Office of New Zealand shall be the auditor of the Niue Government Account and of all other public funds or accounts, and of the accounts of all Departments and Offices of executive government, and of such other public or statutory authorities or bodies as may be provided by law.

(2) The Audit Office shall, at least once annually, prepare and forward to the Speaker of the Niue Assembly for presentation to the Assembly a report containing such information as is required to be submitted by any enactment, together with such other information relating to the Niue Government Account, or to such other funds or accounts which under this Constitution or under any enactment are required to be audited by the Audit Office, as that office considers desirable.

PART V

Health, Education, and Other Social Services

61. Health, education, and other social services - (1) The Cabinet shall be responsible for establishing and maintaining in Niue such hospitals and other institutions and for providing such other services as it considers necessary for the public health.

(2) The Cabinet shall be responsible for establishing and maintaining in Niue such public schools and for making such other provision as it considers necessary to provide educational opportunities for the people of Niue.

(3) The Cabinet shall be responsible for establishing and maintaining such other institutions and services and for making such other provision as it considers necessary to provide a reasonable standard of living for the people of Niue and to secure their economic, social, and cultural welfare.

(4) Nothing in this Article shall be construed as limiting the powers conferred on the Cabinet by Article 2 of this Constitution to exercise on behalf of Her Majesty the executive authority of Niue.

The Niue Public Service

62. Niue Public Service - (1) There shall be a Niue Public Service comprising such employees as may be necessary to assist the Cabinet in exercising the executive authority of Niue and to perform such other functions or exercise such powers as may be prescribed by law.

(2) Except as provided in subclause (4) of this Article, no person shall be employed in the service of the Government of Niue unless he is an employee of the Niue Public Service.

(3) Except as may otherwise be provided by Act, employment by a public corporation or other statutory authority or public body constituted under the law of Niue shall, for the purposes of this Article, be considered as employment in the service of the Government of Niue.

(4) Subclause (2) of this Article shall not apply to service remunerated by way of fees or commission only, or honorary service, or service as -

- (a) A Judge or Commissioner of the High Court or of the Land Court, a Judge of the Land Appellate Court, a Justice of the Peace for Niue, or any other judicial officer appointed by or pursuant to existing law or Act; or
- (b) A Minister, or any other member or the Speaker of the Niue Assembly; or
- (c) A member of the Niue Public Service Commission.

63. Secretary to the Government - (1) There shall be an officer of the Niue Public Service to be called the Secretary to the Government, who shall be the permanent head of the Niue Public Service and the chief administrative officer of the Government of Niue.

(2) In addition to the other functions and powers conferred upon him by law, the Secretary to the Government shall be responsible to the Cabinet for the general direction of the work of all departments and offices of the executive government. The head of each Department or office shall account for the work of that Department or office to the Secretary to the Government, as well as to the Minister primarily responsible for that Department or office or, as the case may be, for the function performed by that Department or office.

(3) Notwithstanding anything in Article 69 (2) of this Constitution, the Niue Public Service Commission shall consult the Premier and shall obtain the concurrence of the Cabinet before it appoints any person to be Secretary to the Government.

(4) Notwithstanding anything in any enactment, no appeal by any employee of the Niue Public Service shall lie against the promotion or appointment of any person to the office of Secretary to the Government.

Niue Public Service Commission

64. Niue Public Service Commission - (1) There shall be a Public Service Commission for Niue, to be called the Niue Public Service Commission, which shall be constituted as follows -

- (a) The Chairman of the New Zealand State Services Commission shall be the Chairman of the Niue Public Service Commission:
- (b) Another member of the New Zealand State Services Commission shall be appointed by that Commission to hold office as a member of the Niue Public Service Commission:
- (c) A person having special knowledge of Niue shall be appointed by the New Zealand State Services Commission with the concurrence of the Cabinet to hold office for a term of not more than 5 years, but shall be eligible for reappointment.

(2) Notice of every appointment to the Niue Public Service Commission shall be published in the Niue Gazette.

(3) The following provisions shall apply with respect to the member of the Niue Public Service Commission appointed under subclause (1) (c) of this Article:

- (a) He shall be paid such remuneration as the Cabinet determines from time to time on the recommendation of the New Zealand State Services Commission.
- (b) He may resign his office by notice in writing to the New Zealand State Services Commission, or he may be removed from office by that Commission with the concurrence of the Cabinet on the ground that he is unable to discharge the functions of his office (whether by reason of infirmity of body or mind or from any other cause).

65. Acting members of Commission - (1) In the event of the incapacity, by reason of illness or absence or any other cause, of the Chairman of the New Zealand State Services Commission, or if the office of the Chairman of that Commission is vacant, the member of the New Zealand State Services Commission for the time being acting as the Chairman of that Commission shall also act as the Chairman of the Niue Public Service Commission during that incapacity or vacancy.

(2) In the event of the incapacity, by reason of illness or absence or any other cause, of the other member of the New Zealand State Services Commission who is a member of the Niue Public Service Commission, the New Zealand State Services Commission may appoint another of its members to act for that member during that incapacity.

(3) In the event of the incapacity, by reason of illness or absence or any other cause, of the member of the Niue Public Service Commission, appointed under Article 64 (1) (c) of this Constitution, or if the office of that member is vacant, the New Zealand State Services Commission, with the concurrence of the Cabinet may appoint a person to act in place of that member during that incapacity or vacancy.

(4) Any person acting in place of a member of the Niue Public Service Commission pursuant to this Article shall be deemed for all purposes to be a member of the Commission, and no appointment of any such person, and no act done by him in his capacity as a member of the Commission, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

66. Procedure of Commission - (1) At all meetings of the Niue Public Service Commission, 2 members shall form a quorum.

(2) The Commission shall have power to invite such other persons as it thinks fit to assist in its deliberations.

(3) At least 2 members of the Commission shall concur in any decision of the Commission.

(4) Any matter which may be decided by the Commission at a meeting may also be decided by a minute of the Commission signed by all the members.

(5) Subject to this Constitution, the Commission shall regulate its own procedure.

67. Delegation of powers - (1) Without prejudice to its continuing responsibility for the organization and management of the Niue Public Service, the Commission may from time to time, either generally or particularly, delegate any of its powers in relation to the Niue Public Service (including this power of delegation) to any of its members or any other person who, in either case, is visiting Niue on the Commission's business or to the Secretary to the Government.

(2) Subject to any general or special directions given by the Commission, a 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 enactment and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this Article 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.

Management of Niue Public Service

68. Functions and powers of Commission - (1) The Niue Public Service Commission shall be the employing authority for the Niue Public Service, and, subject to this Constitution, shall have the general oversight and control of its organization and management, and shall be responsible for reviewing the efficiency and economy of all departments and offices of the executive government.

(2) Subject to this Constitution and to any enactment, the Commission may prescribe and determine the terms, and conditions of employment of members of the Niue Public Service, and may issue such instructions or exercise such other powers as may be necessary to enable it to perform the functions and carry out the duties described in this Constitution or conferred on it by law.

(2a) In the performance or exercise of its functions, powers, and duties in relation to the Niue Public Service, the Commission may conduct such inquiries and investigations as it considers necessary, and, for the purpose of conducting any such inquiry or investigation, the Commission shall have such powers and authority to summon witnesses and to receive evidence as are conferred on a Commission of Inquiry by law.

(3) Except as provided in Article 69 (2) of this Constitution, the Commission shall be responsible to the Cabinet for the carrying out of its duties and the performance and exercise of its functions and powers, and the Commission shall, as necessary, inform and advise the Cabinet in relation to any matter affecting the Niue Public Service.

(4) The Commission shall as soon as practicable after the 31st day of March in each year furnish to the Cabinet a report on the state of the efficiency and economy of the Niue Public Service and on the work of the Commission for the year ending with that date. A copy of that report shall be laid before the Niue Assembly.

69. Appointments to Niue Public Service - (1) All employees of the Niue Public Service shall be appointed by the Niue Public Service Commission and, subject to this Constitution and to any enactment, shall hold office on such terms and conditions as may from time to time be prescribed or determined by the Commission.

(2) In all matters relating to decisions about individual employees (whether they relate to the appointment, promotion, demotion, transfer, disciplining, or cessation of employment of any employee or any other matter) the Commission shall not receive any direction from the Cabinet, but shall act independently.

(3) In establishing and revising the terms and conditions of employment in the Niue Public Service, the factors to be taken into account shall include -

- (a) The need for the Niue Public Service to recruit and retain an efficient staff, and, in particular, to provide varied careers and adequate advancement for Niueans with special skills:
- (b) The need to afford reasonable opportunities of employment in Niue for the people of Niue, and in so doing to have regard to the employment opportunities and levels of remuneration available in New Zealand:
- (c) The need to act consistently with Government economic and social policy, bearing in mind that the terms and conditions of employment in the Niue Public Service are a major element in the general well-being of Niue.

(4) The pay and allowances of employees of the Niue Public Service shall be paid from the Niue Government Account out of money appropriated by the Niue Assembly.

Reports and Recommendations to Assembly

70. Commission to make certain reports and recommendations to Assembly -
(1) Pursuant to Article 25 of this Constitution, the Niue Public Service Commission shall from time to time consider whether circumstances require the making of a report and recommendations to the Assembly as to the levels of remuneration and other entitlements of the Premier, the other Ministers, the members of the Assembly who are not Ministers, and the Speaker, and the Commission shall make such a report and recommendations, whenever there is a general alteration of the levels of remuneration of employees of the Niue Public Service.

(2) The Commission shall send to the Speaker any report and recommendations made under subclause (1) of this Article.

(3) Whenever, pursuant to Article 32 of this Constitution, the Niue Public Service Commission is requested to report on the legal, constitutional, and policy issues raised by any Bill or amendment, it shall as soon as possible, and in any case within one month after receiving the papers relating to the Bill or amendment, respond to that request, either by furnishing its report to the Speaker, or, if it requires further time or information before forming a final opinion, by making that known to the Speaker.

PART VII

Transitional Provisions

71. Existing law to continue - Subject to this Constitution, -

- (a) The existing law shall, until repealed, and subject to any amendment thereof, continue in force on and after Constitution Day:
- (b) All rights, obligations, and liabilities arising under the existing law shall continue to exist on and after Constitution Day, and shall be recognized, exercised, and enforced accordingly.

72. Premier and (Executive Council of Niue) Cabinet - (1) The Leader of Government holding office pursuant to section 9 of the Niue Act 1966 (as substituted by section 3 of the Niue Amendment Act 1971) immediately before Constitution Day shall be deemed to have been duly elected under this Constitution as the Premier of Niue and appointed and sworn in as a Minister under this Constitution.

(2) The other appointed members of the Executive Committee of Niue holding office pursuant to section 10 of the Niue Act 1966 (as substituted by section 3 of the Niue Amendment Act 1971) immediately before Constitution Day shall be deemed to have been duly appointed and sworn in under this Constitution as Ministers.

73. Niue Assembly - (1) The elected members of the Niue Island Assembly immediately before Constitution Day shall be deemed to have been duly elected and sworn in under this Constitution as members of the Niue Assembly, and, notwithstanding anything in Article 16 of this Constitution, the Niue Assembly

shall consist, during the period commencing on Constitution Day and ending at the time of the first dissolution of the Assembly thereafter, of the Speaker and those members.

(2) Until provision is otherwise made by law, the seat of any member of the Niue Assembly to whom Article 19 (b) of this Constitution applies shall not become vacant if -

- (a) His interest in the execution or enjoyment of any contract under which any public money is payable is as a member of the general public or of any section or class of the general public; or
- (b) On any occasion when he is present at a meeting of the Niue Assembly, any matter concerning a contract in whose execution or enjoyment he is interested comes before the Assembly, he discloses his interest to the Assembly and refrains from otherwise speaking and from voting on that matter.

(3) The Speaker of the Niue Island Assembly who is in office immediately before Constitution Day shall be deemed to have been duly elected and sworn in as Speaker of the Niue Assembly under this Constitution.

(4) Any person becoming a member of the Niue Assembly pursuant to subclause (1) of this Article who has, in the absence of the Speaker of the Niue Island Assembly, presided over any sitting of that Assembly shall, for the purposes of Article 20 of this Constitution, be deemed to be a member of the Niue Assembly who has presided over a meeting of the Assembly.

(5) Notwithstanding anything in Article 22 (6) of this Constitution, business may be transacted at any meeting of the Niue Assembly during the period referred to in subclause (1) of this Article if, but only if, the number of members present is not less than 7.

(6) Any Bill or other business before the Niue Island Assembly immediately before Constitution Day shall not lapse, but shall become a Bill or other business before the Niue Assembly:

Provided that, where any Bill or amendment to a Bill before the Niue Island Assembly pursuant to this subclause has proceeded beyond its introduction and is one to which any one or more of Articles 25, 30, 31, 32, and 33 of this Constitution applies, the Niue Assembly shall not proceed further upon that Bill or amendment unless the requirements of the applicable Article or Articles have first been met.

(7) Subject to this Constitution, the Standing Orders of the Niue Island Assembly in force immediately before Constitution Day shall be the Standing Orders of the Niue Assembly, and they may be amended, repealed, or added to under Article 22 (10) of this Constitution.

(8) Until an Act first passed pursuant to Article 25 of this Constitution comes into force, the Niue Civil List Regulations 1972 shall continue in full force and effect and shall be deemed to be repealed on the date on which that Act comes into force.

(9) For the purposes of Article 26 (1) of this Constitution, the date of the last preceding general election shall be the date of the last preceding general election of the Niue Island Assembly in being on Constitution Day.

74. The High Court - (1) The High Court of Niue established by Article 37 of this Constitution is hereby declared to be the same Court as the High Court of Niue established by section 53 of the Niue Act 1966.

(2) The High Court is hereby declared also to be the same Court as every other Court which, under existing law, was deemed to be the same Court as the High Court of Niue established by section 53 of the Niue Act 1966.

(3) All judgments, decrees, records, and acts of the High Court of Niue as established by the said section 53 and of every other Court to which subclause (2) of this Article applies shall continue to have full force and effect on and after Constitution Day as judgments, decrees, records, and acts of the High Court established by this Constitution; and all proceedings, civil or criminal, pending in the High Court of Niue immediately before Constitution Day may be continued on and after Constitution Day in the High Court established by this Constitution.

(4) The Judges and Commissioners of the High Court of Niue in office immediately before Constitution Day (other than the Resident Commissioner of Niue) shall continue to hold office on and after Constitution Day as Judges or Commissioners of the High Court established by this Constitution, as if they had been appointed under this Constitution, and those Judges and Commissioners shall receive the salaries and allowances to which they were entitled immediately before Constitution Day as if those salaries and allowances had been prescribed by enactment pursuant to Article 50 of this Constitution.

75. The Land Court - (1) The Land Court of Niue established by Article 40 of this Constitution is hereby declared to be the same Court as the Land Court of Niue established by section 335 of the Niue Act 1966.

(2) The Land Court is hereby declared also to be the same Court as every other Court which, under existing law, was deemed to be the same Court as the Land Court of Niue established by the said section 335.

(3) All judgments, decrees, records, and acts of the Land Court of Niue as established by the said section 335 and of every other Court to which subclause (2) of this Article applies shall continue to have full force and effect on and after Constitution Day as judgments, decrees, records, and acts of the Land Court established by this Constitution; and all proceedings pending in the Land Court of Niue established by the said section 335 immediately before Constitution Day may be continued on and after Constitution Day in the Land Court established by this Constitution.

(4) The Judges and Commissioners of the Land Court of Niue (other than the Resident Commissioner) in office immediately before Constitution Day shall hold office on and after Constitution Day as Judges or Commissioners of the Land Court established by this Constitution, as if they had been appointed under this Constitution, and those Judges and Commissioners shall receive the salaries and allowances to which they were entitled immediately before Constitution Day as if those salaries and allowances had been prescribed by enactment pursuant to Article 50 of this Constitution.

76. The Land Appellate Court - (1) The Land Appellate Court of Niue established by Article 43 of this Constitution is hereby declared to be the same Court as the Land Appellate Court of Niue established by section 386 of the Niue Act 1966.

(2) The Land Appellate Court is hereby declared also to be the same Court as every other Court which, under existing law, was deemed to be the same Court as the Land Appellate Court of Niue established by the said section 386.

(3) All judgments, decrees, records, and acts of the Land Appellate Court of Niue as established by the said section 386 and of every other Court to which subclause (2) of this Article applies shall continue in full force and effect on and after Constitution Day as judgments, decrees, records, and acts of the Land Appellate Court established by this Constitution; and all proceedings pending in the Land Appellate Court of Niue established by the said section 386 immediately before Constitution Day may be continued on and after Constitution Day in the Land Appellate Court established by this Constitution.

77. Appeals from High Court - (1) In any case in which, immediately before Constitution Day, an appeal to the Supreme Court of New Zealand from any final judgment of the High Court of Niue established by section 53 of the Niue Act 1966 was pending, that appeal may be continued on and after Constitution Day and shall otherwise in all respects be heard and disposed of in accordance with the existing law; and the determination of the Supreme Court on any appeal continued pursuant to this subclause shall be transmitted to the Registrar of the High Court by the Registrar of the Supreme Court under the seal of the Supreme Court, and the High Court shall act in respect thereof as if it were a determination of the Court of Appeal of New Zealand transmitted under Article 52 of this Constitution.

(2) In any other case where any final judgment of the High Court of Niue established by the said section 53 has been given before Constitution Day, the right of appeal from that final judgment shall be governed by the provisions of this Constitution as if that final judgment had been a final judgment of the High Court of Niue established by Article 37 of this Constitution.

78. Justices of the Peace - (1) Every person holding office immediately before Constitution Day as a Justice of the Peace for Niue shall continue in office as if he had been appointed to that office pursuant to Article 53 of this Constitution.

(2) Subject to Article 53 (3) of this Constitution, every such person shall continue to hold office during the pleasure of the Cabinet, and shall be paid the remuneration to which he was entitled immediately before Constitution Day as if that remuneration had been prescribed by enactment pursuant to Article 53 (4) of this Constitution.

79. Public revenues - (1) The Niue Government Account established by Article 56 of this Constitution is hereby declared to be the same account as the Niue Assembly Account established by section 15 of the Niue Act 1966; and all money in the last-mentioned account immediately before Constitution Day shall on and after Constitution Day be deemed to form part of the Niue Government Account.

(2) The reference in Article 59 (4) of this Constitution to the Appropriation Act for the preceding financial year shall be read as if it included a reference to the Appropriation Ordinance of the Niue Island Assembly for the preceding financial year.

80. The Niue Public Service - (1) The Niue Public Service established by Article 62 of this Constitution is hereby declared to be the same Service as the Niue Public Service constituted by Part XXXI of the Niue Act 1966.

(2) Every person who was an employee of the Niue Public Service immediately before Constitution Day shall continue to hold office as an employee of the Niue Public Service as if he had been appointed to that position by the Niue Public Service Commission pursuant to Article 69 of this Constitution.

(3) Where any public corporation or other statutory authority or public body has been constituted before Constitution Day under the law of Niue, nothing in Article 62 (3) of this Constitution shall, in the case of any appointment made before Constitution Day of any person as an employee of that public corporation or other statutory authority or public body, be construed as affecting the validity of that appointment, or; in the case of any such appointment made after Constitution Day, be construed as requiring that appointment to be made by the Niue Public Service Commission, except to the extent that, under existing law that appointment was required to be made by the New Zealand State Services Commission.

(4) Where under this Constitution the holder of any office is required to be an employee of the Niue Public Service, any employee of the Niue Public Service holding the corresponding office immediately before Constitution Day shall be deemed to be the holder of that office; but this provision shall be without prejudice to the powers and discretions of the Niue Public Service Commission as the employing authority.

81. Seal of Niue - Until the Cabinet approves a different form or forms, the Seal of Niue established by Article 15 of this Constitution shall be in the form or forms approved by the Executive Committee for the Seal of Niue established by section 7 of the Niue Act 1966 (as substituted by section 3 of the Niue Amendment Act 1971).

PART VIII

Interpretation

82. Interpretation - (1) In this Constitution, unless the context otherwise requires, -

"Act" means an Act of the Niue Assembly, as that term is used in Article 34 of this Constitution:

"Cabinet" means the Cabinet of Ministers of Niue established by Article 2 of this Constitution:

"Chief Justice" means the Chief Justice of the High Court of Niue appointed under Article 45 of this Constitution; and includes any other Judge of the High Court authorised under Article 48 of this Constitution to perform the office or exercise any function of the Chief Justice:

"Clerk of the Cabinet" means the Clerk of the Cabinet appointed pursuant to Article 14 of this Constitution:

"Clerk of the Niue Assembly" means the Clerk of the Niue Assembly appointed pursuant to Article 27 of this Constitution:

"Constitution" means this Constitution and includes the Act of the Parliament of New Zealand intituled the Niue Constitution Act 1974; and also includes any constitutional amendment, as that term is used in Article 35 of this Constitution, when that constitutional amendment has come into force:

"Constitution Day" means the date on which this Constitution comes into force:

"Enactment" means -

- (a) Any Act of the Niue Assembly and any Ordinance; and any regulation, rule, bylaw, or other instrument of a like nature made pursuant to any such Act or Ordinance:
- (b) Any Act of the Parliament of New Zealand which extends to Niue as part of the law of Niue; and any Order in Council, Proclamation, regulation, rule, ministerial warrant, bylaw, or instrument of a like nature, made pursuant to any Act to which this paragraph applies, if that Order in Council, Proclamation, regulation, rule, ministerial warrant, bylaw, or other instrument extends to Niue as part of the law of Niue:

"Existing law" means any law in force in Niue immediately before Constitution Day; and includes any enactment passed or made before Constitution Day and coming into force on or after Constitution Day:

"High Court" means the High Court of Niue established by Article 37 of this Constitution:

"Judge", in relation to the High Court, means any Judge of that Court including the Chief Justice, and, in relation to the Land Court, means any Judge of that Court including the Chief Judge of that Court:

"Land Appellate Court" means the Land Appellate Court of Niue established by Article 43 of this Constitution:

"Land Court" means the Land Court of Niue established by Article 40 of this Constitution:

"Law" means any law for the time being in force in Niue; and includes this Constitution and any enactment:

"Member of the Niue Assembly", or "Member" used in relation to the Niue Assembly, means any person elected as a member of the Assembly pursuant to Article 16 of this Constitution; but does not include the Speaker; and, in any case where the Assembly has been dissolved, shall have the extended meaning given to that term by subclause (4) of that Article:

"Minister" means a member of the Cabinet; and includes the Premier; and also includes any member of the Niue Assembly appointed as a temporary Minister pursuant to Article 8 of this Constitution:

"Niue Assembly" or "Assembly" means the Niue Assembly established by Article 16 of this Constitution:

"Niue Public Service" means the Niue Public Service established by Article 62 of this Constitution:

"Niue Public Service Commission" or "Commission" means the Niue Public Service Commission established by Article 64 of this Constitution:

"Ordinance" means an Ordinance of the Niue Island Assembly or of the Island Council of Niue:

"Premier" means the member of the Niue Assembly elected as Premier pursuant to Article 4 of this Constitution after he has been appointed as a Minister pursuant to Article 5 of this Constitution; and includes the Minister discharging the functions of Premier pursuant to subclause (1) or subclause (2) of Article 9 of this Constitution:

"Secretary to the Government" means the Secretary to the Government of Niue appointed pursuant to Article 63 of this Constitution:

"Speaker" means the Speaker of the Niue Assembly elected pursuant to Article 20 of this Constitution; and includes any member of the Niue Assembly performing the functions of Speaker pursuant to that Article.

(2) Where in this Constitution any person is required to subscribe an oath, he shall be permitted, if he so desires, to comply with that requirement by making and subscribing an affirmation, and the form of oath prescribed by this Constitution shall be appropriately modified accordingly.

(3) Where under this Constitution the holder of any office is an employee of the Niue Public Service, any reference to the holder of that office shall be construed as including, to the extent of his authority, a reference to any other employee of the Niue Public Service for the time being authorised to exercise or perform all or any of the powers, duties, and functions of that office.

Ballot Paper -- Pepa Vili

Referendum

hānai e pepa vili
ka fakaaoga e nutulu he
Aho Vili, 3 ia Sepetema.
KIA MAILLOGA KI TAGATA VILI
TAU MENA NAI:

* Ka manako a koe ke
fakaaoga e koe e vala
ne lolomi faka-Peletania
ko e vala ia ni hokoia
ka hihika. UA FOTFA E
VALA FAKA-NIUE. Pihia
ni ka fakaaoga e koe e
vala faka-Niue, ua
hihika e koe e vala ne
lolomi faka-Peletania.
KAEKA KUA FAKA-ACCA UA
E KOE E VALA FAKA-NIUE
MO E VALA FAKA-PELETANIA,
TO NAKAI TOTOU E VILI
HA'AU.

* Ko e taha ni e mena
haau ka taute ke he
pepa vili, KO E HIIHKA
NI HOKOIA. Ai fai faka-
mailloga foki ke taute e
koe ke he pepa vili.

* Totou fakamitaki e
talahahauaga "Fakatonuaga
Ke He Tagata Vili" kua
tohia ke he pepa vili.

DIRECTIONS TO VOTER

1. After voting, fold this paper and place it in the ballot box.
2. You must not take this voting paper outside the polling booth.
3. If you spoil this paper, return it to the Poll Clerk and obtain another.

Official
Mark

FAKATONUAGA KE HE TAGATA VILI

1. Ka oti e vili ha au, ti fafatu e laupepa vili nei mo e tuku he puha pepa vili.
2. To nakai maeke ia koe ke uta e laupepa vili nei ki fafo he poko vili.
3. Ka kelea po ke hepe e laupepa vili nei, kia liuaki atu ke he tagata lagomatai vili ke moua taha pepa foou.

This is the ballot paper that you will be using on Referendum Day, 3 September. Please note the following:

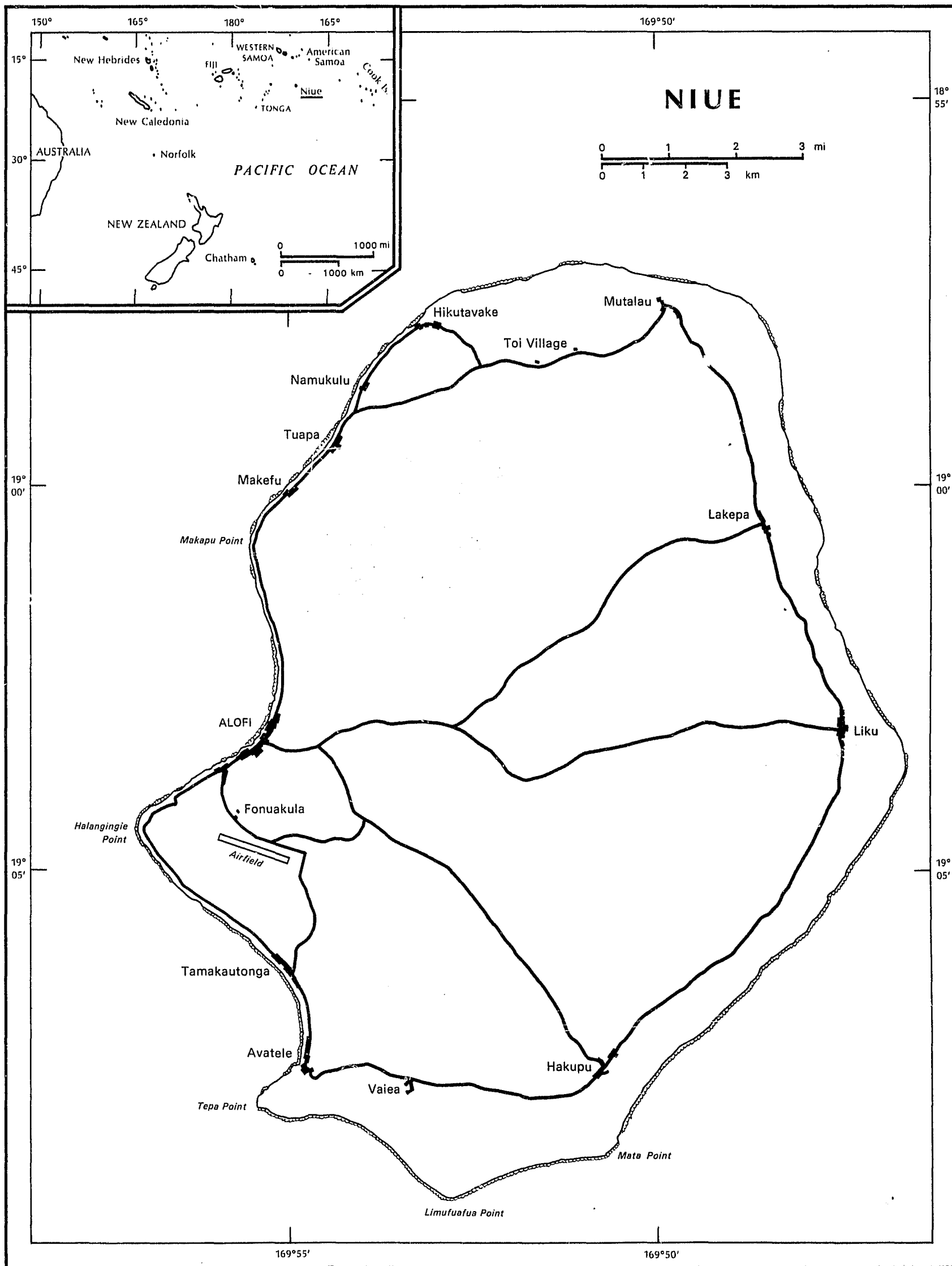
- * Complete one portion only of the ballot paper, either English or Niuean but not both.
- * Read carefully the "Instructions to Voter" printed on the ballot paper.
- * The ballot paper instructs the voter to STRIKE OUT one answer.

Strike out
one answer only

Do you vote for self-government for Niue in free association with New Zealand on the basis of the Constitution and the Niue Constitution Act of 1974?	I vote Yes
	I vote No

Tamate taha
ni e tali

Vili nakai a koe ke he Fakatufono Pule Fakamotu ma Niue ke he puhalala kua ataina e fakafetuiaga mo Niu Silani ha ha he Fakatufono Fakave mo e Matapatu Fakatufono Fakave a Niue 1974?	Vili au Nakai
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Annex II*

TELEGRAM DATED 17 OCTOBER 1974 FROM THE CHAIRMAN OF THE SPECIAL
COMMITTEE ADDRESSED TO THE HONOURABLE ROBERT R. REX, LEADER OF
GOVERNMENT, NIUE

On behalf of the United Nations Special Committee on Decolonization, I have the honour to convey the Committee's warmest greetings and congratulations and my own to the Government and people of Niue on this historic occasion of accession to full self-government. In sharing your happiness, I wish to extend best wishes for peace and prosperity in Niue. With confident hope that under its new Constitution and your able leadership Niue will contribute significantly towards harmony and co-operation among all the peoples of the South Pacific. Warmest personal regards and highest consideration.

Salim Ahmed SALIM

Chairman

Special Committee on the Situation
with regard to the Implementation
of the Declaration on the Granting
of Independence to Colonial
Countries and Peoples

* Previously issued under the symbol A/AC.109/467.

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