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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific Regional Seminar on the implementation of the Second  
International Decade for the Eradication of  
Colonialism: priorities for action

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STATEMENT BY

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Tulou! Tulou! Tolou!

Mr Chairman.

Excellencies.

Ladies & Gentlemen.

A warm Tokelau greetings and good morning to you all.

Firstly, I would like to thank God for this opportunity to be here and address this Special Committee on Tokelau's decolonization process.

I would like to acknowledge and express my appreciation to this Committee for the invitation and financial support provided to me. I am humbled by the Committee's vision and foresight which remains a pillar and strength in ensuring humanities greatest measure of achievement - the right to self government.

I would also like to thank the Government of Fiji for their hospitality and willingness to host this very important Seminar. In the same token I convey my well wishes for a stable political recovery for our brothers and sisters in Timor Leste who were unable to host this event earlier in the year.

Today is a very important day for this Committee as it intends to further map its strategy in the work on decolonisation. A lot of work has been done and huge sacrifices made around the world to ensure that decolonisation remains real in our stride and importantly is made possible for all people. Let me take this opportunity to commend the Special Committee for your industrious task and pray that you will continue to persevere on your very important role.

Mr Chairman, I convey my appreciation to all the statements made during this morning's opening session. I am humbled by the reference made in the Secretary General's message, as delivered by Ms Karina Gerlach, to this Seminar in regard to Tokelau. However what strikes me more is the accuracy of the Secretary General's assessment of Tokelau's decolonisation process when stating that "[t]he path followed by this small Pacific Territory [Tokelau], with the assistance of the administering Power, New Zealand, is an example of what can be achieved when there is political will and close cooperation between all parties concerned." Tokelau believes that the close cooperation between territories and the administering power together with a firm commitment by the UN as a referee is vital for a sustainable self governing process.

At this juncture Mr Chairman, I would like to acknowledge the presence of the Administrator of Tokelau, Mr David Payton, who is present on behalf of the Government of New Zealand - Tokelau's administering power. It is through the support and understanding from the Government of New Zealand that Tokelau has continued to gain its strength in its path towards

self determination. Tokelau from the very beginning considered it vital to retain the warmth and the spirit of its relationship with New Zealand to be able to assist and support Tokelau's nation building. I urge members of the administering powers and territories to build closer cooperation for a peaceful and stronger self governing future. Any move towards self determination without an administering power's support and cooperation would be to put the decolonisation process a step closer to the rim of fire.

In June 2006 when I addressed the Special Committee in New York I did report that the referendum proposal for Tokelau to become a self-governing state in free association with New Zealand on the basis of a Constitution and a Draft Treaty was rejected in the February 2006 Referendum.

The result was clearly a disappointment for me and the 60% of the voters who supported the proposal including the institutions of the 3 Councils of Elders, the General Fono and the Council for the Ongoing Government of Tokelau. Though 60% of the total voters supported the proposal, the amount of votes required under the law for the proposal to be accepted was 66% plus one. Therefore the proposal was rejected.

Mr Chairman, in this context why then did Tokelau appear to hesitate in its February 2006 Referendum. One reason may be that the Tokelau's situation is not a typical one. Tokelau is a colony, but has never known a coloniser's presence on its land. Indeed the strongest presence of that kind was when the New Zealand Administration of Tokelau was based in Samoa. Even that was distant and, to use the usual phrase, "light handed".

Let me reassure this Committee that Tokelau deeply treasures the right to self determination and is committed to the goal of decolonisation. In this regard I would like to formally advise the Special Committee of the General Fono's consensus decision in August 2006 to hold a second Referendum on Tokelau's self determination in November 2007. Voters in this second Referendum will be provided the same proposal - for Tokelau to become a self-governing state in free association with New Zealand on the basis of a Constitution and a Draft Treaty. The Constitution and a Draft Treaty commonly referred to as the "Self determination Package" will be the same and the legal threshold for the proposal to be accepted will remain at 66% plus one.

Tokelau is mindful of how important and critical the November 2007 Referendum will carry in light of the "not so long ago" February 2006 Referendum results. This is definitely a challenge for Tokelau and the Government of New Zealand as the administering power. While it is important to draw from other decolonisation experiences around the globe - the right to self determination should be viewed and supported in its unique context. It is important to realise and respect Tokelau's political will when it

decided to hold a second referendum on the same proposal and framework in November 2007.

Tokelau draws its strength to decolonize from its current relationship with New Zealand. In November 2003 both Tokelau and the Government of New Zealand signed a "**Joint Statement of the Principles of Partnership between New Zealand and Tokelau**" (Joint Statement). The Joint Statement articulated the principles underpinning the partnership and each Partner's expectations of the other, the Partners hope to create a framework within which they can work together to maximise the benefits of the relationship, the wish to strengthen cooperation between Tokelau and New Zealand, and to provide a firm foundation for ongoing and constructive dialogue about their relationship. The Joint Statement also looks forward, recognising that Tokelau has the right to self-determination, and that New Zealand has a responsibility to facilitate that process in Tokelau's best interests.

The Joint Statement between Tokelau and New Zealand was further strengthened by the **Economic Support Arrangement** in 2004 which provides a framework in relation to the provision of New Zealand's economic support to Tokelau. In preparation for further budget talks Tokelau has identified its key priorities as Village Development, Health, Education, Transport (Shipping), ICT and Economic Development. Tokelau and New Zealand are continuously working together to ensure that the infrastructure and services in Tokelau are brought to a satisfactory standard - which basically one that befits the people of Tokelau as citizens of New Zealand.

The economic support provided by New Zealand under the Arrangement would be separate from any contribution that New Zealand makes to the Tokelau International Trust Fund - an intergenerational fund for Tokelau established by Tokelau and New Zealand. Tokelau from its slim resources has itself contributed significant amounts to that Fund. The Fund is going from strength to strength; it now stands at NZ\$27million. Its revenue earning capacity will be a major source of security to the people of Tokelau in the future. The Fund of course can do better and be even stronger. Tokelau will continue to contribute to it as it has in the past. I invite all present also to consider contribution or supporting directions to this Trust Fund - a secure and guaranteed investment for the future of Tokelau. Please give it your sincere consideration and Tokelau would welcome and look forward to all your support.

The relationship between Tokelau and New Zealand reached another level in July 2004 when the Administrator of Tokelau delegated his powers jointly to all the villages of Tokelau and cooperatively with the other villages of Tokelau and in the interests of Tokelau. The powers were further delegated to the General Fono. Since the delegation of powers the Administrator has continued to support and monitor the exercise of these powers in Tokelau.

Two weeks ago Mr David Payton visited Tokelau for the first time as the Administrator of Tokelau since his appointment in September 2006. The visit was solely to familiarise himself to the environment in Tokelau and to sit and listen to the 3 Councils of Elders of the villages on their needs and concerns towards the future of Tokelau. The Administrator committed to push Tokelau's issues to the highest level within the New Zealand Government structure. This pattern which has also been continuously carried out by former Administrators of Tokelau reinforces the commitment and responsibility of the Government of New Zealand to promote and attend to the wellbeing of Tokelau.

Mr Chairman, at this point Tokelau would also like to highlight UNDP's support for Tokelau's path towards self determination. As Tokelau's second largest donor, UNDP supports Tokelau's development in the areas of Good Governance, Sustainable Development, ICT and the Environment. Last year UNDP and Tokelau jointly funded the Referendum preparatory activities to the amount of US\$230,000 of which US\$110,000 was funded by UNDP. Tokelau looks forward to further financial assistance from UNDP for the November 2007 Referendum.

Tokelau's is also a member to various organisations in the Pacific region. Membership with other organisations like the Pacific Islands Forum has been restricted to an observer status until such time Tokelau is self determined. Last week, Tokelau hosted 10 regional and international organisations in Tokelau. The visit was a first where UN organisations including UNDP, UNIFEM, UNICEF, WHO, UNESCO and regional bodies such as the South Pacific Community (SPC), the Secretariat of the Pacific Regional Environment Programme (SPREP), the Secretariat for the Pacific Applied Geoscience Commission (SOPAC), the South Pacific Board of Educational Assessment (SPBEA), the University of the South Pacific (USP), and the USP PRIDE Project all worked together to develop a joint mission report and strategy for Tokelau. It is envisaged that a **Joint Draft UN and CROP Agencies Strategy for Tokelau 2007-2010** will be released by late February 2007 for initial discussions with Tokelau. It is envisaged that the strategy would avoid a piecemeal approach to Tokelau's development programmes.

Mr Chairman what I have just highlighted to this Seminar are some of the reasons behind Tokelau's strength and courage towards an act of self determination.

In moving forward Tokelau is cautious that the unique relationship between Tokelau and New Zealand is completely captured in the Referendum Package that will be put to vote for the second time in November 2007.

The latest mission of the Special Committee on Decolonisation to Tokelau was in 2002. It is evident that there had then been significant development in self-government in Tokelau. For its part the Visiting Mission emphasised the need for dedicated shipping, commented on progress with the 24 hour power project, and on the telecommunications system. The mission report also commented on the need to "strengthen unity" at a national level. And finally and significantly perhaps with the benefit of hindsight, the Mission reported on the difficulties it had had both in Tokelau and with the Tokelauan community in New Zealand in explaining the three options available to Tokelau and also the fact that an act of self-determination would not necessarily "entail a severing of links with the administering power".

There is clearly much that may still be done in terms of strengthening governance at the village level and also much that may be done to respond to the call of the 2002 Mission to strengthen unity at the national level.

On the positive side of the ledger, Tokelau has substantially avoided external organisations that might undermine its culture. The General Fono developed the rules for constitution and collected those rules in the document of that name for the purposes of the February 2006 vote. Following the vote the former collation of those existing rules in a single document called "The Constitution" was confirmed. A decision on the flag, a national symbol, and an anthem should be determined in April 2007.

The fear of future neglect was a matter that attracted considerable attention in the course of negotiation of the self-determination package. Both the "Joint Statement" and the "Economic Support Arrangement" between Tokelau and the Government of New Zealand appear in the self-determination package in an evolved form and go a substantial way to addressing the concern about possible future neglect.

A legislative power was granted to the General Fono in 1996 and has even though limited in nature proved no practical impediment to the General Fono in its law reform endeavours. The technical impediments in the grant of law-making power were programmed for removal at the time of self-determination. Communications remain difficult. In particular no decisions have yet been made to settle the maritime transport issues. The current charter arrangement is insecure in that the Samoa ship used is not always available to meet Tokelau's need and further the ship (an inter-island car ferry with overnight accommodation) is not designed or suitable for the ocean going voyages for several days for passengers and cargo to Tokelau.

The treaty package agreed with New Zealand would have provided for the continuation of the present judicial links with the judiciary of New Zealand, for Tokelau to be internally self-governing but to remain part of the Realm New Zealand under the Crown in right of New Zealand, for the current

financial support system to be the base for the future, and also for a system of greater clarity in respect of a continuing administrative support from New Zealand government agencies, health and education access and citizen ship rights and support on international relations matters was assured.

Three external boundaries remain to be settled, and the crucial relationship between Tokelau and Samoa remains to be formalised. Mr Chairman, on this note I would like to remind the Special Committee of my statement in 2000 concerning Tokelau's position on Olohega or Swains Island as it is commonly referred. Tokelau will continue to educate its children about Olohega and its ties to Tokelau. We do not want our children to forget about Olohega. Some of our people still living today were born on that island. Olohega is a part of our lives and our identity as people of Tokelau. For Tokelau to forget about Olohega will be to forsake our identity - our songs and dances, our language and cultural heritage. Olohega or Swains Island is a part of us and we are a part of it.

By way of summary therefore there are a number of matters which remain on the table for consideration from the Tokelau perspective on decolonisation: internally work continues on village governance and strengthening unity at the level of national government. Externally the material conditions of communication remain the most obvious and most commented upon issue. Settling the maritime boundaries and formalising the relationship with Samoa are also significant matters both to governance and to the better management of the Tokelau EEZ.

Last but not least I wish to refer again to our development towards an act of self-determination. Earlier this month the Council for the Ongoing Government agreed to a timeline of activities leading towards the 2007 Referendum. The timeline and activities were done in various consultations with the unique needs of each village following lessons learnt from the February 2006 Referendum. A team in each village will be trained in January 2007 on the issues pertaining to the self determination options, package and further details to ensure the continuous flow and presence of information on self determination in the villages for all the institutions including NGOs' and members of the community.

Mr Chairman it is my hope that the Ulu o Tokelau for 2007 will report to you significant progress next year. In concluding I would again need to acknowledge the support from the Government of New Zealand. I would also like to thank members of the Special Committee for this opportunity and its message of encouragement on Tokelau's path towards self-determination.

Ke ola te Komiti Fakapitoa.  
Malo ma fakafetai.