



United Nations Educational,
Scientific and Cultural Organization

Executive Board

EX

Hundred and forty-second Session

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Item 9.5 of the provisional agenda

**REQUEST FOR THE ADMISSION OF NIUE
AS A MEMBER OF UNESCO**

1. By letter dated 20 August 1993 addressed to the Director-General, His Excellency Mr F.F. Lui, Premier of Niue, applied on behalf of his government for the admission of Niue to the United Nations Educational, Scientific and Cultural Organization (Annex).
2. In accordance with Rule 92 of the Rules of Procedure of the General Conference, this application is accompanied by a statement that Niue is willing to abide by the Constitution, to accept the obligations contained therein and to contribute to the expenses of the Organization.
3. Under the terms of Article II, paragraph 2, of the Constitution of UNESCO, States not members of the United Nations may be admitted to membership of the Organization, upon recommendation of the Executive Board, by a two-third majority vote of the General Conference. As Niue is not a member of the United Nations, it is the responsibility of the Executive Board to make a recommendation to the General Conference concerning the application for membership.

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ANNEX

GOVERNMENT OF NIUE
Fakatufono Niue

Cable: Secretary
Phone: 200

Office of the Premier
P.O. Box 40
Niue

20 August 1993

The Director-General
United Nations Educational, Scientific
and Cultural Organization
7 place de Fontenoy
75700 Paris
France

Dear Director-General,

I refer to the application filed by Niue dated 2 August 1993 seeking Associate Membership of UNESCO. My government has considered its position further, and now wishes to amend its application for Associate Membership in UNESCO to one seeking *full membership*. In all other respects the details provided in the application remain unchanged, and I believe are supportive of the application for full membership.

I reaffirm the commitment of the Niue Government to meet all the obligations enshrined in the Constitution of UNESCO and my government pledges and undertakes to abide by its provisions. My government also accepts and agrees to contribute to the expenses of the Organization as a full member as required by the Constitution of UNESCO.

I submit, Sir, my very best wishes and kindest regards and the assurances of my government's highest consideration.

F.F. Lui (signed)
Premier

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GOVERNMENT OF NIUE
Fakatufono Niue

Cable: Secretary
Phone: 200

Office of the Premier
P.O. Box 40
Niue

2 August 1993

The Director-General
United Nations Educational, Scientific
and Cultural Organization
7 place de Fontenoy
75700 Paris
France

Dear Director-General,

My government has for sometime considered the question of becoming a member of UNESCO. Having now given the matter detailed consideration, it is my honour to formally submit to you on behalf of the Government of Niue an application for membership as an Associate Member in UNESCO. It would be Niue's intention to seek full membership at a later date.

Niue is a self-governing State in free association with New Zealand. The people of Niue freely chose that status in preference to that of full independence or of political integration with New Zealand. The General Assembly of the United Nations recognized Niue's act of self-determination in resolution 3285 (XXIX) on 13 December 1974. As a self-governing State, Niue takes its place as a full member of the South Pacific Forum along with other independent and self-governing States in the Pacific.

The Constitution of Niue establishes a 20-member Assembly which has full lawmaking powers in all matters. A Cabinet of four ministers comprising the Premier elected by the Assembly, and three other ministers appointed by the Premier has executive responsibility. The New Zealand Parliament has no power to make law in respect of Niue on any matter except with the express request and consent of the Niue Government. The Constitution itself is able to be amended only by the Niue Assembly by a special procedure and subject to confirmation by the people in a referendum.

In light of the provisions of Article II of the Constitution relating to UNESCO, I respectfully submit the following comments in support of Niue's right to make application to join UNESCO in its own right. I add at this point that New Zealand fully supports the application by Niue to join UNESCO. That support will be submitted at the meeting of the General Assembly at which Niue's application is considered. The Statute which brought the Constitution of Niue into force sets out the elements of the association between Niue and New Zealand. That Statute is the Niue Constitution Act 1974 and it requires as part of the arrangement between Niue and New Zealand for the Government of New Zealand to have a continuing responsibility for the provision of necessary economic and administrative assistance

to Niue. Further the responsibility for external affairs and defence is expressed to remain the responsibility of New Zealand. However, it is important to stress in relation to these provisions that the responsibilities of New Zealand for the external affairs and defence of Niue do not confer on the New Zealand Government any rights of control. Full legislative and executive powers whether in these fields or in others are vested in the legislature and Government of Niue. Where the New Zealand Government exercises its responsibility in respect of external affairs and defence it does so in effect on the delegated authority of the Niue Government.

Niue accordingly has full constitutional capacity to conduct its own external affairs and to enter into treaties and has on occasions done so especially at the regional level. Further, New Zealand has encouraged acceptance of Niue's participation in its own right in relevant international meetings, organizations and treaties. Moreover, since November 1988 New Zealand Treaty action does not extend to Niue unless it is expressly so extended with Niue's consent. This position is formally stated in a New Zealand Declaration lodged with the Secretary-General of the United Nations and dated 10 November 1988. Since becoming a self-governing State in free association with New Zealand in 1974, Niue has steadily expanded and developed its foreign relations in line with its limited resource capabilities and the increased need for closer co-operation with other countries in regions across a broad spectrum of activities. For example, Niue is a member of the South Pacific Forum, the paramount political body in the region and a founding member of the South Pacific Commission. It has played an active role in the Forum's deliberations as well as the two major regional organizations established by the Forum, the Forum Secretariat and the Forum Fisheries Agency. Niue is also looking at other organizations that it could become a member of, in particular the World Health Organization, and the Asian Development Bank, and other similar bodies. Niue has entered into treaties in its own right and in particular is the depositary of the Niue Treaty a Treaty on Co-operation in Fisheries Surveillance and Law Enforcement in the South Pacific region. That Treaty was opened for signature at Honiara Solomon Islands on 9 July 1992.

Over the last year or so my government has considered with interest UNESCO activities in the various fields within its mandate. Those fields are all of primary importance to my government, and my government is convinced that Niue is in a position not only to contribute effectively to the work of the Organization but also to benefit from the assistance which UNESCO offers countries such as Niue.

Having studied UNESCO's Constitution, my government pledges and undertakes to abide by its provisions and accept all the obligations enshrined in that Constitution. It also accepts and agrees to contribute to the expenses of the Organization.

It is respectfully requested that you will submit this application of Niue for membership to the Executive Board and to the 1993 session of the General Conference of UNESCO. I express the hope that this application to join UNESCO will receive the favourable consideration of the General Conference. Niue will be sending a delegation to attend the General Conference in support of its application, and will be assisted in this by the New Zealand Embassy in Paris.

Sir, I attach for the information of the General Conference a report submitted by the Government of Niue of 1992 in respect of the International Covenant on Economic, Social and Cultural Rights. This summarizes in greater detail Niue's background, constitutional status

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and legal structure. My government would be more than happy to provide any further information that may be required to enable the General Conference to give proper and detailed consideration to the application submitted by my government.

I submit, Sir, my very best wishes and kindest regards and the assurances of my government's highest consideration.

F.F. Lui (signed)
Premier