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No. 21
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DECOLONIZATION



A publication
of the United Nations Department of Political Affairs,
Trusteeship and Decolonization

No. 21
December 1984

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ISSUE ON THE COCOS (KEELING) ISLANDS

CONTENTS

	<u>Page</u>
I. INTRODUCTION	3
II. BACKGROUND INFORMATION ON THE TERRITORY	3
A. General	3
B. Historical outline	3
III. CONSTITUTIONAL AND POLITICAL DEVELOPMENT	5
A. Early period of Australian administration	5
B. Reforms of the 1970s	7
C. Exercise of the people's right to self-determination	8
IV. ECONOMIC CONDITIONS	11
A. General	11
B. Co-operative Society	12
C. Agriculture and livestock	12
D. Transport and communications	13
E. Public finance	13
F. Labour	14

V.	SOCIAL AND EDUCATIONAL CONDITIONS	14
A.	Public health	14
B.	Housing and other amenities	15
C.	Education	15
VI.	ACTION BY THE UNITED NATIONS	16
A.	Background	16
B.	First United Nations visiting mission, 1974 .	17
C.	Second United Nations visiting mission, 1980 .	19
D.	Mission to observe the act of self- determination, 1984	20
Annex:	General Assembly resolution 39/30 of 5 December 1984	26
Map:	Cocos (Keeling) Islands	

I. INTRODUCTION

In a referendum held on 6 April 1984 and observed by the United Nations, the people of the Cocos (Keeling) Islands exercised the right to self-determination which is guaranteed by the Charter of the United Nations. This bulletin traces the history of the Territory from the establishment of the first settlement in 1826 through 1984, when its inhabitants chose to integrate with Australia.

The United Nations was closely associated with the process leading to the historic act of self-determination in the Cocos (Keeling) Islands. Its participation in this process culminated with the adoption of General Assembly resolution 39/30 of 5 December 1984 (see annex), in which the Assembly concluded that the people of the Cocos (Keeling) Islands, by choosing integration with Australia in a freely conducted referendum, had exercised their right to self-determination in accordance with the principles of the Charter of the United Nations.

II. BACKGROUND INFORMATION ON THE TERRITORY

A. General

The Cocos (Keeling) Islands are situated in the Indian Ocean, approximately 2,770 kilometres north-west of Perth and 960 kilometres south-west of Java Head, the western extremity of Java, Indonesia. The group consists of 27 small coral islands forming two separate atolls and has a total land area of about 14 square kilometres. West Island, which is approximately 10 kilometres long and about half a kilometre wide, is the largest of the group.

The climate is moderate and influenced by the south-east trade winds for about nine months of the year. Soil on the islands is mainly a composition of coral clinker.

West Island and Home Island are the only islands inhabited. The population at 30 June 1984 stood at 584, of whom 376 were Home Island residents and 208 West Island residents. The Home Island residents are Cocos Malays, while the West Island residents are government employees on postings of one or two years.

B. Historical outline 1/

North Keeling, the isolated northern atoll of the Cocos (Keeling) group, is believed to have been discovered in 1609 by Captain William Keeling of the East India Company. By the mid-seventeenth century the whole group had been charted, but the islands remained uninhabited until 1826, when the first settlement was established on the main atoll by an English merchant and adventurer named Alexander Hare. The settlers,

numbering some 100 men, women and children, were freed slaves bound to Hare by ties of servitude, obligation and family. Predominantly of Malay origin, with an admixture of Chinese, East Africans, Papuans and others, they were the forebears of the present Cocos Malay people.

In 1827 Captain John Clunies-Ross, a Scottish seaman and business associate of Hare, founded a second settlement consisting of his family and a dozen colonists recruited from England. In 1831 Hare departed, leaving Clunies-Ross and his family as de facto rulers of the entire island group. Clunies-Ross assumed control of Hare's establishment and proceeded to develop a copra industry from the abundant palm trees covering the islands. Coconut oil and copra were exported to Mauritius and later to Singapore and elsewhere, while the palm fronds and fibrous coconut husks were fashioned into mats, ropes, baskets and other objects for local use.

In the early years of the settlement John Clunies-Ross augmented the existing work force by recruiting indentured labourers from Java. He also made several appeals for annexation of the islands by Britain to prevent any other power from attempting to seize control. Finally in 1857, four years after the death of John Clunies-Ross, Captain Fremantle arrived at Cocos and formally declared the islands part of the British Dominions. Responsibility for the supervision of the islands was initially vested in the Government of Ceylon, but was transferred to the Government of the Straits Settlements in 1886 and to the Government of Singapore in 1903. These administrative changes, however, had little effect on the internal affairs of the Territory.

George Clunies-Ross, the grandson of the settlement's founder, ruled the islands from 1871 to 1910. Trained as an engineer at a Scottish university, he had come to Cocos in 1862 to help repair structural damage from one of the severe tropical storms which struck the islands every 10 to 20 years. By introducing European tools and machinery to the community and initiating a more industrialized approach to copra production, his administration provided the basis for the economic prosperity of the Clunies-Ross estate.

On 7 July 1886, Queen Victoria issued a royal indenture 2/ granting "in perpetuity" all land on the islands above the high-water mark to George Clunies-Ross and his heirs, but reserving to the Crown the right to resume possession of any or all parts of the land for public purposes.

In 1885 the population comprised some 380 Cocos-born Malays and 140 indentured labourers from Java. The recruitment of Javanese workers was eventually discontinued, but those already in the islands were encouraged to stay and integrate with the Malay population.

The way of life on Home Island changed little in the first half of the twentieth century. The Cocos Malay people were completely dependent for their livelihood on the Clunies-Ross estate, which provided housing and a minimal living wage from the profits generated by copra exports. While some Cocos Malays were trained as carpenters, boat-builders and blacksmiths, for the majority a day's work consisted of husking and carrying some 500 coconuts. All of the land remained in the possession of the Clunies-Ross family, but small tracts were granted to heads of household for coconut cultivation and could be passed from father to son. Serious crime was rare.

In 1951 the Australian Government bought 148 hectares of land on West Island from the Clunies-Ross estate. An airfield was constructed on the site to serve as a refuelling stop for flights from Australia to South Africa. In addition, the construction team built a power system, radio transmitters, living quarters, a hospital, stores, workshops and other facilities. International flights were terminated in 1967, but the airfield is still used for charter flights bringing visitors and goods from the Australian mainland.

By the end of the Second World War, the Cocos Malay population had reached some 2,400, which was a far greater number than the Clunies-Ross estate could support. Between 1948 and 1951, about two thirds of the islanders, including so-called "troublemakers", were resettled under a controlled migration scheme at the joint expense of the Clunies-Ross estate and the Government of Singapore. Most were moved to North Borneo (now Sabah State, Malaysia), but some joined relatives in Singapore or accepted employment on Christmas Island. In 1958, a further 109 Cocos Malays emigrated to Christmas Island, many of whom subsequently moved to Australia.

In 1975, a considerable interest developed in direct migration to Australia. By 1978 some 234 persons, or 46 per cent of the mid-1975 population, had left the Territory. From 1979, however, the migration pattern was reversed as a number of Cocos Malays returned to the Territory from Singapore, Australia and Malaysia.

III. CONSTITUTIONAL AND POLITICAL DEVELOPMENT

A. Early period of Australian administration 1/

On 23 November 1955, the islands were detached from the crown colony of Singapore and accepted by Australia as a Territory. The transfer was effected by an Order-in-Council made by Queen Elizabeth II under the Cocos Islands Act 1955 of the United Kingdom of Great Britain and Northern Ireland, and by the Cocos (Keeling) Islands Act 1955 of Australia.

Under the terms of the Australian act, 3/ the laws of Singapore in force in the islands immediately before the date of transfer continued to apply, subject to their amendment or repeal by subsequent Australian legislation. Furthermore, the Governor-General of Australia was empowered to make ordinances for the peace, order and good government of the Territory. Generally, Australian laws did not apply to the Territory unless expressly indicated in the relevant legislation.

The act also provided that the institutions, customs and usages of the Malay residents of the Territory would be permitted to continue in existence under the Australian Administration.

Until the early 1970s the Australian Government appeared to follow a policy of non-interference in the affairs of the Home Island community, and the Territory received little attention in Australia outside the Government departments concerned with its administration. This situation changed abruptly when newspapers reported in August 1972 that a neo-feudal régime existed on Home Island under the unrestricted authority of John Clunies-Ross.

The press articles indicated that Mr. Clunies-Ross provided a sub-standard level of education in the Territory; paid an average wage equivalent to \$A 2.00 per week in plastic tokens which could only be redeemed at the estate store; and forbade Cocos Malays from leaving the island. Appeals against the decisions of the Imarat Pulo (Island Council of Headmen), composed of six elders together with Mr. Clunies-Ross and his estate manager, were decided by Mr. Clunies-Ross as the final authority. Cocos Malays living on Christmas Island were said to have heard from relatives on Home Island that the people there were unhappy with their lot.

The Minister for External Territories of Australia visited the islands in September 1972 to assess the situation. The Minister held extensive discussions with Mr. Clunies-Ross, examined the operations of the estate on Home Island and talked with individual members of the community and the Council of Headmen. Among the possible reforms the Minister discussed with Mr. Clunies-Ross were employment of trained English teachers at the Home Island school; formalization of the customary administrative and judicial procedures; and provision for the election of a chief executive and for appeals to an outside judicial authority.4/

As a result of the parliamentary elections held on 2 December 1972, control of the Australian Government passed from the Liberal-Country coalition to the Labour Party. In April 1973, the new Minister for External Territories made a three-day trip to the Cocos (Keeling) Islands similar in purpose to that of his predecessor. In his statement to the press upon returning to Canberra, 5/ the Minister raised the possibility of formalizing

the autonomy which the community had theretofore exercised, subject to conditions that would ensure the ultimate objective of self-government. He added that such conditions would necessarily include the election of representatives responsible to the community.

B. Reforms of the 1970s

At the invitation of the Australian Government, a United Nations mission visited the Territory in August 1974. The Mission observed in its report 6/ that Mr. Clunies-Ross, known as Tuan (Master) John, exerted complete control over the affairs of the people, who were totally dependent on the estate economically, socially and otherwise. Since Mr. Clunies-Ross had given no indication that he was prepared to abandon the feudal relationship between himself and the Cocos Malay community, the Mission suggested, as a first step towards separating the community from the estate, that the Government purchase for public use the land on which the people were housed. The Mission also urged the introduction of a more democratic political life in the Territory based on free elections. In the economic realm, the Mission recommended that the plastic tokens used as currency on Home Island be replaced by the Australian dollar. (The Mission's recommendations are described in greater detail in chapter VI below).

The Australian Government took a number of measures designed to give effect to the Mission's recommendations. A start was made in the gradual involvement of the Malay community in the political process with the establishment of an appointed interim Advisory Council which was intended to become a fully elected body. The creation of the Council was opposed by Mr. Clunies-Ross, who initially succeeded in persuading those members of the Imarat who had been appointed to it to resign their seats.

The first elections to the Advisory Council were held in March 1978 and, under the Local Government Ordinance 1979, the interim Advisory Council became the Cocos (Keeling) Islands Council on 25 July 1979. The Council was empowered to exercise a wide range of functions in the Home Island village area, to advise the Administrator on any other matter affecting the Territory and to comment on all proposed legislation for the Territory.

On 31 August 1978, the Government purchased from John Clunies-Ross, at a cost of \$A 6.25 million, all of his property interests in the Territory except the family residence on Home Island and a surrounding tract of land measuring some five hectares. In the following year, the administering Power transferred ownership of the village area of Home Island to the Cocos (Keeling) Islands Council. It leased the plantation lands

at a nominal rental to the newly formed Cocos Islands Co-operative Society, Ltd., which began operating the copra plantation under the direction of an eight-member Management Committee.

The Australian dollar was introduced as the only official currency on Home Island in 1978, replacing the plastic tokens circulated by the Clunies-Ross estate. In the field of education, an ordinance was enacted in August 1980 providing for free compulsory education for children between the ages of 6 and 15 years.

C. Exercise of the people's right to self-determination

A second United Nations mission visited the Territory in July 1980 to assess the progress achieved since 1974 and make further recommendations concerning the political, economic and social advancement of the Cocos Malay people (see chapter VI below). In a series of discussions held at Canberra, representatives of the administering Power informed the Mission that the Australian Government was taking steps to ensure that the people of the Territory would be in a position to decide their own political future. It was, however, not only a matter of political awareness, but also of education, the promise of economic viability and development of the people's cultural identity.

During a trip to the Territory in November 1982, the Australian Minister for Home Affairs and Environment discussed with the community leaders the possibility of holding a referendum to determine what political status the people desired. In the course of the discussions, the Minister described the general elements of the three options which would be presented to the community in accordance with the provisions of General Assembly resolution 1541 (XV) of 15 December 1960, namely: (a) emergence as an independent sovereign State; (b) free association with Australia; or (c) integration with Australia.

Following consultations with the community, the Chairman of the Cocos (Keeling) Islands Council informed the Minister in December 1982 that the community believed it could not proceed with an act of self-determination in full confidence until it knew what the Australian Government intended to do about the presence of John Clunies-Ross in the Territory. He pointed out that, in spite of the Government's acquisition of most of Mr. Clunies-Ross's land in 1978, he continued to interfere in the affairs of the community and to wield undue influence in economic matters such as shipping, employment and the provision of goods. The community therefore wished the Government to take steps to remove Mr. Clunies-Ross from the Territory.

Elections for the Australian Parliament in March 1983 resulted in a change of administration from the Liberal-Country coalition to the Labour Party. After a visit to the Territory in April, the new Minister for Territories and Local Government recommended that the Government acquire the remainder of Mr. Clunies-Ross's property interests under the provisions of the Lands Acquisition Act and turn the land over to the Council. That action would have the practical effect of removing Mr. Clunies-Ross from the Territory.

In September 1983, the leaders of the Cocos Malay community informed the Minister that the people were now ready to undertake an act of self-determination and requested him to make the necessary arrangements. In October, the Minister transmitted to the community an "options paper" 7/ describing the three choices that would be presented to the people in accordance with General Assembly resolution 1541 (XV).

Briefly, the paper indicated that if independence were chosen, the Cocos Malay people would be completely responsible for all aspects of their lives, including foreign affairs and defence.

Under free association, the Cocos Malay community would negotiate an agreement with Australia whereby the latter would take responsibility for all matters relating to defence and relations with the outside world, while internal government, revenue-raising and the provision of services would be undertaken by the community itself.

If integration were chosen, the Cocos Malays would continue to be Australian citizens and would have all the rights and obligations associated with that status, including the obligation to pay taxes once the income level rose to the taxable threshold. The Australian Government would commit itself to raising the services and standard of living in the islands to the levels prevailing in Australia, in as short a time as possible. It would also place particular emphasis on education and economic diversification as a means of advancing the islanders' social and economic status, while continuing to respect their cultural and religious traditions. All appropriate Australian laws not already in force would be extended to the Territory, including social security and health legislation. The powers and jurisdiction of the Cocos (Keeling) Islands Council would be expanded so as to provide the greatest measure of self-government compatible with the Territory's status as an integral part of Australia.

In November 1983, the Minister for Foreign Affairs of Australia extended through the Secretary-General of the United Nations an invitation for a United Nations mission to observe the act of self-determination, which was subsequently scheduled for 6 April 1984. 8/

In December 1983, the community leaders informed the Australian Government that, on the basis of their traditional practice of arriving at decisions by thorough discussion and consensus, the people had already chosen the option of integration and did not need a referendum. When the Government explained the purpose of the secret ballot and the role of the United Nations mission in observing the referendum, the leaders agreed to participate in a formal act of self-determination.

The three options were discussed extensively by and among the community, the Cocos (Keeling) Islands Council and the Administrator of the Territory. There was also a political education campaign based on house-to-house visits by community leaders to explain the options and circulation of posters depicting the ballot and describing the voting procedure.

The vote was open to all persons 18 years of age and older who had maintained their principal place of residence on Home Island for the 12 months immediately preceding the referendum. Although the community leaders were disturbed that this provision afforded Mr. Clunies-Ross and his wife the right to vote, they agreed not to contest it. They also informed the United Nations Mission that Mr. Clunies-Ross had campaigned vigorously for independence using arguments they considered specious and misleading. 2/

The entire adult population of Home Island participated in the referendum. Of the 261 votes cast, 229 were for integration with Australia, 21 for free association and 9 for independence. There were 2 invalid ballots. The observations of the United Nations Mission concerning political education, the organization and conduct of the referendum and the results of the vote are summarized in chapter VI below.

Following the referendum, the Australian Government took measures to fulfil the commitments it had made to the Cocos Malay community in the "options paper" and in subsequent discussions with the community leaders.

First, the Cocos (Keeling) Islands were incorporated for electoral purposes in the Federal Division of the Northern Territory, giving the people full voting rights in federal elections. They would thus be represented in the Parliament by the Member for the Northern Territory but would also retain direct access to the Federal Government through the Minister for Territories and Local Government. In preparation for the federal elections held on 1 December 1984, the Australian Electoral Commission sent a team to the islands to conduct a programme of community electoral education.

The national health system and the social security programme were also extended to the islands. The recipients agreed that all social security payments, estimated at \$A 300,000 per year, should be made to the Cocos (Keeling) Islands Council for related purposes such as care of the aged and family programmes.

The Commonwealth Grants Commission, an independent expert body created to assess the special financial needs of the less populous areas of Australia, will evaluate the measures required to raise the services and standard of living in the islands to the levels prevailing on the Australian mainland.

The Government announced its intention to expand the powers and responsibilities of the Cocos (Keeling) Islands Council, and retained an adviser chosen by the Council to assist that body in the exercise of its functions.

On 18 September 1984, the Australian Government transferred to the Cocos (Keeling) Islands Council ownership of the plantation lands which it had previously leased to the Co-operative Society at a nominal rental. As mentioned above, the Government had also been seeking to acquire the remaining property on Home Island held by John Clunies-Ross, with the intention of turning it over to the Council. Mr. Clunies-Ross, however, had taken legal steps to resist the acquisition and in October 1984 won a favourable ruling from the High Court. The Court found that the Government could not acquire Mr. Clunies-Ross's remaining land under the Lands Acquisition Act without a "direct public purpose". ^{10/} The Government is expected to take further legal action on the matter.

Other measures initiated by the Australian Government for the benefit of the Cocos Malay community are described in the following chapter.

IV. ECONOMIC CONDITIONS

A. General

The commercial life of the Territory is based principally on the production and export of copra; catering, accommodation and stevedoring services for the West Island community; and contract work undertaken for the Shell Company (Pacific Islands), Ltd., which has a bulk fuel storage facility on West Island.

In talks with the Commonwealth Grants Commission in September 1984, the Cocos Malay leaders expressed apprehension about the long-term economic prospects of the community. The volume of copra exports had declined steadily over the previous five years, and the price of copra remained low. As the copra industry could not furnish a viable economic base for Home Island, the community felt it important to identify alternative activities for the future.

The Australian Government, long aware of this concern, has sponsored a number of studies in recent years on the potential for diversifying the Territory's economy. A preliminary study on economic self-sufficiency, conducted in mid-1984, identified poultry-raising, field production of selected vegetables and

wind-driven electricity generation as possible means of increasing the people's capacity to meet their own consumption needs. A more comprehensive investigation is now underway.

B. Co-operative Society

The Cocos Islands Co-operative Society, Ltd., created on 16 January 1979, has some 170 members and is administered by a Management Committee of eight members elected for two-year terms. The Co-operative Society operates the copra plantation on Home Island; undertakes contract work for the government authorities and the Shell Company; provides a work force for the loading and unloading of ships; and runs a shop on Home Island which carries imported foodstuffs, clothing and a variety of other goods. It distributes its profits annually to its members in consultation with the Islands Council, with a certain amount retained within the business. The Society registered net profits of \$A 452,771 in 1982/83 and distributed \$127,454 to its members as dividends. The Australian Government provides a Co-operative Adviser and an Assistant Adviser to assist the Society in its day-to-day work.

In October 1983, the administering Power transferred operation of the provisioning, catering and accommodation services on West Island from an Australian government body to the Co-operative Society. The purpose of the transfer was to offer the Co-operative Society opportunities for increasing its income as well as acquiring additional management skills.

C. Agriculture and livestock

The main cash crop grown in the Territory is coconut, which is processed to yield copra. The copra is produced by hot-air drying methods and is sold in Singapore. In 1983/84, exports amounted to 160 metric tons, compared to 165 metric tons in 1982/83.

Because of limitations imposed by soil quality, almost all of the Territory's fresh fruit and vegetables are imported, with a regular supply arriving on the weekly air charter service. However, some vegetables and fruits are grown and poultry raised on Home Island. The islanders catch fish for their own consumption in the lagoon and the open sea.

An animal quarantine station on West Island was officially opened on 5 November 1981 and has been fully operational since the arrival of the first shipment of cattle from North America on 30 November 1981. The station, which can accommodate 120 head of adult cattle at a time, was built by the Australian Government at a cost of \$A 6.4 million for cattle en route to Australia and is controlled by the Australian Department of Health.

Two Cocos Malays are employed at the station, where they receive training and work experience in livestock management and agriculture. The Australian Government has stated its commitment to hiring more Cocos Malays and increasing their role in the management of the station as they acquire the necessary skills and education levels.

D. Transport and communications

The Australian Department of Transport operates an airport, which has full radio facilities, on West Island. A charter service for passengers and freight, following a Perth/Cocos (Keeling) Islands/Christmas Island/Perth route, is conducted on a weekly schedule. Cocos Malays are entitled to half fare on the air charter, and an average of 10 per month visit the mainland.

The Australian Government arranges a shipping service to the Territory from Western Australia at intervals of several weeks. The ships carry cargo for the Co-operative Society and other consignees in the Territory, and often proceed to Singapore carrying copra consigned by the Co-operative Society. Since there is no wharf where ships can berth, vessels discharging cargo anchor clear of the main atoll or in the lagoon.

Postal services are provided by the Cocos (Keeling) Islands Postal Service, established on 3 September 1979. Profits from the Postal Service are paid to the Cocos (Keeling) Islands Council for the benefit of the community at large.

Imports are admitted free of customs duty. The Cocos (Keeling) Islands Act exempts from customs duty goods which are imported into Australia from the Territory, provided that the goods: (a) are the produce or manufacture of the Territory; (b) have been shipped to the Territory for export to Australia; or (c) are not goods which, if manufactured or produced in Australia, would be subject to a duty or excise tax.

Almost all households on Home Island have one or more jukongs (traditional sailing boats) for fishing and travel between islands. Many islanders also have small aluminium craft with outboard motors. Home Island has facilities for the building and maintenance of small boats.

E. Public finance

Expenditure on administration, capital works and services is financed by the Australian Government. Some revenue is raised locally from the postal service, aircraft landing and handling charges and miscellaneous sources. Expenditure has increased steadily in recent years from \$A 4.3 million in 1979/80 to an

estimated \$A 6.6 million in 1983/84, due mainly to the impact of policies for the benefit of the Cocos Malay community and to inflation of the Australian currency.

F. Labour

At 30 June 1984, the weekly wages paid by the Co-operative Society ranged from \$A 35.00 for copra processors under 18 years of age to \$A 60.00 for senior supervisors. Co-operative members also receive an annual dividend based on the number of hours they have worked over the year. At present the Home Island residents pay no rent, electricity or other municipal charges.

The administrative staff on West Island consists of employees recruited from the Australian mainland as well as Cocos Malays hired under contract with the Co-operative Society. The number of positions in the Administration occupied by Cocos Malays increased from 17 in 1982/83 to 24 in 1983/84.

V. SOCIAL AND EDUCATIONAL CONDITIONS

A. Public health

The Australian Government maintains a four-bed hospital on West Island. It is equipped to handle most surgical and medical emergencies and contains a small air-conditioned operating theatre, an X-ray unit and a clinical pathology laboratory.

A government medical officer and three nursing sisters provide health care for the Home Island community and for all staff and their dependents on West Island. One Malay-speaking nursing sister is resident on Home Island, where she provides clinical services and conducts public health and hygiene programmes. A second nursing sister for Home Island is now being recruited. Patients requiring treatment beyond the scope of the local medical facilities are evacuated to Perth.

A dental team from the Western Australian Department of Health and Medical Services visits the Territory each year, and an eye specialist is engaged periodically by the Australian Government to survey the optical health of the Cocos Malays and to arrange any necessary treatment.

B. Housing and other amenities

The dwellings on Home Island, consisting of two rooms with a detached kitchen, are constructed of pre-fabricated concrete. Work began recently on a 10-year development programme that includes construction of a community centre/cyclone shelter and progressive replacement of the Cocos Malays' houses. The Australian Government will provide \$A 8.0 million for the programme, and the Cocos (Keeling) Islands Council \$A 2.0 million. A large part of the construction work is being done by the Cocos Islands Co-operative Society.

Fresh water is provided on Home Island and West Island by wells that tap underground reservoirs; these are supplemented by rainwater tanks. A project to augment water reticulation and install a sewage system on Home Island is now near completion.

C. Education

Education in the Territory is free and compulsory for children between the ages of 6 and 15 years. There are two schools in the Territory, a primary school on Home Island with an enrollment of 60 students, and a combined primary and secondary school on West Island. Cocos Malay students of secondary school age are transported daily to classes at the West Island school. The Home Island students graduating from year 12 at the end of the 1984 school year will be the first members of the Cocos Malay community to complete secondary education.

The Home Island school is staffed by two Australian teachers and three Cocos Malay assistant teachers trained in Perth. The curriculum includes instruction in Cocos Malay language skills and places special emphasis on the geographic setting of the Territory and the role of the United Nations and its agencies.

The West Island school has a staff of six full-time and two part-time teachers, one part-time teachers' aid and one Cocos Malay assistant teacher. Cocos Malay is taught as a support language to the Cocos Malay secondary students. The syllabus is the same as that of the Western Australian Department of Education, with the addition of Cocos Malay oral history and traditional poetry. Extracurricular classes are offered in wood-carving, cooking and sewing, and there is also a work-experience programme for students in years 8 to 10.

In January 1983, the Australian Government began offering bursaries for Cocos Malay students to complete years 11 and 12 of their secondary education on the mainland. By 1984, 10 students were attending senior high school in Western Australia. The Government also provides assistance for the training of apprentices, some of whom follow correspondence courses supplemented by short-term schooling in Perth, while others attend technical college and receive practical training in Western Australia. In addition, a marine training programme has been instituted to upgrade the skills of Cocos Malays boatmen.

Adult education classes in basic literacy and conversational English were introduced in December 1979 and since June 1981 have been the responsibility of the Islands Council. The adult education programme also includes screenings of films and video cassettes from Australia and Malaysia, as well as radio broadcasts in Cocos Malay of local news, notices to the community from the Co-operative Society and the Council and a weekly summary of international news.

In 1983/84 the Australian Government, in consultation with the Cocos Malay community, instituted a new education policy involving expenditure of \$A 524,000 over a three-year period, in addition to the regular school budget. The plan provides for:

- (a) Extension of the bursary scheme for Cocos Malay students to cover tertiary as well as secondary education on the mainland;
- (b) Expansion of the apprenticeship training programme;
- (c) Increased allocation of resources to the adult education programme.

VI. ACTION BY THE UNITED NATIONS

A. Background

From its inception the United Nations has regarded the promotion of the interests of colonial countries and peoples as one of its most important functions. Among other things, the Charter of the Organization obligates Member States administering Non-Self-Governing Territories:

- (a) To ensure the political, economic, social and educational advancement of the peoples of those Territories;
- (b) To develop self-government and assist the peoples in the progressive development of their free political institutions;
- (c) To transmit regularly to the Secretary-General information on the economic, social and educational conditions in the Territories under their administration.

The original list of Non-Self-Governing Territories drawn up by the General Assembly in 1946 11/ did not include the Cocos (Keeling) Islands since they were administered as part of the then British Colony of Singapore. The reports on Singapore which the United Kingdom transmitted under Article 73 e of the Charter contained some information of a geographic and demographic nature on the Cocos but restricted the treatment of economic, social and educational matters to conditions prevailing on the island of Singapore.

As mentioned above, the Cocos (Keeling) Islands were transferred to Australian sovereignty in November 1955. Starting with the 1956/57 administrative year, Australia submitted periodic reports on the Territory to the United Nations in accordance with Article 73 e of the Charter. The information was examined by the Committee on Information from Non-Self-Governing Territories, which reported to the General Assembly on conditions in the dependent Territories as a whole, but did not make recommendations concerning individual Territories.

The year 1960 marked a milestone in United Nations activity in decolonization. On 14 December the General Assembly adopted the historic Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV), by which it, inter alia, affirmed the right of all peoples freely to determine their political status and pursue their economic, social and cultural development; and urged that immediate steps be taken to transfer all powers to the peoples of Trust and Non-Self-Governing Territories. It also adopted resolution 1541 (XV), which declared that a Territory could be said to have reached a full measure of self-government not only by emergence as a sovereign independent State, but also by free association or integration with an independent State, provided the choice represented the freely expressed wishes of the Territory's people.

In 1961 the Assembly established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to examine the application of the Declaration to individual Territories and make suggestions and recommendations on the extent of its implementation. 12/ The Special Committee assumed responsibility for reviewing the information transmitted by Australia under Article 73 e of the Charter and submitted its first report on the Cocos (Keeling) Islands to the General Assembly in 1964.

In its decisions on the Cocos (Keeling) Islands through the early 1970s, 13/ the Special Committee expressed its awareness of the special circumstances existing in the Territory due to its geographical location and economic situation. The Committee emphasized, however, that the question of size, isolation and limited resources should in no way delay the speedy implementation of the Declaration in the Territory.

B. First United Nations visiting mission, 1974

In August 1974, the Special Committee sent a visiting mission to the Cocos (Keeling) Islands to secure first-hand information on conditions in the Territory and to ascertain the views and wishes of its people. On the basis of a series of on-the-spot observations and following consultations with the Australian authorities in Canberra and in the Territory, the Mission issued a report 6/ which was sharply critical of what it described as the "anachronistic, feudal" relationship between John Clunies-Ross and the Cocos Malay community. It concluded that no true and free expression of the wishes of the population was possible under the current arrangement, whereby Mr. Clunies-Ross exerted complete control over the life of the community. It also noted that the almost total isolation of the community from the outside world, together with the lack of political education on Home Island, had prevented the people from becoming aware of their fundamental rights.

The Mission observed that Mr. Clunies-Ross dominated the economic life of the Cocos Malay community, in particular through the use of plastic tokens as the sole vehicle of exchange. In addition, the economic reliance on a single source of revenue, namely copra production, hindered the economic advancement of the community.

The Mission felt that although the people were physically in good health, enjoying modest but well maintained quarters, good food and other amenities, there was a serious danger that their subjugation by the Clunies-Ross estate might be perpetuated unless appropriate measures were taken.

In its recommendations, the Mission stressed the need to disengage the links between the Clunies-Ross estate and the Cocos Malay community, to clarify the precise role of Mr. Clunies-Ross in the Territory, to define the political status of Home Island in relation to the Government of Australia, and to reinforce the powers of the Official Representative as the sole authority for administrative matters on Home Island. It urged the Australian Government to democratize the political life of the Territory by introducing free elections, which it considered the only means of enabling the people to advance towards self-determination. It also urged the administering Power to take all necessary measures to enable the people to understand their political status so that they would be in a position freely to express their true wishes and aspirations regarding their future.

The Mission further recommended that the administering Power examine means of diversifying the Territory's economy, take steps to foster the cultural life of the community, assume responsibility for the entire system of education and institute compulsory education throughout the Territory.

In a consensus adopted on 13 December 1974 on the proposal of the Special Committee, 14/ the General Assembly drew the attention of the administering Power to the conclusions and recommendations of the Visiting Mission, "bearing in mind the need to ensure the free expression by the people of the Territory of their true aspirations concerning their future status, as well as the full exercise by them of their fundamental rights, towards the achievement of the goals set forth in the Charter and the Declaration". At its subsequent sessions, the Assembly, at the recommendation of the Special Committee, noted with interest the actions taken by the Australian Government in view of the Mission's observations and suggestions (see chapter III, section B above). By its decision 33/411 of 13 December 1978, the Assembly welcomed in particular the purchase by the Australian Government of the greater part of Mr. Clunies-Ross's property interests in the Territory, as well as the establishment of the first elected Advisory Council.

C. Second United Nations visiting mission, 1980

In July 1980, at the invitation of the Australian Government, the Special Committee dispatched a second visiting mission to the Cocos (Keeling) Islands to obtain first-hand information on the Territory and assess the progress being made in the political, economic, social and educational fields.

In the Territory the Mission held talks with the Administrator, community leaders on Home Island, the Clunies-Ross family and the public at large. It also met in Canberra with officials of the appropriate government departments and visited Katanning, in Western Australia, for discussions with members of the Cocos Malay settlement there.

The Mission confirmed in its report 15/ that numerous changes had occurred in the political, economic and educational life of the Cocos Malay community since the visit of the 1974 Mission. Australia's acquisition of the bulk of Mr. Clunies-Ross's property, the abolition of plastic tokens as a means of exchange, the creation of the Cocos (Keeling) Islands Council and the leasing of the copra plantation to the Co-operative Society had paved the way for the termination of the relationship between the Cocos Malay community and Mr. Clunies-Ross, as recommended by the 1974 Mission. Nevertheless, some degree of interdependence still existed, particularly in the economic field, which the Mission thought should be discontinued.

In so far as the Territory continued to rely on copra production as its principal source of revenue, the Mission recommended that the administering Power examine thoroughly the possibilities for economic diversification. The Mission also urged the establishment of closer communication between the Cocos Malay community and the outside world, not only as a means of facilitating the copra trade but also to broaden the people's social and cultural perspectives. Closer links with the Cocos Malay expatriates in Western Australia would be particularly desirable in the Mission's view.

The Mission, noting the intention of the Australian Government to introduce compulsory education in the Territory, stated that that measure should be accompanied by continued development of the adult education programme and by increased emphasis on the use of the local language in the schools.

The Mission also encouraged the administering Power to continue the process of constitutional development in the Territory. As the Cocos Malay people were not completely familiar with the work of the United Nations and the resolutions applicable to the Territory, the Mission recommended that steps be taken for them to acquire an appropriate level of knowledge enabling them to exercise freely their right to self-determination.

D. Mission to observe the act of self-determination, 1984

Following the 1980 Mission, the United Nations continued to monitor the steps taken by the Australian Government to ensure the political, economic, social and educational advancement of the people of the Territory. In so doing, it reaffirmed the responsibility of the administering Power to create conditions under which the people would be able freely to determine their own future in conformity with General Assembly resolution 1514 (XV) and other relevant resolutions of the General Assembly. 16/

In December 1982, the Permanent Representative of Australia to the United Nations informed the Chairman of the Special Committee that the Australian Minister for Home Affairs had recently held discussions with community leaders in the Cocos (Keeling) Islands on the future political status of the Territory. The representative stated that the Australian Government would be in contact with the United Nations at a later stage should the Cocos community confirm that it wished to proceed with an act of self-determination. 17/

In a letter dated 8 November 1983 addressed to the Secretary-General, 18/ the Minister for Foreign Affairs of Australia stated that the people of the Cocos (Keeling) Islands, through their leaders, had formally advised the Australian Government that they were ready to participate in an act of self-determination to decide their future political status. Accordingly, the Minister wished to extend through the Secretary-General an invitation for a United Nations mission to observe the act of self-determination, the date of which would be determined on the basis of further discussions among the concerned parties.

By a further letter dated 6 December 1983, 19/ the Permanent Representative of Australia to the United Nations informed the Secretary-General that the Australian Government expected to conduct the act of self-determination during 1984, and requested that the necessary steps be taken during the thirty-eighth session of the General Assembly to enable the Secretary-General to proceed, in consultation with the Australian Government, with the appointment and dispatch of a United Nations mission to observe the act of self-determination.

By its decision 38/420 of 7 December 1983, the General Assembly authorized the Secretary-General, on the basis of his consultations, to appoint and dispatch a United Nations mission to visit the Cocos (Keeling) Islands in 1984. It further requested the Secretary-General to report on the findings of the visiting mission to the General Assembly at its thirty-ninth session.

Accordingly, the Secretary-General appointed the members of the United Nations Visiting Mission to Observe the Act of Self-determination in the Cocos (Keeling) Islands and requested

the Mission to carry out its mandate in accordance with the relevant principles and practices of the United Nations. The Mission was composed of Mr. Abdul G. Koroma (Sierra Leone) as Chairman, Mr. Ratu Jone Filipe Radrodro (Fiji), Ms. Maria Eugenia Trujillo (Venezuela) and Mr. Nebojsa Dimitrijevic (Yugoslavia).

As described in its report, 20/ the Mission, before proceeding to the Territory to witness the referendum, held discussions in Canberra with the Prime Minister of Australia, the Minister for Foreign Affairs, the Minister for Territories and Local Government and senior officials of their respective departments. The Australian officials reviewed with the Mission the changes which had been instituted in the Territory since 1974 in preparation for the people's exercise of their right to self-determination. They stressed that the people themselves had decided the timing of the referendum and that Australia was committed to respecting their choice of political status.

The officials indicated that one of the remaining problems was the continued interference by Mr. Clunies-Ross in the affairs of the community. The Government was seeking to acquire Mr. Clunies-Ross's remaining property in the Territory so as to bring about his removal in compliance with the expressed wish of the people.

In the Territory, the Mission held a series of meetings with members of the Cocos (Keeling) Islands Council and the Management Committee of the Co-operative Society, who informed it that a broad consensus had developed within the community in favour of integration with Australia, despite efforts by Mr. Clunies-Ross to persuade people to vote for independence. The leaders' main concern was to obtain firm guarantees from Australia on questions of land ownership, education, economic advancement and preservation of the traditions, religion, culture and way of life of the Cocos Malay people.

The Mission also held discussions with John Clunies-Ross, in response to a formal request submitted through his solicitor. Among other things, Mr. Clunies-Ross alleged that for its own purposes Australia was seeking to exile him from the Territory and to influence the people's choice of political status. He claimed that the officially circulated "options paper" was heavily weighted towards integration and that the people were not in a position to make an informed choice.

The Mission also held a public meeting on Home Island with the Cocos Malay community at large. It then visited individual families in the residential area of Home Island to gain a first-hand impression of their general concerns as well as their degree of understanding of the options presented in the act of self-determination.

On referendum day the Mission observed closely all stages of the electoral process, including the explanation of the voting procedure; the casting of ballots at the polling booth and at a mobile station for the aged and infirm; the counting of votes; and the declaration of results. As previously mentioned, 261 votes were cast, of which 229 (87.7 per cent) were in favour of integration with Australia.

At a post-referendum meeting with the Mission, the leaders of the Cocos Malay community restated their desire to have clear and comprehensive agreements with the Australian Government concerning the future of the Territory and to see the Government expedite the removal of John Clunies-Ross from the Territory. Upon its return to Canberra the Mission transmitted that request to the Minister for Territories and Local Government, who outlined Australia's commitments and proposals to the community in a letter dated 27 April 1984 addressed to the Chairman of the Islands Council. 21/ The measures taken by Australia in fulfillment of those commitments are described in chapters III-V of this bulletin.

In its observations and recommendations, the Mission stated that it had been guided in its work by the Charter of the United Nations, by General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and by Assembly resolution 1541 (XV).

The Mission recalled that the people of the Territory and their leaders had time and again expressed full confidence in the United Nations and had requested the Mission to advise them regarding the choice they should make. In keeping with its policy of impartiality, the Mission had explained the various options and advised the people that they themselves would have to make the choice.

The Mission expressed the opinion that the arrangements made for the act of self-determination were beyond reproach. As far as the political education programme was concerned, both the administering Power and the Cocos Malay leadership had informed the Mission that the various options of self-determination - emergence as a sovereign State, free association with an independent State or integration with an independent State - had been explained to the people, who, in turn, had discussed and understood the various options. In its talks with the community members, the Mission had gained the impression that, while the people had a general understanding of the three options available to them, they did not fully comprehend all their implications. For example, they had asked whether, if they voted for integration, they could decide to opt out after 10 years and whether the United Nations would continue to send visiting missions to the Territory every two years. In reply, the Mission had explained that, if they voted for integration, the act of self-determination could not be held again in the future.

The Mission believed the people's limited understanding could be explained in part by the lack of education among the community, but also felt that more extensive use could have been made of printed, recorded and broadcast materials to increase the people's awareness of the meaning of the choices placed before them.

The Mission observed that the referendum itself had been conducted in strict accordance with the pertinent electoral ordinance, resulting in a free and fair vote. It further noted that all 261 registered and qualified voters had cast their ballots.

Both the people and their leaders had requested the United Nations to guarantee that the ownership of the land would be transferred to them in perpetuity and made inalienable; that their culture identity, heritage and traditions would be preserved; and that the economy of the islands would be diversified and developed, taking into account the size of the Territory and its population as well as its isolation and limited natural resources. The Mission had received assurances from the Australian Government that the title to the land would be transferred to the people within a period of three months and that other socio-economic measures would be undertaken with a view to diversifying and developing the economy of the islands. The Government had also informed the Mission that it had no intention of making the Cocos (Keeling) Islands into a strategic military base or of using the Territory for that purpose.

The Mission recommended that the demands and expectations of the people of the Territory concerning land ownership, economic development and cultural protection should be carried out. It also recommended that the role of the Cocos (Keeling) Islands Council and the Management Committee of the Co-operative Society should be further extended, as requested by the leaders of those institutions.

The Mission, recalling that all of the registered and qualified voters had participated in the act of self-determination and that a substantial majority of the votes cast (87.7 per cent) were in favour of integration with Australia, expressed the unanimous view that the choice of integration had been made in complete freedom and that the act of self-determination had been conducted in a fair and unfettered manner. In conclusion, the Mission considered that the people of the Cocos (Keeling) Islands had exercised their right to 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.

In a statement to the Fourth Committee of the General Assembly on 7 November 1984, 22/ representatives of the Cocos Malay community reviewed the changes which had taken place in the islands as a result of the transfer to Australian sovereignty and

the visits by United Nations missions in 1974 and 1980. They noted with satisfaction that their new status enabled them to enjoy the same rights and social benefits as other Australian citizens, while preserving their own customs and practices within the family of peoples which made up the Australian nation.

In its resolution 39/30, adopted by consensus on 5 December 1984 (see annex), the General Assembly endorsed the Visiting Mission's view concerning the people's exercise of their right to self-determination. It also expressed its appreciation to Australia for the co-operation extended to the Special Committee in respect of the Territory. In view of the decision of the people of the Cocos (Keeling) Islands, the Assembly considered it appropriate that the transmission of information on the Territory under Article 73 e of the Charter should cease.

With this action another chapter was closed in the ongoing history of United Nations efforts to promote and assist the process of decolonization throughout the world.

Notes

1/ This section is adapted in large part from Mullen, Ken, Cocos Keeling: The Islands Time Forgot (Sydney, Angus and Robertson, 1974).

2/ The text of the indenture is reproduced in Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. IV, chap. XX, annex, appendix II.

3/ Ibid., appendix III.

4/ For the text of the Minister's press statement at the conclusion of his visit, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. IV, chap. XX, annex, appendix IV.

5/ Ibid., appendix V.

6/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23 (A/9623/Rev.1), vol. IV, chap. XX, annex.

7/ A/39/494, annex, appendix II.

8/ See A/38/695, annex.

9/ See A/39/494, annex, paras. 135 and 136.

10/ The Australian (Sydney), 26 October 1984.

11/ Resolution 66 (I) of 14 December 1946.

12/ Resolution 1654 (XVI) of 27 November 1961.

13/ See, for example, Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 23 (A/8423/Rev.1), vol. III, chap. XIX, para. 11.

14/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 31 (A/9631), "Other Decisions", (Agenda item 23), p.116.

15/ A/AC.109/635.

16/ General Assembly decision 36/407 of 24 November 1981.

17/ See A/AC.109/723.

18/ A/38/695, annex.

19/ A/38/695.

20/ A/39/494, annex.

21/ Ibid., appendix VI.

22/ Official Records of the General Assembly, Thirty-ninth Session, Fourth Committee, 15th meeting, paras. 10-13.

Annex

GENERAL ASSEMBLY RESOLUTION 39/30 OF 5 DECEMBER 1984

Question of the Cocos (Keeling) Islands

The General Assembly,

Having considered the question of the Cocos (Keeling) Islands,

Having heard the statements of the representatives of Australia, a/

Having heard the statement of the representative of the Cocos (Keeling) Islands Council, a/

Recalling its resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 1541 (XV) of 15 December 1960,

Recalling also its decision 38/412 of 7 December 1983, by which it noted, inter alia, that the administering Power had discussed with the representatives of the Cocos (Keeling) Islands community the question of holding an act of self-determination to determine their future political status, and its decision 38/420 of 7 December 1983, by which it authorized the Secretary-General to appoint and dispatch a United Nations mission to visit the Cocos (Keeling) Islands in 1984 and requested the Secretary-General to submit a report on the findings of the mission to the General Assembly at its thirty-ninth session,

Having heard the statement of the Chairman of the United Nations Visiting Mission dispatched to the Cocos (Keeling) Islands in April 1984 pursuant to General Assembly decision 38/420 a/ and having considered the report of the Visiting Mission, b/

Noting with appreciation the active participation of the administering Power in the work 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 in regard to the Cocos (Keeling) Islands and the co-operation it has extended to the Committee, including the receiving of visiting missions to the Territory in 1974 and 1980,

a/ Official Records of the General Assembly, Thirty-ninth Session, Fourth Committee, 15th meeting.

b/ A/39/494, annex.

1. Notes with satisfaction the observations and recommendations of the United Nations Visiting Mission to Observe the Act of Self-Determination in the Cocos (Keeling) Islands, 1984: c/

2. Takes note that the people of the Cocos (Keeling) Islands voted by a substantial majority for integration with Australia;

3. Endorses the view of the Visiting Mission that, in so doing, the people of the Territory have exercised their right to 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, contained in General Assembly resolution 1514 (XV);

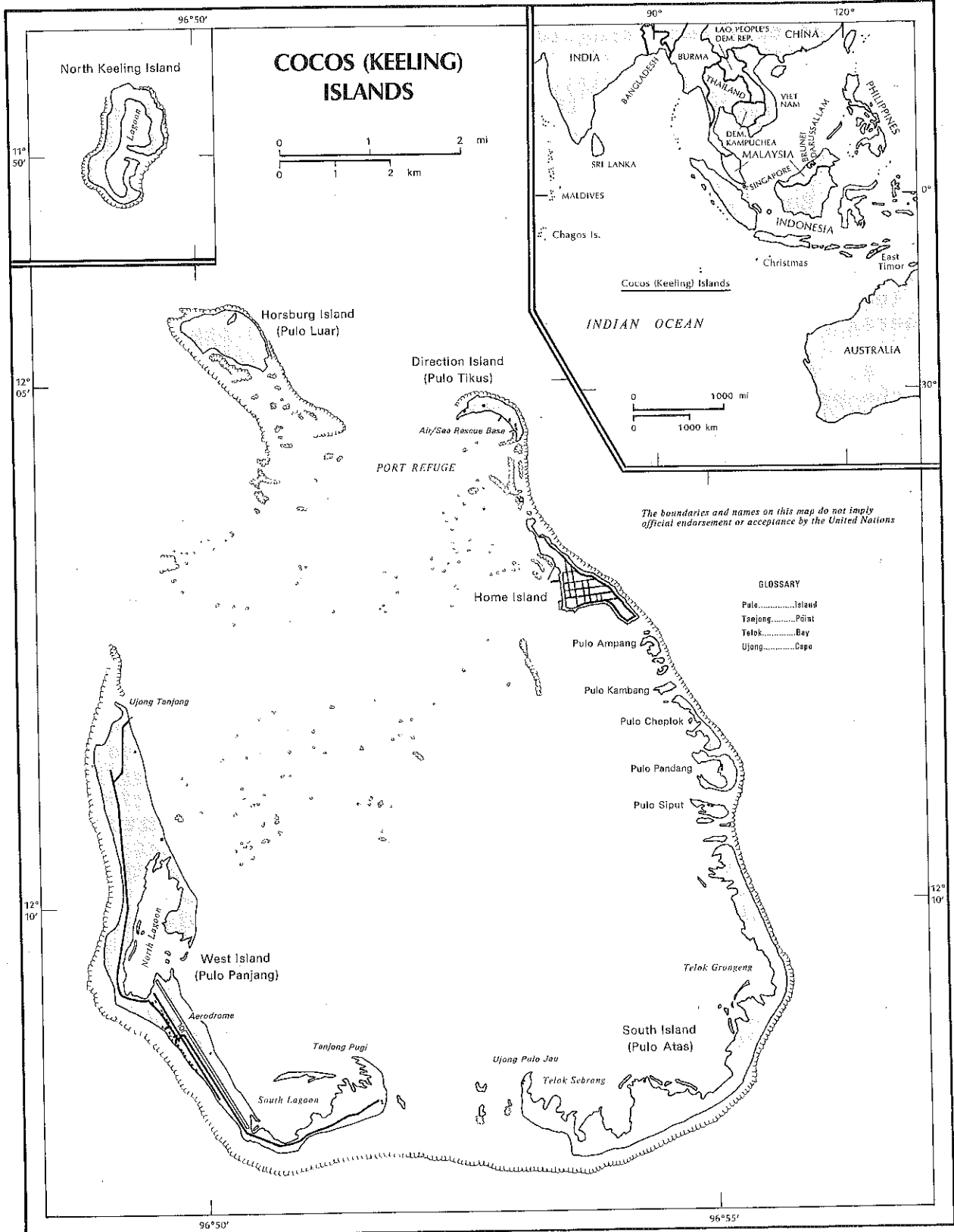
4. Considers it appropriate that, in view of the decision of the people of the Cocos (Keeling) Islands, the transmission of information in respect of the Cocos (Keeling) Islands under Article 73 e of the Charter should cease;

5. Takes note of the actions taken by the Government of Australia to transfer ownership of land to the Cocos (Keeling) Islands community and to extend relevant legislation to the community so that it may enjoy the same benefits as those available to the Australian community at large, as well as the Government's assurances that the unique cultural identity, heritage and traditions of the Cocos community will be preserved;

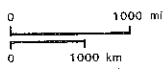
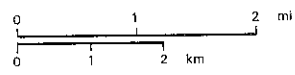
6. Expresses its appreciation to the Government of Australia, as the administering Power concerned, and to the Cocos (Keeling) Islands Council for the co-operation extended to the United Nations;

7. Expresses its appreciation to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the work it has accomplished, in close co-operation with the administering Power, in respect of the Territory.

c/ Ibid., paras. 186-199.



COCOS (KEELING) ISLANDS



The boundaries and names on this map do not imply official endorsement or acceptance by the United Nations

- GLOSSARY**
- Pulo.....Island
 - Tanjung.....Point
 - Teluk.....Bay
 - Ujung.....Cape