
Selection Committee

Report of the Subcommittee of the Selection Committee Appointed to Examine the Application of the Cook Islands for Membership of the International Labour Organization

The Subcommittee appointed by the Selection Committee to examine the above question was composed as follows:

Government members: Ms Jody Anderson (Australia)

Mr Suzhong Gao (China)

Employer members: Mr Hiroyuki Matsui (Japan)

Mr Kamran Rahman (Bangladesh)

Worker members: Mr Felix Anthony (Fiji)

Ms Toni Moore (Barbados)

It elected Ms Anderson as its Chairperson.

The Subcommittee held three sittings, on 5 and 8 June 2015.

In accordance with article 28(4) of the Standing Orders of the Conference, the Subcommittee consulted the accredited representatives of the Cook Islands:

Government representatives: Mr Joshua Mitchell, Director,
United Nations and Treaties Division,
Ministry of Foreign Affairs and Immigration
Ms Patricia Tuara Demmke, Director,
Labour and Employment Relations Office,
Ministry of Internal Affairs

Employers' representative: Ms Nathalie Rossette-Cazel,
Cook Islands Chamber of Commerce

Workers' representative: Mr Anthony Turua,
Cook Islands Workers Association (CIWA)

At the request of the Government of New Zealand, the Subcommittee also consulted Mr Michael Woodhouse, Minister for Workplace Relations and Safety of New Zealand, and Mr Carl Reaich, Deputy Permanent Representative of New Zealand in Geneva.

The Subcommittee suggests that the Selection Committee submit to the Conference a report in the following terms:

Application by the Cook Islands for admission to membership of the International Labour Organization

1. The Conference has before it a request from the Cook Islands for admission to the International Labour Organization (ILO). In accordance with article 28 of the Standing Orders of the Conference, the Selection Committee appointed a Subcommittee to examine this request. The Subcommittee was composed of Ms Jody Anderson (Government, Australia); Mr Suzhong Gao (Government, China); Mr Hiroyuki Matsui (Employer, Japan); Mr Kamran Rahman (Employer, Bangladesh); Mr Felix Anthony (Worker, Fiji); and Ms Toni Moore (Worker, Barbados).
2. The Subcommittee considered a background paper (*Provisional Record* No. 3-1) containing the letter of application, relevant ILO procedures, and summary information on the history, geography, government, constitutional status, diplomatic relations, economy and industrial relations of the Cook Islands.
3. The Subcommittee consulted the members of the tripartite delegation of the Cook Islands accredited to the Conference, composed of Mr Joshua Mitchell, Director, United Nations and Treaties Division, Ministry of Foreign Affairs and Immigration; Ms Patricia Tuara Demmke, Director, Labour and Employment Relations Office, Ministry of Internal Affairs; Ms Nathalie Rossette-Cazel, Cook Islands Chamber of Commerce; and Mr Anthony Turua, Cook Islands Workers Association (CIWA).
4. The Subcommittee considered that, notwithstanding the small size and population of the Cook Islands, the relevant criteria for admission were ability and readiness to endorse the values of the Organization and to comply with the obligations of membership, in particular: (a) the financial obligations; (b) the participation of full tripartite delegations in ILO meetings, and (c) constitutional obligations relating to Conventions and Recommendations.
5. The representatives of the Cook Islands confirmed that freedom of association was respected in their country, that free employers' and workers' organizations existed and that the Government and the social partners were committed to giving full effect to the eight fundamental ILO Conventions, with ILO technical assistance. The Subcommittee noted that, with regard to the international labour Conventions declared applicable to the Cook Islands under article 35 of the ILO Constitution, the Government confirmed that it continued to be bound by all up-to-date and relevant Conventions. The delegation was fully aware of the reporting obligations of ILO Conventions and Recommendations and of the ILO supervisory system and was committed to complying with those obligations on a tripartite basis.
6. Where the Government's capacity to meet the financial obligations arising from ILO membership was concerned, the Government representative informed the Subcommittee that the Prime Minister had made a commitment to meet all those obligations, including covering the costs of tripartite delegations to sessions of the Conference and to Regional Meetings. He acknowledged, however, that attendance at ILO meetings presented

logistical and practical challenges, including from a financial and human resources perspective.

7. The representatives of the Cook Islands stated their expectations regarding the possibility of obtaining technical cooperation from the ILO. That could include the establishment of a permanent tripartite body for consultations on labour issues. In addition, the Government explained that, in spite of the ageing of the population in the Cook Islands as a consequence of youth emigration (60,000 Cook Islanders were living abroad), the workforce was growing as the country was also a destination for migrant workers in the tourism industry. Labour legislation had to be adapted as the country's main economic activity had shifted from agriculture to tourism. Technical assistance was also needed in the fields of occupational safety and health.
8. The Subcommittee noted the strong support of the full tripartite delegation of the Cook Islands in favour of joining the ILO, which was considered particularly relevant to the country's current needs.
9. The Subcommittee concluded that the Cook Islands' tripartite constituency was committed to meeting the requirements imposed by membership.
10. The Subcommittee noted that the Cook Islands had a unique free association relationship with New Zealand. Following the recognition of the Cook Islands' treaty-making power by the international community in the mid-1980s, New Zealand and the Cook Islands had codified the principles underpinning their partnership in the Joint Centenary Declaration of the Principles of the Relationship between the Cook Islands and New Zealand, signed by the Prime Ministers of both countries in 2001. Under clauses 4 and 5 of the Joint Centenary Declaration, it was recognized that "[i]n the conduct of its foreign affairs, the Cook Islands interacts with the international community as a sovereign and independent state" and also that "[t]he Government of the Cook Islands possesses the capacity to enter into treaties and other international agreements in its own right with governments and regional and international organisations".
11. Addressing the Subcommittee at a separate meeting held at its request, the Government of New Zealand, represented by Mr Michael Woodhouse, Minister for Workplace Relations and Safety, and Mr Carl Reaich, Deputy Permanent Representative of New Zealand in Geneva, expressed full support for the initiative undertaken by the Cook Islands and indicated that it stood ready to assist the Cook Islands with its application. The Government representatives expressed the view that the admission of the Cook Islands would not only increase the representation of the Pacific region but would also represent a real opportunity for the Organization. In that connection, the role played by the ILO Country Office for Pacific Island Countries in Suva was of particular importance.
12. Regarding the constitutional status of the Cook Islands, they explained that self-government had evolved since 1965, when the free association arrangement had been introduced, and that, although the population of the Cook Islands continued to enjoy New Zealand citizenship, the Government of the Cook Islands was now in a position to establish formal diplomatic relations with other countries, sign international treaties in its own name, and join United Nations specialized agencies and other international organizations as a fully fledged member. The 2001 Joint Centenary Declaration confirmed the capacity of the Cook Islands to develop and manage its international relations as a sovereign and independent State.

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13. The Subcommittee was satisfied that the Cook Islands had the international status necessary to enable it to discharge the obligations involved arising from ILO membership. It accordingly recommended that the Cook Islands be admitted as a Member of the Organization.
 14. The Selection Committee endorsed the conclusions of the Subcommittee.
 15. The Conference will note that, in its letter of application, the Government of the Cook Islands has already communicated to the Director-General of the International Labour Office the undertaking of that Government formally to accept the obligations of the ILO Constitution.
 16. The Selection Committee accordingly submits the following resolution to the Conference for adoption:

The General Conference of the International Labour Organization,

Having received an application from the Government of the Cook Islands for admission to membership of the International Labour Organization,

Decides to admit the Cook Islands to membership of the International Labour Organization with the same rights and obligations as the other Members of the Organization;

Authorizes the Governing Body of the International Labour Office to make the necessary arrangements with the Government of the Cook Islands with regard to its financial contributions;

Takes note of the fact that the Government of the Cook Islands has already communicated to the Director-General of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation and that, accordingly, the admission of the Cook Islands to membership of the International Labour Organization will take effect on the adoption by the Conference of the present resolution.