

The Commonwealth of Australia have ignored the will of the residents of Cocos without reference to the Community. The first course was for integration. The plebiscite was clear, the offer was clear.

Parts of 2625 (XXV). Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations are in bold.

My comments in italics

“Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

- a. To promote friendly relations and co-operation among States; and**
- b. To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;**

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.”

It was made obvious quite quickly that The Commonwealth had no intention of actually integrating Cocos Islands in “complete equality” (resolution 1541). The legal mechanisms were not available. The only opportunity in the recent past was if the NT became a state, this was never realised. So a revamped Colonial Government has been imposed. I have heard the arguments that we are not colonially administered. They all defy logic and common sense. A community that has no effective say in its judicial or legislative process is colonially administered. We are even declared to be a “Non-Self Governing Territory”. This is in direct conflict of our wishes to be integrated. There has been no movement towards fulfilling the obligations under the UN charter.

“The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.”

To state the obvious, our self determination vote was not “Non-self Governing Territory” which is still the status quo.

“The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law”.

So to another committee I re-iterate, the Commonwealth has failed us and the UN.

Where to go from here?

In the meantime, as a minimum, that there must be some devolution to the authorities currently vested in non-democratic bodies. This has been recommended before in the “Islands in the Sun” report 1991.

These authorities should include;

A review board for legislation, overall governance, budget, economics, policies and aspirations.

On a personal note. I have seen my business denied trade for two years due to a mismatch of federal and “state” administered legislation and process. There was no method of stopping a slow motion train wreck that could have easily bankrupted me. I referred the matter to both state and federal ombudsman. They found that all public servants acted properly at all times. I applied for compensation, was knocked back, approached the Administrators to no gain. So I had to wear it. There has to be a circuit breaker and also some responsibility to “do no harm”.

This could be is where the Administrators position could be relevant the citizens of Cocos. I am personally tired of fighting with, dealing with, and educating public servants to be told that there is no way forward. Then to appeal to the administrator to have the same message repeated word perfect. I have always felt that the Commonwealth has more than enough representation here. To have the administrator repeat the Commonwealth’s mantra on Island is a massive waste of time. We actually need someone to represent us to “Canberra”.

In the discussions I have had over the years with Commonwealth representatives I garner that they are worried even scared that we would fail in any attempt to take on more responsibility. Even while they administer a colonial and obviously flawed system.

“The interests of the territory are ‘paramount’, the position of the administering state is that of a trustee with a sacred trust to honour and the state is required to fulfil its obligations under the Charter in good faith. (articles 2 and 73 of the United Nations Charter).”

The current situation as I see it.

The Commonwealth agreed with the UN that Cocos had a right to self determination.

The Community and the Commonwealth discharged this right in a plebiscite.

From that moment the Commonwealth’s authority to continue to govern the Territory is limited by its responsibilities under the plebiscite.

The right to self determination cannot be extinguished by the “host” states inability to discharge their responsibility.

Thus we retain our right to self determination.

In conclusion.

The bargain offered and accepted by plebiscite has never been delivered. It is impossible to deliver. It should not have been offered. If it cannot ever be delivered, there is a responsibility now to represent a new bargain. In the light of the current inquiry and past history, "Close association" seems to be a do-able alternative. The ongoing situation as a "Non-self Governing Territory" is not morally defensible.