

KAP. 9.

Fremmandar stýrisskipanir

I Ríki við fullveldi (suverænitet)

A. Ísland

1. Constitution and Government

Úr bókini „Iceland 1986, handbook published by the central bank of Iceland“, bls. 99-111. Skrivað hefur Þór Vilhjálmsson, hægstarættardómari. Legg til merkis, at broytingarnar, sum eru framdar við broyting av stjórnarskránni nr. 56 frá 31.05.1991 ikki eru umrøddar við tað, at greinin er skrivað, áðrenn hesar broytingar fingu gildi.

2. Stjórnarskrá Lýðveldisins Íslands

B. Noregi

Kongeriget Norges Grundlov, given i Rigsforsamlingen paa Eidsvold
den 17de Mai 1814.

C. Svøriki

Sveriges Grundlag (Regeringsformen)

D. Bretland

Britains' System of Government
Útgivin av Foreign & Commonwealth Office.

E. USA

The Constitution of the United States of Amerika

Teksturinn er úr „The Constitution of the United States of America with Explanatory Notes“ útgivin av United States Information Agency, 1987.

Viðmerkingarnar hevur J.W. Peltason skrivað

II Heimastýrisskipanir og stýrisskipanir uttan fullveldi

A. Grønland

1. Lov nr. 577 af 29.11.1978 om Grønlands hjemmestyre

VI MARGRETHE DEN ANDEN, af Guds Nåde Danmarks Dronning, gør vitterligt:

I erkendelse af den særstilling, som Grønland i national, kulturel og geografisk henseende indtager inden for riget, har folketinget i overensstemmelse med vedtagelse i Grønlands landsråd vedtaget og Vi ved Vort samtykke stadfæstet følgende lov om Grønlands forfatningsmæssige stilling i riget:

Kapitel 1 Hjemmestyret

§ 1. Grønland udgør et særligt folkesamfund inden for det danske rige. Det grønlandske hjemmestyre varetager inden for rigsenhedens rammer grønlandske anliggender efter reglerne i denne lov.

Stk. 2. Det grønlandske hjemmestyre består af en i Grønland valgt repræsentation, der benævnes landstinget, og en forvaltning, der ledes af et landsstyre.

§ 2. Landstingets medlemmer vælges for 4 år ved almindelige, direkte og hemmelige valg.

Stk. 2. Nærmere regler om valget, herunder om valgret og valgbarhed samt om antallet af landstingsmedlemmer, fastsættes ved landstingslov.

Stk. 3. Landstinget fastsætter selv sin forretningsorden.

§ 3. Landstinget vælger landsstyrets formand og de øvrige medlemmer af landsstyret. Landsstyrets formand fordeles forretningerne mellem landsstyrets medlemmer.

Kapitel 2 Hjemmestyrets anliggender

§ 4. Hjemmestyret kan bestemme, at sagsområder eller en del af et sagsområde, der er nævnt i bilaget til loven, skal overgå til hjemmestyret.

Stk. 2. Hjemmestyret har den lovgivende og administrative myndighed for områder, der er overgået efter stk. 1, og overtager de udgifter, der er forbundet hermed.

Stk. 3. Med tilsvarende virkning kan rigsmyndighederne efter forhandling med hjemmestyret bestemme, at sådanne sagsområder eller dele af så-

danne sagsområder skal overgå til hjemmestyret.

Stk. 4. Forskrifter, der vedtages af landstinget og stadfæstes af landsstyrets formand for disse sagsområder, benævnes landstingslove.

§ 5. Rigsmyndighederne kan efter forhandling med hjemmestyret ved lov bemyndige hjemmestyret til at overtage den regelfastsættende myndighed for samt administrationen af et sagsområde, der er nævnt i bilaget til loven, og som ikke er overgået til hjemmestyret efter § 4. Tilskud til således overtagne sagsområder fastsættes ved lov.

Stk. 2. Forskrifter, der vedtages af landstinget og stadfæstes af landsstyrets formand for disse sagsområder, benævnes landstingsforordninger.

§ 6. Vedtagne forslag til landstingslove og landstingsforordninger skal for at være gyldige stadfæstes af landsstyrets formand og bekendtgøres efter bestemmelser, der fastsættes ved landstingslov.

Stk. 2. Landsstyret kan inden for en frist af 8 dage beslutte, at stadfæstelsen skal udsættes, indtil forslaget er blevet vedtaget af landstinget i den efterfølgende samling. Vedtages forslaget ikke uændret i denne samling, er det bortfaldet.

§ 7. Rigsmyndighederne kan efter forhandling og med tilslutning fra hjemmestyret ved lov bestemme, at sagsområder, der ikke er nævnt i bilaget, overgår til hjemmestyret efter re-

glerne i § 4, stk. 2 og 4, eller efter reglerne i § 5.

Stk. 2. Afgørelsen af, hvilke sagsområder der skal overgå til hjemmestyret efter stk. 1, træffes ud fra hensynet til rigsenheden og til, at hjemmestyret får en udstrakt indflydelse på områder, der særligt berører grønlandske forhold.

§ 8. Den fastboende befolkning i Grønland har grundlæggende rettigheder til Grønlands naturgivne ressourcer.

Stk. 2. Til sikring af den fastboende befolknings rettigheder med hensyn til de ikke-levende ressourcer og til sikring af rigsenhedens interesser fastsættes det ved lov, at forundersøgelse, efterforskning og udnyttelse af nævnte ressourcer finder sted i henhold til aftale mellem regeringen og landsstyret.

Stk. 3. Forinden aftale efter stk. 2 indgås, kan et landsstyremedlem kræve, at sagen forelægges for landstinget, som kan bestemme, at landsstyret ikke skal modvirke til indgåelse af en aftale af det pågældende indhold.

§ 9. Det grønlandske sprog er hovedsproget. Der skal undervises grundigt i det danske sprog.

Stk. 2. Begge sprog kan anvendes i offentlige forhold.

§ 10. Hjemmestyret er undergivet de forpligtelser, der følger af traktater og andre internationale regler, som til enhver tid er bindende for riget.

Stk. 2. Hjemmestyrets beføjelser er til enhver tid begrænset af de beføjelser,

der i medfør af grundlovens § 20 er overdraget til internationale organer.

Stk. 3. Regeringen kan pålægge hjemmestyret at foretage de foranstaltninger, der er nødvendige for at sikre overholdelse af bestemmelserne i stk. 1 og 2.

Kapitel 3

Forholdet til rigsmyndighederne

§ 11. Rigsmyndighederne har afgørelsen i spørgsmål, der angår rigets forhold til udlandet.

Stk. 2. Foranstaltninger, som hjemmestyret påtænker at træffe, og hvis iværksættelse er af væsentlig betydning for rigets forhold til udlandet, herunder rigets deltagelse i internationalt samarbejde, forhandles med rigsmyndighederne forinden vedtagelsen.

§ 12. Forslag til love, der indeholder bestemmelser, der udelukkende vedrører Grønland, skal forelægges hjemmestyret til udtalelse, inden de fremsættes for folketinget.

Stk. 2. Udkast til administrative forskrifter, der indeholder bestemmelser, der udelukkende vedrører Grønland, skal forelægges hjemmestyret til udtalelse inden udstedelsen.

Stk. 3. Love og administrative forskrifter, der i øvrigt har særlig betydning for Grønland, skal forelægges hjemmestyret til udtalelse, inden de sættes i kraft i Grønland.

§ 13. Traktater, der kræver folketingets samtykke, og som særligt berø-

rer grønlandske interesser, skal forelægges hjemmestyret til udtalelse, inden de indgås.

§ 14. Medmindre rigsmyndighederne fastsætter andet i det enkelte tilfælde, skal hjemmestyrets udtalelse foreligge senest 6 måneder efter, at den i §§ 12 og 13 nævnte forelæggelse har fundet sted.

Stk. 2. Har forelæggelse på grund af tvingende omstændigheder ikke kunnet finde sted, skal loven, den administrative forskrift eller traktaten snarest muligt forelægges hjemmestyret til udtalelse.

§ 15. Inden for rammerne af § 11 fastlægger regeringen efter samråd med landsstyret retningslinierne for varetagelsen af de særlige grønlandske interesser i De europæiske Fællesskaber.

Stk. 2. Hjemmestyret underrettes om forslag til vedtagelser i De europæiske Fællesskabers Råd, der særligt berører grønlandske interesser.

§ 16. Hjemmestyret kan kræve, at der ved de danske repræsentationer i lande, hvor Grønland har særlige erhvervsinteresser, ansættes medarbejdere, der særlig skal varetage disse interesser. Rigsmyndighederne kan bestemme, at udgifterne herved skal afholdes af hjemmestyret.

Stk. 2. Rigsmyndighederne kan efter forhandling med hjemmestyret give dette adgang til at gøre de særlige grønlandske interesser gældende ved deltagelse i internationale forhandlinger af

betydning for det grønlandske erhvervs-
liv.

Stk. 3. Hvor det drejer sig om speci-
elle grønlandske sager, kan rigsmyndig-
hederne, hvis det ikke skønnes uforene-
ligt med rigets interesser, bemyndige
hjemmestyret til efter derom fremsat
ønske direkte at føre forhandlinger un-
der medvirken af udenrigstjenesten.

§ 17. Rigsombudsmanden er rigs-
myndighedernes øverste repræsentant i
Grønland.

Stk. 2. Hjemmestyret kan opfordre
rigsombudsmanden til at deltage i for-
handlinger i hjemmestyrets organer.

Stk. 3. Hjemmestyret skal snarest
muligt underrette rigsombudsmanden
om vedtagne landstingslove og lands-
tingsforordninger samt om andre gene-
relle retsfor skrifter, der udstedes af
hjemmestyret.

§ 18. Opstår der mellem rigs-
myndigheder og hjemmestyret tvivls-
spørgsmål om hjemmestyrets kompe-
tence i forhold til rigsmyndighederne,
forelægges spørgsmålet for et nævn, der
består af 2 medlemmer, der udpeges af
regeringen, 2 medlemmer, der udpeges
af hjemmestyret, samt 3 af højesterets
præsident udpegede højesteretsdom-
mere, af hvilke den ene udpeges som
formand.

Stk. 2. Er de 4 medlemmer, der er
udpeget af regeringen og hjemmestyret,
enige, er sagen endeligt afgjort. I mod-
sat fald afgøres sagen af de 3 højeste-
retsdommere.

Stk. 3. Regeringen kan suspendere

hjemmestyrets vedtagelse eller beslut-
ning, som er forelagt nævnet, indtil
nævnets afgørelse foreligger.

Kapitel 4 **Ikrafttrædelses- og** **overgangsbestemmelser**

§ 19. Bestemmelser, der gælder for
Grønland, forbliver i kraft med de æn-
dringer, der følger af denne lov, indtil
de ændres eller ophæves af rette myn-
dighed.

§ 20. Tidspunktet for lovens ikraft-
træden fastsættes ved lov.

Stk. 2. Rigsombudsmanden indtræ-
der med de ændringer, der følger af
denne lov, i de funktioner, der hidtil er
varetaget af landshøvdingen over Grøn-
land.

Givet på Christiansborg slot, den 29.
november 1978.

Under Vor Kongelige Hånd og Segl.

MARGRETHE R.
/ Jørgen Peder Hansen.

Loven blev sat i kraft ved lov nr. 56 af
21. februar 1979, efter at der havde
været afholdt folkeafstemning i Grøn-
land.

BILAG

1. Grønlands styrelsesordning.
2. Styrelsesordning for kommunerne.
3. Skatter og afgifter.

4. Folkekirken og de fra folkekirken afvigende trossamfund.
5. Fiskeri på territoriet, jagt, landbrug og renavl.
6. Fredning.
7. Landsplanlægning.
8. Nærings- og konkurrencelovgivning, herunder også lovgivning om restaurations- og hotelvirksomhed, regler om alkoholholdige drikke samt regler om lukketid.
9. Sociale forhold.
10. Arbejdsmarkedsforhold.
11. Undervisning og kultur, herunder erhvervsuddannelse.
12. Erhvervsforhold i øvrigt, herunder statens fiskeri- og produktionsvirksomhed, erhvervsstøtte og erhvervsudvikling.
13. Sundhedsvæsen.
14. Lejelovgivning, boligstøtte og boligforvaltning.
15. Vareforsyning.
16. Intern passager- og godsbefordring.
17. Miljøbeskyttelse.

2. Landstingslov nr. 11 af 20.10.1988 om landstinget og landsstyret sum broytt við landstingslov nr. 10 af 21.10.1989

Landstingslov nr. 11 af 20. oktober 1988 om landstinget og landsstyret, som ændret ved landstingslov nr. 10 af 21. oktober 1989.

Kapitel I. Landsting, landsstyre, udskrivning af landstingsvalg og habilitet.

§ 1. Landstinget træder sammen snarest muligt og senest 45 dage efter nyvalg. Indkaldelse foretages af det medlem, der længst har været medlem af tinget, eller hvis flere har været medlem af tinget lige længe, af den ældste.

Stk. 2. Indtil valgs prøvelse og valg af landstingets formandsskab har fun-

det sted, ledes tingets forhandlinger af det i stk. 1 nævnte medlem.

Stk. 3. Landstinget nedsætter blandt sine medlemmer et udvalg til valgs prøvelse, udvalget består af det i stk. 1 nævnte medlem som formand og 4 af ham udpegede medlemmer.

§ 2. Landstinget vælger blandt sine medlemmer en landstingsformand for landstingets valgperiode.

En kandidat er valgt, såfremt kandidaten opnår mere end halvdelen af stemmerne fra de tilstedeværende medlemmer (absolut flertal). Opnår ingen kandidat absolut flertal foretages ny afstemning. Giver denne afstemning heller ikke absolut flertal til en kandidat, foretages en tredje afstemning mellem de to kandidater, som opnåede flest

stemmer ved anden afstemning. I tilfælde af stemmelighed afgøres valget ved lodtrækning.

Stk. 2. Landstinget vælger endvidere under ét efter forholdstalsvalgmetoden en første, anden, tredje og fjerde næstformand, som i forening med formanden udgør landstingets formandskab. Ved valget af næstformænd anses formanden at besætte det første af de mandater, som tilfalder den valggruppe, hvortil formanden hører.

§ 3. Landstinget vælger et landsstyre til at varetage forvaltningen af hjemmestyrets anliggender. Landsstyret består af en landsstyreformand og fra 2 til 6 landsstyremedlemmer.

Stk. 2. Landsstyreformanden vælger blandt landstingets medlemmer på den i § 2, stk. 1 beskrevne måde.

Stk. 3. På baggrund af antallet og omfanget af anliggender, som henhører under hjemmestyret, og en opdeling heraf i arbejdsområder indstiller landsstyreformanden derefter til landstinget under ét at vælge 2-6 navngivne landsstyremedlemmer.

Stk. 4. Valg af landsstyremedlemmer sker ved en samlet afstemning om det af landsstyreformanden fremsatte forslag til valg af landsstyremedlemmer.

§ 4. Landsstyret er ansvarligt for forvaltningen af hjemmestyrets anliggender.

Stk. 2. Landsstyrets og de enkelte landsstyremedlemmers ansvarlighed fastsættes ved landstingslov.

Stk. 3. Sagerne fordeles mellem

landsstyremedlemmerne efter landsstyreformandens bestemmelse.

§ 5. Landsstyreformanden og landsstyremedlemmerne vælges for landstingets valgperiode.

Stk. 2. Landstinget kan dog med et flertal, som udgør over halvdelen af tingets medlemmer, vedtage, at landsstyret eller enkelte medlemmer af landsstyret skal fritages for resten af valgperioden af andre end de i § 8, stk. 1, nævnte grunde. Såfremt hele landsstyret fritages, foretages nyvalg på den i § 3 foreskrevne måde.

Stk. 3. Såfremt enkelte medlemmer af landsstyret fritages for deres hver eller dør, foretages efter indstilling fra landsstyreformanden valg af nyt medlem for resten af tingets valgperiode, medmindre landsstyreformanden beslutter at overføre de under det udtrædende medlem placerede anliggender til de øvrige landsstyremedlemmer.

Stk. 4. Hvis landstinget fritager landsstyreformanden, skal landsstyret som helhed træde tilbage.

Stk. 5. Landsstyreformanden kan, hvis landstinget har fritaget landsstyret eller et enkelt landsstyremedlem, udskrive nyvalg til landstinget.

Stk. 6. Hvis landsstyreformanden konstaterer, at nyt landsstyre ikke kan dannes, udskriver landsstyreformanden nyvalg.

Stk. 7. Landsstyreformanden udskriver nyvalg til landstinget forud for valgperiodens udløb.

Stk. 8. Landsstyreformanden og et landsstyremedlem fungerer indtil ny

formand og nyt landsstyremedlem er valgt eller sagerne fordelt til et andet medlem af landsstyret.

Stk. 9. Regler for valg til landstinget fastsættes ved særlig landstingslov.

§ 6. Bliver et landstingsmedlem ved endelig dom eller bødevedtagelse pålagt en kriminalretlig foranstaltning, eller bliver vedkommende undergivet en kriminalretlig foranstaltning for et forhold, der i almindeligt omdømme gør medlemmet uværdig til at være medlem af landstinget, afgør landstinget efter indstilling fra udvalg til valgs prøvelse, om det forhold, medlemmet er dømt for, gør vedkommende uværdig til fortsat at være medlem af landstinget.

§ 7. Et landsstyremedlem, som ikke er medlem af landstinget, skal opfylde de til enhver tid gældende bestemmelser om valgbarhed til landstinget. Landstinget afgør sager herom efter indstilling fra det i § 1, stk. 3 nævnte udvalg.

***)§ 8.** Begærer et medlem at udtræde af landstinget eller landsstyret, afgør landstinget, hvorvidt begæringen kan imødekommes.

Stk. 2. Begærer et medlem af landstinget orlov som følge af sin helbredstilstand, forretninger eller lignende væsentlige årsager, afgør landstinget, hvorvidt begæringen kan imødekommes.

Stk. 3. Begærer et medlem af lands-

styret orlov som følge af helbredstilstand eller lignende væsentlige årsager, afgør landstinget, hvorvidt begæringen kan imødekommes.

Stk. 4. Et landstingsmedlem anmelder til landstingsformanden, såfremt medlemmet er midlertidigt forhindret i at møde i landstinget. Landstinget afgør, hvad der er lovligt forfald. Deltagelse i møder i folketinget er dog altid lovligt forfald.

Stk. 5. Udtræder et medlem af landstinget, afgår ved døden, bevilges orlov eller har lovligt forfald, indkaldes vedkommendes stedfortræder til at deltage i landstingets forhandlinger. Stedfortræderens valgbarhed undersøges efter reglerne i § 6 og § 1, stk. 3. Når et medlem efter orlov eller midlertidigt lovligt forfald genoptager sit landstingshverv, udtræder stedfortræderen.

Kapitel II.

Landstingets mødevirksomhed.

§ 9. Landstinget samles mindst to gange årligt til ordinære samlinger.

Stk. 2. Landstinget samles så ofte, som landstingsformanden finder det fornødent, og skal samles, såfremt landsstyreformanden eller mindst halvdelen af landstingets medlemmer kræver det.

Stk. 3. Rigsombudsmanden har ret til at overvære landstingets åbne møder. Landstinget kan i det omfang, det fin-

*) Ændret ved landstingslov nr. 10 af 21. oktober 1989.

der fornødent, anmode Rigsombudsmanden om at deltage i tingets møder.

Stk. 4. Landstinget fastsætter under en ordinær samling mødetidspunktet for næste ordinære samling.

§ 10. Formandsskabet fremsender inden en samlings afholdelse til landstingets medlemmer og rigsombudsmanden en fortegnelse over de emner, der af enkelte medlemmer, partier, landsstyret eller regeringen er fremsendt til landstinget til beslutning eller udtalelse, og i øvrigt over de spørgsmål, som forventes at ville komme til behandling. Fortegnelsen offentliggøres.

Stk. 2. Ingen andre end de i stk. 1 nævnte kan anmelde sager til behandling i landstinget.

Stk. 3. Forslag, forespørgsler eller sager i øvrigt, der af regeringen eller landsstyret betegnes som hastende, skal optages på dagsordenen for vedkommende landstingssamling.

Stk. 4. Landstinget fastsætter i sin forretningsorden regler for, hvorledes sager forelægges for landstinget herunder form, tidsfrister, taletid m.v.

§ 11. Landstingsformanden, eller første, anden, tredje og fjerde næstformand leder i nævnte rækkefølge landstingets møder.

Stk. 2. Et medlem af formandsskabet, som forelægger eller er ordfører i en sag, som forelægges for landstinget, kan ikke være mødeleder under sagens behandling.

§ 12. Landstingets møder er offent-

lige. Landstinget kan dog vedtage at behandle enkelte sager for lukkede døre. Spørgsmålet om, hvorvidt en sag giver grundlag for dørlukning, forhandles for lukkede døre, hvis dette bestemmes af landstinget eller mødelederen.

Stk. 2. Forhandling om uddeling af anerkendelser og belønninger, som tildeles af landstinget, behandles for lukkede døre.

§ 13. Landstingets forhandlinger foregår på grønlandsk, men skal tillige kunne følges på dansk.

Kapitel III. Udvalg m.v.

§ 14. Landstingets formandsskab fungerer som landstingets dagsordensudvalg.

Stk. 2. Indtil valg af formandsskab har fundet sted, udgør den midlertidige formand og to af tinget udpegede medlemmer et midlertidigt dagsordensudvalg.

§ 15. Landstinget nedsætter på den konstituerende samling følgende udvalg, som hver består af 5 landstingsmedlemmer, som ikke er medlemmer af landsstyret:

1. Landstingets finansudvalg.
2. Udvalg for revision af landskassens regnskaber.
3. Udvalg til gennemgang af redegørelser og oplysninger fra landsstyret om udenrigs- og sikkerhedspolitiske

spørgsmål. Grønlands 2 folketingsmedlemmer deltager i udvalgets møder som tilforordnede.

Stk. 2. Udvalgene fastsætter selv deres forretningsorden og foretager inden for det enkelte udvalg en indbyrdes arbejdsfordeling blandt medlemmerne, hvor dette skønnes hensigtsmæssigt.

§ 16. Finansudvalget afgiver mellem første og anden behandling af landstingets finanslovsforslag betænkning over forslag til landskassens budgetter, fremsætter bemærkninger og forslag til hovedretningslinier for landstingets indtægts- og udgiftspolitik samt afgiver udtalelser i sager, som af landstinget eller landsstyret er henvist til udvalget.

Stk. 2. Finansudvalget kan på landstingets vegne, når tinget ikke er samlet, godkende afholdelse af udgifter til formål, som ikke kunne forudses ved finanslovens vedtagelse.

Stk. 3. De af finansudvalget godkendte udgifter samles på en årlig tillægsbevillingslov, som behandles på landstingets sidste ordinære møde i det pågældende finansår.

Stk. 4. Landsstyret fastsætter regler for finanslovens udarbejdelse i en budgetvejledning.

§ 17. Udvalg for revision af landskassens regnskaber gennemgår landskassens regnskaber og revisionens bemærkninger hertil én gang om året og fremsætter de spørgsmål og bemærkninger til landsstyret, som regnskaberne giver anledning til. Spørgsmål og be-

mærkninger tillige med landsstyrets besvarelser forelægges landstinget.

Stk. 2. Udvalget kan til brug for sit arbejde rekvirere det fornødne materiale, bilag, rapporter m.v. fra den regnskabsførende myndighed. Hvis et udvalgsmedlem kræver det, skal udvalget rekvirere nævnte materiale.

§ 18. Landsstyreformanden fremsender inden en samlings afholdelse til udvalget vedrørende gennemgang af udenrigs- og sikkerhedspolitiske spørgsmål redegørelser og oplysninger om udenrigs- og sikkerhedspolitiske emner af interesse for Grønland. Orientering kan endvidere gives mundtligt under møder i udvalget.

Stk. 2. Udvalget drøfter de modtagne oplysninger og fremsætter de spørgsmål og bemærkninger, som materialet og udvalgets overvejelser i øvrigt giver anledning til.

Stk. 3. Sekretariatsfunktionen for udvalget varetages af landsstyreformandens sekretariat.

Stk. 4. I udvalget er medlemmerne, de tilforordnede og andre, der måtte være til stede under udvalgets drøftelser, forpligtede til at hemmeligholde oplysninger, de bliver bekendt med i udvalget, i det omfang oplysninger er givet i fortrolighed fra den danske regering og landsstyret, og i det omfang udvalgets formand derudover bestemmer. Ethvert nyt medlem afgiver en skriftlig erklæring på tro og love om at ville efterkomme denne forpligtelse.

§ 19. Landstinget nedsætter stå-

ende eller midlertidige udvalg efter sin nærmere bestemmelse. Et udvalg vælger selv, hvor intet andet er bestemt, sin formand.

Stk. 2. En sag kan på ethvert behandlingstrin henvises til et nyt eller tidligere nedsat udvalg. Tingets behandling af sagen stilles i bero, indtil udvalgets overvejelser er afsluttet.

Stk. 3. Udvalget forelægger, hvor intet andet er besluttet i tinget, resultatet af sine drøftelser for tinget i en betænkning.

Stk. 4. De udpegende partier eller valggrupper kan supplere sine medlemmer i udvalg ved et medlems forfald, når partierne eller valggrupperne har givet meddelelse til landstingsformanden.

§ 20. Såfremt landstinget i valgperioden fritager landsstyret i henhold til § 5, stk. 2, sidste pkt. og vælger nyt landsstyre efter § 3, konstituerer landstinget sig påny for resten af valgperioden.

§ 21. Landstinget vælger på den konstituerende samling og i det i § 20 nævnte tilfælde repræsentanter til de råd, udvalg, direktioner m.v., hvori landstinget er repræsenteret, medmindre andet er fastsat ved landstingslov, landstingsforordning eller anden landstingsbeslutning, eller den relevante institutions vedtægter, for så vidt disse ikke kan ændres af landstinget.

Kapitel IV. **Fremsættelse af landstingslov- og landstingsforordningsforslag** **m.v.**

§ 22. Landstingsmedlemmer og landsstyret kan fremsætte forslag til landstingslove og landstingsforordninger. Landstingslov- og landstingsforordningsforslag skal have lovform ved fremsættelsen i landstinget og skal underkastes tre behandlinger. Landstinget kan fastsætte regler om anmeldelse af forslag til dagsorden herunder frister og form.

Stk. 2. I landstingets forretningsorden fastsættes regler for fremsættelse af ændringsforslag.

Stk. 3. Forslagene bringes til sidste afstemning i den endelige form.

§ 23. Landsstyret fremsætter forslag til landstingsfinanslov for det kommende finansår på landstingets ordinære efterårsmøde.

Stk. 2. Landstingsfinansloven skal være endeligt vedtaget senest den 1. november i året forud for det finansår, den vedrører.

Stk. 3. Ingen udgift kan afholdes og ingen indtægt oppebæres uden hjemmel i en af landstinget vedtaget landstingsfinanslov eller midlertidig landstingsbevillingslov, jf. dog § 16, stk. 2.

§ 24. De af landstinget vedtagne landstingslov- og landstingsforordningsforslag skal for at kunne træde i kraft stadfæstes af landsstyreformanden i forening med landsstyremedlemmet for

forskriftens sagsområde eller dennes administrative leder af landsstyreområdet.

Stk. 2. Landsstyret kan inden for en frist af 8 dage beslutte, at stadfæstelse skal udsættes, indtil forslaget er blevet vedtaget af landstinget i den efterfølgende samling. Vedtages forslaget ikke uændret i denne samling, er det bortfaldet.

§ 25. Landstingslove og landstingsforordninger samt hjemmestyrebekendtgørelser træder, hvis de ikke bestemmer andet, i kraft to-ugersdagen efter, at de er fremsendt til rigsombudet, politiet, kommunerne og domstolene.

Stk. 2. Den i stk. 1 nævnte fremsendelse er den bindende bekendtgørelsesform.

Stk. 3. Landsstyret sørger for, at landstingslove, landstingsforordninger og hjemmestyrebekendtgørelser offentliggøres i Nalunaerutit.

§ 26. Andre selvstændige forslag end de i § 22 nævnte underkastes én landstingsbehandling, som kan afbrydes med henblik på udvalgsbehandling, indhentning af oplysninger m.v.

Stk. 2. Landstingets formandskab meddeler rette vedkommende udfaldet af landstingets behandling.

§ 27. Ændringsforslag til de i § 22 og § 26 anførte forslag skal for at komme til afstemning i landstinget foreligge skriftligt.

§ 28. Ønsker et medlem at ind-

hente oplysninger om et offentligt anliggende, kan dette ske ved spørgsmål til landsstyret. Spørgsmålet skal være skriftligt begrundet.

Kapitel V.

Valg og anden stemmeafgivning.

§ 29. Landstinget kan træffe beslutninger, når mindst halvdelen af medlemmerne er til stede.

Stk. 2. Alle beslutninger træffes efter stemmeflerhed, med mindre andet er fastsat.

Stk. 3. Falder der ved en afstemning lige mange stemmer for og imod et forslag bortfalder forslaget.

§ 30. For at kunne blive valgt til et udvalg eller anden offentlig repræsentation skal vedkommende være foreslået i landstingssalen af et landstingsmedlem.

Stk. 2. Ved valg af to eller flere medlemmer til et udvalg eller anden offentlig repræsentation anvendes forholdstalsvalg.

Stk. 3. Forholdstalsvalg i henhold til denne lov foretages på grundlag af d'Hondts metode efter følgende regler:

Landstingets medlemmer deles i de grupper, hvori medlemmerne har anmeldt for formanden at ville stemme sammen ved det pågældende valg. Hver gruppes medlemstal deles med 1, 2, 3 o.s.v. De herefter fremkomne kvotienter angiver den rækkefølge, i hvilken de enkelte grupper kan vælge deres repræsentanter. Er to eller flere kvotienter lige

store, afgøres rækkefølgen ved lodtrækning.

Stk. 4. Hvor kun én person skal vælges, kræves absolut flertal. Opnår ingen kandidat absolut flertal ved første afstemning, foretages ny afstemning. Giver denne afstemning heller ikke flertal til en kandidat foretages tredje afstemning mellem de to kandidater, som opnåede flest stemmer ved anden afstemning. I tilfælde af stemmelighed afgøres valget ved lodtrækning.

Stk. 5. Samtlige valg har højst gyldighed for en fire års periode, og hvor intet andet er bestemt, har valg alene gyldighed for landstingets valgperiode, jfr. dog § 20.

§ 31. Afstemninger sker ved, at medlemmerne rejser sig. Afstemninger ved valg af personer til udvalg m.v. skal dog, hvis et flertal kræver det, ske skriftligt.

Stk. 2. Medlemmer kan kun deltage i landstingets afstemninger, når de personligt er til stede.

Stk. 3. Hvis mødelederen finder, at alle er enige, kan mødelederen meddele, at forslaget er vedtaget uden afstemning. Ethvert medlem kan kræve afstemning, og efter trediebehandling af landstingslov- og landstingsforordningsforslag skal der foretages afstemning.

§ 32. De forslag, som landstinget har vedtaget på en samling, kan på samme samling kun ændres, såfremt 3/5 af alle landstingsmedlemmer stemmer for det.

Kapitel VI. Andre bestemmelser.

§ 33. Så længe landstinget er samlet, kan intet landstingsmedlem tiltales eller underkastes frihedsberøvelse af nogen art uden tingets samtykke, medmindre medlemmet er grebet på fersk gerning.

Stk. 2. For sine ytringer i landstinget kan intet af dets medlemmer uden tingets samtykke drages til ansvar uden for samme.

§ 34. Landstingets forhandlinger offentliggøres på grønlandsk og på dansk i en under landstingets formandskabs tilsyn udarbejdet udgave, af hvilken et eksemplar sendes til landstingsmedlemmerne, rigsombudsmanden, regeringen og samtlige kommunalbestyrelser.

§ 35. For udførelse af hverv som landsstyremedlem og landstingsmedlem og i repræsentationer udpeget af landstinget fastsættes vederlag ved særlig landstingslov.

§ 36. Landstingets formandsskab drager omsorg for, at landstingets arkivalier opbevares på betryggende måde.

Kapitel VII. Ikrafttræden.

§ 37. Denne landstingslov træder i kraft 1. november 1988. Samtidig ophæves landstingslov nr. 1 af 7. maj 1979,

som ændret ved landstingslov nr. 9 af 18. oktober 1982, landstingslov nr. 1 af 21. marts 1894 og landstingslov nr. 3. af 19. juni 1984.

Stk. 2. Umiddelbart efter vedtagelsen af denne lov nedsætter landstinget dog det i § 2 nævnte formandskab og de i kapitel III nævnte udvalg samt vælger repræsentanter til de råd, udvalg, direktioner m.v., hvori landstinget er repræsenteret.

Stk. 3. Regler, der er fastsat med hjemmel i den i stk. 1 nævnte hidtil gæl-

dende lov, forbliver i kraft indtil de afløses af eller ophæves ved regler fastsat med hjemmel i denne eller andre landstingslove.

Grønlands Hjemmestyre, den 20. oktober 1988.

Jonathan Motzfeldt
/Lars Vesterbirk

B. Åland

Lag nr. 71 af 16.08.1991: Självstyrelselag för Åland.

C. Isle of Man

The Government and Legal System of the Isle of Man

Introduction

The Isle of Man is famous for its tailless cats, its kippers, and its motor cycle races. It is even known for its fairies, and for men with three legs! In reality it is rather different. The most important activity on the island, in terms of employment, is now light engineering, and the most important sources of revenue for the Island are now Banking, Insurance and Shipping.

But a visitor to the Island will first notice the Victorian hotels and boarding houses on the Douglas seafront, built for generations of holidaymakers long since gone, and which now present a problem both for the town planner and for the conservationist concerned with the preservation of Victorian buildings. Away from Douglas, the visitor will discover an attractive countryside of rolling hills and moorlands, cut by mountain streams, and, in the coastal areas, small towns and villages set amongst neat farms, with an ancient Celtic field system not unlike that of parts of Ireland and Cornwall. But farmers and hoteliers now form a small proportion of the Island's population. As elsewhere in the British Isles, traditional industries are in decline. Computer operators outnumber fishermen and teachers outnumber farmers. In many respects life in the Isle of Man is no different from that in mainland Britain.

However, although the Island is in the north-western half of the British Isles, and not many generations ago formed part of the Gaelic speaking world with Ireland and Highland Scotland, it has become in recent years, at least by the standards of north-west Britain, a relatively prosperous place with an unemployment rate today of under 9%. This modest prosperity is almost entirely due to the fact that the Island is not, in constitutional and legal terms, part of mainland Britain, but has its own Government and legal system.

Why does the Isle of Man, an island rather larger than the Isle of Wight, but with a population of only 65,000, lying thirty to forty miles to the west of Cumbria, have its own government? Geographically one would have expected the Island to have been a small English or Scottish county, or be part of, say Cumbria, or Galloway in Scotland, which is the closest part of mainland Britain. Not only is the Island not part of

England or Scotland, it is not even part of the United Kingdom. Perhaps it is even more surprising to find that the Island is not even part of the European Economic Community, except for certain very limited purposes. The answer, of course, has to be found in the Island's peculiar history. The Island has its own Government because it is an ancient kingdom with a legislature and legal system which pre-date the Island's association with England.

The Scandinavian Kingdom

For about 400 years, from the 9th to the 13th centuries, the Island formed part of the dominions of Norway which had been established by the Viking raiders and settlers. The characteristic institution of the Scandinavians was an annual open air assembly, presided over by the King or Chief and his officers and attended by the leading men of the community, where disputes were settled and laws were proclaimed. In the Isle of Man a Scandinavian kingdom was established about 1000 years ago, with an open air assembly which became known as the "Tynwald". Tynwald means literally, in the Norse language, the "Parliament Field". The Scandinavian Kings of Man, however, always remained subordinate to the Kings of Norway, to whom they owed formal allegiance.

In 1266 Scandinavian rule ended, when the King of Norway formally ceded the Island to the King of Scotland. Thereafter the Island was fought over by England and Scotland, until eventually the claim of England was established during the reign of King Edward III. However, Edward III and his successors did not incorporate the Island into England. Instead they assumed, in effect, the position formerly held by the Kings of Norway, and merely made grants of the Kingdom of Man when a vacancy in the Kingship occurred.

The Stanleys

The turning point in the Island's history proved to be the grant of the Kingdom, or Lordship as it came to be called, of Man by Henry IV to Sir John Stanley, in 1405, the grant being made permanent in 1406. For over 350 years thereafter, the descendants of Sir John Stanley, who subsequently became also the Earls of Derby, were the hereditary lords of the Island. Under their rule the Tynwald, established by the Scandinavians, continued to meet, and the customary laws and institutions of the Island remained largely undisturbed.

The Revestment

The long reign of the Stanleys, and their descendants, ended in 1765. During most of the preceding four centuries England had taken very little interest in the Island, but in the 18th century the Island became a haven for smugglers and a cause of financial loss for the English Treasury. Following protracted negotiations, King George III purchased the Lordship of Man from the Duke of Atholl, who was then the hereditary lord, for £70,000. In effect the government of the Island which had, for 350 years, vested in the descendants of Sir John Stanley was re-vested in the English Crown.

By 1765, England and Scotland had, of course, been united, and the union between Great Britain and Ireland was to follow at the end of the century. It is surprising therefore that the opportunity was not taken after 1765 by the British Government to incorporate the Island into Great Britain, or subsequently the United Kingdom of Great Britain and Ireland. In fact a proposal was made for the Island to become part of the County of Cumberland, but it was not implemented.

Direct rule

What happened in fact, after 1765, was that the Island was administered like a Crown colony by a Governor appointed from London, and taxes raised in the Island were treated as part of the revenue of Great Britain. The system of government by direct rule was not popular. Although Tynwald continued to meet, there was considerable resentment against the English establishment in the Island, an attitude which survived until recent times.

Devolution

Eventually the British government responded to Manx discontent, and in 1866 Parliament passed the Isle of Man Customs, Harbours and Public Purposes Act, which separated the finances of the Island from those of the United Kingdom and started the process of gradual devolution of power from London to the Island which has continued to the present day and which has led to more or less complete internal autonomy for the Island.

Why wasn't the Island incorporated into Great Britain at the end of the 18th century or early 19th century when this could have easily occurred?

Obviously the relative remoteness and unimportance of the Island made it scarcely worth bothering about. But tradition has always been

a significant factor in British history, and the antiquity and continuity of Tynwald combined with a strong sense of national identity by the Manx people, weighed against an enforced incorporation of the Island with Great Britain.

Recognition of the Island's Status by the English Judges

Additionally, the status of the Island had, long before, been authoritatively determined by the English judges, the first such occasion being in 1523. The King's Council then held that the Island was not part of the realm of England nor was governed by the laws of England and that no general Act of Parliament extended to the Isle of Man, but by special mention might extend to it.

Seventy five years later, in 1598, a dispute between members of the Stanley family was referred by Queen Elizabeth I to the Chief Justices of England, who gave a further ruling which has remained the basis for the Island's constitutional position to this day.

The Chief Justices said, firstly, that the Isle of Man was an ancient Kingdom of itself not part of the Kingdom of England. They affirmed the case of 1523 that the Island was not part of the realm of England nor was governed by the laws of England. They said that the Island was in a similar position to the French territories of the King of England when they were in the King of England's hands, and lastly they confirmed that no general Act of Parliament did extend to the Isle of Man but by special mention might extend to it.

The decisions of 1523 and 1598 were treated as authoritative in all the principal commentaries on English law, including that of William Blackstone in the 18th century. Such long established legal precedents no doubt also weighed against any change being made in the Island's constitutional position.

Relationship with United Kingdom in International Law

Notwithstanding the antiquity of the Island's independence, and the strong historical and legal basis for that status, the Island has often been treated as a "de facto" part of the United Kingdom. In order to clarify the status of the Island (and of the Channel Islands) for the purpose of international treaties, in October 1950, Ernest Bevin, the British Foreign Secretary, issued a formal circular which explained that although in municipal law the Channel Islands and the Isle of Man did not form part of the United Kingdom, the British Government had hitherto

regarded treaties as applying to those Islands unless the contrary had been expressly stated.

The circular then stated —

“His Majesty’s Government have come to the conclusion that it would be more consistent with the constitutional position of these islands to regard them for international purposes as not forming part of the United Kingdom of Great Britain and Northern Ireland ...

For the purpose of any treaty or international agreement to which his Majesty’s Government may become a party hereafter, the Channell Islands and the Isle of Man will, unless the contrary is expressly stated in each case, be included amongst the territories for whose international relations His Majesty’s Government are responsible.”

In 1972, when the United Kingdom joined the EEC, the Isle of Man was treated as a European territory for whose external relations the United Kingdom was responsible, although the Treaty was applied to the Channel Islands and the Isle of Man only for limited purposes, these, broadly speaking, being Customs matters and free trade.

In December 1983 in a debate in the House of Commons relating to a fishing dispute between the Isle of Man and the United Kingdom, Mr. David Mellor, the Under Secretary of State for the Home Department, made the following comment about the Isle of Man.

“For over a thousand years, Manx law has been made by the Island’s Parliament, the Tynwald, which is probably the oldest continuing legislature in the world. The legitimacy and validity of Acts of the Tynwald are not based on any grant of competence from the United Kingdom Parliament. Parliament has always recognised their existence and validity, and that recognition can be found in a number of our own statutes, which refer explicitly to Isle of Man legislation. So there is no doubt about the competence of the Tynwald to make law domestic to the Isle of Man. However one important aspect of the relationship between the United Kingdom and the Isle of Man is the consideration of defence and foreign affairs. The United Kingdom Government are responsible for those matters and the ultimate responsibility for the good government of the Isle of Man. That rests on the right of Parliament to legislate for the Island in the last resort ... The essence of the relationship has

been, and continues to be, that the Tynwald legislates in matters domestic to the Island, subject to its statutes receiving Royal Assent, and appropriate United Kingdom legislation may be extended to the Isle of Man by Order in Council and that in some contexts United Kingdom legislation may apply to the Island directly when it deals with matters for which the United Kingdom is responsible on the Island's behalf”.

So much for the reasons for the Island's independent status and its relationship with the United Kingdom. We must now look briefly at the legislature, the executive government, and the judicial and legal system of the Island at the present day.

Tynwald — The Legislature

The Island's legislature is the ancient Tynwald, which still meets every July for the traditional open air ceremony at Tynwald Hill, St. Johns. It has two branches, the House of Keys, with twenty four members, elected every five years and the Legislative Council with ten members, eight of whom are elected for terms of five years by the House of Keys, usually, although not necessarily, from amongst senior members of the Keys. The other two members of the Legislative Council are the Anglican Bishop of the Island, which constitutes a separate diocese within the Church of England, and the Attorney General who has no vote.

Laws are enacted by procedures similar to those of Westminster. Bills are normally introduced into the House of Keys, before going to the Legislative Council. A Bill passed by both branches of Tynwald does not become law until it has received the Royal Assent, which, with a few exceptions, is now given by the Lieutenant Governor on behalf of the Queen. The grant of Royal Assent is not a mere formality, and some twenty years ago was refused when it appeared that a Bill which had been passed by Tynwald would be in conflict with international law applying to the Island.

Tynwald has authority to legislate on any subject without restriction. By convention and practice, however, certain subjects are left to the Parliament at Westminster to deal with. At the present time these include the armed forces of the Crown, citizenship, immigration and extradition, and copyright, patents and trade marks. Parliamentary legislation dealing with wireless telegraphy, some aspects of merchant shipping, civil aviation and sea fisheries also extend to the Island.

International conventions and treaties, including the European Economic Community treaties are normally given force in Manx law by Acts of Tynwald.

Although for obvious reasons the relationship between the Isle of Man and the United Kingdom is very unequal, Tynwald is not a subordinate legislature and does not derive its authority from Westminster. In the unlikely event of there being a conflict between an Act of Parliament extending to the Isle of Man, and an Act of Tynwald, both Acts having of course received the Royal Assent, then it has been stated by the Manx High Court that the ordinary rule of construction would apply and the later Act, whether of Tynwald or Parliament, must prevail.

In recent years a great effort has been made to modernise Manx legislation, and in 1986 a record number of fifty one Acts of Tynwald received the Royal Assent. The oldest Manx legislation still in force is a declaration of customary laws made by Tynwald in 1417.

We must now turn to the executive government of the Island.

The Lieutenant Governor

The formal head of the Government is the Lieutenant Governor who is appointed by the Crown for a five year term. While the Governor plays a very important role in the life of the Island as her Majesty's representative, he now plays only a limited rôle in executive government.

The Chief Minister and Ministers

The political head of the government is the Chief Minister, who is formally appointed by the Governor after being elected by Tynwald. The Chief Minister is assisted by nine other Ministers who are selected by him, subject to Tynwald's approval. Each Minister heads one of the nine Departments of the government, the most important being the Treasury and the others being the Departments of Home Affairs, of Industry, of Agriculture, Fisheries and Forestry, of Health and Social Security, of Tourism and Transport, of Local Government and the Environment, of Education, and of Highways, Ports and Properties.

Council of Minister

The Council of Minister, or cabinet, comprising the Chief Minister and the nine other Ministers, meets every week. The Council has

power to give general directions to individual Departments, and generally determines government policy.

The Chief Minister and Ministers can be drawn either from the House of Keys or from Legislative Council. The present Chief Minister and seven of the Ministers are from the House of Keys with the remaining two Ministers from the Legislative Council. The nine Government Departments are serviced by the Isle of Man Civil Service.

Statutory Boards

Besides the nine Departments there are three government-owned public utilities, the Manx Electricity Authority, the Isle of Man Water Authority and the Isle of Man Post Office Authority, and three supervisory bodies for banking, insurance and telecommunications. There is also a semi-autonomous body, funded by government, the Manx Museum and National Trust.

Tynwald Court

Naturally the Executive Council can only function effectively if it has the support of Tynwald. The two branches of Tynwald, the House of Keys and the Legislative Council, meet together each month as one body, which is known as the Tynwald Court. All public expenditure and most subordinate legislation must be approved by Tynwald Court, and it is also the forum for general debate. Tynwald Court, which elects the Chief Minister, may also dismiss him by a vote of no confidence.

Although there is no party system, and all members of Tynwald, other than the Speaker of the House of Keys and the President of the Legislative Council, hold office as Ministers, or as members of Departments or other public bodies, debate in Tynwald Court, and the two branches, can be extremely lively with members forming interest groups in different issues. But as there is no party system and no party whip the political system has to work by consensus rather than confrontation.

Revenue

An important feature of the Manx Government is the legal obligation, prescribed by Act of Tynwald, to balance revenue and expenditure from year to year and to maintain a reserve fund. Rather more than half the Manx Government's annual revenue, now about £100 million, comes from indirect taxation, VAT and Customs and Excise, with the remainder coming from income tax, the maximum rate being 20%. The Island has a customs and excise agreement with the United

Kingdom, revised in 1979, under which the Island and the United Kingdom form a common customs area, and the Isle of Man agrees to keep its indirect taxation broadly in line with that of the United Kingdom. The agreement is subject to termination on either side, and it is presently a political issue in the Island as to whether any change in the agreement is appropriate.

Last, but not least, we must turn to the Island's courts and legal system.

Deemster

Besides the twenty four members of the House of Keys, the oldest offices in the Island are those of the two Deemsters. It appears that the Deemsters in the old Scandinavian kingdom were the guardians of the traditional, unwritten law. Over the centuries the office of Deemster has evolved into that of a professional judge. The two Deemsters today are the Island's High Court judges. Their jurisdiction embraces all the criminal and civil matters which in England are exercised by the High Court, the County Court and the Crown Court.

High Bailiffs and Magistrates

In 1777 there was established the office of High Bailiff. Today, together with the Deputy High Bailiff, he acts as a stipendiary magistrate and as coroner of inquests, and also presides over the licensing court and various other quasi-judicial bodies. In addition there are lay magistrates, who have a jurisdiction broadly similar to that of the English magistrates' courts.

Judge of Appeal

Appeals from a decision of a Deemster, or of the High Bailiff or magistrates, are heard by the Staff of Government Division of the High Court, which consists of the two Deemsters together with the Judge of Appeal. This is a part-time appointment held by a Queen's Counsel from the English Bar. The quorum for the Staff of Government Division is two, so that appeals from the High Bailiff or magistrates may be heard by the two Deemsters sitting alone, whereas an appeal from one of the Deemsters must be heard by the Judge of Appeal and the other Deemster. When necessary, acting Deemsters are appointed from outside the Island to deal with cases with which neither of the Deemsters is able, for one reason or another, to deal.

Privy Council

An appeal lies from the Staff of Government Division, with leave, in both civil and criminal matters, to the Judicial Committee of the Privy Council. In practice these appeals are very rare, although as legal aid is now available for this purpose they are likely to become more common.

The Manx Bar

The legal profession in the Island merits a special comment. The profession now numbers over 40 in private practice. Only those who have been admitted as advocates of the Manx Bar have the right of audience in the Manx courts, although English barristers may be licensed for particular cases. Manx advocates are organised like English solicitors into partnerships.

The work of a Manx advocate is similar to that of an English solicitor but there are significant differences. In the first place all practising Advocates, except the most senior, are obliged to take part in the criminal legal aid scheme. The range of work which a Manx advocate may be called upon to do is also wider than most solicitors in England normally experience. Besides having to do some court work and the usual conveyancing, probate and family law work, the development of banking and insurance in the Island has increased the commercial work which a Manx advocate will be expected to undertake.

But the greatest difference between the work of a Manx advocate and an English solicitor is that access to Manx law is difficult. There are virtually no text books or commentaries on Manx law. There are no modern indices to the Manx statutes, and certainly no annotated editions like those which the English solicitor has in Halsbury's Statutes of England.

The absence of text books is a difficulty which faces every small jurisdiction. However in 1984 the publication began of a professionally edited series of Manx Law Reports, and in addition a half-yearly Manx Law Bulletin, with notes on current legislation and Manx cases together with articles of general interest, has been published since 1983.

In practice the absence of books on Manx law means that Manx advocates have to rely on text books on English law, and make allowances for the differences between Manx and English law.

Manx Law

What are the sources of Manx law?

The Isle of Man was not, in origin, a "Common Law" country, in

the sense that the English Common Law was the law of the Island. When Sir John Stanley was granted the Isle of Man in 1405, there was already established a system of law, albeit by oral tradition. We have seen that in 1523 and again in 1598 the Chief Judges of England held that the Island was not governed by the laws of England. The Stanleys and their officials were clearly irritated by the Manx oral legal tradition — in a language which they did not understand — and at different times directions were given to the Deemsters to set down in writing — in English — the customary unwritten laws of the Island.

The Manx statute book begins in 1417. It was then that Sir John Stanley, the son of the John Stanley to whom the Island was granted by Henry IV, visited the Island and required the Deemsters and the Keys to give an explanation of the ancient constitution and laws of the Island. Deemsters and Keys at meetings of Tynwald, and over the years these declarations became a corpus of written law.

The Stanleys also established their own courts, presided over by their own officials. The extant records of the Court of Common Pleas date from 1496, and those of the Chancery and Exchequer courts from 1578 and 1580 respectively. The proceedings of these courts, and also of the ecclesiastical courts of the Bishop and his officials, which dealt with wills and family matters as well as church affairs, were written down in the English language, and formed precedents for Manx law. Meanwhile the Deemsters continued to administer the unwritten laws, known as the “Breast Law”, using the Manx Gaelic language of the ordinary people. The courts of Common Pleas, of Chancery and of Exchequer were amalgamated with the Deemsters courts to form the present High Court in 1884.

The first comprehensive written statement of Manx law was made by Deemster Parr in his “Abstract of Manx Law” completed in 1713. Unfortunately it has never been printed. A comprehensive history of Manx law is still awaited.

During the last two hundred years Manx customary law has to a large extent gradually been replaced by statute law, which itself has usually been based on English law. In particular in 1817 a statutory Criminal Code, subsequently replaced by the great Criminal Code of 1872, introduced English criminal law to the Island. There are now no customary or common law offences in Manx criminal law. Moreover whenever Manx customary law is silent and there is no statutory law on the subject in question, the Manx courts have for many generations applied English Common Law and equity. The Isle of Man has thus, by

adoption, become, for the most part an English Common Law country in practice, if not in theory, and has therefore come to enjoy the same legal tradition as most countries in the Commonwealth.

While Manx and English law have been rapidly converging over the last two centuries, differences between the two systems keep appearing. There are parts of Manx law in which it is convenient that differences from English law should be kept to a minimum, and they include the criminal law, contract and tort, family law and social security law. But the law relating to the administration of the Island, to land and planning, to taxation, to companies and financial supervision, to industrial relations and industrial development and to many other matters must be adapted to the special needs of the Island. As far as one can see, the Manx legal system, and indeed the Manx government, will continue to develop independently, whilst always remaining under the influence of the Island's powerful and, we hope, friendly neighbour.

D. Cook Islands (New Zealand)

Located between 156 and 167 deg W longitude, and between 8 and 23 deg S latitude, the 15 islands of the Cooks are an internally self-governing state in free association with New Zealand. The population in December 1986 was 17,185 (provisional).

The main island is Rarotonga (a little over 67 sq. km) which is 3000 km north-east of Auckland. The administrative centre is Avarua. Local time is 10 hrs behind GMT but 'daylight saving' from 1 January to 31 March reduces that by one hour.

The flag comprises the Union Jack in the top left quarter and a ring of white stars on a royal blue background. The stars represent the islands of the group. The National Anthem is *God Save the Queen*, but there is also a Cook Islands national song *Te Atua Mou'e* (God is Truth). New Zealand currency, together with Cook Islands coins, are legal tender.

Public holidays include: 1 January, Good Friday, Easter Monday, 25 April (ANZAC day), early June (Queen's birthday), early August (Constitution Day), late October (Gospel Day), Christmas and Boxing Day.

THE PEOPLE. The Cook Islands Maori is Polynesian and several tribes trace their ancestry back to Samoa and Raiatea (French Polynesia). By tradition there are also connections between the Rarotongans and the New Zealand Maori. The Cook Islands census of 1 December 1981 recorded a total population of 17,754, compared with 18,128 in 1976 and 21,323 in 1971. The southern islands have the most population (86.8% in 1981). The most populous islands are Rarotonga (9530 in 1981), Aitutaki (2335), Mangaia (1364) and Atiu (1225).

Nationality. Cook Islanders are British subjects and citizens of New Zealand through the New Zealand Citizenship Act 1948, and by the Constitution adopted in 1965.

Language. Most islanders are bilingual, using their own Polynesian dialect and English. The languages of Polynesia are all closely related and are of the Malayo-Polynesian family. There is a strong similarity between the dialects of the NZ Maori, the Cook Island Maori and the Tahitian. If a NZ Maori speaks Maori in the Cook Islands he is readily understood. If he goes to Tahiti and speaks Maori without pronouncing his k's, he can still be understood.

Migration. Hundreds of Cook Islanders go to New Zealand to seek

employment. In 1982 there were about 24,500 in New Zealand compared to about 20,000 in 1977 and 4499 in 1961. The largest communities of islanders are in Auckland and timber mill towns.

Religion. The London Missionary Society was the pioneer in educational and missionary effort in the Islands. Evangelisation began at Aitutaki in 1821 and, with some setbacks spread through the group, guided by Rev. John Williams. For many Cook Islanders the most respected early Christian teacher was Papeiha, a Raiatean, who introduced the gospel to Aitutaki in 1821, and Rarotonga in 1823. Many Cook Islanders were sent away in the early days as native pastors to Samoa, the New Hebrides, Papua and elsewhere. The church is still a powerful influence.

About 69 per cent belong to the Cook Islands Christian Church (formerly the LMS); about 15 per cent are Roman Catholic and the remaining 16 per cent Seventhday Adventist, Latter Day Saints, etc.

Lifestyle. Generally, the outer islanders continue to live in extended families with the traditional communal pattern of living. In Rarotonga, lifestyle more closely follows a European style.

Recreation. Favourite pursuits follow Polynesian tradition and include feasting, music-making and dancing. There is also frequent participation in church meetings. Sports include cricket, tennis, rugby, lawn bowls, netball, boxing, golf, sailing and athletics. There is also a fishing club.

GOVERNMENT. The islands formally became part of New Zealand on 11 June 1901. They gained internal self-government in 1965, and after the first general elections held in April 1965 voted to remain in free association with New Zealand. The latter, with the Cook Islands government, assumes responsibilities in external affairs and defence.

Legislature. The Parliament of the Cook Islands established under a written Constitution consists of 24 members each representing a separate constituency. The constituencies are Rarotonga 9; Aitutaki 3; Mangaia 3; Atiu 2; one each in Manihiki, Mauke, Mitiaro, Penrhyn, Pukapuka and Rakahanga. Under amendments to the Constitution in 1981, which extended the life of Parliament from four to five years, a constituency was created in New Zealand to give Cook Islanders living there representation in Parliament. The Constitution is the supreme law and Parliament alone has power to amend or repeal it upon a two-thirds majority vote.

Executive. Executive authority is vested in the ruling monarch of

Great Britain. The Queen's Representative (at present a former Education Minister, Sir Tangaroa Tangaroa) is appointed upon the advice of the Cook Islands Government. Previously, the New Zealand High Commissioner was also Cook Islands Head of State. New Zealand is now represented at the diplomatic level by a Representative.

Executive Government lies with a Cabinet of Ministers comprising the Prime Minister and six other Ministers chosen by the Prime Minister.

Elections. A general election, by universal suffrage, is held every five years. Governing party, elected in the March 1985 General Elections, is the Democratic Party with the Cook Islands Party in opposition.

Local government. Island councils exist on each of the outer islands. They were reconstituted by the Local Government Act 1966 which provides for the chairman to be elected from among council members, instead of having the island Chief Administration Officer in this post as previously. The councils meet regularly to supervise various local activities, collect minor taxes and carry out various island works and services. In addition, most villages have a committee which helps to maintain roads and does other local work.

House of Ariki. The House of Ariki of the Cook Islands consists of up to 15 Ariki, representing all islands in the group, and is required to meet at least once every 12 months. The House acts in an advisory capacity only and considers traditional matters such as customs and any matters submitted to it by Parliament in relation to the welfare of the people. The Ariki are hereditary chiefs.

DIPLOMATIC MISSIONS. The New Zealand Government maintains a permanent office in Rarotonga with the chief officer known as the New Zealand High Commissioner. The Republic of Nauru has a permanent Consulate. Other countries have their New Zealand representative accredited to the Cook Islands.

JUSTICE. The High Court has three divisions: Civil, Criminal and Land. There are two permanent judges, both appointed from New Zealand, who conduct the Court in regular sessions. Justices of the Peace have lesser jurisdiction in criminal, civil and land matters. A Children's Court deals with juvenile crime.

Appeals from all divisions of the High Court are to the Cook Islands Court of Appeal with comprises three judges, one of whom must be a judge of the New Zealand Court of Appeal or the High Court of New

Zealand Appeals from the Court of Appeal go to the Privy Council in London.

Liquor laws. The manufacture of intoxicating liquor without a license is illegal. Liquor is imported by the government and sold through the Cook Islands Liquor Supplies and various authorised stores. There are several licensed hotels, restaurants and bars in Rarotonga, as well as various sporting clubs which may serve members and guests. Aitutaki has two licensed hotels. It is an offence to drink in public places such as outside dance halls.

Gambling. Licences are issued under the Gaming Act 1967, to permit gambling by totalisator, housie (bingo), small raffles and lotteries. A local totalisator covers betting on some New Zealand horse races.

DEFENCE. Under the Cook Islands Constitution Act 1964, New Zealand has retained responsibility for the defence of the Islands.

EDUCATION. Schools are operated by the government, the Roman Catholic Mission, and the Seventh-day Adventist Mission. Under the Education Act 1966 education is free and compulsory between the ages of six and 15.

There are 38 schools, including nine colleges, 26 primary schools and a teacher's college. Pre-school centres are established on most islands. There is also an apprentice training scheme.

The Roman Catholic mission operates two primary schools, and Nukutere College at Avarua, Rarotonga. The Seventh-day Adventists operate two primary schools, Paparoa Junior College at Titikaveka, Rarotonga, and a college on Aitutaki.

Schools in 1984 recorded a total of 6421 pupils (including pre-school). In government schools, there were 3148 in primary (grades 1–6), and 2746 in secondary (forms 1–6). In the Seventh-day Adventist schools there were 142 in primary and 98 in college. In the Roman Catholic schools there were 241 in primary and 203 in college.

The Teachers College completed at Tereora in 1970 had 32 students in 1981. Teacher trainees at local and overseas institutions average 30 annually. The University of the South Pacific has an extension centre at Avarua.

Students enrolled overseas are mainly in New Zealand and Fiji, with some in Western Samoa, Papua New Guinea and Australia. Up to 100 students and trainees receive education or vocational training each year under various aid programmes.

LABOUR. In the northern atolls, people subsist largely on coconuts and fish. There is little economic opportunity other than making copra. In the Southern Group, many people work on their own plantations although in recent years there has been a noticeable shift into other forms of paid labour.

In 1985 the distribution of wage earners on Rarotonga was:

Commerce, hotels and restaurants 32.12%, Manufacturing 23.64%, Community, social and personal services 15.30%, Transport and communication 12.12%, Construction 8.86%, Other (including agriculture and fishing) 7.96%

The government is a major employer with 80.6 per cent of all salary earners, most of these in service departments. Most private sector employees work in commerce, hotels and restaurants, small manufacturing and financial services.

Wages. The minimum wage rate in 1988 was \$NZ2.09 per hour for adults. Construction workers received the highest rate at 2.54 per hour.

Unions. Unions do not play a very significant role. Main unions are the Cook Islands Industrial Union of Waterside Workers and the Airport Workers Union. The Public Service Association is fairly influential and received a 6.5% pay increase for members in early 1987.

Social security. Many Government employees have retained membership of the New Zealand Public Service Superannuation Scheme. A compulsory universal scheme has been promoted since early 1981, but no legislation to establish the scheme has been enacted. There is an old age and destitute persons scheme, and a child benefit scheme for children under 5. In early 1988 old age pensions were \$NZ66 per month.

HEALTH. Free medical and surgical treatment is available for all Islanders. School and pre-school children also receive free dental treatment.

A general hospital equipped with dispensary, X-rays and laboratory facilities is maintained in Rarotonga, on Sanitorium Hill. In addition an outpatient clinic at Tupapa and at Akaoa district caters for minor ailments six days a week.

The office of the division of Public Health which caters for disease control, environmental sanitation and mother and child health is situated in the Ministry of Health and Education at Tupapa.

Cottage hospitals have been built at Aitutaki, Atiu, Mauke, Penrhyn, Manihiki, Pukapuka, and Mangaia. They are managed by doctors.

On the islands of Mitiaro, Nassau, Rakahanga and Palmerston there are small dispensaries managed by dressers. Referral of cases to base hospital when required is by aircraft or boat; patients needing specialist treatment are referred to New Zealand.

The group is served by one doctor for every 1000 people. The dental service includes nine dental officers.

Diseases. The Cook Islands are generally free from common diseases prevalent in other tropical islands. Filariasis is endemic but active vector control and mass treatment of the population continues. Malaria does not exist. Metabolic disorders and hypertension are prevalent and venereal disease is increasing. In 1985 the crude birth rate was 24.6 and the crude death rate 6.9 per 1000.

THE LAND. The total land area of the islands is 240 sq. km situated in 2.2 million sq. km of sea. The largest island is Rarotonga (65 sq. km), followed by Mangaia (51 sq. km). No other island is more than 30 sq. km. The other 13 islands are Aitutaki, Atiu, Mitiaro, Mauke, Manuae, Takutea and Palmerston in the Southern Group and Penrhyn, Manihiki, Rakahanga, Pukapuka, Nassau and Suvarrow in the Northern Group.

The islands extend 1400 km from Penrhyn, situated 9 deg. south of the equator, to Mangaia, which is just north of the Tropic of Capricorn. Rarotonga is about 10 km wide and 32 km in circumference. The highest peaks are Te Manga (652 m) and Te Atukura (639 m), both on Rarotonga.

A whole range of relief patterns is noted, from the submerged volcanic peaks of the northern atolls covered with coral, to the steep, raised volcanic peaks of Rarotonga with its narrow fringing reef. Mangaia and Atiu are both surrounded by a makatea – a raised, former coral reef, like castle walls, with limestone caves inside. Mitiaro has lower cliffs, with a lake inside as the beginning of a lagoon.

Natural features. All the islands of the Northern Group, as well as Manuae and Takutea in the south, are coral atolls, generally enclosing a lagoon. The remaining six islands of the Southern Group are more elevated. The lagoon of Aitutaki is regarded as one of the most beautiful in the Pacific.

Soil. The atoll soil permits only restricted growth, however the deeper

volcanic soil in the Southern Group is more fertile and produces abundant supplies of tropical fruits.

Climate. From December to March the climate is warm and humid, with the possibility of serious storms as all of the Cook Islands lie within the hurricane zone. Advance warning of tropical storms is given by a meteorological service with headquarters in Fiji. From April to November the climate in the Southern Group is mild and equable. The mean annual temperature in Rarotonga is 23.9°C, and the average early rainfall is 2030 mm.

Flora and fauna. The raised islands support casuarina, barringtonia, hibiscus, palms, frangipani, poinciana, and bougainvillea in abundance. Atoll vegetation is largely pandanus and coconuts.

Apart from pigs and fowls the fauna includes the great bird nesting sanctuary on Suwarrow, the pearl shell beds of Penrhyn and Manihiki, and beds of brilliantly-coloured clam shells in the Northern Group.

Land tenure. Virtually all the land in the group is owned by Cook Islands Maoris, and their ownership is fully safeguarded. No Maori may sell or mortgage or otherwise dispose of his lands, except that he can mortgage his lands to an authorised body to secure a housing loan. He can lease the land for terms up to 60 years to any persons approved by a government-appointed statutory committee and on conditions approved by the High Court (Land Division). He can sell or lease to the Crown for more than 60 years for church purposes. The rental of land varies according to its value. Reviews of rental are carried out by the High Court.

Multiplicity of ownership is very common, often with many of the owners being absentees. The Land (Facilitation of Dealings) Act 1970 enables owners living in the Cook Islands to represent absentee owners at meetings called through the High Court and to bind these owners to decisions granting alienations etc. A judge of the Court must confirm any such decision.

PRIMARY PRODUCTION. In the northern atolls, output is restricted mainly to coconuts and fish. In the fertile southern islands productions is concentrated on bananas, citrus and pineapples.

These principal crops are planted:

<i>Crop</i>	<i>Average yield (tonnes/acre)</i>
Orange	20.00
Banana	12.00
Pineapple	10.00

Copra	1.05
Pawpaw (Papaya)	1.70

The main citrus growing is on Rarotonga, Aitutaki, Atiu and Mauke. The chief banana growing islands are Rarotonga and Aitutaki, while commercial supplies of pineapple come from Mangaia and Atiu.

Livestock (Southern Cook Islands) 1985

<i>Stock</i>	<i>Number of head</i>
Cattle	340
Goats	2920
Pigs	11,305
Ducks	1146
Rabbits	56
Horses	432
Beehives	215
Dogs	2071
Cats	1509
Chicken	30,687

Agricultural Workers

1981	1700
1982	1680
1983	1510
1984	1450

Fisheries. Mother of pearl shell is collected according to overseas demand and the state of the local shell grounds. In 1984 pearl shell accounted for 9.7 per cent of all exports.

Manufacturing. Secondary industries operating in Rarotonga include fruit processing, three clothing factories, assembly of electronic components and production of local handicrafts. A distillery and a fruit dehydration factory began operations on Mangaia in 1983, with a liquid petroleum gas facility to supply the fruit factory and domestic consumers.

Local commerce. An increasing airfreight facility has led to the expansion of the export of fruit and vegetables, most of which go to New Zealand. Locally-produced vegetables and seafoods are sold at the market in Avarua, Rarotonga.

TOURISM. The government pursues a policy of ‘controlled tourism’, aimed at ensuring a harmonious development with the rest of island life. Impetus to development of the tourist industry came from the opening of the first Cook Island jet airport in 1973 and the opening of the Rarotongan Hotel in May 1977.

Since 1980 tourism has become a major revenue earner. In 1987 gross earnings from tourism amounted to over \$27 m, compared to \$6 m for all other exports. Increase in visitor arrivals from 1983 to 1985 was more than 50 per cent. The number of tourists and visitors arriving in the islands during the 12 months to December 1987 was 32,100 compared to 28,782 in 1985. New Zealanders formed the largest group in 1985 (11,884), followed by visitors from Australia (4147), Canada (3092) and the United States (3030).

OVERSEAS TRADE. The Cook Islands suffer from an adverse balance of visible trade. The financing of imports 6.5 times the value of local exports is made possible by aid from New Zealand and funds transferred by Cook Islands workers in New Zealand.

About 80 per cent of exports go to New Zealand. Foodstuffs are the major class of imports. New Zealand provides more than 61 per cent of the imports.

Customs tariff. There is free trade with New Zealand. Import licences are required for goods imported from countries other than New Zealand.

FINANCE. Revenue raised in the Islands is supplemented by aid from New Zealand in the form of grants and loans. Revenues are raised locally from import duties, import levies, income tax, company tax, turnover tax, use tax, off-shore company registration fees and sale of postage stamps. Revenue and expenditure figures are set out in an accompanying table.

Income tax is assessed on a sliding scale with rebates for a dependent wife and for children. Superannuation contributions are not taxed. Company tax is 20 per cent.

GOVERNMENT REVENUE AND EXPENDITURE (\$NZ MILLIONS)

	1980–81	1981–82	1982–83	1983–84	1984–85
Revenue	19.4	21.1	24.9	29.4	34.0
Expenditure	18.7	21.4	24.9	29.3	34.1

Turnover tax. A turnover tax of 9 per cent of gross revenue in the case of retail sales and services and 1 per cent of gross revenue in the case of wholesale sales and services applies. Manufacturing and agricultural exports may be exempted.

External aid. The level of New Zealand aid is reviewed annually. The amount for the recurrent budget in financial year 1986–87 was \$10 million. It is intended to phase out budget aid over 20 years, at a rate yet to be agreed by both governments. Grants are made for social services and ordinary administrative expenditure, plus grants and loans for capital works and economic development. In addition the Australia and the Netherlands governments and various international agencies are providing assistance to encourage economic development in the Cook Islands. Remittances from overseas amounted to more than \$5.5 m in 1985.

Currency. New Zealand currency is used in the group. Besides the circulation of notes for 20, 10, 5, 2 and 1 dollar and New Zealand cents, there are Cook Island coins for \$1 and 50, 20, 10, 5, 2 and 1 cent in silver and \$100 in gold.

In 1987 Australia's Reserve Bank produced currency notes and coins for the Cook Islands, including a triangular \$2 coin and an octagonal \$5 coin. The existing \$1 (Tangaroa) coin is highly sought as a tourist souvenir.

Banks. The National Bank of New Zealand and the government Post Office Savings Bank operate in the islands. Westpac and the Australia and New Zealand Banking Group (ANZ) are also represented.

Cook Islands Development Bank. The Cook Islands Development Bank was established by legislation in 1978. Its functions include the provision of finance and advisory and technical services for persons engaged in economic development in the Cook Islands. Loans are also made for housing purposes. The source of funding includes the Asian Development Bank and the New Zealand Government. In the year to February 1987 the Cook Islands Development Bank issued loans worth \$1.9 m, of which \$1 m was devoted to housing projects.

Offshore financial centre. In late 1981 and early 1982 legislation was enacted to provide an offshore financial centre and tax haven regime in the Cook Islands. The legislation includes an International Companies Act, Off-Shore Banking Act and Off-Shore Insurance Act. Government revenue is derived solely from registration fees; all other forms of taxes are exempt. In early 1987 legislation was before Parlia-

ment for the formation of a bank to transact business with overseas connections such as merchant banks, financiers and discount houses.

Postage stamps. Sales of Cook Islands postage stamps are an important source of revenue. A philatelic bureau at Avarua handles sales to philatelists. Cook Islands coinage is also sought by collectors.

TRANSPORT. On Rarotonga, a 32 km sealed road, the Ara Tapu, encircles the island's coastline. A centuries-old stone roadway around the island, the Ara Metua, is sealed between Avatiu and Black Rock. Local public transport includes hire cars, taxis, scooters, buses and horse and buggy rides. In 1985 14,523 driver's licences were issued at Rarotonga, and 675 new vehicle were registered. Of these, 412 were motor cycles or scooters.

Overseas airlines. Rarotonga is served by Air New Zealand which operates a Boeing 747 Auckland/Rarotonga/Auckland, and a Boeing 737 Auckland/Tonga or Nadi/Rarotonga/Papeete and return. Polynesian Airlines, using Boeing 737, links Rarotonga with Niue, Apia and Papeete. Air Nauru flies Pago Pago/Rarotonga and return. In August 1986 Cook Islands International, a joint venture between the Cook Islands Government and Ansett Airlines of Australia, commenced services linking Rarotonga with Auckland and Sydney. A service to papeete was also planned. Hawaiian Airlines commenced services between Honolulu and Rarotonga in late 1987.

Domestic airlines. Cook Islands Airways flies the southern islands with a Britten Norman Islander. Air Rarotonga flies the southern islands and Penrhyn and Rakahanga with a Queenair, and also operates a Cessna 337 and a Cessna 172 for scenic flights.

Airfield. The airport, opened to international traffic in 1973, is on the western side of the town of Avarua, Rarotonga. It can take Boeing 747 aircraft and has a runway of 2377 m, some of it built out into the lagoon. There are airstrips at Aitutaki and Penrhyn capable of handling large aircraft. Airstrips at Atiu (825 m, grass), Manuae (1310 m, rolled coral), Mauke (914 m, grass), Mitiaro (914 m, rolled coral), Mangaia (792 m, rolled coral) and Rakahanga (950 m, rolled coral), are used by the smaller inter-island services. The airstrip at Aitutaki was upgraded in 1983 to handle Boeing 737 aircraft.

Port facilities. The port of entry for the Cook Group is Rarotonga, which has two harbours, Avatiu and Avarua. The roadstead off Avarua provides open anchorages for vessels of any size. Loading is by lighters.

Avatiu harbour has been widened and deepened to take vessels up to

75 m in length and up to 4.5 m draught at the eastern wharf. The western side of the basin takes yachts and fishing vessels. The harbours at Mangaia and Atiu are used mainly for the export of pineapples.

Apart from the substantial harbour improvements undertaken in recent years in Rarotonga, extra work has been carried out in the outer islands, particularly Aitutaki and Atiu. A new harbour was built at Atiu by the New Zealand Army.

In all the islands there is a problem from the shallow depth of water, which limits access to the lagoon to cargo-carrying lighters. It is possible for small to medium-sized vessels to enter the lagoons of Penrhyn and Suwarrow but a clearance should be sought and local advice obtained.

Shipping services. The New Zealand Line operates cargo services from Auckland to Rarotonga and Aitutaki via Niue. There are occasional direct calls to Mangaia and Atiu.

Local shipping. Inter-island services are provided by Silk and Boyd Ltd, the *Manuvai* and *Mataora*.

COMMUNICATIONS. The internal telephone service in Rarotonga was replaced in 1983 with a modern automatic service. Smaller networks operate throughout the group. Overseas telephone calls are made direct through Cable & Wireless. Every inhabited island has a radio station, maintaining direct communication with Rarotonga, which in turn connects with all other countries. Postal and telegraph services are available on all the islands. On several islands the Post Office is also the liquor bond store. A telex service from Rarotonga operates world-wide via New Zealand.

Radio, TV. The government-owned radio station IZC broadcasts daily in English and Maori. New programmes include bulletins from New Zealand and Australian national stations. Locally-owned Radio Ikurangi operates an FM station with general programmes.

Newspapers. The *Cook Islands News* is government-owned and printed in English and Maori. It is issued daily, except Sunday, by the Cook Islands Broadcasting and Newspaper Corporation. There are two weekly newspapers published by the main political parties, *The Weekender* by the Democratic Party and *Tē Akatauirā* by the Cook Islands Party.

Water, electricity. Rarotonga has water galleries and intakes direct from streams. Aitutaki is supplied by bores and tanks filled by rain from house roofs. All other islands use tanks.

Power is generated by diesel, supplying current of 240 volts AC in Rarotonga. Generators on Aitutaki, Mauke, Atiu and Rakahanga supply AC only. Generators supplied a total of 120.407 million kW hours in 1985, with Rarotonga accounting for 10.941 kW hours of the total.