

## NEW ZEALAND

### CESCR

#### **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

"The Government of New Zealand reserves the right not [to] apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.

...

#### Note

On 5 September 2003, the Government of New Zealand informed the Secretary-General that it had decided to withdraw the following reservation in respect only of the metropolitan territory of New Zealand. The reservation reads as follows:

"The Government of New Zealand reserves the right to postpone, in the economic circumstances foreseeable at the present time, the implementation of article 10 (2) as it relates to paid maternity leave or leave with adequate social security benefits."

Moreover, the Government of New Zealand notified the Secretary-General of the the following territorial exclusion:

"Declares that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, the withdrawal of this reservation shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

See also note 1 under "Cook Islands" and note 1 under "Niue" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].*

*[Ed. note: note 1 under Cook Islands is as follows:*

*Cook Islands*

*Note 1.*

*Formerly administered by New Zealand, the Cook Islands and Niue currently have the status of self-governing States in free association with New Zealand.*

*The responsibility of the Cook Islands and Niue to conduct their own international relations and particularly to conclude treaties has evolved substantially over the years. For a period of time it was considered that, in view of the fact that the Cook Island and Niue, though self-governing, had entered into special relationships with New Zealand, which discharged the responsibilities for the external relations and defence of the Cook Islands and Niue at their request, it followed that the Cook Islands and Niue did not have their own treaty making capacity.*

*However, in 1984, an application by the Cook Islands for membership in the World Health Organization was approved by the World Health Assembly in accordance with its article 6, and the Cook Islands, in accordance with article 79, became a member upon deposit of an instrument of acceptance with the Secretary-General. In the circumstances, the Secretary-General felt that the question of the status, as a State, of the Cook Islands, had been duly decided in the affirmative by the World Health Assembly, whose membership was fully representative of the international community.*

*On the basis of the Cook Islands' membership in the World Health Organization, and of its subsequent admittance to other specialized agencies (Food and Agriculture Organization in 1985, United Nations Educational, Scientific and Cultural Organization in 1985 and the International Civil Aviation Organization in 1986) as a full member without any specifications or limitations, the Secretary-General considered that the Cook Islands could participate in a treaty in its own right as a State. Consequently, the Cook Islands signed the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity in 1992.*

*The same solution was adopted by the Secretary-General following the approval of Niue's application for membership in the United Nations Educational, Scientific and Cultural Organization UNESCO in 1993 and of the World Health Organization in 1994.*

*As a result of these developments, the Secretary-General, as depositary of multilateral treaties, recognized the full treaty-making capacity of the Cook Islands in 1992 and of Niue in 1994.]*

*[Ed. note: note 1 under Niue is as follows:*

*Niue*

*Note 1.*

*Formerly administered by New Zealand, the Cook Islands and Niue currently have the status of self-governing States in free association with New Zealand.*

*The responsibility of the Cook Islands and Niue to conduct their own international relations and particularly to conclude treaties has evolved substantially over the years. For a period of time it was considered that, in view of the fact that the Cook Island and Niue, though self-governing, had entered into special relationships with New Zealand, which discharged the responsibilities for the external relations and defence of the Cook Islands and Niue at their request, it followed that the Cook Islands and Niue did not have their own treaty making capacity.*

*However, in 1984, an application by the Cook Islands for membership in the World Health Organization was approved by the World Health Assembly in accordance with its article 6, and the Cook Islands, in accordance with article 79, became a member upon deposit of an instrument of acceptance with the Secretary-General. In the circumstances, the Secretary-General felt that the question of the status, as a State, of the Cook Islands, had been duly decided in the affirmative by the World Health Assembly, whose membership was fully representative of the international community.*

*On the basis of the Cook Islands' membership in the World Health Organization, and of its subsequent admittance to other specialized agencies (Food and Agriculture Organization in 1985, United Nations Educational, Scientific and Cultural Organization in 1985 and the International Civil Aviation Organization in 1986) as a full member without any specifications or limitations, the Secretary-General considered that the Cook Islands could participate in a treaty in its own right as a State. Consequently, the Cook Islands signed the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity in 1992.*

*The same solution was adopted by the Secretary-General following the approval of Niue's application for membership in the United Nations Educational, Scientific and Cultural Organization UNESCO in 1993 and of the World Health Organization in 1994.*

*As a result of these developments, the Secretary-General, as depositary of multilateral treaties, recognized the full treaty-making capacity of the Cook Islands in 1992 and of Niue in 1994.]*

*(Note 24, Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)*

## **TERRITORIAL APPLICATION**

### Note

See note 1 "New Zealand" regarding Tokelau under in the "Historical Information" section in the preliminary pages in the front matter of [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].*

*[Ed. note: note 1 is as follows:*

*New Zealand*

*Note 1.*

*In a communication dated 10 April 2002, the Government of New Zealand confirmed the following in respect of Tokelau:*

*"Consistent with international law, New Zealand regards all treaty actions as extending to Tokelau as a non-self-governing territory of New Zealand unless express provision to the contrary is included in the relevant treaty instrument."*

*(Note 13, Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)*

\*\*\*\*\*

*[Ed. note: See also Note 24 under "Reservations and Declarations", above]*