

## OXFORD CLUB CONFERENCE

(Brief outline of Cook Island's and Legal and Constitutional History)

### **Kia Orana!!!**

I am Bret Gibson, a principal of Browne Gibson & Harvey P.C. ("BGH").

BGH is a law firm established in 1973. It is the largest law firm in the Cook Islands. I have been a principal in BGH for the last 15 years.

BGH undertakes a wide range of legal work including the servicing of international clients. BGH, active in the establishment of the Cook Islands as a financial center provides legal advice and opinions to international clients in respect of their dealings with the Cook Islands, in particular, matters pertaining to international trusts, international companies or offshore banking.

I have been asked to speak to you today to give you an overview of the Cook Islands.

In the course of my delivery to you I will traverse the areas of

Introduction

- (1) Background - including geography and climate
- (2) History and culture of the Cook Islands
- (3) How the Cook Islands evolved into a self-governing country
- (4) Aspects of the political system
- (5) Aspects of the legal system.

### "Background - Geography and Climate"

The Cook Islands is situated in the South West Pacific Ocean between French Polynesia and the Samoa's. The Cook Islands comprises of 15 widely dispersed islands, which are roughly divided into the Southern, and Northern Group. The Southern Group includes Rarotonga, which is the country's administrative center. The most northern island is called Penrhyn, which is, situated some 9 degrees south of the equator. The most southern island is Mangaia, which is the nearest island to Rarotonga, and is 22 degrees below the Equator near the Tropic of Capricorn. The Southern Group islands are formed through high volcanic formation with fertile soils and lush tropical vegetation. The Southern Group possesses about 90% of the total land area of the Cook Islands, Rarotonga being the largest island.

The Northern Group islands, by contrast, are low-lying coral atolls with sparse vegetation and large inner lagoons. Penrhyn is some 1,365km from Rarotonga. Rarotonga is approximately 3,010kms north east of Auckland, 1,140km south west of Tahiti and 4,730 south of Hawaii. Los Angeles is 7,767km away - approximately 8 hours away by plane. Time wise Los Angeles is 3 hours ahead and New York 5 hours ahead of the Cook Islands. Hawaii is in the same time zone.

The Cook Islands possesses a tropical oceanic climate with two main seasons the dry months being from April to November having an average maximum temperature of about 26 degrees centigrade and an average minimum temperature of 20 degrees centigrade. The more humid months are from December to March, which have an average maximum temperature of 28 and a minimum of 22 degrees.

The land area of the Cook Islands is 240 square km whilst the Cook Islands' exclusive economic zone covers a maritime area of nearly 2 million sq km.

### "History and Culture"

The indigenous population in the Cook Islands is the Cook Islands Maori, being Polynesians closely related ethnically to the indigenous populations of French Polynesia and the New Zealand Maori and the Hawaiians. The total population of the Cook Islands is approximately 15,000 with majority of the population residing in Rarotonga and the remainder being scattered throughout the outer islands. In 1960, with the completion of the airport, saw a massive migration from the Cook Islands to New Zealand. The last census in 1991 revealed that approximately 38,000 Cook Islanders resided in New

Zealand with a large number also residing in Australia. More Cook Islanders live outside the country than inside.

The Cook Islands Maori culture predominates throughout the country although there is a mixture of Maori and Western culture in Rarotonga. The official language of the Cook Islands is English however most of the Cook Islanders are bilingual using their own Polynesian dialect and English. All commercial transactions are conducted in English and Parliamentary debates are in English and Maori. The Court system also operates on an English and Maori basis.

The Cook Islands social organization and culture is firmly rooted in the land. It was decided in the early 1900s that permanent alienation of land would be prohibited in order to maintain social and cultural stability. Local persons inherit Land rights through their parents (i.e. follow blood lines). Foreigners may own land for up to a period of 60 years. In other words lease land for a period of up to 60 years (a generation).

Since the second half of the 19th century the overwhelming majority of the population has been Christian. In 1921 94% of the population declared themselves supporters of the congregationalism Cook Islands Christian Church. Successor domination to that established in the Cook Islands by the London Missionary Society in the early 19th century. The first contact Cook Islanders had with Europeans was through the London Missionary Society, a Protestant organization of the Methodist denomination. Strong Christian beliefs permeate Cook Islands society.

Scientific research to date strongly suggests that Polynesians ultimately came from South East Asia some thousands of years ago. Island hopping across the Pacific Ocean until all but the isolated and most uninhabitable islands were settled. According to tradition and oral history the Islands comprising the Cook Islands received settlers both from nearby Islands, which now part from Tahiti. The Cook Islands was first settled in 800 AD during the great Polynesian migration, which began in about 1500BC. Two centuries later two great chiefs, Tangianui from Tahiti and Karika from Samoa met and joined forces at sea to conquer the early inhabitants.

Also according to the oral traditions of both Cook Islands and New Zealand the Maori peoples of New Zealand came from the Cook Islands in approximately 1350AD when seven canoes from the Cook Islands settled the North Island of what is now New Zealand. Polynesians used to travel by large double-hulled canoes.

Scattered as the Cook Islands are it is understandable that the first European contact came at disparate times and featured a large cast of characters for example it appears that Pukapuka was found by the Spanish Explorers De Mendana and De Quiros on 20 August 1595. Rakahanga also appears to be encountered by De Quiros in March 1606. In 1789 Captain Bligh of the Bounty was the first recorded European to arrive in Aitutaki. There is considerable evidence that between September 1789 and January 1790 the mutineers of the Bounty reached Rarotonga and did not land and went onto Aitutaki.

The English Missionary John Williams is credited as being the first European to step ashore at what is now known as the capital of the Cook Islands, Avarua on July 1823. It was Captain James Cook of the British Royal Navy who in September 1773 found a number of other Cook Island islands thereafter. A Russian Admiral Jon Von Krustenbug in his Atlas of the Ocean Pacific first attached the name of Captain Cook to the Southern Group. It was not until the end of the 19th Century and the beginning of the 20th Century however that this designation assumed legal form.

During Cook Islands history various areas and islands were and are ruled by chiefs known as Arikis. For example on the island of Rarotonga there are six Arikis. The European Missionaries who, in turn, worked through the Arikis drew up a draft code of conduct relating to various matters including theft, trespass, abolition of polygamy and sexual misconduct. The formation of legal codes and abolition of violence as a means to dispute settlement lead to an unprecedented political stability and relative strengthening of the position of the Arikis.

#### "British/New Zealand Rule"

From the years 1843 through to 1888 it was rumored that France was going to invade the Cook Islands. The indigenous people and Arikis and foreign merchants, which were now operating out of the Cook Islands, had petitioned Britain on a number of occasions to take over the Cook Islands as a protectorate. Britain said it did not have enough commercial interest in the islands to form a protectorate.

However it would appear that the fear of the French obtaining a steam ship route through from the Pacific from the Atlantic through the Panama Canal particularly between Sydney and Panama that prompted the British into action as Rarotonga

made an ideal coaling station. Had France annexed Rarotonga it would have had a stranglehold on this route. So on 27 September 1888 the Southern Group came under British control and the years after the Northern Group slowly were annexed.

Pursuant to a number of proclamations various islands in the Cook Group were either made British Protectorates or were annexed to British Rule. At this stage New Zealand was a self-governing British Colony and whilst, as you can see from above, Britain reluctantly entered the imperialistic fray, New Zealand was a lot keener and encouraged the notion of a British Pacific Ocean and the annexing of a number of islands between Auckland and the proposed Panama Canal before France could annex them.

The first British Governor, Frederick Moss, recognized an Ariki Government and assisted them to establish law and order. In 1890 he persuaded the Ariki of Rarotonga to form a provisional Rarotonga legislature or general council being the first government for the entire island. Until then it had been divided between three tribes, often warring. On the initiative of the British Governor, on 4 June 1891, the representatives of the Ariki of the southern group agreed to form the first federal legislature with the responsibilities for stamp duties, finance, shipping, postal services, registration of deeds and vital statistics, immigration, quarantine, education and all other matters of governmental administration.

It was in the late 1890's that New Zealand pushed Britain into passing what is known as the Colonial Boundary's Act pursuant to which the Cook islands was included within the boundaries of New Zealand by a British Order in Council or letters patent. It was during the late 1890s that a court system was also introduced to the Cook Islands.

It was late on the evening of 26 September 1900 when, the Prime Minister of New Zealand, Richard John Seddon introduced a draft resolution from the New Zealand Parliament approving of the annexation of the Cook Islands to New Zealand. There was no advance notice and few opposition members present. Apparently it was in the wee hours of the following morning with about 33 members absent that the House of Representatives voted 37 to 4 to annex the Cook Islands. Five Arikis and seven sub chiefs signed deed of Cession.

In 1901 New Zealand Parliament passed the Cook and Other Islands Government Act, which, amongst other things, provided for all local laws and usages not contravened by that Act or later acts to remain in effect. The Cook Islands courts were to be maintained whilst providing for the New Zealand Supreme Court and the New Zealand Court of Appeals to hear appeals from the Cook Islands High Court or the Land Titles Court. For a while there existed the situation where the Ariki in the Rarotonga council thought they were a self-governing community under the British crown whilst the resident Commissioner from New Zealand very much thought otherwise.

Despite the image the Ariki had of themselves by 1909 the resident Commissioner appointed by New Zealand and the Minister of Island Territories of New Zealand had almost assumed complete responsibility of the administration of the Cook Islands.

In a major effort to codify and consolidate existing legislation relating to the Cook Islands, as well as to address some of the legal and other problems that had been faced in administering the territory since 1901, the New Zealand Parliament in 1915 enacted the Cook Islands Act with 660 sections covering matters such as local government, the judiciary, criminal and civil codes and land succession and alienation. New Zealand legislation did not apply to the Cook Islands unless specifically enumerated in that Act, while the law of England at the time New Zealand became a colony (14 January 1840) was applied to the Cook Islands unless contravened by legislation. To this day English Common Law, unless otherwise provided for by statute, has force of law in the Cook Islands. This is similar to most other Commonwealth countries e.g. New Zealand, Australia, and Canada.

From 1909 to 1934 New Zealand adopted a go slow or passive approach to the development of the Cook Islands believing that it only had limited responsibility for the self-governing territory. Cook Islanders were considered as being in tutelage until such time as they had learned to govern themselves (at least in the European sense).

Between 1936 and 1959 New Zealand under a Labour government was a lot more active in the development of the Cook Islands spending considerable money on capital works, equipment, education, health and by way of salaries and employment.

In 1946, with the support of the Rarotonga Island Council, in an attempt to enlist the co-operation of the people in the Cook Islands for economic development efforts New Zealand established the Cook Islands Legislative Council, the first territory wide political body since 1915 when the old federal council (of Arikis) was abolished. The Legislative Council had the power to pass ordinances for the "peace, order and good government" of the Cook Islands as well as to impose taxes in the like provided that enactments were not repugnant to New Zealand legislation, which applied to the territory.

While constituting the step towards self-government the Legislative Council had considerable limitations and could not legislate on a number of reserved subjects e.g. Crown rights in land. Until this point in time there had been no taxation in the Cook Islands.

Despite its significant investment in the social development of the Cook Islands lack of progress in stimulating economic opportunities and New Zealand's adoption of a more paternalistic approach towards the Cook Islands, particularly from the 1930's onwards, resulted in a lack of confidence and growing distrust of the New Zealand administration by the Cook Islands. Factors giving rise to this lack of confidence and growing distrust included a growing bureaucracy from New Zealand with little delegation and responsibility of head positions to Cook Islanders and little dialogue between the administration and council members and the Cook Islands people, particularly to discover what Cook Islanders were actually thinking and wanted. New Zealand, at this stage, sent out a number of experts to carry out surveys in the Cook Islands all of whom said New Zealand should promote self-determination and self-administration in order to, amongst other things, generate local leadership.

In 1957 the New Zealand Parliament adopted the Cook Islands Amendment Act 1957 which gave effect to recommendations by various surveys carried out by these experts. The Legislative Council was replaced by a Legislative Assembly comprising of 14 members elected by secret ballot under universal suffrage. This Assembly had the power to make laws and was given control of the revenue collected in the Cook Islands.

### "Constitution"

An important stimulus to Cook Islands constitutional development was the United Nations Declaration on the granting of independence to colonial countries and peoples in 1960. New Zealand joined the 88 other countries in voting for the declaration, which resolutions affirm, "all peoples have the right of self determination by virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development."

Between 1959 and 1965 there were an increase stimulus in the economy with much greater trade exportation to New Zealand largely due to a large and faster ship paid for by New Zealand and its operation costs subsidized by New Zealand. However inter island shipping facilities were still irregular especially to the Northern Group where some islands only had one ship calling a year.

In 1962 Gotz, the then Minister of Island Territories addressed the Legislative Assembly on the future of the territory. He advised the Cook Islands Legislative Assembly to consider four alternative courses

1. complete independence, whereby New Zealand would continue, as with Western Samoa, to assist and advise in the future development of the country; or
2. full internal self government, whereby the Cook Islands people would remain New Zealand citizens with the right of free entry into New Zealand for both themselves and their produce but the Cook Islands would be responsible for the management of its own territory; or
3. integration with New Zealand with direct representation in the New Zealand House of Representatives; or
4. ultimate integration into a Polynesian Federation if the future of such federation seems practicable.

In 1963 the Cook Islands Legislative Assembly adopted a 44 resolution as a blue print for constitutional development deciding the Cook Islands should have a constitution which provides for full self government but allows continued association with New Zealand under a common head of state, the Queen, and with common citizenship, that of New Zealand.

Six days later the New Zealand Government formally approved the above decision and New Zealand's draftsmen began the task of converting the above principles into a constitution.

In 1964 a Cook Islands Constitutional Bill was introduced into the New Zealand Parliament and tabled simultaneously in the Cook Islands Legislative Assembly. On 17 November 1964 the New Zealand Parliament passed the Cook Islands Constitution Act to come into force on the date requested by the Cook Islands Legislature following general elections to be held in the Cook Islands.

In early 1965 an information campaign was carried out throughout the islands explaining in both English and Maori languages the import of the constitution. Elections were held on 20 April 1965 with only a small minority of candidates opposing the basic thrust of the proposed constitution and self-government. Those candidates were almost all defeated and on 10 May 1965 a new Legislative Assembly met to elect a new Executive Committee and to consider constitutional matters. A United Nations delegate was present to observe the elections. This was the first time that the United Nations had observed an act of self-determination in a non-self governing territory other than a trust territory.

On 7 June 1965 the New Zealand Parliament passed the Cook Islands Constitutional Amendment Act 1965 containing, amongst other things, the following:

- (i) the Cook Islands should be a self governing in free association with New Zealand
- (ii) approving the constitution of the Cook Islands
- (iii) requesting that the constitution be brought into force on 4 August 1965.

That same day the New Zealand administrator proclaimed that Cook Islands self government was to come into effect on 4 August 1965. Nine days later the Cook Islands became an independent state in free association with New Zealand.

The Cook Islands Constitution, like all other national written constitutions, sets out the most important principles upon which the country and its government are based and operate. The Constitution is invariably supplemented within the limits prescribed in the Constitution, by amendments passed in the prescribed manner, by organic laws and other legislation passed in the ordinary way to fill in gaps; usually also by judicial decisions interpreting the written document and by customs and conventions regulating the working of the machinery of Government.

In accordance with the express wishes of the Legislative Assembly the legal competence of the Cook Islands is set out clearly and unreservedly in Section 3 of the Act which states simply:

"The Cook Islands shall be self-governing"

A companion principal to that of self-government and equally fundamental is found in Section 4 of the Act, which provides that the Constitution is the supreme law of the Cook Islands.

The Constitution covers such matters as Head of State, the position of the Queen's representative in the Cook Islands, the position of executive government of the Cook Islands, Parliament of the Cook Islands and the judiciary and fundamental human rights and freedoms. The Constitution states that Her Majesty the Queen in right of New Zealand shall be the head of state of the Cook Islands. At this moment that means the Queen of England (Queen Elizabeth II).

Pursuant to the Constitution there shall be representative to her Majesty the Queen in the Cook Islands to be known as the Queen's Representative. The Queen's Representative acts in a similar way as a Governor General acts in New Zealand and (formerly) in Australia. The Queen's Representative's to act on the advice of the Cook Islands Cabinet ministers. The

Constitution provides for the House of Ariki to consider such matters relative to the welfare of the people of the Cook Islands as may be submitted to it by Parliament for its consideration and shall express its opinion and make recommendations thereon to Parliament.

The fact that it is Her Majesty the Queen in Right of New Zealand is the Head of State of the Cook Islands does not mean that Queen Elizabeth II acts in her capacity as Queen of New Zealand in dealing with Cook Islands matters. It is well established that common monarch is advised by Her Ministers in her respective dominions on matters relating to those dominions. Accordingly Her Majesty and Her Representative in the Cook Islands are advised in respect of Cook Islands matters by Cook Islands Ministers. New Zealand Ministers have no power under the Constitution to give advice to Her Majesty or Her Representative on Cook Islands matters. Cook Islands independent status has also been recognized in the Courts where the Chief Justice Sir Peter Quilliam in a recent case stated that:

"In short, the Cook Islands are a sovereign state with full internal self-government. "

#### "Constitution/Executive/Parliament/Politics"

The Constitution vests the executive authority of the Cook Islands in Her Majesty the Queen in Right of New Zealand the authority may be exercised on behalf of Her Majesty in the Cook Islands either directly by the Queen's Representative or through officers subordinate to the Queen's Representative. The Constitution provides for a Cabinet of Ministers comprising of the Prime Minister and not fewer than six and more than eight other ministers which shall have the general direction and control of the executive government of the Cook Islands 4th shall be collectively responsible to Parliament. In other words from Parliament or the Legislative Assembly a Cabinet is chosen. In practice the ruling party win choose its Cabinet. The Queen's Representative appoints from among the members of Parliament as Prime Minister the person who commands, or if Parliament is not in Session, who in his discretion, he considers would command the confidence of the majority of members in the Parliament.

The Constitution establishes an Executive Council comprising the Queen's Representative and Members of Cabinet to consider such Cabinet decisions as may be required.

Article 27 of the Constitution establishes a sovereign Parliament for the Cook Islands to be called the Parliament of the Cook Islands, which consists of 25 members elected by secret ballot under the system of universal suffrage. Parliament may make laws for the peace order and good government of the Cook Islands. Bills passed by Parliament may become law when they have been assented to by the Queen's Representative. Parliament's law making power includes the repeal or revocation or amendment or modification or extension in relation to the Cook Islands of any law in force in the Cook Islands.

The Constitution provides unlimited and exclusive legislative powers to the Cook Islands Parliament subject to the Constitution.

The form of the Cook Islands Government is a Westminster style democracy based on free elections. Traditionally there were two main parties - the Democratic Party and the Cook Islands Party. Presently it is the Cook Islands Party, which is in power holding a considerable majority in Parliament with Sir Geoffrey Henry as Prime Minister. Prior to the last election in 1994 the Democratic Party devolved into two parties being the Democratic Party and the Alliance Party. They now have since joined together in a coalition. Elections are held every 5 years. The last election was in 1994 which means the next elections will be in 1999.

#### "Constitution and the Judicial System"

The Constitution establishes a Court of Record to be called the High Court of the Cook Islands for the administration of justice throughout the Cook Islands. The High Court has a Civil, Criminal and Land Division with jurisdiction to hear and determine such proceedings as are under or by virtue of any enactment to be heard and determined by that division and such other proceedings as may from time to time be determined by the Chief Justice either generally or in any particular proceedings or classes of proceedings.

The Chief Justice of the High Court is appointed by the Queen's Representative acting on advice of the Executive Council tendered by the Prime Minister. Other judges are appointed by the Queen's Representative acting on the advice of the

Executive Council tendered by the Chief Justice of the High Court and Minister of Justice (Article 52).

Because of the high cost involved and the shortage of requisite human and other resources in the Cook Islands at time the Constitution in 1965 recognized a right of appeal from the High Court of the Cook Islands to the Court of Appeal of New Zealand. By the early 1980's however the domestic resource situation had improved and the Constitution Amendment No 9 Act 1980-81 did away with this initial arrangement and established a Court of Appeal of the Cook Islands as a superior court of record. Article 59 provides that:

"The determination of the Court of Appeal shall be final, there shall be no appeal to the High Court of New Zealand or to the Court of Appeal of New Zealand from any judgment of the Court of Appeal of the Cook Islands. However there shall be a right to appeal to Her Majesty the Queen in Council with the leave of the Court of Appeal or if leave is refused with the leave of Her Majesty the Queen in Council from judgments of the Court of Appeal in such cases and is subject to such conditions as are prescribed by Act. "

This Article, in practical terms means there is a two-tier appeal system. There may be an appeal from the High Court to the Court of Appeal and, in turn, there may be appeal from the Court of Appeal of the Cook Islands to the Privy Council in London, which is made up of members of the House of Lords, and sometimes eminent judges from other Commonwealth jurisdictions. A lot of Commonwealth countries have the ultimate right of appeal to be heard by the Privy Council. A similar appellant court system is in place in New Zealand.

To date the judiciary both of the High Court and the Court of Appeal comprises mainly of senior judges or retired judges of the High Court and Court of Appeal of New Zealand. One of the Judges on the Cook Islands Court of Appeal has also served a term in the Privy Council being Sir Robin Cooke. The reputation of the Cook Islands Court is second to none in the Pacific. The present Chief Justice is prominent New Zealand High Court judge Lawrence Greig.

### "Legal System"

We have already covered to a certain extent laws, which are applicable in the Cook Islands however for the sake of clarity the basis of which laws are applicable in the Cook Islands is found in the Cook Islands Act 1915 where at section 615 it states as follows

"The Law of England as in the year 1840 to be in force in the Cook Islands "

The law of England as existing on the 14th day of January In the year 1840 (being the year in which the colony of New Zealand was established) shall be in force in the Cook Islands save as far as inconsistent with this Act or applicable to the circumstances of those islands:

Provided that no Act of the Parliament of England or of Great Britain or of the United Kingdom passed before the said 14th day of January in the year 1840 shall be in force in the Cook Islands unless and except so far as it is in force in New Zealand at the commencement of this Act."

Section 616 provides the jurisdiction of the High Court, which states:

"Jurisdiction of the High Court - For the purposes of the last preceding section all rules of common law or equity relating to the jurisdiction of superior courts of common law and of equity in England shall be construed as relating to the jurisdiction of the High Court of the Cook Islands."

Section 618 of the Cook Islands Act provided that:

"So far as expressly provided, the statute law of New Zealand, whether enacted before or after the commencement of this Act shall not be in force in the Cook Islands."

Accordingly in the Cook Islands, common law is the base body of law. Common law is law, which is built up through judge

made law by cases stated before the courts and by precedent. Common law evolves and is not expressly stated by statute. Statute law is expressly stated law passed by Parliament and together with common law form "the body of law".

For the transition period at the time of independence. Article 77 provided that existing laws were to continue and in this respect stated:

"Subject to the provisions of this Constitution -

- (a) The existing laws shall, until repealed, be subject to any amendment thereof, continue in force on and after Constitution Day;
- (b) All rights, obligations, and liabilities arising under the existing law shall continue to exist on and after Constitution Day and shall be recognized, exercised and enforced accordingly."

Initially, Article 46 of the Constitution enabled the New Zealand Parliament to pass laws for the Cook Islands with the advice and consent of the Cook Islands. This allowed the Cook Islands with insufficient legal resources in the early post-1965 (i.e. Post independence period), to take advantage of benefit from New Zealand legislation in often complicated areas.

By 1980 however it was considered by the Cook Islands Parliament that local resources and conditions had developed to such an extent the above arrangement was no longer required and in accordance with Constitution Amendment No. 9 Act 1980-81 Article 46 now reads as follows.

"Except as provided by Act of Parliament of the Cook Islands no Act and no provision of any Act of the Parliament of New Zealand passed after the commencement of this article [5 June 1981] shall extend or deemed to be extended to the Cook Islands as part of the law of the Cook Islands. "

Which meant unless expressly adopted by the Cook Islands Parliament New Zealand statute law has no force of law in the Cook Islands. However the Cook Islands Act itself and a number of New Zealand Laws Act, which, were passed in the late 1960's and 1970's, adopted a number of New Zealand statutes. The Constitution Amendment No. 9 1980-81 put an end to this adoption type process and from then on and Cook Islands, whilst sometimes using New Zealand statutes as a base, drafted completely its own acts.

Article 64 sets out fundamental human rights and freedoms stating that there shall exist and continue to exist without discrimination by reason of race, national origin, color, religion, opinion, belief or sex certain fundamental freedoms including the right to life liberty and security. The right to equality before the law and to protection of the law. The right of an individual to own property and not to be deprived thereof freedom of thought, conscience, religion, speech, expression, peaceful assembly and free association.

#### "Conclusion"

As you can see the Cook Islands has had a relatively easy evolution into a democracy run along the Westminster style of Government with a legal system based on English Common Law. This has allowed the Cook Islands to evolve into a stable democratic society with a strong rule of law. The Cook Islands is an independent state with full parliamentary and judicial sovereignty. With a British and New Zealand heritage which has provided a political and legal infrastructure the Cook Islands has avoided the kind of turmoil that can often disturb or destabilize an offshore jurisdiction.

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[The writer had rather an unusual experience in that we were taking evidence in one case from an Italian involved in a car accident accordingly evidence was given in Italian translated to English then translated by the Court Registrar from English to Maori and then when the other person involved in the accident, who was a Cook Islands Maori, gave his evidence in Maori which was translated into English which was then translated to Italian. Needless to say the Court case took some considerable time. ]