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SPECIAL COMMITTEE ON THE SITUATION WITH  
REGARD TO THE IMPLEMENTATION OF THE  
DECLARATION ON THE GRANTING OF INDEPENDENCE  
TO COLONIAL COUNTRIES AND PEOPLES

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DRAFT REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH  
REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING  
OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES\*

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COOK ISLANDS, NIUE AND TAKELAU ISLANDS

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### APPENDIX

REPORT OF SUB-COMMITTEE II: COOK ISLANDS, NIUE  
AND TOKELAU ISLANDS

[previously issued  
in document  
A/AC.109/L.136]

\* Note: This document contains the draft chapter on Cook Islands, Niue and Tokelau Islands. Part I was previously issued as a working paper prepared by the Secretariat (A/AC.109/L.98/Add.1, Sections VIII, IX and X). Other chapters will be issued later in separate documents.

## I. INFORMATION ON THE TERRITORIES

### A. COOK ISLANDS

#### Introduction

1. The Cook Islands comprise two groups of islands in the South Pacific with a total land area of approximately ninety-three square miles (241 square kilometres). They are scattered throughout an area of some 850,000 square miles (2,210,500 square kilometres) of ocean. Rarotonga, the seat of the Government, is 1,633 nautical miles northeast of Auckland, New Zealand. The northern group of the Cook Islands comprises seven coral atolls, with soil for the most part consisting of coral rubble and sand. With the exception of one coral atoll, the southern group of islands are mainly volcanic in origin, having a mountainous interior surrounded by fertile lowlands.
2. The census in 1961 showed a total population of 18,378, of whom 17,993 were Polynesians and 385 were Europeans.

#### Status

3. In 1888 a British Protectorate was declared over the Southern Group of the Cook Islands, and a British Consul was stationed at Rarotonga, the present administrative centre. In 1890, he was replaced by a British Resident. In 1901 both the Northern and Southern Cook Islands were formally made a part of New Zealand. The indigenous inhabitants are British subjects and New Zealand citizens.

#### Constitution

4. The Territory is administered under the Cook Islands Act, 1915, as amended.
5. Resident Commissioner. The Cook Islands Act, 1915, provides for the appointment by the Governor-General of New Zealand of a Resident Commissioner of the Cook Islands, who is charged with the administration of the executive government, subject to the control of the Minister of Island Territories. The principal administrative officer is the Secretary to the Government.



6. Executive Committee. Formerly an Executive Committee, consisting of members of the Legislative Assembly and officers of the Administration, was appointed by the Resident Commissioner. The Cook Islands Amendment Act, 1962, provided for a new Executive Committee consisting of the Resident Commissioner, the Secretary to the Government, the Treasurer, and not more than seven other members chosen by the Legislative Assembly from among its members. The Committee may execute any of the Resident Commissioners' powers and functions delegated to it and may report and make recommendations on any matter referred to it by the Legislative Assembly.

7. At the eighteenth session of the General Assembly, the representative of New Zealand stated in the Fourth Committee that in November 1963 the Cook Islands Legislative Assembly had taken a further step towards the creation of a cabinet when it chose "a leader of Government and four members or embryo ministers".<sup>1/</sup>

8. Legislative Assembly. The Legislative Assembly consists of twenty-one elected indigenous members, one European member elected by European electors, the Resident Commissioner and four official members appointed by him. It may make laws for the peace, order and good government of the Cook Islands. It may not legislate, however, on certain reserved subjects, nor may it make ordinances contradictory to New Zealand acts or regulations that are declared to be reserved. It has full control over the expenditure of all revenue collected in or derived from the Cook Islands, and since April 1962, of expenditure of the subsidy money provided by the New Zealand Government.

#### Electoral system

9. The elected members of the Legislative Assembly are elected by universal adult suffrage. The last general election to the Legislative Assembly was held in May 1961. The next general election has been postponed from 1964 to 1965, so that the recent constitutional changes can be effected beforehand.

#### Public Service

10. The Public Service is under the control of the New Zealand Public Service Commission. At 31 March 1963, the total number of officers in all departments was 1,021, comprising 109 overseas officers and 912 local appointees. Most overseas

<sup>1/</sup> Official Records of the General Assembly, Eighteenth Session, Fourth Committee, 1510th meeting, para. 44.



officers are seconded from the New Zealand Public Service for terms ranging from one to three years. Local appointees include both Cook Islanders and Europeans. Although most senior posts are filled by overseas officers, the stated policy of the New Zealand Government is to give Cook Islanders an increasing share in the responsibility of administering the Territory and to replace overseas officers whenever possible. Staff-training facilities have been placed at the disposal of all officers who desire to qualify for senior positions in the Service.

#### Judiciary

11. The High Court of the Cook Islands is a tribunal of wide civil and criminal jurisdiction. It performs the local equivalent of the functions of the New Zealand Supreme Court and the Magistrates Court. The Native Land Court deals with all matters concerning Native land. Appeals against decisions of the Native Land Court are made to the Native Appellate Court of the Cook Islands. Appeals against decisions of the High Court are made to the Supreme Court of New Zealand.

12. The present judiciary consists of a Chief Judge of the High Court who is also a Judge of the Native Land Court and a Chief Judge of the Native Land Court who is also a Commissioner of the High Court. The Registrar of Courts and the resident agents on the outer islands are commissioners of the High Court and there are at present three indigenous justices of the peace. Any two of them acting together may exercise the jurisdiction of a commissioner of the High Court.

#### Local government

13. Island councils, consisting of ex officio and elected members in each of the main islands, meet regularly. They are empowered to make by-laws for the imposition of tolls, rates, dues, fees, fines, taxes (except customs duties on imported goods) and other charges; to establish village councils; and to borrow money for works or services that the council has the power to carry out, establish, maintain, or acquire. No by-law may become law until it has been approved by the Resident Commissioner.

#### Recent developments

14. During the fifth annual session of the Legislative Assembly in 1962, discussions were held on possible lines of future political development. In a



resolution adopted unanimously, the elected members of the Assembly rejected "the alternatives of complete independence, integration with New Zealand and a Polynesian Federation". Instead they requested that the people of the Cook Islands retain their New Zealand citizenship and that the fullest possible degree of internal self-government be proceeded with.

15. At the same session, a time-table for constitutional development was drawn up for the consideration of the Assembly. This included proposals to abolish the separate Europeans' seat on the Assembly, and to reduce the number of official members to two by 1964 and one by 1965. Subsequently, the Assembly agreed with these proposals.

16. In August 1963, at the invitation of the Legislative Assembly of the Cook Islands, a special constitutional mission arrived in Rarotonga to assist the Assembly in defining its views on the political and constitutional development of the Cook Islands. After attending a general debate on constitutional development and holding discussions with members, the mission drew up a report to the Assembly in September 1963 containing recommendations.

17. After considering the mission's report, the Cook Island Legislative Assembly, on 12 November 1963, adopted a set of detailed recommendations as a blueprint for constitutional development, and on 18 November the New Zealand Government formally approved the conclusions of the Legislative Assembly.

18. In summary the Assembly's recommendations are as follows:

(a) The Cook Islands should have a constitution which provides for full self-government but allows for continued association with New Zealand under a common Head of State, the Queen, and with a common citizenship, that of New Zealand.

(b) A cabinet should be chosen from members of the Legislative Assembly, and responsibility for particular departments or subjects allocated to individual ministers in the cabinet. It should consist of a Premier or Chief Minister and four other ministers. The Premier should be elected by the Assembly and he should select the other members of the cabinet and allocate portfolios among them.



(c) The Queen should remain Head of State of the Cook Islands. For the time being the Queen's representative in the Cook Islands should be a New Zealand official who should also act as the representative of the New Zealand Government.

(d) An Executive Council comprising the Commissioner and the members of the Cabinet should be established with power to discuss and to refer back to cabinet, but not to vary or negate any cabinet decision.

(e) All members of the Legislative Assembly should be elected by direct election of the adult population of the Cook Islands. Each island in the group should continue to comprise one constituency, except that Rarotonga might be divided into three multi-member constituencies. There should be twenty-two members of the Legislative Assembly representing the various islands as follows: Rarotonga, 9 members; Aitutaki, 3; Mangaia and Atiu, 2 each; and Mauke, Mitiaro, Pukapuka, Manihiki, Rakahanga and Penrhyn, 1 each.

(f) The Judge of the High Court of the Cook Islands should be appointed by the Executive Council, acting on the advice of the Premier. The Supreme Court of New Zealand should for the time being continue to exercise the original jurisdiction which it exercises at present in respect of civil and criminal matters arising in the Cook Islands.

(g) The conduct of the external relations of the Cook Islands should remain a responsibility of the New Zealand Government. In some cases New Zealand should delegate to the Cook Islands Government the power to act on its own behalf and in others should consult or inform the latter about its actions.

(h) The grants made by the New Zealand Government to the Cook Islands Government should continue to be determined on a triennial basis.

(i) Recommendations of the Constitutional Committee which were acceptable and which required legislative action should be incorporated in an Act of the New Zealand Parliament rather than by amendment to the Cook Islands Act 1915. The Constitution Act should provide that its amendment by the Cook Islands Legislative Assembly should require a two-thirds majority at the second and third readings in the Assembly of the ordinance involved and the lapse of ninety days between the second and third readings.



(j) The term of office of the present Legislative Assembly should be extended by up to one year to enable legislation to be passed in New Zealand giving effect to constitutional changes before the next general election to the Assembly.

#### Economic conditions

19. The Territory has been traditionally dependent on subsidies and grants from New Zealand. In the past the irregularity of shipping and the seasonal nature of the main fruit exports to New Zealand have hindered economic development. Recent improvements in shipping services and facilities for marketing, storage and primary processing have been made in order to assist the Islands' economy.
20. The economy is based principally on agriculture and most of the population is engaged in growing subsistence crops, and food crops and copra for export. Several small factories manufacture clothing and process fruit juice and shell jewellery for export. Mother of pearl shell and handicraft are also exported. The great majority of all exports and imports are to and from New Zealand.
21. Receipts during 1962-1963 consisted of £530,493, in revenues obtained in the Territory, and £736,900, in subsidies and grants from New Zealand, making a total of £1,267,393. Expenditures amounted to £1,091,588.

#### Social conditions

22. Labour. Most Cook Islanders are engaged in subsistence agriculture and the production of crops for export. This provides seasonal employment in the ancillary fields of handling and shipping. The small secondary industries noted above also provide some additional employment.
23. A workers' union, covering all classes of workers, is affiliated with the New Zealand Federation of Labour. Union membership is not compulsory, but some of the industrial agreements with employers include union preference clauses. Industrial disputes are settled by an Industrial Relations Officer either acting on his own or as chairman of a conciliation committee.



24. A special committee, after studying labour conditions, recommended that local legislation should be passed to cover workers' compensation, minimum wages, hours of work, holidays, safety and health, and the employment of women and children. In 1962, legislation concerning these recommendations was being drafted to be placed before the Legislative Assembly.

25. Public health. All Cook Islanders receive free medical and surgical treatment, and pre-school and school children, expectant mothers and hospital patients receive free dental treatment. The medical staff includes a Chief Medical Officer, two seconded medical officers, and sixteen assistant medical officers. The Health Department, main hospital and the sanitarium are situated at administrative headquarters. Some of the outer islands have small hospitals and the remaining inhabited ones have dispensaries. Health services on these Islands are in the hands of resident assistant medical officers or dressers. All are visited periodically by the senior medical staff. The Territory has a total of 157 hospital beds.

26. In 1962, there were 45.6 live births per 1,000 population and 8.17 deaths per 1,000 population. The mortality rate for children less than one year old was 26.92 per cent of the total number of deaths.

#### Educational conditions

27. Free and secular education is provided for all children between the ages of 6 and 16 years by the Government and two church missions in every permanently inhabited island in the Territory. The syllabus in primary schools is similar to that of New Zealand with some adjustments appropriate to local conditions. Secondary education is based on the syllabus and prescription for the New Zealand School Certificate.

28. At 31 March 1963, a total of 94 students were studying in New Zealand under the New Zealand Government Scholarship Scheme. Of this number, 44 were secondary school pupils, 10 were university students and the 30 others were taking professional, nursing, trade and teacher-training courses.



29. Expenditure on education totalled £232,269 in 1962-1963, or approximately 21 per cent of total expenditure. There were 3,995 primary and 659 post-primary pupils in government schools and 485 primary and 16 post-primary pupils in mission schools.

## B. NIUE

### Introduction

30. Niue Island, situated in the South Pacific Ocean about 350 miles south-east of the Samoan Islands, has a land area of about 100 square miles (259 square kilometres). It is an elevated coral island with a coral reef fringing a precipitous and broken coastline. It has no running streams or surface water, and no good harbours. The Niue Islanders are Polynesians and numbered 4,885 at 31 March 1963.

### Status

31. A British Protectorate was declared over Niue in 1900, and in 1901 it was formally made a part of New Zealand. The inhabitants of Niue are British subjects and New Zealand citizens.

### Constitution

32. Niue is governed under the authority of the Cook Islands Act, 1915, and subsequent amendments. In its annual report the administering Power states that Niue forms part of the Cook Islands, but because of its remoteness and its linguistic and cultural differences it is administered separately.

33. Resident Commissioner. A Resident Commissioner, responsible to the Minister of Island Territories in Wellington, carries out the executive functions of government on Niue. The laws he administers are made by Acts of New Zealand Parliament or regulations made thereunder, or by ordinance of the Niue Island Assembly.



34. Executive Committee. In 1962 an Executive Committee comprising three members elected by the Assembly plus the Resident Commissioner was established. Its functions and responsibilities were to be defined by statute during 1963.

35. Niue Island Assembly. The Niue Island Assembly consists of fourteen elected Niuean members and the Resident Commissioner who is President. Ordinances require the assent of the Resident Commissioner and must not be contradictory to any statute or regulation in force in Niue. In 1962, the New Zealand Government passed over to the Niue Assembly control of the expenditure of all government funds which include New Zealand Government grants and loans and money raised locally.

#### Electoral system

36. The members of the Niue Island Assembly are elected by universal adult suffrage. The last election to the Niue Island Assembly was held in 1960.

#### Public Service

37. Government servants in Niue are members of the Cook Islands Public Service. At 31 March 1962, regular administration employees consisted of 191 Niueans, thirty-four Europeans, three Maoris and two Fijians. Two departments, the Post Office and the Native Land Court, are headed by Niueans. Other administration departments are headed by overseas officers. The administering Power states that its policy is to fill vacancies in the Public Service by appointing Niueans wherever this is possible.

#### Judiciary

38. There is a High Court with civil and criminal jurisdiction and a Native Land Court concerned with litigation on land and titles. The Resident Commissioner acts as judge for both courts.

#### Local government

39. Village government is largely in the hands of the Assembly Member, the pastor and the constable in each village, but village affairs are usually discussed in regular meetings of the heads of families.

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Economic conditions

40. Niue's economy is based on agriculture. The rocky nature of the island makes cultivation generally difficult and most of the arable land consists of pockets of soil among coral rocks. The chief crops produced for export are copra, bananas and kumaras. It has no industry except the manufacture of handicraft articles for export. Most of Niue's trade is with New Zealand. Niue derives insufficient revenue from exports and other sources to balance its budget, and the deficit between revenue and expenditure is met by special and general subsidies from the New Zealand Government. In 1962-63, receipts and expenditure were £181,206 and £422,462 respectively, and the subsidy contributed by New Zealand amounted to £272,000.

Social conditions

41. Labour. There are no labour unions in the Territory.

42. Public health. Free medical and dental care is provided by the Government Health Department. The Health Services staff includes a Chief Medical Officer, five Niuean assistant medical officers and two assistant dental officers. A hospital with forty-five beds and two clinics are maintained by the Health Services. Expenditure during 1962-63 was £54,478. In 1962, the birth-rate and death-rate were 44.37 and 5.65 per 1,000 of population. The infant mortality rate was 22.83 per 1,000 live births.

Educational conditions

43. Education is free and compulsory between the ages of 6 and 14. Post-primary education is provided for selected pupils at Niue High School. At 31 March 1963, 1,295 primary and 164 post-primary pupils were enrolled in the schools. An additional twenty-seven students were enrolled at the Teachers' Training Centre, and another twenty-seven were studying in New Zealand under the New Zealand Government Scholarship Scheme. Of this number, eighteen were secondary school pupils and the remainder were taking courses in teaching, nursing, trade and clerical training. Educational expenditure for the year ending 31 March 1963 totalled £52,635.



## C. TOKELAU ISLANDS

### Introduction

44. The Tokelau Islands consist of three atolls in the central Pacific with a total land area of about four square miles (ten square kilometres). Each atoll consists of a number of reef-bound islets encircling a lagoon. The islets vary in size from 100 yards to four miles in length and are from 10 to 12 feet above sea level. They are situated about 300 miles north of the Samoan Islands. In 1961, the population totalled 1,860.

### Status

45. The Islands became a British Protectorate in 1877. They were annexed in 1916 and included within the boundaries of the Gilbert and Ellice Island Colony. In 1925, at the request of the United Kingdom Government, the New Zealand Government assumed responsibility for their administration and they were separated from the Gilbert and Ellice Islands Colony. In 1948 they became a part of New Zealand. The indigenous inhabitants are British subjects and New Zealand citizens.

### Constitution

46. The Tokelau Islands are administered under the provisions of the Tokelau Islands Act, 1948, which transferred formal sovereignty for the Group to New Zealand. The Act provided for the continuation of existing law, and confirmed the right of New Zealand to legislate for the Tokelau Islands by way of regulations.

### Administrator

47. Under the Tokelau Islands Administration Regulations, 1949, the High Commissioner of Western Samoa was appointed as Administrator of the Tokelau Islands. All administrative and executive functions relating to the Territory were vested in the administration. When Western Samoa became independent in 1962, the High Commissioner for New Zealand in Western Samoa became Administrator of the Tokelau Islands. He visits the Tokelau Islands regularly. An Administrative Officer, also based in Western Samoa, is the Administrator's executive officer. He is required to make regular visits to, and spend much of his time in, the Tokelau Islands.



48. A close administrative connexion is maintained with the Government of Western Samoa which in 1961 signified its complete agreement with the continued presence of the Tokelau Islands Administration in Western Samoa after the latter became independent. Officers of the Samoan Government visit the Tokelau Islands regularly, and their advice is freely available to the Administrator.

#### Local government

49. Local public services are carried out on each of the three atolls by appointed Tokelau officials. The Faipule, the most important of these, is the chief representative of the Government. He acts in a supervisory capacity over government officials on his island and administers the laws and presides over the local Court.

#### Suffrage

50. Although the Administrator retains the power to formally appoint the Faipule in each island, since 1953 the islanders have been electing their Faipule for a term of three years by "democratic election".

#### Economic conditions

51. The economy of the Tokelau Islands is based on agriculture, consisting of subsistence crops and the production of copra for export. This was valued at £4,959 during 1962-63. An annual deficit in the budget of the Territory is met by subsidies from the New Zealand Government. For the financial year 1961-62, subsidies totalled £25,000. For the same year, revenue and expenditure totalled £1,150 and £19,725, respectively.

#### Social conditions

52. Labour. Copra production and the manufacture of handicraft articles are the only industries in the islands. In the annual report of the administering Power, it is stated that supervision of employment conditions in these industries is unnecessary. Unemployment and exploitation are reported to be unknown, because of the security and safeguards provided by the social structure in the islands.



53. Public health. The Government of Western Samoa assists with the medical services, and regular visits are made to the Islands by its medical staff. Two Samoan medical officers who are at present stationed in the Territory will be replaced by Tokelauans now in training at the Central Medical School in Fiji.

Educational conditions

54. The government schools have sixteen trained Tokelau teachers. Each year one teacher is sent to New Zealand to attend a four-months' observation course of schools and teaching methods, and others are sent regularly to Western Samoa for refresher courses. During 1962 three students attended primary schools on scholarships in New Zealand, and twenty students were on scholarships in various schools in Western Samoa and Fiji.



## II. CONSIDERATION BY THE SPECIAL COMMITTEE

### Introduction

55. At its 244th meeting on 15 April 1964, the Special Committee heard a statement by the representative of New Zealand.

56. At its 304th meeting on 9 November 1964 the Special Committee considered the Report of Sub-Committee II on the Cook Islands, Niue and Tokelau Islands (A/AC.109/L.136), which appears as an appendix to this chapter. The representative of New Zealand participated in the consideration of the report.

### Written petitions

57. The Special Committee circulated the following petitions concerning the Cook Islands:

<u>Petitioner</u>	<u>Document No.</u>
<u>Petitions circulated in 1963</u>	
Two petitions from Mr. Ronald Syme	A/AC.109/PET.155 and Add.1
Mr. Julian Dashwood, Member of the Cook Islands Legislative Assembly	A/AC.109/PET.156
<u>Petitions circulated in 1964</u>	
Legislative Assembly of the Cook Islands	A/AC.109/PET.224
Two petitions from Mr. Ronald Syme	A/AC.109/PET.225 and Add.1
Mr. C.R. Walker	A/AC.109/PET.226
Mr. G.F. Mills	A/AC.109/PET.227

### Statement by the representative of New Zealand

58. In his statement to the Special Committee at the 244th meeting on 15 April 1964, the representative of New Zealand said that although the three Territories were small, the relevant provisions of the Charter and the Declaration on the granting of independence to colonial countries and peoples, which New Zealand fully supported, applied to them just as much as to larger Territories.



The practical question was how to implement the principle of self-determination in a situation for which few precedents existed.

59. The future status of the Cook Islands, the point to which constitutional evolution would lead, had hitherto been left undefined. Now the Legislative Assembly was asked to consider and to fix the goals which it desired. Discussion started from the premise that, whatever their numbers, the people of the Cook Islands should enjoy the same full rights of self-determination as anyone else. Apart from that, nothing was fixed, and no solution was ruled out in advance. New Zealand had made clear to the Legislative Assembly that, as had been the case with Western Samoa, the choice was up to the Islanders and that New Zealand stood ready to carry out their wishes.

60. In July 1962, the Legislative Assembly had discussed four alternatives: independence, integration with New Zealand, federation with other South Pacific islands, or some form of free association. The Assembly had had little hesitation in deciding unanimously for full self-government, coupled with continuing association with New Zealand. To work out the detailed application of that broad commitment, the Assembly had sought the advice of a three-member mission which had visited Rarotonga in August 1963. The mission had prepared a set of recommendations which it felt to be an accurate reflection of the Assembly's wishes. The Assembly had debated the recommendations in November 1963 and had adopted them after making some changes. The New Zealand Government had accepted the decisions of the Assembly in accordance with the understanding that it would implement whatever were the considered views of the Cook Island representatives. The decisions, forty-four in all, had thus become the basis for the final stages of constitutional development which would be implemented by an appropriate Act of the New Zealand Parliament.

61. The core of the proposals for full self-government was the establishment by May 1965 of a ministerial system of government in the Cook Islands. A Cabinet would be set up consisting of four ministers and a Chief Minister or Premier. The Cabinet would be chosen by the Legislative Assembly and would be solely responsible to it for the good government of the Territory. Its paramountcy as the executive arm would be unquestioned. An Executive Council, composed of



the ministers together with the New Zealand representative, would have the power to refer certain decisions back to the Cabinet, but not to amend or veto them. Preparations for the introduction of the system had already gone beyond the planning stages. Although it was felt that the inauguration of the Cabinet proper should follow the next general election - now planned for early 1965 - there seemed to be no legal or other reason why members of the Assembly could not begin immediately to acquire experience in administering portfolios. In November 1963, therefore, the Executive Committee had been reconstituted by the Assembly to make it in effect a "shadow Cabinet" with an elected leader of government business and four ministers responsible for several government departments.

62. The ex officio members of the Legislative Assembly would withdraw, leaving that body entirely elected by the adult population of the islands. It would become legislatively autonomous, with all the necessary power to amend or repeal New Zealand legislation in force in the Cook Islands. The Cook Islands Public Service would be placed under local control. All those steps would have been completed by the time the Cabinet was inaugurated. By then, New Zealand's only responsibility would be for external relations; the functions of a New Zealand representative in Rarotonga would combine a constitutional role as the link with the Crown and other quasi-diplomatic duties as the link with New Zealand. At the same time, there would be no room for doubt about New Zealand's continued willingness to stand beside the Cook Islands. Its grants-in-aid, running at more than \$2 million a year, would be made on a three-yearly basis, to give the Legislative Assembly a greater independence and flexibility in its planning. Of course, the Islanders remained perfectly at liberty to modify the system and in fact had continuing power to decide their own political fate.

63. Some had questioned whether the system as planned represented the real wishes of the people, and one petitioner had argued that self-government would be meaningless while the Islands remained economically dependent upon New Zealand. The New Zealand Government was the first to acknowledge the need for further economic development, but self-government was the only means by which such development could be achieved. The procedure laid down should clearly establish within a year what the people's real wishes were.



64. The remaining four islands administered by New Zealand were committed to the same goal of self-determination. Niue, a single isolated island with a population of just under 5,000, had its own Executive Committee and its own Legislative Assembly which was elected by universal suffrage and which, like that of the Cook Islands, had decided to seek full self-government and a free association with New Zealand. The course of its development would probably follow fairly closely on that of the Cook Islands.

65. For the other three islands, the Tokelau group, which had a population of just under 2,000 and were completely lacking in economic potentialities, the best future seemed to lie in a form of association with a larger island grouping or State which would offer the inhabitants the possibility of a wider life. The desires of the Tokelauan people were still being explored and could not as yet be definitely stated. But, as with the other islands, New Zealand stood ready to help them carry out their own wishes.

66. In spite of the formidable practical problems, New Zealand was determined to follow a pragmatic policy and work out individual solutions, arrived at by the people of the Islands themselves. Whatever the constitutional and legal forms in which it was embodied, free association meant one overriding fact: the possession by a people of the unchallenged and continuing right to control their own future.



III. ACTION TAKEN BY THE SPECIAL COMMITTEE ON  
THE REPORT OF SUB-COMMITTEE II

67. The representative of the Union of Soviet Socialist Republics said that after studying the working papers prepared by the Secretariat on the three Territories (paras. 1-54 above) and the report of the Sub-Committee (see appendix to this chapter), his delegation did not consider the situation in those Territories under the administration of New Zealand to be as good as the representative of the administering Power had declared. Although the latter had stated that since the Second World War the Territories had begun to make rapid progress both politically and economically, they remained, nevertheless, completely dependent on New Zealand. The Declaration on the granting of independence had not been carried out in any of the three Territories.

68. The legislative and executive powers remained in the hands of the New Zealand Government, acting through its Resident Commissioner in the Cook Islands and its Administrator in the Tokelau Islands. All the key posts in the administration and the Civil Service were held by New Zealanders. The Cook Islands Legislative Assembly was not fully representative of local interests since it was not entirely elected; it still included among its members the Resident Commissioner and four officials appointed by him. It was clear from petition A/AC.109/PET.155 that the Cook Islands Legislative Assembly was only a face-saving gesture to convey the impression that New Zealand intended to comply with General Assembly resolution 1514 (XV) of 14 December 1960. The Legislative Assembly had delegated some of its functions, including legislative functions, to an Executive Committee in which all decisions were taken by three New Zealanders: the Resident Commissioner, the Secretary and the Treasurer. According to the same petitioner, those senior officials neither spoke the language of the country nor showed any interest in or sympathy with the inhabitants, and were regarded by them with strong suspicion.

69. The new constitutional measures proposed by the administering Power for the Cook Islands would not give the Territory real self-government. The New Zealand Government would continue to exercise powers of control in every sphere.



70. Moreover, New Zealand companies controlled the economic life of the Cook Islands. All agricultural products had to be sold through them at extremely low prices. Unemployment had forced many of the Islanders to emigrate to New Zealand. The New Zealand Prime Minister himself had admitted that that emigration was liable to demoralize the population, which realized that the number of its young and able-bodied men was dwindling.

71. With regard to education, he quoted a passage from the Auckland Star in which it was stated that there was only one secondary school in the Cook Islands and that very few children were able to continue their studies. According to the same newspaper, at Auckland University there were only four students from the Cook Islands, and only one of them held a State scholarship.

72. Bearing in mind all those facts and many others which showed that the situation in the Cook Islands was unsatisfactory and that the findings and recommendations of the Sub-Committee's report did not correspond to the true situation in the Islands, he wished to propose some amendments.

73. In paragraph 35 of the findings of the Sub-Committee (see appendix), it would be better to say "Some constitutional advance", and the word "substantial" should be deleted from that sentence. Paragraph 40 should be reworded as follows: "While some constitutional progress has been attained in the Cook Islands, progress toward self-government in Niue and particularly in the Tokelau Islands has been even slower. Such constitutional developments do not correspond to the requirements of the Declaration on the granting of independence to colonial countries and peoples." Paragraph 44 should be amended to read: "The Sub-Committee notes the efforts made by the New Zealand Government in carrying out its obligations as administering Power and also notes its co-operation with the Special Committee." The remainder of that paragraph should be deleted.

74. With regard to the recommendations, his delegation considered that a statement should be included to the effect that the application of the measures to enable the people of the Territories to express their wishes freely concerning their future, in conformity with resolution 1514 (XV), should be carried out under the supervision of representatives of the United Nations, as the Indian representative had suggested in the Sub-Committee's report (see appendix, para. 31). He therefore proposed that paragraph 47 should be reworded to read: "The people of these Territories should be enabled to express their wishes with regard to their future,



in conformity with the provisions of resolution 1514 (XV), either by popular consultation or a referendum, or by some other democratic means, under the supervision of United Nations observers."

75. The representative of Denmark considered that another detailed discussion in the Special Committee of all the questions already examined in the Sub-Committee would be regrettable. Moreover, there was no justification for attacking the New Zealand Government which had taken all reasonable measures to lead the Territories of Cook Islands, Niue and Tokelau Islands towards independence or self-government in accordance with the principles of resolution 1514 (XV). His delegation therefore could not vote for the amendments proposed by the USSR representative.

76. The representative of Australia noted that several amendments proposed by the USSR representative tended to weaken the sentiments expressed by the members of the Sub-Committee toward a conscientious administering Power which, though it had not claimed to have carried out resolution 1514 (XV) in full, yet had honestly tried to do so. Its efforts should be acknowledged. The Sub-Committee had recognized after a long discussion that the progress achieved had been "substantial". In regard to paragraph 44 of its report (see appendix), the Sub-Committee had, in fact, noted with satisfaction the efforts made by the New Zealand Government in carrying out its obligations as the administering Power. As for the sentence used in paragraph 47, it was standard terminology in the Sub-Committee.

77. His delegation had expressed many reservations in the Sub-Committee in regard to the conclusions and recommendations, but had no wish to delay the Special Committee's work by opposing the adoption of the report.

78. The representative of Iran said that his delegation was fully satisfied with the way in which New Zealand had carried out its obligations in respect of the three Territories. His delegation had welcomed the statement made to the Special Committee by the representative of New Zealand that New Zealand was prepared fully to apply in the Territories under its administration the provisions of the Declaration contained in resolution 1514 (XV). The conclusions and recommendations in the report of Sub-Committee II seemed to give an objective picture of the situation.

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79. The representative of New Zealand, replying to the Soviet Union representative, said that New Zealand had never claimed to be a great administrator of colonies. The islands in question were very poor, small remote islands with a small population - about 20,000 people on the Cook Islands, 5,000 on Niue and fewer than 2,000 on the Tokelau Islands. New Zealand had informed the inhabitants of the Cook Islands, Niue and Tokelau Islands that they could decide on their own future and choose independence, full self-government in association with New Zealand or some other country, or integration with New Zealand.

80. In the case of the Cook Islands, matters had evolved to the point where the inhabitants would soon freely determine their own future. Over the past two years a Constitution had been prepared which gave the inhabitants full internal self-government in association with New Zealand, while preserving for them the right to choose any other status if they so desired. Elections were to be held in March 1965 for a new Parliament, which would decide when the Constitution would come into force. New Zealand recognized that the international community might wish to satisfy itself that that would be a genuine act of self-determination, and it was prepared to afford it the opportunity to confirm that the Cook Islanders had a genuine freedom of choice.

81. The situation in Niue lagged about a year behind that of the Cook Islands, but the inhabitants had the same set of choices open to them. The situation in the Tokelau Islands was a little more difficult, since they were atolls with fewer than 2,000 inhabitants and remote from all the other islands.

81. In the economic sphere, New Zealand had endeavoured to assist the inhabitants in making those poor islands viable; many experiments had been carried out to improve their economy through the planting of fruit trees and the development of agriculture generally. Although there were no mineral or other resources in those islands which could be of any advantage to New Zealand, it subsidized the islands to the extent of about \$3 million a year - a considerable sum for a total population of 25,000 people.

83. The Soviet Union representative had said that as a result of bad administration and the bad economy, many Cook Islanders migrated to New Zealand. That was true, and it was a problem of all small Territories. The Islanders were free to go to



New Zealand, where they easily found work and had many material advantages. It was therefore a very natural phenomenon. Until the Cook Islanders received adequate training, their economy could hardly advance. The best way to change that state of affairs was to give the people full control of their affairs - a process in which they were encouraged and assisted by New Zealand.

84. It was also easy to raise the objection that the economy of the Cook Islands was still dependent on New Zealand. Three quarters of Cook Islands imports came from New Zealand, and almost all the exports went to New Zealand. It could hardly be otherwise. The exports of the Cook Islands were oranges, tomatoes and coconuts. Any other country wishing to buy those products could do so, but at present New Zealand was their only market. Most of the imports came from New Zealand because New Zealand's ships went to the Cook Islands. The trade generated by a population of 20,000 scattered in a number of islands was not sufficient to encourage other countries to maintain a shipping service. Therefore, it could not be claimed that New Zealand had monopolized trade with those islands.

85. New Zealand was not looking for compliments and had not sought the insertion in the Sub-Committee's report of such expressions as "noting with satisfaction". What it did ask was, that the Committee should understand that it was engaged in an interesting experiment designed to bring self-government and freedom to very small Territories.

86. The representative of Syria asked the Soviet Union representative, in a spirit of compromise, not to press his amendments to paragraphs 35, 40 and 44 of the Sub-Committee's report (see appendix). He suggested that the words "under the supervision of the United Nations" should be added in paragraph 47.

87. The representative of Poland said that Sub-Committee II had not claimed that it had produced a perfect report which the Committee could not change in any way. His delegation welcomed the attitude of the administering Power towards the Declaration on the granting of independence to colonial countries and peoples. However, the Committee could not ignore its terms of reference, under which it was to determine whether the principles of the Declaration had been applied. Generally speaking, it could be said that the Declaration had not been fully implemented in the islands in question.



88. Some progress had been made toward self-government, and that was a matter of which the Special Committee could take note, but the people had not yet been given an opportunity to decide on their future. The report spoke of "substantial" progress, but he doubted whether that adjective could be applied to a situation which was far from satisfactory. New constitutional arrangements would soon be put before the voters at the elections, but those arrangements fell short of those in effect in any Territory under United Kingdom administration. It could hardly be said that the new constitutional arrangements corresponded to the objectives of resolution 1514 (XV). For example, the Executive Council, which would be composed of the Resident Commissioner and the ministers, would have the power to block any decision by the Council of Ministers, and any decision which was not to the liking of the Resident Commissioner would have to be adopted again in order to be promulgated. Consequently, it could not be said that the Cook Islanders would have the right to govern themselves and to decide on matters of concern to their Territory.

89. His delegation understood the difficulties which the New Zealand Government faced, owing to the small size of the Territory and the fact that the inhabitants remained dependent in many ways. However, it could not express satisfaction any more than in the case of other Territories whose legislative council also included four appointed members. In those circumstances, it could hardly be stated that there were good relations between the inhabitants and the administering Power. As the Sub-Committee had not visited the Territory, it had not had sufficient evidence to substantiate such a conclusion. In that connexion, he recalled the complaints contained in the petitions referred to in paragraph 45.

90. For all those reasons, his delegation considered that the conclusions and recommendations would be greatly improved if they were amended along the lines of the USSR proposals, which contained the ideas expressed by his delegation in the amendments which it had submitted in the Sub-Committee.

91. The representative of New Zealand said that he wished to reply to two points raised by the representative of Poland. The latter had said that resolution 1514 (XV) had not been implemented because the inhabitants of the Cook Islands had not yet been given freedom of choice about their future. The facts,



however, were that a representative of New Zealand had told the members of the Parliament of the Cook Islands in 1962 that they should start thinking about the future of their country and that New Zealand would help them to carry out their decision, whatever it was. The representatives of the people had replied that they wished to run their own affairs entirely, while retaining some sort of association with New Zealand, New Zealand citizenship and some link with the Queen. New Zealand had formulated its policy on the basis of those indications.

92. Certain members of the Special Committee had expressed doubts as to the representative character of the Parliament of the Cook Islands, four of whose twenty-six members were officials. To that it could be replied that the new constitutional arrangements would be submitted to the people during the next election. If the new Parliament was not satisfied with them, it would amend them or reject them. Thus, although resolution 1514 (XV) had not yet been implemented, there did exist, in accordance with the spirit of the resolution, a continuing process of consultation.

93. The representative of Poland had also said that New Zealand would retain the right to interfere in the affairs of the Government of the Cook Islands, for the Head of State would have the right to ask the Cabinet to reconsider its decisions. In that connexion, it was to be noted that that provision had been included in the Constitution at the request of the inhabitants themselves, who had derived it from the former Constitution of Western Samoa. It was also to be noted that the provisions concerning the Head of State had been modified and the duties which he was to perform would be carried out by a Council of State, consisting of a New Zealand representative and two Cook Islands representatives. Cabinet decisions would therefore be submitted to the Council of State, which could refer them back to the Cabinet. If, after a second examination, the Cabinet stood by its decision, the decision would become law and New Zealand could not override it. Furthermore, the Constitution would not come into force until after the elections, if the new Government so decided.

94. The representative of the Union of Soviet Socialist Republics stated that in view of the appeal that had been made to it by the Syrian delegation and certain other delegations, he would not press his amendments to paragraphs 35, 40 and 44. As for paragraph 47, he accepted the amendment proposed by the Syrian representative.

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95. The representative of Australia said that the reservations and objections to other parts of the report expressed by his delegation in the Sub-Committee also applied to the Syrian amendment to paragraph 47.
96. The representative of the United States of America reserved his delegation's position with regard to paragraph 47 as it would stand if amended.
97. After a discussion concerning paragraph 49, the representative of Italy, supported by the representative of India, said that since it had been agreed that there should be a United Nations presence in the Cook Islands during the act of self-determination, it did not appear necessary to make provision for an additional visiting mission. He therefore proposed that paragraph 49 should be deleted.
98. At the 304th meeting, on 9 November 1964, the Special Committee approved the Report of Sub-Committee II concerning the Cook Islands, Niue and Tokelau Islands (A/AC.109/L.136), and adopted without objection the conclusions and recommendations contained therein as amended by the addition of the words "under United Nations supervision" to paragraph 47, and by the deletion of paragraph 49. The conclusions and recommendations adopted by the Special Committee are set out below.

#### Conclusions

99. The Special Committee welcomes the statement of the Government of New Zealand that the Declaration contained in resolution 1514 (XV) expresses the goals of New Zealand's policy towards its Territories.
100. The constitutional advance made in the Territory of the Cook Islands, with the assistance of the administering Power, the Government of New Zealand, has been substantial, but further steps are needed to attain the objectives of the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV).
101. The Special Committee notes the statement by the Government of New Zealand that, according to plans drawn up by the Cook Islands Legislative Assembly, the Cook Islands will reach full self-government together with a freely chosen association with New Zealand.
102. General elections in the Cook Islands, scheduled to be held in 1964, are now to take place in early 1965, on the basis of universal suffrage, with the nature

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of the future status of the Territory as the chief issue. A Constitution drafted by the existing Legislative Assembly will be brought into effect if, as a result of the elections, the new Legislative Assembly so decides.

103. The Special Committee notes the solemn declaration by the Government of New Zealand that any changes in the constitutional status of the Cook Islands will be decided freely by the people of the Cook Islands themselves.

104. The Special Committee takes note of the statement by the administering Power that the High Commissioner, who will be appointed by the Governor-General of New Zealand under the contemplated constitutional arrangements, shall have no powers of either a legislative, executive or judicial nature within the Government of the Cook Islands.

105. While the constitutional progress in the Cook Islands has been substantial, progress towards self-government in Niue and particularly in the Tokelau Islands has not always kept pace with the changing times.

106. The Special Committee is gratified to hear that the Government of New Zealand has decided to send a constitutional mission of the Government of New Zealand to visit Niue during 1964, to help prepare a detailed plan and time-table for the constitutional development of Niue similar to that of the Cook Islands.

107. The Special Committee notes the opinion expressed by the administering Power that, in view of the small size and population and the meagre resources available, the best future for the Tokelau Islands appears to be some kind of association with the larger islands or States nearer to it, which association will offer the inhabitants of the Tokelau Islands the possibilities of a wider life. The Special Committee notes, however, that it is understood that the final choice concerning the future status of the Territory will be decided by the population of the Tokelau Islands.

108. There are certain features and problems common to all three Territories:

- (a) The people of these three Territories have similar origins, culture, civilization and ways of life.
- (b) The economic development of all three Territories has been retarded by problems of a social and administrative nature as well as by purely economic factors.



(c) The relationship between economic and political independence is further complicated by the problems of size, isolation, limited resources and the one-sided nature of the economy.

(d) The senior posts in the civil services of the Territories are largely manned by non-indigenous persons, and the training of the people of the Territories for higher administrative positions has not always been adequate.

109. The Special Committee notes with satisfaction the efforts made by the New Zealand Government in carrying out its obligations as administering Power and its co-operation with the Committee of Twenty-Four, and the relations that exist between the people of the Territories and the administering Power.

110. The Special Committee also takes note of the various petitions submitted on these Territories.

#### Recommendations

111. The Special Committee reaffirms the inalienable right of the people of the Territories of the Cook Islands, Niue and Tokelau Islands to self-determination and independence in conformity with the Declaration contained in General Assembly resolution 1514 (XV) of 14 December 1960. The Special Committee is of the view that the questions of size, isolation and limited resources shall not in any way delay the application of that resolution to these Territories.

112. The people of these Territories should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes under United Nations supervision.

113. In relation to the necessary arrangements for the free expression of the peoples' wishes concerning the implementation of the Declaration, the administering Power should have regard to the nature of the aid and assistance which can be rendered by the United Nations and make this known to the population of the Territories.

114. The administering Power should further enlarge the training of administrative personnel from among the indigenous people, so that they occupy all key positions of responsibility in their Governments without delay.



115. The Special Committee recommends further and immediate measures to develop and strengthen the economic structure of these Territories. The United Nations, with the specialized agencies, could be of assistance in this endeavour. The Secretary-General may be requested to undertake a survey of the economic and social development of these Territories in co-operation with the specialized agencies of the United Nations and the administering Power. The objective of these measures will be to ensure that these Territories are not denied the attainment of independence and self-determination on account of their size, geographical factors and economic and social problems.



APPENDIX

REPORT OF SUB-COMMITTEE II: COOK ISLANDS, NIUE, TOKELAU ISLANDS

/Previously issued in document A/AC.109/L.136.  
To be annexed to the final report of the Special  
Committee to the General Assembly

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