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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

(covering its work during 1965)

Rapporteur: Mr. K. NATWAR SINGH (India)

CHAPTER VIII

COOK ISLANDS

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* This document contains the chapter on the Cook Islands. The general introductory chapter of the Special Committee will be issued subsequently under the symbol A/6000. Other chapters of the report have been issued as addenda.

I. INFORMATION ON THE TERRITORIES

A. GENERAL

1. Information on the Cook Islands is already contained in the Special Committee's report to the General Assembly at its nineteenth session (A/5800/Add.6, chapter XV). Supplementary information on recent developments concerning the Territory is set out below.
2. On the basis of a census conducted on the outer islands in 1963 and the estimated population of the main island of Rarotonga, the population of the Cook Islands totalled 19,214, showing an increase of 836 since the census in 1961.

B. POLITICAL AND CONSTITUTIONAL DEVELOPMENTS

3. On 11 August 1964, the Cook Islands Constitutional Bill which provides a constitution for the Cook Islands after they achieve internal self-government in 1965, was introduced simultaneously in the New Zealand Parliament and the Cook Islands Legislative Assembly. In September it was passed with some amendments by the Cook Islands Assembly. Originally the High Commissioner was to represent the Queen as the Head of State. This provision was amended to include two Cook Islands representatives who would be chosen to sit with the New Zealand High Commissioner as a Council of State. They would be appointed for a term of four years and be eligible for reappointment. In October 1964, the Constitution Bill was passed by the New Zealand Parliament.
4. In February 1965, the New Zealand Government welcomed the recommendation to the General Assembly of the Special Committee of Twenty-Four that the people of the Cook Islands be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes under United Nations supervision, and requested that an appropriate person or persons be nominated to be present in the Cook Islands on behalf of the United Nations for the election campaign and the election in April 1965, and for the debate and decision upon the draft constitution by the newly elected Legislative Assembly in May (A/5880).
5. In resolution 2005 (XIX) of 18 February 1965 the General Assembly authorized the appointment by the Secretary-General of a United Nations Representative to supervise the elections and to observe the proceedings concerning the draft

constitution in the Legislative Assembly and to report to the Special Committee and to the General Assembly. Pursuant to this resolution, the Secretary-General appointed Mr. Omar A.H. Adeel as United Nations Representative.

6. The elections were held on 20 April 1965 and the debate on the draft constitution took place between 10 and 19 May. The Legislative Assembly proposed a number of amendments to the draft constitution. These, inter alia, concerned the residential requirements for candidates and electors, the number of ministers in the Cabinet, and a House of Arikis. On 4 June, the New Zealand Parliament enacted the amendments requested by the Cook Islands Legislative Assembly. The Constitution, as amended, was adopted by the Cook Islands Legislative Assembly on 20 July, and was brought into force on 4 August 1965.

7. The report of the United Nations Representative on the conduct of the elections and on the proceedings of the Legislative Assembly (A/5962 and Corr.1) was transmitted to the Secretary-General on 30 June 1965.

C. ECONOMIC CONDITIONS

8. The economy of the Territory continues to be based principally on agriculture. The chief agricultural exports are copra, citrus fruit and juices, bananas and tomatoes. Most of the Cook Islands trade is with New Zealand. In 1963, exports amounted to £834,777, compared with £710,653 the previous year, an increase of £124,124. Imports increased from £937,273 in 1962 to £1,226,136 in 1963.

9. Revenue, derived mainly from import duties, income tax and stamp sales, is insufficient to balance the budget and the deficit is met by grants from the New Zealand Government. In 1963-64 receipts totalled £1,437,610 and consisted of £663,110 in revenue obtained in the Territory and £774,500 in grants from the New Zealand Government. The 1962-63 figures were £1,267,393, £530,493 and £736,900 respectively. Expenditures amounted to £1,465,505, compared with £1,091,588 in 1962-63.

D. SOCIAL CONDITIONS

10. Labour. A special committee appointed to study labour conditions has recommended to the Resident Commissioner that local legislation be passed to cover

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workers' compensation, minimum wages, hours of work, holidays, safety and health, and the employment of women and children. In 1963 legislation was being drafted to be placed before the Legislative Assembly in 1964.

11. Public health. In 1963 there were 47.06 live births and 8.75 deaths per 1,000 population. The mortality rate for children less than one year old was 27.38 per cent of the total number of deaths. These figures represent slight increases in both the birth rate and death rate over those for 1962.

E. EDUCATIONAL CONDITIONS

12. A junior high school was opened in 1963 and a second one in 1964. A third is to be opened in 1965.

13. At 31 March 1964, a total of 4,979 primary and 534 post primary pupils were enrolled in government schools and 403 pupils were enrolled in primary mission schools, showing an increase of 113 pupils compared with the previous year. Expenditure on education totalled £276,152, an increase of £43,883 over the previous year.

14. Ninety-three students were studying in New Zealand under the Government Scholarship Scheme in 1963-64. Of this number, forty-nine were studying in secondary schools and four were university students. Thirty-six additional students were in training in Fiji, Western Samoa, New Zealand and Australia.

II. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

15. The Special Committee considered the Cook Islands at its 375th, 376th, and 378th to 382nd meetings, held between 25 August and 1 September 1965.

16. With regard to the recent elections in the Territory and the proceedings concerning the Constitution in the newly elected Legislative Assembly, the Special Committee had before it the report of the United Nations Representative appointed under the provisions of resolution 2005 (XIX). The report (A/5962 and Corr.1) was introduced by the United Nations Representative at the 375th meeting of the Special Committee on 23 August 1965.

17. The Special Committee also had before it a note by the Secretary-General (A/5961) which contained a letter addressed to him by the Permanent Representative of New Zealand giving an account of constitutional developments in the Cook Islands subsequent to those described in the report of the United Nations Representative.

18. At its 375th meeting, on 23 August 1965, the Special Committee decided to grant a request by the Permanent Representative of New Zealand to participate in the discussions of the Committee concerning this item. The Permanent Representative of New Zealand was accompanied by the Premier and Deputy Premier of the Cook Islands.

A. WRITTEN PETITIONS

19. The Special Committee circulated one petition from Mr. G.T. Crummer concerning the Cook Islands (A/AC.109/PET.384).

B. GENERAL STATEMENTS BY MEMBERS

20. The United Nations Representative for the Supervision of Elections in the Cook Islands, in introducing his report (A/5962 and Corr.1) said that it was in some ways unconventional, since the realities of the situation had made it necessary to depart from traditional patterns. The event upon which he was reporting had been one of paramount significance which would go down in history as the Organization's first association with the exercise of self-determination in a Non-Self-Governing Territory.

21. Some of the observations and conclusions in the report might seem unprecedented in the history of United Nations interest in colonial territories; some sections might even appear to be a transgression of the United Nations Representative's terms of reference, as, for example, the statement in paragraph 415 that the suggestion that the people of the Cook Islands were not interested in full independence was not fiction. Those conclusions and observations were, however, based on over seven weeks of close and sobering contact with the realities of the situation as they existed not only in the Territory itself but also in New Zealand. He hoped that the Committee would share his conviction that in the operation and the circumstances leading to United Nations association with it could lie the key to future constructive co-operation between the Organization and administering Powers.
22. The report constituted an effort, however inadequate, not merely to set forth conclusions but also to provide the fullest possible information on all matters relevant to the organization and conduct of the elections and to the proceedings concerning the Constitution in the new Legislative Assembly.
23. Throughout his mission he had not hesitated to level criticism where criticism had been due. He had been anxious that his functions, although supervisory in character, should be carried out in such a way as to ensure the indigenous population of the fullest and most effective benefit of the United Nations presence, but that had not stopped him from praising the former administering Power when he had felt that praise was merited.
24. For the purposes of the report, he had been required to satisfy himself on the following points: that the administrative and physical arrangements for the conduct of the elections were in accordance with the electoral law promulgated by the administering Power; that the electoral officers were impartial; that the people were fully apprised of the significance of the elections and were able to exercise their right of vote in complete freedom; that the voting papers were properly safeguarded; that the counting of votes was correct and the reporting of the results accurate. His conclusions on those points, as indicated in the report, were generally positive and included any reservations he had considered inevitable.
25. He drew the Committee's attention to paragraph 137, which recorded the views expressed by leading personalities of the Cook Islands Party concerning the possible effect of the presence of the United Nations on the outcome of the elections. Those views were not, and should not be regarded as, a contradiction of his own conclusion that the people of the Cook Islands had been able to exercise their

right of vote in complete freedom prior to and during polling, a conclusion that related to the period during which he and his observers had been in the Territory and that was based on scrupulous supervision for twelve days before the elections, on polling day itself and for at least ten days after the vote. There were, however, valid reasons for including those views in the report. To refrain from doing so could be interpreted as an attempt to pass judgement on their validity. Furthermore, he had no reason to believe that the administering Power would regard the inclusion of those views as a reflection on its good faith, of which he had perceived and recorded abundant evidence. On the contrary, he had considered that the administering Power would welcome it as additional justification of its request for United Nations supervision of the elections. The former administering Power could, indeed, congratulate itself on having succeeded, as a result of its invitation to the United Nations, in dispelling whatever fears of interference might have existed.

26. The second and more complicated phase of his functions had been to observe and report on the proceedings in the new Legislative Assembly concerning the draft Constitution. Although it had not been explicitly stated, that was without doubt a request for a report which would enable the Special Committee and the General Assembly to determine whether or not, in making its decisions, the new Legislative Assembly had acted of its own free will and from its own convictions. He had therefore considered that it would not be a departure from his mandate to include in that part of the report data which could be of assistance in that respect.

27. He drew particular attention to paragraph 357, which dealt with the decisions of the new Legislative Assembly. It was his considered view that in making those decisions the members had not acted under the dictates of any quarter extraneous to the Assembly and the people of the Cook Islands. That view was borne out by the quality of the debate and the tenacity with which both the majority and minority parties had sought to ensure that their will would prevail.

28. Responsibility for settling the crucial question of whether or not an act of self-determination had taken place in accordance with the principles of the Charter rested with the Special Committee and the General Assembly. His own role ended with the submission of the report, which covered events from 8 April to 31 May 1965. Information on subsequent developments had been provided by the former administering Power in document A/5961 of 17 August 1965.

29. Recapitulating the most vital factors regarding the situation in the Territory, he said that although the new Constitution had its flaws, it also had its strong points, in particular article 41, which guaranteed to the people the continuing right to opt for any other status they might wish in the future, including a complete independent sovereign status. Of the twenty-two representatives of the people in the new Assembly, twenty had voted in favour of the new Constitution, while the two negative votes had been cast by members who had favoured complete integration with New Zealand. Secondly, the Assembly itself was the result of an election in which 94 per cent of the Territory's electoral roll had participated effectively and in complete freedom. Thirdly, the people of the Territory had very real and significant ties to New Zealand: they enjoyed an unrestricted right of emigration to New Zealand, unlimited employment opportunities in that country, a guaranteed market for their agricultural products and a yearly cash subsidy which had now been increased to £872,000.

30. The new Constitution, the elections and the proceedings in the Assembly which had prepared the way for the Constitution represented a major step in the political evolution of the people of the Cook Islands. New Zealand had requested United Nations association with the procedure and had thus demonstrated its faith in the quality of its stewardship as administering Power; for that, it deserved the commendation of the Special Committee and the General Assembly. Although in a technical sense New Zealand no longer had any obligation to provide the United Nations with information on the Cook Islands now that the Territory had become self-governing, he hoped that it might be possible to work out a special arrangement whereby the Organization could continue to be informed about developments in the Territory, so that it would be able to play, wherever possible, a more substantial role in the search for solutions to the very real social and economic problems confronting the people of the Cook Islands.

31. The representative of New Zealand paid a tribute to the work of the United Nations Representative and his team. While his delegation might question some of the comments and interpretations included in the report (A/5962 and Corr.1), the United Nations Representative's dedication to his task was worthy of respect and admiration.

32. The Cook Islanders now had complete control of their own affairs. The Prime Minister of New Zealand had commented that New Zealanders and Cook Islanders were now partners; that comment expressed the essence of the new relationship. There had been a revival of political activity and awareness in the Cook Islands, thanks

in large measure to the work of the Cook Islands Party, led by the new Premier, Mr. Henry; that political revival gave promise of the development of a flourishing economic life and was an important contribution to the renaissance of Polynesia.

33. It was stated in paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples that all peoples had the right to self-determination and that by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development. In the exercise of that right, the Legislative Assembly of the Cook Islands had determined the political status of the Territory in its resolution of 26 July 1965, in which it had resolved that the Cook Islands should be self-governing in free association with New Zealand; requested New Zealand in consultation with the Government of the Cook Islands to discharge the responsibilities for the external affairs and defence of the Cook Islands; approved the Constitution of the Cook Islands as amended in accordance with its wishes; and requested that the Constitution should be brought into force on 4 August 1965.

34. The Cook Islands' progress towards self-government under the new Constitution had begun in 1962, when the Legislative Assembly, at New Zealand's invitation, had begun to discuss the islands' future. Debates in the Assembly, talks with constitutional experts and discussions with a Select Committee of the New Zealand Parliament had led over the next two years to the drafting of a new constitution. Since, however, the Assembly had been elected nearly four years earlier and had had no specific mandate for constitutional change, it had been decided that the electors themselves should have the opportunity to register their views through a general election to be held before the Constitution went into force. The future status of the Cook Islands had been a major issue in the electoral campaign, and New Zealand had pledged itself to accept whatever changes might be desired by the new Legislative Assembly.

35. The elections had resulted in the victory of the Cook Islands Party, which had campaigned on a platform accepting the substance of the draft Constitution. The three amendments sought by the new Government had been enacted at once and Mr. Henry had entered the Legislative Assembly and, on the entry into force of the new Constitution in August 1965, had taken his place as Premier. If any doubts had existed earlier concerning the wishes of the Cook Islands people, they

had been dispelled by the general election and constitutional debate watched by the United Nations team and the Legislative Assembly's decision of 26 July 1965. As the United Nations Representative had testified, the people had had a high degree of awareness of the issues, the elections had been conducted impartially and the majority party had taken effective political action. Although the new Government disagreed radically with its predecessor on some aspects of the political scene, its campaign had made clear its agreement in respect of the relationship between New Zealand and the Cook Islands. Independence as a separate sovereign State was not sought anywhere in the Cook Islands; the only objections to self-government in free association with New Zealand had come from two small islands whose representatives had advocated complete integration with New Zealand.

36. In his delegation's view, there was one key feature of the new Constitution that might be a new contribution to the practice of decolonization. Having worked out their present form of full self-government, in free association with New Zealand, the people of the Cook Islands had retained, in article 41 of the Constitution, the right to decide at any time in the future to adopt full independence, or any other status that might become practicable, by a unilateral act - i.e., an act which New Zealand had denied itself power to countermand.

37. The new status of the Cook Islands was not sovereign independence in the juridical sense, since the Cook Islanders wished to remain New Zealand citizens and in the meantime wished New Zealand, in consultation with them, to discharge their responsibilities in the fields of external affairs and defence, but it meant that the Cook Islanders had a continuing right to self-determination. Henceforth, however, all legal links between the Cook Islands and New Zealand rested on consent; that was the meaning of free association. In view of the expressed desires of the people of the Cook Islands, his delegation felt that no other arrangement could discharge more fully the obligations which New Zealand had assumed in accepting the Charter of the United Nations and in voting in favour of General Assembly resolution 1514 (XV).

38. External affairs and defence were "entrenched" subjects under the Constitution; whereas other clauses of the Constitution could be changed by a two-thirds vote of the Legislative Assembly, clauses on those subjects could be modified only after a two-thirds vote of the Legislative Assembly and a two-thirds vote of the people in a referendum. So long as the Cook Islands chose to be associated with New Zealand rather than to become a sovereign State or to be associated with some other sovereign State, New Zealand could not disclaim ultimate responsibility for

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questions of external affairs and defence. Section 5 of the Cook Islands Constitution Act, 1964, simply reflected one of the inherent characteristics of free association. As long as the Cook Islands chose not to be internationally responsible for their own affairs, they recognized New Zealand's continuing responsibility for the matters mentioned in section 5. Another feature of the relationship was that New Zealand relied upon the Cook Islands to use their self-governing powers to fulfil international obligations. New Zealand had no power to take executive action in the Cook Islands, except at the request and with the consent of the authorities within the Cook Islands - nor could it make any change in the law in force in Rarotonga.

39. There was no real incompatibility between section 5 of the 1964 Act and the concept of legislative or executive autonomy. Both were facets of a relationship which could be maintained only by voluntary co-operation between two Governments which were constitutionally equal, although only one bore international responsibility. If the voluntary co-operation should ever break down, it would rest with either to terminate an impossible relationship but neither would have any right to coerce the other. The Cook Islands and New Zealand had thus worked out a pragmatic method of reconciling the desire of the Cook Islanders to have the maximum power over their own affairs and their wish to retain the advantages of citizenship of another country, while safeguarding their right of self-determination.

40. New Zealand believed that the new relationship was, in the words of resolution 1514 (XV), the "freely expressed will and desire" of the people of the Cook Islands. As recommended by the Special Committee, the choice had been made through "well-established democratic processes". The report of the United Nations Representative (A/AC.109/L.228 and Corr.1) was proof of the validity of that act and of the people's freedom of choice. Further authentication of the process of self-determination would be provided by the chosen representatives of the Government and people of the Cook Islands.

41. The Premier of the Cook Islands said that he welcomed the opportunity to explain how the Cook Islanders had determined their status.

42. From 1823 to 1888 the Cook Islanders had been under the political and educational control of missionaries. From 1888 to 1901 they had been under United Kingdom protection. On 11 June 1901, under the Colonial Boundaries Act of 1895, the coast line of New Zealand had been extended by an imaginary boundary line to include the Cook Islands. Within that imaginary boundary, the Islands felt their

close relationship to New Zealand and their smallness in the big world. They had carefully considered the possibilities open to them with regard to their status. They did not want to withdraw from their imaginary boundary and be associated with other countries in the Pacific area, because they knew that they belonged within that boundary and they were happy there. Nor, since the islands were scattered over an area of 850,000 square miles of ocean, did they want to eliminate the imaginary boundary altogether. Another possibility had been to join New Zealand and become fully integrated. The Cook Islanders had felt, however, that they were already partly integrated. While as a people they had sometimes criticized the local administration personnel, they were thankful for the principles which had guided the New Zealand administration - the laws prohibiting the sale of land in the Cook Islands, for example - without which the Cook Islanders might no longer have owned any land.

43. There could be no possibility of full sovereign independence unless the Islands could be assured of economic independence. The Cook Islanders considered that they enjoyed advantages within the boundaries of New Zealand's coast line which they would not otherwise enjoy. The Islanders had New Zealand citizenship and could therefore move to New Zealand - a considerable advantage since the population was increasing rapidly. New Zealand also provided a market for their tropical products.

44. Under the Constitution, the Cook Islanders had the right to move out of the boundary; they also had the right to move closer to New Zealand in the future. They had the opportunity of controlling their own political and administrative affairs, resolving their internal economic problems and trying to readjust to what they felt was the loss of their culture. Most important of all, they had been given the right to retain their pride as a people.

45. The representative of Mali said that his delegation appreciated the detailed and objective report submitted by the United Nations Representative. The New Zealand Government was to be congratulated on having arranged for the United Nations to supervise the elections in the Cook Islands. It was to be hoped that other colonial Powers would follow that example and usher in an era of more dynamic co-operation with the United Nations, for the benefit of the peoples under colonial domination.

46. The supervision by the United Nations Representative had amounted solely to verifying the strict application of the electoral law which had already been drawn up by the administering Power. The delegation of Mali would have preferred the people to decide directly on the constitutional evolution of the Territory by a referendum. It took note, however, of the fact that, by another procedure, the people had expressed their wish to link their destiny with that of New Zealand. The United Nations Representative had noted a lack of understanding of the implications of the election on the part of the population of four of the islands (paragraph 118). For such an important act, involving the future of an entire people, the authorities should have done extensive explanatory work so that the people could vote with a full understanding of what they were doing.

47. His delegation had noted the statement by the Premier of the Cook Islands and the wish of the population to be freely associated with New Zealand. It hoped that the choice just made by the House of Assembly would in no way prejudice the sovereignty of the people of the Islands. The statements made by the New Zealand delegation indicated that the administering Power would accept any constitutional change envisaged by the people of the Cook Islands.

48. The representative of Yugoslavia expressed his delegation's thanks to the United Nations Representative for the Supervision of Elections in the Cook Islands for the report which he had submitted on his mission and for the excellent work he had done. He also thanked the Premier of the Cook Islands and the Permanent Representative of New Zealand for their co-operative attitude and for their statements informing the Committee of recent political and constitutional developments in the Territory. In taking note of the report and of the statements mentioned above, he again recalled the position of his delegation. This position was that the principles of the Declaration on the Granting of Independence to Colonial Countries and Peoples applied to all Non-Self-Governing Territories under foreign colonial domination, regardless of their size, population or economic and social position. The peoples of all those Territories had an inalienable right to self-determination and independence and it was for them alone to decide their political status and their future. In no circumstance could they be deprived of that right, even if, having made their choice, they wished later to reconsider it.

49. The Yugoslav delegation therefore attached special importance to the stipulation in the Constitution of the Cook Islands that the right of the people of the Cook Islands to frame their future political status would remain unimpaired, as also to the commitment of the New Zealand Government in that connexion, which had been

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mentioned by the New Zealand representative in his letter addressed to the Secretary-General on 13 August 1965 (A/5961) and in his statement to the Committee (A/AC.109/SR.375). The suggestion made by the United Nations Representative that there should be continuing liaison between the United Nations and the Cook Islands deserved attention and the General Assembly would perhaps deem it necessary to take decisions along those lines.

50. The representative of the Union of Soviet Socialist Republics recalled that the General Assembly had been unable at its nineteenth session to discuss the Committee's recommendations on the Cook Islands (A/5800/Add.6, chapter XV, paras. 111-115). On 9 February 1965, two documents had been submitted to the delegations to the nineteenth session: a letter from the New Zealand representative (A/5880), expressing agreement to the Special Committee's recommendation that elections should be held in the Cook Islands under United Nations supervision, and a note by the Secretary-General (A/5882), suggestion that the General Assembly should decide to send a United Nations observer to the Islands for that purpose. The Soviet Union delegation had circulated to the nineteenth session a letter (A/5885) stating that the question of the future status of the Cook Islands was a question of principle to be decided only after the situation in those Islands had been carefully examined in the General Assembly with the participation of representatives of the indigenous population and conditions worked out that would ensure a genuine expression of the will of the population of the Cook Islands, and that it would therefore be wrong automatically to adopt a decision to send a United Nations observer without due consideration of the question in the General Assembly.

51. When the General Assembly had adopted resolution 2005 (XIX) on the supervision of the elections to be held in the Cook Islands, there had been no discussion of the question of the procedure for appointing United Nations observers to supervise elections or any other forms in which a people might express its will on the question of the future status of a colonial territory. There had been no discussion of such an important question as the staff of such observers or the composition of visiting missions to supervise the implementation of measures connected with the settlement of such questions as the future status of any colonial territory.

52. Secondly, the terms of reference of observers or supervisory visiting missions had not been determined, nor had their powers or jurisdiction. That was actually stated in paragraph 328 of the report of the United Nations Representative to the Special Committee which reads: "Neither the General Assembly in

resolution 2005 (XIX) of 18 February, nor the Secretary-General in his letter appointing me, deemed it necessary to give any directions as to the criteria by which I should be governed in the discharge of this responsibility." Needless to say, such a situation was quite abnormal.

53. A study of the report of the United Nations Representative led to the following conclusions.

54. Firstly, the Constitution of the Cook Islands had been drawn up by the colonial Power, which, as was pointed out in paragraph 169 of the report, "considered that concept of complete independence for the Cook Islands was unrealistic". No further comment was necessary.

55. Secondly, the electoral law had been drafted by the colonial Power and, through the high residence qualification, deprived a considerable section of the population of its right to vote; as a result, part of the population could not express its wishes on the future status of the Islands.

56. Thirdly, the entire organization and conduct of the elections in the Cook Islands had been in the hands of the colonial Power. As was pointed out in paragraphs 106 and 107 of the report, all posts in the electoral machinery, including those of Chief Electoral Officer, his Deputy, the Registrars for the electoral rolls, the Returning Officers and so on, had been held by officials appointed by the colonial Administration. Even the enumerators had been appointed by the Resident Commissioner (paragraph 96) and not chosen by the electorate.

57. Thus the whole electoral machinery had been subordinate to the colonial Power and not separated from it. The role of the United Nations Representative had been merely to supervise the elections within the framework of the legislation drafted and implemented by the colonial Power itself.

58. Such a method of organizing the elections, especially when the colonial Power had stated that the future status of the Territory would be decided on the basis of those elections, could in no way be considered democratic.

59. The so-called "public enlightenment programme", too, had been completely subordinate to the interests of the administering Power. It had been carried out by civil servants of the colonial Administration, who had limited their activities to the publication of the voting procedure and had been instructed not to concern themselves with constitutional questions and their consequences for the status of

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the Islands. The United Nations Representative had come to the conclusion that about 40 per cent of the voters had not been familiar with the implications of their votes for the future status of the Islands. If to them were added the people who had been deprived of the vote because of the registration requirements, it was clear that a considerable portion of the population had not had the opportunity to express their views on the future of their own country.

60. The whole policy of the administering Power was designed to bind the Territory more closely to New Zealand and to continue its exploitation by New Zealand capitalist companies. As stated in the report of the United Nations Representative, the people were given limited information, sometimes deliberately distorted or confused, about the aim of international economic assistance. Thus the whole public enlightenment programme had one purpose: to persuade the people of the Cook Islands that independence would mean economic suicide.

61. The Constitution not only failed to grant independence to the Cook Islands but was actually curtailing their internal self-government. Under a series of provisions of the draft Constitution, which had now become law, the power of legislative authority was delegated to the New Zealand Parliament and to the Governor-General (A/5962, paragraph 207, and Corr.1). Bills relating, for example, to financial matters could be proceeded with in the Legislative Assembly of the Cook Islands only on the recommendation of the High Commission (paragraph 197). Laws made by the Legislative Assembly became effective only on receiving the assent of the High Commissioner. Only if the Assembly approved the bill again in its original form or with the proposed amendments was the High Commissioner obliged to give his assent to the law becoming effective (paragraph 206).

62. A similar right was enjoyed by the High Commissioner with regard to decisions of the Cabinet of the Cook Islands (paragraph 195). Under the new Constitution, the High Commissioner was the highest executive authority. He was appointed by the Governor-General on the recommendation of the New Zealand Minister responsible for matters relating to the Cook Islands.

63. It was not hard to see that the wide powers and authority vested in the High Commissioner concentrated in his hands powerful levers for exerting pressure on decisions both of the Legislative Assembly and of the Cabinet. As the United Nations Representative had stated in his conclusions, "a striking phenomenon regarding the situation in the Cook Islands is the precious little evidence there is

of any effective share the indigenous people may have in the administration of the country" (paragraph 330). The steps taken by the administering Power leading to so-called "self-determination in association with New Zealand" had therefore not decreased the control exerted by New Zealand over the Cook Islands.

64. While it paid due tribute to the United Nations Representative for his work, the Soviet Union delegation was unable to give its approval to his report, for that would mean approval of the steps taken by the administering Power, which were in contradiction to the principles of the Declaration on the Granting of Independence.

65. Some hotheads in the United States were already planning to hold a plebiscite in the Trust Territory of the Pacific Islands, which they were counting on using as a pretext to justify the inclusion of that Territory in the metropolitan country. They were even intending to exploit the United Nations for that purpose.

66. The question of the future status of any colonial territory was one of those questions of principle the settlement of which could not be based solely on formal indications such as the fact that a plebiscite had been held or that elections had taken place to any legislative body in the colonial territory. The determining factor in any approach to the settlement of such questions must be the establishment of conditions which would enable the people of the territory to decide the question of their own future status and State system in complete freedom and without any interference or pressure from outside.

67. The representative of Italy said that his delegation did not intend to make a formal statement on the report of the United Nations Representative but would make a few comments of a procedural nature on the item under discussion.

68. The Italian delegation felt that the Special Committee's deliberations on the Cook Islands were approaching their natural conclusion with the formal submission of the report by the United Nations Representative and the statements by the representative of New Zealand and the Premier of the Cook Islands. He wished to emphasize with satisfaction that that was perhaps one of the instances in which the Special Committee had been more closely associated with the attainment by a former Non-Self-Governing Territory of the goals established in the United Nations Charter and in General Assembly resolution 1514 (XV). Elections had now taken place, and the Cook Islands Constitution had been amended and brought into force by an act establishing the Cook Islands as self-governing in free association with

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New Zealand. The findings of the United Nations Representative and the statement of the Premier of the Cook Islands showed beyond any doubt that the act of self-determination had been free and genuine and that the will expressed by the inhabitants of the Territory during the elections and by their representatives in the Legislative Assembly had really been the will of the majority and not the will of the administering Power or of a minority representing extraneous interests.

69. His delegation did not consider that it was within the competence of the Special Committee to comment on the special status which the people of the Cook Islands had freely chosen for themselves in regard to their international position. Nevertheless, his delegation felt that their choice had been very wise, as had their decision to retain the power to change such status in the future without the intervention of the former administering Power or any other party. The statement made by the Premier of the Cook Islands at the 375th meeting had removed all doubts that might have remained in the Committee's mind. It was clear from the information made available to the Committee that "the electors were fully aware that their votes would constitute a mandate to the new Legislature to determine the future status of their country" (A/5962, paragraph 146, and Corr.1), that the Cook Islands were now fully self-governing and that the New Zealand Parliament no longer had any control over the Cook Islands Constitution or any right to interfere in constitutional matters.

70. Some representatives had voiced a few doubts and criticisms and the Soviet Union representative had even challenged the validity and legitimacy of the entire operation, but those were minority views which would be duly reflected in the Special Committee's records.

71. His delegation therefore suggested that a resolution or a statement by the Chairman should be drawn up without further delay, embodying the substance of the Special Committee's conclusions and recommending that the General Assembly should take note with satisfaction of the points indicated and of the consequences deriving therefrom. It should express the Committee's deepest appreciation to the United Nations Representative, should thank the administering Power for its co-operation and should express good wishes to the Government and people of the Cook Islands for their future happiness and prosperity.

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72. The representative of Syria said that, while there were a few points in the report of the United Nations Representative which were not altogether satisfactory to his delegation, the fact was that the people of the Cook Islands had made their choice and it was not for any delegation to question it.

73. The precedent of the Cook Islands was one which should be given careful consideration. The people of the Cook Islands had expressed their wish to live in free association with New Zealand, but for the sake of the future of other colonial territories, the principles embodied in the Charter and the provisions of resolution 1514 (XV) should not be forgotten. The door should always be left open to the people of the Cook Islands and to their legal representatives to become independent if they should choose such a course at a future date.

74. Certain points were clear from the New Zealand representative's statement. The Constitution now in force was beyond the control of the New Zealand Parliament and could be amended only by the Cook Islands Legislative Assembly or, in the case of six entrenched clauses, by popular referendum as well as a vote by the Legislative Assembly. Secondly, the people of the Cook Islands now had sole control over their future, with power to change their present status as they wished. Thirdly, they had complete legislative autonomy. Fourthly, there was no legal barrier to their assumption of sovereign independence except the need for the consent of two thirds of the members of the Cook Islands Legislative Assembly and two thirds of the people as expressed in a referendum. The Committee should take note of those facts, which were of great importance.

75. His delegation appreciated the fact that New Zealand was granting a considerable subsidy to the Cook Islands, but it felt that, in order that the Cook Islands might one day become an entirely sovereign and independent State, the United Nations and the specialized agencies should provide financial, economic and technical assistance. He assured the Premier and Deputy Premier of the Cook Islands that the Special Committee and the General Assembly would always be willing to consider requests from them for further aid.

76. The Premier of the Cook Islands said that the attitude of the Special Committee had convinced him that the United Nations could be counted upon to assist the Cook Islands. He was grateful for all the comments that had been made and would like to dissipate some of the doubts that were apparent from certain criticisms voiced by some representatives.

77. The Cook Islands had chosen an independent political status but not sovereign independence because the people felt that it was preferable to advance gradually. Representatives of his Party had visited every island to explain the purpose of the elections and the issues at stake, and representatives of each island had come to Rarotonga to attend meetings and had returned to inform their fellow islanders. He was convinced that the Cook Islanders had been fully aware of what they had been voting for.

78. There had been four courses open to them: complete independence, federation with other Polynesian countries in the Pacific, integration with New Zealand, or self-government within the framework of association with New Zealand. The third alternative would have brought the Cook Islands many social benefits but the islanders were a proud people and wished to retain their national identity. They had therefore freely chosen the fourth alternative, which gave them complete freedom. When the Islands became economically more independent they might consider sovereign independence.

79. There was no limitation upon immigration from New Zealand, for the Cook Islanders did not want to forfeit their right to go to New Zealand whenever they chose. All they needed for that was an exit permit from the Cook Islands authorities which was issued upon the applicant's proving that he had employment awaiting him in New Zealand and a home to go to.

80. Lastly, he pointed out that the requirement of Article 73 e of the Charter that New Zealand should report to the Secretary-General on the Cook Islands seemed to him to be a violation of the political rights of his people; he would prefer the report to be drawn up by the United Nations Regional Representative in the Pacific.

81. The representative of New Zealand, referring to the statement by the representative of the Soviet Union, said that he found it invidious that, whereas countries that had emerged from the colonial experience were generous in their remarks, the representative of a country which had never brought any people to freedom, quite the reverse, should take it upon himself to make criticisms.

82. The Soviet Union representative had stated that the organization of the elections had been completely in the hands of the administering Power, with the implication that the administering Power had thus been attempting to ensure the continuance of its domination over the Cook Islands. In fact, the arrangements for the elections had been perfectly normal and had been dictated by practical, not

political, considerations. Although ideally the election might have been organized by an international commission, such a solution would have been expensive and in some ways difficult to put into effect. As it was, the United Nations Representative had testified to the impartiality of the electoral officials in paragraph 112 of his report.

83. The Soviet Union representative had also pointed out that the report stated in paragraph 169 that the Government of New Zealand considered the concept of complete independence for the Cook Islands to be unrealistic. He himself had been unable to trace any such statement by the New Zealand Government, but assuming that that was his Government's view it could legitimately be argued that it would be unrealistic for 20,000 people on an archipelago scattered over 85,000 miles of sea to become a separate sovereign State. Nevertheless, the administering Power had in fact offered the Cook Islands the choice of complete independence and they could still choose such a solution if they saw fit.

84. The Soviet Union representative had stated that the electoral law had been drawn up by the colonial Power. That was true: it was exactly the same law as that governing elections in New Zealand and had been used for elections in the Cook Islands on two previous occasions. There had never been any complaints about elections from the people of the Cook Islands or of New Zealand; in fact, many people on scholarships or sponsored in various ways by the United Nations had come to New Zealand to observe the electoral law with a view to applying it in other countries.

85. The Soviet Union representative had pointed out that all persons in the polling booths had been chosen by the Administration and not by the electors. That was the normal way to organize elections in most countries, but in every polling booth every candidate had been entitled to have a person of his choice available to challenge any elector. Moreover, United Nations observers had been present in every booth or had moved about among the booths.

86. The Soviet Union representative had said that the electoral law had deprived a number of Cook Islanders of their right of suffrage, no doubt basing himself upon a passage in the report which mentioned the question of whether Cook Islanders who were resident in New Zealand should have been permitted to vote. On the basis of the 1961 census figures, almost 40 per cent of the Cook Islanders living in New Zealand had been born there, while a further 34 per cent had lived there for

more than five years, were entitled to vote in New Zealand elections and could reasonably be regarded as settled there for electoral purposes. It was therefore possible to estimate that only about 600 of the approximately 6,000 Cook Islanders living in New Zealand had been living there for less than five years. There had also been a question whether one year's or three months' residence in the Cook Islands should be required as a qualification for voters: the choice of the longer period had affected only some 200 or so potential voters.

87. The Soviet Union representative's assertion that the programme of education, both about voting rights and about the Constitution, had been carried out by civil servants of the Administration was only partly true; in his delegation's view, the greatest educational factor had been the Cook Islands Party and the election campaign itself. Great interest had been aroused among the voters, many questions had been asked and the Constitution had been explained by the various candidates at electoral meetings. As a secondary form of enlightenment, many broadcasts had been made by officials of the broadcasting service. He himself had made a broadcast, which was reproduced in annex III of the report; members of the Committee could read that broadcast and judge for themselves whether New Zealand had been speaking as a Power which was trying to retain a colonial grip on the Cook Islands. Since the proposed Constitution had been only one of several arrangements open to the people of the Cook Islands, enthusiastic advocacy of that particular arrangement by New Zealand officials would not have been proper; they had put out pamphlets and other informational material that precisely explained the Constitution, while advocacy of particular positions had been left to the candidates in the campaign. Copies of the pamphlets could be made available to the members of the Committee if they wished to study them.

88. With regard to the remark that about 40 per cent of the people had not been familiar with the issues in the election, he agreed with the Premier of the Cook Islands that the estimate was probably too high. Discussion of the Constitution had gone on for three years, both in Parliament and throughout the Islands. It was possible that some people in the more remote islands had not understood the details of the Constitution, just as it was natural in almost every country that political awareness was less thorough in remote areas; there had, however, been very few people in the Cook Islands who had not known the issue they had been voting on.

89. It had been suggested by the representative of the Soviet Union that the whole policy of the administering Power was to bind the Cook Islands to New Zealand and to subject it to capitalistic exploitation. If the administering Power had wanted to bind the Cook Islands to New Zealand, it could have campaigned for integration or some other arrangement, but that was exactly what it had not done; instead it had given the people of the Cook Islands freedom of choice. As for exploitation of the Islands, a study of the economic facts would make it clear that not only the total present production of the Islands but even their potential production for the future was minimal in relation to the economic needs of New Zealand, so that attempts to keep the Islands under New Zealand's economic control would be pointless. The people of New Zealand bought produce from the Cook Islands, even though similar produce was at present available more cheaply from other sources, not because they wanted to maintain some kind of colonial control but because they felt a kinship with and an obligation to the people of the Cook Islands.

90. He was unable to understand the comment in paragraph 415 of the United Nations Representative's report to the effect that information given to the Cook Islands people on the post-war efforts of the international community to narrow the gap in the economic well-being of peoples was scanty, deliberately distorted or confusing. There was no censorship of news going into the Cook Islands; all the normal radio broadcasts from New Zealand - which no one, to his knowledge, had ever called distorted - were received in the Cook Islands, and New Zealand itself, as the members of the Special Committee were aware, had a profound respect for the United Nations.

91. With regard to United Nations activities in the South Pacific, it had been New Zealand that had encouraged the United Nations to set up an office of the Special Fund and of TAB in Samoa; his Government was fostering co-operation between the various territories of the South Pacific and the United Nations and believed that such co-operation would have a beneficial effect. It had not said, as reported in paragraph 415, that the Cook Islands could not afford the financial obligations of membership of the Food and Agriculture Organization; what it had

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done was to inform the Cook Islanders that such obligations existed, in the confidence that they would be fully capable of deciding for themselves, on the basis of the facts, what steps they wished to take.

92. The Cook Islands had full legislative and executive autonomy. New Zealand had no power over the Cook Islands; the New Zealand Parliament could not legislate for the Cook Islands, and the Governor-General of New Zealand could not make regulations for the Cook Islands unless the Government of the Cook Islands so requested. The right to delegate power for specific action to the New Zealand Government was retained by the Cook Islands Government for reasons of its own convenience; for example, if the Cook Islands urgently required a draft of regulations on civil aviation but lacked the necessary technical experts, it could have the regulations drafted in New Zealand for discussion and possible adoption by the Cook Islands Government.

93. The powers of the High Commissioner in the Cook Islands under the Constitution would be similar to those of the Queen in the United Kingdom or the Governor-General in New Zealand: in substantive matters he would act on advice or in accordance with constitutional provisions, and in those few matters in which he had discretion his powers were formal rather than effective and were bound by convention.

94. The representative of the Soviet Union had suggested, on the basis of certain clauses in the Constitution and certain paragraphs of the United Nations Representative's report, that New Zealand held some sinister control over the Cook Islands through the powers of the High Commissioner, for example in matters of financial legislation. The fact was that the requirement of the High Commissioner's consent for the introduction of financial legislation was purely formal and analogous to the arrangement prevailing in various countries of the British Commonwealth. The High Commissioner could act only on the advice of the Cook Island Ministers; he had no independent New Zealand power.

95. He left it to the members of the Special Committee to decide whether the Soviet Union representative had been right or wrong in saying that the measures of self-determination adopted in the Cook Islands would not decrease New Zealand control.

96. The representative of the Union of Soviet Socialist Republics said that the New Zealand representative had insinuated that some countries liberated peoples from colonialism and some did not and that it was not for the Soviet Union representative to criticize the measures adopted in the Cook Islands. He reminded the New Zealand representative that the people of the Soviet Union had themselves established in 1917 the system under which they wished to live and had maintained it by armed resistance against the attempts of fourteen imperialist States to subject them to their will.

97. The representative of New Zealand had endeavoured to rebut the remarks made by the Soviet Union delegation but had in fact confirmed those remarks by acknowledging that the colonial Power had drafted the Constitution, made the legislative arrangements for the election, sent its own representatives to act as election officials and kept the entire electoral campaign in its own hands. The representative of New Zealand had implied that the Soviet Union representative had not understood what he was talking about in referring to the unjust nature of the residence requirement; he had said that the requirement concerned persons who were living in New Zealand or who had lived there at least five years. The point made by the Soviet Union delegation, however, had been precisely that: the electoral law deprived a large number of Cook Islanders of the right to a voice in deciding the future of the islands; there was some irony in the fact that the present Premier of the Cook Islands had himself been a victim of that law.

98. In reply to the Soviet Union delegation's remarks concerning New Zealand's economic designs on the Cook Islands, the representative of New Zealand had said that the islands were too small and that it was absurd to think that capitalistic companies would take advantage of them for their own purposes. It was a fact, however, that the economy of the Cook Islands was completely dominated by New Zealand companies. Agricultural produce had to be sold through those companies, at very low prices. The representatives of the indigenous population did not participate in the management of the economic life of the islands. There was large-scale emigration to New Zealand and the number of young people and workers had decreased to a dangerous level. In May 1963 a correspondent of the Auckland Star had sharply criticized the New Zealand Government and urged it to send a parliamentary commission to the Cook Islands to investigate the economic confusion and disarray prevailing there.

99. Consequently, the New Zealand representative's remarks had totally failed to convince him that any change had taken place in the Cook Islands and that New Zealand's control over the Cook Islands had been relaxed.

100. The representative of New Zealand said that New Zealand had made no attempt to invade the Soviet Union and was perfectly content to see the Soviet people continue to live their lives as they wished. The Soviet Union's record of dealing with its minorities was, however, known to all the world. Alone among the countries which had acquired territory at the end of the Second World War, the Soviet Union had placed no territory under the supervision of the United Nations and was pursuing an integrationist policy.

101. With regard to the economy of the Cook Islands, he wished to point out two things. Firstly, Fruit Distributors Limited, the main company dealing with fruit from the Cook Islands, had fully explained its position to the Special Committee in a letter which was on record as a United Nations document; it had neither monopoly control nor any other kind of control over the export of fruit. Secondly, the Government of the Cook Islands had full power to deal with the operations of capitalistic companies and to adopt any regulations and laws it might deem necessary.

102. The United Nations Representative for the Supervision of Elections in the Cook Islands, recalling the statement in paragraph 169 of his report that the Government of New Zealand considered that the concept of complete independence for the Cook Islands was unrealistic, and the discussion which that statement had provoked at the 378th meeting, pointed out that it had been based on a statement made by the Minister of Island Territories in the New Zealand Parliament on 21 October 1964. On that occasion, the Minister had quoted in its entirety operative paragraph 5 of resolution 1514 (XV) and, recalling that New Zealand had voted in favour of that resolution, had continued: "The New Zealand Government considered that the concept of complete independence in the Territories of Cook, Niue and Tokelau was unrealistic, but took steps to consult the people about their political future...". That statement appeared in volume 23, page 28, of Hansard, the record of New Zealand parliamentary debates.

103. A similar controversy had arisen over the degree of awareness on the part of the people of the Cook Islands regarding the significance and meaning of the elections. He had fully appreciated the difficulty of arriving at a finding on

the matter, and had expressed that difficulty in paragraph 125 of his report where he had stated that it had been "difficult to make an unqualified assertion on this ... matter". In further explanation of the manner in which he had arrived at his conclusions, he said that for Rarotonga and Aitutaki Islands, where 60 per cent of the population of the Cook Islands lived, his findings had been absolutely positive, for the reasons set out in the report. Four of the outer islands which contained 40 per cent of the population had been visited by United Nations observers or by himself. In forming an over-all opinion with regard to the outer islands, he had based his conclusions principally on what it had been possible to ascertain in the four islands which had been visited, and had therefore stated in paragraph 126 of his report that for large sections of the inhabitants of the outer islands, the vote had meant hardly any more than the ordinary election of new members of the Legislative Assembly. Typical of his findings, for instance, had been in the Island of Manihiki, which he had been able to visit, where one of the five candidates for the Assembly had asked him a question which implied that he thought that the United Nations was going to take over administration of the Territory, and another candidate had told him that neither he nor any of the other four candidates had held any public meetings to tell the electors what the vote was about.

104. He had felt that in the seven outer islands which the United Nations observers had not been able to visit, the situation was not likely to be much better than in the four other islands which had been visited. That was a plausible assumption in view of statements such as that made in the Legislative Assembly of the Cook Islands by the representative of Rakahanga Island. The latter had in fact said during the debate on the Constitution: "I was with my people on my island. The only explanation they were given ... was on two types of government, namely, the government of Albert Henry and the government of Dick Brown. It is probably not a mistake of the people that there had not been sufficient explanation of the issues." That statement by the member for Rakahanga had been corroborated by many members of the opposition, who had spoken in similar terms.

105. However, even assuming that the situation in the seven outer islands which had not been visited was not better than in the four islands to which observers had been able to go, he had at no time categorically asserted that 40 per cent of the population was completely ignorant of the significance of the elections. If the

relevant sections, namely paragraphs 113 to 128, of the report were read as a whole, it would be found that whenever the 40 per cent figure had been mentioned, his position had never been one of certainty. He had been careful to state, moreover, in paragraph 126, that the percentage of the poll in relation to the number of registered voters, even in the outer islands, had averaged 95.2 per cent.

106. The representative of Iraq said that, in putting forward the views of his delegation, he wished first of all to pay tribute to the work which the United Nations Representative had accomplished. His selection by the Secretary-General to supervise elections in the Cook Islands had been fully justified by the report which he had submitted to the Special Committee.

107. The supervision of elections in the Cook Islands was an event of great importance in the history of the United Nations. In view of the difficulties which had been encountered in the past, it was in fact a great success for the Organization, and it was to be hoped that the example set by New Zealand in inviting the United Nations to supervise the elections would be followed by the other colonial or administering Powers. The results obtained by the observers fully justified future approaches to the United Nations to facilitate the process of liberation and independence for the Territories still under foreign rule. The initiative for the proposal originally made for the Cook Islands had come from the USSR representative in the Special Committee, and special thanks were due to him for that initiative.

108. The elections which had taken place in the Cook Islands had been no ordinary elections. Their aim had been to determine the future status of the Territory, and for that reason, supervision by the United Nations had become a necessity. In the opinion of his delegation, the General Assembly would have to take two separate decisions on the report of the United Nations Representative. It would first have to decide whether the Territory of the Cook Islands had achieved full self-government and, therefore whether it was no longer subject to the provisions of Article 73 e of the Charter, relating to transmission of information concerning Non-Self-Governing Territories. Secondly, it would have to decide whether it could be concluded from the developments after the elections and the adoption of the new Constitution that the objectives of the Declaration on the granting of independence had been fully realized.

109. With regard to the first decision, he recalled that in 1953 the General Assembly had adopted resolution 742 (VIII) containing a list of factors to be taken into account in deciding whether a Territory was or was not a Territory whose people had not yet attained a full measure of self-government. Subsequently, in 1960, the General Assembly had adopted resolution 1541 (XV) defining the principles which should guide Member States in determining whether or not an obligation existed to transmit the information called for under Article 73 e of the Charter. Under Principle VI of that resolution, a Non-Self-Governing Territory could be said to have reached a full measure of self-government by free association with an independent State; that was precisely the case of the Cook Islands. Furthermore, the following Principle of the same resolution (Principle VII) described how that free association should be established in order to be valid. It was therefore the duty of the Special Committee to determine whether the elections which had been held and the constitutional debates regarding the new Constitution of the Islands conformed to the requirements laid down by the General Assembly. The report contained full information concerning the elections. In it, the United Nations Representative spoke of two omissions which had, in his opinion, marred the electoral campaign. One was of a legal nature and had been remedied later; the other related to the enlightenment programme for the people. That programme had not been very effective: the report pointed out that one third of the population had not been fully aware of the significance of the elections. Moreover, like Mr. Adeel, he thought that the assistance given to illiterate people constituted an infringement of the basic principle of the secrecy of the ballot. In spite of that, however, the report of the United Nations Representative emphasized that "With the exception of these two imperfections ... the administrative and physical arrangements concerning the actual conduct of the elections were in accordance with existing election legislation" (paragraph 101).

110. The report also indicated that the Cook Islands, and in particular the members of the Cook Islands Party, did not desire full independence, but merely full internal self-government. The conclusion to be drawn from the report and statement by the United Nations Representative was that the United Nations should give New Zealand the right to cease the transmission of information on the Cook Islands.

The people of the Territory had freely chosen its political status, and they could still change that status if they so wished. The conditions laid down in the various resolutions of the General Assembly regarding the cessation of the transmission of information had thus been satisfied.

111. However, with regard to the second decision to be taken by the General Assembly, it was less certain whether the recent political developments in the Cook Islands had made it possible to attain the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was true that the Declaration itself was not clear in that regard: the expression "all powers" in paragraph 5, the only paragraph relating to the granting of independence, might give rise to some confusion. Did that expression include the power to determine their own foreign relations and defence? If it did, the present Constitution of the Cook Islands did not conform to the requirements of General Assembly resolution 1514 (XV). Could a colonial people voluntarily limit its sovereignty? There were two conflicting viewpoints in that regard: there were those who said that the freely expressed will of the people should be paramount, but there were others who considered that if that freely expressed will did not involve complete independence, the Territory should still come under resolution 1514 (XV). The Iraqi delegation was prepared to accept the first viewpoint provided that the people could decide at any time to change their status; if that condition was fulfilled, his delegation believed that the objectives of resolution 1514 (XV) would be fully realized. It had been said that the whole thinking in the Cook Islands was in a process of change; in fact, it was for the Cook Islanders to make a decision, provided that the proper guarantees were given and that the decision was made under the United Nations supervision.

112. The Cook Islands, because of their poverty, would need assistance from the United Nations, and particularly from the Special Fund and the Expanded Programme of Technical Assistance. It was his understanding that the Cook Islands, which desired such assistance, could request it directly from the United Nations representatives in the area - which was one attribute of economic independence - and he hoped that the Cook Islanders would not hesitate at any time to do so.

113. It was not essential for the Special Committee to adopt a resolution on the question; however, before the General Assembly dealt with the matter and took

decisions, the Committee should express an opinion by taking note of the report and should state whether it considered that the Cook Islands had achieved a full measure of self-government and whether the objectives of resolution 1514 (XV) had been realized. It was not necessary for the Special Committee to go into detail on the matter, but a general expression along the lines he had indicated would be helpful and would enable the General Assembly to take the proper decisions.

114. The representative of India congratulated the representative of Iraq on the clarity and precision of his statement, and in particular on the way in which he had described the problems connected with the application of General Assembly resolution 1514 (XV) and Article 73 of the Charter. He recalled the long and close co-operation between the delegations of Iraq and India on colonial questions and other matters. Iraq and India had been co-authors of resolutions 1514 (XV) and 1541 (XV), which had been adopted in 1960. He recalled the role which Iraq and India had played during the debates in Sub-Committee II in 1964 when the Special Committee had considered the question of the Cook Islands, and he regretted that the General Assembly had had to adopt a resolution under rather unusual circumstances.

115. He congratulated the Secretary-General on having invited Mr. Adeel to supervise the elections. On the whole the elections had been held under satisfactory conditions, and the Indian delegation believed that the people had expressed their wishes.

116. The Special Committee should pay tribute to the goodwill shown by New Zealand. While all forms of colonialism were bad, it would be unfair to place New Zealand in the same basket as certain other colonial Powers. It was New Zealand which had invited the United Nations to supervise the elections, whereas certain administering Powers had refused to allow United Nations sub-committee to visit their Territories.

117. It would be desirable if the Special Committee could make some reference to the assistance which the United Nations should render to the Cook Islands in the economic, health and other fields. Like the representative of Iraq, he thought that while it was not necessary for the Committee to adopt a resolution, it should give its opinion on the report in transmitting it to the General Assembly. The question of the Cook Islands had been dealt with at length both at the sub-committee level and in the Special Committee; the latter had had the benefit of hearing the Premier of the Cook Islands and was conversant with the various aspects of the situation in the Territory as well as the historical background, whereas the

General Assembly, because of its heavy agenda, would not be able to devote much time to the matter. The General Assembly had repeatedly requested the Special Committee to find out the best and most expeditious means for the elimination of colonialism; it was therefore for the Committee to say whether or not it was satisfied with what had happened in the Cook Islands and to make recommendations so that the experience acquired in those Islands might be of use in other areas.

118. The representative of Ethiopia expressed appreciation to the United Nations Representative for his thorough and scholarly report and to New Zealand, which had adopted a liberal attitude towards the United Nations and opened the door to a more realistic implementation of General Assembly resolution 1514 (XV). The Premier of the Cook Islands was to be congratulated on overcoming all the obstacles in his path and achieving a new status for his land by democratic means.

119. The conclusions of the United Nations Representative showed that, with some exceptions, the administering Power had acted correctly and the people of the Cook Islands had made a free choice in electing their representatives. The Cook Islands now had a new Constitution, which had been adopted by the Legislative Assembly. The Committee should ask itself whether the new status of the Cook Islands satisfied the conditions for decolonization stipulated in resolution 1514 (XV).

120. It could be seen from the report of the United Nations Representative that the internal self-government in the Cook Islands was not perfect; indeed, in some aspects it was quite defective. That was particularly true with respect to the status and functions of the High Commissioner, the Executive Council and the Governor-General. Apart from abolishing the Council of State, the legislators at the first meeting of the Legislative Assembly did not seem to have shown any concern about those defects. His delegation would welcome an explanation on that subject from the Premier of the Cook Islands.

121. In contrast, the United Nations Representative had indicated that the elections had been free and that the Constitution had been adopted by an overwhelming vote in the new Assembly. In his statement to the Special Committee at the 375th meeting, the United Nations Representative had described the most vital factors regarding the situation in the Territory and the strong points of the new Constitution. In addition, the Premier had described to the Committee the

advantages which the Cook Islanders derived from their status. It was clear from the testimony of those two speakers that the new status of the Cook Islands reflected the will of the people. Consequently, the Ethiopian delegation could only wish the Islanders success, prosperity and happiness in their new venture.

122. The representative of Uruguay said that his delegation intended to make a final statement on the report of the United Nations Representative at a later meeting. For the moment it would confine itself to a few general comments.

123. It would be only right and fitting for the Special Committee to express its satisfaction that the New Zealand Government had fulfilled its obligation as administering Power of the Cook Islands. New Zealand had acted in accordance with the spirit of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and it was to be hoped that that outstanding example would be followed by other countries.

124. The case of the Cook Islands was a special one, since the Declaration was being applied not through complete independence, as had been the case in other Territories examined by the Committee, but through association with the administering Power. General Assembly resolutions 742 (VIII) and 1541 (XV) left no doubt that free association might be one of the ways in which a dependent Territory could attain full self-government, a fact which the Special Committee itself had expressly recognized when it had adopted the report in document A/5800/Add.6. Those resolutions, however, set forth five prerequisites for free association.

125. Firstly, association with another State should be the result of free choice. Secondly, the people should be fully aware of the meaning of the decision they were called upon to make. Thirdly, the act of self-determination should be carried out in accordance with democratic procedures, on the basis of universal suffrage. Fourthly, the associated Territory should have the right to determine its internal constitution without outside interference. Lastly, the associated Territory should be free at any time to choose any other political status, including complete independence.

126. In the case of the Cook Islands, it could be said that all those prerequisites had been fulfilled, although it would of course be for the General Assembly to take the final decision. Although some of the procedures employed had not, perhaps, been entirely satisfactory, paragraphs 140, 147 and 149 of the report showed that the

act of self-determination by the inhabitants of the Cook Islands had been carried out in accordance with the first three prerequisites. An examination of the constitutional documents and the interpretation of those documents by the New Zealand Government as presented in the New Zealand representative's statements showed that the last two prerequisites, too, had been guaranteed.

127. Moreover, a further element could be noted with satisfaction, which was not included in the various General Assembly provisions covering such situations: namely, the voluntary decision of the administering Power that the process of self-determination should be supervised by the United Nations. Various representatives had indicated their concern that the decision taken by the Cook Islands might establish a precedent. His delegation shared that concern and felt that such cases should be examined carefully since future acts might be affected. In that case and for the reason previously stated, the intervention of the United Nations was therefore a valuable precedent for similar cases that might arise in the future. If the General Assembly endorsed that procedure, it would establish for the first time, for the protection of dependent peoples, the fact that association between a metropolitan country and a Territory could not be achieved validly without the supervision of the international community, for that was the only practical way of guaranteeing that the people could express themselves freely and that their real wishes would be respected.

128. There were, nevertheless, important problems still pending which would have to be dealt with later. For example, it would be necessary to work out procedures ensuring that Territories which, like the Cook Islands, were technically self-governing and hence would no longer be protected by the safeguards accorded to Non-Self-Governing Territories in the Charter, would be guaranteed the right to change their political status and accede to complete independence if they so desired.

129. The representative of the United Republic of Tanzania said that the case of the Cook Islands was one of exceptional importance. It was a small country, virtually isolated from the rest of the international community, and throughout its long history its only association with the outside world had been through the administering Powers. The international community had nevertheless felt that it was its moral duty to ensure that the Declaration on the Granting of Independence to Colonial Countries and Peoples was implemented in the Cook Islands. It was also the duty of the administering Power to give the Declaration the widest possible publicity in the most remote areas under its control, and in that connexion he

wished to commend the spirit of co-operation shown by New Zealand in the case of the elections in the Cook Islands.

130. The conclusions set forth in the report of the United Nations Representative required serious consideration. His delegation shared the concern expressed in paragraph 404 with regard to the High Commissioner's dual role as the representative of the New Zealand Government and the representative of the Queen as Head of State. The New Zealand representative had stated that the New Zealand Government no longer had any civil power within the Cook Islands. That statement was relatively true in that the present fluid situation concerned two Governments which were constitutionally equal, but it would nevertheless be possible to subject it to analytical criticism. Experience would show how the arrangement worked out in practice. Although his delegation wished to express reservations in that connexion, it derived some consolation from the statement by the Premier to the effect that the people of the Cook Islands were happy to have the opportunity of controlling their own administrative affairs. His delegation was further reassured by the fact that the people of the Cook Islands had the right to opt for independence in the future, should they so choose, thus putting into full practice their right to self-determination.

131. The report of the United Nations Representative showed that the people of the Cook Islands had exercised the right to use their vote without any administrative or physical impediments. It was his delegation's hope that they would now harness all their forces and make full use of their new status for their progress and development. Concern had been shown about the political aspects of the case, but it was equally imperative that careful attention should be paid to the economic aspects. The international community must afford the people of the Cook Islands all the economic assistance possible.

132. His delegation was ready to support any suggestion that would take due note of the report of the United Nations Representative and submit it to the General Assembly for consideration.

133. The representative of Chile observed that the clear and comprehensive report submitted by the United Nations Representative brought out all the significant aspects of the political transformation which the Cook Islands was now undergoing.

134. When the Cook Islands had been discussed in 1964, his delegation had stated that the inhabitants should be given the opportunity of expressing their wishes

with respect to their political future. That view which had been shared by the other members, had helped the administering Powers to hasten the elections for the Legislative Assembly. The presence of a United Nations Representative had undoubtedly been an important factor in ensuring that the people were able to exercise their right to self-determination in full knowledge of the facts. The report confirmed that the elections had been free and that the provisions of General Assembly resolution 1514 (XV) had been respected. His delegation was grateful to the Premier of the Islands for his clear and sincere explanation of the reasons why the people had chosen as they had.

135. It was both important and commendable that the Constitution of the Cook Islands recognized the fact that the inhabitants of the Islands retained the right to change their status in the future if they so wished; that recognition would enable them to choose complete independence if the majority so desired.

136. The full and frank explanations given by the New Zealand representative reflected the co-operative attitude which his country had taken towards the United Nations policy of eliminating colonialism.

137. In conclusion, he expressed to the Premier of the Cook Islands his country's best wishes for the progress and prosperity of his people.

138. The representative of Poland recalled that during the discussion in 1964 his delegation had noted the New Zealand Government's co-operation with the Special Committee but had not hesitated to criticize the administering Power for the lack of progress in various fields and for other instances of negligence. It still shared some of the doubts and reservations voiced by some representatives during the debate.

139. His delegation was happy to note that its intentions had been understood by the Premier of the Cook Islands. It was regrettable, however, that the New Zealand representative had seen fit to make derogatory remarks about some members of the Special Committee; that representative should not be surprised that a number of members were sensitive to all actions by administrative or colonial Powers whose record called for criticism. The policies of the New Zealand Government would always be scrutinized in the light of its attitude towards the aspirations of all Asian peoples in their struggle for liberation and independence.

140. The United Nations Representative had carried out his functions with devotion and impartiality. His report was a milestone in United Nations history, for the United Nations had played an active part in the attainment of self-government by a people who had been deprived of it. He hoped that other administering Powers would take the report as an example of the principles they should follow.

141. In conclusion, he requested the Premier of the Cook Islands to transmit to his people the best wishes of the Polish Government.

142. The Premier of the Cook Islands, replying to the Ethiopian representative's request for an explanation of certain features in the Constitution of the Cook Islands, said that since his country valued its position in the British Commonwealth, it felt that the Queen should be the Head of State. The question was, who should represent the Queen in the Cook Islands. Article 3 of the Constitution stated that a High Commissioner would represent both Her Majesty and the Government of New Zealand. His Cabinet had considered that section of the Constitution very carefully and it retained the right to change the Queen's representative at some future date. One possibility might be to replace the High Commissioner by one or two of the traditional leaders, or Ariki. To provide for that possibility, the Constitution had established the House of Ariki. If the Ariki wished one of their number to represent the Queen, the necessary legislation could be enacted. The question would therefore be left to the House of Ariki to decide.

143. At the present time the High Commissioner had power to act only on the advice of the Premier and his Cabinet. Before the proclamation of the Constitution, the powers of administration had been vested in the New Zealand Minister for Island Territories. Those powers had now been withdrawn and the Minister for Island Territories had no say whatever in the administration of the Cook Islands, which had the right, under the Constitution, to handle their own external affairs through consultation between the Premier of the Islands and the Prime Minister of New Zealand. The Premier and the Cabinet had the right, however, to discuss any matter they wished outside the Territory. For instance, if the country found that it could improve its economic situation, by going outside New Zealand, it would first consult New Zealand and, if not satisfied, would make arrangements elsewhere for the type of economic improvements it wanted. The country was moving step by step toward the goal of controlling its own affairs.

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144. The High Commissioner was appointed only after discussion with the Premier of the Cook Islands and with his agreement. The Islands had recently submitted a request to New Zealand with respect to the status of the High Commissioner, which he did not wish to discuss at the present time. In any case, the High Commissioner could be changed within six months after the proclamation of self-government. The Cook Islands had gone as far as it dared towards political independence in accordance with United Nations resolution 1514 (XV).

145. The representative of the Ivory Coast said that it could be concluded from the report and the debate that the people of the Cook Islands had freely chosen their new status of association with New Zealand. That decision was fully in compliance with the principle of self-determination which it was the Committee's goal to see applied in all colonial territories.

146. It lay, of course, with the General Assembly to endorse the choice made by the Cook Islanders but since that choice was a free expression of their will, it should be respected and considered to be in conformity with the spirit of resolution 1514 (XV). The choice was proof that the links sometimes existing between former colonies and administering Powers could have a meaning far beyond mere exploitation. His delegation hoped that in their association with New Zealand the people of the Cook Islands would always retain their dignity and freedom.

147. In congratulating the people of the Cook Islands on their decision, the Committee should not forget that many Territories were still under foreign domination and had not yet been allowed to exercise the right of self-determination.

148. The representative of Denmark said that his delegation was gratified at the manner in which the Committee had discussed the question of the Cook Islands and at recent political developments in the Territory. He wished to congratulate the United Nations Representative, the Government of New Zealand and its representative and to pay a special tribute to the Premier of the Cook Islands and the people he represented.

149. The representative of Iraq and other members of the Committee had expressed the view that the entry into force of the new Constitution of the Cook Islands had fulfilled the conditions laid down in resolutions 1514 (XV) and 1541 (XV);

The Cook Islands had become a self-governing territory and New Zealand was no longer required under Article 73 e of the Charter to transmit information on the territory to the Secretary-General. The Danish delegation, having carefully read the report of the United Nations Representative and heard his statements and those of the representative of New Zealand and the Premier of the Cook Islands, supported that view. Moreover, he agreed with the representatives of Italy and Syria that the report constituted a whole and should not be judged merely on the basis of short extracts separated from their context.

150. With regard to the powers and prerogatives of the High Commissioner, some delegations had expressed fears that the High Commissioner might exercise undue influence in the Cook Islands. The High Commissioner was the representative of the Head of State and the powers of a Head of State varied considerably from one country to another. In Denmark it was not the King, but the Ministers, who possessed effective power and they had to enjoy the confidence of a parliamentary majority. The position seemed to be the same in the Cook Islands: the High Commissioner could act only on the advice of the Cabinet; he could request revision of a bill before it was promulgated but could not prevent its coming into force.

151. The Special Committee could not but be gratified at what had happened in the Cook Islands: the Territory had achieved self-government, the Committee had heard the freely elected representative of that Territory express his and his people's confidence in their new status and in the country's future and the administering Power had co-operated as fully as possible with the United Nations.

152. The representative of Sierra Leone paid a tribute to the Premier of the Cook Islands who had given the Special Committee a lengthy explanation of the reasons why his Government and people had chosen the form of association which the Committee had been discussing. He also congratulated the United Nations Representative and the officials who had helped him to prepare an outstandingly clear report, and the Government of New Zealand, whose relations with the United Nations had revealed a spirit of co-operation which should serve as a model to other administering Powers. A perusal of the report justified the conclusion that the elections had enabled the Cook Islanders to express their opinions freely and to choose the government they thought suitable, in spite of certain shortcomings mentioned in the report.

153. His delegation had noted the explanations given by the Premier of the Cook Islands of the alternatives open to the people in their relationship with New Zealand and the fact that the Constitution made provision for changing that relationship. Such a guarantee was certainly in the spirit of resolution 1514 (XV) and could be invoked without the consent of New Zealand. As Mr. Henry had hoped, the good relations which existed between the United Nations and the territory should be strengthened. On behalf of his Government, he congratulated the Cook Islanders on their new status.

154. The representative of Iran said that his delegation had been impressed by the integrity and impartiality shown by the United Nations Representative, the thoroughness and objectivity of his report, the high competence and sincerity of the Premier of the Cook Islands and the co-operative attitude shown by the New Zealand Government in inviting the United Nations to supervise the elections. The New Zealand Government had set a significant precedent which he hoped other administering Powers would follow.

155. The Special Committee, and later the General Assembly, would have to decide three basic questions: whether the people of the Cook Islands had regained their sovereign rights; if so, to what extent; and if not, whether the administering Power was still obliged to transmit information under Article 73 e of the Charter.

156. There were two views which could be held of the present status of the Territory. The first was that the people of the Cook Islands had regained their sovereignty when, in exercising their right of self-determination, they had been given the freedom to choose one of four alternatives, including that of independence, and that, having thus regained their sovereign rights, they had voluntarily decided to restrict them in certain areas by choosing free association with the metropolitan country. His delegation could not support that view because, while the people had been free to choose independence, no party or political leader had conducted an educational campaign in favour of independence; hence that alternative had not been adequately dealt with during the electoral campaign.

157. The second view, to which his delegation adhered, was that the people of the Cook Islands had not yet completed the full process of self-determination, which might, as in the present case, entail a series of actions. The election of a Legislative Assembly empowered to decide on the future status of the Territory was

the first act. That Assembly's decision in favour of internal self-government and a free association with New Zealand was the second act, but it was neither final nor irrevocable, for the people of the Cook Islands retained their right to opt for independence unilaterally at a future date, a decision which their Premier had declared they would take once their economic situation had improved and which the New Zealand Government had denied itself the power to countermand. The full process of the exercise of the right of self-determination would terminate when the people of the Territory decided, on the basis of article 41 of their Constitution, to become an independent sovereign State.

158. Admittedly, despite some imperfections in the conduct of the elections, their present status was the result of a free and voluntary choice expressed through democratic processes. In making that decision they had attained a full measure of self-government. Indeed, in view of the circumstances of the Territory and the record of enlightened administration of the New Zealand Government, there could be no doubt that their decision had been the result of an expression of genuine desire.

159. Accordingly, he congratulated the people of the Cook Islands on having attained a full measure of self-government and extended to them his country's best wishes for their success in the development of their country towards full prosperity and independence.

160. The representative of Tunisia thanked the United Nations Representative and the Premier and Deputy Premier of the Cook Islands for their valuable contribution to the work of the Special Committee and expressed his best wishes for the happiness and prosperity of the people of the Cook Islands.

161. There was no doubt that, in accordance with the terms of paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the final objective for colonized territories was independence. It was nevertheless true that that objective remained subject to the freely expressed will of the people concerned. The Special Committee must therefore recognize that in some cases the people might choose another solution. It was, of course, essential that the Committee should have a final, objective assurance concerning the way in which the consultation of the people took place. Whatever methods were used, however, and whatever choice the people made, it was of vital importance that the administering Power should recognize that the people under its administration

had the right to self-determination. The information available to the Special Committee in documents and in the statements by the New Zealand representative and by the Premier of the Cook Islands clearly showed that it was open to the people of those Islands to change their status as an associate State unilaterally, without prior consultation with the New Zealand Government. He appealed to those colonial Powers which rejected any form of co-operation with the United Nations to emulate the example of New Zealand.

162. The representative of the United States of America, on behalf of his delegation and his Government, congratulated the Premier, and through him the people of the Cook Islands, for having achieved self-government in association with New Zealand. He also congratulated the Government and the people of New Zealand, through the representative of New Zealand, for having brought the Cook Islands to self-governing status. He thanked the United Nations Representative and his staff for their diligence.

163. The representative of Australia paid tributes to the United Nations Representative for the way in which he had carried out his task, conveyed his good wishes to the people of the Cook Islands, through their Premier, and congratulated the New Zealand Government on the success of their efforts.

164. The representative of India said that his Government also welcomed the accession of the Cook Islands to self-government; he conveyed the best wishes of his delegation to the representatives of the Government of the Territory.

165. The representative of the United Kingdom said that his Government had followed with the keenest interest the way in which New Zealand had carried out to the full its responsibilities, in close and harmonious co-operation with the United Nations. His delegation also thanked the United Nations Representative and his colleagues for the conscientious way in which they had performed their duties.

166. The United Kingdom particularly welcomed the new constitutional relationship between the Cook Islanders and New Zealand. He conveyed to the people of the Territory, through their Premier, his warmest good wishes. In his delegation's view New Zealand had fully and finally discharged its obligations under the Charter in respect of the Cook Islands.

III. ACTION TAKEN BY THE SPECIAL COMMITTEE

167. At the 381st meeting of the Special Committee, the representative of Ethiopia introduced a draft resolution (A/AC.109/L.246 and Add.1) sponsored by Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, United Republic of Tanzania, Uruguay and Yugoslavia. The operative part read as follows:

"1. Expresses its satisfaction to the United Nations Representative and the Secretariat personnel for the work they have done;

"2. Expresses its appreciation of the co-operation extended to the Special Committee by the New Zealand Government in the study of the question of the Cook Islands;

"3. Thanks the Government and People of the Cook Islands for their co-operation with the Committee and for the assistance they gave the United Nations commission appointed to supervise the elections;

"4. Takes note of the report of the United Nations Representative for the supervision of the elections in the Cook Islands;

"5. Takes note of the statements made by the Premier of the Cook Islands and by the representative of New Zealand with regard to the future status of the Cook Islands;

"6. Expresses the hope that the General Assembly will recommend that the United Nations, in co-operation with the specialized agencies, endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands."

168. The representative of Ethiopia stated that the contents of the draft resolution were simple: it recalled the General Assembly resolutions on the question, referred to the Special Committee's consideration of the report of the United Nations Representative for the supervision of the elections in the Cook Islands and expresses the Committee's thanks to the United Nations Representative and officials who assisted him, to the New Zealand Government and to the Government and people of the Cook Islands; it mentioned what had already been done in the Cook Islands, took note of the statement made by the Premier of the Cook Islands to the Special Committee and transmitted the report to the General Assembly. The draft resolution was therefore designed to avoid controversy; it satisfied the wishes of the people of the Cook Islands, recognized the progress that has been

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made in that territory and provided all concerned with an opportunity to judge what further action should be taken on the question in the General Assembly. The sponsors hoped, therefore, that the draft resolution would be unanimously adopted.

169. The representative of Denmark stated that he regretted that the sponsors of the draft resolution had not mentioned the letter (A/5961) in which the representative of New Zealand had provided information on the territory; he would ask them to consider whether that could be done.

170. The representative of Italy said that the draft resolution introduced by the representative of Ethiopia contained nothing that was not acceptable to the Italian delegation. In fact, it reflected some suggestions which he himself had made. However, certain other provisions should be added.

171. The representative of Iraq had defined very precisely the tasks of the Special Committee, from a substantive and a procedural point of view. In his statement at the 379th meeting, the Iraqi representative had said that the Committee would have to take two basic decisions: the first concerned the General Assembly's right to decide whether or not a territory had achieved a full measure of self-government, and, therefore, whether it was no longer subject to the provisions of Article 73 e of the Charter; the second was concerned with whether the developments in the territory after the elections and the adoption of a new Constitution constituted a full realization of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The second decision involved an interpretation of resolution 1514 (XV), which certain delegations might be reluctant to undertake at that late stage of discussion. Nevertheless, in connexion with the first decision, the report of the United Nations Representative and the statements of the Premier of the Cook Islands showed quite clearly that the territory had achieved a full measure of self-government. Perhaps with one exception, no speaker who had taken part in the debate had challenged that point. Consequently, the Italian delegation proposed that the following paragraph should be included in the draft resolution:

"Notes that the peoples of the Cook Islands, having exercised their right of self-determination, enjoy now a full measure of self-government in accordance with the relevant resolutions of the General Assembly."

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172. He hoped that the co-sponsors would add that paragraph to the text of the draft resolution; if not, that paragraph and his comments would represent the reservations of the Italian delegation on that point.

173. In the second place, the progressive nature of the process of self-determination had been made clear in the statements of the United Nations Representative and of the Premier of the Cook Islands. In that connexion, he was happy to see that operative paragraph 5 of the draft resolution noted that the present status of the Cook Islands could still undergo change. Events in the Cook Islands between late May and August - the meeting of the Legislative Assembly, the amendment to the Constitution and its entry into force - had been recorded in an official document (A/5961); they should be recalled in the draft resolution, so that the General Assembly could have a more complete picture of the situation. He therefore suggested that operative paragraph 4 of the draft resolution should be completed as follows:

"Takes note of the report of the United Nations Representative for the Supervision of Elections in the Cook Islands, as well as of document A/5961, containing information supplied by the Permanent Mission of New Zealand regarding constitutional developments in the Cook Islands following the events described in the report of the United Nations Representative."

174. He requested the co-sponsors to give their careful attention to the amendment which he had put forward. The constitutional and political situation in the Cook Islands constituted a whole, and, at a time when the General Assembly was about to consider the question, the Special Committee should not suppress any of the facts.

175. The Chairman thanked the Premier of the Cook Islands and his Deputy for their co-operation. The calm and objectivity with which the representatives had examined the report constituted a clear rebuttal of the accusations levelled against the Special Committee by certain colonial Powers. Far from imposing any particular course of action on the colonial peoples, the Committee simply wanted them to express themselves quite freely on the political status of their choice. Moreover, the association of a territory with an administering Power was meaningful only if the people of the territory could freely dissolve that association.

176. Several members of the Special Committee would have liked a visiting mission to be sent to the territory, but as another method had been used and the elections had taken place in a manner acceptable to the people, the Committee could only

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take note of the opinion expressed by the democratically elected Government of the Cook Islands. For its part, the Committee would do its utmost to ensure that the United Nations assisted the Cook Islanders to the fullest possible extent.

177. The Premier of the Cook Islands stressed the conscientious way in which the United Nations Representative and his colleagues had carried out the task entrusted to them and the spirit of co-operation which they had shown in all their relations with the population of the Islands. The draft resolution (A/AC.109/L.246 and Add.1) was in full accord with the views of his Government. Finally, he had transmitted to the Secretary-General an invitation from the Cook Islanders, who were counting on the presence of United Nations representatives at the self-government celebrations. Before leaving New York, he wished to thank members of the Committee for the friendship which they had always shown to him and to his country, and the assistance which they had given him.

178. The representative of Bulgaria, commenting on the draft resolution (A/AC.109/L.246 and Add.1), pointed out that the abnormal conditions prevailing during the nineteenth session of the General Assembly had had an unfortunate effect on the problem of the Cook Islands. The Assembly had been unable to discuss the recommendations of the Special Committee or to take a decision based on all the aspects of the problem, one of which was the acceptance by New Zealand of a United Nations mission to supervise the elections through which the people of the Cook Islands were to decide upon their future status. It was certain that in the light of that acceptance the Assembly would have made a detailed study of the conditions of that supervision and would have decided upon the membership, terms of reference and competence of the supervisory mission.

179. Secondly, the lack of any discussion in the Assembly and in the Fourth Committee had left the United Nations Representative without precise instructions. Indeed, he rightly stated in paragraph 328 of his report that neither the Assembly nor the Secretary-General had given him any directions regarding the criteria by which he should be governed in the discharge of his responsibility.

180. Furthermore, as the United Nations Representative stated in paragraph 33 of his report, by the time he had arrived in the Territory the organization of the election had been virtually completed. Thus the United Nations Representative

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had had to overcome many difficulties in carrying out his task. It was clear from the report that the Constitution had been drawn up by the administering Power, that the latter had been responsible for the organization and conduct of the elections and that it had been New Zealand officials who had explained the meaning of the vote to the population. Approximately 40 per cent of those voting had not been fully aware of the consequences of the election for the future of the Territory. In his delegation's view, that was not the best way to hold an election which was to enable the people to exercise their right of self-determination.

181. In view of the abnormal circumstances in which the General Assembly had been obliged to take its decision and of the various inadequacies in the organization of the vote, his delegation felt that the Special Committee should be cautious about coming to premature conclusions. It would not be in the interest of the people of the Cook Islands merely to note that the possibilities offered by resolution 1514 (XV) for the acquisition of independence had been exhausted. His delegation agreed that the people of the Cook Islands should be able to count on the United Nations for assistance with regard to their future political and economic development and it felt that the most satisfactory link between the United Nations and a people which still aspired to independence was resolution 1514 (XV).

182. The representative of Italy recalled that at the previous meeting his delegation had submitted two suggestions regarding the text of the draft resolution (A/AC.109/L.246 and Add.1). After informal consultations, it had decided not to press for a vote on the first suggestion, for although it still believed that the people of the Cook Islands now enjoyed a full measure of self-government and thought that it was the duty of the Special Committee to recommend formal recognition of that fact by the General Assembly, it felt that the Special Committee was not psychologically prepared to take such a stand and it did not wish to force a difficult decision on any representative.

183. His delegation maintained its second suggestion, however, and formally proposed that operative paragraph 4 should be amended by the addition of the following words: "as well as of document A/5961, containing information supplied by the Permanent Mission of New Zealand regarding constitutional developments in the Cook Islands following the events described in the report of the United Nations

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Representative". Document A/5961 constituted an essential supplement to the report of the United Nations Representative and both documents should be mentioned in the draft resolution.

184. He also proposed that the word "satisfaction" in operative paragraph 1 should be replaced by the word "appreciation", and that the words "with satisfaction" should be inserted in operative paragraph 4 after the words "Takes note".

185. The representative of Syria said that his delegation accepted the amendments proposed by the Italian representative and hoped that the other sponsors would do likewise.

186. The representative of the Union of Soviet Socialist Republics thought that the Italian amendments would make the acceptance of the draft resolution more difficult. The amendments, especially those to operative paragraph 4, changed the substance of the text. The addition of the words "with satisfaction" meant that the Committee was approving the report of the United Nations Representative, whereas in fact there were differences of opinion on the matter, while the additional phrase proposed to paragraph 4 would make it take note of and approve what had been submitted by the colonial Power. The Soviet Union delegation had already explained why, in its view, the Committee could not approve the United Nations Representative's report. The draft resolution as it stood took note of the report on the understanding that the final decision would be taken by the General Assembly. The report clearly showed that the self-government in the Cook Islands was extremely limited. Careful study was required before a decision could be taken on the manner in which the Committee should proceed and on whether there had been an act of self-determination and the administering Power could cease to provide information to the United Nations.

187. The representative of Syria said that, since the report was generally satisfactory, he saw no objection to the phrase "Takes note with satisfaction", which implied neither approval nor disapproval of the report. It was true that the whole matter would be discussed in the General Assembly. The Committee was merely expressing its satisfaction and bringing all the relevant documents before the Assembly. He saw no harm in the addition of a reference to a document in the draft resolution.

188. The representative of the United Republic of Tanzania thought that the words "with satisfaction" would be too comprehensive in the context. He hoped that the Italian delegation would not press for the inclusion of those words.

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189. The representative of Italy asked the sponsors to consider also the suggestion he had made at the preceding meeting to the effect that the Committee should note that the people of the Cook Islands, having exercised their right of self-determination, enjoyed a full measure of self-government in accordance with the relevant resolutions of the General Assembly.

190. The representative of Syria announced that after consultations, the sponsors of the draft resolution accepted the Italian amendment to replace the word "satisfaction" by the word "appreciation" in operative paragraph 1, but they could not accept the amendments to operative paragraph 4, since the Italian representative insisted on the inclusion of the words "with satisfaction".

191. The representative of Italy said that it was the duty of the Special Committee to transmit the report to the General Assembly and note that it contained something positive. Without the words "with satisfaction", the draft resolution would signify that the Committee had merely read the report and transmitted it to the Assembly without passing any judgement on it. He asked for his amendments to operative paragraph 4 be put to the vote.

The Italian amendment to operative paragraph 4 proposing the addition of the words "with satisfaction" after the words "Takes note" was rejected by 16 votes to 6, with 1 abstention.

The Italian amendment proposing an additional phrase to operative paragraph 4 was rejected by 14 votes to 5, with 4 abstentions.

The draft resolution (A/AC.109/L.246 and Add.1) as a whole, as orally revised by the sponsors, was adopted by 20 votes to none, with 3 abstentions.

192. The representative of the Union of Soviet Socialist Republics said that his delegation had abstained in the vote on the draft resolution. The text had contained a reference to General Assembly resolution 2005 (XIX) on the supervision of the elections to determine the status of the Cook Islands. The question of the future status of the Cook Islands was one of those questions of principle to be decided only after the situation in those Islands had been carefully examined in the General Assembly with the participation of representatives of the indigenous population and conditions had been worked out that would ensure a genuine expression of the will of the population. It had been wrong to adopt automatically a decision to send a United Nations observer to the Cook Islands without due consideration

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of the question in the General Assembly. Such an approach might create an unacceptable precedent for the solution of colonial questions. The Soviet Union delegation had therefore been unable to support the decision to send a United Nations observer to the Cook Islands and it adhered to that position. Since the work of the nineteenth session had been paralysed, that decision had been taken automatically, without any discussion in the Assembly of the membership of the mission or of the criteria to guide the observer in the discharge of his functions.

193. Conditions had not been worked out to ensure that the population of the Islands had complete freedom to choose their future status. The elections had been held on the basis of legislation drawn up by the administering Power and the observer had merely supervised them within the framework of that legislation.

194. The "co-operation extended to the Special Committee by the New Zealand Government in the study of the question of the Cook Islands", mentioned in operative paragraph 2 of the draft resolution, had been purely formal in character and limited to the submission of certain information - often distorted - and to statements by the New Zealand representative in the Committee.

195. The policy of the New Zealand Government was based on the idea that complete independence for the Cook Islands was unrealistic. The Constitution of the Islands therefore limited their internal self-government to a significant extent and the changes in their status had not diminished the control exercised by New Zealand. That was a clear violation of the provisions of the Declaration on the granting of independence, which stipulated that "all powers" should be transferred to the peoples of Trust and Non-Self-Governing Territories, without any conditions or reservations.

196. The text of the resolution (A/AC.109/136) adopted by the Special Committee on the Cook Islands at its 382nd meeting on 30 August 1965 reads as follows:

"The Special Committee,

"Reaffirming the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

"Recalling its recommendations that the inhabitants of the Cook Islands should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV),

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"Recalling also General Assembly resolution 2005 (XIX) of 18 February 1965 concerning supervision of the elections to be held in the Cook Islands under New Zealand administration,

"Having considered the report of the United Nations Representative for the supervision of the elections in the Cook Islands,

"Having heard the statements made by the United Nations Representative, the Premier of the Cook Islands and the representative of New Zealand,

"1. Expresses its appreciation to the United Nations Representative and the Secretariat personnel for the work they have done;

"2. Expresses its appreciation of the co-operation extended to the Special Committee by the New Zealand Government in the study of the question of the Cook Islands;

"3. Thanks the Government and people of the Cook Islands for their co-operation with the Committee and for the assistance they gave the United Nations Commission appointed to supervise the elections;

"4. Takes note of the report of the United Nations Representative for the supervision of the elections in the Cook Islands;

"5. Takes note of the statements made by the Premier of the Cook Islands and by the representative of New Zealand with regard to the future status of the Cook Islands;

"6. Expresses the hope that the General Assembly will recommend that the United Nations, in co-operation with the specialized agencies, endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands."



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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 *

(covering its work during 1965)

Rapporteur: Mr. K. NATWAR SINGH (India)

COOK ISLANDS

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* This document contains the draft chapter on the Cook Islands. Part I of this paper was previously issued as a working paper prepared by the Secretariat (A/AC.109/L.227, paras. 1-14). Other chapters of the draft report of the Special Committee have been reproduced as separate documents.

I. INFORMATION ON THE TERRITORIES

A. GENERAL

1. Information on the Cook Islands is already contained in the Special Committee's report to the General Assembly at its nineteenth session (A/5800/Add.6, chapter XV). Supplementary information on recent developments concerning the Territory is set out below.
2. On the basis of a census conducted on the outer islands in 1963 and the estimated population of the main island of Rarotonga, the population of the Cook Islands totalled 19,214, showing an increase of 836 since the census in 1961.

B. POLITICAL AND CONSTITUTIONAL DEVELOPMENTS

3. On 11 August 1964, the Cook Islands Constitutional Bill which provides a constitution for the Cook Islands after they achieve internal self-government in 1965, was introduced simultaneously in the New Zealand Parliament and the Cook Islands Legislative Assembly. In September it was passed with some amendments by the Cook Islands Assembly. Originally the High Commissioner was to represent the Queen as the Head of State. This provision was amended to include two Cook Islands representatives who would be chosen to sit with the New Zealand High Commissioner as a Council of State. They would be appointed for a term of four years and be eligible for reappointment. In October 1964, the Constitution Bill was passed by the New Zealand Parliament.
4. In February 1965, the New Zealand Government welcomed the recommendation to the General Assembly of the Special Committee of Twenty-Four that the people of the Cook Islands be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV) through well-established democratic processes under United Nations supervision, and requested that an appropriate person or persons be nominated to be present in the Cook Islands on behalf of the United Nations for the election campaign and the election in April 1965, and for the debate and decision upon the draft constitution by the newly elected Legislative Assembly in May (A/5880).
5. In resolution 2005 (XIX) of 18 February 1965 the General Assembly authorized the appointment by the Secretary-General of a United Nations Representative to supervise the elections and to observe the proceedings concerning the draft

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constitution in the Legislative Assembly and to report to the Special Committee and to the General Assembly. Pursuant to this resolution, the Secretary-General appointed Mr. Omar A.H. Adeel as United Nations Representative.

6. The elections were held on 20 April 1965 and the debate on the draft constitution took place between 10 and 19 May. The Legislative Assembly proposed a number of amendments to the draft constitution. These, inter alia, concerned the residential requirements for candidates and electors, the number of ministers in the Cabinet, and a House of Arikis. On 4 June, the New Zealand Parliament enacted the amendments requested by the Cook Islands Legislative Assembly. The Constitution, as amended, was adopted by the Cook Islands Legislative Assembly on 20 July, and was brought into force on 4 August 1965.

7. The report of the United Nations Representative on the conduct of the elections and on the proceedings of the Legislative Assembly was issued as document A/AC.109/228 and Corr.1, on 19 July 1965.

C. ECONOMIC CONDITIONS

8. The economy of the Territory continues to be based principally on agriculture. The chief agricultural exports are copra, citrus fruit and juices, bananas and tomatoes. Most of the Cook Islands trade is with New Zealand. In 1963, exports amounted to £834,777, compared with £710,653 the previous year, an increase of £124,124. Imports increased from £937,273 in 1962 to £1,226,136 in 1963.

9. Revenue, derived mainly from import duties, income tax and stamp sales, is insufficient to balance the budget and the deficit is met by grants from the New Zealand Government. In 1963-64 receipts totalled £1,437,610 and consisted of £663,110 in revenue obtained in the Territory and £774,500 in grants from the New Zealand Government. The 1962-63 figures were £1,267,393, £530,493 and £736,900 respectively. Expenditures amounted to £1,465,505, compared with £1,091,588 in 1962-63.

D. SOCIAL CONDITIONS

10. Labour. A special committee appointed to study labour conditions has recommended to the Resident Commissioner that local legislation be passed to cover

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workers' compensation, minimum wages, hours of work, holidays, safety and health, and the employment of women and children. In 1963 legislation was being drafted to be placed before the Legislative Assembly in 1964.

11. Public health. In 1963 there were 47.06 live births and 8.75 deaths per 1,000 population. The mortality rate for children less than one year old was 27.38 per cent of the total number of deaths. These figures represent slight increases in both the birth rate and death rate over those for 1962.

E. EDUCATIONAL CONDITIONS

12. A junior high school was opened in 1963 and a second one in 1964. A third is to be opened in 1965.

13. At 31 March 1964, a total of 4,979 primary and 534 post primary pupils were enrolled in government schools and 403 pupils were enrolled in primary mission schools, showing an increase of 113 pupils compared with the previous year. Expenditure on education totalled £276,152, an increase of £43,883 over the previous year.

14. Ninety-three students were studying in New Zealand under the Government Scholarship Scheme in 1963-64. Of this number, forty-nine were studying in secondary schools and four were university students. Thirty-six additional students were in training in Fiji, Western Samoa, New Zealand and Australia.

II. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

15. The Special Committee considered the Cook Islands at its 375th, 376th, and 378th to 382nd meetings, held between 25 August and 1 September 1965.

16. With regard to the recent elections in the Territory and the proceedings concerning the Constitution in the newly elected Legislative Assembly, the Special Committee had before it the report of the United Nations Representative appointed under the provisions of resolution 2005 (XIX). The report (A/AC.109/L.228 and Corr.1) was introduced by the United Nations Representative at the 375th meeting of the Special Committee on 23 August 1965.

17. The Special Committee also had before it a note by the Secretary-General (A/5961) which contained a letter addressed to him by the Permanent Representative of New Zealand giving an account of constitutional developments in the Cook Islands subsequent to those described in the report of the United Nations Representative (A/5962).

18. At its 375th meeting, on 23 August 1965, the Special Committee decided to grant a request by the Permanent Representative of New Zealand to participate in the discussions of the Committee concerning this item. The Permanent Representative of New Zealand was accompanied by the Premier and Deputy Premier of the Cook Islands.

A. WRITTEN PETITIONS

19. The Special Committee circulated one petition from Mr. G.T. Crummer concerning the Cook Islands (A/AC.109/PET.384).

B. GENERAL STATEMENTS BY MEMBERS

20. The United Nations Representative for the Supervision of Elections in the Cook Islands, in introducing his report (A/AC.109/L.228 and Corr.1) said that it was in some ways unconventional, since the realities of the situation had made it necessary to depart from traditional patterns. The event upon which he was reporting had been one of paramount significance which would go down in history as the Organization's first association with the exercise of self-determination in a Non-Self-Governing Territory.

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21. Some of the observations and conclusions in the report might seem unprecedented in the history of United Nations interest in colonial territories; some sections might even appear to be a transgression of the United Nations Representative's terms of reference, as, for example, the statement in paragraph 415 that the suggestion that the people of the Cook Islands were not interested in full independence was not fiction. Those conclusions and observations were, however, based on over seven weeks of close and sobering contact with the realities of the situation as they existed not only in the Territory itself but also in New Zealand. He hoped that the Committee would share his conviction that in the operation and the circumstances leading to United Nations association with it could lie the key to future constructive co-operation between the Organization and administering Powers.

22. The report constituted an effort, however inadequate, not merely to set forth conclusions but also to provide the fullest possible information on all matters relevant to the organization and conduct of the elections and to the proceedings concerning the Constitution in the new Legislative Assembly.

23. Throughout his mission he had not hesitated to level criticism where criticism had been due. He had been anxious that his functions, although supervisory in character, should be carried out in such a way as to ensure the indigenous population of the fullest and most effective benefit of the United Nations presence, but that had not stopped him from praising the former administering Power when he had felt that praise was merited.

24. For the purposes of the report, he had been required to satisfy himself on the following points: that the administrative and physical arrangements for the conduct of the elections were in accordance with the electoral law promulgated by the administering Power; that the electoral officers were impartial; that the people were fully apprised of the significance of the elections and were able to exercise their right of vote in complete freedom; that the voting papers were properly safeguarded; that the counting of votes was correct and the reporting of the results accurate. His conclusions on those points, as indicated in the report, were generally positive and included any reservations he had considered inevitable.

25. He drew the Committee's attention to paragraph 137, which recorded the views expressed by leading personalities of the Cook Islands Party concerning the possible effect of the presence of the United Nations on the outcome of the elections. Those views were not, and should not be regarded as, a contradiction of his own conclusion that the people of the Cook Islands had been able to exercise their

right of vote in complete freedom prior to and during polling, a conclusion that related to the period during which he and his observers had been in the Territory and that was based on scrupulous supervision for twelve days before the elections, on polling day itself and for at least ten days after the vote. There were, however, valid reasons for including those views in the report. To refrain from doing so could be interpreted as an attempt to pass judgement on their validity. Furthermore, he had no reason to believe that the administering Power would regard the inclusion of those views as a reflection on its good faith, of which he had perceived and recorded abundant evidence. On the contrary, he had considered that the administering Power would welcome it as additional justification of its request for United Nations supervision of the elections. The former administering Power could, indeed, congratulate itself on having succeeded, as a result of its invitation to the United Nations, in dispelling whatever fears of interference might have existed.

26. The second and more complicated phase of his functions had been to observe and report on the proceedings in the new Legislative Assembly concerning the draft Constitution. Although it had not been explicitly stated, that was without doubt a request for a report which would enable the Special Committee and the General Assembly to determine whether or not, in making its decisions, the new Legislative Assembly had acted of its own free will and from its own convictions. He had therefore considered that it would not be a departure from his mandate to include in that part of the report data which could be of assistance in that respect.

27. He drew particular attention to paragraph 357, which dealt with the decisions of the new Legislative Assembly. It was his considered view that in making those decisions the members had not acted under the dictates of any quarter extraneous to the Assembly and the people of the Cook Islands. That view was borne out by the quality of the debate and the tenacity with which both the majority and minority parties had sought to ensure that their will would prevail.

28. Responsibility for settling the crucial question of whether or not an act of self-determination had taken place in accordance with the principles of the Charter rested with the Special Committee and the General Assembly. His own role ended with the submission of the report, which covered events from 8 April to 31 May 1965. Information on subsequent developments had been provided by the former administering Power in document A/5961 of 17 August 1965.

29. Recapitulating the most vital factors regarding the situation in the Territory, he said that although the new Constitution had its flaws, it also had its strong points, in particular article 41, which guaranteed to the people the continuing right to opt for any other status they might wish in the future, including a complete independent sovereign status. Of the twenty-two representatives of the people in the new Assembly, twenty had voted in favour of the new Constitution, while the two negative votes had been cast by members who had favoured complete integration with New Zealand. Secondly, the Assembly itself was the result of an election in which 94 per cent of the Territory's electoral roll had participated effectively and in complete freedom. Thirdly, the people of the Territory had very real and significant ties to New Zealand: they enjoyed an unrestricted right of emigration to New Zealand, unlimited employment opportunities in that country, a guaranteed market for their agricultural products and a yearly cash subsidy which had now been increased to £872,000.

30. The new Constitution, the elections and the proceedings in the Assembly which had prepared the way for the Constitution represented a major step in the political evolution of the people of the Cook Islands. New Zealand had requested United Nations association with the procedure and had thus demonstrated its faith in the quality of its stewardship as administering Power; for that, it deserved the commendation of the Special Committee and the General Assembly. Although in a technical sense New Zealand no longer had any obligation to provide the United Nations with information on the Cook Islands now that the Territory had become self-governing, he hoped that it might be possible to work out a special arrangement whereby the Organization could continue to be informed about developments in the Territory, so that it would be able to play, wherever possible, a more substantial role in the search for solutions to the very real social and economic problems confronting the people of the Cook Islands.

31. The representative of New Zealand paid a tribute to the work of the United Nations Representative and his team. While his delegation might question some of the comments and interpretations included in the report, the United Nations Representative's dedication to his task was worthy of respect and admiration.

32. The Cook Islanders now had complete control of their own affairs. The Prime Minister of New Zealand had commented that New Zealanders and Cook Islanders were now partners; that comment expressed the essence of the new relationship. There had been a revival of political activity and awareness in the Cook Islands, thanks

in large measure to the work of the Cook Islands Party, led by the new Premier; Mr. Henry; that political revival gave promise of the development of a flourishing economic life and was an important contribution to the renaissance of Polynesia.

33. It was stated in paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples that all peoples had the right to self-determination and that by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development. In the exercise of that right, the Legislative Assembly of the Cook Islands had determined the political status of the Territory in its resolution of 26 July 1965, in which it had resolved that the Cook Islands should be self-governing in free association with New Zealand; requested New Zealand in consultation with the Government of the Cook Islands to discharge the responsibilities for the external affairs and defence of the Cook Islands; approved the Constitution of the Cook Islands as amended in accordance with its wishes; and requested that the Constitution should be brought into force on 4 August 1965.

34. The Cook Islands' progress towards self-government under the new Constitution had begun in 1962, when the Legislative Assembly, at New Zealand's invitation, had begun to discuss the islands' future. Debates in the Assembly, talks with constitutional experts and discussions with a Select Committee of the New Zealand Parliament had led over the next two years to the drafting of a new constitution. Since, however, the Assembly had been elected nearly four years earlier and had had no specific mandate for constitutional change, it had been decided that the electors themselves should have the opportunity to register their views through a general election to be held before the Constitution went into force. The future status of the Cook Islands had been a major issue in the electoral campaign, and New Zealand had pledged itself to accept whatever changes might be desired by the new Legislative Assembly.

35. The elections had resulted in the victory of the Cook Islands Party, which had campaigned on a platform accepting the substance of the draft Constitution. The three amendments sought by the new Government had been enacted at once and Mr. Henry had entered the Legislative Assembly and, on the entry into force of the new Constitution in August 1965, had taken his place as Premier. If any doubts had existed earlier concerning the wishes of the Cook Islands people, they

had been dispelled by the general election and constitutional debate watched by the United Nations team and the Legislative Assembly's decision of 26 July 1965. As the United Nations Representative had testified, the people had had a high degree of awareness of the issues, the elections had been conducted impartially and the majority party had taken effective political action. Although the new Government disagreed radically with its predecessor on some aspects of the political scene, its campaign had made clear its agreement in respect of the relationship between New Zealand and the Cook Islands. Independence as a separate sovereign State was not sought anywhere in the Cook Islands; the only objections to self-government in free association with New Zealand had come from two small islands whose representatives had advocated complete integration with New Zealand.

36. In his delegation's view, there was one key feature of the new Constitution that might be a new contribution to the practice of decolonization. Having worked out their present form of full self-government, in free association with New Zealand, the people of the Cook Islands had retained, in article 41 of the Constitution, the right to decide at any time in the future to adopt full independence, or any other status that might become practicable, by a unilateral act - i.e., an act which New Zealand had denied itself power to countermand.

37. The new status of the Cook Islands was not sovereign independence in the juridical sense, since the Cook Islanders wished to remain New Zealand citizens and in the meantime wished New Zealand, in consultation with them, to discharge their responsibilities in the fields of external affairs and defence, but it meant that the Cook Islanders had a continuing right to self-determination. Henceforth, however, all legal links between the Cook Islands and New Zealand rested on consent; that was the meaning of free association. In view of the expressed desires of the people of the Cook Islands, his delegation felt that no other arrangement could discharge more fully the obligations which New Zealand had assumed in accepting the Charter of the United Nations and in voting in favour of General Assembly resolution 1514 (XV).

38. External affairs and defence were "entrenched" subjects under the Constitution; whereas other clauses of the Constitution could be changed by a two-thirds vote of the Legislative Assembly, clauses on those subjects could be modified only after a two-thirds vote of the Legislative Assembly and a two-thirds vote of the people in a referendum. So long as the Cook Islands chose to be associated with New Zealand rather than to become a sovereign State or to be associated with some other sovereign State, New Zealand could not disclaim ultimate responsibility for

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questions of external affairs and defence. Section 5 of the Cook Islands Constitution Act, 1964, simply reflected one of the inherent characteristics of free association. As long as the Cook Islands chose not to be internationally responsible for their own affairs, they recognized New Zealand's continuing responsibility for the matters mentioned in section 5. Another feature of the relationship was that New Zealand relied upon the Cook Islands to use their self-governing powers to fulfil international obligations. New Zealand had no power to take executive action in the Cook Islands, except at the request and with the consent of the authorities within the Cook Islands - nor could it make any change in the law in force in Rarotonga.

39. There was no real incompatibility between section 5 of the 1964 Act and the concept of legislative or executive autonomy. Both were facets of a relationship which could be maintained only by voluntary co-operation between two Governments which were constitutionally equal, although only one bore international responsibility. If the voluntary co-operation should ever break down, it would rest with either to terminate an impossible relationship but neither would have any right to coerce the other. The Cook Islands and New Zealand had thus worked out a pragmatic method of reconciling the desire of the Cook Islanders to have the maximum power over their own affairs and their wish to retain the advantages of citizenship of another country, while safeguarding their right of self-determination.

40. New Zealand believed that the new relationship was, in the words of resolution 1514 (XV), the "freely expressed will and desire" of the people of the Cook Islands. As recommended by the Special Committee, the choice had been made through "well-established democratic processes". The report of the United Nations Representative (A/AC.109/L.228 and Corr.1) was proof of the validity of that act and of the people's freedom of choice. Further authentication of the process of self-determination would be provided by the chosen representatives of the Government and people of the Cook Islands.

41. The Premier of the Cook Islands said that he welcomed the opportunity to explain how the Cook Islanders had determined their status.

42. From 1823 to 1888 the Cook Islanders had been under the political and educational control of missionaries. From 1888 to 1901 they had been under United Kingdom protection. On 11 June 1901, under the Colonial Boundaries Act of 1895, the coast line of New Zealand had been extended by an imaginary boundary line to include the Cook Islands. Within that imaginary boundary, the Islands felt their

close relationship to New Zealand and their smallness in the big world. They had carefully considered the possibilities open to them with regard to their status. They did not want to withdraw from their imaginary boundary and be associated with other countries in the Pacific area, because they knew that they belonged within that boundary and they were happy there. Nor, since the islands were scattered over an area of 850,000 square miles of ocean, did they want to eliminate the imaginary boundary altogether. Another possibility had been to join New Zealand and become fully integrated. The Cook Islanders had felt, however, that they were already partly integrated. While as a people they had sometimes criticized the local administration personnel, they were thankful for the principles which had guided the New Zealand administration - the laws prohibiting the sale of land in the Cook Islands, for example - without which the Cook Islanders might no longer have owned any land.

43. There could be no possibility of full sovereign independence unless the Islands could be assured of economic independence. The Cook Islanders considered that they enjoyed advantages within the boundaries of New Zealand's coast line which they would not otherwise enjoy. The Islanders had New Zealand citizenship and could therefore move to New Zealand - a considerable advantage since the population was increasing rapidly. New Zealand also provided a market for their tropical products.

44. Under the Constitution, the Cook Islanders had the right to move out of the boundary; they also had the right to move closer to New Zealand in the future. They had the opportunity of controlling their own political and administrative affairs, resolving their internal economic problems and trying to readjust to what they felt was the loss of their culture. Most important of all, they had been given the right to retain their pride as a people.

45. The representative of Mali said that his delegation appreciated the detailed and objective report submitted by the United Nations Representative (A/AC.109/L.228 and Corr.1). The New Zealand Government was to be congratulated on having arranged for the United Nations to supervise the elections in the Cook Islands. It was to be hoped that other colonial Powers would follow that example and usher in an era of more dynamic co-operation with the United Nations, for the benefit of the peoples under colonial domination.

46. The supervision by the United Nations Representative had amounted solely to verifying the strict application of the electoral law which had already been drawn up by the administering Power. The delegation of Mali would have preferred the people to decide directly on the constitutional evolution of the Territory by a referendum. It took note, however, of the fact that, by another procedure, the people had expressed their wish to link their destiny with that of New Zealand. The United Nations Representative had noted a lack of understanding of the implications of the election on the part of the population of four of the islands (A/AC.109/L.228 and Corr.1, para. 118). For such an important act, involving the future of an entire people, the authorities should have done extensive explanatory work so that the people could vote with a full understanding of what they were doing.

47. His delegation had noted the statement by the Premier of the Cook Islands and the wish of the population to be freely associated with New Zealand. It hoped that the choice just made by the House of Assembly would in no way prejudice the sovereignty of the people of the Islands. The statements made by the New Zealand delegation indicated that the administering Power would accept any constitutional change envisaged by the people of the Cook Islands.

48. The representative of Yugoslavia expressed his delegation's thanks to the United Nations Representative for the Supervision of Elections in the Cook Islands for the report which he had submitted on his mission and for the excellent work he had done. He also thanked the Premier of the Cook Islands and the Permanent Representative of New Zealand for their co-operative attitude and for their statements informing the Committee of recent political and constitutional developments in the Territory. In taking note of the report and of the statements mentioned above, he again recalled the position of his delegation.

49. The Yugoslav delegation therefore attached special importance to the stipulation in the Constitution of the Cook Islands that the right of the people of the Cook Islands to frame their future political status would remain unimpaired, as also to the commitment of the New Zealand Government in that connexion, which had been mentioned by the New Zealand representative in his letter addressed to the Secretary-General on 13 August 1965 (A/5961) and in his statement to the Committee (A/AC.109/SR.375). The suggestion made by the United Nations Representative that

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there should be continuing liaison between the United Nations and the Cook Islands deserved attention and the General Assembly would perhaps deem it necessary to take decisions along those lines.

50. The representative of the Union of Soviet Socialist Republics recalled that the General Assembly had been unable at its nineteenth session to discuss the Committee's recommendations on the Cook Islands (A/5800/Add.6, chapter XV, paras. 111-115). On 9 February 1965, two documents had been submitted to the delegations to the nineteenth session: a letter from the New Zealand representative (A/5880), expressing agreement to the Special Committee's recommendation that elections should be held in the Cook Islands under United Nations supervision, and a note by the Secretary-General (A/5882), suggesting that the General Assembly should decide to send a United Nations observer to the Islands for that purpose. The Soviet Union delegation had circulated to the nineteenth session a letter (A/5885) stating that the question of the future status of the Cook Islands was a question of principle to be decided only after the situation in those Islands had been carefully examined in the General Assembly with the participation of representatives of the indigenous population and conditions worked out that would ensure a genuine expression of the will of the population of the Cook Islands, and that it would therefore be wrong automatically to adopt a decision to send a United Nations observer without due consideration of the question in the General Assembly.

51. When the General Assembly had adopted resolution 2005 (XIX) on the supervision of the elections to be held in the Cook Islands, there had been no discussion of the question of the procedure for appointing United Nations observers to supervise elections or any other forms in which a people might express its will on the question of the future status of a colonial territory. There had been no discussion of such an important question as the staff of such observers or the composition of visiting missions to supervise the implementation of measures connected with the settlement of such questions as the future status of any colonial territory.

52. Secondly, the terms of reference of observers or supervisory visiting missions had not been determined, nor had their powers or jurisdiction. That was actually stated in paragraph 328 of the report of the United Nations Representative to the Special Committee (A/AC.109/L.228 and Corr.1) which reads: "Neither the General

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Assembly in resolution 2005 (XIX) of 18 February, nor the Secretary-General in his letter appointing me, deemed it necessary to give any directions as to the criteria by which I should be governed in the discharge of this responsibility." Needless to say, such a situation was quite abnormal.

53. A study of the report of the United Nations Representative led to the following conclusions.

54. Firstly, the Constitution of the Cook Islands had been drawn up by the colonial Power, which, as was pointed out in paragraph 169 of the report, "considered that concept of complete independence for the Cook Islands was unrealistic". No further comment was necessary.

55. Secondly, the electoral law had been drafted by the colonial Power and, through the high residence qualification, deprived a considerable section of the population of its right to vote; as a result, part of the population could not express its wishes on the future status of the Islands.

56. Thirdly, the entire organization and conduct of the elections in the Cook Islands had been in the hands of the colonial Power. As was pointed out in paragraphs 106 and 107 of the report, all posts in the electoral machinery, including those of Chief Electoral Officer, his Deputy, the Registrars for the electoral rolls, the Returning Officers and so on, had been held by officials appointed by the colonial Administration. Even the enumerators had been appointed by the Resident Commissioner (paragraph 96) and not chosen by the electorate.

57. Thus the whole electoral machinery had been subordinate to the colonial Power and not separated from it. The role of the United Nations Representative had been merely to supervise the elections within the framework of the legislation drafted and implemented by the colonial Power itself.

58. Such a method of organizing the elections, especially when the colonial Power had stated that the future status of the Territory would be decided on the basis of those elections, could in no way be considered democratic.

59. The so-called "public enlightenment programme", too, had been completely subordinate to the interests of the administering Power. It had been carried out by civil servants of the colonial Administration, who had limited their activities to the publication of the voting procedure and had been instructed not to concern themselves with constitutional questions and their consequences for the status of

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the Islands. The United Nations Representative had come to the conclusion that about 40 per cent of the voters had not been familiar with the implications of their votes for the future status of the Islands. If to them were added the people who had been deprived of the vote because of the registration requirements, it was clear that a considerable portion of the population had not had the opportunity to express their views on the future of their own country.

60. The whole policy of the administering Power was designed to bind the Territory more closely to New Zealand and to continue its exploitation by New Zealand capitalist companies. As stated in the report of the United Nations Representative, the people were given limited information, sometimes deliberately distorted or confused, about the aim of international economic assistance. Thus the whole public enlightenment programme had one purpose: to persuade the people of the Cook Islands that independence would mean economic suicide.

61. The Constitution not only failed to grant independence to the Cook Islands but was actually curtailing their internal self-government. Under a series of provisions of the draft Constitution, which had now become law, the power of legislative authority was delegated to the New Zealand Parliament and to the Governor-General (A/AC.109/L.228 and Corr.1, paragraph 207). Bills relating, for example, to financial matters could be proceeded with in the Legislative Assembly of the Cook Islands only on the recommendation of the High Commission (paragraph 197). Laws made by the Legislative Assembly became effective only on receiving the assent of the High Commissioner. Only if the Assembly approved the bill again in its original form or with the proposed amendments was the High Commissioner obliged to give his assent to the law becoming effective (paragraph 206).

62. A similar right was enjoyed by the High Commissioner with regard to decisions of the Cabinet of the Cook Islands (paragraph 195). Under the new Constitution, the High Commissioner was the highest executive authority. He was appointed by the Governor-General on the recommendation of the New Zealand Minister responsible for matters relating to the Cook Islands.

63. It was not hard to see that the wide powers and authority vested in the High Commissioner concentrated in his hands powerful levers for exerting pressure on decisions both of the Legislative Assembly and of the Cabinet. As the United Nations Representative had stated in his conclusions, "a striking phenomenon regarding the situation in the Cook Islands is the precious little evidence there is

of any effective share the indigenous people may have in the administration of the country" (paragraph 330). The steps taken by the administering Power leading to so-called "self-determination in association with New Zealand" had therefore not decreased the control exerted by New Zealand over the Cook Islands.

64. While it paid due tribute to the United Nations Representative for his work, the Soviet Union delegation was unable to give its approval to his report, for that would mean approval of the steps taken by the administering Power, which were in contradiction to the principles of the Declaration on the Granting of Independence.

65. Some hotheads in the United States were already planning to hold a plebiscite in the Trust Territory of the Pacific Islands, which they were counting on using as a pretext to justify the inclusion of that Territory in the metropolitan country. They were even intending to exploit the United Nations for that purpose.

66. The question of the future status of any colonial territory was one of those questions of principle the settlement of which could not be based solely on formal indications such as the fact that a plebiscite had been held or that elections had taken place to any legislative body in the colonial territory. The determining factor in any approach to the settlement of such questions must be the establishment of conditions which would enable the people of the territory to decide the question of their own future status and State system in complete freedom and without any interference or pressure from outside.

67. The representative of Italy said that his delegation did not intend to make a formal statement on the report of the United Nations Representative but would make a few comments of a procedural nature on the item under discussion.

68. The Italian delegation felt that the Special Committee's deliberations on the Cook Islands were approaching their natural conclusion with the formal submission of the report by the United Nations Representative and the statements by the representative of New Zealand and the Premier of the Cook Islands. He wished to emphasize with satisfaction that that was perhaps one of the instances in which the Special Committee had been more closely associated with the attainment by a former Non-Self-Governing Territory of the goals established in the United Nations Charter and in General Assembly resolution 1514 (XV). Elections had now taken place, and the Cook Islands Constitution had been amended and brought into force by an act establishing the Cook Islands as self-governing in free association with

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New Zealand. The findings of the United Nations Representative and the statement of the Premier of the Cook Islands showed beyond any doubt that the act of self-determination had been free and genuine and that the will expressed by the inhabitants of the Territory during the elections and by their representatives in the Legislative Assembly had really been the will of the majority and not the will of the administering Power or of a minority representing extraneous interests.

69. His delegation did not consider that it was within the competence of the Special Committee to comment on the special status which the people of the Cook Islands had freely chosen for themselves in regard to their international position. Nevertheless, his delegation felt that their choice had been very wise, as had their decision to retain the power to change such status in the future without the intervention of the former administering Power or any other party. The statement made by the Premier of the Cook Islands at the 375th meeting had removed all doubts that might have remained in the Committee's mind. It was clear from the information made available to the Committee that "the electors were fully aware that their votes would constitute a mandate to the new Legislature to determine the future status of their country" (A/AC.109/L.228, para. 146 and Corr.1), that the Cook Islands were now fully self-governing and that the New Zealand Parliament no longer had any control over the Cook Islands Constitution or any right to interfere in constitutional matters.

70. Some representatives had voiced a few doubts and criticisms and the Soviet Union representative had even challenged the validity and legitimacy of the entire operation, but those were minority views which would be duly reflected in the Special Committee's records.

71. His delegation therefore suggested that a resolution or a statement by the Chairman should be drawn up without further delay, embodying the substance of the Special Committee's conclusions and recommending that the General Assembly should take note with satisfaction of the points indicated and of the consequences deriving therefrom. It should express the Committee's deepest appreciation to the United Nations Representative, should thank the administering Power for its co-operation and should express good wishes to the Government and people of the Cook Islands for their future happiness and prosperity.

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72. The representative of Syria said that, while there were a few points in the report of the United Nations Representative which were not altogether satisfactory to his delegation, the fact was that the people of the Cook Islands had made their choice and it was not for any delegation to question it.

73. The precedent of the Cook Islands was one which should be given careful consideration. The people of the Cook Islands had expressed their wish to live in free association with New Zealand, but for the sake of the future of other colonial territories, the principles embodied in the Charter and the provisions of resolution 1514 (XV) should not be forgotten. The door should always be left open to the people of the Cook Islands and to their legal representatives to become independent if they should choose such a course at a future date.

74. Certain points were clear from the New Zealand representative's statement. The Constitution now in force was beyond the control of the New Zealand Parliament and could be amended only by the Cook Islands Legislative Assembly or, in the case of six entrenched clauses, by popular referendum as well as a vote by the Legislative Assembly. Secondly, the people of the Cook Islands now had sole control over their future, with power to change their present status as they wished. Thirdly, they had complete legislative autonomy. Fourthly, there was no legal barrier to their assumption of sovereign independence except the need for the consent of two thirds of the members of the Cook Islands Legislative Assembly and two thirds of the people as expressed in a referendum. The Committee should take note of those facts, which were of great importance.

75. His delegation appreciated the fact that New Zealand was granting a considerable subsidy to the Cook Islands, but it felt that, in order that the Cook Islands might one day become an entirely sovereign and independent State, the United Nations and the specialized agencies should provide financial, economic and technical assistance. He assured the Premier and Deputy Premier of the Cook Islands that the Special Committee and the General Assembly would always be willing to consider requests from them for further aid.

76. The Premier of the Cook Islands said that the attitude of the Special Committee had convinced him that the United Nations could be counted upon to assist the Cook Islands. He was grateful for all the comments that had been made and would like to dissipate some of the doubts that were apparent from certain criticisms voiced by some representatives.

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77. The Cook Islands had chosen an independent political status but not sovereign independence because the people felt that it was preferable to advance gradually. Representatives of his Party had visited every island to explain the purpose of the elections and the issues at stake, and representatives of each island had come to Rarotonga to attend meetings and had returned to inform their fellow islanders. He was convinced that the Cook Islanders had been fully aware of what they had been voting for.

78. There had been four courses open to them: complete independence, federation with other Polynesian countries in the Pacific, integration with New Zealand, or self-government within the framework of association with New Zealand. The third alternative would have brought the Cook Islands many social benefits but the islanders were a proud people and wished to retain their national identity. They had therefore freely chosen the fourth alternative, which gave them complete freedom. When the Islands became economically more independent they might consider sovereign independence.

79. There was no limitation upon immigration from New Zealand, for the Cook Islanders did not want to forfeit their right to go to New Zealand whenever they chose. All they needed for that was an exit permit from the Cook Islands authorities which was issued upon the applicant's proving that he had employment awaiting him in New Zealand and a home to go to.

80. Lastly, he pointed out that the requirement of Article 73 e of the Charter that New Zealand should report to the Secretary-General on the Cook Islands seemed to him to be a violation of the political rights of his people; he would prefer the report to be drawn up by the United Nations Regional Representative in the Pacific.

81. The representative of New Zealand, referring to the statement by the representative of the Soviet Union, said that he found it invidious that, whereas countries that had emerged from the colonial experience were generous in their remarks, the representative of a country which had never brought any people to freedom, quite the reverse, should take it upon himself to make criticisms.

82. The Soviet Union representative had stated that the organization of the elections had been completely in the hands of the administering Power, with the implication that the administering Power had thus been attempting to ensure the continuance of its domination over the Cook Islands. In fact, the arrangements for the elections had been perfectly normal and had been dictated by practical, not

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political, considerations. Although ideally the election might have been organized by an international commission, such a solution would have been expensive and in some ways difficult to put into effect. As it was, the United Nations Representative had testified to the impartiality of the electoral officials in paragraph 112 of his report.

83. The Soviet Union representative had also pointed out that the report stated in paragraph 169 that the Government of New Zealand considered the concept of complete independence for the Cook Islands to be unrealistic. He himself had been unable to trace any such statement by the New Zealand Government, but assuming that that was his Government's view it could legitimately be argued that it would be unrealistic for 20,000 people on an archipelago scattered over 85,000 miles of sea to become a separate sovereign State. Nevertheless, the administering Power had in fact offered the Cook Islands the choice of complete independence and they could still choose such a solution if they saw fit.

84. The Soviet Union representative had stated that the electoral law had been drawn up by the colonial Power. That was true: it was exactly the same law as that governing elections in New Zealand and had been used for elections in the Cook Islands on two previous occasions. There had never been any complaints about elections from the people of the Cook Islands or of New Zealand; in fact, many people on scholarships or sponsored in various ways by the United Nations had come to New Zealand to observe the electoral law with a view to applying it in other countries.

85. The Soviet Union representative had pointed out that all persons in the polling booths had been chosen by the Administration and not by the electors. That was the normal way to organize elections in most countries, but in every polling booth every candidate had been entitled to have a person of his choice available to challenge any elector. Moreover, United Nations observers had been present in every booth or had moved about among the booths.

86. The Soviet Union representative had said that the electoral law had deprived a number of Cook Islanders of their right of suffrage, no doubt basing himself upon a passage in the report which mentioned the question of whether Cook Islanders who were resident in New Zealand should have been permitted to vote. On the basis of the 1961 census figures, almost 40 per cent of the Cook Islanders living in New Zealand had been born there, while a further 34 per cent had lived there for

more than five years, were entitled to vote in New Zealand elections and could reasonably be regarded as settled there for electoral purposes. It was therefore possible to estimate that only about 600 of the approximately 6,000 Cook Islanders living in New Zealand had been living there for less than five years. There had also been a question whether one year's or three months' residence in the Cook Islands should be required as a qualification for voters: the choice of the longer period had affected only some 200 or so potential voters.

87. The Soviet Union representative's assertion that the programme of education, both about voting rights and about the Constitution, had been carried out by civil servants of the Administration was only partly true; in his delegation's view, the greatest educational factor had been the Cook Islands Party and the election campaign itself. Great interest had been aroused among the voters, many questions had been asked and the Constitution had been explained by the various candidates at electoral meetings. As a secondary form of enlightenment, many broadcasts had been made by officials of the broadcasting service. He himself had made a broadcast, which was reproduced in annex III of the report; members of the Committee could read that broadcast and judge for themselves whether New Zealand had been speaking as a Power which was trying to retain a colonial grip on the Cook Islands. Since the proposed Constitution had been only one of several arrangements open to the people of the Cook Islands, enthusiastic advocacy of that particular arrangement by New Zealand officials would not have been proper; they had put out pamphlets and other informational material that precisely explained the Constitution, while advocacy of particular positions had been left to the candidates in the campaign. Copies of the pamphlets could be made available to the members of the Committee if they wished to study them.

88. With regard to the remark that about 40 per cent of the people had not been familiar with the issues in the election, he agreed with the Premier of the Cook Islands that the estimate was probably too high. Discussion of the Constitution had gone on for three years, both in Parliament and throughout the Islands. It was possible that some people in the more remote islands had not understood the details of the Constitution, just as it was natural in almost every country that political awareness was less thorough in remote areas; there had, however, been very few people in the Cook Islands who had not known the issue they had been voting on.

89. It had been suggested by the representative of the Soviet Union that the whole policy of the administering Power was to bind the Cook Islands to New Zealand and to subject it to capitalistic exploitation. If the administering Power had wanted to bind the Cook Islands to New Zealand, it could have campaigned for integration or some other arrangement, but that was exactly what it had not done; instead it had given the people of the Cook Islands freedom of choice. As for exploitation of the Islands, a study of the economic facts would make it clear that not only the total present production of the Islands but even their potential production for the future was minimal in relation to the economic needs of New Zealand, so that attempts to keep the Islands under New Zealand's economic control would be pointless. The people of New Zealand bought produce from the Cook Islands, even though similar produce was at present available more cheaply from other sources, not because they wanted to maintain some kind of colonial control but because they felt a kinship with and an obligation to the people of the Cook Islands.

90. He was unable to understand the comment in paragraph 415 of the United Nations Representative's report to the effect that information given to the Cook Islands people on the post-war efforts of the international community to narrow the gap in the economic well-being of peoples was scanty, deliberately distorted or confusing. There was no censorship of news going into the Cook Islands; all the normal radio broadcasts from New Zealand - which no one, to his knowledge, had ever called distorted - were received in the Cook Islands, and New Zealand itself, as the members of the Special Committee were aware, had a profound respect for the United Nations.

91. With regard to United Nations activities in the South Pacific, it had been New Zealand that had encouraged the United Nations to set up an office of the Special Fund and of TAB in Samoa; his Government was fostering co-operation between the various territories of the South Pacific and the United Nations and believed that such co-operation would have a beneficial effect. It had not said, as reported in paragraph 415, that the Cook Islands could not afford the financial obligations of membership of the Food and Agriculture Organization; what it had

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done was to inform the Cook Islanders that such obligations existed, in the confidence that they would be fully capable of deciding for themselves, on the basis of the facts, what steps they wished to take.

92. The Cook Islands had full legislative and executive autonomy. New Zealand had no power over the Cook Islands; the New Zealand Parliament could not legislate for the Cook Islands, and the Governor-General of New Zealand could not make regulations for the Cook Islands unless the Government of the Cook Islands so requested. The right to delegate power for specific action to the New Zealand Government was retained by the Cook Islands Government for reasons of its own convenience; for example, if the Cook Islands urgently required a draft of regulations on civil aviation but lacked the necessary technical experts, it could have the regulations drafted in New Zealand for discussion and possible adoption by the Cook Islands Government.

93. The powers of the High Commissioner in the Cook Islands under the Constitution would be similar to those of the Queen in the United Kingdom or the Governor-General in New Zealand: in substantive matters he would act on advice or in accordance with constitutional provisions, and in those few matters in which he had discretion his powers were formal rather than effective and were bound by convention.

94. The representative of the Soviet Union had suggested, on the basis of certain clauses in the Constitution and certain paragraphs of the United Nations Representative's report, that New Zealand held some sinister control over the Cook Islands through the powers of the High Commissioner, for example in matters of financial legislation. The fact was that the requirement of the High Commissioner's consent for the introduction of financial legislation was purely formal and analogous to the arrangement prevailing in various countries of the British Commonwealth. The High Commissioner could act only on the advice of the Cook Island Ministers; he had no independent New Zealand power.

95. He left it to the members of the Special Committee to decide whether the Soviet Union representative had been right or wrong in saying that the measures of self-determination adopted in the Cook Islands would not decrease New Zealand control.

96. The representative of the Union of Soviet Socialist Republics said that the New Zealand representative had insinuated that some countries liberated peoples from colonialism and some did not and that it was not for the Soviet Union representative to criticize the measures adopted in the Cook Islands. He reminded the New Zealand representative that the people of the Soviet Union had themselves established in 1917 the system under which they wished to live and had maintained it by armed resistance against the attempts of fourteen imperialist States to subject them to their will.

97. The representative of New Zealand had endeavoured to rebut the remarks made by the Soviet Union delegation but had in fact confirmed those remarks by acknowledging that the colonial Power had drafted the Constitution, made the legislative arrangements for the election, sent its own representatives to act as election officials and kept the entire electoral campaign in its own hands. The representative of New Zealand had implied that the Soviet Union representative had not understood what he was talking about in referring to the unjust nature of the residence requirement; he had said that the requirement concerned persons who were living in New Zealand or who had lived there at least five years. The point made by the Soviet Union delegation, however, had been precisely that: the electoral law deprived a large number of Cook Islanders of the right to a voice in deciding the future of the islands; there was some irony in the fact that the present Premier of the Cook Islands had himself been a victim of that law.

98. In reply to the Soviet Union delegation's remarks concerning New Zealand's economic designs on the Cook Islands, the representative of New Zealand had said that the islands were too small and that it was absurd to think that capitalistic companies would take advantage of them for their own purposes. It was a fact, however, that the economy of the Cook Islands was completely dominated by New Zealand companies. Agricultural produce had to be sold through those companies, at very low prices. The representatives of the indigenous population did not participate in the management of the economic life of the islands. There was large-scale emigration to New Zealand and the number of young people and workers had decreased to a dangerous level. In May 1963 a correspondent of the Auckland Star had sharply criticized the New Zealand Government and urged it to send a parliamentary commission to the Cook Islands to investigate the economic confusion and disarray prevailing there.

99. Consequently, the New Zealand representative's remarks had totally failed to convince him that any change had taken place in the Cook Islands and that New Zealand's control over the Cook Islands had been relaxed.

100. The representative of New Zealand said that New Zealand had made no attempt to invade the Soviet Union and was perfectly content to see the Soviet people continue to live their lives as they wished. The Soviet Union's record of dealing with its minorities was, however, known to all the world. Alone among the countries which had acquired territory at the end of the Second World War, the Soviet Union had placed no territory under the supervision of the United Nations and was pursuing an integrationist policy.

101. With regard to the economy of the Cook Islands, he wished to point out two things. Firstly, Fruit Distributors Limited, the main company dealing with fruit from the Cook Islands, had fully explained its position to the Special Committee in a letter which was on record as a United Nations document; it had neither monopoly control nor any other kind of control over the export of fruit. Secondly, the Government of the Cook Islands had full power to deal with the operations of capitalistic companies and to adopt any regulations and laws it might deem necessary.

102. The United Nations Representative for the Supervision of Elections in the Cook Islands, recalling the statement in paragraph 169 of his report (A/AC.109/L.228 and Corr.1) that the Government of New Zealand considered that the concept of complete independence for the Cook Islands was unrealistic, and the discussion which that statement had provoked at the 378th meeting, pointed out that it had been based on a statement made by the Minister of Island Territories in the New Zealand Parliament on 21 October 1964. On that occasion, the Minister had quoted in its entirety operative paragraph 5 of resolution 1514 (XV) and, recalling that New Zealand had voted in favour of that resolution, had continued: "The New Zealand Government considered that the concept of complete independence in the Territories of Cook, Niue and Tokelau was unrealistic, but took steps to consult the people about their political future...". That statement appeared in volume 23, page 28, of Hansard, the record of New Zealand parliamentary debates.

103. A similar controversy had arisen over the degree of awareness on the part of the people of the Cook Islands regarding the significance and meaning of the elections. He had fully appreciated the difficulty of arriving at a finding on

the matter, and had expressed that difficulty in paragraph 125 of his report where he had stated that it had been "difficult to make an unqualified assertion on this ... matter". In further explanation of the manner in which he had arrived at his conclusions, he said that for Rarotonga and Aitutaki Islands, where 60 per cent of the population of the Cook Islands lived, his findings had been absolutely positive, for the reasons set out in the report. Four of the outer islands which contained 40 per cent of the population had been visited by United Nations observers or by himself. In forming an over-all opinion with regard to the outer islands, he had based his conclusions principally on what it had been possible to ascertain in the four islands which had been visited, and had therefore stated in paragraph 126 of his report that for large sections of the inhabitants of the outer islands, the vote had meant hardly any more than the ordinary election of new members of the Legislative Assembly. Typical of his findings, for instance, had been in the Island of Manihiki, which he had been able to visit, where one of the five candidates for the Assembly had asked him a question which implied that he thought that the United Nations was going to take over administration of the Territory, and another candidate had told him that neither he nor any of the other four candidates had held any public meetings to tell the electors what the vote was about.

104. He had felt that in the seven outer islands which the United Nations observers had not been able to visit, the situation was not likely to be much better than in the four other islands which had been visited. That was a plausible assumption in view of statements such as that made in the Legislative Assembly of the Cook Islands by the representative of Rakahanga Island. The latter had in fact said during the debate on the Constitution: "I was with my people on my island. The only explanation they were given ... was on two types of government, namely, the government of Albert Henry and the government of Dick Brown. It is probably not a mistake of the people that there had not been sufficient explanation of the issues." That statement by the member for Rakahanga had been corroborated by many members of the opposition, who had spoken in similar terms.

105. However, even assuming that the situation in the seven outer islands which had not been visited was not better than in the four islands to which observers had been able to go, he had at no time categorically asserted that 40 per cent of the population was completely ignorant of the significance of the elections. If the

relevant sections, namely paragraphs 113 to 128, of the report were read as a whole, it would be found that whenever the 40 per cent figure had been mentioned, his position had never been one of certainty. He had been careful to state, moreover, in paragraph 126, that the percentage of the poll in relation to the number of registered voters, even in the outer islands, had averaged 95.2 per cent.

106. The representative of Iraq said that, in putting forward the views of his delegation, he wished first of all to pay tribute to the work which the United Nations Representative had accomplished. His selection by the Secretary-General to supervise elections in the Cook Islands had been fully justified by the report which he had submitted to the Special Committee.

107. The supervision of elections in the Cook Islands was an event of great importance in the history of the United Nations. In view of the difficulties which had been encountered in the past, it was in fact a great success for the Organization, and it was to be hoped that the example set by New Zealand in inviting the United Nations to supervise the elections would be followed by the other colonial or administering Powers. The results obtained by the observers fully justified future approaches to the United Nations to facilitate the process of liberation and independence for the Territories still under foreign rule. The initiative for the proposal originally made for the Cook Islands had come from the USSR representative in the Special Committee, and special thanks were due to him for that initiative.

108. The elections which had taken place in the Cook Islands had been no ordinary elections. Their aim had been to determine the future status of the Territory, and for that reason, supervision by the United Nations had become a necessity. In the opinion of his delegation, the General Assembly would have to take two separate decisions on the report of the United Nations Representative. It would first have to decide whether the Territory of the Cook Islands had achieved full self-government and, therefore whether it was no longer subject to the provisions of Article 73 e of the Charter, relating to transmission of information concerning Non-Self-Governing Territories. Secondly, it would have to decide whether it could be concluded from the developments after the elections and the adoption of the new Constitution that the objectives of the Declaration on the granting of independence had been fully realized.

109. With regard to the first decision, he recalled that in 1953 the General Assembly had adopted resolution 742 (VIII) containing a list of factors to be taken into account in deciding whether a Territory was or was not a Territory whose people had not yet attained a full measure of self-government. Subsequently, in 1960, the General Assembly had adopted resolution 1541 (XV) defining the principles which should guide Member States in determining whether or not an obligation existed to transmit the information called for under Article 73 e of the Charter. Under Principle VI of that resolution, a Non-Self-Governing Territory could be said to have reached a full measure of self-government by free association with an independent State; that was precisely the case of the Cook Islands. Furthermore, the following Principle of the same resolution (Principle VII) described how that free association should be established in order to be valid. It was therefore the duty of the Special Committee to determine whether the elections which had been held and the constitutional debates regarding the new Constitution of the Islands conformed to the requirements laid down by the General Assembly. The report contained full information concerning the elections. In it, the United Nations Representative spoke of two omissions which had, in his opinion, marred the electoral campaign. One was of a legal nature and had been remedied later; the other related to the enlightenment programme for the people. That programme had not been very effective: the report pointed out that one third of the population had not been fully aware of the significance of the elections. Moreover, like Mr. Adeel, he thought that the assistance given to illiterate people constituted an infringement of the basic principle of the secrecy of the ballot. In spite of that, however, the report of the United Nations Representative emphasized that "With the exception of these two imperfections ... the administrative and physical arrangements concerning the actual conduct of the elections were in accordance with existing election legislation" (A/AC.109/L.228, para. 101 and Corr.1).

110. The report also indicated that the Cook Islands, and in particular the members of the Cook Islands Party, did not desire full independence, but merely full internal self-government. The conclusion to be drawn from the report and statement by the United Nations Representative was that the United Nations should give New Zealand the right to cease the transmission of information on the Cook Islands.

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The people of the Territory had freely chosen its political status, and they could still change that status if they so wished. The conditions laid down in the various resolutions of the General Assembly regarding the cessation of the transmission of information had thus been satisfied.

111. However, with regard to the second decision to be taken by the General Assembly, it was less certain whether the recent political developments in the Cook Islands had made it possible to attain the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was true that the Declaration itself was not clear in that regard: the expression "all powers" in paragraph 5, the only paragraph relating to the granting of independence, might give rise to some confusion. Did that expression include the power to determine their own foreign relations and defence? If it did, the present Constitution of the Cook Islands did not conform to the requirements of General Assembly resolution 1514 (XV). Could a colonial people voluntarily limit its sovereignty? There were two conflicting viewpoints in that regard: there were those who said that the freely expressed will of the people should be paramount, but there were others who considered that if that freely expressed will did not involve complete independence, the Territory should still come under resolution 1514 (XV). The Iraqi delegation was prepared to accept the first viewpoint provided that the people could decide at any time to change their status; if that condition was fulfilled, his delegation believed that the objectives of resolution 1514 (XV) would be fully realized. It had been said that the whole thinking in the Cook Islands was in a process of change; in fact, it was for the Cook Islanders to make a decision, provided that the proper guarantees were given and that the decision was made under the United Nations supervision.

112. The Cook Islands, because of their poverty, would need assistance from the United Nations, and particularly from the Special Fund and the Expanded Programme of Technical Assistance. It was his understanding that the Cook Islands, which desired such assistance, could request it directly from the United Nations representatives in the area - which was one attribute of economic independence - and he hoped that the Cook Islanders would not hesitate at any time to do so.

113. It was not essential for the Special Committee to adopt a resolution on the question; however, before the General Assembly dealt with the matter and took

decisions, the Committee should express an opinion by taking note of the report and should state whether it considered that the Cook Islands had achieved a full measure of self-government and whether the objectives of resolution 1514 (XV) had been realized. It was not necessary for the Special Committee to go into detail on the matter, but a general expression along the lines he had indicated would be helpful and would enable the General Assembly to take the proper decisions.

114. The representative of India congratulated the representative of Iraq on the clarity and precision of his statement, and in particular on the way in which he had described the problems connected with the application of General Assembly resolution 1514 (XV) and Article 73 of the Charter. He recalled the long and close co-operation between the delegations of Iraq and India on colonial questions and other matters. Iraq and India had been co-authors of resolutions 1514 (XV) and 1541 (XV), which had been adopted in 1960. He recalled the role which Iraq and India had played during the debates in Sub-Committee II in 1964 when the Special Committee had considered the question of the Cook Islands, and he regretted that the General Assembly had had to adopt a resolution under rather unusual circumstances.

115. He congratulated the Secretary-General on having invited Mr. Adeel to supervise the elections. On the whole the elections had been held under satisfactory conditions, and the Indian delegation believed that the people had expressed their wishes.

116. The Special Committee should pay tribute to the goodwill shown by New Zealand. While all forms of colonialism were bad, it would be unfair to place New Zealand in the same basket as certain other colonial Powers. It was New Zealand which had invited the United Nations to supervise the elections, whereas certain administering Powers had refused to allow United Nations sub-committee to visit their Territories.

117. It would be desirable if the Special Committee could make some reference to the assistance which the United Nations should render to the Cook Islands in the economic, health and other fields. Like the representative of Iraq, he thought that while it was not necessary for the Committee to adopt a resolution, it should give its opinion on the report in transmitting it to the General Assembly. The question of the Cook Islands had been dealt with at length both at the sub-committee level and in the Special Committee; the latter had had the benefit of hearing the Premier of the Cook Islands and was conversant with the various aspects of the situation in the Territory as well as the historical background, whereas the

General Assembly, because of its heavy agenda, would not be able to devote much time to the matter. The General Assembly had repeatedly requested the Special Committee to find out the best and most expeditious means for the elimination of colonialism; it was therefore for the Committee to say whether or not it was satisfied with what had happened in the Cook Islands and to make recommendations so that the experience acquired in those Islands might be of use in other areas. 118. The representative of Ethiopia expressed appreciation to the United Nations Representative for his thorough and scholarly report (A/AC.109/L.228 and Corr.1) and to New Zealand, which had adopted a liberal attitude towards the United Nations and opened the door to a more realistic implementation of General Assembly resolution 1514 (XV). The Premier of the Cook Islands was to be congratulated on overcoming all the obstacles in his path and achieving a new status for his land by democratic means.

119. The conclusions of the United Nations Representative showed that, with some exceptions, the administering Power had acted correctly and the people of the Cook Islands had made a free choice in electing their representatives. The Cook Islands now had a new Constitution, which had been adopted by the Legislative Assembly. The Committee should ask itself whether the new status of the Cook Islands satisfied the conditions for decolonization stipulated in resolution 1514 (XV).

120. It could be seen from the report of the United Nations Representative that the internal self-government in the Cook Islands was not perfect; indeed, in some aspects it was quite defective. That was particularly true with respect to the status and functions of the High Commissioner, the Executive Council and the Governor-General. Apart from abolishing the Council of State, the legislators at the first meeting of the Legislative Assembly did not seem to have shown any concern about those defects. His delegation would welcome an explanation on that subject from the Premier of the Cook Islands.

121. In contrast, the United Nations Representative had indicated that the elections had been free and that the Constitution had been adopted by an overwhelming vote in the new Assembly. In his statement to the Special Committee at the 375th meeting, the United Nations Representative had described the most vital factors regarding the situation in the Territory and the strong points of the new Constitution. In addition, the Premier had described to the Committee the

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advantages which the Cook Islanders derived from their status. It was clear from the testimony of those two speakers that the new status of the Cook Islands reflected the will of the people. Consequently, the Ethiopian delegation could only wish the Islanders success, prosperity and happiness in their new venture.

122. The representative of Uruguay said that his delegation intended to make a final statement on the report of the United Nations Representative at a later meeting. For the moment it would confine itself to a few general comments.

123. It would be only right and fitting for the Special Committee to express its satisfaction that the New Zealand Government had fulfilled its obligation as administering Power of the Cook Islands. New Zealand had acted in accordance with the spirit of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and it was to be hoped that that outstanding example would be followed by other countries.

124. The case of the Cook Islands was a special one, since the Declaration was being applied not through complete independence, as had been the case in other Territories examined by the Committee, but through association with the administering Power. General Assembly resolutions 742 (VIII) and 1541 (XV) left no doubt that free association might be one of the ways in which a dependent Territory could attain full self-government, a fact which the Special Committee itself had expressly recognized when it had adopted the report in document A/5800/Add.6. Those resolutions, however, set forth five prerequisites for free association.

125. Firstly, association with another State should be the result of free choice. Secondly, the people should be fully aware of the meaning of the decision they were called upon to make. Thirdly, the act of self-determination should be carried out in accordance with democratic procedures, on the basis of universal suffrage. Fourthly, the associated Territory should have the right to determine its internal constitution without outside interference. Lastly, the associated Territory should be free at any time to choose any other political status, including complete independence.

126. In the case of the Cook Islands, it could be said that all those prerequisites had been fulfilled, although it would of course be for the General Assembly to take the final decision. Although some of the procedures employed had not, perhaps, been entirely satisfactory, paragraphs 140, 147 and 149 of the report showed that the

act of self-determination by the inhabitants of the Cook Islands had been carried out in accordance with the first three prerequisites. An examination of the constitutional documents and the interpretation of those documents by the New Zealand Government as presented in the New Zealand representative's statements showed that the last two prerequisites, too, had been guaranteed.

127. Moreover, a further element could be noted with satisfaction, which was not included in the various General Assembly provisions covering such situations: namely, the voluntary decision of the administering Power that the process of self-determination should be supervised by the United Nations. Various representatives had indicated their concern that the decision taken by the Cook Islands might establish a precedent. His delegation shared that concern and felt that such cases should be examined carefully since future acts might be affected. In that case and for the reason previously stated, the intervention of the United Nations was therefore a valuable precedent for similar cases that might arise in the future. If the General Assembly endorsed that procedure, it would establish for the first time, for the protection of dependent peoples, the fact that association between a metropolitan country and a Territory could not be achieved validly without the supervision of the international community, for that was the only practical way of guaranteeing that the people could express themselves freely and that their real wishes would be respected.

128. There were, nevertheless, important problems still pending which would have to be dealt with later. For example, it would be necessary to work out procedures ensuring that Territories which, like the Cook Islands, were technically self-governing and hence would no longer be protected by the safeguards accorded to Non-Self-Governing Territories in the Charter, would be guaranteed the right to change their political status and accede to complete independence if they so desired.

129. The representative of the United Republic of Tanzania said that the case of the Cook Islands was one of exceptional importance. It was a small country, virtually isolated from the rest of the international community, and throughout its long history its only association with the outside world had been through the administering Powers. The international community had nevertheless felt that it was its moral duty to ensure that the Declaration on the Granting of Independence to Colonial Countries and Peoples was implemented in the Cook Islands. It was also the duty of the administering Power to give the Declaration the widest possible publicity in the most remote areas under its control, and in that connexion he

wished to commend the spirit of co-operation shown by New Zealand in the case of the elections in the Cook Islands.

130. The conclusions set forth in the report of the United Nations Representative required serious consideration. His delegation shared the concern expressed in paragraph 404 with regard to the High Commissioner's dual role as the representative of the New Zealand Government and the representative of the Queen as Head of State. The New Zealand representative had stated that the New Zealand Government no longer had any civil power within the Cook Islands. That statement was relatively true in that the present fluid situation concerned two Governments which were constitutionally equal, but it would nevertheless be possible to subject it to analytical criticism. Experience would show how the arrangement worked out in practice. Although his delegation wished to express reservations in that connexion, it derived some consolation from the statement by the Premier to the effect that the people of the Cook Islands were happy to have the opportunity of controlling their own administrative affairs. His delegation was further reassured by the fact that the people of the Cook Islands had the right to opt for independence in the future, should they so choose, thus putting into full practice their right to self-determination.

131. The report of the United Nations Representative showed that the people of the Cook Islands had exercised the right to use their vote without any administrative or physical impediments. It was his delegation's hope that they would now harness all their forces and make full use of their new status for their progress and development. Concern had been shown about the political aspects of the case, but it was equally imperative that careful attention should be paid to the economic aspects. The international community must afford the people of the Cook Islands all the economic assistance possible.

132. His delegation was ready to support any suggestion that would take due note of the report of the United Nations Representative and submit it to the General Assembly for consideration.

133. The representative of Chile observed that the clear and comprehensive report submitted by the United Nations Representative brought out all the significant aspects of the political transformation which the Cook Islands was now undergoing.

134. When the Cook Islands had been discussed in 1964, his delegation had stated that the inhabitants should be given the opportunity of expressing their wishes

with respect to their political future. That view which had been shared by the other members, had helped the administering Powers to hasten the elections for the Legislative Assembly. The presence of a United Nations Representative had undoubtedly been an important factor in ensuring that the people were able to exercise their right to self-determination in full knowledge of the facts. The report confirmed that the elections had been free and that the provisions of General Assembly resolution 1514 (XV) had been respected. His delegation was grateful to the Premier of the Islands for his clear and sincere explanation of the reasons why the people had chosen as they had.

135. It was both important and commendable that the Constitution of the Cook Islands recognized the fact that the inhabitants of the Islands retained the right to change their status in the future if they so wished; that recognition would enable them to choose complete independence if the majority so desired.

136. The full and frank explanations given by the New Zealand representative reflected the co-operative attitude which his country had taken towards the United Nations policy of eliminating colonialism.

137. In conclusion, he expressed to the Premier of the Cook Islands his country's best wishes for the progress and prosperity of his people.

138. The representative of Poland recalled that during the discussion in 1964 his delegation had noted the New Zealand Government's co-operation with the Special Committee but had not hesitated to criticize the administering Power for the lack of progress in various fields and for other instances of negligence. It still shared some of the doubts and reservations voiced by some representatives during the debate.

139. His delegation was happy to note that its intentions had been understood by the Premier of the Cook Islands. It was regrettable, however, that the New Zealand representative had seen fit to make derogatory remarks about some members of the Special Committee; that representative should not be surprised that a number of members were sensitive to all actions by administrative or colonial Powers whose record called for criticism. The policies of the New Zealand Government would always be scrutinized in the light of its attitude towards the aspirations of all Asian peoples in their struggle for liberation and independence.

140. The United Nations Representative had carried out his functions with devotion and impartiality. His report was a milestone in United Nations history, for the United Nations had played an active part in the attainment of self-government by a people who had been deprived of it. He hoped that other administering Powers would take the report as an example of the principles they should follow.

141. In conclusion, he requested the Premier of the Cook Islands to transmit to his people the best wishes of the Polish Government.

142. The Premier of the Cook Islands, replying to the Ethiopian representative's request for an explanation of certain features in the Constitution of the Cook Islands, said that since his country valued its position in the British Commonwealth, it felt that the Queen should be the Head of State. The question was, who should represent the Queen in the Cook Islands. Article 5 of the Constitution stated that a High Commissioner would represent both Her Majesty and the Government of New Zealand. His Cabinet had considered that section of the Constitution very carefully and it retained the right to change the Queen's representative at some future date. One possibility might be to replace the High Commissioner by one or two of the traditional leaders, or Ariki. To provide for that possibility, the Constitution had established the House of Ariki. If the Ariki wished one of their number to represent the Queen, the necessary legislation could be enacted. The question would therefore be left to the House of Ariki to decide.

143. At the present time the High Commissioner had power to act only on the advice of the Premier and his Cabinet. Before the proclamation of the Constitution, the powers of administration had been vested in the New Zealand Minister for Island Territories. Those powers had now been withdrawn and the Minister for Island Territories had no say whatever in the administration of the Cook Islands, which had the right, under the Constitution, to handle their own external affairs through consultation between the Premier of the Islands and the Prime Minister of New Zealand. The Premier and the Cabinet had the right, however, to discuss any matter they wished outside the Territory. For instance, if the country found that it could improve its economic situation, by going outside New Zealand, it would first consult New Zealand and, if not satisfied, would make arrangements elsewhere for the type of economic improvements it wanted. The country was moving step by step toward the goal of controlling its own affairs.

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144. The High Commissioner was appointed only after discussion with the Premier of the Cook Islands and with his agreement. The Islands had recently submitted a request to New Zealand with respect to the status of the High Commissioner, which he did not wish to discuss at the present time. In any case, the High Commissioner could be changed within six months after the proclamation of self-government. The Cook Islands had gone as far as it dared towards political independence in accordance with United Nations resolution 1514 (XV).

145. The representative of the Ivory Coast said that it could be concluded from the report and the debate that the people of the Cook Islands had freely chosen their new status of association with New Zealand. That decision was fully in compliance with the principle of self-determination which it was the Committee's goal to see applied in all colonial territories.

146. It lay, of course, with the General Assembly to endorse the choice made by the Cook Islanders but since that choice was a free expression of their will, it should be respected and considered to be in conformity with the spirit of resolution 1514 (XV). The choice was proof that the links sometimes existing between former colonies and administering Powers could have a meaning far beyond mere exploitation. His delegation hoped that in their association with New Zealand the people of the Cook Islands would always retain their dignity and freedom.

147. In congratulating the people of the Cook Islands on their decision, the Committee should not forget that many Territories were still under foreign domination and had not yet been allowed to exercise the right of self-determination.

148. The representative of Denmark said that his delegation was gratified at the manner in which the Committee had discussed the question of the Cook Islands and at recent political developments in the Territory. He wished to congratulate the United Nations Representative, the Government of New Zealand and its representative and to pay a special tribute to the Premier of the Cook Islands and the people he represented.

149. The representative of Iraq and other members of the Committee had expressed the view that the entry into force of the new Constitution of the Cook Islands had fulfilled the conditions laid down in resolutions 1514 (XV) and 1541 (XV);

The Cook Islands had become a self-governing territory and New Zealand was no longer required under Article 73 e of the Charter to transmit information on the territory to the Secretary-General. The Danish delegation, having carefully read the report of the United Nations Representative and heard his statements and those of the representative of New Zealand and the Premier of the Cook Islands, supported that view. Moreover, he agreed with the representatives of Italy and Syria that the report constituted a whole and should not be judged merely on the basis of short extracts separated from their context.

150. With regard to the powers and prerogatives of the High Commissioner, some delegations had expressed fears that the High Commissioner might exercise undue influence in the Cook Islands. The High Commissioner was the representative of the Head of State and the powers of a Head of State varied considerably from one country to another. In Denmark it was not the King, but the Ministers, who possessed effective power and they had to enjoy the confidence of a parliamentary majority. The position seemed to be the same in the Cook Islands: the High Commissioner could act only on the advice of the Cabinet; he could request revision of a bill before it was promulgated but could not prevent its coming into force.

151. The Special Committee could not but be gratified at what had happened in the Cook Islands: the Territory had achieved self-government, the Committee had heard the freely elected representative of that Territory express his and his people's confidence in their new status and in the country's future and the administering Power had co-operated as fully as possible with the United Nations.

152. The representative of Sierra Leone paid a tribute to the Premier of the Cook Islands who had given the Special Committee a lengthy explanation of the reasons why his Government and people had chosen the form of association which the Committee had been discussing. He also congratulated the United Nations Representative and the officials who had helped him to prepare an outstandingly clear report, and the Government of New Zealand, whose relations with the United Nations had revealed a spirit of co-operation which should serve as a model to other administering Powers. A perusal of the report justified the conclusion that the elections had enabled the Cook Islanders to express their opinions freely and to choose the government they thought suitable, in spite of certain shortcomings mentioned in the report.

153. His delegation had noted the explanations given by the Premier of the Cook Islands of the alternatives open to the people in their relationship with New Zealand and the fact that the Constitution made provision for changing that relationship. Such a guarantee was certainly in the spirit of resolution 1514 (XV) and could be invoked without the consent of New Zealand. As Mr. Henry had hoped, the good relations which existed between the United Nations and the territory should be strengthened. On behalf of his Government, he congratulated the Cook Islanders on their new status.

154. The representative of Iran said that his delegation had been impressed by the integrity and impartiality shown by the United Nations Representative, the thoroughness and objectivity of his report (A/AC.109/L.228 and Corr. 1), the high competence and sincerity of the Premier of the Cook Islands and the co-operative attitude shown by the New Zealand Government in inviting the United Nations to supervise the elections. The New Zealand Government had set a significant precedent which he hoped other administering Powers would follow.

155. The Special Committee, and later the General Assembly, would have to decide three basic questions: whether the people of the Cook Islands had regained their sovereign rights; if so, to what extent; and if not, whether the administering Power was still obliged to transmit information under Article 73 e of the Charter.

156. There were two views which could be held of the present status of the Territory. The first was that the people of the Cook Islands had regained their sovereignty when, in exercising their right of self-determination, they had been given the freedom to choose one of four alternatives, including that of independence, and that, having thus regained their sovereign rights, they had voluntarily decided to restrict them in certain areas by choosing free association with the metropolitan country. His delegation could not support that view because, while the people had been free to choose independence, no party or political leader had conducted an educational campaign in favour of independence; hence that alternative had not been adequately dealt with during the electoral campaign.

157. The second view, to which his delegation adhered, was that the people of the Cook Islands had not yet completed the full process of self-determination, which might, as in the present case, entail a series of actions. The election of a Legislative Assembly empowered to decide on the future status of the Territory was

the first act. That Assembly's decision in favour of internal self-government and a free association with New Zealand was the second act, but it was neither final nor irrevocable, for the people of the Cook Islands retained their right to opt for independence unilaterally at a future date, a decision which their Premier had declared they would take once their economic situation had improved and which the New Zealand Government had denied itself the power to countermand. The full process of the exercise of the right of self-determination would terminate when the people of the Territory decided, on the basis of article 41 of their Constitution, to become an independent sovereign State.

158. Admittedly, despite some imperfections in the conduct of the elections, their present status was the result of a free and voluntary choice expressed through democratic processes. In making that decision they had attained a full measure of self-government. Indeed, in view of the circumstances of the Territory and the record of enlightened administration of the New Zealand Government, there could be no doubt that their decision had been the result of an expression of genuine desire.

159. Accordingly, he congratulated the people of the Cook Islands on having attained a full measure of self-government and extended to them his country's best wishes for their success in the development of their country towards full prosperity and independence.

160. The representative of Tunisia thanked the United Nations Representative and the Premier and Deputy Premier of the Cook Islands for their valuable contribution to the work of the Special Committee and expressed his best wishes for the happiness and prosperity of the people of the Cook Islands.

161. There was no doubt that, in accordance with the terms of paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the final objective for colonized territories was independence. It was nevertheless true that that objective remained subject to the freely expressed will of the people concerned. The Special Committee must therefore recognize that in some cases the people might choose another solution. It was, of course, essential that the Committee should have a final, objective assurance concerning the way in which the consultation of the people took place. Whatever methods were used, however, and whatever choice the people made, it was of vital importance that the administering Power should recognize that the people under its administration

had the right to self-determination. The information available to the Special Committee in documents and in the statements by the New Zealand representative and by the Premier of the Cook Islands clearly showed that it was open to the people of those Islands to change their status as an associate State unilaterally, without prior consultation with the New Zealand Government. He appealed to those colonial Powers which rejected any form of co-operation with the United Nations to emulate the example of New Zealand.

162. The representative of the United States of America, on behalf of his delegation and his Government, congratulated the Premier, and through him the people of the Cook Islands, for having achieved self-government in association with New Zealand. He also congratulated the Government and the people of New Zealand, through the representative of New Zealand, for having brought the Cook Islands to self-governing status. He thanked the United Nations Representative and his staff for their diligence.

163. The representative of Australia paid tributes to the United Nations Representative for the way in which he had carried out his task, conveyed his good wishes to the people of the Cook Islands, through their Premier, and congratulated the New Zealand Government on the success of their efforts.

164. The representative of India said that his Government also welcomed the accession of the Cook Islands to self-government; he conveyed the best wishes of his delegation to the representatives of the Government of the Territory.

165. The representative of the United Kingdom said that his Government had followed with the keenest interest the way in which New Zealand had carried out to the full its responsibilities, in close and harmonious co-operation with the United Nations. His delegation also thanked the United Nations Representative and his colleagues for the conscientious way in which they had performed their duties.

166. The United Kingdom particularly welcomed the new constitutional relationship between the Cook Islanders and New Zealand. He conveyed to the people of the Territory, through their Premier, his warmest good wishes. In his delegation's view New Zealand had fully and finally discharged its obligations under the Charter in respect of the Cook Islands.

III. ACTION TAKEN BY THE SPECIAL COMMITTEE

167. At the 381st meeting of the Special Committee, the representative of Ethiopia introduced a draft resolution (A/AC.109/L.246 and Add.1) sponsored by Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, United Republic of Tanzania, Uruguay and Yugoslavia. The operative part read as follows:

"1. Expresses its satisfaction to the United Nations Representative and the Secretariat personnel for the work they have done;

"2. Expresses its appreciation of the co-operation extended to the Special Committee by the New Zealand Government in the study of the question of the Cook Islands;

"3. Thanks the Government and People of the Cook Islands for their co-operation with the Committee and for the assistance they gave the United Nations commission appointed to supervise the elections;

"4. Takes note of the report of the United Nations Representative for the supervision of the elections in the Cook Islands;

"5. Takes note of the statements made by the Premier of the Cook Islands and by the representative of New Zealand with regard to the future status of the Cook Islands;

"6. Expresses the hope that the General Assembly will recommend that the United Nations, in co-operation with the specialized agencies, endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands."

168. The representative of Ethiopia stated that the contents of the draft resolution were simple: it recalled the General Assembly resolutions on the question, referred to the Special Committee's consideration of the report of the United Nations Representative for the supervision of the elections in the Cook Islands and expresses the Committee's thanks to the United Nations Representative and officials who assisted him, to the New Zealand Government and to the Government and people of the Cook Islands; it mentioned what had already been done in the Cook Islands, took note of the statement made by the Premier of the Cook Islands to the Special Committee and transmitted the report to the General Assembly. The draft resolution was therefore designed to avoid controversy; it satisfied the wishes of the people of the Cook Islands, recognized the progress that has been

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made in that territory and provided all concerned with an opportunity to judge what further action should be taken on the question in the General Assembly. The sponsors hoped, therefore, that the draft resolution would be unanimously adopted. 169. The representative of Denmark stated that he regretted that the sponsors of the draft resolution had not mentioned the letter (A/5961) in which the representative of New Zealand had provided information on the territory; he would ask them to consider whether that could be done.

170. The representative of Italy said that the draft resolution introduced by the representative of Ethiopia contained nothing that was not acceptable to the Italian delegation. In fact, it reflected some suggestions which he himself had made. However, certain other provisions should be added.

171. The representative of Iraq had defined very precisely the tasks of the Special Committee, from a substantive and a procedural point of view. In his statement at the 379th meeting, the Iraqi representative had said that the Committee would have to take two basic decisions: the first concerned the General Assembly's right to decide whether or not a territory had achieved a full measure of self-government, and, therefore, whether it was no longer subject to the provisions of Article 73 e of the Charter; the second was concerned with whether the developments in the territory after the elections and the adoption of a new Constitution constituted a full realization of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The second decision involved an interpretation of resolution 1514 (XV), which certain delegations might be reluctant to undertake at that late stage of discussion. Nevertheless, in connexion with the first decision, the report of the United Nations Representative and the statements of the Premier of the Cook Islands showed quite clearly that the territory had achieved a full measure of self-government. Perhaps with one exception, no speaker who had taken part in the debate had challenged that point. Consequently, the Italian delegation proposed that the following paragraph should be included in the draft resolution:

"Notes that the peoples of the Cook Islands, having exercised their right of self-determination, enjoy now a full measure of self-government in accordance with the relevant resolutions of the General Assembly."

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172. He hoped that the co-sponsors would add that paragraph to the text of the draft resolution; if not, that paragraph and his comments would represent the reservations of the Italian delegation on that point.

173. In the second place, the progressive nature of the process of self-determination had been made clear in the statements of the United Nations Representative and of the Premier of the Cook Islands. In that connexion, he was happy to see that operative paragraph 5 of the draft resolution noted that the present status of the Cook Islands could still undergo change. Events in the Cook Islands between late May and August - the meeting of the Legislative Assembly, the amendment to the Constitution and its entry into force - had been recorded in an official document (A/5961); they should be recalled in the draft resolution, so that the General Assembly could have a more complete picture of the situation. He therefore suggested that operative paragraph 4 of the draft resolution should be completed as follows:

"Takes note of the report of the United Nations Representative for the Supervision of Elections in the Cook Islands, as well as of document A/5961, containing information supplied by the Permanent Mission of New Zealand regarding constitutional developments in the Cook Islands following the events described in the report of the United Nations Representative."

174. He requested the co-sponsors to give their careful attention to the amendment which he had put forward. The constitutional and political situation in the Cook Islands constituted a whole, and, at a time when the General Assembly was about to consider the question, the Special Committee should not suppress any of the facts.

175. The Chairman thanked the Premier of the Cook Islands and his Deputy for their co-operation. The calm and objectivity with which the representatives had examined the report constituted a clear rebuttal of the accusations levelled against the Special Committee by certain colonial Powers. Far from imposing any particular course of action on the colonial peoples, the Committee simply wanted them to express themselves quite freely on the political status of their choice. Moreover, the association of a territory with an administering Power was meaningful only if the people of the territory could freely dissolve that association.

176. Several members of the Special Committee would have liked a visiting mission to be sent to the territory, but as another method had been used and the elections had taken place in a manner acceptable to the people, the Committee could only

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take note of the opinion expressed by the democratically elected Government of the Cook Islands. For its part, the Committee would do its utmost to ensure that the United Nations assisted the Cook Islanders to the fullest possible extent.

177. The Premier of the Cook Islands stressed the conscientious way in which the United Nations Representative and his colleagues had carried out the task entrusted to them and the spirit of co-operation which they had shown in all their relations with the population of the Islands. The draft resolution (A/AC.109/L.246 and Add.1) was in full accord with the views of his Government. Finally, he had transmitted to the Secretary-General an invitation from the Cook Islanders, who were counting on the presence of United Nations representatives at the self-government celebrations. Before leaving New York, he wished to thank members of the Committee for the friendship which they had always shown to him and to his country, and the assistance which they had given him.

178. The representative of Bulgaria, commenting on the draft resolution (A/AC.109/L.246 and Add.1), pointed out that the abnormal conditions prevailing during the nineteenth session of the General Assembly had had an unfortunate effect on the problem of the Cook Islands. The Assembly had been unable to discuss the recommendations of the Special Committee or to take a decision based on all the aspects of the problem, one of which was the acceptance by New Zealand of a United Nations mission to supervise the elections through which the people of the Cook Islands were to decide upon their future status. It was certain that in the light of that acceptance the Assembly would have made a detailed study of the conditions of that supervision and would have decided upon the membership, terms of reference and competence of the supervisory mission.

179. Secondly, the lack of any discussion in the Assembly and in the Fourth Committee had left the United Nations Representative without precise instructions. Indeed, he rightly stated in paragraph 328 of his report that neither the Assembly nor the Secretary-General had given him any directions regarding the criteria by which he should be governed in the discharge of his responsibility.

180. Furthermore, as the United Nations Representative stated in paragraph 33 of his report, by the time he had arrived in the Territory the organization of the election had been virtually completed. Thus the United Nations Representative

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had had to overcome many difficulties in carrying out his task. It was clear from the report that the Constitution had been drawn up by the administering Power, that the latter had been responsible for the organization and conduct of the elections and that it had been New Zealand officials who had explained the meaning of the vote to the population. Approximately 40 per cent of those voting had not been fully aware of the consequences of the election for the future of the Territory. In his delegation's view, that was not the best way to hold an election which was to enable the people to exercise their right of self-determination.

181. In view of the abnormal circumstances in which the General Assembly had been obliged to take its decision and of the various inadequacies in the organization of the vote, his delegation felt that the Special Committee should be cautious about coming to premature conclusions. It would not be in the interest of the people of the Cook Islands merely to note that the possibilities offered by resolution 1514 (XV) for the acquisition of independence had been exhausted. His delegation agreed that the people of the Cook Islands should be able to count on the United Nations for assistance with regard to their future political and economic development and it felt that the most satisfactory link between the United Nations and a people which still aspired to independence was resolution 1514 (XV).

182. The representative of Italy recalled that at the previous meeting his delegation had submitted two suggestions regarding the text of the draft resolution (A/AC.109/L.246 and Add.1). After informal consultations, it had decided not to press for a vote on the first suggestion, for although it still believed that the people of the Cook Islands now enjoyed a full measure of self-government and thought that it was the duty of the Special Committee to recommend formal recognition of that fact by the General Assembly, it felt that the Special Committee was not psychologically prepared to take such a stand and it did not wish to force a difficult decision on any representative.

183. His delegation maintained its second suggestion, however, and formally proposed that operative paragraph 4 should be amended by the addition of the following words: "as well as of document A/5961, containing information supplied by the Permanent Mission of New Zealand regarding constitutional developments in the Cook Islands following the events described in the report of the United Nations

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Representative". Document A/5961 constituted an essential supplement to the report of the United Nations Representative and both documents should be mentioned in the draft resolution.

184. He also proposed that the word "satisfaction" in operative paragraph 1 should be replaced by the word "appreciation", and that the words "with satisfaction" should be inserted in operative paragraph 4 after the words "Takes note".

185. The representative of Syria said that his delegation accepted the amendments proposed by the Italian representative and hoped that the other sponsors would do likewise.

186. The representative of the Union of Soviet Socialist Republics thought that the Italian amendments would make the acceptance of the draft resolution more difficult. The amendments, especially those to operative paragraph 4, changed the substance of the text. The addition of the words "with satisfaction" meant that the Committee was approving the report of the United Nations Representative, whereas in fact there were differences of opinion on the matter, while the additional phrase proposed to paragraph 4 would make it take note of and approve what had been submitted by the colonial Power. The Soviet Union delegation had already explained why, in its view, the Committee could not approve the United Nations Representative's report. The draft resolution as it stood took note of the report on the understanding that the final decision would be taken by the General Assembly. The report clearly showed that the self-government in the Cook Islands was extremely limited. Careful study was required before a decision could be taken on the manner in which the Committee should proceed and on whether there had been an act of self-determination and the administering Power could cease to provide information to the United Nations.

187. The representative of Syria said that, since the report was generally satisfactory, he saw no objection to the phrase "Takes note with satisfaction", which implied neither approval nor disapproval of the report. It was true that the whole matter would be discussed in the General Assembly. The Committee was merely expressing its satisfaction and bringing all the relevant documents before the Assembly. He saw no harm in the addition of a reference to a document in the draft resolution.

188. The representative of the United Republic of Tanzania thought that the words "with satisfaction" would be too comprehensive in the context. He hoped that the Italian delegation would not press for the inclusion of those words.

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189. The representative of Italy asked the sponsors to consider also the suggestion he had made at the preceding meeting to the effect that the Committee should note that the people of the Cook Islands, having exercised their right of self-determination, enjoyed a full measure of self-government in accordance with the relevant resolutions of the General Assembly.

190. The representative of Syria announced that after consultations, the sponsors of the draft resolution accepted the Italian amendment to replace the word "satisfaction" by the word "appreciation" in operative paragraph 1, but they could not accept the amendments to operative paragraph 4, since the Italian representative insisted on the inclusion of the words "with satisfaction".

191. The representative of Italy said that it was the duty of the Special Committee to transmit the report to the General Assembly and note that it contained something positive. Without the words "with satisfaction", the draft resolution would signify that the Committee had merely read the report and transmitted it to the Assembly without passing any judgement on it. He asked for his amendments to operative paragraph 4 be put to the vote.

The Italian amendment to operative paragraph 4 proposing the addition of the words "with satisfaction" after the words "Takes note" was rejected by 16 votes to 6, with 1 abstention.

The Italian amendment proposing an additional phrase to operative paragraph 4 was rejected by 14 votes to 5, with 4 abstentions.

192. The draft resolution (A/AC.109/L.246 and Add.1) as a whole, as orally revised by the sponsors, was adopted by 20 votes to none, with 3 abstentions.

193. The representative of the Union of Soviet Socialist Republics said that his delegation had abstained in the vote on the draft resolution. The text had contained a reference to General Assembly resolution 2005 (XIX) on the supervision of the elections to determine the status of the Cook Islands. The question of the future status of the Cook Islands was one of those questions of principle to be decided only after the situation in those Islands had been carefully examined in the General Assembly with the participation of representatives of the indigenous population and conditions had been worked out that would ensure a genuine expression of the will of the population. It had been wrong to adopt automatically a decision to send a United Nations observer to the Cook Islands without due consideration

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of the question in the General Assembly. Such an approach might create an unacceptable precedent for the solution of colonial questions. The Soviet Union delegation had therefore been unable to support the decision to send a United Nations observer to the Cook Islands and it adhered to that position. Since the work of the nineteenth session had been paralysed, that decision had been taken automatically, without any discussion in the Assembly of the membership of the mission or of the criteria to guide the observer in the discharge of his functions.

194. Conditions had not been worked out to ensure that the population of the Islands had complete freedom to choose their future status. The elections had been held on the basis of legislation drawn up by the administering Power and the observer had merely supervised them within the framework of that legislation.

195. The "co-operation extended to the Special Committee by the New Zealand Government in the study of the question of the Cook Islands", mentioned in operative paragraph 2 of the draft resolution, had been purely formal in character and limited to the submission of certain information - often distorted - and to statements by the New Zealand representative in the Committee.

196. The policy of the New Zealand Government was based on the idea that complete independence for the Cook Islands was unrealistic. The Constitution of the Islands therefore limited their internal self-government to a significant extent and the changes in their status had not diminished the control exercised by New Zealand. That was a clear violation of the provisions of the Declaration on the granting of independence, which stipulated that "all powers" should be transferred to the peoples of Trust and Non-Self-Governing Territories, without any conditions or reservations.

197. The text of the resolution (A/AC.109/136) adopted by the Special Committee on the Cook Islands at its 382nd meeting on 30 August 1965 reads as follows:

"The Special Committee,

"Reaffirming the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

"Recalling its recommendations that the inhabitants of the Cook Islands should be enabled to express their wishes in accordance with the provisions of resolution 1514 (XV),

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"Recalling also General Assembly resolution 2005 (XIX) of 18 February 1965 concerning supervision of the elections to be held in the Cook Islands under New Zealand administration,

"Having considered the report of the United Nations Representative for the supervision of the elections in the Cook Islands,

"Having heard the statements made by the United Nations Representative, the Premier of the Cook Islands and the representative of New Zealand,

"1. Expresses its appreciation to the United Nations Representative and the Secretariat personnel for the work they have done;

"2. Expresses its appreciation of the co-operation extended to the Special Committee by the New Zealand Government in the study of the question of the Cook Islands;

"3. Thanks the Government and people of the Cook Islands for their co-operation with the Committee and for the assistance they gave the United Nations Commission appointed to supervise the elections;

"4. Takes note of the report of the United Nations Representative for the supervision of the elections in the Cook Islands;

"5. Takes note of the statements made by the Premier of the Cook Islands and by the representative of New Zealand with regard to the future status of the Cook Islands;

"6. Expresses the hope that the General Assembly will recommend that the United Nations, in co-operation with the specialized agencies, endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands."
