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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED
UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS*

Note by the Secretary-General

The Secretary-General has the honour to circulate to the Members of the General Assembly the following letter dated 13 August 1965 addressed to him by the Permanent Representative of New Zealand to the United Nations.

* Item 70 of the provisional agenda.

In pursuance of the obligation New Zealand assumed under Article 73 e of the Charter, I should like to inform you of constitutional developments in the Cook Islands between late May and 4 August; that is, of the events which have occurred since those described in the report^{1/} of your representative for the supervision of the act of self-determination in the Cook Islands, transmitted to you under cover of the representative's letter of 30 June 1965, up to the date when the Constitution of the Cook Islands came into force.

On 17 May, as Mr. Adeel records, the newly elected Legislative Assembly, having endorsed the substance of the draft constitution, authorized Mr. Albert Henry, leader of the majority party, and Dr. Manea Tamarua, the Leader of Government Business, to consult with the New Zealand Government on certain amendments which they desired to be made to the draft constitution before it was brought into force. These amendments were those specified in the resolutions set out in Annex X of Mr. Adeel's report; with one exception they were requested unanimously by the Legislative Assembly.

On 24 May, immediately after their arrival in New Zealand, Mr. Henry and Dr. Tamarua began discussions with the New Zealand Government and the work of drafting the quite extensive legislation necessary to give effect to the amendments desired by the Legislative Assembly was undertaken without delay.

On 4 June, in accordance with New Zealand's pledge to be bound by the wishes of the elected representatives of the Cook Islands people, the New Zealand Parliament enacted the three major amendments requested by the Cook Islands Legislative Assembly as well as the numerous largely consequential amendments to the draft constitution. In summary the amendments were these: a reduction of the residential qualifications for voters and candidates to three months for persons who have at some time lived in the Cook Islands for not less than a year; the establishment of a House of Arikis (high chiefs) to advise the Government on land and other customary matters; and provision for a Cabinet to consist of a minimum of three and a maximum of five Ministers in addition to the Premier. As a consequence

1/ Note by the Secretariat

This report has been issued as document A/AC.109/L.228 and Corr.1 (English only) and Corr.2 (French and Spanish). It will be issued shortly as A/5962.

of the establishment of the House of Arikis and at the request of the Legislative Assembly, the provision in the draft constitution for a Council of State (the High Commissioner for the Cook Islands and two Arikis) was omitted and it was provided that the functions which were to have been performed by the Council of three would be performed by the High Commissioner alone.

On 9 July, the residential qualifications which had previously barred him from standing having been removed, Mr. Albert Henry contested and won a by-election. He became Leader of Government Business.

On 26 July the Legislative Assembly debated the amended constitution and adopted the following resolution:

The Legislative Assembly of the Cook Islands

Hereby resolves that the Cook Islands shall be self-governing in free association with New Zealand.

Requests 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.

Approves the Constitution of the Cook Islands as amended in accordance with the wishes of this Assembly.

Requests that the Constitution be brought into force on the fourth day of August 1965.

Twenty of the twenty-two members of the Assembly supported this resolution. The dissenting votes were cast by the members for Penrhyn and Rakahanga, two northern islands.

At midnight on 3 August, in accordance with the wish of the Assembly, the Constitution of the Cook Islands was brought into force.

At a special session on 4 August, Mr. Albert Henry was elected Premier and announced his Cabinet.

The Constitution being in force, it has passed beyond the control of the New Zealand Parliament. From now on the Cook Islands Legislative Assembly has sole power to amend the Constitution or, in the case of the entrenched clauses (that is the six clauses where a popular referendum as well as a vote by the Legislative Assembly is required) to initiate amendments. Thus the people of the Cook Islands now have sole control of their own future, with the power to change their status

as they wish. They have complete legislative autonomy. There is no legal barrier to their assumption of sovereign independence except the need for the assent of two thirds of the members of the Cook Islands Legislative Assembly and two thirds of the people as expressed by referendum.

..... I am pleased to forward for distribution fifty copies of the Cook Islands Constitution Amendment Act 1965, amending the Cook Islands Constitution Act 1964. The Constitution as amended, and as now in force in the Cook Islands, is to be found in the Second Schedule to the 1965 Act. For convenience of
..... reference a copy of the prefatory sections of the Cook Islands Constitution Act 1964 is included with each copy of the 1965 Act.

(Signed) F.H. CORNER
Permanent Representative
