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CONTENTS

	Page
<i>Agenda items 23 and 24:</i>	
<i>Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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: Cook Islands (continued)</i>	
<i>Report of the United Nations Representative for the Supervision of the Elections in the Cook Islands (continued)</i>	
<i>General debate (continued)</i>	259

Chairman: Mr. Majid RAHNEMA (Iran).

AGENDA ITEMS 23 AND 24

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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: Cook Islands (continued) (A/5800/Rev.1, chap. XV; A/5961; A/6000/Rev.1, chap. VIII)

Report of the United Nations Representative for the Supervision of the Elections in the Cook Islands (continued) (A/5962 and Corr.1)

At the invitation of the Chairman, Mr. Omar A. H. Adeel, United Nations Representative for the Supervision of the Elections in the Cook Islands, took a place at the Committee table.

GENERAL DEBATE (continued)

1. Mr. MELLBIN (Denmark) said that the entry into force on 4 August 1965 of the new Constitution of the Cook Islands had marked the end of a process of decolonization which should serve as an encouragement to all. In accordance with the wishes of the population, the Cook Islands had become a self-governing territory in association with New Zealand and could, if it so desired, become completely independent. Thus, General Assembly resolutions 1514 (XV) and 1541 (XV) had been fully implemented in the islands.

2. New Zealand, the former administering Power, the Cook Islanders and their elected representatives should be congratulated on the spirit of co-operation and mutual confidence they had shown during the negotiations which had preceded the change in status of the Territory and on the democratic way in which all the

agreements had been carried out. The New Zealand Government, whose goodwill and perfect spirit of co-operation in its relationship with the United Nations were acknowledged by all, deserved special praise for having invited a United Nations representative to supervise the elections in the Cook Islands in April 1965. Congratulations were also due to Mr. Omar A. H. Adeel, the United Nations Representative for the Supervision of the Elections in the Cook Islands, and his colleagues for the excellent work they had done and for the enlightened report they had submitted to the Secretary-General.

3. The report (A/5962 and Corr.1) provided ample proof that the elections had been free and democratic and that the resulting Legislative Assembly was truly representative of the people. It was therefore natural that in August 1965, during the discussions on the Cook Islands in the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see A/6000/rev.1, chap. VIII) several delegations, including his own, had expressed the opinion that, since the provisions of resolutions 1514 (XV) and 1541 (XV) had been implemented in the Territory, the New Zealand Government was no longer required to transmit information on the Territory to the Secretary-General under Article 73 e of the Charter.

4. In many respects, the Cook Islands could serve as an example to administering Powers and to peoples who had not yet achieved independence or self-government. The Committee had seen the Territory proceed to self-government; the Special Committee had heard a freely elected representative of the Territory express his confidence and the confidence of his people in their new status and in their future; and the former administering Power had fully co-operated with the United Nations. He hoped that the Committee would take all those factors into account when taking final action on the Cook Islands.

5. Sir Senerat GUNewardene (Ceylon) associated himself with the tribute which the Danish representative had paid to Mr. Adeel, whose experience and sure judgement were sufficient guarantees of the value of his report on the organization, conduct and results of the elections in April 1965 in the Cook Islands (A/5962 and Corr.1).

6. It was clear from the report that the elections in the Cook Islands, far from being rigged, had taken place in an atmosphere of strict impartiality and complete freedom, so much so that the results in certain constituencies appeared to have displeased the local authorities. The people's conduct at that time revealed their political acumen. As a result of

the public enlightenment programme organized by the administering Power before the elections, the Cook Islanders were fully aware of their right to self-determination and of the advantages of the new Constitution. They had accepted the new Constitution together with the amendments concerning the residential qualifications of electors and the establishment of a new ministerial portfolio, which New Zealand had approved. Actually, the Constitution could serve as a model for small Territories which had not achieved self-government. The credit should undoubtedly be given to the New Zealand Government, whose friendship and respect for the people it administered were also exemplary.

7. Like Western Samoa, the Cook Islands had considered that association with the former administering Power would be a certain guarantee of their future prosperity. While undertaking to continue to help the new Government and the people of the Cook Islands, the New Zealand Government had made it clear to them that they remained entirely free to decide in favour of independence whenever they wished.

8. Decolonization was of course the aim pursued by the United Nations, but the way in which it was to be achieved should not be inflexible. It should vary according to the circumstances, and small Territories, such as the islands scattered throughout the Pacific, might be well advised to try not to split up into tiny national units but to form groupings or even federations. Furthermore, the United Nations should envisage a new method of helping such Territories. He suggested that the Committee should study the possibility of setting up a special committee of experts to draw up guidelines for the drafting of constitutions workable in small Territories. Such a move would provide further evidence of the goodwill shown by the United Nations towards all peoples who were not yet freed from the colonial yoke and of its sincere desire to see them acquire a genuine and meaningful right to self-determination.

9. Mr. BUDAKOV (Union of Soviet Socialist Republics) said that the Cook Islands had reached a decisive stage on the road to independence; it was therefore essential to make sure that their development was taking place in conditions which conformed to the democratic principles of General Assembly resolution 1514 (XV). It should also be determined to what extent co-operation had been possible between the United Nations and the administering Power. Having examined the situation of the Territory from that viewpoint and taken into account the information transmitted by the United Nations Representative in his report (A/5962 and Corr.1), the Soviet Union delegation wished to make some comments.

10. Firstly, as was clear from paragraph 169 of the report, the Constitution of the Cook Islands had been prepared by the administering Power. As the New Zealand Government considered that the concept of complete independence was unrealistic in the case of the Cook Islands, it was hardly surprising to note that the Constitution did not grant complete independence to the Territory. Indeed, it appreciably restricted the Territory's autonomy: bills relating to financial matters could be proceeded with in the Legislative Assembly only on

the recommendation of the Council of State, according to paragraph 197 of the report; and the laws adopted by the Legislative Assembly must be ratified by the High Commissioner, who held powers which enabled him to exert pressure on the Legislative Assembly and on the Cabinet. Clearly, the administering Power had not fulfilled the provisions of resolution 1514 (XV), particularly paragraph 5.

11. Similarly, the electoral regulations had been prepared by the administering Powers, a fact which explained why the bulk of the population had been deprived of the right to vote and had therefore been unable to express an opinion on the status of the Cook Islands.

12. As was clear from paragraphs 106 and 107 of the report, the preparation and organization of the elections had been entrusted to officials of the local administration. According to paragraph 96, even the enumerators had been appointed by the Registration Officer instead of being appointed by the Resident Commissioner. The whole electoral apparatus had been left under the control of the administering Power. How could it therefore be claimed that the organization of elections had been truly democratic?

13. According to paragraph 119, the Resident Agent of one of the islands had been instructed by the Administration not to go into the constitutional issue, and another Resident Agent had received no instructions. The public enlightenment programme appeared to have been limited to a few explanations of the voting procedure. According to the report, about 40 per cent of the voters had been unaware of the significance of the election for the future status of the island.

14. Finally, the people had been ill-informed of the role which the United Nations might play in hastening the independence of the Territory; paragraph 415 showed that the information reaching the islanders had either been deliberately distorted or given in such a way as to cause some confusion concerning the aims and objectives of international assistance.

15. New Zealand had thus proceeded to organize elections without taking account of the Declaration on the Granting of Independence to Colonial Countries and Peoples or of the resolutions of the United Nations on the subject. By aiming at self-government for the Territory in association with New Zealand, the administering Power had not abandoned its control of the Cook Islands. He recalled that the Special Committee had made an important recommendation to the General Assembly on the need for supervising the elections in the Cook Islands. Since the General Assembly had not been able to discuss the matter properly at its nineteenth session, the Soviet Union delegation had expressed, in document A/5885, its opposition to the dispatch to the Territory of a mission whose terms of reference and membership had not been defined by the Assembly. The United Nations Representative himself had stated, in paragraph 328 of his report, that neither the General Assembly, in resolution 2005 (XIX), nor the Secretary-General, had given him any directions as to the criteria to be applied in discharging his responsibilities.

16. The USSR delegation considered that the United Nations could not be satisfied with playing a passive role and endorsing the decisions of the administering Power. The Organization should seek, in the spirit of the Charter and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to create conditions in the Cook Islands which would enable the population to decide freely on the Territory's future form of government.

17. Mr. de CASTRO (Philippines) congratulated the New Zealand Government on its co-operation with the United Nations and on the scrupulous fulfilment of its responsibilities with regard to the Cook Islands. He also congratulated Mr. Adeel, whose full and objective report would enable the General Assembly to adopt an informed decision concerning the Territory.

18. The people of the Cook Islands had shown wisdom in the choice of its current political status, and the same wisdom would certainly guide it in the future.

19. After examining the letter from the representative of New Zealand to the Secretary-General (A/5961), the reports of the Special Committee (A/5800/Rev.1. chap. XV; A/6000/Rev.1 chap. VIII) and the report of the United Nations Representative for the Supervision of the Elections in the Cook Islands (A/5962 and Corr.1), the General Assembly should determine, at its current session, whether the Cook Islands were fully self-governing within the meaning of Article 73 of the United Nations Charter. In that connexion, he recalled principles VI and VII of General Assembly resolution 1514 (XV), which must guide Member States in determining whether or not the obligation to transmit information under Article 73 e of the Charter was applicable to the Cook Islands.

20. Taking account of the report and conclusions of the United Nations Representative, the Philippine delegation was fully convinced that the inhabitants of the Cook Islands had made their choice freely, without pressure, democratically and intelligently. That fact, added to the supplementary information transmitted to the United Nations by the Permanent Representative of New Zealand in document A/5961, which he read out to the Committee, showed convincingly that the Cook Islands had clearly achieved complete self-government within the meaning of Chapter XI of the Charter, and that it was therefore no longer necessary for the New Zealand Government to transmit the information required under Article 73 e. The Premier of the Cook Islands had, moreover, declared in that connexion that, by transmitting information on the Territory to the United Nations, New Zealand would violate the political rights of his people.

21. As to whether the recent constitutional changes in the Cook Islands were consistent with the aims of General Assembly resolution 1514 (XV), it should not be forgotten that the Declaration on the Granting of Independence to Colonial Countries and Peoples was designed to enable peoples who had not yet done so to accede to independence in accordance with their own freely expressed wishes, and that those concerned were free to choose a political

status other than that of complete independence. Given the terms of paragraph 2 of the Declaration, the Philippine delegation felt that if the General Assembly were to decide that the only political status open to a colonial people to choose was total independence, such a decision would be tantamount to imposing the wishes of the United Nations on those peoples and to denying them the independence and freedom which the Assembly was purportedly endeavouring to secure for them. Under paragraph 5 of the Declaration, the transfer of all powers to the peoples of dependent territories must be achieved in accordance with the freely expressed will of the peoples concerned. Consequently, absolute independence was not the only solution envisaged under resolution 1514 (XV). In the specific case of the Cook Islands, the people had expressed its will freely and chosen free association with New Zealand, on the understanding that it retained the right to decide later, if it so desired, in favour of independence or any other status. The Philippine delegation took the view that New Zealand had fully carried out the obligations incumbent upon it under the Declaration on the Granting of Independence to Colonial Countries and Peoples.

22. The representative of Ceylon had said in his statement that the General Assembly might be well advised to establish a special committee to study the special problems arising in connexion with island Territories. The Philippine delegation supported that suggestion; such Territories had to deal with certain economic, political and cultural problems which were altogether different from those arising in the case of big land areas. He hoped that a decision on the suggestion of the Ceylonese delegation would be adopted in the course of the current session.

23. In conclusion, his delegation maintained that, in the interests of the population of the Cook Islands, and particularly in the interest of future generations of Cook Islanders, a resolution should be adopted guaranteeing to the inhabitants of the islands the residual right to alter their political status if necessary.

24. Mr. CORNER (New Zealand), exercising his right of reply, said that he had been under the impression that in his long statement at the previous meeting he had replied to all the points raised in the Special Committee. He therefore found it mystifying that the USSR representative should have repeated in the Committee exactly the same statement he had already made in the Special Committee, as though nothing had taken place in between, and should have returned to precisely the points which he himself had dealt with the day before.

25. The USSR representative's statement was all the more surprising as the newly elected Premier of the Cook Islands had attended the session of the Special Committee and as the USSR representative had therefore had the opportunity, if he would not take the word of the administering Power for it, to ask the head of the Cook Islands Government any questions he considered pertinent and to clarify any point. But the USSR representative had put not a single question to the Premier of the Cook Islands and had simply stated his point of view once again

in his usual doctrinaire manner. The USSR representative, incidentally, had taken the same attitude during the consultations which had taken place between New Zealand and the Special Committee on the organization of elections in the Cook Islands, whereas the Polish representative—a member of the Special Committee's Sub-Committee II—although one of the harshest critics during those same consultations, had made constructive objections which had given rise to a number of amendments in the system adopted.

26. To begin with, the USSR representative had tied up, in a subtle and dishonest way, a number of points concerning the elections and the preparations of the administering Power. In fact, the elections had been organized in accordance with an electoral law which had been in force for several years. It was similar to the electoral law in New Zealand and in many other countries. Contrary to the assertions of the USSR representative, the Constitution of the Cook Islands had been worked out not by the administering Power but by the Parliament of the Cook Islands, assisted by two university professors and an official acting as advisers.

27. It might well be that the New Zealand Government had taken the view that the idea of complete independence was unrealistic in the case of the Cook Islands; one of its ministers had stated his view to that effect. Nevertheless, whatever the opinion of the New Zealand Government in the matter, the fact remained that the people of the Cook Islands had had a full chance to make a free choice. The New Zealand Government had even announced that it would continue its assistance to the Territory, whatever the outcome of the elections, in order to be sure that the inhabitants of the Cook Islands would vote freely and without pressure. The Soviet Union had already linked the problems in the same manner in the Special Committee, without taking into account the replies made to him.

28. The USSR representative had then said that the new Constitution of the Cook Islands gave the real power to the New Zealand Parliament and the Governor-General and that laws promulgated in the Territory would have to receive the prior approval of the High Commissioner, who possessed many means of bringing pressure to bear on the population of the islands. That question had, however, already been explained to the Special Committee by the speaker himself and by the Premier of the Cook Islands, and the New Zealand delegation had made certain that every member of the Special Committee received a copy of the Territory's Constitution, so that they would have time to study it and ask any questions they considered necessary. He had referred to that question at the previous meeting and he recognized that people who were accustomed to a different system might have difficulty in understanding the operation of a Constitution of the British type, under which only the Government could introduce a finance bill. In the Cook Islands, such bills were submitted to Parliament by the High Commissioner, just as they could be submitted to the British Parliament only by the Queen or to the New Zealand Parliament only by the Governor-General. Nevertheless, the High Commissioner, like the Queen and the Governor-

General, must act on the advice of the Government. He pointed out that the fact that the Governor-General of New Zealand was British did not mean that the United Kingdom exercised power in New Zealand, any more than New Zealand did in the Cook Islands.

29. His delegation was convinced that the USSR representative could, if he wished, have understood the matter correctly, and he left it to the Committee to assess the validity of his arguments. The USSR representative's doubts were, perhaps, dictated by experience of the situation which existed in Soviet colonies.

30. The USSR representative had also stated that the administering Power had openly acted at variance with the provisions of resolution 1514 (XV), since many voters had been denied the right to vote because of the residence qualifications for inclusion on the voting register. He would again refer the USSR representative to his statement at the previous meeting: the figures showed not more than 200 persons had been unable to vote because they did not meet the residence qualifications. The results of the elections would therefore have been no different if those persons had been able to take part in them. Moreover, if people of Cook Islands origin residing in New Zealand had been able to vote they would certainly have voted in favour of integration with that country, since, generally speaking, that solution was what they desired.

31. The USSR representative had objected to the fact that the elections had been prepared and conducted by officials of the administering Power. That was true; but the same applied to New Zealand, where elections were always organized under official auspices. The New Zealand delegation in the Special Committee had recognized that the ideal procedure would have been, as the United Nations Representative had suggested, for the elections to be supervised by an independent international commission composed of members appointed by an impartial authority. Such a system, however, apart from other difficulties, would have been extremely expensive and each observer would have had to be provided with an interpreter—not so simple a matter as might appear at first sight. Although the United Nations Representative had acknowledged that the organization of the elections had not been ideal, he had paid a tribute in his report to the impartiality of the New Zealand officials and stated that he had found no case of pressure being put on the voters. The elections could therefore be said to have been conducted satisfactorily.

32. The USSR representative had also criticized the enlightenment programme for the elections and had said that New Zealand officials had not explained the precise meaning of free association with New Zealand. The Committee had full information on that point: the New Zealand officials had made no propaganda for the Constitution. He wondered what the USSR representative would have said if Mr. Adeel had stated in his report that New Zealand officials had campaigned for the free association of the Cook Islands with New Zealand—a finding which might have been made had officials been engaged in ex-

plaining the Constitution to the inhabitants of the islands.

33. The USSR representative appeared to think that some 40 per cent of the population had not been aware of the fact that the elections would also determine the future of the Territory. The United Nations Representative had not been so categorical in his statement to the Special Committee. Furthermore, the Premier of the Cook Islands himself had stated that the inhabitants had been fully aware of the situation, and those who were acquainted with Polynesians knew that they were very shrewd, even if, out of courtesy or deference to visitors, they sometimes affected to be less well-informed than they really were. To that 40 per cent of the population, the USSR representative had added the 3,000 people of Cook Islands origin residing in New Zealand who, in his opinion, had been deprived of their right to vote, and had stated that the majority of the islands' population had not,

in fact, been able to vote in the elections. He would repeat that the number of people actually unable to take part in the voting was no more than 200 and he would again refer members to his statement at the previous meeting.

34. Lastly, on the subject of the USSR representative's assertion that the administering Power's preparations for the elections had been in violation of resolution 1514 (XV), he would urge Committee members to re-read the report of the Special Committee (A/6000/Rev.1. chap. VIII) and the statement of the Premier of the Cook Islands to that Committee and to draw their own conclusions about the possible motives behind the statement of the USSR representative.

35. Mr. BUDAKOV (Union of Soviet Socialist Republics) said that his delegation reserved the right to speak at a later meeting on the statement of the New Zealand representative.

The meeting rose at 12.15 p.m.