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Fourth session

SUMMARY RECORD OF THE EIGHTY-FIRST MEETING

Held at Headquarters, New York,
on Friday, 28 August 1953, at 2.45 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. LOOMES	Australia
<u>Rapporteur:</u>	Mrs. MENON	India
<u>Members:</u>	Mr. PETHERBRIDGE	Australia
	Mr. FRAZAO	Brazil
	Mr. LIU	China
	Miss MANAS	Cuba
	Mr. DONS-MOELLER)	Denmark
	Mr. SVEISTRUP)	
	Mr. TRUJILLO	Ecuador
	Mr. PIGNON	France
	Miss RUSAD	Indonesia
	Mr. KADRY	Iraq
	Mr. SPITS)	Netherlands
	Mr. GRADER)	
	Mr. SCOTT	New Zealand
	Mr. BUTT	Pakistan
	Mr. MATHIESON)	United Kingdom of Great Britain
	Mr. WARD)	and Northern Ireland
	Mr. SEARS)	United States of America
	Mr. FERNOS-ISERN)	

Representatives of specialized agencies:

Mr. GAVIN	International Labour Organisation (ILO)
Miss BANOS	Food and Agriculture Organization (FAO)
Mr. DESTOMBE	United Nations Educational, Scientific and Cultural Organization (UNESCO)

<u>Secretariat:</u>	Mr. HCC	Assistant Secretary-General
	Mr. BENSON	Secretary of the Committee

CESSATION OF THE TRANSMISSION OF INFORMATION: COMMUNICATION FROM THE UNITED STATES OF AMERICA CONCERNING PUERTO RICO (A/AC.35/L.121)

Mr. SEARS (United States of America) briefly summarized the four main events which had led to the granting of commonwealth status to Puerto Rico. In 1948, the Puerto Rican people had held a general election to determine the kind of self-government they wanted. The choice before them had been whether to become a state of the Union, completely independent or a Commonwealth associated with the United States. They had chosen the latter by an overwhelming majority. The second step had been the submission of legislation in Congress to give effect to that vote. That legislation had become Public Law 600 of the 81st Congress, which authorized the Puerto Rican people to draft their own constitution. The third event had been the holding of a constitutional convention and the fourth the ratification of the new Constitution by Congress and by the Puerto Rican people.

An interesting feature of the new Constitution was that it had been entered into in the nature of a compact between the American and Puerto Rican peoples. That compact could not be amended or abrogated unilaterally by either party.

He introduced Mr. FERNOS-ISERN, Resident Commissioner of Puerto Rico, who had represented the Puerto Rican people in the United States Congress for many years and was one of the principal architects of the new Constitution.

Mr. FERNOS-ISERN (United States of America) said that the Constitution of the new Commonwealth of Puerto Rico and the terms of the compact entered into by the people of Puerto Rico and the United States were the product of the free determination of the Puerto Rican people. He himself, as Resident Commissioner, which position he had held by election since 1948, had the obligation to represent the will of the Puerto Rican people. He had the honour, at the present time, to represent the Government of the United States in the Committee, an indication of the profoundly democratic reality of the relations between the United States and Puerto Rico.

He summarized briefly the history of Puerto Rico before the Spanish Crown had ceded its sovereignty over the island to the United States under the Treaty of Paris of 1899. In 1900, Congress had enacted a provisional

charter of government for Puerto Rico, determining the island's political and economic relations with the United States. A government had been established to deal with internal affairs, while the United States Government had functioned in Puerto Rico in the same way as in several states of the Union according to the federal system of government. A governor holding the executive power and the heads of executive departments of the Puerto Rican Government had been appointed by the President of the United States. Local legislative powers had been vested in the legislative assembly consisting of an Executive Council appointed by the President and a House of Delegates elected by the people. The justices of the Supreme Court of Puerto Rico had been appointed by the President with the consent of the Senate, while judges of the lower courts had been either appointed by the Governor or elected by the people.

The organic law had also provided for the election of a Resident Commissioner to the United States, to whom the House of Representatives had subsequently granted all the privileges of membership in that body except the right to vote. The inhabitants of the island had been declared citizens of Puerto Rico with the right of protection by the United States. Free trade and a common monetary system had been established and federal laws, with the exception of tax laws, had been declared applicable to Puerto Rico as in the United States. Under a series of congressional enactments, Puerto Rico had progressed gradually towards self-government, its legislative and executive branches being wholly in the hands of officials elected by the Puerto Rican people by 1948. Puerto Ricans had been citizens of the United States since 1917. The President of the United States had retained the power to appoint a justice of the Supreme Court of Puerto Rico and the Auditor.

During that progressive development of the political system, a long debate had been taking place concerning various formulas of political status. It was obvious that the Puerto Rican people wished for a form of full self-government. In 1940, the Popular Democratic Party had won the elections and had since gained increasing support. In its early days in power, it had taken the view that the debate on political status should be set aside and that action should be concentrated on the solution of pressing economic and social problems; thus between 1940 and 1944 the Party had laid the foundations for a positive economic and social development of Puerto Rico. The question of the island's political

status having been reopened in 1944, consideration had been given to a plebiscite offering the people the opportunity to vote on several alternatives. By 1948, the three basic alternatives, each presented by a different political party, had been presented to the electorate at the polls.

The Popular Democratic Party had advocated the establishment of a commonwealth linked to the United States by political and economic ties considered by the party to be essential to the economic welfare and security of Puerto Rico. A coalition of parties had favoured the admission of Puerto Rico in the Federal Union as a state. The then recently organized Independence Party had proposed complete separation from the United States and the establishment of an independent republic. In the 1948 elections the popular Democratic Party had obtained 392,386 votes, the coalition 182,977 votes and the Independence Party 65,351 votes. The people of Puerto Rico had reaffirmed their decision in a series of referenda held during the period when the new Constitution was being drafted and adopted and in the general election held in November 1952 after the establishment of a commonwealth. In that election, the Popular Democratic Party had obtained 431,409 votes, the Independence Party 126,228 votes and the Statehood and Socialist Parties, formerly the coalition, a total of 107,310 votes.

In 1950, the Resident Commissioner of Puerto Rico had introduced a bill in the United States House of Representatives for the establishment of a commonwealth. The measure had been adopted by Congress as Public Law 600 in the form of a compact to be submitted to the people of Puerto Rico for approval or rejection. After a series of political debates in Puerto Rico, in which all political parties had taken an active part and in which all points of view had been freely expressed, in the ensuing referendum 387,016 votes had been cast in favour of the compact and 119,169 votes against.

In accordance with the procedure laid down in the compact, delegates had then been elected to the Constitutional Convention of Puerto Rico. The Convention's 92 members had represented three of the island's four political parties, the Independence Party having refrained from nominating candidates. After deliberations lasting four months, the Convention had adopted a Constitution for Puerto Rico, which, likewise in conformity with the compact, had been submitted to the people in a referendum; it had been ratified by a vote of 373,594 in favour and 82,877 against. The Constitution had then been introduced in the House of Representatives, receiving the approval of Congress

and being signed by the President of the United States on 3 July 1952.

Thereupon, the compact and the Constitution having been approved both by the Congress of the United States and by the people of Puerto Rico, the Governor of Puerto Rico proclaimed the Constitution to be in effect on 25 July 1952.

The preamble to the Constitution stated that the people of Puerto Rico had established that instrument for the Commonwealth in order to organize themselves politically on a fully democratic basis, to promote the general welfare and to secure complete enjoyment of human rights. The Constitution had been adopted in both Spanish and English and the Spanish expression used as an equivalent to the English word "Commonwealth" was Estado Libre Asociado. The definitions of the word "Commonwealth" approved by the Constitutional Convention were "... a state... in which political power resides ultimately in the people, hence a free state, but one which is at the same time linked to a broader political system in a federal or other type of association and therefore does not have an independent and separate existence" and "... a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its federal structure."

The Constitution proclaimed the creation of the Commonwealth of Puerto Rico whose "political power emanates from the people", that power to be exercised in accordance with the will of the people within the terms of the compact. The Constitution went on to declare that the Government of the island was to be republican in form and that its legislative, judicial and executive branches were subordinate to the sovereignty of the people. The political authority of the Commonwealth extended to the Island of Puerto Rico and to the adjacent islands within its jurisdiction. The Constitution contained a bill of rights, general and transitory provisions and provisions concerning its amendment, a process in which the will of the people, consulted in a referendum, was final.

Until 25 July 1952, the government of the island had been based on a charter granted by the United States Congress and the structure of the governmental institutions of Puerto Rico, although undeniably republican in pattern, had derived from an organic law enacted by Congress. The people of the island had elected a chief executive and the entire legislative body, but the justices

of the Supreme Court and the Auditor had been appointed by the President of the United States. Moreover, under the organic law Congress had had the power to annul laws adopted by the Puerto Rican legislature. In the case of a law being vetoed by the Governor, its re-adoption by a two-thirds vote of the legislature could not have superseded the veto, the final decision remaining with the President of the United States.

That political situation had changed fundamentally on the achievement of full self-government under the Constitution and the compact. The basis of political relationship had been changed to that of voluntary association and any semblance of a colonial relationship had been eliminated. The jurisdiction of the Federal Government was now based on a bilateral compact freely entered into by both parties. The new State had been created by the will of the people in the exercise of their natural rights, and the limitations to the sovereignty of the Commonwealth were those agreed to by its inhabitants.

It was noteworthy in that connexion that the system of tariff-free trade between the United States and Puerto Rico, established in 1900, remained in effect under the terms of the compact, since free trade was essential to the island's economic life. Similarly, the people of Puerto Rico who were citizens of the Commonwealth continued to be citizens of the United States, with free access to and full freedom of movement in the entire country. That provision was extremely important to Puerto Ricans already residing in the United States, since it automatically incorporated them into the political life of the country and gave them the right to vote in all elections simply by virtue of their residence and as a prerogative of their citizenship.

The political development of Puerto Rico indicated that the Puerto Rican people had worked out a free, democratic and fully self-governing way of life in harmony with their geographical, demographic, economic and cultural circumstances.

Puerto Rico had not detached itself from the United States to form an independent State, nor had it become integrated into the Federal Union of the United States; instead, a Commonwealth had been created whose relations with the United States largely paralleled those existing within the federal system, while being adapted to Puerto Rican circumstances, and its sovereignty was roughly equivalent to that of a state of the Union, except that in the matter of taxation, which in a state was shared between the federal and state governments, Puerto Rico enjoyed complete fiscal autonomy. Thus the elected legislature of Puerto Rico had exclusive power to lay down the island's economic and social policies.

Internal commerce had formerly been subject to any limitations which the United States Congress might have placed on it, but now the Puerto Rican people had full jurisdiction over it, much as a state of the Union. Unlike the situation in the states, however, no member of any of the three branches of government was subject to or appointed by any other power than that of the Puerto Rican people in accordance with the laws and constitution of the commonwealth.

The Governor, elected by the people, appointed the members of his cabinet with the advice and consent of the Commonwealth Senate. The Auditor, formerly appointed by the President, was now replaced by a Controller appointed by the Governor with the advice and consent of both houses and responsible only to the legislative branch. The justices of the Supreme Court and the lower court judges were appointed by the Governor with the advice and consent of the Senate. The judicial system of Puerto Rico, much like that of the states, was integrated into the federal judicial system, and the United States Supreme Court was the final instance of appeal. The Puerto Rican Supreme Court, like State Supreme Courts, interpreted the Constitution and laws of Puerto Rico.

In accordance with the Constitution, the Legislative Assembly had power to enact provisions concerning the flag, coat of arms and anthem of the Commonwealth.

Explaining the political situation in Puerto Rico, he said that the Puerto Rican Independence Party had opposed the compact, nominated no candidates for the constitutional convention, and opposed ratification of the Constitution, and still interpreted the present status of Puerto Rico differently from the majority of the people. The Party had pressed its views during the constitutional discussion and during the November 1952 elections, the results of which had already been mentioned. In its opinion, Puerto Rico was still subject to the United States Congress and not self-governing. It claimed that Public Law 600 of 1950 had not recognized Puerto Rico's right to form a constitution, but only to propose amendments to the existing organic law; that the present Constitution was itself an act of Congress and a colonial document not granting any real power; that there was no basic change of relationship between Puerto Rico and the United States; and that for those and similar reasons the United States should continue to submit information under Article 73 (e) of the Charter.

That point of view, which was contrary to the position of the United States Government, had been decisively rejected by the Puerto Rican people in the referenda and elections held since 1948.

Two other minority parties, polling 107,000 votes in all in the 1952 elections, advocated full membership as a state of the Federal Union, but did not question the fact that Puerto Rico had achieved self-government. Accordingly, the United States decision to cease to transmit information had the support of 80 per cent of the Puerto Rican electorate.

Puerto Rico had attained full internal self-government in political, economic, social and cultural affairs, and there were no minority groups that had reached a position of economic privilege by virtue of external authority.

Puerto Rico had a long democratic tradition, which, combined with the provisions of the electoral law, ensured the full expression of the people's will through secret, universal suffrage. By tradition the electoral law was amended only with the approval of all registered political parties.

The organization of political parties was protected by law; in 1947, for example, the legislature had liberalized the statutory requirements for registration to allow the formation of the Independence Party, which could not have been formed under the old rules and hence could not have spoken for that part of the population which had advocated independence.

By contrast with the provisions in effect previous to the adoption of the Constitution, article III provided for minority parties to be represented in the legislature roughly in proportion to actual votes cast, through the seating of legislators additional to those elected by the normal process. Thus, although the minority vote had decreased since the adoption of the Constitution, the minority representation had increased substantially.

The economic, social and cultural development programme being carried out had been conceived in the spirit of freedom, making use of the great energies of private enterprise whenever appropriate, and of democratic planning when the public interest called for government initiative. Efforts to improve economic standards and towards a better life included the agrarian reform designed to

reallocate the land to the small farmer's benefit, the diversification scheme in agriculture, the development of electric power and the low-cost housing programme. As had been mentioned earlier in the Committee, in connexion with education and technical assistance, Puerto Rico had become a centre for over 700 students from all over the world, which would have been impossible but for the imagination, energy and democratic spirit of Puerto Rico.

The clean democratic life of Puerto Rico had so strengthened faith in liberty that the people had always been ready to defend it with their lives. They had taken part in the First and Second World Wars and in the Korean war, and in the last two more than half of the Puerto Ricans involved had been volunteers. Lastly, it was important to note that the steps leading to the compact and Constitution had been initiated by Puerto Ricans and were based on the free decisions of the electorate.

By the proclamation of the Commonwealth, within the terms of the compact with the United States, Puerto Rico had declared its basic problem solved, having achieved sovereignty through a political and economic relationship essential to its development and very existence. Resolution No. 23 of the constitutional convention had declared that the goal of complete self-government had been reached, the last vestiges of colonialism had disappeared, and a new era in democratic civilization had been entered; having full political dignity, the Commonwealth of Puerto Rico might develop by modifications of the compact by mutual consent; the right had been reserved to propose and accept modifications to the relationship with the United States to maintain it as an expression of an agreement freely entered into. Congratulating the Governor on the first anniversary of the commonwealth and the fifty-fifth of the connexion between Puerto Rico and the United States, the President of the United States had said that the bond of common citizenship meant common freedom, and that the voluntary association proposed by the Puerto Rican people and enacted by Congress was eloquent testimony to half a century of mutual respect and understanding. The President was proud with the Puerto Rican people of their achievements under their free institutions.

The Puerto Rican people realized that the Commonwealth status was subject to growth within itself, but also that that status could be changed, as it had been created, by common consent. The United States action in according to the Philippines the status requested by the majority of that country's people had shown what would be the response of the United States to a similar request from Puerto Rico. He could say that in complete confidence, as a representative both of the United States and of Puerto Rico.

Mr. TRUJILLO (Ecuador) proposed that the debate on the item should be suspended until the following meeting, to give the Committee time to consider the important statement of the United States representative.

It was so decided.

The meeting was suspended at 3.40 p.m. and resumed at 4.15 p.m.

EDUCATIONAL CONDITIONS IN NON-SELF-GOVERNING TERRITORIES: REPORTS SUBMITTED BY THE SECRETARY-GENERAL AND THE SPECIALIZED AGENCIES (continued)

(g) Community development and the general co-ordination of educational and social policy (A/AC.35/L.131) (continued)

Mr. GRADER (Netherlands) stated that in recent years, along with a better understanding of social structures and social processes, there had been a rapid development of techniques by which those processes could be influenced. In most countries, including the Non-Self-Governing Territories, the application of those techniques had become part of social policy. In his own country, for example, efforts were being made to counteract the disappearance of community life in the larger cities by furthering local interests in urban subdivisions.

Turning to the manner in which his Government's policy on community development was being put into effect in New Guinea, he emphasized the extreme diversity of cultures and languages among the various tribes and clans, due to isolation, the indigenous inhabitants' dislike of authority, and their tendency to shirk their responsibilities towards the community. In the case of people who were apt to retire to the jungle to avoid compulsory school attendance for their children, for example, the educational policy had to be carefully thought out and village school teachers had to be trained to use methods which would fit the social structure of the community and the individualistic outlook of its members.

Obviously, however, community development had not only educational, but also economic, hygienic, social and political aspects. Equally obviously, great care had to be taken not to destroy the old traditional values which gave the people an interest in life, but rather to endeavour to transform the existing social structures into an instrument capable of functioning in a new environment. His Government felt that it was entitled to interfere with the life of the people only if the process of acculturation made interference unavoidable and if it was in a position to offer something else which made life worthwhile and prepared the people for the complexities of modern society.

In recent years, his Government had undertaken a number of experiments in New Guinea. The first was a demographic survey among the Marin-Anim tribes of Southern New Guinea, which was being carried out under the auspices of the South Pacific Commission by Netherlands specialists with a view to determining why the population of the region had shown a tendency to decrease and at present remained stationary. The second project, based on extensive research done in Hollandia, the capital of the Territory, concerned the reconstruction of community life among the Papuans in that city by means of sports, clubs, the establishment of a community centre, etc., and was part of the general approach to the urban urbanization of Papuans. The third was the Nimboran Community Development Project, which was designed as a prelude to a larger territorial plan for rural development. Nimboran had been selected because the local inhabitants, some 2500 persons, formed a more or less homogeneous social unit. The first step in the project, begun in 1952, had been a survey of social conditions and the community's resources. The second had been the establishment of a co-operative, which operated a small mechanized farm, acted as a retail business, and was also a central outlet for indigenous products. The general purpose was to stimulate the interest of the people in economic development by increasing agricultural production and promoting native industry and handicrafts. Retail business was now entirely in the hands of the people themselves, and the marketing organization was doing well, although outside direction and assistance were still necessary for the purposes of transportation and marketing of local products as well as the accounting. Small and isolated as the mechanized farm was, it had aroused the energy and enthusiasm of the people. The co-operative as a whole had

been greatly instrumental in developing community life, and the project would therefore be repeated in other areas as resources and trained personnel became available. Owing to the sparseness of the population and the resultant shortage of manpower, mechanized farming was desirable in many regions, and agricultural machinery might in future either be supplied by the administration or transferred to indigenous co-operatives. An attempt was being made to institute a local authority in Nimbوران by bringing together the heads of the various clans in a Council, which would look after the interests of the area as a whole. A community centre, similar to those in the towns, would also be established. A continuation school for girls had been created and more staff recruited for rural hygiene propaganda and for extension services.

Since community development was a long-term task, permanent results could hardly be expected after one year, and the Nimbوران project was an experiment, in the light of which his Government would decide how to approach further community development in the territory. It was necessary to work out techniques befitting the local conditions, a particularly difficult matter in a territory like New Guinea, where the existing social structure was too weak a basis for modern development. A change in the local population's outlook would be needed if real progress towards a better life for the entire community, with that community's active participation, was to materialize.

Mr. WARD (United Kingdom) recalled that at an earlier meeting the United States representative had stressed that the financial problems of education would be materially lightened if the people could be stimulated, through community development techniques, to help themselves and to solve some of their own difficulties. The Netherlands representative had just remarked that community development offered to the people "something else which made life worthwhile". It was for such reasons as those that educators in the United Kingdom, including himself, were firm believers in community development. A great deal had been said and written on the subject in his country in the past ten years. The report of a conference on African Affairs arranged by the Colonial Office in 1948--a report later formally adopted by the United Kingdom Government--had stressed that it was the duty of all colonial officials in all

branches of the administration to co-operate with each other, not merely in carrying out their routine duties, but in endeavouring to stimulate the African to take action for themselves in the matter of education, hygiene, agriculture, and so forth. The United Kingdom was accordingly committed to the policy of stimulating initiative in African society. Another development was that a conference on African education held at Cambridge in 1952 had strongly recommended, without a single objection, that for a short time there should be an exceptional concentration of effort and resources on informal education--in other words, community development--at the expense of formal education. It was significant that professional educators should sponsor such a revolutionary idea in the belief that it would speed up educational progress, and he hoped that the Committee would endorse the idea in its special report on education.

The CHAIRMAN stated that the discussion on sub-items (e), (f) and (g) remained open.

The meeting rose at 4.55 p. m.