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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

SUMMARY RECORD OF THE 1479th MEETING

Held at Headquarters, New York,
on Thursday, 19 June 1997, at 10 a.m.

Chairman:

Mr. AL-ATTAR
(Rapporteur)

(Syrian Arab Republic)

CONTENTS

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1991 CONCERNING PUERTO RICO

OTHER MATTERS

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In the absence of Mr. Samana (Papua New Guinea), Mr. Al-Attar (Syrian Arab Republic), Rapporteur, took the Chair.

The meeting was called to order at 10.30 a.m.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1991 CONCERNING PUERTO RICO

1. The CHAIRMAN drew attention to aide-mémoire 10/97 containing requests for a hearing and said he took it that the Committee agreed to accede to those requests.

2. It was so decided.

3. At the invitation of the Chairman, Mr. Arraiza (Puerto Rican Bar Association) took a place at the petitioners' table.

4. Mr. ARRAIZA (Puerto Rican Bar Association) said that since 1944, the Puerto Rican Bar Association had consistently denounced the Puerto Rican nation's status as a colony of the United States and maintained that despite the 1952 reform and the adoption of General Assembly resolution 748 (VIII), Puerto Rico did not enjoy sovereignty.

5. By taking up the question of Puerto Rico again, the Special Committee had acknowledged that despite the process initiated in 1952 and 1953 Puerto Rico remained a colony. In that connection, he wished to reassert his organization's position that international arbitration was necessary to resolve the dispute over Puerto Rico. The International Court of Justice could clarify the island's status through an advisory opinion. Such action was all the more urgent now that the United States Congress was about to adopt a bill which did not commit it to respecting the wishes of Puerto Rican electors.

6. It was essential that a serious process should be set in motion to bring about Puerto Rico's decolonization. Such process must comply with certain minimum prerequisites, including the following: any proposal must come from the Puerto Rican people and the United Nations should supervise the constitutional process; the transitional status should be stipulated in advance and should be based on a constitutional authority. Moreover, all political prisoners should be given full amnesty and transferred to Puerto Rico, and the elections must be impartial, well informed and democratic, and should be based on universal, direct and secret suffrage; they should be free from any repression and participation therein must be by duly accredited Puerto Ricans.

7. Puerto Rico was at a crossroads and the United States of America had the obligation to accelerate the process of self-determination under the supervision of the United Nations. The Puerto Rican people were not asking for a favour; they were demanding the right to decide on their own future.

8. Mr. Arraiza withdrew.

9. At the invitation of the Chairman, Ms. Alfonso (National Congress for Puerto Rican Rights) took a place at the petitioners' table.

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10. Ms. ALFONSO (National Congress for Puerto Rican Rights) said that her organization had been established to organize Puerto Ricans in the United States to fight for their rights and against racism and oppression. The National Congress wanted to be included in any decisions concerning the resolution of Puerto Rico's political status. Puerto Ricans in the United States, who had suffered as a result of their struggle for liberation, were a critical element in the process of resolving the status of Puerto Rico. The 15 Puerto Rican political prisoners and prisoners of war, who were serving disproportionate sentences in United States maximum security prisons, should be released immediately to mark the beginning of that process.

11. Puerto Rico had been a colony of the United States for nearly 100 years and had never exercised its right to self-determination. The Special Committee should recommend that the General Assembly require yearly reports from the United States on the political status of the island as it had been required to do before the adoption of General Assembly resolution 748 (VIII) until such time as Puerto Ricans exercised their right to self-determination in accordance with General Assembly resolution 1514 (XV).

12. The question of self-determination was crucial. The United States, the oldest constitutional democracy in the world, continued to rule Puerto Rico as a colony. The Puerto Rican legislature could approve laws regulating only 30 per cent of Puerto Rico's affairs while the other 70 per cent remaining in the hands of the United States. Although numerous attempts had been made to address the status question little progress had been made.

13. Puerto Ricans believed that the United Nations had a role to play in the decolonization of the island pursuant to General Assembly resolution 1514 (XV). According to that resolution, the United States must transfer all power to the island. Furthermore, it must remove all vestiges of its institutional presence in the colony and allow the colonized people of Puerto Rico to freely and openly decide upon their future. In that regard, the proposals of the Puerto Rico Political Status Act (Young bill) which was currently under consideration in the United States Congress did not meet the requirements of the resolution. The world was watching to see if the United States would take the lead in its own decolonization process and whether the United Nations would follow through on its past decisions concerning the right of the Puerto Rican people to self-determination.

14. Ms. Alfonso withdrew.

15. At the invitation of the Chairman, Ms. Lebron (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.

16. Ms. LEBRON (Partido Nacionalista de Puerto Rico) noting that her organization had had an observer at the United Nations until 1950, said that it would like to have an accredited observer again. The Partido Nacionalista de Puerto Rico had vigorously denounced the commonwealth status of Puerto Rico as a fraud designed to perpetuate the de facto colonial system in Puerto Rico and had taken up arms against the tyrant. As a result, some of its members had been imprisoned in the United States and some had even been assassinated.

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17. Puerto Rico continued to be a country with colonial status subject to the full power of the United States Congress. Her organization demanded an apology from all the nations that had participated in the greatest crime committed against the Puerto Rican people, namely, recognition of the so-called commonwealth status, which had been imposed on Puerto Rico in 1953.

18. Although the Puerto Rico Political Status Act (Young bill), currently under consideration in the United States Congress, established the truth about the colonial relations between the United States and Puerto Rico, the Act was designed to bring about the annexation of Puerto Rico, which was absolutely inadmissible. Under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, implementation of the right to self-determination through plebiscites could not be subject to unnecessary delays based on the alleged lack of political, economic or social development of the people in question. It was essentially a question of a people's inalienable right to freedom and their own cultural identity. Furthermore, the General Assembly had always rejected integration as a viable alternative to decolonization. All Puerto Ricans who were citizens by birth or the children of Puerto Rican citizens must be able to take part in the final decision on Puerto Rico's status. Whatever formula was chosen must recognize the complete sovereignty of the people of Puerto Rico and promote the right to development as an essential aspect of the right to self-determination. That included social, economic and cultural as well as political development.

19. The United States Government had repeatedly failed to carry out its international obligations with regard to Puerto Rico. Whatever resolution was adopted by the United Nations should expressly condemn any attempt by the United States of America to annex Puerto Rico. The United States had prevented viable economic development, turning the island into a consumer market and site for contaminating industries. The recent public announcement that the Southern Command of the United States Army might be transferred to the territory of Puerto Rico was a further example of aggression against a people seeking to defend their right to live in peace. The United States must cease making such threats and withdraw its military personnel.

20. The attempt by the United States Government to impose English as the language of instruction in public schools represented a further blatant act of aggression against Puerto Rican nationhood and culture. The political persecution and imprisonment of Puerto Rican citizens struggling for independence throughout the twentieth century demonstrated the oppression to which the Puerto Rican people had been subjected. Sixteen Puerto Rican patriots had been imprisoned in the United States for almost 17 years for the offence of struggling for the liberation and independence of their homeland. Annexation must be condemned and the freedom and equality of the Puerto Rican people must be upheld.

21. Mr. MARTIN (Puerto Rican Independence Party) said that the foundations of the United States colonial domination of Puerto Rico were collapsing because of the heroic resistance of the Puerto Rican people, and the profound transformation of United States interests in Puerto Rico resulting from the end of the cold war. The Young bill demonstrated that the United States Government

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was reexamining its relationship with Puerto Rico. The Act, which was full of contradictions and was drafted in terms of United States public law, not international law, provided for the possibility of annexation, which would represent the culmination of the United States colonialism in Puerto Rico, and ignored the norms and principles of international law concerning decolonization. Nevertheless, in spite of its defects, the Act was valuable in that it marked the beginning of a process in which the United States Congress came to grips with the realities of its relationship with Puerto Rico.

22. The Committee should strongly reiterate the principles which had guided its work with regard to Puerto Rico over the past 20 years - particularly the principle of the applicability of the Declaration on Decolonization - stress the need for the United States to transfer power, ensure strict compliance with the norms of international law, call for the release of Puerto Rican political prisoners in the United States and discourage any increase in the United States military presence in Puerto Rico. Lastly, the Committee should refrain from any mention of General Assembly resolution 748 (VIII), which had made a mockery of the rights of the Puerto Rican people.

23. Ms. RODRIGUEZ (Comité Puerto Rico '98) said that the presence of the United States in Puerto Rico was in direct violation of international law because Puerto Rico's autonomous status accorded by Spain had not been recognized. The need to resolve the colonial status of Puerto Rico had been acknowledged by all the major political parties in Puerto Rico as well as the international community. The fact that the United States Government could impose its authority unilaterally over all aspects of Puerto Rico's economic, political and civic life was proof of its colonial domination of Puerto Rico.

24. Although they were United States citizens, Puerto Ricans could not vote in Presidential elections. The largest naval facility in the world was located in Puerto Rico and used for military training by NATO forces for the protection of United States interests. As part of a systematized plan of United States imperialism, Caribbean and Latin American nations had been pitted against one another in order to achieve United States goals, which were contrary to the best interests of the people in those regions. United States business interests in Puerto Rico removed over \$6 billion in profits annually from Puerto Rico's \$28 billion gross domestic product, making it the fifth largest captive consumer market for United States goods. Real unemployment in Puerto Rico was estimated at 30 per cent and average wages were a third lower than those in the United States.

25. The emphasis on industrialization had ignored the agrarian nature of Puerto Rican society and contributed to forced migration. The fact that 2.8 million Puerto Ricans currently resided in the United States revealed the detrimental results of the economic policies imposed by the United States. In the coming year, her organization would educate the general public about the history of United States colonialism in Puerto Rico, including the resistance struggle, the imprisonment of thousands of Puerto Rican patriots, and the torture and brutal execution of pro-independence activists.

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26. The colonial and military occupation of Puerto Rico must be repudiated and the United States Government must be held responsible for its repressive policies and actions in Puerto Rico. The Comité Puerto Rico '98 would continue to work actively to bring about the release of the Puerto Rican political prisoners and prisoners of war, achieve the self-determination of the people of Puerto Rico and ensure political, racial and economic justice for the Puerto Rican community in the United States.

27. The Young bill supposedly would provide for the holding of a plebiscite in Puerto Rico in order to end almost 100 years of colonialism. In fact, it flouted the principles of self-determination since it would exclude from the plebiscite Puerto Ricans who lived in the diaspora, while permitting United States citizens who resided in Puerto Rico to vote, failed to grant amnesty to all Puerto Rican political prisoners and prisoners of war, made no mention of the Spanish language as an intrinsic element of the Puerto Rican national identity, and failed to provide for the complete withdrawal of United States military forces from Puerto Rico.

28. At the invitation of the Chairman, Mr. Vizcarrondo Irizarry (President, Committee for Puerto Rican Autonomy) took a place at the petitioners' table.

29. Mr. VIZCARRONDO IRIZZARY (President, Committee for Puerto Rican Autonomy) said that his Committee supported the enhancement of Puerto Rico's current commonwealth status on the understanding that the people of Puerto Rico would play a full and active role in discussing and deciding their future. The Committee desired full recognition of the sovereignty of Puerto Rico based on the adoption of a bilateral covenant of association between Puerto Rico and the United States of America, which would make it clear that the United States Government would exercise over Puerto Rico only those powers which were expressly delegated to it by the Puerto Rican people, and also provide for a dispute settlement mechanism.

30. The covenant would protect the United States citizenship of Puerto Ricans and their acquired rights. Moreover, Puerto Rico would be fully entitled to participate in international organizations, and would receive a block grant from the United States of America to promote infrastructure, investment and employment.

31. The covenant would maintain joint defence and effective participation on equal terms in military matters. Arrangements would be made for the United States military to lease facilities in Puerto Rico. Neither party to the covenant would be able to change the provisions of the latter unilaterally. The Committee for Puerto Rican Autonomy requested the United Nations to participate in any process designed to encourage consultations with the Puerto Rican people concerning the future status of the Territory.

32. The Young bill, by referring to Puerto Rico as a mere Territory of the United States of America subject to Congressional authority, clearly contradicted General Assembly resolution 748 (VIII) of 1953. If the terms used in the bill were correct that would mean that the United States Government had lied to the international community in 1953 and misrepresented what had been achieved in 1952. Therefore, if the bill were to be adopted, the Special

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Committee would be duly bound to recommend to the General Assembly that Puerto Rico be placed once again on the list of Non-Self-Governing Territories.

33. By seeking to force Puerto Ricans to opt for outright annexation to the United States of America, the Young legislation would exclude from the political process the more than 1 million Puerto Ricans who favoured an enhanced commonwealth status. Most Puerto Ricans favoured greater autonomy within a mutually agreed association that recognized the sovereignty of the Puerto Rican people. The new commonwealth status which the Popular Democratic Party had proposed to Congress met those parameters.

34. As the custodian of self-determination, the Special Committee on decolonization should monitor developments in the United States Congress. As a first step, it should adopt a resolution clearly stating the expectations of the international community with regard to any consultative process on the future status of Puerto Rico.

35. Mr. Vizcarrondo Irizarry withdrew.

36. At the invitation of the Chairman, Mr. Cólón Martínez (Congreso Nacional Hostosiano) took a place at the petitioners' table.

37. Mr. CÓLON MARTÍNEZ (Congreso Nacional Hostosiano) said that it was incumbent on the Committee to adopt a resolution demanding the cessation of the colonial relationship that existed between Puerto Rico and the United States of America. Despite the declaration of the International Decade for the Eradication of Colonialism, the United States had shown no sign of applying the principles enunciated therein to Puerto Rico.

38. Over the past 100 years the United States of America had ignored its obligation to allow Puerto Ricans to form a sovereign state and had blocked legitimate efforts to achieve a gradual liberalization of the colonial system. Since 1991 the Special Committee had deferred consideration of the question of Puerto Rico while it waited for a gesture of good faith from the United States of America.

39. In 1991 the United States Government had decided not to continue considering legislation to hold a plebiscite in Puerto Rico. The 1993 plebiscite had resulted in a victory for the commonwealth option, which remained a colonial status largely because the United States had vetoed efforts to enhance the commonwealth status further. In 1995 the United States Congress had started to develop strong alliances with the losers in the plebiscite while ignoring the winner. The commonwealth option and the entire economic structure which had been built up over the previous 40 years had been downplayed. At the same time efforts were made to initiate a decolonization process controlled firmly by the administering Power, one in which the administering Power would always have the final say. The controlling interest of the United States of America was so dominant that the Congress had even demanded that, should Puerto Ricans opt for independence, they would be obliged to adopt a republican form of government.

40. The bill currently before the Congress made no attempt to seek consensus, ignored Puerto Rico's nationhood and neither respected nor safeguarded the Latin American character of the Territory. Under the legislation, use of the Spanish language was considered negotiable and Puerto Rican territory was considered federal property which could be used to site permanent military bases even after a change in status. The Special Committee should not tolerate a process whereby the administering Power determined in advance the options which it was prepared to offer.

41. The United States Congress was treating Puerto Rico as a classic colony under its exclusive jurisdiction. The United States Government had admitted that resolution 748 (VIII) whereby the General Assembly had acceded to the United States request that Puerto Rico be removed from the list of Non-Self-Governing Territories in 1953 had been based on a "misunderstanding" since the Territory's status had not really changed. Since the administering Power had made misrepresentations to the General Assembly in the past, Puerto Ricans were bound to be mistrustful of the administering Power's current efforts to engage in a serious process of self-determination. The real purpose of the pending legislation was to involve the Puerto Rican population in a process designed to pave the way for the political incorporation of the Territory into the United States of America. Puerto Rico would become a Territory inhabited by United States citizens, the first step on the way to becoming a state of the union.

42. Puerto Rico wanted respect for its territorial integrity, an end to the Territory's use as a military base, and the release of Puerto Rican political prisoners from United States gaols. Furthermore, Puerto Ricans living in the United States should have the right to participate effectively in any self-determination process.

43. The establishment of a Constituent Assembly would be a good basis for charting the future course of Puerto Rico; by contrast, repeated plebiscites organized by the administering Power merely perpetuated the Territory's colonial status. The International Court of Justice should be asked to give an advisory opinion to settle the question of Puerto Rico's status. He hoped that the Special Committee would adopt a resolution recognizing the right of the Puerto Rican people to self-determination and independence.

44. Mr. Cólón Martínez withdrew.

45. At the invitation of the Chairman, Mr. Acevedo Vila (Popular Democratic Party) took a placer at the petitioners' table.

46. Mr. ACEVEDO VILA (Popular Democratic Party) said that his party supported Puerto Rico's commonwealth status as established in 1952. That status had subsequently been endorsed by the General Assembly in 1953 and reconfirmed by the will of the majority of the Puerto Rican people. His Party was firmly committed to the principle of self-determination and demanded that the United States of America should respect that right.

47. The Special Committee should be aware that legislative efforts were currently being made in the United States Congress to annex and assimilate Puerto Rico under the pretext of offering Puerto Ricans the right to exercise their right to self-determination. Certain forces in the Congress had even gone

so far as to deny the validity and legitimacy of the actions of the United States of America and the General Assembly which had led to the establishment of commonwealth status in 1952 and the removal of Puerto Rico from the list of Non-Self-Governing Territories. During the process leading to the establishment of the commonwealth, Puerto Rico had exercised but not exhausted its right to self-determination. Ever since 1953, the Puerto Rican people had fought hard to keep their autonomy despite the efforts of pro-annexationists.

48. In successive plebiscites, the majority of the people of Puerto Rico had consistently favoured commonwealth status over statehood. Congressman Young, who himself favoured statehood for Puerto Rico, was heading a process that would lead to a plebiscite in which commonwealth status, as defined and supported by the majority, would no longer be an option. Under those circumstances, the people would clearly favour annexation. Therefore the process, while purporting to be one of self-determination would, in fact, impose annexation.

49. According to the Young bill, Puerto Rico was a colony and the rights of its citizens were determined solely by the United States Congress. The Popular Democratic Party had submitted a proposal to Congress for a new commonwealth status. The proposal advocated autonomy for Puerto Rico in the context of a special relationship with the United States of America, and suggested that a Special Constitutional Convention should be convened in order to achieve the maximum level of self-government. That proposal had been discarded.

50. An attempt to undermine the legitimacy of Puerto Rico's commonwealth status, the report giving the background to the bill, claimed that General Assembly resolution 748 (VIII) was invalid and had been based on a misunderstanding. At the same time, through a rather self-serving interpretation of international law, the report sought to deny that that meant that the United States was again required to report to the United Nations on Puerto Rico as it had done from 1946 to 1953.

51. The United States Mission to the United Nations had recently circulated a document entitled Non-paper on Puerto Rico, the aim of which was to confuse members of the Special Committee and the international community. The document stated that the proposed plebiscite would provide for a vote among options of continuing the commonwealth arrangement, nationhood - including free association - and statehood. Nothing could be farther from the truth. Commonwealth status as outlined in the Young bill represented a return to a colonial past which had been left behind in 1952. The Young bill was an attempt to annex Puerto Rico.

52. The Popular Democratic Party therefore requested that the Special Committee recognize and reaffirm the identity of the Puerto Rican people, allow a process to be held that would bring about full governance for Puerto Rico and assert that the United States of America must respect the rights that the Puerto Rican people had under the current status as recognized in General Assembly resolution 748 (VIII).

53. If there was any doubt about the validity of General Assembly resolution 748 (VIII), the Special Committee should recommend to the General Assembly that it should seek an advisory opinion from the International Court of Justice.

54. Mr. Acevedo Vila withdrew.

55. The Chairman invited Mr. Gerena-Valentin (Puerto Rico on Human Rights) to take a place at the petitioners' table.

56. Mr. GERENA-VALENTIN (Puerto Rico on Human Rights) said that he, like many other Puerto Ricans, had renounced his United States citizenship. The Young bill represented a shameful attempt to annex Puerto Rico. Plebiscites had often been used to legitimate the dominance of the colonial Powers. That was why a policy had been formulated to determine the proper process for decolonization. Puerto Ricans were committed to freedom and to full sovereignty for their country. It was ridiculous to suppose that a people would vote freely to commit suicide, or to collectively renounce its language, culture, identity and history. The Puerto Rican people had not been consulted in 1898 when they had been invaded by the United States nor had they been consulted in 1917 when they had been stripped of their Puerto Rican citizenship.

57. The Puerto Rican people had come to believe that if the colonizer left, they would die; they were like people who had been a long time in prison, afraid to leave the safety of their cells.

58. The United States had used Puerto Rican resources, poisoned the soil, water and air, and denied the people's ability to run their own affairs and determine their own fate as a free and sovereign people. Puerto Rico was an unincorporated Territory of the United States, Article IV, section 3, indent 2 of the United States Constitution stipulated that "The United States Congress shall have the power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State." Washington dictated who came into Puerto Rico, and who left.

59. Puerto Rico had been enslaved for almost one hundred years. The United States Government had sought to cloud the issue by convincing the United Nations that the Puerto Rican question was not an international matter and that the Organization did not have the authority to examine the internal affairs of the United States. However, Puerto Rico was a Territory that was not part of the United States yet which belonged to it under the Territorial Clause. General Assembly resolution 1514 (XV) stated clearly that Non-Self-Governing Territories should enjoy independence. General Assembly resolution 1541 (XV) reaffirmed the fundamental rights of man, embraced the notion of freedom from oppression and asserted that colonialism must give way to self-determination.

60. In 1952, the General Assembly had adopted resolution 748 (VIII) which exempted the United States from reporting on Puerto Rico and removed the latter from the list of Non-Self-Governing Territories. It now turned out that that resolution had been adopted on the basis of deception and was invalid.

61. The proposed plebiscite should not be held, because it was now up to the United Nations to apply the provisions of General Assembly resolution 1514 (XV) as it had done elsewhere in the world. Moreover, no valid plebiscite could be held as long as Puerto Rican patriots remained imprisoned in the United States. They must first be granted unconditional amnesty.

62. Mr. Gerena-Valentin withdrew.

OTHER MATTERS

63. The CHAIRMAN said that although consideration of the question of East Timor had concluded, the representative of Guinea-Bissau had requested that information on East Timor should be circulated.

64. Mr. FABRIAN (Indonesia) said that his delegation had noted the information and that it would be transmitted to his Government.

The meeting rose at 1.05 p.m.