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REQUEST FOR INCLUSION OF A SUPPLEMENTARY ITEM
IN THE AGENDA OF THE TWENTY-SIXTH SESSION

THE COLONIAL CASE OF PUERTO RICO

Letter dated 17 August 1971 from the Permanent Representative of Cuba
to the United Nations addressed to the Secretary-General

On instructions from the Revolutionary Government of Cuba, I have the honour to request the inclusion in the supplementary list of items for the agenda for the twenty-sixth session of the General Assembly of an item entitled "The colonial case of Puerto Rico".

In accordance with the rules of procedure of the General Assembly, I am sending you herewith an explanatory memorandum.

(Signed) Ricardo ALARCON
Ambassador
Permanent Representative of Cuba
to the United Nations

institutions. That argument was invoked by the great Puerto Rican patriot of the time, Eugenio Maria de Hostos: "Puerto Rico is a legal entity and could not be stripped of any of its prerogatives as a nation by a war which was not of its making". In October 1935, in a plea before the United States Supreme Court, Pedro Albizu Campos, leader of the Nationalist Party of Puerto Rico, asserted: "The Treaty [of Paris] is null and void in so far as it concerns Puerto Rico. Spain could not cede Puerto Rico because Puerto Rico was not a negotiable entity (res in commercium). Puerto Rico became a sovereign nation by virtue of the Charter of Self-Government (Carta Autonómica) which Spain could not amend without the consent of Puerto Rico. And the United States could not agree to the cession of the territory because it was obligated to respect the independence of Puerto Rico.... The feudal concept of international law which permitted the conquest of one nation by another through war and retention of the victim as the property of the victor, as a possession, must have been dead in the United States too".*

12. By virtue of an act of imperialist plunder the people of Puerto Rico lost the autonomy which it had wrested from Spain. The territory, which had won international recognition as a separate legal entity when it was admitted to the Universal Postal Union in 1897, openly and frankly became a conquest of the United States, a colonial possession of the United States.

II. THE PRESENT SITUATION

13. Since 1898, the Government in Washington has done everything in its power to crush the aspirations of the Puerto Rican people for independence and to make the island a part of the United States. Its efforts have resulted in total failure and the struggle of the Puerto Rican people has become irrepressible, forcing the colonial Government to resort to all kinds of manoeuvres to silence internal opposition and international condemnation of the oppression of Puerto Rico.

* Provisional translation.

14. Today, United States colonial rule over all aspects of Puerto Rican life is absolute. Puerto Rico is under the legislative, judicial and executive control of the United States. The United States Government has exclusive jurisdiction over all questions of citizenship, foreign affairs, defence, immigration and emigration, foreign trade, currency, postal service, radio and television, air and maritime transport. Decisions of the Supreme Court of Puerto Rico can be overturned by the federal courts of the United States. All the laws adopted by the Congress of the United States automatically apply in Puerto Rico. 7

15. The United States exercises absolute control over the economy of Puerto Rico. American investments in Puerto Rico amount to \$1,000 million and, even according to colonial propaganda, yield profits each year amounting on the average to 30 per cent of the capital invested. American investments are exempt for all taxes, corporation or personal taxes, for a period ranging from 12 to 17 years. In that way, Puerto Rico has been converted into a privileged preserve for United States monopolies, which use it as a source of cheap labour and exploit the national economy without even being subject to the rules and restrictions in force in the metropolitan country. For example, the average wage of a Puerto Rican worker is equivalent to one-third of what an American worker earns and the average income of the inhabitants of the island is half of what is earned by the citizens of the State of Mississippi, the poorest State in the United States. On the other hand, the United States has a monopoly over Puerto Rican trade, forcing Puerto Rico to depend entirely on the United States market and to carry all goods imported from the United States in ships of the United States merchant fleet, which has a monopoly over the island's shipping. The result is that the average prices of goods and basic necessities are 25 per cent higher than in New York or other American cities.

16. The effects of this situation on the living conditions of the people are easy to imagine. According to official statistics, Puerto Rico has 100,000 unemployed, that is, 14.3 per cent of the labour force. One-third of the population has been forced to emigrate to the metropolitan territory of the United States where they are subjected to harassment and discrimination, reduced to accepting the hardest and least well-paid jobs, crowded together in the ghettos of the big American cities.

17. The same statistics indicate that 81.8 per cent of the population of Puerto Rico earns less than \$3,000 a year. In an effort to mitigate the effects of the poverty conditions imposed on most of the population of Puerto Rico, the colonial régime has established the so-called system of "maintenance", which consists of the distribution of United States farm surpluses to needy families. On 9 September 1963, a pro-American newspaper published in San Juan, El Mundo, reported on the first page: "850,000 people are living on maintenance", that is, approximately 35 per cent of the population of Puerto Rico.

18. The super-exploitation of Puerto Rico by the United States may be summed up in the following statement by Josué de Castro: "Thus, United States policy was one of protectionism for the benefit of an insignificant minority at the expense of the majority of the indigenous population, who were forced to make the heaviest sacrifices."* (Josué de Castro, The Geopolitics of Hunger, Cuban edition, p. 139).

19. One of the most brutal aspects of United States colonial rule in Puerto Rico is the military aspect. Thirteen per cent of the best arable land on the island is occupied by a vast network of military bases, including bases with nuclear weapons, which have transformed Puerto Rico into an enormous military arsenal and constitute a permanent threat to the peace and security of its population while at the same time ensuring military occupation as a means of strengthening colonial control over the territory. United States military activity also encompasses the island group of Vieques and Culebra, which are integral parts of Puerto Rican territory. World opinion has been aware of the criminal conduct of the United States armed forces, which are using the territory of Culebra as a firing range for weapons testing, thus seriously jeopardizing the lives of the people of Culebra, who are engaged in a vigorous battle for the dismantling of the installations established on their island by the United States Navy.

* Provisional translation.

20. Puerto Rico, as a colonial territory, has no armed forces of its own. Yet Puerto Ricans have been made liable for compulsory military service in the armed forces of the United States. Some 200,000 Puerto Ricans served in the United States Army in the First World War, 400,000 in the Second World War, and 40,000 in the aggression against the Democratic People's Republic of Korea in 1950. The imposition of compulsory military service on Puerto Ricans is a crude display of colonialism and racism.

21. The number of Puerto Ricans who have thus been sacrificed to the aggressive interests of United States imperialism is proportionately greater than the figure for citizens of the metropolitan territory of the United States itself. Thus, the newspaper El Mundo reported on 22 May 1967 that Puerto Rican casualties in the war of aggression against Viet-Nam are higher than those for 18 states of the United States and the District of Columbia.

III. THE CASE OF PUERTO RICO IN THE UNITED NATIONS

22. In 1953, the General Assembly adopted resolution 748 (VIII) relieving the United States of the obligation to submit the reports referred to in Article 73 e of the Charter in the case of the Territory of Puerto Rico, because the latter had achieved commonwealth status. In operative paragraph 9 of the resolution, the General Assembly stated the following:

"The General Assembly

".....

"Expresses its assurance that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association."

The resolution was adopted in the Fourth Committee by a narrow majority of 22 countries in favour, 18 against and 19 abstentions. In order to obtain such a majority, the United States Government had not only to exert all kinds of pressure and carry out endless diplomatic manoeuvres but also to make a pronouncement in the General Assembly through its then representative, Henry Cabot Lodge, who stated as follows:

/...

"I am authorized to say on behalf of the President of the United States that if, at any time, the Legislative Assembly of Puerto Rico adopts a resolution in favour of more complete or even absolute independence, he will immediately thereafter recommend to Congress that such independence be granted." 1/

23. In the 1956 elections, the majority party in Puerto Rico (the Popular Democratic Party) included in its programme a call for greater self-government for the island. That party having won the elections, the legislature of Puerto Rico adopted a resolution urging the United States Congress to grant a broader measure of self-government to the Commonwealth. Immediately afterwards, the Resident Commissioner for Puerto Rico in Washington, Dr. Antonio Fernós Isern, introduced in the United States Congress a bill incorporating the requests made by the Puerto Rican legislature. Public hearings were held in Washington on this bill (known as the Fernós-Murray Bill), and various executive departments of the United States Government (State, Defense and Commerce) submitted memoranda opposing its adoption. This was the same Government (the Government of President Dwight Eisenhower) which six years previously had made a "solemn promise" to the General Assembly of the United Nations. The Fernós-Murray bill was never adopted.

24. In November 1962, the Puerto Rican legislature adopted a further resolution requesting the United States Congress to specify what alternatives - based on the sovereignty of the people of Puerto Rico - the United States would offer as a final solution to the political status of Puerto Rico. This resolution was again brought before the Congress by the Resident Commissioner for Puerto Rico in Washington through the introduction of a bill in the United States House of Representatives. The bill was considered at public hearings. The opposition of the United States Government was such that the bill had to be completely redrafted, and its only consequence was the establishment of a so-called United States-Puerto Rican commission on the political status of Puerto Rico. The commission, composed of seven Americans and six Puerto Ricans, submitted a report, after several years of bureaucratic proceedings, recommending that a referendum should be held in Puerto Rico. However, the Congress refused to specify what

1/ Official Records of the General Assembly, Eighth Session, Plenary Meetings, 159th meeting, para. 66.

time, including the Joint Resolution adopted by the Congress in 1952 approving the constitution which the people of Puerto Rico had adopted pursuant to Public Law 600, can be held to have resulted in such incorporation."

Again, in Fonseca v. Prann, 282 F.2d 153 (1960), another United States Court of Appeals ruled as follows:

"But, whatever the actual status of the Commonwealth of Puerto Rico may be in all its details, its present status is certainly not that of a State of the United States. Nor is it even that of a territory incorporated into the union preparatory to statehood. As such the Government of Puerto Rico has such powers as Congress from time to time has seen fit to give it."

26. In November 1961, the General Assembly established the Special Committee to implement the terms of resolution 1514 (XV). The Special Committee met for the first time in March 1962, and upon its establishment the first petition it received from any colonial territory was a document from the Movimiento Pro Independencia de Puerto Rica (Puerto Rican Pro-Independence Movement), a copy of which is attached hereto.^{2/}

27. In October 1964, the Second Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo, included in its Declaration entitled "Programme for Peace and International Co-operation" the following call to the Special Committee on decolonization:

"It draws the attention of the Ad Hoc Decolonization Commission of the United Nations to the case of Puerto Rico and calls upon that commission to consider the situation of this territory in the light of resolution 1514 (XV) of the United Nations."^{3/}

In the report of the Special Committee to the General Assembly covering its work during 1965, the Committee:

^{2/} To be circulated subsequently as document A/8441/Add.1.

^{3/} A/5763, annex, p. 10.

"took due note... of the Declaration adopted by the Conference of Heads of State or Government of Non-Aligned Countries during October 1964 which was circulated as a document of the General Assembly (A/5763). By the same decision the Special Committee agreed to the Working Group continuing consideration of the question of preparing the list of 'all other Territories which have not yet attained independence'." 4/

28. In the same report, the Special Committee informed the General Assembly as follows:

"At the 389th meeting on 7 October 1965, the Chairman drew the attention of the Special Committee to a letter dated 1 October 1965 from the Minister of Foreign Affairs of Cuba which, referring to the final communiqué of the Conference of Heads of State or Government of Non-Aligned Countries held in Cairo in October 1964, requested the inclusion of the question of Puerto Rico on the agenda of the Special Committee. This letter was circulated as a Committee document (A/AC.109/144). The representative of the United States of America referring to General Assembly resolution 748 (VIII) of 27 November 1953, protested the circulation of this letter. Owing to the lack of time the Special Committee was unable to examine the request contained in document A/AC.109/144.

"Subject to any directives the General Assembly at its twentieth session may wish to give for the speedy implementation of the Declaration, the Special Committee intends to continue its consideration of the question of the list of Territories to which the Declaration is applicable." 5/

29. As the General Assembly, at its twentieth session, approved the report of the Special Committee without any special comment, the Committee correctly assumed that its plan to consider the requests of the Cairo Conference and of the Minister for Foreign Affairs of Cuba had the tacit approval of the General Assembly. Yet neither the Working Group nor the Special Committee took any action during their meetings in 1966 until the last moment, despite the various requests from Puerto Rican patriotic organizations for inclusion of the question of Puerto Rico in their agenda. Thus, at the end of its 1966 session, the Special Committee approved the following reference to the case of Puerto Rico in its report to the General Assembly.

"Following an exchange of views on various suggestions, the Working Group agreed that the question of the inclusion of these Territories, namely, Puerto Rico and the Comoro Archipelago, required further detailed study and

4/ A/6000, para. 62.

5/ Ibid., paras. 65 and 66.

that, in view of the lack of time at this session, it should make such a study at an early date during the next session of the Special Committee. It further agreed that, at that time, it would also consider any other Territories which might be included in the list of 'all other Territories which have not yet attained independence'." 6/

On 31 December 1966, the General Assembly adopted resolution 2189 (XXI), paragraph 4 of which reads as follows:

"The General Assembly,

"...

"Approves the action taken and envisaged by the Special Committee for the year 1967 with respect to the list of Territories to which the Declaration applies."

30. In 1967 the Legislature of Puerto Rico, pressured by the United States Government, agreed to hold a referendum to allow Puerto Ricans to choose between independence, statehood and commonwealth status. There was no previous agreement by the United States Congress to accept the majority view emerging from the referendum. Nor was there any definition amplifying the autonomous framework of commonwealth status so that it conformed to the provisions of the United Nations resolution on self-determination. More than 60,000 American residents of Puerto Rico and thousands of foreigners also living on the island and naturalized as United States citizens took part as voters in the referendum. The referendum was organized and administered by the same colonial régime which administers the periodic elections held in Puerto Rico. In view of all the foregoing, all the Puerto Rican organizations in favour of independence agreed to boycott the referendum. On 16 July 1967 they held a mass rally in San Juan to protest against it. This rally was attended by the largest crowd ever gathered together at any political meeting in Puerto Rico.

31. As part of their campaign of repudiation of the spurious referendum, the Puerto Ricans favouring independence appointed a Joint Committee which visited the United Nations in April 1967. Members of this Committee held talks with most of the representatives serving on the Special Committee and requested its Chairman and other members to clarify immediately the question of Puerto Rico so as to

6/ A/AC.109/L.355, para. 265, point 10.

prevent the spurious referendum from becoming a fait accompli before the Special Committee examined it. As a result of this move, the Special Committee began discussion of the outstanding question of the inclusion of the case of Puerto Rico in its agenda. This discussion took place at two consecutive meetings of the Special Committee in April 1967. At the end of the second of these meetings and after four of its members had favoured the inclusion of the case of Puerto Rico and four had opposed it, the Committee agreed to postpone the discussion sine die. Since then, the Special Committee has not taken any action on the request made to it by the Government of Cuba, the Conference of Heads of State or Government of Non-Aligned Countries, and Puerto Rican patriotic organizations.

IV. FALSIFICATIONS BY THE UNITED STATES AND THE TRUE STATUS OF PUERTO RICO AS A COLONY OF THE UNITED STATES

32. In order to impose on the General Assembly the adoption of resolution 748 (VIII), the United States Government shamefully misrepresented the information on the true nature of events which had taken place on the island. The resolution was adopted on the assumption that Puerto Rico had conducted a referendum in which the people had chosen a new legal status for the territory.
33. It suffices to analyse briefly the contents of the spurious referendum and the conditions under which it was held to understand that, far from constituting an expression of the right to self-determination, it was a clinical manifestation of colonialism and the negation of the most elementary national rights of the Puerto Rican people.
34. Apart from being held under full United States military occupation and in the midst of the most ferocious repression, with prisons full of patriots, the so-called referendum of 1952 did not allow the voters to opt for independence. They were asked to choose only between the traditional colonial régime which had existed up to that time and a régime of so-called "disguised colonialism", namely, the same colonial régime masquerading under the false title of "commonwealth status".
35. In section II of this memorandum we have analysed the present situation in Puerto Rico under the so-called "commonwealth status", which is a typical case of traditional colonialism. We shall now consider how the colonial leaders themselves

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described the scope of United States Public Law 600 which brought into effect the already-mentioned changes in the colonial régime and the Puerto Rican Constitution of 1952. On 12 July 1949, during the hearings conducted on this question by the United States Congress, the then colonial governor of Puerto Rico stated:

"In practice the Constitution will probably be very similar, following the basic lines of the Constitution now in force by action of Congress. In practice, the amount of self-government will not be different."*

36. Antonio Fernós Isern, Commissioner of Puerto Rico to the United States Congress, stated:

"Public Law 600 would not alter the political, social and economic relations between Puerto Rico and the United States. It would not alter the powers of sovereignty obtained by the United States over Puerto Rico under the Treaty of Paris."* (i.e. the treaty which converted Puerto Rico into a United States colony.)

37. United States Representative, Fred L. Drawford, during the same hearings, stated quite frankly:

"Everyone knows that the Federal Relations Law, as amended by Public Law 600, which deals with the matters now being negotiated, is still in force and that the people of Puerto Rico remain firmly under the supervision of Congress and under the provisions of the Federal Relations Law."*

38. On 23 June 1953, Senator O'Mahoney, Chairman of the Interior and Insular Affairs Committee of the United States Senate, made the following summary of the opinions of his Committee on the so-called "modifications" introduced into the status of Puerto Rico:

"The Committee has reached the conclusion that the Constitution operates within a very limited sphere. It concerns questions which relate exclusively to the local interests of the people of Puerto Rico. It deals with nothing else except the municipal government of Puerto Rico."*

39. It is not surprising therefore that the United States encountered serious difficulties in securing the adoption of General Assembly resolution 748 (VIII) by such a narrow margin of votes although in 1953 the United Nations had only half its present membership and at that time colonialism was still dominant in a large part of the globe.

* Provisional translation.

V. CONCLUSION

40. The people of Puerto Rico, like all peoples subjected to foreign domination, has an inalienable right to independence. The United Nations has promised to support all colonial peoples striving to attain self-determination and sovereignty. It has the unavoidable duty, if it wishes to respect the principles embodied in the Charter and in resolution 1514 (XV), to take all necessary steps to ensure that the people of Puerto Rico also achieve the full exercise of their national rights.

41. More than four years have passed since the Special Committee responsible for considering the implementation of resolution 1514 (XV) discussed, without reaching a final decision, the question of Puerto Rico. The struggle of the Puerto Rican people for its independence and national sovereignty continues apace. The repression unleashed by the imperialist Government of the United States and the puppet authorities of Puerto Rico against the patriotic elements of the country have escalated to levels of unspeakable brutality during recent times and the Puerto Rican independence movement is again demanding the clarification of this important question by the United Nations in the light of resolution 1514 (XV) of December 1960.

42. Since the Special Committee has taken no action, the General Assembly must adopt the pertinent decisions in accordance with the anti-colonial attitude of the majority of its Members. The Revolutionary Government of Cuba is confident that, with the support of the independent and progressive Members of the United Nations, the Organization will assist the Puerto Ricans in their struggle for complete national independence and the total and unconditional liquidation of the colonial régime which has been imposed on their territory.
