

THE CASE OF PUERTO RICO IN THE UNITED NATIONS

Excerpts from statement by Mr. Liu Yu-Wan before the Committee on Information from Non-Self-Governing Territories, August 31, 1953.

During the last 3 or 4 years, we have in the United Nations a Committee on Factors. In 1951, it was known as Sub-Committee 9; in 1952 it dignified itself as an Ad Hoc Committee on Factors; up to date it is still keeping this title. It met recently and drew up its report at the end of July, 1953, and is published as A/2428. A list of factors has been drawn up -- factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government.

The list is there (A/2428). The factors are there. If you ask me what they are, I can't tell you. Some day that list might be expanded into a \$10 text book on international law which, like many other text books, few people would read.

For our present purposes, I like to point out three things in connection with this study of factors which might be called three general areas of agreement:-

- (1) All the factors listed should be regarded as a guide to conclusions rather than determining such conclusions. The pattern of relationship is changing rapidly. It is not necessary to attempt to give a relative importance to any one or more of the listed factors. If you do, you might not be on safe ground. Moreover, a list drawn up at a given time cannot be regarded as embracing all the factors

which might subsequently be relevant. The pattern of relationship is changing rapidly.

- (2) In deciding whether a relationship between the administering authority and a non-self-governing territory has evolved to a stage where that territory could be said to have "attained a full measure of self-government," the only factor that is of the paramount importance in all cases is the will of the people of the territory concerned, properly and freely expressed. This factor is found in both the second and the third parts of the list. No. 2 under A General, which reads:

"2. Opinion of the Population. The opinion of the population of the territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire."

- (3) Neither in the Factors Committee, nor in our own Committee, has any attempt been made to solve the practical problem of who should determine whether a territory is or is not a non-self-governing territory.

Based on the three foregoing considerations, my delegation proposes to discuss the item on our agenda that is before us: namely, Cessation of the Transmission of Information: Communication from the Government of the U.S.A. concerning Puerto Rico.

Roughly two and half million people live in the territory of Puerto Rico. They have a culture, tradition, religion and language,

distinctively all of their own. They are different from those of the United States of America. By virtue of a series of congressional enactments, Puerto Rico has enjoyed a progressive development towards self-government. Since 1917, Puerto Ricans have been citizens of the United States.

Since 1946, in accordance with Resolution 66 (I) adopted by the General Assembly of the United Nations, the U.S.A., as an administering member, has faithfully reported every year the progress of the territory under its administration and the successive advances made in the growth and development of self-governing institutions in Puerto Rico have been noted by this Committee. We find the whole story in the document before us A/AC.35/L.121.

It is needless for me to recapitulate the process of Puerto Rico's progressive self-government. Suffice it for me to say that the Foraker Act, the Jones Act, Public Law 600, 81st Congress (1950) "adopted in the nature of a compact" and authorized the organization of a constitutional government by the people of Puerto Rico, the island-wide referendum for acceptance or rejection, the Constitutional Convention and finally the promulgation of the Constitution and the establishment of the Commonwealth of Puerto Rico, July 25, 1952, this is a beautiful sequence of events leading to a logical culmination. We have examined the record carefully and are quite pleased with it.

My delegation is most impressed by the oral statement made by the Resident Commissioner of the Commonwealth of Puerto Rico. In great solemnity, he announced to us and to the world: (I quote)

"Although the people of Puerto Rico realize that the Commonwealth is a political status in itself, subject to growth within itself, the people of Puerto Rico understand that there is nothing in such status which precludes its ever being changed in the same way that it was created, by common consent and with due regard to the principles of self-determination. The law which establishes the compact fully recognized 'the principle of government by consent.'"

And he re-enforced his statement by a happy reference to the establishment of the Republic of the Philippines. In other words, if the people of Puerto Rico should want independence, which they don't at present, the U.S.A. will consider it if the petition for independence is advanced by the people of Puerto Rico. It is needless for me to point out that Dr. Antonio Fernos-Isern made his solemn pronouncement the other day both as a representative of the U.S. and as an elected representative of the people of Puerto Rico.

In the 1952 elections, a total of 107,000 votes were polled by two political parties, who advocate full membership in the Federal Union as a state. They do not question the fact that Puerto Rico has achieved a full measure of self-government. Allowing for this difference of opinion of two minor parties, the U.S. position regarding cessation of transmission of information on Puerto Rico has the support of 80% of the Puerto Rico electorate -- a clear if not too overwhelming majority.

According to a communication addressed to the Chairman of our Committee, a copy of which is in my hands, the Nationalist Party of Puerto Rico in the U.S.A. claimed that although 82,877 votes were

cast by its members against the Ratification of the Commonwealth of Puerto Rico, there were a total of 327, 139 votes in abstention following the policy and practice of the Nationalist Party of Puerto Rico. The two figures grouped together would aggregate to a total of 410,016, and would therefore defeat the votes for ratification (373,594).

I must admit, it would be difficult to follow this line of arithmetic. Votes cast can be counted, and they are counted. Votes not cast can only be guessed at, and one guess is just as good as another.

My delegation would be happier that in view of the fact that some of the leaders of the independence movement in Puerto Rico are alleged to be in prison, if the Resident Commissioner would be so good as to enlighten us on the phenomenon of votes in abstention, not its arithmetic, but the phenomenon itself.