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**Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).**

**Cessation of the transmission of information under Article 73 e of the Charter on Puerto Rico: report of the Committee on Information from Non-Self-Governing Territories (A/2465, A/C.4/L.300) (*continued*)**

[Item 34 (b)]\*

1. Mrs. MENON (India) considered that in economic matters Puerto Rico enjoyed a lesser degree of self-government than the Netherlands Antilles and Surinam, in respect of which the Fourth Committee had, at its 347th meeting, adopted a draft resolution. That had been proved not only by the statements of previous speakers but also by the terms of economic union which the United States representative, Mr. Fernós Isern, had described in his statement (348th meeting).
2. The present status of Puerto Rico had probably been freely chosen by the people through democratic processes, but those processes could be correctly applied only in an atmosphere of freedom and in recognition of the democratic right of dissent. The fact could not be ignored, therefore, that there had been opposition to the proposed change in the constitutional status of Puerto Rico and that, at the time, the political atmosphere had been such that the Committee must consider the allegations made regarding those processes.
3. In particular, her delegation would like to know whether it was true that certain political leaders had been deprived of their freedom and that large numbers of people had refused to vote because of their opposition to the new status and also because they had to submit to the formality of having their fingerprints taken. The Committee must have an opportunity to inform itself accurately on the subject, for by refusing the requests for oral hearings made by the representatives of certain groups of the Puerto Rican people<sup>1</sup> it had made its task very difficult.
4. She congratulated the United States Government for the loyalty, sincerity and devotion with which it had always fulfilled its obligations under the Charter and paid a tribute to the generous principles underlying its present attitude towards Puerto Rico. But the

\* Indicates the item number on the agenda of the General Assembly.

<sup>1</sup> See 321st and 343rd meetings.

fact nevertheless remained that the future of a people still on the arduous road to full freedom deserved to be studied carefully before the General Assembly arrived at a decision.

5. When the Fourth Committee had adopted (330th meeting) the list of factors, her delegation had thought that the list would serve as a guide to determine whether or not a territory was as yet completely self-governing. No one, however, seemed to want to apply or to consult that guide. Even without applying any guide or standards, however, it seemed evident that Puerto Rico was economically dependent on the United States.

6. The relationships established under the new Constitution between Puerto Rico and the United States were unique in constitutional annals. The question had two aspects: first, the Constitution and present status of Puerto Rico had elements of a full measure of self-government; secondly, the association, which implied a surrender of certain well-known attributes of sovereignty such as defence, capacity to negotiate international treaties and to regulate international relations, was voluntary. The limitations imposed by the Constitution mattered little if they were freely endorsed by the people in the exercise of their will. Unfortunately, that was not the case in Puerto Rico.

7. She read out the definition of the term "Commonwealth" which appeared in resolution 22 of the Puerto Rican Constitutional Convention and said that her delegation could not accept such a status as representing a full measure of self-government. There was no counterpart of that kind of status in any compendium of constitutions. If every administering Power established a new relationship and called it a full measure of self-government or almost a full measure, by what standards should the General Assembly decide the status of a territory?

8. She was surprised to see that the term "Commonwealth", used in English to designate the present status of Puerto Rico, had acquired a new and different meaning from that attaching to the term when used to describe relations between Australia or India and the United Kingdom, for example. A dangerous tendency was developing of giving new meaning to words like "union", "federation" and "commonwealth" in order to camouflage unequal relationships under a term having pleasant connotations. In effect, the Committee was witnessing the creation of a new form of colonialism, for in all cases a metropolitan country was associating itself with a Non-Self-Governing Territory or group of territories, not on a basis of absolute equality as in the case of the British Commonwealth, but on an unequal basis as in the case of Puerto Rico. The purpose of the Charter, however, was not the creation or perpetuation of colonialism but its complete and total elimination from the political thought and order of the new world.

9. She proposed that the Committee should invite a small body to go into the question of Puerto Rico more fully by granting the oral hearings requested by the leaders of certain national groups and to submit its findings to the Committee on Information from Non-Self-Governing Territories at its next session. In the meantime, the General Assembly might invite the United States to continue to transmit information under Article 73 e of the Charter.

10. The Committee would be doing a great injustice to the Netherlands if it took any other action. In the case of Surinam and the Netherlands Antilles there had not even been any opposition from the population of those territories. Yet on principle the Committee had, at its 347th meeting, adopted a draft resolution (A/C.4/L.298) to ensure that no obstacle might be put in the way of the political development of the territories towards a full measure of self-government.

11. Her delegation would vote against the seven-Power draft resolution (A/C.4/L.300).

12. Mr. BOZOVIC (Yugoslavia) recalled that, so far, the administering Powers had by their unilateral action removed fifteen Non-Self-Governing Territories from international supervision and in almost every case had confronted the United Nations with an accomplished fact. Each time that the General Assembly had had to consider questions of that kind, it had not failed to say very clearly that it did not accept the decisions of the administering Powers. That is what it had done quite recently in conjunction with Surinam and the Netherlands Antilles.

13. He referred to the statement he had made at that time (345th meeting) concerning his concept of a full measure of self-government and repeated that the United Nations should continue to exercise supervision and to provide active assistance during the various stages leading to the attainment of independence by Non-Self-Governing Territories.

14. Briefly reviewing the history of Puerto Rico, he observed that, despite the Organic Act of 1900 which had established the political, economic and fiscal relations between Puerto Rico and the United States, the aspirations of the Puerto Rican people had not changed. They had continued to demand the right to govern themselves. In accordance with those aspirations, the administering Power had, through commendable legislative enactments, introduced significant changes in those relations which had culminated in 1947 in the transfer to the Puerto Rican people of some jurisdiction in domestic affairs. Internal political progress, however, had not been followed by parallel development in other matters, particularly in economic affairs. The economic development of the territories was, however, an essential condition for their political development and progress to complete self-government and the free exercise of the right of peoples to self-determination.

15. The list of factors recently adopted by the Fourth Committee at its 330th meeting (A/C.4/L.279) provided that at the time of taking a decision on the national and international status of a territory, the people of that territory should have complete freedom to choose between several possibilities, including that of independence. That freedom was not a mere abstraction; it was not merely the freedom of a people to reply at a given moment to a specific question by a yes or a no; that freedom must, first and foremost, not be limited by

economic or other conditions. In that connexion, he quoted the statement by the present Governor of Puerto Rico, Mr. Muñoz Marín, made on 17 July 1951, that in his opinion the people of Puerto Rico would never win the right to choose independence save in economic conditions which would be disastrous for the nation's well-being and which would eliminate any hope of a continuing improvement in its standard of living. The people of Puerto Rico had reached the same conclusion and had apparently decided to choose their present status with a view to reconciling their aspirations for a fuller measure of self-government with existing conditions.

16. While admitting that substantial results had been achieved, his delegation could not agree that the present status was the equivalent of a full measure of self-government within the meaning of Chapter XI of the Charter. Any change in the status of a Non-Self-Governing Territory must be appraised by considering not only the changes introduced in the degree of jurisdiction granted to local organs, but also any change in the relation of the metropolitan country to the territory and the actual decrease in its powers.

17. According to Mr. Muñoz Marín's statement, the new Constitution would probably prove identical in practice with the Organic Act passed by the United States Congress in 1917, and the degree of Puerto Rico's self-government would remain the same. The other provisions of the Organic Act which governed relations between the United States and Puerto Rico had been incorporated unchanged into the Puerto Rican Federal Relations Act. In refraining from amending those provisions, the administering Power had retained its full jurisdiction, particularly in regard to the application of all United States legislation to Puerto Rico to the extent that such legislation was not inapplicable locally.

18. Moreover, the constitutional power of Puerto Rico had been limited by the provisions of section 3 of Public Law 600, which provided that the Constitution of Puerto Rico should be in conformity with the provisions of that law and with the United States Constitution. Section 2 of that law provided that the Constitution should be submitted to the qualified voters of Puerto Rico for acceptance or rejection without specifying what would happen if the Puerto Rican people rejected it.

19. The United States Congress had decided to delete section 20 of article II from the original text of the Constitution, which laid down certain important social rights. In adding the second sentence of article VII, section 3, of that Constitution, Congress had limited the Puerto Rican people's right to amend or revise their Constitution. Hence, any amendment to the Constitution of Puerto Rico having the effect of extending the present competence of the Puerto Rican Government would be subject to amendment of the relevant provisions of the United States Constitution, of the Federal Relations Act and Public Law 600 of the United States Congress, amendments which could be made only by the United States Congress itself.

20. Finally, he recalled that when referring to article IV, section 3, paragraph 2, of the United States Constitution, the United States representative, Mrs. Bolton, had stated at the 330th meeting of the Fourth Committee that the United States Constitution gave Congress the sovereign and exclusive power to decide upon changes in the constitutional status of United States territories.

21. In that connexion it should be pointed out, first, that under the Puerto Rican Federal Relations Act,

which had embodied section 1 of the Organic Law of 1917, Puerto Rico was a territory belonging to the United States within the meaning of article IV of the United States Constitution; and secondly, that no recent changes in the status of Puerto Rico had affected the exclusive power of the United States Congress to decide what changes might be made in the constitutional status of Puerto Rico while the latter remained a territory of the United States.

22. In view of all those limitations, the Yugoslav delegation did not feel able to accept the opinion of the United States delegation that its country's obligations under Chapter XI of the Charter had ceased. It did not consider that Puerto Rico had attained the full measure of self-government required by the Charter. That did not mean that the Yugoslav delegation underestimated the value and extent of the progress achieved by the Puerto Rican people with the aid and assistance of the United States. On the contrary, his delegation considered that progress as a very important step towards independence, the final objective which would, it might be hoped, be achieved very soon, thanks to the joint efforts of the two peoples concerned.

23. U ON SEIN (Burma) recalled the statement he had made at the 346th meeting in connexion with the Netherlands Antilles and Surinam, whose case was almost identical with that of Puerto Rico. Burma, having recently regained its independence, had a fellow-feeling with the other countries which were not yet self-governing. Without wishing to embark on a legal interpretation of the term "self-governing territory" the Burmese delegation thought that it was merely a matter of good sense and objectivity to state that before it could be declared self-governing a territory must have absolute command over all its external affairs, defences and finance. That was a fundamental principle.

24. The Burmese delegation had studied all the documentation concerning Puerto Rico and found that the form of government now prevailing in that territory did not correspond to its conception of self-government.

25. It was true that Puerto Rico had been granted a new constitutional status, but that did not necessarily mean that it had achieved self-government, certainly not a full measure of self-government. The United States was composed of states and territories. The states were the elements constituting the Federal Union, while the territories were the possessions of the country. But those territories were not a part of the United States in the same way as were the forty-eight states: they belonged to the country. Under article IV, section 3, paragraph 2, of the Federal Constitution, Puerto Rico was subject to the absolute control of the United States Congress; Puerto Rico consequently fell into the category of Non-Self-Governing Territories.

26. The Fourth Committee had recently approved a list of factors which should be taken into account in deciding whether a territory was or was not a territory whose people had not yet attained a full measure of self-government, and he quoted the factors contained in the third part of that list. After careful examination of the present status of Puerto Rico, it did not appear that that status met the conditions required by those factors. In consequence, the Burmese delegation thought that the United States Government should continue to communicate information concerning Puerto Rico in conformity with its obligations under Article 73 e of the Charter. His delegation would vote for any draft resolution designed to achieve that purpose.

27. Mr. KAISR (Czechoslovakia) said that he would not hesitate to support a draft resolution designed to relieve the United States Government of the obligation of transmitting information concerning Puerto Rico if, under the Constitution conferring upon that territory the status of a free associated State, the people of Puerto Rico had in fact achieved a full measure of self-government. Nothing of the sort had occurred, however. He recalled the terms of a communication addressed by the Committee of Americans for Puerto Rico's Independence to the President of the seventh session of the General Assembly; that communication stressed the differences between the subordinate status of Puerto Rico and that of the forty-eight other states of the United States, particularly states officially known as commonwealths, such as Virginia, Massachusetts and Pennsylvania. The increase in the number of national liberation movements in the Non-Self-Governing Territories had already forced other colonial Powers, such as the United Kingdom, the Netherlands and France, to institute similar forms in the territories under their administration; those reforms were not designed to abolish the colonial system; on the contrary they were intended to prolong it and deceive both the oppressed peoples and world opinion. The case of Puerto Rico was a typical example of that colonial policy.

28. Every year, the Non-Self-Governing Territories were supposed to draw closer to the final objective, which was full self-government, and Article 73 of the Charter entrusted the Administering Members with the sacred mission of safeguarding their advancement towards that goal. The present status of Puerto Rico, however, was in no way different from that which it had enjoyed in 1946 when the United States Government had decided to transmit information on the territory and had thus voluntarily recognized Puerto Rico as a Non-Self-Governing Territory under Article 73 e of the Charter and resolution 66 (I) of the General Assembly.

29. Furthermore, if the present status of Puerto Rico were compared with its former status under the Charter of Independence of 1897, when Puerto Rico was ruled by monarchist Spain, it was clear that there had been no progress since that period, but rather retrogression. The newspapers of the American continent had been almost unanimous in drawing that conclusion, and he quoted in particular articles appearing in two Uruguayan newspapers in March and May 1952, stressing the fact that the 1897 Charter conferred upon Puerto Rico far greater liberty and more numerous rights than those conferred upon it as a free associated State. He also quoted articles from the Mexican and Argentine Press, and a statement made on 16 March 1952 by Mr. Marcantonio, a former member of Congress, who had pointed out that the Constitution as then proposed would bring about no change in relations between the United States and Puerto Rico. Under the 1897 Charter, the Parliament of Puerto Rico established customs tariffs and approved economic and commercial agreements; Puerto Rico had been represented in the Spanish Parliament by sixteen deputies and three senators having the same rights and powers as their Spanish colleagues. Puerto Ricans, on the other hand, were exempt from military service, which was compulsory in Spain. Under the new Constitution, customs tariffs were established by the United States, and economic and commercial treaties, upon which the economic and social situation of the Puerto Rican people depended, were con-

cluded in Washington with no participation by Puerto Rico. Puerto Rico had only one representative in the United States Congress and he was unable to intervene in any matters save those referring to Puerto Rico and even in that case he had no right of vote. Puerto Ricans were obliged to fight alongside Americans if the United States was at war; but they had no voice in the drafting of legislation governing military service and the United States was not required to consult them before declaring war. They did not benefit from the provisions of the social security legislation in force in the United States, but were on the other hand subject to the anti-labour Taft-Hartley Act.

30. Puerto Rico was not even independent in its domestic affairs. The United States Congress was responsible for establishing and restricting the quotas of sugar to be produced and the quantities which might be refined in Puerto Rico. Thus in 1948-1950, out of a production of 910,000 tons of sugar, Puerto Rico had been allowed to refine only 125,000 tons on its own territory, which meant that it had suffered a loss of \$78 million on unrefined sugar sent to the United States. As a result of that colonial policy, Puerto Rico was in a state of economic dependence on the United States which was constantly growing worse, as was proved by the figures quoted in the United States Government report on Puerto Rico (A/2414/Add.2). In 1950-1952, i.e., during the period when the territory had been made a so-called Commonwealth, Puerto Rican exports to countries other than the United States had fallen by 50 per cent. The volume of Puerto Rican exports to countries other than the United States was at present only 6 per cent of the volume of exports to that country. Sea and air transport and coastal services were operated by United States monopolies. A harmful single-crop system had been imposed to serve the interests of the United States. Finally, commercial agreements were concluded by the President and ratified by the United States Congress and neither the interests of Puerto Rico nor its desire to direct its production to other markets were taken into consideration. A nation living under such conditions was a colony. No purely formal change of status could alter that state of affairs.

31. The same absence of self-government was to be encountered in the legal field. It was true that the relevant legislation, the provisions of which he quoted, established in Puerto Rico a Federal court whose members were appointed by the United States Government; legal procedure was laid down by the Federal power and decisions of the Supreme Court of Puerto Rico could be set aside by the courts of the United States.

32. In the social field the situation was the same. The United States Congress had deleted from the original text of the draft Constitution the provisions which reproduced articles 23, 25 and 26 of the Universal Declaration of Human Rights, articles for which the United States Government had nevertheless voted in the General Assembly. It was obvious that the United States considered the Universal Declaration of Human Rights purely as a formal statement and had never had any intention of allowing the freely associated State of Puerto Rico to enjoy a full measure of self-government in the social field. The United States Government wished to cease to transmit information on Puerto Rico in order to prevent the United Nations from receiving official information proving that the economic and social situation in Puerto Rico was steadily growing worse. The

figures supplied by the United States in its report on Puerto Rico showed that between 1950 and 1952 the number of men employed had fallen by 14 per cent, the number of strikes had doubled, the number of criminal offences risen by 30 per cent, etc.

33. With regard to internal affairs and public finance, the claim that Puerto Rico was a self-governing territory was disproved by the Constitution itself.

34. Lastly, in virtue of the law embodied in title 48, USCA, section 733, citizenship of Puerto Rico was determined by the United States Congress, which had every power including that of abolishing the Constitution.

35. Thus, there had been no changes as a result of the promulgation of the new Constitution, which changed only superficially the nature of the relations between Puerto Rico and the United States. The aim of the United States was to convince the world and particularly the Latin-American countries which had great sympathy for Puerto Rico, that Puerto Rico had become a sovereign State on the same footing as the other Latin-American countries. In that way, the United States hoped to promote the material aspect of the implementation of its programme in Latin America; the Assistant Secretary of State for Latin-American Affairs, Mr. Miller, had emphasized the importance of that factor in his statement of 16 May 1950. It hoped to turn the Constitution of Puerto Rico into a symbol of the freedom which that territory was supposed to enjoy as a freely associated State, to avoid any accusation of colonialism and imperialism in Latin America; a representative of the Department of State had developed that argument in a letter addressed to the Chairman of a committee of the House of Representatives. Mr. Kaisr also quoted statements made by Mr. Miller, Mr. McFall, Mr. Chapman and Mr. Marcantonio, political personalities of the United States, during a discussion on the draft Constitution; they had emphasized that its adoption would not in any way commit Congress or modify the existing relations between Puerto Rico and the United States. Those statements, which had never been denied by the United States Government, clearly showed that the United States wished to maintain in Puerto Rico a colonial system camouflaged as so-called self-government not only for economic reasons but also to further their military and strategic interests. For convincing proof of that it sufficed to note that the most important American military base in the Caribbean, as well as dozens of other bases, was located in Puerto Rico.

36. While the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories), as was known, had not been able to produce a satisfactory definition of full self-government, it was clear nevertheless that full self-government meant the exercise of all the rights inherent in political, economic, social and cultural autonomy, in accordance with the principle of self-determination of peoples. Analysis of the powers granted to the Government of the Commonwealth of Puerto Rico could lead but to one conclusion: that far from exercising all the rights referred to, the Puerto Rican Government in fact exercised none of them.

37. The population had not freely expressed its opinion, by democratic processes, on its new constitutional status, in accordance with factor A.1 (second and third parts) of the list of factors adopted by the Fourth Committee (A/C.4/L.279). The referendum had taken place in an atmosphere of police terror: over 2,000

persons had been arrested in less than three days, and according to the communication submitted by the Committee of Americans for Puerto Rico's Independence, hundreds of voters had been imprisoned. Furthermore, the number of electors who had voted for the Constitution, in the belief that they were voting for independence, was 373,594, or only 16 per cent of the total population of 2,300,000. Even if the fact that they had allowed themselves to be deceived was disregarded, it nevertheless remained true that 327,139 electors had not voted, thus showing their contempt for the new Constitution; together with the 82,877 electors who had voted against the Constitution, that made a total of 410,016 electors who had opposed the new status. The factor he had mentioned had, therefore, not been complied with. That also applied to factor A.2 (second and third parts), since the people of Puerto Rico could not freely alter its status and, for example, decide to become independent, and to factor A.6 of the third part, since Puerto Rico had come under the domination of the United States by force of arms, and not following a bilateral agreement concluded between two subjects of international law, namely, two sovereign States.

38. The Czech delegation had always championed the right of peoples to self-determination. It therefore had every sympathy with the struggle for independence being waged by the Puerto Rican people, as by all the other non-self-governing peoples, and was confident of its ultimate victory despite the persecutions to which it was being subjected. The Czech delegation could therefore not endorse the joint draft resolution (A/C.4/L.300); it was convinced that the obligation incumbent on the United States to transmit information on Puerto Rico would only cease when the people of Puerto Rico had become fully independent.

39. Mr. VILLAMIL (Honduras) said he would refrain from injecting into the debate arguments drawn from official documents, statements by politicians or newspaper articles; he wished to express the opinion which his delegation had formed, without prejudice, after an impartial study of the situation in the light of Chapter XI of the Charter, which, correctly interpreted, imposed on the administering Powers the very light obligation of transmitting information on the territories they administered until the latter achieved full self-government. Historical accuracy demanded that the efforts made by the administering Powers to promote the development of the Non-Self-Governing Territories towards independence should be acknowledged.

40. The Honduran delegation considered that it would be illogical for it to take a different position on the cessation of the transmission of information on Puerto Rico from that which it had taken when the Committee had considered the question of the cessation of transmission of information on the Netherlands Indies and Surinam. The two cases were virtually identical, one being merely a variant of the other; and in both cases the peoples concerned aspired to full self-government. One must not forget, in that connexion, the lesson of history that racial pride had always led to oppression and the setting up of political structures based on unequal rights. Despite all the attempts of conquerors to legitimize and preserve such systems, the oppressed peoples had recovered their independence.

41. The representative of Honduras analysed the situation of Puerto Rico in the light of modern constitutional law, the list of factors and the concept of full self-

government, which was a political rather than a legal one. He analysed the concept of sovereignty, maintaining that it did not reside in the territory, which was merely a geographical entity over which sovereignty was exercised; nor, as many authorities on constitutional law, beginning with Rousseau, had asserted, in the government; nor in the division of powers; nor in the nation; nor even in the people, a distinction being made in that respect between nationals and aliens. In his view, sovereignty resided in the State itself. Power, the people and the territory of the State were so many separate factors which did not make up sovereignty. Power, for example, was merely a legal bond which, in some cases, represented the actual will of the people and extended throughout the territory, but in other cases, was subordinated to another foreign and higher power. The situation in Puerto Rico was an excellent example of the correctness of that definition. While Puerto Rico was described as a Commonwealth, it had neither the characteristics of a free State, since it was not in a position to select its own institutions and was therefore not fully self-governing, nor that of an associated State or even of a state in the Federal Union, since the contractual agreement linking it with the United States neither provided for equal rights as between the two parties nor allowed Puerto Rico freedom to express its opinion on the agreement, but obliged it to accept passively the limitations imposed on its authority in domestic affairs and the absence of any power in foreign affairs. There could be no association between States when the contract between them was not based on the application of the principle of absolute equality of all States—a principle which was now an integral part of the universally recognized system of law.

42. The past history of Puerto Rico, Cuba and the Philippines had been similar and marked by the same vicissitudes; but Cuba and the Philippines had now acquired full sovereignty and were Members of the United Nations, whereas Puerto Rico remained a Non-Self-Governing Territory. It should not however be forgotten that Puerto Rico was perhaps the most advanced of all the Non-Self-Governing Territories, thanks to the stimulus imparted by the United States, which deserved congratulation for its administrative achievements, and which had shown much greater humanity than certain other administering Powers on the American continent. Civic standards and freedom had developed to a higher level in Puerto Rico than in other Non-Self-Governing Territories or in certain sovereign States of Europe in which, while they demagogically posed as defenders of freedom, the human rights proclaimed in their constitutions were, in fact, trampled underfoot.

43. The Government of Honduras was guided at all times by its love of freedom and its desire that all the peoples of the world should achieve full independence. He therefore considered that notwithstanding the high degree of development Puerto Rican institutions had achieved, the United States should continue to carry out its obligation under Article 73 e of the Charter to transmit information on Puerto Rico, since that territory had not yet achieved full self-government, the sole stage at which the General Assembly could free an administering Power from its obligation. Moreover, the transmission of information in no way prejudiced the efficient working of the administration of the territory or hampered the evolution of its people towards full self-government.

44. The Honduran delegation would therefore vote against the draft resolution in document A/C.4/L.300, while regretting that it could not agree with the Chilean and Brazilian delegations, as in the case of the cessation of the transmission of information on the Netherlands Indies and Surinam. He reserved the right to make a further statement when the Committee considered such amendments to the draft resolution as might be submitted.

45. In the words of the President of Honduras, the United Nations was fighting vigorously for peace and the improvement of standards of living. But for the United Nations the world would now be stricken by innumerable ills. The Honduran Government hoped that the noble work the Organization was doing would be crowned by the establishment of peace based on respect for international law.

46. Miss ROESAD (Indonesia) said that her delegation would examine the question of the cessation of the transmission of information concerning Puerto Rico in the light of the General Assembly resolution 648 (VII) and of the resolution adopted by the Fourth Committee at its 330th meeting, which had already guided it in determining its position on the subject of the cessation of the transmission of information concerning the Netherlands Indies and Surinam. Both resolutions recognized that each concrete case should be considered and decided in the light of the particular circumstances of that case and taking into account the right of self-determination of peoples.

47. The Indonesian delegation was surprised that the United States, after its admirably generous decision in 1948 granting the people of Puerto Rico freedom to choose in democratic elections between complete independence, association as a Commonwealth or the status of a state in the Federal Union—a decision which fully respected the right of self-determination of peoples—should in 1950 have left the country no other alternative than to accept or reject Public Law 600, a law which was drawn up by the United States Congress without the participation of Puerto Rico notwithstanding the fact that it defined the terms of the status Puerto Rico had decided to assume. It would have been simpler for the United States to allow the Puerto Rican people to draw up their own constitution and to incorporate in it the necessary provisions concerning the status the country had adopted.

48. Considering the question whether Puerto Rico had developed to a degree justifying the cessation of the transmission of information under Article 73 e of the Charter, Miss Roesad examined the country's position in the light of the factors listed in resolution 648 (VII). Puerto Rico fulfilled none of the conditions laid down in the first part of the list of factors, because it was not independent and did not claim independence. Nor did the factors in the second part of the list apply to Puerto Rico, because the country had not attained a full measure of self-government. The factors most nearly applicable to Puerto Rico were those contained in the third part of the list. The population of Puerto Rico was sufficiently advanced, thanks to the educational progress achieved under the aegis of the United

States, to decide upon the future destiny of their country with due knowledge.

49. But the three constitutional considerations listed in factor A.5 of the third part of the list only partially applied to the actual situation in Puerto Rico. In the first place, section 2 of Public Law 600 imposed on Puerto Rico certain limitations with regard to the form of government and to the provision of a bill of rights. Article VII, section 3, of the Constitution of Puerto Rico consequently provided that the Puerto Rican people could have only a republican form of government and could not abolish the bill of rights contained in the Constitution. Further, any amendment to the Constitution had to be consistent with the terms of the resolution by which the Congress of the United States had approved the Constitution of Puerto Rico, with the provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600. Secondly, the Puerto Rican Federal Relations Act and Public Law 600 granted the Federal Government the same authority with regard to Puerto Rico as it possessed with regard to the states of the Union, not only in respect of foreign affairs and national defence—which would not detract from the independence of Puerto Rico so long as its Government had a voice in the application of Federal legislation—but also in respect of legislation concerning the domestic affairs of Puerto Rico, which Congress had the power to adopt although Puerto Rico was not duly represented in Congress. Thirdly, Puerto Rico could amend its Constitution only with the consent of the United States Congress, although it had no power to amend the United States Constitution, since its sole representative in Congress had no voting rights. Thus the association between Puerto Rico and the United States was not based on the principle of equality.

50. Turning to factor B.1 of the third part of the list of factors, she pointed out that Puerto Rico did not enjoy legislative representation as defined in that factor. Since Federal legislation also applied to Puerto Rico, Puerto Rico was subject to legislation which it had had no voice in drafting. It was interesting to note in that connexion that the Philippines had enjoyed full domestic self-government before achieving complete independence. With regard to factor B.2, it should be noted that although Puerto Ricans were United States citizens, those of them who lived in Puerto Rico had no right to take part in the election of Congress or of the President.

51. Analysis of the position of Puerto Rico in the light of the list of factors contained in resolution 648 (VII) thus showed that Puerto Rico could not be considered a territory whose people had attained a full measure of self-government for the purposes of Chapter XI of the Charter, although it had made remarkable strides, including political development, universal suffrage and the organization of free periodic elections. The Indonesian delegation therefore considered that Chapter XI of the Charter continued to apply to Puerto Rico, and would accordingly vote against the draft resolution contained in document A/C.4/L.300.

The meeting rose at 12.55 p.m.