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UNITED-NATIONS COMMITTEE ON INFORMATION  
FROM NON-SELF-GOVERNING TERRITORIES

Statement by Mrs. Lakshmi N. Menon, Representative from India,  
August 31, 1953.

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Mr. Chairman:

Before explaining the views of my Government in regard to the question of the cessation of information from Puerto Rico as a Non-Self-Governing Territory, it is important to make an introductory statement relating to the manner in which the case has been presented to the United Nations through this Committee.

In the first place, my delegation wishes to express its appreciation of the loyalty with which the United States Government has always complied with the wishes of the General Assembly, notably those expressed in General Assembly resolution 222 (III), by supplying very detailed information on the constitutional changes which, it is considered, justify the contention that Puerto Rico in its new relation with the United States no longer requires the special provisions of a protective character contained in Chapter XI of the Charter.

In the second place, my delegation wishes even more strongly to state that we realise the importance of the present negotiations to the peoples of Puerto Rico. Speaking on behalf of a country which so recently has exercised its full rights to self-determination, the representative of India must express to the representatives of Puerto Rico her appreciation of the significance, indeed, the solemnity of this occasion. The comprehensive, well-documented and zealous presentation of the attitude of the Government of Puerto Rico, made on Friday by Mr. Fernos, the Commissioner of Puerto Rico to Washington, deserves our full attention. In it we see, and we understand and therefore can admire, the desire of the people of Puerto Rico to come before the United Nations with the claim to a recognition of their political maturity.

Every member of this Committee has no doubt received representations from various Puerto Rican groups whose views do not correspond with those to which we listened on Friday. I refer to these communications, only in order to declare that the high spirit of patriotism and of international responsibility which animated the speech of the Puerto Rican member of the United States delegation seems also to animate others who seek an international judgment on the position and status of their country today;

that any caution which we display on the present occasion is due both to our regard for the people of Puerto Rico and to our realization, which all members of this Committee must share, that any decision and any methods of arriving at a decision which we reach in respect of Puerto Rico must be valid in respect of all future comparable cases that may arise.

And hence, the delegation of India is glad to state that, should this, or any other instance, lead to the conclusion that a full measure of self-government has been attained and has been expressed in the exercise of the right of self-determination, the new situation will be warmly welcomed. It will be welcomed as a fulfillment of important parts of the objectives of the United Nations and as a proof of the validity and practical value of Chapter XI of the Charter. The association of Puerto Rico with the United Nations will, we are confident, be strengthened by our earnest consideration of the present problems.

The concern of my country with regard to the non-self-governing territories is well known. The Committee will agree that the day of happy fulfillment is when there is no such thing as the non-self-governing territories. It is a matter of gratification that every year we find administering powers reporting with pardonable pride their progressive efforts at making their charges free of their control. This is certainly a movement in the right direction and one which deserves our warm admiration.

Chapter XI is a protective measure. It expresses the collective responsibility of the United Nations through the cooperation of its members, both administering and non-administering, to see that the dependent peoples are educated to full responsibility as the fulfillment of the present provisional arrangement of trusteeship. All progress in these territories, social, educa-

tional and economic, is directed, strangely enough, to a political goal of self-government. And who is to decide this? Indeed the people themselves. When Britain declared India, Burma, Pakistan free, the people of these countries were given absolute freedom to frame or not to frame their constitution, to choose to remain or not to remain within the Commonwealth. It is a remarkable fact of history that the three countries chose their different paths without in any way complicating the issues. Such a clear-cut procedure would have made the work of this Committee - that of arriving at a decision - easy. In the present case, our task is made extremely difficult and delicate by the fact that in a similar case on a former occasion the Committee did not take a decision but referred the matter to the General Assembly. Here my delegation would seek the permission of the Committee to tire it with a few details on the belief that to know all is to forgive all.

#### Background of Study of Factors

During its fourth session the General Assembly by its resolution No.334 (IV) invited the Committee on Information from Non-Self-Governing Territories to examine the factors which should be taken into account in deciding whether any territory is or is not a territory whose people have not yet attained a full measure of self-government. The report of the Committee came before the General Assembly in its sixth session. A sub-committee of the Fourth Committee of the General Assembly made a further examination of the question during the session. The General Assembly by its resolution 567 (VI) appointed an Ad hoc Committee to carry out further study on the basis of the list of factors drawn up during that session.

2. The 1952 Ad hoc Committee prepared a list of factors which the General Assembly (648 (VII)) approved provisionally to serve as a guide both for the General Assembly and for the Administering Authorities in deciding whether a Territory has or has not attained a full measure of self-government. The Assembly also set up a new Ad hoc Committee to continue a more thorough study of the factors. This Ad Hoc Committee met in 1953 and has submitted a list of factors for Assembly's consideration. The list incorporated factors drawn up in 1952 and arranged in three sections. These are, "factors indicative of the attainment of independence"; "of the attainment of other systems of self-government in continuing association with the metropolitan country or in other forms"; and "of the free association of a territory with the metropolitan or other country as an integral part of that country." The list added two new criteria. One concerns "voluntary limitation of sovereignty," and the other, "international status," referring to the degree to which the metropolitan country can engage in international treaties affecting conditions in a particular territory.

#### Status of Puerto Rico

3. Following is the present Status of Puerto Rico as explained by the United States Government in document No.A/AC. 35/L/ 121:-

1) The Commonwealth of Puerto Rico is "a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its Federal structure", and which "does not have an independent and separate existence" (Resolution No.22 of the Constitutional Convention). Puerto Rico has its own Constitution adopted by its people and approved by the United States Congress which gives it freedom from control or interference by the United States Congress in respect of internal Government and administration, subject only to compliance with

- 1) applicable provisions (Fundamental) or the Federal Constitution of the United States of America.
- ii) Puerto Rican Federal Relation Act.
- iii) Acts of Congress authorising and approving the Constitution of the Commonwealth of Puerto Rico.

The Puerto Rican Federal Relation Act provides among other things:-

- a) Free trade with the United States of America.
- b) Legal tender in Puerto Rico is the United States currency.

c) Statutory laws of the United States, not locally inapplicable are, with some exceptions, have the same force and effect in Puerto Rico as in the United States.

d) The people of Puerto Rico are citizens of the United States as well as of Puerto Rico.

2) The subjects of foreign relations and national defence are conducted by the United States.

3) Puerto Rico is represented in all departments of the Federal Government of the United States of America by a popularly elected Resident Commissioner who has a seat in the House of Representatives of the Congress of the United States of America.

Measures of Self-Government in Puerto Rico  
in the light of Factors.

4. As already stated, there are three types of factors indicative of attainment of Self-Government:-

- i). Factors indicative of the attainment of independence.
- ii). Factors indicative of the attainment of other systems of self-Government in continuing association with the metropolitan country or in other forms.
- iii). Factors indicative of the free association of a territory with the metropolitan or other country as an integral part of that country.

From the present status of Puerto Rico, it is clear that it is not at all attained independence. Even the Governor of Puerto Rico, in his letter to the President of the United States of America has stated that "Specifically, the people of Puerto Rico discussed three choices: independence, statehood within the Federal Union, or association with the United States as a free Commonwealth" and that "each of the alternatives of independence, statehood, and association has been represented in Puerto Rico by a political party which favored it, and which actively campaigned for the support of the electorate and nominated candidates for the legislature and the governorship. In the 1948 elections the three alternatives were fully presented to the electorate by the three main political parties. The preference of the people, expressed in an election which was as democratic as any in the world, was unmistakably expressed in favor of the third alternative: a free commonwealth associated with the United States on the basis of mutual consent."

5. As regards the second type of Factors, we need not go into details as under portion 'B' 'International status' it is desired to consider the following two factors.

- i) Degree of extent to which the territory exercises external relations.
- ii) Eligibility for membership in the United Nations.

The Commonwealth of Puerto Rico does not fulfill the above two requirements at all as the matters of foreign relation are not conducted by it but by the United States of America.

6. We are therefore left to consider the status of the Commonwealth of Puerto Rico in the light of the factors under type 3, namely:-

Factors indicative of the free association of a territory with the metropolitan or other country as an integral part of that country.

A. General

1. Political advancement. Political advancement of the population sufficient to enable them to decide upon the future destiny of the territory with due knowledge.

From the constitutional development of the territory given at page 2 to 6 of Annex II of the Document No. A/AC.35/L.121, it appears that area is sufficiently advanced. Elections have taken place on the basis of adult franchise and as

much as 65% of the qualified voters have been coming forward to exercise their right to vote.

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.

The constitution was approved by a referendum on the basis of universal adult suffrage without any property and literacy requirements. The process of obtaining the opinion of the population was therefore democratic. During the years 1951 and 52 there was referendum twice, first to approve the public Law of the United States Congress providing for the organisation of a constitutional government by the people of Puerto Rico and second to approve the constitution adopted by the constitutional convention. Thus it can be said that the opinion expressed by the population was "informed".

In respect of 1 & 2 above, it may be added that the choice between the population was not "free" and direct. They were asked to approve or reject what the United States Congress put before them, i.e., constitution of their own drafting within the framework of a continuing relationship with the United States. They were never asked directly to choose any other form of Government, i.e., Independence or dominion status, etc. Of course, it can be argued that the people were free to reject what was offered to them.

3. Geographical considerations. Extent to which the relations of the territory with the capital of the central government may be affected by circumstances arising out of their respective geographical positions, such as separation by land, sea or other natural obstacles.

Puerto Rico is an island separated from the mainland of the United States of America by sea. In between there are other countries like Cuba, Haiti and Dominican Republic.

4. Ethnic and cultural considerations. Extent to which the population are of different race, language or religion or have a distinct cultural heritage, interests or aspirations, distinguishing them from the peoples of the country with which they freely associated themselves.

These considerations do not appear to apply to the association of a territory with the United States of America which is already a melting pot of various races, languages and cultures. Language of Puerto Rico is Spanish. The cultural differences are also there.

5. Constitutional considerations. Association (a) by virtue of the constitution of the metropolitan country; or (b) by virtue of a treaty of bilateral agreement affecting the status of the territory, taking into account (i) whether the constitutional guarantees extend equally to the associated territory, (ii) whether there are powers in certain matters constitutionally reserved to the territory or to the central authority, and (iii) whether there is provision for the participation of the territory on a basis of equality in any changes in the constitutional system of the State.

The association is by virtue of a compact a compact agreed upon between the people of Puerto Rico (by referendum) and the Government of the United States of America. The constitutional guarantees (Fundamental provisions of the United States Constitution) apply to Puerto Rico. The local subjects or internal matters are reserved for Puerto Rico while External matters and national defence are the functions entrusted to the Federal Government of the United States of America. The position in respect of point iii) is a bit confused. The Commonwealth of Puerto Rico is not strictly a state of the United States of America. It has no separate existence as well. The Puerto Ricans can amend their constitution but there are certain important conditions and restrictions (vide Sec.3 of Art. VII of its Constitution).

## B. Status.

1. Legislative representation. Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions.

Puerto Rico has no representative in the Congress of the United States of America except that its Resident Representative has a seat in the House of Representatives.

2. Citizenship. Citizenship without discrimination on the same basis as other inhabitants.

The Puerto Ricans are citizens of the United States as well as of Puerto Rico.

3. Government officials. Eligibility of officials from the territory to all public offices of the central authority, by appointment or election, on the same basis as those from other parts of the country.

This is not clear. Puerto Ricans are citizens of the United States and presumably this makes them eligible to all public offices of the Federal Government. This is a point which requires clarification from the United States Representative on the Committee, if the discussion happens to go into details.

#### C. Internal Constitutional Conditions.

1. Suffrage. Universal and equal suffrage, and free periodic elections, characterised by an absence of undue influence over and coercion of the voter or of the imposition of disabilities on particular political parties.

Under Art. II Sec.2 of the Constitution it is provided that there will be "equal, direct and secret universal suffrage" and that the laws "should protect the citizens against any coercion in the exercise of the electoral franchise. Further Art. VI Sec.4 of the Constitution provides for general elections every four years.

2. Local rights and status. In a unitary system equal rights and status for the inhabitants and local bodies of the territory as enjoyed by inhabitants and local bodies of other parts of the country; in a federal system an identical degree of self-government for the inhabitants and local bodies of all parts of the federation.
3. Local officials. Appointment or election of officials in the territory on the same basis as those in other parts of the country.
4. Internal legislation. Local self-government of the same scope and under the same conditions as enjoyed by other parts of the country.

In this particular case, although Commonwealth of Puerto Rico is not a State of the United States of America, comparison can only be with reference to the States of the Federal Union. The Constitution of the Commonwealth is similar to that of a State of the Union, i.e., a tri-partite form of government, with a popularly elected Governor, a popularly elected bi-cameral legislation and judicial branch. Thus the comparison in respect of all the above three points holds good.

From an application of these criteria from the above analysis, it appears to my delegation that the Commonwealth of Puerto Rico does not fully satisfy any of the 3 categories of factors indicative of the attainment of self-government. Puerto Rico is definitely not a territory which has attained independence. Regarding Part B of the Factors, it does not satisfy either, as Puerto Rico is neither independent nor separate territory. Regarding the third category, the status of the territory is inferior to that of a state of the Union. It has practically no representation, direct or indirect, in the Congress of the United States which conducts the important subjects of foreign relations and national defence. This is where the confusion arises. The states of the Federal Union have an indirect say in Federal matters while Puerto Rico has absolutely no hand in those matters. At the same time, the territory, by not associating as a state, has kept a way open for the future to dissociate itself from the Union, although no such constitutional guarantee is available for such an action. On the basis of this analysis, my delegation does not feel justified in overlooking certain defects in the status of Puerto Rico which may well point to that territory not having as yet acquired the attributes of a self-governing state.

At the same time, my delegation is not unmindful of the fact that the

Constitution of Puerto Rico and the new relationship arising out of it, is the voluntary effort of the people of Puerto Rico and in the elections of 1948, the people had the opportunity of choice, independence, statehood within the Federal Union, or association with the U.S.A. as a free Commonwealth and each of the three alternatives was fully presented to the electorate by organized parties and the preference of the people was expressed in a free election in which over 65% of the people participated. Even so, certain clarifications of position in relation to foreign policy and defence are necessary. Sir, since the question of Factors determining the status of such territories is coming up, my delegation would not like to prejudge the issue before the General Assembly has had time to give its decision to the findings of the Ad Hoc Committee. This Committee may remember that in the question of the status of the Netherland Antilles and Surinam, the Ad Hoc Committee has referred it back to the General Assembly without any specific recommendation: Taking all these factors into consideration, my delegation is of the opinion that this question of Puerto Rico may be referred to the General Assembly without a recommendation so that both questions could be considered in the same manner and on the same general principles.