

External Affairs
Supplementary Paper

No. 53/39 Decision of the United States to cease transmitting information under Article 73(e) of the Charter about Puerto Rico

Text of a statement given on November 4, 1953, in the Fourth Committee of the eighth session of the United Nations General Assembly, by the Canadian Representative, Dr. G.S. Patterson. Agenda Item 34(b).

I should like first to associate the Canadian Delegation with those others who have congratulated both the United States and the Puerto Rican Governments on the progress that the Puerto Rican people have been able to achieve in the economic, social and educational, as well as in the political fields. My Delegation was impressed by the able statement made by Mr. Fernos Isern, the United States Special Representative on this Committee. It provided the Committee with valuable information on which to form an objective opinion as to the new constitutional status of Puerto Rico.

My Delegation has been no less impressed by the comprehensive report submitted by the United States Government this year on Puerto Rico. The total documentation that has been provided has been extensive, and my Delegation is grateful to the United States Government for its efforts to present as complete a picture as possible of the constitutional evolution of Puerto Rico.

It has always been the Canadian view, Mr. Chairman, that it is to be expected that non-self-governing territories will normally advance towards self-government by stages and that, at a given time, they will reach a stage at which administering powers in fact no longer exercise effective practical control over the social, economic and educational matters on which information has been submitted. As we indicated during the debate on the question of factors, the obligation of the Administering Power to submit such information would then, at that stage, come to an end. This has been the frame of mind of my Delegation in examining the documentation submitted by the United States on Puerto Rico.

In the light of this documentation it is with pleasure that my Delegation has reached the conclusion that on economic, social and educational matters the Government of Puerto Rico now exercises the required effective control.

Another part of this documentation which has also assisted my Delegation in reaching this conclusion is that which describes the procedure which was followed in providing the Puerto Rican people with a full opportunity themselves to come to a decision on a new constitutional status for their own country. As all members of this Committee are aware, there has been much discussion in the United Nations,

and more particularly in the Third Committee at the seventh session, of the principle of self-determination. Though no one would venture to suggest that we of the United Nations are of one mind as to the exact nature of this principle, or as to the means by which it can best be implemented, it must be recognized that a majority of the Assembly has accepted the fundamental principle on which self-determination is based.

My Delegation would submit that Puerto Rico presents us with a good example of a people who were given the opportunity to benefit from the application of this principle of self-determination. The Puerto Rican people were in fact given a free choice among the three alternatives of independence, statehood within the Federal Union, and, finally, association with the United States as a free Commonwealth. The United States Delegate has informed us of the overwhelming majority which this people recorded in favour of the last named solution. There is no need to repeat here those impressive figures.

I have no intention, Mr. Chairman, in the course of this debate to go into the question as to whether or not the right of self-determination includes in all cases a right to secede; this might raise, as previous discussions in the United Nations have already shown, problems of a very difficult nature. I should like, however, to refer to the proposition advanced by a number of delegations to the effect that the Puerto Rican people were not given a proper chance to pronounce on the issue itself of independence. As the distinguished Delegate for the United States has already explained, among the political parties which in the elections of 1948 sought a mandate from the people of Puerto Rico was the Independence Party which, as its name might indicate, was the chief advocate of Puerto Rican independence. The Puerto Rican people in those elections were entirely free to place their trust in this particular political party, as they were entirely free to confer it on any of the other political parties which took part in the elections. It is the view of my Delegation that if the Puerto Rican people had wished to achieve complete independence, they would there and then have given their support to that party which had made the issue of independence the chief plank of its political platform. But as we have been told, they rejected the claims of that party for their support, and instead they placed their trust in the political party which advocated the type of constitutional status which has now been achieved by the Puerto Rican people and regarding which the United States Government has now informed the United Nations.

It is because a country like my own has reached its present constitutional status - as we have often pointed out - through successive acts of implementation of the principle of self-determination that we can regard with such gratification this latest constitutional evolution of Puerto Rico and the fact that the Puerto Rican people reached that new stage through its own freewill and choice. We have no doubt of the desire of the United States Government to see Puerto Rico continue to progress along the lines it has been following.

In these circumstances, Mr. Chairman, my Delegation will readily give its support to any proposal designed to take note of this happy state of affairs.

(Note: The following is the text of a resolution passed in the Fourth Committee on November 5, 1953 by a vote of 22 in favour, 18 against (including Canada) and 19 abstentions. Canada voted against largely because of the inclusion of the final paragraph of the preamble beginning "Bearing in mind..." and relating to the competence of the General Assembly to decide on this question. The Canadian Delegation had expressed the view that the administering powers have the right to decide when transmission of information should cease. There is a possibility that an attempt will be made to have this paragraph removed when the question comes up in plenary session.)

The General Assembly,

Considering that resolution 222 (iii), adopted by the General Assembly on 3 November 1948, while welcoming any development of self-government in non-self-governing territories, considers that it is essential that the United Nations be informed of any change in the constitutional status of any such territory as a result of which the government responsible for the transmission of information in respect of that territory under Article 73 E of the Charter thinks it unnecessary or inappropriate to continue such a practice,

Having received the communications dated 19 January and 20 March 1953 informing the United Nations of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the constitution of Puerto Rico, and stating that in consequence of these constitutional changes, the Government of the United States would cease to transmit information under Article 73 E of the Charter,

Having studied the report prepared by the committee on information from non-self-governing territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (v),

Having examined the communication of the Government of the United States in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes an additional link in continental solidarity,

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

1. Takes note favourably of the conclusions set forth by the committee on information from non-self-governing territories in its resolution;

2. Recognizes that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

3. Expresses the opinion that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association;

4. Recognizes that when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5. Recognizes that in the framework of their constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as an autonomous political entity;

6. Considers that due to these circumstances, the declaration regarding non-self-governing territories and the provisions established under it in chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico;

7. Takes note of the opinion of the Government of the United States of America as to the cessation of the transmission of information on Puerto Rico under Article 73 E of the Charter;

8. Considers it appropriate that this information should cease;

9. Expresses its assurance that, in accordance with the spirit of this 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.

Text ends.

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