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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting

Held at Headquarters, New York, on Monday, 17 June 2013, at 10 a.m.

Chair: Mr. Morejón (Ecuador)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 18 June 2012 concerning Puerto Rico (A/AC.109/2013/L.6 and L.13)

2. **Mr. Dehghani** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that, since its inception, the Movement had attached great importance to decolonization. The Movement renewed its call to States Members of the United Nations to speed up the process of decolonization, including by supporting the effective implementation of the plan of action for the Third International Decade for the Eradication of Colonialism.

3. The Movement also reaffirmed its position on the question of Puerto Rico, as expressed in the final document of its sixteenth Summit of Heads of State of Government, held in Tehran in August 2012, and in the final document of its seventeenth ministerial meeting, held in Sharm el-Sheikh in May 2012. The Special Committee had kept the question of Puerto Rico under review for over 38 years and had adopted 31 resolutions and decisions on the subject, which should be implemented expeditiously. The Movement called on the Government of the United States of America to assume its responsibility to expedite a process allowing the people of Puerto Rico to fully exercise their inalienable right to self-determination and independence on the basis of General Assembly resolution 1514 (XV). In particular, the United States should return the occupied land and installations on Vieques Island and the Roosevelt Roads Naval Station to the Puerto Rican people, who constituted a Latin American and Caribbean nation. The Movement fully supported the work of the Committee and hoped that, at the current session, it would adopt another resolution by consensus on the colonial question of Puerto Rico.

4. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) noted that 23 September 2013 would mark the 145th anniversary of the Lares uprising, when Puerto Rico had first revolted against Spanish rule. Puerto Rico, a Latin American and Caribbean nation, had been subject to United States colonial rule for 115 years. While the Committee had made efforts to help the Puerto Rican people to realize their inalienable

right to self-determination, the colonial occupation persisted, in violation of international law.

5. The freedom of the peoples of Latin America and the Caribbean would not have been possible without the great leaders of the past, such as Simón Bolívar and others. In the modern era, Latin American and Caribbean unity was the foundation of the region's independence, as shown by the formation of integration arrangements such as the Bolivarian Alliance for the Peoples of Our America (ALBA), the Community of Latin American and Caribbean States (CELAC) and subregional arrangements. Puerto Rico was an integral part of the region's common destiny of freedom and sovereignty.

6. The Committee had affirmed the inalienable right of the Puerto Rican people to self-determination and independence. Both the Non-Aligned Movement and CELAC, at their most recent summit meetings, had proclaimed the Latin American and Caribbean character of Puerto Rico. The draft resolution to be introduced at the Committee's current session called for the release of Puerto Rican political prisoners Avelino and Norberto González Claudio and Oscar López Rivera, who had been imprisoned owing to their involvement in the independence struggle. As one of the sponsors of the draft resolution, his delegation hoped that it would be adopted by consensus.

7. **Mr. Lasso Mendoza** (Ecuador) said that his Government supported the legitimate aspiration of the Puerto Rican people to participate in a free and impartial process for exercising their right to self-determination and independence. He urged the Government of the United States to step up that process and to transfer to the people of Puerto Rico all occupied areas, including the installations at Vieques Island and Ceiba. The international community as a whole was of the view that Puerto Ricans should have the opportunity to enjoy their rights, as reflected in the most recent declarations adopted by the Non-Aligned Movement, ALBA and CELAC.

8. **Ms. Rubiales de Chamorro** (Nicaragua) said that Nicaragua would stand in solidarity with Puerto Rico, one of the last colonial enclaves in Latin America, until the island was able to take its place as a member of CELAC and of the United Nations. President Ortega of Nicaragua had called Puerto Rico an integral part of "our America". The full sovereignty of the people of Puerto Rico must be recognized. The

United States of America, as the colonial Power, must urgently assume its responsibility for the decolonization process and, as a State Member of the United Nations, must implement the relevant resolutions without delay. The General Assembly should fully consider all aspects of the colonial situation of Puerto Rico.

9. The delegation of Nicaragua joined its voice to that of the Puerto Rican people, who, in November 2012, had rejected their colonial status. Puerto Rican political prisoners should be released immediately; in particular, Oscar López had become one of the world's longest-serving political prisoners. Nicaragua supported the efforts being made by brave Puerto Ricans to stop social exclusion and environmentally unfriendly policies, especially in Vieques, and admired the many Puerto Ricans who had selflessly fought imperialism. The Nicaraguan leader Augusto Cesar Sandino had said that if there were one hundred men in Nicaragua who loved the country as much as he did, the nation would achieve full sovereignty. There were many such men and women in Puerto Rico, who were fighting for release from the shackles of colonialism.

10. **Mr. Llorentty Solíz** (Plurinational State of Bolivia) said that the strengthening of multilateralism created a framework conducive to the realization of the right to self-determination by peoples subjected to persistent forms of colonial domination. The sovereignty of Puerto Rico had been violated and its colonial status had deprived it of the ability to develop its full potential.

11. In a special communiqué released at its February 2012 Summit, held in Caracas, ALBA had expressed its firm support for the inalienable right of the people of Puerto Rico to self-determination and full independence, recalling that Puerto Rico was a Latin American and Caribbean nation with its own unmistakable identity and history. ALBA had emphasized that the cause of Puerto Rican independence was a matter that concerned the Latin American and Caribbean region and its regional bodies, particularly CELAC.

12. Oscar López Rivera had been inhumanely imprisoned for over 30 years. He embodied the struggle and resistance of the Puerto Rican people and should be released forthwith.

Draft resolution A/AC.109/2013/L.6: Special Committee decision of 18 June 2012 concerning Puerto Rico

13. **Mr. León González** (Cuba), introducing draft resolution [A/AC.109/2013/L.6](#) on behalf of the sponsors, said that the text referred to the vote held in November 2012 in which a majority of Puerto Ricans had rejected their current status of political subordination. Given that consensus, the draft resolution urged the United States yet again to complete the return of all previously occupied land and installations on Vieques Island and in Ceiba to the people of Puerto Rico, and highlighted the slowness of the clean-up and decontamination process.

14. The draft resolution took note of the Declaration adopted at the first CELAC Summit, held in January 2013, and referred to the statement on Puerto Rico adopted recently by the Council of the Socialist International and to the Final Document of the sixteenth Summit Conference of the Non-Aligned Movement, held in August 2012. The most effective contribution that the Committee could make to the cause of Puerto Rican sovereignty would be to adopt the draft resolution by consensus.

15. **Mr. Aldahhak** (Syrian Arab Republic) said that all of the Committee's resolutions on Puerto Rico had stressed that Puerto Rico was part of Latin America and the Caribbean, and had called on the Government of the United States to implement their provisions forthwith and to assume its responsibility to expedite a process that would allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence. However, the people of Puerto Rico were still unable to exercise that right. Indeed, citizens of Puerto Rico who had called for independence had been subjected to violence, intimidation and imprisonment.

Hearing of petitioners

16. **The Chair** said that 42 requests for hearing were contained in addendum 1 to aide-memoire 04/13. He took it that the Committee agreed to accede to those requests.

17. *It was so decided.*

18. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a

place at the petitioners' table and would withdraw after making their statements.

19. **Ms. Rivera Lassén** (Colegio de Abogados de Puerto Rico) said that the civic life of Puerto Rico was affected by policies and laws that were decided upon elsewhere. Owing to the status issue, Puerto Rican defenders of the human rights enshrined in United Nations instruments were unable to participate as State representatives in international conferences or the United Nations itself. Because Puerto Rico was considered part of the United States, its non-governmental organizations (NGOs) did not have access to the resources that were available to the countries of Latin America and the Caribbean, but neither did the United States include Puerto Rico in its initiatives or documents.

20. Human rights applied equally to all people, but the Puerto Rican people's lack of a sovereign State made it difficult to redress human rights violations. For example, the activities of the United States Navy on Vieques Island had displaced local communities, particularly affecting women, but that situation, which involved racial and gender discrimination, could not be brought to the attention of the United Nations because Puerto Rico was not recognized as a State. Moreover, Puerto Rico was unable to assume international commitments through conventions, treaties and declarations; it was dependent on the commitments assumed by the United States.

21. In a recent referendum, a majority of Puerto Ricans had expressed opposition to the current colonial situation. The President of the United States had announced plans for another poll of the Puerto Rican people that would not meet the requirements of decolonization and would not take General Assembly resolution 1514 (XV) or applicable international law into account. The proposed process would not recognize the Puerto Rican people's right to self-determination, as it would be non-binding and would give the final word to the Government of the United States.

22. She called for the abolition of the death penalty in Puerto Rico, which was imposed by United States courts despite its prohibition under the Puerto Rican Constitution. She also called for the clean-up and decontamination of Vieques Island and the surrounding waters and for the release of Oscar López Rivera and other political prisoners. The only way to put an end to

the colonial situation of Puerto Rico was through a constitutional assembly that would offer non-colonial status options, not subject to the territorial clause of the United States Constitution, that recognized the sovereignty and self-determination of the people of Puerto Rico.

23. **Mr. Pesquera Sevillano** (Movimiento Independentista Nacional Hostosiano) said that Puerto Rico's status as a commonwealth was intended to conceal its colonial relationship with the United States and that the island should be added to the list of 16 Non-Self-Governing Territories currently recognized by the United Nations. In November 2012, 54 per cent of the Puerto Rican electorate had rejected the current status, and the President of the United States had responded by proposing that the government of Puerto Rico should hold yet another vote, claiming that the role of the United States Department of Justice would be limited to considering the constitutionality of the various status options. That response confirmed that the November plebiscite had been merely the latest in a series of pointless exercises. Yet again, the United States had made clear that it had no intention whatsoever of permitting a genuine exercise of self-determination in Puerto Rico.

24. Furthermore, President Obama refused to recognize the colonial nature of the island's political situation, accept the oversight of the international community or apply the principles of international law. The proposed plebiscite would be non-binding and would make no provision for participation by the majority of Puerto Ricans, who resided in the United States.

25. The United States Government had concealed the identity of those responsible for the 1976 killing of Santiago Mari Pesquera, son of independence movement leader Juan Mari Brás. An official request to release all available information regarding that political assassination had been filed with a dozen United States law enforcement agencies under the Freedom of Information Act. Two years later, in January 2011, the Central Intelligence Agency had replied that an executive order prohibiting the release of any information on that subject had been in effect since 1976. President Obama was urged to lift the ban immediately and to order the release of any and all information related to the killing.

26. Contrary to statements made by the United States Department of State, the colonial situation of Puerto Rico was not an internal affair of the United States. The presence at the Committee's current meeting of a representative of the annexationist New Progressive Party was a clear recognition of the jurisdiction of the Committee and the international community in the case of Puerto Rico. Just as spousal abuse was no mere domestic matter, colonialism was an international crime that required the intervention of all countries that defended freedom and self-determination. Just as Argentina was incomplete without the Malvinas, so Latin America was incomplete without Puerto Rico, as recognized by CELAC.

27. In an expression of unanimity exceedingly rare in Puerto Rico, Puerto Ricans across the political spectrum had clearly stated their opposition to the unjust imprisonment of Puerto Rican patriot Oscar López Rivera. The international community must exert pressure in order to achieve his release, which could only be granted by the President of the United States. Such a gesture of goodwill would improve the country's relations with its neighbours in Latin America and the Caribbean.

28. **Mr. Nenadich** (Estado Nacional Soberano de Borinken) said that the people of Puerto Rico had suffered brutal racism at the hands of the United States Government and the colonial forces under its command, as well as crimes against humanity, war crimes, genocide and apartheid, as defined, respectively, in the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Suppression and Punishment of the Crime of Apartheid. Moreover, the United States, the world's chief consumer of drugs, had turned Puerto Rico into a centre of operations for international drug trafficking, and the colonial government was on the verge of becoming a narco-State.

29. In the recent plebiscite, the vast majority of participants had voted against the current political subordination. No longer could the claim be made that the people of Puerto Rico had in 1952 consented to colonization; in fact, they had been intimidated by a military occupation of more than 15,000 armed United States forces. His organization, the provisional government of the Estado Nacional Soberano de Borinken (Sovereign National State of Borinken), did not recognize the plebiscite as legitimate and would

acknowledge no form of decolonization that did not involve the immediate withdrawal of all United States forces and agencies from Puerto Rico's national territory. The Sovereign National State of Borinken had unilaterally declared freedom and sovereignty. It did not recognize the legality or legitimacy of the imperialist Government of the United States or the colonial government, which was that Government's faithful servant.

30. In ages past, the sovereign Taino people had been the true possessors of the island. They had never surrendered their sovereignty to the Spanish crown. The modern Boricua nation was descended from the Taino, the Africans who had been brought to the island as slaves and the Spanish labourers who had worked the land. For over 500 years, the Boricua people had resisted two of the most powerful empires of the modern era and had never given up their culture, identity or attachment to their native land. They could conclude international treaties with other nations.

31. The United States claimed that the territory belonged to it under the Treaty of Paris of 1898, concluded with the Spanish crown, but that Treaty had no legal force because Spain could not cede what had not rightfully belonged to it, the Boricua people had not been a party to the Treaty and the United States had forced Spain to sign the Treaty under threat of continued war. No treaty signed under threat was valid. The Committee should demand that the United States Government should present its legitimate title to the land; clearly, that Government would be unable to do so.

32. He asked the Committee to inform the Secretary-General of his organization's request for observer State status in the General Assembly. The Committee should declare that the United States was in violation of the Charter of the United Nations because of its illegal military occupation of Puerto Rico and should order its immediate withdrawal. His organization supported the request of the traditional government of the Lakota nation for observer State status, as that government had sovereignty apart from the United States. Lastly, he called for the immediate release of Oscar López Rivera.

33. **Ms. Cintrón Cruz** (Colegio de profesionales del trabajo social de Puerto Rico) said that colonialism hampered the Puerto Rican people's full development and ability to meet their basic human needs. Since the

First World War, many Puerto Ricans who had served in the United States military had lost their lives or returned home with serious disabilities. Medical experiments had left people with congenital illnesses and permanent injury. Communities had been displaced by military installations that had contaminated the land and rendered it useless. Nonetheless, the United States had succeeded in convincing some Puerto Ricans that it had been a benevolent force in Puerto Rico.

34. The economic system that had been imposed on Puerto Rico did not provide adequate employment. More than half the population was dependent on economic assistance programmes. The social policies implemented in Puerto Rico did not reflect its social realities and promoted neither empowerment nor sustainable economic independence.

35. Social workers in Puerto Rico were working towards a society that would embody the values of social justice, freedom, democracy and civic participation, but over 500 years of colonial oppression made that difficult. Her organization supported decolonization and a constitutional assembly on the island's status. Lastly, she reiterated the call for the plenary General Assembly to consider the need for education and local empowerment as prerequisites for a decolonization process that was truly democratic and free of outside pressure.

36. **Mr. Toledo Martínez** (Comité de Puerto Rico en las Naciones Unidas (COPRONU)) said that there had been numerous attempts to impose the culture of the United States on Puerto Rico. Whenever the annexationist New Progressive Party came to power, it sought to destroy all institutions that represented and protected Puerto Rican values and culture. There had even been attempts to rename towns and cities in Puerto Rico with English names. Puerto Ricans nonetheless remained a Latin American, Spanish-speaking and Caribbean people.

37. Although Puerto Rico had been a United States colony since 1898, it was not included in the list of Non-Self-Governing Territories. The Constitution of Puerto Rico had been adopted in 1952 and, on that basis, the United States had succeeded in inducing the General Assembly to adopt resolution 748 (VIII), under which Puerto Rico had been removed from the list of Non-Self-Governing Territories. However, the Government, Congress and courts of the United States had repeatedly affirmed that Puerto Rico belonged to,

but was not part of, the United States, thus clearly indicating that they saw Puerto Rico as a colony. In March 2011, the President's Task Force on Puerto Rico's Status had submitted a report reaffirming that Puerto Rico was a territory subject to the congressional authority of the United States.

38. There were many humiliating manifestations of the subordination of Puerto Rico to the United States. They included the application of the death penalty in Puerto Rico despite its prohibition under the Puerto Rican Constitution; the incarceration of Puerto Rican political prisoners in the United States, including Oscar López Rivera, in respect of whom the Committee was requested to ask the President of the United States to grant a pardon; the continuing failure to clean up the contamination resulting from United States military activities; and the forced inclusion of Puerto Rico in free trade treaties concluded by the United States, to the detriment of the island's economic development. Puerto Rico was a captive market for United States producers, importing 85 per cent of its food from the mainland. Federal assistance to poor families had created a dependency mentality and fostered the myth of the United States as a benefactor, whereas the real purpose of that assistance was to benefit United States exporters.

39. The November 2012 plebiscite was non-binding. Reports by the New Progressive Party that 61 per cent of voters had supported the annexation option were false, as they did not take into account the 500,000 unmarked ballots that had been cast in protest, in accordance with instructions from the Partido Popular Democrático. That party had won the elections held that same day. All the plebiscites held in Puerto Rico had been and would continue to be non-binding exercises in futility, including the one proposed by the United States President, because the United States did not recognize the applicability of General Assembly resolution 1514 (XV) to Puerto Rico.

40. As long as the United States authorities could override the Constitution and laws of Puerto Rico, the people of the island would be unable to freely determine their political status. Without support, information, assistance and oversight by the United Nations, and especially by the Committee, the necessary conditions for the exercise of self-determination would be lacking. That exercise could only take place through a constitutional assembly on status, following a process of educating the public on

the various options recognized under international law. The Committee should adopt a resolution on Puerto Rico so that its people could put an end to their colonial status.

41. **Mr. Rivera** (Puertorriqueños Unidos en Acción) said that Puerto Rico's relationship with the United States had always been one of subordination and dependence. Despite the rhetoric of successive American Presidents and the reports of the current President's Task Force on Puerto Rico's Status, the enduring policy of the United States appeared to be the colonization of Puerto Rico.

42. While Puerto Rico's Resident Commissioner in the United States House of Representatives had presented a bill to resolve the status of Puerto Rico that called for another referendum, it failed to meet the requirements established in General Assembly resolution 1514 (XV) and in international law. The bill would not require the United States Government to respect the outcome of the referendum, nor did it provide alternative solutions should the vote prove inconclusive. In addition, there were no legal provisions to ensure that all Puerto Ricans, including those living outside Puerto Rico, were adequately represented in the referendum process, yet foreigners with as little as one year's residence in Puerto Rico would be eligible to vote on the island's future. Although many Puerto Ricans lived outside the geographical borders of the island, they continued to take a keen interest in Puerto Rican affairs. The denial of Puerto Ricans' right to self-determination on the basis of their place of residence detracted from the seriousness of the plebiscite process.

43. The diaspora had included many political prisoners in the past and there were currently three Puerto Rican political prisoners in the United States, including Oscar López Rivera, who had spent 33 years in prison. The contamination of Vieques and Culebra was an example of the damage inflicted on Puerto Rico by the United States military. The only pragmatic way to resolve the question of Puerto Rico, which was geographically separate and ethnically and culturally distinct from the United States, was to bring the issue before the plenary General Assembly so that pressure could be brought to bear on the United States.

44. **Ms. Sosa Santiago** (Coalición Puertorriqueña contra la Pena de Muerte) said she hoped that the Committee would include the issue of the death penalty

in the resolution it would adopt on Puerto Rico, as that issue was vital to the question of self-determination. Puerto Rico had abolished the death penalty in 1929 and had confirmed that abolition in its 1952 Constitution; nevertheless, the island remained subject to United States legislation, which imposed the practice under United States federal law.

45. The Government of Puerto Rico did not have the power to refuse to extradite a Puerto Rican accused of offences subject to the death penalty, unlike sovereign States, which could refuse to yield jurisdiction in such cases. Moreover, death penalty trials were discriminatory as they were conducted entirely in English, a language in which only 10 per cent of Puerto Ricans could communicate. In addition, the United States Government required that certain crimes should be referred to the federal authorities, thus increasing the chances that the death penalty would be imposed in those cases. There were currently 12 capital cases pending in the United States District Court in Puerto Rico, the highest number in the history of that institution.

46. Accordingly, she requested the Special Committee to refer in its resolution to the fact that Puerto Rico was the only jurisdiction in the world in which the death penalty had been abolished by the people but continued to be imposed by United States legislation. The text should also include the demand that the United States Government should declare a total and immediate moratorium on the death penalty in Puerto Rico and should prohibit its imposition in the cases already under way in the United States District Court for the District of Puerto Rico. Lastly, she asked the Committee to refer the question of Puerto Rico to the plenary General Assembly for consideration.

47. **Mr. Pierluisi** (New Progressive Party) said that while it was often assumed that there was little common ground between those who called for statehood and those who favoured independence, both groups recognized that Puerto Rico was still a Non-Self-Governing Territory, as the United States Congress could unilaterally rescind the powers it had delegated to the Puerto Rican authorities at any time. The United States Government continued to make and implement laws for Puerto Rico, but Puerto Ricans could not vote for the President and were not represented in the Senate. He himself, as the only representative of Puerto Rico in the House of Representatives, could vote in committees but not in

the full House. Moreover, the laws enacted by Congress could, and often did, afford unequal treatment to Puerto Rico. The island's political status was the root cause of its economic and social problems.

48. The results of the November 2012 referendum on the status of Puerto Rico had demonstrated that 54 per cent of the voters did not wish to maintain the current status and that 61 per cent favoured full integration as a state of the United States. It was therefore now incumbent upon the United States Government to enact legislation that would offer Puerto Rico one or more of the status options that would provide it with a full measure of self-government: statehood or independence. While he had faith that the United States Government would fulfil its legal and moral obligations, it must take concrete and timely action, as justice delayed was justice denied. The international community should respect the will of the people of Puerto Rico and support the self-determination process and its eventual outcome, in accordance with the Charter of the United Nations and General Assembly resolution 1541 (XV).

49. **Mr. Lugo Segarra** (Partido Nacionalista de Puerto Rico) accused the United States of carrying out a policy of genocide against the Puerto Rican people by destroying their economy, farmland and culture. His party abstained from participating in the quadrennial elections because they merely created an illusion of democracy, whereas in reality those who were elected served the empire, not the Puerto Rican people. As long as Puerto Rico was occupied by the United States military, its citizens' participation in those elections would only serve to perpetuate the island's colonial status. The Puerto Rican authorities could not represent their people internationally or sign international treaties or agreements; they had no control over the island's airspace, waters or territory, or over who could enter or leave, yet Puerto Rico was said to have an external debt five times larger than that of the United States.

50. Despite the veneer of democracy and development, 60 per cent of the Puerto Rican people were unemployed and lived on subsidies, a socially irresponsible system that had led to the people's moral and physical ruin. The absurdity of the colonial system was clearly illustrated by the fact that, despite sending millions of dollars in aid to Puerto Rico, the United States still profited economically from the situation.

Consumption was the only growth industry on the island. Less than 5 per cent of the waste in Puerto Rico was recycled, yet there were plans to import waste from other countries and incinerate it on the island, thereby contravening the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and causing further permanent damage to the environment. In conclusion, his organization expressed its solidarity with all political prisoners around the world, especially Oscar López Rivera and the Cuban anti-terrorism fighters, and condemned the United States foreign policy.

51. **Mr. Toledo García** (American Association of Jurists) said that in order for a people to determine its political status, it must be able to exercise its will freely and without external interference. Yet the power of the people of Puerto Rico to determine its status had been hijacked by the United States Congress in 1898 under the Treaty of Paris and the United States Constitution. Claims that Puerto Rico had attained a full measure of self-government under the colonial Constitution of the Commonwealth of Puerto Rico were implausible and spurious. General Assembly resolution 1514 (XV) provided the legal basis for the process of achieving self-determination and independence. Only when all powers usurped by the United States Congress had been transferred to the people of Puerto Rico could self-determination be genuinely exercised, ideally through a constitutional assembly on status.

52. While the United States Navy had ceased to carry out military exercises on Vieques Island 10 years earlier, owing to the pressure brought to bear by the people of Puerto Rico, the Navy continued to infringe Puerto Ricans' right to their land and 60 years of such exploitation had resulted in negative consequences for the environment. The struggle to demilitarize Puerto Rico and to regain control of the occupied lands would continue, and his organization demanded the decontamination and return of those lands to ensure Puerto Rico's sustainable development.

53. The United States Government continued to try to impose the use of capital punishment in criminal cases tried under the legal system it had set up in Puerto Rico, even though the Puerto Rican people had rejected the death penalty as contrary to their values. The United States Department of Justice should recognize the illegality of that imposition and should respect the wishes of the Puerto Rican people by ending the illegal

practice of certifying cases as eligible for the death penalty in Puerto Rico. Lastly, he called for the release of the 70-year-old Puerto Rican political prisoner Oscar López Rivera, who, despite widespread support from Puerto Ricans and the international community, had remained in prison for over 32 years, suffering abuse and torture. International law protected those who fought against colonialism and Mr. López Rivera should be pardoned, like other Puerto Rican independence fighters. He hoped that Puerto Rico's concerns would be considered by the plenary General Assembly and that Puerto Rico would, in the near future, be a part of the Committee rather than a petitioner.

54. **Mr. Benítez Nazario** (Fundación Acción Democrática Puertorriqueña) said that sovereignty was essential to the dignity of the people of Puerto Rico, as more than 500 years of colonialism had hampered their social, cultural and economic development. Poverty and unemployment were endemic among the population, the Puerto Rican public debt was roughly as large as the external debt of Mexico and the island's Gini coefficient was estimated at over 50 per cent, demonstrating that the little capital that remained in Puerto Rico was distributed in a highly inequitable manner. Moreover, the Puerto Rican government was facing a deep fiscal crisis that could result in the downgrading of its bonds to junk status, yet United States companies operating in Puerto Rico continued to earn high profits.

55. To date, the United Nations had been unable to initiate an effective decolonization process for Puerto Rico and the United States continued to ignore the calls of the Puerto Rican people for an end to colonization and a change in the island's political status, even though a majority of voters in the recent referendum had rejected the current commonwealth status. Similarly, the United States Government had failed to respond to a request, supported by all Puerto Rican political parties, to repeal the coastal traffic laws, which forced Puerto Rico to trade through the United States Merchant Marine.

56. There were many other examples of the detrimental effects of colonialism on Puerto Rican society: federal authorities continued to request the death penalty in certain cases even though capital punishment was prohibited under the island's Constitution; Puerto Rican authorities had not been allowed to oversee the clean-up of land previously

used by the United States Navy, and it was alleged that contaminated material was simply being buried; police corruption and civil rights abuses were rife, as acknowledged by the United States Department of Justice, which had found that involvement in criminal activity was higher in the Puerto Rico Police Department than in any other major law enforcement agency in the United States; and the United States President continued to ignore repeated requests from civic, religious and political organizations and leaders in Puerto Rico, including the Governor and the Resident Commissioner, to release Oscar López Rivera. The situation in Puerto Rico was the result of colonial rule, where political authority was exercised by another nation in its own interest and with disregard for the Puerto Rican people and their rights. He therefore echoed the calls made by other petitioners for the question of Puerto Rico to be referred to the plenary General Assembly.

57. **Mr. Dalmau Ramírez** (Partido Independentista Puertorriqueño) said that the most significant political development in Puerto Rico in the last year had been the November 2012 political status referendum, in which 54 per cent of voters had rejected the current status of Puerto Rico. However, the plebiscite had been non-binding and the United States Government, which claimed to be the global defender of democracy, continued to ignore the will of the Puerto Rican people. In the face of that intransigence, he urged the Committee to refer in its draft resolution to the fact that a majority of the Puerto Rican people had voted against the colonial regime.

58. A political process should now be launched to allow the Puerto Rican people to exercise their right to self-determination in accordance with international law and to choose among the alternatives to colonialism, having been fully informed of the implications and consequences of each option. To that end, a constitutional assembly on status should be convened, as his party had long advocated. While it might not be possible to convene a constitutional assembly on status in full accordance with the procedures provided for in international law, that should not be an impediment to using that mechanism or any other appropriate means to force the United States to start the decolonization process.

59. Lastly, he commended the Committee for reiterating its call for the release of Oscar López Rivera, a political prisoner who had been incarcerated

for a longer period than Nelson Mandela. The only explanation for such an abusive and vile exercise of imperial power was the institutional hatred of a man fighting for the independence of Puerto Rico. He expressed hope that sooner rather than later, and with the support of CELAC, the question of Puerto Rico would be considered by the plenary General Assembly. In the meantime, the struggle against colonization would continue.

60. **Mr. Villanueva Muñoz** (Comité de Derechos Humanos de Puerto Rico) said that his organization continued to urge the United States Government to release Oscar López Rivera, who was undoubtedly a political prisoner, as his long prison sentence was not proportionate to any crime that had been proved in a court of law. Oscar López Rivera was a symbol of the Puerto Rican people's struggle against the United States, which sought to impose its view on what was right for Puerto Rico even though Puerto Ricans had stated their opinion democratically on various occasions, most recently in the 2012 referendum. The people of Puerto Rico continued to oppose the death penalty, the use and pollution of Puerto Rican territory by the United States military, and the brain drain, and to fight for the return of land on Vieques and the protection of the island's aquifers and environment.

61. Many of the ordinary, hard-working men and women of the United States did not endorse many aspects of their Government's foreign policy, including the treatment of detainees held at Guantánamo, the use of drones, or the indiscriminate interception of millions of electronic communications. While the military, economic and corporate might of the United States had secured its neocolonial hold over other countries, the use of brute force and torture against weaker nations undermined the moral legitimacy of the policies and decisions of the United States Government, winning it few friends although it had many trading partners. Puerto Rico wanted to be a friend to the United States, but that relationship had to be based on freedom and sovereignty.

62. Oscar López Rivera's struggle for freedom, the right to education and employment, decent housing and fair wages for his compatriots, and to combat racial discrimination, could not be erased by solitary confinement or torture. Puerto Ricans of all religions and ideologies had called for his release from prison; to ignore those requests, made in a respectful but firm manner, would be an act of tyranny. Prolonging Oscar

López Rivera's unjust and inhumane incarceration would discredit the United States human rights policy, particularly in Latin America and the Caribbean, and would undermine its claim to be the chief proponent of democracy around the world.

63. **Mr. Martínez Rivera** (Coalición Ecuánica e Interreligiosa de Puerto Rico) said that religious institutions had a responsibility to be part of the solution to the problems that undermined the welfare of individuals and society as a whole. The situation in Puerto Rico was alarming, characterized by high levels of crime, unemployment, poverty and the crisis facing the education and health systems. The lack of legitimate political power to address those problems was an aggravating factor that added to the material and spiritual misery of the Puerto Rican people, while political infighting between the different parties in Puerto Rico diverted attention away from the problem of colonialism and social inequality. As a Christian, he felt a moral obligation to denounce the shameful reality which the United States Government had allowed to develop on the island. His organization also requested that the Committee should act in accordance with international law to ensure that the question of Puerto Rico was added to the agenda of the General Assembly.

64. The rights that were enshrined in the United States Declaration of Independence were the same rights that the Puerto Rican people were calling for. He urged the United States to examine its behaviour in the light of its founding principles, as it appeared to have strayed from the path of true democracy. Lastly, he echoed the calls for the release of Oscar López Rivera, who had been unjustly imprisoned for 32 years for the crime of fighting for his people's freedom, the same crime that had been committed by the founding fathers of the United States and for which they were honoured every year on 4 July. For basic humanitarian reasons, it was time to release Oscar López Rivera and to let him return home.

65. **Mr. Vega Ramos** (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) said that the questions posed in the November 2012 referendum had been designed without the participation of many elements of society, including the Partido Popular Democrático (PPD), the party that he represented in the Puerto Rican Legislative Assembly. Although the vast majority of the population wanted the political status of the island to change, the phrasing of the first question had made it difficult to

express that view. In response to the second question, which asked voters to indicate whether they preferred statehood, independence or a sovereign commonwealth, one faction of PPD had refrained from answering in order to express its rejection of the annexation of Puerto Rico to the United States. Another faction, which included PROELA, had voted for a sovereign commonwealth. However, the results of that plebiscite had been distorted and he urged the United Nations to call on the United States to initiate a self-determination process for Puerto Rico and to advocate a constitutional assembly on status as the best mechanism to that end. Claims that a majority of voters supported statehood were false, as when all the votes for independence and a sovereign commonwealth were added to the number of blank ballots, support for the annexation of Puerto Rico remained at about 45 per cent, as it had done for many years. In order for any political status process to be recognized as valid and democratic, all sectors of society must be involved in its preparation.

66. The question of self-determination should be addressed in a responsible and diligent manner that would not conflict with efforts to improve the economic and social situation and that would allow the benefits of resolving the issue to be realized more quickly. A constitutional assembly on status was the appropriate mechanism for addressing the issue. That solution was provided for in Bill 210, which he had submitted to the United States House of Representatives. In addition, the PPD platform called for a constitutional assembly to be convened in 2014 at Puerto Rico's initiative, should the President of the United States fail to take action on the status question during 2013. It was important that the Committee should express its views on the constitutional assembly on status; recommend, in its report to the Fourth Committee, that the question of Puerto Rico should be taken up by the plenary General Assembly; and call for the immediate and unconditional release of Oscar López Rivera in its draft resolution on Puerto Rico. The United Nations should play a more proactive role in resolving the situation in Puerto Rico and pressing the United States to act in accordance with the Charter of the United Nations and international law.

67. **Mr. Rosselló Nevares** (Movimiento Boricua ¡Ahora Es!) said that although 54 per cent of voters in the November 2012 referendum had voted against the option of remaining a colony of the United States, their

will was being thwarted by the inaction of the United States Government and obstruction by the current government of Puerto Rico. Various strategies would have to be employed in the different local, national and international forums to give impetus to the decolonization process. For example, an act to enable the admission of Puerto Rico as a state of the United States would have to be submitted to the United States Congress, in order to send a clear and unequivocal message that the referendum result was valid and to respond to the demand that the current colonial status should be changed.

68. According to the principles defined in General Assembly resolution 1541 (XV), Puerto Rico was still a colony and the United Nations had the authority to act decisively on the matter. Puerto Rico could not freely dispose of its wealth or natural resources or freely determine its political status, as evidenced by the failure to act on the unequivocal result of the recent referendum. It was time to respect the Puerto Rican people's inalienable right to self-determination.

69. His organization urged the Committee to express its opinion on the right to self-determination, the validity of the referendum and the implementation of that mandate. The Committee should also advise the General Assembly to rescind resolution 748 (VIII) and reinstate Puerto Rico on the list of Non-Self-Governing Territories, thus requiring the United States Government to transmit information under Article 73 *e* of the Charter of the United Nations, until such time as Puerto Rico attained a full measure of self-government. Lastly, he invited the Committee to consider holding its 2014 regional seminar in Puerto Rico; to visit the island; and to attend the decolonization conference to be held there on 19 November 2013.

The meeting rose at 1 p.m.