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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 Thursday, 21 June 2001, at 10 a.m.

Chairman: Mr. Tanoh-Boutchoué (Vice-Chairman) (Côte d'Ivoire)

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In the absence of Mr. Hunte (Saint Lucia) Mr. Tanoh-Boutchoué (Côte d'Ivoire), Vice-Chairman, took the Chair.

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. **The Chairman** suggested that the agenda should be adopted on the understanding that the first item to be discussed would be the Special Committee decision of 12 July 2000 concerning Puerto Rico.
2. *The agenda was adopted.*

Requests for hearing (aide-mémoire 8/01/Add.1)

3. **The Chairman** drew attention to aide-mémoire 8/01/Add.1, which listed a number of requests for hearing on the question of Puerto Rico. In the absence of objections, he suggested that the requests should be granted.
4. *It was so decided.*

Special Committee decision of 12 July 2000 concerning Puerto Rico (A/AC.109/2001/L.3 and A/AC.109/2001/L.7)

Hearing of petitioners

5. **The Chairman** reminded members that, at its 3rd meeting, the Special Committee had decided to hear the petitioners on that item.
6. *At the invitation of the Chairman, Mr. Ruberté (Colegio de Abogados de Puerto Rico) took a place at the petitioners' table.*
7. **Mr. Ruberté** (Colegio de Abogados de Puerto Rico) said that the sad fact was that the population of Puerto Rico was still deprived of the opportunity of freely determining the future political status of the Territory. As had been pointed out at the previous year's session, hundreds of people had been arrested and taken into custody for entering the restricted area of the United States naval base. Many of those people had been in prison for over a month. At the end of 2000, the Navy had resumed bombing. As a result, further arrests had been carried out and the number of people in custody had increased. On the instructions of the President of the United States, the Navy had announced plans to hold a referendum in November

2001, which, however, had not been approved by the Puerto Rican people because the alternatives offered were acceptable only to the Navy. That referendum had been linked from the outset with economic factors, as was indicated by the fact that the Navy had earmarked a substantial sum with a view to brainwashing the inhabitants of Vieques Island and securing their votes. At the same time, having come up against opposition from the Puerto Ricans, and being convinced that the referendum would go against him, the President of the United States had been obliged to announce its cancellation. In those circumstances, the Government of Puerto Rico had announced the holding of a plebiscite which, among other things, would enable the inhabitants of Vieques to express their wish for an immediate end to the bombing and for the withdrawal of the Navy.

8. In spite of the fact that the actions of the inhabitants of the island were invariably of a peaceful nature, the military were making arrests and using force and brutality in defiance of their own federal laws. Even when people did not resist arrest, they were handcuffed and made to kneel or lie on the ground. Other forms of brutality, of which there was convincing proof, were also used.

9. As far as the trials were concerned, the accused were found guilty even in cases where their guilt had not been proved. During the trials the judges tried to monitor the actions of the defence, and the Department of Justice brought in naval personnel to participate in court proceedings as prosecutors, thus denying people a fair trial. In the overwhelming majority of cases, the accused were sentenced to between 30 and 90 days' imprisonment. Even though the cases involved peaceful actions and despite a readiness to recognize any court decisions — which merely confirmed the injustice being committed on Vieques — those concerned were treated as people charged with ordinary crimes. For example, they were strip-searched before and after every visit and were deprived of the right to such visits, attempts were made to incite other detainees against them, they were not allowed to use the libraries, and so forth.

10. It should also be remembered that there had been a number of recent court decisions related to the Puerto Rico problem. The death penalty was prohibited under the Puerto Rican Constitution. There was a federal law under which such a penalty could be imposed, but a Federal Court in San Juan had decided that, in view of

the provisions in the Constitution and the agreement between Puerto Rico and the United States, that law should not be applied in Puerto Rico. However, a court in Boston had overturned that decision on the grounds that any federal law should prevail over the Constitution of Puerto Rico. That meant that the views of the Puerto Rican people were not being taken into consideration. Recently, the judge of the Federal Court in Puerto Rico had ruled that the United States Navy should be able to make unrestricted use of Puerto Rican territorial waters, despite the existence of federal and local laws regulating such activity. The basis for the decision was the dominating position of the United States with respect to Puerto Rico, including the fact that the Navy was not obliged to pay any fee for using those waters. The government of Puerto Rico had brought a lawsuit against the Navy in Washington, motivated by lack of faith in the Federal Court in San Juan.

11. The actions of the United States Government had also had a significant impact on the freedom of the press. Journalists and representatives of the mass media who had prepared materials about the arrests had been accused of illegal entry into the territory of the base. The Navy had thus been able to force the media to admit guilt in return for release of the journalists.

12. From 16 to 21 November 2000 an international tribunal had been convened in Puerto Rico on violations of human rights committed by the United States in Puerto Rico and on Vieques; the tribunal had consisted of well-known Puerto Rican human-rights defenders. The tribunal had considered an indictment consisting of nine counts relating to actions in violation of international treaties and legal standards. The tribunal had found the United States guilty on all counts.

13. In closing, he said that the Puerto Rican people had a right to full self-determination and the Colegio de Abogados of Puerto Rico affirmed its dedication to achieving that goal.

14. *Mr. Ruberté withdrew.*

15. *At the invitation of the Chairman Mr. Franco-Medina (New Puerto Rican Independence Movement) took a place at the petitioners' table.*

16. **Mr. Franco-Medina** (Nuevo Movimiento Independentista Puertorriqueño) said that his organization recognized the importance of the

resolution adopted at the previous session asserting the inalienable right of the Puerto Rican people to self-determination and independence in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960, in as much as that resolution, along with the 19 resolutions on the problem adopted by the Special Committee since 1972, drew the attention of the international community to the problem of the colonial exploitation of Puerto Rico by a super-Power such as the United States. Furthermore, despite all the demands on the part of the international community, the United States had never allowed Puerto Ricans freely to express their will with regard to determining the political status of the territory in accordance with existing international legal standards. The United States had ignored the wish expressed by the international community during the first International Decade for the Eradication of Colonialism and, at the beginning of the second International Decade, it was showing no readiness to cooperate in accelerating the decolonization of Puerto Rico.

17. Despite the contradictory nature of previous general elections conducted by the colonial Power, the results had shown the dissatisfaction of the inhabitants of the island with the policies of the Governor, Pedro Rosello, who had taken an accommodating position. The new Governor, Sila María Calderón, had received the support of the majority of voters because the basic principles of her programme included cessation of the bombing and withdrawal of the Navy from the island of Vieques and strengthening of the cultural traditions and national identity of Puerto Ricans. In recent years civil society had gained in strength and the struggle waged by the Puerto Rican people took very varied forms. These included defence of the Spanish language and culture, resistance to corporations that polluted the environment, demonstrations against the neo-liberal policy of privatization and refusal to implement decisions taken unilaterally by federal institutions, such as the recent federal court decision legalizing the death penalty in violation of the Constitution. Another example was the decision by the State Department to deny an entry visa to the speaker of the Cuban National Assembly of People's Power, Ricardo Alarcón, who had been invited by numerous civic and political organizations.

18. In addition, what strengthened the unity of the people was the struggle for peace for the inhabitants of

Vieques, who were victims of genocide, as had been determined by the decision of the international tribunal on human rights violations meeting in Vieques towards the end of 2000. World public opinion had been shocked by the facts revealing the criminal activities being carried out on the island by the United States Navy, which had an extremely serious impact on the environment and the health of the people. Furthermore, the military had recently begun subjecting Puerto Ricans participating in the civil disobedience campaign to repression. Despite President Bush's recent statements, the bombing, arrests and torture were continuing on Vieques.

19. It was therefore crucial that the Special Committee issue a decisive protest against the criminal activities of the United States Navy on Vieques and demand the immediate cessation of the bombing and military exercises on the island, the return of all land to the inhabitants of the island and the cleansing of all polluted areas. Furthermore, one of the most important conditions for national reconciliation was the release of the patriots languishing in United States prisons and the declaration of an amnesty for all those fighting for peace on Vieques.

20. *Mr. Franco-Medina withdrew.*

21. *At the invitation of the Chairman, Mr. Mari Bras (Causa Común Independentista) took a place at the petitioners' table.*

22. **Mr. Mari Bras** (Causa Común Independentista) said that the question of Puerto Rico was being considered within the Special Committee under the provisions of resolution 1514 (XV). Although those provisions covered only colonial Territories, they were considerably broader in scope and their underlying idea had therefore been developed in General Assembly resolution 1541 (XV) of 15 December 1960. In that connection it would be wrong to think that the Special Committee was concerned only with Non-Self-Governing Territories. The adoption of resolution 1514 (XV), under which the Special Committee had been established, had not been a result of the "cold war". Rather, it had been the outcome of the successful efforts of the non-aligned countries to reconcile the interests of the administering Powers in Europe and North America and the countries which at that time had been in the socialist camp. For that reason, the resolution had received almost unanimous support, with only a few abstentions. In the view of the Puerto

Ricans, it was that resolution that was the basis for consideration within the Special Committee of the question of Puerto Rico. Anyone who doubted that could refer to the appropriate organs, including the International Court of Justice, for an advisory opinion and convince themselves that it was true. Consequently, the reservations concerning that resolution had no legal force.

23. In conclusion, he said that the recent training conducted on Vieques Island by the United States Navy was an affront to the Puerto Rican people and to the international community, which overwhelmingly supported that people's efforts to achieve peace for the islanders and the withdrawal of the Navy.

24. *Mr. Mari Bras withdrew.*

25. *At the invitation of the Chairman, Mr. Santiago-Valiente (United Statehooders Organization of New York) took a place at the petitioners' table.*

26. **Mr. Santiago-Valiente** (United Statehooders Organization of New York) said that his Organization, in seeking the admission of Puerto Rico as the fifty-first State of the United States of America, confirmed its traditional position that the numerous resolutions on Puerto Rico adopted by the Special Committee since 1972 were incompatible with the very principle of self-determination, since they invariably contained the idea that independence was the only means of resolving the question of the status of Puerto Rico available to the people of that Territory. In order really to stimulate an open dialogue on the question of Puerto Rico, the resolution to be adopted at the current session should refer not only to resolution 1514 (XV) but also to resolution 1541 (XV). It was well established that resolution 1514 (XV) proclaimed the right of peoples and colonial Territories to self-determination and independence. On the basis of the principles set forth in that resolution, over 60 colonies had achieved independence and the Special Committee adopted resolutions year after year calling on the United States to adopt that approach to Puerto Rico. Under that resolution, the acquisition of independence assumed a prior act of self-determination even though such an act need not necessarily result in independence. For that reason, the General Assembly had also adopted resolution 1541 (XV) in which three forms of self-determination were envisaged: emergence as a sovereign independent State; free association with the former colonial Power; and political integration. In the

case of Puerto Rico that meant becoming a state of the Union. The Special Committee should therefore take into account the provisions of that resolution.

27. Moreover, in the opinion of his organization, the question of Puerto Rico was one of sovereignty and not of autonomy, which was advocated by certain people who wanted Puerto Rico to acquire the status of a State in free association. At the present time, unlike in the nineteenth century when the main topic of discussion had been such forms of self-determination as secession, integration and autonomy, the most attractive option was political and administrative decentralization, in other words autonomy. The United States had come into existence as a federation of autonomous political units or states. That being so, the full integration of Puerto Rico as one of the states of the Union necessarily entailed political and administrative decentralization, in other words its autonomy. Strictly speaking, according to the provisions of the United States Constitution or the norms of international law, autonomy was not a unique or privileged status; it was essentially bound up with the political and administrative decentralization characteristic of any modern State. That was consistent with the provisions of General Assembly resolution 1541 (XV).

28. *Mr. Santiago-Valiente withdrew.*

29. *At the invitation of the Chairman, Mr. Farinacci Garcia (Frente Socialista) took a place at the petitioners' table.*

30. **Mr. Farinacci Garcia** (Frente Socialista) said that in recent years his organization had appealed to the Special Committee to recognize the right of Puerto Rico to self-determination and independence. However, the colonial regime in the Territory had remained in place in violation of all the norms of international law and against the wishes of the majority of the islanders. At the same time, it should be pointed out that the struggle of the people of Puerto Rico against United States imperialism had been stepped up; in that connection, it was appropriate to draw attention yet again to the situation on Vieques Island, where criminal bombing by the United States Navy was having a catastrophic impact on the population and the environment. The Special Committee had appealed urgently to the United States Government to cease military training on the island and return the land occupied by the military to the population, but that

appeal remained unanswered and bombing was continuing. Repressive measures and prosecution of those who opposed the Navy were also continuing. The cases of 800 champions of the just cause of the people of Puerto Rico were currently before the federal courts. Many Puerto Ricans were languishing in torture chambers, including the Chairman of the Partido Independentista Puertorriqueño and many other members of the Frente Socialista.

31. The President of the United States had recently told journalists that the Navy might withdraw from Vieques in 2003. However that statement had not answered the questions of the people of Puerto Rico, who wished to secure the immediate withdrawal of the Navy from the territory of the island. The military had been on Vieques for over a century and its presence had always involved ill-treatment of the islanders and ruthless exploitation of people and natural resources both by the military-political apparatus of the United States and by large American companies based in Puerto Rico.

32. Attention should also be drawn to the intention of the Government of the United States to introduce the death penalty in Puerto Rico, which was prohibited by the Puerto Rican Constitution. Disregarding the provisions of the Constitution, the United States authorities had confirmed 11 death sentences passed in Puerto Rico. A district appeals court had recently quashed the decision of a federal judge concerning the inapplicability of the federal law on the death sentence in Puerto Rico under the provisions of its Constitution. The United States federal judges had ruled that any federal law took precedence over the constitutional provisions of Puerto Rico. That was a further clear example of the suppression of the democratic rights of the inhabitants of the Territory.

33. The previous year, Bill Clinton had invited the leaders of the Puerto Rican political parties to Washington to discuss the status of the Territory and to work out some kind of solution. That meeting had failed to produce any results, save the establishment of a presidential commission to study the issue. Clearly therefore Washington had no desire to end the colonial regime in Puerto Rico. The current President of the United States had declared publicly that he would make a statement in the forthcoming months on the relationship between the United States and Puerto Rico. That declaration had been made just as those fighting against the colonial regime in Puerto Rico

were intensifying their activities. However, it had been preceded by a campaign of manipulation and blackmail aimed at pacifying those sections of society which demanded a change in the current colonial status. The Frente Socialista wished to declare that the struggle of the Puerto Rican people had only one goal: the recognition of its right to self-determination and independence and the immediate and unconditional transfer of all sovereign powers to the people of Puerto Rico.

34. Lastly, he supported the draft resolution submitted to the Special Committee and called on the international community to fulfil its obligation to promote decolonization on the planet as a whole and in Puerto Rico in particular.

35. *Mr. Farinacci Garcia withdrew.*

36. *At the invitation of the Chairman, Ms. Santiago (Partido Independentista Puertorriqueño) took a place at the petitioners' table.*

37. **Ms. Santiago** (Partido Independentista Puertorriqueño) said that the Special Committee's meeting was taking place just as the United States Navy was resuming its bombing exercises on the island of Vieques, against the will of Puerto Ricans.

38. As before, dozens of people were carrying out acts of civil disobedience in the restricted area, risking prosecution in the United States Federal Court, while the Chairman of the Partido Independentista Puertorriqueño, Ruben Barrios Martinez, had already been behind bars for four months. She demanded, in that connection, that the American authorities should guarantee his safety and physical integrity.

39. The previous week, the President of the United States, George W. Bush, had announced the possible cessation of military exercises on Vieques in 2003. That was one of the alternatives put forward in the referendum that was to take place on Vieques in November 2001. Regrettably, neither that referendum nor the announcement made by the President reflected the wish of the overwhelming majority of Puerto Ricans that the bombing should stop immediately, once and for all, and that the territory should be returned to the Puerto Ricans. Bush's proposal was yet another manifestation of his country's aspiration for dominion over Puerto Rico, since the question of Vieques was, first and foremost, a political one, and its roots were to

be found in the subordinate position of the Puerto Rican people in relation to the United States.

40. It was clear that the United States would be able to maintain its previous line of conduct towards the Puerto Ricans, to the obvious detriment of the latter. The impossibility of realizing self-determination and the inability to defend the sanctity of the land and protect the health of the population were just one symptom of the more serious disease of colonialism. The current Government of Puerto Rico, which for the first time in 103 years of colonial rule was not under the control of the metropolitan authorities, could only observe powerlessly the damage inflicted on the island and its inhabitants by the military exercises, since it could do nothing to stop the bombing.

41. The same impotence was evident in the face of the recent decision by the United States Court of Appeal to allow the use of the death penalty in the Territory, despite the fact that that punishment was prohibited by the Constitution of Puerto Rico and the Court's decision that it did not have jurisdiction over the actions of the Navy in the territory of its base in Ceiba municipality, as a result of which thousands of Puerto Rican families had been deprived of drinking water.

42. In the light of such visible manifestations of the colonial dominion of the United States over Puerto Rico, the eyes of the entire world were currently turned to the situation in that colony, the oldest on the planet, and indeed the final settlement of the question of Vieques would depend to a great extent on the level of support from the international community.

43. A few days earlier, in Buenos Aires, the Socialist International Committee for Latin America and the Caribbean had adopted a resolution supporting the Puerto Rican people's struggle for the immediate cessation of military exercises on Vieques and expressing solidarity with Ruben Barrios Martinez and other Puerto Ricans languishing in American prisons because of their participation in acts of civil disobedience on the island. The Committee had also expressed the hope that the Special Committee would adopt the draft resolution submitted for its consideration.

44. Even in the United States, the problem of Vieques had given rise to an unprecedented public movement, and a number of well-known American figures were threatened with imprisonment for taking part in acts of

civil disobedience. Furthermore, it had been stated in an article in *The New York Times* of 16 June 2001 that President Bush's initiative was inadequate and that the bombing must cease once and for all.

45. In that connection, it was to be hoped that the United States would assume its responsibilities in their entirety and begin the process of decolonizing Puerto Rico by convening a constituent assembly, at which Puerto Ricans would be able to exercise their right to self-determination, having been acquainted with the possible political status alternatives and their consequences. Support at the international level must play a determinant role in that regard, and she hoped that the Special Committee would adopt the draft resolution on Puerto Rico without a vote, as it had the previous year, confirming the inalienable right of the Puerto Rican people to self-determination and independence. As for the Partido Independentista Puertorriqueño, it fully supported the draft resolution distributed to the members of the Committee.

46. *Ms. Santiago withdrew.*

47. *At the invitation of the Chairman, Ms. Albizu-Campos (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.*

48. **Ms. Albizu-Campos** (Partido Nacionalista de Puerto Rico) said that the presence in Puerto Rico of United States forces defied the immutable norms of international law which decreed that no territorial acquisition resulting from aggression or the threat or use of force could be recognized as lawful. That was stated in General Assembly resolution 3314 (XXIX) of 14 December 1974, which revoked any other agreement incompatible with it and, in particular, the agreement whereby the United States had purportedly "acquired" Puerto Rico. Thus, it could be affirmed that in relation to Puerto Rico the United States was an occupying Power, subject to the terms of the four Geneva Conventions of 1949 and their two Additional Protocols, as well as the international standards governing the rights of the inhabitants of occupied Territories.

49. The right of peoples to self-determination was set forth in numerous international instruments including the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Covenant on Civil and Political Rights, General Assembly resolution 2621

(XXV) of 12 October 1970 and other instruments adopted up to 1973, when the Special Committee had adopted a resolution requesting the United States to refrain from actions which might hinder the achievement of self-determination by the people of Puerto Rico.

50. Year after year, the Special Committee had confirmed the right of Puerto Rico to self-determination and independence. Regardless of that, the United States continued to hold on to its possession, defying the norms which required it to respect the right of the Puerto Rican people to self-determination and assist in the decolonization of Puerto Rico.

51. Hiding behind traditional arguments such as national security interests, the United States Government and its armed forces continued to use one of the islands of the Puerto Rican archipelago, Vieques, to train its naval forces and test bombs, torpedoes, missiles and other weapons. A new page in the history of the struggle of the Puerto Rican people for national survival was now being started in Vieques. Nothing had succeeded in breaking down the national spirit — neither the threats of the occupying Power, nor repression, nor prison sentences imposed by a United States court which, under international law, was not competent to judge Puerto Rican citizens.

52. The international community should clearly understand that the process could not be reversed and could have only one outcome — the departure of naval forces first from Vieques, and then from the entire territory of Puerto Rico. With the beginning of a new century, Puerto Ricans were coming to the realization that together they could resist even the most powerful adversary, and that was precisely what the occupying Power failed to understand.

53. For decades, the Partido Nacionalista de Puerto Rico had condemned the military exercises of the United States, the purpose of which was to perpetuate its presence in Puerto Rico. The United States had resorted to various forms of subterfuge to keep the United Nations in ignorance of the situation in Puerto Rico. Although the Puerto Rican people was making real progress in the search for possible solutions regarding the Territory's future political status, the Partido Nacionalista de Puerto Rico was concerned at attempts to make the so-called constituent assembly the mechanism which would initiate the decolonization

process. That assembly was not suitable for that role because it would act on the basis of laws imposed by the occupying Power. The issue of the political status of Puerto Rico could not be resolved without the prior granting of sovereign powers to the Puerto Rican people, otherwise the people would be unable freely to choose its own future destiny. The United States must begin a genuine decolonization process in accordance with United Nations resolutions and mandates and the standards of international law and of the community of free nations. It must also remove all its forces from Puerto Rican territory, liquidate its judicial and punitive organs, free all political prisoners and, by handing over sovereign powers, assist the political, economic and social development of the Puerto Rican people. Only then would the latter be able to determine its future political status, through the convening of a constituent assembly.

54. The situation in Puerto Rico demanded that the United Nations and the international community should comply with the standards of international law and respect the fundamental rights of the Puerto Rican people; otherwise they would be accomplices in the genocide being perpetrated by the United States against the people of Puerto Rico.

55. *Ms. Albizu-Campos withdrew.*

56. *At the invitation of the Chairman, Mr. Chávez (Gran Oriente Nacional de Puerto Rico) took a place at the petitioners' table.*

57. **Mr. Chávez** (Gran Oriente Nacional de Puerto Rico), speaking on behalf of the national masonic association of Puerto Rico, said that his organization appealed to the United Nations to demonstrate its moral authority and demand firmly that the United States should comply with the General Assembly resolutions in which metropolises were directed to hand over sovereign power to the peoples who had been living under the yoke of colonialism.

58. He also called upon the United Nations firmly to condemn the repeated human rights violations on the island of Vieques where the inhabitants had for 60 years been suffering the effects of military exercises by the United States Navy which had been undermining the physical and mental health of the island's more than 9,300 inhabitants and harming the island's ecology and its fisheries industry. His organization believed that it was high time to put an end to the

activities of the United States Navy in the national territory of Puerto Rico.

59. The United Nations should also condemn the activities of the colonial authorities as represented by the United States federal court in Puerto Rico, which had imprisoned hundreds of Puerto Ricans and dozens of United States nationals who had tried to halt the naval training exercises on Vieques and end the unpaid use of large quantities of fresh water by the United States forces to the detriment of the Puerto Rican populations. That court was deliberately abetting violations of the rights of the men, women and children of Puerto Rico. Furthermore, political prisoners and prisoners of war who had fought for the freedom of Puerto Rico were still languishing in jail, and he demanded their immediate and unconditional release.

60. The way to decolonization lay through the conclusion by the Puerto Rican people of some form of constituent agreement with the United States Congress, for which that people possessed the necessary political maturity and experience; in that connection, the support of the Special Committee could play an important role.

61. The General Assembly resolution on Puerto Rico should call on the United States Government to implement the provisions of United Nations resolutions relating to decolonization and to fulfil the wishes of the people of Puerto Rico to be liberated from its colonial yoke.

62. *Mr. Chávez withdrew.*

63. *At the invitation of the Chairman, Mr. Guadalupe (Comité Pro Rescate y Desarrollo de Vieques) took a place at the petitioners' table.*

64. **Mr. Guadalupe** (Comité Pro Rescate y Desarrollo de Vieques), accompanying his statement with the projection of a video, said that in 2000 the Committee had already recognized the seriousness of the human rights violations committed in Vieques island, which was being used as an ammunition dump, a firing range and a training ground for the armed forces of the occupying Power. He also pointed out that the relations between Puerto Rico and the United States of America were the relations of a colony and a metropolis, and were characterized by abuses and arbitrary action on the part of the armed forces, which were trying to block the self-determination of Puerto Rico.

65. Referring to the people who had participated in the acts of civil disobedience and for that reason were in preventive detention, he said that the conditions of their detention had been sharply criticized by the whole of the civilized world. They were being denied the right of access to lawyers and were being subjected to torture, beatings and various kinds of humiliation. They had been imprisoned merely on account of their presence in the areas occupied by the United States Navy in Vieques. They had been arrested by the military, and had been tried by military prosecutors specially sent to Puerto Rico to deal with the pacifists. During the court hearings, the defence lawyers had not been permitted to present evidence on behalf of their clients, and the judges had not requested any first-hand testimony from the United States Navy, which would be damaging to its interests.

66. That court, which was in essence a military court, had imposed completely disproportionate penalties on the defendants, and over 700 inhabitants of Vieques were now serving sentences of between a few days and several months. In addition, a number of leaders of the main organizations fighting for the independence and self-determination of Puerto Rico were in prison.

67. Furthermore, United States military was showing utter disregard for the lives of the people demonstrating against the military exercises and was treating them like an enemy army or like wild beasts in the jungle. Tear gas and rubber bullets were used against demonstrators assembled beyond the confines of the military base.

68. The United States Navy applied the harshest measures against those participating in acts of civil disobedience in the actual area of the military base. Even though it was aware that there were demonstrators in the vicinity of the firing range, the United States military was nevertheless continuing the exercises. It was totally unconcerned that there were people in the training area, and was showing total disregard for human life. In that connection, it should be noted that not a single army of the world could claim that its firing exercises took place without accidents; and that fully applied to the United States army.

69. Three factors — infringement of territorial integrity, establishment in Puerto Rico by the occupying Power of its own military justice system, and disregard for the lives of Puerto Ricans — clearly

demonstrated that in its desire to maintain control over Vieques, the United States military was violating the most basic principles linking civilized countries within the Organization. No body other than the Committee could take up those cases of violations and abuses and provide the necessary assistance to the Puerto Rican people.

70. *Mr. Guadalupe withdrew.*

71. *At the invitation of the Chairman, Mr. Díaz-Díaz (Sociedad Bolivariana de Puerto Rico) took a place at the petitioners' table.*

72. **Mr. Díaz-Díaz** (Sociedad Bolivariana de Puerto Rico) said that the process of the decolonization of America had not yet been completed, since Puerto Rico was absent from the list of countries represented in the United Nations. Referring to the situation on Vieques island, he said that for more than 60 years, bombing exercises had been conducted continuously on the island, which had endangered and were continuing to endanger the health of children, women and old people, and were also causing irreparable damage to the environment of the island and its coastal waters. It should also be noted that Vieques had the highest level of unemployment among all the municipalities of Puerto Rico.

73. Ever since the United States Navy had occupied two thirds of the island, the inhabitants of Vieques had waged a struggle to recover the land seized from them. The indignation of the people was now being expressed, in particular, in acts of civil disobedience, and it could be said that the struggle which was being waged by the representatives of the most varied sectors of Puerto Rican civil society was a step towards the decolonization of Puerto Rico. That struggle was being waged not with bombs or missiles, but by peaceful means recognized by the United Nations.

74. However, the United States Government and armed forces were ignoring the legitimate demands of the Puerto Rican people. The United States Government had tried to enact a presidential order aimed at perpetuating the military occupation and bombing exercises in Vieques and providing for the holding of a referendum under the supervision of the United States Navy itself. Understanding the futility of such a referendum, the new governor, Sila Calderón, had proposed that another referendum should be held, envisaging the immediate withdrawal of the United States Navy.

75. The dispute over Vieques clearly demonstrated the unequal nature of relations between the United States of America and Puerto Rico. The United States itself had indicated that it would ignore the results of a referendum conducted by the Puerto Ricans. For the United States Government, only a referendum organized without the participation of the population of Puerto Rico could be legitimate.

76. Recently mass demonstrations of Puerto Ricans demanding peace in Vieques and the immediate withdrawal of the United States Navy had taken place in New York. President Bush had instructed the Navy to prepare to withdraw from the island in 2003 and find an alternative site to conduct exercises. However, the President's words had been met with deep scepticism by the organizations campaigning for the withdrawal of the United States Navy, since they were only too familiar with the broken promises made to Puerto Rico by the United States Government in the past. In particular, the United States Navy had not implemented a single provision of the agreement concluded in 1983 with the then governor, Carlos Romero-Barcelo.

77. Accordingly he felt obliged to request the United Nations to become involved with a view to putting an immediate end to the military exercises on Vieques, ensuring that the United States Navy withdrew as soon as possible, and allowing the Puerto Ricans to exercise their right to self-determination and independence.

78. As had already been said, hundreds of Puerto Ricans had been arrested and thrown in prison for carrying on the struggle. Nevertheless, that struggle by the people of Puerto Rico for decolonization continued, and now as never before there was dialogue on ways to cast off the colonial yoke.

79. The international community could help the Puerto Ricans to create the legal mechanisms for self-determination. The hands-on involvement of the Special Committee and the possibility of the General Assembly considering the question of Puerto Rico would without a doubt help to restore balance in the situation and ensure that the Puerto Ricans were properly represented.

80. *Mr. Díaz-Díaz withdrew.*

81. *At the invitation of the Chairman, Ms. Vanessa Ramos (American Association of Jurists) took a place at the petitioners' table.*

82. **Ms. Ramos** (American Association of Jurists) said that the organization on whose behalf she was speaking enjoyed consultative status with the Economic and Social Council and had branches in North and South America and the Caribbean, including Puerto Rico. The Association was strongly committed to the struggle for the self-determination of peoples and against imperialism and colonialism. That was why she was speaking in defence of the inalienable right of the people of Puerto Rico to self-determination and independence under resolution 1514 (XV) and demanding that the United States Navy should immediately and unconditionally halt its bombing exercises on Vieques, withdraw its military personnel and dismantle all its military installations. Her organization had welcomed the adoption by consensus the previous year of the relevant resolution, and supported the draft resolution which had been put before the Committee at its current session.

83. At the fifty-sixth and fifty-seventh sessions of the Commission on Human Rights, in 2000 and 2001, the American Association of Jurists, together with the Colegio de Abogados of Puerto Rico, had condemned the mass violations of the human rights of the inhabitants of Vieques by the United States Navy. The Association had condemned the resumed military exercises on the island ordered by President Clinton. The Association, like the majority of the Puerto Rican people, was not satisfied with the statement by President Bush to the effect that the Navy's exercises on the island would be halted in 2003. Neither Clinton's orders nor Bush's statement were guarantees of a final withdrawal of the Navy from the island. Civil society in Puerto Rico, despite all the threats from the Government of the United States, had categorically rejected the possibility of a continuation of the bombing exercises on the island and had called for Vieques to be demilitarized, for its territory to be cleaned up and for all its land to be returned to its population, in order to safeguard the future economic development of the island.

84. The United States Navy had exploded missiles tipped with depleted uranium on Vieques. It had already been established that uranium and other heavy metals polluted the air and, land and water resources and also entered the food chain, causing a rise in cancer morbidity. The military use of Territories under colonial rule had been condemned by the international community. The Commission on Human Rights had

judged the practice a crime against humanity affecting not only the inhabitants of Vieques but also the populations of all areas where that radioactive material was used. On the island of Vieques, that kind of ammunition had been used not only in preparations for the operations in Bosnia (1995) and Kosovo (1999), but also before the military action in the Gulf (1990) and in Iraq.

85. The Association condemned the arrests by representatives of the Government of the United States from 4 May 2000 to date and considered that the sentences imposed on those who had taken part in the campaign of civil disobedience — which had begun in 1999 after the tragic death of David Sanes and the wounding of four others resulting from the bombing exercises — were excessive, and political and imperial in nature. That incident had galvanized the Puerto Rican people in their struggle against the Navy presence, and those who took part in the campaign of civil disobedience —including not only representatives of all strata of the Puerto Rican people but also citizens of the United States proper in solidarity with the struggle of the Puerto Rican people — were attempting to penetrate the restricted area in order to prevent the bombing from continuing. She called on the Special Committee to condemn the renewed military exercises, the arrests of participants in the campaign of civil disobedience, the ill-treatment meted out to them and the excessive punishments imposed on them by the United States Federal Circuit Court in Puerto Rico.

86. She called for the proposed draft resolution to be adopted by consensus, which would be an affirmation of the Committee's firm commitment to decolonization. Also, the draft resolution called on President Bush to use his executive powers to free Puerto Rican prisoners who were serving long sentences in United States prisons on charges relating to Puerto Rico's struggle for independence. The American Association of Jurists also supported the proposal to convene a sovereign constituent assembly in Puerto Rico, to which the Congress of the United States would be obliged to surrender all its powers over Puerto Rico.

87. She drew the Committee's attention to two recent events which confirmed the colonial nature of the United States presence in Puerto Rico: firstly, the ruling by the United States Federal First Circuit Court of Appeals in Boston on applying the death penalty in Puerto Rico despite the provisions of the Bill of Rights,

which was part of the Constitution of Puerto Rico; and, secondly, the decision that the United States Navy could extract water from the Río Blanco without charge, in disregard of any regulations set by the Government of Puerto Rico. Those were graphic manifestations of colonialism in the legal arena.

88. *Ms. Ramos withdrew.*

89. *At the invitation of the Chairman, Mr. Adames (Al Frente) took a place at the petitioners' table.*

90. **Mr. Adames** (Al Frente) said that the island of Puerto Rico had become a colony of the United States of America 103 years ago; 84 years ago the colonial status of Puerto Rico had been revoked, all the inhabitants of Puerto Rico had received United States citizenship, and the island had acquired all the attributes of power found in other states. Nevertheless, despite the political evolution in Puerto Rico and the improvement of the economic situation of its inhabitants, they were still denied many rights, including the right to elect the United States President or to be represented in the United States Congress or Senate. Essentially, the inhabitants of Puerto Rico had been relegated to the status of second-class citizens.

91. That situation could be resolved through the proclamation of statehood of Puerto Rico and elections of its representatives in accordance with the United States Constitution. The situation was complicated by the position of the supporters of full independence, who were not taking into account the close ties which had existed for many years between Puerto Rico and the United States, where over one million Puerto Ricans lived permanently. The overwhelming majority of the inhabitants of Puerto Rico wanted the island to become one of the States of the United States of America. Leaving aside emotion, the problem of Vieques island had been stirred up so as to divert attention from the effective defeat of the advocates of full independence. As President Bush had observed, the problem of Vieques island would be resolved after the status of Puerto Rico was settled, which, he hoped, would make it possible to overcome Puerto Rico's colonial past and ensure equal rights for all its citizens.

92. *Mr. Adames withdrew.*

93. *At the invitation of the Chairman, Ms. Rexach (National Advancement for Puerto Rican Culture) took a place at the petitioners' table.*

94. **Ms. Rexach** (National Advancement for Puerto Rican Culture) said that the organization of which she was the executive director advocated the proclamation of Puerto Rico as the 51st state of the United States of America. Even though Puerto Rico had become a territory of the United States in 1898, and all Puerto Ricans had become United States citizens, they were still denied many of the basic rights enjoyed by United States citizens. Meanwhile, Puerto Ricans served in the United States army and died for that country, like any other citizens of any other state.

95. Puerto Rico played a significant role in the United States economy; the history of Puerto Rico was inseparably linked with the history of the United States, and the contribution of Puerto Ricans to American culture was invaluable. Millions of Puerto Ricans, who were proud of being part of the United States, hoped that Puerto Rico would soon become the 51st state, and they would become full-fledged citizens of that great country.

96. *Ms. Rexach withdrew.*

97. *At the invitation of the Chairman, the Reverend Luis Barrios (Iglesia San Romero de las Américas) took a place at the petitioners' table.*

98. **The Reverend Barrios** (Iglesia San Romero de las Américas) said that he considered it his Christian and patriotic duty to speak in the Committee and condemn the illegal actions which the United States was continuing to carry out against his homeland — Puerto Rico. Those actions were colonial in nature and could be described as force on the part of a State which, by means of cruel and unjustified measures, was trying to destroy the national identity of the Puerto Rican people, assimilate them, destroy their culture and language and place them in even greater economic, political and psychological dependence.

99. The policy of force on the part of colonialist United States should be viewed from the perspective of the current situation, which was one of hegemony. Hegemony meant a situation in which social and political groups exercising power on the basis of inequality were gaining the consent, supposedly without any coercion, of those who were being subjected to coercion, colonization and marginalization. That amounted to securing the consent of the victims of colonialism to further colonization on the basis of a "colonial consciousness" which was allegedly being demonstrated during such activities as

elections, referenda or plebiscites designed to legitimize the colonial status of Puerto Rico.

100. Hegemony on the part of the United States in Puerto Rico was a strategy of domination to preserve the colonial status. It was also necessary to bear in mind the ability of the United States to exert an intellectual, political, moral and religious influence, which enabled it to gain the support of certain national groups which were in the service of the colonial regime and derived personal gain from the existing colonial relations. Thus, hegemony had an economic and ideological basis and served to legitimize the existing political system. It was virtually impossible to escape the effects of psychological colonialism in view of the control exercised by the United States.

101. The goal of his statement was to help the Committee gain a true picture of the situation in Puerto Rico and the human rights violations by the United States so that it could create mechanisms which would enable the Puerto Rican people to exercise their right of self-determination, and so that the Constitution of Puerto Rico as a freely associated State could be recognized as a mechanism which legitimized the colonial relations with the United States. It must be recognized, first of all, that no elections and referenda could have legitimate legal and moral force as long as the United States remained in Puerto Rico, since the United States controlled all social, political, economic and religious structures of the country.

102. It must be recognized that if Puerto Rico became a state of the United States of America, that would not be a means of casting off its colonial status, but would be a more refined type of colonialism. The Puerto Ricans did not want another form of colonialism, but sought the decolonization and independence of Puerto Rico. The Committee must recognize the existence of the problem of Puerto Rican political prisoners and prisoners of war and call for their immediate release. Since colonialism was an act of force, the legitimate right of the Puerto Ricans to use all necessary means, including revolutionary force, to achieve decolonization and independence must be recognized.

103. He called upon the members of the Committee to declare officially that Puerto Rico was still a colony of the United States, that the United States was maintaining its colonial domination in Puerto Rico and that it was necessary to begin the process of decolonization and the granting of independence,

which would lead to the transfer of all political and economic power to the Puerto Rican people and the immediate withdrawal of the United States from Puerto Rico. The United States, after 103 years of colonialism, which had impeded the development of the Puerto Rican economy, must recognize its responsibility and take part in the process of restoring economic justice in Puerto Rico.

104. *The Reverend Barrios withdrew.*

105. *At the invitation of the Chairman, Mr. Koppel (Socialist Workers Party) took a place at the petitioners' table.*

106. **Mr. Koppel** (Socialist Workers Party) said that the recent resumption of the military bombing by the United States on the Puerto Rican island of Vieques deserved to be roundly condemned as defiance of the will of the majority of the people of Puerto Rico; it demonstrated once again that that country remained a United States colony. A successful struggle for the independence of Puerto Rico was in the interests of the majority of the people of the United States since the workers of both countries were subjected to exploitation by a handful of billionaires who ruled the United States and exploited the natural resources of Puerto Rico. As long as Puerto Rico remained under the colonial yoke of the United States, American workers would be unable effectively to assert their rights.

107. Some 2.7 million Puerto Ricans living in the United States were an important component of the working class of that country and, together with other oppressed nationalities were subjected to systematic racist discrimination. Continuing colonial rule in Puerto Rico reinforced the position of racist and reactionary forces in the United States. The attack on the democratic rights of the people of Puerto Rico was accompanied by increased pressure on working people in the United States. Since the occupation of Puerto Rico over a century earlier, Vieques Island had been used as a base for launching aggression throughout the world. A successful struggle for the independence of Puerto Rico would dispel the myth that that country was unable to survive without its masters, as was confirmed by the example of revolutionary Cuba. Condemnation by the Special Committee of the colonial rule of the United States in Puerto Rico would serve the interests of the vast majority of the people of

the United States and of all those who were fighting for national self-determination and the future of humanity.

108. *Mr. Koppel withdrew.*

109. *At the invitation of the Chairman, Mr. Vargas (Concerned Puerto Rican Americans) took a place at the petitioners' table.*

110. **Mr. Vargas** (Concerned Puerto Rican Americans) said that, in defiance of General Assembly resolution 1514 (XV), the colonial status of Puerto Rico was still being maintained. That was confirmed by the actions of the United States on Vieques Island, by the refusal of the United States authorities to allow representatives of Cuba to enter Puerto Rico and by the fact that the conflict in Puerto Rico had been referred to the Natural Resources and Energy Committee of the United States Congress, which regarded the people of Puerto Rico not as citizens of a free State but as a population under colonial domination. The United States was seeking to perpetuate that situation and not to permit the liberation of Puerto Rico; the General Assembly should therefore unambiguously state its position on that matter, particularly in view of the four plebiscites that had taken place over the past century in which the Puerto Rican people had refused to join the United States.

111. Puerto Ricans were proud of their nationality and their heritage and refused to adopt United States customs and traditions. Puerto Ricans demanded an end to the 103 years of the colonization of Puerto Rico and sought to prevent any attempts by the United States to assimilate their country. The United Nations should put an end to the colonial regime in Puerto Rico and hold presidential elections in 2004. Puerto Rico should be declared a sovereign State in accordance with the wishes of its people and, as such, should be admitted to membership of the United Nations. The present governor, Sila María Calderón, should relinquish her authority and transfer her full powers to the new president of the republic of Puerto Rico. The United Nations could and should ensure the liberation of Puerto Rico.

112. *Mr. Vargas withdrew.*

113. *At the invitation of the Chairman, Mr. López (House of Representatives of Puerto Rico) took a place at the petitioners' table.*

114. **Mr. López** (House of Representatives of Puerto Rico) said that on 20 June 2001 the House of

Representatives of the freely associated State of Puerto Rico had adopted a resolution in which it had called on the United Nations, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the international community to support the demand for an immediate and final cessation of military activities on Vieques Island, the immediate transfer of the territory to Puerto Rican jurisdiction and the clean-up of polluted land.

115. For over 70 years, the United States Navy had been occupying and using a significant part of Vieques Island as a military bombing range. That meant that bombs were being dropped close to areas in which tens of thousands of Puerto Ricans lived.

116. As a result of those exercises, the people of Vieques had been deprived of the most fertile land, which had been contaminated, natural resources were being destroyed, the health of the inhabitants of the island was impaired, incidents with fatal consequences were taking place, the economic development of the island was jeopardized and an overall climate of anxiety and alarm had been created. In view of the unsatisfactory situation which had been created by the military activity on Vieques Island, the Governments of Puerto Rico and the United States had begun bilateral talks with a view to reaching an acceptable agreement. In the context of that process, the Government of the United States had taken a decision entailing an arrangement whereby the population of Vieques would be able to choose one of two options: cessation of naval exercises in 2003 or continuation of the exercises with the use of ammunition for an indefinite period.

117. Being dissatisfied with the legislation adopted by the United States, the House of Representatives of Puerto Rico had called for the immediate cessation of all military activities by the Navy on Vieques and for the organized and efficient transfer to the islanders of the territories under Navy control.

118. The situation on Vieques was an example of a grave violation of human rights which needed to be considered by the international community. The United Nations Charter proclaimed the right to economic, social and cultural development, the right to use one's natural resources, the right to life, health and to an environment that enabled the quality of life of all to be improved. The Universal Declaration of Human Rights of 1948 guaranteed the right to life, liberty and security

of the person, protection from cruel, inhuman or degrading treatment, the attainment of economic, social and cultural rights, the right to work and the right to an adequate standard of living, health protection, well-being, and housing.

119. It was obvious that all those international rights and guarantees were being ignored by the United States Navy which was operating on Vieques Island. Those rights, enshrined in international legal instruments, should be fully applied also to the people of Vieques. The situation was not just an internal matter for the United States but was one of the most pressing issues on the agenda of the international community. Today, more than ever before, the right to peace was indisputably the most important of human rights. Consequently, any violation of that human right warranted the immediate attention of the United Nations. In conclusion, on behalf of the people of Puerto Rico, he called for support for the resolution of the House of Representatives of Puerto Rico concerning the military exercises on Vieques Island.

120. *Mr. Lopez withdrew.*

Draft resolution A/AC.109/2001/L.7

121. **Mr. Rodríguez Parilla** (Cuba), introducing draft resolution A/AC.109/2001/L.7, said that 25 July 2001 marked the one hundred and third anniversary of the military intervention in Puerto Rico by the United States, a historical event which had had a substantial impact on the development of the Puerto Rican people but which had not constrained the growing sense among Puerto Ricans that they belonged to the family of Latin American and Caribbean peoples.

122. The question of Puerto Rico had been under consideration by the Special Committee for the past 29 years and 19 resolutions and decisions had been adopted on that matter since 1972. He expressed the hope that the Special Committee would continue its work on the question of Puerto Rico in accordance with its duties and mandate.

123. In spite of the solidarity of the international community with the Puerto Rican people, the colonial Power was using every possible means to strengthen its economic, political and social supremacy in Puerto Rico.

124. The draft resolution being considered took account of the main elements of earlier resolutions and

decisions on the same subject, and also contained elements reflecting the current situation in Puerto Rico.

125. The situation on Vieques Island had become a subject of close attention by the entire international community. It was beyond doubt that the Puerto Rican people were unanimously demanding an immediate end to the presence of the United States military on the island, which had adversely affected the health of the population and the Territory's environment and socio-economic development.

126. The draft resolution contained an appeal to the Government of the United States to order the immediate halt of military drills on the Vieques Island, to return the land occupied by its Navy to the people of Puerto Rico, to halt the persecution, arrest and harassment of demonstrators, to release all persons incarcerated, to respect fundamental human rights and ensure the right to health and economic development and to decontaminate the impact areas. The international community should condemn the use of harsh and unjustified measures, including deprivation of liberty, against dozens of peaceful demonstrators and champions of peace on Vieques Island and should demand the immediate release of persons in detention, including political personalities and champions of human rights, both Puerto Ricans and United States citizens.

127. The international community had closely followed the progress of discussions in the Government and Congress of the United States concerning the nature of the relations between the United States and Puerto Rico but so far there had been no progress towards a genuine process of self-determination and independence. That being so, it was a matter of urgent necessity to adopt the new resolution on Puerto Rico.

128. The Movement of Non-Aligned Countries had repeatedly expressed its solidarity with the people of Puerto Rico and the draft resolution noted the position on the subject of Puerto Rico set forth in the final document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries held in Cartagena, Colombia, in April 2000.

129. The inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution 1514 (XV) had been reaffirmed by the General Assembly since 1973 in the first paragraph of all resolutions adopted on the subject of Puerto Rico. The other operative paragraphs of the

draft resolution contained an appeal to the Government of the United States to assume its responsibility for expediting a process that would allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence. The draft resolution recalled the release of eleven Puerto Rican political prisoners and contained a request to the United States to release the remaining Puerto Rican political prisoners who were serving long prison sentences on cases related to the struggle for the independence of Puerto Rico. In the light of the requests from representatives of practically all political viewpoints in Puerto Rico, the draft resolution expressed the hope that the General Assembly would give comprehensive consideration to the question of Puerto Rico in all its aspects.

130. The draft resolution noted with satisfaction the report prepared by the Rapporteur of the Special Committee and requested a further report in the year 2002.

131. The draft resolution did not fully reflect the well-known position of Cuba on the question of Puerto Rico but it did reflect the outcome of an intensive process of consultations involving the direct participation of broad social and political groups in Puerto Rico as well as of States members of the Special Committee. In conclusion, he said that the adoption by consensus of the resolution on Puerto Rico the previous year had been a historic achievement and expressed the hope that at the present session a spirit of unity of compromise would prevail among the members of the Special Committee and that the proposed draft resolution on Puerto Rico would be adopted without a vote.

The meeting rose at 1 p.m.