



## General Assembly

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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 6th meeting

Held at Headquarters, New York, on Thursday, 21 June 2001, at 3 p.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 (Cote d'Ivoire), Vice-Chairman, took the Chair.*

*The meeting was called to order at 3.15 p.m.*

## **Adoption of the agenda**

1. *The agenda was adopted.*

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

*Hearing of petitioners (continued) (aide-mémoire 8/01 and Add.1)*

2. *At the invitation of the Chairman, Mr. Pagán (ProLibertad) took a place at the petitioners' table.*

3. **Mr. Pagán** (ProLibertad) said that the question of Puerto Rico should continue to figure prominently in the Committee's agenda. The United States had not yet acted upon any of the recommendations contained in the Committee's ground-breaking decision of 12 July 2000; in fact, the Navy had recently resumed bombing exercises on Vieques Island, an action which had led to peaceful demonstrations against the United States. Hundreds of people had been arrested for participating in those demonstrations. Despite statements by Navy officials that they would abide by the outcome of the November 2001 referendum, it seemed clear that the Navy had no intention of leaving the island. Angered by the failure to recognize the will of the people of Vieques, the new Governor of Puerto Rico had approved legislation calling for a referendum in July. In addition to the two options included in the agreement signed by the Clinton Administration and her predecessor, the new referendum would include a third option — immediate withdrawal of the Navy and federally-sanctioned clean-up of the environmental contamination caused by the bombing.

4. In view of the century-old history of United States — sanctioned sabotage, intimidation and manipulation in Puerto Rico, the Committee must continue to monitor the situation closely. In addition, the General Assembly should re-evaluate the loophole by which the United States had been exempted from transmitting information under Article 73 *e* of the Charter of the United Nations. He asked the Committee to adopt the resolution that was before it and to act to

help end the bombing in Vieques and secure the unconditional release of all remaining Puerto Rican political prisoners.

5. *Mr. Pagán withdrew.*

6. *At the invitation of the Chairman, Mr. Medina (Working Group on Puerto Rico) took a place at the petitioners' table.*

7. **Mr. Medina** (Working Group on Puerto Rico) said that the United States had for over a century, in violation of international law, maintained a colonial regime in Puerto Rico and kept it in an intolerable position of political subordination. He cited two cases in point: the recent reversal by a United States Appeals Court of a decision by the Federal District Court in Puerto Rico declaring the death sentence inapplicable in Puerto Rico because of the explicit prohibition on capital punishment in the 1952 Commonwealth Constitution; and the Federal District Court judgement that the United States Navy was entitled to draw water from a Puerto Rican river without paying compensation to Puerto Rico, thus giving the people no recourse against the plunder of their natural resources.

8. The United States Navy was continuing its criminal shelling exercises on Vieques and a neighbouring island. The Committee must urge the United States to put an end immediately — and not within two years, as recently indicated by the Bush Administration — to 60 years of environmental damage and human rights violations on Vieques. The scornful and racist reaction of the United States representative from Utah to the Vieques protests was typical of the prevailing sentiment in Congress and argued against the possibility of statehood for Puerto Rico as a true decolonization option.

9. Invoking the rights outlined in General Assembly resolution 1514 (XV), he called for the immediate withdrawal of the United States military, legal, and political apparatus from Puerto Rico, the release of all political prisoners, and the handing over of power to the Puerto Rican people and urged the Committee to bring the question of Puerto Rico before the General Assembly.

10. *Mr. Medina withdrew.*

11. *At the invitation of the Chairman, Mr. Monteverde-Torres (Centre for Constitutional Rights) took a place at the petitioners' table.*

12. **Mr. Monteverde-Torres** (Centre for Constitutional Rights), recalling that the Committee's task was to eliminate colonialism throughout the world and combat any form of political subordination of one nation to another, said that it must use its influence to end United States colonial control over Puerto Rico.

13. In 1953, the General Assembly had removed Puerto Rico from the list of Non-Self-Governing Territories, thus exempting the United States from further reporting obligations; in 1973, after 20 years of inaction, the General Assembly had endorsed the Committee's resolution calling for the decolonization of Puerto Rico, thereby buoying the hopes of Puerto Rico. Since that time it had done nothing to assume its legal and moral obligations towards Puerto Rico under the Charter and resolution 1514 (XV), and had not even debated the issue, let alone required the United States to observe international law.

14. Vieques had become a national issue, but it was not an isolated problem distinct from Puerto Rico's overall situation as the oldest remaining colony in the Western Hemisphere. It was open to question whether the United States Navy would, in fact, leave Vieques by 2003. The referendum on the status of Puerto Rico, which was scheduled for November 2001, was to be administered by the United States armed forces, the very forces which were perpetrating human rights violations against the Puerto Rican people.

15. He therefore asked the Committee to send observers both to the November referendum and to the referendum proposed by the Puerto Rican Governor for July 2001, in order to internationalize both consultations and give them legitimacy.

16. *Mr. Monteverde-Torres withdrew.*

17. *At the invitation of the Chairman, Mr. Pesquera (Congreso Nacional Hostosiano) took a place at the petitioners' table.*

18. **Mr. Pesquera** (Congreso Nacional Hostosiano) said that he came before the Committee in the hope that, resisting pressure and manoeuvring on the part of the United States, it would take a clear position on the colonial situation in Puerto Rico and the violations of the human rights of its people. Recently, international attention had been drawn to the people's struggle to eradicate one of the direct consequences of that colonialism, the imposition by military force of the will of the intervening Power over the will of the people of

the country. There had been many popular protests against colonial edicts by the Federal District Court in Puerto Rico, such as its recent upholding of the right of a United States naval base in eastern Puerto Rico to deplete the water resources of the island and deprive the inhabitants of much-needed water; that declaration of United States sovereignty over the natural resources of the Puerto Rican people could only be described as blatant colonialism. Such abuses had aroused the indignation of Puerto Ricans, across ideological and political lines. Puerto Ricans of all affiliations had braved ill-treatment and imprisonment to protest the use of Vieques Island as a shelling range by the United States Navy, some even risking their lives on the firing grounds as human shields. Furthermore, it should be noted that chemical substances used by the United States in its communications technology were contaminating the airspace over Puerto Rico, the Dominican Republic and Cuba.

19. The international community must intervene urgently to prevent genocidal injustice in Puerto Rico and hasten its decolonization. Puerto Rico was fighting for its natural resources, its right to health, peace and development, its right to self-determination, and respect for its culture, language and international personality. His organization advocated the inclusion of the question of Puerto Rico in the agenda of the General Assembly; the recognition that only a direct vote of the Puerto Rican people could change the country's Constitution; respect by the United States Government for the laws of Puerto Rico governing its natural resources; the unconditional release of all Puerto Ricans imprisoned for their activities on behalf of independence; the recognition of the Constituent Assembly as the consensus body through which the people could express their will; and the immediate cessation of all military exercises on the island of Vieques, followed by an environmental clean-up of contaminated areas and a return of the occupied land to the people of Puerto Rico.

20. *Mr. Pesquera withdrew.*

21. *At the invitation of the Chairman, Ms. Escobar (Women for Peace and Justice for Vieques, Puerto Rico) took a place at the petitioners' table.*

22. **Ms. Escobar** (Women for Peace and Justice for Vieques, Puerto Rico) drew attention to the direct link between the militarization of Puerto Rico and the environmental contamination of Vieques Island

through the use, storing and detonation of toxic munitions, and the resulting health problems on the island; all of which constituted human rights violations. For the past 60 years, the inhabitants of Vieques, confined to one quarter of the island between the United States naval base and the shelling ground, had been exposed to constant bombardments, excessive noise, contamination and steady deterioration of basic services such as hospitals and schools. Moreover, since the Navy had begun expropriating land in Vieques, many women had been the victims of harassment, violence and sexual abuse by the United States naval personnel.

23. In Vieques, women's health was suffering because of the scarcity of medical personnel: despite the elevated cancer rate, women had to travel to the main island for mammograms and other cancer screening tests. Some 40 per cent of women received no prenatal care during the first trimester, with the consequent significantly higher rates of low-birth-weight babies and infant mortality compared to the main island. Also, official figures showed that the overall death rate in Vieques was 40 per cent greater than for the main island, largely due to high rates of cancer, diabetes and cardiovascular disease, the main culprits. There was a cluster of cases among fishermen and their families of enlargement of the pericardium coupled with mitral valve insufficiency, a condition termed "vibro-acoustic disease", which was directly linked to the noise from bombardment. There was also an exceptionally high incidence of breast enlargement among both girls and boys. Those high mortality and morbidity rates were the direct effects of the militarization of the island.

24. Since the arrests and evictions from the bombing range of May 2000, resistance to the United States Navy presence among the people of Vieques and Puerto Rico had been constant. Hundreds of people had been arrested, many of them women. During the latest wave of arrests many people had suffered physical and sexual abuse of varying degrees of severity at the hands of male officials who had sought to humiliate the Puerto Rican people.

25. She called on the Special Committee to bring the United States of America to account for its violations of human rights in Vieques and to acknowledge, as the rest of the world did, that the United States had maintained Puerto Rico's colonial status from 1898 up

to the present day. The current situation in Vieques was sufficient proof of that fact.

26. She called for an immediate end to the bombing in Vieques; the immediate withdrawal of the United States Navy; the release of all political prisoners taken in the struggle for peace in Vieques; and the return of the island to the people of Vieques. The United States should be held accountable for the damage it had caused and required to clean-up and decontaminate the land

27. *Ms. Escobar withdrew.*

28. *At the invitation of the Chairman, Ms. Vélez Mitchell (Primavida) took a place at the petitioners' table.*

29. **Ms. Vélez Mitchell** (Primavida) explained that Vieques had been settled by English and French people before the Spanish made it part of Puerto Rico. She contrasted the idyllic life the people of that beautiful island had led prior to the arrival of the United States Navy in 1928 with the humanitarian and environmental crisis that had followed: women now carried handguns out of fear of aggressive United States Marines; the water had become undrinkable; children were being born with cancer; agriculture had been ruined and the fishing industry had been destroyed. That the United States of America had begun renting out the island to other countries for them to test their bombs had been the last straw.

30. The view of history commonly held in the United States of America — that American history began with the settlement of Jamestown, Virginia in 1607 — was mistaken: in 1513, Ponce de Leon had set sail from the city of San Juan, Puerto Rico for Florida and Mexico and had established settlements there. Also in 1513, the first university in the New World had been founded in San Juan. At the end of Spanish rule in 1898, Puerto Rico had had schools, a college and a military academy; it had not been true then and it was not true now that Puerto Rico and Vieques were a backward country of uncivilized, uneducated people.

31. She called on the Committee to join in the fight to save her homeland and to help restore the pride and dignity of the inhabitants of Puerto Rico in general and Vieques in particular. The people of Puerto Rico had no desire to follow the example of the people of Cuba.

32. *Ms. Vélez Mitchell withdrew.*

33. *At the invitation of the Chairman, Mr. Cordero (Cultural Liberty Association Hispanic American, Inc. (CLAHI)) took a place at the petitioners' table.*

34. **Mr. Cordero** (Cultural Liberty Association Hispanic American, Inc. (CLAHI)) said that 400 years of Spanish rule had left Puerto Rico in a situation of dire poverty; life expectancy had been pitiful and education had been available only to the privileged few. Moreover, Blacks, whether born in Africa or in Puerto Rico, and their descendants, had not been allowed to become Spanish citizens; their first chance at citizenship had come in 1917, when the Congress of the United States of America had extended American citizenship to everyone born in Puerto Rico. He contrasted the peonage of Puerto Ricans under Spanish rule with their economic and cultural rights and freedoms afterwards, and praised the United States of America for its generosity, noting that other peoples in the Caribbean would go to extreme lengths to enter the United States of America and enjoy that country's liberties and opportunities.

35. As Puerto Ricans were American citizens they should have equal rights and duties. It pained him every time a son or daughter of Puerto Rico was called to active military service because Puerto Ricans could not vote for the Commander-in-Chief on whose orders they were putting their lives on the line. He called on Puerto Ricans to pursue their American citizenship to its logical conclusion, to become true equals among equals, and so lose the colonial taint.

36. *Mr. Cordero withdrew.*

37. *At the invitation of the Chairman, Mr. Rivera (Puertorriqueños Unidos en Acción) took a place at the petitioners' table.*

38. **Mr. Rivera** (Puertorriqueños Unidos en Acción) said that his organization was focusing its efforts on stopping the United States Navy from using Vieques as a firing range and had recently asked the Inter-American Commission on Human Rights to hold a special session to hear reports on violations of the human rights of the people of Vieques. The people of Puerto Rico had suffered serious and systematic human rights violations during 103 years of colonial domination by the United States, which had always sought to confuse world public opinion as to the true nature of the political, economic, social and cultural power it wielded over Puerto Rico, using its influence to keep the issue off the international agenda. The

Special Committee needed to alert world opinion to the true situation as regards oppression of the Puerto Rican people, bring pressure to bear on international organizations to abide by their human rights commitments and call on the United States Government to comply with the international legal standards binding on all sovereign States.

39. *Mr. Rivera withdrew.*

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

40. **The Chairman** recalled that the Permanent Representative of Cuba had introduced draft resolution A/AC.109/2001/L.7 at the Special Committee's previous meeting and invited the Committee to begin its consideration of it.

41. **Mr. Streeter** (Chile) said that his delegation had reservations about the scope of the draft resolution and would therefore not take part in the decision. While concerned about the situation on the island of Vieques, his delegation was convinced that a satisfactory solution would be achieved directly between the Puerto Ricans and the Administration of the United States of America.

42. **Mr. Donigi** (Papua New Guinea) said that his delegation reserved its position as to whether the Special Committee had any *locus standi* on the question of Puerto Rico: the right to self-determination did not apply to peoples within the territory of a Member State. That being the case, his delegation would not participate in any action on the draft resolution.

43. **Mr. Mohammad** (Iraq) said that his delegation gave its wholehearted support to the draft resolution and hoped that it would be approved by consensus. He made particular note of the references in the draft resolution to practices which, in his delegation's opinion, ran counter to the principles and purposes of the Charter of the United Nations.

44. **Mr. Alcalay** (Venezuela) said that his delegation reiterated its support for the decolonization process and the inalienable right of the Puerto Rican people to self-determination. He, too, hoped that the draft resolution could be adopted by consensus as had happened the previous year.

45. **Mr. Molla Hosseini** (Islamic Republic of Iran) said that the draft resolution contained the most important elements relating to the situation of Puerto

Rico. He therefore called upon the Committee to adopt the draft resolution.

46. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt the draft resolution.

47. *Draft resolution A/AC.109/2001/L.7 was adopted.*

48. **Mr. Rodriguez Parrilla** (Cuba) said that the Committee had fulfilled its mandate by adopting what was its twentieth resolution on the subject. However, the resolution must be more than a piece of paper; it should be an important new instrument enabling the people of Puerto Rico to exercise their right to self-determination and independence. The resolution placed a legal, political and moral obligation on the United States to accept debate on the status of Puerto Rico and spelled out the demand by the international community that the occupation and bombing of Vieques should end. He thanked the petitioners who had spoken so eloquently on behalf of the Puerto Rican people and in support of the resolution.

#### **Question of Western Sahara (continued)** (A/AC.109/2001/12)

##### *Hearing of petitioners*

49. *At the invitation of the Chairman, Mr. Boukhari took a place at the petitioners' table.*

50. **Mr. Boukhari** (Frente POLISARIO) said that the United Nations Mission for the Referendum in Western Sahara (MINURSO) had completed its voter identification operation in February 2000, thereby removing the main obstacle to the holding of the referendum and leaving the way open for full implementation of the Houston Agreements, involving the start of a transitional period, return of Sahrawi people resident outside Western Sahara, exchange of prisoners of war, the release of Sahrawi political detainees, and the setting of the date of the referendum for the autumn of 2000. However, fearing that the referendum would lead to independence for Western Sahara, Morocco, with the support of one of the permanent members of the Security Council, had chosen to delay the process by lodging more than 130,000 appeals.

51. There were two ways to view the issue of the appeals: either as just another problem, in which case the United Nations should tackle it with the same

determination it had demonstrated on previous occasions, or as a pretext for wrecking the referendum. That appeared to be the position taken by Morocco. The United Nations efforts remained paralysed and the reports of the Secretary-General now focused on the insuperable difficulties and cost of resolving the appeals process, with the Security Council and Secretary-General apparently powerless in the face of Morocco's unwillingness to cooperate. The London negotiations of May and June 2000 had produced no results and the technical negotiations held in Geneva in July 2000 had been sabotaged by the Government of Morocco. In the resulting climate of unwarranted pessimism, Morocco had declared in Berlin in September 2000 that it no longer supported the settlement plan, but would prefer a "third way" solution, involving devolution of government authority for former and present inhabitants of the Territory, yet confirming in advance that Western Sahara was Moroccan, in defiance of the right to self-determination established by the United Nations and enshrined in the peace plan.

52. In the resolutions it had adopted since October 2000, the Security Council now mentioned two possible solutions: on the one hand, the settlement plan accepted by both parties and the international community and, on the other, an alternative political solution. Despite opposition from Morocco and France, who were seeking a unilateral solution aimed at legitimizing military occupation of Western Sahara, the Security Council had insisted that any political alternative must be acceptable to both parties. The Frente POLISARIO was firmly committed to the settlement plan and could not accept any alternative solution not based on respect for the inalienable right of the Sahrawi people to self-determination and independence.

53. In May 2001, the Secretary-General's Personal Envoy had put forward Morocco's proposals. Under those proposals, an executive council would be elected by Sahrawi voters identified by the United Nations as eligible to vote in the planned self-determination referendum, although competence for all the most important sectors would remain the sole preserve of the Government of Morocco. A legislative council would be established following elections in which any Moroccan citizen resident in Western Sahara could take part. After four years, however, the executive council would no longer be elected by the voters identified by

the United Nations but by the legislative council, which would have been elected with the support of whole populations of Moroccan settlers. One year later, the new executive council would discuss with the Moroccan authorities the final status of the Territory, although the option of independence would be excluded and the electorate for the referendum would include any Moroccan citizen who had arrived in the territory in the preceding year.

54. The proposals were totally unacceptable and the Frente POLISARIO had informed the Secretary-General's Personal Envoy that it felt bound to reject them. On 4 June 2001, the Frente POLISARIO had submitted to the Secretary-General its own proposals for a solution.

55. Virtually all countries agreed that it would be wrong to sacrifice the right to self-determination of the Sahrawi people merely in order to prop up a regime which had committed large-scale human rights violations in its own country and in Western Sahara, and which was obstructing the referendum process thereby reneging on its commitments and flouting international law.

56. The Special Committee should send a mission to Western Sahara in order to give fresh impetus to the decolonization process. The active involvement of the General Assembly and the Special Committee was more necessary than ever in order to encourage the Security Council to ensure that the self-determination referendum provided for in the settlement plan was held. The Sahrawi people would cooperate with all United Nations efforts to advance the settlement plan, but in any event would continue its legitimate struggle for national liberation by all available means until its sovereignty and territorial integrity were fully restored.

57. *Mr. Boukhari withdrew.*

58. **Mr. Dausá Céspedes** (Cuba) expressed the hope that the settlement plan would finally be implemented under the terms agreed by the two parties on 30 August 1978. The United Nations was committed to full implementation of the settlement plan accepted by both parties (S/21360), which had been endorsed by Security Council resolution 658 (1990). That commitment had been confirmed by Security Council resolution 690 (1991), in which it was decided to hold a referendum for self-determination for the people of Western Sahara, organized and supervised by the United Nations. The holding of such a referendum

under transparent and impartial conditions remained the only viable option for ensuring the right of the people of Western Sahara to self-determination and for securing a fair and lasting peace in the region. The Government and people of Cuba remained committed to the independence of Western Sahara and no further fictitious obstacles should be placed in its way.

59. **Mr. Donigi** (Papua New Guinea) called on the Government of Morocco and the Frente POLISARIO to cooperate fully with the Secretary-General and his Personal Envoy in implementing the various phases of the settlement plan and overcoming the remaining problems. He asked whether the question of Western Sahara could be dealt with in informal consultations.

60. **The Chairman** said that the Bureau of the Committee would consider the request.

61. He would take it that, subject to any directive on the subject that the General Assembly might give at its fifty-sixth session, the Committee wished to end consideration of the item and decided to transmit all the relevant documents to the General Assembly to facilitate the consideration of the item in the Special Political and Decolonization Committee (Fourth Committee).

62. *It was so decided.*

*The meeting rose at 5.10 p.m.*