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**THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM**

**Caribbean regional seminar on the implementation of the Third International Decade  
for the Eradication of Colonialism: goals and expected accomplishments**

**Kingstown, Saint Vincent and the Grenadines  
31 May to 2 June 2011**

**STATEMENT**

**BY**

**Colegio de Abogados de Puerto Rico**

**(Ms. Wilma E. Reveron Collazo)**

Mr. Presidente H.E. Francisco Carrión Mena; other members of the Committee; distinguished delegates, participants and other public present.

Allow me to begin by congratulating Ambassador Carrión Mena for his election as president of this important committee. Your extensive diplomatic experience will certainly enrich the work of the Committee.

I appear before you on behalf of the Puerto Rico Bar Association, the oldest institution of Puerto Rico's civil society founded in 1840 which year after year has made important contributions to the discussions before this Committee.

Mr. president, we face the matter before us regarding the "Third Decade for the Eradication of Colonialism; goals and expected accomplishments", with a heavy heart. The mere fact that we are here discussing a Third Decade causes frustration and disappointment to the people of the territories who still have not achieved their independence, more so in the case of my motherland who has never tasted the sweet honey of freedom.

Upon reviewing the general situation in the Caribbean, specifically in those territories that are still listed, I ask myself: Why are we talking about this in the 21<sup>st</sup>. Century? Didn't Res. 1514(XV) proclaim the equality of all nations big and small? Wasn't it clearly established that colonialism is a crime against humanity, a gross violation of human rights?

The right to decolonization is born out of the people's fundamental supreme human right to self-determination. That right is founded on the principle of government by consent enshrined in the United States Declaration of Independence of 1776:

"governments are instituted among men deriving their just powers from the consent of the governed."

US President Woodrow Wilson considered the right to self-determination an essential norm in the conduct of international relations:

"No peace can last, or ought to last, which does not recognize that governments derive all their just power from the consent of the governed and that no right anywhere exists, to hand peoples over from sovereignty to sovereignty as if they were property.

Peoples and provinces are not to be bartered about from sovereignty to

sovereignty as if they were chattels and pawns in the game... Self-determination is not a mere phrase. It is an imperative principle of action, which state men will henceforth ignore at their peril."

The right to self determination became one of the pillars of the New International Order based on principles, not on power; based on the rule of law, not in particular interests. Since its creation the UN included in its statutes the recognition of the right to self-determination of the peoples of the world, to the development of their own governments; to freely establish their political condition and to provide for their economic, social and culture aspects. The right to self determination is a fundamental right, without which it is impossible to fully enjoy all other rights.

The right of decolonization today or the "rule of law" is found in the UN Charter, the several International Covenants on Human rights, in multiple resolutions of the UN GA, being Res. 1514(XV) the Carta Magna on Decolonization. All these instruments reiterate as a principle the inadmissibility of foreign intervention and the protection of the peoples subjected to colonialism and the duty to guarantee the full enjoyment of the right to self determination and independence.

International law expert Gross Espiell reminds us that under international law colonialism is an international crime typified as such. Therefore, it must be stressed that upon adopting Res. 1514(XV), all titles to territorial sovereignty founded upon dominion are obsolete inasmuch they violate the principle of self determination of the peoples subjected to colonial foreign domination. As a result all colonial titles which result from the old and obsolete international law, have ceased to exist.

This is the applicable theory in questions of colonialism, however the "real politik" is another. If the UN were to truly enforce these principles, we wouldn't have a Caribbean Sea fragmented and occupied by three European powers and one North American power.

In theory the legality of the claim to territorial titles of the so called "administering powers" which by itself is an euphemism for "imperial power", cannot be sustained under any of the principles decreed by the UN; rather they would in fact be in flagrant violation of the same.

Under these principles there is no justification for the physical presence and occupation by foreign countries in the Caribbean and their intervention over Caribbean territories and waters.

There is nothing in the aforesaid mentioned principles that justify or allow for the UK suspending a constitution, demanding a new constitution and reserving for itself the power to approve in the case of Turks and Caicos.

Neither could there be a pretension of suspending the effectiveness of laws and decisions made by the legitimate representatives of the people of Turks and Caico. Direct Rule should be something left in the dust of the history books of the British Empire.

There is nothing in the aforesaid principles that justify or recognize the legality of the fragmentation of territories which by nature are small in two foreign jurisdiction, like in the case of Saint Martin, based on the claims to titles obtained in the 19<sup>th</sup> Century which should not exist in the 21<sup>st</sup>. Century.

In fact, when there is what appears to be some progress from colonial rule, like in the case of the Netherlands Antilles and Aruba, in fact has a collateral gain for the Dutch Kingdom of gaining control over 8,300 km. of territorial sea including exclusive maritime zones and economic zones.

The fragmentation of the Caribbean in four foreign jurisdictions, with four official languages imposed over the creoles languages and different currencies, has delayed the natural cooperation and development of the region, which peoples despite these difficulties have managed to maintain a proud, beautiful, diverse and vibrant Caribbean culture and have managed to create important regional organizations like CARICOM AND OECS.

The fact that any people have to submit their constitution for approval of a foreign country is contrary to the right to self determination. For a case on point, the U.S. Virgin Island has held five constitutional conventions and have been rebuked by the U.S. Government.

In Puerto Rico, for a third time the U.S. President appointed a Task Force to issue a report on the question of the status of Puerto Rico. For the third time also the task force appointed by the US President, the last one by Pres. Obama, have no representation from the People of Puerto Rico. The three reports reiterate that the sovereignty of Puerto Rico lies in the US Congress. This is contrary to the representation that the US Gov. did to the international community in 1953, when they requested to have Puerto Rico taken out of the list of territories because Puerto Rico had obtained self government and that they would hear any requests that the people of Puerto Rico made to further develop self government. Yet, despite the reiterated denunciations made before this committee of the US Gov. refusal to act on Puerto Rico's request for changes in the relationship, we find no recourse to bring the US Government into compliance. What mechanisms does the UN has in place to guarantee that the administering power comply with the obligations acquired with the international community? The attempts by a small and economically challenged country like Puerto Rico to request the revision of its situation before the UN GA is hardly feasible since it depends on the availability of a member

country willing to confront the US Gov. What are the chances of having a country other than our sister Republic of Cuba to do that?

The March 11, 2011, Report of the US President Task Force on the Status of Puerto Rico appointed by Pres. Obama completely ignores international law and the 29 resolutions passed by this committee on the question of Puerto Rico; it denies recognition of our Puertorican nationality by denominating us as "U.S. Citizens that reside in the territory. The US denies Puerto Rican nationals living outside Puerto Rico the right to vote in status consultation and rejects our right as peoples to convene ourselves in a status constitutional assembly. The report recommends that consultations be made in two plebiscites, the first one just to ask whether we want to be part of the US or opting for some sort of sovereign status, and a second plebiscite amongst the option recognized by them should the people decide to belong to the US. No prior declaration or definition is made of what the US would be willing to accept if the people voted in favor of belonging to the US. That first plebiscite would make people choose between incorporation of the territory or independence, and does not allow for other internationally recognized options such as free association or full integration. An incorporated territory can be maintained as such for as long the US Congress wants with no guarantees of full citizenship and political rights.

As was the case in the Martinique and Guadeloupe referendums, the scare campaign has already started. The pro statehood government of Puerto Rico and his followers are "warning" the population that choosing sovereignty entails the loss of millions of dollars in US funds. This is misleading to say the least, since the bulk of US revenues in Puerto Rico are payments to Social Security, Veterans pensions and federal employees pensions which are rights obtained by reason of the dues you have paid or the services you have rendered, they are no welfare or public benefit funds.

Sirs and madams, colonialism remains in place without no real attempt on the part of the administering powers to put an end to it. The European and US imperial powers occupied our countries as a result of treaties amongst them, as war booty in the case of Puerto Rico in 1898 after the signing of the Treaty of Paris that ended the Hispanicamerican-Cuban War, or through purchase and sale amongst them legalized through treaties like the Treaty of Paris or the Treaty of Versailles. That the recognition of these titles be recognized as of today is no different than is based on racism, in recognizing the slave owners titles of 19<sup>th</sup>. Century. After all, colonialism is based in a racist conception of the world, is based in the belief that there are some privileged races, peoples and countries that because they happened to be white are better suited to govern.

But what it is really unconscionable is that the UN, having the instruments at hand that have effectively been used in the past to put an end to colonialism, as is mandated by Res. 1514(XV), is still groping with this problem. There you have the precedent of

Namibia, amongst other. The UN put a stop to South Africa's pretensions to integrate Namibia, because, an administering power that has been given a territory in trust to help in its development towards self government does not have the right to claim over the territory. What, may I ask, is the difference between what south Africa pretended to do and what UK, the Dutch Kingdom, France and the US have been getting away with? Are not sophisticated manners of domination as in violation of the right to self determination of peoples as the ones practiced by South Africa?

This Committee in compliance with the mandates of Res. 1514(XV) regarding the total eradication of colonialism should have as main goals and objectives the following:

1. To declare null, void, obsolete and illegal all colonial titles obtained through military occupation, cession amongst foreign powers, purchase and sell amongst foreign powers, because such titles were obtained without consulting the indigenous and native inhabitants and peoples and in violation of existing precepts of international law.
2. Apply the legal precedent established in the case of Namibia to all non self-governing territories and call upon the administering powers to prepare those territories for immediate independence.
3. Call upon all administering powers to comply with paragraphs 4, 5 and 6 of Res. 1514(XV) by transferring all powers to the territories, ceasing military intervention and respecting their territorial integrity.
4. Establishing accessible and viable mechanisms for the peoples under colonialism in any form to enable them to request review by the UN GA of the agreements and commitments acquired with the international community.
5. Forbid any referendum, plebiscite or consultation in the non-self-governing territories and in those who still have not obtained their independence, without proper UN supervision and approval.
6. Organize and distribute immediately educational events and materials for all non-self-governing territories and in those who still have not obtained their independence, for the dissemination of information on technical and financial assistance programs and any other resources necessary to guarantee a swift and orderly transition to independence.
7. Appoint a Negotiating Committee chaired by the President of this Committee to ensure that the administering power pay compensation to the peoples they have maintained under colonial rule and to that effect create a fund to guarantee and aid in a swift and orderly transition towards independence.

These I believe should be the true goals and aspirations of this Committee as mandated under Res. 1514(XV). Secretary General Ban Ki Moon asked from this Committee "vigor and creativity". There is not much to be created, what is need is lost of vigor.