



v3/7/20

What would a process of self-determination look like for Puerto Rico?

Puerto Rico's self-determination would come about through a process based on a constitutional status assembly. The people of Puerto Rico have to be in control but US government collaboration is desirable and for two of three possible alternatives (statehood and free-association), necessary. Commonwealth - ELA status would not be included as it is the problem and should not be presented as a solution.

A What? Sounds Pretty But I Want Specifics

A Constitutional Status Assembly is an assembly of delegates elected by the Puerto Rican people whose mandate would be to come up with proposals to take Puerto Rico out of the territorial clause of the US Constitution. Voters would first be asked if they want to call an assembly, if more than half approve then there would be lists of delegates in favor of one of each of the three decolonization options: independence, free-association and statehood. The delegates would deliberate and propose alternatives. Then they would name a commission that would negotiate terms with the US. At this point the US Congress would be able to state if it would accept the alternatives drafted by the delegates. (Terms would be inherently necessary for statehood and free-association and would be desirable for independence both in regards to a transition period and any relations between both countries after independence (*e.g.* regarding trade, citizenship, immigration).)

If the commission's negotiations with the US are fruitful then they would be ratified by a vote of the people of PR. If they are fruitful for only certain things for those not fruitful the negotiating commission would inform the assembly which would accept or reject any modifications proposed by the US or submit those modifications to a vote of the people. Rounds of negotiation would go on until agreement is reached, and would be subject to an approval by vote of the people of Puerto Rico. If the entire proposal or part of it is rejected by the US then the commission would inform the assembly which would decide whether to modify the proposal, insist on it, or reject it. All final decisions would be subject to a popular vote.

If any option gets more than 52% of the delegates then the other options would get more delegates in proportion to the votes received, until 52% is reached for that bigger option. The delegates would have five years to come to proposals, otherwise new delegates would be elected, but that term could be extended if negotiations with the US were underway. All persons born in Puerto Rico, as well as their children; and also all persons who are citizens of the US and are domiciled in Puerto Rico, would be eligible to vote.

Why an Assembly and not Plebiscites?

A Constitutional Assembly is an open, inclusive, transparent and diverse democratic process. The assembly, unlike a plebiscite, wouldn't be controlled by political parties, nor it would be easily manipulated to frame ballots to yield a desired result. Alternatives in a Constitutional Assembly would be deliberated among the delegates and then negotiated with the US for final approval by the people of Puerto Rico.

Why Should Congress Get Involved/Shouldn't Puerto Ricans Figure This Out Themselves?

This process belongs to the people of Puerto Rico. However, it is helpful for Congress to express, favor and publicly support a self-determination process for Puerto Rico. Below are specific actions Congress could take to support a self-determination process for Puerto Rico. (*See Rep. Nydia Velazquez's*

Boricuas Unidos en la Diáspora is a network of Puerto Rican professionals ready to activate other Boricuas in the Diaspora to directly fund community-led organizations in Puerto Rico. Since 2017, its members have worked together towards: building bridges between Puerto Rican community leaders and federal lawmakers, educating for structural change and long-term economic development, and educating and activating the Diaspora through an anticolonial and social justice lens.



v3/7/20

H.R. 1230 of 2007, which is a text Congress could build upon to promote this process¹.) A legally binding statement by Congress, like the following, would suffice “the Congress finds that the Constitutional Status Assembly process to be undertaken by the people of Puerto Rico does not violate federal law and Congress considers it a valid exercise of self-determination by the people of Puerto Rico.” Yet ideally Congress would take the following steps:

1. Publicly acknowledge whether Congress would accept Puerto Rico as a State if that were the alternative chosen by the people of Puerto Rico. If Congress thinks that statehood won’t happen it should say so clearly so that Puerto Ricans who advocate for that option can make an informed decision on what to do next.
2. Agree to, in conjunction with the President, in good faith negotiate a treaty of free-association with the people of Puerto Rico if that were the alternative chosen.
3. Ask the President to ask the United Nations to include Puerto Rico in the list of non-self-governing territories.
4. Create working groups within Congress to work with the assembly’s negotiating commission to **delineate** transition periods and conditions regarding any alternative chosen by the People of Puerto Rico.
5. Congress should approve a law to guarantee that the US Government:
 - a. Will not favor any particular alternative throughout the process.
 - b. Will not keep records of who voted or advocated for any particular option.
 - c. Will neither penalize nor favor anyone for having advocated for any particular option.
6. Congress would fund fair and impartial educational efforts on what the three decolonization alternatives would entail (Compare for example to the process currently happening in Guam where the Department of the Interior is involved.)

Additionally, the Republican and Democratic parties should include, as part of their policy programs, the support of a self-determination process for Puerto Rico without favoring any particular outcomes.

Most importantly, Congress must not intervene in Puerto Rico’s decision but may collaborate with the future political transition. This non-interventionist and collaborative approach would greatly enhance the resolution of Puerto Rico’s political status given how present and recent is the history of repression against those Puerto Ricans espousing independence or free-association.

Why Not Just Make Puerto Rico a State and Stop Wasting Time With All This Nonsense?

Exercising democracy means letting people choose in an informed way, not imposing decisions upon them. Imposing statehood before having had the possibility of a self-determination process by and for Puerto Ricans would mean a betrayal of American democratic values. Puerto Ricans, and Americans, deserve better.

Boricuas Unidos en la Diáspora

Email: patria@budpr.org

Website: www.budpr.org

Twitter: [@BUnidosDPR](https://twitter.com/BUnidosDPR)

Facebook: <https://www.facebook.com/BUDPR/>

Instagram: [@budpuertorico](https://www.instagram.com/budpuertorico)

¹ <https://www.congress.gov/bill/110th-congress/house-bill/1230/text>.

Boricuas Unidos en la Diáspora is a network of Puerto Rican professionals ready to activate other Boricuas in the Diaspora to directly fund community-led organizations in Puerto Rico. Since 2017, its members have worked together towards: building bridges between Puerto Rican community leaders and federal lawmakers, educating for structural change and long-term economic development, and educating and activating the Diaspora through an anticolonial and social justice lens.