



Background

The people of Puerto Rico are not merely United States citizens living in Puerto Rico with five million in the United States as a result of migration. Puerto Ricans are a Latin American nation whose territory is an archipelago in the Caribbean Sea with the Dominican Republic, Haiti, Jamaica and Cuba to the west and the Eastern Caribbean mainly English-speaking countries as its neighbors on the east. It is a nation whose vernacular is Spanish, whose national identity has been forged during more than five hundred years, whose people share a common history and culture and who have historically struggled for independence.

Between 1493 and 1898 it was a colony of Spain against whose tyranny it rose in a quest for independence in the Grito de Lares of 1868 which consolidated **its** nationhood. Puerto Rico gained a great degree of autonomy from Spain in 1897 one year before the United States invaded and militarily occupied the island in 1898 as war booty after the Spanish American War. After two years of a United States imposed military government a civilian colonial government was allowed with governors appointed by Washington. In 1917 the United States imposed its

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Escrito por Olga Sanabria Dávila
Viernes, 25 de Junio de 2021 07:01 -

citizenship on the whole Puerto Rican nation.

A District of Puerto Rico Federal United States Court imposes United States laws on the Puerto Rican people to this day. In 1952, with the establishment of the Free Associated State (Commonwealth) government Puerto Rico adopted its own **Constitution**, but after United State congressional approval. As a result, Puerto Rico was granted limited self-government over limited local matters and its fiscal decisions.

Throughout Puerto Rico has endured social displacement, destruction of its agriculture, cultural aggression, extreme migration, dependence, military occupation (especially our island municipalities of Vieques and Culebra), degradation of our environment and natural resources, racism, and discrimination. Besides this, we have no control over vital areas such as our borders, migration and immigration, international relations and commerce, monetary issues, maritime laws, customs, labor relations and trade union organization, airspace and transportation, communications, and many other areas.

In recent years, especially since 2016, instead of moving toward decolonization, Puerto Rico's already tiny margin of self-government was totally eradicated after adoption by the **US** Congress of the PROMESA Law which mandated a Fiscal Control Board appointed by then **US**

President Barak Obama to oversee the process of straightening out Puerto Rico's finances and the restructuring and repayment of its huge (and unaudited) public debt.

In a further assault of the Puerto Rican people, the fiscal board has imposed draconian neo liberal austerity measures that have crushed workers' rights, deregulated the private sector, privatized state property and dismantled institutions that are pillars of Puerto Rican society such as public education and the University of Puerto Rico – all in order that the public debt and Wall Street be paid.

These measures, as well as a recession dating back to 2006, recent natural disasters such as Hurricanes Irma and María, and the early 2020 earthquakes and then the Covid-19 pandemic, have set Puerto Rico back to the days of extreme poverty, hunger and stagnation that prevailed before the dawn **of the** Free Associated State, industrialization, and the relative social and infrastructur **al** advances it brought. These advances were unsustainable due to the **US** and foreign interests taking **precedence**

over the interests of the people of Puerto Rico, the lack of power of the Puerto Rican nation over its affairs.

The present scenario with its lack of opportunity for the young, its lack of a viable economic model and drastic migration makes decolonization an urgent matter for the people of Puerto Rico.

Our environmental issues, also impacted upon by the colonial status and lack of powers, include deforestation, urbanization, poor planning, fresh-water contamination with sea water, water pollution in general, air pollution, waste disposal, industrial residue such as ashes, and weak natural resources oversight, among others. In the areas of climate change and global warming Puerto Rico is particularly impacted upon as a small tropical island country, yet is powerless to engage international mitigation programs or global negotiations on climate change. Meanwhile, climate and atmospheric events in Puerto Rico are ever more intense as demonstrated by Hurricane María, and rising sea levels are eroding coasts and beaches and impacting enormously on seaside communities.

Puerto Rico's 2020 electoral results sent several important messages

Elections in Puerto Rico for the governorship, the colonial Senate, House of Representatives, municipal mayors and the Resident Commissioner in Washington, held on November 3, 2020, the same day as the **US** elections, and its misleading, manipulated status referendum, had mixed results but clearly reflect a changing political landscape and the continued decay of the Free Associated State (Commonwealth) colonial government structure.

New political and social forces made inroads toward breaking the two-party system. The Pro-Independence Party (PIP by its Spanish acronym) garnered 14% of the vote, more than twice its support in the previous elections – its best result in more than sixty years.

The Citizens Victory Movement, a recently established electoral party long in the making with the representation of diverse social, community and political movements organized as numerous networks, won a surprising 18% of the vote. While the Dignity Project, another new, somewhat fundamentalist, political organization, won 7%.

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After the elections, **five** political parties will now be represented in the Puerto Rican legislature, historically integrated only by the pro-Commonwealth Popular Democratic Party (PPD by its Spanish acronym), the annexationist New Progressive Party (PNP by its Spanish acronym) and the pro-independence PIP. Thus, Puerto Rico's colonial political parties ,
the PPD and PNP,
will now have to operate with a weakened majority. The six legislators the new forces elected will join with an independent legislator and have the possibility of aligning to force the colonial parties to negotiate in
regard to
myriad issues and bills of law. New legislators include several women and Puerto Rico's first elected afro-descendent lesbian legislator, Ana Irma Rivera Lassen, who won an at-large seat.
Women are now a majority in the Senate.

The pro-annexationist PNP governor elect, Pedro Pierluisi won with a mere 32% of the vote, while the pro Free Associated State (Commonwealth) PPD won 31% and a very slim majority in the legislature. Only a fraudulent vote-count in San Juan kept the MVC's very progressive mayoral candidate, Manuel Natal, from the **capital's** top post which was taken by the annexationist candidate with a **very slim margin** .

The decay of the colony's **governmental** structure and its corruption were in full display in the 2020 electoral process. Shortly before the contest the PNP took advantage of its two-chamber majority to adopt a new electoral law which lent more hierarchy in the electoral process to the **governing party** and included new rules including for advance and absentee voting. A new electoral commissioner was appointed thereafter due to the incompetence of the former incumbent. The **COVID-19** threat moved many thousands to vote in advance and the absentee vote was greater than usual. However, the procedures for counting these categories of the vote under the new law were not in place, nor were the personnel and resources due to budget cutbacks. Voting is manual and the vote count is electronic with outmoded technology. All these factors contributed to an extremely chaotic pre- and post-election scenario with vast recounting, ballot misplacement, unbalanced vote scrutiny, other irregularities, and fraud by the governing party. It should also not be overlooked that voter participation is dwindling.

Despite these vicissitudes, **the electorate** sent a clear message that straight ballot voting is now history in Puerto Rico. The message was also **th**
at vast colonial party majorities may also

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be
a thing of the past. This message is a continuation of recent electoral events where the Puerto Rican people have channeled discontent at the polling
stations.
According to some
commentators, in the
2020 elections
results
reflected
the massive base movement that forced resignation of former governor Ricardo Rosselló. In a 2012 consultation 54% of participants rejected the present colonial status
at the polls
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NEW POSSIBILITIES REGARDING PUERTO RICAN DECOLONIZATION

In the November 3 Statehood: Yes? No? referendum the statehood status option won 52%. The referendum was mandated by a law adopted by the outgoing PNP majority legislature and designed to favor statehood (the annexation of Puerto Rico to the United States). Monies (2.5 million dollars) designated several years ago by the U.S. Department of Justice for a status referendum were requested by the Puerto Rican government for this year's referendum. However, these funds were tied to approval by the Department of the status options to be presented. The referendum did not meet the Department's requirements and thus Puerto Rican government funds were used.

Clearly, Puerto Rican decolonization cannot take place under the aegis of the Puerto Rican colonial political parties and under the conditions established by the US Department of Justice.

Three of the political parties to be represented in the incoming legislature, as well as in many municipal legislatures, the PIP, MVC and Proyecto Dignidad, favor the solution of the **colonial s**tatus issue by way of a Status Assembly (also referred to as a Constitutional Status Assembly). This would be a procedural mechanism for the People of Puerto Rico to decide its future political status from among non-colonial options outside the Territorial Clause of the U.S.

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Constitutional (which extends the plenary powers of the U.S. Congress to Puerto Rico). In the past the PPD has also favored a Status Assembly.

The Status Assembly as a mechanism for deciding Puerto Rico's future political status has also steadily gained ground within Puerto Rican civil society. The model for the **Assembly, as developed by the Puerto Rico Bar Association**, calls for the Puerto Rican Legislature to adopt a law mandating and establishing the guidelines for the organization of the Assembly with elected delegates deliberating on the issue in negotiation with the United States and a final consultation of the Puerto Rican people.

For many years, United Nations resolutions calling for the decolonization of Puerto Rico under General Assembly resolution 1514(XV) of 1960 have "[noted] the debate in Puerto Rico on the implementation of a mechanism that would ensure the full participation of representatives of all sectors of Puerto Rican public opinion, including a constitutional assembly on status with a basis in the decolonization alternatives recognized in international law..."

At present the initiative of a Status Assembly of the people of Puerto Rico in order that they exercise their right to self-determination has been developed in **US** House of Representatives draft bill of law 8113, entitled "Puerto Rico Self-Determination Act of 2020." Bill 8113 was presented in August 2020 by

US

Congresswomen of Puerto Rican descent Nydia Velázquez and Alexandra Ocasio-Cortez, both New York

Democrats

In several areas this draft bill of law, which has space for improvement, is consistent with decolonization proposals advanced in Puerto Rico including that the initiative originate with the people of Puerto Rico, that the Puerto Rican Legislature has the authority to convoke a Status Assembly, that delegates elected to the Assembly address **only** non-territorial political status alternatives, and that the process be in negotiation with, and binding on the United States. The bill also situates the issue of Puerto Rico in the context of International Law as it mentions the UN General Assembly resolution 748(VIII) of 1953 and Article I of the International Civil and Political Rights Pact which the United States has ratified.

Although its future is uncertain, Draft Bill of Law 8113 is a noteworthy step regarding United

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States responsibility to facilitate a decolonization process for Puerto Rico as historically the position of the **government** and politicians of the United States has been that they would respect the decision of the people of Puerto Rico regarding their future political status without offering options for the process toward such **a** decision.

THE PRO-STATEHOOD CIVIL RIGHTS NARRATIVE

While the decolonization of Puerto Rico depends on the work of diverse forces in Puerto Rico and implementation of applicable international law, **US leftists**, progressives and liberals also have a responsibility regarding Puerto Rico decolonization, **after all**, it is their government that holds Puerto Rico sequestered as a colony. In addressing this responsibility these forces should bear in mind **that the** issue is more than one of civil rights and equality.

In the case of the Puerto Rican people their rights must be respected as those of a nation, not as United States citizens who reside in Puerto Rico and whose struggle is to overcome their status as second-class citizens with less rights than those citizens who reside in the United States. As a nation, Puerto Ricans have rights that are recognized under international law including the inalienable right to self-determination and **independence**. **The** solution to our second-class citizenship is decolonization, not statehood. (A distinction should be made between immigrants seeking citizenship and equality, and one nation imposing its citizenship on another.)

The pro-statehood narrative, which has made inroads, not only emphasizes equality under United States citizenship rather than Puerto Rican rights as a nation, but the crux of the argument is that statehood is equivalent to civil rights for Puerto Ricans **and equivalent to decolonization**

. Actually, statehood for Puerto Rico would be the culmination of the colonial status it has withstood for almost 125 years while struggling for its decolonization and independence. Despite the pro-statehood narrative, annexation of Puerto Rico to the United States constantly faces staunch opposition within **US**

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governing circles.

The present fluid situation regarding Puerto Rico does not preclude the messages of the 2020 elections. It is clear the Puerto Rican people are increasingly aware of the need for change and that decolonization is urgent. They are increasingly aware that the **process for deciding** on the future political status must have a level playing field for all the options. Hopefully as the international community assumes its role more actively, so will

leftists,

progressives and liberals in the

United

States increasingly support the decolonization of Puerto Rico under international

law – as

the U.S. Green Party already does in its political platform.

Olga I. Sanabria has worked on the Puerto Rico colonial status issue for many years as an independence supporter. While maintaining close community links, she has worked garnering solidarity for decolonization internationally, especially at the United Nations. Ms. Sanabria has also worked as a journalist, translator and in several entities at the United Nations. She has taught as an adjunct professor at City University of New York (CUNY) and **holds a CUNY** Bachelors' Degree in journalism and a Juris Doctor from the Hostos Law School in Mayagüez, Puerto Rico. She presently lives in San Juan.