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Statement before the Committee on Natural Resources on H.R. 2499

The bill under consideration, as it stands, is unacceptable and destined to failure. The experience of the last 20 years demonstrates that Congress will not enact legislation that directly or indirectly promises statehood to PR, as does HR 2499.

Aversion to statehood for Puerto Rico is the main obstacle to the approval of this legislation, even though few members of Congress would publicly admit it. No one wants to be perceived as antidemocratic or politically incorrect.

Some prominent members of this House have already advanced that there is no consensus among Puerto Rico's political parties as an excuse to stall even the consideration of the measure. But Congress should not point to lack of consensus in Puerto Rico as a pretext for inaction. Having signed and ratified the International Covenant of Civil and Political Rights, the United States is legally bound under Article 1 of the treaty to "promote the realization of the right of self-determination", a basic human right.

The right to self-determination and independence is an inalienable right of the Puerto Rican people, which can be exercised even in the face of congressional indifference or opposition. Nevertheless, the US is under a moral and legal obligation to promote a process or provide a procedural mechanism through which the people of Puerto Rico can exercise this right. It should therefore enact legislation to facilitate a final status solution for Puerto Rico.

Accordingly, I propose that the bill be amended to achieve two goals: first, to facilitate its approval by both the House and the Senate; and second, to accommodate the reasonable demands of Puerto Rican political parties and organizations, so that any opposition would clearly be a mere excuse, not deserving of any serious consideration.

The amendments I propose here today taken as a whole provide a different and more viable approach to Puerto Rico's status problem. First of all, the language contained in the bill regarding the first vote should be amended to clarify the territorial nature of the present status. Secondly, and even more important, simultaneously with this vote, Puerto Ricans should express, in the same ballot, their preference for either a constituent assembly or a plebiscite as the mechanism for expressing their aspirations concerning substantive non territorial options for our future political status. Congress would then be in a position to respond to the status choice to be made by Puerto Ricans in either a constituent assembly (proposed by the PDP and the PIP) or a plebiscite (proposed by the NPP) and to be convened under the laws of Puerto Rico. The second vote in HR 2499 would consequently be eliminated.

This approach takes into account the different procedural mechanisms proposed by Puerto Rico's political parties, provides a mechanism to overcome the existing deadlock through the expression of the popular will, and bypasses the alleged lack of political consensus as a rationalization to stall the process. We may not agree on the substantive status options, but we can surely agree on a method for selecting a procedural mechanism to facilitate the solution to Puerto Rico's status problem.

The pro-statehood New Progressive Party has agreed with the Puerto Rican Independence Party on the desirability of posing the first question to the people regarding the need to revise the present relationship. Even the pro-commonwealth Popular Democratic Party, despite allegations that the first question would be skewed against commonwealth, advocates various modifications to the present arrangement.

Regarding the second question on procedural mechanisms, the Puerto Rican Independence Party has long proposed calling for a sovereign constitutional status assembly, elected by the people in the exercise of its inalienable right to self-determination and independence, to choose among non colonial and non territorial alternatives in accordance to international law. The prevailing status option would be ultimately approved or rejected by a direct vote of the Puerto Rican people. The Popular Democratic Party has also endorsed the idea of the constitutional assembly status, albeit of a different nature. The New Progressive Party has advocated the alternative procedural mechanism of a referendum or plebiscite, but agrees with the fundamental concept that all alternatives posed before the people ought to be non colonial and non territorial. There are differences between us, but there is ample common ground for agreement.

No one who claims to respect the will of the people should object to having the people decide whether to continue or not under the present status; or that the people should decide whether the procedural mechanism for deciding on the future status of Puerto Rico should be a constituent or constitutional status assembly, or a referendum. That is precisely what we propose.

We acknowledge the political reality that the U.S. Congress will not act on status unless it has to. But Congress by inaction will not be able to avoid confronting Puerto Rico's status problem. If Congress does not legislate, the pro-statehood leadership has made clear that it will hold a local plebiscite or referendum which we can surely expect will be designed to elicit a result favorable to statehood. Either Congress approves, as we propose, a rational and fair procedural mechanism to solve Puerto Rico's colonial problem, or it allows irrational forces propelled by circumstantial majorities to control the process.

To conclude, let me bring before you an important final consideration. The Puerto Rican colonial problem affects the foreign relations of the U.S. with Latin America. Last week, at the initiative of nine Latin American and Caribbean countries, the United Nations Committee on Decolonization approved a unanimous resolution which requires the U.S. to comply with its decolonizing obligations with respect to Puerto Rico, in accordance with General Assembly Resolution 1514 (XV). Similarly, thirty-three of Latin America's most important political parties representing a wide ideological spectrum, also recently approved a similar resolution.

The national interest of the U.S., as proclaimed by President Barack Obama in the Summit of the Americas two months ago, demands a new relationship with Latin America. For Latin America, Puerto Rico's colonial status is a symbol of outdated and discredited policies. The issue is –and has always been– how far does the Southern border of the U.S. extend into Latin America and the Caribbean. If the U.S. aspires to establish a new relationship with Latin America based on mutual respect and cooperation, it must squarely face and actively contribute to the solution of the colonial problem of Puerto Rico, a Latin American nation.

Thank you.