

F u n d a c i ó n



Acción Democrática Puertorriqueña

PO BOX 193745 SAN JUAN PR 00919-3745

TESTIMONY OF ENRIQUE BAQUERO,
PRESIDENT
FUNDACION ACCION DEMOCRATICA PUERTORRIQUENA

BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS
OF THE HOUSE COMMITTEE ON NATURAL RESOURCES

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Chairwoman Dr. Donna Christensen, distinguished subcommittee members, thank you for the opportunity to discuss my organization's stance on the two measures before this committee relating to the political status of Puerto Rico. We especially thank you for spreading the net wider to hear other voices on this important matter that affects 4 million Puerto Ricans, in particular, residing in Puerto Rico.

My name is Enrique Baquero, and I am here as President of the Fundación Acción Democrática Puertorriqueña (ADP), a civil society non partisan group that advocates national self-determination for the People of Puerto Rico and also supports a Constitutional Assembly or Convention of Puerto Rican delegates to initiate the process of self determination.

By way of background, we have been active since 1994 and have participated in previous Congressional hearings on Puerto Rico's political status favoring the inclusion of the sovereign free association option as a separate option in itself, which is different from traditional independence and recognized as such by the United Nations General Assembly Resolutions 1541 (XV) of 1960 and 2625 (XXV) of 1970. In addition, we have also been active in international activities seeking solidarity for Puerto Rico's right to national self-determination and for the right of residents in Vieques to live in peace.

With respect to bills HR 1230 sponsored by Congresswoman Nydia Velazquez and HR 900 sponsored by Congressman Jose Serrano, Acción Democrática Puertorriqueña believes strongly that these two measures ought to be viewed against certain guiding principles. Let me elucidate:

- (1) We feel strongly that any process of self-determination should be respectful of international law, if it is to meet the true test of a valid self-determination process for the People of Puerto Rico. This means that any territorial status, leaving Puerto Rico under US sovereignty violates in essence the inalienable

right of national self-determination of the People of Puerto Rico to choose among sovereign non-territorial and non-colonial options, such as those recognized by the United Nations and by international law precedents. The plain fact is Puerto Ricans are clearly a distinct People, and cannot be excluded from exercising this right which has been reaffirmed in 2004 as an *erga omnes* right by the International Court of Justice, i.e. a right which pertains to all peoples, without exceptions, and generates obligations and responsibilities to all states, without exceptions, with reference to the international community. Therefore, we urge this sub-committee and Congress to exclude territorial Commonwealth as an option in any future consultation to the people of Puerto Rico. To ask Puerto Ricans if we wish to continue being a territory, as stipulated in Section 3 (a) of HR 900 in its present form, is as absurd and cynical as it would be to ask an inmate due for parole whether he or she would prefer to stay in jail instead of exercising the right to parole. If the United States sincerely wishes to comply with international law standards, territorial status must be excluded as a valid option. We are persuaded that this is the only way to resolve this stubborn issue between the United States and Puerto Rico in a satisfactory manner and end what the late Senator Daniel Patrick Moynihan once said about Puerto Rico in a letter to former President Clinton on territorial status, characterizing the relationship as “this remnant of 19th Century imperialism.”

- (2) Prior to any consultation or plebiscite on Puerto Rico's future political status, Congress ought to recognize the inalienable right of the People of Puerto Rico to elect, in an exercise of its natural right to sovereignty, a Constitutional Convention of delegates to deliberate on the political future of Puerto Rico. The Constitutional Convention as mechanism would give due course to the initiative of the People of Puerto Rico to provide an educational process for a national discussion as well as multiple opportunities to engage in fruitful conversations and negotiations with Congress.
- (3) We recommend that in both the Constitutional Convention, and in all subsequent referenda on political status options, mechanisms be established to allow the inclusion of native born Puerto Ricans, not residing in Puerto Rico but interested in participating in the process of national self-determination of the Puerto Rican people.
- (4) Finally, we reiterate most emphatically that the options of sovereign free association be considered as an option in itself. For this option is vastly different from independence, statehood or any other non-territorial option. Although from the point of view of the United States, both independence and free association would mean disposing of the territory and hence ending US sovereign powers over the territory, it is important to bear in mind that under the option of sovereign free association a special political and economic relation is maintained, between the two sovereign nations, through a bilateral treaty of free association as has been done in the case of the freely associated states of Palau, Micronesia and the Marshall Islands with the

United States. The nature and content of such a treaty of free association establishes a clear difference between Puerto Rican sovereignty in free association with the United States and Puerto Rican sovereignty under the option of independence. We believe that HR 900 attempts to mislead and confuse the people by considering free association as a form of independence status. The foregoing is regarded as a palpable direct and unacceptable manipulation to avoid a level-playing field for all options in order to favor statehood by making people associate free-association with independence.

CONCLUSION

In conclusion, a final point. We want this committee to fully understand and appreciate that our organization and similar groups, as well as civil society groups in Puerto Rico are prepared to organize and promote an international campaign against any process of pretended self-determination that includes territorial status as an option or that resorts to unfair manipulations to obstruct or impede a democratic, just and rightful level-playing field for the competition among the different non-territorial options. I thank you for the opportunity to discuss our firm position on this very important topic, and I am happy to answer your questions.

Thank you very much.