Is statehood a civil right?

Is statehood a matter of justice or a political matter?

Is it a United States obligation?

Is statehood a decolonization option?

What are our *rights* in a true decolonization process?

March 2021

Introduction

The New Progressive Party (PNP by its Spanish acronym) recently faced a serious controversy due to statements by Larry Seilhamer, Secretary of State designate and a prominent member of the PNP who declared that Puerto Rico would have zero chance of statehood or annexation while the fiscal and economic crisis continues because “no one wants to come together with a bankrupt country”.

The aggressive reaction against Seilhamer from diverse PNP leaders is essentially due to the narrative annexationists have used in their attempt to convince public opinion of the reasons they believe Puerto Rico should become a state of the United States.

The colony and inequality

The official PNP narrative is recognition that Puerto Rico is a colony, but in their arguments the colonial relationship boils down to an internal or “domestic” matter of inequality before the United States.

To annexationists the fact that Puerto Ricans in Puerto Rico cannot exercise the right to vote for the U.S. President although we are U.S. citizens reflects inequality, **a problem of civil rights and not one of human rights**
under international law. They state that once the contradiction of Puerto Ricans in Puerto Rico not being able to exercise the right to vote for the U.S. President is resolved, inequality will end and so will the colonial status. They posit that eradication of that inequality is only possible through the annexation of Puerto Rico as a
state

of the United States.

Their self-proclaimed **anti-colonialism** is limited to this analysis. Their understanding of Puerto Rico's colonial reality disregards economic exploitation, military use of our land and people, appropriation of our land, the imposition in Puerto Rico of U.S. federal court, cultural and linguistic aggression, control of our market and international relations and the control of virtually every aspect of our lives.

To annexationists these entail no contradiction or conflict. On the contrary, they would like to continue and strengthen this subordination because their dream is to become a part of **the only nation they recognize**
which is the United States. They would like to be as equal to them as possible, or at least as similar as possible. Their
great objective is to "decolonize" via annexation,
even if this means the disappearance of what we are as a people and nation;
a nation whose existence they deny.

A violation of civil rights?

To the PNP this inequality denounced by the annexationists consisting of Puerto Ricans not being allowed to vote for the U.S. President, congresspeople or senators, is a **violation of civil rights** . They
argue that the Puerto Rican people have the right to equality which would be won with statehood. According to their argument the United States the U.S. imposed an unequal and unjust citizenship on Puerto Ricans and therefore to rectify this inequality it is
obligated
to convert Puerto Rico into a state so that Puerto Rico will be equal to the rest of the 50 states. Thus, the violation of our rights because of the unequal citizenship would cease and justice would be served.

According to U.S. electoral laws for Puerto Ricans **residing in the U.S. and legally settled in one of its states,** the discriminatory application of the rights guaranteed by the U.S. Constitution is a matter of **civil rights** as it is for any other ethnic, racial or other minority settled in that country **.**

This is not the case. The Supreme Court of the United States maintains that Puerto Rico **belon gs to but is not a part of** the United States [U.S. Supreme Court “Insular Cases”], and that the rights guaranteed by that Constitution do not have to be recognized for Puerto Ricans in Puerto Rico. This is a problem of

human rights by reason of the prevalent colonial status.

Leaders of the PNP lashed out against Larry Seilhamer precisely because when he recognized that Puerto Rico’s present precarious economic condition is an important – even decisive – obstacle for their annexationist bid to advance in the United States it meant that there can be conditions for statehood to be granted. In the opinion of the annexationist leadership, the demand for respect for presumably unrecognized civil rights is valid **regardless** of Puerto Rico’s economic situation. They allege that in any case our country faces economic precarity precisely due to the violation of the civil rights of Puerto Ricans by the U.S. Government.

We are assured by the annexationists that when we are equal, because we have become a state, we will be rich and economic bankruptcy will end, as **Puerto Rico is bankrupt not because we are a colony, but because we are not a state.**

If as assured by the annexationists, statehood will eradicate economic inequality and poverty, how do we explain that millions of North Americans who **“live in statehood”** with **equal or firs t-class** citizenship and who vote for the U.S. President and legislators, **have faced poverty and inequality in the fringes of that society for decades and centuries?**

The Constitution and laws of each country are **determined by their sovereign decisions.** We should remember that civil rights comprise a system of laws and norms which regulate, organize, and facilitate social relations in the life of each country.

Annexationists' ideologues would ignore the historic reality that when the U.S. Congress approved the Jones Act in 1917 and imposed U.S. citizenship on Puerto Ricans, it clearly established that the decision **should in no way be interpreted** as a step toward Puerto Rican statehood.

This was also a U.S. Supreme Court decision in ***Balzac v. People of Puerto Rico,*** 258 U.S. 298 (1922). In this case the U.S. Supreme Court interpreted that some civil rights enshrined in the U.S. Constitution do not apply to so-called
unincorporated territories,
such as Puerto Rico. In particular, the Supreme Court made it clear that the extension of U.S. citizenship to Puerto Ricans in 1917 did not have the effect of converting the country into a U.S. state, which is the strict prerogative of Congress.
Balzac v. People of Puerto Rico
is one of the so called "Insular Cases".

The imposition of U.S. Citizenship was an expression of the unilateral power exercised in the 1898 U.S. invasion of Puerto Rico. It was a way of tying Puerto Rico to U.S. strategic geo-political interests and facilitating the participation of Puerto Rican soldiers in World War I, in which the United States intervened only a few weeks **after having imposed citizenship on us.**

It is not a coincidence that after **104 years** of the imposition of citizenship (and almost **123 years after**
the military invasion) Puerto Rico continues to be a colony. This because the colonial status has been the best option for U.S. interests.

The reason in 1917 the U.S. decided to adopt the Jones Act to administratively organize its Caribbean colony and impose citizenship (instead of proclaiming a monarchical decree such as the Autonomic Charter imposed by the Spanish Crown in 1897) was precisely because since 1898 Puerto Rico was no longer a colony of a monarchy; it had become a colony of a republic. That republic, the United States, had exercise its imperialist power by way of a republican façade with laws and all, while imposing its unilateral and arbitrary will. It was a matter of form.

Annexationists also ignore the historical fact that **all ideological sectors** of Puerto Rico, including the annexationist sector of that time,
rejected
the imposition of U.S. citizenship. This was even expressed by the Chamber of Delegates, presided by the patriot José de Diego, and at the time the
only
body elected by the people of Puerto Rico.

The non-incorporated territory

Annexationists state that according to U.S. Constitutional language, Puerto Rico is a non-incorporated territory. This is the same as saying it is a colony. The U.S. referred to its conquests after independence as territories as opposed to colonies because U.S. independence was precisely the result of an anti-colonial war. It was embarrassing for the U.S. to now announce that it had colonies. Thus, the euphemism of *territories*. Meanwhile, an **incorp orated**
territory was one on the road to becoming a state due to a congressional decision.)

In the case of territories, it is interesting that the U.S. Constitution clearly establishes **where the power lies.**
Its
Article IV, Section 3, paragraph 2 –
popularly known as the “Territorial Clause” – states:

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the territory or other Property belonging to the United States…”
[From official English language version.]

This is clear as water. Congress adjudicates to itself full power – also called **plenary power** – to dispose of and rule over the territories. Meanwhile, the territories have no power or rights of their own.
They depend on what is accepted or ordered by Congress.

For this reason, it is a falsehood to state that the **"the non-incorporated territory of Puerto Rico"** has the right to statehood. This is statement is made with malice and premeditation because extending statehood is a sovereign prerogative of Congress while recognition of a right is not a prerogative. To speak of the **violation of civil rights** by the U.S. Government in relation to the U.S. citizenship of Puerto Ricans is another falsehood. The U.S. extended citizenship to Puerto Ricans through its unilateral sovereign Congressional decision of adopting the Jones Act. They **were very aware of the type of citizenship they were imposing;** the decision was devoid of the least intention of going further than they would regarding a people they had always seen as unequal and inferior.

This was established from day one given the form and method in which we were taken as war booty. Article IX of the **Treaty of Paris** signed by the United States and Spain on December 10, 1898 (minus the participation of Cuba, the Philippines, Puerto Rico, and Guam, which were war booty), established that:

The civil rights and the political condition of the natural inhabitants of the territories hereby ceded to the United States shall be determined by [the U.S.] Congress.

Period. [Emphasis ours.]

Creation of the Free Associated State did not alter the colonial status

After the end of World War II and the founding of the United Nations, the U.S. Government designed a political formula for Puerto Rico that gave the international community the impression that colonialism has ceased; that a relationship of association had been created between the United States and our country which were supposedly equals. Thus, the Free Associated State of Puerto Rico was imposed and the UN General Assembly removed Puerto Rico from its list of existing colonies.

The colonial nature of the Free Associated State was crystallized in Law 600 of the U.S. Congress adopted in 1950 (also known as the Federal Relations Act) as a guide for the approval of Puerto Rico's constitution and the establishment of the new-old colonial model.

Article 1 of Law 600 states, "… this Law is adopted in the nature of a **compact**…". But in Article 2 it is made clear where the real power lies "… Puerto Rico's Legislative Assembly **is hereby authorized…"**
Finally, Article 3 of Law 600 establishes that the creation of the Free Associated State was the result of U.S. Congressional sovereignty: "Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to send such constitution to the U.S. Congress **if he comes to the conclusion that such constitution is consistent with the applicable clauses of this law [Law 600] and of the Constitution of the United States. Upon approval by Congress, the constitution shall enter into effect according to its terms."**

Its prerogative of evaluating Puerto Rico's Constitution was exercised by the U.S. Congress when it eliminated Article II, Section 20 of its Bill of Rights, where important human, economic and social rights were enshrined, also when it modified elements of private education, and when it added Section 3 of Article VII which indicates that no change to the Constitution can in any way alter the republican form of government, or abolish the Bill of Rights; also that such change shall have to be compatible with the **Congressional Resolution that approved the Constitution, with the dispositions of the U.S. Constitution and with the Federal Relations Act, Law 600 of 1950.** (!!)

The position of the U.S. Department of Interior on the reach of Law 600 and the nature of the Free Associated State, left no doubt:

"It is important at the outset to avoid any misunderstanding as to the nature and general scope of the proposed legislation. Let me say that enactment of (this bill) will in no way commit the Congress to the enactment of statehood legislation for Puerto Rico in the future. Nor will it in any way preclude a future determination by the Congress of Puerto Rico's ultimate political status. The bill merely authorizes the people of Puerto Rico to adopt their own constitution and to organize a local government…"

In fact, it was not a grammatical error that in Law 600 reference to the Constitution of the United States appears with a capital "C", and reference is to the Constitution of what would become the Free Associated State appears with a lower case "c", but there's more. In its preamble the Constitution of the Free Associated State expresses its loyalty not to itself as a document deriving from a sovereign act of the People of Puerto Rico, but to the U.S. Constitution and U.S. citizenship.

"We consider as determining factors in our life, citizenship of the United States of America and the aspiration to continually enrich our democratic tradition in the individual and collective enjoyment of its rights and prerogatives; loyalty to the postulates of the Federal Constitution; the coexistence in Puerto Rico of two great cultures of the American hemisphere."

From that point Puerto Rico would be a colony with a republican façade, with a constitution, three branches of government, periodic elections, and the administrative structures of any republic. The only missing piece would be **political power.** Regarding political power, everything remained the same as in 1898. In order to leave no doubt, the Law on Federal Relations between Puerto Rico and the United States, which contains the 1917 Jones Act articles that were not struck down, was adopted after the creation of the Constitution of the Free Associated State.

It was not a coincidence that the date selected for the inauguration of the new political formula was July 25, 1952, exactly on the 54th anniversary of the 1898 military invasion. Clearly the intent was to manipulate the historical memory and portray that the U.S.-Puerto Rico relation had been born of harmony and mutual accords, and that it had the blessing of the international community. The intent was to set aside the reality that the arrangement was the fruit of a typical vulgar occupation of a country as war booty.

The United States was so keen on also internationally legitimizing the Free Associated State as a non-colonial political system that the following year it went to the United Nations with this purpose in mind. On November 27, 1953 the UN General Assembly adopted resolution 748(VIII). This resolution stated that Puerto Rico had effectively exercised its right of self-determination, that a new constitutional condition had been developed and that in the context of autonomy and by mutual accord, a **relationship of association** between the United States and Puerto Rico had been established; that our country was no longer a colony and therefore the United States
would no longer have an obligation
to comply with Article 73 of the UN Charter regarding decolonization.

Despite multiple briberies, “persuasions” and all kinds of pressures, and although resolution 748(VIII) was adopted, the vote was more than eloquent: 26 in favor, 16 against and 18 abstentions. The sum of no votes and abstentions (34) was more than the sum votes in favor (26). The United States was able to impose its will, but it was unable to deceive the international community. A great number of the present UN member States were still colonies at the time resolution 748(VIII) was adopted.

The present UN list of colonies is made up of 17 “non-self-governing territories”; **and Puerto Rico is not included:**

1. Anguila

2. Bermuda

3. Gibraltar

4. Guam

5. Cayman Islands

6. Islas Malvinas

7. Islas Turcas y Caicos

8. Islas Vírgenes Británicas

9. Islas Vírgenes de EUA

10.Montserrat

11.Nueva Caledonia

12.Pitcairn

13.Polinesia Francesa

14.Sahara Occidental

15.Samoa Americana

16.Santa Elena/Ascensión/Tristán de Acuña

17.Tokelau

Annexation and political power

Ever since the thirteen British colonies became the United States of America and began the process of expansion the incorporation of a territory as a state of the United States has been the result of **political and economic considerations.** These considerations include geographic extension of the future state, its exact location, its population, the presence or non-presence of slavery, the relationship of the future state with the central government and even the name of the future state. Historically, in the transition from territory to state **all powers** have remained in the hands of Congress. The decision to incorporate a territory as a state has in no way depended on the citizens of the territory having formally requested statehood. In all cases admission as a state was the sovereign and exclusive decision of Congress, depending on the interests of the central government. We must insist, that everything revolved around the constitution adopted several years after the United States was founded.

After all, essentially this is not a matter of **rights and laws,** but about the exercise of **political power** by an intrinsically expansionist nation **.**

New-old initiatives

The more recent PNP and annexationist initiatives are the result of everything we have said here.

The November Statehood Yes/No referendum has no real force of law beyond the force the PNP attempted to give it during its last days in the legislature last December when it lost its legislative majority. The mere fact that in the November 2020 elections 48% of registered voters abstained from the exercise means that the 52% obtained by the Yes vote in the referendum is reduced by almost half or little more than 25% of the electorate – an infinitesimal portion of the total population.

Either percentage is merely the percentual half of almost 100% of the Yes votes loudly announced regarding the June 2017 consultation. This was another exercise they imposed; there was almost 80% abstention in the June 2017 consultation.

If as annexationists say when it is to their advantage, the voters that count are those that participate, then what counts are the final percentages. In that regard, they reduced their votes in favor of statehood from supposedly almost 100% in 2017 to 52% in 2020. But in fact, neither of the two results is consequential because **Washington gave no credence to either.** Some high-level U.S. officials have even rejected them publicly due to the elemental conclusion of these officials that the citizens of a colony
which is their property
have no right to “impose” statehood. That
marriage without a right to divorce
is one of the fundamental sovereign exercises which the United States is unwilling to be forced into. It will not rescind even a tiny bit this fundamental sovereign exercise.

Additionally, Pedro Pierluisi, the 2020 PNP gubernatorial candidate won with a mere 33% of the vote. This represents less than 20% of registered voters, an undisputable minority of the population and the lowest outcome of any winning PNP candidate in all its history.

On March 2, the 104th anniversary of the imposition of U.S. citizenship on the Puerto Rican people, the colonial annexationist governor and the resident commissioner in Washington, Jenniffer González, submitted through a U.S. Congressman a House of Representatives draft bill of law which requests that the process of the annexation of Puerto Rico begin. This is yet another in a long list of similar useless initiatives.

Is the U.S. Congress obligated to consider this draft bill of law? No way.

Days before losing control of the colonial legislature the annexationists rushed a process to be paid with our people's money for the selection of six persons who would fantasize that they are U.S. senators (2) and members of the U.S. House of Representatives (4). Their role would be to walk the halls of the U.S. Capitol building lobbying in favor of annexation based on the false premise that the majority of the Puerto Rican people favor statehood.

This fake pressure mechanism has all the signs of another fiasco as was the so-called "Equality Commission", which disappeared with no imprint soon after its creation in 2017.

The annexationists do not know what else to come up with, but they will persist, imposing themselves ideologically and in the media. They refuse to recognize that they are the victims of the **one-way love syndrome**. The United States does not want Puerto Rico as a state, but annexationists will continue to latch onto the growing dependence created by colonial bankruptcy to pressure a vulnerable population greatly dependent on many forms of government "assistance". As they have done thus far, this is how they will promote opportunistic pro Americanism among the neediest – through the perpetuation of poverty and socio-economic defenselessness.

What rights do we have? We have rights under international law

So, if we do not have the right to statehood/annexation because this is the sovereign prerogative of the part doing the annexing, and in that regard we are not the victims of the violation of any U.S. civil right; if the Free Associated State is not a right but the result of a unilateral U.S. Government imposition in order to disguise the real colonial status, **are we protected by any right in our struggle for true self-determination and decolonization?**

Yes, we are protected by present international law on the right to self-determination and independence as established in the resolutions and decisions of the United Nations since its founding in 1945.

The main premise of this body of international law is that all peoples have the right to **self-deter mination and that colonialism is a flagrant violation of all human rights.**
The right to self-determination is the recognized right of every people to
freely
decide
its form of government and economic and social development without foreign interference and on an equal footing.

One of the main reasons for U.S. Government interest in adoption of resolution 748(VIII) of 1953 was precisely to **remove Puerto Rico from the list of colonies** the UN maintained at the time **.** They considered
that as a result, international law would
have no jurisdiction
over our colonial condition – because supposedly we had ceased to be a U.S. colony – and the Puerto Rico-United States relationship would become an internal matter of the U.S.

Present international law recognizing the inalienable right to self-determination and independence is different from U.S. law, which is unilateral and non-participatory while international law is the result of the consensus between numerous countries of the international community. It defines and regulates relations between States.

The UN Charter went into effect on October 24, 1945. It is considered an international treaty and an instrument of international law. Based on equal sovereignty the Charter is binding upon UN member States.

Article 1 of the Charter establishes that one of the main functions of the UN will be to promote between nations relations of friendship based on respect of the principle of equal rights and the principle of **self-determination of the peoples.**

Self-determination of the peoples is the key foundation of modern international relations. **It applies equally to nation States that have obtained their sovereignty and to peoples still subjected to colonialism.**

The UN position rejecting colonialism is contained in Chapter XI of the Charter, which is titled “Declaration Regarding Non-self-governing Territories”, in particular in Article 73 “Regarding responsibility for administration of territories whose peoples have not yet attained a full measure of self-government.” [From official English language version.]

The **Universal Declaration of Human Rights** was adopted by the UN General Assembly on December 10, 1948 (Resolution 217 A(III)). It consists of 30 articles, several of them related to the right of peoples to self-determination.

Article 1

All human beings are born free and equal in dignity and rights…

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind… whether regarding an independent country, a territory under fiduciary administration, a non-self-governing territory, or a territory under any other limitation of sovereignty.

Article 3

Everyone has the right to life, to liberty…

Article 15

1. Everyone has the right to a nationality.

2 A. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 21

3. The will of the people shall be the basis of the authority of government…

Based on Article 2 of the Declaration, it applies in its totality to the People of Puerto Rico, although our sovereignty has been usurped. Further, those rights are denied to the People of Puerto Rico because it is kept from exercising its inalienable right to self-determination and independence.

Resolution 1514(XV), known as the Declaration on the Granting of Independence to Colonial Countries and Peoples/Declaration on Decolonization, was adopted by the UN General Assembly on December 14, 1960, with 90 member States voting in favor and no member States voting against.

Significantly, there were nine abstentions, mostly cast by member States with colonies: Australia, Belgium, the Dominican Republic, France, Portugal, South Africa, Spain, the United Kingdom, and the United States.

This resolution, also known as the Magna Carta on Decolonization, **is a mandatory point of reference and an unavoidable point of departure**
for any analysis, interpretation and decision regarding colonialism and decolonization. In

consideration of the
fundamental human rights and the United Nations Charter
it calls for the independence of colonies while establishing that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, it is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

5. Immediate steps shall be taken in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, and the present Declaration, on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity. [From original English language version.]

We should recall that in the context of municipal (national, internal) U.S. law the hierarchy of its legal obligations establishes that the Constitution has the highest hierarchy, followed by the laws adopted by Congress and then international treaties ratified by its Senate. Resolution 2200(XXI) of the UN General Assembly adopted the International Covenant on Civil and Political Rights, in effect since March 23, 1976 and ratified by the U.S. Senate in 1992. Article 1 of the Covenant recognizes that **"all peoples have the right of self-determination."** It imposes on its State signatories the responsibility of administering non-self-governing territories and territories under fiduciary administration and providing for their exercise of self-determination in accordance with the dispositions of the UN Charter.

Thus, the United States is doubtless in violation of the human rights of the People of Puerto Rico that guarantee our inalienable right to self-determination and independence.

The UN Decolonization Committee, established by the UN General Assembly in 1961 to guarantee the effective application of resolution 1514(XV), has repeatedly reiterated the colonial status of Puerto Rico. The Committee has adopted dozens of resolutions recognizing the inalienable right of the Puerto Rican People to its self-determination and independence as a Caribbean and Latin American nation under colonial rule, a right that cannot be ceded.

Important international organizations such as the Movement of Non-Aligned Countries (NAM) and the Community of Latin American and Caribbean States (CELAC by its Spanish acronym) have adopted the reiterated position contained in UN Decolonization Committee resolutions in favor of the inalienable right of the Puerto Rican People to its self-determination and independence.

Every year the Decolonization Committee debates the item with the participation of representatives of various ideological, political, and social sectors of our country. These resolutions together with those of other colonial cases examined by the Decolonization Committee are part of the annual reports presented by the Committee to the General Assembly where they are finally approved.

Although the impression would be that General Assembly approval of these resolutions on Puerto Rico would technically signify a modification of the UN position adopted through resolution 748(VIII), **this is not the case.** Officially the position adopted in 1953 prevails. This dual interpretation on the same item will be resolved **t he day the colonial case of Puerto Rico is once again examined by the General Assembly as a separate item.**

Resolution 1541(XV) also adopted by the UN General Assembly in 1960 establishes that:

Principle VI

A non-self-governing territory can be said to have reached a full measure of self-government by:

1. **a. Emergence as a sovereign independent State;**
2. **b. Free association with an independent State; or**
3. **c. Integration with an independent State.**

[From official English language version.]

It is important to insist that each of the options contained in this resolution should be preceded by the requirement of resolution 1514(XV) regarding the **total transfer of powers** to the people under colonial rule so that it may effectively exercise its right to **self-determination.**

Regarding **integration** as a decolonization option, we should recall that as practiced by the United States integration is not necessarily synonymous with annexation because as practiced by the United States annexation is irreversible in nature. Further, as we have insisted, annexation is not a right of the people under domination, but rather a sovereign prerogative of the ruling power. This applies to the United States as well as to any other ruling power. In examining the case of Puerto Rico, we should seriously consider that the issue is the annexation of a nation as opposed to annexation of a vacant territory. Contrary to the latter, the case of Puerto Rico is that of a People with history, social, cultural, and political development, and essential characteristics that make it unique; the Puerto Rican People are a Nation. Annexation in this case does not constitute a decolonization option, but rather the culmination of colonialism.

UN General Assembly resolution 2625(XXV) was adopted on October 24, 1970. It is titled **De claration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.**

… all peoples have the right freely to determine, without external interference, their economic, social, and cultural development, and every State has the duty to respect this right in accordance with the provisions of the [UN] Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into* any other political status *freely determined by a people constitute modes of implementing the right of self-determination of that people

.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the establishment of the present principle of their right to self-determination and freedom and independence.
In their action against, and resistance to, such forcible action, in the pursuit of the exercise of their right to self-determination,
such peoples are entitled to seek and receive support in accordance with the purposes and principles of the Charter

.
[All from official English language version.] [All emphases ours.]

The expression "…any other political status…" recognized in this resolution as an expression of the exercise of the right of self-determination, has been used by those defending the Free Associated State as an argument for legitimizing the Free Associated States in the context of present international law. They thus ignore the true colonial nature of this political formula as we have extensively elaborated here. It is evident that the country or countries that proposed adding this expression in the general text of UN resolution 2625(XXV did so with the purpose of legitimizing continuation of any kind of "freely determined" and fraudulently decolonized colonial domination. Clearly, their intent was to sidestep the essence of resolution 1514(XV), the irrefutable guide for decolonization processes.

General conclusion

Presented here are several considerations on the colonial case of Puerto Rico, especially all those related to presumed or real legality applying or pretending to be applied to our struggle for full decolonization. We should be conscious that although **it is illegally and internationally prohibited** essentially colonialism **is not a legal but rather a political matter.**

Clearly, in the final analysis, the U.S. Government recognizes no legality other than the legality emanating from its congress. Clearly the big powers still possessing colonies manipulate and control international law so its effective implementation can be neutralized. For example, since 1990 the UN has declared four decades for the "total eradication of colonialism" (1990-2000, 2000-2010, 2010-2020, and 2020-2030) and nothing has happened.

For this reason, very recently the U.N. has unabashedly ignored the inalienable right of the Saharahui people to its self-determination and independence. This has forced the Saharahui people to return to armed struggle.

As anachronistic and shameful as it is, the international community will not resolve the colonial problem we face. The solution depends on the will and energy of our people. However, what the international community has said or will say regarding the eradication of colonialism, as timid as it may be, is valuable and useful to our cause **because it points to the colonial power as an international delinquent, it recognizes the inalienable right to self-determination and claims for the subordinated people all the solidarity of the peoples who have already freed themselves of colonialism.** Let us not forget that **we are the most important colony of the strongest capitalist and imperialist power.**

For the time being, as seen in the documents we have cited, international law legitimizes our inalienable right to self-determination and independence and that **Puerto Rico is not an**

internal affair of the United States
but a matter in which the international community has
total jurisdiction, and over whose solution it even has an unavoidable obligation.

This is the great point of departure that invalidates any fraudulent anti Puerto Rican intention which would perpetuate colonialism, and worse, would impose annexation in the path toward true decolonization. True decolonization will materialize the day as a Latin American and Caribbean Nation we exercise our inalienable right to national self-determination and independence, a right we will never renounce.

A necessary addendum

Just before finishing this document, we learned of the initiative of Puerto Ricans Nydia Velázquez and Alexandria Ocasio Cortez who are U.S. Congresswomen.*. These Congresswomen submitted in the U.S. House of Representatives a draft bill of law in favor of self-determination for Puerto Rico. The bill proposes a Status Assembly, the national deliberative process which for many years has been considered in Puerto Rico. Although it originates in the U.S. Congress, the bill recognizes the colonial nature of our relationship with the U.S. which has existed since 1898. It is particularly note-worthy that it affirms the right of our People to self-determination.

This occurred in the same Congress that has imposed its will over Puerto Rico for more than a century; the Congress that has admitted lying to the international community at the United Nations in 1953, and nonetheless has been reluctant to recognize the inalienable right of the Puerto Rican people to self-determination and independence.

There is no expectation that the bill will be adopted as law, however, it undoubtedly establishes the premises so that the discussion on the colonial case of Puerto Rico will take place not as an internal matter of the United States – as the annexationists have always wanted – but as an international problem between two nations.

This opens another front for the struggle against colonialism at the very heart of the United States Congress.

***United States electoral laws permit Puerto Rican residing in that country to participate in its electoral processes. More than five million Puerto Ricans are settled there after successive migratory waves that have been the result of the continuous economic crises Puerto Rico has faced until the present. These two U.S. Congresswomen represent New York State voters where Puerto Ricans have at times had the largest** concentrations **as compared to the rest of the United States.**