53rd Conference of the Inter-American Bar Association
Panama City - June 26-30, 2017

RESOLUTION

WHEREAS:

Since 1898 Puerto Rico has been an unincorporated territory of the United States of America, a possession that is not part of the U.S. and cannot participate in its political processes, but is subject to the plenary powers of Congress.

In 1952 the people of Puerto Rico adopted a constitution by authorization of the U.S. government, with the illusion of having ceased to be a possession, but did not really alter the fundamental territorial relationship between the two countries.

The three branches of the United States government have indicated through formal acts of recent years that Puerto Rico remains an unincorporated territory, politically subordinate and subject to the plenary powers of Congress.

Political dependence has caused economic dependence, and Puerto Rico has passed in the last seventy years from an initial era of economic growth to several decades of stagnation, resulting during the last ten years in a 15% decline in economic activity and 12% decrease of the population.

Successive government administrations have resorted to the issuance of public debt, which has increased from $900 million in 1975 to an unpayable $70 billion which has terminated access to the bond markets, plus additional obligations related to pension plans in the amount of $50 billion which the government cannot honor.

Congress excluded Puerto Rico municipalities and public corporations from the application of bankruptcy legislation that allowed for debt restructuring proceedings in the courts, and the Supreme Court of the United States has recently invalidated a law of Puerto Rico that had a similar purpose, with the result of leaving the country without legal resources available to the states and to independent countries.

The U.S. Congress, in the exercise of its plenary powers, approved in 2016 a law entitled *Puerto Rico Oversight, Management and Economic Stabilization Act (PROMESA)* which created a Fiscal Oversight Board composed of seven persons appointed by the president and the Congress, with powers to, among others: approve a fiscal plan for Puerto Rico; revise, modify or render void any decision of the constitutional government of Puerto Rico; conduct negotiations with creditors; and initiate proceedings before a federal U.S. District judge especially designated by the Chief Justice of the United States.

The current economic crisis and the decisions of the government of Puerto Rico to comply with the fiscal plan imposed by the Board are resulting in closing of schools, gradual decrease of half of the budget of the University of P.R., reduction of health services, reduction of public employment and wages, elimination of labor rights,

reduction of pensions of retired persons, more taxes, a higher cost of living, and increase of mental health problems, addiction and violent crimes.

The prevailing situation evidences a colonial regime that violates elementary concepts of modern constitutionalism and the international human right to self-determination of all peoples, recognized by the Charter of the United Nations, several resolutions of the General Assembly, international customary law, decisions of the International Court of Justice and by international conventions, including the International Covenant on Civil and Political Rights, signed and ratified by the United States.

A majority of the people of Puerto Rico expressed their rejection of the current territorial regime in a plebiscite held in November 2012.

When legislation was passed in Puerto Rico to hold a plebiscite on June 11, 2017, the United States Department of Justice informed the Governor of Puerto Rico that the event would not have the approval of the federal government unless the ballot options included the existing territorial relationship, already rejected by the people in 2012. After the meekly compliance of this condition by the current government of Puerto Rico, all other political forces decided to boycott the vote.

The Inter-American Bar Association, at its 50th Conference held in San Juan, Puerto Rico, on June 2014, approved a "Declaration of San Juan" in which it expressed its support for the efforts of the various sectors of Puerto Rico to facilitate the exercise of the right of self-determination, and urged the authorities of Puerto Rico and the United States to respond to the demand expressed by the people to modify the existing constitutional relationship.

At this 53rd FIA Conference representatives from the Puerto Rico Bar Association have presented, from the perspective of different options for the final solution of the problem — independence, federated statehood and free association — the information referred to in this resolution regarding the most recent developments in the relationship between Puerto Rico and the United States;

RESOLVED BY the Inter-American Bar Association, at its 53rd Annual Conference, held in Panama City, Republic of Panama, the following:

1. To reiterate its Declaration of San Juan of 2014, which recognized the right of self-determination of the people of Puerto Rico in accordance with the norms of international law, and which supported all efforts to make it a reality;

2. To declare that it is incompatible with modern constitutionalism and with the human right to the self-determination of all peoples to subject a people to the plenary powers of a government other than their own, especially against their expressed will;

3. To forward copy of this resolution to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of the United States; and

4. To notify copy of this resolution to the Inter-American Commission on Human Rights, to the General Secretariat of the Organization of American States, to the Decolonization Committee of the United Nations, and to the Human Rights Committee of the United

Nations, for their knowledge of this anomalous situation in our hemisphere and for the action they deem appropriate.

In Panama City, June 30, 2017.