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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Caribbean Regional Seminar on the implementation of the Second
International Decade for the Eradication of
Colonialism: next steps in decolonization

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DISCUSSION PAPER

The Constitutional process in which the United States Virgin Islands is involved will not yield any of these outcomes, though it is clear that the process of writing a constitution will not prevent the residents of the Territory from one day making a determination with regard to its ultimate political status.

In the Virgin Islands and Guam Constitutional Self-Government Act of 2000, the following clarifying statement is made by the United States Congress:

“Establishment of local constitutional self-government pursuant to this Act shall not preclude or prejudice the further exercise in the future by the people of Guam or the Virgin Islands of the right of self-determination regarding the ultimate political status of either such territory.”

Despite the fact that it does not represent the final choice with regard to the Territory’s relationship to the United States, the writing of a constitution is a milestone event towards self governance for the U.S. Virgin Islands. This is evident in the fact that Virgin Islanders have made four previous attempts to form a document which would reflect a framework for government which reflects their unique identity and heritage. The fact that no prior attempt included a comprehensive public education component has been identified by many as an impediment to a successful effort. Thus, this fifth attempt to draft a local constitution will by law reflect the involvement of the University of the Virgin Islands, the Territory’s only institution of higher education.

THE UNIVERSITY OF THE VIRGIN ISLANDS

The University of the Virgin Islands was chartered on March 16, 1962 as the College of the Virgin Islands. In 1986, it was renamed the University of the Virgin Islands to reflect the growth and diversification of its academic curricula, community and regional services, and research programs. The institution continues to grow and remains committed to serving its students. As the only institution of higher learning in the U.S. Virgin Islands, the University is as well steadfast in its desire to serving the entire Virgin Islands community. Consistent with these goals, the University has adopted the following mission:

“The University of the Virgin Islands is a learner-centered institution dedicated to the success of its students and committed to enhancing the lives of the people of the U.S. Virgin Islands and the wider Caribbean through excellent teaching, innovative research, and responsive community service.”

VI CONSTITUTION 2008: A PUBLIC EDUCATION PROJECT

In legislation passed in 2005 and 2006, (Acts 6820 and 6839) the Legislature of the Virgin Islands, designated the University as the recipient of a \$500,000.00 appropriation to provide “for a public education program to inform the public on matters and issues pertaining to the adoption and operation of the proposed constitution for the Virgin Islands.” The action by the Legislature was predicated on the concern that no

such program of information preceded any of the prior Virgin Islands constitutional conventions and that such a program would enhance the possibility of the adoption of a document locally created.

Phase I

The University adopted this mandate and initiated a comprehensive program – VI Constitution 2008 - which has and continues to utilize multiple methods to reach a racially and culturally diverse public. The program is being undertaken in three distinct phases. Presently, the University is engaged in Phase I which has been a diversified campaign to accomplish a number of objectives: to generate public interest in the Territory's Fifth Constitutional Convention, to provide residents relevant information about the process of adopting a Constitution for the Virgin Islands, to help frame the public conversation about what can be accomplished through the adoption of a Virgin Islands constitution, to foster a climate of inclusion which stresses that the process includes all persons who are qualified to vote in the Territory, to capture the interest of a pool of competent delegates, and to provide this pool of candidates some training on the process through a series of instructive seminars conducted in both political districts.

In order to complete these objectives the University has used a comprehensive approach to the release of information, recognizing the need for both diversity of approach and the requirement of redundancy. The University launched the first piece of its multi-media approach in July of 2006 with the launch of its website, www.itsourfuture.vi which is dedicated to solely to the Constitution 2008 project and makes the information regarding the U.S. Virgin Islands accessible the world over. The project also launched a regular television program which airs weekly on the Virgin Islands Public Television System. The University then offered a series of public forums throughout the three major islands of the Territory and an extensive series as well of group conversations throughout the Territory to include civic, social, fraternal, political and religious organizations.

The University developed programs for its student body as well, to include student orientation seminars, direction classroom instruction, and University forums. The University linked its program to its own website and advertised activities related to this project on the University's website as well where this information was accessible to its student body. With regard to the public schools, the University conducted teacher and principal workshops for professional development and the importance of including the discussion of a Virgin Islands constitution as a part of students' overall civic education. The project also engaged students directly at several of the Territory's schools.

Lastly, the University also utilized the services of a marketing consultant to produce and place relevant print and electronic advertisements in both television and radio format to create the broadest audience reach possible. The University has seen the public interest in the constitution mushroom during the Constitution 2008 campaign. Initially, some 123 persons completed nomination petitions with the Virgin Islands Elections System, indicating their desire to serve as delegates. The final pool of 70 is

more than two times larger than the 30 persons who will be elected from this field and then tasked with creating the governing document. The public education project will proceed with candidate forums which will afford the public a basis for determining those persons best prepared to undertake this historic task. Because the census data show that approximately 14 percent of the total territorial population of 108,612 persons identified themselves either as Hispanic or Latino, the public education project also produced literature in Spanish and utilizes Spanish language radio programs in the Territory to convey information to this population group as well.

Phase II

The public education project will move into Phase II once the actual convention opens as scheduled for July 23, 2008 at the Earle B. Ottley Legislative Hall, located in the capital of Charlotte Amalie. At this time the body will organize itself by selecting officers and by deciding upon the process by which it will conduct its business. When it begins its work, the Virgin Islands Fifth Constitutional Convention will have a period of one year—July 23, 2007 to July 27, 2008 to adopt a draft constitution. During this period, the public education project will focus on the actual deliberations of the body as its members consider distinct proposals which may be adopted in a constitution. It is envisioned that there will be a series of public meetings conducted throughout the Territory which will keep the constitution in the forefront of public life and that again all media will be utilized to accomplish the project objectives. There has been a sentiment throughout the community that every effort must be made to keep the public engaged during the work of the convention, as this will increase the chances of a document which can meet public scrutiny. This phase of the public education will also depend on convention outcomes and processes and must include delegate input.

Phase III

Once the document is adopted by the Convention, it must travel—to the President of the United States and to the United States Congress as well which maintains the right to amend this document pursuant to the plenary powers granted to that body over the Territories by virtue of the United States Constitution. The document which is finally reported out by the Congress must then be made widely available to the Virgin Islands public in both English and Spanish before it is placed before them for their consideration in a referendum to be scheduled probably in the last months of 2008. This will complete the Third Phase of the public education project which will end with the final vote on the proposed Constitution. Needless to say, this will be a very challenging phase of the project as interest in reading has declined on the national level, a trend which is also seen locally. The document might contain matters relating to culture and the protection of both historical and environmental resources which often are the subjects of public popular conversation. But it will also involve technical issues such as the collection and apportionment of taxes, the structure of the local judiciary and matters of districting and the creation of municipal structures, all of which will require careful deliberation and assessment. The public education project will continue to stress the need for citizen

participation and in particular the critical responsibility for citizens to vote on the document when it is placed before them in the 2008 referendum. A strategy to deal with reading might be a constitution on tape or disc which persons might utilize while driving, flying or in other activities when their attention might be captured. Keen attention will be addressed to the literature prepared in this phase and with creative uses of new technology to advance widespread understanding.

THE PROCESS BY WAY OF A TIMELINE

- ❖ April 2, 2007 was the first date on which any resident seeking to be a delegate to the Fifth Virgin Islands Constitutional Convention can secure a nomination petition from any of the Territory's Election System offices.
- ❖ May 16, 2007, the deadline by which any qualified resident person seeking to become a delegate to the convention must complete a nomination petition and file it with the Election System of the Virgin Islands.
- ❖ June 12, 2007, Special Election date, upon which qualified Virgin Islands voters will select 30 delegates who will comprise the membership of the Fifth Virgin Islands Constitutional Convention.
- ❖ July 23, 2007, Date upon which the Fifth Constitutional Convention will open at the Legislative Hall in Charlotte Amalie, the capital of the United States Virgin Islands
- ❖ July 27, 2008, the deadline for adoption of a proposed Constitution by at least a two thirds vote of the delegates.
- ❖ The Proposed Constitution must be transmitted to the Governor of the Virgin Islands, and within 10 days of its being transmitted to him, transmit it to the President of the United States.
- ❖ The President of the United states must submit the Proposed Constitution to the Congress of the United States with his comments within 60 calendar days of its being submitted to him.
- ❖ The Congress of the United shall have a period of 60 legislative days in which it can amend or modify the document by joint resolution.
- ❖ After the passage of the 60-day legislative period, the document shall be returned to the Virgin Islands to be acted upon by qualified voters in a territorial referendum.
- ❖ If adopted, a Virgin Islands Constitution would go into effect within 90 days of the referendum adopting it.

THE LESSONS WHICH MIGHT BENEFIT OTHER TERRITORIES

As we undertake this process in the United States Virgin Islands, we realize the constant need to improve strategies, to respond to constructive criticism and to change as change proves necessary. We are pleased to offer some thoughts as other territories approach milestone events such as ours.

Territories should continually engage their residents on issues of political status and constitutional development. In an age where there is so much competition for the attention of the public, issues such as these can which can easily take on intellectual and philosophical characteristics can easily be lost on a public whose members are engaged with the challenges of day to day living. If such issues are kept in the public conversation, however, it greatly increases the possibilities of increased public interest when changes are to be made which impact the lives of all.

With the ease of migration in the global context, many developing countries are forced to confront issues of culture and identity which often lie below the surface until there is talk of political change. Conversations on culture and identity must be managed carefully lest they create the kind of divisiveness and even conflict which further tax limited resources.

In the case of the U.S. Virgin Islands, all the financial resources to support public education on political change are being provided by the local government. We believe that the administering powers should shoulder the major portion of these costs, particularly where they have pledged to advance the interests of self government in the territories which they administer.

We should be mindful to observe the ways in which we have traditionally shared information and to utilize these methods where they are effective such as in meeting places and in other public forums which are vital to the transmission of an oral culture. In addition, we must be ever mindful of technology and its efficiency in terms of reaching persons across a wide geographic landscape and in the comfort of their homes or places of work.

Lastly, but perhaps most importantly, our institutions of higher learning must be critical players in this process. We should have always the goal of strengthening community, the entity in which all of our strength resides.