

The Right to Self-Determination in an Imposed Democracy

As the Virgin Islands of the United States begins celebrating its one hundredth year transfer from one colonial master to another, there are still matters that remain unresolved and unsettled. The definitions of self-determinationⁱ and democracyⁱⁱ seem complimentary in an ideal, philosophical world perspective where every individual is seen and treated equally and guaranteed equal rights to life and freedom to choose a political status without external interference. However, the concepts of democracy and self-determination, take on different meanings based on the point of view of the observer or participant. This is particularly important to those of us in “non-self governing” territories held under colonial domain.

In speaking for the right of Native Virgin Islanders, I am not speaking against anyone else’s right to thrive. These words are not meant to offend, disrespect or to be used as a tool of separation to anyone who has chosen to come to the shores of my homeland, the Virgin Islands seeking a better way of life. The voice of Indigenous, Ancestral, Native, Virgin Islanders, deserve the right to speak to/of our sovereignty, no matter how long it takes or the challenges we face. Hearing and listening to these voices from a fair and non-judgmental perspective is imperative to the process of our evolution or our revolution.

As critical and logical thinkers, we must start at the root of our abnormal circumstances in order that we may begin the repair of our spiritual, emotional, mental, cultural, social, psychological and physical beings into wellness. Raising our voices as it relates to our Rights to Self Determination is the first of many steps. With regard to our Native and African born ancestors, they were denied a seat at the 1493 Papal Bull’sⁱⁱⁱ and The Doctrine of Discovery’s^{iv} political roundtable as to the status of their only home or even the status of their descendants.

The basis for our present unique set-up is due to a combination of “legal” papers and political documents that were discriminatory and maintained the interest of the ruling class. Establishing the Charter of March 11, 1671, the Danish West India and Guinea Company^v set in motion the initial political rule of the land. Peter von Scholten’s unauthorized Emancipation Proclamation of 1848^{vi} was declared under duress. The Labor Act of 1849^{vii}, kept laborers in near slavery conditions even after the Emancipation Proclamation and it resulted in the “Firebun” in 1879 on the island of St. Croix led by “Queen Mary”^{viii}.

Various Colonial Laws, from 1852 to 1906 became the basis for the existing constitution of the Danish West Indies before the acquisition by the United States in 1917^{ix}. Portions of The Colonial Law of 1906^x turned out to be the framework for our present constitution and any laws that conflicted with the United States Constitution were removed^{xi}. Today our rule of law is the Revised Organic Act of 1954, which was put in place by the Congress of the United States of America. One of perks of the Revised Organic Act of 1954, gives the Governor the sole negotiating power of the people of the Virgin Islands, even when those negotiations are not in our best interest.

Please do not assume that because our 5th Proposed Constitution was submitted in 2010^{xii} and rejected by our ruling power that Virgin Islanders do not care about political status or have given up pursuit of our rights to self-determination or those of true self-governance. This notion is farthest from the truth.

One of the first steps to autonomy or self-emancipation recorded in our history was taken on the island of St. Jan. Known as the 1733 Slave Rebellion^{xiii}. It lasted almost nine months before the intervention of French Troops. They brought the island once again under the administration of the Danish West India & Guinea Company, but not without the deaths of many on both sides. This demonstrates but one of many types of protests and movements of resistance from 1733 to the 1848 Emancipation Declaration to include many Labor protests and protests bringing to light other human rights and land issues to the present.

Our 4th Constitutional Convention suggested strongly that, the Virgin Islands pursue a Political Status before engaging in another Constitutional Convention. Their reasoning was we needed to decide who and what we are before being able to follow rules and regulations based on our status. This resolution created the Status Commission of 1980^{xiv}.

As a person considered “Native” under whatever definition the United Nations and the United States is using today, I am of African ancestry as well as Carib and Taino (“The People” who were here upon the arrival of Christopher Colon) residing in the geographical region of the Cariban/Caribbean Sea formally known as The Danish West Indies. My almost invisible existence is representative of our ancestors’ silent voices whose blood, sweat, tears and lives were shed to build the Danish West Indies triangular trade, which created and enriched many wealthy nations. Yet, the Indigenous and Native peoples and their descendants never freely had a say as to what political future they wanted, even after the transfer of the property then known as the Danish West Indies.

The common myth is all Indigenous and Native Peoples were intentionally exterminated in one fashion or another with full approval by the church and carried out by its various agents in the Caribbean. We went from being born free and naturally free to becoming enslaved, to indentured and then turned into 2nd class citizens by the will and decisions of others. Unless we force the issue of access to a political identity of our own, self-determination will be based on that of a conquering power’s goals and wishes.

After the Emancipation of 1848, compensation for damages of \$50 a slave was given to the Danish Plantocracy^{xv}. Their complaint to the Danish Government was the loss of “property/people” due to the freeing of the enslaved. The planters had no one to work the plantations. However, reparation was not an option for the people who were kidnapped, sold and forced to work from sun-up to sundown for generations without compensation. No restoration of the loss of our languages. No remuneration for the stripping of our spiritual rituals and conversion to the Master’s belief structure. No payment for the mental and emotional anguish or strife for those under their colonial boot. Then again what *is* a human life worth?

In the Virgin Islands those of us of native descent are in the minority^{xvi}. Our non self-governing status has left us without the ability to hold the United States accountable for the violations of treaties held between itself and our former Colonial master, Denmark as well as The United Nations and its Resolutions. Our government system has been manipulated to act in the best interest of external considerations, while neglecting the basic right to self-rule of Virgin Islanders.

We have been and continue to be overrun and infiltrated by persons who come from places whose political status has already been established and their interest is not the self-determination for/of people of the Virgin Islands. As a member of the United

Nations, the United States of America is in violation the same resolutions it has sworn to uphold. Our political process has/is constantly being undermined externally/internally long before we were allowed to vote for our own governor. Political status and our right to freedom has never been truly part of any administration's goal locally or federally except that of Independent Citizens Movement Governor Cyril E. King.

Since the opening of our doors to Tourism, with the increase of other Caribbean People and their offspring, the Virgin Islands Community has had to shoulder the cost of education, healthcare, infrastructure, etc. forced upon us by the United States policies. Today, the influx continues even though the ethnicities and nationalities are different. While we have no control of our borders, have we ever been reimbursed for such allowances? These finite resources continue to be spent on people (legal as well as illegal) freely moving in and out of this US Territory. Please refer to UN Resolution 35/118 (Sections 2, 3 and 8 in particular are relevant.)^{xvii} In this case, the member state is the United States of America.

Whenever the topic of Status or the Right to Self Determination is discussed, whether in private or public conversations, many from every corner of the globe living in the Virgin Islands, tells us we are discriminating against non natives. However, in the same breath "we" are told, "This sort of thing would never happen back home wherever home is."

Talk about having no say in your home amongst recent migrants to these lands who have no allegiance to the long-term interests of the Virgin Islands unless they benefit from it. Native Virgin Islanders^{xviii} are between and betwixt people who are first class U.S. Citizens and persons who have Naturalized Status. Their loyalty is not to the Virgin Islands but to our ruling power the United States. How is this allowed when we have never been given the opportunity to have open discussion of our complex unresolved issues stemming from the beginning of our colonization?

It appears no thought has been given about what is in the best interest of the people who occupy this space whether it be Native Peoples or the Peoples who were kidnapped and forced into bondage against their will. In spite of our "non-status", our communities welcomed all to our shores with open arms through mutual love, respect, integrity, honesty, respectful dialogue and all the other good things we are known for. Now we find ourselves disappearing as the grains of sand are washed away/absorbed by the ocean. Much of what we are experiencing negatively today has been perpetuated long before "we" were in control of things. That being said, "we" being in control, is an illusion.

Our existence is one of many complexities that would take many lifetimes of discussion. When we were sold by the Danish and bought by the United States of America, we the people on these tiny specks were already free, but never given the opportunity to voice our opinion whether it was yea or no to the sale of this property. Further, the US purchased the Danish Virgin Islands for a strategic base with one of the best natural harbors on the planet.

We cannot fix these challenges with the same imperialistic mind and mentality that created them. Until "Virgin Islanders" are allowed freely without intervention, objection and interjection from "others", to discuss and determine who and where we stand in the world at large, this issue will continue to fester and further divide Virgin Islanders from Caribbean Peoples and those who visit our shores.

We have a right to decide who we want to be and the fact that we are known as "America's Paradise" creates a dependence on the all mighty dollar which is to "our" detriment as Virgin Islanders. As Thomas Jefferson, the third President of the United States said, *"Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual."*

However, on the other hand we have current President Obama's administration that has recently ruled, *"In the Virgin Islands, people born in the territory are full U.S. citizens. While living in the Virgin Islands, residents have limited rights, such as not being able to vote for the president and not having a voting representative in Congress. However, when a Virgin Islander moves to one of the 50 states, all those rights are immediately restored."*^{xix}

By following The Constitution of the United States, where are my rights to sovereignty and self-determination? Is this interpreted as a confirmation that "Virgin Islanders" wherever they are, agree with our Un-Incorporated Status? Truly, the only Status options open to the Virgin Islands of the United States are: Free Association, Independence or Full Integration into the United States.

Many of us do not recognize the sovereignty of the United States because we are already a sovereign people. Truth be told, with or without a constitution, the Virgin Islands are still a colony and property of the US and not a part of. Since the documents that imposed the will of others without consent of the individual or their descendants, freedom from imposed doctrines and concepts should be abolished based on the concept of free will instead of an imposed political system created to disenfranchise and dispossess the inherent right to exist without interference and the imposition of rules and laws that take away our rights to choose as well as our individual and collective sovereignty.

March 31, 2017 will be the 100th year of our continued external control. Instead of commemorating this event with gaiety and a festive attitude, we have a true opportunity to resolve our colonial status. With the assistance of the United States of America, Denmark, the United Nations step forward with truth, integrity in the best interest of all involved can assist us in moving forward through our process of evolution. Virgin Islanders wherever they are, need to be included in these discussions and resolution of our free will, or, we will forever be defined by the ideas/ideals/standards of others.

As I write this, I begin to wonder if all (decisions) that have taken place up until this point, are to intentionally circumvent our right to decide politically what is best for this finite land mass called the Virgin Islands of the United States. Until our struggle for true freedom and self-determination is implemented, "we" are truly "Islands In Between".

Thank you.
Respectfully Submitted by,
Caroline A. Browne

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1. ⁱ Self-determination – definition – 1. *free choice of one's own acts or states without external compulsion*
 2. *Determination by the people of a territorial unit of their own future political status* Merriam-Webster Dictionary
 2. ⁱⁱ Democracy – definition – 1. a form of government in which people choose leaders by voting 2. a country ruled by democracy 3. an organization or situation in which everyone is treated equally and has equal rights Merriam-Webster Dictionary
 3. ⁱⁱⁱ The Bull Inter Caetera (Alexander VI), May 4, 1493, an English translation published in *European Treaties bearing on the History of the United States and its Dependencies to 1648*, Frances Gardiner Davenport, editor, Carnegie Institution of Washington, 1917, Washington, D.C., at pp. 75-78. The original text in Latin is in the same volume, at pp. 72-75.
 4. ^{iv} Thus, when Columbus sailed west across the Sea of Darkness in 1492 - with the express understanding that he was authorized to "take possession" of any lands he "discovered" that were "not under the dominion of any Christian rulers" - he and the Spanish sovereigns of Aragon and Castile were following an already well-established tradition of "discovery" and conquest. [Thacher:96] Indeed, after Columbus returned to Europe, Pope Alexander VI issued a papal document, the bull Inter Cetera of May 3, 1493, "granting" to Spain - at the request of Ferdinand and Isabella - the right to conquer the lands which Columbus had already found, as well as any lands which Spain might "discover" in the future. *Origins of the Doctrine of Discovery, Five Hundred Years of Injustice: The Legacy of Fifteenth Century Religious Prejudice* by Steve Newcomb http://ili.nativeweb.org/sdrm_art.html
 5. ^v The Charter of March 11, 1671 Danish West India and Guinea Company, United States Virgin Islands Major Political Documents 1671 – 1991, edited by Paul Leary, pg. 23, University of the Virgin Islands 1992
 6. ^{vi} **“You are hereby emancipated”**, When Peter von Scholten came the following day to Frederiksted, the situation was about to get completely out of control. Scholten was under heavy pressure and chose to declare slavery abolished with immediate effect. He called out over the enraged slaves: “Now you are free, you are hereby emancipated.” *The West-Indies - Sources of history, Slavery, Emancipation of Slaves in 1848*, <http://www.virgin-islands-history.org/en/the-emancipation-of-slaves-in-1848>
 7. ^{vii} The Labor Act of 1849, United States Virgin Islands Major Political Documents 1671 – 1991, edited by Paul Leary, pp. 9 - 11, University of the Virgin Islands 1992
 8. ^{viii} Labor Act of 1849, Queen Mary, United States Virgin Islands Major Political Documents 1671 – 1991, edited by Paul Leary, pg. 11, University of the Virgin Islands 1992
 9. ^{ix} Treaty of Acquisition of 1917, United States Virgin Islands Major Political Documents 1671 – 1991, edited by Paul Leary, pp. 94-96, University of the Virgin Islands 1992
 10. ^x The Colonial Law of 1906, United States Virgin Islands Major Political Documents 1671 – 1991, edited by Paul Leary, pp. 65-89, University of the Virgin Islands 1992
 11. ^{xi} *Congressional Act of March 3, 1917*, United States Virgin Islands Major Political Documents 1671 – 1991, edited by Paul Leary, pg. 99, University of the Virgin Islands 1992
 12. ^{xii} THE CONSTITUTION OF THE VIRGIN ISLANDS OF THE UNITED STATES FIFTH CONSTITUTIONAL CONVENTION, <http://www.justice.gov/sites/default/files/olc/opinions/2010/02/31/usvi-doj-view-ltr100223.pdf>
 13. ^{xiii} *Estate by Estate: The Landscape of the 1733 St. Jan Slave Rebellion*, by Holly Kathryn Norton, pp. 64-74, Syracuse University 2013
 14. ^{xiv} Act No. 4462 Virgin Islands Session Laws, pp.125-129, 1980

15. ^{xv} The West-Indies - Sources of history, Slavery, Ownership History, “The end of slavery – Compensation to the slave owners”, <http://www.virgin-islands-history.org/en/the-end-of-slavery-compensation-to-the-slave-owners>

16. ^{xvi} The importance of the reference to Native Virgin Islanders in the constitution is highlighted by the fact that the native-born population in the territory is on the decline, with the percentage in 2005 at about 51.3 % according to a 2007 University of the Virgin Islands study. This decline has significant implications for the self-identity of the people. The draft constitution also provides that only Ancestral or Native Virgin Islanders be eligible to serve as governor and lieutenant governor, and as members of a future political status advisory commission. 5th Proposed Constitutional Convention, 2010.

17. ^{xvii} UN Resolution 35/118 Sections 2, 3 and 8, on Decolonization, 1954,

2. Member States shall render all necessary moral and material assistance to the peoples under colonial domination in their struggle to exercise their right to self-determination and independence.

3. Member States shall intensify their efforts to promote the implementation of the resolutions of the General Assembly and of the Security Council relating to Territories and countries under colonial domination.

8. Member States shall adopt the necessary measures to discourage or prevent the systematic influx of outside immigrants and settlers into Territories under colonial domination, which disrupts the demographic composition of those Territories and may constitute a major obstacle to

the genuine exercise of the right to self-determination and independence by the people of those Territories.

18. ^{xviii} Section 306 INA (8 U.S.C. 1406) The citizenship of these persons at the time of the transfer who were mainly, but not exclusively, comprised of former enslaved Africans and their descendants, was not determined until ten years later. Thus, the provisions of the draft constitution defining Ancestral Native Virgin Islander was based on the laws of the administering power emerging from that period. It is also consistent with the definition of native populations in the constitutions of other non self-governing territories in the Caribbean and the Pacific. A second section of the draft constitution provides a broader definition of a Native Virgin Islander as having been born in the territory, or a descendent of a native born person.

19. ^{xix} “Obama — Citizenship not a fundamental right for Virgin Islanders”, Samoa News, August 19, 2014, By Aldeth Lewin, VI Daily News Staff