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DISCUSSION PAPER

The Constitutional process in which the United States Virgin Islands is involved in the process of 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 included:

*"Establishment of a constitution for the Territory 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 milestone is one that Virgin Islanders and Guam Islanders have made in previous attempts to form independent states. In fact, no prior attempt included a comprehensive public consultation process. Thus, any future draft a local constitution will by law reflect the involvement of the U.S. Virgin Islands community.

The University of the Virgin Islands was chartered in 1965 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 education in the 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."*

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 amount of information preceded any of the prior Virgin Islands constitutional 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 people. 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 for developing 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, and to include all persons who are qualified to vote in the Territory, to capture the interest of a broad cross-section of the Territory's population. The University has provided training on the process through a series of instructive seminars conducted in four political districts.

In order to accomplish both 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 initiated its multi-media approach in July of 2006 with the launch of its website, which makes the information regarding the 2008 Constitutional process accessible to all. The project also launched a regular television program which provides information on the three major issues of the Territory and the importance of including the public in the process. The University then provided a series of three videos throughout the three major issues of the Territory and the importance of including the public in the process. The University also provided a series of three videos throughout the three major issues of the Territory and the importance of including the public in the process. The University also provided a series of three videos throughout the three major issues of the Territory and the importance of including the public in the process.

The University developed programs for student orientation seminars, direction classroom instruction, and University forums. The University linked this 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 parent orientation seminars and the importance of including the public in the process. 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 radio spots. The University has seen the 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 registration forms with their desire to serve as delegates. The final pool of 70 is

then tasked with creating the governing document. The 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 project reaches approximately 14 percent of the total territorial population of 108,612 persons identified in the 2006 census, the 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 R. Ortley Legislative Hall located in the capital of Charlotte Amalie. At this time the body will organize its internal structure 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 project will focus 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 available to the public in both English and Spanish before it is placed before them for their consideration in a referendum to be conducted 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 rearing 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 modern sites. It will also involve technical issues such as the 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

participation and help...  
document which is passed...  
constitution on tape or disc which persons might utilize while driving  
nying or in other...  
addressed to the literature prepared in this phase and with creative uses of new  
terminology to advance widespread understanding

### THE PROCESS BY WAY OF A TIMELINE

2007... first date on which any resident seeking to be a delegate  
the Fifth Virgin Islands Constitutional Convention can secure a nomination

become a delegate to the convention must complete a nomination petition

File it with the Election System of the Virgin Islands.

voters will select 50 delegates who will comprise the  
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 Congress of the United States with his comments within 60 calendar days  
of its being submitted to him.

❖ The Congress of the United States shall have a period of 60 legislative days in which  
it can amend or modify the document by joint resolution.

the 60 legislative period, the document shall be  
the Virgin Islands to be acted upon by qualified voters in a  
territorial referendum.

If adopted, the 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 insights as other territories approach milestone events such as ours.

Territories should continually engage their residents on issues of political status and constitutional development. In our case, 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 possibility that the changes which 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, if not handled carefully, can result in political change. Conversations on culture and identity must be 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 should be the primary funder of these costs, particularly where they have pledged to advance the interests of self government in the territories which they administer.

We have utilized oral culture in our process. We have had many 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 work.

Lastly, but perhaps most importantly, our institutions of higher learning must be critical players in this process. We believe that the local government, the community, the entity in which all of our strength resides.