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STATEMENT BY

MR. SAVALI TALAVOU ALE

(AMERICAN SAMOA)



LOLO M. MOLIGA  
GOVERNOR

OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT  
Telephone: (684) 633-4116 Fax: (684) 633-2269

LEMANU F. MAUGA  
LIEUTENANT GOVERNOR

Written Statement of the American Samoa Government  
For the Honorable Lolo Matalasi Moliga  
Governor of American Samoa  
By Savali Talavou Ale  
Speaker of the American Samoa House of Representatives  
Before The  
United Nations Pacific Regional Seminar on Decolonization  
Republic of Fiji, May 21 to 23, 2014

Mr. Chairman, Members of the Special Committee of 24, Ladies and Gentlemen: Thank you for the opportunity to address you today on American Samoa's status under Chapter XI of the United Nations Charter, the Declaration Regarding Non-Self-Governing Territories.

*Overview:*

Under Chapter XI, the administering nations have accepted as a sacred trust the obligation to promote to the utmost, the well-being of the inhabitants of non-self governing territories, and to this end, to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses.

And further, under Chapter XI the administering nations have committed to develop self-government; to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of development.

Consistent with statements of my predecessors before the Committee, much of what Chapter XI has encouraged with respect to the United States of America and American Samoa has occurred, while some of it remains a work in progress.

For example, and perhaps most important to many American Samoans, has been the protection of our culture and the protection of our communal land tenure system that is a foundation of our culture. These ideals were set forth in the Deeds of Cession of 1900 for Tutuila and Aunu'u, and 1904 for the Manu'a Islands. The Deeds of Cession were premised in part upon protecting the Samoan way of life, and for 114 and 110 years, respectively, the United States has been assiduous in honoring this commitment.

Moreover, there has been significant political, economic, social and educational advancement in the ensuing years. Government by a Naval Commandant gave way to government through a Department of Interior-appointed Governor, which gave way in 1978 to government under a locally elected Governor. Our Constitution, first adopted in 1960 and revised in 1967, is aligned to that of the American model, with three branches of government, an Executive Branch, a Legislative Branch including a Senate selected by Samoan custom rather than by popular vote, and a Judiciary. More comments on the current state of our political development follow.

Our economic growth, nominal from 1900 through the early 1960's, has since taken root in the form of the American tuna industry, key provider of manufacturing jobs in the territory, and along with government, the largest employer and driver of the economy. That said, economic growth commensurate with population growth and the cost of living in the modern world, has not been sufficient to enable the territory to subsist without subsidies from the United States. This will be addressed later in the presentation.

Social and educational advancement has been significant over the recent half century. American Samoa has an improved standard of living well above that of its island neighbors, mandatory education from K through 12<sup>th</sup> grade, including U.S. accredited high schools and an accredited community college now offering four year degrees in specialized areas. Young American Samoans, and other young people from a diverse population that includes Pacific Islanders, Asians, and Americans, have ready access to American universities and the United States Armed Services. This is not to say the quality of local education cannot be improved upon, because it can, but on the other hand if we measure progress by steadily moving forward, then we are on the right track.

*Political aspirations and the progressive development of free political institutions:*

As noted above, American Samoa has come some considerable distance since our forefathers made the voluntary decision to cede sovereignty over our islands to the United States, which accepted the Deeds of Cession by Act of Congress in 1929.

We adopted a constitutional form of government in 1960, and then our current Revised Constitution of American Samoa in 1967, which was approved by the then-Secretary of Interior. Notwithstanding, our government continues to exist by virtue of delegation of authority from the President of the United States, to the U.S. Department of Interior, and thence unto us.

Our Legislature cannot now override a veto of a bill by the Governor without the approval of the Secretary of Interior, and our Constitution cannot be amended without the approval of Congress, despite Congress never having approved our Constitution to begin with. The Secretary of Interior continues to appoint the senior members of our Judiciary.

Yet do our people feel we are a "colony" of the United States? Not hardly. We elect our own Governor and Legislature. We make our own laws. We control our own customs and immigration borders, and we have never waived from our desire to maintain our status as U.S. Passport-holding members of the American Family. We live free and fruitful lives in the land of our choice, under the flag of our choice.

On the other hand, we recognize that our legal status is an anachronism that needs to be remedied for us to meet what we believe to be the standards for consideration for de-listing by the Committee. But whether the territory is de-listed or not, what is more important to us, is the fact that our current legal status, as temporally satisfactory as it may be, leaves us exposed to vagaries in Washington D.C. that are beyond our control.

Most notably, firstly, actions of Congress impacting upon us in ways not contemplated because of our unique size, location, geography, economic circumstance, and lack of full representation in Congress (our Congressman is a non-voting member of the House of Representatives and we have no representation in the Senate); and, secondly, actions arising out of litigation in the U.S. Federal Courts that may contrive to have a judge in a remote courtroom issue a judgment that could impact the legal status of our people

under the U.S. Constitution (such as the citizenship case now pending in Washington, D.C.).

Until we are able to cast our political status in a concrete fashion, giving us concrete protections, the fact we live under a delegation of authority from Washington, D.C., will haunt us with the possibilities of action being taken from far away that impacts upon us in ways we cannot anticipate nor for which we can adequately plan.

*Economic considerations:*

We think that Chapter XI of the United Nations Charter, when discussing the development of self-government in the context of "the particular circumstances of each territory and its peoples and their varying stages of advancement", certainly must take into consideration the economic circumstances surrounding the territory in question.

In the case of American Samoa, as in the case of most if not all of the jurisdictions on the Committee's list, the question of economic viability in the absence of reliance upon the administering country's resources must be taken into consideration. Achieving greater economic self-sustainability allows greater choices to be considered, and perhaps made if the people so choose.

Although the U.S. has provided for and assisted American Samoa's economic growth through the years, certain U.S. federal laws have had and continue to have a debilitating impact on American Samoa's ability to achieve sustainable economic growth.

One such law is the scheme of U.S. cabotage laws that prohibit non-domestic U.S. air carriers from transiting between American Samoa and other U.S. "domestic" destinations. The practical impact of this is to stifle our tourism development opportunities, as we have a small, relatively undeveloped tourism infrastructure, which is heavily reliant on onward passage to attract potential tourists who are en-route to other destinations. Because our natural tourist market is Australia and New Zealand, and any likely onward passage would to Hawaii or the United States, we remain severely underserved by the long-haul market.

The entering into free-trade agreements by the United States with other countries likewise impacts our development opportunities. Whilst "free trade" has resulted in enormous benefits for many, when free trade is between the

United States and a low wage country, with environmental and occupational safety laws at lower standards than those mandated for the United States (and American Samoa), then the result is to make American Samoa less competitive relative to its peers.

We recognize that the economic dilemma we face points up the need for the territory to be more proactive in determining its course for the future. But this is difficult for us to do alone, under our current circumstances. With the support of our administering power, it is our goal to address these issues in the near future.

*The way forward:*

Throughout its long relationship with the United States, the administering power has been a benevolent, although sometimes near-sighted, overseer of our growth and development. At no point in time has the United States acted contrary to the expressed wishes of the people of American Samoa. When a constitutional form of government was the will of the people, it happened. When the people wanted to elect their own governor, it happened. When the people felt that Congress should protect them from the possibility of unilateral changes to the Constitution by the Department of Interior, it happened.

What our people have begun to do is chart our course for the future. This effort began with the Constitutional Convention in 2010, which resulted in over 30 proposed amendments to the Revised Constitution of 1967. Several of the amendments touched on areas affecting political status, without addressing the subject matter directly. Unfortunately, the multiple amendments were packaged for a vote on an "all or nothing" basis, and frankly, the sum of it was a lot for any electorate to digest. Approve the entire package of amendments, or they all fail. Needless to say, enough people objected to one or more of the multiple amendments to result in our failure to adopt any.

The government is now moving on a much more methodical basis. The Fono (the Legislature of American Samoa) earlier this year approved a single constitutional amendment to be placed on the ballot—to remove from the veto override process the requirement that the Secretary of Interior approve any Fono override of a Governor's veto. This first small step was encouraged by the Governor in his State of the Territory Address. This measure will be on the ballot in November. A team is now working on a voter education process to address the merits of this proposal, and the incremental step forward it will take us in increasing our degree of self government.

The next steps will require serious dialogue among all the people of American Samoa. Addressing the role of Congress in approving changes to our Constitution, which will require an act of Congress, shouldn't be undertaken until we engage in serious discussions about our future.

Our choices are varied, and profound: (i) maintain the status quo, which causes us continuing concern due to the future uncertainties outlined above; (ii) consider an Organic Act, like Guam and the Virgin Islands, which would draw us closer to the United States, but on the other hand would likely lock us into economically untenable circumstances; (iii) look to the idea of Commonwealth status akin to Puerto Rico and the Commonwealth of the Northern Mariana Islands; (iv) or consider some form of free association. All are possible. Not all are viable.

For a people that have been loyal members of the American family for well over 100 years; whose patriotism is manifested in one of the highest rates of enlistment from any State or territory in the Armed Forces of the United States; for people who carry U.S. Passports and whose extended families live across the United States as well as abroad; for people for whom the United States has opened its arms as the land of opportunity; these are not easy choices to make.

It was not so long ago, back to the 1970's, that many American Samoans did not support the idea of electing our own Governor. That time has long past. If our people are now ready to remove the Secretary of Interior from the veto override process, it will now be time to take the next step of entertaining serious discussion about what our future political status should look like. This we will commence addressing in 2015.

Thank you for the opportunity to be heard before the Special Committee of 24.