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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Third International Decade for
the Eradication of Colonialism: current realities and prospects

Quito, Ecuador
30 May to 1 June 2012

STATEMENT

BY

THE REPRESENTATIVE OF GUAM

STATEMENT

OF THE

NON-SELF GOVERNING TERRITORY OF GUAM

TO THE

PACIFIC REGIONAL SEMINAR ON THE IMPLEMENTATION OF
THE THIRD DECADE FOR THE ERADICATION OF
COLONIALISM: CURRENT REALITIES AND PROSPECTS

IN

QUITO, ECUADOR

FROM 30 MAY TO 1 JUNE 2012

PREPARED AND PRESENTED BY: LISALINDA NATIVIDAD, PHD

Introduction

Hafa dai (greetings) your Excellency Mr. Chairman Diego Morejon Pazmino and distinguished members of the Special Committee on Decolonization. *Un dangku'lo na si Yu'os ma'ase* (a sincere thank-you) for the opportunity to share perspectives relative to the current realities and prospects on the implementation of the Third International Decade for the Eradication of colonialism to this most esteemed committee. I am Dr. LisaLinda Natividad, a Chamorro professor at the *University of Guam* and member of the *Guam Commission on Decolonization*. I present testimony today on behalf of the Government of Guam representing the Honorable Governor Eddie Baza Calvo, Chairman of the Guam Commission on Decolonization.

Colonial History of Guam

For more than three decades, the question of Guam's political status has been the subject of debate by local lawmakers and island community leaders. As early as the 1970s, the Guam Legislature created a committee to study the various options Guam could pursue to improve its limited self-government prescribed in the 1950 Organic Act of Guam, which granted U.S. citizenship to Guam's inhabitants.

This is a snapshot of Guam's political evolution:

- **In 1521...** Ferdinand Magellan landed on Guam- the island's first contact with the Western world.
- **In the mid-1600s...** Spain laid claim to Guam and established Catholic missions to convert native Chamorros.
- **In 1898 ...** U.S. captured Guam from Spain during the Spanish-American War.
- **In 1899...** In the Peace Treaty of Paris signed by the U.S. and Spain at the end of the war, Spain ceded Guam, along with the Philippine Islands, Virgin Islands, Cuba and Puerto Rico. The island was placed under naval administration with the commanding officer also serving as naval governor to handle civil affairs.
- **1901...** Petition requesting the U.S. government to consider granting a permanent civil government to Guam was signed by some 30 Chamorro leaders.
- **1908 ...** The Navy Department informed the Naval Governor of Guam that the people of Guam will eventually be granted U.S. citizenship.

- **1917** ... Guam Congress was established as an advisory body, with its members comprising of Chamorro leaders appointed by Naval Governor Roy Smith.
- **1931** ... Guam Congress members were elected by the people – the first general election ever held on Guam.
- **1936** ... Over 1,900 Guam residents signed a petition urging the U.S. Congress to enact citizenship legislation. F.B. Leon Guerrero and B.J. Bordallo travelled to Washington D.C. to lobby for U.S. citizenship. The two Chamorro leaders met with President Roosevelt at the White House but the citizenship bill died in committee.
- **1949** ... Re-established after WWII, Guam Congress members staged a walkout in protest to an action by the naval governor. The walkout generated national attention over the lack of civil rights for the people of Guam and revived Guam's drive for self-government and U.S. citizenship.
- **1950** ... The U.S. Congress enacted the Guam Organic Act. It conferred U.S. citizenship on the inhabitants, created limited self-government with an elected 21-member Guam Legislature. Governor Carlton Skinner was appointed by the President and confirmed by Congress.
- **1960** ... President Nixon appointed the first Governor of Chamorro ancestry – Joseph Flores.
- **1969** ... The first Guam Constitutional Convention established by Guam law was convened to review the Organic Act of Guam and make recommendations to enhance Guam's political status.
- **1970** ... Guam elected its first civilian Governor, Carlos G. Camacho, the last appointed governor and former senator.
- **1972** ... Guam elected its first non-voting delegate to Congress, Antonio B. Won Pat.
- **1976** ... A political status referendum was held in a move to more clearly define Guam's political aspiration. Among several options listed, closer union with the U.S. was the top choice.
- **1977** ... The 2nd Guam Constitutional Convention was authorized by Congress and the elected delegates crafted a document that was presented to Congress and then submitted to the voters of Guam for ratification.
- **1979** ... After an exhaustive campaign by proponents and opponents, the Guam Constitution failed ratification by the voters of Guam.
- **1980** ... The Guam Commission on Self-Determination was enacted by the Guam Legislature. Authored by Senator Eddie Duenas, the commission was responsible for undertaking an in-depth research/study of five political options – Statehood, Commonwealth, Status Quo, Independence and Free Association.
- **1982** ... The first self-determination plebiscite was held. Since none garnered a majority vote, the top two (Commonwealth and Statehood) went into a run-off, with Commonwealth prevailing.

- **1986** ...The Guam Commonwealth Act was written and two years later was introduced in the U.S. House and Senate.
- **1989** ...Congress held a public hearing on the Guam Commonwealth Act in Hawaii, then referred it to the Executive Branch for review.
- **1990** ...Negotiation talks began to get a consensus on the final draft, but bogged down because of disagreements on some major issues.
- **1997** ...The Guam Decolonization Commission was established by local law, authored by former Sen. Hope Cristobal. It is charged with researching and conducting a plebiscite on three terminal options – Statehood, Independence and Free Association, as mandated by the U.N.
- **2000/2002** ...A decolonization plebiscite was scheduled in conjunction with the 2000 general elections. A separate registration of at least 70 percent of the qualified “inhabitant” voters was required and adequate mass public education on the three options be conducted. The Guam Election Commission has been unable to establish the required voter registration list. In addition, funding was lacking to conduct public education outreach and the plebiscite has not been re-scheduled. The same occurred in 2002.

Current Realities

The issue of Chamorro Self-Determination has historically gone through varying transformations over time. The island’s previous executive administration from 2002 through 2010 laid the issue dormant. However, the political climate on Guam shifted with an emphasis on the resolution of the island’s political status with the territory’s current administration. In 2010, Governor Eddie Calvo convened a committee to address the status of the resolution of Guam’s political status as an unincorporated territory of the United States as part of his transition process into elected office. Shortly thereafter, he appointed an Executive Director to the Guam Commission on Decolonization. In early 2011, Governor Calvo convened a public forum on Chamorro Self-Determination to assess the state of the issue and to ignite public comment and thought. Later that year, he appointed members to the Guam Commission on Decolonization, which has met

consistently on a monthly basis with the goal of a resolution of Guam's political status issue.

Current agenda items of the Guam Commission on Decolonization are centered around setting a plebiscite date for the Chamorro Self-Determination vote and identifying the resources to fund a crucial educational campaign to inform the community of the political status issue. Guam Public Law no. 24-296 indicated that a plebiscite should have been held on December 12, 1999; however, the absence of a political status education campaign rendered the plebiscite premature. This was also the case in 2000 and 2002.

The current commission is faced with the same quandary of setting a plebiscite date without the financial resources to carryout a well-planned political status education campaign. Guam's Congressional Representative, Madeleine Bordallo, was able to usher and enact H.R. 3940, which clarified Congressional intent for Guam's administering power, the United States- through the Department of the Interior- to have the authority and obligation to facilitate programs that carryout political status educational campaigns. However, while the bill was enacted into law in December 2009, Guam has still not received any financial support for this effort. More recent follow-up with the administering power, through the United States' Assistant Secretary of the Interior, Mr. Tony Babauta, has resulted in the submission of a budget for the amount of \$250,000 from the administration. Nonetheless, these funds have not been made available to date. Historically, the Government of Guam has funded the educational campaigns, however, the current economic condition of the government does not make this feasible at this time. The Governor's budget for the current fiscal year has a shortfall

of \$40 million. With these dire financial straits, Guam is not in the position to commit its financial resources to carrying out the necessary public education campaign. The price tag for such a campaign engaging all forms of mainstream media was estimated to cost approximately \$1 million.

While the Guam Commission on Decolonization is currently challenged by the lack of financial resources to fund an integrated political status educational campaign, this has not precluded other entities in the local landscape of Guam from carrying out such endeavors. The University of Guam, for example, has been prolific in organizing events around the issue of Chamorro Self-Determination and creating public spaces for critical critique of the issue. The Division of Social Work- together with the Guahan Coalition for Peace and Justice- has sponsored a public forum for three consecutive years (from 2009-2011) featuring Dr. Carlyle Corbin- an internationally recognized expert on political decolonization- along with local Attorney Julian Aguon themed around international law and the role of the United Nations in the self-determination process. In addition, the University of Guam co-sponsored an all-day conference titled, “Guam’s Quest for Decolonization” in collaboration with the Guam Legislature in October 2011 featuring Dr. Corbin and local leaders in the legal community to further deepen the discourse of Guam’s decolonization. Effort has been made to ignite this issue among the island’s youth, as they will be eligible to participate in the plebiscite in the future. The Guam Legislature’s Public Policy Institute has sponsored a youth summit and forums that examine political issues such as the Insular Cases.

In the midst of efforts to educate the local populace on the issue of Chamorro Self-Determination, a retired U.S. Air Force officer, Arnold “Dave” Davis, filed a lawsuit

on November 22, 2011 in hopes of overturning the public law that defines “native inhabitants” for the vote. The lawsuit was filed in the District Court of Guam and is brought against the Territory of Guam, the Guam Election Commission, election commissioners, and the Attorney General of Guam. Davis is being represented by the Center for Individual Rights, an American advocacy group and right wing think tank based in Washington D.C. Davis filed the lawsuit citing the occasion in which he attempted to register for the Decolonization Registry in 2009, however, was denied because he did not meet the legal definition of a “native inhabitant of Guam” as defined in Guam law. Current Guam law indicates that those who lived on Guam and were made a U.S. citizen at the time of the passage of the Organic Act of Guam in 1950 or their descendents are eligible to register for the Chamorro Self-Determination vote. Co-counsels in the suit from the Election Law Center based in Alexandria, Virginia purport that the plebiscite violates the Voting Rights Act of 1965, the 1950 Organic Act of Guam, and other federal statutes. It is noteworthy to mention that such statutes are unilaterally applied to Guam as a non-self governing territory. Earlier this year, Davis filed a motion to certify his lawsuit as a class action even if he is the only plaintiff identified by name. Attorney Julian Aguon submitted an *amicus curiae* brief to support the government’s motion to dismiss Davis’s case stating that people eligible for the vote are comprised of diverse racial and ethnic groups to include Caucasians. When asked about the suit, Governor Eddie Calvo stated, “This lawsuit is just meant to divide our community. We should ignore it and not let this racial division ever take hold of our island” (2011, November; Guam Marianas Variety).

While much has transpired on the issue of Chamorro self-determination within the shores of Guam, the Government of Guam and local non-governing organizations (NGOs) have addressed the resolution of the island's political status in national and international forums as well. They have consistently sent representation to regional seminars sponsored by the Special Committee on Decolonization, as well as to present testimony before the Special Committee and the Fourth Committee at the United Nations headquarters in New York City. Further, Governor Calvo sent a letter addressed to the President of Guam's administering power, the United States, President Barak Obama in October of 2011, informing him of his administration's "... embarking on a quest for political destiny." He punctuated the correspondence with a request for support in this "significant endeavor." In addition to these efforts, Guam was granted observer status at the September 2011 meeting of the Pacific Islands Forum held in Auckland, New Zealand. This movement towards inclusion in regional bodies such as the Pacific Island Forum is consistent with the island's quest for a resolved political status that aims to allow the jurisdiction to rightfully sit at the table of self-rule.

In January of this year, Governor Eddie Calvo directed his Council of Economic Advisers to review the possibility of seeking exemptions from federal laws regulating ocean shipping and air transportation as prescribed by the U.S. Cabotage Law for air transportation and the Jones Act as it applies to ocean transport. Senator Frank Blas, Jr. echoed these efforts. These inquiries were motivated by the intent to reduce the cost of living on Guam for the island's residents. The island's political status as an unincorporated territory of the United States dictate these restrictive policies that do not take into account Guam's unique circumstances as an island in the Western Pacific that is

closer to the countries of Japan and the Philippines. Nonetheless, seeking out such exemptions in the past has been met with resistance and protest by labor unions and the protection of American jobs. The cumulative effects of Guam's colonization render a condition that inhibits the island and its people from living a sustainable existence. Various social indicators underscore the poor state of the island's colonial reality: nearly 40% of the island's people receive any combination of cash assistance through TANF (Temporary Assistance to Needy Families), food stamps (SNAP), and Medicaid programs. Further, 67% of all school children in the public school system qualify for subsidized meals. In his State of the Territory Address delivered on January 31, 2012, Governor Eddie Baza Calvo stated:

“It is insane for the federal government to levy the most liberal immigration policy in U.S. history on Guam... then throw peanuts to offset its impact... then strangle us with penalties and takeovers when our capacity is breached by the population increase...and in the very same breath prohibit us from building jobs and growing our economy with onerous regulations that keep paying-visitors out. My message to the [U.S.] federal government has less to deal with the financial assistance Guam has requested in the past. Rather, it is this: we can be more self-sufficient if the U.S. government allows us to grow” (pg. 16).

The limitations of Guam's colonial status has resulted in a cumulative state wherein the Chamorro people are so bound and restricted that our very survival as a people in our native land is threatened. These are the “current realities” on Guam. As the Special

Committee explores the prospects of developing innovative approaches and new dynamics, the following recommendations are offered.

Recommendations

In light of these concerns, the Non-Self-Governing Territory of Guam offers the following recommendations:

1. That Guam remain on the list of Non-Self-Governing Territories until its people have had the opportunity to exercise their inalienable human right to political self-determination;
2. That Guam be a site of the next Pacific Regional Seminar in 2014 so that members of the Special Committee may learn first-hand of the situation on Guam;
3. That the United Nations hold the administering power, the United States, responsible for providing funding to support a political status educational campaign, consistent with United Nations Resolution 66/89 adopted by the General Assembly which states, “The General Assembly... reiterates its long-standing call for the administering Powers, in cooperation with the territorial Governments and appropriate bodies of the United Nations system, to develop political education programmes for the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions”;
4. That the United Nations provide both financial and technical assistance for an educational campaign for all people of Guam relative to the political status plebiscite in the near future, also consistent with United Nations Resolution 66/89;
5. That the United Nations sends a Visiting Mission to the Non-Self-Governing Territory of Guam to observe the plebiscite that should occur in the next five years; and
6. That the United Nations adopt a Resolution that reflects a case-by-case decolonization plan for each of the non-self-governing territories to be achieved in the Third Decade for the Eradication of Colonialism.

In closing, *un dangkulo na si Yu'os ma'ase* (many thanks) for the opportunity to share the

current realities and prospects relative to the decolonization of Guam. We evoke members of this committee to exercise its authority to hold administering powers of the world accountable to the principles of decolonization and true self-determination.