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priorities for the remainder of the Decade

Bandung, Indonesia
14 to 16 May 2008

Priorities and Concerns of Civil Society
Relating to Guam's Future Political Status

DISCUSSION PAPER
By
Ms. Hope Alvarez Cristobal

THE QUESTION OF GUAM

STATEMENT OF
HOPE ALVAREZ CRISTOBAL
FORMER SENATOR OF THE GUAM LEGISLATURE

Before the
THE UNITED NATIONS SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION OF THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (C-24)

2008 Pacific Regional Seminar
“Priorities and Concerns of Civil Society Relating to
Guam’s Future Political Status”
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CHAMORU SELF-DETERMINATION PA’GO

I. INTRODUCTION

Hafa Adei! (Greetings) Your Excellency Mr. Chairman R. M. Marty M. Natalegawa, and distinguished members of the Committee:
Dangkolu na si Yu'os ma'ase (sincere thank you) for your invitation to participate at this important seminar to assess and discuss priorities for the remainder of the Second International Decade for the Eradication of Colonialism in the 21st century. I bring warm *Hafa Adei* greetings to the people of Indonesia from the people of Guam, the Chamorro people. We thank you for graciously hosting this United Nations seminar. Also, we extend a heartfelt "*Dangkolu na si Yu'os ma'ase*" (sincere thank you) for the opportunity to join Your Excellency, the Committee and my esteemed fellow delegates today.

I am Hope Alvarez Cristobal, a Chamorro and former Senator of Guam. I am a steering committee member of *Fuetsan Famalao'an* (the strength of women) a new organization organized over two years ago to insure that the needs, the care and the health of girls and women are made priority in the administering power's "Tip of the Spear" military expansion plans for the non-self-governing territory of Guam. My other organization, the Chamorro Studies Association chartered in 1981, was organized to actively promote Chamorro history, culture and language, to publish Chamorro works, sponsor and conduct conventions, seminars and workshops in the general area of Chamorros studies.

For over 25 years, through various Guam NGOs, local Government boards and commissions, I became involved in the work to protect and promote the Chamorro people's inalienable human right of self-determination and decolonization. Through local educational efforts, delegations from the Government of Guam, members of U.S. Congress as well as other NGOs have also appeared as petitioners in the belief that the UN as a forum offers a reasonable and objective way to focus upon the political relationship between Guam and its administering power. We feel that the story of Guam as a UN Non-Self-Governing Territory is a compelling one that needs to be told and retold as many times as necessary to advance a greater understanding and appreciation for the Chamorro people's concerns about the historical denial of our fundamental human right to self-determination in the process of decolonization. With immense personal sacrifices, Mr. Chairman, I appear for the 12th time at a UN forum today, over two decades since my first appearance at a UN C-24 seminar in Papua New Guinea.

As young Chamorro students realize the urgency of our situation, they, too, have begun appearing before the United Nations in the hopes of hastening the

process of decolonization and seeing congruence prevail between the principles established under the UN Charter and subsequent UN resolutions and the practices of the administering power over its dependent people.

This is an historic occasion for me as it is my first visit to Indonesia, a country that has cultural and linguistic ties to my people through our ancestors of over 4,000 years ago. Our Austronesian heritage connects Bandung and the Javanese people very closely to my Chamorro people of the Mariana Islands. Linguistically, we are both part of the Malayo-Polynesian branch of languages within our huge Austronesian clan that spans Oceania. Our mother tongue, the Chamorro language, contains many base words similar to Javanese. Like all peace loving people, we hope one day to be able to share in a history of freedom from colonial dominance.

In order to enter Indonesia, I am reminded once again of the lack of real standing Chamorros have in being made to identify oneself by our administering power's passport. For us, this passport symbolizes all the concessions that we have been made to accept as statutory (not Constitutional) US citizens. Designated as a US "*unincorporated territory*" on 1 August 1950 through the US Congressional Organic Act of Guam, we became a possession of but not a part of the US. This non-status designation legitimized U.S. military land takings of Chamorro lands after WWII with rights of eminent domain. Furthermore, this paved the way for one-way US application of federal laws over our air space and sea lanes; our 200-mile Exclusive Economic Zone; all our resources, control of exit and entry (policies and structures) of our borders, control of our lands, the environment and whatever US Congress can define as "a possession of but not a part of the United States."

Our limited citizenship under the Organic Act does not allow us Constitutional rights because the U.S. Constitution applies to Guam only when the US Congress says so. The whole notion of government finds meaning in a cardinal principle popularized in the words of 9th US President, William Henry Harrison. "The only legitimate right to govern comes from the consent of the governed." The Chamorro people have never given nor have they been asked for their consent to be governed. In other words, we are still a non-self-governing territory under an administering Power that promotes such a principle.

II. BACKGROUND

It is now over two decades later with a Second International Decade for the Eradication of Colonialism that expires in 2010. To be sure, the Special

Committee has made great strides in its work on Decolonization. The successful outcomes of the Committee's early work gave Non-Self-Governing Territories, still under the yoke of colonialism, much inspiration and hope. Over 750 million people can attest to the UN's achievements of decolonization a few short years after its inception. However, with sixteen remaining territories and a few requesting to be relisted, the critical work for the eradication of colonialism in all its forms and manifestations has yet to be fulfilled.

Mr. Chairman, self-determination as a fundamental human right of the colonial people of Guam is at-risk under a powerful administering power that continues to ignore and to effectively reject their obligation "to promote to the utmost the well-being of the Territories under their administration," something that the administering Power had signed on and accepted as "a sacred trust" under the UN Charter, a Treaty of Nations. Apparently, the US as an administering power, is no longer universal in its values and international in its aspirations for fairness, opportunity, and human achievement as ideals within the principle of self-determination without which small peoples of the world can achieve their full potential as a people.

III. THE QUESTION OF GUAM AS DOMESTIC

The administering power's insistence that the Question of Guam is a domestic issue has stymied the Committee's work and its advancement towards the elimination of colonialism in the case of Guam.

The reality however, is that Guam's colonial status is clear in the legal standards and the practices that flow from the United States' relationship with Guam. The "internal" legal standards as well as "external" international standards both identify Guam as being non-self-governing; not domestic. Guam is not only a colony in legal terms, but also in the way in which the United States administers Guam.

Under the administering power's "internal" legal standard of "unincorporated territory", we are provided one-sided colonial governance and are not promised to become a part of the U.S. This status in US law was created by the US Supreme Court (Insular Cases, beginning 1901, See *Bidwell v. DeLima* and *Downes v. Bidwell*) specifically for those islands that were ceded to the U.S. at the end of the Spanish-American War (1898). As the United States considered the extension of civil government to Guam, along with limited US citizenship, a Congressional report openly stated the colonial nature of the relationship,

Guam is appurtenant to the United States and belongs to the United States but is not a part of the United States. [H.R. No. 1365, 81st Congress., 1st Session 8 (1949)].

The "Territories Clause" of the U.S. Constitution provides,

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory and other property belonging to the United States. (U.S. Constitution Article 4, Section 3, Clause 2).

The provisions of the Treaty of Paris provide,

The civil rights and political status of the native inhabitants of the islands hereby ceded to the United States shall be determined by the Congress. (Article IX, 1898).

Based on the above, the U.S. Supreme Court found that former Spanish territories, (unlike earlier territories which had been acquired by the United States), were not promised to become a part of the United States. Where the U.S. Constitution had been the standard of governance in earlier acquisitions (later called "incorporated territories"), Congress, not the Constitution, was the guide for governance in the island territories. The creation of the status of "unincorporated territory" provided for this one-sided governance.

Guam's status as a colony, a possession but not a part of the U.S., has been repeated time and again in judicial reviews of the applicability of U.S. legal standards to Guam. And after over a century of American colonial rule, the structure of the legal relationship between Guam and the United States remains unchanged. Guam is an "unincorporated territory" subject to the plenary authority of the U.S. government, its administering Power.

For over a century, the people of Guam have sought to improve our political and economic status with the administering power. A year after the Spanish-American treaty, Chamorro leader Joaquin Perez made efforts to establish an independent Legislature (1899). Moderate attempts were made in the early 1900s with emphasis on limiting the power of the US military governor of Guam. With the promotion by the US of decolonization after WWII, our people made efforts for more home rule following the Organic Act of Guam in 1950: (1) We elected our own local Legislature; (2) the lifting of the US military's Security Clearance program in 1962; and, (3) the Elective Governor Act of 1970.

During the early 1970s, our leaders discussed political status but instead, the administering power authorized a Guam Constitution; one that the voters of Guam

rejected primarily because it did not change Guam's political status. Then, the 1982 plebiscite led to a draft Commonwealth Act in 1987. After 10 years (1988-1997) of unsuccessful discussion and negotiation with the administering power, it became clear that Commonwealth as an interim political status was not going to be realized. In 1997, I enacted P.L. 23-147 that created the Commission on Decolonization to give our people the opportunity to exercise our right to self-determination and select a self-governing political status for Guam. To this day, Guam's political status has not been resolved and there is no question that the administering Power's deliberate actions or non-actions are designed to frustrate the process of decolonization for our people. We strongly feel that the administering Power is doing everything it can to dismantle the Committee in hopes that Guam's decolonization will forever be erased.

Mr. Chairman, when we juxtapose Guam's non-status (both as a US unincorporated territory and a UN Non-Self-Governing Territory) with its current militarization, it is abundantly clear why the notion of "domestic" vs. international has been used by the administering power. Clearly, Guam's hyper-militarization is the reason why the Committee's work is being frustrated by Guam's administering power. US Vice President Dick Cheney in a stopover visit in February 2007 at AAFB in Guam highlighted this lack of status when he informed the troops that they were "in Guam because the ...(US) does not want to be fighting a war in their streets at home." Mr. Cheney was clearly referring to Guam not as domestic but rather as a US territory with an anomalous status of being "a possession of but not a part of" the United States.

IV. THE US MILITARY

Mr. Chairman, the UN Working Paper A/AC109/2008/15 dated 19 March 2008 failed to record the fact that the administering power's unilateral plans to hyper-militarize Guam is in direct contravention to relevant UN resolutions on decolonization and in particular to UN Resolution 1514, UN Resolution 1541 and UN Resolution A/56/61 on the Second International Decade for the Eradication of Colonialism.

Rooted in its history of colonization, exploitation, and war, the United States, guardian of Guam's deadening status quo as a non-self-governing territory, continues to wield veto power over the possibility of a UN visiting mission to Guam while at the same time increases its grip over Guam through expansion and restructuring of its bases and its military operations not only on Guam but in the entire Pacific region. Mr. Chairman, the underlying reason for the US's intransigence in the work with the Special Committee on Decolonization over

Guam and its people becomes quite evident. Clearly, the administering Power's maintenance of its military power dynamics in the Asia-Pacific region relies on its dominance and subordination of my home island. Guam is treated as inferior with no sovereignty or agency in relation to US foreign policy and security interests.

Following 9-11, the U.S. abandoned its old policy of keeping an even balance between the Atlantic and the Pacific and focused its attention on eastern Asia with China as the main concern. Guam's unincorporated territory status is exploited to keep US military forces close to potential hot spots. Free from political considerations in dealing with a host country situation, the US will not have to negotiate or comply with a Status of Forces Agreement with its non-self-governing territory. Guam being the largest and only real land mass between Hawaii and the Philippines is positioned as the Pentagon's "tip of the spear", a part of the U.S. Department of Defense's "lily pad" strategy of creating a global network of jumping-off places from which the U.S. military can now stage rapid military responses.

There is no doubt about Guam's massive strategic importance to the US. As a part of the "Pacific Strategic Triangle" concept, Guam is linked with Hawaii and Alaska—all inhabited by indigenous peoples that actively dispute U.S. claims to ancestral lands. In Guam, the US military still holds 1/3 of our ancestral lands confiscated prior to the US's unilateral application of its citizenship on my people. For the US administering power, Guam offers proximity and valued status as American soil. The Pacific Command's (PACOM) decisive forward deployment of 1/3 of its 300,000 military personnel (Army, Navy, Air Force and Marine Corps) includes Guam (Japan, Okinawa and South Korea) as well.

The PACOM's military operations reaches over 50% of the world's surface, an area covering 260,000,000 square kilometers from the west coast of the Americas to the east coast of Africa, from the Arctic to the Antarctic. It covers nearly 60% of the world's population, consisting of 43 countries, 20 territories and possessions and 10 US territories including Guam. PACOM is responsible for 35% of US global trade (compared to 19% with the European Union, 20% with Canada and 18% with Latin America). Asia and the Pacific nations account for 34% of the Gross World Product (as compared to the US which accounts for 21%). In addition, the PACOM region contains the world's six largest armed forces—1) the People's Republic of China; 2) U.S.A.; 3) Russia; 4) India; 5) North Korea; and 6) South Korea.

The US Pacific Fleet (PACFLT), PACOM's naval element headquartered at Pearl Harbor, Hawaii is the world's largest naval command. It controls more than

213,000 sailors, marines and civilians, approximately 190 ships, about 1,400 Navy and Marine Corps aircraft and 35 shore installations. PACFLT coordinates shore support activities through the Pacific through 6 Naval commands including San Diego, Seattle and Pearl Harbor. Its 7th Fleet is based in Guam, South Korea and Japan and is responsible for operations and exercises from the west of Hawaii to the east coast of Africa.

Aside from Guam, PACOM also has air forces based in South Korea, Japan and Okinawa. Andersen Air Force Base in Guam is home to a Navy helicopter squadron and hosts rotating deployments of Air Force bombers and tankers from throughout the Pacific and from the US continent. AAFB's 36's Wing's official mission statement is to "[p]rovide a US based lethal war-fighting platform for the employment, deployment, reception throughout air and space forces in the Asia-Pacific Region."

Characterized by the military as "a hub for intelligence, surveillance, reconnaissance and strike operations", Guam provides support for US aircraft and ocean vessels plying our region. Straddling the world's most important sea lanes, including the Strait of Malacca, through which 50% of the world's oil passes on its way to the US, Guam is now considered the western most linchpin of the US Pentagon's new Asia strategy which operates out of PACOM headquarters in Hawaii. According to Brig. General Douglas H. Owens, Commanding Officer at AAFB, Guam is the US military's "unsinkable aircraft carrier." (Newsweek Intl Feb 2007)

We provide this information, Mr. Chairman, not to bore you with details of US military structure and hierarchy but to impress upon the Committee, the umbrella of influence by the administering power's military in the Asia-Pacific region. This description of the US sphere of influence also demonstrates that for military purposes, Guam is administered as a part of the whole rather than a singular non-self-governing territory needing its administering power's assistance to emerge as a decolonized and self-governing entity. Clearly the US military is emphasizing its force in Asia because of a lack of political restraints.

In the testimony of Mr. David Bice, Executive Director of the Joint Guam Program Office, Assistant Secretary of the Navy (Installations and Environment) on 01 May 2008 at the US Senate hearings, Guam's massive militarization is characterized as "vital to US strategic posture in the Pacific theatre and the security of the United States." Two US territories, Guam and the Northern Mariana Islands are named as "partners" in this unilateral decision of the US.

In his testimony to the same US Senate Committee on Energy and Natural Resources on 01 May 2008, the Governor of Guam stated that the federal government never consulted the people of Guam as to the impacts such a move would cause before they made the deal with the Japanese government. Furthermore, US military officials will not accommodate Guam's needs since negotiations on the Bi-Lateral Agreement have already been concluded between the US and Japan. This egregious treatment of Guam's local leadership indicates the one-sidedness of Guam's relationship with its administering power; yet, it is this same administering power that chose to inscribe Guam on the UN List of Non-Self-Governing Territories in 1946.

The US, obviously, holds its security interests above any other concerns present in Guam and thus the scope and breadth of military activity on Guam is a result of a unilateral and arbitrary US policy rather than from mutual agreement. Consequently, all processes along political, social and economic lines are allowed only within the parameters established by the US. Clearly, Guam is a colony by no other name.

V. FLOW OF INFORMATION

In light of the magnitude of the military activities intended for Guam, Fuetsan Famalao'an organized various forums since March last year for the people to voice their concerns about the massive militarization of our home island. Minimal effort at best is made by the US to provide critical information and to allow the people to meaningfully participate in any public process pertaining to this militarization. A steady stream of Pentagon bureaucrats and senior US military officers along with a couple Congressional delegations have raised the people's concerns as to the exclusivity of their meetings. US officials, Japanese government officials and business interests have held meetings closed to the general public.

Last week on 5 May 2008, Capt. Robert Lee of the Joint Guam Program Office (a US military organization that does not include the government of Guam.) announced at the Association of Pacific Island Legislatures that the military will be holding public meetings that are not required at 4 villages this week. He further stated that they will not be taking any written public comments. Opportunities for the people's input in to the US military's plans are nonexistent. We unequivocally and officially object to the fact that the people of Guam continue to be excluded in deliberations relating to the militarization of our home island.

At the US Congressional field hearings in Guam last August, we urged Congress to guarantee that our people be fully informed and asked their consent regarding the US militarization; that Congress mandate and fund studies not only of the impacts on the physical and human environment but also the interactive social, political, and economic effects on our quality of life.

Information is the basic ingredient of an open and free society that makes informed decisions; however, in the non-self-governing territory of Guam limit on information is the modus operandi of the administering power. Our people are unable to assess the potential impacts of this unprecedented militarization in order to gauge for ourselves, the plans and effects of non-Guam entities on our lives. Just as select private businesses predict positive gain by this militarization, the Chamorro people and Guam's communities have historically and will predictably bear the unequal proportion of the burden. The selective and exclusive sharing of information on the military's plans prevents our full participation and serves to silence our voices in this critical process.

VI. U.S. ENVIRONMENTAL IMPACT STATEMENT (EIS/OEIS)

As required under US National Environmental Policy Act (NEPA), the US Pentagon is currently conducting an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) for the relocation of US Marines to Guam, enhancement of infrastructure and logistic capabilities, improvement of pier/waterfront infrastructure for transient US Navy Nuclear Aircraft Carrier (CVN), and placement of US Army Ballistic Missile Defense (BMD) Task Force in Guam. As a necessary component of the EIS, a social impact assessment is required.

For a massive project such as this militarization, a typical EIS/OEIS would take some 10 years. The record speed, however, of a two-year Environmental Impact Statement (study) being conducted by the US is highly suspect and in apparent justification of the Pentagon's master plan; rather than, as a means to *inform* the plan as required by its own NEPA law. A draft report is expected to be completed by early 2009, next year; the final EIS report in December 2009 and the final final Record of Decision is expected to be approved early 2010. Our fate will have been sealed by this decision within a decision of the administering power.

In the preliminary study of this requisite EIS conducted just last February there is no evidence of this crucial study having a sociological or social imagination or framing of the problem. There is no explicit attention to population growth as a problem in and of itself, or the many other social and health and

environmental issues that last year's public scoping meetings made the US military well aware of. The final sign that such an important study does not include a social impact assessment is a statement that the military's goal is not to understand actual impacts but just to list "Chamorro interests and concerns." As has been the case of the processes of US militarization, we are flat out insulted by the administering power. This is unconscionable and totally unacceptable in any civil society.

As part of our statement of concerns for the EIS/OEIS, our organization demanded a policy of NO ADVERSE IMPACT on our way of life and on our culture without our informed consent. We requested that no negotiation of adverse impacts be made until the toxic contamination of our island home, the past human rights violations, and the impediments to Chamorro self-determination have been righted.

A meaningful and useful EIS will address subsequent and cumulative impacts and mitigations of impacts from all military projects in the past, current and future due to our prior experience of the same military's toxic wastes and contaminations left on island from WWII. We requested to know how the people will be informed if the EIS study indicates severe cumulative negative impact on all aspects relating to the island and the people.

Although the US federal NEPA requires a genuine "No Action Alternative", there is no evidence that this is being seriously considered. There are no evaluation procedures evident in the current EIS study as it was conducted last February 2008. Nor are there baseline alternatives against which to compare the environmental impacts of the other alternatives or any indication that other alternatives will be evaluated.

The research methods used for the EIS are questionable. The military's list of people to speak with, starts with government and business elites and does not specify who counts as "other island resources and community subject matter experts" (an odd and dehumanizing way to refer to people). Their study mainly relies on existing data sets, which for all intents and purposes are non-existent, because no one has been doing the kind of data collection—e.g. on health effects of military toxins, on wage rates since privatization of a lot of military work, etc.—that would be needed.

The framing of the issues as "education, health care services, employment opportunities, property values, crime, cost of living, and other socioeconomic issues" suggests a bias toward the positive (e.g. "property values" versus "housing affordability" and "employment opportunities" rather than "wage rates" or

"inequality") and leaves off the many issues that we have drawn attention to including pollution and illness, women's status, etc. The question must be framed correctly, otherwise the answers will be useless.

In July 2007, it was revealed that the US and its military allies in the Asia-Pacific region will be using air, sea and land areas on Guam (and the Northern Marianas for live fire training exercises as a part of the Master Plan of our militarization. On 5 May 08 the US's JGPO (Joint Guam Program Office) revealed that additional lands in Guam and the Northern Marianas may be required for firing and non-firing training. Also, that the US is currently trying to identify areas for use as Surface Danger Zones associated with firing ranges; and, that there will be aviation training all over the island.

In the words of our Governor at the US Senate hearings (1May08), "Guam is already experiencing the initial effects (of our militarization). Real estate prices have doubled. The cost of homes has tripled. There has been a 10 fold increase in the number of land use permit applications for new housing and commercial development. Our homeless population is growing, our hospital is already overcrowded, and immigration is on the rise. In less than 2 years, the number of containers arriving at the Port Authority of Guam (Guam's only seaport) to support the construction boom is expected to increase by 600% per week." Mr. Chairman, even the local government of Guam is scrambling to assess at tremendous cost, all aspects of this hyper-militarization and its impacts on local infrastructure and its own budgetary needs.

VII. SETTLERS AND IMMIGRATION

US assimilationist policies alone have been devastating to my people. In the past two decades, petitioners have repeatedly reported the negative consequences of these policies. Nothing has occurred to either mitigate or ameliorate our declining numbers. The toll is debilitating on a people struggling under the intense pressures of 21st century colonialism.

Our home island and our Chamorro people's impending transformation and cultural genocide, Mr. Chairman, is in the hands of this UN Committee on Decolonization if the UN decides to turn a deaf ear to our appeals for help. It is no secret that the US and its military representatives are fully cognizant of the irreversible and significant consequences that their decision will have on its colonial people. Broad concerns relating to local infrastructure, environmental, labor and workforce, socio-economic and health and human services are being discussed among government and military officials. The difference is that the US

has completely ignored the negative implications to its colonial people's human, political and legal right to self-determination without legal recourse.

Guam Governor Camacho's testimony in the US Senate early this month indicates a staggering 30% increase in the population already resident in Guam, with an aggressive schedule of implementation slated from 2012 to 2014 by the Bi-Lateral Agreement between the US and Japan. With new immigration provisions in Title VII of the Consolidated Natural Resources Act of 2008 exempting Guam (and the Northern Marianas) from caps on H visas through 2014, the floodgates are opened for military contractors to bring in workers. That total is now estimated at 55,000 additional people through 2014 for what has been described as, "the largest US military project of its kind since the end of the Cold War."

New eligible voters brought in by the US military in a non-self-governing territory that is bounded by US election laws will represent some 30% of the total eligible voters in a future political plebiscite on Chamorro self-determination (Election Commission estimate 5/8/08). We have already been informed by the deputy commander of the US Naval Forces Marianas in Hawaii, Lt. General Daniel Leaf, that US military personnel are eligible to vote under the US Constitution. While a vote for independence by US military personnel would be considered treasonous; US military personnel voting in a self-determination plebiscite to decolonize a non-self-governing territory is not only absurd but disturbing.

The United Nations must forcefully address this flagrant violation of accepted standards in the US's fiduciary responsibility over its "beneficiary", its colonial territory. If Guam's militarization is not halted, the United Nations must accept responsibility for the administering Power's program of assimilation that has now been transformed into a process of annihilation of my people.

The options offered under UN Resolution 1541 must remain as viable political status options for all non-self-governing territories. In the case of Guam, these options have been made invalid and unattainable. Proceeding undeterred and unabated, there continues a process in Guam that includes the administering power's Constitutional US citizens now eligible to decolonize a non-self-governing territory along with the colonized indigenous people with imposed statutory US citizenship that need to be decolonized. Any election under these conditions will surely determine a favorable outcome for the administering power.

Further complicating the above issues is the ability of transnational corporations with their own special US visas who come to our shores to take

advantage of a renewable 10-year tax rebate system established under the Internal Revenue Service. Without exception, all of the TNCs operating hotels along Tumon Bay have desecrated Chamorro sacred grounds, defiling and digging out our ancient people of the Pre-Latte and Latte Periods. These TNCs regularly re-incorporate under different names or are sold to other TNCs in order to re-qualify for the 10-year hotel tax rebate. Our community standards of respect are being challenged; our Chamorro place names are being erased; our dead are being defiled and our people being made ghosts.

The unilateral militarization and immigration policies of the administering Power continue to have dramatic consequences on our indigenous Chamorro people of Guam. These policies threaten the legitimate and genuine exercise of self-determination as outlined in UN Resolutions 1514 and 1541. They represent a contravention to relevant UN resolutions on decolonization and in particular, to the Second International Decade for the Eradication of Colonialism (A/56/61.Annex); furthermore, they constitute a major obstacle to the genuine exercise of Chamorro self-determination.

The unmitigated influx of migrants to Guam since 1960 and the anticipated 55,000 new settlers and migrants expected for Guam's militarization are very serious social and economic concerns. Most will be transients looking for economic opportunities and most likely do not intend to stay in Guam; thus they lack the sense of commitment necessary to engender the desired level of social stability. Cultural changes that are experienced often add to their sense of alienation and adjustment and thus social integration.

VIII. ENVIRONMENT

Military activity has an undeniable historical link with health damage and environmental devastation. Our people are already suffering from the effects of military misuse of the land that many of us fear as a threat to the future. The island serving as a decontamination site following the clean-up efforts of the Marshall Islands in the 1970s resulting in exposure to radiation to the presence of agent orange and purple. Such health hazards have resulted in health disparities among Chamorros people that are disproportionately higher than other ethnic groups on the island in incidence and prevalence of conditions such as cancer.

The civilian landfill (a former WWII military dump) studied by Guam Environmental Protection Agency 1980-1998, contains 17 toxic chemicals, all of them belonging to EPS's "Priority Toxic Pollutants" that include: arsenic, lead,

aluminum, barium, antimony, cadmium, chromium, manganese, pesticides, PCBs, toluene, ethyl benzene, xylenes, zinc and cyanide.

In the landfills at Andersen Air Force Base located over the island's aquifer, the studies of shallow subsurface soil and ground water from down gradient wells found all the same 17 toxic pollutants. All these toxic chemicals are present to this day in very high concentrations above the accepted standards of EPA. These toxic chemicals enter the bloodstream and may affect any organ or system in the body. Diseases associated w/these chemicals include: cancer, Parkinson's, multiple sclerosis, Alzheimer's, amyotrophic lateral schlerosis, renal dysfunction, cardiovascular disease, liver dysfunction, deafness, blindness, epilepsy, seizures, attention deficit disorder, emotional instability, depression, LD, arthritis, joint pain, anemia, hypothyroidism, stillbirths, infertility, immune suppression and dementia. Needless to say, these polluted areas represent a great immediate health threat to the people of Guam.

There are over 80 contaminated sites that still exist and have yet to be cleaned up by the US despite their placement on USEPA cleanup lists for many years. Similarly, we are concerned with the massive radiation exposure suffered by our people from the detonation of atomic bombs in the Marshalls, which exposure was willfully hidden by the military; with the cancers and other health effects of such radiation on our people that have been ignored by the military and US government to date. Studies showing PCB contamination of our oceans from military dumping and linking the disproportionate incidence of cancers to exposure to toxic military waste have not been addressed by the Congress. We have also requested an ongoing third party monitoring of the effects on the environment from noise pollution to hazardous and toxic chemicals and substances.

After some 30 years, the US Congress (Sub-Committee on Insular Affairs under the Committee on Natural Resources) held a field public hearing on Guam on August 24, 2007. Fuetsan Famalao'an gave testimony emphasizing our concerns relating to the environment and our security. We pushed for a security that places the needs of our people and the protection of natural resources at the center of every decision and every plan that the military moves forward; one based on justice, respect for others across national boundaries, and economic planning that meets people's needs, especially women and children and one that aims toward a society free of militarism, violence, and all forms of sexual exploitation, and for the safety, well-being, and long-term sustainability of our island community.

Assessments must not be dominated by interests of the military, U.S. corporations and business elites and the US must address the cumulative effects of

all military projects in the past, current and in the future. There must be public disclosure and public announcement of results of each respective review of cumulative and subsequent impacts and the respective resolutions for each impact must be made before the final EIS/OEIS and Record of Decision are completed in 2010.

At a recent meeting in Guam with officials of the U.S. General Accountability Office, an independent arm of the U.S. Congress, many issues were discussed including the unresolved decolonization of the Chamorro people and Guam's political status; women's health and safety concerns; environmental concerns and the need for a social-cultural impact study. It remains to be seen if the administering Power will follow its own edicts and laws as it is under no obligation (or purview) by the local government to do so.

There have been dangerous US military aircraft accidents. In July 2007, an F/A-18C Hornet crashed at sea near Guam during a training mission from USS Kitty Hawk. In February this year, a Navy Ea-6b Prowler aircraft went down just 20 miles northeast of AAFB. A month later in March 2008, a B-2 stealth bomber crashed during take-off at AAFB. In March, a B-1 Bomber declared an in-flight emergency shortly after take off; it returned only to roll into two emergency vehicles on the runway at AAFB. All accidents have served to increase our fears and our vulnerability as a small island community.

Dubbed "the greatest concentration of Naval and air power in the Western Pacific since the Vietnam War" (Valiant Shield 2006 Website), Valiant Shield military war games were conducted from August 6 to 13, 2007 off the waters and around the island of Guam. Over 20,000 US military personnel, 3 carrier Strike groups, 60 fighters, bombers, air refuel tankers and cargo planes with Air Force Personnel were involved. The year before in June 2006 similar war games were also conducted. During these exercises, military aircraft were buzzing right above the tourist district in the village of Tumon. Windows of our homes were rattling and people on the beach were scared including the elderly who live in a small community in the area.

During the Valiant Shield exercises, water was cut off to a number of villages on the Navy water line. People went some thirty out of sixty days without running water which comes from Fena lake, Guam's largest inland body of water, now inside the military fences of the US Naval Magazine station. There is water for the military but not for the people. To add insult to injury, last September, the US raised the rates it charges for water from this lake from \$2.09 per 1,000 gallons (kgal) to \$4.05/kgal to be effective October 1, 2007; at the moment, the

Consolidated Utilities Commission is still contesting this increase. You may guess who will prevail.

We have a segregated school system in Guam. Military children have their own schools inside the barbed wire fences, our civilian children numbering some 33,000 attend the village schools—both are basically funded by the same US federal government: one is fully funded, the other partially funded. You can guess which is which. Children learn the differences quickly; segregation benefits military children. This is the sad reality today. The US plans on building 6 more schools inside their fences—for the upcoming increase of school-aged children.

The idea of genuine security is a community working towards everyone having access to necessities of life so that we can develop our full human potential—something more than basic human safety, one about thriving with elements such as economic, environmental, respect for culture and protection from avoidable harm (everything beyond natural disasters is avoidable.)

IX. GEOGRAPHY

Guam is the southernmost island in the Chamorro archipelago of the Mariana Islands in the Northern Pacific. Nearly equidistant from Japan southwards to Papua New Guinea, Guam is the largest and only real landmass between Hawaii and the P.I. The North-South transportation lines from Japan to Australia and East-West lines from the U.S. to Asia makes Guam's civilian-based strategic potential great. This potential is ultimately driven by land requirements.

Guam is approximately 3,700 miles West-Southwest of Honolulu; 1,600 miles East of Manila; 1,550 miles South-Southeast of Tokyo; 3,100 miles North-Northwest of Sydney and 6,000 miles West-Southwest of San Francisco and 8,000 miles away from Washington, D.C. With its axis in a NE-SE direction, Guam is 30 miles long and tapers in width from 8-1/2 miles in the north to 4 miles at the central waist, widening again to the south at the maximum of 12 miles. Approximately 30% of our lands now belong to the administering power after WWII through military seizure.

Part of an underwater mountain range over 50 million years old and stretching southward from Japan, Guam is 13°28'29" N Latitude and 144°44'55" E Longitude at Hagatña, the capital city at the central western coast. Three-fourths of Guam's population live in the northern part of the island with a population density of over 1,017 (128,264.2/126) people per square mile. Guam's overall population density today is 806 people per square mile (171,019/212).

With the influx of new settlers from the militarization, these figures will change dramatically in a very short time.

Guam's aquifer is located at the northern section of the island where the US military has established Andersen Air Force Base and the Naval Communications Station. The northern section of Guam contains many "points of interest" or areas being studied for contamination in the ground and ground water.

Guam's south central interior basin from Hagatna Bay to Pago Bay is the location of a major concentration of urban development. A high end gated community of some 200 homes is already being built along Pago Bay inflating the cost of homes in the area. Another subdivision has also begun in this area in anticipation of the influx of new residents.

Apra Harbor at the western central side—is the largest commercially active natural deepwater harbor in the Northwest Pacific Ocean. Close to 3/4th of this harbor is part of the US military complex at Naval Station. A smaller section, is owned by the local government's commercial port. This harbor has been contaminated by PCBs and other military toxic wastes.

The southern half, dissected by volcanic mountains with a south-central basin area, is surrounded by two barrier reef systems in the southwest and south. Other coasts are surrounded by fringing coral reefs. A belt of high peak mountains run southward along the west coast towering from 700 feet to 1300 feet.

The major land areas are savannah grasslands adapted to deficient and small amounts of limestone create low permeability with surface drainage patterns comprising our freshwater resources. More than 40 rivers and streams are found in southern Guam. All the major wetlands (3.8% or 5,136 acres) are found in the south and central areas of Guam. A military-civilian landfill that will replace the existing civilian landfill located in central Guam and slated for closure, is planned over the southern tributaries that feed into freshwater streams in south-central Guam. Moreover, a planned new major roadway leading directly from this landfill to Andersen Air Force Base at northern Guam is anticipated to cause dramatic changes in the landscape, traffic, and land use along the road.

24% of Guam's population live in southern Guam concentrated along coastal areas with fragile reef ecosystems. The island is encircled by 12 small islands; the largest is Dano' (Cocos Island). Dano' Island, is a part of the barrier reef (lagoon system) at the southern tip of the island. It is 2.8 square miles with an elevation no more than 15 feet above sea level. It is the site of a major tourist day

trip/recreation resort complex. It is highly contaminated with PCBs and other military toxic wastes rendering the entire barrier reef system of Guam useless to local reef fishermen and the villagers of Malesso.

Guam has a tropical climate with July through December considered wet season and the months of January to June the dry season, the coolest time of year with an average 5.2 inches of rain. NE trade winds cause the North equatorial current that generally flows west near Guam at ½ to 1-knot. Water temperature is around 28°C; conducive for coral reef growth. Guam has 116.5 miles of natural shoreline, our most important natural resource in terms of marine life, recreation, aesthetics, tourism potential and food.

Periodically visited by typhoons and tropical storms, Guam also receives frequent tremors emanating from the Nero Trench and the Marianas Trench.

Our home island as a part of the biosphere that we believe still has an incredible ability to provide what we need and the potential to heal, given the right treatment. We have enough for all to eat, just not enough for people's greed.

X. ADMINISTERING POWER CONCERNS

Mr. Chairman, it is truly tragic that the historical resistance and lack of formal cooperation by Guam's administering Power with regard to the work by the Committee under the guidance of the United Nations Charter, the Second International Declaration for the Eradication of Colonialism (A/56/61. Annex), the Declaration on the Granting of Independence to Colonial Countries and Peoples [UNGA resolution 1514(XV) of 14 December 1960] have succeeded in paving the way for the massive militarization and consequent impacts on my people and home island. If disassociation from UN General Assembly resolutions is all that administering powers have to do in order to wiggle out of their Charter obligations then all of us here have failed; if not, then we must assure that our recommendations today have the capacity to address this serious concern that we have of a powerful administering power on behalf of small peoples of the world. Furthermore, we must pass recommendations that truly have the capacity to energize us to fully contribute our talents towards the well-being of our respective non-self-governing peoples and to become more involved in the quest for the exercise of our inalienable right to self-determination.

Mr. Chairman and members of the Committee, what I have presented here today represents the severe implications of our colonial condition; this however, is not all encompassing of the outrageous reality we face everyday on our tiny home

island of Guam. We must emphasize that the decision to increase the militarization of Guam is a decision within a decision at the highest levels of the US government involving all pertinent agencies of the US federal government. This decision is not based on the expressed wishes nor the best interests of the people of Guam; rather, it is a decision driven by US interests and poses an impediment in the process of decolonization in Guam.

Let not the numerous voices of petitioners over the last 48 years be silenced or become voices in vain. The burden of responsibility rests with the Committee to fully address and underscore the specific nature of this deplorable condition in Guam. We must act now. We will never come this way again. In particular, the Question of Guam shall remain a question of Chamorro self-determination and decolonization for Guam. As a process of decolonization, the exercise of Chamorro self-determination must necessarily occur outside the influences of the administering Power and with the cooperation of the United Nations.

XI. OBSTACLES/OPPORTUNITIES/RECOMMENDATIONS

This seminar to review **priorities and concerns of civil society** comes at a critical juncture for Guam to again reiterate our concerns and appeal for intervention from the United Nations. The Chamorro people's inalienable and inherent right of self-determination is in critical condition. The Question of Guam is in need of major intervention. The US administering power's failure to honor its international obligations to Guam and her native people and its nonresponsiveness to the Special Committee in anticipation that the effects of its colonial policies and law would wear the Chamorro indigenous people down to the point of extinction have combined to our rapid deterioration. However, as long as the act of Chamorro self-determination is not exercised, the resolution to this cardinal principle under the United Nations remains.

The Committee must vigorously pursue the goals of the Second International Decade for the Eradication of Colonialism in a way that provides hope that the aspirations of small peoples for the restoration of their sovereignty can be realized; that the right of self-determination of colonial peoples is respected; and that decolonization becomes an attainable goal. To do this, the Special Committee must understand, first hand, the existing conditions in the non-self-governing territories. The only way to obtain this is for the United Nations to systematically conduct periodic visiting missions to the territories under the purview of the Special Committee. In Guam's case, petitioners have continually requested for a visiting mission for over two decades, but to no avail.

The Special Committee and the UN public information offices are to be supported and commended for in their active dissemination of information on the decolonization process in both general and informational ways as well as on the specifics of the UN consideration of the Question of each of the remaining territories. The UN website has been one of the UN's most successful projects; we are very grateful for this. As an adjunct professor of history at the University of Guam, I regularly use these documents in my classes.

Mr. Chairman and members of the Special Committee, the plight of peoples under colonial governance is the paramount issue in the Special Committee's work particularly in this Second International Decade for the Eradication of Colonialism. We are the stakeholders in the processes related to decolonization. Not only have Guam's initiatives related to decolonization effectively stalled after the administering power rebuffed every Guam approach, but the active process of colonization and overt violation of the principles of the first and second International Decade for the Eradication of Colonialism been ramped up, it has been unabashed. Decolonization is not even a part of the administering power's view toward Guam. For the colonial people, colonialism is not just a mode of governance, it is a process that actively destroys our ability to attain self-governing processes (alienation of land, assimilation, economic dependence, etc.) We are very concerned that the window of opportunity for Guam's decolonization and Chamorro self-determination is closing upon us as the end of the Second International Decade draws near.

It is not clear whether the suggestions of former Chairman Robert Guba Aisi (Papua New Guinea) to create clusters of three categories were ever implemented. There was also a 10 point proposal offered by Dr. Carlyle Corbin one of the experts on decolonization that appears workable. Both of these ideas seem to offer concrete approaches for possible resolution to our dilemma in view of the small window of opportunity left to fulfill the Second International Decade's goals. We raise these issues because we would like to see some concrete plans come out as a result of this seminar.

We encourage a positive working relationship among related agencies of the UN that work on agendas related to decolonization. For Guam, there is too much at stake and the sun is setting on our decolonization. We feel that the Special Committee member states must all work together to discredit the so-called "colonial accommodation" philosophy--the sanctioning of the status quo dependency arrangements, by aggressively pursuing new ideas and directly working with non-self-governing territories.

We do not support any action that may lead to the abolition of the Special Committee on Decolonization or that may lead to the systematic withdrawal of international oversight of the decolonization process. We highly support the focus that the Special Committee on Decolonization has on decolonization and self-determination for NSGTs and we hope that by this seminar we, the delegates, can contribute to a sense of a renewal of commitment for this important work that is **decolonization**. More than ever before, Guam needs the United Nation's guidance and focus on self-determination and decolonization in order for Guam to advance locally its initiatives for Chamorro self-determination in a tenuous situation.

We make the following recommendations for adoption at this seminar:

1. That the inalienable right of the Chamorro people of Guam to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples be given top priority by the Special Committee on Decolonization in view of the administering power's hyper-militarization plans for Guam within a window of 2-4 years.
2. That the Special Committee on Decolonization cooperate and collaborate with other UN bodies and/or agencies such as the Permanent Forum on Indigenous Issues under the UN Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, and the Human Rights Committee on behalf of the Chamorro indigenous people of Guam in their quest for the exercise of our inalienable and inherent right to self-determination.
3. That a customized process of decolonization for the Chamorro people of Guam be immediately adopted in view of the severe implications of militarization on Guam by its administering power.
4. That the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples sponsor an expert seminar, together with the Permanent Forum on Indigenous Issues, the Committee on the Elimination of Racial Discrimination, and the Human Rights Committee to examine the impact of the UN decolonization process on the UN's non-self-governing territories.

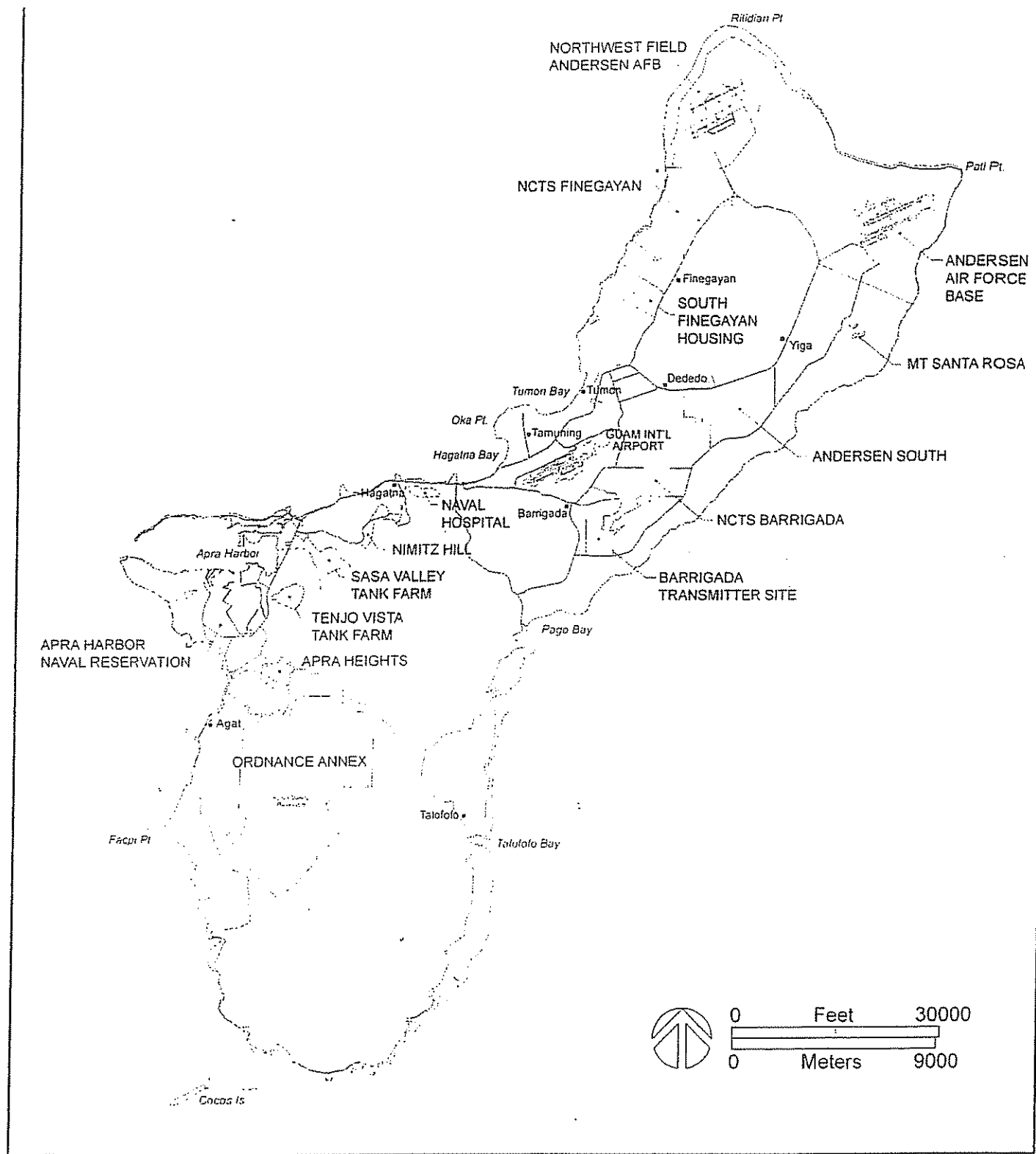
5. That Guam's administering power be investigated as to its compliance/noncompliance with its treaty obligations under Article 73 of the Charter of the United Nations and its obligations to promote the economic and social development and to preserve the cultural identity of the Territories, General Assembly resolution 1514(XV) and General Assembly resolution 1541.
6. That a UN visiting mission be commissioned and dispatched to Guam as soon as possible for an end of the Second International Decade.. review and in preparation for the above recommended expert seminar.
7. That a study be conducted on the implications of the US militarization and its Master Plan for Guam on the decolonization of the non-self-governing territory of Guam and that UN funding be allocated for this study immediately.
8. That the UN denounce the hyper-militarization of the non-self-governing territory of Guam without the consent of the people of Guam due to harm to the inalienable human right of the Chamorro people to self-determination, the socio-economic-political-cultural and environmental sustainability of the people of Guam, and the best interests of the people of Guam.
9. That the Special Committee communicate its concern for the human rights of the Chamorro indigenous peoples of Guam to the UN Human Rights Council and other pertinent UN agencies.

XII. CLOSING

Thank you, Mr. Chairman and delegations for the opportunity to make this presentation. My people's journey towards decolonization is at a very critical juncture in view of the dramatic implications of Guam's 21st century hyper-militarization. We can only rely on the United Nations to assure that the US live up to its obligations under the United Nations Charter and to its promise of self-determination and decolonization for the people of Guam.

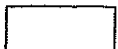
I will be happy to respond to any questions that you may have.

HOPE ALVAREZ CRISTOBAL



Guam

Legend



U.S. Department of Defense Lands

20 \

URACUS (FARALLON DE PAJAROS)

MAUG ISLANDS

ASUNCION

AGRIHAN

PAGAN

ALAMAGAN

GUGUAN

SARIGAN

ANATAHAN

FARALLON DE
MEDINILLA

SAIPAN

TINIAN

AGUIJAN

ROTA

GUAM



0 100 Miles
0 100 Kilometers

Guam & Commonwealth of the Northern Mariana Islands