

History of the Guam Creation of the Commission on Decolonization

The Commission on Decolonization created by Public Law 23-147 has been inactive for a number of years. The legislation creating the Commission was enacted by I Mina' Benti Tres na Liheslaturan Guam, notwithstanding the objections of the Governor, mandated the creation of a Commission on Decolonization. Public Law 23-147 constitutes the Commission on Decolonization and mandates that those appointed will hold their seats on the Commission for the life of the Commission. The individuals last holding seats on the Commission are:

1. **Governor Felix P. Camacho**, who relinquishes his seat and Chairmanship upon the inauguration of Governor-Elect Eddie B. Calvo.
2. **Speaker Judith T. Won Pat**, who retains her seat as Speaker of I Mina Trentai Uno na Liheslaturan Guam or, may appoint a Senator to fill her seat.
3. **Senator Eddie B. Calvo**, who relinquishes his seat upon inauguration as Governor and assumption of the Chairmanship of the Commission.
4. A representative of the Guam Youth Congress. (Current designation needs to be made).
5. **Mayor Melissa Savares**, Mayor's Council of Guam or may appoint a Mayor to fill her seat.
6. **Dr. Lisa Natividad**, appointed by the Governor.
7. **Mr. Joe Cruz**, appointed by the Governor (pending).
8. **Ms. Trini Torres**, Independence Task Force representative.
9. **Mr. Jose U. Ulloa**, Free Association Task Force representative.
10. **Former Senator Edward R. Duenas**, Statehood Task Force representative.

PL 23-147 mandates that the Commission shall constitute three task forces, each to advocate for one of the three options. Each task force shall consist of seven (7) members from the general public. Staff support for the work of each task force was to be provided by the Commission on Decolonization.

The staff of the Commission consisted of an Executive Director, appointed by the Governor, and two (2) staff assistants. The Commission, like its predecessor, the Commission on Self Determination, was considered a bureau of the Governor's Office. The current Executive Director is Mr. Edward A. Alvarez. It should be noted that for FY 2010 the budget allocation was reduced by 50% of the previous year. It should also be noted that the Commission on Decolonization has no records of any meetings for the past several years nor are there records of any meetings of the three task forces for the same period.

Ongoing Initiatives Towards Chamorro Self-Determination

While the Government of Guam's participation in political status and the area of Chamorro Self-Determination has been minimal over the past eight years, there have been a number of initiatives on the part of civil society that has advanced this area of work. Initiatives towards this end have included the following: testimonies before the United Nations' (UN) Committee on Decolonization, the General Assembly's Fourth Committee, and the UN Permanent Forum on Indigenous Issues; participation in the UN Pacific Seminars bi-annually; revitalization of the Chamorro Registry; University of Guam educational initiatives; the production of scholarly articles deepening the legal understanding of Chamorro Self-Determination; the passage of a Congressional authorization to fund a local political status educational campaign; and current efforts by the newly elected Governor of Guam, the Honorable Edward B. Calvo.

United Nations Testimonies

Chamorros on Guam and off-island concerned about Chamorro Self-Determination- particularly in light of the U.S. military build-up- returned to the United Nations to provide testimony on behalf of the indigenous group in 2005. Since then, a delegation representing a variety of Guam, California, and East Coast-based Non-Government Organizations (NGOs) has consistently provided testimony to the United Nations on the question of Chamorro Self-Determination and resolving Guam's political status issue. While there was a lag in visits to the United Nations before 2005, the impending Guam Build-Up motivated concerned groups to reactivate their participation at the United Nations to raise the critical issue. The following is an itemization of delegation members, organizations represented, and the year in which the testimonies were delivered.

2005:

Julian Aguon, *I Nasion Chamorro*
Debtalynn Quinata, *I Nasion Chamorro*

2006:

Fanai Castro, *Chamorro Cultural Development and Research Institute*
Tiffany Naputi Lacsado, *The National Asian Pacific American Women's Forum*
Sabina Flores Perez, *The International Peoples' Coalition Against Military Pollution*
Victoria-Lola Leon Guerrero, *The Guam Indigenous Collective*
Senator Hope Alvarez Cristobal, *Organization of People for Indigenous Rights*
Julian Aguon, *I Nasion Chamorro*

2007:

Sabina Flores Perez
Victoria-Lola Leon-Guerrero

2008:

Senator Vincente C. Pangelinan, *Guam Legislature*

Victoria-Lola Leon Guerrero, *I Nasion Chamorro*
Craig Santos Perez, Guam Indigenous Collective
Michael Anthony Tuncap, *Famoksaiyan*
Sabina Flores Perez
Julian Aguon, *I Nasion Chamorro*

2009:

Senator Hope Cristobal, Guam Coalition for Peace and Justice
Julian Aguon, *I Nasion Chamorro*
Michael Anthony Tuncap, Delegation to the UN
Josette Marie Lujan Quinata, Chapman University PI Studies committee
Megan Roberto, Teach for America, Philadelphia chapter
David Roberts, University of Toronto, Dept. of Geography
Destiny Tedtaotao, School of Social Work, Univ. of Southern California

2010:

Hope A. Cristobal, PsyD, *Famoksaiyan*
Michael Anthony Tuncap, University of California, Ethnic Studies Department
Josette Marie Lujan Quinata, *Famoksaiyan*
Alfred Peredo Flores, PhD candidate, Department of History, UCLA
My-Lin Nguyen, *Famoksaiyan*-Southern California Chapter
David Roberts, University of Toronto Department of Geography
Maria Roberts, City University of New York, School of Business

These presentations occurred before a combination of the United Nations' Special Committee on Decolonization, the General Assembly's Fourth Committee, and the Permanent Forum on Indigenous Issues. They were generally themed around the human rights violation of the Chamorro peoples' right to self-determination. Further, the threat to the survival of the Chamorro people and their culture in light of the massive planned military build-up was raised. Requests were made for a United Nations intervention to visit Guam and assess the situation. In addition, requests for funds in support of a self-determination campaign for people on Guam were made of the UN, particularly in the absence of support from Guam's administering power, the United States. Attached to this report are a number of testimonies presented before the UN. Presentations before the UN's Special Committee on Decolonization and the General Assembly's Fourth Committee have been made as the traditional approach to evoking the UN in the past. A new intervention strategy was initiated in 2008 when Chamorro Human Rights Attorney, Mr. Julian Aguon, presented before the UN Permanent Forum on Indigenous Issues. His testimony is seminal in that it explored the use of a different arm of the UN for action. The following is an excerpt of his testimony:

"It is a sad commentary that the Administering Power year after year abstains or votes against UN resolutions addressing the "Quest of Guam" and resolutions reflecting the work of the UN on decolonization including the resolution on the Second International Decade for the Eradication of Colonialism and the very recent Declaration on the Rights of Indigenous Peoples. With this non-support by Guam's administering power, it is no wonder that the list of

Non-Self Governing Territories under the administration of the United States has turned half a century old with little progress."

It is noteworthy to mention that these trips to the United Nations in New York City are either self-funded by the presenter or the sponsoring organization and is rooted in a commitment to advance this work in the interest of the well-being of Guam for future generations.

Revitalization of the Chamorro Registry

In early 2008, a group of individuals concerned about the state of Chamorro Self-Determination called a meeting of parties who have been involved in addressing the issue in a Chamorro Summit. The meeting engaged a planning process that resulted in tangible steps to advance the issue. One of the clear next steps determined was a revitalization of the Chamorro Registry that is necessary for a future plebiscite. Senator Ben Pangelinan committed to take the lead in this area. Through his office, a cadre of over 15 individuals was deputized by the Guam Election Commission to organize opportunities for people to register for the vote. As such, registration booths were set up at community rallies, UOG events, the Liberation Day festivities, and other similar events since 2008. To assist with the process, Senator Pangelinan introduced Bill No. 184-30(COR) which has been passed into law and will append Chamorro Land Trust Commission lessees to the registration roll of the Registry. According to his Chief of Staff, Ms. Lisa Cippiloni, the Guam Election Commission reported on March 2010 a total of 938 people on the Chamorro Registry. She also stated that this figure does not include the Chamorro Land Trust lessees nor the people registered by Senator Pangelinan's office.

University of Guam Educational Initiatives

Various faculty of the University of Guam have demonstrated a commitment to resurrect the discourse on the issue of Chamorro Self-Determination. As such, they have taken the lead on the coordination of meetings, conferences, public fora, colloquia, conference presentations, publications, and planning sessions engaging community members on the topic. The dearth of these activities are beyond the scope of this report, however, the sponsorship of the Division of Social Work of the annual colloquium presented by Dr. Carlyle Corbin is worthy of mention. Dr. Corbin is a United Nations Advisor on decolonization and an internationally recognized expert on the decolonization process. Attached to this report are his presentations given on November 9, 2009 and November 30, 2010 at the University of Guam titled, "Self-Determination, Globalization, and Militarization: Some Thoughts on Non-Self-Governing Territories in the 21st Century" and "Recent Developments in Small Island Governance: Implications for the Self-Determination Process" respectively. An additional resource attached to this report is Dr. Corbin's "Analysis of Implementation of the United Nations Decolonisation Mandate during the Second International Decade for the Eradication of Colonialism (2001-2010) and Strategies for Completion of the Decolonization Mandate", which he delivered in New Caledonia in May 2010 as the designated UN expert providing the review. The Division of Social Work is committed to organizing his visit on an annual basis, as his profound knowledge of the decolonization process serves as a resource for advancing local understanding.

Another educational initiative at the University of Guam entails the development of a course specifically focused on decolonization as it applies to the case of Guam. The faculty members are currently formulating the decolonization course and hope to have it added to the Chamorro Studies program curriculum in Spring of 2011. The course will likely be cross-listed with social work to make the information available to a wider range of students.

Published Scholarly Articles

Contributing to the literature available in the area of Chamorro Self-Determination, two Chamorro attorneys who are now practicing on Guam published articles in their tenure as students with the University of Hawaii at Manoa. Their papers deepen the discussion of Chamorro Self-Determination by exploring the application of the UN Declaration on the Rights of Indigenous Peoples (Aguon) and examining the option of free-association with U.S. Citizenship (Gutierrez). Aguon's article is contained in the attachments of this report and the citation is as follows:

Aguon, J. (2008). Other Arms: The Power of a Dual Rights Legal Strategy for the Chamorro People of Guam Using the Declaration on the Rights of Indigenous Peoples in U.S. Courts, 31 U. HAW. L. REV. 113.

Gutierrez's article is not contained in this report, however, the citation and introductory paragraph is as follows:

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COMMENT: Guam's Future Political Status: An Argument for Free Association with U.S. Citizenship

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Author
Hannah M.T. Gutierrez
I. INTRODUCTION

For more than three hundred years, the island of Guam has been subjected to colonial rule and denied full self-governance. 1 Spain claimed Guam in 1565, and established Spanish rule in 1668. 2 After the Spanish-American War, Guam's centuries-long colonizer formally ceded the island to the United States with the ratification of the Treaty of Paris in 1899. 3 With the exception of a three-year period during World War II, when Japanese forces occupied Guam (1941 to 1944), the island has since remained under the control of the United States. 4 At present, this island of U.S. citizens is "one of the oldest colonial dependencies in the world." 5 Currently, Guam is governed by an act of Congress, the Guam Organic Act of 1950. 6 The powers given to Guam under the Organic Act, however, are "merely delegated powers that can be changed or taken away at the will of Congress." 7 Guam's current political status is that of an

organized, unincorporated territory of the United States--a territory that has a civil government established by Congress but is not considered to be in transition to statehood. 8 The United States granted its citizenship to the "native inhabitants" 9 of Guam with the signing of the Guam Organic Act; however, those who received their citizenship through this Act do not receive the full protections of the U.S. Constitution. 10

U.S. Congress Initiatives

Federal funds (from DOI OIA) have been authorized for a political status educational program. The funds can be granted to Guam from the U.S. Department of Interior. It is recommended by the Subcommittee that the incoming Administration contact Assistant Secretary for Insular Affairs, US Department of Interior, Tony Babauta, to determine the designated use of the funds for the political status educational program. A recommendation has been suggested that the political status public education program can be better accomplished by the University of Guam. If this is the desired direction of the incoming Administration, a review of Public Law 23-147 would be necessary to determine if further legislation is needed to transfer the educational program to the University of Guam. It is noteworthy to mention that no money has been appropriated to fund the passage of the congressional initiative and as a result, no funds have been made available to Guam to fund said educational campaign.

Initiatives of Newly Elected Governor, the Honorable Edward B. Calvo

The island's newly elected Governor of Guam has made a stern commitment toward Chamorro self-determination and exclaimed the administering power and Guam must change its relationship to one of a partnership where all interests are respected and considered. Throughout the campaign trail and especially during his inaugural address, he made assertions on the importance of this inalienable right and the "sacred trust" which must be given and to date has accomplished the following:

1. Appointed an Executive Director.
2. Empanelled the Board of Commission on Decolonization.
3. Submitted a supplemental budget request to fund the Commission immediately instead of waiting until the next budget call.

4. Held a Chamorro forum in March 2011 to hear what the stakeholders had to say and listen to the history of the plight of the Chamorro people.
5. Committed to assisting the Chamorro registry by registering voters while out on his weekly village visits.
6. Secure funding from the Department of Interior for the education program of this effort.

Recommendations

1. The United Nations enter into the third decade for the eradication of colonialism;
2. Guam not be removed from the United Nations list of Non Self-Governing Territories;
and
3. Militarism has historically been viewed as an impediment to the decolonization process.
That the United Nations use its authority to prohibit administering powers from developing or expanding their military presence in Non Self-Governing Territories.