

1 GCA GENERAL PROVISIONS
CH. 21 COMMISSION ON DECOLONIZATION FOR THE
IMPLEMENTATION AND EXERCISE OF CHAMORRO
SELF DETERMINATION

CHAPTER 21
COMMISSION ON DECOLONIZATION FOR THE
IMPLEMENTATION AND EXERCISE OF CHAMORRO
SELF DETERMINATION

SOURCE: Public Law 23-147 creates a Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination. The Compiler of Laws believes this Commission should be codified within the Guam Code Annotated. The Compiler has then created a new Chapter 21 in Title 1, Guam Code Annotated. Amended by the Compiler in order to reflect the correct citation.

- § 2101. Legislative Findings and Intent.
- § 2102. Definitions.
- § 2103. Legal and Moral Basis. [Repealed.]
- § 2104. Creation and Membership of Commission.
- § 2105. Function.
- § 2106. Creation of Task Forces.
- § 2107. Function of Task Forces.
- § 2108. Office and Employees of the Commission.
- § 2109. Public Information Program.
- § 2110. Plebiscite Date and Voting Ballot.
- § 2111. Run-off Plebiscite.
- § 2112. General Powers of the Commission.
- § 2113. Commission on Self-Determination.
- § 2114. Repository for Commission Documents.
- § 2115. [Untitled]

§ 2101. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that the native inhabitants of Guam, since its recorded history, have been subjected to incessant control by external colonial powers. *I Liheslaturan Guåhan* further finds that upon the execution of the bilateral treaty between the two (2) sovereign nations, Spain and the United States of America, the transfer of colonial control over the lands and the people of Guam was effectuated. The United States, as the succeeding colonial power over the lands and the people of Guam, acceded to and recognized in the 1898 Treaty of Paris that the political rights of the

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native inhabitants of Guam shall be protected and that their collective right to political self-determination is inalienable.

I Liheslaturan Guåhan further finds that the United States as the administering power, in the Charter of the United Nations, designated the territory of Guam as a 'Non-Self Governing Territory.' By doing so it recognized that the native inhabitants have the right to one day exercise their collective self-determination through a decolonization process, to either join the ranks of self-governing entities as an independent nation or an independent nation in free association with another nation, or become a fully integrated state within the United States of America.

Consistent with these inalienable principles, the native inhabitants or people of Guam have been recognized by the U.S. Congress in the 1950 Organic Act of Guam, specifically in 48 U.S.C. § 14211, as reenacted in 8 U.S.C. § 1407. Guam's right to self-determination is further founded in the United States' yearly reports to the United Nations on the Non-self Governing Territory of Guam; 1950 Organic Act of Guam; United Nations Resolution Number 1541 (XV) United Nations Resolution 1514 (XV); § 307 (a) of the United States Immigration and Nationality Act; and Part I, Article 1, Paragraphs 1 and 3 of the International Covenant on Civil and Political Rights.

It is the intention of *I Liheslaturan Guåhan* that three (3) political options be presented to the Native Inhabitants of Guam to ascertain their future political relationship with the United States of America, namely, Independence, Free Association or Statehood.

SOURCE: Repealed/reenacted by P.L. 25-106:6.

§ 2102. Definitions.

(a) *Self-Determination*. Freedom of a people to determine the way in which they shall be governed and whether or not they shall be self-governed.

(b) *'Native Inhabitants of Guam'* shall mean those persons who became U.S. Citizens by virtue of the authority and enactment of the 1950 Organic Act of Guam and descendants of those persons.

SOURCE: Repealed/reenacted by P.L. 25-106:7.

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§ 2103. Legal and Moral Basis.

[Repealed.]

SOURCE: Repealed by P.L. 25-106:8.

§ 2104. Creation and Membership on Commission.

There is established a Commission on Decolonization for the Implementation and Exercise of Guam Self-Determination for the Native Inhabitants of Guam, which shall be composed of eleven (11) members, including the Chairperson:

(a) *I Maga'lahaen Guåhan* shall serve as the Chairperson of the Commission, and shall appoint two (2) members of the Commission;

(b) The chairperson of *I Liheslaturan Guåhan's* committee with responsibilities over Federal Affairs shall serve as the Vice Chairperson of the Commission and shall serve as Chairperson in the absence of the Chairperson; in the event the legislative committee chairperson is *not* able to serve on the Commission, another member of *I Liheslaturan Guåhan* shall be designated by a majority vote of *I Liheslatura*.

(c) One (1) member shall be appointed by the Speaker of *I Liheslaturan Guåhan*, who may appoint himself;

(d) One (1) member shall be selected by and shall be from *I Liheslaturan Guåhan's* minority;

(e) One (1) member shall be appointed by the Mayors Council from among their membership;

(f) One (1) member shall represent the task force members who are advocating the political status of Independence, to be appointed by the Chairman of the task force, who may appoint himself;

(g) One (1) member shall represent the task force members who are advocating the political status of Free Association, to be appointed by the Chairman of the task force, who may appoint himself;

(h) One (1) member shall represent the task force members who are advocating the political status of Statehood, to be appointed by the Chairman of the task force, who may appoint himself; and

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(i) One (1) member *shall* represent the youth of Guam, to be appointed by the Speaker of the Youth Congress from among the qualified members of the Congress, who may appoint himself.

No person shall be eligible to serve as a member of the Commission *unless* that person shall be qualified to vote on the plebiscite for political self-determination. Vacancies in the membership *shall* be filled in the same manner as the original appointment.

Without being excused pursuant to a motion passed by the Commission, any appointed member of the Commission who fails to attend three (3) consecutive regularly scheduled meetings *shall* automatically be disqualified to continue serving in his or her position and the appointing authority *shall* then be required to appoint a replacement for said member.

SOURCE: Repealed/reenacted by P.L. 25-106:9. Amended by P.L. 27-144:2. Amended by P.L. 30-102:4 (Mar. 12, 2010)

§ 2105. Function.

The general purpose of the Commission on Decolonization shall be to ascertain the intent of the Native Inhabitants of Guam as to their future political relationship with the United States of America. Once the intent of the Native Inhabitants of Guam is ascertained, the Commission shall promptly transmit that desire to the President and the Congress of the United States of America, and to the Secretary General of the United Nations.

SOURCE: Repealed/reenacted by P.L. 25-106:10.

§ 2106. Task Forces.

The Commission shall create three (3) Task Forces. Each task force shall be composed of seven (7) members, appointed by the Commission, who are advocates for the status for which they are appointed. The three task forces are:(1) Independence Task Force;(2) Free Association Task Force; and (3) Statehood Task Force.

§ 2107. Function of Task Forces.

The three task forces shall draw upon the resources of the Commission on Decolonization, and no later than four (4) months from the date of their appointment, after conducting an extensive study, including input from the

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general public, each task force shall present a position paper to the Commission on its respective political status option for Guam.

§ 2108. Office and Employees of the Commission.

Considering that the majority of the activities of the Commission on Self-Determination have been fulfilled, the office and employees of the Commission on Self-Determination shall also serve as the office and employees of the Commission on Decolonization.

§ 2109. Public Information Program.

The Commission, in conjunction with the Commission's task forces shall conduct an extensive public education program, throughout the island, based on the position papers submitted by each task force.

(a) The University of Guam and the Guam Community College may be included in the development and execution of the extensive public education program for the purposes of fulfilling the educational outreach provisions of this Chapter in order to ensure a successful plebiscite relative to Guam's political status determination.

(b) Upon consultation with *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* the Commission on Decolonization and the Guam Election Commission shall determine the date for the conducting of a Political Status Plebiscite, which shall take place following the completion of the public education program for the purposes of fulfilling the educational outreach provisions of this Chapter.

SOURCE: Subsections (a) and (b) added by P.L. 31-092:4 (Sept. 30, 2011).

§ 2110. Plebiscite Date and Voting Ballot.

(a) The Guam Election Commission shall conduct a 'Political Status Plebiscite', at which the following question, which shall be printed in both English and *Chamorro*, shall be asked of the eligible voters:

In recognition of your right to self-determination, which of the following political status options do you favor? (Mark ONLY ONE):

1. Independence ()
2. Free Association with the United States of America ()

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3. Statehood ().

Persons eligible to vote shall include those persons designated as Native Inhabitants of Guam, as defined within this Chapter of the Guam Code Annotated, who are eighteen (18) years of age or older on the date of the 'Political Status Plebiscite' and are registered voters on Guam.

The 'Political Status Plebiscite' mandated in Subsection (a) of this Section shall be held on a date of the General Election at which seventy percent (70%) of eligible voters, pursuant to this Chapter, have been registered as determined by the Guam Election Commission.

SOURCE: Repealed/reenacted by P.L. 25-106:11. Amended by P.L. 25-146:65. R/R by P.L. 25-148:7. Repealed and reenacted by P.L. 27-106:VI:23 which mistakenly identified the section as § 21110.

§ 2111. Run-Off Plebiscite.

If one political status does not receive the majority votes cast in the above plebiscite, a run-off plebiscite shall be held sixty (60) days from the date thereof between the two (2) political status options receiving the highest number of votes.

§ 2112. General Powers of the Commission.

The Commission on Decolonization shall have, and may exercise, the following general powers in carrying out the activities of the Commission:

(a) To acquire, in any lawful manner, any property real and personal, mixed, tangible or intangible - to hold, maintain, use and operate the same; and to sell, lease or otherwise dispose of the same, whenever any of the foregoing transactions are deemed necessary or appropriate to the conduct of the activities authorized by this Chapter, and on such terms as may be prescribed by the Commission.

(b) To enter and perform such contracts, cooperative agreements or other transactions with any person, firm, association, corporation or any agency and instrumentality of the government of Guam or the United States or any country, state, territory or the United Nations, or any subdivision thereof, as may be deemed necessary or appropriate to the conduct of the activities authorized on this Chapter, and on such terms as may be prescribed by the Commission.

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(c) To execute all instruments necessary or appropriate in any of its functions.

(d) To appoint, without regard to the provisions of the Personnel and Compensation Laws, such officers, agents, attorneys, consultants and employees as may be necessary for the conduct of business of the Commission; to delegate to them such powers and to prescribe for them such duties as may be deemed appropriate by the Commission; to fix and pay such compensation to them for their services as the Commission may determine, without regard to the provisions of the Personnel and Compensation Laws. In the appointment of officials and the selection of employees, agents and consultants for the Commission, no political test or qualification shall be permitted or given consideration, but all such appointments shall be given and made on the basis of merit and knowledge. The Commission shall give due consideration to residents of Guam in the selection of its officials, attorneys, agents, consultants and employees.

(e) To accept gifts or donations of services, or of property - real, personal or mixed, tangible or intangible - in aid of any of the activities authorized by this Chapter.

(f) To adopt rules and regulations governing operations of the Commission and to take such other action as may be necessary or appropriate to carry out the powers and duties herein specified or hereafter granted to or imposed upon it.

§ 2113. Commission on Self-Determination.

Nothing in this Act shall preclude the activities of the Commission on Self-Determination.

§ 2114. Repository for Commission Documents.

The Nieves Flores Memorial Library shall be the depository of all public records and materials pertaining to political status of the territory of Guam. The Commission on Decolonization and its Office shall transfer all of its official public documents upon completion of its work to such depository.

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§ 2115. [Untitled].

The Commission *shall* meet regularly on the first Tuesday of every month at 3 p.m. or more often as determined by the Chairperson of the Commission. In the absence of both the Chairperson and the Vice Chairperson from a meeting, a quorum of the members *shall* select an Acting Chairperson to conduct the meeting until the Vice Chairperson *or* Chairperson is in attendance. In the absence of a quorum, Minutes *shall* be prepared by the Executive Director of the Commission indicating the lack of a quorum, the date, and the members in attendance. The Executive Director *shall* transmit to *I Maga'lahi* and *I Liheslatura* notice of three (3) unexcused absences of any member.

SOURCE: Added as § 2104 by P.L. 29-116:7 (Nov. 25, 2008), which already exists. Renumbered by Compiler.