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FORTH INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Fourth International Decade for the Eradication of Colonialism: advancement of the Non-Self-Governing Territories through the coronavirus disease (COVID-19) pandemic and beyond

Castries, Saint Lucia

11 to 13 May 2022

STATEMENT BY

MR. MELVIN WON PAT-BORJA

(GUAM)

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Melvin Won Pat-Borja (designee)

Executive Director

Special Committee on Decolonization, United Nations

May 11, 2022

Buenas yan Håfa Adai, Madam Chair and members of the Committee:

Guahu si Melvin Won Pat-Borja, I am the Executive Director of the Commission on Decolonization and I will be delivering this testimony on behalf of the Honorable Lourdes A. Leon Guerrero, Governor of Guam. Thank you for allowing me the opportunity to present before the body.

For the last four decades my predecessors and numerous others have come before this committee to advocate for the colonized people of Guam and for relief from over 500 years of colonial rule. While these testimonies have been well received by this body and resulted in meaningful efforts to advance our struggle, the fact remains that our administering Power continues to hinder and obstruct the colonized people of Guam's inherent right to Self-determination and genuine decolonization, of which several UN Special Rapporteurs have reported on. I'd like to call attention to several important areas that I request be included in the Guam Working Paper and draft resolution for the C-24.

Special Rapporteur on Minority Rights' Findings

Firstly, the working paper makes no mention of Guam's recent engagement with the UN Special Rapporteur on Minority Rights Dr. Fernand de Varennes, who visited Guam in November 2021 and met with government leaders and community organizers. The revelations of this visit highlight many of the issues that the colonized people of Guam have historically and continuously voiced. Notably, Dr. de Varennes's findings highlight the significant lack of indigenous and minority rights and protections for the colonized people of Guam within the framework of the administering Power, among them, the systemic denial of their inherent and fundamental right to Self-determination. As the Special Rapporteur asserts, the "US...in terms of a general observation is a nation full of paradoxes when it comes to human rights and minorities...where indigenous people's experiences have for centuries, been one of

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dispossession, brutality, and even genocide.” For the CHamoru people, this experience is also marked by the administering Power’s selective application of domestic law, which serves to prolong Guam’s colonial status. As further explained by Ralph Bunche, the General-Secretary of the Unrepresented Nations & People’s Organization (UNPO) “the CHamoru clearly have rights protected on multiple levels: as colonized people, as ‘citizens’ of the USA, as minorities in the overall demographic makeup of the USA, and as indigenous people. The US cannot just pick and choose which rights it wants to apply here, they all do.”

Along those same lines, the Special Rapporteur’s findings highlight the historical and ongoing wrongdoings of our administering Power in hindering and obstructing an exercise of Self-determination by the colonized people of Guam—particularly by imposing uncontrolled immigration and the United States’ position that the entire population of Guam participate in a Self-determination plebiscite, along with the systemic denial of meaningful representation in the governance structure of the administering Power. As Ralph Bunche further highlights, “the responsibility that colonial powers have under the UN declarations on decolonization and trusteeship...that a referendum is guaranteed under the UN system is uncontrovertible (*sic*) and the question of what impact that migration, settler colonialism, and other policies that lead to demographic decline during a period of occupation has on the eventual vote is a question that is superbly ripe for a referral to the ICJ.” With the support of this body, Guam would like to pursue this action with the International Court of Justice and we further request that the Special Rapporteur’s findings be referenced and included in any documents pertaining to Guam put forth by the Committee.

Inter-American Commission on Human Rights Filing

On another note, Guam is also pleased to share with the Committee that through our partnership with the UNPO, we have petitioned the Inter-American Commission on Human Rights (IACHR) concerning the systemic denial of the colonized people of Guam’s right to Self-determination. The petition, *Hope Alvarez Cristobal and the CHamoru People v United States*, details the historical and continuing harms inflicted upon the people of Guam and more particularly the colonized people of Guam, who are actively resisting the militarization of their indigenous homeland yet have no avenues of recourse due to our lack of voting rights and meaningful representation in the administering power’s system of government. As the petition details, the colonized people of Guam have suffered and continue to suffer “numerous harms since the United States took colonial control over the island in 1898, including racist and discriminatory treatment by naval authorities; negative health outcomes resulting from the storage and usage of

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nuclear weapons, radioactive vessels and toxic chemical agents; and massive land seizures to make way for U.S. military bases and installations.”The petition thus seeks the Commission’s consideration and intervention by requesting that the United States be held to its obligation, as a member of the Organization of American States and as party to several human rights treaties, to uphold the civil and political rights of the colonized people of Guam and finally allow and recognize an exercise of Self-determination. We respectfully ask that the Committee reflect this significant development in Guam’s working paper and any future proceedings and further request your support of this endeavor.

Self-Determination Study

Lastly, Guam is excited to present to the Committee, *Giha Mo'na: A Self-Determination Study for Guåhan*, a first-of-its-kind comprehensive academic study conducted by Dr. Kenneth Gofigan Kuper and UN expert Dr. Carlyle Corbin, and funded by a grant from the United States Department of the Interior. The Self-determination study consists of two parts, the first detailing the deficiencies of Guam’s dependency governance utilizing the internationally-recognized Self-Governance Indicators, and the second analyzing the complexities and potential benefits and challenges of the three status options over a variety of topic areas and highlighting the examples provided by other jurisdictions. At over 500 pages, the Self-determination study is the foundation of Guam’s community education campaign, which will launch this summer and consist of a broadcast and social media platform as well as community outreach events in schools and villages. I respectfully request that the study be included on the record, noting that the Government of Guam continues to take strides in community education to prepare for an exercise of self determination, despite the interference of our administering power. Though this study was partially funded by the United States, our administering power has simultaneously prevented a self determination plebiscite yet continues to assert that Guam is self-governing. Nonetheless, we are grateful for the opportunity to raise awareness about the inequities that we face and believe that the study can be of great value to other Non-Self-Governing territories. We are hopeful that it will be a helpful tool for Guam’s advocacy at the United Nations and the United Nations’ support of our goals.

Madam Chair, many of the issues I bring before this Committee are long-standing, and ongoing in Guam. From the militarization of our lands and waters without the free, prior, and informed consent of the CHamoru people, to the many ways in which the U.S. federal government has obstructed our right to Self-determination, the challenges we have faced historically remain the challenges of today. While we are grateful for this body’s continuous support in Guam’s quest for

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decolonization and Self-determination, we urge your advocacy in facilitating a visiting mission to Guam to assess for yourselves the recent findings of several UN Special Rapporteurs and the grievances of our people.

On behalf of the people of Guam and with my sincere appreciation for your attention and consideration, si Yu'os ma'åse' yan agradezi todus hamyo (thank you).