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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism: assessment of decolonization process in today's world

**Nouméa, New Caledonia
18 to 20 May 2010**

STATEMENT

BY

Governor Togiola Tulafono

(Representative of American Samoa)

**REVISED STATEMENT OF GOVERNOR TOGIOLA T.A. TULAFONO
BEFORE THE
UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION
NOUMEA, NEW CALEDONIA
MAY 19, 2010**

I. Introduction

Mr. Chairman, Members of the Committee, Ladies and Gentlemen, thank you for the invitation to address you here today on American Samoa's experience as a non self-governing territory. This committee has now followed the progress of American Samoa towards self governance and self determination in our 110 years as an unincorporated and unorganized possession of the United States.

In the past, American Samoa has asked this committee to remove American Samoa from the list of colonized territories because we felt our "unincorporated" and "unorganized" status was akin to being a self governing country. While that position still holds today, I believe that given the history that I will touch upon, it is time that a more definitive work plan is put in place to forge a more collaborative approach between the Territory and our protector, the United States of America, for moving forward on issues of political status, local autonomy, self governance, and economic development.

As we meet here this week, some of American Samoa's best and brightest are putting pen to paper, narrowing and fleshing out issues that will be taken up by the Territory's Constitutional Convention later this summer. The advent of our Constitutional Convention represents a collective meeting of Samoan minds regarding the protection of our lands, our culture, our language and our future political status. Therefore, it is my privilege to represent here before you today, that American Samoa wishes to maintain our previous position that we be delisted

until such time as the process of political status, our constitution and our future are passed upon by the People. Some may say that it is a testament to the success of our relationship with the US that we are even able to express our views upon our own accord.

In times past, the Samoan people expressed their desire to leave their political status loose and outside of the organized territories of the United States. As you can see from the history of our political association with the United States, the people have consistently desired and fought for more self governance for themselves.

II. Historical and Cultural Evolution – Expressions of Desires

a. The Instrument of Cession

While it appears that the Instrument of Cession was developed and made to be signed by the leaders of Tutuila and Aunuu in 1900, and another in 1904 by King Tuimanu'a and the Chiefs of the Manu'a Islands, these ostensible agreements were made in the shadow of the Treaty of Berlin where the islands of Samoa were partitioned without the agreement of the people. The East islands, now known as American Samoa, were taken over by the United States of America.

In these instruments of cession, however, the need to protect the culture, language and the lands for the Samoans was paramount.

b. Legislature

In 1947, while American Samoa was being administered by the United States Navy, when Samoans believed that we needed a voice in the formulation of the laws and regulations by which we were governed, we fought hard and won the right to organize our own legislature. In accomplishing this, our people even gained the agreement of the United States to fashion an adaptation of the two

democratic systems. For the first time, the western democratic principle of election by “universal suffrage” for our local House of Representatives, and the selection of Senators by Samoan customs and traditions existed side-by-side. This remains the system for choosing our legislators to this day.

c. Constitution and Samoan Affairs

In the 1960s, during the early beginnings of the United States Department of the Interior administration of American Samoa, the Samoans believed that the political power of the Territory should be diffused through a true three-branch form of government. The American Samoa people approached the Secretary of Interior and through the agreement of the Secretary and the People, the very first Constitutional Convention was assembled and a Constitution was adopted, creating the document that serves as the fundamental foundation of American Samoa’s expressed desire to be self governing. The Constitution is the model in combining modern democratic principles of civil rights and old Samoa political systems that reconfirm the original desire of the people expressed in the Deed of Cession of 1900 and 1904, acknowledging the need to protect human and civil rights, but at the same time preserving the rights of the Samoan people to protect their culture, language and their lands. The Constitution also went further in recognizing the need to strengthen the protections of those things most dear to the Samoan people. The Department of Local Governments, the Office of Samoan Affairs and the Secretary of Samoan Affairs were created. Along those lines, the Constitution gave further recognition to the preservation of Samoan culture, land and language by requiring that the Secretary would be appointed from the ranks of “leading chiefs” of Tutuila and Manu’a.

The creation of the Secretary of Samoan Affairs was, and remains, critical in maintaining the importance and relevance that the Samoan culture plays in our form of government.

d. Executive

In 1974 through 1976, when Samoans believed that governance was a job that could be held by one of our own, we fought to elect our own governor. The approval was granted from Congress and the people embraced immediately the right to elect our own governor. Since 1977, we have had the privilege of operating our government through our locally elected and selected officials. The lone exception being that the U.S. Secretary of the Interior continues to maintain appointive power over the Chief Justice and the Associate Justice of the High Court of American Samoa. I do not doubt that the people feel that this arrangement no longer promotes our belief in self governance, and the next Constitutional Convention is going to change this as well. As with all of our changes to government in the past, it happens only at the behest of the People.

The US government can, in the meantime, assist in facilitating these changes by periodic polling of government and stakeholders to determine if this change and any others are due.

III. Relationship with U.S. Government:

a. Recent Developments Causing Concern

We do recognize the special affinity that we have enjoyed with the United States. A great part of this is due to the fact that American Samoa controls its own immigration and customs authority. Through these very important mechanisms, American Samoa has been able to determine on its own how strictly controlled the borders will be, and when to be flexible as required for our development commercially and economically. Control of our borders has helped American Samoa tremendously in our economic development efforts. But there is cause to worry for American Samoa as we see these matters being federalized at the expense of the territory as we saw in the case of the CNMI.

b. Military

Another characteristic of our affinity with the United States owing to our 110 year relationship is our citizens' overriding sense of patriotism toward the US. As with our sister Territories, American Samoa has one of, if not the highest rate of enlistment per capita for the US armed forces. We enlist not only because of the excellent opportunities that the military offers for education, training and career, but also for our keen sense of loyalty to the US for their treatment of our people and the care that has been provided to our Territory.

c. Grants

American Samoa enjoys a great amount of assistance from the United States in the form of grant funding for critical programs that have largely become a mainstay of our economy and our job market. In recent years American Samoa has experienced restrictions on the uses of land and restrictions on the freedom to operate government due to grant agreements and conditions attached to the receipt of funding from the federal government.

American Samoa does not disagree with reasonable terms for the receipt and disposition of funding, and requirements to assure transparency and accountability for their expending. However, there must be a balance whereby we retain our freedom to run the government and make dispositions of land while still maintaining the spirit of grant terms and conditions. With the advent of shrinking and slashed budgets, the need for greater flexibility in this area becomes more and more critical. Unfortunately, we are seeing more federalization of systems and programs without consultation with American Samoa.

d. Minimum Wage

Between 1999 and 2006, we felt there was good progress in our quest for self government. Then in 2007, American Samoa engaged in one of the most

difficult fights ever to battle Congressional implementation of US-level minimum wage laws. Without local consultation, without appropriate studies, without due consideration of the uniqueness of Tutuila and Manu'a, and without taking into consideration our plea (which was more locally informed and locally educated on the specific circumstances of our economy), we were forced into accepting a law that was injurious to American Samoa and was sure to harm significantly our ability to make our way in the world economically.

After countless attempts at trying to speak with Representatives and Senators who were spearheading this program, and after making our plea before appropriate committees, the Congress of the United States simply ignored our voice in the matter and passed this ill-conceived initiative which has had devastating effects on our private sector. I will not mask my feeling that American Samoa during this time, felt truly unimportant. For many of us, it was as if the Congress was telling us that we did not know any better and that our input and opinions did not count. In the words of one observer during this difficult time, it was as if "the United States was declaring war on American Samoa." This event was truly a sad commentary on American Samoa's ability to inform and influence how the US treats us. Senator Daniel K. Inouye of Hawaii and a handful of Congressmen and Senators remained by our side during this contentious time. It was largely through the monumental efforts of Senator Inouye that we were able to gain support for legislation to obtain an economic study, which we all agree should have been done before the adoption of the law, to measure the impact of the change in minimum wage.

The study concluded that the wages had caused serious damage, perhaps irreparable, to the economy of American Samoa. Yet, even as we speak, there is no long term solution to this problem for American Samoa.

IV. Challenges

a. Government – Technical Assistance

One of the constant challenges that we deal with everyday is the lack of technical assistance and expertise to truly understand the effects of federal laws on our small Territorial economy and form of government. While the Department of Interior has assisted in many meaningful ways to attain sufficient technical support, the reality that we face is that the Department of Interior just does not have sufficient funding for bringing American Samoa up to par with the availability of information and understanding as to how federal actions truly affect our Territorial government.

Another challenge with which we deal is the increasing responsibilities of Territories to comply with federal requirements at levels that are expected of the several States, and at times, in cases where considerations should move for exempting the Territories from these requirements.

V. Possible Solutions

a. Consistent Treatment

Any resolution to our plight as outlined above must include an approach of firm consistency. At many different times depending on the situation, American Samoa is treated in one way for a specific purpose, and another way for another purpose. Our preference is for a single principal to be laid down as to how the Territory will be treated in the future. This provides for better predictability and stability in our government.

Key in this consideration is memorializing the US government's role in American Samoa's affairs. The Constitutional Review Committee is currently working hard at preparing the scope of issues that will be taken up later this summer by the Constitutional Convention. It is my hope that the issues of self-

governance, self-determination and increased local autonomy will be at the top of the list of critical issues for consideration.

b. Increased TA Funding/Training

Another critical part of any resolution should also consist of assistance and training on issues that are critical to the Pacific region and that demand the Territory's participation.

c. Invitation – Plea for Collaborative Approach

(i) Committee Welcome to Visit

When I last appeared before your committee in 2006, I plead to have this Committee send an assessment visitation to American Samoa. I understand that the US government did not agree for the committee to visit American Samoa. In my own opinion, I believe that a visit from the Committee would be a very positive development.

While there have been significant strides made in developing American Samoa's political identity, these developments have been slow and drawn out.

The sluggishness of the process of transitioning dependent territories into self governing and self determined governments was, indeed, what led the United Nations General Assembly on 14 December 1960 to adopt the "Declaration on the Granting of Independence to Colonial Countries and Peoples – Resolution 1514 (XV).

While American Samoa has been consistent in its belief that it has not actually been treated as a colony by the United States, as a non self governing territory, I believe the time has come to move our islands in a direction to complete the process that our forefathers had forged for us towards self governance and self determination. This is something that we must aspire to in order to stake our own position in the world.

I therefore plead to this Committee and to the US government to relinquish the labels and the stigma which they carry and focus on carrying out the spirit of the Resolution. Let us use this opportunity to move forward without assessing blame or making unnecessary negative value judgments.

As for this Committee's report, I sincerely hope that it will be frank, complete and most importantly, geared toward a more collaborative approach for moving American Samoa forward.

Mr. Chairman, you have urged this committee to revive its spirit, and to "retool" its method of work, and "hone" its capacity to engage with concerned parties in an innovative manner." In that spirit, I ask that this Committee visits American Samoa during the period of its Constitutional Convention, and secure from the United States government its acquiescence to such a visit while American Samoa is going through this very important process in its political history and development. In my estimation, this is one of those "many practical, tangible, smaller steps" to pursue in order to rejuvenate the work of the Committee, in order to stay relevant. You may learn more about observing this process than all of our statements before this Committee can convey.

For the Territory, I would welcome a visit from you or your Committee in the month of June, when we deliberate on our Constitution.

VI. Conclusion

American Samoa stands upon the cusp of a process which may result in sweeping changes to our political landscape. While we are mindful and respectful of our ties with the United States, I have been encouraging our people to take a long-term view about our situation, bearing in mind the protection of those things that make us Samoans.

With the advent of increasing responsibilities in this world and scarcer resources with which to meet those responsibilities, I am hopeful that we will

move closer in this decade toward fulfillment of self governance and determination than we have ever had before.

Thank you again for this opportunity. Soifua.