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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

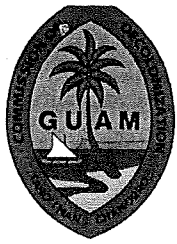
**Caribbean regional seminar on the implementation of the Third International
Decade for the Eradication of Colonialism: accelerating decolonization
through renewed commitment and pragmatic measures**

Saint George's, Grenada
2 to 4 May 2019

STATEMENT BY

MELVIN WON PAT-BORJA

(GUAM)



COMMISSION ON DECOLONIZATION

Office of the Governor of Guam

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Maga'hågan Guåh

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**Testimony of Melvin Won Pat-Borja (Guam)
Executive Director - Commission on Decolonization
2019 United Nations Regional Seminar
St. George, Grenada
May 2-4, 2019**

Håfa Adai Your Excellency Chairman of the committee, distinguished delegates, and representatives from our fellow non-self governing territories. Guåhu si Melvin Won Pat-Borja. I am the Executive Director of the Guam Commission on Decolonization, I represent the Honorable Lou Leon Guerrero, i Maga'hågan Guåhan.

Today I will be providing updates on decolonization efforts in Guam and I will discuss some critical issues that impact our ability to move forward efficiently in this process.

In 2011, a retired U.S. Military captain sued the Government of Guam after his unsuccessful attempt to register as a voter in Guam's decolonization plebiscite as he did not meet the "native inhabitant" requirement. The Chief United States District Judge ruled that Guam's Plebiscite Law was unconstitutional and discriminated against the plaintiff and his civil rights as a U.S. citizen. My colleague, Dr. Michael Lujan Bevaqua, eloquently elaborated in his discussion paper for the 2017 Regional Seminar, "a process of decolonization that must follow the rules of the colonizer is not decolonization: it is an extension of colonization."

Although the voter eligibility case is being appealed to the 9th Circuit Court, the implications of this case are divisive and counterproductive to the nature and essence of the UN Charter and Resolution 1514. Regardless of the outcome, the case can be appealed to the U.S. Supreme Court - a scenario that exhibits the reality in which the United States Judicial system is utilized to influence the terms of our decolonization and ultimately dictate the outcome.

In September of 2017, the U.S. Federal Government sued the Government of Guam for implementing a local law which created the CHamoru Land Trust Commission (CLTC). The Federal Government contends that the local program is racially discriminatory and therefore violates the Federal Fair Housing Act. Similar to the voter eligibility case, this suit against the CLTC is yet another example of our Administering Power's use of its federal system to impede our progress toward native inhabitant recognition and decolonization.



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In December of 2018, a federal judge ruled that at this time, the US Government failed to prove that the CLTC amounts to a racially discriminatory policy. This ruling was a victory - but how many more hoops must we jump through for the U.S. to honor its commitment under the Treaty of Paris to help advance the civil rights and political status of the people of Guam? Why must we constantly justify and defend the validity of this fundamental human right?

The aforementioned cases serve as reminders that Guam is a spoil of war, its people remain colonized, and that their self-determination is not prioritized by the U.S.. Worse is that laws passed by a legislative body, elected at large, are cast as racial with no recognition or critical examination of the racism inherent in our continued colonization. In fact, many indigenous and native inhabitants on Guam have a strong sense of patriotism and loyalty to the U.S. despite this history. No amount of patriotism, however, should warrant a blind eye to the inequity of our current unincorporated territory status.

Guam believes that self-determination must reflect the international community's recognition that decolonization is realized through a choice for; 1) Independence, 2) Integration, or 3) Free Association. Further, we believe upholding the Treaty of Paris means to respect the local law defining native inhabitant as an individual and their descendants who gained U.S. citizenship resulting from the enactment of the 1950 Organic Act of Guam, which is ironically a federal law.

Guam is eager and willing to pursue decolonization and to proclaim our political desires to the international community. We believe, like the majority of you here, that a decolonization process which adheres to the norms and expectations of the international community is the road that should be traveled.

With the election of Guam's first woman Governor, along with her commitment to Guam's decolonization, we believe that our journey has been reinvigorated. Add to this, that each branch of our republican form of government; the executive, legislative, and judicial, are led by women. This is not only a historical achievement for Guam, but a first for any State or Territory in the history of the United States. We are actively engaging our government, and our political leadership is a manifestation of our desire to address the inequities of our current situation and political status.

Given the theme of this year's Regional Seminar, the United Nations and Guam's Administering Power can assist in this endeavor by supporting our efforts to educate all members of our community. We are not blind that choices made for our island's future will have an effect on anyone who has made Guam their home. Thus, all should understand the opportunities and challenges that lay ahead of us. Because of this, Guam is making a concerted effort to launch a sustained political status education campaign.



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This year, the Commission on Decolonization will reignite its plans to conduct a Self-Determination Study, host a Regional Self-Determination Conference, and launch a Media Education Campaign. The Commission is able to fund these projects through the generosity of the Department of the Interior; they are the principal advocates and champions for U.S. territories in our relations with the federal government and we are committed to building deeper understanding between us in order to see this through.

The Self-Determination Study will be compiled in collaboration with the University of Guam and will assess Guam's current political status and paint an accurate political portrait of the level of self-governance on Guam under the Status Quo. Further, it will analyze the three recognized political statuses to predict how each would impact various aspects of life on Guam to include the economy, trade, social services, education, defense, international relations, and others. The Self-Determination Study stands to be one of our most powerful tools to educate our community because it will answer many of the common questions and concerns of our people.

The Self-Determination Regional Conference will welcome regional leaders and decolonization experts to promote community conversation around the topic of decolonization. It will draw on the experiences and knowledge of other communities who have embarked on similar quests for decolonization. The conference will be open to the public and will be televised.

The Media Education Campaign will focus on developing educational content for mass media and social media distribution. We are working with the Public Broadcasting Station and the University of Guam to create a marketing plan that will leverage the educational content and allow us to engage with a large audience. These materials will also be repurposed for traditional educational texts.

There is a clear need for more resources if we are to conduct a sustained comprehensive and effective educational campaign on Guam. Our challenges are vast and we are working against over 450 years of colonial conditioning. However, we are a resilient and determined people. We will continue to be unrelenting to achieve our fundamental and basic human right to make a choice.

We urge the United Nations to uphold its annual commitment to support our cause and extend assistance to our efforts to educate our island *and* we invite and welcome a visiting mission to Guam to bear witness to 454 years of uninterrupted colonization by both Spain and the United States. We also invite our Administering Power to join us in reaffirming the principle that governments derive their just powers only from the consent of the governed.



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We look forward to building strong relationships with both the United Nations and our Administering Power to forge ahead on our path to restorative justice and the true liberation of Guåhan and her people.

Saina ma'åse for your time and the opportunity to speak before the committee.

Mindful that, in order for the Special Committee to enhance its understanding of the political status of the people of Guam and to fulfil its mandate effectively, it is important for it to be apprised by the United States of America as the administering Power and to receive information from other appropriate sources, including the representatives of the Territory, concerning the wishes and aspirations of the people of the Territory,

It is important that the United Nations does not rely solely on reports to enhance their understanding of the issues in Guam. We encourage the United Nations to send a visiting mission to Guam and to prioritize close monitoring of the situation in Guam. It is clear that our administering power does not agree with Guam being included on the list of NSGT and so it is critical that the UN be proactive in acquiring accurate information to build their own perspective.

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of Guam with their inalienable right to self-determination and in gaining a better understanding of the options for self-determination, on a case-by-case basis,

We would request that the UN create a timeline in collaboration with Guam, so that education can become a reality and not just a principle. Resources are limited and public education is challenging - especially because our community is relatively unaware of the UN's role in our decolonization. If the UN was directly involved with our decolonization efforts, it would lend clarity, credibility, and confidence to our educational campaign.

Mindful, in that connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Welcoming the Caribbean regional seminar on the theme "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories – what are the prospects?", held by the Special Committee in Kingstown and hosted by the Government of Saint Vincent and the Grenadines from 16 to 18 May 2017, as a significant and forward-looking event, which enabled the participants to assess progress made and address challenges faced in the decolonization process, review the existing working methods of the Committee and renew its commitment to implementing its historic task,

Though the Regional Seminars are important opportunities for our Pacific communities, it is very difficult for us to attend and participate because the seminars are always hosted in the

Caribbean. It is extremely expensive (even when funded) and physically taxing for our people to journey across the globe for these events. We are committed to engaging the UN on this level, however we would suggest that future Regional Seminars be hosted in the Pacific Region - or even a separate Regional Seminar for the Pacific Region.

Additionally, it would be helpful and efficient for the UN to separate territorial issues from decolonization issues and allow for these respective concerns to be addressed in separate forums or separate sections of the forum. In 2018, our representatives flew thousands of miles and never got a chance to speak because territorial issues between two countries were contentious and took up all the time.

2. Also reaffirms that, in the process of the decolonization of Guam, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. Further reaffirms that it is ultimately for the people of Guam to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

Based on the historical actions of the United States, and the interpretations of Federal policy by the US Congress and the US Judicial System, we are concerned that the US Federal Government will only support self-determination under two conditions: 1. That "status quo" remain a viable option on the plebiscite, and 2. That every registered voter on Guam be allowed to vote in said plebiscite. Furthermore, several Federal officials have opined that there will never be another freely associated relationship with the United States, therefore FA should not be a viable option. In this scenario, the "status quo" is being used to impede our progress – Guam law mirrors UN Resolution 1541 and states that voters will choose between independence, free association, or integration. Additionally, it does not recognize the historical injustices imposed on the CHamoru people and does not leave room to address the need for restorative justice. It also fails to acknowledge the hyper-militarization on Guam and how the resulting migration into the island has impacted our population and created a drastically different socio-political landscape as compared to the Commonwealth Draft Act era.