

# Micronesian Educator

A Journal of Research & Practice on Education in Guam and Micronesia

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A Journal of Research & Practice on Education in Guam and Micronesia

**Editor:**

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**Special Edition Guest Editors:**

Michael Lujan Bevacqua

Victoria Lola Leon Guerrero

**Editorial Board:**

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**Editorial Assistants:**

Matthew Raymundo

Carim Yanoria

**Design and Layout:**

Pascual Olivares

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**GUEST EDITOR'S INTRODUCTION**



**MICHAEL LUJAN BEVACQUA  
AND  
VICTORIA LOLA LEON GUERRERO**

## Guest Editor's Introduction

### **"New Perspectives on Chamorro Self-Determination"**

**Edited by Michael Lujan Bevacqua, PhD, and Victoria Lola Leon Guerrero, MFA.**

Over the past century, while the rest of Micronesia has exercised some form of political self-determination, Guam has remained colonized. Other islands in Micronesia have begun the task of representing this part of the world on environmental and natural resource issues, yet Guam remains a place with no formal voice in regional or international affairs. As a colony of the United States, Guam is "foreign in a domestic sense," or in other words, it brushes up against both spheres but cannot claim to have fundamental power in either. While colonies were once the norm in a world that had been dominated by imperial conquests, in today's world, to be a colony is to be a relic of a now disavowed past. The United Nations only recognizes that seventeen Non-Self-Governing Territories remain in the world. Moving these colonies toward decolonization represents a fight for justice and human liberty that few around the world seem willing to take up.

As educators on Guam, we are faced with unique challenges when making decisions about how to teach our students. We must be students ourselves, ever exploring the unique place Guam has in the world, and seeking a deeper understanding of what it means to teach in a Non-Self-Governing Territory in the 21<sup>st</sup> Century. How does one educate students in a colony in a world where colonialism is no longer supposed to exist? Furthermore, how does Guam's reality as a heavily militarized island in the Pacific connect to this colonial status? We must be aware that we are teaching within a colonized framework and that we have the choice to either uphold that framework, or challenge and change it.

This special edition of *Micronesian Educator* takes a very specific focus on Chamorro self-determination in Guam, because we believe that this is an issue educators throughout Micronesia should be more cognizant of, especially when shaping narratives about Guam in their classrooms. One of the biggest obstacles to achieving self-determination on Guam has been ignorance. Students on Guam are simply not taught about self-determination throughout their learning experience. This fundamental part of our historical journey and our contemporary reality is not incorporated into our public school curriculum. Instead, the values of the colonizer(s) are instilled in children every day they attend school. This makes it difficult for students to question and face the realities of being colonized, or to value their own unique culture and experiences.

Moreover, in classrooms throughout Micronesia, students are taught (without much context) that Guam is a part of America. Thus, Guam is seen as America and not as part of Micronesia, and most definitely not a place where an indigenous people – the Chamorro people – have long been deprived of their basic human rights. Ultimately, this weakens Guam's power in the region and makes the indigenous people of Guam invisible in the eyes of their island neighbors. As a result, the

Chamorro people are not included in regional decision making, even when it pertains to Guam. The rest of Micronesia negotiates with the United States on important issues that affect Guam, but have no obligation to consult Guam's people. For example, a recent US- Federated States of Micronesia (FSM) treaty, which formalized a maritime boundary between Guam and the FSM, was signed in Palau on August 1, 2014. This treaty officially gave ownership of the deepest part of the Marianas Trench to the FSM. The people of Guam were never consulted, or given a seat at the table when this treaty was signed, or perhaps Guam just did not attend.

Prior to colonization, the ancestors of these islands would have determined their ocean boundaries together, because they had to share the ocean and needed to do so peacefully. Today, the people of Guam are no longer seen as relevant in these discussions. As educators, this leaves us to wonder, whether Guam can be taken more seriously if the rest of Micronesia saw in the Chamorro people the aspiration to decolonize? Is the rest of the region aware of the need for Guam to exercise self-determination? By simply making these types of connections in their classrooms, teachers throughout Micronesia could play a critical role in Guam's movement toward Chamorro Self-Determination.

The articles in this special edition seek to explore what Chamorro Self-Determination means today. The writers discuss how this right has evolved (or devolved) on both political and personal levels. They analyze the impacts of identity, rhetoric, international law, and militarization on the Chamorro quest for Self-Determination on Guam. This special edition of *Micronesian Educator* aims to empower educators by providing them with a variety of perspectives on this topic so that they can use these to inform their curriculum development, regardless of what subject or grade level they are teaching. Self-determination can and should be taught in very practical ways in Guam classrooms.

We begin with a piece by international governance expert Carlyle Corbin entitled "Comparative Political Development in United States – administered Pacific Dependencies." Corbin, from the US Virgin Islands has been involved in decolonization efforts at the United Nations and around the world. His piece is important not only because of the background it provides on Guam, but also because of the way it brings together a broad overview of the US colonies that share the same status as Guam. Corbin runs the website *Overseas Territories Review*, which is an essential source of information for those following the struggles of the world's remaining colonies. Both his work through this website and his article represent an important reminder of the need to conceive of these colonies not as individuals, but also as parts of systems of discrimination and marginalization.

Tiara R. Na'puti's article connects in a more specific way the internationalism that is represented through the United Nations and the specific struggle for self-determination on Guam. Coming from a communications theoretical framework, Na'puti analyzes the statements of Chamorros who have traveled to the United Nations to testify on the state of affairs in Guam and request for aid in the decolonizing of their island. In these states, the Chamorro people deploy a

variety of rhetorical strategies in order to take advantage of the chance to speak to the world hence symbolizing what testifying at the UN is meant to represent. Na'puti draws out the way that Chamorros navigate their either/or, in-between status, and then makes recommendations on ways Chamorro people can more effectively communicate their desires for self-determination at the international level.

Attorney Julian Aguon has gained international acclaim for his writings and presentations on the human rights struggles of the people of Guam and the greater Pacific. He is an international law expert, who has dedicated much of his work to the need for Chamorro Self-Determination. In his article, he cites international law to debunk the misconceptions and rhetoric surrounding self-determination that are often perpetuated in Guam's media. He accurately describes how these "opinions about the law are not the law."

Mary F. Cruz's article, "Identity and Self-Determination in Guam: A Chamorro Homeland – An American Colony" touches on some of the complexities involved with the Chamorro movements for self-determination due to conflicts over identity. Although one cannot challenge the idea that Guam is a colony, there are different levels through which colonization is experienced. For these various levels, sometimes the fact of colonization is lost. Cruz's piece discusses the difficulties that sometimes arise over identity when these multiple levels come into play where there are conflicts over articulations of indigeneity, national identification and international law and rights.

Amidst all the discussion of laws and rights, it is easy to forget *i tano'* (the land) and *i guinahan i tano'* (the resources of the land). In the essay "Trongkon Niyok – A Symbol of Settlement, Survival, Sustainability and Self-Determination for the people of Guahan" the author, Moñeka De Oro makes the connections between the tree of life, the coconut, and its historical and potential future role in self-determination. Although many in Guam today feel that the island will eternally be dependent upon the United States for survival, this crippling dependency is a very recent permutation. In times past, due to their closeness to the land and their ability to thrive by co-existing with it, Chamorro people did not feel the sting of colonial dependency as strongly. De Oro's essay is an important reminder that what has sustained Chamorro people for millennia in the natural world is still present, but we have to maintain, sustain and protect it.

We end the scholarly portion of this special edition with a piece titled "Dies Mit: The Origin and End of Chamorro Self-Determination" written by the current University of Guam President, former member of the US Congress, and pioneer in Guam's decolonization movement Dr. Robert A. Underwood. As Underwood has been involved Guam's struggle for decolonization at multiple levels, his insights are important both as a matter of historical record, but also as a potential guide for what we must do in the future to keep this movement alive and bring it new momentum. The title of the article "Dies Mit" translates to "10,000" and this is key in his ideas about how we can revitalize the movement for decolonization today.

True to his unique poetic form, Craig Santos Perez offers a collage of words from the comments submitted to the Department of the Navy. These were posted on social media outlets in response to the Draft Environmental Impact Statement released in 2009 outlining the United States' plans for expanding their military presence on Guam. Perez uncovers through his poetry the deep thoughts and emotions of the Chamorro people not only about the militarization of their island, but also about their continued colonization and their desire for self-determination. Perez has published several books of poetry about his personal family history and the political and cultural history of Guam. By using the actual words of Chamorro peoples, his contribution to this journal illustrates the levels of colonization that Cruz describes in her article.

Kenneth Gofigan Kuper's commentary "Estague i Kinahulo' i Manhoben" is meant to be both a discussion on the state of decolonization amongst the youth of Guam and a cry for more diverse forms of engagement with those who will soon inherit the struggle for a decolonized Guam. Kuper, a graduate of the University of Guam (UOG), was a youth activist on campus working with others to create the group Fellows of Inquiry Toward Enlightenment or F.I.T.E. Club, which organized several direct action campaigns at UOG with regards to the lack of diversity at the University and tuition hikes. Kuper recently finished a Masters in Pacific Island Studies from University of Hawaii, Manoa, where he helped found Oceania Rising, a progressive pan-Pacific solidarity alliance. In Fall 2015 he began working towards a Ph.D. in Indigenous Politics from the University of Hawai'i, Manoa. Kuper is an important upcoming voice in Guam's movement for self-determination.

In the commentary section, we feature as well the most recent testimony provided to the United Nations on the question of Guam's continuing colonial status. Representatives from Guam can travel to the United Nations a number of times each year in order to testify on the state of affairs in Guam. The testimony comes from Edward Alvarez, the Executive Direction for Guam's Commission on Decolonization and was presented in May 2014 in Fiji before the UN Pacific Regional Seminar. The testimony shows a number of new ideas for helping to educate the Chamorro people on their political status, but also the limitations the Commission on Decolonization faces, especially in terms of the lack of funding.

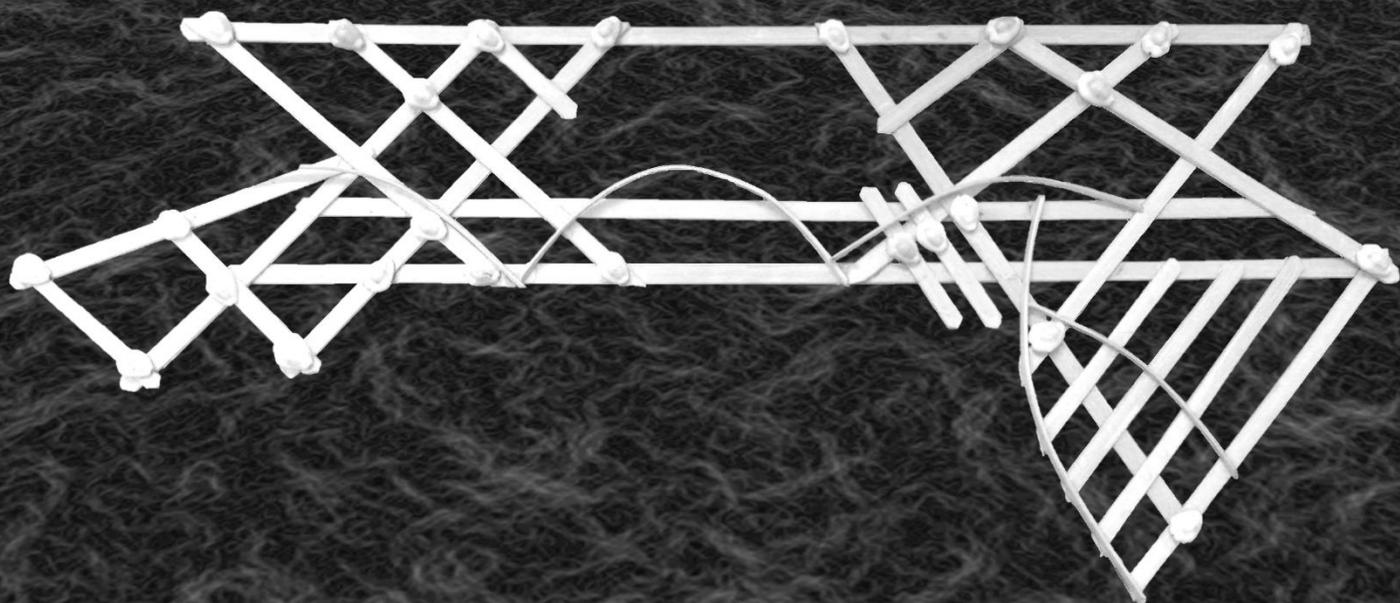
This special edition also features the transcript of a speech by the Commonwealth of the Northern Mariana Islands Representative Felicidad Ogomoro, which was given at the 4<sup>th</sup> Annual Micronesia Non-Profit Congress in April 2014 at the University of Guam. The Mariana Islands have been formally separated since 1898, when Guam was taken by the United States and the rest of the islands were taken by Germany. This separation led to the Chamorro people in the islands standing on different sides of World War II; those from the CNMI with Japan, and those from Guam with the United States. Feelings of animosity over that conflict have made it difficult to sustain the discussion over the possibility of politically unifying the Mariana Islands. As we move forward with decolonizing Guam, it is essential that forging a new and more integrated relationship with the CNMI and the rest

of Micronesia be nurtured and promoted. Ogumoro's remarks illuminate the colonial status of the CNMI today, allowing for the possibility of both Guam and the CNMI to be joined together in the quest for decolonization. Since giving her speech, Representative Ogumoro has gone further in this regard by helping create the space for this dialogue. In October of 2014, she helped organize the First Annual Marianas Indigenous Conference in Saipan. Representatives of Guam and the CNMI came together to discuss the issues affecting the native peoples of the Marianas.

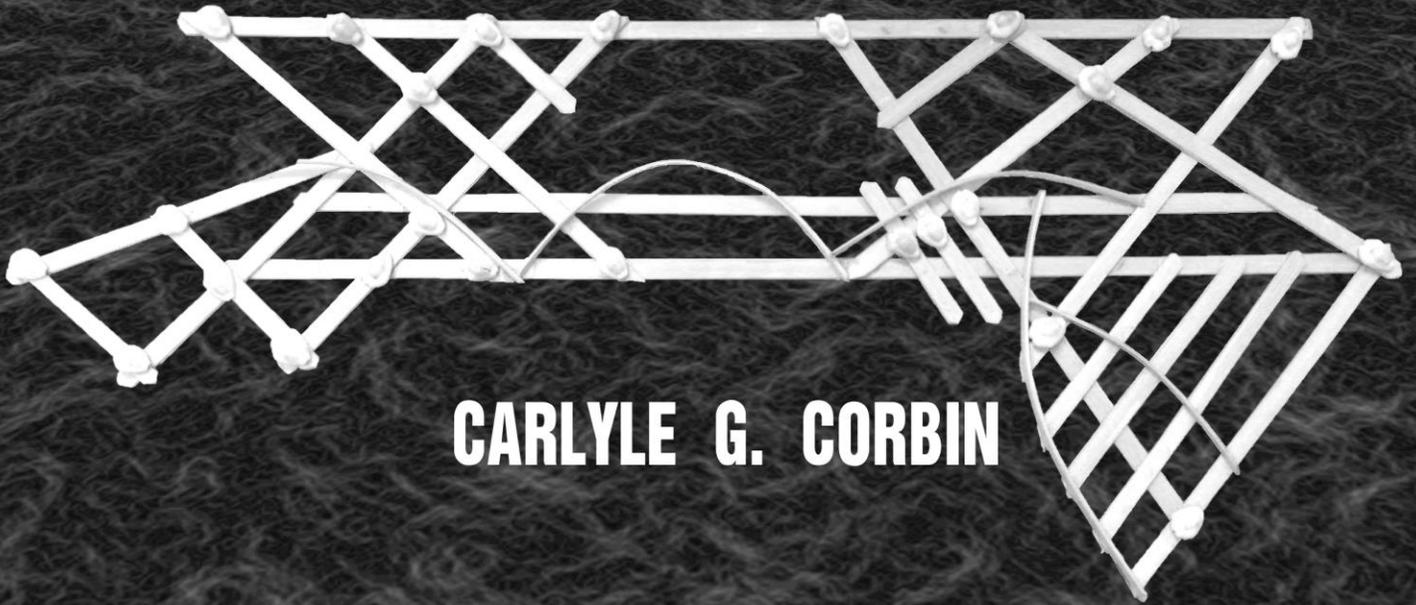
Since this is a publication of the University of Guam's School of Education (SOE), it is important to note the significant role that the school plays in shaping a decolonized curriculum for Guam. SOE produces Guam's teachers. A pertinent question to ask should be: How much of what is taught at SOE encourages students and teachers to incorporate ideas about self-determination or decolonization into their lesson plans? Do they engage in enough discussions about how to put their students' culture, history, and experiences at the center of their learning? Decolonization is not only an explicitly political process, but also something that can and should take place at multiple levels of society. Self-determination begins with the self. Students should be taught to value themselves and should be given the tools to critically understand and seek to improve their lives. The more UOG and SOE do to instill this knowledge into our future teachers, the more this aspect of our reality can be incorporated into student learning, and the greater the chance will be for the Chamorro people of Guam to finally exercise the right of self-determination.

Please enjoy this special edition!

# ARTICLES



**Comparative Political  
Development in the United States-  
administered Pacific Dependencies**



**CARLYLE G. CORBIN**

# Comparative Political Development in the United States-administered Pacific Dependencies

Carlyle G. Corbin

## Abstract

Political and constitutional modernization of the non-independent Pacific through a genuine process of self-determination continues to represent a formidable challenge at the midpoint of the second decade of the 21st Century. The three United States-administered dependencies (USDs) of American Samoa, Guam and the Northern Mariana Islands are no exception. The paper examines the ongoing challenges faced by the Pacific USDs on the contemporary self-determination mandate and its logical conclusion of full and complete decolonization in accordance with the minimum standards for self-governance consistent with international principles. The paper compares similarities and differences associated with the historical evolution of the three Pacific USDs, examines the implications of the continued relevance of the Insular Cases to present-day dependency governance, and explores alternative methods of addressing democratic deficiencies in these arrangements through political status options which provide for the full measure of self-government.

## Introduction

Political and constitutional modernization of the non-independent Pacific through a genuine process of self-determination continues to represent a formidable challenge as the midpoint of the second decade of the 21st Century approaches. Along with the three French-administered *collectivités d'outre-mer* of Ma'ohi Nui/French Polynesia, Kanaky/New Caledonia, and Uvea mo Futuna/Wallis and Futuna, along with the New Zealand non self-governing territory (NSGT) of Tokelau, are the three United States (U.S.) - administered dependencies (USDs) of American Samoa, Guam and Northern Mariana Islands. All have undertaken respective internal initiatives of political and constitutional advancement, but none are immune to the contemporary dependency dilemma which has impeded full self-government.

This paper examines challenges to the contemporary self-determination mandate and its logical conclusion of full and complete decolonization in accordance with the minimum standards for self-governance consistent with international principles (Corbin, 2011). The paper compares similarities and differences associated with the historical evolution of the three USDs in the Pacific, and explores alternative methods of addressing democratic deficiencies in the dependency governance arrangements.

### **Challenges to the Contemporary Self-Determination Mandate**

In examining the contemporary decolonization mandate, it is prudent to begin with relevant international law contained in the Charter of the United Nations (U.N.). Accordingly, Articles 1 and 55 of the Charter emphasize the importance of "respect for the principle of equal rights and self-determination of peoples." Article 73 of the Charter recognizes the key principle that the interests and well-being of "the inhabitants of the territories are paramount" and also highlights the importance of respect for cultural patrimony. It mandates that the countries which administer NSGTs must "develop self-government" in those territories, and "assist them in the progressive development of their free political institutions." Similarly, Article 75 of the Charter under which the Trust Territory of the Pacific Islands (TTPI) was previously administered by the U.S. promotes the "progressive development towards self-government or independence as may be appropriate to the particular circumstance of each territory and its peoples..."

These Charter provisions are coupled with mandates contained in more recent multilateral human rights conventions which recognize self-determination as a fundamental human right (United Nations, 2013a). In this regard, Article 1 of both the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), respectively, recognize the 'right to self-determination of peoples.' Corollary are the volumes of U.N. decolonization resolutions dating from the first session of the U.N. General Assembly in 1946 through to the present day. The relevant U.N. Charter provisions, the specific human rights conventions and U.N. resolutions constitute a comprehensive legislative authority, and provide an essential roadmap for implementing the self-determination and decolonization mandates.

Over eighty territories have achieved full self-government pursuant to the international decolonization process carried out under U.N. oversight, and in some cases with direct U.N. assistance (United Nations, 1983). However, some seventeen mostly island dependencies worldwide remain formally under the U.N. review including American Samoa and Guam in the Pacific, and the U.S. Virgin Islands (USVI) in the Caribbean. The 'peripheral dependencies' (PDs), such as the Northern Mariana Islands (United Nations, 1990) and Puerto Rico (United Nations, 1953) may no longer meet the criteria for full self-government because of adjustments in their status or cosmopolitan re-definition of their political arrangements. A comprehensive self-governance assessment could render these PDs below the self-governance threshold according to recognized international standards. However, these PDs are not subject to U.N. General Assembly review although Puerto Rico as the singular exception does receive U.N. Decolonization Committee examination consistent with the U.N. resolution that "due regard would be paid in the eventuality that either of the parties (U.S. and Puerto Rico)... might desire any change in the terms of that association" (United Nations, 1953). No such reference of revisiting self-governance sufficiency was included in the relevant Security Council resolutions in delisting the Northern Marianas Islands or the three freely associated states of the Federated States of Micronesia, Marshall Islands and Palau, respectively.

Identification of democratic deficits in dependency governance arrangements was especially vibrant in the first three decades following the adoption of the 1960 Decolonization Declaration (Resolution 1514 XV) and its companion Resolution 1541 (XV) which defined the options of political equality. However, the momentum toward the promotion of full self-government slowed significantly by the early 1990s following the independence of Namibia with only Timor Leste achieving a full measure of self-government since then. This process of 'decolonization disengagement' can be traced to the policies propagated by the major administering powers that self-determination and decolonization were issues of the Cold War whose time had passed.

In this vein, the United Kingdom (U.K.) as early as 1986 formally withdrew its cooperation from the U.N. Special Committee on Decolonization. This was contradicted with the re-enumeration by the U.N. General Assembly of the French dependency of Kanaky/New Caledonia on the U.N.'s formal list of NSGTs the same year with strong Pacific support and predictable French opposition (United Nations, 1986). As the administering power, France ceased to transmit information on three of its dependencies as early as 1947 on the basis of a new French Constitution which had re-named the "colonies" as "territories," but which did not fundamentally change their dependency status (Corbin, 2013:10). The absence of objection to the delisting of the French dependencies without a U.N. resolution was a reflection of the composition of the U.N. in 1947 which was so dominated by administering powers which shunned international scrutiny of their colonial stewardship. The 2013 U.N. re-inscription of Ma'ohi Nui/ French Polynesia (United Nations, 2013b) provided new momentum to the process, and may have given impetus to further U.N. review of other PDs similarly situated.

For its part, the U.S. withdrew its formal cooperation from the Committee five years later in 1991 and began a concerted diplomatic effort to re-cast the USDs as acceptable forms of self-government. (Corbin, 2009: 26-266). The U.K. and U.S., as the two countries which control the majority of the dependencies worldwide, continue to fulfill the letter – if not the spirit – of their U.N. Charter responsibilities under Article 73 (e) to transmit information on the territories even as the breadth of that information is far from meeting international standards (United Nations, 1951). The more important requirement of preparing the territories for self-government under Article 73 (b) of the Charter appears to have been set aside by the U.S. in favor of a concerted effort at dependency legitimization.

With the U.N. General Assembly annual reaffirmation of the applicability of the Decolonisation Declaration to all listed territories, the prevailing understanding is that full self-government for the Pacific dependencies is to be achieved within the framework of existing governance models of independence, political integration with full political rights, or in free association with an independent country. For free association in particular, the New Zealand arrangements in the Cook Islands and Niue, and the U.S. association arrangements in three of the

four island groupings of the former TTPI are illustrative. It is recalled that U.N. Charter applicability to three of the four components of the TTPI ended after confirmation by the U.N. Security Council that the minimum standards for full self-government through free association had been met (United Nations, 1990). But it is also to be emphasized that the determination of self-governance sufficiency is primarily a function of administering power political influence rather than an apolitical determination that the minimum standards of full self-government have been met. The U.N. delisting of Puerto Rico and the termination of U.N. authority with respect to the Northern Marianas are illustrative.

Realization of premature U.N. delisting has prompted some PDs to review their level of democratic governance. It was such a re-examination which resulted in the 2013 U.N. re-inscription of Ma'ohi Nui/French Polynesia earlier cited, and reconsideration of the 'autonomous country' status of Curacao in the Caribbean. It is most notably reflected in legislative proposals in the Northern Marianas Congress to review the prevailing commonwealth status in light of the exercise of unilateral authority by the U.S. deemed inconsistent with the internal self-government provisions of the Northern Mariana Islands Commonwealth Covenant. In these and other cases, maintaining compliance with minimum international standards of self-governance requires periodic assessment as the dependency arrangements are often subject to unilateral adjustment and re-interpretation by the metropolitan administering powers.

### **U.S. Pacific Dependencies: Early Colonial Transition**

The political evolution of the three Pacific USDs were impacted by the earliest encounters with various conquistadores, missionaries and other assorted adventurers. Forbes observed that "at the end of the nineteenth century, the world was dominated by several great (European) military and economic powers" with the British empire dominant, the French second only to the British, and Spain and Portugal on the colonial decline. The emerging colonial powers of Germany and Italy, along with Belgium and the Netherlands were also significant colonial actors. (Forbes, 1996: 40).

It was in this context that a series of bilateral and multilateral agreements affecting Pacific dependencies were entered into during the period (Sheridan, 1979: 2-3). Accordingly, the 1872 agreement between the High Chief of Pago Pago (Samoa) and the Commander of the U.S. naval vessel *USS Narragansett* extended certain rights to the U.S. in the territory's harbor. This was followed by the 1878 Treaty of Friendship and Commerce between the same two parties, and the subsequent 1889 multilateral U.K.-U.S.-Germany "General Act providing for the Neutrality and Autonomous Governance of the Samoan Islands." A successor 1899 treaty signed by the same parties divided the Samoas between Germany (Western Samoa) and the U.S. (Eastern Samoa) with concessions granted to the U.K. elsewhere in the Pacific and Africa. All these coincided with the end of the Spanish American War which precipitated the emergence of the U.S. as a colonial power with its annexation of Guam, the Philippines, Cuba and Puerto Rico.

The earlier European initial encounter in the greater Mariana islands - as in the case of Samoa - found a "vigorous and highly developed community of people with a territory, economic life (and) distinctive culture and language..."(Taitano, 2002: 45). The Marianas was the first in the Pacific "to receive the full impact of European civilization" through Magellan's 'discovery' in 1521 (Permanent Forum, 2014). This was followed by formal, but heavily-resisted Spanish colonial rule beginning in 1668 lasting until the 1898 capture and subsequent cession of Guam to the U.S. with the northern part of the Marianas archipelago sold to Germany (Taitano, 2002). This also coincided with the arrival to the Polynesian subregion earlier in the 18th century of the Dutch, British, Spanish and French in a rivalry for power typical of the period. This was followed by the 1842 French unilateral declaration of protectorate status for the Windward and Leewards portion of what was to become French Polynesia, with the remainder annexed by 1889 (Union Pour La Démocratie, 2010: 10).The progressive annexation between 1880 and 1888 occurred in spite of the belief that the 1880 treaty between specific Polynesian indigenous chiefs and the French was a bilateral agreement whereby the Tahitian laws and customs were to be respected (Permanent Forum, 2007). But these commitments were subsequently ignored precipitating the Franco-Tahitian War between 1844 and 1846, and the war in the Leeward Islands between 1888 and 1897. With superior weaponry, France ultimately consolidated its colonial dominance.

#### *Early Challenges of Colonial Governance*

A common feature which interrupted traditional governance and served to delay political evolution in the Pacific USDs was the institution of colonial rule. In the case of the Samoas and Guam, it came in the form of military governance which impeded the progressive development of democratic institutions. This was illustrated by Naval control instituted in eastern Samoa by a U.S. presidential executive order in 1900 followed by subsequent treaties between the indigenous chiefs and the U.S. military authorities in 1900 and 1904 ceding indigenous sovereignty. U.S. military governance in American Samoa continued until 1951. A similar U.S. presidential executive order was issued placing Guam under military rule in the wake of the Treaty of Paris (1899) where the "naval governor exercised all legislative, judicial and executive authority" (Taitano, 2002: 46) until 1950 when a U.S. organic act for the territory was passed by the U.S. Congress pursuant to its unilateral authority under the Territorial Clause of the U.S. Constitution. This coincided with similar 'orders' for military rule in Puerto Rico (also covered under the Treaty of Paris), and the later 1917 treaty of cession transferring the then-Danish West Indies (the present U.S. Virgin Islands) to the U.S. for US\$ 25 million.

Meanwhile, the northern part of the Marianas (along with the Caroline Islands and the Marshall Islands) after the Spanish-American War were sold to Germany which governed the area for 15 years until the German defeat in World War I. Japan subsequently seized the islands through initial civilian colonial governance, and was subsequently given a League of Nations Mandate to run all of Micronesia for over thirty years. After the Japanese defeat in World War II in 1945, the status of Micronesia was unclear until the establishment of the 1948 U.N. Trusteeship mandate which

confirmed U.S. authority over the islands as a strategic trust which facilitated continued and expanded military activity (Cruz, 2010: 92-99). The U.S. acquisition of Pacific territories had been consistently motivated by military considerations from its earliest colonial maneuverings, and this posture reflects the contemporary strategic interest of the U.S. in the region.

Throughout military rule, indigenous movements quite naturally emerged to challenge the political power constraints on the native inhabitants. The 'Mau' indigenous rights movement of the 1920s in the Samoas agitated for action which was ultimately taken seriously by the U.S. Congress in its adoption of a 1929 Joint Resolution providing the first statutory authority for civilian government, and creating a Congressional Commission to investigate conditions in the territory.

The 1931 report of that Commission to the U.S. President recommended the creation of a republican form of government, the extension of U.S. citizenship, and the restriction of land ownership to Samoans. While these proposals were not implemented, a bicameral advisory legislature was established in 1948. (Sheridan, 1979: 13-14). Similarly, the half-century of resistance to direct military rule by the Chamorro people of Guam "climaxing with a walk-out by the Guam Congress in 1949," in turn, forced U.S. Congressional action on the organic act (Hattori, 1996: 57). A parallel act had been provided for the U.S. Virgin Islands in 1936 (revised in 1954) after similar expressions of popular discontent. Related federal initiatives in the 1950s to provide an Organic Act for American Samoa were resisted in the territory in large measure because of the specific deletion of provisions in earlier proposals for a draft Guam Organic Act that would have protected the indigenous population in areas such as land alienation (Sheridan, 1979: 10). The Samoans concluded that such an Organic Act would have been an unwarranted interference in their traditional system of governance.

### **From Military rule to Dependency Governance**

#### *American Samoa*

Of the three Pacific USDs, American Samoa was transferred in 1951 from the military to civilian dependency governance by the U.S. Department of Interior Executive Order (White House, 1951a). This was followed by a U.S. Secretarial Order delimiting the authority of the American Samoa Government vis a vis the U.S. Secretary of Interior (United States, 1951), and which remains the overarching Instrument of Unilateral Authority (IUA) governing the political relationship. It is within this context that a territorial constitution was adopted in 1960 with limited local authority and mandatory U.S. unilateral powers. Many of the indigenous protections originally proposed in an early draft of the Guam Organic Act (but subsequently removed) were included in the 1960 American Samoa Constitution in areas of land ownership, culture and language on the assumption that the absence of an organic act and the extension of U.S. *national* status - rather than U.S. *citizenship* - would safeguard provisions designed to protect indigenous rights. (American Samoa, 1982: 3).

The Constitution coincided with the adoption of the Decolonization Declaration in 1960 (United Nations, 1960a) and the general increase of international scrutiny of Pacific dependencies. This stimulated significant political evolution in the region with the independence of Western Samoa from New Zealand in 1962, and Nauru from Australia in 1968. The attainment of free association for the Cook Islands in 1965 was also consistent with the international standards of free association as one of three options of political equality (United Nations, 1960b). Simultaneous political evolution was occurring in British-controlled Caribbean dependencies with the advent of independence during the 1960s through 1980s and the emergence of a novel (albeit deficient) model of the West Indies Associated States (West Indies, 1967).

Consistent with this trend towards genuine self-government, the Legislature of American Samoa established successive governmental commissions in 1969 and 1978 to review options to their political status. The 1970 Report of the first Commission identified the potential alternatives of 1) Independence, 2) Union with Western Samoa, 3) Incorporation as a territory of the U.S. with an Organic Act, 4) Commonwealth status, 5) Incorporation as a county in the (U.S.) State of Hawaii, and 6) Status quo as an unorganized and unincorporated territory of the U.S. (Sheridan, 1979). Of the six options identified, three were consistent with international principles of self-government while the other three represented varying colonial reforms. None were necessarily advocated. Both commissions recommended replacing the Washington appointed governor with one elected by the people.

Elected governorship was subsequently put into effect in unique fashion, not via the U.S. Congressional legislation as would be the case for the other USDs, but through a 1977 U.S. Secretarial Order authorizing the American Samoa Government to pass its own enabling legislation to provide for an elected Governor and Lieutenant Governor - with the caveat of required assent by the U.S. Interior Secretary. Accordingly, the territory amended its constitution one year after a referendum vote supporting the measure although the provision was kept retaining the U.S. President as the ultimate authority to administer the territory acting "*through the Secretary of Interior*," (American Samoa (1967). The Congressional delegate post was separately legislated by the U.S. Congress in 1978, and a 1979 report of the second Commission recommended a reassessment of the political status after 15 years.

A U.N. Visiting Mission to American Samoa two years later revealed a reluctance among the people to upgrade their political status because of the heavy economic and financial dependence on the U.S., and the concerns that any modifications "would bring about a concomitant change in the land tenure system" (American Samoa, 1982:6). The U.N. mission revealed a distinct lack of awareness among the people of the political options available to them, and misgivings amongst the political leadership regarding the prevailing unilateral powers of the U.S. Secretary of Interior to disallow bills passed by the elected legislature. Accordingly, a constitutional convention held in the territory in 1984 adopted revisions to the territory's constitution including the abrogation of the veto

powers of the U.S. Secretary of Interior, protection of territorial waters and transfer of certain appointment powers to the elected government. These proposed changes were contained in an amended constitution which was submitted to the U.S. Congress for approval as a U.S. law. However, the governor later withdrew the draft over concerns that if it were to be made a U.S. law then the land tenure system and other aspects of traditional governance would be vulnerable to unilateral change by the U.S.

Even as the U.S. unilateral authority was evident, the U.S. representative told the U.N. General Assembly in 1986 that the territory "had become virtually self-governing," but in obvious inconsistency acknowledged that it was "properly on the list of non self-governing territories"(American Samoa, 1987:3). By 2006, the U.S. State Department would publically declare by letter to the American Samoa Congressional Delegate that the matter of "political relations" between the USDs and the U.S. was regarded as "an internal issue" and not one for the U.S. Decolonization Committee (American Samoa 2006 b). Yet there had been no developments in the status of the USDs to precipitate this 'revelation', as confirmed by the 2007 U.S. report to the U.N. Committee on the Elimination of Racial Discrimination which stated that there had been no change in the relationship between the U.S. and the 'outlying areas' under U.S. jurisdiction (United States, 2007: 1). Such classic diplomatic doublespeak which projects one position in one forum, and the contradictory view in another, depicts the inconsistency of U.S. territorial policy.

The third American Samoa Political Status Study Commission formed in 2007 - consistent with the first two mechanisms - recommended the retention of the status quo in political status, but only until such time as a process of negotiation with the U.S. Congress for a permanent status was initiated. This was the first official assertion to the U.N. affirming the lack of permanency of the prevailing status. In this regard, the 2007 Commission report, as in earlier reports, called for a 'tailored Act' of the U.S. Congress to reaffirm the special protective provisions for lands and titles in the Constitution of American Samoa. The idea was to determine whether such special provisions could be maintained for native Samoans without changing the existing status on the premise that "the federal courts upheld similar special protections in the U.S. Congressionally-approved Covenant of CNMI." (American Samoa, 2007: 43). In this regard, the 2007 report reflected the commonly held 'illusion of inclusion' that the USDs were "part of the U.S." - a view expressed by the U.S. Supreme Court in the series of 'Insular Cases' adopted between 1900 and 1905 which established the legal and political reality (counter to the perception) that the USDs were '*appurtenant to*' - rather than '*a part of*' - the U.S.

The illusion was reflected in American Samoa's official statement to the 2006 U.N. Pacific regional seminar that that the territory "was independent within a federalized system of self-governing states and territories" (United Nations, 2006). Such a portrayal of full self-government was consistently reinforced by the U.S. during the period, and had been reflected in an earlier 2004 letter to the American Samoa Congressional Delegate to the Chairman of the Decolonization Committee

calling for the removal of the territory from the U.N. list because American Samoa "has not nor has never [sic] been a U.S. colony" (American Samoa, 2004). The federal position, therefore, had changed from the territory being "properly on the U.N. list" in 1986 to advocacy for its removal in 2004 - without any change in the political status.

Similar inconsistencies were also reflected in the 2006 U.S. statement to the U.N. General Assembly which had argued that "the very term 'non-self-governing' seems inappropriate for territories able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path" (United Nations, 2006a). Of course, what was omitted from these pronouncements were such facts that dependency constitutions and the power of territorial elected leaders are subordinate to unilateral applicability of U.S. law and authority without equal political representation and participation of the dependencies U.S. political system. Nevertheless, the 2006 U.S.-U.N. statement went on to express full support for "countries (which) chose independence (and)...the right of people in those territories to a full measure of self-government, including the rights to integration and free association." No reference was made to, of any measures taken to satisfy the U.S. obligation to promote such self-government under Article 73(b) of the U.N. Charter.

In 2008, the official statement of the Chairman of the American Samoa Future Political Status Study Commission to the U.N. Pacific regional seminar on decolonization took a more studied approach than that taken in 2006 in suggesting that the status quo "was no longer sufficient to satisfactorily accommodate the demands of a more progressive society" while reaffirming the importance of protection and preservation of the Territory's land tenure system (American Samoa, 2008). A 2008 referendum recommended by a Constitutional Convention on transferring the power to override the elected governor's veto from the U.S. Interior Secretary to the elected legislature (Fono) was narrowly defeated. Thus, the power imbalance remained intact - albeit with the consent of the electorate. A similar measure, defeated by the voters at the 2012 general election, was again placed on the ballot by the territory's legislature for consideration during the Fall 2014 election, marking the third time in the last ten years that the measure would be proposed to the territory's voters.

In his earlier statement at the 2010 U.N. Pacific Regional Seminar in Nouméa, New Caledonia, on 19 May 2010, the Governor of American Samoa returned to the territory's default position of requesting removal from the U.N. list of Non-Self-Governing Territories on the contention that its status was 'akin to self-government'. To this end, the Governor invited a U.N. Visiting Mission to the territory to see for itself, but the U.S. has repeatedly declined to assent to such 'U.N. interference' in what had been re-cast as an internal matter.

At the 2011 U.N. Caribbean regional seminar in St. Vincent and the Grenadines, the American Samoan representative repeated the assertion that the territory was already 'self-governing', but

conversely argued that it was "time to be more concerned about how American Samoa can progress politically and economically while respecting the concerns of the U.S. and the UN in the process." The territorial statement surmised that the partial U.S. adherence to Article 73 (e) of the U.N. Charter to transmit information about the territory to the U.N. satisfied its international legal obligation (without reference to the extent of such information). It further argued that "the UN is not ordering administering states to settle the political status of (such) territories." But such an *order* is superfluous given the U.S. international legal obligation as a signatory of the U.N. Charter "to develop self-government" in the territories under Article 73 (b) of the Charter, and its principled obligation to implement the recommended actions contained in U.N. resolutions adopted to "*develop*" this self-government. At this stage, full implementation of the Article 73(b) obligation ran counter to prevailing U.S. policy of dependency legitimization. Claims of 'self-government' were even more dubious when it was acknowledged in the 2011 American Samoa Government statement to the U.N. that the U.S. Congress maintains "constitutional authority to administer U.S. territories," and that "whenever Congress passes a law that applies to American Samoa, our political status is (unilaterally) altered." According to the 2011 statement:

There is a very dangerous downside. The first is that our political status is therefore being decided on a piecemeal basis rather than a comprehensively considered basis that includes the views of American Samoa. Second, the possibilities for damaging American Samoa's political and economic advancement are rampant... We are quite concerned about future arbitrary action by the US Congress that could have devastating effects on American Samoa's political advancement and its economy. Certainly, nothing has been done to prevent such in the future. Other federal actions have and could in the future cause serious problems for American Samoa including tax policy, international trade, regulation, and customs and immigration. The loss of local control over our immigration and customs could have devastating effects on American Samoa's economy. (American Samoa, 2011:4-5)

Despite the evident democratic deficiencies, the American Samoan representative at the 2012 Pacific regional seminar in Ecuador reiterated the request for the U.N. de-listing on the premise of illusory self-government, while simultaneously calling for a "detailed work plan on how best to gauge the people's will on political status, complete with benchmarks on carrying this plan into action..." (American Samoa, 2012: 5). Concerns over the 'dangerous downside', while simultaneously claiming that the territory is self-governing, are difficult to reconcile. Thus, a diagnostic assessment of the level of self-governance on the basis of international standards would be useful in clarifying the complexities of the particular dependency governance model.

*Guam*

One year prior to American Samoa's transfer from military to civilian dependency governance, Guam was shifted to the U.S. Department of Interior jurisdiction in 1950 pursuant to the U.S. Organic Act which established structures of elected government (Taylor, 1988: 21).

By 1968, the territory's first Constitutional Convention examined potential changes to the Organic Act and began exploring alternative political status options through a subcommittee. In 1970, a Governor's Advisory Council on Political Status considered new modalities for unification with the Northern Mariana Islands following the referendum in the two territories the previous year which had seen Marianas voters favoring unification and Guam voters rejecting it (Guampedia, 2013). The first formal Political Status Commission formed in 1973 reviewed the implications of various options, and recommended in its 1974 report a more autonomous commonwealth status bearing in mind the Puerto Rico and the Northern Marianas models, while questioning the 'footprint' of the U.S. military presence. The report concluded that "the Organic Act (did) not permit the people of Guam to manage their own affairs (and) that land ownership should be reviewed..." (Corbin, 1988: 41).

The second Political Status Commission formed in 1975 identified areas of federal control which were restricting the development process and facilitated a 1976 plebiscite in which the voters indicated their overwhelming desire for measured political change with improvements to the status quo. This had been overwhelmingly selected over the permanent options of U.S. statehood and independence which would have required significant preparation. The plebiscite coincided with the enactment of the 1976 U.S. law authorizing Guam and the U.S. Virgin Islands to draft respective constitutions within the prevailing territorial status.

In 1977, Guam's constitutional convention completed a draft document and 'forwarded it to the U.S. President and Congress for approval' (Taylor, 1988: 21) in advance of submission to the territory for consideration in referendum. The U.S. President recommended a number of changes before submitting the text to the U.S. Congress whose Senate Energy and Natural Resources Committee held hearings in 1978. But since the Congress did not act on the amended text within the prescribed 60 day period, the original text was approved by default. The 1979 referendum outcome, however, reflected strong opposition to its provisions with 81.7 per cent of the voters in opposition. (This coincided with the defeat of the U.S. Virgin Islands draft constitution the same year with a 56 per cent "No" vote). While the 1979 Guam referendum was observed by the United Nations, (Taylor, 1988: 22) there was no such international presence in the U.S. Virgin Islands exercise. In both cases, the limited level of autonomy inherent in the territorial status was a significant reason for the defeat of the document.

The dual rejections prompted the White House to undertake a 1979 territorial policy review which led to a 1980 formal position expressing that "all options for political development should be open to the people of the insular territories" if economically feasible and consistent with U.S. national

security interests (Taylor, 1988: 22-23). By 1980, the Guam Commission on Self-Determination (CSD) was formed and following several years of public discourse, two plebiscites were held in 1982 in which the people voted by 73 per cent for an autonomous commonwealth status. (The U.S. Virgin Islands in a referendum the same year formally decided to determine its political status before writing a local constitution although this mandate was later set aside with the convening of the Fifth Constitutional Convention). The U.S. curiously interpreted the results of the 1982 Guam referendum as a vote "for continued association with the United States rather than independence" (Taylor, 1988:22-23) in obvious relief that U.S. strategic interests may have been complicated by pro-independence tendencies.

To implement the results of the referendum, a new Commission was formed in 1984 to draft the details of a commonwealth act, with earlier drafts from 1984 through 1986 providing for a great deal of autonomy. Some of the features included limited applicability of the U.S. constitution, a foreign affairs role, veto power over new U.S. military zones or personnel, consultation rights on proposed military bases, prohibition of the dumping and storage of hazardous materials and nuclear waste, and the possibility for unification with the Northern Marianas. Other areas included an annual U.S. payment equal to the property taxes which would be due on the 1/3 of Guam which the U.S. government occupied. The draft maintained the prevailing retention of all customs duties, income taxes and immigration fees, as well as the exclusion from the U.S. customs zone, and would have delegated certain Congressional plenary authority from Congress to Guam (Corbin, 1988:45-49). The earlier versions included Guam jurisdiction over its marine resources, the acknowledgement of the indigenous rights of the Chamorro people including land ownership, and control over immigration governing entry to the territory.

Many of the provisions of the fourth draft of the Commonwealth Act were considered in a rather chauvinistic Congressional Research Service (CRS) analysis to be "one-sided...without a proper balance," and legally and politically troublesome" (Zafren, 1986:1). The CRS report had taken the unusual step of reviewing a draft which had not yet been finalized. Nevertheless, it dismissed all reference to the applicability of self-determination provisions of the U.N. Charter and broader international law. The CRS report further rendered inappropriate to Guam any precedent that might have been set by the autonomy contained in the Northern Marianas Commonwealth Covenant as an outcome of a process of negotiation. Given the aversion to international law in the CRS report, it was not surprising that the applicability to Guam set forth in U.N. Resolution 1514 (XV) on the transfer of powers to the territories to facilitate decolonization negotiations was not considered. The CRS Report was appropriately rejected by territorial legal authorities as 'rather superficial and uninformed', but its conclusions did influence the subsequent 1986 Congressional committee hearings on the United States-Guam Relationship. In this connection, concerns were reflected at the hearing over the "advisability of many provisions of the draft bill (and) the idea of a referendum on it before congressional consideration" (Ada, 1996: 168). The Guam government held firm that its process would be one of "self-determination" rather than "federal determination" (Ada, 1996: 170).

A final amended draft commonwealth act was adopted by the Commission in 1986 with certain adjustments including the removal of the five year voter eligibility requirement which was replaced with reference to 'reasonable residency requirements.' A second modification introduced a potential cost to Guam for the transfer of federally-occupied lands. The subsequent August 1987 referendum with voters considering each article separately required a second referendum in November to adjust language on Guam immigration control and indigenous rights before ultimate adoption. U.S. efforts to modify the text persisted even as it represented the will of the people as confirmed in a plebiscite. However, such pressure was resisted and the draft commonwealth act was forwarded to Washington in 1988 and subsequently introduced in the U.S. Congress in 1989.

A U.S. Inter Agency Task Force (IATF) formed in 1988 to review the commonwealth proposal immediately proceeded to stall consideration of the text until recommended changes were made by Guam which, in turn, chided the IATF for its persistence "in reviewing Guam's future aspirations within the framework of an outmoded colonial philosophy inherent in our current status as an unincorporated possession of the United States" (Ada, 1996: 173). The predictable 'paternalistic' IATF report released in 1989 "took a narrow constitutional view... (erroneously) treating...Guam with constitutional standards applicable to (U.S.) states," and reflective of "existing colonial policies" (Ada, 1996: 174). The 1989 IATF report coupled with the 1986 CRS 'analysis' served only to reinforce U.S. dependency governance policies, and ironically preceded the 1990 U.N. commemoration of the thirtieth anniversary of the U.N. Decolonization Declaration which fully applied to Guam. U.S. officials repeated their opposition to the Guam commonwealth proposal during the U.S. Congressional hearing held in Hawaii at the end of 1989 in the midst of numerous Guam Government and civil society representatives who supported the proposal. The 1990 Guam Commission Staff analysis rendered the IATF report "much too superficial...to be used as a basis for discussions with Congress...(:) missed the mark in terms of principle, U.S. law, international law, and the historic treatment of the people of Guam(:) and demonstrate(d) a fundamental misinterpretation of the Commonwealth Act, the history of the Territorial Clause, and the Supreme Court's treatment of territories." (Guam Commission on Self-Determination, 1990: 1).

The often-repeated federal position articulated during the period questioning the constitutionality of the commonwealth proposal was further elaborated by U.S. officials who regarded the level of autonomy contained in the document to be more in tune with the free association option rather than of a commonwealth status which, in turn, was considered by federal authorities to be merely an enlightened unincorporated territorial status. As such, the U.S. authorities continued with their default position of applying constitutional standards to the territory as if it were an integrated part of the U.S., and in the process, failed to consider the Guam position that the U.S. Congress' broad powers to delegate authority to the territory under the Territorial Clause, could have facilitated the kind of autonomy sought in the proposed Guam arrangement.

Continued U.S. bureaucratic resistance led to ongoing difficulties in territorial-federal interaction on the issue. The failure of U.S. authorities to take into account the applicability of international law led, ironically, to the actual intensification of the internationalization of the issue. In this regard, the civil society Organization of People for Indigenous Rights (OPIR), told the U.N. Decolonization Committee in 1988 that Guam's move "to enhance its relationship with the U.S. through the Guam Commonwealth Act should not be seen as an attainment of self-determination" nor did it represent "an act of self-determination" (OPI-R, 1988 -5). This internationalist approach consistently repeated in later U.N. presentations was validated when the federal IATF backtracked on various agreements made on key substantive items of the commonwealth proposal precipitating the subsequent breakdown of the Guam-U.S. negotiations by the end of 1992 (Ada, 1996: 176) ending with the issuance of the IATF 1993 report (United States, 1993).

From the very beginning of discussion on the early drafts of the commonwealth proposal, federal officials had called on Guam to eliminate autonomous provisions, and expressed little support for limiting the exercise of U.S. political power over the territory even as the prevailing political status constituted the essence of political and economic inequality, and violated the relevant human rights conventions on political and economic rights. A more flexible approach on mutual consent and related aspects taken by the federal Special Representative for Guam Commonwealth Issues appointed in 1993 was subsequently obstructed by the same federal bureaucrats in place the previous year in spite of the change of government in Washington. This took the form of a U.S. Justice Department legal memorandum objecting to mutual consent which was the basis of the commonwealth proposal. The Special Representative resisted the bureaucratic stumbling blocks and proceeded with a 1994 exchange of Letters of Agreement with the Guam Government to recognize the legitimacy of mutual consent. However, changes in the political line-up in Washington and the resignation of the federal Special Representative caused the process to lose momentum. Pangelinan recalled that "with the continued inaction by the United States, the people of Guam and the leaders of Guam turn(ed) to the international basis of the right of the people of Guam to self-determination as embodied by the acceptance of the U.S. of the U.N. Charter and resolutions which clearly outline the process for the decolonization of a people who remain under the list of non-self governing territories" (Pangelinan, 2009).

The U.N. General Assembly in its 1998 resolution recognized "the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the (U.S.) and Guam" (United Nations, 1998: 8). The same resolution also "request(ed) the administering Power to work with Guam's Commission on Decolonization (CD) for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization..." The U.N. subsequently recognized in 2000 that "negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act (were) no longer continuing, and that Guam had established a process for a self-determination

vote by the eligible Chamorro voters" (United Nations, 2000: 10). From that point the U.N. recognized the Guam 'pivot' away from the dormant commonwealth negotiations to a concerted focus on a self-determination process. Consistent with its 'repetition of process,' however, the U.N. continued to maintain its annual recommendation for the "administering power and the territorial government to enter into negotiations" on what had become a moribund commonwealth proposal. Reference to the "non-binding" nature of the new self-determination process was subsequently added to the annual U.N. resolution on Guam (United Nations, 2008: 10) consistent with U.S. misgivings on formal recognition of specific political rights of the indigenous Chamorro people.

The 2012 U.N. resolution on Guam, reflective of the resumption by territorial government officials at the U.N. decolonization proceedings, made reference to the territory's official statement at the U.N. 2012 Pacific regional seminar indicating that the "colonial status" was "threaten(ing) the survival" of the indigenous Chamorro people in their native land. The U.N. resolution "welcomed the convening" of the Commission on Decolonization (CoD) in 2011 and its work on a self-determination vote" including setting a date for the plebiscite on U.N. recognized options of political equality, and the establishment of the Decolonization Registry for eligible voters (United Nations, 2012: 11-12). The 2013 U.N. resolution went on to reference other aspects of the work of the CoD and the necessity of adequate resources to implement a political education campaign to "to address the limited and distorted understanding of decolonization" (United Nations, 2013a: 11-12).

#### *Northern Mariana Islands (NMI)*

While attention to political evolution continued to evolve in Guam into 2014, increased focus was being paid in its neighboring Northern Mariana Islands as to the implications of the unilateral application of U.S. legislation on the autonomy of the prevailing commonwealth status which had emerged from negotiations between the territory and the U.S. as the former administering power of the Trust Territory of the Pacific Islands (TTPI). Dependency governance in the NMI had begun with several hundred years of Spanish colonial rule under the general government of the Philippines, and continued with the transition to German colonial governance pursuant to the 1899 treaty (Treaty, 1899) incorporating the territory as part of the larger Germany Protectorate of New Guinea (which included the Caroline and Marshall Islands). German dependency governance took the form of "simply a caretaker" (Cruz, 2010: 92), and with the German loss in WWI, Japan occupied the territory in 1914. The de facto Japanese control of all of Micronesia including the NMI was later normalized through a League of Nations mandate and lasted for thirty years as Japan "exercis(ed) economic and military hegemony as part of its quest to expand its overseas empire in the Pacific" (Cruz, 2010: 97). The construction of strong military fortifications built with forced indigenous labor was used to resist (ultimately unsuccessfully) the 1944 invasion by the U.S. which captured the Marianas for its own advance military base to continue its war effort against Japan.

In 1947 the U.S. president terminated the military government of the TTPI (as the former Japanese Mandated Islands) and transferred its authority, on an interim basis, to the U.S. Secretary

of the Navy (White House, 1947). In 1951 the administration was transferred to the Secretary of the Interior (White House, 1951b), and in 1953 "that portion of the trust territory which include(d) the islands of Saipan and Tinian was transferred from the Secretary of the Interior to the Secretary of the Navy" (White House, 1953). The post-World War II period had quickly morphed into the Cold War era which was the chief motivation for the advent of military-influenced governance of the TTPI as a "strategic trust" under a U.N. mandate governed by the U.S. Navy from 1947 to 1962. The U.S. Central Intelligence Agency (CIA) "secretly used the Marianas as a base" for training nationalist Taiwan guerrillas, and the Marshall Islands for "long range missile testing program between the U.S. mainland and the Kwajalein Missile Testing Range" (Cruz, 104-105). It was not until 1962 that military governance of the NMI was transferred by the U.S. President (White House, 1962) to the Secretary of the Interior over a decade after the transition to civilian dependency governance in American Samoa and Guam.

The political evolution of the TTPI to the point of its dissolution had proceeded incrementally with the establishment of the Congress of Micronesia (CoM) in 1965 with elected representation from the various island groups. Emerging from the CoM was the Micronesia Political Status Commission (MPSC) in 1968 responsible for recommending a potential self-determination process and examining the available political status options. In 1969, negotiations began between the U.S. and Trust Territory representatives on a process of self-determination. The decision was taken that separate negotiations would be held between the four sets of islands individually with the U.S. This resulted in the ultimate dissolution of the U.N. trusteeship for the NMI, Federated States of Micronesia and the Marshall Islands in 1990 (United Nations, 1990), and for Palau in 1994 (United Nations, 1994).

For the NMI, interest in a closer relationship with the U.S. than that offered under the freely associated status began around 1971 with the creation by the Marianas Legislature of a separate political status mechanism responsible for negotiating with the U.S. independent from the broader Micronesia Political Status Commission. Talks with a U.S. President's Personal Representative began in 1972 and resulted in a draft commonwealth agreement between the U.S. and the NMI. The covenant was adopted by a favorable plebiscite vote of 78 per cent and subsequently submitted to both Houses of the U.S. Congress which approved the measure by joint resolution. The "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the U.S." was signed by the U.S. President in 1976 as a U.S. law (P.L. 94-241) (Comptroller General Report, 1980: 2-3).

U.S. approval of the Covenant was followed by the adoption of a constitution in conformity with the new status which had come into effect in 1978 with the inauguration of the first elected governor (although the trust territory relationship was not to be formally terminated until 1990). The NMI procedure of adoption of a political status document by the people in referendum before sending it to Congress was one of the major U.S. objections to the approval process of the Guam commonwealth bill, and was more in line with the negotiation of a bilateral or multilateral treaty.

Process aside, the Marianas Covenant was not recognized as a treaty but largely as a federal law. The Northern Marianas established a system of government pursuant to the negotiated covenant, and was the first of the four TTPI entities to complete negotiations with the U.S. on a political status initially regarded as 'permanent'.

The covenant granted the Commonwealth of the Northern Mariana Islands (CNMI) a qualified right of internal self-governance with the U.S. in control of foreign affairs and defense. According to a 2008 U.S. General Accountability Office (GAO) study, the U.S. retained the unilateral authority to apply laws to the CNMI territory but agreed to "to respect the CNMI's right of self-government under the covenant." The study noted that "certain provisions of the covenant may be modified only with the consent of both the federal government and the CNMI government" including provisions relating to the political relationship and the application of the U.S. Constitution; citizenship, and nationality; and land ownership rights. The study went on to note that "most other provisions of the CNMI covenant may be modified by the federal government without the consent of the CNMI government, and local CNMI laws that were not inconsistent with federal laws or treaties of the United States when the covenant was enacted remain in effect (United States, 2008: 7-8). " In addition, international treaty obligations between the United States and other countries were to apply to the CNMI through the covenant. Some of the autonomous provisions became the subject of legal challenge on U.S. constitutional grounds as they were perceived to be inconsistent with the applicability of the U.S. Constitution to a U.S. polity.

Cruz regarded such autonomous provisions "as exceptions to the U.S. Constitution (and) were found valid by the federal court because of the 'Insular Cases' line of reasoning which distinguished the territories from the (U.S.) states for purposes of determining what was or was not a fundamental right under the U.S. Constitution" (Cruz, 2010: 113-114). One example of such an exception was the 1992 decision by the U.S. Ninth Circuit Court upholding land alienation and limited voting rights in the commonwealth because the U.S. Congress had the right to exclude Section 805 of the Covenant from the reach of the equal protection clause of the Fourteenth Amendment. But this provided only partial clarity on the extent of limitation of the U.S. constitutional reach since federal immigration and minimum wage laws were unilaterally imposed, and upheld in U.S. Court decisions as outside the scope of the self-government provisions of the Covenant.

Whether the NMI has fallen below the threshold of full self-government as a peripheral dependency (PD) because of the imposition of the immigration and labor provisions, and other related actions, can best be determined through a thorough self-governance assessment. The scenario of a lesser form of autonomy than was originally perceived through the self-government provisions of the covenant has prompted the commonwealth legislature to consider legislation to enact a new mechanism to review options which provide a full measure of self-government in light of the re-defined political realities vis a vis the autonomous political status. Accordingly, proposed legislation to revisit the commonwealth status in view of differing interpretations of its nature and

extent of self-governance was introduced in the CNMI legislature in 2010, and was subsequently adopted by the House of Representatives but failed in the Commonwealth Senate. The bill according to (Torres, 2010:1) was intended to:

create the Second Marianas Political Status Commission, to re-examine whether the people desire continuing in a “commonwealth” relationship with the United States pursuant to the terms of the original Covenant agreement: to determine if that continuation is in the best interest, or whether some other political status would better enable them to fulfill their aspirations of full and meaningful self-government.

### **Dependency Modernization or genuine self-determination?**

As the U.N.'s Third International Decade for the Eradication of Colonialism reaches its midpoint in 2015, the USDs in the Pacific (and Caribbean) continue to share many common conditions earlier identified in relation to their respective political arrangements (Sheridan, 1979: 2-3) while also displaying some significant distinctions. In comparative terms, the dependency model in place in Guam is far closer to that of the U.S. Virgin Islands (USVI) than it is to the other two Pacific USDs. In this context, both Guam and the USVI as 'unincorporated, organized' territories are aptly defined by Sheridan in this manner:

"...Unincorporated territories are those to which the provisions of the United States Constitution have not been expressly and fully extended as a result of various (U.S.) court decisions, i.e. Insular Cases, 1901-1922. (They) may be further defined as organized and unorganized. An organized territory is one for which the Congress has provided an Organic Act (*Guam, USVI*), loosely equivalent to a (U.S.) state constitution, setting up a governmental framework and establishing the powers of that government. Conversely, unorganized territories (American Samoa) are those for which no organic legislation has been enacted.

Sheridan goes on to point out the "several anomalies" in U.S. dependency governance whereby the 'unorganized, unincorporated' territory of American Samoa has its own constitution while its 'organized, unincorporated' counterparts in Guam and the USVI have none. Invariably, the term 'organized' means having an organic act provided to the territory by the U.S. Congress. Meanwhile, Puerto Rico and the Northern Mariana Islands (CNMI), respectively, have constitutions of their own design but exercise differing degrees of effective autonomy. The Puerto Rico commonwealth model which served as the original guide for the CNMI as it emerged from the Trust Territory of the Pacific Islands (TTPI) has been significantly re-interpreted by relevant U.S. federal court decision and political policymaking. In this connection, a 2012 U.S. Congressional Research Service Report confirmed that "Puerto Rico is a U.S. territory subject to (U.S.) congressional authority derived from the Territory Clause of the U.S. Constitution" The CRS study noted: (Garrett, 2012: 3)

Congress recognized island authority over matters of internal governance in 1950 through the Federal Relations Act (FRA) and when it approved the island's Constitution in 1952. Some contend that these laws and other federal action afford Puerto Rico a unique status embodied in the "commonwealth" concept. This perspective remains a topic of debate. Nonetheless, federal law would have to be changed to alter Puerto Rico's status, which would require congressional and presidential approval through the normal legislative process. (emphasis added).

Within this context, the USDs are continuing in varying degrees to advance their political status through internal mechanisms, and some including Guam and the CNMI are using the internationally recognized standards of full self-government as the guiding principles. This task remains formidable, however, as there is little evidence of any proactive approach by the administering power to prepare these USDs for full self-government pursuant to international legal obligations. On the contrary, continued promotion of dependency legitimization preserves the status quo and unilateral authority which fits certain geo-strategic and geo-economic interests.

Unlike the U.S. Virgin Islands in the Caribbean, Guam has decided to re-start its own self-determination process which had stalled following the inconclusive commonwealth negotiations of the 1990s with the aim of conducting a political status referendum on the internationally recognized options of political equality, specifically, statehood (integration), free association and independence. The initiative is fueled to a significant degree by the urgency to have some influence in the impending military build-up and its attendant political, socio-cultural, economic, environmental, and other implications.

The institution of voter eligibility criteria governing a future Guam political status plebiscite different from that prevailing for regular elections has raised the issue of the right of self-determination under international law for the people of the territory - as opposed to the people in the territory. Accordingly, the voter eligibility criteria for the Guam decolonization referendum is identified in Guam statute as a 'native inhabitant of Guam' "by virtue of being a lineal descendant of a pre-1950 resident of Guam who gained U.S. citizenship through the operation of the Guam Organic Act" (Aguon, 2013:1). In fact, the 1950 Organic Act for Guam, written by the U.S. Congress, actually created the category of 'native inhabitant' which is cited as the basis for the eligibility criteria. The Guam law was challenged in the U.S. Court by a former U.S. Air force officer and resident of the territory (with support from the Washington, D.C.-based Center for Individual Rights) on the grounds that the eligibility criteria is racially biased and undemocratic. An international law expert found, however, that "the Guam Statute is not only facially neutral as to race, but it also amply evidences a non-race-based legislative intent" (Aguon, 2013: 3). As Aguon wrote in an Amicus Brief to the Court:

On its face, anyone who became a U.S. citizen by operation of the 1950 Organic Act (and descendants of those citizens) qualifies as a "native inhabitant." In other words,

the definition does not preclude non-Chamorros from voting in the plebiscite, should one be held. Thus, it is facially neutral as to race.

As the court has yet to rule on the substance of the issue, deciding in 2013 that the issue was not yet ripe for adjudication, the issue brings to light a fundamental question as to the validity of the unilateral applicability of U.S. law to the USDs in relation to the exercise of the right to self-determination in a political status plebiscite "involving a colonized polity's symbolic first step towards decolonization" (Aguon, 2013: 4). In this regard, the transfer of powers doctrine under international principles would appear appropriate to invoke in relation to the authority to conduct a decolonization referendum without external interference (United Nations, 1960a) :

Immediate steps shall be taken in trust and Non Self-Governing Territories, or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations.

While this process continues to evolve in Guam, the CNMI Legislature was successful in approving a measure at the end of 2013 to authorize the second Political Status Commission which had stalled in earlier years in the territory's Senate. The legislation, which was subsequently also adopted by the Commonwealth Senate was designed to:

create the Second Marianas Political Status Commission; to examine whether the people desire continuing in a "Political Union with the United States of America" pursuant to the Covenant; to determine if that continuation is in their best interest, or whether some other political status would better enable them to fulfill their aspirations of full and meaningful self-government.

The CNMI action was motivated by the impact of unilateral adjustments made through the U.S. legislation to the territory's commonwealth status resulting in the application of U.S. labor and immigration laws not thusly perceived to be included in the Commonwealth Covenant. The territorial government filed suit in the U.S. Court for the District of Columbia on the basis that such unilateral authority was inconsistent with the autonomous relationship envisaged in the Covenant and generally set forth in Section 103 of Article I which established "the right of self-government (and the right to) govern themselves with respect to internal affairs in accordance with a Constitution of their own adoption." Further, the 'mutual consent provision' (Section 105) of the Covenant was also cited, in part, stating that:

In order to respect the right of self-government guaranteed by this Covenant the United States agrees to limit the exercise of [its legislative] authority so that the fundamental provisions of this Covenant, [including Section 103], may be modified

only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.

This was on the understanding that the CNMI Government contested the applicability of federal immigration and labor laws as it was seen to be in violation of mutual consent. However, the U.S. District Court in its 2009 ruling cited Section 503 of Article 5 of the Covenant "which identifies groups of federal laws that, again by agreement of the United States and the Commonwealth, would not automatically become effective in the CNMI after the adoption of the Covenant, but could be 'made applicable to' the Commonwealth" at a later date (*emphasis added*). In its ruling, the Court cited an earlier decision of the U.S. Ninth Circuit Court of Appeals (*United States ex rel. Richards v. DeLeon Guerrero*) which acknowledged that U.S. authority vis a vis CNMI arises solely under (and limited by) the Covenant, but which also affirmed U.S. Congressional power to apply U.S. laws to the commonwealth when there is an "identifiable federal interest" (*emphasis added*).

The 2009 ruling in the case, with fundamental impact on the self-government of CNMI, served to further clarify Washington's evolving interpretation of the self-governance limitations of its dependency model and the concomitant unilateral applicability of U.S. laws, whether via the authority of the Territorial Clause of the U.S. Constitution as in the case of Guam and the other USDs, or via a covenant agreement such as that which is in place in the CNMI. Yet other interpretations have expressed that the Territorial Clause trumps the covenant. In the final analysis, the evolution of the CNMI commonwealth model has served to reinforce the realization that U.S. dependency governance arrangements are democratically deficient, and can only be addressed through the attainment of full political equality emerging from a genuine process of decolonization. Such unilateral federal authority should only apply if full political rights and equal political power in the U.S. system are extended. Unilateral authority without equal political power is un-balanced and patently undemocratic.

At the same time, new approaches are underway, seemingly disconnected from the self-determination process, but with potentially fundamental implications for decolonization of the USDs. Of particular note is the case filed in the U.S. District Court of the District of Columbia seeking to have all American Samoans declared U.S. citizens while setting aside the present 'U.S. national' status. An overt intention of the representatives for the plaintiff is to clarify the constitutional relationship between the U.S. and its dependencies from the prism of U.S. civil rights by effectively having the Insular Cases overturned. The case was dismissed by the U.S. District Court of the District of Columbia in June 2013 citing "persuasive precedent and the legal framework that has predominated over the unincorporated territories for more than a century" (United States District Court, 2013: 13). The U.S. Court of Appeals subsequently agreed to hear a legal challenge to the lower court ruling that had been consistent with earlier decisions on similar questions that place the onus on the U.S. Congress to address the issues of political inequality pursuant to its powers under the U.S. Constitution's territorial clause.

In a February, 2014 presentation to a Harvard Law School conference, U.S. First Circuit Appeals Court Judge Juan Toruella takes a more internationalist approach in his desire to have the Insular Cases "totally eradicated from present-day constitutional reasoning" on the basis that "the principles they promote run contrary to the express provisions of international treaties entered into by the United States, including but not limited to, the International Covenant on Civil and Political Rights (ICCPR)" which was ratified by the U.S. in 1992 (Toruella, 2014: 2-3). He emphasized that "the Insular Cases doctrine...was tailor-made to fit into racist views...prevalent in U.S. society at that time..." rendering the dependencies in "the state of eternal inequality (Toruella, 2014: 7).

The initiative to overturn the Insular Cases through the declaration by a U.S. Court changing the 'U.S. national' status of American Samoans to 'U.S. citizenship' could have far reaching implications not only for the retention of traditional rights of the American Samoans earlier discussed. There could be ramifications for the overall political status of the other USDs, as well. Quite apart from the acknowledged anachronistic nature of the Insular Cases is the question of what would come of those USDs whose unincorporated territorial status would disappear? Without an 'endgame', the vacuum could very well be filled with summary recognition as 'unincorporated territories' with the full application of the U.S. Constitution, and the maintenance of political inequality for an indefinite future. Since incorporation is the preparatory phase to U.S. statehood, the question arises whether the logical conclusion would be that the territories be placed on the track to political integration - without having selected such a status in referendum. Such a shift would be inconsistent with U.N. Charter and other international obligations to bring about self-government through a choice of political status options, rather than through unilateral annexation which would occur because of the clear lack of U.S. commitment to a genuine decolonization process for the USDs.

Corollary to this point is that decades of incremental efforts by USD political leaders to gain more (but not equal) political rights in the U.S. system, through the introduction of presidential vote legislation, or a vote in the U.S. Congressional House of Representatives, have not met with sustainable success, and have diverted attention and political energy from a focus on full political rights through a genuine self-determination process. The result of such an initiative to strike down the admittedly antiquated Insular Cases, without a plan to deal with the aftermath, could lead to the maintenance and legitimization of the dependency status and the very 'eternal inequality' spoken about by Judge Toruella.

## **Conclusion**

The alternatives of statehood, free association or integration as the recognized options of political equality would come with requisite responsibilities, even as the repercussions of the status quo may far exceed the implications of change. In this connection, the political status process being pursued in Guam, and envisaged in the CNMI, is properly based on what the White House and the United Nations recognize as the three permanent options which provide for full political equality, and

which do not contain a residual unilateral power to negate the essence of what might have been earlier understood. In practical terms, the substantive issues between U.S. territories and the U.S. government, including ever important geo-strategic considerations, can be better accommodated through mutual agreements under an autonomous association, through political integration (statehood) where there is equal political power in the U.S. system, or through independence by way of international treaty. These are the 21<sup>st</sup> century solutions to the dependency dilemma which would render as irrelevant the Insular Cases since there would be no more dependencies of any kind, unincorporated or incorporated.

The USDs in the Pacific may reach this determination at different times in their political and constitutional evolution. But if they remain in the status quo – even a reformed version - it should be understood that they have not yet achieved full self-government which comes by way of a permanent option. Sustained public education on these issues, in the fullest of dimensions, will enhance the chances that the people of the USDs will make an informed decision on political futures based on equal rights, justice and true democracy. The peoples of the USDs deserve – and should expect – no less.

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**Chamoru Self-Determination  
and the Rhetoric of Both/Neither  
in United Nations Testimonies**



**TIARA R NA'PUTI**

# Chamoru Self-Determination and the Rhetoric of Both/Neither in United Nations Testimonies

Tiara R. Na'puti

## Abstract

This project examines contemporary self-determination efforts for Guåhan by conducting a rhetorical analysis of Chamoru testimonies at the United Nations Decolonization Committees from 2005-2013. It argues that Guåhan is the site of rhetorical struggle over identity, indigeneity, and Americanness. Thus, Chamoru struggles for self-determination must be examined within the historical and contemporary context of U.S. colonial projects, which have established and maintained a political economy of stratification. Analysis of these UN testimonies reveals that self-determination efforts are shaped by understandings of national identity, colonization, and military buildup. These issues are centered primarily through actions that both depend upon and reinforce communicative channels directed against the U.S. nation-state. This phenomenon is articulated through the rhetoric of both/neither that demonstrates complex and contradictory identities positioned as both part of the U.S. while simultaneously remaining exterior to it.

**Keywords:** *Chamoru, self-determination, United Nations, rhetoric*

## Chamoru Self-Determination and the Rhetoric of Both/Neither in United Nations Testimonies

The announcement of the U.S. military buildup in 2005 sparked a return voyage of a Guåhan delegation to the United Nations (UN) after an almost ten-year absence.<sup>1</sup> The U.S. designation of Guåhan's as an "unincorporated territory" translates into a limited application of the U.S. Constitution (Thompson, 2002; Thompson, 2010). In spite of a marginalized political position in relation to the U.S. nation-state, Chamorus have resorted to diverse modes of engagement with international law to practice an inherent right of self-determination (Cristobal, 1993; Stade, 1998). The UN has been used as a forum for democratic engagement with and opposition to the U.S. However, this forum also represents a paradoxical realm in which Chamorus are not neatly situated within any specific political identity category with regard to the nation-state or the transnational arena of the UN.

I develop the concept of "Both/Neither" as a rhetorical manifestation within indigenous resistance and identity. This concept provides the opportunity to name the oscillating identity and voice of those actively supporting self-determination and decolonization in Guåhan. Both/Neither

<sup>1</sup> As a member of the Chamoru diaspora, I have made a conscious political decision to follow other Chamoru and Pacific scholars and take ownership of otherwise borrowed names for the island Guåhan (Guam) and the Chamoru (Chamorro) people (see: Aguon, 2006c; Dames, , *Just Left* 12-15; Dames, 2000; Monnig, 2007).

encompasses the rhetoric surrounding Guåhan's situation as an island that is simultaneously exterior to the American nation while also falling under the legal umbrella of the U.S. constitution. This concept is useful for describing the discourse of the island's ambiguous political status, and it parallels other indigenous political efforts (Bruyneel, 2007). Additionally, the rhetoric of Both/Neither brings to the foreground the phenomenon of in-betweenness that is manifested by the literal distance of the island to the U.S. and its overlapping proximity to the U.S. through military and security policy. An explicit focus on rhetoric illuminates the discursive expression and manifestations of Chamoru culture and identity within self-determination efforts at the United Nations.

The Both/Neither identities of Chamoru petitioners influence their language of contention, and manner of articulating demands, which produces discursive dislocations. Both/Neither identities are articulated as petitioners appeal to *inclusion with the U.S.* (by virtue of the island's political status and the peoples' designation as U.S. citizens) while simultaneously articulating *exclusion from the U.S.* (to establish a collective local identity and to craft demands as indigenous, autonomous peoples). Together these Both/Neither identities create a complex rhetorical mixture of **identity**, as indigenous Chamorus, and **strategy** adapted to U.S. institutions and nation-state-centered arenas that ultimately contradict (Na'puti, 2014).

To better understand how these discourses operate, I conducted a rhetorical analysis of UN testimonies presented about the "Question of Guåhan" from 2005-2013, including my own experience as a petitioner in October 2012 and 2013. I examined UN decolonization efforts and the language operating in UN testimonies to consider how petitioners discursively support decolonization, self-determination, and opposition to the U.S. military buildup in Guåhan. This analysis explores the temporal and spatial dimensions of the UN as a site for international decision-making and decolonization. I argue that the UN testimonies evince the "Both/Neither" identities, in which testifiers express a vacillating sense of national belonging *with the U.S.* while also communicating a deep-rooted sense of dislocation *from the U.S.* Expressed as political and cultural dislocations, the testimonies articulate the complex political status of Guåhan as a U.S. territory that aligns with Bruyneel's (2007) discussion of being "domestic in a foreign sense" (p. 221).

In exploring this period of UN testimonies, I also considered my own position as a Chamoru living in diaspora. These perspectives ground my analysis as someone who has had the opportunity to bear witness with/on behalf of my people. I consider how self-determination efforts are situated within the UN and how testimonies may help move toward decolonization for Guåhan and other colonized places seeking to exercise our inherent right to self-determination.

Perspectives in indigenous studies, communication studies, and rhetoric have also shaped my view of Chamoru engagement with the UN, the language of UN testimonies, and the manifestation of persuasion within my community. I strive to see my work "*in situ*—related to the circumstance, and history of the artifact" (Ono & Sloop, 1992, p. 50), whether spoken or silenced (Black, 1970;

Wander, 1983). Exercising silence in dominant discourse complicate both/neither identities that struggle to find a place for articulation within national and international arenas. Often, indigenous resistance and voices against militarization are simultaneously silenced and/or limited by the legal framework of the UN. Silence is an intentional choice that encompasses various power strategies. It is a critical part of meaning making and these meanings can only be determined *in context* (Brock & Scott, 1972; Brummett, 1980; Clair, 1997; Jaworski, 1997; Johannesen, 1974; Lee, 2006; McKerrow, 1989; Wander, 1983).

Discourse affirms particular characteristics while implying others; discourse implies actions, roles, and even ways of seeing what is to be avoided (Wander, 1983). This process commands critics to explore the restrictions and constraints beyond a text that serve to hinder rhetorical agency (Cloud, 1999; Wander, 1983). Examining extra-discursive constraints directly relates to Guåhan, where the local communities and interests are excluded from dominant rhetoric about political status in relation to the U.S. nation-state.

### **Charting the Cycle: UN Histories of Decolonization & Guåhan**

The history of UN decolonization efforts is derived from the UN Charter (1945), which grants the “people” or “inhabitants” of Guåhan the right to self-determination (Chapter XI, art. 73). Self-determination articulates the rights of peoples to determine their control of resources, cultural development, political status, and subsistence practices (Anaya, 1996; Cristobal, 1993; Niezen, 2003). The issue of sovereignty is a *discursive* one, with resistance occurring in political language exercised within the UN forum (Niezen, 2003, p. 146). As a source of indigenous resistance, sovereignty is considered a foundational concern upon which other rights depend (Barker, 2005; Hendrix, 2008; Kly & Kly, 2001; Kly & Kly, 2006; Niezen, 2003; M. Perez, 2005). According to the UN, the category “indigenous” has force and weight in an international arena. It functions to provide global organization and solidarity between peoples struggling for self-determination. However, the indigenous category also raises debates over “authenticity,” which impact Chamoru efforts to achieve decolonization (Lyons, 1994; Niezen, 2003, pp. 3-5, 48). I address these complexities below to demonstrate the paradox of both/neither identities in the context of UN decolonization efforts.

The Chamoru population is divided over what the nature of its political status and relationship with the U.S. should be. Since the 1980s, Chamorus have been pursuing their internationally recognized right of self-determination, challenging U.S. colonization by testifying about Guåhan at the United Nations (Ada & Bettis, 1996; Van Dyke, Amore-Siah, & Berkley-Coats, 1996). Domestic U.S. law considers Guåhan an unincorporated territory, while the UN includes Guåhan as one of seventeen non-self-governing territories (NSGTs) in the world that has not achieved self-determination through independence or free association with an independent State (M. Lee, 2013). Chamorus have widened the net of UN efforts by attending a broader spectrum of decolonization meetings to emphasize sovereignty, self-determination, and indigenous rights. However, to date no significant progress has been made toward promoting self-determination of Guåhan under the UN mandate. Vivian Dames

(2000) states, “The meanings of both ‘self-determination’ and ‘peoples’ remain contentious and fluctuate with U.N. practice” (p. 41). The “UN itself communicates contradictory results as to its decolonization efficacy. At times, the official stance is one which reports its achievements in the area of world-wide decolonization; yet at other times, the institution relates its woeful lack of progress” (Monnig, 2007, p.37). This UN record complicates indigenous peoples’ efforts to achieve self-determination within the forum.

This contradictory stance and function of the UN related to Guåhan is further complicated by the idea that decolonization itself is a “contested concept,” Stewart Firth (1997) explains this conundrum for Guåhan:

Here independence is so remote a possibility that politicians can employ the stirring rhetoric of decolonization without fear that it might occur. In Guam most talk of decolonization is strictly for non-decolonising purposes... the Chamorro self-determination movement, at least in its widely supported form, seeks merely an alternative form of connection with the United States...(pp. 18-19)

Firth highlights the discursive domains of decolonization that are minimized because of the back-and-forth political situation between Chamorus and the U.S. The UN political language of decolonization is further complicated by its inability to capture the complexity of territorial identity. Therefore, the UN “both” holds promise for indigenous Chamorus working toward decolonization, while “neither” adequately addressing nor allowing Chamoru participation in self-determination without explicit permission from the U.S.

In Guåhan, where there is a long history of colonialism by Spain and the U.S., “indigenous authenticity” often maintains strictures where scholars such as anthropologists “proceed by couching political processes of ‘authenticity’ as hinging on Western-rooted, historically-situated tendencies of groups to self-consciously reify aspects of their ‘bounded,’ ‘continuous,’ ‘distinctive,’ ‘culture’” (Monnig, 2007, p. 34). Spain colonized Guåhan but pre-U.S. colonization, does not negate the authenticity of Chamorus and their culture, despite political criticisms to the contrary. In response to these criticisms, Pacific Islanders have questioned the legitimacy of researching indigenous subjects and have challenged the strictures of Western scholars by “denouncing their colonial and ‘racist’ framework and ‘methodologies.’ These debates expose the truths of identity and authenticity not as mere fodder for anthropologists and their cultural analysis, but at the *very heart of indigenous struggles* [emphasis added]” (Monnig, 2007, p. 34). The debate over indigenous authenticity troubles contemporary efforts to hold a self-determination plebiscite for Guåhan. The increasing challenges of Guåhan’s both/neither political status influence economic, social, and security policies in the region. While Guåhan is under the jurisdiction of U.S. federal laws and government policies and is continuously mandated to comply with national policies, the local population has no voice or vote in these proceedings and is excluded from U.S. decision-making processes.

*Collecting Testimonies: Artifacts without an Archive*

Testimonies carry the legacy of more than twenty years of delegations from Guåhan; they communicate the personal effects of living under colonization, connect with other self-determination efforts, generate contestation, and spark collective deliberation over decolonization disputes. Yet, petitioner statements are not entirely catalogued in the UN documents archive, or the United Nations Bibliographic Information System (UNBISNET) that indexes speeches. Instead, testimonies are briefly summarized in a final report submitted by the particular decolonization committees to the UN General Assembly. This report often only mentions the petitioners' names with an occasional inclusion of a few select remarks from petitioners' statements; full-text petitioner statements are not catalogued. There is a startling lack of visibility and recognition for petitioners after the UN decolonization proceedings end; all too quickly their words are forgotten and literally left without a trace in the official UN records.

Expanding an earlier list of petitioners who spoke on the "Question of Guam" (Alvarez, 2011), I compiled a list of 44 petitioners who spoke at the full cycle of UN decolonization proceedings from 2005-2012. I then gathered the full text testimonies of these petitioners, finding a majority of them on independent websites, news reports, and blog posts (see also: Overseasreview.blogspot.com). I also benefited from my family and community connections in Guåhan to help locate the remainder and I am grateful to the petitioners for sharing testimonies and for their efforts to search for, copy, scan, and share their words with me as I navigated the waves of Chamoru efforts to continue the struggle for self-determination. My analysis attends to the full-text speech documents in an attempt to expose voices that otherwise remained unheard within the limited time of UN proceedings (where petitioners are given extremely limited speaking times) and their words are overwhelmingly excluded from the official UN records.

**A Rhetorical Analysis of Our Words at the UN**

Testimonies evince both/neither identities by *simultaneously* communicating a U.S. national belonging *along with* a deep-rooted sense of dislocation from the U.S. nation-state. At the same time that petitioners raise their arguments in opposition to the U.S. as a governing power and entity over Guåhan, testimonies also push toward recognition within a framework of U.S. democratic rights and citizenship. In contrast to this framework that draws *connections to* and *belonging with* the U.S., there is a stark opposition when testimony discourse dislocates Chamorus from the U.S. and the umbrella of discussions on sovereignty, land, language, and resources. Testimonies express political and cultural types of *dislocation from the U.S.*, while also gesturing toward political and cultural *belonging with the U.S.*

**Political dislocation** is communicated by the petitioners' discussion of their lack of full voting rights and their disenfranchisement from the sources of political power in the United States Federal Government. Belonging is expressed through references to citizenship, and Guåhan's political

representation within the U.S. Congress. **Cultural dislocation** is described in the testimonies when petitioners address loss of language, loss of land and being closed off from key areas of the island; petitioners also address the dislocation from their cultural practices and traditions that results from Americanization. At the same time, belonging to the U.S. culture is a discursive element found in the testimonies. These dislocations should be understood in conjunction with both/neither identities, since petitioners often express dislocation as a characteristic of the contradictory status of Guåhan as “both” an unincorporated territory of the U.S. that “neither” fully fits as a separate specificity. Below, I explore political and cultural dislocations through a textual analysis of the testimonies presented from 2005-2013.

### Expressing Political Dislocations

Petitioner statements deploy several rhetorical tactics and engage various themes, including: identity formation, self-determination, militarization, and political participation. Testimonies craft and create language of advocacy, and petitioners bear witness to the effects of U.S. colonization and militarization occurring in our homeland while at the same time articulating the need for indigenous control over political status and ancestral lands. These testimonies carve out a moment in time, where the petitioner’s words give voice to the grave situation that is either silenced or ignored by mainstream media discourse.

In the testimonies, Chamorus tend to associate by surname, clan, and village. This not only helps us convey personal identity to others living in the island and throughout diasporic communities, it also sustains kinship networks by communicating self in relation to other Pacific Islanders. Similarly, in UN testimonies Chamorus identify themselves in relation to their roots first, and then situate themselves within the decolonizing mission of the UN. As part of their introduction, petitioners often acknowledge the UN committee and specifically recognize the Committee Chairperson. This discursive move aligns with the Chamoru cultural framework of *inafa’ maolek* where one practices *manginge’*—the expression of respect and honoring of persons of authority. Chamoru testimonies predominantly use the term “administering authority” as opposed to “the United States.” By naming the U.S. in this way petitioners discursively construct Guåhan as an island controlled by a foreign entity while also positioning the U.S. within the terrain of UN vocabulary for non-self-governing territories.

In testimonies, Chamoru petitioners situate themselves as indigenous supporters of self-determination for Guåhan. From 2005-2013, only a small number of petitioners were not of Chamoru heritage; these individuals identified themselves following much of the same format as other Chamoru petitioners. This move signals the primary rhetorical tactic of identity formation, where “frames” function as interpretive packages that activists develop to mobilize constituents (see: Benford, 1993; Snow et al. 1986; Snow & Benford, 1988; Tarrow 1998). Petitioners utilize frames that construct injustice for Guåhan as a result of U.S. colonization and the planned military buildup. Identity frames also strategically distinguish the opposition, by depicting antagonism through “us

versus them” tactics (Hunt, Benford, & Snow, 1994). This rhetorical strategy of identification unites followers and weaves commonalities within a movement. As a result, the testimonies strive to construct a common ground and collective Chamoru identity but these efforts are often contradicted by the simultaneity of testimony appeals for inclusion with the state and international bodies to administer rights.

Petitioners create identity through the strategic deployment of the Chamoru language and provide a distinctive vernacular discourse. These tactics highlight the impact that U.S. policies have on the culture, language, and identity of the Chamoru people. Cultural practices provide continuous reminders of an identity distinct from that imposed upon a group; among such practices are the culturally grounded discourses that construct ties of solidarity. Gerard Hauser (1999) argues that such discourses are “*recursive social action whose continuity provides stability to national identity while simultaneously promoting instability within the larger society*” (p. 114). This observation is relevant, as I follow that pattern in identifying the complex performance of dissent alongside national belonging. While Hauser’s point focuses solely on “national” identity, this phenomenon parallels the both/neither identities in Guåhan. Hauser’s discussion of vernacular discourse also aligns with indigenous perspectives of their own colonization experiences.

The testimonies also appeal to the UN by asking for support on implementing a decolonization agenda for Guåhan. In this way, petitioners use discourse that places focus on external sources of support. This externalization of power for Guåhan’s decolonization efforts also demonstrates the contradictory nature of both/neither identities. For example, Chamorus petition to the framework of international law, appealing to it as the source and guarantor of their inherent rights to self-determination. This contradiction continues as testimonies, call for action from the public interests of the UN constituents even though the UN provides no direct representation for Guåhan within the international body. Taken together, these rhetorical maneuvers also signal the petitioners’ appeals for inclusion with the UN while simultaneously articulating a distinct position as an autonomous indigenous collective.

### **Speaking About Self-Determination**

Petitioners argue that self-determination, which the U.S. has repeatedly denied to Guåhan, is a right established by international law. The testimonies assert that the UN must act on behalf of Guåhan to eradicate this injustice. UN Charter XI articles 73 and 74, expressly command the UN and Administrative Powers to work toward decolonization and self-determination for the NSG territories (UN Charter, 1945). Guåhan petitioners expressly interpret the UN’s obligations under Charter XI that self-determination must be given priority and direct action within international legal proceedings that grant Chamorus their established political right (Aguon 2010-2011; M. Perez, 2005; S. Perez, 2008). Other areas of the UN legal framework also ground self-determination arguments; petitioners reference General Resolutions 1514 and 1541 and the Declaration on the Rights of Indigenous Peoples to support their claims. Testimonies connect the issue of self-determination with

international law, or emphasize it as a basic part of humanity and the basis for political enfranchisement of the population on Guåhan.

By calling upon power and law to grant self-determination, Chamorus experience a difficult tension as they rely upon a discourse of human rights with the overarching rhetoric of self-determination when petitioning about guarantees codified in international law. In spite of this tension, petitioners utilize discourse of demilitarization to establish a foundation for peacemaking based on inherent rights of self-determination. The testimonies emphasize the problems of U.S. militarization, critique the U.S. as a governing authority, and establish division between the citizens of Guåhan and the U.S. military. These examples reveal the paradoxical tension that occurs when both/neither identities are raised within the UN forum, even as they articulate how U.S. militarization imposes severe restrictions on the collective ability to self-determine. For instance, Leon Guerrero (2008) rooted her call for self-determination within the lineage of Chamoru activists who have stood in opposition to the U.S.:

I fight the same fight that took the lives of Ron Rivera and former Senator and founder of *I Nasion Chamoru* Angel Santos. Our message has been loud and clear – the Chamoru people of Guåhan deserve to exercise our basic, inalienable human right to self-determination. (p. 7)

This statement establishes a collective identity of Chamorus by using “our” to signal the common history and goal of self-determination that many Chamorus have died fighting for as well as point to the long itinerary of struggle.

Other petitioners argue that U.S. militarism presents a constant barrier to self-determination. The U.S. military already controls approximately 33% of Guåhan lands today (Lutz, 2010). The military build-up plans to take additional land hence increasing U.S. military occupied lands to a total of 40%. The DOD plans originally included seizing 2,200 acres in the ancient historical and sacred Chamoru village of Pãgat to build a live firing range complex (Natividad, 2012). Against this backdrop, petitioners make their case against the build-up by focusing on the physical costs of the military, on the people, and the loss of land including fauna and flora (Alvarez, 2011). Testimonies apply a discourse of dislocation that combines militarization with these physical barriers to land access. In the excerpts, Chamorus retell the legacy of displacement from their natural environment by directly associating U.S. military presence with land-grabbing and negative impacts ranging from health to self-governance (Natividad, 2011). For example, Guåhan residents are not eligible to receive compensation for radiation exposure resulting from atomic testing during 1940-1960 (Natividad & Kirk, 2010). This grave health condition was caused by U.S. military presence and exacerbated by a lack of direct involvement from the U.S. government to remedy its own catastrophe. By communicating the harsh reality of the colonial condition imposed on Chamorus, Natividad (2009) exposes the duality of American presence and its adverse effects on the people. This testimony also

conveys Guåhan as an autonomous island area even as it critiques overt military occupation and “U.S. military presence” that has led to political dispossession. As Tiffany Naputi Lacsado (2006) explains:

The sum effect of U.S. cultural hegemony and militarism is to permanently deny Chamoru people our long and uphill struggle for self-determination. The military buildup we speak of today,...is the latest act of negligence and abuse on the part of the US as the official Administering Power of Guam. (p. 15)

This testimony illustrates both/neither identities as she explains that the U.S. military buildup directly contradicts Guåhan’s inherent right of self-determination. As she critiques U.S. hegemony and identifies actions “on the part of the U.S.,” her testimony distinguishes the U.S. from Guåhan and the “Chamoru people.” This discursive move also establishes a collective “we”-identity for Chamorus in opposition to U.S. militarization, while concurrently identifying that the U.S. is the “official Administering Power” over Guåhan. Others condemn the U.S. as the “Administering Power” over Guåhan by contrasting collective human rights with the effects of militarization. As Sabina Flores Perez (2008) states, “this military buildup of Guam goes against the Administering Power’s moral and legal obligations to protect our human rights” (p. 14). These testimonies exhibit both/neither identities by referring to U.S. as the “Administering Power” of Guåhan, while simultaneously exerting a collective indigenous population with an inherent right to self-determination. Petitioners also use the term “Administering Power” to launch critique against U.S. colonial control over the island and the impending military buildup.

The Pacific Islands have long been described as small and seemingly insignificant by Western discourse. As a result, Guåhan is often entirely removed from the dialogue and vision of U.S. politicians. Petitioners challenge this silence by discursively naming the situation of U.S. colonization in Guåhan and critiquing U.S. security policy. Their testimonies also place the U.S. denial of political participation among their central concerns, and rhetorically construct dislocation as a means of voicing opposition to U.S. militarization and security discourse.

Petitioner statements discursively depict the dilemma of *militarization without representation* by questioning the centrality of American “security” concerns in the Pacific. The U.S. dominant discursive elements maintain the primacy of hegemony and security, which Chamoru testimonies resist by referring to Guåhan as a “colony” or a “colonized” space (Aguon, 2006b; Aguon, 2012; Baza, 2011; Bevacqua, 2013; Calvo, 2011; Cristobal, 2010; Lacsado, 2006; Natividad, 2012; S. Perez, 2006; T. Torres, 2012; Won Pat, 2011). By labeling Guåhan in this way, petitioners discursively construct the island as a physical space under continued U.S. colonial control in the twenty-first century (Natividad, 2012; T. Torres, 2012). As Dr, LisaLinda Natividad (2012) explains, this colonization is deeply resisted by Chamorus:

Our resistance to the increased military presence on Guam is rooted in an exploitative relationship with the U.S. military. Militarism has historically been used as the

imperial hammer that ensures the suppression of Guam's colonized peoples. As one of the longest colonized peoples in the world, Chamorros have experienced the ill effects of militarization for many centuries. (para. 9)

The phrase "our resistance" provides a means to rally the indigenous population against the "imperial hammer" of the U.S. military, and offers historical context for contemporary resistance to militarization (Bevacqua, 2010). This testimony sharply criticizes the ongoing legacy of colonization bore out of Guåhan's "exploitative relationship" with the U.S. By deliberately naming colonization, the testimony shifts away from conceptions of Guåhan as a marginal territory that sustains the U.S. military agenda. Instead, it calls attention to the island as a colonized geographic space that merits urgency in U.S. and international political arenas in order to challenge the common sense of U.S. military governance and work toward self-determination.

### *Seeking Justice in Political Participation*

Chamoru petitioners also argue that they are left without political representation as a result of U.S. colonization through militarization. Testimonies establish collective identity by arguing they are a population threatened by increasing military presence that will push them further into the fringe of political participation within their own island's decision-making processes. These testimonies parallel the warning from Epli Hau'ofa (1998), who discusses that the colonially created countries of the Pacific region who, if acting alone, "could indeed 'fall off the map' or disappear into the black hole of a gigantic pan-Pacific doughnut" (p. 392). Against the West's minimizing discourse of the Pacific that denies the peoples ability to create their own spatial reality, Hau'ofa (1993; 1994) recalls the cultural history of Oceania and the mobility and border crossing of contemporary Pacific Islanders. This mobility disregards national borders and carries an expansion of the Oceanic world that critiques Western constructions of space (Kempf, 1999).

In a similar fashion, Chamorus work to avoid being classified in an "empty space," where U.S. hegemonic dominance considers the island world of the Pacific as isolated and diminutive in order to justify colonization of lands and peoples (Hau'ofa, 1998). Instead, as these testimonies illuminate, there is a possibility for Pacific Island peoples to create coalitions and express oppositional discourse to continuous control and imposed authority that characterizes island spaces within national boundaries. Broadening the scope to create solidarity with other populations, the petitioners act in concert and raise rhetorical devices to collaborate with efforts against U.S. colonization and militarization throughout the Pacific.

Still unresolved in 2014, the concern for human rights is repeated by petitioners who link the military buildup to the political exclusion of Chamorus arguing that political rights and self-determination are inextricably entwined (Pangelinan, 2008; S. Perez, 2007; S. Perez, 2008; Torres, 2012; Naputi, 2012). The testimonies also often critique the double standard of U.S. voting rights and citizenship, by arguing that electoral and constitutional rights to self-determination should only be

granted to the native inhabitants and their descendants as prescribed in the 1950 Organic Act of Guam (Aguon, 2012; Alvarez, 2011; Cristobal, 2010; Natividad, 2012; C. Perez, 2008). The right to vote in a self-determination plebiscite should not be extended to “transient” military personnel or Guåhan residents who do not meet the legal basis for participation in a vote for self-determination (Cruz, 1996; N. Torres, 2012).

As one petitioner statement argues, the buildup will have a detrimental effect on local island politics since “US troops have a US Constitutional Right to participate in Guam’s local elections. If this is an example of US policy regarding local governance, then Chamorro self-determination is gravely endangered” (S. Perez, 2008, p. 14). Here, Perez (2008) separates the U.S. military and Constitution from the local, Chamoru population. This excerpt illuminates the double-standard of both/neither identities placed upon Guåhan as a result of its political status as a non-self-governing territory. Although residents of Guåhan are U.S. citizens, their political agency is jeopardized by the U.S. Constitution, which prohibits voting in U.S. presidential elections and full representation in the U.S. Congress. As Michael Tuncap (2008) explains, the lack of political participation for Guåhan is a problematic and unjust situation linked to race:

We, the people of Guam, recognize that race continues to define the boundaries of the nation and the constituents of a militarized territory. Why are the American people in the Mariana’s denied the right to vote? Why are there American bases in Guam if the people lack political voting rights? What role has race played in the political relationship between the United States and their Chamoru territories? (p.12-13).

Tuncap (2008) positions the people of Guam as “American people” while simultaneously referencing the island as a constituency of another nation—people of a “militarized territory.” This communicates the both/neither identity paradox for Guåhan and positions the lack of voting rights alongside the topic of American bases to demonstrate how the U.S. military and government discriminate against Chamorus. These testimonies also reveal the both/neither concept in political discourse, such that the U.S. military buildup stands to take precedent over local government and decision-making.

Arguments for redress are persistent across Chamoru testimonies, made evident by the connections drawn from self-determination to political participation, and to citizenship. Lacking self-determination, Chamorus assert a both/neither identity that hinders other areas of political power making. This dislocation affects the entire political spectrum: Guåhan’s elected officials, Chamorus enlisted in the U.S. military, and civilians both in diaspora and at home. Particularly revealing is the direct impact that a lack of self-determination has on how Chamoru petitioners discuss these effects in the UN. Testimonies are rife with discourse that points to limitations and political dislocations endured by the people of Guåhan, where even locally elected politicians are at the disposal of the U.S. territorial politics. Elected officials reveal the complexity of contestation as a member of the

Guåhan government positioning demands at the UN. Local politicians articulate their opposition to colonization by criticizing the U.S. government for its double standard of democracy, historical atrocities inflicted during World War II, and the ongoing oppression and injustices caused in Guåhan.

Governor of Guam, Eddie Baza Calvo, directly indicts the deafening silence from the U.S. regarding war reparations and responsibilities for atrocities it has committed in Guåhan. His testimony calls attention to the plight of Chamorus during World War II who “endured slavery, occupation, murder, and genocide,” and positions Chamorus as a collective people who have suffered but not yet received the same recognition as their “fellow Americans” (Calvo, 2011). These examples reveal both/neither identities by locating Guåhan within the realm of U.S. governance and responsibility, while simultaneously situating Chamorus as a people not quite the same as “Americans.” Testimony from local government officials also mirrors the tenuous geopolitical relationship between Guåhan and the U.S. Calvo’s testimony, along with other elected officials, occurred just a few weeks after he convened the Guåhan Commission on Decolonization for the first time in about a decade (“Decolonization meeting held,” 2011). Within this context, Guåhan politicians used their UN testimonies to call for self-determination and overtly critique the U.S.

On the heels of the acting governor’s sharp criticism of U.S. silence and inaction toward decolonization, Dr. Judy T. Won Pat, Speaker of the Guam Legislature testified about the problems of the U.S. colonization. Speaker Won Pat (2011) argued that Guåhan’s inhabitants have had to bear “witness to economic exploitation and political oppression by the incumbent administering power” (para. 4). This testimony petitioned the UN to take action to ensure the fundamental rights of self-determination for Chamorus, and to ensure that deciding their own political status is “not impeded or otherwise influenced by the administering power” (para. 2). This testimony directly critiques the record of injustice against inhabitants of Guåhan by the U.S. federal government.

Collectively, testimonies from members of the Guåhan legislature exemplify their political displacement and the legacy of Chamoru dislocation from the U.S., and from other inherent rights to political redress. Traditional political alternatives for voicing grievances and appealing to federally elected representation do not fully apply to Guåhan, because their U.S. Representative is denied legislative voting rights. Therefore, locally elected officials in Guåhan are often among those who petition at the UN. These testimonies are powerful examples of how Chamoru both/neither identities complicate the process of political power making, even for the local elected officials. Compounding this dilemma, the testimonies illustrate how colonization and military encroachment have resulted in political dislocations that continue to hold Guåhan in a precarious position between local, U.S., and international arenas. These testimonies also construct political dislocations that carry overlapping layers of disconnections, particularly about how Chamorus are culturally displaced.

### Cultural Dislocations: Striving for *Inafa' Maolek* Among Decentered Chamorus

Testimonies push toward *inafa' maolek*, the Chamoru cultural concept of restoring harmony or order. Literally translated into “to make” “good,” *inafa' maolek* is said by Chamoru scholars to be the foundation of Chamoru culture and is based on the assumption that mutual respect must prevail over individualism (K. Aguon, 1993; Cunningham, 1992; Department of Chamorro Affairs, 2003). Therefore, if “there was once a state or condition that was somehow altered, perhaps by an act of commission or omission, that must be restored to its original state or condition” (“Inafa' maolek,” n/d, para. 1).

This desire for harmony entails six traditional Chamoru values of *respetu*, *manginge'*, *mamahlaho*, *chenchule*, *che'lu*, and *påtgon* (Department of Chamorro Affairs, 2003). The views of *inafa' maolek* are described in terms of reciprocity and the significance of practicing mutuality over individualism within social contexts in the broader community as well as the nuclear family (Cunningham, 1984).

Although petitioners cycle through decolonization proceedings year after year, often repeating their organizational structure and communicative strategies within their testimonies, it is this very format that ties the movement to rich cultural tradition and sustains the efforts against colonization. Beginning their testimonies by recognizing the UN governing body and identifying themselves as Chamorus connected to their family clan and to the island (as either diasporic populations, or local inhabitants), the petitioners demonstrate *respetu* (respect for family and community) and *manginge'* (respect for authority, elders, offering of reverence) for their place in the Chamoru history and culture and for the UN authority. Their statements also reflect a shared sense of *che'lu* (sibling relationships) and *påtgon* (children as communal responsibility), when petitioners claim the importance of their kinship networks among Pacific island peoples and take collective responsibility for caring for the future generations of their island population.

While I argued at the outset that the standardized format for testimonies could be problematic, I can also see how testimonies reflect deeply-rooted cultural practices that clear paths for petitioners to reinvigorate their discourse against enduring silence, displacement, and the legacies of colonization and militarization that otherwise supplant Chamoru culture. Lacsado's (2006) petitioner statement makes a strong case for restoring balance and recentering Chamoru lives that have been disconnected for so long:

Borrowing from our sister American colony in the South Pacific—Samoa, there is an ancestral belief system that is based on a “Sacred Center.” Sa moa means “sacred center.” It is the belief that all things begin and lead back to a “sacred center.” This belief is shared throughout the Pacific and is based on a Pacific epistemology. It is a belief that, like a ring has no beginning and no ending but at its core lays the respect for the land and the family unit. As U.S. cultural hegemony and the military taint the

land, the bloodline, the mind and the spirit of Chamorus and other Pacific Islanders, we become increasingly disconnected and displaced from that 'sacred center.' (p.14)

This testimony articulates a collective identity for Chamorus by aligning them with other islands, positioning Chamorus as the sister kin to Samoans. This discursive move also includes noting the similarities between Samoa and Guåhan as colonies that both belong to "America." Yet, as Lacsado explains this colonial belonging to the U.S., she also carves out the Pacific as a distinct space with a specific worldview. Arguing that the "sacred center" represents respect for land and family and is a shared belief among indigenous peoples from the Pacific, the testimony contrasts this cosmivision with U.S. forces that infect "the land, the bloodline, the mind and the spirit" (p.15). These discursive tactics mark the U.S. nation-state as the catalyst for dislocating and damaging Pacific lands, peoples, and cultures and removing them from their sacred spaces.

Testimonies also chart the legacy of the Chamoru culture and the history of Chamoru petitions for decolonization and self-determination at the UN. In tracing this history, many petitioners build connections with the surrounding community by rhetorically constructing a unified voice, expressing cultural dislocation as a result of colonization. This rhetorical construction is achieved through the use of "we" language and terms that convey unification of the Chamoru community members. When petitioners discuss "our island," Chamorus were constructed as occupying a collective space. When petitioners refer to "the people of Guam" and "our people," they construct Guåhan as a place with a unified people. This use of "we" language is a common way to create identification with the audience; yet this discourse creates a paradox whereby any substance is definable only in terms of what it is not, such that it is "an identification by which he [sic] both is and is not one with that with which and by which he [sic] is identified" (Burke, 1969). This identification paradox of being simultaneously "both" and "not" generates collective motivation while negating individual motives; it functions by simultaneously inviting identification while denying participation.

Relating this phenomenon to identity framing in social movements, the Chamoru decolonization movement demonstrates a complexly layered effort to establish identification among movement actors while outwardly struggling for a sense of place within nation-state centered categories of political identity. The political status of Guåhan as a "U.S. unincorporated territory" is at once a defining characteristic of Chamoru identity, and simultaneously an area of critique within Chamoru struggles to self-determine. It is within this bounded area that movement frames of Chamoru indigenous identity often employ contradictory rhetorical strategies in their efforts to align collective identities against the U.S. While enhancing a range of identities is a focal point of social movements, for the Chamoru decolonization movement this range of identities encompasses a wide spectrum of both/neither classifications. As testimonies indicate, the spectrum of rhetorical construction of both/neither identities includes: American, U.S. citizen, colonized, dispossessed, indigenous, Chamoru, and local. These identity markers highlight the expansive nature of Chamoru identity articulations that simultaneously strive to create an "us," while being riddled by the seeming

impossibility of characterizing Chamoru identity apart from the U.S. In the movement's effort to create a collective Chamoru "us" identity that opposes the U.S. "them," petitioner statements still articulate themselves as *both* part of the U.S. while remaining *neither* quite the U.S. nor totally separate from it.

This identity paradox also has implications for the movement appeals to the UN as an institutional power and arbiter of indigenous rights. By striving to explain ourselves as separate and distinct from the U.S., Chamoru petitioners rely upon the international framework of the UN that is itself paradoxically situated within the terrain of international law and the U.S. as a member state with veto power. The U.S. government also objected to the UN Declaration on the Rights of Indigenous Peoples and has not ratified it. This is an international charter that Chamoru testimonies have used to ground their arguments for self-determination as a people. Despite the burgeoning number of international charters asserting the rights of indigenous peoples, this framework of laws is still limited in its implementation and accountability at the level of the nation-state (Kittikhoun & Weiss, 2012). While Chamoru organizing at the local level is moving toward the indigenous framework of representation and recognition from the UN, these efforts still yield uncertain consequences at the national level of U.S. governance. Furthermore, despite raising their voices at the UN, Chamorus have yet to see political gains or any trickle-down effect from the UN institutions to the U.S. and ultimately to the local political landscape of Guåhan.

Against these identification paradoxes, petitioners achieve collective motivation by rhetorically constructing a homogenous audience of Chamorus and a collective understanding of the island of Guåhan. However, because political elites are often detached from the people (Black, 1970), the petitioners' strategy of creating identification with the UN audience is complicated by their own ever-present both/neither status in the testimonies. This both/neither status functions against the petitioners' ability to persuade the UN to take collective action against colonization. While it invites identification among Chamorus and the broader UN audience, it also denies participation from the U.S. which bears responsibility for its colonialist actions.

The simultaneity of both/neither identities is also revealed in the way that testimonies contrast the dislocations caused by colonization against their rhetorical construction of community and collective sense of place throughout the Pacific. Testimonies reference and identify their Chamoru experience in relation with other islands and peoples connected throughout Oceania. Building these ties reflects the historical lineage of seafaring as a communal practice across the Pacific islands. These discursive connections navigate the Chamoru experience of colonization out of the periphery of U.S. dominant discourse and recenter their struggles within the purview of the international arena. This discursive tactic is essential for peoples throughout the Pacific and Oceania, who must exercise caution to avoid creating divisions and instead heed Hau'ofa's (1998) words: "If we do not exist for others, then we could in fact be dispensable" (p. 396). With this command,

Hau'ofa calls upon peoples of Oceania to maintain community and strong relational ties for one another.

Chamoru testimonies also traverse the history and heritage of the island and the region, often drawing from their cultural experiences and incorporating the Chamoru indigenous language. The Chamoru language represents a culturally grounded discourse that draws attention to the identity and solidarity of the indigenous people of Guåhan. While the Chamoru language is recognized as one of the official languages on the island and is used on government documents and websites, the language is threatened by extinction within the next generations (J. Aguon, 2006a, p.55-56). Under these circumstances, Chamoru language usage is a principal component of the resistance conducted at the UN, and it functions as a tool that Chamorus wield to assert their inherent right to self-determination as a people. This linguistic and cultural identity is placed in stark contrast to the hegemonic U.S. identity that is connected to forces of military buildup, environmental degradation, displacement, and cultural erosion.

In their statements from 2005-2013, petitioners use the Chamoru language to displace the normalcy of U.S. governance and to establish a case for self-determination, to call attention to the purpose of testimony, and to give appreciation for the opportunity to address the UN forum on the foremost problems relating to Guåhan. Senator Vicente Cabrera Pangelinan (2008), a member of the Guåhan Senate, and Governor Eddie Baza Calvo (2011) each offer an example of vernacular discourse in their testimonies. Pangelinan (2008) begins by stating:

*Ginen y anti y espiritu yan y man fotna na taotao Guåhan na hu presenta este na testimonu, yan u fan libre y taotao pagu.* It is from the soul and the spirit of our ancestors that I present this testimony today for the liberation of the people. (p.6)

Meanwhile, Governor Calvo (2011) closes his testimony with the following words:

*Kao siña un ayuda ham ni' ManChamoru. Kao siña un rikoknisa i direchon-måmi para in-din-tet-minan maisa. Ayuda ham humago' i guinifen-måmi. Manespisiåt ham. Mambanidosu ham. ManChamoru ham.* Thank you for the opportunity to speak on behalf of the people of Guam. (para. 8)

Here the Chamoru language provides unifying identity among indigenous petitioners, even as it distinguishes Chamorus from the extended audience of the UN members. This phenomenon is evidenced throughout most of the testimonies where petitioners' use of the Chamoru language calls attention to their cultural identity and indigenous heritage. These linguistic choices are purposeful, yet the testimonies are never presented completely in Chamoru. Petitioners tend to quickly revert to speaking in English as they explain the purpose of their testimony and express their appreciation for the opportunity to address the UN forum. In this way, petitioners demonstrate an inclusive stance

toward the UN and assimilate to the English language in their testimonies while simultaneously incorporating their indigenous language.

The format of using the Chamoru language during greetings, expressions of gratitude, and closings are typically followed by the English language translation. This style of language usage mimics the Chamoru cultural tradition and practice of recognizing elders by *fanginge'*, a tradition of showing respect to elders by kissing/sniffing their right hand or *âmen*, a term used with small children when directing them to kiss the hand of the elder (Department of Chamorro Affairs, 2003). In a similar fashion, Chamoru petitioners pay their respect to the UN committee by extending a greeting and acknowledgement of those around them (See: Tuncap, 2008; Quinata, 2010; Torres, 2012). From these examples, vernacular discourse can be seen as creating unity as well as peaceful division.

Testimonies also employ another remarkable strategy by articulating how U.S. colonization has provoked displacement from the Chamoru language and culture (Bevacqua, 2013). While many testimonies incorporate the indigenous language, others such as Meg Roberto's (2009) detail how the U.S. has prevented Chamorus from learning their language:

I'm what you might call a success story in the colonizer's handbook. I've been educated by one of the best universities in the world. I speak English with no recollection of my mother tongue. A child dispossessed and told to believe in the power of assimilation. This is the pathway to success, I am assured [sic]. Not only have the colonizers of Guåhan assured me of this, but my family as well. I am a success story of the United States colonization of Guam. (M. Roberto, personal communication, February 28, 2013, para. 3).

This testimony communicates dispossession from Chamoru cultural roots as a means of achieving "success" through "assimilation" with the United States. By doing so, Roberto (2009) expresses both/neither identities by positioning herself as thriving only because she has assimilated to the U.S. Her testimony communicates the contradiction for Guåhan, in which Chamorus achieve a U.S. identity but it is characterized by a lack of connection with their Chamoru language and culture. Even as Guåhan is considered "both" part of the U.S., expressing this U.S. identity for Chamorus means they must simultaneously deny their own identity and accept their precarious "neither" position.

These forty-four testimonies from 2005-2013 represent a number of important layers of communication activism and oppositional discourse to the U.S. Although the testimonies evince dislocations, this phenomenon of being displaced or incapable of being located is similar to the difficulty of finding Guåhan on a map. The lack of place and the disconnections found in the testimony documents also parallels the material conditions that Chamorus endure on a daily basis. These both/neither identities are the byproduct of hundreds of years of colonial control, and represent the insidious effects of U.S. silence toward its oppression of the people of Guåhan.

### Evaluating the Limits of the United Nations

The Chamoru movement's engagement with the UN has not translated into success in terms of achieving political rights or sovereign status. By directing public attention in an issue-specific and temporary manner, the UN operates within the established format of national public spheres (Habermas, 1962/1989). Yet, the UN lacks the institutional power to compel nation-states to act, and its international laws have historically lacked enforcement mechanisms (Fraser, 1997; 2009). The problems of enforcement mechanisms connect with the primacy of the ideal of absolute sovereignty for nation-states (Mater, 2001). This phenomenon can be better understood when considering that the UN, has historically dominated the process of decolonization and social movements.

Through legal bureaucracy, constitutional lawyers and their categories of analysis have diverted attention from the main outcomes of decolonization (Bertram, 1987). The enforced norms of discourse and for UN hearings seriously hinder the deliberative potential for witnesses who enter the forum as activists for social change. Similar observations have been made regarding the limitations of U.S. Congressional hearings; controlling mechanisms can include the content of hearings as well as the modes of expression (Brouwer, 2001). The UN does not afford any decision-making power to petitioners, and a major obstacle remains their inability to "directly participate, through voting, in the final determination of policy proposals" (Brouwer, 2001, p.93). From this understanding of the transnational forum of the UN, we can better understand the limitations and possibilities it offers for Chamoru self-determination as a movement that utilizes peaceful means for achieving its decolonization goals.

This case demonstrates some limits to a transnational frame. The Chamoru movement directs oppositional discourse to the UN, yet thus far this move has only seen diluted results from the Special Political and Decolonization Committee that often aligns with U.S. territorial interests. By utilizing the UN as a medium for communicating opposition to the U.S., the Chamoru movement is positioned within a transnational political arena and subjected to human rights violations, colonialism, and nationalism from these institutions. Such positioning for indigenous rights struggles is troublesome because it reflects an appeal to the global logic of nations and peoples, and necessitates dependency upon a nation-state or transnational structure to guarantee particular rights (Aguon, 2012; Stade, 1998).

Skepticism exists toward appealing to conventional means for achieving decolonization for Guåhan. Some contend that the decolonization question should not be asked solely in standardized terms set out by the UN, international treaties, laws, or U.S. conceptions of democracy (Camacho & Monnig, 2010). On the one hand, the UN testimonies represent a forced choice for Chamorus who have been continuously denied recourse by the U.S. Conversely, by turning to the transnational public of the UN, self-determination efforts are positioned within standardized international discourse that

lacks the decision-making authority needed to transform opinion formation into concrete political influence.

Despite the creation of international laws with enforcement policies, international regimes, and transnational agreements, the issue of decolonization has yet to be addressed in UN international governing documents. Thus, building the case for decolonization and self-determination through the UN presents an uphill battle when U.S. interests so heavily saturate the transnational forum. Although the UN has provided a place for Chamorus to voice concerns and facilitate opinion formation, they still lack voting rights and direct action capacity with regard to the U.S. violations of international law. While the appeal to transnational entities holds the promise of authority, the case of the Chamoru self-determination movement demonstrates the limits of such engagement. As a result, the Chamoru decolonization movement requires new methods of engagement in the struggle against political exclusion. Heeding this call is necessary for maintaining a critical and political edge to the struggles for emancipation, and the promise of self-determination.

### **The Ambivalent Promises of the United Nations**

Recognizing the concept of both/neither as it maps onto UN testimonies helps understand the discursive constraints operating within Chamoru testimonies. While the majority of UN testimonies are somewhat limited in their ability to effectuate change toward decolonization for Guåhan, I argue that the process is not completely futile. As a site, the UN has the potential to be a unique type of discourse that carries both thick and thin forms of human rights vernacular. Because the UN has not been overrun with militarizing and securitizing rhetoric, there are many productive possibilities for change and decolonization. Understanding the identity struggle of Chamorus and the implications of their testimonies within the paradoxical framework of the UN self-determination process demonstrates that the efficacy of testimonies depends on overcoming the metanarrative of “America/Americanness.” Furthermore, petitioners must recognize how to rhetorically construct their demands within a forum that carries a number of structural and temporal limitations. These uncertainties of Americanness and institutional limitations are areas of critique that I have raised with regard to how testimonies function. While Chamoru both/neither identities must grapple with the overarching metanarrative of “America” in terms of national belonging, militarization, and human rights—it is this very spectrum of discrepancies that provides opportunities for Chamorus to assert a collective identity in opposition to the U.S. nation-state.

The institutional limitations of the UN forum are further complicated by the limitations that Chamorus face in relation to the United States Federal Government. The lack of full political representation and participation counteracts the promise of utilizing other avenues to petition. The Guåhan representative lacks voting rights, which hinders direct engagement with political channels. Furthermore, using the format and forum of the international governing body of the UN to hold the U.S. accountable remains a dead end for many groups seeking redress and recognition. Thus, the metanarrative of America/Americanness hinders the efficacy of Chamoru testimonies at the UN. Our

testimonies would be more effective if they strive to find ways to distance themselves from “American” rhetoric. Doing so will help avoid the metanarrative of America that seems to thin out the discourse of human rights.

Appealing to the U.S. within the UN framework adds up to robbing the emancipatory potential of the UN as a unique platform for Chamoru decolonization efforts. Instead, testimonies need to be more radical in their discursive approaches. Perhaps one manner of discursive opposition would be for petitioners to give testimony that does not allude at all to the U.S. control over Guåhan or reflect the both/neither concept within its communicative tactics. Instead of presupposing that Chamorus can only be understood *in relation to* or *with the U.S. nation-state*, the testimonies could more radically challenge the prefiguration of Guåhan as a necessary component of the U.S. (in terms of security, military, economic purposes). In all of these ways, the UN affords a paradoxical rhetorical opportunity for testifiers to represent the demand for decolonization and work toward finally fulfilling our inherent right to self-determination.

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**An Appraisal of Self-determination  
Under International Law**



**JULIAN AGUON**

# An Appraisal of Self-determination Under International Law

Julian Aguon

## Abstract

Discussions about self-determination on Guam are often clouded by opinions that have nothing to do with the laws that protect this right. Thus, “An Appraisal of Self-Determination Under International Law” defines both self-determination and who holds the right to self-determination according to international law. It works to counter the often inaccurate and dangerous rhetoric surrounding this important issue and clearly shows how, “opinions about the law are not the law.”

The imprecision let loose on this island in discussions regarding our future options under international law has now reached a danger point where writers schooled in the subject, like myself, must battle as we have never done before to will some perspective from the rubble. In these high-stakes times—when the chips we are gambling with are children, coral reefs, limestone forests, cultural legacies, whole imaginations — writers are called upon to do more than use words; we are called to wield them. And in a time when words have been so methodically drained of meaning, it is irresponsible, if not indictable, to be imprecise.

The current haphazard flinging around of words on the subject of self-determination, in particular, is rife with danger. Indeed, the parade of opinions regarding the right of self-determination – what it is and who holds it – has reached a deafening roar. We can hardly hear ourselves think. But in the end, opinions about the law are not the law. Moreover, self-determination’s legal parameters are already well demarcated on key points in international legal instruments, by international jurists, and through the practice of states. Distortions nurtured in Guam will not change the meaning of self-determination in international law. Sadly, though, they might confuse some in the colonized population, and others of good faith in the general population, with respect to the nature of the international norm on which the future of Guam is entitled to be grounded. My clarification here is addressed to them.

From the outset it must be emphasized, given aggressive assertions to the contrary, that the liberating principle of self-determination has nothing whatsoever in common with the ugly history of racial privilege. Self-determination is not principally a race-based issue. Second, the concept of self-determination is not a purely political, as opposed to legal, construct such that the power of the day can bend its meaning to its every political machination. In law, right is meant to restrict might. In reality, the norm of self-determination, i.e. principle and right, inhabits a particular politico-legal

domain whose post-war shape and contours are generally recognized in both the international jurisprudential literature and, to a less consistent extent, the practice of states. More, self-determination is generally counted as one of those few exalted, or *jus cogens*, norms of contemporary international law that can only yield, if at all, to another equally exalted norm. These points are elaborated below.

### **What is the content of the right of self-determination?**

From the founding of the United Nations at the end of World War II until today, the international community has had to address the plight of colonized peoples, and later of indigenous peoples. Early in this period, it concluded that the situation of colonized peoples could be corrected only if they became formally vested with the right of self-determination. In fact, the UN Charter itself, being both a political compact and an organic document, asserted that the principle of the self-determination of peoples is the very foundation on which a new interstate system dedicated to the peaceful settlement of disputes and the outlawing of war is to be built. Later UN instruments, as well as the ensuing practice of states, then took on the task of delineating and elaborating on the right of self-determination itself.

Thus, the Charter's Article 1 calls for the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." Article 55, for its part, commands UN member-states to promote, among other values, "universal respect for, and observance of, human rights and fundamental freedoms for all." More specifically, Article 73 commands, in relation to the rights of peoples in non-self-governing territories like Guam who have not yet attained a full measure of self-government, that states administering them "recognize the principle that the interests of the inhabitants of these territories are paramount." Moreover, the Article continues, these Administering Powers accept as a "sacred trust" the obligation to develop self-government in the territories, taking due account of the political aspirations of the people. Toward this end, subsection (e) of Article 73 commands Administering Powers to submit annual reports to the United Nations on the steps they have taken and the progress they have made to move the territories toward self-government.

The first UN instrument to formally announce the right of self-determination is the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, also known as Resolution 1514, which explains that "[t]he subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation." The Declaration then laid down this by the now classic formulation of the right of self-determination: "All peoples have the right of self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." While General Assembly declarations and resolutions are not in themselves binding, they do engender binding propositions of customary international law to the extent that they either illuminate and record the position of the international community on any given legal subject, or elicit states' adherence to their

provisions. The International Court of Justice (ICJ) in its 1975 advisory opinion in the *Western Sahara* case confirmed as much when it relied heavily on General Assembly resolutions to establish basic legal principles concerning the right of peoples to self-determination.

Several later major international instruments, whether called conventions or treaties, subsequently contributed to the elaboration of the substance of the right of self-determination. Both the International Covenant on Civil and Political Rights, and the companion International Covenant on Economic, Social and Cultural Rights, (known collectively as the 1966 Human Rights Covenants) enshrine self-determination as a right of all peoples. Approved by the General Assembly in 1966, and legally binding as of 1976, these treaties bind those countries that ratify them. The first article of each of the two Covenants, identically worded, repeats the classic formulation of the right quoted above, thereby establishing beyond doubt the right's fundamental importance in the international architecture of not only interstate relations but also human rights law.

Finally, the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States, also known as Resolution 2625 (XXV), likewise re-iterates that all peoples have the right to determine their political status without external interference, and further specifies that every state has the duty to respect this right. Unlike the 1966 Covenants, which bind only those states that ratify them, Resolution 2625 is considered a datum of customary international law binding on all countries.

A number of commentators, likely desirous of limiting the right of self-determination so as to preserve the current distribution of power in the world, argue that the right of self-determination has two dimensions – internal and external – with differing mandates, yet fail to produce a single instrument of international law to date that sets out this bifurcation. These commentators depict internal self-determination as the right of a people within a state to “democratic” participation in government. They identify external self-determination, in contrast, as a people's right to reject alien subjugation, typically in the contexts of colonization or military occupation. While this framing of self-determination has been challenged in the academic literature, the debate in any event has no bearing on the non-controversial proposition that the exercise of self-determination in a non-self-governing territory necessarily includes, indeed highlights, the external element. That is, a colonized people is entitled to the full, unequivocal and, need one add, scrupulously above-board opportunity to throw off colonialism via a plebiscite that offers voters the full spectrum of political status choices possible, from forms of incorporation, through forms of free association, to full independence.

The recent characterization of the situation in New Caledonia as expressive of a new “fourth” expression of self-determination is misleading. While legal and political developments in that territory have yielded yet another example of how a particular people might construct a multi-step process to achieve self-determination, the current situation in New Caledonia is not, and has never been held out, not even by the interested French party, as the end-product of a self-determination

process required by the UN. Indeed, under the 1998 Nouméa Accord, the Territorial Congress of New Caledonia is to call a plebiscite after 2014 on independence, which is hardly a new status in international law. The conflation by some commentators of the international norm of self-determination with interim arrangements of self-governance dangerously misrepresents the existing international law parameters of decolonization. Dangerous because the colonizer is always all too happy with the confusion that allows self-governance, a lid, to be mistakenly acquiesced to when the colonized have all along been entitled even to outright independence.

### **Who holds the right of self-determination?**

Having dealt with the “what” of self-determination, it is now time to deal with the “who.” Textually, “peoples” are the collective “who” endowed with the right of self-determination. But who are “peoples?” Or, as the question is often framed in Guam: Who is the “self” in self-determination? While there is no definition of “peoples” in international law, “peoples” for purposes of self-determination have historically been understood as those living under the yoke of alien, colonial, and/or racist domination and subjugation. In other words, these peoples were seen as suffering a grievous and unlawful injury inflicted on their collective being by outsiders. In consequence, they were entitled to the redress of “re-determining” themselves.

Through much of the 20<sup>th</sup> century, international law had little to say one way or the other on the issue of the right of self-determination of indigenous peoples as indigenous peoples. The latter were, when attended to at all, typically conflated with minority groups enclosed within states. The historic 2007 United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) changed this. It explicitly recognizes that the classic right of self-determination also covers indigenous peoples. That said, it is important to note here that, under international law, colonized peoples and indigenous peoples are not necessarily one and the same. Where, as in Guam and New Caledonia, the colonized population at the onset of colonization also features, today, as the relevant colony’s indigenous people, it would seem evident that the latter’s right to self-determination is weighted with a double *gravitas*, so to speak, in as much as redress means the recovery of independence as well as of indigeneity, as spelled out in the UNDRIP.

In light of the latest string of editorials about self-determination in the local press, which has resurrected the deceptively simple phrase *Chamorro-only vote*, it has become clear that one of the most important issues to be settled before all else in Guam today is the issue of who gets to vote in a future self-determination plebiscite here. Some, it should be noted, seek to racialize and so prejudice the issue by phrasing the question as: “Is it impermissibly racist or otherwise illegal to limit the electorate (those eligible to vote) to *Chamorros*, as the term is presently envisioned in Guam law, i.e., 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?”

The correct approach, it is submitted here, requires us to understand that, for purposes of self-determination, *Chamorro* is a history-based, not race-based, designation. Put another way, international law is not here concerned with blood and ancestry but with providing a people with redress, i.e., a remedy, for a historical wrong: the wrong of having been denied by others the right to exist, as they once did, on their own terms. Hence the legally significant set of questions in the colonial context is: who has been harmed by colonization so as to be entitled to the prescribed cure of decolonization; when did the said harm occur; and, has the harm been cured?

Turning to the case of Guam, international law scholars with whom I have discussed our situation conclude that though no single date for the onset of colonization of Guam has been incontrovertibly established, the most plausible date would be as early as 1898, when Guam was ceded by Spain to the United States under the Treaty of Paris. In no event could the date be later than 1946, the year Guam was placed on the U.N. non-self-governing territories list. Thus, only those persons (and their descendants) living on the island on the date chosen may be considered victims of colonization. The ethnic composition of this group of persons, in this case predominantly Chamorro, is legally irrelevant for purposes of the decolonization remedy to which they are entitled. International law and practice is quite clear on this point. Incredibly enough, some commentators heard here have had the temerity to assert that the U.S. Constitution requires a color-blind compilation of the electorate that will cast ballots in Guam's self-determination vote when it is the very reach of the U.S. into Guam, U.S. Constitution and all, that would be assessed in the vote. It appears these individuals do not know international law's provisions for decolonization for they seem to forget that the anticipated self-determination act falls under the aegis of international, not U.S., law.

In 1980, the General Assembly adopted a resolution calling on member states to prevent migration to colonial territories lest it frustrate the colonized population's eventual exercise of self-determination. In its *Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, the General Assembly instructs that member states "shall adopt the necessary measures to discourage or prevent the systematic influx of outside immigrants and settlers into territories under colonial domination, which disrupts the demographic compositions of those territories and may constitute a major obstacle to the genuine exercise of the right to self-determination and independence by the people of those territories." This language indicates that, to the extent that new populations, ethnic and otherwise, are "let in" to the colony by way of the colonizer's control of immigration, said populations are not deemed to be part of the colonized polity and thus neither they nor their descendants are entitled to the right of self-determination which is, in the colonial context, the remedy for the injury of colonization.

Further still, in Resolution 2625, the General Assembly instructs that the physical territory of a non-self-governing territory "has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall

exist until the people of the colony or Non Self-Governing Territory have exercised their right to self-determination in accordance with the Charter, and particularly its purposes and principles.” This language further indicates that the United States, as Guam’s Administering Power, cannot first exploit its control over Guam’s immigration to flood the island with its own non-colonized expatriates, or even third-party settlers, and then claim that every person residing in Guam is entitled to vote in a decolonization plebiscite.

The international community has previously repudiated a similar proposition advanced by French parties in Kanaky/New Caledonia. There, France had argued for years previous to the 1998 Nouméa Accord that all French citizens who had moved from France to Kanaky/New Caledonia had the right to vote in any self-determination referendum in the colony. Denying them the vote, it said, would be tantamount to discrimination, forbidden, it continued, by France’s Constitution, laws and, it claimed, the International Covenant on Civil and Political Rights (“ICCPR”), which bars racial discrimination.

In 2002, in the case of *Gillot et al. v. France*, the Human Rights Committee, which is the treaty body created by the ICCPR to monitor its implementation, addressed the issue of voting restrictions placed on a class of residents of Kanaky/New Caledonia. The case involved French citizens who failed to meet qualifications for voting in future referenda as set out in the 1998 Nouméa Accord executed between representatives of France and the Kanaky independence movement. Both of whom, in the process of negotiating the Accord, made several political concessions to the other on the matter of the composition of the electorate. Said French citizens brought the case to the Committee under the Optional Protocol attached to the ICCPR. The Committee – in explaining that a referendum to effectuate a colonized people’s right of self-determination is not to be likened to ordinary elections – adopted the reasoning that it is in the very nature of a self-determination referendum that it should be “limited to eliciting the opinion of, not the whole of the national population, but the persons concerned with the future of a limited territory who prove that they possess certain specific characteristics.” Such a “restricted electorate,” it ruled, did not violate the treaty’s anti-discrimination provisions because these must be read in the first place to harmonize with the ICCPR’s own Article 1 highlighting the right of self-determination.

The Committee noted that such voting restrictions work to “ensure that the referendums reflect the will of the population ‘concerned’ and that their results cannot be undermined by a massive vote by people who have recently arrived in the territory and have no proven, strong ties to it.” The French claimants were challenging, among other referenda provisions, a 20-year residency requirement for voting. The Committee found that the cut-off points set for the referendum of 1998, and for referenda from 2014 on, were neither discriminatory nor excessive in as much as they were in keeping with the nature and purpose of these ballots, namely a self-determination process involving the participation of persons able to prove sufficiently strong ties to the territory whose future is being decided. The Committee summed up its view as follows: restrictions on the electorate

in the 1998 Noumea Accords are not discriminatory but instead based on “objective grounds for differentiation that are reasonable and compatible with the provisions of the Covenant.”

Closer to home, the General Assembly has repeatedly taken up what it terms the *Question of Guam*, and has frequently stated that it is the Chamorro people – and not the registered voters of Guam in general – who hold the right of self-determination. As stated earlier, international tribunals, including the International Court of Justice, take judicial notice of such General Assembly pronouncements.

Finally, a last word on the charge that limiting the electorate in any future self-determination referendum in Guam to *Chamorros* would be unconstitutional vis-à-vis the U.S. Constitution. This charge prominently displays the failure, so prevalent in the U.S. and U.S. influenced territories, to reach for international law to help solve a problem that is clearly international in nature. Beyond the cynicism inherent in the call to conform a project of potentially separating from the U.S. to U.S. law, the failure marks a chilling conceptual inability in the American imagination to see the world in any light other than what the American establishment has shone.

**Trongkon Niyok -  
A Symbol of Settlement, Survival,  
Sustainability and Self-Determination  
for the People of Guahan**



**MOÑEKA DE ORO**

# Trongkon Niyok - A Symbol of Settlement, Survival, Sustainability and Self-Determination for the People of Guahan

Moñeka De Oro

## Abstract

For any people living in the tropical or subtropical regions of our planet, the coconut tree is an invaluable source of vitality. The *niyok*, or coconut in Chamorro, is sustenance for most Pacific islanders. It is the tree of life. The very first peoples to come to the Marianas some three thousand years ago brought the *Niyok* with them on their outrigger canoes. Since then, the plant has housed and nourished our people through drought, famine and war. On Guahan today, the local community has neglected the *niyok's* uses and a nasty invasive species has threatened its survival. Using the multidisciplinary lens of cultural ecology and indigenous storytelling, this article will first examine the role of the *niyok* in the Chamorro peoples' initial settlement of the remote western Pacific archipelago. There is a wide breadth of indigenous knowledge surrounding the innumerable uses of the *niyok* that has enabled the survival and progress of Chamorro people. Celebrating this knowledge is the second goal of this research endeavor, which will also show how efforts to perpetuate our culture and sustain our resources are acts of self-determination. Much like what is needed to realize decolonization, protecting our vital resources requires an immense educational campaign and achievable action plans at the community level. The final goal of this article is to critique the current response to Guahan's rhino beetle infestation and to provide solutions that will protect the *niyok* for the island's future generations.

## Introduction

A white sandy beach is lined with coconut trees swaying with the gentle trade winds. This picturesque scene is typical of the Pacific islands, including those in Micronesia. For thousands of years, coconut trees have provided island people with an assortment of goods, food and shelter, earning the title, "tree of life".

Sadly, in September 2007 a biological pest was discovered in Guahan that threatens to eat the life out of this tree. The rhinoceros beetle or *Oryctes rhinoceros* was first reported in the tourism center of Tumon. Hundreds of thousands of visitors flock to Tumon every year to enjoy that postcard

island scene described above. Rhino beetles, as they are commonly known, basically eat coconut trees alive. Eight years after the initial discovery of this pest, at two of Guam's most popular park's — Ypao Beach and Asan Beach Park — the abundant rows of tall coconut trees, which lined these beaches, were chewed to death by the rhino beetle, leaving government officials no choice but to cut them down.

Rhino beetles have been detected in all of Guam's villages and one local news report stated that the scarab could completely devastate the coconuts on Guam in as little as 30 years. (Sablan, 2013, p5) It is a sad state of affairs if a resource that was vital in the settlement and survival of these islands by our ancestors is threatened. A call to action is necessary for every man, woman and child to protect the coconut so that it may be enjoyed for generations to come.

On Guahan, we do not need to look far to see the environmental, social and cultural benefits of decolonization. Our Micronesian brethren in the Commonwealth of the Northern Mariana Islands, Federated States of Micronesia and Palau have all exercised this important human right. As a result, they have done much better at safeguarding their native languages and conserving their natural resources for the future. Americanization and militarization have ravaged Guahan since post World War II. The political capital Hagåtña is unrecognizable to the manámko who once lived there, and the tourism center of Tumon barely has any native Chamoru landowners left. Additionally unfortunate is that the millions of tourist who flock to Guahan rarely leave with goods or souvenirs made with native resources such as the *niyok* or crafted by native hands, even if the products are labeled "made in Guam".



Figure 1- Photo from PDN article on Coconut trees getting the axe. Ypao beach Park in Tumon September 2013.

**“Land is our lifeblood. Land is our protector. Land is our mother”**

**-Frances Ona, King of Meekamui**

The coconut tree is a sacred and powerful symbol for all island people. In Bougainville Island, in the Melanesian archipelago of the Solomons, the *niyok* is attributed as the source of the successful uprising for independence from Papua New Guinea (PNG). Known as the “Coconut Revolution,” the people of Bougainville used jungle guerilla tactics to close down environmentally harmful mineral mines owned by Australian companies in the mid-to-late 1980s. A decade-long blockade enforced by the PNG government forced the people of Bougainville to return to the land. Years of armed violence and the lack of food and medicine led to the death of nearly 15,000 people by 1994. Gardening and farming became a necessity of life to sustain the people. The indigenous Bougainvilleans became innovative. In order to survive, they planted crops for food and medicine, and they reengineered cars

and electric generators to run off of coconut oil and hydropower. The efforts of the Bougainville Revolutionary Army (BRA) were coined to be “the first eco-revolution”. (Rutherford, 2000) Frances Ona was the leader of the BRA for several years until he died in 2005. He renamed Bougainville Island to Meekamui, which translates into “sacred”. (Rutherford, 2000) It is unlikely that the Chamorro people will need to use armed force to exercise their political or human right, however, there are many lessons on sustainability and self-determination in the wider Pacific region (such as those from Meekamui) that we can draw inspiration from.

In Western culture, where scientific thought is bred from, we engage with our surroundings in analytical and deductive manners. The scientific method, which can often times disconnect people from the environment is celebrated and has become the standard in classrooms across Micronesia. Much work needs to be done to interject native ways of knowing back into our school systems. For many native and indigenous people, land is viewed as sacred. The connection people have to their environment is not emphasized enough in our modern western education models. For first peoples, the land like Frances Ona stated is holy and is something we rely on, connect with and revere. Instead of seeking to understand or profit from nature’s forces, indigenous peoples honor them. Throughout the world, indigenous peoples have lost land and subsequently languages to outside influences and capitalistic pressures. For educators on Guahan and in the Micronesian region, it is imperative that we teach our children about the sacredness of life, all that threaten it, and what can be done to protect it.

### I Tinituhon - The Initial Island Settlement

According to the Chamorro creation myth, the Marianas and the world were born from the supernatural powers of a brother-and-sister spirit — Puntan/Pontan and Fu’una/Fona. This legend reflects deep meanings of the Chamorro society. It demonstrates the importance of the relationship between siblings in protecting the family and its land assets, and it also sets up the matrilineal system that was practiced. Master Chamorro chanter, Leonard Z. Iriarte, used a simple linguistic analysis of “Pontan,” which means old coconut. *Pontan* in Chamorro is the perfect phase in the coconut’s life for transoceanic travel and propagation in a new land. In the Chamorro language, Fo’na (the corrected linguistic derivative of Fu’una) translates to the “first”. In this analysis of the creation story, the coconut is an allegory of the supernatural spirits that the first settlers in the initial colonization revered. This deep symbolism embedded in the



Figure 2 A section of the “I Tinituhon Creation Myth Mural” in the southern village of Umatac, Guahan. The mural was painted in 2013 by the

new land. In the Chamorro language, Fo’na (the corrected linguistic derivative of Fu’una) translates to the “first”. In this analysis of the creation story, the coconut is an allegory of the supernatural spirits that the first settlers in the initial colonization revered. This deep symbolism embedded in the

coconut tree and hidden in the myth showcases a perception that all peoples' existence is grounded in the natural world. (Hattori, Guampedia, 2012)

Some 3000-to-4000 years ago, intrepid deep sea voyagers explored and settled these Pacific islands. What drove them from their homes to the vast and open ocean is a mystery. Perhaps their environment was changing, making life difficult; maybe they were pushed out by conquering and competing forces; it could be that these brave people had the inherent urge to wander the world. A synthesis of all these explanations is the most compelling. On their sea faring vessels, the brave explorers brought tree crops such as coconut, breadfruit and bananas, pandanus, as well as a distinct pottery style.

When people came here, why they came, what they brought and where exactly they came from has been of great academic interest for all Pacific islands. Much of our understanding of the peopling of the Marianas and greater Micronesia is based on the sciences and the humanities. Linguistic evidence suggests that they are Malayo-Polynesians from the Southeast Asia region.

In the text *Traditional Micronesian Societies*, the author pieces together and highlights inconsistencies and gaps in the archaeological and botanical records, and uses linguistic and cross-cultural social patterns to conjure our peoples' migration to Micronesia. Glenn Petersen denotes, "widespread movements from island to island accompanied by continuing contacts and connections among islands" lead to the development of different languages and cultures. There are many unique similarities seen throughout the Micronesian region. Our communities "reflect patterns of both divergence, caused by a degree of isolation, and convergence brought about by continued interactions". (Petersen, p40) Islanders throughout time have learned to live by the greatest ocean. The ocean has the power to connect and isolate us at once.

Most Pre-Latte settlements in the Marianas depict concentrated coastal settlements. Both the archaeological record and the Chamorro creation myth indicate that the people had to work together to settle and survive in the islands. Since the first brother and sister arrived to the island, the people developed a unique language and culture centered on values of reciprocity (*chenchu'le*), generosity (*geftao*), harmony and cooperation (*inafa'maolek*). Figure 2 depicts the sibling spirits looking over our people, with the *niyok* at the center as an offering from the sister spirit to sustain our people and give us life. It conveys the importance of the coconut tree, which has always been a valuable resource that provided food, shelter and sustenance.

### **Niyok, Lemmai yan Famalao'an siha- Survival and Progress in Micronesia**

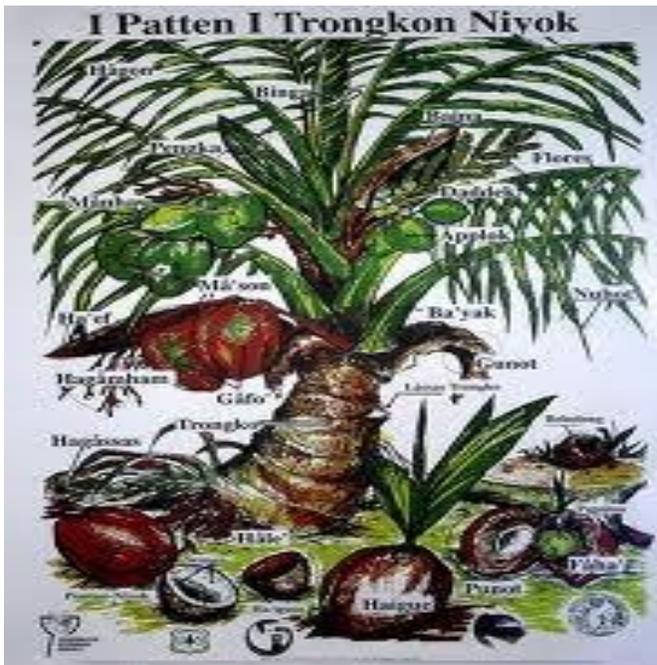
Although the focus of this article is the *niyok*, an equally ecologically and culturally significant tree for Micronesians is the *lemmai* or breadfruit. As the populations in the regions grew, new foodstuff were either created or introduced to meet the demands of these subsistent and hunter-gather societies.

Approximately 2,600 years ago, the successful hybridization of the salt-intolerant unseeded breadfruit *A. altii* of Eastern Micronesia with the endemic salt tolerant seeded *A. Mariannensis* found in the Marianas and Palau brought immense cultural changes. The consequences of this productive food stuff are innumerable. Glenn Petersen infers that the “Breadfruit Revolution” coincided with a flourishing cultural period in the archaeological record across the region.<sup>1</sup> With this new food stuff,



**Figure 3 J.A. Pellion from Freycinet’s Voyage depicts how coconut fibers were important in making ropes and nets for Chamorro fishing communities.**

societies grew, became more complex and stratified. A new architectural phenomenon occurred — the latte stones in the Marianas emerged along with the stone pillars of the Nan Madol in Pohnpei.



**Figure 4 The Parts of the Coconut Tree poster resource created by the Chamoru Studies Division of the Guam Department of Education**

Megalithic relics also appeared in Palau and Yap during this time period. By focusing on the dispersing and prevalence of the breadfruits in these subsistence island economies, we come to understand the innovation and the interconnectedness of Micronesian peoples.

Another factor that makes Micronesia a cohesive area is the prevalence of matrilineal social structures of modern peoples. The importance and centrality of women’s lineages are fundamental to Micronesian life. Women are the vital links that maintain social organization within communities and connections to their clans in other islands. The attempts to trace matrilineal practices and origins and track their applications and

<sup>1</sup> Petersen acknowledges that the “Breadfruit Revolution” analysis is a “simplification of a multitude of more complex processes”. To that end, this very analysis falls prey to the same aversions. However, it does not make these assertions less relevant or significant.

expanse are fruitful. A Chuukese husband eloquently stated that his wife “is the outrigger to his canoe”. (Petersen, 2011, p 94) Women in the Marianas today are at the forefront of both issues of environmental conservation and self-determination. These types of pre-historic and cultural similarities in our region also need to be highlighted in classrooms across the region. There is so much that is shared throughout time and space in this region that more educational resources about Micronesian history, culture and environment need to be developed to create a more cohesive political and economic unit. The more interdependent on trade of goods and services our islands are, the easier it will be for us to build a more self-reliant, sustainable and culturally relevant future. Guahan is seen as the cosmopolitan and economic center of Micronesia. Leaders must do more to reconnect and strengthen our ties to our island brethren throughout our oceanic region.

### **The Role of the *Niyok* in Decolonization**

Decolonization can be seen as a spectrum of personal and community choices to be healthier and to strengthen our cultural identity in the face of hegemony. The *niyok* and many other plants have helped to heal and prevent illness in the Micronesian region for generations. Many changes have occurred both culturally and environmentally due to the impacts of colonization. Post World War II modernity has brought innumerable transformations to the diet and lifestyle of the Chamorro people. Today 90% of food is imported to the island of Guahan. Fishing, hunting and farming are no longer necessary for survival. Modern conveniences and the loss of land have disconnected the people from the environment. Many Chamorros on the island no longer have land to call their own. The federal and local government own about 50% of the island and Chamorro families only own less than 20% of the remaining real estate. Additionally, in regards to the land, there are many toxic sites from military waste that have also attributed to the high rates of cancer. According to the Pacific Island Health Officers Association, non-communicable diseases (NCDs), including obesity, cancer, cardiovascular disease, stroke, diabetes, depression, injury, and arthritis and gout are at epidemic levels for United States Affiliated Pacific Islands. (Board Resolution #48-01, Declaration of Health Crisis in the Pacific 2012) There are more dialysis treatment centers on the island than there are community gardens. Perpetuating native wellbeing is essential to the healing of the land and of the people. It is preventative care. Returning to a more indigenous way of being is a long-term solution for sustainability of island resources and the health of our people. Celebrating the native knowledge surrounding our natural resources such as the *niyok* will undoubtedly nourish our bodies, minds and spirits. The following section looks at the *niyok's* historical significance and traditional uses that Chamorros can implore today for economic endeavors as well as cultural sustainability, preservation and development.

### **The Tree of Life- The Many Traditional Uses of the *Niyok***

Islanders have relied on the *niyok* since the moment they came to the islands. Every single part of the tree has a name and use. The knowledge held by the islanders was noted by Europeans explorers. Many of its uses were recorded by French explorer, Louis Claude de Freycinet during his 19<sup>th</sup> century expedition to the Marianas. The husk was important in making sennit cords or rope used



**Figure 5** Acho' achuman a chumming fishing tool that used coconut shell, meat and coconut sinnet.

as they were laid out on the sand and used as a ramp of sorts. The dried coconut husk, *puñot*, is used in composting materials, and when it is burned, the smoke repels mosquitoes and other pests. The shells can also be used as fishing instruments, serving bowls, or cups. The spine of the leaves or *ha'iguas* can be collected and used to make a broom. (Aguon, Tolentino, 2012, Guampedia.com)

*Acho' achuman* is a noteworthy fishing technique using the coconut shell or *ha'iguas* and the meat or *sensen*, which are placed together with a chumming sinker tool usually made of smooth limestone rock known as the *poio*. An example of the fishing tool was excavated at Asan Beach Memorial Park. (Tolentino, Guampedia.com, 2012)

One family in Luta/Rota is known to continue the practice of this fishing technique that requires a lot of time and patience. A fisherman or woman would essentially feed fish in a deep sea hole and slowly lure fish to shallower depths in the same location over a period of about a month or longer. The closer the fish got to the

in everything from fastening sails and outriggers to canoes, thatching roofs to huts, and fishing nets. Coconut fiber rope has qualities that make it very strong and resistant to rotting, even in water. It may have been used in stringing shell jewelry made of *Spondylus* and turtle shell such as the *guinahan famagu'on*, or children's wealth necklace. The leaves were woven into an assortment of baskets in different sizes and shapes serving a variety of functions including *katupat* (rice pouch), *hagug* (a large container for food transportation) *balabag* (medium sized container carried at the hip and used with a cover), *guagua'* (fishing basket), hats, *guafak* or floor mats and an array of other goods used daily. The wood from the trunk or *trongko'* can be used in the construction of huts. The base of the leaves, or *hayak* were also important in

transporting canoes from the land to the ocean



**Figure 6** A man in Saipan picking copra in the 1920's.

surface, the easier it was to catch them using a net. The aforementioned family in Rota can trace their *Acho' achuman* tools back nine generations, and are very guarded about their fishing spots. (John S Castro Jr., personal interview, November 22, 2013)

The coconut meat is used in many dishes like kelaguen for flavor, and it is used to make milk. *Alaguan*, an ancient dish, is still made today using coconut milk and rice that is often fed to the sick and young children. It is evident through historical documents and its extensive use by *Suruhanu/a* herbal healers that coconut has been very important. The milk can be used to make cream, butter and oil. Coconut oil has many nutritional and medicinal values. Simply rubbing warm coconut oil or *lãñan niyok* is said to relieve someone afflicted with a mild stomach ache. *Manha*, or the meat and juice from the young green or orange coconut, also have many beneficial properties for health. The topical application has many skin benefits. Depending on how the oil is processed, it is also a more nutritional agent in cooking as it is free of polysaturated transfat. The *hale'*, or roots of the orange species, treats diarrhea. The *dadek*, or premature baby *niyok*, can be used to treat respiratory ailments. *Tuba*, or fermented sap, is a digestive aid and helps to produce breast milk for nursing mothers.

*Binaklen tuba*, or vinegar, can treat stings and the *fãhã*, or heart, and promote reproductive health. Another medicinal use of the coconut is using the charcoal from the burnt shell to alleviate toothaches. The shells are often used too in the mixing and administering of other herbal remedies. (Emilio Ayuyu personal interview, February 22, 2014)

Early European colonizers set up copra industries throughout the Micronesian Islands. In the early 20<sup>th</sup> century, the German and the Japanese colonial powers in the Northern Marianas planted copra plantations as far north as Sarigan, Alamagan and Pagan. Copra plantations were found on Guahan in Inapsan, and Ritidian. (Aguon, 2011, Guampedia.com) In the last few months leading up to WWII, when Japanese Imperial forces were most brutal, coconut trees became a primary source of nourishment as families were cut off from food rations. Japanese forces also used the trunks of coconuts for booby traps in the American landing beaches along Agat and Asan.

Throughout the course of people living in the Marianas, *niyok* has always been an important part of life. However, today, coconut products such as oil and milk are imported and sold in stores, so the necessity for the new generations to understand how to use the resource is lacking. Traditional knowledge is still intact with the older generation and should be used by modern day Chamorros. Tapping into this wisdom is an essential task for cultural perpetuation. As a community, we must make commitments to use the *niyok* resource before we lose it. The rhino beetle has been in Palau

since WWII, but Palauans still rely on the coconut, so they manage their trees much better. Part of decolonization is learning and practicing the many uses of the *niyok* and ways to sustain the resource in the face of the rhino beetle epidemic. The *niyok* has the potential to bring about economic growth, which can help us to realize that we do not need any parent nation to sustain ourselves.

Exporting and marketing to visitors a Guahan brand of coconut oil, coconut sweet treats and products made from the juice, meat, leaves and shells need to be explored. Coconut is a balanced food and is incredibly trendy in the healthy and wholesome food market. Cars and generators can be reengineered to run off coconut oil, thus reducing our dependence on imported energy sources. The coconut and many other natural resources found in the Marianas should be explored and used to market. The less dependent we are on imported goods, the less reliant we are on our colonizers. Decolonization occurs when the people practice self-reliance and are empowered not by the promise of profit and development, but by sustainability and cooperation.



Figure 7 A Guahan made coconut oil product from a young entrepreneur.

#### Education, Eradication and Action — Response to the Rhino Beetle and Self-Determination

“For Chamorus what knowledge is more valuable, the wisdom found above or below the neck?”

- Dr. Robert A Underwood

Western education relies heavily on reading, writing and analysis. The academic process is limiting in that for the most part, it’s a cerebral experience. In order to perpetuate traditional knowledge, a shift of focus on lived experiences and useful innovation must be made. For the first time ever, the University of Guam offered a traditional weaving class in the Fall semester of 2014 as a part of the Chamoru Studies Program. It is not possible to learn about the *niyok* by just reading about it, it needs to be experienced.

Learning can take place in many ways. In order to perpetuate the uses of the *niyok*, students must be prepared to get their hands dirty and get to know the *niyok* on a physical level. Lessons could be based on interacting with the *niyok* in some way, whether it be weaving leaves — *tifok*, or husking the coconut — *kacha’*, or opening and grinding the coconut — *kamyu’*, or cooking oil, squeezing milk, and *tife’ manha* or picking young coconuts. Actions such as these cultivate students’ abilities to sustain themselves and others. They must experience the resource with their whole body, using all their senses.

In the same respect, self-determination cannot be realized by asking our colonizers to give it to us. We must make a concerted effort to educate ourselves and consciously strengthen our Chamorro identity through practicing our traditions.

The devastation of the *niyok* by the rhino beetle since 2007 is unfortunate and obvious. National Park Service's War in the Pacific National Historical Park in Asan is one example of the impacts of the scarab on the coconut trees. Figure 8, is a photo collage of the coconut trees at Asan Memorial Beach taken in the summer of 2013. Many of the trees have since been cut down and removed. The adult beetles bore holes into the crowns of coconut trees and feed on the sap. This is what causes the distinctive v-shaped cuts in the leaves.

Rhino beetles have four life stages: eggs, larvae, pupae and adults. The female rhino beetle lays her eggs in decaying logs and other organic matter. Only adults cause damage. However, it is very important to remove dead coconut trees and other organic material from your yard and surrounding areas before adults develop. Rhino beetles have thrived on Guam as it has no predators on the island. There are concerns that it will begin attacking other trees such as the beetle nut and the breadfruit tree. According to Aubrey Moore of the University of Guam Invasive Species Program, it is highly unlikely that Guam will ever eradicate the rhino beetle. At this point using funds to manage its existing populations and finding economic opportunities for the pest will be a more effective use of funding and personnel time. (Moore, 2013)

A surge of energy from all the people of Guam in the form of community action programs is needed to ensure that these environmental pests are controlled and the *niyok* lives on. There are few community programs and efforts to combat the rhino beetle. The Agana Heights mayor Paul McDonald had some programs for collecting rhino beetle specimens in his village. Concerned citizens in the village of Inarajan are building and sharing bucket traps in order to address the pest. The University of Guam's Invasive Species Eradication Program spearheads the main government response. The program's employees are tasked with tracking, trapping, and developing new methods of controlling the population of rhino beetle for the entire island. But still, more needs to be done. Every village must take part in these efforts.

The beetles were brought to our island with ornamental plants used in the landscaping of hotels in Tumon. There has been no issued apology or commitment to address the situation from the hotel or landscaping industry. Pressuring these businesses to take responsibility can help to fund the comprehensive community-wide response program that is needed to combat the issue. Women, who have always had power in Micronesian communities, need to have a stronger presence in this effort. Many leaders in the environmental conservation field are women. However, the rhino beetle eradication program is mainly staffed by men. The workshops and research reports given by the Rhinoceros Beetle Eradication Project have focused on the rhino beetle and its management. Infusing lessons on the traditional uses of the *niyok* will assist in creating meaningful connections to the

resource and lead to its stewardship. UOG's Center for Island Sustainability, along with various cooperative extension programs, can team together with the Chamorro Studies Program and School of Education in creating a curriculum that can be adopted in all the schools around the island. A more concerted effort from the entire island population is needed to truly safeguard the *niyok*.

Preservation of the *niyok* is vital to the continuity of Chamorro identity. The *tronkon niyok* is a prevalent symbol for the culture. Since the first Chamorro settled the Marianas, the *tronkon niyok* has provided its people with food (coconut meat, coconut juice, coconut milk, and palm shoots), shelter (palm fronds and twine), transportation (wooden trunk), fire (husk and wood) and so much more. The *tronkon niyok* is such a powerful symbol that it is even included on the territorial flag of Guahan. Like the Chamorro people, the *tronkon niyok* has a vast root system that keeps the tree



**Figure 8** Coconut trees damaged by the rhino beetle at Asan Memorial Beach in 2013.  
Photos by Jayanika Lawrence

grounded. Like the Chamorro people, the *tronkon niyok* will bend to the force of the wind, but its flexibility keeps it from falling. The Chamorro people have endured a long history of occupation and colonization, and it is the ability to adapt without assimilating that has and will continue to ensure our survival.

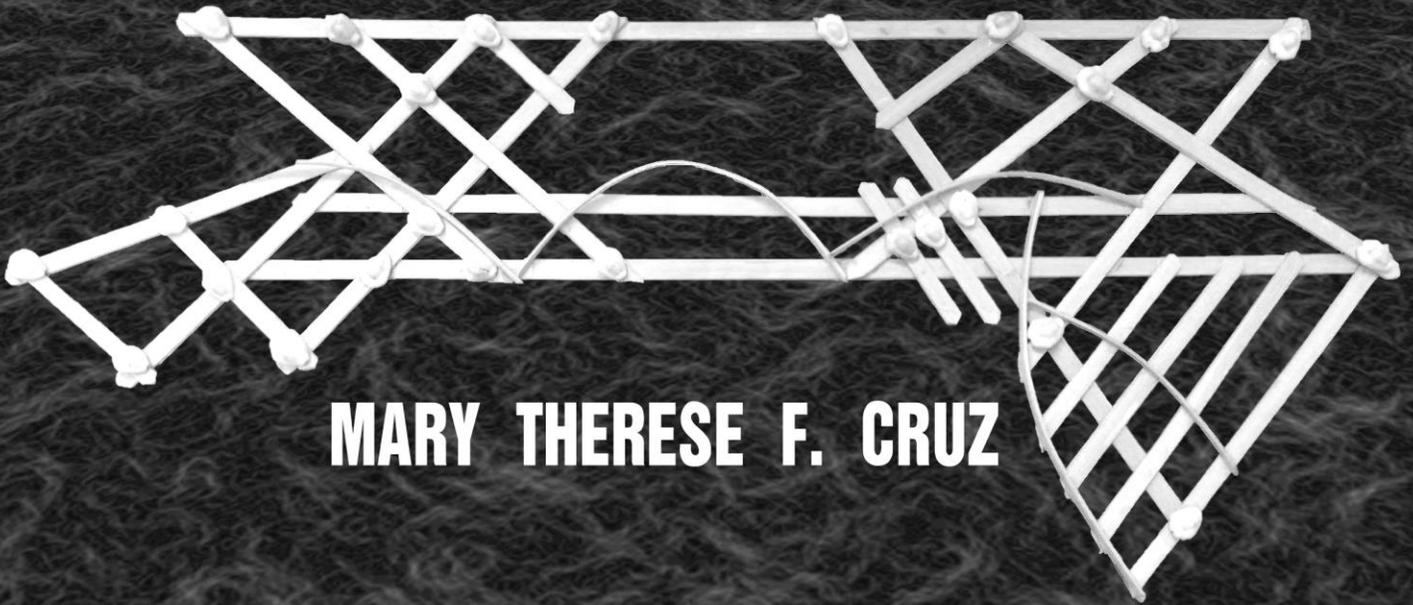
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**Identity and Self-determination  
in Guam: A Chamorro Homeland -  
An American Colony**



**MARY THERESE F. CRUZ**

# Identity and Self-determination in Guam: A Chamorro Homeland - An American Colony

Mary Therese F. Cruz

## Abstract

This paper examines the way that laws have been used to create an identity for the people of Guam that is inherently tied to the American colonial history of the island as a way to make claims for the right of self-determination. The debate surrounding the right of self-determination is centered on the question: who are the decision makers? In 2000, the Guam Legislature passed a law creating a political class of people, “native inhabitants or people of Guam,” as distinct from “Chamorros” who would be eligible to participate in a self-determination vote. This paper discusses the nature of this contested political identity amidst a multiethnic community as a means for negotiating power, rights, and place for Chamorros in contemporary Guam. Growing tensions and shifts in power among the people coupled with issues related to culture and the military highlights the importance of rethinking identity as a narrative for self-determination.

A critical look at Guam’s history reveals the contested nature of identity for the Chamorro people. For many years, Chamorros have had to contend with being a pawn in the larger context of American colonization on Guam, but recent post-war efforts toward greater self-government have led Chamorros to negotiate power through the creation and (re)creation of laws and cultural practices. Although colonization had a hand in creating identities that are often times at odds with each other, the conflict between shifting notions of identity has become evident in law and culture today especially as it pertains to the right of self-determination on Guam. Laws were created as mechanisms to support Chamorros living in an American colony and have been used as a means to achieve greater self-government while situating Guam closer to the United States. This has resulted in a perpetual limbo that dictates that Chamorros privilege their Chamorroness to achieve certain rights and benefits not fundamentally guaranteed to all peoples on Guam—i.e. citizenship and the right to self-determination. Chamorros are a people recognized by law as having been established by history and have used this identity in their struggle to revive culture and language creating an often irreconcilable conflict between nostalgic views of identity and one that is rooted in a specific colonial history.

The island of Guam has been a space of negotiation where both the American colonizer and the Chamorro subject have taken part in the reconstruction and reassertion of identities. Identity is a complex construction of common understanding of a people in a particular place at a particular time sharing a particular struggle. Chamorro identity has, thus, been reconstructed through both political and cultural acceptance and resistance. The idea, however, is to also recognize all the uncertainties, oppositions, tragedies, and paradoxes as part of the history of the Chamorro people and, thus, part of the reaffirmation of a Chamorro identity. This acceptance of a colonial past fused with the recognition of alternate perspectives may shed light on the contested nature of being for many colonized communities and provide insight into the struggle for self-determination for the people of Guam.

How identity is experienced and how it defines itself in relation to different identities is crucial to reconciling the forces that have helped shape identity (Connolly, 1991). By unmasking the impact of colonization, Chamorros are able to establish their own strategies for identity formation and clearly (or unclearly) define who they are. We must, therefore, engage History as it has been established and naturalized and question the forces that have sustained the hegemonic identity. And a look at Chamorro history would uncover the power dynamics that produced the colonial history that shaped identity and in which the domination of the subordinate by the powerful becomes evident. It would also show Chamorro identity as it emerged in response to the encounter and articulate the ways in which Chamorros have made sense of the reality of colonization in order to negotiate their changing identities.

### **The Law and the People of Guam**

The law is intended to be a system of rules that is meant to instill in people a sense of order and equality, but law is also a manifestation and an instrument of power. And for the people of Guam this means a democratic form of law that mirrors those established in the United States. This form of law established by the United States Navy early in their colonization effort was meant to control actions and encourage a level of justice among the local community. It was also meant to ensure a particular kind of behavior in those it is intended for. “Chamorros hit upon an irrefutable argument for civil government. The Chamorros were patriotic. They survived the [war] ordeal. They proved their loyalty. In fact, the Chamorros not only deserved political rights, the U.S. owed it to them...The war experience soon became a hammer to obtain political rights, and, subsequently, to obtain federal funds.”<sup>1</sup> This is the same form of government that Chamorros fought for in the years after WWII. And it is this form of law that continues today. “The law is real, but it is also a fragment of our imaginations. Like all fundamental social institutions it casts a shadow of popular belief that may ultimately be more significant, albeit more difficult to comprehend, than the authorities, rules, and

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<sup>1</sup> Robert A Underwood, “Red, Whitewash and Blue: Painting over the Chamorro Experience” quoted in *Cultures of Commemoration: The Politics of War, Memory and History in the Mariana Islands* (Camacho, 2011, p. 91).

penalties that we ordinarily associate with law” (Feeley, 2004, p. xi). Law on Guam has helped to create in the Chamorro people the citizen subject.

Laws are created through our understanding of our position within the community and in relation to the institutions that govern us. “Forms of knowledge and bodies of information are always particular ways of seeing the world, with particular premises, agendas, omissions and genealogies” (Gilliom, 2001, p. 37). It is these forms of knowledge and bodies of information that aid in the construction of laws. Laws are also “conventions that constitute social life less by dictating or impeding thought than by inviting, encouraging, privileging, and facilitating certain types of interpretive constructions over others. Ideology matters because every way of seeing, understanding, and doing is [also] a way of *not* seeing, *not* understanding, and *not* doing” (Haltom & McCann, 2004, p. 21). And it is through these laws that Chamorros have gained political ground for understanding their place within and in relation to the government of the United States of America. But many of these same laws are also defined by long-standing assumptions about the relationship between the Chamorro people and their American colonizers. Although laws are meant to serve the community, they also make it possible for the community to exist and are, at the same time, subject to the conditions of that community’s existence (Weisbrod, 2002). The Organic Act of Guam signed in 1950 is the most obvious example of this. This undoubtedly paved the way for the eventual emergence of the political identity of the Chamorro. Since then, Chamorros have had to negotiate their place as inhabitants not only of a Chamorro homeland but also of an American colony. As was the decree with the passing of the Organic Act, Guam holds the status of an unincorporated territory of the United States, and Chamorros are identified as “United States citizen.” The relationship between the United States and Guam and between Americans and Chamorros, however, remains tenuous as Chamorros continue to make sense of their colonial past.

This brief overview of the U.S.-territorial relationship may help to shed some light on the problems that continue to arise in this colonial context. Although the territorial clause in the constitution gave power to the United States Federal government to acquire territories and regulate them as necessary, it failed to address the issue of the inhabitants of these territories.

[T]he United States has the right as a sovereign, independent nation to acquire territory or property...The United States does not, however, possess the right to acquire, purchase, own, claim, or dispose of human beings living on that land or real estate. Human beings possess certain natural rights, which no government can rightfully give or take away...To contend that the Constitution (and the Territorial Clause in particular) gives complete power over and ownership of territorial acquisitions and their inhabitants is to treat inhabitants as property to be disposed of at the pleasure of Congress. (Statham, 2001, p. 177)

The right to govern the inhabitants of the newly acquired territories was assumed as being inevitable as a result of the acquisition. Although the people of these territories were culturally and racially different from those in the States, Congress decided to hold on to these territories in hopes of not only expansion but also strengthening its power and defense. Laws were thus made in each case for governing the inhabitants of the territories as they were, generally, powerless in the political and colonial processes. The problem, however, was and continues to be one of defining the relationship between the United States government and the inhabitants of its territories most of whom come from distinct cultural traditions that vary greatly from mainstream American values and principles. Despite these differences, laws continue to be made within the American context in these territories regarding issues of rights and identity.

### **Identifying Laws as a Means of Negotiation**

Because local and federal laws played a prominent role in establishing the island as a colony of the United States, they have also had a major role in the way that Chamorros participate in the community and the (re)imagining of their identities. The people of Guam, as a result of continued injustices on the part of the United States Congress, attempted to change the island's political status. While many Chamorros were proud to identify themselves as American citizens, they wished to be afforded all the rights and privileges that are usually taken for granted by fellow Americans. The political status issue on the island rekindled a sense of Chamorro identity and gave indigenous rights a newfound purpose.

Some Chamorros expressed objection to the continued dominance by Americans and the changes happening around them as a result of over a century of American colonialism. For most of Guam's history, the Chamorro people have been the island's majority ethnic group. They have been *the* island's leaders, educators, citizens, and children, and the plight of the people of Guam concerning self-determination has been that of the *Chamorro* people. In the past twenty years, however, the reality is that the Chamorro population has seen drastic changes. Chamorros are now fighting to develop an understanding of their rights in relation to the rights of others within the community. They are making laws and using the idea of rights to create a sense of unity (or disunity) in the community. Tensions arise when Chamorros claim the necessity for maintaining cultural traditions while recognizing the potential loss within the community.

Chamorros fear that their race will be "swallowed up" in a sea of foreigners, or perhaps even worse, that they will become a permanent underclass in their own homeland. Painful lessons from history of such demographic shifts are all too clear...Chamorros recognize that time is working against them. Unless they achieve self-determination soon, they reason, the odds are that they will not achieve it at all, for their political position weakens with each passing day. (McLauren, 1990, p. 24)

Motivated by the need for survival, Chamorro leaders have asserted their rights in order to protect their identity.<sup>2</sup> This assertion of rights has led to the creation and passage of legislation establishing entities such as the Chamorro Land Trust Commission, Department of Chamorro Affairs, the Chamorro Language Commission, the Guam Preservation Trust, the Commission on Decolonization, the Chamorro Registry Board, and the Decolonization Registry to protect the many interests of Chamorros on Guam.<sup>3</sup> By creating these political institutions for Chamorros, these laws have provided a space for negotiating place and being. These “new political spaces are opening up...and these spaces have become arenas for contesting...change...The existence of arenas or spaces within which...agendas might be negotiated takes place in the context of larger, global changes in which...[Chamorro identity is] being reconstituted” (Buss & Herman, 2003, p. 131).

Leaders set out to clearly define an identity for themselves in order to demand legal recognition and resources that aid in preserving and protecting their culture and their place. But because the law sometimes demands that these groups “deny the very identity that resistance is supposed to assert,” this group of leaders were forced to establish a particular identity that is recognized by the state and the community (Gilliom, 2001, p. 114). Political identities have become a means to dispute, challenge, and reassess the standards of society, and by legally defining identity, a community has an “agreed-upon” standard for evaluating access to rights and benefits. For Chamorros, this meant legally defining themselves as the sole possessors of certain rights to gain access to these rights and privileges but at the same time linking them with a particular political, historical, and colonial premise of reality instead of a cultural or social one.

In 1998, the leaders of Guam attempted to have a Chamorro-only vote that would determine Guam’s choice for a future political status. The island’s Commission on Self-Determination established the need for a plebiscite to determine Chamorros’ preference on a future political status. As declared by Public Law 23-130, all eligible Chamorros would register with the Chamorro Registry Board and then vote in a Chamorro-only plebiscite to determine the future of the island.<sup>4</sup> The intent of the law states,

The Guam Legislature recognizes that the indigenous people of Guam, the Chamorros, have endured as a population with a distinct language and culture despite suffering over three hundred years of colonial occupation...The Guam Legislature, in fulfilling its responsibility, endeavors to memorialize the indigenous Chamorro people by establishing a registry of the names of those Chamorro individuals, families, and their

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<sup>2</sup> For more on the role of rights in the issue of identity see *Governing Out of Order: Space, Law and the Politics of Belonging* (Cooper, 1998) and *A Nation by Rights: National Cultures, Sexual Identity Politics and the Discourse of Rights* (Stychin, 1998).

<sup>3</sup> The laws that created these are as follows Guam Code Annotated Chapter 75, Guam Code Annotated Chapter 87, Guam Code Annotated Chapter 47, Pub. L. 27-89, Pub. L. 23-147, and Pub. L. 23-130 respectively.

<sup>4</sup> The legal definition of the term “Chamorro” states that “all inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and have taken no affirmative steps to preserve or acquire foreign nationalities.” (Pub. L. 23-130)

descendants who have survived over three hundred years of colonial occupation and who continue to develop as one Chamorro people on their homeland, Guam. (Pub. L. 23-130)

As the intent notes, the purpose of the Chamorro Registry is to “educate Chamorros about their status as an indigenous people and the inalienable right to self-determination which they possess.” Additionally, the Registry was intended to remind the United States of their obligation to “the indigenous people of Guam” as an administering power and to increase “local awareness among the people of Guam of the current struggle for Commonwealth, of the identity of the indigenous Chamorro people of Guam, and of the role that Chamorros and succeeding generations play in the island’s cultural survival and in Guam’s political evolution towards self-government.”

Much of the resistance to this law lies in the definition of Chamorro and the right of Chamorros to be self-determining. This law uses a definition of Chamorros that was constructed in historical terms privileging a particular colonial past. It was used as a means for invoking and reaffirming “inherently romantic, even nostalgic images of shared moral community” (Haltom & McCann, 2004, p. 22). Chamorro rights advocates believe that “the right of the Chamorro people—colonized for hundreds of years—to decide how to decolonize themselves shouldn’t be taken lightly...Chamorros have a right to determine their political status, and it’s an important and historical process” (Babauta, 1998b, p. 3). The argument has become one of clearly defining a political identity on the island, but identity for whom?

This identity that was formed within the American political context remained embedded in the same American colonial context that created it. The Chamorro-only vote was postponed indefinitely, but the issue of a political identity remains crucial to understanding Chamorros within the American colonial context. This argument becomes much more complex in the years following this initial legislation creating the Chamorro Registry Board and the Chamorro-only vote.

### **Self-determination for Whom?**

People have generally used law as a means for defining a political identity to gain access to rights. But what happens when this results in a change in the identity of a people? What happens when identity, especially for indigenous people, is no longer tied to a place, but rather tied to a moment in time that was a direct result of events to which this particular group of people had no control? What implication might this have for self-determination? Public Laws 23-130 and 23-147 were the first formal efforts since the passage of the Organic Act in 1950 to legally define Chamorros as distinct from other groups, and through these definitions, tie their right to self-determination to the American colonization of Guam. It is important to note at this point that both definitions of “Chamorro” make no reference to the cultural connections of the people.

In 2000, the Guam Legislature passed another law that would create the Guam Decolonization Registry for the sole purpose of identifying eligibility for a self-determination vote.<sup>5</sup> Public Law 25-106 was passed by the Guam Legislature on March 9, 2000 and enacted on March 24, 2000 without a signature from then Governor Carl T. C. Gutierrez.<sup>6</sup> The intent of the law states that the distinction made for the vote is not one based on race, but instead “based on a clearly defined political class of people resulting from historical acts of political entities in relation to the people of Guam,” and have clearly defined Chamorros based on historical events. This, unlike Public Laws 23-130 and 23-147, omits the term “Chamorro” from the language of the law in favor of the term “native inhabitants” while still referring to them as the sole possessors of the right to self-determination not because they are an indigenous people but because they were historically deprived of the right through colonization. Public Law 25-106 gave the people of Guam—the native inhabitants—the right to participate in a self-determination vote; it created a political identity for all people connected to this history of American colonization rather than race, ethnicity, or culture and separate from those who came to Guam at a later date. The argument around the right to self-determination now centers on the right to belong to a place. All those who identify as a “native inhabitant” can claim rights to this place and thus possess the right to self-determination. For obvious reasons, this definition is problematic. First, the question needs to be asked: Are ethnic Chamorros the same as political Chamorros? This in many ways is contrary to the whole debate on indigenous rights. Second, what rights can Chamorros who were “in the wrong place at the wrong time” claim? According to the legal definition of the term, these Chamorros are not “native inhabitants” and therefore, have no right to self-determination. And last, what claims can be made by people who may not claim ancestral ties to the indigenous population but were on Guam during the passage of the Organic Act and thereby gained U.S. citizenship? By virtue of the legal definition, these non-ethnic Chamorros are now “native inhabitants” and can decide the political future of Guam. Political pressure has produced this watered-down yet no less controversial alternative to the contentious debate surrounding the Chamorro-only vote and the right to self-determination.

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<sup>5</sup> Public Law 25-106 further defined “the native inhabitants or people of Guam” as those people who “have been recognized by the U.S. Congress in the 1950 Organic Act of Guam... It is the intent of *I Liheslaturan Guåhan* to permit the native inhabitants of Guam, as defined by the U.S. Congress’ 1950 Organic Act of Guam to exercise the inalienable right to self-determination of their political relationship with the United States of America. *I Liheslaturan Guåhan* finds that the right has never been afforded to the native inhabitants of Guam, its native inhabitants and land having themselves been overtaken by Spain, and then ceded by Spain to the United States of America during a time of war, without any consultation with the native inhabitants of Guam. *I Liheslaturan Guåhan* notes that the 1950 Congress acknowledged its United Nations’ responsibilities: ‘In addition to its obligation under the Treaty of Paris, the United States has additional treaty obligations with respect to Guam as a non self-government, and taking ‘due account of the political aspirations of the peoples.’ It is the purpose of this legislation to seek the desires to those peoples who were given citizenship in 1950 and to use this knowledge to further petition Congress and other entities to achieve the stated goals. The intent...shall not be construed nor implemented by the government officials effectuating its provisions to be race based, but founded upon the classification of persons as defined by the U.S. Congress in the 1950 Organic Act.”

<sup>6</sup> From a correspondence with Governor Carl T. C. Gutierrez: This law was passed by the Guam Legislature at a time when there was rift between the two branches of government. Governor Gutierrez believed the new law which cancelled the plebiscite scheduled for July 1, 2000 and re-established the Commission without the Governor’s leadership would be an impediment to the self-determination process.

The debate surrounding the right of self-determination is two-fold: (1) who the decision makers are and (2) what the decision will be—the vote. By politically identifying the decision makers, Public Law 25-106 sets the parameters for the vote. In addition, the law has also politically identified the scope of the right of self-determination for the people of Guam. Section 21101 of the law states that “it is the intention of 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. (Emphasis added.) Not only is the political identity of the decision makers bound by a colonial past, the decision for the future of Guam will be politically tied to it as well. This is evident in the options provided to the “native inhabitants” or the “people of Guam.” Whereas the United Nations recognizes the political status options to be Independence, Free Association or Integration—with neither option being bound to the administering power, the options for Guam’s future political relationship with the United States of America are Independence, Free Association or Statehood.<sup>7</sup> The last option implying that becoming a state of the United States of America is the sole option for integration. This section of the law, thus, binds Guam’s right to self-determination to the United States while making evident the competing American identity that many Chamorros have to contend with.

In 1998, 2000 and again in 2002, elected officials on Guam attempted to hold a self-determination plebiscite that would determine the island’s future political status. Each attempt was unsuccessful; however, symbolically, the vote would have represented a clear political difference between “Chamorros”/the “indigenous population”/the “native inhabitants” and everyone else. And in many ways, this political identity is defined because of the influx of, and in contra-distinction to, those who do not identify with the distinct culture or language of Guam and cannot make claims of displacement as a result of colonization.

### **The Struggle for Identity in Contemporary Guam**

Guam has dramatically changed from the first arrival of European explorers in 1521 to the signing of the Organic Act in 1950 to today’s changing climate especially where migration is concerned. The right of the people to be self-determining has been politicized as a way to rally people around their discontents with the changes in the community. What is important to note here is that shifts in population over the last two decades resulted in dire efforts toward the preservation of a culture and an identity. Chamorros have found themselves in a complex relationship that is governed by both local and national laws that in many ways mirror the complex nature of the two dominant identities many of them possess being both Chamorro and American. More importantly, this relationship is defined by the larger territorial relationship that governs the island.

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<sup>7</sup> Principle VI of the United Nations Resolution 1541 (XV) states that: “A Non-Self-Governing Territory can be said to have reached a full measure of self-government by: (a) Emergence as a sovereign independent State; (b) Free association with an independent State; or (c) Integration with an independent State.”

The United States Congress continues to exercise authority over the island. Guam as an unincorporated territory of the United States does not have a self-governing body nor does it have full protection under the U.S. Constitution, but it has been trying to change its political status. The United States continues to be interested in Guam's geographic importance. As a result, America has found great success in satisfying the needs of the people of Guam by feeding money into the island instead of promoting self-determination for the people. Movements promoting Chamorro rights have been quick to emerge but have been resisted by the aging generation of war survivors and other minority groups who have enjoyed this continued security, financial support, and stability from Uncle Sam. The island, as a result, has become bound to the United States through not only a strong economic dependency but also through its institutions, principles, and traditions.

It is clearly evident then that the issues of colonization and those related to it has greatly affected all aspects of the island. "The everyday effects of colonialism are so prevalent that we almost accept them as part of our lives. We have become nearly numb to the turmoil in our community."<sup>8</sup> Politics on Guam has been and continues to be extremely personalized. Many Chamorros still desire self-determination and a new political identity despite the self-inflicted problems that exist within the community. Many other Chamorros, however, continue to hold their ethnic and cultural identities as well as a strong tie to their American colonial past/present as important parts of their political being. This has become a means for claiming status or a lack of status.

With Guam's current struggle for self-determination, we continue to see the struggle for a Chamorro identity distinct from other groups on the island. The 2000 law clarified the right of self-determination for the people of Guam as distinct from Chamorro self-determination, a right that was established 4 years earlier. While the Chamorro Registry Board would continue to compile names of Chamorros, the Guam decolonization registry would register eligible voters for a self-determination plebiscite according to a single qualifier: an eligible voter is a native inhabitant or people of Guam. This classification, however, ignores the complexity of not only the community but the right as well. Nonetheless, this political identity was created as a response to the present reality of migration, modernization, and globalization in an American colony. And because the present Chamorro reality is largely a product of Guam's colonial encounters, a political identity that was (re)imagined out of the WWII experience continues to be reaffirmed by the articulation of a past as it relates to the present. Therefore, it has been almost impossible for Chamorros to clearly define a collective identity, at least one that is capable of propelling the self-determination movement forward. By looking at identity as both being produced by and producing these instances of conflict between Chamorros and others, we can see how the colonial encounter was crucial to the formation of a political identity.

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<sup>8</sup> Ronald Rivera, the Vice Chairman of the Guam Decolonization Commission, quoted in *Guam appeals to U.N. on decolonization effort* (Loerzel, 2000, p. 3).

In addition to the distinction made as a result of this identity is the one that also creates a political division between the Chamorros of Guam and the Chamorros of the Northern Mariana Islands. Although ethnically and culturally similar, colonial history has divided Chamorros of the Marianas for over 100 years. WWII memory further distanced that divide. And as a result of the definition created for the right of self-determination for the people of Guam, Chamorros who moved to Guam from the Northern Marianas after 1950 will not be eligible to exercise the right of self-determination on Guam since they are not “native inhabitants” regardless of their ability to trace their ancestry to Guam’s pre-American past.

Theory on identity politics has allowed for a more complex and more critical reading of our understanding of who we are in relation to the world around us. In the process of constructing a political identity in the context of American colonization, Chamorros have been implicated in “a historicized image of themselves as people of [an American colony]” (Gray, 2003, p. 224). Chamorro identity, thus, is contingent upon the relationship between the past and the present, and in this case, it is how a history of colonization and war relates to the present condition of life for Chamorros. Chamorros struggle to contend with multiple identities amidst the changing nature of rights for indigenous people as well as the discourse surrounding those claims to rights. The contentious nature of definitions of identity have also politically included and excluded persons from within the same indigenous population. J. Kēhaulani Kauanui (2008), in her discussion of blood quantum rules in *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity*, argues that laws such as these perpetuate colonial sentiments that work to “deracinate—to pull out by the roots—and displace indigenous peoples. Because...racial and legal definitions are intricately connected to struggles over indigeneity and political status” by creating multiple classes of indigenous peoples where one assumes a level of dominance over the other and by ensuring that the further detached generations are from the defining identity the less they will be eligible for rights.

The language of the law on Guam is no different in that it has afforded one group of Chamorros additional political rights that not all ethnic Chamorros necessarily possess, and at the same time, it has been increasingly difficult to identify those who possess this right despite aggressive registration efforts.

### **Chamorro Identity: A Narrative of Self-Determination**

At the end of WWII, the world recognized the right of self-determination as a way to redress colonization and has since established this right as *jus cogen*.<sup>9</sup> One can argue that the right of self-determination is a right that is recognized and must be exercised no matter the outcome or the cost.

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<sup>9</sup> *Jus Cogen* is Latin for “compelling law.” It is a fundamental principle or “law” recognized by the international community, more specifically, the United Nations, as a set of norms that cannot be deviated, changed, or relaxed. In Article 53 of the Vienna Convention, *jus cogen* or “peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”

But if this is true of the right of self-determination, then why does it remain such a contested issue? Why haven't the people of Guam become self-determining? Why isn't there a clear means to achieve this ends? The Guam Legislature passed a law defining the right, identifying who has the right, and mandating the exercise of this right. The right of self-determination for the people of Guam is clear. Is it?

The indigenous people of Guam are Chamorros, but through an Act of Congress, they are also Americans. Many Chamorros recognize their obligations as citizens, and many of them have embraced their American selves. But as Americans, Chamorros have limited rights. On Guam, the right of self-determination has provided an arena for the continued debate about Chamorro identity, and even a political identity that is rooted in American colonization appears to fall short of capturing the complex nuances that exist in the people who possess it.

By virtue of their indigeneity, Chamorros are directly connected to the land on which they were born—connected not only by their birth but also by their history, their culture, their language, and most importantly, their ancestors. For many Chamorros, this connection not only provides a sense of belonging but is also a part of their being.

Chamorros now comprise 37% of the population. This is a dramatic decrease from 90% prior to WWII.<sup>10</sup> This threat of loss often gets framed by negative feelings toward non-indigenous people that are considered to be racist attitudes by the indigenous people. In an opinion article that appeared in a local newspaper, Gerry Partido discusses the tensions between Chamorros and Filipinos similar to that found in the 1970 gubernatorial elections. In "Opening Pandora's box," Partido (2011) is compelled to explain the actions of a Filipino cabinet member who made reference to H2 workers and the potential for Guam's first Filipino governor during her confirmation hearing. These statements caused uproar in the Chamorro community. Partido explains the comment made about a Filipino governor for Guam:

She was just expressing the same kind of ethnic pride that one would find with, say, the African-American community supporting a Barack Obama, or the Hispanic community's championing of a Sonia Sotomayor, or an Irish-American voting for a Kennedy.

Doing so does not make one less American, or less patriotic, or less desirous of serving Guam as a whole. There is in fact extra pressure on ethnic officials to comport themselves in a way that would show they are not displaying any kind of favoritism in their policies.

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<sup>10</sup> U.S. Census (1990) Total Population: 133,152, Chamorro Population: 49,935. U.S. Census (2000) Total Population: 154,805, Chamorro Population: 57,297. U.S. Census (2010) Total Population: 159,358, Chamorro Population: 59,122.

I'm sure there was never any offense meant against the Chamorros on island. In fact, Filipinos on Guam, even the oldtimers, have generally been cognizant of their place, fully accepting that Guam is the land of the indigenous Chamorros.

But Tuesday's hateful remarks have made many Filipinos wonder whether it may indeed be time to organize politically along racial lines. (Partido, 2011)

This article tries to justify the remarks by a candidate for appointment by reaffirming American ideals of freedom and equality while still embodying a level of respect for the indigenous people of Guam. This is not unlike what is happening in other places with similar circumstances nor is it any different from the circumstances of the first colonizing efforts. Once again, Chamorros are reminded that they are Americans. They are constantly facing pressures from outside populations and are forced to continuously adapt and adjust to changes in the world.

In a separate article titled "English, please" the editors of a local newspaper, take issue with Chamorro lawmakers who have chosen to speak the indigenous language during legislative sessions. The article begins by stating the fact that both Chamorro and English are official languages on Guam. When setting the stage for the argument against the use of Chamorro in public discussion, the article explains the problematic nature of the language choice of two senators at a recent legislative session on the budget. The author claims that one of which appeared more "animated and passionate" when speaking Chamorro suggesting the possibility of "deliberately leaving a few of his colleagues out." The editorial then goes on to argue why speaking English is more preferred to the indigenous language.

However, the larger point is one of general understanding and representation. Whenever an important issue is being discussed, one that conceivably affects all Guamanians, the Legislature does the general public a disservice by conducting the public discussion only in Chamorro. They represent ALL of the people of Guam, not just Chamorros, and must carry out their business in ways which foster clarity and comprehension among the entire population, not one segment. (Editorial, 2011)

What is probably most interesting about this story are the comments posted by readers that follow the article. One commenter posts:

[The senator] is not ashamed to use the native language on Session Floor or on the notices of public hearings and the like. Hence his use and perhaps, over-use, of the native language. But that is something to be valued, precisely because it is not the dominant language on Guam as it was once used to be.

As for those who do not know what is going on, they do not even know what is going on even when the conversation is in English. If, as some

elected officials like to say that the future of economic growth is in Asia-Pacific, and it may very well be, then it behooves the next generation to learn Mandarin and other Chinese dialects (spoken in places besides PR China) and other languages such as Malay (spoken in South-East Asian nations in Indonesia, Singapore, Malaysia, Southern Thailand and even understood in Southern Philippines), while keeping the local language as vibrant as it can be alongside the global language of commerce, English.

It is not an either or case with language. (Editorial, 2011)

In contrast to this comment, another reader posts:

Points well taken and long a source of frustration for non-Chamorro speakers. This is part and parcel of the “we do it because we can” racial discrimination that includes mandatory Chamorro language instruction in public schools at the expense of more useful subjects and the publishing of official documents in Chamorro, as if there were anyone who reads and speaks only Chamorro and doesn’t read or speak English. Chamorro should be offered as an elective in the public classrooms. Let parents decide whether their children need it. To force it down the throats of students is no less demeaning and discriminatory than the reviled former practice of prohibiting the speaking of Chamorro in earlier times. Any time legislative sessions are conducted in a language the majority of members don’t understand you can be sure that the speakers have something they don’t want others to hear. It’s an insult and an ego trip by those who feel the need to somehow impress others with their ability to obscure. (Editorial, 2011)

This commenter’s frustration is understandable but any attempt to unravel the many complexities expressed in this single comment only results in more frustration. Do Chamorros have a right to not only practice but also promote language and culture in public spaces? Or should ideals of individual freedom and rights be privileged in these spaces? These are not new questions. The arguments made in the comment above are the same arguments that were made prior to WWII. They are the same arguments that were made 60 years ago when the Americans re-claimed Guam. They are the same questions that are made every time the discussion surrounding Chamorro language curriculum arise in the public school system, and they are the same arguments that are made every election when non-Chamorro speaking candidates begin to outnumber Chamorro speaking candidates.

The changing demographics of the island coupled with the implementation of laws have resulted in a continued discussion of the insider/outsider dichotomy that began immediately after WWII. The individual and collective rights for indigenous people that were recognized by the world

in 2007 was an issue for the people of Guam decades earlier as a result of the continued loss of land, traditional culture and most especially power of the indigenous people and continues to be an issue. The indigenous population has the right to self-determination based on a history of colonization that has resulted in either displacement or dispossession within the territory of origin. And for Chamorros on Guam, although the law defining this right makes no mention of Chamorros but rather creates a political identity for “native inhabitants,” that right remains tied to the American colonization of their homeland rather than being a right fundamentally belonging to a people in order to break the bonds of that colonialism.

### **A New Identity?**

It is now befitting that we end this search for identity, a self, with a new search of sorts. We end here with the same circumstances that got us to where we are today—colonization. History is indeed coming around full circle. In 2005, the Department of Defense (DoD) announced plans to relocate a Marine base in Okinawa to Guam. From the time of this initial announcement, details have been minimal; however, in November 2009, the DoD issued its Draft Environmental Impact Statement (DEIS) on the military relocation to Guam and the CNMI. This 11,000 page document was met with old feelings and frustrations that the island faced over 50 years ago, in the aftermath of WWII. The circumstances surrounding the narratives of Chamorros from generations before are the same circumstances through which we may have to revisit our notion of what it means to be Chamorro in light of self-determination. The threat of the military buildup has generated a strong sense of community and re-stressed the need for self-determination, but it is still unclear what the future of Guam holds.

In November 2010, we elected a new governor who, during his campaign, created the “Guamanian Dream” and who, in his inaugural address, used the term Guamanian to refer to and identify not only himself but “the people of Guam” as a collective “we.”<sup>11</sup> Governor Edward B. Calvo said, “Resting below latte stones and ancient sites are the spirits of a people reawakened at this hour by the excitement of a new century...a *Guamanian* Century of pride, prosperity and opportunity.” The governor has given birth to the idea of a new sense of self:

It is time to embrace our identity as *Guamanians* [emphasis added]...There is nothing we cannot do. My fellow *Guamanians* [emphasis added], we can build the *Guamanian* [emphasis added] Century, and it will be built by the *Guamanian*

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<sup>11</sup> As quoted from [www.calvotenorio.com](http://www.calvotenorio.com): “The Calvo-Tenorio platform is a plan to help every person who calls Guam home reach the Guamanian Dream.” It is the Guamanian Dream that “you have the opportunity to own a home; you take home a paycheck you work for and deserve from a job that makes you happy; your child’s school is the best it can be; your kids are given an opportunity to go to college, here or abroad, where the best degree programs are offered in every career possible; when your kids grow up, they will be prepared for the best careers and opportunities to own a business; you and your family are safe in your homes and neighborhoods, free of violence and drugs; everyone has the best health care here on Guam; you, your family and friends live healthier, happier, longer lives; and we never settle for less than the full measure and potential of our people.” The term “Guamanian” the campaign defines as “everyone who lives here and calls Guam home.” “The ‘Guamanian Dream’ is Eddie Baza Calvo and Ray Tenorio’s vision for the future of our island, which centers on individual, spiritual, physical, and economic prosperity.”

[emphasis added] Dream...I have this impenetrable faith in our future, because we are *Guamanians* [emphasis added]...This is the land of the proa and the home of the *Guamanian* [emphasis added]...and I call on you, all *Guamanians* [emphasis added], to be strong and to stand tall...for the future belongs to us.

His erasure of the “Chamorro” could mean nothing, but if looked at with a critical eye to the change in demographic coupled with growing tensions and shifts in power on Guam, the increasing loss of traditional notions of culture and identity, the impending military build-up and the need for a strong self-determination movement, could mean everything for Chamorros. He refers to himself as a “proud Chamorro Guamanian” while still claiming that this is the time for the Guamanian to emerge out of the challenges that face Guam.

Although economic stability, lack of education, and little to no support from both the local and federal government have contributed to a stagnant self-determination movement, it is crucial to understand the role that identity formation has played and in many ways continues to play in changing the political consciousness of the people. The ability of a people to mobilize rests on their ability to find a common ground, a nationhood—an identity. The right to self-determination depends on re-negotiating a Chamorro identity that is a reflection more of our future political aspirations and less of our colonial past. This is not simply an ideal notion of what it means to be Chamorro but rather a political statement about the right of self-determination. The role of identity politics in the self-determination movement, therefore, is fundamental to the survival of Chamorros in a multicultural community and their ability to reassert their rights as the indigenous people of Guam to the right of self-determination.

It remains unclear today which version of the self Chamorros identify with. Perhaps it is an ancient one. It may be a Spanish or Japanese or American identity. But most likely, it is a blended version of each and still Chamorro, nonetheless. With the increased awareness of the potential changes to our island, Chamorros are desperately trying to make sense of who they are so as to situate their place on the island and in relation to those who have since come to the island, the Guamanians. Defining identity in terms of a “self” with rights to be economically, socially and politically developed may require a new narrative different from that of war which created an identity for the people of Guam. The future of Guam, a future for the people of Guam, may in fact result in a new identity rooted in a new narrative of self-determination. We are amidst the storm that is about to hit Guam.<sup>12</sup> It is crucial that we re-evaluate our present situation with an eye to the past so that we can create a self capable of navigating our future.

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<sup>12</sup> The “storm” is a reference made to Walter Benjamin’s Angel of History who is in the midst of a storm called “progress.” Benjamin says, “The face of the angel of history is turned toward the past. Where we perceived a chain of events, he sees a single catastrophe which keeps piling wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer close them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. The storm is what we call progress.” (Anderson, 1991, p.162)

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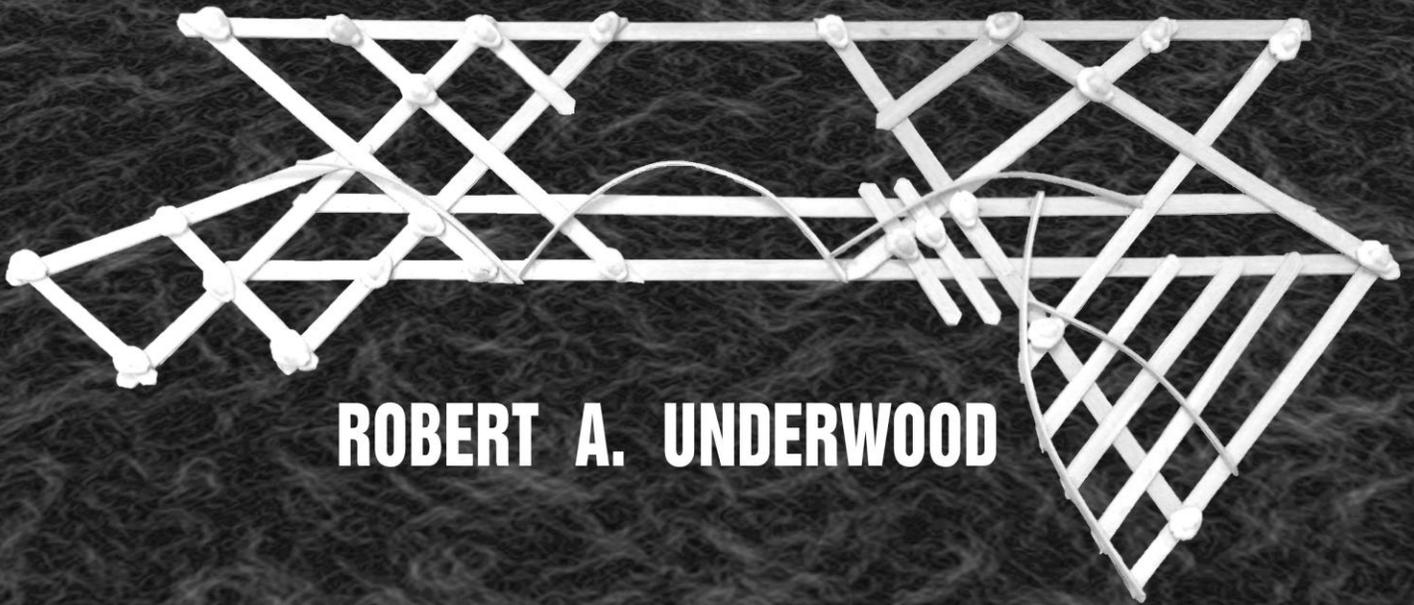
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# **Dies Mit: The Origin and End of Chamorro Self-Determination**



**ROBERT A. UNDERWOOD**

# Dies Mit: The Origin and End of Chamorro Self-Determination

Robert A. Underwood

## Abstract

This article is a review of the history of ideas, activities and efforts toward self-determination on Guam. It is both a personal as well as a collective account of the struggle that began years ago amidst all the advocacy, conferences, conventions, laws and legislative avenues that necessarily are a part of such efforts. The article proposes that all these could rise to a new challenge and culminate in a concerted effort in 2016. The article is about imperialism and cultural imperialism specifically, immigration, respect for minority indigenous groups and will to self-rule, recognition of the rights of groups and political self-determination. The quest for the hearing of voices of the indigenous Chamorro people especially as they carve out their need for a new political relationship with the US is also an important point raised here. Together with political self-determination are the concerns for Chamorro language survival and the sustainability of Chamorro as a Pacific people. A few questions remain: Should people take action outside the political process? Should a few court actions be instigated? What should we do with our frustrations as a people? What would a "Chamorro Street" look like? Should all others who have made Guam home support the "Chamorro Street", Why not?

In my upbringing, the notion of being loyal to being a Chamorro over and above being an American was something that was discussed by my father and, on occasion, my mother. For my father, he enjoyed provoking others in conversation and this was exactly the kind of topic he liked. For my mother, it was a given that being Chamorro was a strong part of her world view. She never discussed it as a defined political view, but always gave me the feeling that we were different from others and we should be grateful for our unique place of origin and the people who inhabited it. I spent some of my childhood in California and this was both a badge of honor and a perfect defense mechanism against those who might wish to denigrate the fact that I was a Guamanian. In those days, the term Guamanian was interchangeable with Chamorro. It was treated as the English translation of Chamorro.

I wasn't just proud of being from Guam; I was defiant about it and eager to tell Guam stories at the drop of a hat. I made Guam scenes part of my childhood art projects and my pronouncements at elementary school "show and tells." My father's approach to demonstrate the primacy of Guam was much more direct. He would remark that if there were a war between the U.S. and Guam, he knew that taking Guam's side was a losing cause, but the right one. In the social parlance of the day,

my father was half-caste (*mestisun Amerikānu*) so there was a sense of intensity in his description of this mythical war. We all knew where my parents stood on the matter of Chamorro and Guam pride.

As I matured as a young person, returned to Guam and became immersed in the culture and language of my people, my identity was solidified. From then on I knew that Chamorro struggles of whatever kind would occupy my attention as an adult. I didn't see it as a zero sum game in which loving and protecting my people required not loving or harming others. Of course, not everyone saw it that way.

Chamorro advocacy in the 60s, 70s and 80s was seen by some as challenging the previous good social order that Guam enjoyed. Those of us who were "raising consciousness" about Chamorro issues were seen as disrupting the previously good relations that people had with each other. We were seen as divisive rather than responsive to the inherent divisiveness of Guam's history. For a handful of "Chamorro activists" who came into early adulthood in the 60s and early 70s, raising Chamorro issues in the context of art, education, language policy and politics was invigorating and exciting. For most others, it seemed odd and moved in the exact opposite direction of where Guam needed to be. To opponents, we were disgruntled malcontents who were suffering from mental illness or some kind of socio-historical delusion. Even amongst our supporters, we were seen as historically correct, but romantic thinkers who were a little over the top. But I persevered and no matter what the occasion, I would eagerly propose my ideas. Whenever I was asked my opinion of anything or filled out forms, I emphasized the need to include Chamorro since we were so out of focus in Guam society. When asked by Laura Souder (who was working for Governor Bordallo at the time) my three priorities for the Council on Arts and Humanities, I replied, "Chamorro art, indigenous art and native art."

This intensity was manifested early in my professional career. I returned to Guam in 1972 to teach at George Washington High School. I started to teach Guam History and began to revise the perspective of the class as previously taught. As young teachers, Elaine Cadigan and I started Chamorro Week at GW in February 1974. We did the first Chamorro-Spanish battle re-enactment with ROTC cadets in which we let the Chamorros win. We taught teachers how to sing Chamorro songs and they called themselves the "Haole-luia" Chorus. A young student-singer named Joseph Duenas (JD Crutch) brought the house down for the first time in his life at a student assembly. This was followed up with the Chamorro Studies Convention, which I chaired and brought out 500-plus participants to listen to traditional World War II stories from the past as well as radical visions for Guam's future. We also brought the noted anthropologist, Laura Thompson, back to Guam for the first time in her life since her previous time as a researcher just before World War II in Merizo. In the post-WWII time period, the Navy would not allow her to come back to Guam. We also had Don Topping, the organizer of the Chamorro Reference Grammar which has stood the test of time as the major contribution to understanding the workings of Chamorro as a language from its Austronesian roots and not just its Spanish loaned words. Lastly, we brought back Fred Reinman, noted

archaeologist, who mapped the entire island and trained one of Guam's great resources and talents, Alejandro Lizama.

For me and the others involved in organizing the conference, it was a heady time. We received legitimacy in our pursuits through the support of noted leaders like Bishop Felixberto Flores and distinguished citizens like Jesus Barcinas. But these exercises to bring attention to the condition of the Chamorro people only generated more discomfort and a little angst as we contemplated the future of the Chamorro people and not just their past. We understood the need to reclaim a place for the Chamorro language in Guam society. We felt the urge to take political action. These matters were too important just to leave to political leaders no matter how sympathetic they were or said they were.

But we weren't acting in isolation. There were political leaders who thought a little further ahead than the next election. This was encapsulated in the emerging conversation about the future political status of Guam. It is important to note that the discussion of political status options is itself an invigorating and liberating exercise because it forced us to think of Guam as a corporate whole separate and apart from the U.S. government. We are not a creature of the U.S. government in spite of its legal authority. We had a separate past and we have the option of pursuing a separate future.

Political status started to become a Guam issue in 1973. The 12<sup>th</sup> Guam Legislature under the leadership of Senators Paul Bordallo and Frank Lujan wrote articles and provided the first formal discussion of political status in Guam. Much of this activity was sparked by the activities in Saipan, where the Congress of Micronesia began discussing the future of the Trust Territory of the Pacific Islands with the United States. The connection to Chamorro issues was not there initially. Linking Chamorro issues to political status issues came about in the late 1970s on the occasion of ratifying a Constitution created by a Constitutional Convention authorized by U.S. public law 94-584.

The bill authorized the creation of a local constitution to essentially replace the Organic Act. To proponents, it seemed like the next logical step in political development. Nearly everyone in Guam railed against the Organic Act and a 1976 referendum on political status had 51% of the voters mark the ballot for "improvement." Under federal authority, 43 delegates were elected to the Convention and they wrangled over a number of provisions amidst comparisons to a previous failed Guam Constitution Convention in 1969 and events in Philadelphia nearly 200 years ago. Opposition to the Constitution came from the aforementioned Chamorro activists due to the claim that a constitution put the *carabao* before the cart. We needed to design a political future first, agree to a political status and then build the governance structure around it. We (Chamorro activists) were joined by a number of Constitutional critics which included attorneys and members of the general public who thought the Constitution as presented was flawed and would lead to many more problems than we have under the current Organic Act.

Lost in the debate was the argument in Washington DC between the Administration (Executive Branch) and the Congress. Should political status for the territories be an Executive Branch matter (the President) or a Congressional matter (the Interior/Resources Committees of the House and Senate). The discussion of this responsibility is not fully understood and requires intensive study and could generate at least three or four doctoral dissertations. In the 1970s, Washington DC decided that Congress should deal with the territories while the old Trust Territory of the Pacific Islands (Micronesia) would be negotiated directly by the Executive Branch. It could be argued that this sealed the fate of inaction for the next three decades.

The Chamorro activists took a strong stance against the ratification not on the basis of the document itself, but because it preceded the determination of a political status. The document itself contained a number of Chamorro provisions which would ordinarily be seen as desirable. The activists saw it differently. Comprised of a group called the People's Alliance for a Responsible Alternative (PARA) and Peoples Alliance for Dignified Alternative (PADA), the opponents of the Constitution began working in earnest. PADA was under the leadership of Tony Leon Guerrero (who would eventually become President of the Bank of Guam) and Marilyn Manibusan who would later become senator. *PADA* meant a "light slap" in Chamorro and *PARA* could be either "stop" or "in favor of." Tony Leon Guerrero enjoyed the multiple meanings of PARA-PADA and would re-state them with glee to anyone who would listen. To my knowledge, the version that appears in *Destiny's Landfall* or Guampedia ("stop slapping Chamorros") was never used by Tony. PARA itself was led by myself and a handful of bilingual/Chamorro Language educators including Bernadita Dungca, Rosa Palomo and Clotilde Gould. They coalesced around the billboard "*Munga ma'apreba i konstetusion ya ta mantieni i derecho-ta komo taotao Guam. Bota NO!*" In English, this read "do no approve the constitution and maintain our rights as the people of Guam. Vote NO!"

PARA had already organized a demonstration against the *Pacific Daily News* for its English-only policy. We brought 300-plus people to the street in front of the PDN, burned some newspapers and the paper changed its policy. Up to that time, if you ran an ad or an article in Chamorro (or any language other than English), you had to provide an English translation within the advertisement. Following that successful protest, we looked for other targets. We subsequently went to a meeting of the Guam Airport Authority Board when they were reviewing plans for their building. We insisted that bilingual signs in English and Chamorro be part of the new facilities. This is why Won Pat Airport was the first and continues to be the most faithful user of the Chamorro language in any government structure.

The language activists became political when the Constitutional Convention was convened. Some of us attended the sessions and made our input known to enforce Chamorro as an official language and other pro-Chamorro provisions. When the ratification of the Constitution itself became the next step, PARA-PADA became the major opponents, although not the only ones.

The ratification process introduced Guam formally to the United Nations for the first time. The U.S. Government was convinced that with the passage of the Constitution on Guam, the U.S. Government could move to have Guam removed from the list of non-self-governing territories. Therefore, a UN Delegation was invited by the State Department to come and observe the election. We felt that this interpretation of the ratification of the Constitution would reduce Guam's sovereignty and options in the future.

The U.S. acknowledged the residual sovereignty of Guam through its annual reports to the United Nations since 1946. At the end of World War II, the U.S. acknowledged through Article 73 of the UN Charter the existence of non-self-governing territories. These were territories that had not reached a "full measure of self-government." Guam was placed on the list with other territories in the post-WW II period by the United States and other colonial powers that acknowledged the existence of territories. Puerto Rico was originally on the list but was taken off the list when it established its own Constitution. Some in the State Department believed that the same thing would happen to Guam upon the ratification of the Constitution.

PARA-PADA leadership and supporters met with the United Nations delegation led by Ambassador Gelaga-King of Sierra Leone. We were able to spend some time with the UN representatives, the first and last to ever come to Guam by invitation. In one social gathering, Tony Leon Guerrero spoke very passionately and I outlined every single historical argument. He was dubbed *Simba*, the Swahili word for lion, because of his fierceness and his beard. I was named *Mwamba*, Swahili for rock, to describe the foundation of our ideas. It became clear to us that staying on the list of non-self-governing territories was a critical objective to fuel Guam's political status discussion in the world body. The non-self-governing system had been turned over to a special General Assembly Committee of 24 (Decolonization Committee) which annually received the reports from the United States, Great Britain, France and other colonial countries (dubbed "administering authority" in UN-style speech). The United States was annually berated by some members of the Committee of 24 and the State Department saw an opportunity to end it. As a result of the Constitution's impending ratification, the U.S. could make a case for the delisting of Guam on the UN list of non-self-governing territories.

The Constitution was defeated by a 4-1 vote in a special election in August 1979. All registered voters were eligible to vote and 47% participated. In the process, the island became familiar with the UN process and PARA-PADA decided to enter the process of determining the political future of Guam. We chose not to select a status option, but instead made a case for who should participate in a future political status election. We argued that the "people of Guam" needed definition and that the injured party in political status development was obviously the Chamorro people. We were the victims of the colonial imperialist process which left open the question of Guam's future political status.

To include people from the U.S. (statesiders in the terminology of the day) was to denigrate the meaning of “self-determination.” We argued that if people born in Wisconsin stayed in Wisconsin, they wouldn’t have the right to self-determination. We were only discussing this in Guam because of the colonization of the Chamorro people. How could Wisconsinites or Californians participate in the decolonization when they came to Guam as a result of the colonial enterprise? The same would apply to immigrant groups like Filipino-Americans. They came to Guam not because it was the homeland of the Chamorros, but because it was under the U.S. flag and American citizenship was granted on the island. Their aspirations were fulfilled when they became U.S. citizens. For non-Chamorros to participate was to misunderstand the meaning of “self” in “self-determination.” In response to these new arguments, the Guam Legislature authorized a new political status process. The political status commission was now called the Commission on Self-Determination in recognition of the new turn of thinking which had occurred since the defeat of the constitution. We led this renewed effort to recognize and define the “self” in self-determination.

We reconstituted ourselves as the Organization of People for Indigenous Rights and introduced the term “indigenous” into popular usage on Guam. We were a determined group and our core consisted of Hope Cristobal (later Senator Cristobal and Chair of the group), Ron Teehan, Chris Howard (the first Chair), Nerissa Lee (now Senator Underwood), BJ Cruz (later Chief Justice and now Senator Cruz), Rosa Palomo, Marie Pablo, Maria Teehan, David Rosario, Bernadita Dungca, Alejandro Lizama, Clotilde Gould, Phillip Gutierrez and others who came and went. Ron Rivera joined a little bit later, and he and Hope kept the flame alive throughout the subsequent years. This core group met and wrote papers, solicited funds, made t-shirts, and circulated petitions to advance the cause of an “indigenous” vote when it came to political status elections. We were ridiculed and criticized as being half-breeds ourselves who were unsure about our own identity as people. We decided that we would send someone to the United Nations to speak on Guam. I was given the opportunity to represent the organization and I wrote the basic statement which has served as the primary justification for Chamorro Self-Determination since.

In August 1982, I was accompanied to New York by Chris Howard and Ron Teehan. Of course, we were there during the height of the Cold War, and our instant supporters were individuals from Cuba, Iraq and the Eastern European countries. I avoided them and read my statement as the first petitioner from Guam to appear in what could be seen as an adversarial role to the U.S. I was described as a “self-styled nationalist” by the Gannett reporter sent to report on my appearance at the UN. Being self-styled was a way to state that I was asserting to be something which no one else acknowledged to be the case. It was a backhanded description but far less pointed than some vitriolic comments that I was receiving back home. After my presentation, I received praise from a couple of the UN members (the aforementioned representatives from Eastern Europe and Cuba). I received criticism from Australia’s representative who was consulting in the back of the room with U.S. representatives. The U.S. was not a member of the Committee. I was a little paranoid at that stage of

my life. After all, I was 34 years old and still relatively early in my career. It was only my second or third time in New York and I imagined that the FBI was following me around.

My trip was made possible by donations from Guam's leading citizens, many of whom preferred to remain anonymous. They remain so to this day, but I still thank them on occasion for their generosity. At the time, I had one Senator ask me not to come to his office because of the controversial nature of OPI-R's pronouncements. The statement that we prepared for the UN presentation outlined the basic argument for Chamorro self-determination which formed the core of our position in subsequent public meetings, meetings of the new Commission on Self-Determination and statements to the public.

The core of the position statement featured two complimentary (some could argue inherently contradictory) approaches to the issue of Chamorro self-determination. The first outlined the existence of an indigenous group of people who predated colonialism and imperialism as practiced by Western powers. We existed and had a right to exist long before the existence of governance structures imposed upon us. The second was historical and legal. When the United States arrived in 1898, it exercised political sovereignty through the force of arms. When the United States chose to change the political essence of Guam through Congressional action, it passed the Organic Act and changed the status of only one group of people. These were the "native Guamanians" which were, in fact, the Chamorro people. Moreover, in reports to the UN since the end of WWII, the U.S. government acknowledged repeatedly that the people who were being discussed for political status matters were "Guamanians" as the term was understood then. This was synonymous with Chamorro. For Guam, the injured party in the denial of self-determination was the Chamorro people. History, federal law, common sense and a characteristic American sense of "fair play" demanded that the Chamorros be allowed to make the call for Guam's political future.

OPI-R became involved in the twists and turns of the conversation and controversies over the course of the 25 years, taking on as their primary cause the protection of the Chamorro right to self-determination. The leadership of Hope Cristobal and Ron Rivera in this on-going work should be acknowledged and appreciated by all who came later and who re-introduced the concept of "self-determination" into other facet of our lives. Indigenous and Chamorro expression as an act of self-determination became part of the artistic and social scene as well as political and economic life. The use of the term "indigenous" proved to be a watershed contribution because the comparisons to other "indigenous" peoples became part of the political and social dialogue. This had not been the case in the past because of the complexity of identity and self-identification issues historically in Guam. The use of the terms Chamorro, *Taotao Tano'*, *Gihaya*, Guamanian became dissected and reanalyzed until I was personally exhausted by it. For me the last straw was the argument between Chamorro and Chamoru which was only partially based on pronunciation. Like so many things in life, some people think that authenticity can be had through the selection of a spelling choice rather than

a personal transformation. For those who insisted on Chamoru as if its very selection was transformative, I think they lost sight of more important things.

The volume *Chamorro Self-Determination: The Right of a People, Direchon I Taotao* published by MARC/UOG and the Chamorro Studies Association in 1987 represented the summation of our thinking at the time. Laura Souder and I were the editors. Contributors included B.J. Cruz, Chris Howard, Tony Artero and the editors themselves. We assumed that it would create a lot of thought and action. Perhaps it did. I know that my future political opponents read it very carefully when I ran for Congress in 1992 and for Governor in 2002. They looked through it for signs of racism as I explained my thoughts about cultural imperialism, immigration and political self-determination. At the time of publication, some of those very same people who used my words against me in subsequent political contests were congratulating me and the others for our far-sightedness and courage. Seeking political office and fundamental political change do not always spring from the same source.

Some people came to the surface in the pursuit of political self-determination. For me and a handful of others, the issue of Chamorro language survival was the main motivation in beginning PARA in the 1970s. For later activists, land was the issue which radicalized an entire generation. The rise and prominence of Angel Santos was remarkable and we remained friends through some difficult times. His authenticity as a leader, his willingness to confront not just federal leaders, but Guam leaders was courageous and marked him as a unique and strong voice in Guam society and history. There were times when we disagreed about a particular course of action, but we communicated on a regular basis. By this time, Hope Cristobal was elected to become a Senator and Governors Joe Ada and Carl Gutierrez had worked on political status issues in earnest. But working from political office has its limitations, and the Commonwealth Act and the exercise of Chamorro self-determination moved from one century to the next without fulfillment.

Over the past few years, the issue of Chamorro self-determination and the desire to change our political status remain strongly connected. The idea of changing our political status came first, but then its pursuit and energy was eventually merged with Chamorro self-determination. On occasion, there is an agenda to change our political status without any reference to Chamorro self-determination. Of course, it is possible to separate the two, but it seems awkward and devoid of significance. Are we just a random group of people who are dissatisfied with the federal government and we get excited about it when we reach certain frustration points? Are we so unhappy with the receivership at the dump, the treatment of veterans, the impending military buildup that we use the language of political status change and even self-determination to express our dissatisfaction?

These are policy disagreements with the federal government that we are infusing with political status significance. It isn't that we just differ on what needs to be done. We say that the difference is fundamentally caused by our powerlessness, by the lack of seriousness attached to our

quest for a new political relationship. But when the time comes to pull the trigger and select our status or identify the status that will empower us, we get a little gun shy. We are eager to express our grievances and use the energy of anti-colonial rhetoric to energize our thoughts. But we are not as quick to actually move towards breaking the bonds of colonialism.

Governor Calvo, as has previous governors and members of Congress, reflected this political bind that we find ourselves in during his recent State-of-the-Island Address before the legislature. He said he would pursue compact impact aid reimbursement; relief from the federal court; and perhaps take another shot at repealing the Jones Act, because these issues reflect how poorly we are treated as Guamanians or Chamorros. The lack of clarity in the reference group lacks specificity in who the “self” is and lays there once more begging for attention. In making the historical case, “we” is synonymous with the Chamorros. In the 21<sup>st</sup> century, “we” includes an expansive redefinition of the term “Guamanian.” Regardless, Governor Calvo maintains that the source of all of this is our mistreatment by unilateral decisions imposed upon us for at least 100 years. He quotes the eloquence of his great grandfather (Tomas Calvo) as evidence. There seems to be a political status solution in there somewhere, but we are not sure which status will give us the best and most dignified treatment. Governor Calvo allowed that he is personally for statehood, but then he quotes his great grandfather’s statement about the treatment of the Chamorro people as the sentiment which should fuel our efforts. In the thicket of outrage, historical references and real federal mistreatment, there is a political course of action and perhaps a connection to political ideology and a defined political status choice. But the act of pursuit is apparently more important than what we are pursuing. It is a curious bind that we find ourselves in.

Governor Calvo is not alone in this lack of clarity. Governors Felix Camacho, Carl Gutierrez, Joseph Ada, Ricky Bordallo, the first Governor Carlos Camacho, Congressmen Antonio Won Pat, Ben Blaz and Robert Underwood as well as Congresswoman Madeliene Bordallo are equally guilty in avoiding the fundamental questions. Perhaps it is too hard for people in political office or perhaps it is just too hard. I know how hard it can be. The quest for Commonwealth died somewhere in the interchange between Hagåtña and Washington DC during the 90s. I was there and I led the charge in the Congress. I requested a hearing on the bill in front of the House Resources Committee. Every issue was raised, it was well attended, and featured the participation of three Governors of Guam. In the end, it was more like Pickett’s Charge in the Battle of Gettysburg than Crazy Horse at the Battle of the Little Big Horn.

We talk self-determination, but we really do everything we can to avoid exercising it. We express our dissatisfaction with our treatment at the hands of the US government, but we express our undying loyalty whenever we can. When we want to fight the federal government, we go back to using the language of self-determination and decry the colonialism of the Chamorro people as the historical basis for justifying action. It isn’t direct action that we end up advocating, but just more forceful rhetoric and perhaps a lawsuit here and there. Enough is enough! I am taking you to court.

Perhaps the best solution for this is for people to take direct action outside the political process. The political process is the vehicle for making incremental change which considers a number of competing forces. Good things can and do happen. But fundamental change will not happen unless the system is dramatically altered.

A few years ago, I was asked by someone if we could use the Arab Spring and the US support for it at the time as a way to get attention to our issues in Washington. It is as if we were to use an event happening somewhere else which seems similar to ours as a way to shame the federal government into recognizing our grievances. There is a lot of wishful thinking in that statement, but it is not borne of incoherence. It is a hope borne of frustration.

I replied that the Arab Spring was made possible by millions of young people, who took to the streets. The “Arab street” is a well-established point of reference for direct political action in that part of the world. In the end, the Arab spring has had mixed results and has led to both democratic reform in a couple of countries, and a bloody civil war in others. We need to be careful about the forces that we unleash. In Guam, if we called for a “Chamorro street,” a protest on behalf of Chamorro self-determination, we could embarrass ourselves by having 50 or so people show up. And we probably know the 50 who will show up by name. I told him and others since then that taking to the street is a viable strategy on behalf of the exercise of Chamorro Self-determination. However, there are two things that will undermine it. The first is a lack of numbers and the second is the participation of elected officials. The second one is easily resolved. Stop having people in elected office appear in these events to make promises they haven’t kept and will not likely ever keep. It embarrasses them and it weakens the cause. Secondly, you have to have a sufficient scale of people to demonstrate that there is political power. There is an old adage in politics. Politicians do not generate political will, they follow it. What would it take to generate political will?

I replied dies mit — 10,000 people in the streets at the beginning of the year in which an election will be held. The vision of 10,000 people in the streets of Guam proclaiming the need to exercise Chamorro self-determination is heady and potentially powerful. We could have elected officials walk, but just don’t have them talk. We could use social media to organize it, but online petitions and face book whining will not seal the deal. At the end of the day, virtual reality is not actual reality. Faces have to be associated with this event to help generate the political will. Faces that are young and old, Chamorro and non-Chamorro, veteran and civilian, poor and rich, religious and agnostic, gay and straight have to be present and total 10,000. It can happen!.

Maybe March 2016, when we celebrate Rediscovery Day, will be an appropriate time to get dies mit out in the streets. *Gi ha’anen i taotaomo’na, manot na chalan* (In the time of the first people, ten thousand).

*Dies Mit!Dies Mit! Dies Mit!*



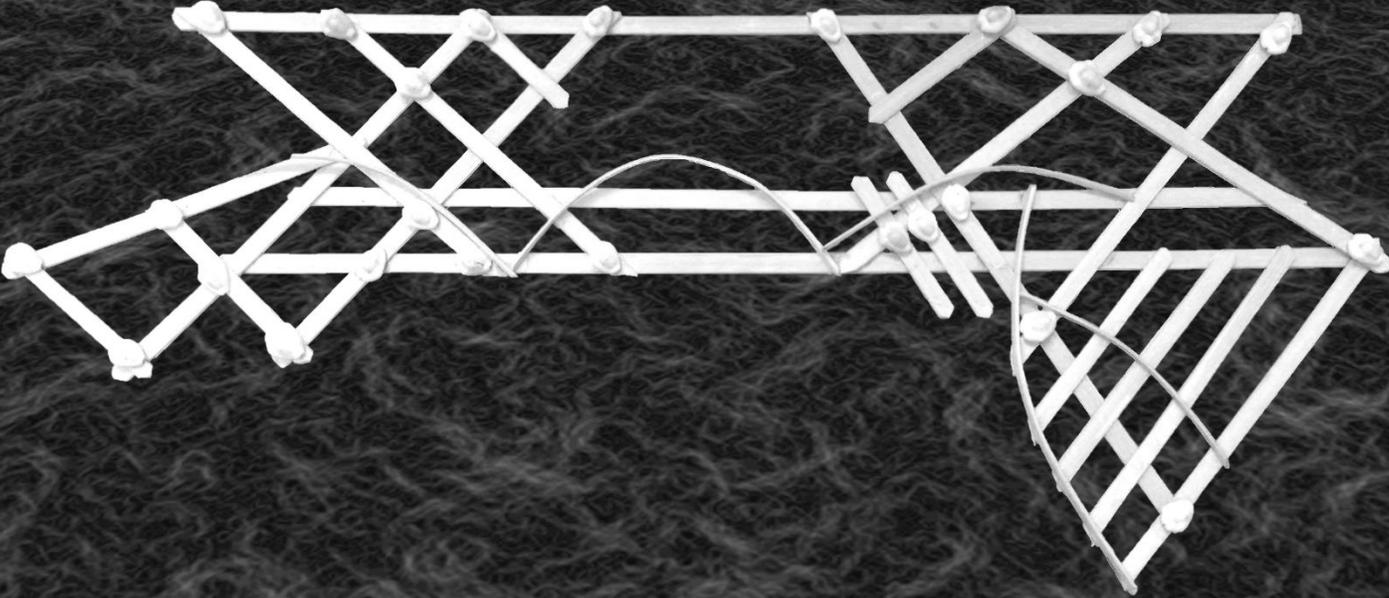
### **"A SEPARATE TABLE FOR THE KIDS"**

An editorial cartoon that appeared in the Guam Times Weekly, a short-lived weekly newspaper published on Guam by Manuel Jose. Original can be found in the archives of the Micronesian Area Research Center at the University of Guam.



Members of the group "Our Islands Are Sacred" protesting alongside Marine Drive and in the Chamorro Village in Hagatna. The protest was organized in response to proposed US military increases to the Mariana Islands and held on October 30, 2013. Courtesy of Michael Lujan Bevacqua.

**POETRY**



# *ginen* fatal impact statements

Craig Santos Perez

## An Editor's Foreword

*"If we love, we passionately fight, we fight so hard to keep what we treasure and love...  
this is what we mean when we say we love our Mother –our Mother Guahan"*

~

DEIS Public Comment: "This is a huge document to digest"

DEIS Public Comment: "It doesn't matter what we gain from the buildup; it's what we lose"

DEIS Public Comment: "Buenas. First off, thank you for the false sense of participation created by the comment period. The opportunity to vent, while completely meaningless, is at very least cathartic"

DEIS Public Comment: "The destruction of the land is a sign of disrespect to our ancestors"

DEIS Public Comment: "How much sewage and solid waste can our island expect?"

*—Many comments address how full of \_\_\_\_\_ our colonizer is, but the real concern was where our colonizer was going to put all that \_\_\_\_\_, especially with 80,000 more \_\_\_\_\_holes coming to Guam*

DEIS Public Comment: "Military peeps please hear me clearly. I don't want no trouble but just believe me things will go down if you mess up. Just don't start no bull like on Okinawa. Guåhan soldier for life"

*—Craig! Had my students comment in class one day and I received a torn paper, with red ink and large letters that said: FUH-Q MILITARY. Then a tiny little post-it attached that said "Sorry, That's all I could think of because I'm really mad"*

DEIS Public Comment: "Where are the comments to these issues sent? Who sees them? Will the public see any of these comments?"

DEIS Public Comment: "My main reason for being against the military buildup is for what happened in Okinawa. A girl got raped"

DEIS Public Comment: "The lives of the native ocean inhabitants are more important than a parking lot for war ships"

DEIS Public Comment: "They can't even pronounce the names of the villages right for God's sake!"

*—Pronunciation before colonization!*

DEIS Public Comment: "On behalf of the outrigger Guam Resort, OHANA Bayview Guam and OHANA Oceanview Guam representing a combined total of 939 rooms and almost 350 employees, I hereby submit testimony in support. The buildup will offer our industry an increase in the number of visitors and additional customer diversity"

DEIS Public Comment: "This bothers me so much that I am typing this response at midnight with my cellphone"

DEIS Public Comment: "I don't think I'm allowed to say that I'm against the military buildup because both of my parents are for the build up, and my dad is in the Air Force"

DEIS Public Comment: "Hafa Adai! My family has a long history of serving in and in support of the US military"

*—Hafa Adai! My family has a long history of cancer and diabetes in support of the US military*

*—Hafa Adai! My family has a long history of dying in wars in support of the US military*

*—Hafa Adai! My family has a long history of our land being taken in support of the US military*

*—Hafa Adai! My family has a long history of being relocated in support of the US military*

*—Hafa Adai! My family has a long history of forgetting in support of the US military*

DEIS Public Comment: "We were here first and I don't care if you own us. We still have a voice to say what we feel"

DEIS Public Comment: "In short, will Guam residents be relegated to 'dial-up' speeds as the military usurps the majority of available bandwidth?"

DEIS Public Comment: "Strange that no mention was made of windsurfing"

*—The dredging of Apra will destroy a windsurfing area*

*—Will it also destroy the wind?*

DEIS Public Comment: "I am totally against the military taking over the land at the Race Track located in Pãgat"

*—Craig, Is this an experimental translation project?*

*—I read Volume Ten of the Final Environmental Impact Statement, which contains nearly all the 10,000 comments that people submitted in response to the DEIS during the official 90-day comment period*

*—I copy and paste phrases, sentences, words, passages from the comments of the people*

*—I post these comments as my Facebook status*

*—Sometimes others comment on the comment*

*—Sometimes I*

DEIS Public Comment: "That's a terrible thing to do on sacred, holy ground, and I know this because I go to Catholic school"

DEIS Public Comment: "Shame on you"

DEIS Public Comment: "This document really needs to discuss how bad traffic is going to be"

*—Traffic is the only issue that everyone is united against*

*—Though I'm sure there's one ultra-colonized out there who will argue that more traffic will boost the economy and preserve our culture*

*—Parking offers structure, after all*

DEIS Public Comment: "Please don't take my grandpa's farm land away"

DEIS Public Comment: "I am a 9-year old girl and I don't want you to do this because I love dolphins and turtles and want them to be here when I have my own kids"

DEIS Public Comment: "You are forcing us to choose between the destruction of our race, our homeland, and our culture, or to rise up against you in the hope that we may preserve something for our children and the generations to follow"

*—hoi...I love reading these quotes you've been putting up. Gives me strength and reminds why we do the work that we do. Guaiya hao, p.s. gonna start stealing yr quotes and reposting*

DEIS Public Comment: "I cannot sit back any longer. We, as a whole, need to stop being shoved around, and push back"

*—The revolution will not be on Facebook*

*—If it isn't on Facebook, it probably wasn't very successful*

*—Or it was so successful that there is no more Facebook*

DEIS Public Comment: "What scares me is that I am a young female that is a target to those men who will be arriving"

DEIS Public Comment: "Thousands of horny GIs running around the island is not going to make the night life too fun, and will definitely increase the number of prostitutes on island"

DEIS Public Comment: "What if the people on Guam get outnumbered?"

DEIS Public Comment: "I request an extension of the public commenting period"

DEIS Public Comment: "And if they do take the lands that they want, then what will the meaning of Guam be?"

DEIS Public Comment: "Why Guam? Why does it have to be us?"

DEIS Public Comment: "And I still find it hard to wrap my head around everything"

DEIS Public Comment: "I feel scared because no one can tell the future"

DEIS Public Comment: "NO ACTION! But I do believe Guam needs change"

DEIS Public Comment: “The online comment box is too limiting”

DEIS Public Comment: “Why are we only limited to 2500 characters in our comments?”

*—Do the blank spaces between words count as characters? Does silence give our words character?*

DEIS Public Comment: “Lao pa’go na ha’ane nisisita ta fanachu put i tano’ta, para i famagu’on-ta (Now is the time to stand up for our land for the future of our children)”

DEIS Public Comment: “I feel like the ko'ko' bird. My nest was on the ground. I was a flash in the forest. I took to the water”

### **Afterword**

In 2006, the United States and Japan announced a plan to relocate 8,000 marines from Okinawa to the U.S. Territory of Guam, and to "buildup" Guam's military capabilities. As required by the National Environmental Policy Act of 1969, the Department of the Navy prepared a Draft Environmental Impact Statement (DEIS) to detail the military plan and assess the buildup’s potential "impacts." Released in 2009, the DEIS was a nine-volume, 11,000 page document.

The military buildup would include construction of facilities to house and support the transferred marines, their dependents, and tens of thousands of imported workers; the establishment of an Air and Missile Defense Task Force; the placement of a firing range complex on sacred lands; and the creation of a deep-draft wharf in Apra Harbor for nuclear powered aircraft carriers. The buildup would create an unsustainable explosion of population; an overrun of public utility systems; an increase in the production of toxic waste; the appropriation of public land for weapons testing and training; the destruction of coral reef; a rise in crime and sexual assault; an unsustainable population explosion; and the further endangerment of many marine and terrestrial life.

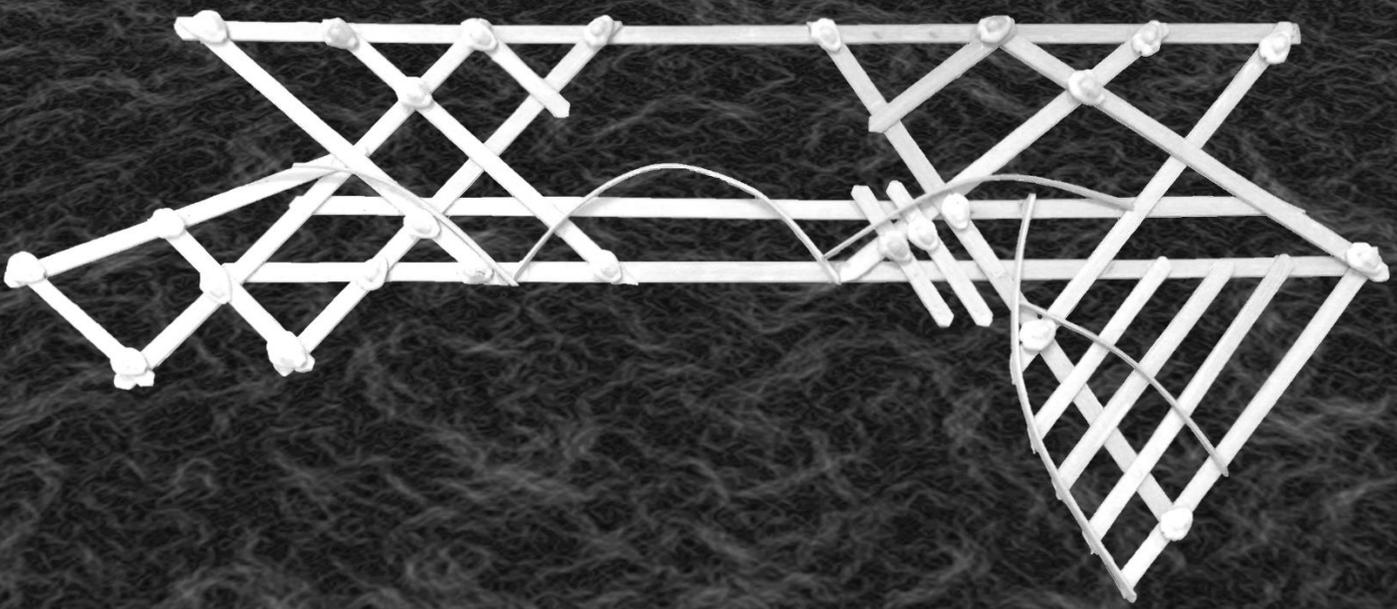
When the DEIS was released, public hearings were held throughout the island and the people were given opportunities to comment in person, through the mail, or online. Since I was living in California during the public comment period, I anxiously followed the testimonies and debates in the online newspapers and social media as I prepared to submit my own comment online. As a Chamorro in the diaspora, I felt inspired by my Chamorro brothers and sisters on island—from so many different walks of life—who were organizing, mobilizing, and protesting against the buildup. I felt inspired watching video clips on YouTube of poets, professors, mothers, fathers, youth, veterans, military family members, senators, boonie stompers, drag racers, grandmothers and grandfathers testifying at the DEIS hearings.

After the comment period closed, a Final Environmental Impact Statement (FEIS) was published with a tenth-volume that included nearly all the submitted public comments. When I read this volume, it felt like being back home, surrounded by the public voices of the people. I wanted those voices to live on and echo, so I began posting some of my favorite comments on my Facebook page. My Facebook friends liked, commented on, and even shared some of these comments.

For me, sharing was a way to further circulate the voice of our people in a new forum. Around this time, I was also working on a new poetry book. I was inspired to continue re-circulating these public comments so I cast them into a poem titled "fatal impact statements." The phrase "fatal impact" was once invoked to describe what would happen to indigenous peoples who came into contact with Europeans: we were doomed to extinction. Yet we continue to survive and struggle, flourish and fight. We continue to testify and speak publicly against destruction. My new book was published in April 2014, and now these voices continue to circulate in a new form and will even be archived at the Library of Congress.

Many people who have never spoken up before, who never had a public voice, have been compelled to speak because of the threat of militarization. If we listen and read closely, we can hear our ancestors' voices breaking through the silencing history of colonialism to rise up on the waves of our own voices as we rise to protect and reclaim our island.

# COMMENTARY



# Estague i Kinahulo' i Manhoben

Kenneth Gofigan Kuper

Self-determination. Two words connected by a hyphen. Self and Determination. As two stand-alone, separate words, they are not controversial, but their intertwining tends to either inspire or obfuscate, motivate or alienate. The right of self-determination is so integral in the discourse surrounding indigenous rights movements and decolonization around the world. It is often cited as the goal to strive for, the process of true liberation, and the legal principle that we can rely on to strengthen ourselves as a people. Yet, it is also a word that causes people in Guåhan to cringe, makes them fear a dystopian, uncivilized society, or makes some feel un-patriotic. With all this controversy surrounding the word, it should be one of those “hot topics” which permeates everyday conversation. It should be a topic that those affected the most will speak about and debate upon all day. However, who exactly is this group that is affected the most? The youth! *I manhoben siha!*

These self-determination arguments impact us, the youth, the most because it is we who will be living in a tomorrow created by the decisions of today. Whether or not self-determination is achieved and what status will be chosen drastically shapes the futures awaiting us. However, for many Chamorro youth, self-determination almost means nothing. To many of the youth, they have either never heard of self-determination or simply view it as something that plays on the news every once in a while. *Hafa na taiguiguini? Why is it like this?*

Unfortunately, the self-determination discourse is heavily territorialized in Guåhan. Territorialization in this particular case refers to the widespread idea that conversations regarding self-determination belong to certain realms of society and have no actual relevance outside of those domains. For example, self-determination is talked about in the courts, legislature, university, and periodically on the radio and news stations. It is not the talk of the fiesta or the social gathering. What message does this send? For many of the youth, these realms of society are not ones they are particularly involved with on a regular basis. So the question remains that if self-determination as a concept is largely discussed in places where youth are not regularly present, then is it their fault that they feel disconnected from the word?

On this note, the strongest hope for the actualization of self-determination lies in the ability to show the youth that self-determination is theirs to own, argue about, oppose, or fight for. *Hita la'mon!* It is about reaching into the courts, legislature, and university, pulling self-determination out and sharing it with the youth. One of the most important things we can do is to help the youth realize their role in Guåhan's future is active and not passive.

As Brazilian scholar Paulo Freire writes in his pinnacle and seminal work, *Pedagogy of the Oppressed*, different education models and understandings of the world can lead to where people “see the world not as a static reality but as a reality in the process of transformation.” We need to help the youth realize that the insanely cliché phrase “The youth are the future” is more meaningful in places like Guåhan that are still waiting for a future that belongs to us. How do we do this though? Is it possible? In order for the youth to feel that they have any place or say in self-determination, we must help them realize that this issue is intimately tied into their everyday lives. If we can successfully make self-determination not only a legislative discussion, but also the discussion of *mañe’lu* gathering around the barbeque pit, then we have a much better chance at succeeding.

We are not completely insane in thinking that we can make self-determination a barbeque pit or hangout topic. In my experience, barbeques are routinely the venue for talking about music, football, relationships, last Friday’s adventures, who scrapped with who, etc. However, I have also heard certain phrases that can serve as our link to pushing self-determination through the door. Many of my friends and cousins have said certain things like “Damn! Flights are super expensive just from here to Saipan,” “The line at GMH was crazy yesterday,” “My son’s school does not even have any textbooks,” or “With the way this island is right now, I would not mind moving to a place like Hawai’i or California or something.” *Todu i tiempo ma sâsangan este.*

Another popular conversation topic at barbeques is the “one-upper” and I am sure we have all encountered this. We all have that one friend or cousin (or we may be that person ourselves) who performs this *gupot* duty. The “one-upper” goes like this. If one person says “I just found out that they are opening this new restaurant pretty soon” or “Bro, the newest iPhone is coming out pretty soon here” or “Girl, there is a sale going on at Macy’s,” there will almost always be this response. “Bro, they already have that in the mainland,” “Man, Hawai’i had that for five years already,” or “Who cares? I can always go buy that on base.” Many people feel the need to constantly “one-up” by making the connections to the states, Hawai’i, or to the military bases. *Para siha, maolekña i otro na tâno’ siha ki i tano’-ta.*

During these points of conversation, we should officially bridge the gap between the status quo and self-determination. We can help make the connections between their daily, lived experiences and the possibilities that self-determination can bring. By bringing self-determination to them and placing it in the social realms of their daily lives, it will be more difficult for them to ignore. So many people, including myself, are disappointed by the status quo that comprises our daily lives. The power lies in using our disappointment as a point of discussion. Why do we feel that things are the way they are? Why do we feel that nothing has changed even though we have been complaining about the same thing for years now? After we engage in this process, we can share some of our thoughts on how the lack of self-determination plays a role in the maintenance of this unsatisfactory status quo.

For example, we can ask others how it feels that they are “Americans” living in Guåhan, which is considered “America,” yet at the same time, Guåhan is not up to “national” standards? If Guåhan is “America,” why do we have to fly to Hawai’i or California for specialized medical care? Why are things cheaper on base? Why can’t we vote for the U.S. president? Whether or not this is the trajectory you want the conversation to take, it is a good launching point to help people wonder about these things. Many here in Guåhan already know the disparities and inequalities that exist in the status quo, we just need to peel through certain layers of thought to really question the origin of these disparities and what can be done to address them. *Nihi ta guaddok la’tåhdong kosaki siña ta sodda’ i hale’ i hinekse-ta.*

From here, we can begin to talk about the political options made available in the self-determination plebiscite: statehood, free association, and independence. We can begin to go through each of these and ask them what they think can happen as a result of each status. The important point here is considering the status quo is rather horrible; do we not deserve a change?

No matter what political leanings the youth may have in regards to political status, if they think that their daily lives can be made better through enacting one of these three choices, then we can form a generation ready to fight for self-determination. We will have a generation that realizes that self-determination is more than just a word; it is the imaginative possibility of removing the despised status quo. It is the only chance we will have to make systemic changes.

Of course, there is always the possibility that they will simply say, “I know the status quo is horrible, but if we fight for anything else, things may get even worse.” This is not an uncommon thought and is reflected in the mock plebiscite votes in the past in which the majority voted for “improved status quo.” This real fear of what self-determination may result in is a real one that I have encountered many times in my life. I used to not know how to react to these thoughts and would just sit there and wonder how to process these thoughts. Then, it suddenly hit me! Fear should be nothing new to us. For many Chamorro youth, we are always living in fear. We fear that we may not get a job after we graduate. We are anxious about how to put food on the table and feed our children if we have young families. We contemplate how to pay the bills next month, and we fear what tomorrow may bring. Chamorro youth are not new to fear; in fact for many, it has been one of the only constants in our lives. Engaging in self-determination may be a brand new fear, but it could possibly be the “fear to end all fears” or at least a majority of these fears. If taking a risk and engaging in the process of self-determination will change our lives for the better, then isn’t it a risk worth taking?

At this point, it is important to further investigate the origins of our collective fear. One of the main controversies regarding self-determination is the infamous “Who is the self?” In these arguments, it is debated which peoples are the self that should collectively be able to vote in the self-determination plebiscite. In the case of Guåhan, should it be Chamorros, all people living in Guåhan that get to vote, or all those that trace ancestry in Guåhan before a particular time? These were the

questions that were asked before the legislature gave their answer through Public Law 25-106 in which “The political status plebiscite shall not be race-based, but based on a clearly defined political class of people resulting from historical acts of political entities in relation to the people of Guam,” so it is not a “Chamorro-only” vote in the racial term of the word. All of this is very important and has a role, but I think the bigger picture is missing in this analysis.

A majority of these peoples who will be eligible to vote are Chamorro youth (in the very cultural and ethnic sense of the word), so they are part of the collective “self.” However, what does that “self” even mean? As Chamorro youth, do we really have an idea of who we are and where we come from? I feel that fear of self-determination stems from the fact that many of us do not know our histories, our stories, our failures, and our victories as a people. Self-determination can be really confusing and ineffective if those that compose the “self” have no conscious awareness of who that “self” is and where that “self” comes from. *Håyi mismo hit?*

In our classrooms growing up, we were taught that we are Americans and that we belong to the United States of America. We were taught that we belong to the greatest nation on Earth and that we need to be grateful and thankful for the “country” we were born into. We were also taught that George Washington was the first President, Abraham Lincoln freed the slaves, Benjamin Franklin was one of the smartest men in “our nation’s” history, and that America was started by brave pilgrims from England. We were taught through the Constitution that “All men are created equal and given certain inalienable rights.” We had to memorize the capitals of the 50 states and we learned English as the language of our upbringing. We learned math and science through trains, snow, and many other things children in Guåhan have never seen before.

Yet, the list of things that we were taught pales in comparison to the things that we were not taught. We were not taught that Chamorros are a people with a genealogy spanning nearly 4,000 years and who were expert seafarers and navigators. We were not taught that Chamorros existed as a people for thousands of years before we ever became American citizens. We were not taught that people such as Maga’låhi Hurao, Maga’låhi Agualin, and many Maga’håga engaged in a 20-year war with the Spanish to protect our island, beliefs, and culture. We were not taught that there was a Guam Congress Walkout in 1949 that led to the Organic Act of 1950, which occurred because our people were tired of being administered by a government they were not even a part of. We were not taught that in Chamorro culture all people are created equal, not just men, because we come from a matrilineal society that honors our women. We were not taught the 15 islands in the Mariana Islands or what the names of the villages in Guåhan mean. We were not taught the Chamorro language to a point where we are fluent, and we were not taught the science of navigation or the science of indigenous planting methods. To quote Chamorro scholar, Dr. Katherine Aguon, “It still saddens me that children frequently learn the four seasons before Guam’s two seasons and that snowballs are a bigger preoccupation in curriculum materials than coconuts.”

It is the revival of this sleeping knowledge that will lead to a better understanding of the Chamorro “self.” To be clear, I am not saying that the school system is the only place that children learn, because obviously we learn a lot from our families and friends. However, if our family and friends are also the product of that same school system, then we can see where part of the problem lies. Reviving this knowledge will help the youth come to one possibly life-changing conclusion: That we have been fooled. We have been Americans for 64 years now, but we have been Chamorro for 4,000 years or more. We have been Chamorros since before the pyramids were built, but have only been Americans since around the time Elvis Presley began his career. We have been Chamorros sailing across the ocean while Europeans were still afraid of the dark waters, but have only been Americans since the year the modern credit card was introduced. If all of this is the case, then why is the identity of the short 64 years dominating our lives? Could it be that if we learned our 4,000-year history, Chamorros would become empowered, equipped, and dangerous to the colonizer? *Yanggen ta gof tungo i estoria-ta, siempre ta tungo’ na mafa’bababa hit.*

This is the importance of giving the youth the knowledge that has served as this massive gap in our knowing of the world. Once we know that we have been robbed of our histories, we know that we have been robbed of our present and our future. As George Orwell once said, “He who controls the past controls the future. He who controls the present controls the past.” Through the colonial erasing of the past, the youth have been robbed of knowing where we come from, thus it is no wonder why life as a Chamorro youth is a complex and at times difficult existence. By giving life to our history and the aspects of the present that are uncomfortable to the colonizer, we can also wake up the sleeping giant of self-determining, young Chamorros that will alter the course of Guåhan’s history.

This knowledge of history, values, language, and beliefs is truly important to know and understand, but knowledge alone is not enough to wake this sleeping giant. In order to achieve self-determination in the most political, legal sense, the youth need to already begin engaging in everyday self-determination processes. It is about everyday action and lived self-determination that happens long before any plebiscite vote! We need to realize that sitting there and waiting for self-determination in the legal sense of the word, which requires the recognition of the colonizer, is simply perpetuating colonial logics of “trying to beat the system through using the system”.

True self-determination requires that we escape colonial logic and begin to engage in a Chamorro-rooted self-determination process. Working through the political and legal self-determination process is needed, but if that is all we end up doing, then we have failed. Self-determination is a much larger process that requires it to begin at the community level. If we do not have a community that already has the knowledge and praxis of everyday, self-determining acts, then how can we expect to have this on a political level?

According to indigenous Cherokee scholar Jeff Corntassel, self-determination comes from moving beyond political awareness and purely symbolic gestures to moving to everyday examples of resurgence. Every indigenous person just through their existence engages in an act of resistance because our existence complicates the reach and power of the colonizer. Those of us who practice our culture, carry our values and beliefs, and speak our language in daily life are resisting the hegemonic discourse of prioritized colonial whitewashing. It is in these everyday practices where we Chamorro youth can re-imagine ourselves. Just as we need to move away from waiting for the colonizer to recognize us as a self-determined people who have chosen a political status, we need to also stop playing victims of colonization. This victimization, especially for the youth, happens when we feel that nothing is possible on our own. This victimization happens when we are unable to imagine ourselves as anything else but what we have been told we need to be.

These examples of everyday resurgence of self-determining acts are ubiquitous in our beautiful island of Guåhan. There has been the spoken word resurgence through organizations such as Sinangån-ta that have been built from the bottom up. The youth mentors and the high school youth themselves organize these poetry slams, and they have started a massive movement of youth who live and breathe the spoken word, which in turns fosters a more critical social lens. I have been to these amazing poetry slams where high school students spit words of creative wisdom to packed buildings. These events serve as a space for these youth to express their fears, desires, and insights to the world. For someone not having much exposure to spoken word, these events gave me hope in our youth and reinsured me that Guåhan's future is not so bleak as long as projects like these exist. These youth are organizing and determining their own future, and certainly, they are not waiting for anybody else to tell them what to do or how to do it.

An example that demonstrates these everyday self-determining acts is a poem named "Self-Guamination" performed by youth poets Ryan Leon Guerrero and Walla Wai. This poem was performed at the spoken word competition, *Brave New Voices*, and received a passionate reaction from the audience. These poets' passion for self-determination, social justice, and cultural preservation/revitalization is obvious in this poem through words such as;

*We will engage in this war to preserve our past. Using our vocal cords as slings and our vocal tones as stones they are thrown, not to break bones, but to break the silence of our people. To all of you this is just a poem, but to us, it's the chance to bring justice to our home. We carried this message in our hearts to a nation that still considers us second-class citizens.*

Words like these coming from the minds of Guåhan's youth is relatively rare and counters much of the apathy that exists towards these pressing issues of our generation.

Another example of everyday self-determination is through the Chamorro language classes

taught by Dr. Michael Lujan Bevacqua. For four years now, every Friday of the week, Dr. Bevacqua meets at a local coffee shop and teaches free Chamorro language lessons to all those that are interested. These classes are open to anybody and all that is required is a pen/pencil, paper, and determination. The typical layout of the class begins with the basic conversational blocks of Chamorro language in order to get people to start speaking on the first day. The weeks that follow include learning new grammatical constructions, creating and enlarging a vocabulary list, as well as conversational practice.

These classes are not only about learning the language in a purely linguistic fashion, but through these language classes, we are taught the stories and values surrounding the language. There have been multiple occasions in which people relate to a particular word. They never knew what the word meant until the class, but it brought back so many memories; memories of their grandmother or grandfather saying this word multiple times to each other or memories of them hearing this word at a barbeque or party. Through this class, relationships and community are fostered strengthening Chamorro solidarity demonstrating a true “self-determining” potential. It is through this language pocket, spoken word movements and other projects similar to it that Chamorro youth are waking up to the endless potential they have.

Projects like these, although not fighting for self-determination in the most legal sense of the word, fight for self-determination at the much-needed community level. This is where its strength lies. These projects show that Chamorro youth can organize, produce, and create in the most meaningful manner. We can harness this everyday self-determination and apply it to reach self-determination in the legal sense of the word.

These projects help to demonstrate the four main points present in this article. These are:

1. We must find a way to connect self-determination to the everyday lives of the youth, and show them how it can change the status quo.
2. In order to reach “self-determination,” we must know the “self.” We can reach this through retelling the stories that have been withheld from us. This process serves as the empowering catalyst we will need to start youth movements.
3. We need to start engaging in everyday, community acts of self-determination that already exists amongst the youth.
4. We need to know that we are the change that we have been waiting for.

Once we do these three things, we can create a movement of self-determining youth. We can create a movement of youth no longer waiting for the keys to their future to be handed down to

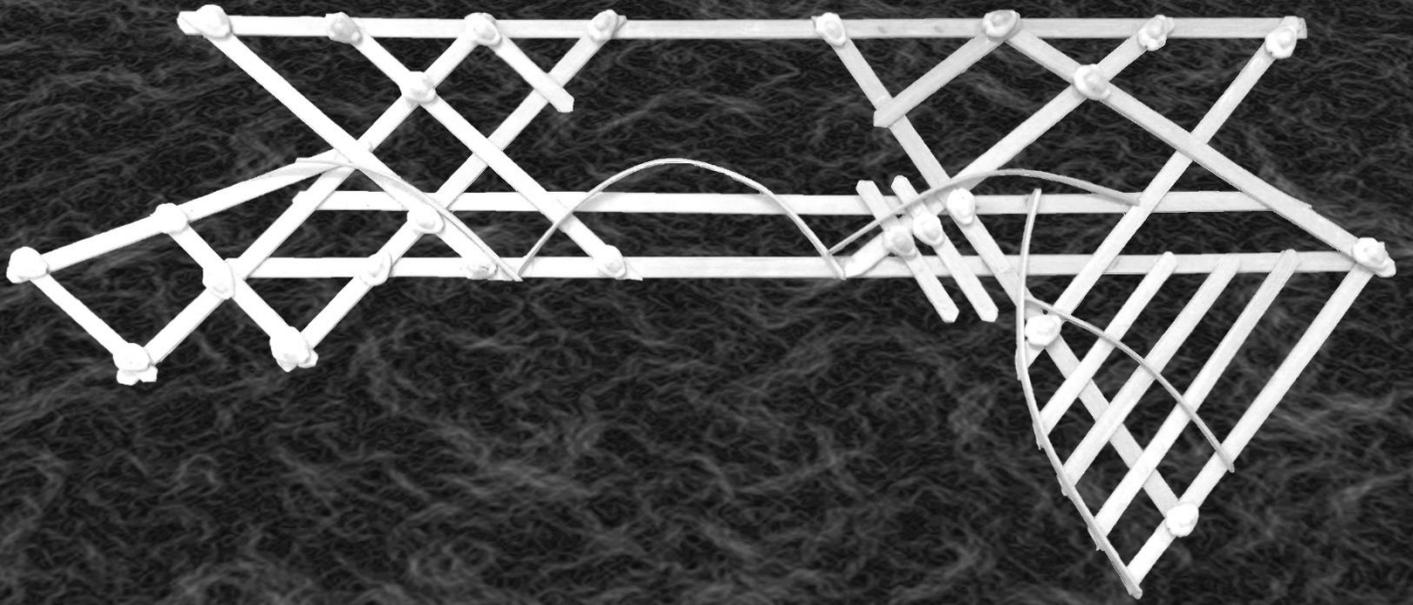
them. We can create a movement of youth who dare to re-imagine their place and identities as Chamorros. Lastly, we can create a movement of youth who understand that self-determination means so much more than just the combination of the words “self” and “determination.”

*Kao un hungok enao? Ayugue i kinahulo' i linahyan. Ayugue i finakmatan i linahyan. Ayugue i taotao Chamoru ya ni ngai'an para bai in fanmamatkilu ta'lo.*

[Did you hear that?]

That is the sound of the rising of the masses!. That is the sound of the awakening of the masses!. That is the sound of the Chamorro people, and we will never be silent again).

# TESTIMONIES



# **Statement of the Non-self-governing Territory of Guam to the Pacific Regional Seminar on the Implementation of the Third Decade for the Eradication of Colonialism in Nadi, Fiji, from 21 May to 23 May 2014**

**Edward A. Alvarez**

Hafa Adai Chairman Xavier Lasso Mendoza.

First off, our Governor, Eddie Baza Calvo would like to congratulate you on your selection as Chairman of the Committee of 24!

Our delegation believes these are exciting times for decolonization based on the recent U.N. mission to New Caledonia and the listing of Tahiti as a Non-Self-Governing Territory, in addition to all the other work the committee has engaged in relative to the remaining cases. We hope the committee continues toward the path of decolonizing the remaining territories and that more missions will follow in the future! While we are almost halfway through this decade, in our opinion, there has been progress and we applaud and encourage this to further develop under your leadership.

In the case of Guam, I am proud to report that for the first time in many years, the Guam Commission on Decolonization has a budget request in our Legislature for one hundred thousand dollars to begin the public education program. This is something we could only talk about three years ago. While this money is only a small mount compared to what is needed for a fully realized educational program, it is a good start! As was relayed at the 2011 UN seminar in the St. Vincent and the Grenadine Islands, Guam was in a grave financial state when we took office that year, and no monies could be committed at that time. But through sheer financial prudence and frugality, coupled with tough fiscal policy, Guam has greatly improved its financial condition to the point that its deficit of hundreds of millions of dollars has been erased! Today, Guam is perhaps the only U.S. territory

with a stable economy, however we continue to be pragmatic and closely monitor this aspect of our government and are confident that we can continue to fund the commission in the future.

Chairman Mendoza, this money will be used to for a variety of activities such as websites, television programs, and conferences. Commission websites and the use of the internet will go a long way to reach out to our young adults who frequent these mediums as a way to get information and keep up to date with current events. Television programs will be produced to play on public access channels such as the legislative and governor's channels, as well as our public broadcasting system channel. In this vein, the commission may request our cable companies to play these programs pro bono on their stations. We hope the response will be one of teamwork and cooperation with the understanding of the best interest of our people in mind. Hopefully, the messaging surrounding this issue will make great strides toward clarifying once and for all what it is all about and how it affects people's daily lives, and most of all, the fact that our political relationship with our administering power needs to be modernized!

In the meantime, the commission remains active in its public awareness program reaching out to the public and private high schools to conduct presentations to students about the correct messaging regarding decolonization. Simultaneously, it does the same with civic and cultural organizations, attempting to quell the spreading of misinformation by the media, who unfortunately continue to distort and confuse our public. Many in our community, both Chamorro and non-Chamorro have come to believe this misinformation and do not support the decolonization of Guam, as they feel it is racist or contradicts with U.S. laws. The monies for the educational campaign will be well-spent in terms of countering that misinformed messaging and ensuring that people have a proper understanding of all three political status options and the basics of international law that governs the decolonization process.

Chairman Mendoza, we are doing our share to reach our goals and objectives when it comes to our decolonization process, but we can certainly use some more help!

This is particularly, in reference to the U.S. Department of Interior funding that appears to have become a fleeting mystery. On two occasions, the commission did its due diligence by following directions from this department; in one instance, we were instructed to write a budget proposal in 2012, which we later learned was not the right format. The second instance called for a grant proposal, which was written in November 2012, but again with no result. A letter was sent in July 2013 again with no response. Thus, while it appeared the commission did not submit anything, I'd like to state factually that this is not the case. All things considered, we are going to continue to pursue this money and would appreciate any assistance this committee can provide. I was pleased to know that after being absent for so many years, the U.S. representative to this seminar attended last year in Ecuador and I hope to continue dialogue this year in some shape or form.

Chairman Mendoza, in light of all the above, I respectfully remind the committee to follow through with the resolutions it has passed throughout the decades. The people of Guam are still hopeful this issue will become reality and it is only right that Guam and the other remaining territories exercise this inalienable right to self-determination, something we all should have done long ago.

Furthermore, there is still this sense of urgency to expedite this process and bring this matter from thought to theme, and from theme to resolution. There is no doubt that all the remaining territories have this right, but this is the very reason the committee exists and I hope we all agree that another decade to eradicate colonialism only lends itself to justice once again denied! And this is a road none of us want to go down.

In closing, I want to reiterate the following recommendations:

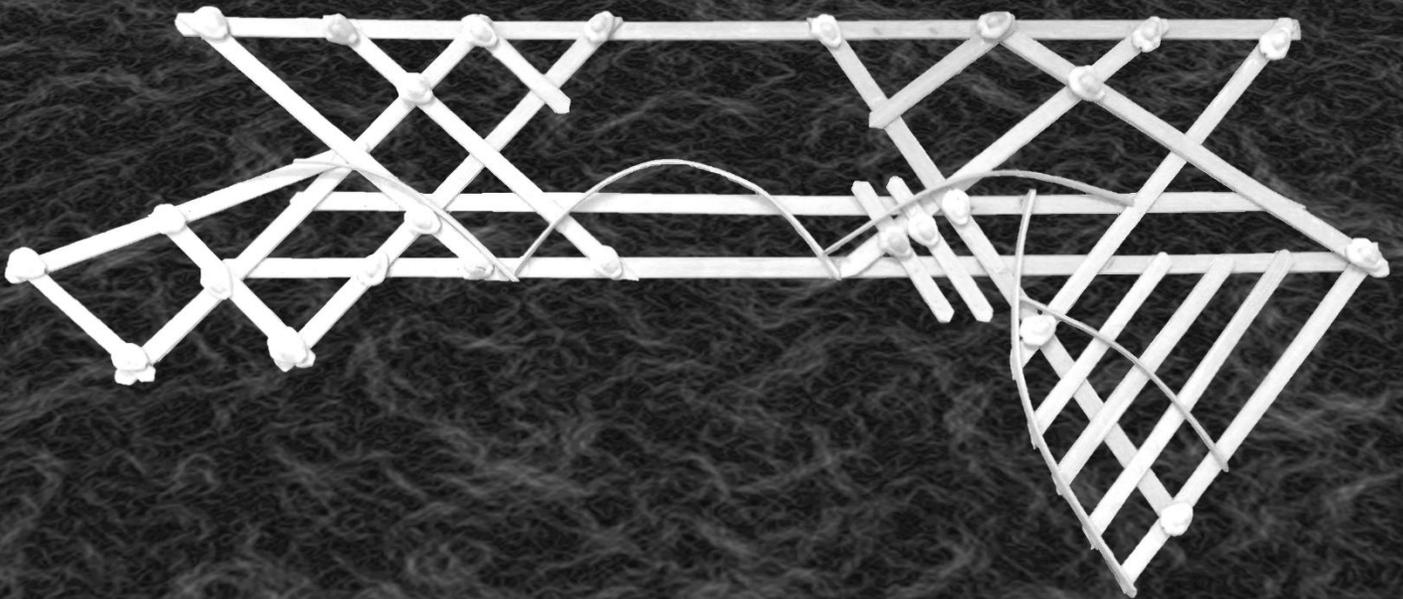
1. That the electoral office of the department of political affairs begin to supply information on the political status options, since the lack of this is what impedes the territories from understanding more about the three status options. The lack of this fundamental information is what stymies Guam and impedes our path to decolonization, and in the end, territories will end up taking this on with limited resources.
2. That the General Assembly endorse a work program for the decolonization of each territory. This cannot go forward without the administering power furnishing information on the territory. Thus, the process becomes quite limited, and in the end, never implemented.
3. That the conduct of periodic analysis be undertaken on the progress and extent of the decolonization declaration in each territory. While working papers are important documents, they are not the type of documents called for in the resolutions. Without such analysis, it is difficult for member states to understand the paths non-self-governing territories have taken over time due to the lack of implementation of decolonization resolutions.
4. Finally, and once again, we call on the special committee to implement the recommendations of the general assembly, and implement them as a matter of urgency. Otherwise, the role of our decolonization will fade into lesser importance, and the tendency to legitimize the unequal territorial relationships may be too difficult to resist.

Chairman Mendoza, thank you once again for the opportunity to testify here today.

We hope the work of this committee and our testimony will serve as a foundation for action to be taken in a timely matter.

Si Yu'us Ma'ase and thank you!

# PRESENTATIONS



# **Presentation to the 4<sup>th</sup> Annual Micronesia Non-Profit Congress on Self-determination, Migration**

**Felicidad T. Ogumoro**

## **A Brief History of the process towards the formation of the CNMI**

The Northern Marianas was one of the six districts of Micronesia which was administered by the United States, under the terms of the Trusteeship Agreement entered into by the United States with the Security Council of the United Nations on April 2, 1947. In accordance with the Trusteeship Agreement and the Charter of the United Nations, the United States assumed the obligation to promote the development of the peoples of the Trust Territory toward self-government or independence, as may be appropriate to the particular circumstances of the Trust Territory and its people, and the freely expressed wishes of the people concerned.

In the late 1960s, or early 1969, the people of Micronesia were given a choice to decide their future political status, such as: a) Independence; b) Freely Associated State; c) Commonwealth; d) A Republic; or, e) Status Quo. The people of the Northern Mariana Islands lobbied hard to negotiate separately their political status with the United States from the rest of Micronesia. That effort was successful.

The Marianas Political Status Commission, established in 1972, negotiated with the United States through Ambassador Haydn Williams, the President's Personal Representative at the time, the people's desire to be a part of the American political family. On February 15, 1975, the Commission, the duly appointed representative of the people, signed the Covenant establishing the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. And in a plebiscite held on June 17, 1975, the people of the Northern Marianas, by a vote of 78.2%, overwhelmingly approved the Covenant.

## **How has the recent federalization of the CNMI impacted the political status of the CNMI?**

The United States, without consultation with the people of the Northern Mariana Islands, has at times taken unilateral positions that are not consistent with the spirit of the Covenant Agreement.

The Covenant, under Section 105, states in part that:

In order to respect the right of self-government guaranteed by this Covenant the United States agrees to limit the exercise of that authority so that the fundamental provisions of this Covenant, namely Articles I, II, and III and Sections 501 and 805 may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.

It is true that we agreed, pursuant to Section 503(a) of the Covenant, that after the termination of the Trusteeship Agreement, the immigration and naturalization laws of the United States would be made applicable to the Commonwealth when the U.S. Congress so acts. However, we did not agree or approve for the U.S. Congress, without the consent of the Chamorro and Carolinian people of the Northern Marianas, to unilaterally amend Section 506 of the Covenant. This will infringe on the right of the Chamorros and Carolinians to govern themselves – the right agreed upon and guaranteed in Section 103 Article I of the Covenant agreement and their Constitution, which was adopted by the indigenous people and approved by the President of the United States on October 24, 1977.

The Consolidated Natural Resources Act of 2008 (Public Law 110-229) which federalized the management and control of immigration in the Commonwealth, violates the CNMI's right of self-government. The CNMI economic reliance on foreign tourism, investment, and labor means that the issue of immigration is intertwined with internal social and economic affairs, power over which is vested in the CNMI people by Section 103 of the Covenant.

The introduction of immigration reform bills in the United States Congress, such as S.744, subsection 2109, directly infringes upon the right of the indigenous Chamorro and Carolinian people of the Northern Mariana Islands to govern themselves in accordance with a constitution of their own adoption- the right which is protected and guaranteed under Article 1, Section 103 of the Covenant.

The intent of subsection 2109 of Senate Bill 744 is to allow more than 14,000 aliens who are in the Commonwealth from 2008 to become permanent residents, and five years thereafter, they will become U.S. citizens and be able to vote. The economic and political power will then tilt in their favor, resulting in the demise of the indigenous Chamorro and Carolinian's right to govern themselves pursuant to Section 103 of Article I of the Covenant, ultimately becoming a powerless minority in their own native lands.

Indeed, the U.S. is sovereign over the Commonwealth. But for the Commonwealth to truly be self-governing, the U.S. must live up to the spirit of the Covenant. The United States has taken advantage in exercising its sovereign power over the Commonwealth by doing away with and ignoring the importance of consultation with the people of the Northern Mariana Islands, a key factor to maintaining a good political relationship and upholding the spirit of the Covenant.

Here, I would like to share with you several instances where consultation with the CNMI government and its people failed:

1. The enactment of Public Law 110-229, federalizing immigration in the CNMI;
2. The passage by the Senate of the U.S. Congress of S.744, Subsection 2109, granting improved political status collectively to alien laborers in the CNMI, which will result in the demise of the indigenous right to government themselves, pursuant to Article 1, Section 103 of the Covenant Agreement;
3. The right to our submerged lands. The U.S. Court of Appeals in 2005 ruled that absent any expressed language in our Covenant dealing with submerged lands, and under its paramountcy doctrine, the federal government own our submerged lands;
4. With the stroke of his pen, President George W. Bush, without any real consultation with the people of the Northern Mariana Islands, established the Marianas Trench National Marine Monument within the waters and submerged lands of the Northern Mariana Islands, contrary to applicable provisions of and the spirit of the Covenant Agreement;
5. The non-transparency of U.S. Military plans for the islands north of Saipan, specifically Pagan. As Section 806 states: "The United States will continue to recognize and respect the scarcity and special importance of land in the Northern Mariana Islands." By proposing plans for Pagan, there **is** no recognition of the scarcity and special importance of the land to us; and
6. The lack of interest by the United States Government in discussing with the Government of the Northern Mariana Islands issues that are affecting the political relationship between them, pursuant to Section 902 of the Covenant Agreement.

#### **What exactly is the current political status of the CNMI today?**

The current political status of the Northern Mariana Islands is a Commonwealth in Political Union with the United States of America and governed under the provisions of the Covenant, particularly, the fundamental provisions delineated in Article 1 Section 105 of the Covenant Agreement, which lay out clearly the mutual consent requirement in matters dealing with our political relationship, the CNMI constitution, citizenship and nationality, the applicable provisions of the U.S. Constitution, and land alienation in the CNMI.

#### **What are the next steps for the CNMI in term of political status?**

It is important for our people, the Chamorros and Carolinians, to assess the existing political relationship with the United States.

The bill I introduced to establish the Second Marianas Political Status Commission has finally passed both houses in our Commonwealth Legislature. This bill seeks to examine whether our people desire continuing in our current political relationship with the United States, to determine whether this continuation is in our best interests, or whether some other political status would better enable the people of the CNMI to fulfill their aspirations of full and meaningful self-government.

### **How can federal partners support and assist in the exercise of this right – resolution of the CNMI’s political status?**

I would like to acknowledge the financial and technical assistance extended by the federal government since the inception of the Commonwealth government in 1978. As part of our mutually beneficial relationship, this assistance has propelled the CNMI economically in ways that would not have been possible otherwise. The CNMI continues to maintain a positive and fruitful relationship with its various federal partners.

Unfortunately, what is lacking is the necessary communication and dialogue with respect to our political relationship. The CNMI’s relationship with the United States, as defined by the Covenant, has in recent years been complicated by actions taken unilaterally. In these cases, Section 902 of the Covenant Agreement is a provision that provides for regular consultation between the Government of the United States and the Government of the Northern Mariana Islands on all matters affecting the relationship between them. Unfortunately, our past experience with such consultations through the 902 Talks with the United States has not produced anything of significance.

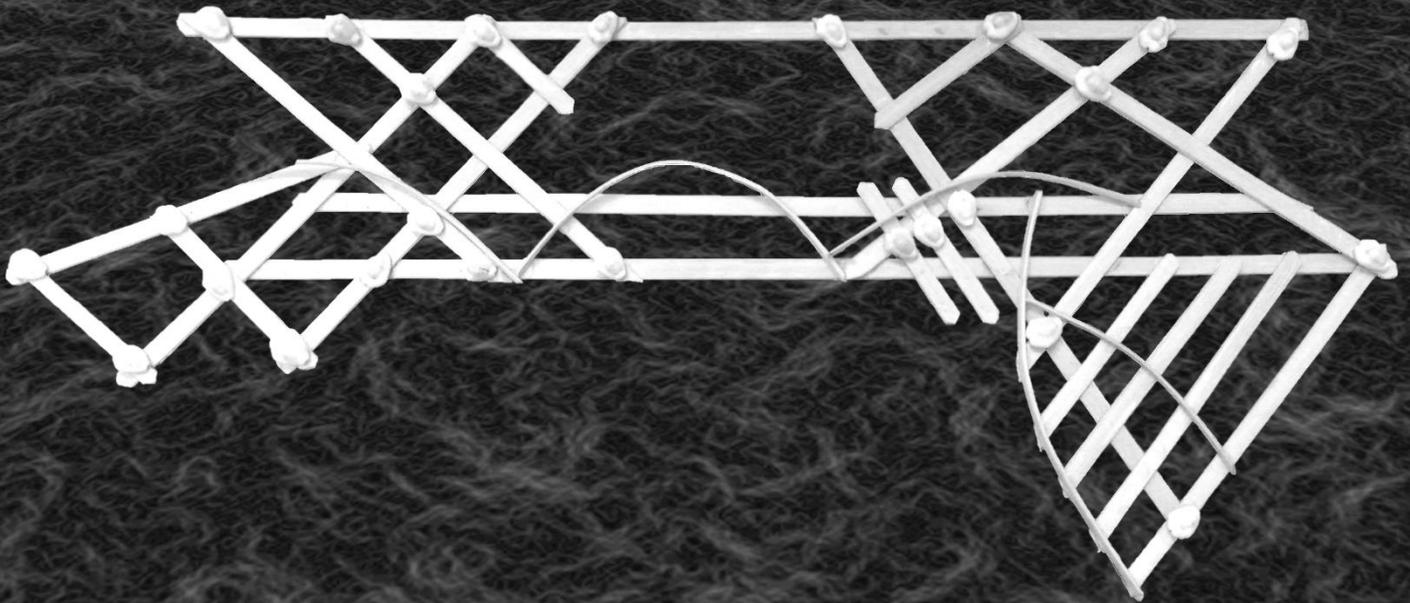
The CNMI recognizes very clearly the importance of our Covenant with the United States. And we ask that the United States respect and live up to the terms of that Agreement.

I would like to conclude my presentation by saying that the Covenant Agreement was entered into in February 15, 1975, in order to:

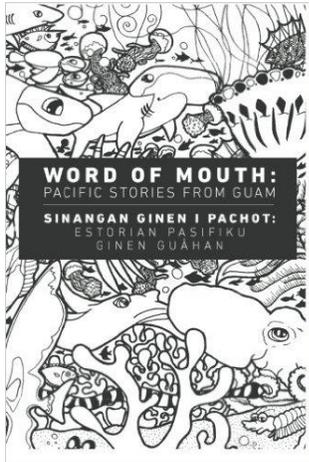
1. Establish a self governing Commonwealth for the Northern Marianas Islands within the American political system, and
2. Define the political relationship between the Northern Marianas Islands and the United States.

Thank you for this opportunity. Si Yu’os Ma’åse and Ghilisoow to you all!.

# BOOK REVIEWS



# Sinngan ginen i Pachot: Estorian Pasifiku ginen Guhan (Word of Mouth: Pacific Stories from Guam)



Review by Isa Kelley Bowman, Ph.D., Assistant Professor of Comparative Literature, Program Coordinator, Women and Gender Studies, Unibetsedåt Guåhan (University of Guam). ISBN-10: 150298055X

There are so many more stories to be told. Stories of the self and (trans) Pacific (trans)positionality. Stories of the global and the “other”. These stories are told in many venues and many ways, not only from spaces of privilege such as mainstream publishers, via the English language and other languages of the colonizer, and the socioeconomic elite. This new literary anthology from Guåhan, compiled in anticipation of the island’s hosting the 2016 Festival of Pacific Arts (FestPac), will provide a window for the Pacific and the rest of the world about the Chamorro archipelago.

Chamorro poet and University of Hawai’i at Manoa professor Craig Santos Perez responded recently to Samoan *eminence gris* Albert Wendt’s classic essay “Tatauing the Postcolonial Body” with a meditation on the Chamorro word for “heartbeat,” momongmong:

If we listen to our Pacific heartbeats, can we hear the text inscribed on our blood? Can we hold the hands that are continuously storying us? Can we bear the pain of being in a Pacific body during the Pacific Century?

Ekungok: listen. And let the world listen as well, including those who, like myself, are foreigners to the Pacific. Let us give space and respect to the indigenous voices of the Pacific – all of the voices – for it is their time to be raised.

The 2016 FestPac theme in the Chamorro language is “Håfa Iyo-Ta, Håfa Guinahå-Ta, Håfa Ta Påtte: Dinanña Sunidu Siha giya Pasifiku,” meaning “what we all own, what we all have, what we all

share: united voices of the Pacific.” The name Guåhan itself signifies “that which we have.” Intimacy with this land, this sea, and the profound Chamorro value of inafa’matatnga (strengthening one another), permeate this particular volume of curated storytelling. Developed in conjunction with a series of free, public writing workshops, these short stories and poems celebrate culture in a living community.

Deriving from an ancient tradition of public and political oratory, storytelling, rhetorical ridicule and braggadocio, and the kantan Chamorrta or dialogic song, the Chamorro literary arts have made significant contributions to Pacific literature over the past few decades. The tradition radiates through a network of creative forces such as Craig Santos Perez, Cecilia “Lee” Perez, Tanya Chargualaf Taimanglo’, Lehua Taitano, Victoria-Lola Leon Guerrero, Michael Lujan Bevacqua, Kisha Borja-Kicho’cho’, Jay Baza Pascua, Chris Perez Howard, Jose M. Torres, Don and Kel Muña, and many others. These indigenous Chamorro authors have worked in diverse genres in both English and Chamorro, including poetry, romance novels, legends and adaptations, children’s literature, short stories, World War II biographical novel and memoir, oral narrative collection, feature-film scripts, and political blogging.

The Sinangan-ta (“our spoken word”) Youth Movement has revitalized the ancient oral tradition on Guåhan among high school students, and Ginen i Hila’ promotes traditional storytelling. The Department of Chamorro Affairs, the Council for the Arts and Humanities Agency (CAHA), and Pacific Resources for Education and Learning (PREL) all sponsor creative publications; CAHA and PREL co-sponsored *Sinangan* as well as part of a three-volume Micronesian series.

The rich indigenous literary traditions of the Pacific have historically been subject to marginalization and co-option by outsiders, and Guåhan has also faced such cultural erasure. For example, U.S. naval wife Mavis Warner Van Peenen infamously rewrote the legend of the women who saved the island of Guåhan from a great fish, substituting the Catholic madonna for the original Chamorro heroines. There is still a hesitancy among some to respect the enduring Chamorro identity within the present colonial context, and still many examples of cultural appropriation, eliding the reality of ongoing white supremacy in intersectional oppression.

The Chamorro literary arts are represented in authentic indigenous voices from Guåhan and its mañe’lu (sibling) islands in the Chamorro archipelago. Their Pacific specificity, whether dwelling near their ancestral roots or far-flung in the diaspora, is crucially understood as intertwined with the political sovereignty, self-determination, freedom, and human dignity of their people, who still endure a life under foreign (non-Chamorro) federal and military control. Lugåt – place – centers.

*Sinangan* is a powerful moment of Chamorro indigeneity ‘writing back’ against the colonial centuries and writing for, writing within, an immanent Chamorro futurity. These Chamorro voices dream and sweat and bleed their futurity.

The anthology focuses on short stories and poetry from diverse perspectives renewing and re-affirming indigeneity. Ewy Taitano's tribute to the ancient practice of ancestor veneration (*Mannginge'*), Arielle Lowe's celebration of her family roots (*Trongkon Nunu*), and Michael Lujan Bevacqua's romantic poem incorporating his family tradition of blacksmithing (*Herrero na Guinaiya*) are all written exclusively or extensively in the Chamorro language.

Other indigenous Chamorro authors here, including Simone Bollinger, Vincent John Salas, Tanya Chargualaf Taimanglo', Malia Ramirez, and Tressa Cundiff Dela Cruz, weave the ancient language subtly through everyday life and fantasy as well. Ramirez writes of a mother's wisdom in describing the vast and multifaceted "kaleidoscope of heritage" through a lemmai or breadfruit tree: "Till today, my parents' words and actions live in me. Their lemmai stories are also 'i historia-hu' (*my story*) – embracing the co-existence of *i taotao (mankind)*, *i tano' (the land)*, and *i tasi (the Ocean)* through the lemmai" (31). The Chamorro tãsi splashes against the shores of these tales; the Chamorro pulan shines down on them through the night.

The proud use of Chamorro language by many of these authors represents a political statement, since the ancient language was specifically targeted for extinction by colonizers, including the U.S. military pre-World War II and local Department of Education postwar, although now it is an official language of Guåhan. These authors are contributing to the revitalization and reclamation of their culture.

Guåhan has endured under colonization by Spain, Japan, and the U.S. for centuries. Chamorros have historically been marginalized both within the indigenous Pacific community and within the colonialist worldview.

Foreign colonizers targeted the ancient indigenous culture of *i taotao tano'* (the people of the land), from Spanish Jesuit missionaries confronting the powerful *maga'håga* (female leaders) to U.S. military officials denouncing the use of the Chamorro language. Even today, foreigners visiting the island usually do not see much of the distinctive and enduring Chamorro culture symbolized by ocean-crossing sãkman, celestial navigation, ancient petroglyphs, a matrilineal/matrifocal avuncular society, sometimes huge (thirteen-foot) latte megaliths, the carved sinåhi and spondylus body ornamentation, and a mellifluous Malayo-Austronesian tongue. The lack of recognition provided for the indigenous culture also led to the anthropological assumption that the Chamorro people must not have a voice as well and as a result a literature. This anthology, with its multi-vocality goes does well in challenging that assumption.

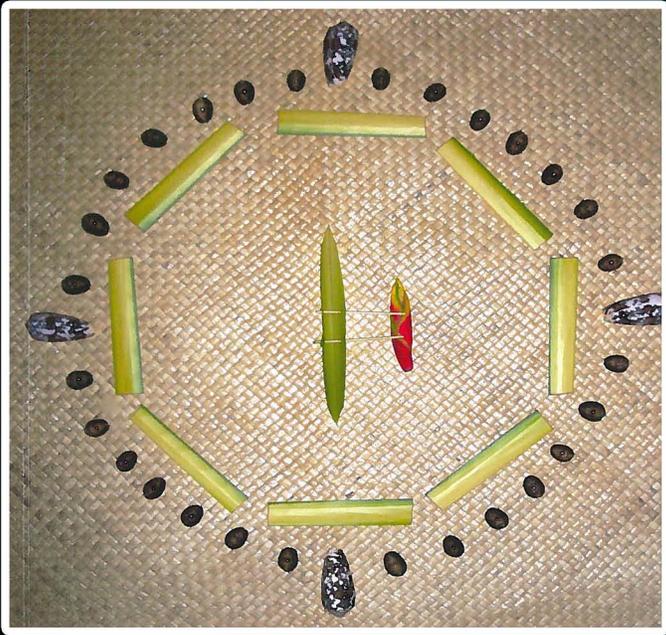
Pan-Pacific gatherings like FestPac must especially focus on honoring and nurturing the voices of highly marginalized and endangered peoples like the Chamorros as cultural and activist groups strive to reclaim and honor their ancestral culture in the face of ongoing militarized colonization. Pan-

Pacific solidarity can be a powerful tool to connect all of Oceania, the huge Blue Continent, against the common enemy of Euro-American resource exploitation, global warming, political manipulation, and military degradation of the environment.

There are so many more stories to be told. Ekungok!



Members of the group "Our Islands Are Sacred" after their demonstration at a public hearing held at the University of Guam on November 12, 2013. The demonstration was in response to a hearing organized by the Department of Defense about the MITT or the Marianas Islands Training and Testing Area, which is the largest training area the United States military has in the world. Courtesy of Michael Lujan Bevacqua



Heiwa: Heiwa is the pushing of the canoe on the unfolded mat to demonstrate how a canoe will actually sail in the ocean from the departure island to the destination island. The navigator uses one or more stars or constellations and uses the fauan etak (primary reference island) and possibly a fauan yatil (secondary reference island) in tracking the course. Heiwa is also used to explain the feeling of the canoe's movement caused by the waves and swells hitting the canoe.

Image Design:  
Lawrence J. Cunningham and Manny Sikau

