

National (Security) Park

I.

A garden Homeland.
Bulwark from the sullen seas
where the sultry breath
of the Pacific sky
first made land fall

Ode to an Island,
Stolen by dark
clouds of war
and plans of afar;
a National Security Park.

Latte behind fences;
wires barbed,
and a Guard that is armed

II.

To the Ancient,
Of days gone by that remain
in the souls
of those who carry
time in their Veins.

In American arms.
To charms of the "warden"
the new Ancient
shall prevail;
the snake in the garden.

Lattes
stand tall;
know your history
holds no mystery,
lest it falls.

-- Mulinu

Position Paper
of the
Task Force on
Independence
for
Guam

of the
Commission on
Decolonization

Independence Task Force:
Antonio A. Sablan, Chairman
Trini Torres
Debbie Quinata
John Benavente
Maria Teehan
Ben Guerrero
Tony Pangelinan
Al Lizama
Patrick San Nicolas

Other Regular Volunteers:
Eddie Pocaigue
Patty Sablan

Writers:
Jan Furukawa
Trini Torres, M.Ed.

Submitted June 2000

Independence Task Force
623 East Sunset Blvd., Tiyan, Guam 96913
(671) 475-9821 or 477-7700 or fax# 477-7877

June 19, 2000

The Honorable Carl T.C. Gutierrez
Governor of Guam
Chairman, Commission on Decolonization
P.O. Box 2950, Hagatna, Guam 96932

Recd: [Signature]
6.20.00

Dear Mr. Chairman:

Respectfully submitted herewith is the Position Paper of the Task Force on Independence for Guam.

Five months ago, we accepted the challenge of producing a common vision of Independence for Guam that would satisfy our people's yearning for self-government and their ideal of self-actualization of, by and for the Chamorros. This visualization has become our affirmative vote in the decolonization of our island homeland, culture, and language. It is also a glimpse into the hearts and minds of a produce and distinct group of people that has thrived here for thousands of years. All of us First Peoples of the world have a duty to humanity to share what we know of this place, Mother Earth --that is, a holistic survivalism that has sustained us for these millennia.

This Paper is based on legal research, as well as on the hopes and aspirations of the people of Guam, as presented by those who attended our weekly meetings and/or initial, village-level educational sessions. Just so you know, these included farmers and fishermen, active and retired public servants, active and retired U.S. military personnel, elected officials of the Government of Guam, lawyers, doctors, and yes, accountants. We also heard quite a bit from educators and students, artists, economists, sociologists and many others, and all of their queries, musings and urging have been duly considered in the development of this Independence position.

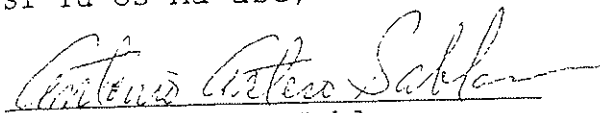
However, as you know, the Chamorro Registry Board has yet to begin its work. Also, the plebiscite date still must be determined. Meanwhile, the people of Guam are growing more uneasy with the disturbing situation that persists under the colonial status in i tano'-ta.

Kudos to you and your administration for the progressive work that you are doing to "grow" Guam's economy.

Thank you for Vision 2001; now, we must go further. Let us proceed with that same kind of self-reliant foresight, together with the ancient wisdom that has brought us thus far. Working together, we can't lose. Your people need you, Governor, and they need you to gather the maga'lahi fortitude to push Chamorro self-determination and decolonization, and lead them to a truer "land of the free, home of the brave" - right here, where we are, the peaceful and bountiful shores of Guam.

Maga'lahaen I Taotao-Guahan, it is an opportunity to present this position paper on Independence for Guam. Thank You for your continued leadership in this important matter.

Si Yu'os Ma'ase,



Antonio Artero Sablan
Chairman
-Enclosure

Trini Torres

GMF P.O. Box 24295
Barrigada, Guam 96921

Tel.: (671) 477-0638
Email: trinitt@netpci.com

June 16, 2000

Mr. Tony Artero Sablan, Chairman *AS 6/16/2000*
Commission on Decolonization Task Force for Independence
623 East Sunset Blvd.
Tiyán, Guam

Dear Mr. Sablan,

I am delivering the position paper to you. I have initialled the pages to indicate I have given my approval to this "final version".

You tasked me to do the writing of this position paper with the help of Jan Furukawa. I undertook my responsibility very seriously because the position is a legal commitment for the three Task Forces to produce. But, most importantly, I undertook it because it was necessary for our **Task Force for Independence** to produce a good, sound and convincing position paper. The big challenge was how to put into words the much needed, basic fundamental ideas of what goes into the building of a new island nation--the Nation of Guam--our Chamorro homeland! I believe it is a good position paper. I hope you think so too.

Congratulations to you for your leadership--for knowing and asking to do, what needs to be done!

Yours sincerely,

Trini Torres

Trini Torres,
Member, Task Force for Independence

ATTACHMENTS: Copies of Position Paper

AS

TABLE OF CONTENTS

Preface	1
I. Cultural Survival	2
Chamorro Language and History	3
Chamorro Cultural Values	3
Land -- Key to Keeping the Chamorros As a People Intact in Their Homeland	4
Primacy of Education	6
Farming and Fishing -- Our Sustainable 'Industries'	7
Struggles and Resistance	8
Conclusion	12
II. Sovereignty	14
III. Constitutional Development	22
IV. Governance of Island Affairs	
<u>Internal Matters</u>	
A. Individual Rights	24
B. Immigration	26
C. Legal/Judicial Processes	27
D. Taxation	28
E. Land/Natural Resources	29
<u>External Matters</u>	
F. Defense	32
G. Foreign Affairs	33
H. Financial Assistance	34
I. Framework for Economic Development	35
J. Transportation	38
K. Implementation Period	39
<u>Conclusion</u>	40
Endnotes	41

2

2

2

PREFACE

"The Spaniards would have done better to remain in their own country. We have no need of their help to live happily. Satisfied with what our islands furnish us, we desire nothing. The knowledge which they have given us has only increased our needs and stimulated our desires... They take away from us the primitive simplicity in which we live.

They dare to take away our liberty which should be dearer to us than life itself. They try to persuade us that we will be happier, and some of us have been blinded into believing their words. But can we have such sentiments if we reflect that we have been covered with misery and illness ever since these foreigners have come to disturb our peace?

...If we had sickness we had remedies for them. But they have brought us their diseases and do not teach us the remedies. Is it necessary that our desires make us want iron and other trifles which only render us unhappy?

The Spaniards reproach us because of our poverty, ignorance and lack of industry. But if we are poor, as they tell us, then what do they search for? If they didn't have need of us, they would not expose themselves to so many perils and make such efforts to establish themselves in our midst. For what purpose do they teach us except to make us adopt their customs, to subject us to their laws, and to remove the precious liberty left to us by our ancestors?...

They treat our history as fables and fiction. Haven't we the same right concerning that which they teach us as incontestable truths? ...If we are ignorant and blind, as they would have us believe, it is because we have learned their evil plans too late and have allowed them to settle here. Let us not lose courage in the presence of our misfortunes... We are stronger than we think! We can quickly free ourselves from these foreigners! We must regain our former freedom!"

The spirit of Chief Hurao (as manifested in these excerpts from his 1670 speech) is at the heart of this Task Force's Independence for Guam position. His great concern for the loss of simplicity in our lives, we share. His teaching that a free existence is dearer than any, we acknowledge. His resistance to blind faith, we appreciate.

We hold that the Chamorro people are neither ignorant nor blind, and so, like the spirit of their great Chief, they will endure. The people of Guam must face the challenges of today's world together in forging a new political identity. We have the opportunity to do so now, and need only to muster the courage, strength and will of our brave and wise forefather.

It is the deeply held hope of Independence Task Force members that the Chamorro people -- as well as their foreign brethren -- come to fully understand the total impact of Guam's future political status choice before that choice is made, and that *i Taotao tano'* -- before it's too late -- reach that mature stage in their political, cultural and economic evolution at which they can embrace, freely and yet firmly, the liberty held dear by human citizens everywhere and ultimately, the Independence for Guam that is advanced herein.

1

Antonio Certeo Sella
CHAIRMAN

AS

I. Cultural Survival

Independence for Guam means Chamorros keep Guam -- their Chamorro Homeland! As a sovereign and independent nation, Guam would have its own Constitution with provisions to control immigration, protect the land and environment, and direct the development of its human resource. In an Independent Guam, the Chamorro culture and language is to be protected and encouraged to develop and flourish. A Guam Constitution would mandate *fino' Chamorro* to be the official language of the Nation, English its secondary.

The Chamorro culture is the Chamorro people's program for survival in their environment and for their adaptation to changes, short-term and long-term, occurring simultaneously in their lives.¹ The everyday world impacts on the behavior patterns associated with the Chamorro people, their customs, their way of life, their knowledge, and the way they perceive their worlds. Sociologist Bernard Phillips states, "The scientist, whether a physicist or a sociologist, has been socialized in the everyday world more than in the scientific world, and his normal mode of thinking reflects that everyday world."²

Based on his life experience with Chamorros, having weathered the 1962 supertyphoon, and his interviews with Chamorro elders, particularly about their experiences during the wartime Japanese occupation of Rota, Saipan and Guam, Dr. William M. Peck says this:

"These interviews constitute a memorable statement of the strength of a Chamorro heritage that was so deeply rooted in the hearts and souls of these islanders that it guided them through three decades of exploitation and subjugation, and through a war that used their property as battle fields and their lives as pawns. ...Chamorros they were when history first encountered them, and just as Chamorro they remained up to war's end. Their tales are a celebration of this sturdy people. Only now, with peace and prosperity assured, has their way of life become really endangered, this time not by exploitation and war, but by coping with and adapting to the challenges and pressures of a new, aggressive, 'resplendent' kind of world."³

In his statement, Peck succinctly assesses the Chamorro people's situation accurately, especially now as the Chamorros are exercising their right of self-determination. The subjugation and exploitation of the Chamorro people by three major colonial powers -- i.e., Spain, the United States of America, Japan, and again the U.S.A. -- did not completely wipe out the Chamorro people, their culture, nor their language, but this domination of the people has taken its toll on the shrinking number of Chamorros on Guam.

Likewise, sociologist Kirk Johnson warns us that studies are revealing that the cultural consequences of globalization are either homogenization -- in Guam's case, Americanization -- or fragmentation and conflict. Either rings a death knell for Pacific diversity, and specifically the Chamorro people and culture of Guam:

"It is communication through language that gives meaning to the world. And in the age of globalization those without power do not have their language, and thus their meanings, represented and are left at the waste side... Therefore, in effect, the process of globalization is allowing only a segment of the world of meaning to be made manifest and to endure... and in particular the influence of the media created and controlled by powerful centers creates a world of a limited range of what choices people have. This scenario establishes limits on who

people can strive to become, what life's opportunities and possibilities can contain, and what the various constraints might be.

...But more importantly, the diverse cultures of the Pacific must begin to ask the all-important question of who is silenced in the production of images and what are the effects of this silencing."⁴

The assimilation of the Chamorro people and their heritage into the colonial powers' core cultures already has resulted in the disappearance or waning of some of their own central values, beliefs and customs. It remains to be seen how much more will be lost forever.

Chamorro Language and History

The Chamorro language has endured for 5,000 years, along with adopted words and expressions from different languages. *Fino' Chamorro* is still surviving in spite of such restrictive measures as Chamorro students being prohibited from speaking their language in the schools under U.S. Navy rule.

In the 1970s, there were approximately 52,000 native speakers of the Chamorro language in the Marianas, 50,000 of whom lived on Guam.⁵ Younger children, in elementary and middle schools, today are being taught the language, Chamorro culture and Chamorro history in the public schools. However, similar learning opportunities for older students are absent from the high school curriculum. True, Chamorro should be taught first in the homes and a lot of Chamorros are not teaching their own children Chamorro at home, but it is nonetheless the Chamorro people's right to decide what should be taught to their children within the educational system, and how.

European visitors and missionaries in the 1600s observed how ingenious the Chamorros were and how quickly they learned Christian doctrine and adapted to new ways. The likelihood is that these Chamorros came from the ruling class of the Chamorro social order.⁶ Before contact with Europeans, Chamorro society already had in place a ruling class and caste system, with those from the ruling class in control of the wealth, land and knowledge of navigation, canoe- and house-building.

The *sakman* is irrefutable evidence of the Chamorro people's exceptional navigational ability in oceangoing travels and technological applications in outrigger canoe-building, "thousands of years before Europeans were capable of such feats."⁷ In other words, the Chamorro *sakman*, or "flying proa," an open-ocean vessel with a lateen sail, is a technological wonder. It employed the physical phenomenon in which a region of air turbulence is created by the directed movements of a triangular sail, producing an effect similar to what is referred to as "air lift," which is what enables an airplane to fly. Daniel Bernoulli, a Swiss scientist, explained the phenomenon (scientifically known as Bernoulli's Principle) in 1778, probably as a result of communication with other scientists who had observed the lateen sail of the *sakman*, which Chamorros had been sailing for hundreds of years before Magellan arrived in 1521.

"Like other Europeans who came before and after him, (1710 British Capt. Woodes) Rogers was greatly impressed by the flying *proas*. 'By what I saw, I believe may run twenty miles an hour for they passed our ships like a bird flying,' Rogers said of them. He took a *proa* to London and had it displayed there."⁸

Chamorro Cultural Values

The Chamorro cultural concepts of *inafa'maolek*, which means the spirit of

cooperation and living interdependently and harmoniously with all family members, relatives and people in the community, and *inaguaiya*, which means caring for and loving one another, are often expressed and demonstrated in the generosity and hospitality Chamorros accord with pride to others, be they other Chamorros or visitors.⁹ Hence, Chamorros generally refer to themselves as a proud people, often expressing this pride as part of their identity in terms of *binanidosu* or *binanidosun Chamorro*¹⁰, and *banida, gasta banida, finata* or *finatan, banidahan Chamorro*.¹¹ "I am proud to be Chamorro" is openly uttered by Chamorros who further claim: "I am a Chamorro. I'll forever be a Chamorro. I will die a Chamorro." An expression of *inafa'maolek* is *chenchule'*, which is the giving of help in the form of food, materials, money or labor to relatives, friends and neighbors for fiestas, birthday parties, christenings, weddings and holiday celebrations. Relatives, friends, friends' friends, and even total strangers are welcome to these social gatherings. Such Chamorro cultural expression of generosity transcends the sphere of Western culture of hospitality, which requires one to have been "invited" in order to feel "welcome" at the party, or to call ahead of time because you "just don't drop in" for a visit.

Probably the most important of cultural values that Chamorros try to impart to other Chamorros, particularly to their children, is *respetu* for the elders, such as not raising your hand or even your voice against grandparents, parents, older brothers and sisters, relatives and other elders in the community. *Respetu* is both value and mannerism toward each and every member of the Chamorro group and others. It is a recognition of authority extended to the elders because of their age and wisdom gained from life experiences. This way of behaving towards each member of the group produces authority and harmony, both in the family structure and in the community's hierarchical structure of authority. When a Chamorro greets a parent or other elder in the traditional way, with *mannginge'* (sniffing of the hand, as if to inhale the wisdom of that elder), he or she is showing respect and giving recognition to that elder's authority in the hierarchy of the family structure and, in return, is also receiving a blessing from that person.

Individualism and individual success, which is more important than commitment to family, is a dominant ideal in the American core culture, in stark contrast to realization by the group, or clan, which has been the dominant hierarchical structure in the Chamorro culture. For example, married children in the U.S. usually expect their aging parents and grandparents to live independently or in homes for senior and retired citizens, thus minimizing the responsibility for caring and providing for them. Likewise at present, with outside influences, many aged Chamorros also are living in nursing homes and homes for the elderly.

Up until the 1960s, there were no homeless people or beggars hanging around in the streets, markets or beaches, because the Chamorros took care of their family members and looked after the welfare of their relatives and neighbors. Still, there was no need then to lock up the windows and doors of their houses, because Chamorros did not have to steal for lack of food or goods. There were always some relatives or neighbors ready to share their resources.

Land -- Key to Keeping the Chamorros As a People Intact in Their Homeland

The Chamorros have a strong and special attachment to their ancestral land, which is not sold or traded freely outside of the clan, unlike real estate as a commodity in capitalistic societies. Land must be put under the complete jurisdiction of the Independent Guam government so that it can be safeguarded, in perpetuity, thereby ensuring that the Chamorro homeland remains intact. This would mean that land could not be owned by outside investors or non-Guam

citizens, but could be leased, with term agreements, under the Nation of Guam's administration.

Trini Torres, a cultural and critical studies specialist, Chamorro rights activist and scientist, stresses how significant the bond is between the Chamorro people and their land:

"Land is the key issue. Land has always been the issue in all plights of native peoples -- that is, they all got removed or displaced, to free their lands for immigrants. In the case of American Indians, they were forcibly removed and put on reservations to free the lands for non-Indians. The Chamorro Homeland belongs to the Chamorro, as community property. All lands -- owned by U.S. government, foreign investors and non-Chamorro individuals -- must be returned and put under the jurisdiction of the new Independent Nation of Guam, never to be allowed out of the Chamorro people's control. Once you lose jurisdiction over the land, you lose everything. Guam becomes an open market and belongs to everybody who has a hold on it. When we lose the land, we lose our Chamorro Homeland. And the saddest of all, we would no longer be Chamorro."

In her master's thesis on the impact 50 years later of post-World War II landtakings by the U.S. naval government on Guam, Helen F. Ada says:

"Living for a length of time in one of the three refugee camps cramped with 18,000 civilians, there were factors that weighed heavily on the shoulders of a community that emerged dazed and disoriented by the trauma of war with tremendous emotional pain due to the loss and suffering of loved ones. These factors included being unable to return to the comfort of one's home because it no longer stood, unable to step foot on land that once yielded food for a family's table because of hastily erected fences and posted signs that warned that trespassers would not be tolerated, not fully comprehending the changes occurring throughout the island, unable to adequately and fully communicate because of minimal proficiency in the English language, and confused as to why a benevolent country so revered would show a dark side to its loyal Chamorro wards..."

Not only were land values abnormally affected, the expropriation of private lands created a large class of 'have nots' among a community whose members in pre-war days 'had it all,' economically speaking. In the immediate and subsequent years after the war, and as the military reluctantly gave up some of the confiscated lands, the class of economic 'have nots' were reduced, but not to the level of pre-war Guam. The opportunity to increase one's economic status through full utilization and maximization of property was permanently lost for many Chamorros." 12

The Chamorro people are one with the land; they cannot, and must not, be separated. This bond with the land, the Chamorro homeland, defines the Chamorro.

Through the U.S. immigration system, investors and others have come to the "U.S. Unincorporated Territory of Guam" in great numbers and decided to stay. The size of their landholdings and length of their stay determine the pace at which extinction of the Chamorro people will occur. This subtle and systematic way of assimilating the people and bringing them under American domination has indeed proven to be a very effective method, and yet "humane." Unless they become fully aware of this process, the Chamorro people may never feel, nor realize, what "hit"

them. In the end, it could prove to be more devastating than an atomic bomb.

Primacy of Education

In an Independent Guam, Chamorros will be able to regain control of their cultural and spiritual values, and redirect the destiny of their children, their children's children, and the generations to come.

Crime and violence on Guam is increasing at a very fast rate, to the degree that purse snatchings, robberies and shootings have occurred in broad daylight. In spite of these and other types of social disruptions, we still can witness the exhibition of family values and the importance of a good education.

Chamorro students who drop out of school lose out on untold opportunities in their futures. They do not feel a need for furthering their education, especially those who see that U.S.-instituted welfare programs can meet their basic needs, and provide little incentive to improve their lot. It is an underlying assumption that reducing crime and academic problems, and incorporating discipline, will concurrently provide and/or expand the opportunities for a better teaching and learning environment, which will produce substantial improvements in both academic and social behaviors in our young citizens.

It is imperative that the core educational curriculum in an Independent Guam be rewritten to reflect and enhance our worldly, island-centered, national identity; that it be revamped so as to perpetuate the "Hafa Adai" spirit that is embedded in our Chamorro history and traditions, values and beliefs.

Indeed, the educational program that Guam schools implement year after year, for more than 50 years now, is a colonial-era remnant. During post-World War II U.S. naval rule of the island, the 1922 curricula of California and New Mexico were adopted for all of Guam's young students, which essentially "included nothing about Guam... Unfortunately, the same situation is common in many of Guam's classrooms today," states former Guam Department of Education director, Dr. Katherine B. Aguon, in her 1988 autobiography, Me Versus the World. Those post-war years saw other significant shifts in Guam's educational course, including the dramatic increase in enrollment of military dependents in the school system, stepped-up demands for "a more stateside style of education," then contract teachers and their institutionalization, and a de-emphasis on vocational training. Dr. Aguon says that at the time:

"No one questioned the curriculum despite its obvious lack of connection to Guam's heritage or economic needs...

Unfortunately, through the history of schooling Chamorros had accepted the status as children in need of guidance; the creation of dependence, the loss of self-worth and reliance on American largesse were all a part of the historical development. Guam must revolutionize its school structure to address its needs and conform to some very basic cultural patterns upon which Guam society is based. The island's schools as they are presently structured allow only for an indulgent rather than an affirmative action society."

The education curriculum in an Independent Guam also must incorporate state-of-the-art technology and encourage further development and utilization thereof. The mission of the public school system would be to meet competitive local, regional and international standards -- especially in areas of science, language and literacy -- thereby empowering Guam's young people to be capable and confident, productive citizens who are able to meet the challenges of the 21st century and beyond.

Chamorro students must be provided the necessary education and training so that they can acquire the knowledge, attitudes and skills needed to contribute effectively to the success of the modern Chamorro Nation. In nation-building, one of the most important resources is our human resource. Therefore, a well-planned educational system and training programs tailored to meet the required manpower needs for building an independent and economically modern Guam, are of primary importance. These are the bedrock of development and maintenance of any viable and stable economy and nation-state.

Constitutional preferences for Chamorros would be provided in terms of government service, land tenure, educational and training opportunities, social, cultural and economic empowerment programs, without outside interference. Provisions in the Guam Constitution would define who could become Guam citizens, and how. This inclusion in the Constitution is essential, because these matters will impact on the growth and development of the Nation, and because it is necessary for any country to protect its citizens and provide them with better opportunities and improved lifestyles.

Farming and Fishing -- Our Sustainable 'Industries'

It is essential that an Independent Guam be supported by a stable economy, and so must continue to work to diversify its industrial base, rather than rely heavily on one such as tourism, wherein Guam's success depends on the seasonal influx of visitors who travel primarily when their countries are prospering.

Guam would be well-served in developing more reliable sources for its livelihood. Traditional Chamorro ways of life center around sustenance activities such as farming and fishing. Whether for food or fun, these age-old "industries" have sustained the people of Guam for eons, and would likewise support the Independent Guam of the future. Additionally, Guam's trading partnerships with its Pacific neighbors have provided for their respective needs, and would continue to do so, possibly more so than ever before.

Agricultural programs would necessarily be set up using an Independent Guam's public funds/revenues and with technical assistance from friendly countries such as Australia, New Zealand, the U.S., Japan, the Republic of the Philippines, Canada and those in the European community. Government facilities could be set up to receive and buy farmers' produce, such as fruits, vegetables, taro, yam, *gado'*, *dago*, *lemmai*, *dokdok* and *aga'* for resale and/or processing, including freezing or freeze-drying, and packaging for export and/or resale to local markets, such as hotels, restaurants and grocers. Programs would be set up through government agencies and the university to provide Chamorro people the necessary education and training to staff and manage these produce outlets and freezing depots. Programs also would be implemented to facilitate the production, in greater volume, of particular items like chickens and eggs, and fruits and vegetables that could be exported. When the country increases its exports while reducing its imports, it will realize more net revenue, which could be reinvested to stimulate further economic growth and development.

A commercial fishing fleet for an Independent Guam could be established, first by buying one fishing boat from Thailand, Indonesia or other practical source, and training our young people to become commercial fishermen. They would learn and then master, catching, processing and/or otherwise preparing the fish, shrimp, etc. for sale to consumers. Jobs would be created by the growing of this, and related, industries. Soon another boat could be acquired, then another, and gradually, Guam would have its own commercial fishing fleet. With a 200-mile Exclusive Economic Zone, the people of Guam could -- by harvesting the live bounty

of the sea and other, untold marine resources -- hand-craft a self-sustaining, Independent Guam.

Chamorros have always been known to be good fishermen and farmers, and it is necessary to include them and their expertise in the laying of the foundation for the building of their Nation, as well as the maintenance of its viability.

Struggles and Resistance

The Chamorro people must learn from the experiences of the Native Americans, Eskimos, Native Hawaiians, as well as our own struggle, for recognition of, and respect for, our human rights.

Ed Benavente, Maga'lahi of Nasion Chamoru, in a resounding voice, addressed lawmakers publicly in 1996 regarding an election-year proposal to waive visa requirements for Filipinos seeking to visit Guam:

"Our leaders plead with us to be compassionate with this so-called humanitarian request by Filipino Organizations. We find this plea to be a phony political statement and a campaign farce for the upcoming election.

These are the same organizations that were opposed to the question of Chamoru Self-Determination during the formulation of the Guam Commonwealth Act and now they want us to be supportive and understanding of their cry to come into our homeland?

It's comical and a joke that when we, the Chamorus wanted our language and history to be taught in our schools ... when we wanted this government to give us our lands back ... there was not one Filipino Organization who came out to support the Chamorus in our plight and just cause! We had to protest or camp out just to realize and attain what is just and right for us...

We don't need our leaders to aid and abet the Federal Government in their plans to make the Chamoru people minorities in our own homeland by the year 2000." ¹³

The 1994 Liberation Day commemorative theme, Golden Salute, and preparations for that event prompted:

"an outpouring of strong and emotional public sentiment ... over the taking of ancestral lands by the military fifty years ago...

A Mangilao woman expressed her pain in her letter published July 7, 1994: 'As liberation draws near my heart is filled with grief. I think of my father a lot, for the fact that I love my father so much that I am very proud of the man he was. Unfortunately, my father has gone to rest and as it is, life has to go on. Upon his death, I inherit the estate of this man's only dream. Actually, all this man had was a land claim to his name... (like many Chamorus, they confiscated our family property now located at the air strip. I'm being compensated with a bag of peanuts while the government makes millions.) The saddest ending about this legend is that all our lives we never quite settle (sic) in one place, we are always moving. I have nine other brothers and sister and 'til this day, they are all landless and leasing government land, housing, while others make do in temporary cabins. How sad that we Chamorros are still suffering from the obstacles of war... I'm overwhelmed by the monopoly of the land of no hope. My father owns hectares of land, what they're giving me won't even purchase half a lot to build an outhouse. It's a shame how hard we try to promote the principles of justice, yet politics gets (sic) in the way and manipulates

(sic) the law and the rights of the poor people just to fill their greed..."¹⁴

At present, we are witnessing the bombardment of the press and talk-radio shows with criticism of the upcoming Chamorro self-determination vote. Alfred C. Ysrael, a resident of Tumon, in "Status vote will drive away investors" (Pacific Daily News, 4/27/00 ed., p. 23), writes:

"Against the advice of my family and my friends, I would like to comment on the issue of 'self-determination' to be decided solely by a 'Chamorro Registry.' In my opinion and the opinion of many legal scholars, this procedure is illegal and unconstitutional. It is an exercise in futility, creating divisiveness in a small island community and a waste of money and valuable resources."

The Pacific Daily News' editorial column, Our View, states in a similar vein: "Until a comprehensive education program is developed and presented -- complete with a financial, social and security analyses of each option -- this plebiscite must be canceled." (PDN 4/25/00 ed., p. 24.)

Manuel L. Jose, also of Tumon, writes in the PDN's Voice of the People: "Should this happen, the Rice vs. Cayetano ruling as well as other decisions on similar or related cases, shall apply to Guam." (PDN 3/7/00 ed., p. 21.)

E. Robert Statham Jr., an associate professor of political science at the University of Guam, also shares his analysis, saying:

"The process of self-determination, achieving self-government for Guam, is complicated by the tension that exists between American self-determination and indigenous Chamorro self-determination. The Rice vs. Cayetano decision leaves no doubt that under the 15th Amendment of the U.S. Constitution, citizens cannot be excluded from voting on the basis of race, color, or previous condition of servitude." (PDN 3/7/00 ed., p. 20.)

Joe Murphy, former editor of the PDN who still writes his daily Pipe Dreams column for the publication, says:

"The Chamorros are, according to the 1990 census, a minority. That means that the majority of people, including a lot of taxpayers, are going to be standing on the sidelines rooting and wondering what is going on. Some of these people are going to be extremely bitter about being left out of the process. How can people who pay taxes, help the community and, in cases like mine, have lived here 35 years be ignored?" (PDN 1/19/00 ed., p. 21.)

The Rice v. Cayetano U.S. Supreme Court ruling was cause for Guam policymakers to choose a more careful, political definition of "Chamorro."¹⁵ Rice, a Hawaii citizen, but not a "Hawaiian" under the state law, applied to vote in the election of trustees to the Office of Hawaiian Affairs. When his application was denied, Rice sued Governor Cayetano (the State of Hawaii), "claiming, inter alia, that the voting exclusion was invalid under the Fourteenth and Fifteenth Amendments."

The ruling held that "Hawaii's denial of Rice's right to vote in OHA trustee elections violates the Fifteenth Amendment. Pp. 15-28." In rejecting the State's three principal defenses, it argues that:

"even if Congress had the authority, delegated to the State, to treat Hawaiians or native Hawaiians as tribes, Congress may not authorize a State to create a voting scheme of the sort created here. Congress may not authorize a State to establish a voting scheme that limits the electorate for its public officials to a class of tribal Indians to the

exclusion of all non-Indian citizens. The elections for OHA trustee are elections of the State, not of a separate quasi-sovereign, and they are elections to which the Fifteenth Amendment applies."

We need to take a long, hard look at the Native Hawaiian experience, as well as that of American Indians. Numerous books and other literature provide valuable insight into the experiences of Native Americans, such as Russell Thornton's 1987 historical account of events and statistics in American Indian Holocaust and Survival: A Population History Since 1492. The Columbus Dispatch, in its Oct. 12, 1997 edition, features an article on the discovery of records of the Taino Indians-Spanish encounter in 1503. One quote from that article captures the whole, dismal story: "Taino Indians met Columbus -- and grim fate." From the Navajo's viewpoint about the forced march to Fort Sumner in Navajo Stories of the Long Walk, by Howard W. Gorman, large numbers of Navajos made the journey, and those who tried to escape, but were caught, were then shot dead. The Ponca, likewise, were forced on a 500-mile journey in 1877 from their Nebraska homeland and a third of their people died on the way from disease and starvation.¹⁶

The Indian Removal Act of 1830 was used by U.S. President Andrew Jackson to force southern tribes onto designated lands west of the Mississippi River, thus freeing all Indian lands in the Eastern States east of the Mississippi River for non-Indians. James Mooney described the Cherokee removal in 1838, more commonly known as the "Trail of Tears," when 17,000 were rounded up and kept in stockades:

"Under [General Winfield] Scott's orders the troops were disposed at various points throughout the Cherokee country, where stockade forts were erected for gathering in and holding the Indians preparatory to removal. From these, squads of troops were sent to search out with rifle and bayonet every small cabin hidden away in the coves or by the sides of mountain streams, to seize and bring in as prisoners all the occupants, however or wherever they might be found. Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockade. Men were seized in their fields or going along the road, women turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage."¹⁷

In her 1993 book, From A Native Daughter, Hawaiian scholar Haunani-Kay Trask likens her people's struggle to that of the American Indian, and warns us all of 20th-century American predation:

"For peoples who suffer the yoke of colonialism, it is a total system of foreign power where another culture, people and way of life penetrate, transform, and come to define the colonized society. The results are always destructive, no matter the praises sung by the colonizer.

Native groups which insist on exclusive membership, which redefine authority as that which is Native, and which begin to create cultural artifacts that reflect Native history, values, and hopes are the products of decolonizing minds...

The failure of the United States to return sovereignty to the Trust territories (as required by United Nations mandate) is proof -- if any more is needed -- of American imperialism... Of course, dispossession of Native peoples was the origin, and continues to be the core, of U.S. foreign policy. From the Indians of the Americas to Pacific Island

Natives to the indigenous peoples of Asia, the U.S. has an unbroken record of invasion, land theft, and genocide...

Let me cite the example of my own people. Hawai'i was territorially incorporated into the United States after an American military occupation in support of a takeover of the Hawaiian government by missionary-descended businessmen in 1893. Forced annexation occurred in 1898. Hawaiian citizenship was unilaterally changed by the United States to American citizenship in 1900."

Let us also not discount our own people, Chamorros who, through the years and to this day, speak out and put up resistance, and fight for our lands, culture, language and survival as a people. Since its inception in 1981, the Organization of People for Indigenous Rights (OPI-R) has been rallying for Chamorro self-determination, sending Chris Perez Howard, Robert A. Underwood and Ron Teehan in 1982 to the United Nations in New York to explain to its Committee of 24 the situation on Guam and to seek support for their people's rights.¹⁸

Since the early 1970s, former Sen. Paul Bordallo has successfully resisted U.S. Navy plans to condemn Sella Bay and utilize the area for an ammunition wharf. The decade-long, and still ongoing, fight by Tony Artero-Sablan and family for access to their Urunao property (1982-92) has served as another catalyst in the struggle for recognition of Chamorros' rights.

Nasion Chamoru forced implementation of the nearly-20-year-old Chamorro Land Trust Act by camping out on the lawn of the Governor's Office at Adelup in 1992. There have since been numerous and various types of protests and demonstrations for related reasons.

In a letter to senators of the 25th Guam Legislature last year, activist Patty Garrido protested, "Bill No. 48: 'Guam is not for sale...'"¹⁹ Senator in the 23rd and 24th Guam Legislatures, Angel L.G. Santos, serving six months in a federal detention center in Los Angeles for seeking the return of ancestral lands, wrote just prior to his January 2000 sentencing:

"I am not saying that returning over 10,000 acres of so-called federal excess lands to the original landowners will solve all the social problems on this island. What I am saying, is that if we can save a culture and a people by reuniting them with their lands... then, we all win in the name of humanity!"²⁰

The United States controls one-third of the total land area on Guam, the majority of which is lying idle. The Ritidian Families Association has demonstrated its objection to this situation by camping overnight or on weekends, after the closing hour of the U.S. Fish and Wildlife Service refuge. The lands had been taken by the U.S. military, and instead of returning them to the original landowners when they were no longer needed, the U.S. Fish and Wildlife Service established itself there.

Similar demonstrations also have been staged by the Ancestral Landowners Coalition, OPI-R, Familian Felisa Association, and Fuetsan Y Famalao'an Chamoru. Since the latter half of 1999, many of these individuals and organizations have come together to speak with one voice, as the Colonized Chamorro Coalition of Guam. Last month, Coalition members met with UN Decolonization Committee Chairman Peter J. Donigi, of Papua New Guinea, who was en route to the Republic of the Marshall Islands for this year's regional seminar on decolonization. It had been proposed for Guam, but was moved to Majuro after the U.S. objected to it being held here. Maria Maldonado of the UN Department of Political Affairs also met with representatives of non-governmental organizations here, after the seminar. The duo visited Guam to talk with Chamorros about, and see for

themselves, the colonial situation that persists in the non-self-governing territory, although representatives of Guam's Commission on Decolonization, Guam Landowners Association and OPI-R had already prepared, or presented in Majuro, their testimony regarding Guam's status.

The Chamorro's ties to his or her ancestral lands are what compels him/her to continue fighting for the return by the U.S. government -- particularly its armed forces -- of those occupied lands. Other urgent issues facing the Chamorro people include environmental clean-up and war reparations. Following World War II, the United States in its Treaty of Peace with Japan signed away Guam's right to war reparations. Since that time, the Chamorros have neither received a formal apology from Japan for the atrocities it committed in its occupation of the Chamorro homeland, nor restitution from the U.S. since it assumed this responsibility.

The island was a major military base in World War II, the Korean War and the Vietnam War, during which time the U.S. military transported and stored vast quantities of war materials and chemicals through and on Guam. Some of these chemicals were phosgene, mustard gas, cleaning solutions, insecticides and pesticides, which are now known to be carcinogenic or deleterious to human health and the environment. Unexploded and old munitions buried on private property are still being uncovered by civilians throughout the island.

Conclusion

In relation to land, immigration, war reparations and environmental clean-up, the issue that is fundamental and ergo, foremost, is the human right to the Chamorro people's decolonization through an act of the self-determination. Chamorros must opt for independence, if they, as a people, want to continue their *lina'la-niha* as Chamorros, in their own homeland. Nobody says attaining independence is going to be easy. It is going to take lots of hard work, effort and perseverance -- nothing strange to the Chamorro people! There is a great number of Chamorros who have contributed to the development of our island society. Many of these "heroes of the past" and contemporary Chamorro leaders are documented in two volumes of I Manfayi: Who's Who in Chamorro History.²¹

Guam already has all the infrastructure that is necessary for developing into an economically self-sufficient, stable and modern nation. We already have the roads and highway infrastructure; the water, power and telephone facilities; the tourist industry in place; a banking system that can make international and local business transactions; telecommunications, computer and other technologies; and most importantly, we have our human resource -- our people. We must arm ourselves to win; that is, tap our potential in education to the fullest, and train our young in/for such diverse fields and industries as commercial fishing, agriculture and aquaculture, telecommunications, and maritime law enforcement and defense.

Like the coconut tree (on the Guam flag) -- which represents self-sustenance, the ability to grow, adapt and survive under any circumstance -- our Chamorro people can survive, too, in our homeland. What we lack in confidence, we make up with our cultural ways of *inafa'maolek*, *inaguaiya*, *respetu*, *i tiningo'-ta* (our knowledge), intelligence and resilience. With these strengths, and with guidance from our *saina-ta*, we can build an Independent Nation of Guam and keep the Chamorro homeland for *i taotao taro'*.

The existing U.S.-instituted Organic Act government would be replaced by one to be determined by eligible Chamorros, certified by the Chamorro Registry. This exercise has to be realized if true independence is to be achieved. Otherwise, it will be back to where we started! There is no point in pursuing independence if all eligible U.S. citizens are allowed to vote in setting up the new Independent Guam

government, because there will be no change. It is for the same reason that a constitution would have to be written and approved by a substantial percentage (perhaps 75% or more) of the eligible voters. We must protect and defend *i tano-ta'* and, to insure that, we must keep this stage of the decision-making in the hands of only eligible Chamorro voters.

In the face of all the hardships they have had to endure during 450 years of colonial rule, the Chamorros have more than demonstrated their sturdiness as a people. The Chamorros continue to remain dignified, generous and hospitable, in spite of all the acculturation they have undergone. The question now is, will they continue to hold on to that Chamorro pride, which has led them through the thick and thin of colonialism, a wartime occupation, supertyphoons, and the daily struggles of life through 5,000 years?

Biba Chamorro!



II. Is Independence for Guam a sovereign, self-governing status?

Yes. Independence is the one truly sovereign, self-governing political status available to Guam through various United Nations instruments, including its 1946 Charter and 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

Sovereignty in its largest sense is meant supreme, absolute power by which any independent state, or political society, is governed. It means paramount control of the constitution and frame of government and its administration. It means the international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation. Sovereignty implies the power to do everything in a state -- to enact laws, to impose and collect taxes and levy contributions, to make peace or war, to form treaties of alliance or of commerce with foreign nations, and the like.

Sovereignty in government is that public authority which directs or orders what is to be done by each member of that state. It is the supreme power by which any citizen is governed and is the person or body of persons in the state to whom there is politically no superior.

It is the position of this task force that although the United States may be a reluctant partner, it ultimately will provide for a peaceful, negotiated transition to independence for Guam. It should be understood that a choice for independence does not mean immediate and/or irreversible change. Likewise, implementation would be neither automatic nor unilateral. Transitional agreements would be signed by Guam's designated provisional governing authority and representatives of the Administering Power, and these would require some flexibility so that they facilitate, rather than hinder, Guam's emergence as an independent entity.

As an independent nation-state, Guam would have control of its lands, waters, seas and airspace, and up to 200 miles offshore in any direction. And an Independent Guam, as a participant in the comity of nations within the U.N. system, would be subject to the supremacy of international law, just as is any other sovereign entity.

International law provides the framework for nation-building, which includes four elements: a territory, a population, a governing body and the capacity to relate to other nations. Nation-states also are held to standards such as the United Nations' Universal Declaration of Human Rights, ratified in 1948. That declaration has since been bolstered by a whole system of agreements which contain legally binding obligations for member states spanning political, social and collective rights.

All in all, there are more than 500 multilateral instruments on human rights, disarmament, commodities, refugees, and the environment. The UN Treaty Series includes treaties and agreements since 1946, pursuant to Article 102 of the Charter, numbering more than 34,000, plus subsequent related actions. Major agreements include the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, Convention on the Elimination of Discrimination Against Women, and the Convention on the Law of the Sea, which is an umbrella convention that establishes the rules governing all uses of the oceans and their resources.

Nevertheless, it is these very conventions that define and safeguard a people's right to determine their political status; to determine their own type of governmental organization; to freely pursue their economic, social and cultural development; and to freely dispose of their natural wealth and resources. "without

prejudice to obligations arising out of international economic cooperation."1

Indeed, over the last 40 years, more than 60 former colonial territories have exercised self-determination and joined the UN as sovereign members. The UN-declared Decade for the Eradication of Colonialism has ended, but the discussion continues. The U.S. representative's October 1999 statement on the 1960 Declaration (Gen. Assembly Res. 1514) before the UN's Fourth Committee :

"We meet here at the conclusion of the 20th century; the century that has witnessed the end of colonial empires which spanned the world since the Renaissance. Over the last five hundred years, the United States itself has moved from its origins as a collection of colonies into an independent state. During this century, America has led the way in the dismantlement of empires and the advent of decolonization.

"While there is still important work to be done, we should not lose sight of what we have accomplished. We heard on Monday from Mr. Lacanilao, speaking on behalf of the Association of Southeast Asian Nations, but also as a representative of the Republic of the Philippines, with whom the United States enjoys a long-standing and now fully equal relationship.

"...the United States offers its full support to those countries choosing independence and is proud to work with them on an equal and sovereign basis. ...Given the vast variety of people, places and political circumstances that exist around the world, we do not believe that a single standard of decolonization applies to every territory.

"At the close of the decade dedicated to the elimination of colonialism, we look at the tremendous political, economic, and social progress that has occurred, and still is occurring, in the lives of the people of the non-self-governing territories."

The Administering Power is obligated, under the basic principle of international law referred to as *pacta sunt servanda*, to obey its own treaty -- namely, the UN Charter, and specifically, Chap. XI, Art. 73 -- and assist in the decolonizing of Guam and her people.

Republic of the Philippines

In comparison, the then-U.S. territory of the Philippine Islands made its transition to independence with much assistance from the U.S. The 1934 Tydings-McDuffie Act was meant to lay the groundwork for the budding republic over a 10-year transition, but the Second World War interrupted that plan. Nonetheless, independence was recognized shortly after, on June 12, 1946, under terms of that Act.

Subsequent relations with the U.S. have produced the 1951 Mutual Defense Treaty, 1947/1979 revised Military Bases Agreement, and Military Assistance Agreement. The 1955 Laurel-Langley Agreement governed the two countries' economic relations for 18 years, easing the transition from a 'mother country-colony' relationship to that of two economically independent countries. Each enjoyed certain tariff preferences (gradually phased out), and investors of both countries doing business in the other received parity in the territories of the other.

After studying the Philippines' transition to independence 20 years ago, Guam's elected leaders listed the advantages of independence for Guam to include full self-government, with control over immigration, foreign investment and the elimination of federal control. They also noted that the benefits derived from within Guam's 200-mile EEZ would be Guam's to control and to negotiate with

whichever other country so desired, and that negotiations with the U.S. would need to address national security, compensation for U.S. military use of land, and the return of excess properties.

The disadvantages in their report included: the loss of some, if not all, U.S. financial support and federally funded programs and jobs (e.g., at AHRD, GEDA, DPHSS); a potential "reverse-multiplier effect" and outmigration as a result of the loss of that support and those programs/jobs, especially with a direct change to independence; and a likely decrease in gross business receipts, government revenue and personal income. They said that with negotiated change, however, less would be lost as other sources of income and employment could be developed. And finally, they noted that independence would make available to Guam increased economic and financial benefits from various international and bilateral development aid institutions.²

Puerto Rico

In the case of another U.S. territory preparing for a change in political status, Puerto Rico has seen several U.S. Congressional proposals, including H.R. 586, in the 105th Congress' first session (March 1997), referred to as the United States-Puerto Rico Political Status Act.

The proposal offers the unincorporated commonwealth -- which established its constitutional government in 1952 -- and its 4,000,000 statutory citizens "a process leading to full self-government."

In Section 3 of the status proposal, entitled Policy, it is written:

"...In the event that the referenda held under this Act result in approval of sovereignty leading to Statehood, it is anticipated that upon accession to Statehood, English would become the official language of the Federal Government in Puerto Rico to the same extent as Federal law then requires throughout the United States..."

Section 4 lays out the process, first putting the decision from among Commonwealth (Status quo), Statehood and Separate Sovereignty before voters. Regarding the latter, it states:

- that Puerto Rico would be a sovereign nation with full authority and responsibility for its internal and external affairs, and would have the capacity to exercise the powers of government with respect to its territory and population;
- that a treaty of friendship and cooperation would be negotiated and subject to approval by Puerto Rico and the United States, pursuant to the Act and their respective constitutional processes;
- that a Puerto Rico-instituted constitution would be the "supreme law, and the Constitution and laws of the United States would no longer apply in Puerto Rico."
- that "The people of Puerto Rico (would) owe allegiance to the sovereign nation of Puerto Rico and have the nationality, and citizenship thereof..."
- that government-to-government relations would be on the basis of comity and reciprocity, and that Puerto Rico representation would be accorded full diplomatic status;
- that Puerto Rico would be eligible for United States assistance, including foreign aid or programmatic assistance;
- that property rights and previously acquired rights vested by employments under the laws of Puerto Rico or the United States would be honored.
- that Puerto Rico would be outside the customs territory of the United States, and that trade between the two would be based on a treaty.

A 10-year (minimum) transition stage is proposed, with a "back door," to wit (Sec. 5, para. 2):

"If the inhabitants of the territory do not achieve full self-governance through either integration into the Union or separate sovereignty in the form of independence or free association, Puerto Rico will remain an unincorporated territory of the United States, subject to the authority of Congress under Article IV, Section 3, Clause 2 of the United States Constitution."

H.R. 586 also calls for additional referenda, every four years, in the event of inconclusivity, "but not in a general election year, until Puerto Rico's unincorporated territory status is terminated in favor of a recognized form of full self-government." The proposal even identifies funding for the process, to be derived from the commonwealth's tax on foreign rum, half of which is reserved for the political status education programs.

A University of Guam professor writing a year after that proposal was made pondered Puerto Rico's situation, saying:

"...the most recent plebiscite suggests that the majority of Puerto Ricans wish to maintain the status-quo. How can this be? Why would the people of Puerto Rico maintain strong critical views of the United States for its quasi-colonial policy vis-a-vis the territory on the one hand and yet wish to maintain unincorporated territorial status (a form of constitutional colonialism) on the other?

"...When new nations and national identities are in the process of being formed there is, undoubtedly a need for separation from the dominant imperial-colonial power.

"...The contradictory nature of unincorporated territorial status within the U.S. constitutional system is significantly explanatory of the paradoxical political status sentiments of the Puerto Rican people. Not having been fully included or incorporated into the American regime for a century has allowed Puerto Ricans to grow apart from the United States while they are, simultaneously American citizens with an extensive experience with the U.S. political system (albeit a distorted one).

"...Because Puerto Rico's political relationship vis-a-vis the United States has been ill-defined and indeterminate, Puerto Rican cultural and political identity is in the process of development and fluctuation. Albert Menmi accurately diagnoses the condition:

'It is not a coincidence that colonized peoples are the last to awaken to national consciousness. The colonized enjoys none of the attributes of citizenship -- neither his, which is dependent, contested and smothered, nor that of the colonizer. He can hardly adhere to one or claim the other.'

"...If justice is to prevail in this most crucial quest, it will be education (not propagandization) which will carry the day. The enlightenment of the people of Puerto Rico concerning their own destiny must be grounded in the world of ideas, the sphere of contemplation, the domain of wisdom -- the purpose of which is the acquisition of knowledge of correct political action. ...Once Puerto Rican political life becomes sufficiently informed by reason and the will to implement its dictates is evident, Puerto Rico will no longer stand in need of identification, national or otherwise."³

Republic of Palau

Another comparison can be made with the independent Republic of Palau,

which is freely associated with the U.S. Although some insist its permanent political status is that of "free association," Palauans themselves call it "independence." Depending on where you stand, Palau -- in relation to Guam's decolonization -- is very much worth looking at.

The Republic of Palau is a constitutional government, effective 1981. Palauans had begun drafting their constitution two years earlier; implementation and recognition of their independent state enabled Palau to restore its national sovereignty and secure its status as a full and equal partner in the world community of nations. The former, and final, Trust Territory of the UN was thereby free to associate with the U.S. or any other friendly nation it so desired.

The republic's Compact of Free Association with the U.S. was ratified in 1994, but only after Palauan citizens voted eight times, which was required before their fundamental governing document could be amended to allow for ratification of the bilateral agreement, which does provide that the people of Palau are self-governing through their Constitution.

Nation of Hawai'i

Another comparison can be made between Guam's effort to decolonize and recent events in Hawaii, inspired by the U.S. Congress' 1993 apology to the Hawaiian people for the illegal overthrow of their monarchy more than 100 years ago. As it stands today, we see a "dual identity" in Hawaii -- as a fully integrated state of the Union, and a restored sovereign Nation-State, proclaimed in 1994, with constitutional ratification the following year.

The Nation of Hawai'i Constitution provides for a head of state, a bicameral lawmaking body (Legislative General Assembly composed of Na Kupuna Council and the Citizens' Assembly) and an independent judiciary. It also radically addresses some core issues of land and cultural preservation, specifically stating that,

"No person or group of persons, or entity or groups of entities, may own or dispose of National land, all National land being held in trust for the Kanaka Maoli Nationals by this government."

It further states, "All national lands and resources heretofore claimed by the Kanaka Maoli Nationals are held in absolute common undivided interest held in perpetuity for the Kanaka Maoli Nationals forever."

One provision in the Constitution protects pre-existing entities through an as-yet-undetermined transition period, specifically:

"...any illegal entity, corporate or otherwise, shall not be immediately dissolved. The Nation of Hawai'i shall provide sufficient notice to these entities and their responsible officers, agents, owners, or otherwise. Time shall be granted to allow these entities to state their claims and desire to function under the Nation of Hawai'i."

The Constitution also asserts that:

"...illegal occupying governmental agencies of the State of Hawai'i, the United States of America, corporate entities, foreign governments and individuals shall be responsible and accountable for the actions of their agents and officials in any criminal or civil claims under either this Constitution or international customary, conventional or criminal law."

New Caledonia

Another example of decolonization for Guam to consider, although outside of the U.S., is found in the political relationship between New Caledonia and France, and their 1998 Noumea Accords. That transitional agreement allows for citizens of

New Caledonia to acquire either customary law status or civil law status, and restricts the voting privilege to persons with certain prior residence in New Caledonia. The agreement also takes New Caledonia's limited employment market into account, and gives priority access to jobs to long-term residents. The agreement establishes a Customary Senate, and requires that the Kanak cultural heritage be protected and enhanced, that new legal and financial mechanisms be introduced for development, and for identity symbols "conveying the essential place of the Kanak identity in the accepted common destiny to be adopted."

The New Caledonia decolonization process features the devolution of power to the non-self-governing territory over a 20-year period. As delineated in the Noumea Accords, powers to be transferred immediately include: the right to employment, including aliens' right to work; external trade, including import regulations and approval of foreign investment; external communications (postal and telecommunications), navigation and shipping; exploitation, management and conservation of resources; customary mediation in sentencing; setting of penalties for violation of law; and curriculum content for primary schools, teacher training and inspection of teachers.

Those in a second stage include: policing and security regulations for domestic air and sea traffic; civil defense, public accounting and financial regulations; civil and commercial law, land ownership and real property rights; legislation on delinquent and endangered children, and secondary education.

The Accords identify "shared powers" as those relating to international and regional relations, broadcasting, law and order, mining regulations, international air services, tertiary education and scientific research. The agreement also states that "reserved powers," such as control over justice, defense and currency (including credit and exchange), are to remain the responsibilities of France until the transition to the new political status is complete. These shared responsibilities signify shared sovereignty through the transitional phase, with powers changing hands according to a set timetable (which can be modified according to the principle of self-organization). The Accords state unequivocally that transferred powers may not revert to France. The agreement concludes with the statement:

"At the end of a period of twenty years, the transfer to New Caledonia of the reserved powers, its achievement of full international responsibility status and the conversion of citizenship into nationality, will be voted upon by the people concerned.

"Their approval would mean full sovereignty for New Caledonia."

East Timor

And we see, in the most recent and obvious example of East Timor, that economic aid from international and regional organizations to an Independent Guam could begin immediately. More than \$500 million was pledged by such donors in December 1999 for restoration efforts in the former Indonesian colony, with sanitation, housing and education the priorities. An ocean resources agreement signed in March 2000 by the UN and Australia promises to also generate millions for East Timor, although production is not scheduled to begin until 2004.

"In the meantime, East Timorese leaders and World Bank officials are pinning their near-term hopes on agriculture and fishing," according to a Time Magazine article. Coffee -- nearly 8,000 tons last year-- is that emerging nation's chief export, upon which a quarter of the population depends for its livelihood. Vanilla, corn, soybean, cassava and sandalwood also are expected to generate "desperately needed foreign exchange and ensure food self-sufficiency."

Timorese leaders acknowledge their donors' generosity and expertise, but warn



that the international mission will fail unless more Timorese are recruited:
"... 'We are grateful for the presence of the international community, but give East Timorese an opportunity to be involved in the decision-making,' says Dili's Bishop Carlos Belo. 'Otherwise the U.N. will leave East Timor with the same problems as before.' Outsiders may be in control, but it is time to let the Timorese take charge of their fate."4

Conclusion

Three words encapsulate the drive for Independence for Guam and the Chamorro people: self-determination, decolonization and self-government. And as directed by the world community of nations at the U.N., it is a process that normally culminates in the achievement of full sovereignty by the (formerly) non-self-governing territory and people:

"Bearing in mind the principles embodied in the Declaration regarding Non-Self-Governing Territories and the objectives set forth in Chapter XI of the Charter, ...the manner in which Territories referred to in Chapter XI of the Charter can become fully self-governing is primarily through the attainment of independence, although it is recognized that self-government can also be achieved by association with another state or group of states if this is done freely and on the basis of absolute equality."

Guam will be sovereign when her people realize the following factors indicating the attainment of independence, adopted by the U.N. since 1953:

-- International status, meaning full international responsibility for its external sovereignty and for the administration of its internal affairs; eligibility for membership in the U.N.; power to enter into direct relations of every kind with other governments and international institutions, and to negotiate, sign and ratify international instruments; and the sovereign right to provide for its national defense.

-- Internal self-government, or the complete freedom of the people of the Territory to choose the form of government which they desire; freedom from control or interference by the government of another nation-state (in the legislature, executive, judiciary, and administration of the Territory); and complete autonomy in economic, social and cultural affairs.

Indeed, an Independent and Sovereign Guam would have achieved total autonomy, separate and distinct from its Administering Power. It would be in a position to build a political, economic and social system that's more gratifying to its citizens than that under the status quo. An Independent Guam would be included in the community of nations that practically self-governs the globe. And it would have gradually transformed from a non-self-governing, dependent territory into its own full-fledged, self-reliant nation-state -- and then that, it could be, forevermore recognized and respected by its counterparts the world over.

Finally, it is again noted that a nonviolent, bilateral approach is the preferred method by which to achieve Guam's independence. However, because it is also understood that the Administering Power may continue to acknowledge only a begrudging appreciation for Guam and her people's exercise of their basic human right to political self-determination, this task force includes the following noteworthy statement by Guam's leadership within the last decade:

"A people's freely expressed wish to either join in union with or, if rebuffed by the subject State to freely associate with another State, does not alienate the right of self-determination from the territory or

its peoples, because a change in status would still have not occurred. Thus, while the expression of a political status choice by a people may not in itself be self-executing, an inability to consummate a 'self-governing' associated or integrated relationship with another State undermines U.S. commitment to democracy and confines the U.S. to 19th century colonial rule, leaving the theoretical unilateral right to independence an option."⁵

III. How would an Independent Guam govern its affairs?

While moving towards independence, Guam will empanel a provisional government which would have the requisite authority -- recognized by the international community of nations -- to negotiate and oversee any change to the status quo. It is also during this transition period that the people of Guam would write and adopt a constitution establishing their own independent and sovereign nation.

Constitutions provide the framework for the governance of a nation-state. Such systems of governance are shaped by philosophical, religious and political thought, along with a people's history, traditions and culture. Constitutions embody the core values of a society, rules considered essential to that nation's well-being. Constitutions define the lawmakers, administrators and adjudicators of the nation-state, and ensure that rules and power are not exercised arbitrarily.

A Guam Constitution would establish the independent and sovereign nation of Guam and define its basic principles and laws, which would determine governmental powers and functions, and rights of its citizens. These laws also would regulate the political, legal, economic, social and cultural affairs of the nation. This means Guam could fulfill its foremost responsibility to its citizens by setting up a government and devising laws that best serve their needs.

Constitutional systems, however, are evolutionary; they require built-in adjustment processes. Guam's constitutional process, therefore, would have to result in a custom-tailored, yet alterable, 'supreme law of the land' document. This Guam Constitution could be patterned after the U.S. Constitution, or after constitutions of other countries, adopting the best each has to offer the people of the Nation of Guam.

Additionally, such systems are being shaped by the rapid integration of international legal arrangements (as we have already seen in Part II), and these would have to be considered as the Guam Constitution was being written. As an example, fundamental human rights shall be respected by all of Guam's laws in accordance with the International Bill of Human Rights, which defines those to be the "inalienable and inviolable rights of all members of the human family" and which falls under the protection of the following five major United Nations legal instruments which bind all member states that ratify them: the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966) and the two Operational Protocols of the latter.

Furthermore, constitutions in other emerging and/or newly independent Pacific nation-states have retained many colonial-era features, due in part to the colonizers and the international community wanting and expecting:

"colonial tutelage to ultimately produce viable and stable states.

...Thus, following independence (or in other places during negotiations towards self-determination), laws determining citizenship, land ownership, chiefly status and representation in the state, the structure of government, political organization, electoral representation, freedom of speech, religion and custom, and human rights were drafted to please departing European powers, and were agreed to by Pacific signatories prepared to assent to most constitutional provisions in order to facilitate the speedy demise of colonial rule. The rules of truly indigenous modern government have been more slowly defined.

"In states as diverse as Papua New Guinea, Solomon Islands,



Vanuatu, Cook Islands, Guam, Belau, Marshall Islands, French Polynesia, New Caledonia, and the Federated States of Micronesia, there is currently discussion about the framework of government. In some cases -- Papua New Guinea, Solomon Islands and the Federated States of Micronesia -- the issues focus on relations between federal and provincial governments; in Vanuatu and Solomon Islands there is talk of enhancing constitutional recognition of customary authority; and in the cases of Cook Islands, the French Territories and the states of the North Pacific, there are proposals, concerning re-negotiation of the terms of limited sovereignty in their relationships with New Zealand, France, and the United States respectively." 1

Island states that have gained their independence since 1960 include Western Samoa, Nauru, Fiji, Tonga, Papua New Guinea, the Solomon Islands, Tuvalu, Kiribati and Vanuatu.

Traditional authority is still recognized in some small island states, such as Western Samoa, where only the *matai* (chiefs) vote in elections, although there is increasing demand by the population of 160,000 for change. In Tonga, the pressure is reportedly mounting on King Tupou to reform that country's electoral system. The plural state of independent Fiji protects, in its 1970 constitution, the interests of Fijians, Banabans and Rotumans, including the Fijian Affairs Act, Fijian Development Fund Act, Native Lands Act, Native Land Trust Act, Agricultural Landlord and Tenant Act, Rotuma Act, Rotuma Lands Act, Banaban Settlement Act, and Banaban Lands Act. (Changing these "entrenched" acts requires the consent of three-quarters of both houses of Fiji's parliament, and of six of eight senators appointed by the Great Council of Chiefs.)

The people of Guam can adopt a constitution that 'sets them up' to succeed -- that is, freely determine their own political, economic and sociocultural identity and destiny -- so that that foundation likewise facilitates the success of generations of Chamorro citizens to come. Indeed, this is the objective of all Guam's citizens, as expressed in their Quest for Commonwealth and the resulting proposal, which recognized the Chamorro right to self-determination and embodied the principle of 'mutual consent.' That voter-approved Guam Commonwealth Act has wallowed in the hands of the U.S. government, to wit:

"Guam's desire is to limit permanent migration and to control its guest worker population to accommodate the needs of a growing island economy. First and foremost, Guam wishes to employ residents of Guam and to maintain U.S. wage and labor standards for all workers so that Guam and its residents are the beneficiaries of its thriving economy. The Department of Justice, throughout the eight years of discussions, refused to believe this of Guam and used its formidable pervasive powers to quash Guam's intent and the merits of Guam's case. Such actions on the part of a federal agency were all the more frustrating because they were not based on constitutional concerns but on turf, power and 'trust' concerns." 2

Throughout its transition to independence and implementation of the terms of its fundamental governing document, Guam must keep abreast of constitutional developments in the region, and employ all those methods and/or devices available to it in order to further secure recognition of, and respect for, its independence and sovereignty.

IV. How would an Independent Guam govern its affairs, specifically:

Internal Matters

A. Individual Rights

Protections

The Chamorros of the Independent Nation of Guam would exercise their God-given rights and enact a Constitution which would, in accordance with the will of the people, set forth the governance of Guam and be the supreme law of Guam and her citizens. The most fundamental of these rights include, but are not limited to:

- respect for the integrity of the person and the right of the individual to be free from the control of some other person or arbitrary power;
- the right of the individual to freedom of thought, conscience, and belief;
- the right to freedom of speech and of the press;
- the freedom to peacefully assemble and associate;
- that no person shall be deprived of life, liberty, or property without due process of law, and through its judiciary system, shall have a fair hearing and public trial, and that defendants be entitled to have legal counsel, or that free legal counsel be appointed when required (See also C. **Legal/Judicial Processes**, below.);
- freedom of religion and the right to practice it;
- the right of the people to be secure in their persons and houses against unreasonable searches and seizures;
- that citizens shall have freedom of movement anywhere within Guam and of emigration, foreign travel, and repatriation;
- that citizens shall not be discriminated on the basis of race, sex, religion, disability, language or social status and, in respect to the practice thereof, the Nation of Guam shall make all social, cultural and economic facilities available to all its citizens.

Additionally, an Independent Guam could prohibit the taking of land or other private property unless a law authorized it for public use, and any such taking would be by only the Constitutional government of Guam, and where any land was taken, just compensation would be reasonably paid to the owner.

The International Covenant on Civil and Political Rights assures these and other rights. The covenant also allows governments to temporarily suspend some of these rights in cases of civil emergency, and lists those which cannot be suspended for any reason.

For an Independent Guam to be accepted as a member of the United Nations system, it necessarily would be bound in the construction of its Constitution by the terms of this and other such international legal instruments.

Citizenship

The Constitution of an Independent Guam would define its citizens' status (as members of the Nation of Guam) as primary, but also could go hand-in-hand with citizenship of another country. Dual citizenship can result from naturalization, which is the legal way in which people alter their citizenship. Nation of Guam citizens could undergo naturalization in whatever other country they desired, provided that country allowed it. In other words, Guam citizens could acquire dual status, i.e., Guam and U.S. citizenship, for example.

An Independent Guam would exclude non-Chamorros from acquiring

citizenship in the Nation until such time as its citizens decided to include others. The rule of *jus sanguinis* would apply, meaning "law of the blood," in which children born to citizens of the Independent Guam would take their parents' nationality regardless of where they were born.

Repatriated Chamorros would be subject to lawful registration and establishment of residency before being recognized as citizens of the Independent Guam. All citizens would be qualified to vote only after meeting those residency requirements.

Nationality

Nationality after the realization of Guam's Independence would be "Guamanian," or another such designated term, to mean thereafter, the "people of Guam." With a growing awareness of, interest in, and respect for, our Chamorro heritage -- especially if adequately nurtured through a transition period -- all Guam citizens would take great pride in pledging their allegiance to the Nation of Guam. Likewise, every birth certificate thenceforth would proclaim the newborn's nationality as "Guamanian."

Affirmations

The Inifresi, written by Dr. Bernadita Camacho-Dungca and now required to be committed to memory by Guam schoolchildren, could be adopted as the Nation of Guam's official citizen's pledge. Fanohge Chamoru, by the late Dr. Ramon M. Sablan, could be the national anthem, unless otherwise determined by those concerned. Likewise, Guam's Territorial flag, designed by the late Francisco Feja, could be designated the national Guam Flag.

Chamorro would be proclaimed and protected as the primary official language of the Independent Guam, with English the secondary. A Ministry of Culture or Chamorro Affairs/Heritage/Cultural Center could be established to administer Chamorro lands, language study and development, historic preservation, museum and archives, etc. The integrity of other matters pertaining to culture also would be restored, such as place names, sacred sites and ancestral remains, and indigenous knowledge and intellectual property.

Finally, any other such symbols of national identity also would recognize the pre-eminence of Guam's Chamorro heritage.

Travel

Guam's citizens would be free to emigrate, to travel and be repatriated, should they so desire. The Nation of Guam would issue passports for the purposes of travel to other countries, and devise a system for acquiring entry and exit visas for its citizens to visit those countries.

In the case of the Republic of Palau, pursuant to its Constitution, citizens have most of the civil rights that most U.S. citizens have. Additionally, their Constitution assures them preferential treatment by the government. The Compact, being an agreement with the constitutionally-established government of Palau, does not attempt to address the civil rights of Palauans, which is a matter for their own self-determination rather than a matter for negotiation with the U.S. The preamble to the Compact recites both governments' recognition of "human rights and fundamental freedoms for all."

The Nation of Hawaii's Constitution recognizes individuals' fundamental rights, including a nuclear-free and independent Pacific, and to speak the language of their choice. It enumerates citizens' rights and equal protections before the law.

including freedom of movement, access to Ho'oponopono (Hawaiian conflict resolution method) and 'reformation, rehabilitation and future deterrence,' rather than retribution against, a person convicted of a crime.

The Hawaiian Constitution identifies its citizenry as Kanaka Maoli nationals and naturalized citizens (process provided for). It assigns the voting age of 16, and requires three-year residency and lawful registration.

The Constitution provides the oath of office (form of affirmation) to be taken by elected and/or appointed public representatives/servants: "I, [name], do solemnly affirm in the presence of ke Akua, the Nation of Hawai'i and its people, that I will honor, support and defend the Constitution and the laws of this Nation, and that I will faithfully execute and discharge my duties as [position], to the best of my knowledge and ability, so help me Akua."

The Noumea Accords -- in addition to providing for special customary law status, aside from civil law status, for its Kanak citizens -- mandate that Kanak place names be compiled and reinstated, and that sacred sites be identified and protected. It also directs that cultural material be retrieved from French and other museums, and collections. The agreement encourages the use of both (Kanak and French) languages, and addresses Kanak development, specifically via the Tjibaou Cultural Centre and its outreach programs.

The Accords identify the emerging nation's symbols -- its name, flag, anthem, currency, design of bank notes -- and the need for these to express both the Kanak identity and the future in which all will share.

Voting, as in elections for New Caledonia's three provincial assemblies and national congress, is restricted to those who meet a 10-year residency requirement,

"as well as those who can prove that breaks in the continuity of their residence in New Caledonia were due to professional or family reasons, those who have Customary Status, or were born in New Caledonia and whose property and family ties are mainly in New Caledonia, and those who, although not born in New Caledonia, have one parent born there and whose property and family ties are mainly in New Caledonia."

Citizens of Guam, as a self-governing nation of people, would be the first to benefit from adopted policy and government-sponsored programs. As we see from the example of the Republic of Palau, citizens there enjoy such preferential treatment. In the Nation of Hawai'i, citizens are assured a nuclear-free nation-state, as well as a multilingual environment and uniquely Hawaiian system of justice. They can vote at 16, given three years' residency. In bilingual New Caledonia, citizens can have customary or civil status, and their Kanak cultural heritage is protected. Voting in that emerging nation-state is restricted to 10-year residents. An Independent Guam could institutionalize similar protections and privileges for its citizenry.

B. Immigration

An Independent Guam would have full control over its territorial integrity, which means it could determine and manage the direction and rate of its own growth and development, based on the desirability and sustainability of that growth by its citizens.

National issues relating to immigration -- population density, housing, sanitation, education, human resource and economic development, health care, resource and waste management, among others -- would be addressed when

determining an Independent Guam's policy.

The immigration process into Guam by people seeking long-term residency could require a pre-test for their ability to sustain themselves, or what is called a means test. The Nation of Guam could provide for dual citizenship, and a quota system to control the influx of immigrants and effectively manage that process. Guam could issue and enforce work, student and travel permits, or visas, taking into full consideration its own labor market, and long-term economic and social well-being.

"The extent to which Guam develops a permanent labor force in specific skill areas must be carefully weighed and is a significant social responsibility. For example, Guam maintains only a moderately sized pool of journeymen labor in the construction industry because of the cyclical nature of that industry. It would not serve Guam well to have a native labor force which sized for peak construction demands with the resulting unemployment of skilled workers during low cycle periods." 1

As another example, Guam could set its own policies for a more relaxed tourist-entry port, favoring the building of a more stable visitor industry.

Pursuant to the Palau Compact, Palauans have the right to enter the U.S. and to work there, but not necessarily to become U.S. citizens. U.S. citizens were given similar rights with respect to entering Palau to work at lawful occupations in accordance with Palauan law. The Compact is silent on the question of immigration of others into Palau and, consequently, gives Palau sole jurisdiction over such matters as part of its sovereignty over its territory.

The Hawai'i Constitution provides for a naturalization process to be devised by the Legislative General Assembly for those who "qualify and choose to become citizens of the Nation."

In the Noumea Accords, non-resident entry is strictly regulated, as is setting up business by those who are self-employed.

An Independent Guam would be free to determine its own immigration policy and could negotiate as a sovereign nation on related matters, such as in these examples from Palau, Hawai'i and New Caledonia, as they relate to bilateral arrangements and/or citizenship, naturalization and commercial interests.

C. Legal/Judicial Processes

The Nation of Guam, in its Constitution, would provide the framework for a sound, stable system of law and order by which its citizens' rights could be ensured. These legal parameters would meet international standards provided by the world community of nations in such instruments as the International Covenant on Civil and Political Rights.

In order to implement the ICCPR, the Nation of Guam would have to ensure that all residents understand their rights under the laws of Independent Guam and that they all have access to affordable, effective remedies if their rights are violated.

The United Nations' Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary include:

i) All States shall adopt and implement in their justice systems the Basic Principles on the Independence of the Judiciary in accordance with their constitutional process and domestic practice.

ii) Judges, lawyers, members of the executive, the legislature, and the public in general, shall be informed in the most appropriate

AS *AS*

manner of the content and the importance of the Basic Principles so that they may promote their application within the framework of the justice system.

iii) Member States shall inform the (UN) Secretary-General every five years, beginning in 1988, of the progress achieved in the implementation of the Basic Principles, including their dissemination, their incorporation into national legislation, the problems faced and difficulties or obstacles encountered in their implementation at the national level and the assistance that might be needed from the international community." ¹

The Republic of Palau has a unified judiciary as part of its constitutional government. The Compact recognizes the jurisdiction of the Palau Court over certain transitional matters, and by doing so, implicitly recognizes its jurisdiction over all internal matters in the republic. Except for those transitional matters, and except for normal situations where one country could come under the jurisdiction of the courts of another country, the Government of Palau is immune from the jurisdiction of the courts of the U.S., and vice versa.

The Nation of Hawai'i's Constitution establishes its National Tribunals "to exercise solely all judicial authority and functions as established by this Constitution. The Judicial Power shall be vested in one Supreme Tribunal, and in such inferior tribunals as the Legislative General Assembly deems necessary and proper to establish. The Tribunals shall have original and appellate jurisdictions, or as the Citizens' Assembly shall provide by law."

As in the Republic of Palau, the Nation of Guam would be immune from the jurisdiction of the courts of the U.S., as well as other countries, and vice versa. Guam also would institutionalize its own court system, and -- as in the case of the Nation of Hawai'i -- could incorporate a more humane correctional policy, encouraging "reformation, rehabilitation and future deterrence."

D. Taxation

An Independent Guam could levy income, real property and business taxes, as does the Territorial government now, and/or create a system of consumption-based taxation or other, or even establish itself as a haven.

As its own sovereign, Guam would see a vast expansion of its potential tax base with the return to domestic entities of federal excess lands alone. Add this expanded support base for the Nation to the other taxes that likely would be levied its citizens, and each one's proportionate share of Guam's overall tax burden would be much easier to bear.

A larger tax base and proportionately more fruitful national treasury could be utilized for various social programs, such as educational and training, housing, health care and social security systems.

The Nation of Guam also could provide certain incentives for domestic and foreign investors, including preferential programs for U.S. investors, with the intent of maintaining friendly relations with the (former) Administering Power and its commercial interests.

The Republic of Palau has its own system of taxation. Pursuant to the Compact, it may tax U.S. citizens who realize income from sources within Palau in the same manner that it taxes other persons. Palauans are not subject to estate or gift taxes

unless they reside in the U.S. Palau may tax income realized by Palauans from sources outside Palau, including the U.S. If that results in the imposition of a double tax by Palau and the U.S. on that income, the U.S. essentially waives its duplicative tax.

As in the example of Palau, an Independent Guam would be free to devise its own system of taxation. It could likewise exclude estate and/or gift taxes, or any other land-based assessment, and include one on income earned by citizens who live outside the Nation.

Some combination or adaptation of the system now in place (U.S. Internal Revenue Code) and newly devised means and methods could include income, business privilege and real property assessments, but also could forego any of these, depending on the overall state of the government's fiscal being.

E. Land/Natural Resources

As a self-governing nation, Guam would have control over the disposition of all its land and natural resources, and could devise its own maintenance and development strategies. This, it would do with an eye toward "a transparent, efficient and viable management and with economical and ecological viability."¹

National Guam policy would restrict ownership of real property to its citizens, and allow limited leasing to foreign investors. Guam would have control over its 200-mile Exclusive Economic Zone in accordance with the 1982 Law of the Sea Treaty, and could permit use and other development of those areas/resources for commercial purposes. Nonetheless, the Nation of Guam, in its administration of these areas, would emphasize the protection of its natural environment and resources.

The development of Guam's resources would have as its first objective the sustenance of the populace at the desired quality-of-life level. Using the status quo as a benchmark, Guam's capability can be measured, for example, by its 1994 Gross Island Product, or \$3 billion. With current uses and others yet to be explored/developed, Guam's land and natural resources would provide comfortably for its citizenry and could be further developed to effectively meet the carefully managed growth rate and needs of the Nation.

The potential for further/diversified development of Guam's land and natural resources lays in the areas of agriculture and aquaculture, including the cultivation of pharmaceutical/medicinal and exotic plants, for example. Other areas that show promise (that could enhance Guam's national sustainability) are: ecotourism, telecommunications, transportation and distribution, ocean research and resource mining, and financial services. (See also **I. Framework for Economic Development**, below.)

An Independent Guam also would bank on foreign interest in its resources, such as its location and deep harbor at Cabras. Indeed, these very assets are what Guam's Administering Power have proven to be so valuable, even indispensable, as in the former Naval Ship Repair Facility. After the Second World War and until the lifting of its 'security blanket' in 1962, the U.S. military and other agencies made exclusive use of vast acreages of land at Sumay, Apra Harbor, Naval Station, Tiyan, Andersen Air Force Base, and east of Agat (for Naval Mag). They also built two Naval Communications Stations, an Air Force Communications Annex, a Naval Hospital, a submarine base, and the former SRF.

Guam's tourism boom in the 1980s changed the face of the island and its economic outlook. As private use of lands and resources was determined to be desirable and was actively fostered and facilitated, Guam's role and identity as a

U.S. military outpost waned. A 1992 report points to the inherent conflict in Guam's situation with regard to its independent growth and development:

"Because of its flatness, the northern plateau was selected for airstrips; however, for the same geologic reasons, it's also the location of the best agricultural land, best white sand beaches, and freshwater lens. It's also where the larger part of the population is, as well as tourist development. ...Because the majority of the military's land holdings are on the northern plateau, the fact that the military's lands make up more than a third of the total acreage of the island understates the extent to which these landholdings are a burden to the private economy."²

The U.S. Air Force base at Andersen, for example, occupies 20,348 acres, but with 2 runways and 3,000,000+ square feet of buildings, only 169 acres are in use -- less than 1% of the total area.

An Independent Guam could best determine the optimum utilization of these and all of its lands and natural resources for the good of its citizens, who could benefit directly from its use, and in more than merely economic ways. Indeed, studies have shown that private uses are more successful ventures in affected communities. When compared with military jobs, civilian jobs are more "meaningful for the local economy," according to Dr. Robert Rauner, then-director of the Office of Economic Adjustment in the Office of the U.S. Secretary of Defense. Rauner told the Defense Base Closure and Realignment Commission in 1992:

"In the sample of 100 closings we have monitored for almost 30 years, over 80 percent of the base closure communities have replaced lost civilian jobs and incomes within several years. They then go beyond those recovery levels to attain even larger, more diversified economies as a result of further development."³

Furthermore, other analyses show that competition and success, in terms of utilizing our resources for national gain, are being measured and achieved in other ways, which is especially relevant to smaller communities like Guam's:

"Detailed study (pioneered by Prof. Michael Porter of Harvard University since the early '80s) of what makes some firms, and some nations, more competitive than others, has shifted attention to factors other than natural resource endowment, wage rates and exchange rates. These studies have highlighted the role of the capability of human resources, and particularly qualities of technical skill, innovation, flexibility and risk-taking, in achieving and keeping a competitive edge. Our own experience of island microstates suggests that such observation, set in an appropriate cultural context, have considerable relevance, even in small and remote economies not yet fully monetised."⁴

Pursuant to their Compact agreement, the U.S. transferred title to all real property it owned in Palau to the Palau government, without reimbursement. Pursuant to provisions of the Compact, however, Palau granted the U.S. the right to establish defense sites in Palau without further compensation than the overall compensation agreed to in the Compact. These included sites to be specified in subsequent negotiations, as well as an agreement to furnish optional, non-specified sites. The U.S.' military condemnation rights under the Compact have since been greatly restricted in subsidiary agreements.

The Republic of Palau gained jurisdiction and sovereignty over all of its territory, including land, internal waters, territorial seas and airspace, to the extent normally

asserted by other nations under international law, and the right to control the exploration and exploitation of natural and oceanic resources within that area. The U.S. and Palau further agreed to establish mutually agreed upon standards of environmental protection, with Palau committing to standards "substantively similar" to those in effect prior to the negotiation of the Compact. Both countries must conform to those standards with respect to their respective activities in Palau.

In the Noumea Accords, provisions are made for ongoing land reform to continue, including for customary land to be surveyed and registered. It also introduces legal and financial instruments to promote development of Customary Land, and directs that state and territory lands be surveyed with a view to assigning them to local government entities or customary owners or private owners to restore land rights or enable development of common interest.

New Caledonia, since the early '90s via the Zonéco Project, also is mapping and evaluating the marine resources within its EEZ, according to a UN resolution on the Question of New Caledonia.

Like the Republic of Palau, an Independent Guam would be in a position to secure the return of lands held by the U.S. government. And like Palau, the Nation of Guam would gain international recognition of its boundaries and resource rights. Finally, as steward of its own resources, the government of the Nation of Guam would sanction and/or subsidize the development of such areas, as well as the exploitation of its ocean resources, as in the case of New Caledonia.

External matters

F. Defense

As an independent nation, Guam would have the power to provide for its own defense and security. It would review current regional, multilateral defense pacts in determining its own national policy, and develop armed land and maritime forces for law enforcement and defense purposes.

An Independent Guam would have the option of making arrangements for technical and financial assistance for these purposes with varied sources, such as the UN and related organizations, or countries like the U.S., Australia, New Zealand, Japan and other friendly nations.

On the other hand, a declaration of neutrality -- such as Switzerland's 400-year-old neutral status -- is an option. Otherwise, Guam's external security already is, and could continue to be, provided for via regional and international agreements.

This type of defense posture is necessary, in terms of post-Cold War global politics. We are seeing at this time the unification of Western Europe, becoming a separate geopolitical actor, along with moves toward a more self-reliant Asia-Pacific economic unit. Additionally, environmentalism is having an increasing influence and substantive effect on world politics. We are seeing also, as described by historian Richard Herr writing 8 years ago, "some variation on the Islamic Conference which will command international attention."¹

Within this international order exists a large number of small countries, such as emerging Pacific nations, and mechanisms which enable them to act collectively. Early '80s advocates of reform said this international system would be capable of enforcing global norms -- the rule of law over force of power. They said the creation of small powers could even be a means of civilizing the international system, according to Herr.

This movement away from the bipolar order of the Cold War impacts directly on two sensitive aspects of U.S. external security interests in this part of the world -- nuclear deterrence and strategic denial. The Pacific islands have enjoyed a relatively favored position with regard to international development assistance, some of which is clearly due to their geostrategic significance. The end of strategic denial removes that one lever from the islands in their search for assistance.

Therefore, as the islands' importance to larger powers is reduced, the practical way to proceed is to secure a place in the macro-region itself, and to pay close attention to the extra-regional interests seeking involvement within the region and the extent to which these powers will devote resources to maintain their interests.

As for cooperative defense mechanisms in this region, the ANZUS Treaty and its mutual obligations remain the foundation of Australia's relationship with the U.S. Another far-reaching pact is the U.S.' Treaty of Peace with Japan. There's also the Southeast Asia Treaty Organization, the collective military system established by Australia, France, New Zealand, Pakistan, the Republic of the Philippines, Thailand, the United Kingdom and the U.S., with Vietnam, Cambodia and Laos as protocol states. And there are the U.S.' Visiting Forces Agreement with the Philippines, and the U.S. and Freely Associated States' Compacts and subsidiary agreements.

In this way, Guam could rely on a national defense capacity, the regional security community, and the U.N. and other multilateral peacekeeping mechanisms, much the way Australia does. Australia maintains agreements with the U.S., New Zealand, the United Kingdom, Singapore and Malaysia, and engages in cooperative programs and bilateral exercises within the Asia-Pacific region. Australia takes a leading role

in international non-proliferation regimes as it:

"pursues a program of measures designed to enhance mutual confidence in the region ... discloses defence planning, budget, acquisitions and its order of battle to a far greater extent than most countries in the Asia-Pacific region..."

Australia's emphasis on self-reliance (as opposed to self-sufficiency) has fostered changes and considerable achievement in defence industry policy with the aim of increasing the contribution of local industry to the defence of the nation."²

An example of regional security cooperative programs can be seen in the 12th International Military Operations and Law Conference held in Hawaii, sponsored by USCINCPAC. The annual forum is held to discuss operational legal issues affecting Asia-Pacific nations, with more than 200 participants from 37 countries last year. Opening remarks stressed "the importance of advancing the rule of law in military operations" and encouraged the international military legal community to become more involved in the negotiation of international agreements that affect military operations and personnel, such as the Ottawa Treaty that bans anti-personnel land mines. The Judge Advocate General for the Republic of Korea Army addressed security issues on the Korean Peninsula, including anticipatory self-defense under international law and international cooperative security regimes. Participants played a 'game' that involved international legal and policy issues surrounding a fictitious security crisis.

In its agreements with the U.S., the Republic of Palau prohibits the entry of military forces except those of the U.S. without U.S. permission. The U.S. has "full authority and responsibility" to defend Palau against military aggression by any other country, and Palau cannot take actions that are incompatible with the U.S.' military authority and responsibility.

The U.S. government's rights to acquire land in Palau for its needs are described above. The U.S. may not store nuclear, chemical or biological weapons in Palau.

The sovereign Nation of Guam would have full authority to provide for its own security, and would likely enter into collective, regional defense pacts and/or, as in the case of Palau, possibly exclusive arrangements with the U.S. in exchange for some type of technical or financial assistance. The form of this assistance could involve related activities, such as the services of the Federal Aviation Administration. Guam also could simply declare its neutrality at the international level, and/or develop its own defense capability and adopt a 'no-nukes' (or chemical and biological weapons) policy, as in the Republic of Palau.

Finally and most importantly, the development of a militia or national guard and naval policing authority would not only provide further stimulus to Guam's economy in the way of related jobs and revenue, it would solidify the national identity and patriotic sentiment of the citizenry of an Independent Guam.

G. Foreign Affairs

An Independent Guam would mean a sovereign nation that could conduct its own foreign affairs and negotiate its own treaties. As its own sovereign, Guam could participate fully in regional organizations and seek trading partnerships with other countries, including the United States; Guam would be qualified to become one of the member-states of the United Nations. Guam would be able to set up embassies in some countries, and where it is financially more feasible and advantageous, open

consulate offices in certain regions around the world to be represented in regional foreign affairs matters.

The value of conducting foreign relations is in, among others: the establishment of legitimacy, as in the recognition that comes with UN membership; protection against genocide (including that Guam's citizenry could not be forced out of their homes and dispersed, or forced onto the least productive lands, or be denied the right to control their own destiny); the regulation of foreign trade, investment and finance, with World Bank eligibility and others possible; and the settlement of claims.

With an independent status, Guam would have the right to appeal to the International Court of Justice and others at the international level. Also, more importantly, Guam would have the sovereign power to create its own systems of redress.

In its progressive movement for international recognition, the Nation of Hawai'i faces seemingly insurmountable obstacles, as noted by one of its legal advisers:

"The problem that you are having is that these foreign companies are coming into your nation, bringing their own people in, to develop and take away your land. That has to be stopped. One of the ways to do it is to negotiate treaties for foreign capital which you can use to employ your own people, develop your resources in the way that you want to develop them. ...The nation of Hawai'i will eventually develop its own capital base and its own revenue, but for right now you can use this foreign capital, as long as you are the ones who are able to regulate it. And these funds can be used to bring back the three hundred thousand or so people who have been forced to leave their homes, their families, because they cannot afford to live here, their home."¹

The Nation of Hawai'i could secure international support for its plans and efforts toward restoration, and use those contributions to diversify and strengthen its economy (possibly repatriating Hawaiian citizens in the process), based on its stated land (reform) policy.

Under their Compact with the U.S., the Republic of Palau has full authority to conduct its foreign affairs without the participation or input of the U.S. Palau, however, may request the U.S. to assist it in its foreign relations. Each has committed to consulting the other on important foreign affairs issues.

The Compact provides for embassies or other representative offices in the U.S. and Palau that enjoy the normal diplomatic privileges and immunities customarily accorded to offices of that nature. Finally, it provides that the U.S. will assist Palau in applying for membership in regional and international organizations. Accordingly, the Republic has become the smallest (in terms of population) member of the UN.

Like the Independent Nation of Hawai'i and the self-governing Republic of Palau, Guam would have full autonomy in relating to other countries. Treaties, defense agreements, economic alliances and other such arrangements could be established with friendly nations, and Guam would be eligible for full membership in various regional and international organizations. In these foreign relations, the Nation of Guam would conduct itself according to international protocol.

H. Financial Assistance

An Independent Guam could appeal to and qualify for foreign aid from regional and international organizations, as well as other sovereign nations on a bilateral

basis, that it could not under territorial status. This it would do, when needed, primarily for assistance with economic and social development plans and programs, but also with multilateral defense/security arrangements and operations.

A negotiated transition agreement, or set of agreements, between Guam and its Administering Power would include financial assistance by the U.S. for a number of purposes, such as public and private sector development and environmental clean-up, that would span the transitional period and possibly, beyond. Additionally, aid could be provided in the form of services of the U.S. Postal Service, Weather Service, Civil Aeronautics Board and Federal Communications Commission.

Funding entities that also could assist the Nation of Guam include the World Bank and International Monetary Fund, various U.N. programs (e.g., for Small Island Developing States), the Asian Development Bank, the South Pacific Forum, and Pacific Islands Development Bank. Asia-Pacific national governments, as well as non-governmental organizations, also could be tapped for aid, including Japan, Australia and New Zealand, and various private foundations.

In order to fulfill its obligations as a UN Trustee over Palau, and to compensate Palau for the land condemnation rights described earlier, the U.S. supplied Palau with economic assistance in many varieties in their Compact agreement. The value of the financial aid ultimately realized by Palau will exceed \$700 million, including "program assistance" and "administrative provisions." The former could be described as technical and educational assistance and funding. The latter requires Palau to annually report to the U.S. how money is spent, and with what results. It leaves open the possibility of additional funding by the U.S., should those reports indicate that to be appropriate.

During Guam's transition to independence, it is likely that, as in the Republic of Palau case, various types of assistance would be provided by the Administering Power -- in satisfaction of its international obligations -- in exchange for, for example, military access rights to Guam.

In order to effectuate self-reliance after the transitional period, however, the Nation of Guam would seek to devise its own systems to replace those of the U.S. that would have provided essential services to the territory-in-transition and its citizens. The Nation of Guam would be free to seek foreign aid for these and other purposes, if needed, from a world of sources after implementation of its independent, constitutional rule.

I. Framework for Economic Development

An Independent Guam would secure its economic well-being, first and foremost, with the aid of a comprehensive, long-term plan based on a collective socioeconomic vision for our island nation-state. This plan would have to consider the fundamental economic, social and cultural rights of individuals and nations governed by the International Covenant on Economic, Social, and Cultural Rights. These include the right to: wages sufficient to support a minimum standard of living; form trade unions; strike; paid or otherwise compensated maternity leave; free primary education, and accessible education at all levels; and copyright, patent, and trademark protection for intellectual property.

An Independent Guam's strategic plan for economic development could include technical and financial assistance from a host of international and regional organizations, including the United Nations and the South Pacific Forum.

Any plan for Guam's growth also should include lands held by the U.S. military that would have been determined to be excess to its needs (should the U.S. military maintain a presence at all). The return of these properties to landowners and/or



the viable public or private development thereof -- including access to and infrastructure in these areas -- would immediately provide for a much larger tax base than exists under the territorial status quo.

Additionally, that plan would encourage a sound fiscal and regulatory regime, including a fair taxation and fee structure and efficient procedures. It would address human resources, as well, as in higher education and training programs, use of new technologies and research, and immigration flexibility so as to facilitate the priority advancement of Guam citizens. And in manufacturing and import/export, Guam could offer incentives for employees and contractors/suppliers to maintain the desirability of Guam-produced goods and services.

This framework for Guam's economic development would foster the development of the island's small business sector, just as it would agricultural and aquacultural enterprises, which are desirable so that the Nation and its citizens could become more self-reliant by producing the goods and services essential to their own sustenance and prosperity. National policy and programs, including subsidies, to facilitate both small- and large-scale farming and fishing operations, would be adopted by an Independent Guam.

These industries could serve as the backbone of Guam's economy, thereby ensuring the Nation's livelihood. They could be expanded to include the manufacture, processing and packaging of such 'Made in Guam' goods, or foodstuffs, and the exportation of such products. Comprehensive policies on these activities would address educational curricula, job skills and management training, and active participation by Guam citizens, as they relate to the development of a self-sustaining, Independent Guam economy.

The Nation of Guam would set up its own tariff system, subject to international trade tariffs. It could, in effect, establish its own economic system and currency, and maintain its own banking system that could carry out local and international transactions, or could choose to use the U.S. systems currently in place, with any necessary adjustments.

Outside of its own territory, the Nation of Guam would work to foster friendly relations and trade with its Pacific neighbors, as recommended by a recent South Pacific Commission report:

"Guam must improve its skills in cooperating with its Pacific neighbours, both to exploit opportunities and to avoid economic hostilities. If Guam is tactless in flaunting its greater wealth and technical capabilities, it will alienate the people whose economic cooperation it very much needs. Careful analysis of medium and long-term possibilities is required, with less emphasis on short-term benefits for Guam." ¹

Rules that govern commerce between nations are issued by the World Trade Organization (WTO), its main function being to ensure that trade flows as smoothly, predictably and freely as possible. The WTO assures consumers and producers a ready supply and greater choice of finished products, components, raw materials and services; and assures producers and exporters that markets will be open to them.

At the heart of the WTO's multilateral trading system are 60 agreements and separate commitments, called schedules, which lay the legal ground-rules for international commerce. The agreements cover goods, services and intellectual property. They spell out the principles of liberalization, and the permitted exceptions. They include individual countries' commitments to lower customs tariffs and other trade barriers, and to open and keep open services markets. They

set procedures for settling disputes, prescribe special treatment for developing countries, and require governments to make their trade policies transparent.

Since 1995, the updated General Agreement on Trade and Tariffs (GATT) has become the WTO's umbrella agreement for trade in goods. It deals with specific sectors such as agriculture and textiles, and with issues such as trading, product standards, subsidies and actions taken against dumping.

Banks, insurance firms, telecommunications companies, tour operators, hotel chains and transport companies looking to do business abroad can now enjoy the same principles of freer and fairer trade that originally only applied to trade in goods. These principles appear in the new General Agreement on Trade in Services (GATS). WTO members have also made individual commitments under GATS stating which of their services sectors they are willing to open to foreign competition, and how open those markets are.

The WTO's intellectual property agreement amounts to rules for trade and investment in ideas and creativity. The rules state how copyrights, trademarks, geographical names used to identify products, industrial designs, integrated circuit layout-designs and undisclosed information such as trade secrets — "intellectual property" — should be protected when trade is involved.

The WTO's procedure for resolving trade quarrels under the Dispute Settlement Understanding is vital for enforcing the rules and therefore for ensuring that trade flows smoothly. The system encourages countries to settle their differences through consultation. Failing that, they can follow a carefully mapped out, stage-by-stage procedure that includes the possibility of a ruling by a panel of experts, and the chance to appeal the ruling on legal grounds.

The Trade Policy Review Mechanism's purpose is to improve transparency, to create a greater understanding of the policies that countries are adopting, and to assess their impact. Many members also see the reviews as constructive feedback on their policies.²

Guam is currently listed in some countries' Generalized System of Preferences, which means products and services from Guam already are duty- and quota-free in those countries. This type of arrangement can best be determined and secured by an Independent Guam.

The Republic of Palau, like Guam, is outside the U.S. for customs purposes. Subject to the U.S. federal law governing customs duties, articles imported to the U.S. from Palau are exempt from duty, except that duty-free treatment is not extended to watches, buttons, textile and apparel articles, footwear, handbags, and leather clothing. Such items are subject to applicable U.S. tariff schedules. Duty on articles that are not duty-free under the Trade Act of the Compact is agreed to be as favorable to Palau as that imposed by the U.S. on similar articles imported by other countries.

Pursuant to the Compact, the U.S. agreed to negotiate to give free services of the U.S. Weather Service, the Federal Aviation Administration, the U.S. Postal Service, and the Civil Aeronautics Board. It also agreed to provide several million dollars in funding for education at all levels. The U.S. also has committed to construct a road around the perimeter of the nearly uninhabited island of Babeldaob, which is the largest island in Micronesia with the exception of Guam.

The Nation of Hawai'i Constitution empowers its legislative body to conduct the business of the Nation, including to lay and collect taxes, duties, tariffs and excises; to borrow money on the equity of the Nation; to regulate commerce with foreign nations; to coin money and regulate the value thereof, and to protect and defend the patent and copyright laws of the Nation.

The Noumea Accords between New Caledonia and its Administering Power provide generously for the economic and social development of that territory, including specific types of training conducive to self-governance, and a call to action for its university. The provisions call for a program, for example, "for training middle and upper management staff, particularly technical and financial managers, (that) will be supported by the State (France) through development contracts, to support current and future power devolution."

The agreement also facilitates economic development, including development contracts spanning several years "in order to strengthen their economic self-reliance and diversification." It additionally provides for a development plan for mineral resources, with "gradual transfer of responsibility for the drafting and application of mining regulations." A stated energy policy even includes the instruction to identify sites for hydroelectric development.

The comprehensive Accords also address social policy, calling for public housing and a single social security system. And it allows for an expanding role by New Caledonia, whenever desired, in the control of French development facilities such as the Postal and Telecommunications Service, Training Institute for Public Personnel, New Caledonian Electricity Company, Caledonian Capital Investment Institute, Rural Development and Land Management Agency, and Kanak Cultural Development Agency.

As an Independent Nation, Guam would be free to build its own economic system. Obligations and commitments by Administering Powers to assist in the decolonization of non-self-governing territories include assisting those areas and people in the development of their social and economic policy (including preferential programs), as we see from the above cases. These examples include assistance in a range of areas, including education, training, technical and financial aid, and even contracts, as in the case of New Caledonia.

The Nation of Guam could look to the U.S. and others for guidance and assistance in the development of its economy, but must embrace the sensibilities of self-reliance and sustainability, and build an economic system that its own citizens can claim as theirs. A strategic, long-term socioeconomic plan would be the vehicle through which economic stability, and self-sufficiency, could be attained by the people of Guam.

J. Transportation

The Nation of Guam would respond to the air and ocean-surface travel and transportation needs of its citizenry in various ways. It could secure the continued, reliable service of carriers that now serve the island under arrangements with the U.S., but also would be free to negotiate similar arrangements with other friendly nations.

Related commercial entities could take full advantage of the economic laws of supply and demand, especially if an Independent Guam provides a less restrictive environment than exists under its territorial status with the U.S. As an example, the cost of transporting consumer goods (imports and exports) would be less prohibitive with the U.S.-administered Jones Act no longer applicable. The cost of living -- more specifically, the cost of commodities -- in an Independent Guam could be thereby lowered, and ultimately, Guam would see a dramatic shift away from its colonial-era dependence upon American goods and services.

Bilateral agreements on air landing and marine access rights could include forms of technical and financial assistance for Guam. These cooperative arrangements could then form the basis for the establishment and growth of the

Independent Guam's national air and/or shipping lines.

Indeed, as a sovereign nation, Guam could adopt transportation policy that enhances its overall economic productivity, such as a concerted, long-term effort to fully develop its transportation, transshipment, ship repair and maintenance capabilities. An Independent Guam would control and manage these internationally marketable services, and in the process, provide jobs and career opportunities for its citizens in a wide range of related fields, such as import/export services, marine engineering and environmental science, travel and transportation, and industry-related management. Furthermore, enhanced transportation and trade links to Asia and throughout the Pacific would open new markets to Guam products and services, and vice versa. Increased economic activity related to air and marine travel and transportation would provide for expansion of the Nation's revenue base.

Additional opportunities to build a strong transportation-related industry in an Independent Guam lie in establishing an open ship register, with that of Panama as a possible model. Established in 1925, the Panama Register is one of the world's oldest and largest, with some 14,000 ships. The Register lists primarily cargo ships, but also leisure yachts, tankers, fishing boats and trawlers. These vessels are owned mainly by Japanese (60%) and Greek (30%) interests. The Register grants navigation and radio licenses, and enforces navigation, safety, pollution and manning regulations. A network of more than 450 inspectors can inspect Panamanian flag vessels worldwide.

The Register maintains a fairly liberal registration policy. For example, international service vessels are exempt from Panamanian income tax, and any ship may be registered provided it complies with the minimum seaworthiness, safety and environmental conditions required by international conventions. Panama is a member of a number of protocols, including: Regulations for Prevention of Collisions at Sea, 1972/1981; Safety of Life at Sea (SOLAS), 1974/1981; International Maritime Satellite System (INMARSAT), 1976; Prevention of Pollution from Ships (MARPOL), 1973/1978; and Civil Liability for Oil Pollution Damage, 1969.¹

Guam's potential as a Pacific hub for transportation would be tapped for viable development and growth by a focused and determined, emerging small island developing state such as the Nation of Guam.

K. Implementation Period

Guam's transition to a sovereign Nation would allow for the least possible adverse impact through a 5- to 10-year period, and provide for the immediate development and adoption of a Constitution.

A moratorium on immigration and naturalization under U.S. policy would be required during this transitional stage, as well as a gradual lowering of the Administering Power's defense posture, capabilities and training activities. Also during this time, U.S. treaty agreements and federal laws governing Guam as an unincorporated territory would necessarily be amended, repealed or withdrawn by the U.S. Congress.

At the end of this transitional period, the U.S. government, as Administering Power of the (former) non-self-governing territory of Guam, would be recognized as having no plenary power -- or any other claim of jurisdiction or sovereignty -- over Guam and her people.

New Caledonia's transition provides at least 20 years until it achieves: the devolution of the so-called reserved powers; access to international full responsibility status; conversion of citizenship into nationality; provision for



another vote in two years if necessary, and another. The Noumea Accords further provide that, "Should no majority in favour again be recorded, the political partners would meet to consider the situation thus arising." And more particularly,

"the political organisation set up by the 1998 Agreement will remain in force, at its latest stage of evolution, without there being any possibility of reversal, such 'irreversibility' being constitutionally guaranteed. ...The State acknowledges that it is appropriate that New Caledonia achieve complete emancipation at the end of this period."

Finally, the agreement eloquently recognizes the fundamental importance of the decolonization of the place and people of New Caledonia, and acknowledges France's willingness to support that process:

"Colonisation harmed the dignity of the Kanak people and deprived it of its identity. In this confrontation, some men and women lost their lives or their reasons for living. Much suffering resulted from it. These difficult times need to be remembered, the mistakes recognised and the Kanak people's confiscated identity restored which equates in its mind with a recognition of its sovereignty, prior to the forging of a new sovereignty, shared in a common destiny..."

"It is now necessary to start making provision for a citizenship of New Caledonia, enabling the original people to form a human community, asserting its common destiny, with the other men and women living there..."

"The past was the time of colonisation. The present is the time of sharing, through the achievement of a new balance. The future must be the time of an identity, in a common destiny."

"France stands ready to accompany New Caledonia on that path."

Conclusion

A Sovereign and Independent Guam would be free to formulate its own governmental organization, national policy and code of conduct, with its uniquely Chamorro history, values, traditions and "Hafa Adai spirit" as their foundation.

Examples gleaned from the decolonization and constitutional development processes in other places, including one outside the American system, have been included here as mere demonstrations of what is possible in this, the Chamorro people's exercise of their right to self-determination and reclamation of their Nation.

This Position Paper of the Task Force on Independence for Guam is meant to present an earnest plea for cultural and socioeconomic consideration for Chamorros, a clear statement of political intent (self-determination process leading to independence after 10 years), and a sincere invitation to envision for Guam and her people a 'model microstate' in the face of globalization.

After all is said and done, the fact remains that decolonization and self-determination inhere in those persons on Guam who have been colonized by the U.S., beginning with American administration of island affairs in 1898 and continuing today. It is the Chamorro people who comprise that group, and are recognized internationally as having the inalienable right to determine their own destiny without interference, and to do so without the approval of the colonial power that is responsible for their continual domination, assimilation and, unless they take proactive measures to safeguard their lifeways, eventual extermination.

ENDNOTES

I. Cultural Survival

1. Inafa'maolek: Chamorro Tradition and Values, (Hale'-ta series), 1996; Spindler, George and Louise (eds.), Interpretive Ethnography of Education: At Home and Abroad, 1987; Van Maanen, John, Tales of the Field: On Writing Ethnography, 1988; Saville-Troike, Muriel, The Ethnography of Communication, 1989; Bullivant, Brian M., "Culture: Its Nature and Meaning for Educators," and Banks, James A., "Multicultural Education: Characteristics and Goals," both in Multicultural Education: Issues and Perspectives, 1989; Cunningham, Lawrence J., Ancient Chamorro Society, 1992; Oliver, Douglas L., Native Cultures of the Pacific Islands, 1989; Bellwood, Peter, The Polynesians: Prehistory of an Island People, 1987; Spradley, James P., The Ethnographic Interview, 1979 and Participant Observation, 1980; Phillips, Bernard, Sociological Research Methods, 1985.
2. Phillips, p. 44.
3. Peck, Dr. William M., A Tidy Universe of Islands, 1997, pp. 282-3.
4. Johnson, Kirk, Ph.D. "Globalization and Culture: A Framework for Social Change in the Pacific," presented at Guam Association of Social Workers Conference, March 2000.
5. See the Chamorro-English Dictionary by Donald M. Topping, Pedro M. Ogo, and Bernadita C. Dungca, 1975.
6. Sanchez, Pedro C., Guahan Guam: The History of our Island, 1988.
7. Sanchez, p. 48; and Cunningham, pp. 149-153 and 193.
8. Ibid (Sanchez).
9. Inafa'maolek: Chamorro Tradition and Values, (Hale'-ta series), 1996.
10. Topping, Ogo and Dungca, 1975.
11. De Vera, Rev. P. Roman Maria, Diccionario Chamorro-Castellano, 1932.
12. Ada, Helen F., "A Study of U.S. Naval Government Post-WWII Land Policy on Guam and Its Impact Fifty Years Later," Master in Public Administration thesis, University of Guam, May 1995, pp. 56-58.
13. Nasion Chamoru Press Release of May 30, 1996.
14. Charfauros, Doris Carriaga, Voice of the People letter, PDN 7/7/94 ed., p. 31, as cited in Ada thesis, p. 60.
15. See Supreme Court of the United States: Rice v. Cayetano, Governor of Hawaii, Certiorari to the United States Court of Appeals for the Ninth Circuit, No. 98-818. Argued October 6, 1999; Decided February 23, 2000.
16. "Standing Bear's Odyssey," by Standing Bear, Ponca, in Exiles in Their Own Land.
17. Mooney, James (1900:124), in Thornton's American Indian Holocaust and Survival: A Population History Since 1492, 1987, p. 117.
18. See OPI-R's monograph, "Self-Determination: A People's Right," Hagatna, Guam.
19. Fuetsan Famalao'an Chamoru Newsletter, June 1999.
20. "Death in a Promised Land," Jan. 2000, p. 13.
21. I Manfayi: Who's Who in Chamorro History, Vol. II, Political Status Education Coordinating Commission, 1997, p. I; and I Manfayi: Who's Who in Chamorro History, Vol. I, PSECC, 1995.

II. Sovereignty

1. "Legal testimony of Professor Francis Anthony Boyle on the Restoration of the Independent Nation State of Hawai'i Under International Law," December 28, 1993, p. 13.
2. "A Reassessment of Guam's Political Relationship with the United States," prepared for the 15th Guam Legislature by Venture Development Management Resources, Inc., 1980, p. 51-56.
3. "The U.S. Commonwealth of Puerto Rico: Pragmatism and the Empty Promise of Confederal Autonomy in the American Federal Republic," E. Robert Statham, Jr., Ph.D., Hagatna, Guam, June 1998, pps. 25-38.
4. Time Magazine commentary by Jason Tedjasukmana, March 20, 2000 edition, p. 18, "East Timor's Reconstruction: Is Aid Doing More Harm than Good?"
5. "Guam's Political Status: A Critique of the U.S. Executive Branch's Position on H.R. 100," prepared by the Guam Commission on Self-determination, 1998, Appendix 1.14.

III. Governance

1. "Renegotiating the Social Contract: Constitutional Change in the Pacific Islands," Graham Hassall, in Pacific History: Papers from the 8th Pacific History Association Conference, Donald H. Rubinstein, ed., University of Guam Press, 1992, p. 260.
2. "Guam's Political Status: A Critique of the U.S. Executive Branch's Position on H.R. 100," prepared by the Guam Commission on Self-determination," 1998, Appendix 2.15.

IV. Internal/External Matters

B) Immigration

1. "Guam's Political Status: A Critique of the U.S. Executive Branch's Position on H.R. 100," Guam Commission on Self-determination," 1998, Appendix 2.10.

C) Legal /Judicial Processes

1. Amnesty International WorldWide Web site.

E) Land/Natural Resources

1. Indigenous Peoples Earth Charter, signed at Kari-Oca, Brazil, on May 30, 1992.
2. "Analysis of the Impact of the U.S. Military Presence on Guam," Barakat & Chamberlin, August 1992 (draft).
3. Newsweek, "Last Taps for Fort Ord," March 9, 1992, as cited in "Analysis of the Impact of the US Military Presence on Guam," Barakat & Chamberlin, August 1992 (draft).
4. "Positioning Guam for Competitive Growth," a Report to the Government of Guam by a joint SPC-ESCAP/POC mission, Noumea and Vila, July 1994, p. 14.

F) Defense

1. "South Pacific Microstate Sovereignty in the Post-Cold War World Order: The Day after Waterloo?" Richard A. Herr, in Pacific History: Papers from the 8th Pacific History Association Conference, 1992, pps. 249-257.
2. Australian Department of Defense WWW site.

G) Foreign Affairs

1. "The Role of International Relations in the Development of the Independent and Sovereign Nation-State of Hawai'i," Patrick Gary Sickels, March 5, 1994, 1st plenary session of the interim government of the Nation of Hawai'i.

I) Framework for Economic Development

1. "Positioning Guam for Competitive Growth," a Report to the Government of Guam by a joint SPC-ESCAP/POC mission, Noumea and Vila, July 1994, pp. 17-18.
2. Information from the World Trade Organization's WWW site.

J) Transportation

1. Information on The Panama Register from its WWW site.