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American Samoa

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 9 December 2021. Further details are contained in previous working papers, available from www.un.org/dppa/decolonization/en/documents/workingpapers.



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The Territory at a glance

Territory: American Samoa is a Non-Self-Governing Territory under the Charter of the United Nations. It is an unincorporated and unorganized territory of the United States of America, administered by the Office of Insular Affairs of the United States Department of the Interior.

Representative of administering Power: The United States Department of the Interior has a field representative resident in the Territory.^a

Geography: Located in the South Pacific, approximately 3,700 km south-west of Hawaii and 4,350 km north-east of Australia. The Territory consists of seven islands: Tutuila and Aunuu, in addition to Ofu, Olosega and Ta'u (known as the Manu'a Islands) and the two coral atolls known as Rose Island and Swains Island.

Land area: 200 km²

Exclusive economic zone: 404,391 km²

Population: 49,710 (2020 census)

Life expectancy at birth: 77.8 years (women); 71.1 years (men)

Ethnic composition: Native Pacific Islander (92.6 per cent); Asian (3.6 per cent); white (0.9 per cent); other ethnic origin (2.9 per cent)

Languages: English and Samoan

Seat of Government: Fagatogo

Head of territorial Government: Governor Peleti Palepoi Sialeaga Mauga (since January 2021)

Main political parties: Democratic Party; Republican Party

Elections: The most recent elections were held in November 2020. The next elections, for the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives, are due to be held in November 2022.

Legislature: Fono (bicameral legislative assembly)

Gross domestic product per capita: \$11,245 (2020)

Economy: Fishing, tourism and agriculture

Unemployment rate: 16.3 per cent (2020)

Monetary unit: United States dollar

Brief history: It is believed that the Samoan archipelago was settled some 3,000 years ago by people migrating from South-East Asia. The Dutch were the first Europeans to reach the islands, in 1722. Under the 1899 Treaty of Berlin, also known as the Anglo-German Samoa Convention, the eastern islands of the Samoan archipelago were apportioned to the United States.

^a Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009 of 3 November 1977, as amended, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which that authority is to be exercised (see the Electronic Library of Interior Policies, United States Department of the Interior).

I. Constitutional, legal and political issues

1. By the late 1800s, internal strife among the chiefs of the islands of the Samoan archipelago and struggles among the relevant colonial Powers had led to a period of instability. Deeds ceding the islands to the United States from the early 1900s were accepted under the Ratification Act of 1929, which was passed by the United States Congress and enacted on 20 February 1929. Pursuant to that legislation, American Samoans were given the status of United States nationals. The legislation provided for a Government of American Samoa with all civil, judicial and military powers to be vested in a designee of the President of the United States. Given that the interest of the United States in the area had been mainly for military purposes, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, through Executive Order 10264 of the President of the United States, administrative responsibility for the Territory was transferred to the Department of the Interior.

2. American Samoa is an unincorporated and unorganized Territory under United States law. Not all provisions of the Constitution of the United States or of United States law apply. According to the administering Power, persons born in American Samoa, neither of whose parents is a United States citizen, are also not United States citizens, but as United States nationals they can freely enter the United States and work or reside anywhere that they choose. Although they are not permitted to vote in federal elections in the 50 states or the District of Columbia, even if they maintain residence there (unless they otherwise obtain United States citizenship), all American Samoans over the age of 18 years are eligible to vote in the Territory, including for the delegate to the United States House of Representatives from American Samoa. Both major national political parties in the United States include delegates from the Territory at their quadrennial national conventions.

3. The Constitution of the Territory provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a governor and a lieutenant governor elected for four-year terms by universal adult suffrage. The Governor is responsible for executing both American Samoa and applicable federal law and has the power to veto legislation passed by the Fono.

4. The Fono is a bicameral legislature, comprising the Senate, the 18 members of which are chosen by 14 county councils, and the House of Representatives, 20 members of which are elected by popular vote, with 1 additional member appointed as a non-voting delegate from Swains Island. Only a *matai* (chief), the traditional head of an *aiga* (extended family), can become a senator. Senators hold office for four years and representatives for two years. The Fono may pass laws with regard to all local affairs, provided that they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

5. According to the administering Power, the judicial system consists of a high court, to which the Chief Justice and the associate justice are appointed by the United States Secretary of the Interior. The associate justices for the local district courts are appointed by the Governor and confirmed by the Fono. The High Court is subdivided into appellate, trial, land and titles and family, drug and alcohol divisions. The United States Congress has granted limited federal jurisdiction to the High Court to hear certain cases involving federal statutory issues, such as occupational safety and health administration issues and ship mortgage actions. Other matters of federal law arising in the Territory are adjudicated in the United States district courts, mainly the federal courts in Hawaii and Washington, D.C. Given that American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing against decisions of the High Court to a federal district court.

6. On 3 November 2020, voters elected former Lieutenant Governor Peleti Palepoi Sialega Mauga and former Attorney General Talauega Eleasalo Ale as Governor and Lieutenant Governor of American Samoa, respectively. They also elected 20 members of the American Samoa House of Representatives and the delegate to the United States House of Representatives.

7. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate is permitted to vote in committees. In the general election held in November 2014, Aumua Amata Coleman Radewagen became the first female delegate of American Samoa to the United States House of Representatives. She was re-elected for a fourth term in November 2020.

8. The 1960 Constitution of American Samoa was revised in 1967 and subsequently amended in 1970 and 1977. Amendments or modifications, as approved by the United States Secretary of the Interior, may be made only by an act of the United States Congress. In 2008, a referendum was held on the revision of an aspect of the Constitution, but the proposal was rejected by a narrow margin. At the constitutional convention held in June and July 2010, delegates proposed amendments and revisions to the Constitution, including changes relating to the prohibition of further individualization of communal lands in the Territory, the establishment of an impartial jury in all criminal prosecutions, the enhancement of the position of the Samoan language and culture in the education system, the management and preservation of the natural resources of the Territory in accordance with local laws and the provision for the impeachment of the leaders of the Territory. In the general election held in November 2010, during which the referendum took place, and again on 6 November 2018, voters rejected a proposed amendment to the revised Constitution to give the Fono, instead of the United States Secretary of the Interior, the authority to override vetoes by the Governor.

9. According to the administering Power, on 26 June 2013, the United States District Court for the District of Columbia dismissed a lawsuit filed by five non-citizen United States nationals born in American Samoa and by the Samoan Federation of America (*Tuaua v. United States*) seeking a declaratory judgment that the citizenship clause of the Fourteenth Amendment to the Constitution of the United States extended to American Samoa. On appeal, in June 2015, a three-judge panel of the Court of Appeals for the District of Columbia Circuit held that constitutional “citizenship by birth” did not apply in the territories and that those born in American Samoa had no claim to birthright citizenship under the Fourteenth Amendment. The Court of Appeals denied a petition for *en banc* review of the panel’s decision, and the Supreme Court denied a petition for a writ of certiorari. The administering Power and the Government of American Samoa intervened in opposition to the lawsuit, arguing that the citizenship status of the people of American Samoa was a matter for the people to resolve through political processes.

10. Addressing the United States House of Representatives on 27 June 2013, the then delegate from American Samoa thanked the District Court for its well-reasoned opinion and for reaffirming the authority of Congress to grant citizenship to the people of American Samoa. In his view, the decision would allow the people of American Samoa to decide whether they wished to become citizens.

11. According to the administering Power, the then-Governor of the Territory submitted his official position on the political status of American Samoa in a document dated 13 June 2013, entitled “Decolonization issue regarding American Samoa”, which was forwarded in the same month to the Office of Insular Affairs of the United States Department of the Interior. The Governor noted that American Samoa was not a colony of the United States but rather a Territory, a status that had

been fashioned voluntarily for economic reasons. He expressed his appreciation for the continued diligence of the United Nations in working to ensure that administering Powers revisited existing relationships with their territories or insular possessions so that every opportunity was provided for the latter to opt out if they so desired.

12. On 12 December 2019, a federal judge in the United States District Court for the District of Utah ruled in *Fitise manu v. United States* that American Samoans were citizens by birth under the Fourteenth Amendment to the Constitution of the United States. On 13 December 2019, the delegate of American Samoa to the United States House of Representatives expressed her disappointment with the ruling, describing it as unwelcome, inappropriate and without precedent. On 13 December 2019, the ruling was stayed, pending appeal. In a press statement dated 17 January 2020, the delegate expressed appreciation for the unanimous action by the legislature of American Samoa through a concurrent resolution showing the support of elected officials for the right to self-determination.

13. Appeals were made to the Tenth Circuit Court of Appeals, in Denver, United States by (a) the Government of the United States and (b) the Government of American Samoa and the delegate, both on 14 April 2020. On 23 September 2020, the Court heard the case virtually. On 15 June 2021, a three-judge panel of the Tenth Circuit reversed the district court's ruling, concluding that the statutory treatment of persons born in American Samoa as nationals, but not citizens, of the United States complied with the Fourteenth Amendment. In July 2021, the plaintiffs in the case sought further review by all active judges of the Tenth Circuit; that request was denied on 27 December 2021.

14. Through an executive order of 5 October 2021, the Governor directed the Office of Political Status, Constitutional Review and Federal Relations to: (1) prepare for the 2022 Constitutional Convention through research, public engagement and logistical support; (2) prepare and support a mock constitutional convention in coordination with the Department of Education and other government offices; and (3) coordinate with the Treasury Department to ensure full and accurate accounting of all funds budgeted and expended in relation to the Constitutional Convention. In June 2021, the United States Department of the Interior announced a grant of \$150,000 for the Political Status Office to conduct a constitutional convention in the Territory and engage the community in public awareness forums, dialogue and discussions on accountability with regard to the United States Constitution and common law.

15. On 10 January 2022, in his state of the Territory address to the thirty-seventh legislature of American Samoa, the Governor said, in connection with the Constitutional Convention, that plans were in place to incorporate lesson plans on civics into secondary and community college curricula. From July to August 2021, the Office of Political Status, Constitutional Review and Federal Relations, in collaboration with the Department of Education, hosted committee meetings with teacher representatives from each public high school in order to create a curriculum guide for teaching about the American Samoa Constitution and political status in high school classrooms. The curriculum guide was presented on 18 August 2021.

16. The American Samoa Constitutional Review Committee was officially established through Executive Order 001-2022 and was tasked, inter alia, with reviewing the entire Constitution of American Samoa and considering all proposals for revision, as submitted through designated meetings, gatherings and discussions held by and through the Constitutional Review Office and the Governor's Office, as well as reports and requests submitted by lawfully appointed bodies, including, but not limited to, the Fono, the judiciary, political status study committees, local government and the public. The Committee held its first meeting on 8 February 2022.

On 14 February, it passed two proposed amendments to be considered at the Constitutional Convention: the house reapportionment amendment and the Chief Justice appointment amendment.

II. Budget

17. Each year, the Office of Insular Affairs provides grant funds to American Samoa for the operation of the local government, including the judiciary. The budget for 2022 requested by the Office for operations in American Samoa amounts to \$24.6 million, the same level as the enacted budget for 2021. The subsidies are allocated to operations of the general Government, LBJ Hospital, American Samoa Community College and the High Court. American Samoa also received federal funding assistance under the Coronavirus Aid, Relief and Economic Security Act and the American Rescue Plan Act for the coronavirus disease (COVID-19) pandemic.

III. Economic conditions

A. General

18. As noted in previous working papers, federal legislation passed in 2007 created a schedule of periodic increases to minimum wages in American Samoa to raise it to the federal level by 2016. Subsequent legislation postponed or reduced these increases. The most recent minimum wage increase in American Samoa took place on 30 September 2021.

19. According to the United States Department of Labor, the American Samoa industry-specific minimum wage rates were increased by \$0.40 each on 30 September 2021, as noted above, and currently range from \$5.38 per hour (garment manufacturing) to \$6.79 per hour (stevedoring, lighterage and maritime shipping agency activities). The tuna canning industry, the largest source of private sector employment in the Territory, is subject to a minimum wage of \$5.96 per hour and employs mostly foreign labour from neighbouring Samoa. According to the United States Government Accountability Office, all minimum wages in American Samoa are not scheduled to converge with the current federal level until 2036.

20. According to the administering Power, while the federal minimum wage rate for local government workers is set at \$5.61 per hour, the American Samoan Government adopted a new pay scale on 30 June 2021, with a minimum wage rate of \$7.25 per hour. This is a measure by the American Samoan Government to ensure a living wage and improve the overall quality of life throughout the Territory. This decision reflects the latest recommendation by the American Samoan Government to the Government Accountability Office about giving the Territory the opportunity to determine its own minimum wage rates at its own pace and according to economic conditions.

21. In November 2021, the Bureau of Economic Analysis of the United States Department of Commerce released estimates of the Territory's gross domestic product (GDP) for 2020 and of GDP and compensation by industry for 2019. The estimates show that real GDP, adjusted to price changes, increased by 4.0 per cent in 2020 after decreasing by 0.6 per cent in 2019. Activity related to the tuna canning industry was a significant source of growth in the economy of American Samoa. The canning industry in American Samoa was less affected by the COVID-19 pandemic than in other parts of the world. Exports of goods increased by 15.5 per cent, reflecting an increase in exports of canned tuna and related products. Government spending increased by 10.1 per cent, which was accounted for by the increased spending of the territorial Government. Spending by the American Samoan Government was

supported by federal grant revenues, including under Coronavirus Relief Fund payments.

22. The comprehensive economic development strategy for American Samoa 2018–2022, developed by the Department of Commerce, provides the Territory with a plan to strategically manage its resources and prioritize development in key industries. These efforts are aimed at creating an environment in which economic diversification and resilience can flourish. The strategy assesses the state of the economy of the Territory by determining the strengths, weaknesses, opportunities and threats posed by internal and external forces.

B. Fisheries and agriculture

23. American Samoa is a major fish processing centre of the American Pacific region. The tuna canning industry is the main component that drives the economy of American Samoa, generating export earnings and creating other related industries and business activities.

24. According to the 2020 report of the United States Government Accountability Office on the economic impact of minimum wage increases in American Samoa, the tuna canning industry faces multiple challenges, including increased competition and minimum wage increases, which led to cannery closures between 2007 and 2018, adversely impacting the economy. The companies that experienced the closures explained that the minimum wage increases were a factor in the closures, but not one of the main factors. In addition to increased competition and labour market challenges, the industry faces other challenges, such as lower wages for cannery workers in American Samoa relative to other countries. However, American Samoa offers the tuna canning industry advantages relative to the United States mainland and other countries, including lower wages than the United States mainland. The territorial Government and the American Samoa Chamber of Commerce view the minimum wage increases to be in conflict with sustainable economic development, but employers and workers note the benefits and challenges presented by such increases.

25. According to the administering Power, the population of American Samoa has a significant artisanal and subsistence fishing economy that relies on traditional *alia* (open-deck catamaran) fishing boats. While *alia* boats are preferred by most local artisanal fishermen, many are imported and are ageing. There is a need to modify the *alia* design to provide an improved and more efficient fishing vessel for the artisanal fishing industry, as well as to create the first local fishing fleet of American Samoa. The Office of Insular Affairs has invested funds in upgrading the traditional fishing vessel fleet in the budget for the fiscal year 2021. This redesigned fleet will be developed by the American Samoan Government with the assistance and support of the federal Government, mainly under programmes of the United States Economic Development Association.

26. Almost 90 per cent of all farms in the Territory operate on a subsistence basis. Prospects for agricultural development continue to be limited because much of the land is volcanic and mountainous and only a small amount of level land is suitable for cultivation. Farmers benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its environmental quality incentives programme.

27. According to the administering Power, the American Samoan Department of Agriculture promotes food security and sustainability. The Department's operations and projects are both locally and federally funded. By the end of the fourth quarter of

2021, it had received a total of four grants in federal funds, for the amount of \$1.25 million dollars, and had a local budget of about \$83,000.

C. Tourism

28. According to the administering Power, tourism has been identified as one of the new key economic pillars for American Samoa because of the uncertainty of the tuna fishing sector, the competition among cannery operators for catch and access to fishing areas for their fleets and the continuing decrease in profit margins for the canned product.

29. According to the administering Power, some 75,676 travellers arrived in American Samoa in 2019 (the most recent year for which information is available). The majority were returning residents (48,606). In 2019, there were only 4,556 tourist arrivals (persons having tourism as their reason for travel), compared to 4,871 in 2018. New Zealand remained the primary market for tourism, accounting for 46.5 per cent of tourist arrivals, followed by the United States (33.7 per cent) and Australia (10.9 per cent). Other countries made up the remaining 8.9 per cent. In March 2020, the then-Governor ordered the closure of the borders of American Samoa to all visitors on account of the COVID-19 pandemic. The borders remained closed from March 2020 to January 2021. In February 2021, the Governor authorized the first repatriation flight for the return of over 2,000 residents of American Samoa stranded on the United States mainland and Hawaii. Since then, there have been two inbound and outbound flights per month, each carrying approximately 250 passengers.

D. Transport and communications

30. There are some 180 km of public and primary paved roads and 235 km of secondary village roads in American Samoa. Pago Pago harbour, an all-weather deep-draught harbour, has a main dock that is 1,000 feet long, handling ships of up to a 32-foot draught. The harbour provides the full complement of equipment and facilities. The ship repair facility features a 3,000-ton marine railway.

31. The four airports in the Territory are situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government.

32. According to the comprehensive economic development strategy document, the Territory's air transport service to and from the United States is severely restricted by United States cabotage laws that prohibit foreign carriers from transporting passengers between American Samoa and other parts of the United States.

33. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency. Cable television and Internet services are also available from a private company, which is partly owned by the Government of American Samoa. According to the comprehensive economic development strategy for American Samoa, information technology in American Samoa was vastly improved after the Government of American Samoa invested over \$35 million in a submarine fibre-optic cable, paving the way for the creation of a new, knowledge-based industry. According to the administering Power, the Department of Commerce of American Samoa completed the Territorial Broadband Strategy in 2021, and development initiatives are under way to leverage the new Internet connectivity to create new economic opportunities. This includes through improvements in distance-learning education, investments in health care and wellness through

telemedicine and telehealth, and the digitization of governmental and other essential services.

E. Water, sanitation, utilities and renewable energy

34. The American Samoa Power Authority provides water, wastewater treatment, solid-waste and electricity services to customers on five of the seven islands. It provides drinking water to 90 per cent of the Territory from wells, with the remaining 10 per cent being served by outer-village systems.

35. According to the United States Energy Information Administration, American Samoa is nearly entirely dependent on imported fossil fuels, including diesel fuel, for electric power generation. Although American Samoa lacks fossil fuel resources, it has the potential for solar, wind, geothermal and biomass resources.

36. Given the high cost of electricity in the Territory and its geographic isolation, the Government established the American Samoa renewable energy committee to work with federal experts to bring sustainable renewable energy to the islands. The committee developed energy strategies to take advantage of the renewable resource potential on Tutuila and launched a project to supply the Manu'a island group, where electricity costs were double the rest of American Samoa, entirely with renewables. A solar grid project was completed in two phases. In 2019, however, a fire destroyed the battery storage for the first phase, which had an impact on 50 per cent of the solar power supply of Ofu Island and made it necessary to revert to diesel-fuelled power generation. The American Samoa Power Authority recently settled the insurance claim and is expected to reinstall the batteries in 2022. Prior to the COVID-19 pandemic, it had entered into agreements to install 20 megawatts of additional solar photovoltaic capacity and a 42-megawatt wind power project. Construction on both began in October 2019, but those projects were put on hold because of travel restrictions due to the pandemic. As of 2020, the American Samoa Power Authority has had seven active renewable energy sites and there are more in development.

37. The American Samoa renewable energy committee set a goal of obtaining 50 per cent of the Territory's energy from renewable energy sources, primarily solar energy, by 2025 and 100 per cent by 2040. Volcanic activity in the region may indicate that the island group has geothermal resources, but assessments have not yet identified any commercial geothermal potential. Electricity prices in American Samoa vary with world petroleum prices; in 2020, despite increased renewable generation and decreased petroleum prices, the average electricity prices were about three times higher than the United States average. A significant amount of electricity is used to pump and treat drinking water. Per capita electricity consumption in the Territory is about one quarter of the consumption in the 50 states of the United States, partly because only three fifths of American Samoan households are connected to an electric power grid.

IV. Social conditions

A. General

38. Known as *fa'asamoa*, the Samoan way of life is based on the notion of mutual respect and sharing among the *aiga* (extended family), each with a common allegiance to a *matai* (chief), and it influences every aspect of the socioeconomic fabric of the Territory. Since 2008, the legislature has been working to further strengthen the use of the Samoan language in public schools, in tandem with English.

39. According to the comprehensive economic development strategy for American Samoa, the Territory faces many challenges including, but not limited to a shrinking population, extremely high poverty rates and a fragile insular economy. The economy of American Samoa and its long-term economic stability is solely dependent upon federal government funds and the continued operations of the one remaining tuna cannery.

B. Labour and immigration

40. According to the 2020 report of the United States Government Accountability Office, local government and the tuna canning industry are the largest employers, accounting for 42 and 14 per cent of the workforce, respectively, in 2018. According to the same report, the Government of American Samoa and the Chamber of Commerce have expressed concern that continued minimum wage increases are at odds with sustainable economic development.

41. American Samoa has its own immigration laws and conditions for entry into the Territory, which are not the same as those of the United States. As previously reported, a new immigration law for American Samoa entered into force in 2003, giving the Attorney General, rather than a government-appointed board, full authority over the granting of permanent resident status. In the comprehensive economic development strategy document, it was reported that local control of immigration was an important advantage to American Samoa, especially in view of the limited range of skills in its labour force and the need to bring in skilled workers and management for many industries. In that document, it was recommended that immigration law, policy and procedures should be revised to better accommodate business labour requirements, and concern was expressed that local immigration and customs control in American Samoa could be federalized, a scenario that could have very severe adverse effects on the local labour market.

42. In the unified plan submitted by American Samoa under the Workforce Innovation and Opportunity Act of 2016, it was revealed that the emigration of workers from the Territory to the United States was balanced by the immigration of foreign tuna cannery and fishery workers. In the plan, a number of issues causing the labour force to leave the Territory were identified, including low wages compared with those in neighbouring States and Pacific jurisdictions, slower economic growth owing to costs associated with transportation, distribution and housing and the slow development of infrastructure in the Territory owing to its being subject to major environmental impacts and lacking funding to improve current infrastructure.

43. According to the 2020 report of the United States Government Accountability Office, in recent years, the efforts of the territorial Government to diversify the economy have centred on the development of the telecommunications industry. The Government has made major investments in telecommunications over the past five years, including the purchase of the Hawaiki Transpacific fibre-optic cable for \$35 million through funding from the Office of Insular Affairs and the American Samoa Economic Development Authority.

C. Education

44. Education in American Samoa is compulsory between 6 and 18 years of age. The education system is broadly based on that of the United States. A total of 95.7 per cent of the student population is from American Samoa, while the remaining 4.3 per cent of students are from China, the Philippines, the Republic of Korea and other Pacific islands.

45. American Samoa has a literacy rate of approximately 97 per cent. There are five school districts, each centred around a high school together with lower-level elementary schools. According to the Department of Commerce of American Samoa, there were a total of 109 educational institutions in American Samoa in 2018, the same as 2017, including the only community college in the Territory.

46. The American Samoa STEAM (science, technology, engineering, arts and mathematics) Partnership brings together educators, professionals, business, government agencies, non-profit organizations, community leaders and other stakeholders to support education in science and technology. The STEAM Partnership seeks to develop a highly skilled workforce and a globally competitive American Samoa. The STEAM Academy was initiated as a pilot project in 2019 to connect educators and employers through hands-on and project-based learning activities. Students also have the opportunity to connect with STEAM professionals.

D. Public health

47. According to the World Health Organization (WHO) country cooperation strategy for American Samoa for the period 2018–2022, non-communicable diseases are the main cause of premature illness and death. Key risk factors for non-communicable diseases are prevalent. The Territory is also vulnerable to emerging and re-emerging infectious diseases such as dengue, chikungunya and zika. Ongoing challenges in emergency management include local capacity for epidemiologic surveillance, laboratory capacity and risk communications. Limitations on human and financial resources impair institutional capacity to implement comprehensive strategies for combating non-communicable diseases. In order to strengthen the local public health workforce, good training opportunities need to be made available at home and abroad. The health services delivery model needs to be reoriented to respond to the burden of non-communicable diseases, including by balancing the curative and preventive health needs of the population.

48. According to WHO, strategic priorities for American Samoa include setting the strategic public health agenda, planning and implementing the health sector agenda and developing capacity across the health sector to address ongoing and emerging challenges.

49. On 29 January 2020, the then-Governor extended the state of emergency, declared in November 2019 because of a measles outbreak in the region, and expanded it to include the COVID-19 pandemic. In March 2020, the then-Governor issued an amended state of emergency declaration that put code blue status into effect, including physical distancing requirements, limited business hours and the closure of the borders. In April 2020, the Governor submitted a request, which was approved, to the President of the United States of America to declare a state of emergency in American Samoa.

50. Following the change of Government in American Samoa in 2021, the COVID-19 Task Force was re-established on 3 January 2021 to ensure continued COVID-19 response, the repatriation of residents and the vaccination of the community. A multiphase repatriation plan involving repatriation flights was being implemented, in close coordination with the office of the Government of American Samoa in Hawaii and the state government of Hawaii. Under the COVID-19 Task Force, the Vaccine Distribution Working Group has been implementing tiered vaccination schedules to ensure that front-line health workers, first responders, high-risk populations and ultimately the entire community are able to get vaccinated. The Task Force operations report, published in January 2022, is an account of all the activities undertaken by the territorial Government to manage the impact of the

pandemic. American Samoa remained COVID-19 free until September 2021. By February 2022, the American Samoan Government reported that approximately 79.9 per cent of the total population had been fully vaccinated.

51. According to the administering Power, the Government of the United States provided considerable financial assistance to American Samoa to assist the territorial Government in responding to the COVID-19 pandemic. The Coronavirus Aid, Relief and Economic Security Act included \$55 million for insular areas, which included American Samoa, in funding assistance to support efforts to prepare, prevent and respond to the COVID-19 pandemic (see [A/AC.109/2021/1](#)).

E. Crime and public safety

52. The Territory has continued to enhance cooperation with the Pacific Islands Chiefs of Police organization and the United States Department of Justice through its Office of Territorial and International Criminal Intelligence and Drug Enforcement. This is a multi-agency and multi-jurisdictional task force that enhances inter-agency coordination and intelligence-gathering to facilitate inter-agency and multi-jurisdictional investigations. It was designated as the lead investigative agency for illegal drug trafficking and human trafficking, with functions including, but not limited to: (1) gathering and analysing intelligence information on drug trafficking and human trafficking affecting the Territory, and disseminating information to law enforcement officers with legitimate law enforcement needs; (2) coordinating control of drug trafficking and human trafficking enforcement activities with federal, state, territorial and local law enforcement agencies and coordinating enhanced intelligence-sharing and investigation efforts; (3) performing other law enforcement functions and conducting investigations as designated by the Governor, in accordance with existing law.

53. On 15 September 2021, the American Samoa delegate to the House of Representatives welcomed the announcement of the provision of over \$685,000 in federal funds for American Samoan efforts to combat violence against women. The federal funds are from two grant programmes administered by the Office on Violence Against Women of the United States Justice Department.

54. The Criminal Justice Planning Agency is the State administrative agency of the American Samoan Government responsible for the administration of several grant programmes of the Bureau of Justice Assistance of the Office of Justice Programs, under the United States Department of Justice. The Agency is 100 per cent federally funded. It sets out goals and initiatives to tackle crime and address public safety in response to a diverse range of obstacles, including through crime prevention, community policing, juvenile justice, prevention of violence against women and children, victim support and ensuring the integrity of criminal justice personnel. The Agency is responsible for exploring new grant opportunities to support the core areas of the criminal justice system and to support and serve criminal justice agencies and the Government of American Samoa.

55. The following programmes support efforts to tackle crime and address public safety in the Territory:

- SMART FY 2021 Support for Adam Walsh Act Implementation Grant Program: this programme by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) helps jurisdictions to develop and enhance programmes for the implementation and maintenance of requirements under the Adam Walsh Child Protection and Safety Act of 2006, specifically subtitle A of title I of the Sex Offender Registration and Notification

Act. The programme supports the American Samoa Sex Offender Registry and Notification Act and is 100 per cent federally funded.

- **COPS Hiring Program:** this programme, under the Office of Community Oriented Policing Services (COPS) of the United States Department of Justice, provides funding directly to law enforcement agencies in an effort to support community policing initiatives and crime prevention. The Office also funds the School Resource Officer Program, under which law enforcement and community officers are selected and assigned to designated schools and are tasked with specific duties and responsibilities to assist in providing safety, security counselling and instruction to students, staff and the school administration.
- **The Customs K-9 project:** this is a border enforcement and drug interdiction project administered by the Department of Treasury to protect the Territory's borders. A second K-9 project is administered by the Vice and Narcotics Division of the Department of Public Safety. Under the project, canines assist with law enforcement services provided by the police department.
- **Edward Byrne Memorial Justice Assistance Grant:** this programme provides the Territory with critical funding necessary for supporting a variety of other programmes, including on law enforcement, prosecution, indigent defence, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation and related law enforcement and corrections programmes. There are currently two K-9 programmes supported under this funding.

V. Environmental protection and disaster preparedness

56. The American Samoa Environmental Protection Agency, which is funded by the United States Environmental Protection Agency, is mandated to protect human health and to safeguard the natural environment, in particular air, water and land. According to the administering Power, plans are under way for the territorial Government to centralize its climate change priorities for the Territory by establishing a climate change coordination office or division from the Governor's Office. This office will work closely with all key stakeholder agencies in the territorial Government to pursue climate action priorities for American Samoa.

57. American Samoa faces the problem, common to the South Pacific, of the safe disposal of solid and liquid waste, in particular as a result of urbanization. According to the United Nations Environment Programme, point source pollution from industrial waste and sewage, inappropriately sited and poorly managed garbage dumps and the disposal of toxic chemicals is a significant contributor to marine pollution and coastal degradation. There is growing concern that toxic and hazardous waste may be brought to the region from developed countries for disposal.

VI. Relations with international organizations and partners

58. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to the Territory. It belongs to various regional bodies of the United Nations system, including WHO, for which it falls under the auspices of the Regional Office for the Western Pacific and its Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

59. American Samoa is a member of several regional organizations, including the Pacific Community, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association of Non-Governmental Organisations, the Asia South Pacific Association for Basic and Adult Education, the Pacific Asia Travel Association and the Pacific Regional Environment Programme. The Territory participates in the activities of the Applied Geoscience and Technology Division of the Pacific Community and the Pacific Community Coastal Fisheries Programme. The Territory also belongs to United States organizations, such as the National Governors Association and the Western Governors' Association. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to countries in the Pacific region. The Territory hosted the seventh Pacific water conference and exposition of the Pacific Water and Wastewater Association from 9 to 11 September 2014. The Territory also holds observer status in the Pacific Islands Forum and the Alliance of Small Island States.

VII. Future status of the Territory

A. Position of the territorial Government

60. Section I of the present working paper reflects recent developments in American Samoa concerning its future political status.

61. According to the administering Power, the Administration of Peleti Palepoi Sialega Mauga and Talauega Eleasalo Ale is planning for the next constitutional convention to be held in the second half of 2022. A Constitutional Convention Office was established under the Governor's Office to prepare for the convention. In 2021, a budget for these efforts was approved by the Fono.

B. Position of the administering Power

62. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue and not one that came within the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He said that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He also said that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on the Territories under its administration to the Special Committee as a demonstration of its cooperation as an administering Power and as a way of correcting any errors in information that the Special Committee might have received from other sources.

63. The Interagency Group on Insular Areas, established through Executive Order 13537 of 14 April 2010, advises the President of the United States on the establishment or implementation of policies concerning the insular areas, solicits information and advice concerning the insular areas from the Governors of, and other

elected officials in, the insular areas and from representatives of entities or other individuals, and solicits information from executive departments or agencies for purposes of carrying out its missions, in order to help to ensure coordination and collaboration among federal agencies in addressing issues of concern to, among others, American Samoa, Guam and the United States Virgin Islands.

64. At the 14th meeting of the Fourth Committee, on 3 November 2021, the representative of the United States said that his Government remained committed to working with partners to alleviate the impact of the COVID-19 pandemic and to build back a better collective future. His Government had prioritized ensuring that all states and Territories, without distinction, had the tools and resources required to combat the pandemic. In addition, his Government had provided more than \$26 million in funding and resources from the Coronavirus Aid, Relief and Economic Security Act to enable the territorial Governments of American Samoa, Guam and the United States Virgin Islands to respond to the devastating economic and social effects of the pandemic, including in the form of life-saving medical equipment and testing kits provided to the people of American Samoa, vaccines and protective gear for the front-line workers and people of Guam, and food security and income protection for affected communities in the United States Virgin Islands. His Government would continue to provide an urgent lifeline to protect all families and communities (see [A/C.4/76/SR.14](#)).

65. At the 15th meeting of the Fourth Committee, on 9 November 2021, the representative of the United States reiterated his delegation's concern that the draft resolutions to be adopted at the meeting placed too much weight on independence as a one-size-fits-all status option for Territories in pursuit of self-determination. As stated in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the people of a Non-Self-Governing Territory could validly opt for free association as an alternative to independence or any other political status, including integration with the administering State, provided that that status was freely determined by the people. The United Nations must therefore not seek to influence the outcome of decolonization processes, but rather respect the free will of the people (see [A/C.4/76/SR.15](#)).

VIII. Action taken by the General Assembly

66. On 9 December 2021, the General Assembly adopted resolution [76/90](#) without a vote, on the basis of the report of the Special Committee for 2021 ([A/76/23](#)) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of American Samoa to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution [1514 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of the decolonization of American Samoa, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of American Samoa to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation

with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Took note of the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress, and recalled the establishment in April 2016 of the Office of Political Status, Constitutional Review and Federal Relations;

(e) Recalled the indication by the territorial Government that American Samoa should remain on the list of Non-Self-Governing Territories, under the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, until such time as its people had exercised their right to self-determination;

(f) Also recalled the invitation extended in 2015 by the Governor of American Samoa to the Special Committee to send a visiting mission to the Territory, called upon the administering Power to facilitate such a mission if the territorial Government so desired, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of American Samoa and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between American Samoa and the administering Power;

(i) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in American Samoa, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(j) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

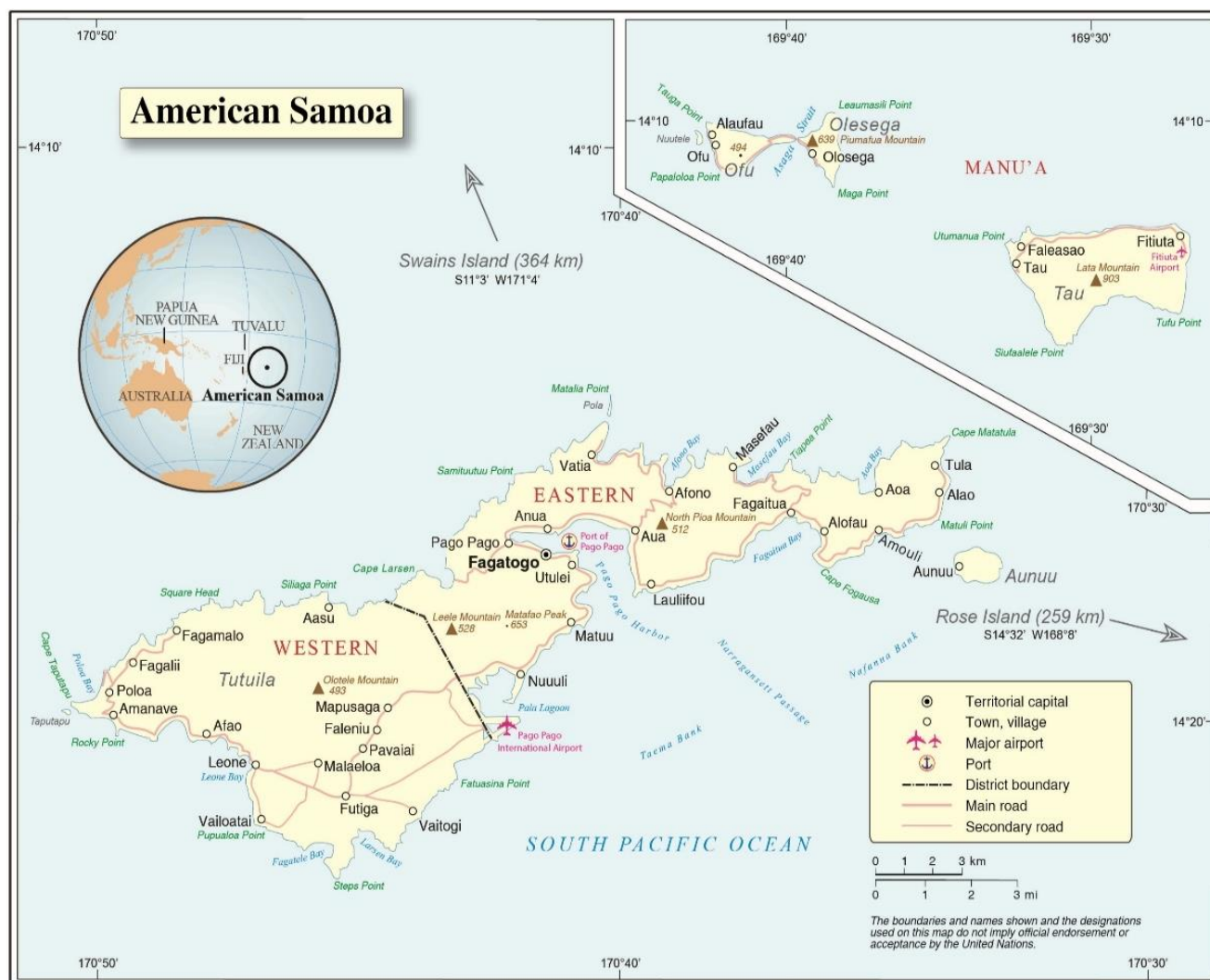
(k) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as an international financial centre, that were not aligned with the interest of the people of the Territory;

(l) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(m) Requested the Special Committee to continue to examine the question of American Samoa and to report thereon to the General Assembly at its seventy-seventh session and on the implementation of the resolution.

Annex

Map of American Samoa



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Department of Field Support
Geospatial Information Section (formerly Cartographic Section)