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## Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

### Guam

### Working paper prepared by the Secretariat

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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 on 7 December 2022. In a letter dated 14 December 2022, the Secretariat brought General Assembly resolution 77/140 to the attention of the administering Power and requested its input, pursuant to paragraph 17 of that resolution, in which the Assembly requested the Secretary-General to continue to report on the environmental impact of the military activities of the administering Power in the Territory. In response, on 25 January 2023, the administering Power indicated to the Secretariat that it had no further information to provide. Further details are contained in previous working papers, available at [www.un.org/dppa/decolonization/en/documents/workingpapers](http://www.un.org/dppa/decolonization/en/documents/workingpapers).



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### **The Territory at a glance**

*Territory:* Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

*Geography:* Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

*Land area:* 544 km<sup>2</sup>

*Exclusive economic zone:* 214,059 km<sup>2</sup>

*Population:* 153,836 (2020 estimate)

*Life expectancy at birth:* 77.5 years (women: 80.08 years; men: 75.07 years (2022 estimates))

*Languages:* English and CHamoru

*Ethnic composition (2020 census):* 32.8 per cent CHamoru; 29.1 per cent Filipino; 13.2 per cent other Pacific islanders; 6.8 per cent white; 6.4 per cent Asian; 0.6 per cent other ethnic origin; and 10.0 per cent mixed

*Capital:* Hagåtña

*Head of territorial Government:* Lourdes Leon Guerrero (since January 2019)

*Territory's delegate to the United States Congress:* James C. Moylan (since November 2022)

*Main political parties:* Democratic Party; Republican Party

*Elections:* Most recent: November 2022 (general); next: November 2024 (general)

*Legislature:* Unicameral 15-member legislature

*Gross domestic product per capita:* \$34,624 (2020 estimate, chained (2009) dollars)

*Economy:* Principal sources of revenue: tourism and the United States military

*Unemployment rate:* 4.4 per cent (September 2022)

*Monetary unit:* United States dollar

*Brief history:* Guam was inhabited by the Indigenous CHamoru people of Malayo-Polynesian descent when missionaries from Spain arrived in the late seventeenth century. The CHamoru now constitute just over one third of the population.

## I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America from 1899 to 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local government. Since then, the relations of the territory with the federal Government, in all matters that are not the programme responsibility of another federal department or agency, have been under the general administrative supervision of the United States Secretary of the Interior. Guam is an unincorporated territory and not all provisions of the Constitution of the United States apply to the island. The Organic Act contains a bill of rights. Under the Constitution, only individual states, not territories, of the United States select electors for the President and Vice-President of the United States. In general, however, persons born in Guam are citizens of the United States and may, upon establishing residency in one of the 50 states of the United States, vote for those electors from their state of residence.

2. The people of Guam elect a governor, who serves a four-year term. A person who has been elected Governor for two successive full terms is not eligible to hold that office again until one full term has elapsed. The Governor, who is responsible for the general supervision and control of the executive branch, may issue executive orders and regulations, recommend bills to the legislature, make his or her views known to that body and veto legislation. Following the elections held in November 2018, Lourdes “Lou” Leon Guerrero (Democrat) has been serving as Governor since January 2019, as the first woman elected to the post. She was re-elected in November 2022.

3. The unicameral legislature of Guam comprises 15 senators, each elected for a two-year term. The legislature may override the Governor’s veto. Under the supremacy clause of the Constitution, the laws of the United States take precedence in the case of a conflict with a law of a state or territory. In the legislative elections held on 8 November 2022, the Democratic Party won nine seats and the Republican Party six seats.

4. Since 1972, Guam has sent one delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committees and on floor amendments, but not on the final approval of bills. James C. Moylan (Republican) was elected in November 2022.

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a superior court and a supreme court, which are led by judges appointed by the Governor and confirmed by the legislature of Guam. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary. Guam has an elected Attorney General. At the federal level, a district court judge, appointed by the President of the United States and confirmed by the United States Senate, is the head of the District Court of Guam.

6. Periodically, there have been efforts to change the island’s political status, as detailed in previous working papers. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of CHamoru Self-Determination in order to address an important but controversial issue involving the CHamoru population. The Commission, in parallel with a process of registering eligible voters organized by Guam Electoral Commission, was to oversee the conduct of a plebiscite regarding the status preferences of the CHamoru people (statehood, independence or free association).

7. In 2000, the legislature of Guam provided the Guam Electoral Commission with the power to set the date for the political status plebiscite, in which it was expected that the Territory's Indigenous People would be asked to choose between statehood, independence and free association with the United States. While the plebiscite would have been non-binding, it would have set the course for any future discussions of political status with the administering Power. The vote, which was originally scheduled for 2 November 2004, was postponed because eligible voters had not been identified and registered; according to Guam law, a plebiscite is to be held once 70 per cent of eligible native inhabitants have been registered. Universal suffrage regarding general elections applies to United States citizens who are 18 years of age or older and are legal residents of Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. However, the legislature of Guam, in Public Law 25-106, has described eligible plebiscitary voters as those who became citizens of the United States by virtue of the authority and enactment of the Organic Act in 1950, and their descendants.

8. In 2011, the then Governor, Eddie Calvo, convened the Commission on Decolonization for the first time in about a decade. The Commission halted plans for a political status plebiscite in 2016 but continues to conduct comprehensive education campaigns. The Commission has three task forces dedicated to education and outreach on each of the three political status options: statehood, independence and free association.

9. The constitutionality of laws relating to the eligible plebiscitary voters was challenged in the District Court of Guam in *Davis v. Guam*, a class action lawsuit filed by Arnold Davis in 2011. The case was originally dismissed on 9 January 2013 on the grounds that the plaintiff lacked standing and his claims were unripe. However, on 8 May 2015, the United States Court of Appeals for the Ninth Circuit reversed that decision, allowing the case to go forward. Both parties filed motions for summary judgment on remand. On 8 March 2017, while recognizing the "long history of colonization" of the island and its people and the "desire of those colonized to have their right to self-determination", the District Court concluded that: the Constitution did not permit the governmental exclusion of otherwise qualified voters from participating in an election where public issues were decided simply because those otherwise qualified voters did not have the correct ancestry or bloodline; the plebiscite statute impermissibly imposed race-based restrictions on the voting rights of non-native inhabitants of Guam in violation of the Fifteenth Amendment to the Constitution; and the statute violated the equal protection clause of the Fourteenth Amendment. In addition, the District Court permanently enjoined Guam from enforcing the plebiscite that specifically limited voting rights to native inhabitants of Guam and any laws and regulations designed to enforce the plebiscite law, insofar as such enforcement would prevent qualified voters who were not native inhabitants of Guam from registering for and voting in the plebiscite.

10. The Government of Guam appealed the decision. On 28 November 2017, the United States filed an amicus curiae brief arguing that the United States Court of Appeals for the Ninth Circuit should affirm the District Court's decision. On 19 October 2018, the Court of Appeals heard oral arguments. On 29 July 2019, the Court of Appeals for the Ninth Circuit held that Guam's limitation on those allowed to vote in the plebiscite violated the Fifteenth Amendment and affirmed the decision of the District Court. On 26 December 2019, the Government of Guam filed a petition with the Supreme Court appealing the above-mentioned decision of the Court of Appeals for the Ninth Circuit. On 4 May 2020, the Supreme Court declined to grant certiorari.

11. It is the position of the administering Power that: (a) the right to self-determination of the people of Guam must be exercised by the whole of the people of

Guam, not just one portion of the population; (b) it cannot endorse a process under which the rights of some groups are held to take precedence over the rights of others based on their ethnicity or ancestry; (c) the Government of the United States is committed to working with the people of Guam towards a resolution of the current political status of Guam; and (d) the ultimate outcome of this process must be reached in accordance with the laws of the United States and the principle that self-determination must be exercised by the people as a whole.

12. 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 those 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. On 8 February 2023, the Interagency Group convened its annual plenary session with the Governors of the Territories.

13. The Governor of Guam attended the 2023 plenary session of the Interagency Group on Insular Areas, where she spoke about how federal investments in Guam's hospitals, infrastructure and resilience served national security interests. She stated that the requests put forward at the meeting on behalf of Guam, on aspects including federal funding and H-2B visas, could help to stabilize the territorial economy and rebuild its infrastructure, protecting the island's future.

## II. Military and related issues

14. According to the official data of the territorial Government (from the Guam Economic Development Authority), Guam hosts two branches of the armed services, the United States Navy and the United States Air Force. In 2009, Naval Base Guam, along with Andersen Air Force Base, was placed under the command of Joint Region Marianas. According to the United States Department of Defense website Military OneSource, in February 2023, Guam was home to 21,700 military members and their families.

15. As detailed in previous working papers, since 2009, the United States has planned to realign the presence of its Department of Defense in the Asia-Pacific region, and the United States Marine Corps has planned to consolidate bases in Okinawa, Japan, by relocating marines to other locations, including Guam. The thirteenth annual report of the Interagency Coordination Group of Inspectors General for Guam Realignment was issued on 27 January 2022 and covers the reporting period from 1 October 2020 to 30 September 2021. Owing to a change in legislation, the next report will be biennial and will cover the reporting period from 1 October 2021 to 30 September 2023. According to the report, the current plan is to relocate 5,000 marines and 1,300 dependants to Guam between the fiscal years 2020 and 2028. The number of relocated service members was reduced from 8,000 marines and 5,000 dependants, as set out in the 2006 plan, while the time frame for the realignment was increased owing in part to a labour shortage in Guam. On 1 October 2020, the Marine Corps base Camp Blaz was activated in Guam. Camp Blaz is expected to be home to approximately 5,000 marines, who will begin to relocate from Okinawa beginning in the first half of the decade. According to the 2024 executive budget request of the Government of Guam, the effect of the ongoing relocation projects on the territorial economy is expected primarily to be a substantial increase in construction activity.

The cost of the realignment has been capped at \$8.7 billion, \$3 billion of which will come from the Government of Japan. The budget will include funding for the construction of off-base projects to improve civilian water projects, wastewater systems, port projects, major road improvements and Hagåtña bridge projects.

16. On 29 August 2015, the United States Department of the Navy released the record of decision for relocating forces to Guam, following the issuance on 18 July 2015 of the final supplemental environmental impact statement for Guam in which the Department called for a smaller realignment than in the original, 2010, plan and outlined the decisions necessary for the implementation of the realignment actions proposed and the mitigation measures specified. The record of decision is specific to the relocation of marines and their dependants and comprises the decision to construct and operate a main base (cantonment area), a family housing area, a live-fire training range complex and associated infrastructure to support the relocation of a substantially reduced number of marines and their dependants. In addition to the record of decision, the United States Fish and Wildlife Service also issued a biological opinion in 2015, which, according to the administering Power, was amended in 2017, 2018 and 2020, on the relocation by the Department of the Marine Corps from Okinawa to Guam and associated activities on Guam. The 2015 biological opinion addressed the effect of the relocation on threatened or endangered species and adverse effects on critical habitat for certain species and outlined the conservation measures required to minimize those negative effects. Although an earlier biological opinion on the relocation of the marines was issued in 2010, following the request of the Department in October 2014 to reinstate the 2010 biological opinion owing to significant changes having been made to the proposed action, the 2015 biological opinion, which superseded and replaced the 2010 biological opinion (see para. 37), was issued. The annual report of 2020 on the biological opinion was issued to address the implementation of the conservation measures and the terms and conditions for the relocation during the period from 1 October 2019 to 30 September 2020.

17. According to the administering Power, there are active dialogues between the Department of Defense and local agencies that have jurisdiction over meeting the demands to ensure that cultural and natural resources of Guam are appropriately protected. On 29 December 2020, the programmatic agreement between the Department of Defense, the Government of Guam and the Guam State Historic Preservation Office was signed. The agreement outlines the management for the protection of historic and culturally significant sites while military training and testing activities take place.

### **III. Land issues**

18. The question of land use and ownership encompasses two major issues: the return of unused or underutilized land held by the Department of Defense and the return of that land to the original CHamoru landowners. As of 2019, of the 147,000 acres of land available on Guam, the Department possessed 40,644 acres, or 27.65 per cent of the island's land mass. Under Guam law, private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would be subject to the approval of the legislature of Guam.

19. In March 2011, a programmatic agreement was signed between the Department of Defense, the Advisory Council on Historic Preservation and the State Historic Preservation Officer of Guam to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of marines, their dependants and support staff as early as 2016. In the programmatic agreement, projects included the construction of a cultural repository, a public health laboratory and further

upgrades to the island's water and wastewater systems. In November 2017, the Department's Office of Economic Adjustment awarded the Government of Guam two grants totalling \$129.9 million for civilian infrastructure projects relating to the relocation of the marines. The Office of the Governor was awarded \$12 million for the final planning and design, programme and construction management services and the construction of a cultural repository. The other grant, in the amount of \$117.9 million, was awarded for upgrades to wastewater treatment facilities (see para. 32).

20. According to the administering Power, the Department of the Navy continues to be committed under its "net negative" policy to having a smaller footprint on the islands after the relocation of the marines than it had thereto. In the congressional report delivered on 28 September 2017 regarding the implementation of that policy, the Department noted that, upon the completion of all transfers identified in the report, land holding by the Department was expected to decrease by 654 acres compared with January 2011.

21. In 1975, Guam passed the CHamoru Land Trust Act to give descendants of native CHamorus the opportunity to lease property for a nominal sum. In September 2017, the United States Department of Justice filed a lawsuit against the Government of Guam, the CHamoru Land Trust Commission and the Administrative Director of the Commission in which the United States argued that the Act and its implementing regulations discriminated against non-CHamorus based on race or national origin, in violation of the Fair Housing Act, given that it was stated in the Act that only "native Chamorros" were eligible for leases, regardless whether they or their descendants incurred a loss of land. The Government of Guam, on the other hand, argued that this preference was permissible because native CHamorus was a political and not a racial classification.

22. On 21 December 2018, the United States District Court of Guam issued a decision in which the Court denied the motion by the United States for partial judgment on the pleadings in which the United States sought a ruling that the Act discriminated on the basis of race or national origin. The Court also denied the motion by Guam for judgment on the pleadings, except with respect to the issue of monetary damages. In that motion, Guam had argued that the relief sought by the United States was unavailable. The Court ruled that the Fair Housing Act did not allow the United States to seek monetary damages from Guam on behalf of individual victims of discrimination, while leaving for further discussion the question of whether civil penalties might be assessed. On 26 December 2019, the CHamoru Land Trust Commission approved the proposed settlement terms included in the agreement between the representatives of Guam and the United States, as reflected in the term sheet dated 14 November 2019, which would, among other things, make certain modifications and amendments to the CHamoru Land Trust Commission Act and/or the rules and regulations of the Commission. On 10 December 2020, the Governor of Guam signed Guam Public Law 35-112, following the passing of the bill by the legislature of Guam, enacting the legislation necessary to comply with and carry out the terms of the agreement to settle the case.

## **IV. Budget**

23. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. According to federal law, all island residents, including military personnel, must pay income tax to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget



bill; the legislature can then either override the veto by a special majority or reconsider the bill.

24. On 12 September 2022, the budget act concerning the budget for the fiscal year ending in September 2023 was signed into law by the Governor as Guam Public Law No. 36-107. The projected gross revenue for the General Fund was \$809.9 million, and the total amount of General Fund revenue available for appropriation amounted to \$713.2 million.

## **V. Economy**

### **A. General**

25. The economy of Guam continues to be based on two main pillars: tourism and the military. According to the 2023 executive budget request by the territorial Government, federal Government expenditure now represents the largest single source of funds flowing to Guam. Federal Government expenditure in recent years was the second largest source of funds, well behind tourism expenditure.

26. According to the United States Bureau of Economic Analysis, in 2021, the real gross domestic product of Guam increased by 1.1 per cent after decreasing by 11.4 per cent in 2020. In 2021, the Guam economy was affected by the continuing federal Government response to the coronavirus disease (COVID-19) pandemic. Territorial Government and consumer spending were supported by federal payments authorized by the Coronavirus Aid, Relief, and Economic Security Act of 2020, the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Rescue Plan Act of 2021.

### **B. Tourism**

27. According to preliminary visitor arrival statistics issued by the Guam Visitors Bureau, the total number of visitor arrivals in 2022 was 328,446, an increase of 313.7 per cent compared with the 79,389 visitor arrivals in 2021. The number of visitors from South Korea and Japan increased by 2,384.6 per cent and 1,059.1 per cent, respectively.

### **C. Transport and communications**

28. The Territory's road network is just under 1,000 miles long, with 420 miles classified as "non-public". Of the 550 miles of public roads, there are some 144 miles of primary and some secondary roads. To maintain the territorial highway system, the Government of Guam receives funding from the United States Department of Transportation and the Federal Highway Administration.

29. The Port Authority of Guam, which is a public corporation and an autonomous agency of the territorial Government, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for the Federated States of Micronesia.

30. The 2030 Guam transportation plan has become an official component of the island's comprehensive development plan. The transportation plan, which is a long-term strategy designed to improve the Territory's transportation system, incorporates improvements to roadways and mass transportation while accommodating pedestrians and cyclists. It also addresses other issues, such as the proposed military build-up.

## **D. Water system, sanitation and utilities**

31. According to the 2020 annual water quality report by the Guam Waterworks Authority, in 2020 the drinking water in Guam met or surpassed all standards set by the United States Environmental Protection Agency.

32. In November 2017, the Department of Defense awarded the Guam Waterworks Authority approximately \$117.9 million in funding for the construction of upgrades to the Northern District wastewater treatment plant, as authorized by the United States Congress in section 2821 of the National Defense Authorization Act for Fiscal Year 2016. According to the administering Power, at the time of writing, the Northern District wastewater treatment plant had not yet been constructed.

33. The Guam Power Authority provides all the electricity on the island for both the public and the Department of Defense. In 2018, the Authority proposed a new 180-megawatt power plant with an investment in the amount of \$400 million, which would replace two power plants left inoperative by the explosion and fire of August 2015 and would comply with federal environmental standards, while allowing the integration of existing solar photovoltaic sources of renewable energy and an additional 130 megawatts from planned solar photovoltaic farms (see sect. E). According to the administering Power, the new power plant was scheduled to begin operation by April 2024.

34. According to the United States Energy Information Administration, in 2021, the residential sector accounted for 38 per cent of Guam's electricity use, the commercial sector accounted for 31 per cent, the United States military for 20 per cent and the territorial Government for 11 per cent. Guam has no fossil energy resources and meets nearly all of its energy needs through imported petroleum products. It has no natural gas reserves and does not produce or use natural gas.

## **E. Renewable energy**

35. Guam's renewable portfolio standard requires that 50 per cent of electricity sales come from renewables by 2035 and 100 per cent by 2045. A new solar farm in Guam with about 60 megawatts of generating capacity came online in 2022, and another 60 megawatts of solar power capacity is expected to come online in 2023. In 2021, renewables accounted for about 6 per cent of Guam's electricity generation. In 2015, the first commercial solar power facility (a 26-megawatt solar farm with more than 120,000 solar panels) began operation. The facility can generate enough electricity to serve 10,000 homes. Another 40 megawatts of solar power-generating capacity and related storage capacity, which were planned to come online by 2024, were delayed after the United States Navy withdrew the property that it was to lease for the solar sites.

## **F. Agriculture and fisheries**

36. The farming and fishing sectors are considered relatively well developed. The main types of produce are vegetables, citrus, tropical fruits and coconuts. The various divisions of the Guam Department of Agriculture deal with the animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources. The Agricultural Board of Commissioners reviews and makes recommendations regarding zoning, pest control, the preparation of an agricultural development plan, agricultural loans and related matters.

37. According to the administering Power, in 2009, the Western Pacific Regional Fishery Management Council recommended that the Department of Defense and the National Marine Fisheries Service investigate and address the impact of the continuing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. As part of the process of preparing the supplemental environmental impact statement for the military build-up, the Department of the Navy consulted the United States Fish and Wildlife Service and the National Marine Fisheries Service to analyse the potential impact of the proposed actions on essential and critical habitats. Information on the 2015 biological opinion by the Fish and Wildlife Service and the subsequent amendments is contained in paragraph 16.

38. According to the administering Power, the Department of the Navy, in compliance with the Endangered Species Act, received favourable biological opinions from the Fish and Wildlife Service in July 2015, July 2017 and October 2018, as well as a letter of concurrence from the National Marine Fisheries Service in May 2015. Each of those documents included conservation and/or mitigation measures that the Department has made a commitment to implement. The Department, in compliance with the Magnuson-Stevens Fisheries Conservation Management Act, completed its consultation with the Fisheries Service in May 2015. The Service provided, for the Department's consideration, seven conservation recommendations on supporting essential fish habitats. In May 2015, the Department committed itself to implementing six of those recommendations as part of the military relocation to Guam.

## **VI. Social conditions**

### **A. Labour**

39. The unemployment rate for September 2022 was 4.4 per cent, a reduction of 3.7 percentage points from the September 2021 figure of 8.1 per cent. The September 2022 statistics are a continuation of the trend of declining numbers of unemployed persons and in the unemployment rate every quarter consecutively for the past seven quarters since the pandemic high figures in December 2020. The total number of employed persons in September 2022 was 64,540, of which 57.6 per cent were men and 42.4 per cent were women.

### **B. Education**

40. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for students from kindergarten to the twelfth grade in 26 elementary schools, 8 middle schools and 6 high schools and 1 alternative school. The Territory receives federal funding each year to support such programmes as special education, summer school, the school lunch programme and the Department's extended day after-school programme. On 19 April 2022, the Guam Education Board adopted the Guam Department of Education five-year Strategic Plan.

### **C. Public health**

41. There are two civilian inpatient medical facilities. The Guam Memorial Hospital Authority is a public hospital with a capacity of 158 acute-care beds and 40 long-term care beds. Guam Regional Medical City has 136 acute-care beds. The United States

Naval Hospital, whose current facility officially opened on 21 April 2014, primarily serves the military sector. There are three community/public health centres, one located in the north, one in the south and one in the centre.

42. According to the administering Power, the Government of the United States provided considerable financial assistance to Guam to assist the Territory in responding to the COVID-19 pandemic. The Coronavirus Aid, Relief and Economic Security Act provided \$55 million for insular areas, which included Guam, in funding assistance to support efforts to prepare, prevent and respond to the COVID-19 pandemic.

## **VII. Environment**

43. As detailed in its 2011 comprehensive economic development strategy, the Guam Environmental Protection Agency implements various programmes to regularly monitor the status of the environment. The regulations of the United States Environmental Protection Agency apply to Guam, but in some cases the Territory's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; its marine environment therefore constitutes a key litmus test with regard to the overall environmental impact of human activity. The quality of the marine waters has generally been found to be excellent across all indicators. Soil erosion, which is associated with construction activity or natural erosion, is another area of special concern in southern Guam, given that sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

44. Solid-waste landfills are another area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. In its 2013 report entitled "Further analysis needed to identify Guam's public infrastructure requirements and costs for the Department of Defense's realignment plan", the United States Government Accountability Office noted that the existing landfill on Guam was environmentally compliant, had adequate capacity to meet current solid waste disposal needs and had sufficient expansion capacity to meet future needs related to the realignment.

45. One third of the world's cyclones develop in the immediate area around Guam. In addition, according to the Global Assessment of Human-Induced Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road construction on steep slopes has caused erosion, with the resulting sedimentation killing coral colonies on fringing reefs.

46. According to the administering Power, pursuant to the National Environmental Policy Act of 1969, the Department of Defense examined the environmental effects of its proposed actions and subsequently, on 29 August 2015, the Department of the Navy released its record of decision (see para. 16 for more details).

## **VIII. Relations with international organizations and partners**

47. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Pacific Community, the Micronesia Islands Forum and the South Pacific Regional Environment Programme. Guam has observer status in the Alliance of Small Island States. In 2011, Guam was granted observer status in the Pacific Islands Forum.

## IX. Future status of the Territory

### A. Position of the territorial Government

48. At the 3rd meeting of the Special Political and Decolonization Committee (Fourth Committee), on 4 October 2022, the representative of Guam said that efforts had been undertaken in the previous year to move forward towards a plebiscite on self-determination. Those efforts included ongoing community education, including in schools, and the publication of *Giha Mo'na: A Self-determination Study for Guåhan*, which had been presented to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its Pacific regional seminar held in Castries, Saint Lucia, from 11 to 13 May 2022. That study, which was based on the internationally recognized self-governance indicators, offered an analysis of the three status options of integration, independence and free association. The absence of that particular milestone in the most recent resolution on Guam adopted by the Special Committee was a disservice to its work. It remained a priority of the administration to conduct, within the next few years, a political status plebiscite in which only those who had been historically denied their right to self-determination would participate, a stance that was consistent with the United Nations Declaration on the Rights of Indigenous Peoples. Amid escalating geopolitical tensions in the Asia-Pacific region, the United States continued its military build-up in Guam. In such matters, the two sides did not function as equals, even when the administering Power attempted to cooperate with local leadership. Guam had petitioned the Inter-American Commission on Human Rights to request that the United States be held accountable and that the civil and political rights of the people of Guam be upheld, a development that should be reflected in the Committee's draft resolution and any future proceedings. Owing to its strategic location, Guam was at the epicentre of tension. However, decisions regarding security could not exclude the security of the environment, economy, health and well-being of the people of Guam. The territorial Government had grown and evolved, finding new ways to work with the administering Power and the United Nations towards achieving a full measure of self-governance. A visiting mission should be sent to witness the challenges that Guam was facing and the incredible progress that it had made towards sovereignty.

49. Developments regarding discussions on the future status of Guam are also considered in section I.

### B. Position of the administering Power

50. 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.

51. At the 9th meeting of the Special Political and Decolonization Committee (Fourth Committee), on 14 October 2022, during the seventy-seventh session of the General Assembly, the representative of the United States said that his Government was committed to advancing shared progress in American Samoa, Guam and the United States Virgin Islands and recognized the challenges that they faced owing to their size, remote locations and limited natural resources, as well as the impact of years of slavery, colonialism and wars, followed by conflict and social adjustment, including during the periods of administration by the United States and the development of internal self-government. His Government had close partnerships with the local Governments, whose people were an integral part of United States society, as had been demonstrated by their inclusion in the same federal COVID-19 pandemic relief and recovery package provided to all 50 States and in the roll-out and implementation of the Infrastructure Investment and Jobs Act and the Inflation Reduction Act of 2022. The federal Government worked in close partnership with the local governments to promote political, economic and social development. The current Administration, as part of its policies aimed at recognizing and remediating ethnic and racial injustice, had recognized past federal actions and institutionalized practices that in some cases and circumstances had not been consistent with the protection of equal rights and opportunities for all members of the diverse communities of the Territories.

52. He added that the United States recognized its obligations under Article 73 (e) of the Charter to promote self-determination for the peoples of American Samoa, Guam and the United States Virgin Islands. While they had the status of Non-Self-Governing Territories, they were locally self-governing and enjoyed federal political representation. Their elected representatives to the House of Representatives served on several important committees, where they participated in debates on national legislation. The Governors of the Territories were regularly invited to meetings of the Senate and House committees of jurisdiction to report on territorial status and to advocate federal policy changes and initiatives. The Interagency Group on Insular Areas hosted the Governors and United States representatives from each Territory at an annual senior plenary session, where representatives of the Administration were in attendance, and they could register priorities and concerns related to the local execution of federal policies and initiatives.

53. At the same meeting, the representative 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. He said that, 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, and that therefore the United Nations must not seek to influence the outcome of decolonization processes, but rather respect the free will of the people (see [A/C.4/77/SR.9](#)).

## **X. Consideration by the United Nations**

### **A. Special Political and Decolonization Committee (Fourth Committee)**

54. At its 10th meeting, on 17 October 2022, the Fourth Committee adopted draft resolution X, entitled “Question of Guam”, contained in chapter XIII of the report of the Special Committee ([A/77/23](#)), without a vote.

### **B. Action taken by the General Assembly**

55. On 12 December 2022, the General Assembly adopted resolution [77/140](#) without a vote on the basis of the report of the Special Committee transmitted to the Assembly ([A/77/23](#)) and its subsequent consideration by the Fourth Committee. In the resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of Guam 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 decolonization of Guam, 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 Guam to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection 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) Welcomed the ongoing work of the Guam Commission on Decolonization for the Implementation and Exercise of CHamoru Self-Determination, as well as its public education efforts;

(e) Stressed that the decolonization process in Guam should be compatible with the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

(f) Called once again upon the administering Power to take into consideration the expressed will of the CHamoru people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding CHamoru self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter, and stressed the need for continued close monitoring of the overall situation in the Territory;

(g) Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the CHamoru people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

(h) Also 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, in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomed the recent outreach work by the territorial Government;

(i) Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the CHamoru people in the development of Guam;

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

(k) Also stressed that the Territory should continue to participate in the activities of the Special Committee, including regional seminars, in order to provide the Committee with up-to-date information regarding the decolonization process;

(l) 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 Guam, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(m) Also called upon the administering Power to facilitate a visiting mission to the Territory, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(n) 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;

(o) 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 supported, *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 interests of the people of the Territory;

(p) 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 the impact of militarization on the environment, 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;



(q) Requested the Secretary-General to continue to report on the environmental impact of the military activities of the administering Power in the Territory, as relevant information became available;

(r) Requested the Special Committee to continue to examine the question of Guam and to report thereon to the General Assembly at its seventy-eighth session and on the implementation of the resolution.

## Annex

## Map of Guam

