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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 21 December 2020. In a letter dated 18 December 2020, the Secretariat brought General Assembly resolution 75/113 to the attention of the administering Power and requested its input, pursuant to paragraph 16 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 7 January 2021, 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:* 168,485 (2020 estimate)

*Life expectancy at birth:* 79.86 years (women: 83.37 years; men: 76.60 years (2018 estimates))

*Languages:* English and CHamoru

*Ethnic composition (2010 census):* 37.3 per cent CHamoru; 26.3 per cent Filipino; 12.0 per cent other Pacific islanders; 7.1 per cent white; 5.9 per cent Asian; 2.0 per cent other ethnic origin; and 9.4 per cent mixed

*Capital:* Hagåtña

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

*Territory's delegate to the United States Congress:* Michael F. Q. San Nicolas (since January 2019)

*Main political parties:* Democratic Party; Republican Party

*Elections:* Most recent: November 2020 (general); next: November 2022

*Legislature:* Unicameral 15-member legislature

*Gross domestic product per capita:* \$35,712.60 (2018 estimate)

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

*Unemployment rate:* 3.6 per cent (September 2019)

*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. According to the Guam Election Commission, there were 55,896 registered voters as at 17 November 2020. 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.

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 3 November 2020, the Democratic Party won eight seats and the Republican Party seven 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. Michael F. Q. San Nicolas (Democrat), was re-elected to a second term in November 2020.

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 of self-determination of Guam must be exercised by all 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 all 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 citizenry as a whole.

12. During the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Grand Anse, Grenada, from 2 to 4 May 2019, the representative of the Government of Guam stated that the implications of the legal case concerning the voter eligibility for the plebiscite were divisive and counterproductive to the nature and essence of the Charter of the United Nations and General Assembly resolution 1514 (XV) and that the judicial system of the administering Power was utilized to influence the terms of decolonization of Guam and ultimately dictate the outcome. Citing another legal case by the administering Power against the territorial Government concerning the CHamoru Land Trust Commission (see paras. 21 and 22 below), he stated that the people of Guam remained colonized and that their self-determination was not prioritized by the United States. He said that self-determination must reflect the recognition of the international community and that decolonization was realized through a choice of independence, integration or free association. Guam was eager and willing to pursue decolonization and its political leadership was a manifestation of the desire of the people of Guam to address the inequities of its current situation and political status. The representative stated that Guam was making a concerted effort to launch a sustained political status education campaign. Working against more than 450 years of colonial conditioning, the people of Guam, as a resilient and determined people, would continue to achieve their fundamental human right to make a choice.

13. 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. In 2020, the Interagency Group held its plenary session, co-chaired by the Secretary of the Interior and the Deputy Assistant to the President and Director of the White House Office of Intergovernmental Affairs, on 11 February with a focus on economic development and insular resilience issues. The Governor of Guam attended the session.

## **II. Military and related issues**

14. According to the official data of the territorial Government, in 2017, there were 11,559 military personnel and their dependants in Guam, accounting for 7.1 per cent of the resident population of Guam.

15. As detailed in previous working papers, since 2009 the United States has planned to realign the presence of the United States 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 4,100 marines to Guam. According to the April 2017 report by the United States

Government Accountability Office to a congressional committee on the realignment, the Department expects relocation to Guam to occur between the fiscal years 2022 and 2026, and the total cost for that relocation and other associated facilities is estimated to be \$8.7 billion in fiscal year 2012 dollars, with approximately \$3.1 billion being provided by Japan.

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 and 2018, 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. 36 below), was issued.

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. Prior to its signing, the draft agreement was published in November 2020 and the 30-day public comment period was designated.

### **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. Of the 147,000 acres of land available on Guam, the Department currently possesses 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 below).

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. The territorial Government's operating revenues fall under four classifications: (a) General Fund, (b) Special Funds, (c) Federal Grant-in-Aid and (d) Semi-Autonomous and Autonomous Agencies Operating Funds. 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 15 September 2020, the Guam Legislature overrode the veto by the Governor to the proposed budget bill and made into law the budget act for the fiscal year ending 30 September 2021. The projected gross revenue for the General Fund was \$774.7 million and the total amount of General Fund revenue available for appropriation came to \$630.1 million.

## **V. Economy**

### **A. General**

25. The economy of Guam continues to be based on two main pillars: tourism and the military.

26. According to the administering Power, the 2018 estimate of GDP per capita was \$35,712.60. In October 2019, the United States Bureau of Economic Analysis released estimates of GDP of Guam for 2018, together with the estimates of GDP and compensation by industry for 2017. Those estimates indicate that real GDP decreased by 0.3 per cent in 2018, after increasing by 0.2 per cent in 2017.

### **B. Tourism**

27. According to preliminary visitor arrival statistics issued by the Guam Visitors Bureau, the total number of visitor arrivals from January to November 2020 was 326,053 (324,544 by air and 1,509 by sea), a decrease of 78.4 per cent, compared with the 1,509,257 visitor arrivals (1,499,219 by air and 10,038 by sea) recorded for the same time period in 2019. According to the Bureau, visitor arrivals dropped by 95.8 per cent from March to November 2020 as a direct result of the coronavirus disease (COVID-19) pandemic.

### **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 2019 annual water quality report by the Guam Waterworks Authority, published on 20 July 2020, in 2019 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.

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 MW power plant with 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 MW from planned solar photovoltaic farms (see also sect. E below).

## **E. Renewable energy**

34. In October 2015, the first solar power facility in Guam was completed and integrated into the existing grid, providing around 10 per cent of the grid with renewable energy. In March 2016, the Guam Power Authority's first wind turbine generator, funded by the Department of the Interior, was officially unveiled. In 2018, the Authority signed contracts for a total of 120 MW of utility-scale solar photovoltaics, with the aim of meeting the legal requirement that the Authority have 25 per cent of its energy supplied by renewable technologies by 2035. According to the Authority, there is a new power plant project to build and operate 198 MW in Dededo, which would replace the two inoperable power plants, allow the integration of existing solar photovoltaic sources of renewable energies and comply with federal and local environmental standards.

## **F. Agriculture and fisheries**

35. 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.

36. 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 in 2017 and 2018 is available in paragraph 16 above.

37. 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**

38. According to the statistics provided by the territorial Government, the unemployment rate for June 2020 was 17.3 per cent, an increase from 6.1 per cent in December 2019 and up 12.7 per cent from June 2019. Among all workers, the adult women's unemployment rate (18.6 per cent) was higher than the men's (16.0 per cent). The total number of unemployed persons in June 2020 was 12,890 out of a total civilian population of 123,560 who were 16 years of age or over.

### **B. Education**

39. 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, eight middle schools and six high schools and one 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. As at 30 September 2019, 28,812 students from pre-kindergarten to the twelfth grade were enrolled in public schools.

### **C. Public health**

40. There are two civilian inpatient medical facilities. The Guam Memorial Hospital Authority is a public hospital with a capacity of 161 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. According to official data of the territorial Government, the Territory had 92 licensed physicians in 2018, compared with 115 in 2017.

41. 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. A number of specific agency responses for Guam included, but were not limited to, the following:

(a) By April 2020, the Department of the Interior had provided \$858,924 in technical assistance program emergency funding to the Pacific Island Health Officers Association to procure testing kits and machines for the Pacific territories of the United States and insular areas, including Guam, in order to support on-island COVID-19 testing. It also provided a reserve fund of more than \$12 million to Guam for any unforeseen COVID-related emergencies;

(b) The Department of Health and Human Services provided Guam \$21.1 million through various funding and grants;

(c) Following the creation of four additional loan and funding programmes to assist businesses affected by the COVID-19 pandemic, the Small Business Administration had issued over \$102.4 million in loans to over 500 small businesses in Guam as at 16 April 2020. In addition, on 21 March 2020, the Small Business Administration declared an economic disaster in Guam at the request of the Governor of Guam which created access to low interest loans for small businesses across Guam. As at 19 April 2020, the Small Business Administration had approved 334 economic injury disaster loan advances of up to \$10,000 for small businesses in Guam affected by COVID-19; totalling more than \$1.6 million;

(d) By late April 2020, the Department of the Treasury had distributed nearly \$118 million from the Coronavirus Relief Fund under the Coronavirus Aid, Relief and Economic Security Act;

(e) In the same period, the Department of Housing and Urban Development made available to Guam grantees over \$2.6 million in COVID-19 funding through the Coronavirus Aid, Relief and Economic Security Act authorizations;

(f) In the same period, the Department of Labor awarded over \$1.5 million in dislocated worker grants to Guam;

(g) In the same period, the Department of Transportation allocated more than \$2.7 million in Federal Transit Administration funds to help the public transportation systems of Guam respond to the challenges of COVID-19 and awarded more than \$20.6 million in Federal Aviation Administration funds to help fund continuing operations for airports in Guam and compensate for lost revenue.

## **VII. Environment**

42. 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.

43. 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.

44. 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.

45. 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 above for more details).

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

46. 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**

47. Developments regarding discussions on the future status of Guam are considered in section I above.

### **B. Position of the administering Power**

48. 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 stated 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 the cooperation of the United States as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

49. At the 10th meeting of the Fourth Committee, on 6 November 2020, 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. 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 various decolonization processes, but rather respect the free will of the people.

50. He stated that his delegation disagreed with the criticism contained in the draft resolution on the question of Guam adopted at that meeting of a ruling of a United States federal court that had enjoined a planned plebiscite on self-determination. He stated that the federal court had found that the Guam law establishing the plebiscite violated United States constitutional guarantees against race-based restrictions on the exercise of voting rights. He also stated that the United States had long supported the right to self-determination of the people of Guam, but that that right was to be exercised by the whole people, not just by one portion of the population (see [A/C.4/75/SR.10](#)).

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

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

51. At its 10th meeting, on 6 November 2020, the Fourth Committee adopted draft resolution X, entitled “Question of Guam”, contained in chapter V of the report of the Special Committee ([A/75/23](#)), without a vote.

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

52. On 10 December 2020, the General Assembly adopted resolution [75/113](#) without a vote on the basis of the report of the Special Committee transmitted to the Assembly ([A/75/23](#)) 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 on a self-determination vote, 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 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) 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;

(l) 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;

(m) 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;

(n) 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;

(o) 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;

(p) 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;

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



Annex

Map of Guam

