

## The Real “Chamorro Issues” in the DEIS

Comment and Recommendations submitted by

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As researchers and teachers of Guam’s cultural and political histories, we write to add our concerns in regard to a very disturbing passage that appears in the DEIS (v.7, ch. 3: Preferred Alternatives: Summary of Impacts). This passage pertains broadly to the impact of the proposed build up on Chamorro culture and politics, and more specifically, to the impact of the increase in numbers of non-Chamorro residents as a result of the build up on local electoral politics, cultural policy, and Guam’s unresolved political status.

The passage, labeled “Chamorro Issues,” reads in full,

*Guam’s indigenous Chamorro population has strong concerns about whether incoming military populations would recognize them as both American by nationality and also as a unique ethnic culture worthy of respect and preservation. This could be mitigated by orientation programs designed in cooperation with the Department of Chamorro Affairs. However, an expansion in non-Chamorro voting population could eventually affect the proportion of Chamorro office-holders and government workers; thereby affecting the current government budgets and activities dedicated to cultural issues and practices. It could also affect outcomes of any future plebiscites about Guam’s political status. [VOLUME 7, chapter 3, page 64, MITIGATION, SUMMARY IMPACTS, CUMULATIVE]*

To begin, it is important to recognize that in Guam, as elsewhere in the Pacific Island region, the spheres of “politics” and of “culture” are closely intertwined, and that there is nothing intrinsically negative or wrong about this interconnection, unless one insists on holding on to erroneous ideas of cultural purity and innocence, or of the cultural insignificance of politics. In Guam, particularly because of a long and ongoing history of foreign domination and colonial administration, aided and abetted by colonial and military sponsored immigration, the relatively recent authorization for Chamorro home rule that is Government of Guam (GovGuam) would also understandably come to house and steward Chamorro cultural interests and values, much to the consternation and annoyance of non-Chamorro residents and pundits who no know better. As everyone in Guam knows, GovGuam has long been a bastion of Chamorro political as well as cultural consciousness and expression albeit one that does not have an exclusive monopoly over them.

### Objection One: Simplistic and Wrong

Given this political and cultural reality, the first objection that we want to make of this passage is that though it correctly raises important issues, it is woefully limited in its

simplistic characterization of the relationship between Chamorro culture and local political processes, and even more errant in its specific recommendation to mitigate problems caused by the proposed build-up.

#### I. The Real Issues

To better understand what's really at stake in the rather toned-down descriptor "Chamorro Issues", we will separate the long passage into two manageable halves, and address the second half first:

*... an expansion in non-Chamorro voting population could eventually affect the proportion of Chamorro office-holders and government workers; thereby affecting the current government budgets and activities dedicated to cultural issues and practices. It could also affect outcomes of any future plebiscites about Guam's political status.*

This latter half of the full passage correctly recognizes the effect of the expected expansion of non-Chamorro voters on what might properly be called the Chamorro constitution and makeup of local governance and politics. It also adequately captures the consequences for Chamorro cultural policy and stewardship on the one hand, and on the question of future plebiscites about Guam's political status on the other. As mentioned, GovGuam, though a creature of US Congress, is widely known to be a bedrock of indigenous Chamorro political as well as cultural consciousness and expression. It is also sufficiently clear to us that the question of Guam's political status as a non-self governing territory can never be fully resolved until there is a true and fair exercise of Chamorro self-determination. Thus, the heart of the "Chamorro Issues" is the political outcome in which the indigenous Chamorros, already a numerical minority in their own island, will on the one hand lose control of the single entity that has been the primary vehicle of their political and cultural welfare, while on the other hand, become politically irrelevant in the question of Guam's political status. Inasmuch as Chamorro culture and custom have traditionally (at least in the 20<sup>th</sup> century) been attached to local political processes of governance and their policies, the political demise of indigenous Chamorros will also spell their cultural demise. Of course, this is a corollary of the other formulation with grave stakes in this DEIS: the environmental demise of Guam also spells the cultural demise of the Chamorros.

#### Mitigation 1.

We note that the DEIS offers no mitigation plan for these two specific issues as spelt out in the second half of the passage. It is as if the mitigation recommended at the end of the first half of the passage is supposed to be sufficient, but it is not, and we will explain why shortly.

Nonetheless, to mitigate the impact raised in the second half of the passage, we recommend that the pertinent United Nations organs and agencies be consulted and retained in order to:

a) conduct a study, to be paid for by the US, of the impact of the demographic change on Chamorro cultural and political rights, with a special eye towards the detrimental effect of such changes on the question of indigenous self-determination as a precondition for resolving Guam's non-self governing status, and

b) monitor any future local election *and* political status plebiscites in light of the efforts by the proponents of the build up to skew local political elections and political status plebiscites in their favor. This second recommendation is motivated by our understanding that at the end of the day, the DEIS is actually counting on the fact that a radical change in the island's demographic will be the ultimate solution to the "Chamorro Issues." Before returning to this point, we wish to justify our first recommendation.

The justification for recommending the involvement of the United Nations rests on the simple fact that since its creation after World War II, the United Nations has been the single entity that has a long track record of advancing human rights pertinent to the "Chamorro Issues." It has passed numerous declarations and covenants, beginning with its Charter, signed by the United States, whose combined effect is to provide both legal and moral grounding to the cause of political rights of self-determination for non-self governing nations generally, and for the rights of indigenous peoples more specifically. We believe that what the present military build up on Guam represents is the potential for further obstructing the exercise of Chamorro self-determination as well as for contributing directly to Chamorro cultural genocide. This, we believe, is what lies at the heart of the so called "Chamorro Issues."

Accordingly we cite the following instruments whose combined purpose is specifically to safeguard these "Issues" as they are represented in the Chamorro political and cultural case at hand:

1. **United Nations Charter** whose **Articles 1** and **55** call, respectively, for the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" (Article 1, paragraph 2), and the promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." Also pertinent is **Article 73 of the UN Charter's "Declaration Regarding Non-Self Governing Territories,** " namely that,

Members of the UN which assume responsibilities for the administration of territories whose people have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation...to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its people and their varying stages of advancement (Article 73).

**2. The 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.** This Declaration observes that,

The subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected. [G.A. Res. 1514, 15 U.N. GAOR Supp. (No. 16) at 66-67, U.N. Doc. A/4684 (1960)]

**3. The 1965 Declaration on the Inadmissibility of Intervention in Domestic Affairs of States and Protection of Their Independence and Sovereignty,** which affirms that,

all States shall respect the right of self-determination and independence of peoples and nations to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms. Consequently, all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations. [G.A.2131, 20 U.N. GAOR Supp. (No. 14) at 11-12, U.N. Doc. A/6014 (1966)].

**4. The 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States,** which provides that, in part:

all peoples have the right to freely determine, without external interference their political status and to pursue their economic, social and cultural development. [G.A. Res. 2625, 25 U.N. GAOR Supp. (No. 28) at 121, U.N. Doc. A/8082 (1970)].

**5. 1948 Universal Declaration of Human Rights.** This declaration recognizes the universal right to nationality, and that no one shall be arbitrarily deprived of that right. It also says: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage..." G.A. Res. 217A (III), U.N. Doc. A/810 (1948), art. 15).

**6. The 1966 International Covenant on Civil and Political Rights.** G.A. Res. 2200A, 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6546 (1966).

**7. The 1966 International Covenants on Economic, Social and Cultural Rights.** G.A. Res. 2200, 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966).

The first article of each the last two covenants above indicates the importance of self-determination in international law: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

**8. The Vienna Declaration and Programme of Action.** A/CONF, 157/24 (Part I) Ch. III.

These affirm the fundamental right of self-determination of all people, which we contend is the fundamental issue at stake in this passage in the DEIS.

Last but not least, we cite the 2007 passage in the UN General Assembly of the **Declaration on the Rights of Indigenous Peoples**, whose Preamble recognizes, in part,

*...the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,*

Other Articles of the Declaration on the Rights of Indigenous Peoples include, but are not limited to the following:

Article 2: *"Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity."*

Article 3: *"Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."*

Article 4: *"Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to the internal and local affairs, as well as ways and means for financing their autonomous functions."*

Article 5: *"Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they choose, in the political, economic, social and cultural life of the State."*

Article 6: *"Every indigenous individual has the right to a nationality."*

Article 7.2: *"Indigenous peoples have the collective right to live in freedom, peace, and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence..."*

Article 8.1: “*Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their cultures.*”

Article 8.2: *States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories, and resources; (c) Any form of forced population transfer which has the aim of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.*”

Article 18: “*Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.*”

The Issues Part II: First Half of the Passage

The first half of the DEIS passage on “Chamorro Issues” reads:

*Guam’s indigenous Chamorro population has strong concerns about whether incoming military populations would recognize them as both American by nationality and also as a unique ethnic culture worthy of respect and preservation. This could be mitigated by orientation programs designed in cooperation with the Department of Chamorro Affairs.*

Objection Two

While we agree that many Chamorros have “strong concerns” about their “recognition,” we believe that the proposed mitigation of recommending “orientation programs designed in cooperation with the Department of Chamorro Affairs” is highly telling of the DEIS’ basic ignorance, and thus, the simplistic and even erroneous understanding of the larger stakes of political self-determination and cultural survival (as well as the erroneous and problematic understanding of the Department of Chamorro Affairs).

As stated in this part of the passage, “Chamorro Issues” seem to be nothing more than an issue of public relations that could be adequately addressed by retaining the appropriate agency of the Government of Guam charged with cultural stewardship. Is the Department of Chamorro Affairs supposed to conduct sensitivity training sessions for non-Chamorros? While we know from first hand experience with the Department of Chamorro Affairs that much good can come from empowering and resourcing it with respect to issues of public relations, we believe that this kind of programming detracts from the more important work that remains to be done at all levels of cultural stewardship and development. Moreover, it appears to absolve the military and its personnel from taking responsibility and being accountable for their own ignorance and transgressions. The burden should not be on Chamorros to teach non-Chamorros about protocol and proper behavior and conduct when in the land of the Chamorros. More fundamentally, this

mitigation simplifies and thereby trivializes, even delegitimizes, the broader political and cultural stakes in the so called “Chamorro Issues.” Once again, the stakes are precisely about Chamorro cultural survival and the political means to ensure that survival. This is the essence of the right to self-determination as called for in Part One of this letter.

From this perspective, it is telling that the simplistic, trivializing, erroneous, and problematic mitigation plan for the first half of the passage, coupled with the absence of a mitigation plan for the second half, points to the overall problem with the DEIS’s understanding of the so-called “Chamorro Issues”: the overall problem appears to us to be that in fact there is no real mitigation plan at all for the impact of the large population increase on Chamorro political and cultural self-determination beyond either asking Gov Guam agencies to teach non-Chamorros or beyond just waiting for the non-Chamorro demographics to inevitably alter the Chamorro make-up of the local governance structure and process, and skew any future political status plebiscite. The former is simply a misguided use of such governmental resources to say the least, while the latter is more insidious in the sense that it looks to the problem as the solution.

Mitigation Two: We recommend that if the build up is to take place, the military provide appropriate funds and resources to educate its personnel and their dependents on the legitimacy of Chamorro rights to political and cultural self-determination, and that it actively lobby for local and federal legislation that will prohibit its personnel and their dependents from interfering in local political affairs and political status plebiscites.