



OFFICE OF THE VICE SPEAKER
THERESE M. TERLAJE
Chairperson of the Committee
On Culture and Justice

I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature

STATEMENT OF THE HONORABLE THERESE M. TERLAJE

VICE SPEAKER, 34TH GUAM LEGISLATURE,

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

TO THE UNITED NATIONS

SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)

ON THE QUESTION OF GUAM

In

New York

October 3, 2017

Håfa Adai distinguished members of the United Nations Special Political and Decolonization Committee (Fourth Committee) and Your Excellency Mr. Chairman Rafael Darió Ramírez Carreño.

I am Therese M. Terlaje, Vice Speaker of the 34th Guam Legislature and Vice Chairperson of Guam's Commission on Decolonization. Si Yu'os Ma'åse' and Thank you for the opportunity to represent the people of Guam before this esteemed Committee for action and on the question of decolonization of the non-self-governing territory of Guam under the Administering Authority, the United States of America.

The hallmark of self-determination must be the safeguarding of a non-self-governing people's right to its own natural resources and the right to participate freely in any decision-making concerning those limited resources. It is also critically important in this time of climate change that Guam, a small island, be allowed to protect its existing resources that will increase the absorption of carbon dioxide, increase the protection of shores against rising tides, and maintain its biodiversity as a hope for the future wellness and economic independence of its community. Our situation on Guam is urgent, as access and control of our resources is impeded by the delay in decolonization.

Changing Guam's Border

In 2014, the U.S. without consultation with Guam entered into a "Treaty Between the Government of the Federated States of Micronesia and the Government of the United States of America on the Delimitation of a Maritime Boundary," between Guam, and the outlying islands of the FSM.

The new demarcation indicates that the deepest known point in the Marianas Trench, known as the "Challenger Deep" now falls on the FSM side of that line. Guam has long understood Challenger Deep as falling within Guam's Exclusive Economic Zone (EEZ), as is described in a 2005 U.S. Geological Survey publication.

The Marianas Trench is approximately 940 nautical miles long and 38 nautical miles wide within the Guam and the CNMI Exclusive Economic Zones and contains the deepest known points in the global ocean, with unique objects of scientific interest and essential to long-term study of tropical marine ecosystems, including the largest active mud volcanoes on Earth. The waters of Marianas archipelago are among the most biologically diverse and include the greatest range of seamount and hydrothermal vent life yet discovered – pristine coral ecosystems with large numbers of sharks, distinct collections of stony corals in the Western Pacific, and largest biomass of reef fishes in the Marianas archipelago.

As Guam's Administering Power, the U.S. should have been significantly more diligent in discharging its duties to Guam, and, more specifically, should have provided a mechanism for the meaningful consultation of the people of Guam prior to executing a treaty that potentially divests Guam and her people of a significant part of their natural resources, biodiversity, and ecosystem inventory.

Establishing Conservation Areas subject to mining and military activity

The Administering Power also established through action of its President alone, the Marianas Trench Marine National Monument, without consultation with Guam or consent of the government of the CNMI. This Monument restricts fishing and other activity within a 95,216 square mile area by the designation of a conservation area, but makes a glaring exception for all U.S. military activity.

Military Contamination of Aquifer, Farmland, and Fish

Studies have found over 100 contaminated sites on Guam. Almost all of these are from U.S. military activity and dumping, and result in the people of Guam's continued exposure to many cancer-causing agents, including radiation from nuclear testing, Agent Orange, and polychlorinated biphenyls (PCBs).

One third of Guam that the U.S. military controls and uses for its continued activity, expansion, and nuclear storage, includes areas above the aquifer, adjacent to the fresh water lake, and along the coast, while designated cleanup sites are ignored.

Guam has sought but been denied in U.S. compensation programs for radiation exposure despite high levels of cancer rates and findings by the Board on Radiation Effects Research (BRER) Committee that the people of Guam were exposed as downwinders of the U.S. nuclear testing in the Marshall Islands from 1945 to 1962. Similarly, the U.S. denies Agent Orange use on Guam during the war despite the accounts of military personnel admitting to staging, transporting, and spraying the herbicide on Guam.

Destruction and Loss of Access to Ocean Resources

In 2010, the U.S. Navy established the Mariana Islands Range Complex (MIRC) a half-billion-square nautical mile live-fire training range that surrounds Guam, and other Marianas Islands. The MIRC authorized live-fire on and in the land, air, and sea throughout the training range, and at the time of its establishment, was described by the Department of Defense as its largest live-fire training range in the world.

In 2015, the Navy established the Mariana Islands Training and Testing (MITT) area, which almost doubled the MIRC sea-based ranges and land-based areas and allowed the Navy to conduct sonar and live-fire training with explosives.

Pursuant to the MITT, a Letter of Authorization (LOA) from the U.S. National Marine Fisheries Service permitted the Navy to conduct 12,580 detonations of various magnitudes per year for 5 years. Furthermore, the LOA allows 81,962 takings of 26 different marine mammal species (including whales and dolphins) per year for 5 years due to detonation, sonar, and other training and testing activity within the MITT study area. The MITT also allows damage or kill of over 6 square miles of endangered coral reefs in the waters surrounding Guam and the Marianas, plus an additional 20 square miles of coral reef around the island of Farallon de Medinilla (FDM) through the use of highly explosive bombs.

The Navy is currently attempting to extend these activities and more within the MITT area beyond 2020. The large volume and expanse of these exercises is a threat to our entire and unique island ecosystems, and overbearing while Guam remains without a choice as an unincorporated territory of the United States.

Destruction and Loss of Access to Land

In addition to the establishment of the MIRC and the MITT ranges, the U.S. military is planning to establish a Live-Fire Training Range Complex (LFTRC) on Guam near Ritidian/Litekyan, the site of a 3500-year-old ancient village. The Live-Fire Training Range requires the removal of approximately 187 acres of some of the last remaining primary limestone forests, and the habitat for several endangered species found only in Guam and within the CNMI.

The LFTRC expands the military footprint over a current wildlife refuge and cuts off public access to the people of Guam for 273 days out of the 365 days of the year. The building of U.S. military bases and infrastructure has placed a high demand for cliffside property best suitable for quarrying and mining of limestone.

The history, the values, and prosperity of indigenous Chamorros are uniquely tied to the land, landscape and ecosystems of Guam. However, under U.S. Law, the Guam Legislature is prohibited from putting restrictions on the purchase of land by foreign investors. Undoubtedly, our land is a resource for sustainability, but as outlined here, it is increasingly under threat.

A week ago, the U.S. filed yet another lawsuit against the government of Guam seeking to invalidate the Chamorro Land Trust Act, a 40-year-old Guam law that reserves land in trust, forever, for the native inhabitants of Guam, and allows them to reside and farm on this land. This Act was intentionally established by the Guam Legislature to address the loss of land through forced land takings and the forced resettlement of Chamorros during periods of colonization and especially after WWII, when more than two thirds of Guam's land was taken by the U.S. military.

At the time the Chamorro Land Trust Act was passed by the Guam Legislature, the U.S. Congress reviewed each of Guam's bills for possible veto. U.S. Congress made no objection to this Land Trust for the past 40 years. The Chamorro Land Trust program was also included in the Draft Commonwealth Act without notable objection by the U.S. 25 years ago.

It is ironic and unjust that the U.S. is allowed years of inaction on decolonization, but may suddenly and unilaterally, after 40 years, attempt to dismantle a program that safeguards a homeland for the native inhabitants in its territory. I hope you can agree that this is contrary to the highest regard in which nations of the world and this esteemed body hold indigenous peoples and the protection of their land and natural resources, and we ask for your immediate acknowledgement and assistance in this urgent situation that impedes our growth as a people, culture, and as a sovereign land.

The U.S. argument that the Chamorro Land Trust law is discriminatory is inconsistent with the establishment of similar programs in U.S. states and other territories. The claim also contrasts with arguments by the U.S. in cases challenging the U.S. unilateral establishment of firing ranges in Guam, where, the U.S. argues that its courts are precluded from stopping the firing ranges because it is a political question to be determined by U.S. Congress alone; and because of an international agreement made between the U.S. and Japan (without consultation with Guam).

Equally ironic is the Trans Pacific Partnership agreement forged by the U.S. and other countries of the world whereby the U.S. would use the armed might it builds in the Pacific, through the exploitation of Guam's resources, and without consultation of Guam, to secure safe passage of trade vessels for partnering countries through the Pacific, while Guam's economy languishes under the restrictions prohibiting non-U.S. vessels from entering Guam's Port and prohibiting Guam from entering into independent economic and trade agreement with other nations.

Guam's repeated calls for repeal of the U.S. Jones Act preference for U.S. ships and U.S. economy at the expense of the standard of living and quality of life of the people of Guam have been ignored even after inclusion in the Draft Commonwealth Act.

Despite the foresight of the people of Guam as to how to increase its self-sustainability and quality of life, we have been forcibly strangled in this game of no action. We watch with great concern and empathy while the decades delayed removal of restrictions in other U.S. territories (such as Puerto Rico and CNMI) comes too late to save the territories from vulnerability and economic distress.

Conclusion

Make no mistake: the indigenous people of Guam do not agree and have never freely agreed nor requested, voted, or negotiated that our land and waters be subjected to radiation, nuclear waste, PCBs, Agent Orange, Agent Purple, and other contamination; or that our fishing grounds and farmlands and ocean resources be taken away or restricted; or that homes be relocated; or that firing ranges be built over or adjacent to ancient villages and sacred burial grounds, all in support of U.S. military testing or military training.

We urge the assistance of this distinguished committee in the protection of our resources and in ensuring the future sustainability and survival of the people of Guam, through a resolution demanding immediate protection of Guam's resources by the Administering Authority and demanding immediate agreement of the Administering Authority on the Decolonization of Guam before any more resources are lost.

Dangkulo na si Yu'os Ma'åse' (Thank you very much) for the opportunity to present this most urgent petition in my capacity as an elected representative of the people of Guam.

/s/

Therese M. Terlaje
Vice Speaker, 34th Guam Legislature
Chairperson, Committee on Culture and Justice