



COMMISSION ON DECOLONIZATION
Regular Monthly Meeting Minutes
August 13, 2024 | 3:00 p.m.

I. Call to Order: 3:17 p.m.

II. Roll Call

1. **Hon. Lourdes Leon Guerrero** (excused)
2. **Hon. Therese Terlaje**
3. **Hon. Tina Muña-Barnes** (absent)
4. **Hon. Frank Blas**
5. **Hon. Jesse Alig** (absent)
6. **Hon. Eddie Duenas**
7. **Dr. Michael Bevacqua**
8. **Dr. Mary Cruz**
9. **Dr. Kenneth Gofigan Kuper**
10. **Ty Whitaker**
11. **Victoria “Lola” Leon Guerrero**
12. **Dewey Huffer** (absent)
13. **Other**

In the absence of Governor Lou Leon Guerrero, Dr. Mary Cruz served as Chairperson for the meeting.

- a. Motion made by Speaker Therese Terlaje to appoint Dr. Mary Cruz as Chairperson.
- b. Motion accepted by Dr. Mary Cruz.
- c. Motion seconded by Dr. Kenneth Gofigan Kuper.
- d. Motion passed by consensus.

III. Approval of Minutes - Regular Monthly Board Meeting - June 18, 2024

- a. Motion by Dr. Kenneth Gofigan Kuper to approve the minutes.
- b. Seconded by Sen. Frank Blas Jr.
- c. Motion passed by consensus.



IV. Financial Report

a. Account balances

1. **Melvin Won Pat-Borja:** Reported the task force account balances as of July 24, 2024. The Statehood taskforce account balance is \$55,000. The Independence taskforce is at \$38,500. Noted that a Journal Voucher (JV) for \$24,805.00 to transfer funds from the COD Lapse account to the Free Association Task Force account is pending. The JV was made to restore funding that was used to cover the last *Fanhita* conference when the COD Lapse account was pending.

V. Old Business

a. Plebiscite Update & Strategy Discussion

1. **Melvin Won Pat-Borja:** Recalled the COD board meeting in June, when members discussed the role of the Commission Board in weighing in on voter eligibility and emphasized that the onus to address eligibility lies with the Guam Legislature. Board members also discussed the pathways forward to hold a political status plebiscite including the conduction of a plebiscite by an NGO (non-governmental organization) or a U.S. congressional fix. Emphasized that there has to be a clear path identified. Explained that the COD mandate is fairly limited, it directs the Commission to facilitate the vote but is currently unable to proceed. What has continued under the mandate has been the education arm of the Commission. Requested that discussion be conducted by the board members to proceed forward towards a plebiscite. Noted that the law has not been amended or changed since the *Davis v. Guam* ruling. An amendment to the law can be made to make it compliant with the Ninth Circuit Court's ruling. Noted that there is nothing stopping an NGO from conducting a plebiscite, but the Commission and the Board would be unable to engage with the NGO.
2. **Sen. Frank Blas Jr:** Asked if there has been any discussion or interest from an NGO to undertake a plebiscite.
3. **Melvin Won Pat-Borja:** Explained that the board is currently not engaged in formal discussion with an NGO. Members of the Young Men's League of Guam (YMLG) have expressed interest but no commitment has been made by YMLG. They requested information which was provided by COD. This was public information in regard to COD's mandate, the *Davis* case outcomes, information from the Guam Election Commission on the costs for election, information on the definition of local voter eligibility, and the procedures for holding an authorized and valid election.
4. **Sen. Frank Blas Jr:** Asked if the United Nations (UN) can provide direction to COD on relevant NGOs.



5. **Melvin Won Pat-Borja:** Confirmed that, if that is the direction of the Board, COD can contact the Chair of the UN Special Committee on Decolonization (UN C-24) and Chair of the UN Special Political and Decolonization Committee (Fourth Committee) to inquire about NGOs to engage with. Noted that COD cannot be involved or promote an NGO-run plebiscite because the public monies cannot be used to facilitate a vote that limits voter eligibility in any way. Based on the definition of “Native Inhabitants” within the law makes clear the limits on who can and cannot participate.

- a. Motion made by Senator Frank Blas Jr. to have the COD Office engage with the UN C-24 and the UN Fourth Committee to identify NGOs capable of conducting a political status plebiscite.
- b. Request made by Dr. Kenneth Gofigan Kuper to add to motion to seek best practices.
- c. Motion seconded by Dr. Kenneth Gofigan Kuper.
- d. Motion passed by consensus.

b. UNPO Membership & Updates

1. **Melvin Won Pat-Borja:** Reported that in July, UNPO confirmed receipt of payment for Guam’s membership dues. Explained that there was an issue in transferring and converting funds from USD to euros. The issue has been resolved. Reported that he and Governor Leon Guerrero attended two virtual meetings for the UNPO. The intent of the meetings was to consult the UNPO Secretary, advisory board and Presidency members on challenges, opportunities, strategies and support needed for members to advocate on issues inclusive of self-determination. Noted interest from one of the UNPO members to assist with diplomacy training. Explained that the purpose of training is to prepare for the eventual act of Self-determination as no matter what status is chosen there will be a significant level of negotiations to lead to the achievement and manifestation of the chosen status.
2. **Dr. Kenneth Gofigan Kuper:** Asked about the status of Guam’s petition facilitated through UNPO.
3. **Melvin Won Pat-Borja:** Explained that the case was brought to the Inter-American Commission on Human Rights (IACHR). The case was filed on behalf of an individual constituent, Hope Alvarez Cristobal, and submitted through the UNPO. It has yet to be heard but is still on the docket for the IACHR.
4. **Dr. Kenneth Gofigan Kuper:** Asked if it is legally permissible or desirable for the Board or individual members to spur the case along in the Board's capacity.



5. **Melvin Won Pat-Borja:** Acknowledged that confirmation is needed on the legality of engagement. COD can conduct the research and figure out the scope of what individual members can do to engage.

V. United Nations Updates

- a. UN C-24 - June 10-21, 2024 | UN C-4 - October, 2024

1. **Melvin Won Pat-Borja:** Reported that the draft resolution on the *Question of Guam* was passed by the UN C-24 and has moved on to the UN Fourth Committee. COD did receive a copy of the passed draft resolution and it was shared with all board members via email notice for the August board meeting. Highlighted that the resolution includes the Committee's recognition of *Giha Mo'na: A Self-Determination Study for Guåhan*. However, the UN C-24 also removed the line in Guam's resolution related to the Administering power's "incessant militarization" on the island being the most acute threat to Guam's self-determination. This language was introduced via petition back in 2016 by the then Speaker of the Guam Legislature and has been recognized annually in the resolution since then. This line was highly contested by the Administering Power. There have been multiple attempts to remove this language and has gone through debate within the Committee. There likely was discussion within the Committee that Guam was not privy to. COD is working to assist Governor Leon Guerrero in submitting a letter to the Fourth Committee Chair to inquire about the exclusion of this language. The opportunity for Guam to have this language be reinstated would have to be done at the Fourth Committee. The 79th Session of the Fourth Committee is scheduled for October 7 - 11, 2024. Guam has not been informed when the *Question on Guam* will be heard.
2. **Speaker Therese Terlaje:** Asked for the excluded line to be read into the record for the board members.
3. **Melvin Won Pat-Borja:** Read the excluded line: "Recalling the statement by the Speaker of the 33rd Guam Legislature before the Fourth Committee at the 17th Session of the General Assembly that the most acute threat to the legitimate exercise of the decolonization of Guam was the incessant militarization of the island by its administering power, and noting the concern expressed regarding the effect of the escalating military activities and installations of the administering power on Guam."
4. **Speaker Therese Terlaje:** Requested that COD send annual updates regarding Guam's engagement with the United Nations at both the UN C-24 and Fourth Committee to the Guam Legislature.



5. **Dr. Kenneth Gofigan Kuper:** Inquired if the letter from the Governor Leon Guerrero will be asking for the excluded language to be put back in the resolution.
6. **Melvin Won Pat-Borja:** COD will create a Google document that includes all the board members so that board members can insert language they want to be included in Guam's resolution. Recognized the request for Guam's resolution to expand on the findings made in *Giha Mo'na: A Self-Determination Study for Guåhan* and to advocate for the excluded language to be reinstated. These suggestions from the Board will be incorporated into Guam's statement to the Fourth Committee.
7. **Dr. Kenneth Gofigan Kuper:** Inquired about who will be going to the Fourth Committee.
8. **Melvin Won Pat-Borja:** Informed the Board that it will be either the Governor or the Lieutenant Governor. There will be funding to send one of COD's staff as well. Noted that if any senators or board members are planning to attend, it will be helpful to know in advance in order to strategize the statements to be made.
9. **Speaker Therese Terlaje:** Requested that updates be given to board members when applications for petitions are open.
10. **Melvin Won Pat-Borja:** COD will send out the information for when applications for petitions will be available along with the links and forms with it. For those going as government representatives, travel arrangements are done in advance, but the UN has notified Guam when it will be heard. Once applications are open, information will be sent to the Board.

VI. COD Office Updates

a. COD outreach

1. **Melvin Won Pat-Borja:** Reported that the Pacific Islands Forum (PIF) held the Forum Official Committee Meeting (FOC) and the Foreign Forum Ministers Meeting (FFMM) from August 6 - 8 in Suva, Fiji. Noted that Guam is currently an Observer member of PIF. Explained that the meetings are part of the process leading up to the PIF Leaders meeting to be held in Tonga. Noted that the PIF foreign ministers have accepted Guam's application for Associate membership and are moving it on to the Leaders meeting in Tonga. Commented that there should not be opposition to Guam's application for Associate membership. Explained that salient issues with PIF were worked out at the FOC and the FFMM. Shifted to discuss COD's ongoing local outreach. Noted that the team has continued its radio spot on WAVE 105.1 FM, *Challenge the Status Quo*, every Wednesday from 10:00 AM - 12:00 PM. *Filipinos for Guåhan* will be joining the show this week. Invited board members to be guests on the show. If interested, they may contact COD to



coordinate an appearance. During the month of July, COD hosted several outreach events. This included distributing the COD x Fokai shirts during Liberation Day at the Guam Museum. Additionally, COD has a community art space within the Ta Nã'i Ånimu art exhibit hosted and curated by the Micronesian Climate Change Alliance and Hita Litekyan at the Guam Museum. This show will be running until October 2024. Finally, COD is currently working with the *Kumision I Fino' CHamoru* in researching and preparing primary resources for their CHamoru Self-Determination exhibit. The exhibit will be held at their office. Requested that if any of the political status task forces are interested or have any historical task forces to share them with COD.

VII. Task Force Updates

- a. Statehood
 1. **Fmr. Senator Eddie Duenas:** Reported that the taskforce is working with Shooting Star Productions to produce TV ads.
- b. Independence
 1. **Dr. Michael Bevacqua:** Reported that the taskforce is working to spend down the remainder of its budget. The taskforce is working on designing merchandise and new items. The taskforce is hoping to have one more event before the end of the fiscal year.
- c. Free Association
 1. No updates.

VIII. Open Floor

- a. **Dr. Kenneth Gofigan Kuper:** Requested that the Community Engagement Plan be updated to account for the next fiscal year.
- b. **Speaker Therese Terlaje:** Asked if COD will be submitting any questions to congressional debate forums.
- c. **Melvin Won Pat-Borja:** COD's goal is to engage with whatever debates are available to include questions to be considered as curated by COD. COD's invite is usually through UOG's Political Science Student Association (PSSA).

IX. Adjournment

- a. Motion made by Dr. Kenneth Gofigan Kuper
- b. Seconded by Sen. Frank Blas Jr.
- c. Motion passed by consensus.
- d. Meeting adjourned at 4:18 p.m.