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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

### American Samoa

### 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. Information was transmitted by the administering Power on 9 December 2018. Further details are contained in previous working papers, available from [www.un.org/en/decolonization/workingpapers.shtml](http://www.un.org/en/decolonization/workingpapers.shtml).



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

*Territory:* American Samoa is a Non-Self-Governing Territory under the Charter of the United Nations. It is an unincorporated and unorganized territory of the United States of America, administered by the Office of Insular Affairs of the United States Department of the Interior.

*Representative of administering Power:* The United States Department of the Interior has a field representative resident in the Territory.<sup>a</sup>

*Geography:* Located in the South Pacific, approximately 3,700 km south-west of Hawaii and 4,350 km north-east of Australia. The Territory consists of seven islands: Tutuila and Aunuu, in addition to Ofu, Olosega and Ta'u (known as the Manu'a Islands) and the two coral atolls known as Rose Island and Swains Island.

*Land area:* 200 km<sup>2</sup>

*Exclusive economic zone:* 404,391 km<sup>2</sup>

*Population:* 60,300 (2017 estimate)

*Life expectancy at birth:* 77.8 years (women); 71.1 years (men)

*Ethnic composition:* Native Pacific Islander (92.6 per cent); Asian (3.6 per cent); white (0.9 per cent); other ethnic origin (2.9 per cent)

*Languages:* English; and Samoan

*Seat of Government:* Fagatogo

*Head of territorial Government:* Governor Lolo Letalu Matalasi Moliga (since January 2013)

*Main political parties:* Democratic Party; Republican Party

*Elections:* The most recent elections were held in November 2018 to elect the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives. The next elections are due to be held in November 2020 to elect the Governor, the Lieutenant Governor, the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives.

*Legislature:* Fono (bicameral legislative assembly)

*Gross domestic product per capita:* \$10,187 (2009 chained dollars; 2017 estimate)

*Economy:* Fishing, tourism and agriculture

*Unemployment rate:* 9.2 per cent (2012 estimate)

*Monetary unit:* United States dollar

*Brief history:* It is believed that the Samoan archipelago was settled some 3,000 years ago by people migrating from South-East Asia. The Dutch were the first Europeans to reach the islands, in 1722. Under the 1899 Treaty of Berlin, also known as the Anglo-German Samoa Convention, the eastern islands of the Samoan archipelago were apportioned to the United States.

<sup>a</sup> Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009 of 3 November 1977, as amended, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which that authority is to be exercised (see the Electronic Library of Interior Policies, United States Department of the Interior).

## I. Constitutional, legal and political issues

1. By the late 1800s, internal strife among the chiefs of the islands of the Samoan archipelago and struggles among the relevant colonial Powers had led to a period of instability. Deeds ceding the islands to the United States from the early 1900s were accepted under the Ratification Act of 1929, which was passed by the United States Congress and enacted on 20 February 1929. Pursuant to that legislation, American Samoans were given the status of United States nationals. The legislation provided for a Government of American Samoa with all civil, judicial and military powers to be vested in a designee of the President of the United States. Given that the interest of the United States in the area had been mainly for military purposes, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, through Executive Order 10264 of the President of the United States, administrative responsibility for the Territory was transferred to the Department of the Interior.

2. American Samoa is an unincorporated and unorganized Territory under United States law. Not all provisions of the Constitution of the United States or of United States law apply. According to the administering Power, persons born in American Samoa, neither of whose parents is a United States citizen, are also not United States citizens, but as United States nationals they can freely enter the United States and work or reside anywhere that they choose. Although they are not permitted to vote in federal elections in the 50 states or the District of Columbia, even if they maintain residence there (unless they otherwise obtain United States citizenship), all American Samoans over the age of 18 years are eligible to vote in the Territory, including for the delegate to the United States House of Representatives from American Samoa. Both major national political parties in the United States include delegates from the Territory at their quadrennial national conventions.

3. The Constitution of the Territory provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a governor and a lieutenant governor elected for four-year terms by universal adult suffrage. The Governor is responsible for executing both American Samoa and applicable federal law and has the power to veto legislation passed by the Fono.

4. The Fono is a bicameral legislature, comprising the Senate, the 18 members of which are chosen by 14 county councils, and the House of Representatives, 20 members of which are elected by popular vote, with 1 additional member appointed as a non-voting delegate from Swains Island. Only a *matai* (chief), the traditional head of an *aiga* (extended family), can become a senator. Senators hold office for four years and representatives for two years. The Fono may pass laws with regard to all local affairs, provided that they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

5. According to the administering Power, the judicial system consists of a high court, to which the Chief Justice and the associate justices are appointed by the United States Secretary of the Interior. The associate justices for the local district courts are appointed by the Governor and confirmed by the Fono. The High Court is subdivided into appellate, trial, land and titles and family, drug and alcohol divisions. The United States Congress has granted limited federal jurisdiction to the High Court to hear certain cases involving federal statutory issues, such as occupational safety and health administration issues and ship mortgage actions. Other matters of federal law arising in the Territory are adjudicated in the United States district courts, mainly the federal courts in Hawaii and Washington, D.C. Given that American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing against decisions of the High Court to a federal district court.

6. The 1960 Constitution of American Samoa was revised in 1967 and subsequently amended in 1970 and 1977. Amendments or modifications, as approved by the United States Secretary of the Interior, may be made only by an act of the United States Congress. In 2008, a referendum was held on the revision of an aspect of the Constitution, but the proposal was rejected by a narrow margin. At the constitutional convention held in June and July 2010, delegates proposed amendments and revisions to the Constitution, including changes relating to the prohibition of further individualization of communal lands in the Territory, the establishment of an impartial jury in all criminal prosecutions, the enhancement of the position of the Samoan language and culture in the education system, the management and preservation of the natural resources of the Territory in accordance with local laws and the provision for the impeachment of the leaders of the Territory. In the general election held in November 2010, and again on 6 November 2018, voters rejected a proposed amendment to the revised Constitution to give the Fono, instead of the United States Secretary of the Interior, the authority to over-ride vetoes by the Governor.

7. On 6 November 2018, voters elected 20 members of the American Samoa House of Representatives and the delegate to the United States House of Representatives (see para. 8). In the general election held in November 2016, voters re-elected Lolo Letalu Matalasi Moliga as Governor and Lemanu Peleti Mauga as Lieutenant Governor.

8. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate is permitted to vote in committees. In the general election held in November 2014, Aumua Amata Coleman Radewagen became the first female delegate of American Samoa to the United States House of Representatives. She was re-elected for a third term in November 2018.

9. According to the administering Power, on 26 June 2013, the United States District Court for the District of Columbia dismissed a lawsuit filed by five non-citizen United States nationals born in American Samoa and by the Samoan Federation of America (*Tuaua v. United States*) seeking a declaratory judgment that the citizenship clause of the Fourteenth Amendment to the Constitution of the United States extended to American Samoa. As stated in paragraph 2 above, American Samoa is an unincorporated Territory, meaning that people born there are not conferred birthright citizenship. On appeal, in June 2015, a three-judge panel of the Court of Appeals for the District of Columbia Circuit held that constitutional “citizenship by birth” did not apply in the territories and that those born in American Samoa had no claim to birthright citizenship under the Fourteenth Amendment. The Court of Appeals denied a petition for *en banc* review of the panel’s decision, and the Supreme Court denied a petition for a writ of certiorari. The administering Power and the Government of American Samoa intervened in opposition to the lawsuit, arguing that the citizenship status of the people of American Samoa was a matter for the people to resolve through political processes.

10. Addressing the United States House of Representatives on 27 June 2013, the then delegate from American Samoa thanked the District Court for its well-reasoned opinion and for reaffirming the authority of Congress to grant citizenship to the people of American Samoa. In his view, the decision would allow the people of American Samoa to decide whether they wished to become citizens. In a letter addressed to the territorial Governor and the Fono in April 2013, he had stated that the lawsuit posed a threat to the traditional culture of American Samoa and that it was unknown whether the entire Constitution of the United States would apply to American Samoa if the Court applied the citizenship clause to the Territory. He also said that, if people who were born in American Samoa automatically became United States citizens, the United States would be likely to take control of the immigration

system in American Samoa. He had affirmed that it was important that the people of American Samoa, and not the Court, should decide whether they wished to become United States citizens by birthright.

11. According to the administering Power, the Governor of the Territory submitted his official position on the political status of American Samoa in a document dated 13 June 2013, entitled “Decolonization issue regarding American Samoa”, which was forwarded in the same month to the Office of Insular Affairs of the United States Department of the Interior. The Governor noted that American Samoa was not a colony of the United States but rather a Territory, a status that had been fashioned voluntarily for economic reasons. He expressed his appreciation for the continued diligence of the United Nations in working to ensure that administering Powers revisited existing relationships with their territories or insular possessions so that every opportunity was provided for the latter to opt out if they so desired. In his view, the United Nations was genuinely committed to ensuring that the general welfare of such territories was secured through the development of their financial systems, the strengthening of their Governments and the building of self-sustaining economies.

12. The Governor pointed out that the current status of American Samoa provided the Territory with more authority to make its own decisions. The prevailing perception that American Samoa was a colony by definition stemmed from the informal character of its relationship with the United States, given the absence of an organic act that formally defined the relationship. In a de facto sense, he said, American Samoa was part of the United States, substantially self-governing and not a colony in any real sense. He noted that American Samoa had freely, through its deeds of cession, bequeathed its sovereignty to the United States; it had not been acquired through any military conquest. Being part of the United States was really a matter of self-determination.

13. The Governor also noted that, while the federal Government of the United States had lived up to its commitment to American Samoa with regard to the provision of funds, there were current issues decided at the congressional level that had negatively affected the ability of American Samoa to advance its social and economic development prospects. He pointed out, however, that American Samoa had representation in the United States Congress to register its objections to measures that adversely affected its ability to improve the quality of life in the Territory.

14. The Governor recalled the recommendation made in 2006 by the Future Political Status Study Commission that American Samoa continue as an unorganized and unincorporated territory and that a process of negotiation with the United States Congress for a permanent political status be initiated, in addition to the points forming the basis for such negotiations (see [A/AC.109/2008/3](#)). He further expressed his personal preference for the United States Congress, which had the ultimate authority to decide on the type of political relationship that the United States would have with American Samoa, to relinquish that authority to the people of American Samoa in order to empower them to make the decision that they deemed appropriate.

15. At the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Saint George’s from 9 to 11 May 2018, the representative of the Governor of American Samoa stated, among other things, that the relationship with the United States had yielded countless benefits for the people of American Samoa and its Government, including the protection of the Territory’s culture and communal land tenure system. The people of American Samoa did not consider themselves a colonized people. He said that American Samoa was run by American Samoans: they elected their own Governor and legislature, made their own laws and controlled their own customs and immigration. He added that, despite the autonomy that American Samoans had received from the United States to

administer their own Government and practice their own culture, the territorial Government continued to exist by delegation of authority from Washington, D.C. The territorial legislature could not override a veto of a bill by the Governor without the approval of the United States Secretary of the Interior; the territorial Constitution could not be amended without the approval of the United States Congress; and the Secretary of the Interior continued to appoint the senior members of the judiciary. Without a formal agreement to establish a permanent Government for American Samoa, the Territory was vulnerable to unilateral actions from the United States exposing it to harmful impacts. He provided information about the work of the American Samoa Office of Political Status, Constitutional Review and Federal Relations, including in creating a robust conversation within the community about the future political status of American Samoa. The Government of American Samoa was conducting a campaign to educate voters about a proposed constitutional amendment intended to remove the authority of the Secretary of the Interior from the veto-override process.

16. On 8 January 2018, in his state of the Territory address to the thirty-fifth legislature of American Samoa, the Governor said that the Territory's political status and its relationship with the United States were issues that must be addressed vigorously. He said that the federal Government was confused about how to handle issues pertaining to American Samoa, which was in a unique position, different from all the other territories of the United States. He also sought the support of the legislature, which, he said, would have to take the lead in determining the type of political status and relationship with the United States that the people of American Samoa wanted to fashion.

## II. Budget

17. According to the comprehensive report on the state of the Territory presented by the Governor of American Samoa on 8 January 2018, fiscal year 2017 was the most financially strenuous and difficult operating year for the territorial Administration. Actual revenues collected showed a shortfall of 15.3 per cent. A directive was issued to all departments and offices of the territorial Government to fix their 2017 fiscal year operating budgets at 10 per cent less than their approved budgets, and the standard working hours per pay period were reduced from 80 to 70. Through those efforts to contain spending, the Administration was able to close fiscal year 2017 in the black for the third consecutive year. The 2019 budget requested by the Office of Insular Affairs for American Samoa operations amounts to \$21.5 million, a programme decrease of \$1.1 million compared with the 2018 budget. The Office has designated American Samoa as a high-risk grantee in an effort to improve accountability for federal funds. That designation allows the Office to require grantees to comply with special conditions for future or existing grants. The special conditions may include payment of grant funds on a reimbursable basis; withholding approval to proceed from one project phase to another until the receipt of acceptable evidence of current performance; additional project monitoring; and requiring grantees to obtain technical or management assistance. The high-risk designation will be removed once the Government of American Samoa has completed single audits by the statutory deadline for the two most recent consecutive years, resulting in opinions that are not disclaimed and do not contain qualifications that the Office determines in its reasonable discretion to be material; has a balanced budget, as confirmed by independent auditors, for the two most recent consecutive years, without regard for non-recurring windfalls, such as insurance settlements; and is in substantial compliance with memorandums of agreement related to fiscal reform.

18. According to its report of October 2017 entitled “Public debt outlook”, the United States Government Accountability Office found that the public debt of American Samoa had more than doubled in fiscal year 2015, rising to \$69.5 million, but had remained small relative to its economy, with a debt to gross domestic product (GDP) ratio of 10.9 per cent. The Territory’s debt was primarily used to fund infrastructure projects. Between fiscal years 2005 and 2015, revenues had grown, and the Government’s net position was positive and generally improving. The Office had previously reported that American Samoa relied heavily on the tuna processing and canning industry and that disruptions in that industry could affect its ability to repay debt.

### **III. Economic conditions**

#### **A. General**

19. As noted in previous working papers, federal legislation passed in 2007 created a schedule of periodic increases to minimum wages in American Samoa. Subsequent legislation postponed or reduced these increases. The wage rates are set for particular industries, not for particular occupations. They are minimum rates; employers may choose to pay employees at a rate higher than the one applicable to the industry.

20. According to the administering Power, Public Law 114–61 was enacted in October 2015, providing for an immediate incremental increase of \$0.40 per hour in the transitional minimum wage for each industry in American Samoa, with additional increases occurring every three years on 30 September until the minimum wage is equal to that in the United States. Public Law 114-61 also changed the deadline for the United States Government Accountability Office report assessing the impact of minimum wage increases in American Samoa to 1 April 2017, with a subsequent report due by 1 April 2020. In the law, the Office was also directed to report on alternative mechanisms to increase the minimum wage in American Samoa in order to keep pace with the cost of living and eventually reach the minimum wage level in the United States.

21. According to the United States Department of Labor, the American Samoa industry-specific minimum wage rates were increased by \$0.40 each on 30 September 2018, ranging from \$4.98 per hour (garment manufacturing) to \$6.39 per hour (stevedoring, lighterage and maritime shipping agency activities). The tuna canning industry, the largest source of private sector employment in the Territory, is subject to a minimum wage of \$5.56 per hour and employs mostly foreign labour from neighbouring Samoa. The next increase in wage rates is scheduled for 2021.

22. In December 2016, the United States Government Accountability Office issued a report entitled “American Samoa: alternatives for raising minimum wages to keep pace with the cost of living and reach the federal level”, in which it examined the history of the implementation of minimum wages in the Territory, the status of the economy and alternative approaches for increasing minimum wages.

23. In August 2018, the Bureau of Economic Analysis of the United States Department of Commerce released estimates of the Territory’s GDP for 2017 and of GDP and compensation by industry for 2016. The estimates showed that real GDP, adjusted for price changes, had decreased by 5.3 per cent in 2017, after decreasing by 2.7 per cent in 2016. The decline in the economy reflected decreases in exports of goods and government spending. Exports of goods decreased by 22.8 per cent owing primarily to a decrease in exports of canned tuna and related products. One of two tuna canneries located in American Samoa closed in December 2016. Territorial government spending also decreased, reflecting a continued decline in investment



spending. Major infrastructure projects including the Satala power plant and the Ta'u solar microgrid were complete or nearly complete by the end of 2016.

24. The 2013–2017 comprehensive economic development strategy for American Samoa came to an end on 30 December 2017. The strategy served as a guideline for the economic development of the Territory to ensure sustainable and healthy growth. The Territorial Planning Division of the Department of Commerce of American Samoa has submitted a grant application to the United States Economic Development Administration for the development of an updated strategy for the years 2018–2022. According to the administering Power, the Department has initiated efforts to develop the new strategy through business and organization surveys and interviews. A final document is expected to be submitted to the Economic Development Administration in early 2019.

25. According to the statistical yearbook for 2017 published by the Department of Commerce of American Samoa, the balance of trade in fiscal year 2017 showed a deficit of \$269.4 million. Imports include government purchases, the value of fish brought in for processing at the canneries and the value of commercial merchandise brought in for resale. Trade data are still considered incomplete owing to the absence of post-exchange data from the import series. Exports consist primarily of canned tuna and its by-products. The United States continued to be the Territory's leading trade partner, followed by the Republic of Korea, New Zealand, Samoa, China and Fiji.

## **B. Fisheries and agriculture**

26. According to the report of the United States Government Accountability Office (see para. 22), cannery officials stated that wage increases were among the factors affecting the tuna canning industry in American Samoa and that labour costs, including the minimum wage increases, placed the Territory at a significant cost disadvantage compared with canned tuna-exporting countries.

27. In October 2016, the owner of Samoa Tuna Processors, one of the two tuna canneries in American Samoa, announced that it was closing its operations in December 2016. The company, which had invested \$70 million in a facility that had opened in January 2015, issued a statement in which it claimed that the challenging economics of canning tuna in American Samoa, combined with external factors faced by Samoa Tuna Processors, made the company's private label-focused business model for operating the plant economically unsustainable in the market at the time. The closure of the facility left more than 800 people unemployed. According to the administering Power, in May 2018, the territorial Government entered into a 10-year lease agreement with StarKist for the use of the Samoa Tuna Processors facility.

28. Almost 90 per cent of all farms in the Territory operate on a subsistence basis. Prospects for agricultural development continue to be limited because much of the land is volcanic and mountainous and only a small amount of level land is suitable for cultivation. Farmers benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its environmental quality incentives programme.

## **C. Tourism**

29. According to the administering Power, tourism has been identified as one of the new key economic pillars for American Samoa because of the uncertainty of the tuna fishing sector, the competition among cannery operators for catch and access to

fishing areas for their fleets and the continuing decrease in profit margins for the canned product. Since the establishment of the American Samoa Visitors Bureau in 2008, the office has marketed the destination overseas and has invested in training members of the local tourism industry in aspects relating to the global tourism industry and its requirements.

30. According to the statistical yearbook for 2017 published by the Department of Commerce of American Samoa, some 71,952 travellers arrived in American Samoa in 2017. The majority were returning residents (43,890). Visitor arrivals, which accounted for 38.1 per cent of all arrivals in 2017, dropped from 20,050 in 2016 to 19,987 in 2017. New Zealand remained the primary tourism market, accounting for 42.7 per cent of tourist arrivals. The United States followed with 39.5 per cent, Australia with 10.8 per cent and other countries with the remaining 7.0 per cent.

#### **D. Transport and communications**

31. There are some 180 km of public and primary paved roads and 235 km of secondary village roads in American Samoa. Pago Pago harbour, an all-weather deep-draught harbour, has a main dock that is 1,000 feet long, handling ships of up to a 32-foot draught. The harbour provides the full complement of equipment and facilities. The ship repair facility features a 3,000-ton marine railway.

32. The four airports in the Territory are situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. It is served by one commercial passenger airline that provides service twice or, during peak seasons, three times a week. There is one weekly cargo flight that links American Samoa with Hawaii and the continental United States. Within the Territory, there is one foreign airline that provides service to Ofu and Ta'u twice a week. There is no airline service to Swains Island.

33. According to the comprehensive economic development strategy document, the Territory's air transport service to and from the United States is severely restricted by United States cabotage laws that prohibit foreign carriers from transporting passengers between American Samoa and other parts of the United States.

34. The Territory has three FM radio stations and three AM radio stations, broadcasting to some 57,000 radios. One government-owned television station broadcasts on three channels to some 14,000 television sets. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency. Cable television and Internet services are also available from a private company, which is partly owned by the Government of American Samoa.

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

35. The American Samoa Power Authority provides water, wastewater treatment, solid-waste and electricity services to customers on five of the seven islands. It provides drinking water to 90 per cent of the Territory from wells, with the remaining 10 per cent being served by outer-village systems. In January 2018, the United States Environmental Protection Agency awarded \$8.4 million to the Authority for water infrastructure projects.

36. According to the United States Energy Information Administration, American Samoa is nearly entirely dependent on imported fossil fuels, including diesel fuel, for electric power generation. The Territory does have solar, wind and biomass resources. Volcanic activity in the region may indicate that the island group has geothermal resources, but assessments have not yet identified any commercial geothermal

potential. A small but increasing amount of the islands' electricity generation comes from solar energy. Electricity prices in American Samoa vary with world petroleum prices; in mid-2018, residential electricity prices were more than 2.5 times the United States average. A significant amount of electricity is used to pump and treat drinking water. The American Samoa Power Authority owns and operates two generating plants and the electric grid on Tutuila, as well as two other small generating plants and grids serving the Manu'a islands that are being replaced by solar power.

## **F. Renewable energy**

37. According to the United States Energy Information Administration, in August 2016 American Samoa set a goal of meeting 50 per cent of its energy needs with renewable energy by 2025 and all of its energy needs with renewable resources by 2040. Given the high cost of electricity in the Territory and its geographic isolation, the Government established the American Samoa renewable energy committee to work with federal experts to bring sustainable renewable energy to the islands. The committee developed energy strategies to take advantage of the renewable resource potential on Tutuila and launched a project to supply the Manu'a island group, where electricity costs were double the rest of American Samoa, entirely with renewables.

## **IV. Social conditions**

### **A. General**

38. Known as *fa'asamoa*, the Samoan way of life is based on the notion of mutual respect and sharing among the *aiga* (extended family), each with a common allegiance to a *matai* (chief), and it influences every aspect of the socioeconomic fabric of the Territory. Since 2008, the legislature has been working to further strengthen the use of the Samoan language in public schools, in tandem with English.

39. According to the statistical yearbook for 2017 published by the Department of Commerce of American Samoa, 57.8 per cent of the population, or 54.4 per cent of families, lived below the United States poverty level in 2010. Of the 3,875 grandparents reported to be living with their grandchildren at the time, 66 per cent were responsible for their grandchildren.

### **B. Labour and immigration**

40. According to the 2016 report of the United States Government Accountability Office (see para. 22), local government and tuna canneries are the largest employers, accounting for 42 and 14 per cent of the workforce, respectively, in 2014. From 2007 to 2014, overall employment fell by 4 per cent and workers' average inflation-adjusted earnings by about 11 per cent. During the same period, cannery employment decreased by 50 per cent, and the minimum wage for cannery workers rose. According to the same report, the Government of American Samoa has expressed concern that continued minimum wage increases are at odds with sustainable economic development. According to the statistical yearbook for 2017 published by the Department of Commerce of American Samoa, in 2017 total employment was estimated at 16,408, a decrease from 17,930 in 2016. Employees of the territorial Government and the four government authorities made up 35.6 per cent of the workforce in 2017, and the cannery and private sector 64.4 per cent.

41. American Samoa has its own immigration laws and conditions for entry into the Territory, which are not the same as those of the United States. As previously reported,

a new immigration law for American Samoa has entered into force, giving the Attorney General, rather than a government-appointed board, full authority over the granting of permanent resident status. In the comprehensive economic development strategy document, it was reported that local control of immigration was an important advantage to American Samoa, especially in view of the limited range of skills in its labour force and the need to bring in skilled workers and management for many industries. In that document, it was recommended that immigration law, policy and procedures should be revised to better accommodate business labour requirements, and concern was expressed that local immigration and customs control in American Samoa could be federalized, a scenario that could have very severe adverse effects on the local labour market.

42. In the unified plan submitted by American Samoa under the Workforce Innovation and Opportunity Act of 2016, it was revealed that the emigration of workers from the Territory to the United States was balanced by the immigration of foreign tuna cannery and fishery workers. The plan identified a number of issues causing the labour force to leave the Territory, including low wages compared with those in neighbouring States and Pacific jurisdictions, slower economic growth owing to costs associated with transportation, distribution and housing and the slow development of infrastructure in the Territory owing to its being subject to major environmental impacts and lacking funding to improve current infrastructure.

### **C. Education**

43. Education in American Samoa is compulsory between 6 and 18 years of age. The education system is broadly based on that of the United States. A total of 95.7 per cent of the student population is from American Samoa, while the remaining 4.3 per cent of students are from China, the Philippines, the Republic of Korea and other Pacific islands.

44. American Samoa has a literacy rate of approximately 97 per cent. There are five school districts, each centred around a high school together with lower-level elementary schools. According to the statistical yearbook for 2017 published by the Department of Commerce of American Samoa, the number of educational institutions in American Samoa fell by one in 2017, leaving a total of 109, including the only community college in the Territory. School enrolment fell for five consecutive years, from 18,044 in 2012 to 15,697 in 2017. American Samoa Community College enrolment continued to fall, dropping from 2,193 in 2010 to 1,095 in 2017. A majority of students enrolled at the college are women. In 2017, the Territory had 914 teachers in classrooms: 398 in elementary education, 218 in secondary education, 166 in special education, 89 in preschool and 43 in kindergarten.

### **D. Public health**

45. According to the World Health Organization (WHO) country cooperation strategy for American Samoa for the period 2018–2022, non-communicable diseases are the main cause of premature illness and death. Key risk factors for non-communicable diseases are prevalent. The Territory is also vulnerable to emerging and re-emerging infectious diseases such as dengue, chikungunya and Zika. Ongoing challenges in emergency management include local capacity for epidemiologic surveillance, laboratory capacity and risk communications. Limitations on human and financial resources impair institutional capacity to implement comprehensive strategies for combating non-communicable diseases. To strengthen the local public health workforce, good training opportunities need to be

made available at home and abroad. The health services delivery model needs to be reoriented to respond to the burden of non-communicable diseases, including by balancing the curative and preventive health needs of the population.

46. According to WHO, strategic priorities for American Samoa include setting the strategic public health agenda, planning and implementing the health sector agenda and developing capacity across the health sector to address ongoing and emerging challenges.

## **E. Crime and public safety**

47. The Territory has continued to enhance cooperation with the Pacific Islands Chiefs of Police organization and the United States Department of Justice through its Office of Territorial and International Criminal Intelligence and Drug Enforcement.

48. In 2012, it was announced that all Federal Bureau of Investigation operations and investigative efforts in American Samoa would be handled by the Bureau's office in Honolulu, Hawaii. The decision for the consolidation was made by the United States Congress for budgetary reasons.

## **V. Environmental protection and disaster preparedness**

49. The American Samoa Environmental Protection Agency, which is funded by the United States Environmental Protection Agency, is mandated to protect human health and to safeguard the natural environment, in particular air, water and land.

50. American Samoa faces the problem, common to the South Pacific, of the safe disposal of solid and liquid waste, in particular as a result of urbanization. According to the United Nations Environment Programme, point source pollution from industrial waste and sewage, inappropriately sited and poorly managed garbage dumps and the disposal of toxic chemicals is a significant contributor to marine pollution and coastal degradation. There is growing concern that toxic and hazardous waste may be brought to the region from developed countries for disposal.

51. In January 2018, the United States Environmental Protection Agency awarded \$2.3 million to the American Samoa Environmental Protection Agency to strengthen its capacity to protect human health and the environment.

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

52. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to the Territory. It belongs to various regional bodies of the United Nations system, including WHO, for which it falls under the auspices of the Regional Office for the Western Pacific and its Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

53. American Samoa is a member of several regional organizations, including the Pacific Community, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association of Non-Governmental Organisations, the Asia South Pacific Association for Basic and Adult Education, the Pacific Asia Travel Association and the Pacific Regional Environment Programme. The Territory participates in the activities of the Applied Geoscience and Technology Division of the Pacific Community and the Pacific Community Coastal Fisheries Programme. The Territory also belongs to United States organizations, such as the

National Governors Association and the Western Governors' Association. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to countries in the Pacific region. The Territory hosted the seventh Pacific water conference and exposition of the Pacific Water and Wastewater Association from 9 to 11 September 2014. The Territory also holds observer status in the Pacific Islands Forum and the Alliance of Small Island States.

## **VII. Future status of the Territory**

### **A. Position of the territorial Government**

54. Section I of the present working paper reflects recent developments in American Samoa concerning its future political status.

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

55. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the United States Assistant Secretary of State for Legislative Affairs set forth the position of the Government of the United States on the status of American Samoa and other United States insular areas. 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 under the purview of the Special Committee. He also indicated 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 further indicated that, at the same time, in accordance with its obligations under the Charter to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and education-related conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States territories to the Special Committee as a demonstration of the cooperation of the United States as an administering Power and to correct any errors in information that the Special Committee might have received from other sources.

56. According to the administering Power, on 23 February 2016, the Assistant Secretary for Insular Areas of the United States Department of the Interior hosted a panel discussion in Washington, D.C., on self-determination in American Samoa, Guam and the United States Virgin Islands. The panel included territorial experts and officials from the United States Department of the Interior and the Department of State, and the discussion provided an updated context for federal policymakers and for a new generation to learn about the status of self-determination in the respective territories and to understand their rights in that regard under federal and international law. The panel experts reaffirmed the position of the administering Power that, under the United States Constitution, only the United States Congress had the plenary power to dispose of and make needful rules and regulations respecting the territories. It was also reiterated that the administering Power supported the right of self-determination of the peoples of American Samoa, Guam and the United States Virgin Islands, and, according to the policy of the administering Power, the territories had at least three distinct options for exercising self-determination: continued territorial status, statehood or independence. In addition, in conjunction with the meeting of the National Governors Association held in Washington, D.C., each February, the Deputy Assistant to the President for Intergovernmental Affairs and the Assistant Secretary of the Interior for Insular Areas host the plenary session of the Interagency Group on

Insular Areas, which brings together the Governor of American Samoa and his counterparts from Guam and the United States Virgin Islands with leading officials of the federal executive branch to discuss matters of mutual importance to the Territories.

57. At the 9th meeting of the Fourth Committee, on 17 October 2018, the representative of the United States, while reiterating his delegation's concern that certain draft resolutions 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, noted 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 (see [A/C.4/73/SR.9](#)).

## VIII. Action taken by the General Assembly

58. On 7 December 2018, the General Assembly adopted resolution [73/108](#) without a vote, on the basis of the report of the Special Committee ([A/73/23](#)) and the subsequent recommendation by the Fourth Committee. In that resolution, the Assembly:

(a) Reaffirmed the inalienable right of the people of American Samoa to self-determination, in conformity with the Charter 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 the decolonization of American Samoa, 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 American Samoa 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) Took note of the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress, and recalled the establishment in April 2016 of the Office of Political Status, Constitutional Review and Federal Relations;

(e) Recalled the indication by the territorial Government that American Samoa should remain on the list of Non-Self-Governing Territories, under 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, until such time as its people had exercised their right to self-determination;

(f) Also recalled the invitation extended in 2015 by the Governor of American Samoa to the Special Committee to send a visiting mission to the Territory, called

upon the administering Power to facilitate such a mission if the territorial Government so desired, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning a public awareness programme, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

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

(i) 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 American Samoa, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(j) 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;

(k) 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 interest of the people of the Territory;

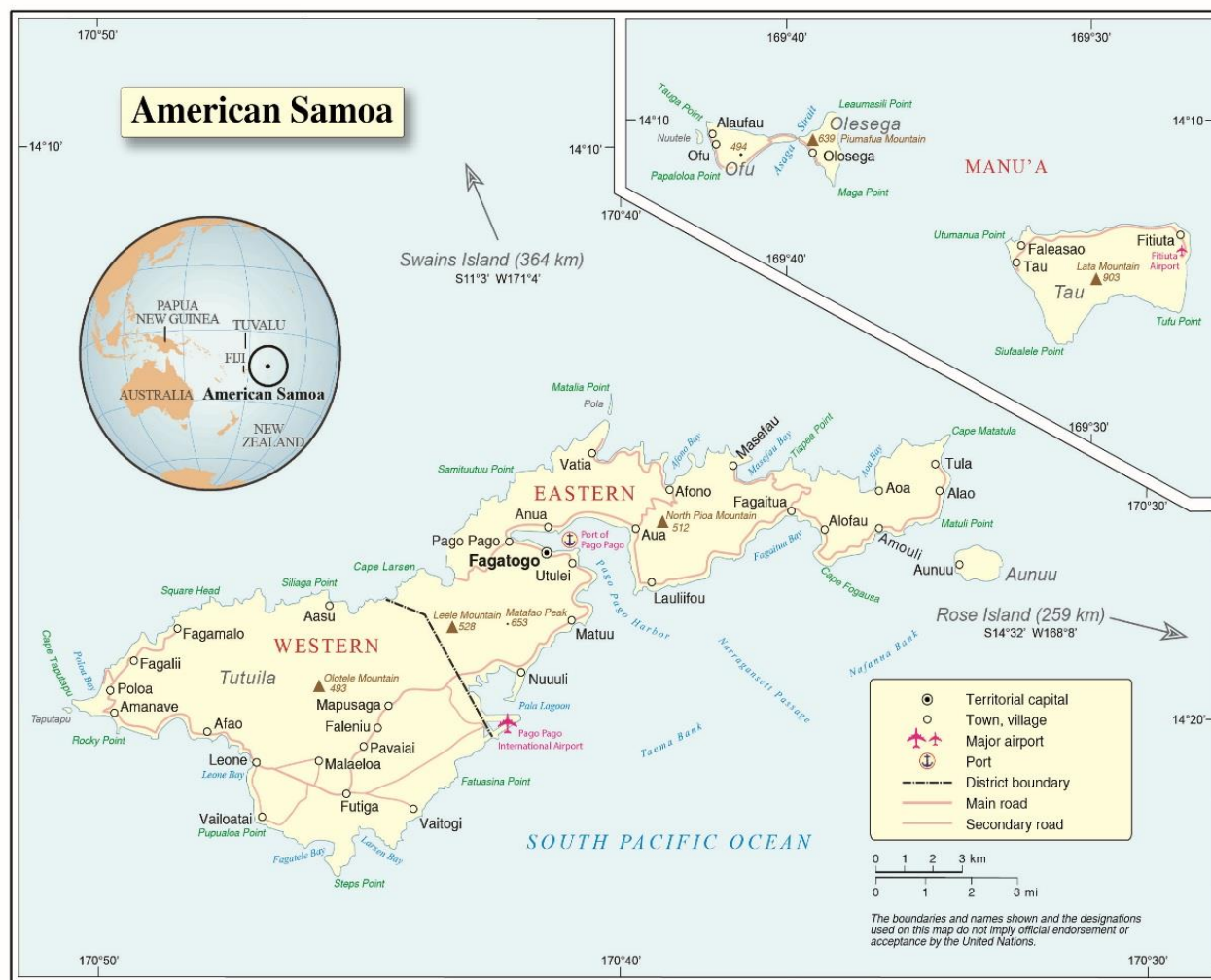
(l) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(m) Requested the Special Committee to continue to examine the question of American Samoa and to report thereon to the General Assembly at its seventy-fourth session and on the implementation of the present resolution.



## Annex

## Map of American Samoa



Map No. 2971 Rev. 2 UNITED NATIONS  
June 2016

Department of Field Support  
Geospatial Information Section (formerly Cartographic Section)