



# General Assembly

Distr.: General  
11 March 2021

Original: English

## 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

#### Contents

	<i>Page</i>
The Territory at a glance . . . . .	3
I. Constitutional, legal and political issues . . . . .	4
II. Budget . . . . .	6
III. Economic conditions . . . . .	7
A. General . . . . .	7
B. Fisheries and agriculture . . . . .	8
C. Tourism . . . . .	8
D. Transport and communications . . . . .	9
E. Water, sanitation, utilities and renewable energy . . . . .	9
IV. Social conditions . . . . .	10
A. General . . . . .	10
B. Labour and immigration . . . . .	10
C. Education . . . . .	11
D. Public health . . . . .	11
E. Crime and public safety . . . . .	13
V. Environmental protection and disaster preparedness . . . . .	14
VI. Relations with international organizations and partners . . . . .	14

*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 21 December 2020. Further details are contained in previous working papers, available from [www.un.org/dppa/decolonization/en/documents/workingpapers](http://www.un.org/dppa/decolonization/en/documents/workingpapers).



VII.	Future status of the Territory . . . . .	15
A.	Position of the territorial Government. . . . .	15
B.	Position of the administering Power . . . . .	15
VIII.	Action taken by the General Assembly . . . . .	16
Annex		
	Map of American Samoa. . . . .	18

### **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:* 57,637 (2020 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 Peleti Palepoi Sialega Mauga (since January 2021)

*Main political parties:* Democratic Party; Republican Party

*Elections:* The most recent elections were 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. The next elections are due to be held in November 2022 to elect 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:* \$11,245 (2020)

*Economy:* Fishing, tourism and agriculture

*Unemployment rate:* 14.3 per cent (2017)

*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, during which the referendum took place, 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 override vetoes by the Governor.

7. On 3 November 2020, voters elected former Lieutenant Governor Peleti Palepoi Sialega Muga and former Attorney General Talauega Salo Ale as Governor and Lieutenant Governor, respectively. They also elected 20 members of the American Samoa House of Representatives and the delegate to the United States House of Representatives (see para. 8).

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 fourth term in November 2020.

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. 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.

11. According to the administering Power, the then-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.

12. 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. 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.

13. On 12 December 2019, a federal judge in the United States District Court for the District of Utah ruled in *Fitisemanu v. United States* that American Samoans were citizens by birth under the Fourteenth Amendment to the Constitution of the United States. On 13 December 2019, the delegate of American Samoa to the United States House of Representatives expressed her disappointment with the ruling, describing it as unwelcome, inappropriate and without precedent. On 13 December 2019, the ruling was stayed, pending appeal. In a press statement dated 17 January 2020, the delegate expressed appreciation for the unanimous action by the legislature of American Samoa through a concurrent resolution showing the support of elected officials for the right to self-determination.

14. Appeals were made to the Tenth Circuit Court of Appeals, in Denver, United States by (a) the Government of the United States and (b) the Government of American Samoa and the delegate, both on 14 April 2020. On 23 September 2020, the Court heard the case virtually. As at 19 February 2021, no ruling was available.

15. On 13 January 2020, in his state of the Territory address to the thirty-sixth legislature of American Samoa, the Governor said that the decision issued by the Court in the District of Utah necessitated immediate attention to the issues involving the political status of the Territory, its relationship with the United States and its Constitution (see [A/AC.109/2020/1](#)).

## **II. Budget**

16. In the state of the Territory address to the thirty-seventh legislature, on 11 January 2021, the newly-elected Governor of American Samoa stated that his administration would work together with the legislature to pass the budget for the fiscal year 2021, in order to support continuity of government operations.

17. Each year, the Office of Insular Affairs provides grant funds to American Samoa for the operation of the local government, including the judiciary. The budget for 2021 requested by the Office for operations in American Samoa amounts to \$21.5 million, a programme decrease of \$2.1 million compared with the 2019 actual budget.

### III. Economic conditions

#### A. General

18. As noted in previous working papers, federal legislation passed in 2007 created a schedule of periodic increases to minimum wages in American Samoa to raise it to the current federal level (\$7.25 per hour) by 2016. Subsequent legislation postponed or reduced these increases. The most recent minimum wage increase in American Samoa took place on 30 September 2018.

19. 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, lightering 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.

20. In June 2020, the United States Government Accountability Office issued a report entitled “American Samoa: Economic Trends, Status of the Tuna Canning Industry, and Stakeholders’ Views on Minimum Wage Increases”, for which it had interviewed stakeholders about a minimum wage increase. According to the report, the territorial Government supports setting a minimum wage that the economy can support, while the American Samoa Chamber of Commerce supports delaying minimum wage increases for cannery workers. Employers and workers interviewed by the Office noted a potential positive impact on the livelihoods of workers but a potential negative impact on the cannery, among other things.

21. In December 2020, the Bureau of Economic Analysis of the United States Department of Commerce released estimates of the Territory’s gross domestic product (GDP) for 2019 and of GDP and compensation by industry for 2018. The estimates showed that real GDP, adjusted to remove price changes, had decreased by 1.4 per cent in 2019, after increasing by 2.2 per cent in 2018. The decline in real GDP reflected decreases in government spending, exports and private fixed investments, which were partly offset by an increase in consumer spending and inventory investment. Imports, which are a subtraction in the calculation of GDP, decreased. Government spending decreased by 8.8 per cent, primarily as a result of a decline in territorial Government spending following the completion in 2018 of a multimillion-dollar telecommunications construction project. Exports decreased by 4.7 per cent, primarily owing to a decrease in exports of canned tuna and related products. Private fixed investment also decreased by 22.7 per cent, owing to the declines in construction activity and purchases of equipment following the completion in the prior year of reconstruction activities associated with Tropical Cyclone Gita. Meanwhile, consumer spending increased by 3 per cent, reflecting growth in services, which was largely driven by purchases of health care services, including those directly financed by government social benefits such as Medicaid. The federal Government’s Additional Supplemental Appropriations for Disaster Relief Act of 2019 provided American Samoa with additional federal funding for Medicaid. Inventory investment increased, reflecting growth in supplies held by the canning industry.

22. The comprehensive economic development strategy for American Samoa 2018–2022, developed by the Department of Commerce, provides the Territory with a plan to strategically manage its resources and prioritize development in key industries. These efforts are aimed at creating an environment in which economic diversification and resilience can flourish. The strategy assesses the state of the economy of the

Territory by determining the strengths, weaknesses, opportunities and threats posed by internal and external forces.

## **B. Fisheries and agriculture**

23. According to the report of the United States Government Accountability Office in 2016, 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 other canned tuna-exporting countries.

24. In October 2016, the owner of Samoa Tuna Processors, one of the two tuna canneries in American Samoa, announced that it would be closing its operations in December 2016. 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. According to the assessment by the National Oceanic and Atmospheric Administration of the United States Department of Commerce of the impact of the coronavirus disease (COVID-19) crisis from January to July 2020, the remaining cannery in the Territory had operated at full capacity during that period. While fish supply had remained steady, thanks to contributions from the United States and foreign vessels, keeping up with demand had been challenging, and the cannery had faced numerous challenges due to pandemic-related restrictions.

25. 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.

26. According to the 2018 Census of Agriculture, published in August 2020, the number of farms had increased, while the amount of farmland had decreased, since the previous census, in 2008. There had been a large increase in the number of farms operating less than one acre of land. In 2018, farms on the Territory produced \$44.3 million in agricultural products, of which \$11.1 million was sold and \$33.2 million was consumed by farm households. Fruits and nuts comprised the top commodity group in the Territory in 2018, with a combined value of \$20.5 million in consumption and sales, followed by field crops, melons and vegetables (\$18.3 million). In 2018, 72 per cent of farmers were men and 28 per cent were women. A total of 44 per cent of farms had Internet access.

## **C. Tourism**

27. 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.

28. According to the Department of Commerce of American Samoa, some 76,002 travellers arrived in American Samoa in 2018 (the most recent year for which information is available). The majority were returning residents (48,405). Visitor arrivals, which accounted for 35.7 per cent of all arrivals in 2018, increased to 20,221 in 2018 from 19,987 in 2017. New Zealand remained the primary tourism market,



accounting for 46 per cent of tourist arrivals. The United States followed with 33 per cent, Australia with 12.8 per cent and other countries with the remaining 8.2 per cent.

## **D. Transport and communications**

29. 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.

30. 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. Owing to the COVID-19 pandemic, regularly scheduled passenger flights to and from American Samoa have been suspended until 21 March 2021.

31. 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.

32. 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. According to the comprehensive economic development strategy for American Samoa, information technology in American Samoa was vastly improved after the Government of American Samoa invested over \$35 million in a submarine fibre-optic cable, paving the way for the creation of a new, knowledge-based industry.

## **E. Water, sanitation, utilities and renewable energy**

33. 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.

34. 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.

35. 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. The Manu'a group was expected to reach 100 per cent renewable-sourced electricity, but a fire affecting a battery storage system at the solar plant serving the Ofu and Olosega Islands in 2019 caused those islands to revert to diesel-fuelled power generation.

36. The American Samoa renewable energy committee set a goal of obtaining 50 per cent of the Territory's energy from renewable energy sources, primarily solar energy, by 2025 and 100 per cent by 2040. Volcanic activity in the region may indicate that

the island group has geothermal resources, but assessments have not yet identified any commercial geothermal potential. Electricity prices in American Samoa vary with world petroleum prices; in August 2020, residential electricity prices were about 2.5 times higher than 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. Per capita electricity consumption in the Territory is about one quarter of the consumption in the 50 states of the United States, partly because only three fifths of American Samoan households are connected to an electric power grid.

## **IV. Social conditions**

### **A. General**

37. 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.

38. 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. According to the comprehensive economic development strategy for American Samoa, American Samoa faces many challenges including, but not limited to a shrinking population, extremely high poverty rates and a fragile insular economy. The economy of American Samoa and its long-term economic stability is solely dependent upon federal government funds and the continued operations of the one remaining tuna cannery.

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

39. According to the 2020 report of the United States Government Accountability Office, local government and the tuna canning industry are the largest employers, accounting for 42 and 14 per cent of the workforce, respectively, in 2018. From 2007 to 2018, overall employment varied by year but workers' average inflation-adjusted earnings fell by about 11 per cent, reflecting an increase in average annual earnings of around 29 per cent and an increase in prices of about 44 per cent. During the same period, cannery employment decreased by 45 per cent, and the minimum wage for cannery workers rose by 70 per cent. According to the same report, the Government of American Samoa and the Chamber of Commerce have expressed concern that continued minimum wage increases are at odds with sustainable economic development.

40. 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 entered into force in 2003, 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.

41. 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. In the plan, a number of issues causing the labour force to leave the Territory were identified, 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.

42. According to the 2020 report of the United States Government Accountability Office, in recent years, the efforts of the territorial Government to diversify the economy have centred on the development of the telecommunications industry. The Government has made major investments in telecommunications over the past five years.

### **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 Department of Commerce of American Samoa, there were a total of 109 educational institutions in American Samoa in 2018, the same as 2017, including the only community college in the Territory.

### **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. In order 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.

47. On 13 November 2019, the Governor of American Samoa declared a state of emergency to protect its residents against the spread of measles following outbreaks in the region. The state of emergency was extended on 8 and 16 December 2019. On 10 January 2020, the Office of Insular Affairs announced \$490,000 in funding support to prevent the spread of measles in American Samoa and to help bolster efforts to vaccinate the entire population of the Territory against measles, mumps and rubella. In his state of the Territory address on 13 January 2020, the Governor said that the measles epidemic had compelled the Government of American Samoa to vaccinate all residents and to become more vigilant in scrutinizing visitors.

48. On 29 January 2020, the Governor extended the state of emergency and expanded it to include the COVID-19 pandemic. In March 2020, the Governor issued an amended state of emergency declaration that put code blue status into effect, including social distancing requirements, limited business hours and the closure of the borders. In April 2020, the Governor submitted a request, which was approved, to the President of the United States of America to declare a state of emergency in American Samoa. On 1 December 2020, the Governor issued the “Eleventh Amended Declaration of Continued Public Health Emergency and State of Emergency for COVID-19”, extending code blue restrictions to 3 January 2021. They were subsequently further extended to 21 March 2021. According to the administering Power, as at February 2021, American Samoa remained the only United States Territory that had not seen any cases of COVID-19.

49. Following the change of Government in American Samoa, the COVID-19 Task Force was re-established on 3 January 2021 to ensure continued COVID-19 response, the repatriation of residents and the vaccination of the community. A multi-phase repatriation plan involving repatriation flights is being implemented, in close coordination with the office of the Government of American Samoa in Hawaii and the state government of Hawaii. Under the COVID-19 Task Force, the Vaccine Distribution Working Group has been implementing tiered vaccination schedules to ensure that front-line health workers, first responders, high-risk populations and ultimately the entire community are able to get vaccinated.

50. According to the administering Power, the Government of the United States provided considerable financial assistance to American Samoa to assist the territorial Government in responding to the COVID-19 pandemic. The Coronavirus Aid, Relief and Economic Security Act included \$55 million for insular areas, which included American Samoa, in funding assistance to support efforts to prepare, prevent and respond to the COVID-19 pandemic. A number of specific agency responses for American Samoa included, but were not limited to, the following:

(a) As at 23 April 2020, the United States Department of Health and Human Services and the Centers for Disease Control and Prevention had provided over \$1.5 million to American Samoa through the Coronavirus Preparedness and Response Supplemental Appropriations Act and the Coronavirus Aid, Relief and Economic Security Act. As at 27 April 2020, American Samoa had received over \$8.3 million from the Department of Health and Human Services through various funding and grants;

(b) Following the creation of four additional loan and funding programmes to assist businesses affected by the COVID-19 pandemic, the Small Business Administration had issued over \$419,000 in loans to two small businesses in American Samoa as at 16 April 2020. In addition, on 21 March 2020, the Small

Business Administration declared an economic disaster in American Samoa, at the request of the Governor, which created access to low interest loans for small businesses across American Samoa. As at 27 April 2020, the Small Business Administration had approved 33 economic injury disaster loan advances of up to \$10,000 for small businesses in American Samoa affected by COVID-19, totalling more than \$197,000;

(c) As at 17 April 2020, the Department of the Treasury had completed all disbursements, including over \$35.1 million to American Samoa, under the Coronavirus Relief Fund provided for in the Coronavirus Aid, Relief and Economic Security Act;

(d) By late April 2020, the Department of Housing and Urban Development had made available to American Samoa grantees over \$800,000 in COVID-19 funding through Coronavirus Aid, Relief and Economic Security Act authorizations;

(e) On 26 March 2020, the United States Department of the Interior announced \$858,924 in emergency funding assistance to enable the Pacific Island Health Officers Association to procure testing kits and machines for the Pacific territories, including American Samoa and Freely Associated States with the United States, in order to support on-island COVID-19 testing. On 23 April 2020, the Department of the Interior also awarded \$4,079,020 in Coronavirus Aid, Relief and Economic Security Act funding to American Samoa;

(f) The United States Department of Labor expanded paid sick, family and medical leave and offered flexibilities to the territory in administering unemployment insurance to help the people of American Samoa;

(g) The United States Department of Agriculture has provided numerous flexibilities and resources to American Samoa to ensure that children and low-income families have access to food during the national emergency;

(h) By late April 2020, the United States Department of Transportation had allocated more than \$1.1 million in Federal Transit Administration funds to help the public transportation systems of American Samoa respond to the challenges of COVID-19. The Department provided more than \$1.3 million from the Federal Aviation Administration to help fund continuing operations at airports in American Samoa and compensate for lost airport revenue;

(i) The Department of Justice allocated more than \$2.2 million to American Samoa through the Coronavirus Emergency Supplemental Funding Program, in order to support the territorial Government's response to the pandemic.

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

51. 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.

52. In his state of the Territory address on 13 January 2020, the Governor said that a new prison had been constructed to ensure compliance with incarceration standards, guaranteeing the protection of the human rights of prisoners. To help police officers fully implement their duties and responsibilities, 14 new police vehicles and four jet skis were purchased.

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

53. 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.

54. 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.

55. 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**

56. 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.

57. 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.

58. On 28 January 2021, the Governor, in his role as current Chair, presided over the first virtual meeting of the Polynesian Leaders Group, under the theme of "Building resilience in times of uncertainty". Participants discussed the future of Polynesia, the post-pandemic situation, climate change, fisheries and information technology. The meeting had been scheduled for 2020 but was not held at that time, owing to the outbreaks of measles and COVID-19.

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

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

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

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

60. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue and not one that came within the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He said that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He also said that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on the Territories under its administration to the Special Committee as a demonstration of its cooperation as an administering Power and as a way of correcting any errors in information that the Special Committee might have received from other sources.

61. The Interagency Group on Insular Areas, established through Executive Order 13537 of 14 April 2010, advises the President of the United States on the establishment or implementation of policies concerning the insular areas, solicits information and advice concerning the insular areas from the Governors of, and other elected officials in, the insular areas and from representatives of entities or other individuals, and solicits information from executive departments or agencies for purposes of carrying out its missions, in order to help to ensure coordination and collaboration among federal agencies in addressing issues of concern to, among others, American Samoa, Guam and the United States Virgin Islands. In 2020, the Interagency Group held its plenary session, co-chaired by the Secretary of the Interior and the Deputy Assistant to the President and Director of the White House Office of Intergovernmental Affairs, on 11 February, with a focus on economic development and insular resilience issues. The then-Lieutenant Governor (current Governor) of American Samoa attended the session.

62. At the 10th meeting of the Fourth Committee, on 6 November 2020, the representative of the United States reiterated his delegation's concern that the draft resolutions to be adopted at the meeting placed too much weight on independence as a one-size-fits-all status option for Territories in pursuit of self-determination. He said that, as stated in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the people of a Non-Self-Governing Territory could validly opt for free association as an alternative to independence or any other political status, including integration with the administering State, provided that that status was freely determined by the people, and that therefore the United Nations must not seek to influence the outcome of decolonization processes, but rather respect the free will of the people (see [A/C.4/75/SR.10](#)).

## VIII. Action taken by the General Assembly

63. On 10 December 2020, the General Assembly adopted resolution [75/107](#) without a vote, on the basis of the report of the Special Committee for 2020 ([A/75/23](#)) 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 of the United Nations and with General Assembly resolution [1514 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of 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 public educational outreach efforts, 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 supports, 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-sixth session and on the implementation of the resolution.

## Annex

## Map of American Samoa

