

# DECOLONIZATION



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DECOLONIZATION

## ISSUE ON AMERICAN SAMOA

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## I. BASIC INFORMATION ON THE TERRITORY

American Samoa is a dependent territory in the South Pacific administered by the United States consisting of seven islands of the Samoan archipelago lying east of 171° west longitude. The islands are about 2,300 miles (3,702 kilometres) southwest of Hawaii and about 1,600 miles (2,575 kilometres) northeast of New Zealand, making it the only United States territory south of the Equator.

Topographically, the Territory is composed of mountainous volcanic islands (Tutuila, Aunu'u and the Manua group - Tau, Ofu and Olesega) and low-lying coral atolls (Rose and Swains islands). Its total land area is 196.8 square kilometres (76.2 square miles). There are no navigable rivers on the islands or known mineral resources. Dense forests cover 70 per cent of the Territory and only about 12,000 acres of the remaining land surface are suitable for agricultural production.<sup>1/</sup> The surrounding waters are inhabited by various forms of marine life, including game and food fish.

The estimated population is 30,600.<sup>2/</sup> All of the islands are inhabited, except for the barren Rose Island, which serves as a wild-life refuge for birds and marine life. About 85 per cent of the population live on Tutuila which is the Territory's largest island. It is approximately seventeen miles in length and varies from two to six miles in width. Tutuila is the administrative headquarters for the Territory. It is also the site of Pago Pago Bay, which, while almost bisecting the island, provides American Samoa with one of the finest natural harbours in the South Pacific.

The climate is tropical with a temperature varying from 75°F (24°C) in June and July to 90°F (32°C) in December and January. Humidity remains at a constant 80 per cent and the annual rainfall is about 200 inches.

The people of American Samoa share a common ethnic heritage with the people of Western Samoa, being of Polynesian ancestry and as such closely related to the Hawaiians, Tahitians, Tongans and New Zealand Maoris. Due to the Administering Power's restriction of the number of non-Eastern Samoans allowed into the Territory, the population has remained relatively homogenous, with little racial mixture.<sup>3/</sup>

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<sup>1/</sup> Area handbook for Oceania 1970, Supplement pp. 467-491. published by the American University.

<sup>2/</sup> This estimate is based on the January 1978 census and represents a 5 per cent increase in population since 1974. From 1976-1978, the population grew at a rate of 1.67 per cent annually, significantly lower than the 3 per cent growth rate of a decade ago.

<sup>3/</sup> Area handbook for Oceania, supra.

English is the Territory's official language and is spoken by most of its inhabitants but Samoan, a derivative of the Malayo-Polynesian linguistic family is the language most often used by the people in daily communication.

Christianity is the principal religion, a result of the missionary movement of the early nineteenth century.

## II. BRIEF HISTORICAL OUTLINE

The Samoan archipelago's first contact with the West occurred when an expedition of the Dutch West India Company led by Commodore Jacob Roggeveen sailed past the islands in 1722 while enroute to Java. In 1787, the French explorer Jean François de Galaup de la Pérouse and his crew landed on Tutuila island and became the first Europeans to set foot on Samoan soil, effectively ending Samoan isolation from European influence.

In the early nineteenth century, foreign traders, whalers and scientists, plying the South Seas, came into increasing contact with the Samoan people, often landing on the islands for foodstuff and fresh water. In addition, foreign governments, seeing an opportunity for economic exploitation as well as excellent harbour and port facilities, were quick to establish contact with the islands. The British arrived in 1791 with the warship Pandora; the Germans, in 1824 under the leadership of Otto von Kotzebue; and the Americans, in 1838 under the command of Captain Charles Wilkes who sailed into Pago Pago Bay while on a scientific expedition to the South Pacific.

Shortly after their arrival, these three powers came to dominate the economic life of the islands, as they entered into agreements with the local chiefs in order to benefit their own commercial objectives. Consuls were appointed to Apia by the British in 1847, the Americans in 1853 and the Germans in 1861.

In 1842, copra trading began and soon became the islands' major export. By the late 1850's, the German firm, J.C. Godeffroy, which had begun operations at Apia in 1855, dominated this trade and, as part of its operation, established coconut plantations throughout the islands. These were supervised by German overseers and tended by labour provided through the notorious "blackbirding" labour trade, the slave-like system which developed in the South Pacific during the mid-nineteenth century.<sup>4/</sup>

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<sup>4/</sup> For further details on the labour traffic in the South Pacific, see Decolonization No. 12, Issue on Solomon Islands, at p.3.

United States interest in Samoa developed primarily around America's developing transpacific steamship business. Pago Pago Bay was seen as an excellent refueling stop; and, in 1872, Commander Richard W. Meade, USN, at the behest of the United States Minister to Hawaii, entered into an agreement with the chiefs of Tutuila island for the exclusive right to build and maintain a naval station in the Bay in return for the "friendship" and "protection" of the United States. Although the treaty was rejected by the United States Senate, it had the practical effect of discouraging claims to the Bay by the other powers, and in 1878, a similar treaty, transferring certain lands bordering Pago Pago Bay to the United States Navy for a coaling depot, was ratified by the Senate.

Simultaneously with this expansion of foreign commercial activity, Christian missionaries began their penetration of the islands. In 1830, the Reverend John Williams of the London Missionary Society arrived in Samoa from Tahiti and became a pivotal figure in the conversion of the people to Christianity. On his return to England in 1832, his lectures and writings stimulated an interest in Samoa, causing other missionaries to follow his example. Subsequently, Methodists, Roman Catholics, Mormons and Seventh-day Adventists established missions and by 1850, most of the islanders had converted to the Christian faith.

Throughout the nineteenth century, the islands were the scene of frequent internal strife which was often aided and encouraged by the foreign powers seeking to gain trade and commercial concessions from the local chiefs. In August 1888, a civil war broke out which threatened to bring Germany, an active participant in the fighting, into direct conflict with Great Britain and the United States, which were becoming increasingly concerned over German involvement in the islands. To avoid such a confrontation, Germany called on the other two powers to join it in a conference to provide for the restoration of order to Samoa. As a result, on 14 June 1889, Germany, the United States and Great Britain agreed to recognize the islands' neutrality, to establish a unified Samoan government under the leadership of the dominant chief, Malietoa Laupepa, and to create a council, composed of the three powers, for the joint execution of the islands' routine administration. Although the agreement was implemented, peace was short lived, as local fighting and rivalry among the three powers continued unabated.

In 1899, a new treaty was signed in Berlin which superseded the unworkable 1889 agreement. Instead of joint administration, the 1899 treaty divided the islands into spheres of influence. Germany received all of the islands west of 171° west longitude.<sup>5/</sup> The United States,

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<sup>5/</sup> After Germany's defeat in the First World War, the islands became a Mandate of the League of Nations administered by New Zealand. After the Second World War they became a United Nations Trust Territory under New Zealand's administration, and in 1962 became the independent State of Western Samoa. In 1976, the country's name was changed to the State of Samoa at the time of its admission to the United Nations.

because of its interest in Pago Pago Bay, was awarded the islands east of that line, which included Tutuila Island. Great Britain, preoccupied with wars in South Africa, agreed to relinquish its interest in Samoa in exchange for sole authority over the Solomon Islands, Niue and Tonga.

American involvement in Eastern Samoa, with its strategic Pago Pago Bay, rapidly expanded following the 1899 treaty as trade between the United States, Japan, Hawaii, the Philippines, Australia and New Zealand increased. In 1900, on United States initiative, the chiefs of Tutuila and Aunu'u Islands ceded their territories to the United States. In 1904, the Manua group of islands reluctantly followed suit. In 1925, Swains Island, a privately owned island settled in 1865 by the American trader Eli Jennings and still owned today by the Jennings family, was granted to the United States by Britain. <sup>6/</sup> On 22 May 1929, the United States Congress accepted the cessions of Tutuila and Aunu'u Islands as well as the Manua group of islands, making its acceptance retroactive to 1900 and 1904 respectively. <sup>7/</sup>

On 19 February 1900, <sup>8/</sup> President McKinley issued an executive order placing American Samoa under the Department of the Navy to be governed by orders and proclamations of the naval commanders assigned to the territory. As a result, the Naval Governors were primarily concerned with the effective operation of the naval station and ruled American Samoa as if it were a military base, showing little interest in the social, economic and political development of the indigenous population. Naval Governors were appointed for terms of two years and according to naval regulations were not subject to reappointment. This gave each Governor little time to acquaint himself with the islands' problems or to undertake programmes to solve them. In practice, many Governors served less than their full term. By the end of fifty years of naval rule there had been thirty-seven naval Governors.

In 1920, a political movement known as the "Mau" or "The Samoan Cause", developed in Western Samoa in opposition to the New Zealand Military Administration. The movement soon spread to American Samoa where the high chiefs, chiefs and other dissatisfied American Samoans protested against the United States rule of the territory. <sup>9/</sup> Among its grievances were the harsh administration of justice, the inadequate road and school system and the absence of an agricultural station

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<sup>6/</sup> 48 United States Code Annotated, Section 1431.

<sup>7/</sup> Ibid., Section 1431a.

<sup>8/</sup> Executive Order 125-A.

<sup>9/</sup> The Mau movement was more intense in Western Samoa than in American Samoa. It ended in 1935 with the election in New Zealand of a Labour Government and the return of the chief Mau leader, O.F. Nelson, to Samoa.

for teaching and research. It also complained of the colonial administration's failure to publish the laws in the Samoan language and the dilatory publication of the Samoan language newspaper, O Le'Fa'atunu.

Although a Special Navy Department Court of Inquiry found no irregularities in the Department's rule, the colonial administration sought to placate the Mau by initiating programmes to increase the number of buildings for public schools and to expand the existing system of roads. <sup>10/</sup> It also arranged for the translation and publication of the laws.

While the high chiefs generally left the movement following the naval administration's response to their demands, the Mau, under the leadership of the lesser chiefs, maintained its opposition to colonial rule. In 1921, the American Government, in an attempt to repress the movement, arrested and convicted sixteen of its members for conspiracy and rebellion against the high chiefs. Such repressive measures were, however, unsuccessful and the Mau continued to grow as a political force. By 1927 its members felt strong enough to reinforce their protest with a refusal to pay taxes until the installation of a civil government. Nevertheless, shortly thereafter, the movement began to lose support as a result of increased Congressional interest in the territory due to the Mau protests, opposition by the high chiefs and an awareness of the bitter, violent conflicts which had occurred in Western Samoa between the local Mau and the New Zealand authorities. By 1935, the movement was no longer active in the territory.

Although American Samoa occupied a front-line position for a short time after the Japanese attack on Pearl Harbour in 1941, it soon entered the sidelines after the battles of the Coral Sea and Midway, thereafter occupying an offensive position for the remainder of World War II. The War brought major changes to American Samoa: the construction of modern highways across the islands (30 miles of primary highways, 20 miles of secondary roads), the expansion of electric power and the installation of a field telephone system. A money economy developed, as an unprecedented amount of currency flowed into the territory from wages paid to the islanders aiding the American war effort and the increased spending of the U.S. military personnel on the islands.

Although the Territory was somewhat more prosperous by the end of the War, the war experience disrupted the Territory's traditional agricultural economy, as many American Samoans, particularly the young, migrated to urban areas instead of returning to their former existence of subsistence farming.

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<sup>10/</sup> For instance, in 1920, \$30,000 was set aside for road construction.

On 1 July 1951, the administration of the Territory was transferred to the Department of the Interior by executive order of President Truman. <sup>11/</sup> This action was in accordance with the general United States post-war policy of extending civilian rule to its Pacific territories. Thereafter, civilian Governors were appointed by the Secretary of the Interior. Generally, the civilian appointees, like their military predecessors, ruled the Territory with relative neglect. By 1961, American Samoa was branded by a conservative United States publication as "America's shame in the South Pacific", <sup>12/</sup> Governor Rex Lee, who served from 1961 to 1967, made some progress in reversing this situation during his administration. Major educational reforms were initiated and Medical services improved. However, when Mr. Lee returned to the Territory in 1977, upon his reappointment as Governor, he once again found the Territory in financial disarray and in a generally dilapidated condition. <sup>13/</sup>

In 1977, the Territory held its first popular election for Governor and Lieutenant Governor.

### III. CONSTITUTIONAL EVOLUTION AND POLITICAL DEVELOPMENTS

Since 1900, when the President of the United States issued Executive Order 125-A in accordance with his authority as Commander-in-Chief of the Army and Navy, until the present, American Samoa has been administered by the executive branch of the United States Government. In 1929, on ratification of the 1900 and 1904 cessions of the territory to the United States, the U.S. Congress accepted this arrangement by providing that "until Congress shall provide for the Government of the islands of American Samoa, all civil, judicial, and military powers shall be vested in such person or persons and exercised in such manner as the President of the United States shall direct". <sup>14/</sup> From 1900-1951, the executive's plenary power over the territory was administered by the U.S. Department of the Navy. In 1951, administration was transferred to the U.S. Department of the Interior.

The constitutional evolution of the Territory has been slow. Until 1960, when the first formal constitution was adopted, the Administering Power did little to bring the people into the territorial government. It was not until 1948 that an initial step toward some form of represen-

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<sup>11/</sup> Executive Order No. 10264.

<sup>12/</sup> C.W. Hall, Samoa: America's shame in the South Seas, Readers Digest, July 1961, pp.111-116.

<sup>13/</sup> American Samoan Annual Report 1977, pp.IV-V.

<sup>14/</sup> 48 United States Code Annotated 1431a.

tative government was taken when the Naval administration established a bicameral body (Fono) to serve as a forum for indigenous leaders. The Fono consisted of an upper chamber, the House of Ali'i, composed of twelve high chiefs and a lower chamber, the House of Representatives, composed of fifty-four members, of whom fifty-two were selected according to the traditional Samoan matai<sup>15/</sup> or chief system, and two were elected by balloting among those American Samoans not living under the matai system. However, as it was granted only an advisory capacity, this body had little practical influence on the administration of the territory.

With the adoption of the Constitution of American Samoa by referendum on 27 April 1960 and its ratification by the Secretary of the Interior on 17 October 1960, a legislature was created with limited powers of legislation. Consisting of a Senate and a House of Representatives, the new body was authorized to pass bills only with respect to subjects of local application and was specifically prohibited from passing revenue bills.<sup>16/</sup> Moreover, the Constitution forbade the legislature from enacting legislation which was inconsistent with the laws of the United States applicable in American Samoa or in conflict with treaties or international agreements of the United States Government.<sup>17/</sup>

The Governor was given the power of vetoing bills passed by the legislature and any bills passed over his veto were subject to approval or disapproval by the Secretary of the Interior.<sup>18/</sup> The Governor with the approval of the Secretary of the Interior, could also declare a bill passed if he designated it as urgent and the legislature failed to pass it "in its original form or an amended form acceptable to the Governor."<sup>19/</sup>

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<sup>15/</sup> The aiga, or extended family, is the basic unit of society in which members are related by blood, marriage or adoption. Some aigas are very small, consisting of only a few members while others consist of more than 200 kinsmen. Each aiga is headed by a matai, or chief who is selected by the unanimous agreement of the adult members of the family. The matai is responsible for directing the communal economy and, as such, controls the family land and other assets.

<sup>16/</sup> The Constitution of American Samoa (promulgated by the Secretary of the Interior, 17 October 1960), Article II, Section 1. For a detailed analysis of the applicability of the United States Constitution to the territory see The Journal of International Law and Economics, Vol. 9, "The Application of the American Constitution to American Samoa".

<sup>17/</sup> Ibid.

<sup>18/</sup> Ibid., Section 9.

<sup>19/</sup> Ibid., Section 3.



The Senate was composed of one member from each of the fourteen counties of the territory, who served for terms of four years, plus one additional member, elected on a rotating basis from the four counties in the Western District, who served for a two year term. The Constitution required each member to be "the registered head of a Samoan family",<sup>20/</sup> and provided for Senatorial elections "in accordance with Samoan custom", with each Senator being elected by the County Council of the county he was to represent.<sup>21/</sup>

The House of Representatives consisted of members elected on the basis of population in such ratio as provided by law. Each county was entitled to at least one member regardless of population and the Constitution limited the number of Representatives to a maximum of twenty-four.<sup>22/</sup> The adult permanent residents of Swains Island were authorized to elect one non-voting member to the House of Representatives.<sup>23/</sup> Members served for terms of two years.<sup>24/</sup>

Under the Constitution, the Senate and the House of Representatives were granted identical powers. Bills could originate in either House and could be amended, altered or rejected by the other. A majority of both Houses of the legislature voting in the affirmative was required for passage of a bill.<sup>25/</sup> The Governor was authorized to submit proposed legislation to the legislature for its consideration.

Since 1960, there have been two significant constitutional developments. First, in 1967, the 1960 Constitution was revised.<sup>26/</sup> This revised Constitution, which serves as the legal basis of government in the Territory today, retains the same governmental structure of separate executive, legislative and judicial branches as the 1960 Constitution and, in general, makes only minor alterations in the 1960 document. Its main change is an extension to the legislature of the power to appropriate funds raised from local revenues and to play a

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<sup>20/</sup> Ibid., Section 3.

<sup>21/</sup> Ibid., Section 4.

<sup>22/</sup> Ibid., Section 2. In 1965, there were 17 voting members and one non-voting member from Swains Island.

<sup>23/</sup> Ibid.

<sup>24/</sup> Ibid., Section 6.

<sup>25/</sup> Ibid., Section 9.

<sup>26/</sup> The Revised Constitution of American Samoa (promulgated by the Secretary of the Interior, 1 July 1967).

role in the preparation of the Territory's annual budget. <sup>27/</sup>

The revised Constitution is more precise in its terms regarding the Composition of the legislature than the 1960 Constitution. It provides that the Senate shall be composed of eighteen members, three from the Manu'u District, six from the Western District and nine from the Eastern District, and that the House of Representatives shall consist of twenty voting members elected from seventeen representative districts and a non-voting member from Swains Island. <sup>28/</sup> Senators serve for four-year terms, Representatives for terms of two years. The election procedures remain unchanged from the 1960 Constitution.

The legislature holds two regular 40-day sessions each year, with special sessions upon request of the Governor. <sup>29/</sup> Business in the two Houses is conducted in Samoan and later translated into English.

As in the case of the 1960 Constitution, the revised Constitution does not provide for a delineation of power between the two Houses.

The second significant constitutional development was a 1977 amendment to the 1967 Constitution, vesting the executive power in a Governor and Lieutenant Governor elected by the people. <sup>30/</sup> However, even though the Governor is no longer "appointed as provided in the laws of the United States", he still performs "his duties under the general supervision of the Secretary of the Interior." <sup>31/</sup>

The 1967 revised Constitution retains the same judicial structure as established in 1960. The judicial power is vested in a High Court, presided over by a Chief Justice, with unlimited jurisdiction, five district courts, a small claims court and such other courts as may be

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<sup>27/</sup> Ibid., Article II, Section 1. The Constitution requires the Governor to submit a preliminary budget plan to the legislature in joint session for its review and recommendations prior to submitting the annual budget request for Federal funds for administration of the territory to the Secretary of the Interior. Any recommendations of the legislature which are not adopted by the Governor must be transmitted to the Secretary for his consideration.

<sup>28/</sup> Ibid., Article II, Section 2.

<sup>29/</sup> Ibid., Section 8.

<sup>30/</sup> Ibid., Article IV, Section 1, as amended by U.S. Department of the Interior Order No. 3009.

<sup>31/</sup> Ibid., Section 1.

created by law. <sup>32/</sup> The Chief Justice is appointed by the U.S. Secretary of the Interior. Associate judges are appointed by the Governor on the recommendation of the Chief Justice. Appeals may be taken from the district courts to the High Court. No provision is made for appeals from the High Court to the Courts in the United States.

The Constitution contains a Bill of Rights enforceable before the Courts. <sup>33/</sup>

In 1970, the legislature created the position of Delegate-at-Large to Washington, D.C. to serve as a liaison with the U.S. Government. Unlike the delegates-at-large from Guam and the United States Virgin Islands, the delegate from American Samoa does not have the official privilege to attend committee meetings or to maintain an office in a government building. <sup>34/</sup> The delegate is maintained by the American Samoan Government at its own expense.

The Constitutional amendment providing for the election of the Governor and Lieutenant Governor was approved by a large majority of the electorate (3,044 in favour, 1,366 opposed) in a plebiscite on 31 August 1976. The amendment was ratified on 13 September 1977 by the Secretary of the Interior, who issued an Order <sup>35/</sup> authorizing an election on 8 November 1977. <sup>36/</sup>

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<sup>32/</sup> Ibid., Section 2.

<sup>33/</sup> Ibid., Article I. A unique feature of the Bill of Rights is Section 3 which provides that "it shall be the policy of the Government of American Samoa to protect persons of Samoan ancestry against alienation of their lands and the destruction of the Samoan way of life and language, contrary to their best interests".

<sup>34/</sup> In 1976, U.S. Representative Spark M. Matsunaga of Hawaii introduced a bill (House Resolution No. 12740) in the U.S. Congress which would grant the delegate of American Samoa the same status as that accorded the delegates from Guam and the United States Virgin Islands. This bill is still under consideration by the U.S. House of Representatives Committee on Interior and Insular Affairs.

<sup>35/</sup> Department of the Interior Order No. 3099.

<sup>36/</sup> The Omnibus Local Government Act of 1977, which was passed by the American Samoan legislature to provide the necessary enabling legislation for the election, stipulated that the first gubernatorial election would be held on 8 November 1977, but that thereafter, elections would coincide with U.S. Presidential elections. The act also contained provisions regarding the salary, general qualifications and powers of the elected executives. It provided that the candidates for Governor and Lieutenant Governor would be nominated jointly and elected together as a team by a majority of the votes cast by qualified electors.

Three similar proposals had been rejected by the people of American Samoa in 1972, 1973 and 1974, reportedly out of a fear that elected leaders would lead to the disintegration of the traditional chief system, a concern that federal funds would be less forthcoming with a non-appointed Governor, and a general anxiety about the responsibilities of self-government. Another factor might have been the fact that the question of the popular election of Governor and Lieutenant Governor had been linked in the ballot with other issues. By 1976, however, as the movement towards nationhood continued to grow in the Pacific, American Samoan public opinion had shifted in favour of popularly elected officials. Shortly after Governor Earl B. Ruth was recalled to Washington for characterizing the people of American Samoa as "lazy, thieving liars", <sup>37/</sup> the people reached their decision to free themselves of Washington appointees.

In June 1977, former Governor Rex Lee, who, it was felt by Washington, "could rally the people of American Samoa around the U.S. flag, so that there (would be) no danger of breaking away from the United States," <sup>38/</sup> returned to the territory as its last appointed Governor. During the first two weeks of October 1977, voter registration took place, as registration teams visited villages throughout the islands to enroll eligible voters.

Seven gubernatorial candidates entered the race and conducted active election campaigns. In the first balloting on 8 November 1977, no candidate received more than 50 per cent of the votes and, as a result, a runoff election was held on 22 November 1977 between the two leading candidates, Mr. Peter Tali Coleman and Mr. A.P. Lutali. In the second balloting, Mr. Coleman, a 58 year old former appointed Governor, <sup>39/</sup> defeated Mr. Lutali (3,326 votes to 2,627) to become the Territory's first popularly elected Governor. To preserve the anonymous nature of the election, no record was kept of the vote in the individual districts and all of the ballots were counted together with only the figures giving the total vote for the Territory being released.

Governor Coleman was inaugurated on 3 January 1978.

One of the new Governor's first recommendations was for the establishment by the legislature of a representative political status committee with a clear mandate to review, study and report on the options for the future political status of the Territory.

Since 1977, a joint body consisting of representatives of the State

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<sup>37/</sup> Pacific Daily News, 25 November 1977.

<sup>38/</sup> Pacific Islands Monthly, October 1977.

<sup>39/</sup> Mr. Coleman served from October 1956 to 24 May 1961.

of Samoa and of American Samoa have held meetings on an ad hoc basis to consider mutual problems such as immigration, agriculture, fisheries, crime, health and other matters.

#### IV. ECONOMIC, SOCIAL AND EDUCATIONAL CONDITIONS

American Samoa is an economically underdeveloped Territory with most of the population engaged in subsistence farming.

For those in salaried occupations, the principal employer is the territorial government which employs about half of the work force. The second largest employer is the fishing industry which dominates the economic life of the Territory. In 1977, it accounted for over 90 per cent of all exports and was responsible for the Territory's favourable balance of trade. In 1977, imports were U.S. \$54.9 million, exports, U.S. \$81.2 million. <sup>40/</sup>

The fishing industry is largely controlled by the Van Camp Sea Food Company of the United States, which took over the Pago Pago factory in 1954 and Star Kist Samoa, Inc., also of the United States, which began operations in the Territory in 1963. Fishing boats from the Republic of Korea and other Asian countries supply the canneries.

A local fleet of more than 20 small craft catches an estimated 100,000 kilograms of fish each year for local consumption.

While noting the importance of the fishing industry to the economy, Governor Coleman emphasized in his 1978 State of the Territory Address, the need for economic diversification and encouraged the construction of the necessary infrastructure for the tourist and manufacturing industries. Since 1974, the Government has invested in roads, water projects, sewage systems, power projects, airport and harbour construction, the telephone system, educational buildings, health services and other capital works. In addition, some economic diversification has taken place. For instance, the Pacific Time Corporation a subsidiary of the Bulova Watch Company produces watches for export and the Sultan Jewellery Company of Hawaii operates a small manufacturing plant. In fiscal year 1976, however, exports from these two industries represented only 5.10 per cent of the Territory's total exports.

The Government is financed by local revenue, grants-in-aid and special purpose grants from the United States. The 1977/78 budget was

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<sup>40/</sup> The official currency in the territory is the U.S. dollar.

U.S. \$42.2 million, which included U.S. \$20.6 million in direct appropriations from the United States Congress and grants-in-aid from the Department of the Interior; U.S. \$9.7 million in other Federal grants; U.S. \$9.2 million in basic local appropriations; and, U.S. \$868,000 in matching grant appropriations.

The rise of trade-unionism has been slow. The first experiment took place in 1975 when the United Cannery and Industrial Workers of the Pacific Union of the United States, a trade union affiliated with the AFL-CIO, <sup>41/</sup> sent representatives to the territory to organize the local cannery workers. In an election held on 23 October 1975, Van Camp Sea Food Company employees voted 383 to 187 for unionization. In a similar election held on 13 November 1975, the employees of Star Kist Samoa rejected the union by a vote of 366 to 130. <sup>42/</sup>

More than 96 per cent of the land is communally owned, with its use and occupancy regulated by Samoan custom. Of the remaining land, 506 hectares belong to the Government and a small area is owned in fee simple by individuals. Alienation of indigenous land is prohibited by law and, subject to approval by the Governor, may be leased for periods of no more than forty years.

The educational system is patterned on eight years of elementary school and four years of secondary training. In 1977 there were twenty-four public elementary schools, and four private elementary schools, four public secondary schools <sup>43/</sup> and two private secondary schools. There was also one community college with an enrolment of 828 students, including 531 regular students, 265 vocational students and 32 student nurses.

The 1978 Statistical Bulletin, compiled by the Development Planning Office of the Government of American Samoa, reported that while "high schools graduate 400-500 students each year, more than half of these students leave the island, through joining the Armed Forces or going to families in the mainland," causing American Samoa to lose "much of its developed human resources." <sup>44/</sup>

Total expenditure by the Department of Education for fiscal year 1977 was U.S. \$7,823,623. <sup>45/</sup>

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<sup>41/</sup> American Federation of Labour-Congress of Industrial Organizations.

<sup>42/</sup> Pacific Islands Monthly, January 1976.

<sup>43/</sup> Until the end of World War II, American Samoans had to leave the territory for a high school education.

<sup>44/</sup> American Samoa Statistical Bulletin 1978, p. 11.

<sup>45/</sup> American Samoan Annual Report, 1977, p.58.

By 1978, 90,000 American Samoans were reported to be living abroad. Of these, approximately 45,000 had migrated to Hawaii and the West Coast of the United States in search of better economic and educational opportunities. As a consequence, there are more American Samoans living abroad than at home. This development has created a brain drain and a labour shortage in the Territory, resulting in the importation of foreign workers. <sup>46/</sup>

Total expenditure by the Department of Health for fiscal year 1977 was U.S. \$4,015,500. <sup>47/</sup>

## V. ACTION BY THE UNITED NATIONS

### A. Consideration by the Special Committee on Decolonization

American Samoa was included on the original 1946 list of Non-Self-Governing Territories. <sup>48/</sup> In 1962, it was placed on the list of territories governed by the Declaration on the Granting of Independence to Colonial Countries and Peoples, <sup>49/</sup> and as such, it has been considered by the Special Committee responsible for monitoring the implementation of the Declaration.

From 1964 until 1977 the Special Committee, in a series of conclusions and recommendations, has repeatedly reaffirmed the right of the people of American Samoa to self-determination and independence and reiterated the view that factors of size, geographic location, population and limited natural resources should in no way delay the implementation of the Declaration on Decolonization to the Territory.

The Special Committee has consistently urged the Administering Power to speed up the transfer of executive responsibilities to the elected representatives of the people of American Samoa and to expand the functions and powers of the legislature. In 1977, the Special Committee noted with satisfaction the decision of the people of the Territory to elect their own Governor and Lieutenant Governor and urged the Administering Power to grant the elected Governor as wide a range of powers and responsibilities as possible, consistent with its obligations under Article

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<sup>46/</sup> Pacific Daily News, 4 November 1975.

<sup>47/</sup> American Samoan Annual Report, supra, p. 25.

<sup>48/</sup> General Assembly Resolution 66(I). See Decolonization Vol. II, No. 6 of December 1975, Table I.

<sup>49/</sup> Ibid., Table III.

73 (b) of the Charter to advance self-government in its dependent territories.

In 1977, the Special Committee, having studied reports of the possibility of the United States Congress enacting an Organic Act defining the relationship of the Territory to the United States Federal Government, expressed its view that the Administering Power ought not to proceed with any such legislation without having informed the people of the Territory of the options open to them consistent with the Declaration on Decolonization, having consulted fully with the people and having obtained their agreement.

The Special Committee has consistently stressed the need to diversify the economy and to introduce stronger measures to control land alienation and to improve educational programmes in the Territory with particular emphasis on maintaining indigenous cultural traditions.

The Special Committee has repeatedly urged the Administering Power to allow a special mission of the Committee to visit the Territory in order to obtain first-hand information on the conditions existing in the Territory and to ascertain the wishes and aspirations of the people concerning their future. Up to the end of 1976, the Administering Power had refused to allow a mission to visit the Territory. In 1977, the Special Committee noted a change in the attitude of the United States Government on the question of receiving United Nations visiting missions to its territories. As of 1978, no mission has yet been invited to the Territory.

#### B. Action by the General Assembly

The General Assembly considered the question of American Samoa in the context of its annual discussion of the report of the Special Committee on Decolonization. Beginning in 1965 and up to 1974, the Assembly adopted a series of resolutions concerning a variety of small territories, in the Caribbean, the Atlantic and Indian Oceans and the Pacific. <sup>50/</sup> The resolutions, inter alia, called upon the Administering Powers to implement without delay the relevant resolutions of the General Assembly and of the Declaration on Decolonization in particular; re-affirmed that questions of territorial size, geographical isolation and limited resources should in no way delay the implementation of the Declaration; deprecated any attempt aimed at the partial or total disruption of the national unity and territorial integrity of colonial

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<sup>50/</sup> See resolutions 2069 (XX), 2232 (XXI), 2357 (XXII), 2430 (XXIII), 2592 (XXIV), 2709 (XXV), 2869 (XXVI), 2984 (XXVII), 3156 (XXVIII), and 3290 (XXIX).



Territories; urged the Administering Powers to guarantee effectively the rights of the people of those Territories to own and dispose of their natural resources; and called upon those Powers to reconsider their attitude towards receiving United Nations visiting missions to the territories under their administration.

In 1975, the General Assembly adopted a resolution dealing with American Samoa, Guam and the United States Virgin Islands together <sup>51/</sup> and, in 1976 and 1977, the Assembly adopted specific resolutions dealing solely with the question of American Samoa. <sup>52/</sup> The resolutions, after reaffirming the inalienable right of the people of the Territory to self-determination and independence and calling on the Government of the United States of America in consultation with the freely elected representatives of the people of the Territory to take the necessary steps for the full and speedy implementation of the Declaration on Decolonization, called on the Administering Power to take all possible steps to diversify the Territory's economy, urged it to take measures to guarantee the inalienable right of the people to own and dispose of their natural resources and to establish and maintain control of their future development, and requested it to enlist the assistance of the specialized agencies and other organizations within the United Nations system in accelerating progress in all sectors of the national life in American Samoa. Additionally, the 1977 resolution urged the Administering Power to continue its efforts to preserve the culture and identity of the people and foster close relations and co-operation with neighbouring island communities. It also welcomed the positive attitude of the Administering Power with respect to receiving a United Nations visiting mission.

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<sup>51/</sup> General Assembly Resolution 3429 (XXX)

<sup>52/</sup> Resolutions 31/55 and 32/24. For the text of the last resolution see Annex I.

ANNEX I

GENERAL ASSEMBLY RESOLUTION 32/24 OF 28 NOVEMBER 1977

The General Assembly,

Having considered the question of American Samoa,

Having examined the relevant chapters of the report 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, <sup>a/</sup>

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to American Samoa,

Taking into account the statement of the Administering Power relating to developments in American Samoa, <sup>b/</sup>

Conscious of the need to promote progress towards the full implementation of the Declaration with respect to American Samoa,

Bearing in mind the constructive results achieved as a consequence of previous visiting missions to Non-Self-Governing Territories and reiterating its conviction that the dispatch of such visiting missions is essential for securing adequate and first-hand information in regard to the conditions prevailing in those Territories and to the views, wishes and aspirations of the peoples therein with respect to their future status,

Mindful that American Samoa requires the continued attention and assistance of the United Nations in the achievement by its people of the objectives embodied in the Charter of the United Nations and in the Declaration,

Aware of the special circumstances of the geographical location and economic conditions of American Samoa, and stressing the necessity of diversifying its economy as a matter of priority in order to reduce its dependence on fluctuating economic activities,

1. Approves the chapter of the report of the Special Committee

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a/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), Vol. 1, Chap. III and Vol. III, Chap. XXI.

b/ Ibid., Thirty-second Session, Fourth Committee, 17th meeting, paras. 47-50.

on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to American Samoa; <sup>c/</sup>

2. Reaffirms the inalienable right of the people of American Samoa to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Reaffirms its conviction that questions of territorial size, geographical location and limited resources should in no way delay the implementation of the Declaration with respect to American Samoa;

4. Calls upon the Government of the United States of America, as the Administering Power, in consultation with the freely elected representatives of the people, to continue to take all the necessary steps to ensure the full and speedy attainment of the goals set forth in the Declaration with respect to the Territory;

5. Urges the Administering Power to continue its efforts to ensure that the culture and identity of the people of the Territory continue to be reflected in the Government and administration of the Territory and preserved to the fullest extent;

6. Urges the Administering Power to continue to foster close relations and co-operation with neighbouring island communities;

7. Calls upon the Administering Power to take all possible steps to diversify the economy of American Samoa and to work out concrete programmes of assistance and economic development for the Territory;

8. Welcomes the positive attitude of the Administering Power with respect to the receiving of United Nations visiting missions and requests the Chairman of the Special Committee to continue his consultations with a view to the dispatch of such a mission to the Territory;

9. Urges the Administering Power, with the co-operation of the Government of American Samoa, to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures which guarantee the right of the people to own and dispose of those natural resources and to establish and maintain control of their future development;

10. Requests the Administering Power to continue to enlist the assistance of the specialized agencies and other organizations within the United Nations system in accelerating progress in all sectors of

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<sup>c/</sup> Ibid., Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), Vol. III, Chap. XXI.

the national life in American Samoa;

11. Requests the Special Committee to continue to seek the best ways and means for the implementation of the Declaration with respect to American Samoa, including the possible dispatch of a visiting mission in consultation with the Administering Power and in accordance with the wishes of the people of the Territory, and to report to the General Assembly at its Thirty-third session on the implementation of the present resolution.

