

## The Open Gap in the “Free and Open” Indo-Pacific

By Dr. Kenneth Gofigan Kuper

The Indo-Pacific Strategy (IPS) opens with President Biden’s words at the Quad Leader’s Summit: “The future of each of our nations, and indeed the world, depends on a free and open Indo-Pacific flourishing in the decades ahead.” The emphasis on a free and open Indo-Pacific maintains the “rules-based international order” label wherein the United States aims to strengthen democratic institutions, the rule of law, and accountable democratic governance.

My home island, Guam, serves as a core, strategic location for the execution of US defense strategy to deter China and promote a free and open Indo-Pacific. This reality is reflected in our latest moniker, “The Forward Edge of the Indo-Pacific.” The island serves as a point of deterrence and a means to reassure allies in the Indo-Pacific. Entangled with this, the Chinese made it clear that Guam is a target. Guam, a mere 212 square miles, has 27% of its land currently occupied by the US military, inclusive of bases for the Air Force, the Navy, and the first Marine Corps base to be activated since 1952, Camp Blaz.

Guam holds these multiple roles while being a modern-day colony of the United States; one of the few non-self-governing territories left in the world. Under US law, Guam is an unincorporated territory of the United States, along with other territories such as the US Virgin Islands, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and American Samoa. The Organic Act of Guam, only passed by the US Congress in 1950 after decades of local initiatives and petitions for a civilian government, provided for a local government. Still, the island did not have an elected governor until the enactment of [additional federal legislation in 1968](#). Even so, Guam remains a territory under the Plenary power of the United States Congress as prescribed in the Territorial Clause of the United States Constitution. Guam only has non-voting representation in the House of Representatives and no representation in the Senate or the Electoral College. Per capita, the residents of Guam enlist in the US military at higher rates than their counterparts in most US states, but they cannot vote for America’s Commander-in-Chief. Ultimately, Guam exists as a possession of the United States, rather than an integral part of it.

Due to these complex contradictions, Guam is a challenge to the IPS. The native inhabitants of Guam have not been given the freedom to exercise their right to self-determination. Self-determination is a human right and a cardinal international norm that challenges the anachronism of colonialism. For non-self-governing territories, this means transitioning to a political status that reaches a “full measure of self-government.” In Guam, this means either being fully integrated with the country as a US state, freely associated with the United States, or becoming an independent country. While opinions and preferences diverge among Guam’s decolonization advocates, any of these forms of self-government would serve as a modernization of Guam’s relationship with the United States.

During United Nations proceedings, the United States expressed support for self-determination. However, in practice, safeguarding unilateral operationalism—the ability for the military to operate without the consent of any external power—leaves the United States at odds with certain expressions of self-determination. A free and open Indo-Pacific cannot be fully accomplished without resolving the paradox of

**Dr. Kenneth Gofigan Kuper**, Associate Professor at the University of Guam’s Micronesia Area Research Center and Director of the Pacific Center for Island Security, explains that “[t]he native inhabitants of Guam... have not been given the freedom to exercise their right to self-determination.”

the United States maintaining a modern-day colony, even though the local government supported moving forward with a decolonization process. The IPS stresses a baseline “where governments can make their own sovereign choices, consistent with their obligations under international law.” But in Guam, the opportunity to exercise sovereignty has not been presented. Even though there are local obstacles and differing opinions in Guam regarding decolonization, the US government, most recently via its legal system, has hindered the exercise of self-determination for the colonized people of Guam.

Former Guam Congressman Ben Blaz once said that the island is “equal in war, but not in peace,” which powerfully illuminated the democratic deficiencies in Guam’s unincorporated territory status.

Congressman Blaz’s words can be taken one step further to argue that Guam is also not equal in war. Guam bears a heavier national security burden relative to most US states, especially regarding prospective conflict with China. The weight of this obligation is especially apparent in the Enhanced Integrated Air and Missile Defense (EIAMD) System proposal. To realize the EIAMD System, the US military seeks to unilaterally establish an experimental defense system in Guam. So far, the process has been riddled with a lack of transparency and an information deficit.

Ultimately, the US treatment of Guam for the execution of the IPS is rife with democratic deficiencies. This contradiction needs to be remedied. Progress on this front will demonstrate the United States’ true commitment to a free and open region by acting in ways more consistent with the rules-based international order. It would demonstrate that the United States is a Pacific country by choice, not coercion. This rules-based order can appear to be what Peter Harris calls, “a bundle of unevenly applied rules and institutions that do not necessarily say much on what that order is, who is creating the rules, and whether the rules are biased and selectively applied.”

To begin remedying the uneven application of “rules,” I recommend the US State Department authorize and support a UN Visiting Mission to Guam to accelerate the island’s decolonization process. Additionally, I welcome Congressional action that allows the colonized people of Guam to vote for a political status that equates to a full measure of self-government. Guam helps the United States actualize its “ironclad” commitment to the region; will the United States have an ironclad commitment to resolving its colonial legacy? Addressing this legacy will help the region be more open and free.

President Biden said, “A great deal of the history of our world is going to be written in the Indo-Pacific over the coming years and decades.” For the indigenous [CHamoru](#) people of Guam, who remain colonized, we should ask when it comes to writing Guam’s future, “Who holds the pen? Are we main characters or supporting cast? And ultimately, what happens to us in the story?” Only time will tell.

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"For many of us in Guam, a free and open Indo-Pacific cannot be fully accomplished without resolving the paradox of the United States maintaining a modern-day colony even though the local government has supported moving forward with a decolonization process."