

Political Reviews

Micronesia in Review: Issues and Events,
1 July 2016 to 30 June 2017

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FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) enjoyed a season of calm during the period under review, certainly in contrast to the tumult of recent years. But in foreign relations, the federation grappled with temperamental and tempestuous regional and international forces, even as it attempted to enhance its stature as a constructive member of the international community.

Two major developments dominated the foreign side of the ledger for the FSM during the period in review: the assumption by the FSM government of the chair of the Pacific Islands Forum, an intergovernmental grouping of independent and self-governing states in the Pacific (including Australia and New Zealand) whose stated aim is to enhance the economic and social well-being of its members through cooperation between those governments and relevant regional and international agencies (PIFS 2017); and an escalation of efforts by the Government of Guam to address the growing number of inmates in Guam prisons from the FSM, including through unprecedented and legally questionable means. In each situation, the FSM attempted to navigate various thorny issues while projecting an aura of authority and

independence, with varying degrees of success.

The assumption of the chair of the Forum—a one-year term—was a diplomatic and political coup for the FSM, marking the first-ever chairing of the Forum by the FSM government, but it was nearly derailed before it began. When a Forum member assumes the chair, it typically hosts all other Forum members in its territory for a major annual meeting. The gathering is a significant logistical challenge, where the new chair welcomes not just the Forum members from the Pacific but also “dialogue partners” from around the globe, including the United States, China, and Japan. The FSM was slated to host the forty-seventh meeting of the Forum from 7 to 11 September 2016 in Pohnpei. A few months before the meeting, however, FSM government officials publicly expressed concerns about the logistical capacity of Pohnpei to host the meeting, particularly in terms of lodging. In response, the FSM government asked foreign delegations attending the meeting to limit their delegations to heads of state or heads of government, their spouses, and five support personnel for each delegation—a tall task for Forum members such as Australia and New Zealand, as well as the major dialogue partners, all of which typically bring large delegations and hordes of media personnel to the annual Forum meetings (KP, 23 June 2016).

By the time the Forum meeting

rolled around, the FSM government seemed to have addressed the logistical hassles involved—including by enlisting homestays to accommodate excess participants—and so the government was able to turn its attention to substantive discussions. The meeting’s official theme was “Small and Far: Challenges for Growth” (Wyeth 2016). In addressing the theme, the meeting tackled a wide range of regional issues, including fisheries, maritime surveillance, PACER-Plus trade negotiations, the 2030 Agenda for Sustainable Development, and climate change (FSMIS, 19 Sept 2016). On climate change, the smaller, developing members of the Forum banded together to push for a proposal from the Forum to the Green Climate Fund, which is a mechanism under the United Nations Framework Convention on Climate Change (UNFCCC) that finances adaptation and mitigation projects. Stressing the difficulty they experience in accessing the Green Climate Fund and similar funds, these members called on the developed members of the Forum (ie, Australia and New Zealand) to assist them in their efforts to access the funds (RNZ 2016a). Additionally, and of more immediate consequence, the Forum Leaders endorsed the Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP). With memories of widespread devastation from Typhoon Maysak and Cyclones Pam and Winston still fresh in the minds of Forum members, the FRDP casts climate change and natural disasters as potent development challenges and calls on Forum members to address

vulnerabilities to climate change and disasters and to mainstream relevant management approaches throughout their policy making in all sectors, ideally in time for the entry into force of the Paris Agreement on climate change (PIFU 2016a). The FSM government was already well situated to carry out the FRDP, because the FSM had enacted a law in January 2014 that called on all departments and line agencies of the FSM government to incorporate climate change and natural disaster risk management into their annual budgeting and policy making (FSMIS, 9 Jan 2014). The adoption of the FRDP was an example of the FSM government using its position as chair of the Forum to push for an issue of importance and relevance for the FSM—and whose operationalization would not be a major new burden for the FSM government.

Forum Leaders also adopted the Pohnpei Ocean Statement: A Course to Sustainability. In acknowledgment of the centrality of the ocean to the cultures, identities, and livelihoods of Forum members, the document canvasses various threats to the ocean and to its potential uses for sustainable economic development, including marine pollution; ocean acidification; coral reef degradation; and illegal, unreported, and unregulated fishing. It calls for the enactment and perpetuation of genuine and durable “partnerships for action” in relation to ocean-based sustainable development, as articulated in the SAMOA Pathway adopted by the Third International Conference on Small Island Developing States in 2014 (UN Conference on Small Island Developing States 2014). The Pohnpei Ocean Statement also

endorses the convening of an inter-governmental conference to negotiate an international legally binding instrument to regulate the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (eg, the high seas), in order to address major gaps in international ocean governance (PIFS 2016b). The FSM has been a major player in the push for such a conference, including in negotiations at the United Nations.

In addition to advocating for the adoption of two major outcome documents, the FSM officially joined the Smaller Island States (SIS), a subgroup of Forum members (ie, Cook Islands, Kiribati, Marshall Islands, Nauru, Niue, Palau, and Tuvalu, in addition to the FSM) established in 2006 to facilitate the provision of technical, logistical, and financial assistance to Forum members characterized by limited development capacities and fragile and vulnerable natural environments (PIFS 2016b). FSM President Peter M Christian called the induction of the FSM a “great honour” that the FSM had “wanted for a long time” (Maclellan 2016). With the FSM seated, the SIS tackled several critical issues, including the development and broadening of regional air transport options (eg, Air Niugini and Air Nauru service into the FSM) and the crafting of a joint proposal of SIS members to the Green Climate Fund, all in accordance with a regional strategy adopted by the SIS earlier in 2016 (PIFU 2016b).

The Forum meeting was not all smooth sailing, however. The question of how to address the self-determination struggles of the people of

West Papua tested the ability of the FSM as Forum chair to corral divergent views and produce a consensus outcome. With various governmental and nongovernmental organizations in the region pushing for broad and sustained involvement of the Forum in the issue, there was general recognition among Forum members that the Forum meeting in Pohnpei had to address the matter in some substantive form (RNZ 2016b).

Prior to the holding of the annual Forum meeting, the FSM gave a hint of how it might approach the issue as chair. On 23 August 2016, President Christian received a delegation dispatched by the Government of Solomon Islands to inform him about the Pacific Islands Coalition for West Papua (an initiative spearheaded by the Prime Minister of Solomon Islands, the Honorable Manasseh Sogavare), and to invite President Christian to attend the inaugural meeting of the coalition the following week. Solomon Islands has taken the lead in recent years in pushing for international support for the self-determination aspirations of the people of West Papua, as well as for international condemnation of alleged human rights abuses suffered by the people of West Papua (including bodily harm in addition to the stifling of self-determination initiatives) at the hands of the Government of Indonesia, the administering authority in West Papua (Wyeth 2017). Recognizing that reality, President Christian’s response to the delegation took two tacks: On the one hand, self-determination should be a matter resolved internally and with the support and involvement of all concerned parties;

but on the other hand, human rights are universal rights that must not be denied to any people, and the international community must not condone human rights abuses. On the latter point, President Christian expressed a willingness to support Forum efforts to work with the United Nations in addressing the alleged human rights abuses suffered by the people of West Papua (FSMIS, 9 Aug 2016). How that approach would comport with a preference to resolve the West Papua situation internally was a tension left unresolved by President Christian in his remarks to the delegation. Nevertheless, he set the stage for how the Forum meeting would address the issue of West Papua shortly thereafter.

After extensive discussions on the matter, the Forum Leaders issued a terse consensus statement. The official communiqué from the meeting states that Forum Leaders “recognised the political sensitivities of the issue of West Papua (Papua) and agreed the issue of alleged human rights violations in West Papua (Papua) should remain on their agenda. [Forum] Leaders also agreed on the importance of an open and constructive dialogue with Indonesia on the issue” (PIFS 2016a). The statement is notable for several reasons (other than its terseness): It does not explicitly mention the self-determination aspirations of the people of West Papua, it implicitly affirms Indonesia’s authority over the people of West Papua, and it does not recommend a specific way forward on the matter. The tension in President Christian’s remarks to the delegation from Solomon Islands the previous month seemed to have been resolved in favor of careful deference

to Indonesia and internal processes rather than substantive involvement of the Forum in the matter. The silence of the FSM on the issue was notable. Indeed, later in September, during the opening of the General Debate of the 71st United Nations General Assembly in New York City, while leaders from Solomon Islands, Tonga, Nauru, Tuvalu, Vanuatu, Marshall Islands, and Palau expressed support for the self-determination of the people of West Papua and called on the international community (including various mechanisms in the United Nations) to address their alleged human rights abuses (Walsh 2016), President Christian did not mention West Papua in his speech to the General Assembly, either as chair of the Forum or in his national capacity (FSMIS, 21 Sept 2016).

As the FSM government attempted to present an assured hand when dealing with regional tensions as Forum chair, it struggled to handle a matter brewing much closer to home: the “deportation” of FSM migrants from Guam’s jails back to the FSM. In early July 2016, during a radio address discussing the relationships between Guam, the FSM, and other countries that have Compacts of Free Association with the United States, Guam Governor Eddie Calvo called for an end to compact migrants taking advantage of the US federal government’s lax enforcement of deportation provisions of the compact with regard to those compact migrants who do not abide by local and federal laws. Stressing the disproportionate number of compact migrants in Guam’s prisons, Governor Calvo promised to formally contact the FSM government to try to

work out an arrangement for returning migrants from the FSM in Guam's jails back to the FSM (*PDN*, 11 July 2016).

On 10 July 2016, shortly after the radio address, Governor Calvo escalated his efforts by "deporting," for the first time, an inmate from the FSM back to the FSM. In what was labeled a "test case," Calvo invoked his "residual authority" under the Organic Act and signed an executive order that authorized the Guam government to pay for a one-way ticket for the inmate to his home state of Chuuk in exchange for commuting the inmate's sentence as well as for an agreement by the inmate to never return to Guam. A spokesperson for the governor claimed that the Calvo administration had tried to get officials and entities in the US government to address the issue of possible deportations of convicts back to the FSM, but to no avail. In light of that inaction, and because the convict met all the criteria for deportability—he had no local source of support, he was not attending a school, he had multiple felony convictions, and he was a public charge—Governor Calvo acted in lieu of federal authorities to deport the inmate (*GDP*, 14 July 2016).

Governor Calvo's action received support from a local legislator, Senator Rory Respicio of the Guam Legislature, who introduced a resolution on 15 July 2016 stating that the US government "consistently neglected to adequately enforce the provisions of the [compact] . . . and has not taken the necessary steps for the removal and deportation of those foreign criminals who are engaging in criminal activity" in Guam. The resolution

supported Governor Calvo's use of his Organic Act authority to act in lieu of federal authorities to deport convicted felons (*GDP*, 18 July 2016). Notably, however, Guam Attorney General Elizabeth Barrett-Anderson had notified the Guam Legislature on 8 July 2016 that the jurisdiction for deportation lies with the US federal government rather than at the state and local levels, and that deporting convicted migrants from Guam was not a priority for the federal government (*PDN*, 19 July 2016).

Perhaps because of that clarification from the attorney general, the Guam Legislature did not adopt Senator Respicio's resolution, but that did not deter Governor Calvo from forging ahead with his new approach and repatriating more FSM convicts from Guam (*PDN*, 22 July 2016). Tellingly, however, the Calvo administration stopped calling the actions "deportations." Instead, when the administration orchestrated the repatriation of another inmate (again from Chuuk), the governor's deputy press secretary stressed that the governor did not deport inmates, as that was the purview of the US government—rather, the Calvo administration entered into agreements with inmates to grant commutations (which were well within the authority of the governor) in exchange for voluntary and permanent departures from Guam (*GDP*, 26 July 2016). Attorney General Barrett-Anderson, while agreeing that the governor had the legal authority to commute sentences and enter into repatriation agreements with inmates, emphasized that she "disagreed . . . wholeheartedly" with the notion that the governor of Guam has the legal

authority to deport and warned Governor Calvo to “proceed cautiously” and in a “racially neutral” manner with his commutations initiative (*PDN*, 2 Aug 2016).

The Calvo administration’s actions triggered official responses from the FSM. On 19 August 2016, after a fifth convict returned to the FSM under Governor Calvo’s commutations initiative, Speaker Wesley W Simina of the FSM Congress wrote to President Christian to voice his concerns about the Calvo administration usurping the authority of the US government in conducting deportations “and anything that has the appearance thereof” (*PDN*, 4 Sept 2016). In early September 2016, Governor Calvo received a letter from FSM Consul General Robert Ruecho stating that the Office of the FSM Consulate General in Guam would no longer assist the Calvo administration in verifying the FSM citizenship of convicts whose sentences were commuted by Governor Calvo and who were slated for repatriation to the FSM. Without that verification, the convicts could not be readmitted into the FSM. On 6 September 2016, Governor Calvo responded to Speaker Simina with a letter explaining his commutations initiative and asking the FSM government to work with Guam in protecting the people of Guam and to “take responsibility for those who have abused [Guam’s] hospitality . . . and soiled the reputations of those law-abiding men and women of Micronesia living on Guam” (*GDP*, 7 Sept 2016).

Governor Calvo’s communication with Speaker Simina was just a warm-up, though. The governor followed up shortly thereafter with a letter to Presi-

dent Christian that contained striking language. Pointing to the challenges of Guam and the FSM in “shepherding societies scorned by subjugation by imperial masters,” Calvo implored President Christian to reconsider the refusal of the Office of the FSM Consulate General to assist Calvo’s commutations initiative and warned that if the office did not change its tack, the governor would declare Consul General Ruecho persona non grata in Guam (*PDN*, 8 Sept 2016).

With a major diplomatic crisis brewing, President Christian authorized FSM Department of Foreign Affairs Secretary Lorin Robert to communicate to Governor Calvo the FSM government’s concerns about the commutations initiative, including whether the convicts from the FSM went through proper due process, in full understanding, before agreeing to return to the FSM in exchange for commutations of their sentences, as well as whether it was appropriate for the Office of the FSM Consulate General in Guam to provide the necessary citizenship verification rather than the FSM Department of Justice. The Calvo administration responded with incredulity, noting that it was the FSM that was denying due process to its own citizens who wished to return to the FSM and that the Office of the FSM Consulate General had aided the commutations initiative on numerous occasions in the past (*GDP*, 12 Sept 2016).

Eventually, cooler heads prevailed. Shortly after the diplomatic row with the FSM erupted, Governor Calvo proceeded to commute the sentences of four more convicts from the FSM, bringing the total to nine by 1 October

2016, but his administration turned over those four convicts to the custody of US federal authorities for deportation proceedings rather than enter into repatriation agreements with them. Governor Calvo expressed satisfaction that the US government was finally treating the deportation of convicted compact migrants as a priority in Guam (*PDN*, 1 Oct 2016). The Calvo administration maintained their new approach for about a dozen more commutations throughout the rest of the period in review, as the Christian administration continued to refuse to assist in the original commutations-and-repatriation effort.

As the FSM tamped down regional crises, it took a number of strides to burnish its reputation on the international level as a champion for the protection of the natural environment. In October 2016, in Kigali, Rwanda, a delegation from the FSM led efforts by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer to adopt the Kigali Amendment, which aims to phase down the manufacture and use of hydrofluorocarbons (HFCs). HFCs—initially adopted as replacements for ozone-depleting substances in refrigeration and air-conditioning—are four thousand times more effective at warming the planet than carbon dioxide and are growing in usage by up to 15 percent per year. Phasing down the manufacture and use of HFCs will avoid up to 0.5 degree Celsius of global warming, playing a major role in meeting the goal in the Paris Agreement on climate change of keeping the average global temperature increase to no more than 1.5 degrees Celsius above preindustrial levels. The FSM, along with

Mauritius, had been the first country to propose amending the Montreal Protocol in 2009 to tackle HFCs, and the adoption of the Kigali Amendment on 15 October was a major diplomatic achievement for the FSM (Christian 2016). Indeed, when the Marshall Islands became the first country to ratify the Kigali Amendment domestically in February 2017, its minister for foreign affairs proclaimed that “the world owes a great debt to the Federated States of Micronesia in particular for their tireless leadership in securing this [Kigali] Amendment” (UNFCCC 2017).

In addition to its work on the Kigali Amendment, the FSM took steps to address environmental concerns closer to home but with international linkages. In July 2016, the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization inscribed the ruins of Nan Madol on its World Heritage List as well as its List of World Heritage in Danger. Nan Madol is a series of nearly one hundred towering edifices on the shores of the main island of Pohnpei, fashioned six hundred to nine hundred years ago out of basalt and coral boulders, that were the ceremonial center of a vast political dynasty. The inscription of Nan Madol as a World Heritage in Danger was owed to, among other things, the destabilizing effects of siltation and sea level rise on the structures along Pohnpei’s shores (*KP*, 22 July 2016). In mid-April 2017, in line with its previous creation of a shark sanctuary in its entire exclusive economic zone, the FSM enacted a law that doubled the area of its waters that would be closed to commercial fishing as regulated by

the FSM national government, that is, up to twenty-four nautical miles from the shores of the FSM out to sea (compared to the original distance of twelve nautical miles) (KP, 18 April 2017). Most of the commercial fishing in FSM waters is by foreign fishing fleets pursuant to lucrative annual licenses granted by the FSM national government, so the closure is a significant financial sacrifice for the FSM in the interest of environmental conservation. And, in late May 2017, the Government of Japan (represented by its embassy to the FSM) signed a grant contract worth over US\$850,000 to finance the first phase of a project by a Japanese outfit to assess leakages of oil from Japan's numerous World War II airplane and shipwrecks in the Chuuk Lagoon and take steps to implement emergency measures to address those leaks (Japan-FSM Embassy 2017). The effort had been a long-standing priority of the FSM, dating back to the Emanuel Mori administration (2007–2015), but the United States and Japan had long resisted entreaties by the FSM to take responsibility for assessing and addressing leaks from their wrecks in FSM waters—a resistance that was doubly troublesome because those countries retained the right under international law to grant access to their wrecks. Indeed, during the United Nations Ocean Conference in June 2017, President Christian called on the United States and Japan to do their part in preventing the looming environmental catastrophe in the federation's waters (RNZ 2017).

The actions of the FSM on the international stage were broad based and varied, interacting with numerous foreign entities and processes in

pursuit of diverse goals. However, the FSM's primary foreign partner and foil remained the United States, whose Compact of Free Association with the FSM provided grist for several major political developments (in addition to the controversy over "deportations" of FSM migrant-convicts from Guam). In late 2016, the FSM hired the "powerhouse" law firm of Arnold & Porter in Washington, DC, for approximately US\$420,000 per year to assist the FSM in, among other things, "looking ahead to possible compact negotiations when funding under the current compact is expected to expire in 2023" (KP, 11 Nov 2016). A few months later, in early February 2017, the law firm likely had to handle a potential major crisis as media in the United States published a draft executive order being considered by the administration of US President Donald Trump that would, among other things, direct federal authorities to take steps to deny admission into the United States by aliens deemed to be likely "public charges" as well as to remove those already-admitted aliens who have become "public charges" (*Marianas Variety*, 13 Feb 2017). In light of long-standing concerns raised by the Guam and Hawai'i governments about the strains imposed by compact migrants on their public services budgets, the draft order represented a significant threat to compact migrants. (As of press time, the draft executive order has not been finalized.) With that threat looming, the FSM and the United States officially confirmed and accepted Akillino H Susaia as ambassador of the FSM to the United States in mid-March 2017, finally filling the crucial post after

it had been vacant for over a year (FSMIS, 28 March 2017).

The appointment of Ambassador Susaia took place in the same month that the FSM held a national referendum to decide whether the national constitution of the FSM should be amended to allow citizens of the FSM to also hold citizenships in other countries without relinquishing their citizenship in the FSM. Although the proposed amendment did not mention US citizenships, it was widely understood among FSM voters that the amendment was primarily aimed at allowing FSM citizens—many of whom currently reside indefinitely in the United States pursuant to the compact—to obtain US citizenship without giving up their FSM citizenship. That objective caused grave consternation for former FSM President John R Haglelgam, who submitted a letter to the editor of the *Kaselehlie Press* in February 2017 that warned about major logistical and legal hurdles to becoming a dual citizen of the FSM and the United States and tarred dual citizenship as a major threat to the “national sovereignty and the continual development of nationalism” of the federation (KP, 8 Feb 2017).

In order for the proposed amendment to be adopted, at least 75 percent of votes cast in at least three of the four states of the FSM had to be in favor of the proposal—a rather high threshold. Ultimately, only Kosrae approved the proposal by the necessary percentage (85 percent); less than a three-fourths majority of votes cast in each of the other three states were in favor of the proposal (just over 70 percent in Pohnpei, 61 percent in Chuuk, and 52 percent in Yap) (KP,

15 March 2017). For the foreseeable future, FSM migrants in the United States will be regulated by the immigration provisions of the compact, unless they choose to forgo their FSM citizenship in favor of obtaining citizenship in the United States.

As the FSM confronted numerous challenges and crises in its foreign relations during the period under review, the federation enjoyed a smooth domestic transition of power in a congressional election year. In early March 2017, along with voting on the proposed constitutional amendment on dual citizenship, the federation cast votes to elect representatives to the ten two-year seats in Congress. Voters returned all incumbents except for one in Chuuk and one in Pohnpei, the latter being the vice speaker of the FSM Congress (KP, 15 March 2017). When the Twentieth Congress of the FSM convened for the first time in mid-May 2017, the members retained Senator Simina as Speaker and selected Senator Esmond Moses from Pohnpei as the new vice speaker. Chairmanships of the main committees of the Congress largely remained the same (KP, 12 May 2017). With the FSM Congress newly reorganized, and with two years remaining in the tenure of President Christian at the head of the federation, the FSM looked forward to maintaining and advancing the spirit of unity that the president had exhorted the federation to achieve several months earlier in a speech he delivered during commemoration festivities for the thirtieth anniversary of FSM Independence Day (KP, 3 Nov 2016). After weathering a secession attempt by Faichuuk (Mulalap 2016) and internecine battles between

the FSM Congress and the executive branch in recent years (Mulalap 2017); and with the international stature of the FSM being burnished as it chaired the Forum, led various international environmental initiatives, and recalibrated its longstanding political and legal relationship with the United States, the federation seemed to be on the cusp of being acknowledged as a major contributor to the international community—if it can just maintain calm relations on the home front.

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GUAM

The year 2016–2017 was filled with great uncertainty, both internal to the Guam community and external, as the United Nations–designated non-self-governing island territory continued to evaluate its relationship to the rest of the world, and, in particular, to its administering power, the United States of America.

On the eve of the 2016 US presidential election, Guam, being a day ahead of North America, held its “straw poll” for president. Residents of Guam, an unincorporated US territory, are not allowed to participate in the election of the US president and vice president; they have no Electoral College votes or voting representation in Congress. However, the straw poll has been an interesting piece of political trivia for decades, as Guam voters tend to “predict” the winner of the next day’s contest (*Los Angeles Times*, 8 Nov 2016).

In November 2016, Hillary R Clinton won handily with nearly 72 percent of the 32,071 votes cast in Guam, yet, as the election unfolded in the United States, the predictions of most pundits as well as Guam voters proved to be incorrect (*PDN*, 8 Nov 2016). In a major upset, Donald J Trump, despite losing the US popular vote count by several million, won in the Electoral College to become the forty-fifth US president.

Guam's local elections for senators in the island's 15-seat legislature, I Liheslaturan Guåhan, represented a similar coup d'état of received opinion, as 7 of the 15 veteran politicians were voted out by wide margins, making way for a new generation of leaders not drawn from the usual elite class of the island's civil servants (KUAM, 9 Nov 2016). Long-serving incumbents from both parties, including the powerful Speaker of the Legislature, Judith Won Pat, a daughter of the local political legend Antonio Won Pat, were unseated (*Marianas Variety*, 14 Nov 2016). Guam Democrats retained control of the legislature with a nine-to-six majority—one less than required for a “supermajority,” which would allow their party to overcome a veto by Republican Governor Eddie Baza Calvo (Pacific Islands Report, 9 Nov 2016).

One significant issue that played a role in the desire for change among Guam's voters was that of the governor's pay-raise scandal. After the 2014 election, in which Governor Calvo was elected to a second term, his office submitted a bill to the Guam Legislature in special session to provide raises of up to \$40,000 each for elected leaders, political appointees, and classified personnel—including the governor himself. The raises were approved at the time, but a public outcry immediately arose, and the legislature and governor scrambled to defend or amend their actions. On 22 May 2017, the controversial raises were at last repealed, with the Guam Legislature voting 10 to 5 to override the governor's veto (PDN, 23 March 2017).

The inauguration of President

Trump in January 2017 brought with it a wave of anxiety for the local government and community over the new president's ideological threat to a network of social programs that benefit residents of Guam, such as food stamps, welfare, and housing assistance (PDN, 24 May 2017). Overall, the US federal government is estimated to provide \$500 million to \$600 million in assistance to Guam each year (PDN, 4 July 2016).

With the release of budget proposals from the Trump administration and the Republican-controlled US Congress, the negative impact on Guam was confirmed for many local officials, some of whom spoke out about the dramatic effect they might have. As a US territory, Guam does not have full representation in the US Congress or government but nonetheless is subject to all federal laws and decisions. At the time of this writing, Trump's budget is still a work in progress, but it paints a bleak picture for Guam in terms of federal contributions. Funding for the arts, education, food stamps, and insular affairs would all be dramatically reduced (GDP, 25 May 2017).

Although exact figures are not known at the time of this writing, Guam and other territories are also threatened with losing at least \$3 million of funding in “Compact Impact” aid. This aid represents financial assistance that the US government is supposed to be obligated to pay to offset the costs and strain on the island's resources caused by mass immigration from the neighboring Micronesian countries whose citizens are entitled to enter US territories visa-free under their Compact of Free Association

relationship with the United States (*PDN*, 23 June 2017).

The only increase in federal spending for Guam would be connected to the controversial military buildup and infrastructure projects related to expanding US military facilities on the island. Trump's budget proposal would provide more than \$300 million for wastewater improvements and the construction of two air force hangars (*PDN*, 24 May 2017).

While government leaders lamented the potential federal cuts to funding for social services, a new activist group was formed in 2016 to halt one of the key components of the US military buildup on Guam: the building of a firing range on the historic Litekyan (Ritidian) site. The group, named Prutehi Litekyan (Save Ritidian), has held teach-ins and petition drives and it plans to work with environmental watchdog groups in the United States to pursue legal options (*KUAM*, 6 March 2017). The pristine beaches, cliffs, caves, and jungle at Litekyan are a US national wildlife reserve, the site of an ancient Chamorro village and cave paintings, the home of endangered species, and a spectacular beach beloved by area residents as well as tourists (*CounterPunch*, 4 Sept 2015). The building of the firing range or US military installations on Litekyan would further restrict public access and threaten the survival of artifacts, animal species, and rare native plants in the area, including the hayun lāgu (*Serianthes nelsonii*), an endangered species with only one adult tree known living on Guam (*PDN*, 14 Nov 2016).

Local concerns over the potential impact of Trump's leadership of

the US government on Guam were exacerbated by another example of federal interference in local affairs. On 8 March 2017, in the case of *Arnold Davis v Guam Election Commission*, US District Judge Frances Tydingco Gatewood ruled in favor of Davis, a white expatriate who had been resident in Guam for some time (*GDP*, 9 March 2017). Davis had filed a lawsuit in 2011 through the "Center for Individual Rights" in the United States, an extreme-right-wing legal organization known for its opposition to affirmative action and the Voting Rights Act. The center has received significant funding from Betsy DeVos, Trump's notoriously unqualified secretary of education, as well as the Koch brothers, the right-wing billionaire kingmakers. Davis and his lawyers claimed that a Government of Guam law mandating a nonbinding self-determination plebiscite violated Davis's constitutional rights as a US citizen by prohibiting him from registering and participating on the basis of race (*PDN*, 9 March 2017). They were requesting a summary judgment declaring "the qualifications for voter eligibility in the political status plebiscite to be in violation of the 14th and 15th Amendments to the US Constitution, the Voting Rights Act and the Organic Act of Guam" (*KUAM*, 5 Nov 2015).

The law in question provides for a self-determination plebiscite in which those who qualify as "native inhabitants" are eligible to participate and choose between three future statuses for Guam: integration with the United States, free association with the United States, or independence. Native inhabitants are defined not by race, but by

the time of the granting of US citizenship and limited self-government on Guam, and, as the judge herself noted in her ruling, the designation does therefore include persons of various races or ethnicities besides indigenous Chamorro. The designation applies to all who received their US citizenship by virtue of the Organic Act for Guam in 1950, as well as their descendants (Office of the Attorney General of Guam 2017).

Despite these factors—a time-based (rather than race-based) definition for native inhabitants and the fact that the plebiscite itself was nonbinding, enacted no law, elected no official, and was simply meant to provide a statement from the affected persons through which the Government of Guam might negotiate with the US government—Judge Gatewood ruled in favor of Davis (*PDN*, 8 March 2017). Gatewood stated that the law was unconstitutional on the grounds of racial discrimination because the vast majority of native inhabitants were Chamorro. She found the intent and the effect of the law to be racially discriminatory.

Also in March, the US Department of Justice, in connection to a complaint also filed by Davis, threatened the Government of Guam with a lawsuit over the Chamorro Land Trust (*GDP*, 9 March 2017). First created in the 1970s, this trust provides land leases to landless indigenous Chamorro people in hopes of righting a historical injustice whereby thousands of people had their lands extralegally seized by the US military following World War II (*GDP*, 9 March 2017). This threat from the US Department of Justice, along with Judge Gate-

wood's ruling, had a chilling effect on efforts underway to educate the Guam community as to their political status options. There was a great deal of confusion, especially among indigenous Chamorros, as it appeared that the US government was denying their existence and their rights, including their right to restorative justice.

Guam's political leaders were quick to respond to the threat posed by the Davis decision. Senator Therese Terlaje authored a resolution in the Guam Legislature calling on the island's attorney general to appeal the Davis decision, protect the Chamorro Land Trust, and defend the right of Guam's native inhabitants to determine their destiny without overt or undue interference by the administering power. The 17 March 2017 public hearing on this bill lasted six hours and was attended by more than a hundred community members, all expressing frustration over the Davis decision and supporting an appeal. The resolution passed soon after (*GDP*, 18 March 2017).

This hearing was followed by weeks of protests, demonstrations, and forums, culminating in a large rally held on 7 April 2017 that was attended by more than eight hundred members of the community. The rally was organized by a grassroots collective under the theme "Respect the CHamoru People" (see below regarding the significance of this spelling). It was a multicultural event meant to provide a space where people of all ethnic backgrounds on Guam could come together to show their support for the Chamorro people and their continuing quest for decolonization (*KUAM*, 7 April 2017).

On that same day, Guam Attorney General Elizabeth Barrett-Anderson, with the support of Governor Calvo, announced that she would appeal the Gatewood decision on the plebiscite and defend the Chamorro Land Trust against the US Department of Justice challenge (*PDN*, 7 April 2017).

Tension in the relationship between the Government of Guam and the US government is long-standing because Guam is treated as a possession rather than an equal partner or ally of the United States. Guam is not allowed the basic political right to determine its destiny or modify agreements such as the Compacts of Free Association that neighboring countries have with the United States and US military buildups that have profound impacts on its community (*The Stream*, 12 April 2017).

One frequently problematic sticking point in federal-territorial relations is immigration control. Despite its distance from the United States and its proximity to Asia, Guam is considered a US port of entry and its borders are controlled by US Customs and Immigration under the Department of Homeland Security. Over the past seventy years, this situation has resulted in the indigenous Chamorro people becoming a minority in their home island, where they now only comprise 37.1 percent of the population (*CIA World Factbook* 2017). More recently, the lack of local control over immigration has led to labor shortages, in particular in the construction industry (*PDN*, 11 Sept 2016). US Homeland Security controls the flow of foreign workers to Guam and, in 2016, began to reject applications for H-2B visas (for temporary

nonagricultural workers) at unprecedented rates. The rate of rejection was so high that more than a dozen businesses filed a lawsuit against Homeland Security, claiming unfair treatment and unfair policies. Governor Calvo called the denial of visas “economic sabotage and warfare” against the people of Guam (*PDN*, 6 April 2017).

For this reason, in April 2017, Governor Calvo, who had long been a supporter of the US military buildup on Guam, publicly withdrew his support. He argued that it was untenable for the island’s economy to have foreign workers provided for military buildup-related projects while applications for civilian projects to hire the same type of workers were rejected. Although it is unclear what his verbalized withdrawal of support would translate to in terms of policy or negotiation, it nonetheless underscored the difficulties of Guam’s territorial position in terms of basic planning and governance (*PDN*, 6 April 2017).

While US Homeland Security was unwilling to work with Governor Calvo on immigration, there was another issue where they did find common ground—his deportation of certain criminals from the Philippines and the Federated States of Micronesia (FSM; see also FSM political review, this issue). The governor stated that the Compact of Free Association between the US and FSM includes criteria that allow him to send regional migrants back to their respective nations (*PDN*, 2 Aug 2016). Attorney General Barrett-Anderson cautioned the governor against such actions, saying they could be challenged on grounds of racial bias (*PDN*, 2 Aug

2016). The governor claimed that the Guam Organic Act of 1950 gave him power to deport criminals; the attorney general disagreed but stated that it did give him the ability to pardon and commute sentences on condition of leaving the country and not returning (*PDN*, 2 Aug 2016). Guam law currently calls for the deportation of a compact immigrant who is convicted of a felony or crime of moral turpitude, sentenced to one or more years for any crime, or is a repeat offender found guilty of driving under the influence of alcohol (*GDP*, 23 Oct 2016).

The situation exposes the political differences between the FSM and Guam, with the former being an autonomous state and the latter being a US territory. The issue is typically framed by Calvo's opponents as a diplomatic one between the FSM and the United States, with Guam having little to no formal authority or control over its own borders. However, it also demonstrates the enduring social, cultural, and economic ties between the two Micronesian countries on their own terms: while lower-level politicians from the FSM repeatedly clashed with Governor Calvo over his views on the deportation of their citizens, FSM President Peter Christian has refrained from making any public statement on the matter.

Wesley Simina, Speaker of the Nineteenth Congress in the FSM, wrote to President Christian to protest that the matter should be one for the US government to resolve without the intervention of "Hagåtña," the capital of Guam (*PDN*, 4 Sept 2016). Chuuk Senate President Mark Mailo also urged the FSM president to approach the United States directly on the

matter, but President Christian was unavailable for comment to the news media (*PDN*, 4 Sept 2016). Mr Christian made a brief reference to the issue at a recent regional forum but declined to be interviewed on the subject when approached by Guam news media (*GDP*, 5 May 2017).

In September 2016, Robert Ruecho, the FSM consul general to Guam, announced that by executive order his office would no longer comply with the Calvo administration by providing information on FSM nationals. In response, Calvo declared Ruecho "persona non grata" and threatened to extend this designation to any other foreign officials who challenged his authority or refused to cooperate with his government in determining whether a convicted criminal was an FSM national (*GDP*, 23 Oct 2016).

Palau President Tommy Remengesau Jr, on the other hand, reached out to Calvo to seek assistance in arranging for a Palauan prisoner to serve his remaining time on his home island (*GDP*, 23 Oct 2016). Governor Calvo's office also received letters from FSM convicts requesting commutation of their sentences on condition of leaving Guam (*GDP*, 29 Oct 2016).

In April 2017, the number of non-US citizens assigned to removal or deportation reached twenty-eight when two FSM citizens, a child sex offender and a convicted vehicle thief, were transferred to US custody (*GDP*, 24 April 2017). Calvo has continued to request US Homeland Security assistance with the deportation of criminal immigrants from Guam (*Kaselehlie Press*, 16 Sept 2016).

A two-year saga in court over the death of Bert Piolo, a Guam police

officer, ended in 2017. Fellow officer Mark Torre Jr was present at the time of his death and appeared to be implicated by Piolo himself during a 911 call in which Piolo stated, “He shot me.” The jury found Torre not guilty of murder and manslaughter but guilty of negligent homicide and other charges. In June, Torre was sentenced to eight years in prison (*PDN*, 21 June 2017).

The past year also saw the fall of one of the most enduring public icons of Guam life, Anthony Apuron, who had served as archbishop of Guam since 1986. Archbishop Apuron was confronted by several scandals and controversies in recent years, starting with his support for a foreign sect known as the Neocatechumenal Way, which put him at odds with mainstream Guam Catholics (*Crux*, 21 March 2017). Apuron clashed with many over his demotion of several priests who were critical of this sect. He also faced allegations of financial misconduct that appeared to benefit the Neocatechumenal Way (*Bevacqua* 2017, 109). His flock’s misgivings gave rise to a community group known as the Concerned Catholics of Guam, which sought to unite Catholics against Apuron (*KUAM*, 22 Aug 2016).

In 2016, the scandal grew to new heights as a number of men came forward to accuse Apuron and other priests of sexually molesting them while they were young boys. In May 2016, Apuron was temporarily replaced and withdrew from public life. In November of that year, he was formally succeeded by Archbishop Michael Byrnes. At present, Apuron is facing a canonical trial in the Vatican

(*PDN*, 31 Dec 2016). The Concerned Catholics of Guam, who had protested in front of the cathedral in Guam’s capital for fifty-four straight weeks demanding Apuron’s removal, ended their protests in July 2017. They had achieved their goal of ousting Apuron from his seat of power in Guam, while still awaiting the Vatican’s final judgment (*PDN*, 9 July 2017).

The University of Guam was shaken by sex scandals in 2016 and 2017 as well, as Michael Blair Ehlert, a longtime tenured professor, faced a second-degree felony charge of sexual assault against a student, as well as multiple other charges based on testimonies from his former students accusing him of rape and other forms of sexual misconduct. He was convicted on one count of third-degree criminal sexual conduct and another count of attempted third-degree criminal sexual assault against two of his university students (*PDN*, 31 July 2017). Ehlert had been placed on administrative leave pending the outcome of the trial (*PDN*, 28 July 2017), and the university announced that it would terminate his employment following his felony conviction (*PDN*, 3 Aug 2017). In response to publicity surrounding the Ehlert case, the University of Guam updated its sexual misconduct policy in 2016 to ban all “amorous relations” between professors and undergraduate students (*GDP*, 18 Feb 2016).

Tourist arrivals represented a bright spot in Guam’s economic news. After setting a record for most tourist arrivals during a year in 2015, the island surpassed that record in 2016. The Guam Visitors Bureau recorded 1,535,410 visitors in 2016, a 9 percent

increase from 2015. Although Guam saw a slight decrease in visitors from Japan—normally its primary tourist market—significant growth occurred in Guam’s second-largest market, South Korea, which, for the first time, grew to more than half a million travelers (KUAM, 30 Dec 2016). This growth continued into the first and second quarters of 2017, as tourist arrivals through June also set several monthly arrival records (PDN, 12 July 2017).

Chamorro culture enjoyed the spotlight in 2016, in particular when Guam hosted the Twelfth Festival of Pacific Arts. This trend has continued, first with the partial opening of the long-awaited Guam Museum and second with the reestablishment of the Chamorro Language Commission. The Guam Museum was originally slated to open years previously, but construction and administrative delays plagued the project. In November 2016, the Guam Museum officially opened its doors to the public; however, the permanent exhibit for the museum remains unfinished and only temporary exhibits are currently on display (see Bennett 2017).

The Chamorro Language Commission, first established in 1964, lapsed nearly twenty years ago following controversial debates over Chamorro orthography. Particularly controversial was the spelling of the word “Chamorro” itself, with the alternative of “CHamoru” preferred by some. The commission met again officially in May 2017, chaired by longtime activist and former Senator Hope Alvarez Cristobal (GDP, 9 May 2017).

Chamorro sports history was made in 2017 when Zach Banner became

the first Chamorro to be drafted into the National Football League by the Indiana Colts. While receiving national attention, Banner consistently expressed pride in his Chamorro roots and proudly displayed the Guam flag when he was drafted and in his publicity images (Guam Sports Network, 27 April 2017). In July 2017, he returned to Guam and provided training camps for local youth (PDN, 29 June 2017). Avid fans regularly mobbed Banner to take selfies (photos of themselves) with this newest Chamorro star on the world stage.

The 2015 corruption scandal involving FIFA (Fédération Internationale du Football Association)—where US prosecutors indicted and convicted more than forty executives—also affected Guam’s local sports in April 2017. Guam businessman George Lai had been the president of the Guam Football Association since 2001. He was accused of accepting close to a million dollars in bribes from individuals who wanted his help in influencing the leadership of the Asian Football Confederation and FIFA itself. Lai has pled guilty to wire fraud and banking crime and resigned his post; he is currently cooperating with US authorities in exchange for leniency (PDN, 27 July 2017).

The past year saw the funerals of several prominent members of the Guam community. Magdalena S N Bayani, known as “Tan Deda,” had received the designation of Master of Chamorro Culture for her life’s work as a techa or Catholic prayer leader. She passed away on 30 December 2016 at the age of 101. Frank Blas Sr, a longtime politician and former lieutenant governor of Guam, passed

away on 1 August 2016 at the age of 75. Alfred Curie Ysrael, a millionaire real estate developer, businessman, owner of several tourist hotels on island, and brother-in-law of the Honorable Madeleine Z Bordallo, received a state funeral on Guam when he passed away on 10 March 2017 at the age of 86.

Looking to the future, Guam continues in an atmosphere of political anxiety, especially as international relations across the Asia-Pacific region may shift under the Trump administration. In 2016, China developed new missiles dubbed “Guam Killers,” capable of striking Guam (*Washington Post*, 11 May 2016). Throughout 2017, North Korea conducted well-publicized missile tests, which, while unlikely to cause much damage directly to the continental United States, are capable of wrecking much havoc on the Korean peninsula and surrounding areas (*GDP*, 9 June 2017).

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MARSHALL ISLANDS

For the Republic of the Marshall Islands (RMI), the period under review saw the passing of several distinguished community mem-

bers. Most notable were the deaths of two customary leaders from the Rālik (western) islands. Iroojlaplap (Paramount Chief) Anjua Loeak died in early September 2016 and was laid to rest at Aelōñlaplap Atoll later that month. Loeak was the senior landowner for the domains of Iroojlaplap Litokwa and Iroojlaplap Loeak, which include approximately one-third of Kuwajleen (Kwajalein) Atoll and twelve wāto (land parcels) on Kuwajleen Island (PIR, 1 June 2000). Kuwajleen Atoll is the site of the Ronald Reagan Ballistic Missile Defense Test Site, where the US Army develops, tests, and tracks intercontinental ballistic missiles and missile interceptors. In 2001, former President Kessai Note named Loeak to the Compact Advisory Committee to help guide the Compact Negotiation Commission in talks with the United States on the renewed Compact of Free Association, which went into effect in 2003. Loeak was also a member of the Kwajalein Negotiating Committee, which represented Kuwajleen landowner interests in the negotiations (PIR, 31 Dec 2001). Following an eight-year standoff with the United States, Loeak joined Iroojlaplap Imata Kabua and Iroojlaplap and then President Jurelang Zedkaia in signing an agreement that extended US use of the Kuwajleen test site through 2066 (PIR, 12 May 2011). In January 2017, the Rālik islands also lost customary leader Lerooj (Chieftess) Seagull Kabua James, younger sister of Iroojlaplap Imata Kabua. Lerooj Seagull resided on Ebjā (Ebeye) Island and in Honolulu and was known for upholding Marshallese culture and traditions. She was also a strong

proponent of education and a supporter of the national women's group Women United Together Marshall Islands (MIJ, 27 Jan 2017).

The Marshall Islands lost another leader and teacher in January 2017 with the passing of Captain Korent Joel, one the country's last surviving ri-meto (traditional navigators). Captain Korent had been instrumental in the recent movement to revive traditional Marshallese meto (navigation). He worked with the nonprofit organization Waan Aelōñ in Majel (Canoes of the Marshall Islands) and Dr Joseph Genz of the University of Hawai'i at Hilo to document, preserve, and pass on traditional navigational knowledge. In his youth on Roñlap Atoll, Captain Korent learned a system of wave piloting in which navigators detect how islands disrupt the flow of ocean swells and currents. In 2006, he used the system to earn the status of ri-meto by sailing between Kuwajleen and Ujae atolls. In 2010, Captain Korent helped guide a canoe led by Waan Aelōñ in Majel Director Alson Kelen on a successful voyage between Mājro and Aur atolls using only the wave patterns to guide them, and in 2015 he prepared Kelen on land for a successful repeat voyage from Mājro to Aur (MIJ, 12 Jan 2017).

Several prominent political and community leaders also passed away during this period. Among them was former Senator Rellong Lemari, who represented Lae Atoll in the Nitijelā (Parliament) for nineteen years until his retirement in 2011 (MIJ, 3 March 2017). Former Mile Atoll Senator Tadashi Lometo, who was elected the first mayor of Mile in 1982 and served in the Nitijelā from 1996 to 2008 (MIJ,

26 Aug 2016), also died during this period. Lometo served as a member of the Public Accounts Committee, which investigated the sale of RMI passports to citizens of the People's Republic of China and other nations in the 1980s and 1990s (PIR, 12 Jan 1998), and as minister of health and minister-in-assistance to former President Kessai Note in the early 2000s. Other deaths include Clyde Heine, a cofounder and longtime general manager of the Majuro (Mājro) Stevedore & Terminal Company and brother of President Hilda Heine; Morean Ellen Kabua, wife of Council of Irooj (Council of Chiefs) member Jimata Kabua; Salome Lanwi, who served as chief nurse at the Mājro hospital for several decades; and Deaconess Krojel Jabnil Wase.

The period under review has been productive for the RMI government. In what has been called “one of the most significant legislative sessions for the Nitijeļā since it was established in 1979,” the governing body enacted several important, and in some cases controversial, laws that will have lasting impacts on communities in the Marshall Islands and in the diaspora (*MIJ*, 7 Oct 2016). The legislation was largely in response to the plan introduced by President Heine in August 2016 and subsequently adopted by the cabinet as “Agenda 2020: A Framework for Progress” (RMI Office of the President 2016). The plan identifies ten national challenges and ten priority government reforms to be adopted over the next three years. Challenges include economic growth and employment, education, climate change and disaster risk mitigation, water and food security, quality of life on Ebjā and

the outer islands, and health services. Priority reform areas include fiscal management, social security, infrastructure planning and development, management of cultural and historical resources, nuclear accountability and justice, and amending the RMI Constitution. Between August and December 2016, the Nitijeļā passed nineteen pieces of legislation that address these issues, and President Heine has introduced several initiatives since January 2017 to help push her agenda forward. The Constitutional Convention also got underway in April 2017 and remains in session at the time of this writing.

In terms of legislative action, the Nitijeļā enacted several laws focused on environmental and community health and wellness. The Styrofoam and Plastic Products Prohibition Act 2016 bans disposable Styrofoam, plastic bags, and plastic cups and plates, and establishes a ten-cent beverage container fee, an environmental fund, and a recycling program (RMI Nitijeļā 2016g). The Import Duties (Funding Supplement Amendment) Act 2016 addresses skyrocketing rates of type 2 diabetes and other health concerns by increasing import taxes on alcohol and tobacco products and instituting a new import tax on sweetened and sugar-added beverages (RMI Nitijeļā 2016d). The Minimum Wage (Amendment) Act 2016 raises the minimum wage to US\$2.50 per hour and an additional fifty cents per hour per year until it reaches \$4.00 per hour (RMI Nitijeļā 2016e). The minimum wage in Marshall Islands had been stagnant at \$2.00 per hour since 1999 (*MIJ*, 19 Aug 2016). These three laws and amendments have the potential to

improve the quality of life of Marshall Islanders across the country.

In addition to legislation focused on enhancing the physical and environmental health of Marshallese communities, several laws were enacted to protect children and families. Among these was the Adoptions (Amendment) Act 2016, which strengthens oversight of international adoptions and protects “the best interests of children and prevent[s] the abduction, sale, and trafficking of children” (RMI Nitijelā 2016a, 11). The amendment was a response to renewed concerns about unethical adoption practices involving Marshallese children in the Marshall Islands, in Hawai‘i, and on the US continent. The concern also prompted amendment sponsor and Minister of Internal Affairs Amenta Matthew to request help from the Hawai‘i Family Court to ensure that any adoptions of Marshallese children in Hawai‘i comply with RMI law. Over the past several years, Hawai‘i hospitals have seen an increasing number of women from the Marshall Islands seeking to surrender their babies for adoption immediately after giving birth. According to hospital staff, some women appear to have been coached with answers to questions that will help circumvent RMI and State of Hawai‘i adoption regulations (Perez 2017). A similar trend occurred in Hawai‘i in the 1990s and early 2000s but was largely curtailed through restrictions imposed by the RMI Adoptions Act of 2002. The new amendment aims to toughen those restrictions. Another law passed during this period will protect Marshallese girls and young women by raising the minimum legal age for marriage of girls from sixteen

to eighteen years. The amendment to the Births, Deaths and Marriage Registration Act brings the Marshall Islands into compliance with the United Nations Convention on the Rights of the Child (CRC), which the RMI ratified in 1993. It also bridges the “disparity between the minimum legal age for the marriage of boys and that of girls as recommended by the CRC” (RMI Nitijelā 2016b, 8).

The Nitijelā passed two acts during this period that have been the subject of intense discussion across the Marshallese community. The Social Security (Amendment) Act 2016 prompted months of confusion, debate, and pushback by employers, community leaders, and the general public. The amendment aimed to reform the Marshall Islands Social Security Administration (MISSA) and stabilize the RMI retirement fund by “removing loopholes, increasing contributions and decreasing benefits” (RMI Nitijelā 2016f, 11). The original amendment included an increase in the required employer/employee tax contribution from 7 percent to 8 percent, the elimination of the \$5,000 per month cap on taxable income, a 5 percent reduction in monthly payments for beneficiaries receiving between \$200 and \$1,000 per month, a \$1,000 maximum monthly benefit limit, and a prohibition on the payment of social security benefits to any person who is still employed. The reform was needed to address MISSA’s \$7 million annual shortfall and the likelihood that the fund will go bankrupt by 2023 (PIR, 2 May 2016). On its passage, the amendment prompted an outpouring of dissent from business owners, community leaders, and retirees,

who broadly opposed changes to the retirement system that they considered harmful to retirees, low-income individuals, and small business owners (*MIJ*, 30 Sept 2016). President Heine responded by announcing in her state of the nation address in January 2017 that implementation of the amended law would be delayed and that the cabinet would propose modifications (Heine 2017). The revised amendment addresses many of the concerns expressed by increasing caps on monthly benefits and quarterly taxable income; shifting to a graduated cut in benefits based on the amount of monthly benefits received, with no one who receives less than \$400 per month being subjected to a cut; and authorizing tax exemptions on various forms of income, including per diems, housing allowances, and others. To offset some of the financial impacts of these changes, the revised amendment includes a graduated increase in the retirement age from sixty to sixty-five by 2025 and eliminates early and deferred retirement (*MIJ*, 10 March 2017). The new version of the amended law went into effect in March 2017 (RMI Nitijelā 2016f).

In late September 2016, the Nitijelā passed another controversial law “eliminating the postal voting system for persons residing outside of the Republic” (RMI Nitijelā 2016c, 5). In elections since that time, only eligible voters who currently live in the Marshall Islands can vote. Postal absentee ballots will be made available only to eligible voters who are temporarily out of the country on Election Day or who are unable to vote in person due to illness or disability. The aims of the amendment are to allow only

those citizens who pay taxes and are residents of the country to choose their national and local representatives and to improve the efficiency, cost, and accuracy of the voting process. Following its approval by a slim vote in the Nitijelā (13 to 12), the amendment sparked dissent on the part of off-island Marshall Islanders and others who used social media to voice their disapproval. Opposition was so intense that it prompted the Council of Irooj to submit a letter of concern to the Nitijelā. In October 2016, council members met with Speaker of the Nitijelā Kenneth Kedi and other government representatives to request that the Nitijelā draft a new amendment allowing off-island Marshall Islanders to continue to vote in elections. Despite this rare move by the Council of Irooj to become directly involved in political matters—although the RMI Constitution grants the twelve-member body the authority to do so—Speaker Kedi stated that the council’s expression of concern had not followed “the Constitutionally prescribed format” and signed the bill into law (*MIJ*, 28 Oct 2016). Moving forward, Marshall Islanders living outside the country will no longer cast absentee ballots by mail as they have done since the adoption of the Election and Referenda Act of 1980. With an estimated 30 percent of Marshall Islanders living abroad, the change will likely have a dramatic impact on the outcomes of future elections.

In addition to legislative actions taken during the 2016 session of the Nitijelā, the republic’s fourth Constitutional Convention (Con-Con) was convened in April 2017 to consider more than twenty proposed amend-

ments to the RMI Constitution. Following article XII, section 4—which outlines the rules for amending the constitution by constitutional convention and referendum—the path to the Con-Con began in September 2015 with the Nitijelā’s adoption of the Constitutional Convention Act 2015 (RMI Nitijelā 2015), thereby setting forth the proposals to be considered as amendments. In August 2016, the RMI Electoral Administration issued a timetable for activities leading up to the convention special election on 21 February 2017. These included a month of voter education events, nominations for convention representatives, the official announcement of candidates, preparation of ballots, and elections personnel training. By December 2016, 143 candidates had registered to run for forty-five convention seats. Among the candidates were twenty-four irooj, including several senators, contending for twelve irooj seats, and a host of senators and members of the general population vying for island delegate seats. Senators Michael Kabua of Kuwajleen, Christopher Loeak of Aelōñlaplap, Wilbur Heine of Mile, and Bruce Bilimon of Maļoelap ran for irooj seats, leaving their island delegate seats open to other candidates (*MIJ*, 23 Dec 2016). Senator Kessai Note of Jebat, First Gentleman Tommy Kijiner Jr of Likiep, and Senator David Kabua of Wōtto ran unopposed for delegate seats (*MIJ*, 3 Feb 2017). Following the Election and Referenda (Amendment) (1) Act of 2016, Marshall Islanders living overseas were not eligible to cast absentee postal ballots. Despite a range of publicity and educational efforts, voter turnout was as low as 20

percent on Mājro and other atolls (*MIJ*, 3 March 2017). Following months of preparation, the Constitutional Convention got underway on 13 April 2017 with an opening ceremony at the International Convention Center on Mājro. The first order of business was the election of convention officers. Senator and former President Kessai Note of Jebat was elected president, beating out Senator and former President Christopher Loeak of Aelōñlaplap by just one vote (22 to 21). Senator and former President Casten Nemra prevailed over former Senator Phillip Muller for the vice presidency (25 to 18), and Yolanda Lodge-Ned won the uncontested secretarial seat with forty-one votes (*MIJ*, 21 April 2017). Delegates met on 17 April 2017 for the convention’s first business session, at which time discussion and debate on the constitutional amendments put forth by the Nitijelā began.

Perhaps the highest-profile and most controversial of the constitutional amendments up for consideration is Proposal 4, which would amend RMI Constitution article V, section 3 to allow for the direct election of the president by the people rather than by the Nitijelā. Under the RMI’s current system, the Nitijelā elects the president from among current senators (RMI Constitution 1979). The proposed amendment aims to give more voice to the electorate by granting voters the right to elect their own president and to create political stability in the republic, which has experienced numerous votes of no confidence by the Nitijelā against sitting presidents over the past several years. If approved, the amendment

would dramatically alter election procedures, the functioning of the Nitijeļā, and, potentially, the outcomes of future elections. Proposal 5 seeks to further amend article V by creating a position of vice president, who would also be elected directly by the people. Both proposals include the provision that the president and vice president be natural-born citizens of the Marshall Islands.

Several other proposed amendments seek to remedy perceived inequities and issues of concern in the execution and outcomes of national-level elections. Proposal 9 would amend article IV, section 1 to reserve 6 of the 33 current Nitijeļā seats for women, with 2 seats from Mājro Atoll and 1 each from Kuwajleen, Aelōñaplap, and Jālwōj atolls to be contested exclusively by women. The current Nitijeļā has three woman senators—the most to sit on the Nitijeļā at any one time since the nation’s first election in 1979—including President Hilda Heine of Aur, Senator Daisy Alik-Momotaro of Jālwōj, and Senator Amenta Matthew of Utrōk. Previous woman senators include Evelyn Konou of Jālwōj and Abacca Anjain-Maddison of Roñlap. The goal of the amendment is to increase the representation of women in the Nitijeļā. Proposal 19 would further reform the electoral process by altering eligibility requirements for Nitijeļā candidates. The amendment would revise article IV, section 4 to require that any Nitijeļā candidate have land rights by birth and be a natural-born RMI citizen. The goal of the amendment is to require that Nitijeļā candidates be Marshallese not just by citizenship but also by descent. The proposal is a

response to the controversy that arose during the 2015 election cycle, when naturalized citizen Jack Niedenthal ran for a seat in the Nitijeļā for Mājro Atoll. In late 2014, the RMI Electoral Administration barred Niedenthal from running on the grounds that he did not have a Marshallese parent or a traditional jowi (matriclan), and the attorney general upheld the decision. Niedenthal brought the matter to the RMI High Court, which ruled that the RMI Constitution authorizes any qualified voter over the age of twenty-one to run for office (RMI High Court 2015). Although the ruling cleared the path for Niedenthal to stand for election, he lost by a significant margin (*MIJ*, 27 Nov 2015). If approved, Proposal 19 would disqualify Niedenthal and others in similar circumstances from standing for election in the future.

Several proposed amendments seek to address issues related to RMI citizenship and land rights and tenure. Proposal 22 would amend article XI, section 2(b), which entitles any eligible foreign national who has been a resident of the RMI for at least three years and is the parent of a child who is an RMI citizen to apply for RMI citizenship. The change would make it more difficult for foreign nationals to obtain RMI citizenship by increasing the residency requirement from three to ten years. Proposal 1 would further amend the same article and section by requiring that any person applying for citizenship based on parentage of a Marshallese child also be married to the Marshallese parent of the child who is the basis of the claim. Regarding land rights and tenure, Proposal 8 would amend article X to restrict the

sale and ownership of land to RMI citizens and the RMI government. Currently, article X, section 1[2] of the constitution stipulates only that a person cannot lawfully alienate any piece of land by sale, mortgage, lease, license or otherwise without the approval of the iroojlaplap (paramount chief), irooj-iddik (child of a chief) where applicable, alap (lineage head), and the senior ri-erbal (senior worker/commoner) of the land in question, “who shall be deemed to represent all persons having an interest in that land” (RMI Constitution 1979). The proposed amendment would eliminate the possibility of making such a transfer to a foreign national, nation, corporation, or other entity. Proposal 20 would further amend article X to include a new section providing for traditional dispute resolution in land tenure cases. As the RMI Constitution includes no such provision, people have relied on the RMI courts to address and resolve land disputes, leading to a spiraling occurrence of litigation. If approved, the amendment would shift the supervision of land disputes from the court system to a customary body and process.

Proposal 21 would amend article IV, section 2(1) of the constitution to include Ānen-kio Atoll (Wake Island) as part of the RMI electoral district that currently includes Jemō Island and Ŋadikdik, Ādkup, Tōkā, Pikaar, Bokaak, Roñdik, and Aelōñin Ae atolls, which are all presently uninhabited. Article IV, section 2(1) of the RMI Constitution states that each of these atolls and islands is “included in the electoral district with which it is most closely associated, pursuant to

the customary law or any traditional practice” (RMI Constitution 1979). While the proposal appears on its face to be about elections, it in fact represents an assertion of RMI jurisdiction over Ānen-kio Atoll. The United States has claimed Ānen-kio since 1898—the same year it occupied Hawai‘i and took possession of Guam and the Philippines following the Spanish American War—and has operated several US military installations on the atoll since 1941. The Marshall Islands maintains that Ānen-kio lies within its borders, and Marshallese tradition identifies the atoll as an ancient ĭarooj (*MIJ*, 26 Aug 2016)—a mostly uninhabited island or atoll reserved for food gathering, usually for a chief and his immediate family. In April 2016, the RMI government submitted “450 pages of geographical coordinates, treaty agreements and 25 charts that together officially declare the baselines and the outer limits of all maritime zones under the national jurisdiction of the Marshall Islands—and included in this declaration is Wake Island” (Johnson 2016). Amending article IV, section 2(1) of the RMI Constitution to include Ānen-kio as part of the RMI electoral district would strengthen this claim.

Although the Constitutional Convention is still in session at the time of this writing and the outcome of these and other proposals is not yet known, President Heine, the Nitijeļā, and local institutions and agencies took additional steps during this period to advance President Heine’s Agenda 2020 and, in turn, improve the health and well-being of Marshallese communities. For example, several projects were undertaken to improve quality

of life on Ebjā Island. In March 2017, the Kwajalein Atoll Development Authority, which oversees social, economic, and cultural development projects on the atoll, approved funding for various development projects on Ebjā. These included the replacement of power plant generators, reconstruction of basketball and tennis courts, disaster relief funds for damage incurred by Typhoon Nangka in July 2015, and funding for housing construction (*MIJ*, 31 March 2017). By June 2017, several construction projects were underway or near completion, including a refurbished dock, a new classroom building for Ebeye (Ebjā) Public Elementary School, wells for the power plant's forthcoming reverse osmosis system, and a new boat ramp (*MIJ*, 16 June 2017). Also during this period, Kuwajleen Atoll leaders and RMI government officials engaged in talks with the US Army about the possibility of enhancing benefits for Marshallese workers on Kuwajleen (*MIJ*, 21 Oct 2016), and the US Army has invited the RMI private sector to bid for technical services and other contracts on Kuwajleen for the first time in the United States' seven-decade history on the atoll (*MIJ*, 24 Feb 2016). In an effort to improve educational outcomes in Kuwajleen Atoll schools, teachers and education leaders gathered on Ebjā in April 2017 for the first-ever Kwajalein Atoll Education Summit.

Key developments in the areas of nuclear justice, health services, disaster preparedness, and the environment also pushed the president's agenda forward during this period. Construction of the first phase of Mājro's new hospital and surgical ward got

underway, and the Ministry of Health and the Republic of China (Taiwan) agreed to allow Marshall Islands patients with orthopedic conditions, cancer, and heart-related illnesses to be referred to Shuang Ho Hospital in Taiwan for treatment (*MIJ*, 21 April 2017). In December 2016, the Marshall Islands Red Cross Society (MIRCS) received an infusion of funds from the Nitijelā for disaster preparedness efforts and administrative functions. Following this boost to its budget, the fledgling society took several of the steps required to become a member of the International Federation of the Red Cross. These include hiring its first secretary-general in April 2017, who quickly launched volunteer recruitment efforts across the country. At its first General Assembly in June 2017, the MIRCS elected a board of governors and announced that it had recruited more than 340 volunteers, all of whom will receive training in first aid and conduct drought surveys, disaster preparation, and relief work around the islands. Also in April 2017, the Marshall Islands Marine Resources Authority hosted the first National Oceans Symposium, bringing together hundreds of elected and community leaders, teachers, students, and nongovernmental organizations to discuss climate change, ocean conservation, and sustainability. In June 2017, RMI leaders brought these issues to the international UN Ocean Conference in New York City. In the area of nuclear accountability, President Heine announced legislation that would establish a Nuclear Commission to develop a strategy for achieving nuclear justice for

Marshall Islanders. She also convened the “Nuclear Legacy Conference: Charting a Journey Toward Justice” to commemorate the seventy-first anniversary of the 1 March 1954 Castle Bravo thermonuclear test on Bikinni (Bikini) Atoll and to chart a course for the future of nuclear justice. The conference featured a keynote address by Climate Change Ambassador Tony deBrum and brought together nuclear survivors, experts, and “media representatives to inform and create awareness among the people of the Marshall Islands, the United States, and the world at large, and to develop a detailed strategy for action and engagement both with the United States and with the international community” (RMI Office of the President 2017).

Despite the tremendous strides taken by President Heine, the Nitijelā, and many others to improve the lives of Marshall Islanders during this period, many challenges remain. These include high rates of poverty, domestic abuse, out-migration, and epidemic disease. If President Heine’s Agenda 2020, the 2016 legislative agenda, and the amendments up for consideration by the Constitutional Convention are any indication, the Marshall Islands will continue to chart the course and make headway toward a more positive, healthy, and secure future for its citizens in the years to come.

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