

Political Reviews

*Micronesia in Review: Issues and Events, 1 July 2018
to 30 June 2019*

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Reviews of Kiribati and Palau are not included in this issue.

FEDERATED STATES
OF MICRONESIA

The period under review featured three major themes that continue to affect the future of the Federated States of Micronesia (FSM). They include climate change, China's presence in the northwest Pacific, and the independence movement by Chuuk State. These topical issues highlight the ongoing challenges that have yet to be resolved by the FSM but must be addressed in order to protect its future integrity.

In March 2019, a new administration came to power after congressman-at-large David Panuelo won the election in Pohnpei State. He defeated the previous president, Peter Christian, after a very intense election campaign. Many political observers claimed that Christian lost the election because of his son-in-law's involvement in a financial bribery scandal. The son-in-law, who worked for the FSM Department of Transportation, Communication and Infrastructure, bribed Hawai'i businessman Frank James Lyon on several occasions in exchange for Lyon to secure a contract to undertake road construction in the FSM (*PIT*, 12 March 2019). He was arrested at Honolulu International Airport by FBI officials and later jailed in a US federal prison for his actions. Christian, however, regained the at-large seat after Panuelo vacated

it to become the new president of the FSM. President Panuelo and Christian will be contesting the seat again in 2023. Despite this new administration, the FSM is pressing on with confronting its challenges to its future.

Climate change remained under an intense political spotlight in 2018–2019, particularly after many of the FSM's low-lying islands experienced an increasing number of king tides and storms, which caused serious damage to properties, agricultural crops, and drinking water. The looming threat has been sea-level rise, which has been presenting ongoing challenges for the people of the FSM. Adaptation to climate change has required the people of the FSM to resort to their traditional knowledge of conservation, in addition to new and low-cost technical knowledge borrowed from the outside world. Adaptation is urgent; without it, Islanders' prospects for continuing to live in the sea environment would be in question. The use of Indigenous environmental knowledge, such as elevating taro patches, using copra fibers to plant crops, digging canals using locally designed drainage systems, and following the topography of the land, exemplifies Islanders' persistence, strength, and ongoing use of local devices for adapting to consequences of climate change.

The people of the FSM are closely connected to the sea, on which many of their livelihoods depend. This dependency on the sea means that those living on low-lying islands and

around the coastal areas on the high islands are keenly aware of the land's fragility and the impacts of climate change. It has affected their livelihoods and thus their health. Islanders are historically the custodians of their islands, a role they have been practicing since time immemorial. They are expert conservationists with a deep understanding of the land and sea environment, having made the islands their home many centuries ago. They understand that their environment demands constant, delicate management to keep their limited resources in equilibrium. Conservation thus means having a holistic understanding of human behavior toward the physical environment, an intricate knowledge of the changing weather system, and an ability to utilize the best available, culturally compatible practices (Samson 2019).

In response to the threats arising from climate change, the FSM government has adopted a policy that identifies survivability as an uncompromising priority. In its official policy statement, the FSM government stated that its role is "to mitigate climate change . . . at the international level, and adaptation at . . . community levels to reduce the FSM's vulnerability to climate change's adverse impacts" (Federated States of Micronesia 2009, 1). Mitigation means, among other things, the promotion of the Paris Accord, which calls for reducing emissions in order to control temperature rise, as advocated by the "Tuvalu Deal" (ie, keeping world temperature increase below 2.5 degrees Celsius to give the low-lying islands in the Pacific a chance to prolong their survivability). The FSM government has also

required all development activities to embrace new recommendations for project design that comply with the FSM's strategic development plan; to use ecosystem-based approaches to encourage and strengthen the application of local knowledge and conservation practices; and to implement strategies as soon as possible to improve food and water security (Puas 2015).

The national government continues to advance its legislation adopted in February 2013 to reinforce its climate-change policy. The legislation's purpose is to provide a nationwide integrated disaster and climate change adaptation network, as well as to require relevant departments—such as the Department of Resources and Development; the Department of Environment, Climate Change and Emergency Management; and the Department of Transportation, Communication, and Infrastructure—to implement the national policy. It further demands that "every year . . . the President of the Federated States of Micronesia shall submit a report to Congress on the progress of the implementation of the CC [Climate Change] Policy, and recommend additional legislation where applicable and necessary" (FSM Public Law 18-34, 3; Puas 2015). This policy illustrates the seriousness of the FSM government's resolve to tackle climate change by creating and enforcing a legal framework for the FSM to systematically implement its adaptation strategies. As the policy states, "to successfully attain the goals of this Policy requires . . . [the] support of all levels of governments in the FSM, the civil societies . . . private sector, [local]

communities and traditional leaders” (Federated States of Micronesia 2009, 4). Furthermore, the FSM is seeking assistance and support regionally and internationally to ensure that its adaptation goals are strategically implemented with successful outcomes.

The growing corpus of evidence documenting the adverse impacts of global warming on small island states has prompted the FSM government to take an active role in the international arena, calling on industrialized nations to be mindful of their greenhouse gas emissions and the role of greenhouse gases in climate change. The FSM has signed major international agreements that are related to climate change and has participated in regional organizations, such as the Pacific Forum, to promote its agendas with like-minded oceanic nations (Moufa 2019).

The FSM’s diplomatic relations with China remain essentially bilateral. This relationship secured a significant increase in Chinese aid to the FSM in 2017–2018. Chinese assistance has resulted in a series of infrastructure projects, such as the construction of public buildings, and the development of state government projects, and it has also provided a series of smaller, targeted grants to support infrastructure projects in local communities (Illon 2019). These projects have largely been based in and around the state capitals, including Kolonia, Pohnpei, and Weno, Chuuk. For example, in 2018, China completed a groundbreaking complex for government offices in Nantaku, Chuuk. China was also keen to provide further assistance to the four state governments as they planned

for future infrastructure development projects.

Although Chinese assistance is well received by the FSM, the United States remains the major contributor to Micronesian development programs (Sivas 2019). China’s assistance to the FSM since it opened diplomatic relations is estimated to be more than US\$170 million, compared to the more than US\$7 billion provided by the United States (Brandt 2015). However, China’s policy of political noninterference in the FSM’s governance—unlike the United States, as exemplified by its control of Compact of Free Association funds through the Joint Economic Management Committee (JEMCO)—has led to FSM leaders embracing China’s persistent offer to be an economic partner.

China’s consultative approach to funding infrastructure, as requested by both the national and state governments, is a dramatic contrast to the United States’ domination of the budget and allocation of compact monies. China has earned a reputation for being sensitive to local needs and respectful of the FSM’s aspirations as a developing nation. The FSM understands that China is also a developing nation, and its aid policy continues to be open and practical (Sivas 2019). China’s aid is aimed at strengthening economic ties, trade, and investment with the FSM, and it has projected a positive perception of China in the federation.

In the period under review, China’s engagement with the FSM continued to figure prominently in small-scale aid projects for individual institutions that are below the level of national and state governments, such as by

providing low-cost technical advice, which is essential in the nation's adaptation agendas. China has also developed a number of pilot farms and road construction programs, for example, in Madolenihmw and Nett Municipalities in Pohnpei, and has also provided technical advice on small-scale pilot projects, such as piggeries and biogas technology. A large and imposing gymnasium has been completed in the heart of Kolonia, the capital of Pohnpei State. Finally, China has continued to offer essential aid programs in various areas, such as promoting the idea of developing "hybrid" coconut farms, so as to help the FSM achieve its sustainable future development goals (Mori 2019). This is counter to the generally negative reporting in Western media and academic literature in the Pacific.

The increasing Chinese assistance to the FSM has also been highlighted in the education and health sectors. Educational exchange programs for students and high-ranking officials are also an important part of China's policy, especially in enhancing China's understanding of the FSM's culture and its intention to remain one of the FSM's economic partners, similar to China's relationships with other Pacific nations. From 2014 to the present, the Chinese government has granted over one hundred full scholarships to FSM students to study in China (Mori 2019), and the number grew in 2017–2018. In the health sector, Chinese medical experts visited the FSM and offered needed health services to local people, for example, in Chuuk State.

Until late 2019, the FSM was the

only country in the Micronesian region that had diplomatic relations with China. China's growing influence in the FSM has been met with optimism at the top level of the FSM government. However, in interviews I conducted in 2017–2018, several anonymous government officials continued to speculate that China is using the FSM as a means to develop its strategic presence in the region. China has dismissed this claim, stating that its presence in the FSM is based on mutual respect and common interests as developing nations. In my personal conversations with many government officials and diplomats, many said that China is not in the FSM for future military planning. Many of them think that the United States should engage with China rather than fear it. Still, many do not want to be identified publicly, fearing repercussions from their superiors for making comments outside of government policy.

Two previous Chinese ambassadors to the FSM explained to me during interviews that they are aware that there is a strong relationship between the United States and the FSM. They noted that China shares the FSM's foreign policy as expressed in the preamble to the FSM Constitution, which states, "We extend to all nations what we seek from each: peace, friendship, cooperation, and love in our common humanity" (FSM Constitution 1978; see also Zhang 2017).

The FSM is a region of competing interests between two external powers—China and the United States. However, China has been demonized as the "Red Dragon," ready to create disequilibrium in the region (Sivas 2019). The FSM seeks friendship

with all powers in order to develop its own best interests. However, this principle will be tested by circumstances in which friendly powers act in ways contrary to the FSM's perceived interests. For example, a Chinese fishing vessel, *Ping Da 7*, ran aground on Nankapenparam Reef in Pohnpei State in December 2013. A state of emergency was declared out of concern for the environmental threat to the reef and its marine life posed by leaking fuels and chemicals from the *Ping Da 7*. The ship's owner, Ping Jianghai, indicated that he had no intention of taking full responsibility for salvaging the boat, much less collaborating in undertaking preventative measures to avoid environmental harm (Mori 2019; FSM Updates 2014). This kind of arrogant response could jeopardize relationships between the two nations. The bottom line is that Micronesia must decide its own future in terms of which countries to associate with and which to disassociate itself from. China is not an exception in this decision-making process.

The political imbroglio in Chuuk State over its desire to leave the federation continues to split the public into two extreme camps. At the heart of this debate is the view by proponents of the independence movement, who claim that Chuuk State will not survive if it remains with the federation after 2023, when the financial provisions of the compact will come to an end. They further assert that independence for Chuuk will enable it to live within its own economic means. The problem with this claim, however, is that such an act involves the usurpation of the spirit, scope, and textual languages of the FSM Con-

stitution. It is the FSM Constitution that will be the battleground for any attempt to secede from the federation. The leaders of the pro-independence movement have condemned the FSM Constitution as nothing more than a convenient document used by the forefathers as a vehicle to facilitate their earlier wish for a federation (Puas 2018b; Mori 2019). They argue that such a case no longer applies today, especially when a state, like Chuuk, wishes to determine its own future. This is in spite of the fact that self-determination was supported by Chuuk residents in 1978, when they voted to be a part of the FSM.

Self-determination was then sealed in 1979. Today, the independence movement has invented an issue where one did not previously exist (Puas 2018b). For example, the Chuuk State Political Status Commission has proposed a two-step process in which Chuuk first disengages or disassociates itself from the federation and then enters into a separate compact with the United States—a proposal many political observers have referred to as the “Compact of Dis-Association and Re-Association” (Puas 2018b). However, the commission has provided no legal basis for attempting to disassociate Chuuk from the rest of the federation, whether under national or international law, and it has failed to identify any legal precedent for Chuuk to become an independent republic.

The constitution provides points of reference for citizens to rely on when confronted with complex issues from both within and outside of the FSM, and it epitomizes Micronesian independence, reconciles internal differences, and asserts a distinct

politico-cultural identity. It also represents a Micronesian-centered outlook in terms of the federation's future economic viability, the Compact of Free Association, foreign relations, climate change, globalization, secession movement, and leadership issues (Puas 2018a). The future success of the FSM can be found in the depth of its own historical experiences, which ensure the perpetuation of control, self-preservation, and continuity (Puas 2015). Differences in opinions between the state and the national governments often arise because of jurisdictional issues, and this is not new. Domestic debates, however, are essential steps toward developing the FSM's social and political health; they provide opportunities for self-evaluation and thus the resolution of complex issues.

The Chuuk State Political Status Commission is testing the FSM's strength, integrity, and continuity. However, what the commission does not have, according to many, is a historical appreciation of the hard work of the forefathers and what they had to shoulder in order to propel the FSM onto the international stage. This is not written in the annals of Micronesian colonial history, and deep intellectual engagement with the historical literature is required for one to begin to understand genuine Micronesian perspectives (Illon 2019).

Many observers have predicted that Chuuk's independence will not succeed. That is because the principal issues for independence are deeper than mere economic ideals. For example, the commission has expressed a desire for Chuuk to be economically independent, but it has not suggested or provided any plausible economic

model for Chuuk that would enable it to sustain itself into the future.

The economic outlook for the imagined Republic of Chuuk would rely heavily on foreign aid sources and a separate compact with the United States. However, a fatal problem with that plan is that the United States has stated unreservedly that it will not enter into a separate compact with Chuuk. The commission has ignored a statement to that effect from the US ambassador and continues to mislead the public, asserting that the United States will somehow change its mind in the future.

The commission is revisiting old rhetoric regarding the division of the FSM economic pie, reasserting that Chuuk should have the lion's share of the federation's funds since it is the most populous state. It also blames the other states for draining the nation's purse through chronic mismanagement and suggests that this is the reason for Chuuk's present dire financial position. The push for independence, some have argued, is a political ploy used by the prime leaders of the secession movement to maximize their personal chances of becoming the main beneficiaries in the imagined Republic of Chuuk (Mori 2019).

The commission understands that its reckless behavior will trigger the beginning of the end of what we know as Chuuk State. Chuuk is therefore sitting on the edge of a cliff ready to inflict self-harm, which will eventually lead to the fragmentation of the Chuuk State itself (Puas 2018b). For example, no one genuinely knows what action the other regions, such as the Mortlocks and Northwest of Chuuk, will consider in the pursuit

of their own regional interests. This stems from the fact that each municipality has an inherent right, under the Chuuk Constitution, to self-determination. If self-determination is the premise on which the commission relies in the pursuit of Chuuk independence, then the same argument equally applies to each of the municipalities within Chuuk with respect to their own futures (Puas 2018b).

The US ambassador to the FSM, Robert Annan Riley, traveled to Chuuk State in early July 2018 to clarify the United States' position in relation to the commission's suggestion that a separate compact be forged between the United States and the imagined Republic of Chuuk. In response, he was accused of intervening in the political process of Chuuk and its desire for independence. Further, Ambassador Riley's comments resulted in angry outbursts toward him personally, as exemplified by the remarks of the commission's spokesperson, wherein he stated that nowhere in the compact does it allow the ambassador of either the FSM or the United States to go into the other country to directly and personally participate in the political process in order to influence the outcome of a local election or plebiscite (Asor 2018, 5).

The commission was subsequently called out by the public on the question of a separate compact with the United States, which has not agreed to such a deal (Puas 2018b). It has also apparently dawned on the commission that its proponents will lose their financial assistance without a compact with the United States. Its economic dream is quickly evaporating into a

distant memory, yet the commission continues to drive a movement toward a republic that would be isolated (Walter 2019).

Inos Walter commented that the fact remains that Chuuk is a part of the FSM, and it cannot unilaterally disassociate from the FSM outside of the provisions of the FSM Constitution (2019). Moreover, the commission was dissolved on 31 March 2016, pursuant to legislation under which it was created, and cannot legitimately continue to operate and voice an "authoritative" view. The commission must stop confusing the Chuukese population with unattainable and self-promoting dreams of independence when it is neither simple nor better economically for the population of Chuuk. The commission needs to come to the sobering reality that the public can no longer tolerate its push for independence.

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GUAM

The year 2018–2019 in Guam began on a high note with a series of landmark elections and ended more forebodingly with a federal court case threatening the rights of the island’s Indigenous people.

November 2018 saw the victory of Democrat Lourdes “Lou” Leon Guerrero as the island’s first female governor. For centuries, chief executives on island have been referred to as “maga’lāhi,” a colonial appropriation of the CHamoru term for a male leader. With Leon Guerrero’s election, she assumed for the first time in modern history the title of “maga’hāga,” or female leader (*PDN*, 7 Nov 2018). Leon Guerrero led a local “blue wave” of Democrats who seized a super majority (ten out of fifteen) seats in I Liheslaturan Guåhan (Guam Legislature). Among those elected was former journalist Clynt Ridgell, the first Guam-elected leader of Chuukese descent (*PDN*, 7 Jan 2019). Leon Guerrero’s lieutenant governor, Joshua Tenorio, became the first openly gay man in US history to hold that position.

In I Liheslaturan Guåhan, ten of the officials elected were women, including seven Democrats and three

Republicans. With 67 percent of its legislature made up of women, Guam held one of the highest percentages of female elected leadership in world history. This milestone reflected the wave of women winning public office in the continental United States, but it could also be tied to a resurgence of CHamoru values long suppressed by patriarchal colonialism (*PDN*, 8 Nov 2018).

As a way of combining these two narratives, a company called Maga'håga Rising began to sell “The Future is Famalao’an” T-shirts shortly after Leon Guerrero’s inauguration. “Famalao’an” is the CHamoru term for women, playing on the popular American hashtag #thefutureisfemale (*PDN*, 13 Jan 2019).

At the same time, the maga'håga appointed Tony Babauta as her chief of staff and Jack Hattig as director of the Chamorro Land Trust Commission. This was despite past scandals involving sexual misconduct toward women—Babauta at the federal level and Hattig at a high school (*PDN*, 10 Dec 2019; *GDP*, 19 Jan 2019).

Leon Guerrero survived a divisive four-way primary to become the Democratic Party’s nominee. Leon Guerrero and Tenorio beat their closest primary opponents, former Senator Frank Aguon and former Attorney General of Guam Alicia Limtiaco, by under 300 votes (8,218 to 7,958). Aguon and Limtiaco, despite signing a party unity pledge during the campaign, mounted a write-in campaign during the general election. Their effort was boosted through significant self-inflicted wounds by the Republican nominee for governor Ray Tenorio, then

lieutenant governor. In the midst of the campaign, Tenorio was charged and tried for official misconduct for taking a police officer’s gun. While Tenorio was found not guilty after the election, the scandal tarnished his campaign (*PDN*, 22 March 2019).

With Leon Guerrero the heavy favorite, much attention was focused on whether or not her camp would be able to garner enough votes to avoid a runoff election. According to Guam law, a candidate must receive a majority of the votes in order to be elected, or else a runoff is held. Aguon and Limtiaco’s write-in campaign won an unprecedented 22.9 percent of the general election votes, just 1,258 fewer than Ray Tenorio and his running mate, former Senator Tony Ada (26.4 percent). Leon Guerrero narrowly avoided a runoff by winning 50.7 percent of the votes.

Maga'håga Leon Guerrero, a former nurse, was a pro-choice community activist in Guam in the early 1990s. Guam remains a heavily Catholic island, although recent child sexual abuse scandals have weakened the influence of the church. Though not damaging her campaign, her support for reproductive rights as maga'håga created a minicontroversy.

After the election, Leon Guerrero’s Bureau of Women’s Affairs began actively seeking an abortion provider for Guam, as there had been no official provider for nearly a year. The bureau director stated that a recent case in which a twelve-year-old girl on Guam was raped and impregnated had galvanized her (*PDN*, 3 June 2019). Antiabortion groups organized protests in response (*PDN*, 14 June 2019).

Sexual abuse and assault became

more prominent in public discourse during the review period. For years, revelations had poured out regarding child sexual abuse by priests within the local Catholic church. In January 2019, the Archdiocese of Agaña (Hagåtña) declared bankruptcy and prepared to sell nonessential assets (KUAM News, 16 Jan 2019). A deadline of 15 August 2019 was set for potential claimants to file suit seeking damages for alleged abuse. As of August 2019, more than two hundred had filed (CNA, 8 Aug 2019).

The disgraced former archbishop of Guam, Anthony Apuron, was among the three dozen clergy named in these lawsuits. On 4 April 2019, the Vatican announced that its private tribunal had upheld the charges against Apuron and stripped him of the title of archbishop, though he retained the rank of bishop (PDN, 21 April 2019). Apuron never stood trial in a secular court.

Similarly, disgraced former senior University of Guam professor Michael Ehlert lost his court appeal for sexually harassing and assaulting female university students and began serving his prison sentence as a convicted sex offender (PDN, 24 July 2019).

In response to an increase in child-abuse reports on-island and a perceived lack of action in investigating them, the Guam Family Justice Center Alliance called for a protest in April 2019 (PDN, 21 April 2019). I Liheslaturan Guåhan proposed multiple new bills seeking to address the issue. The proposals included setting a mandatory minimum for repeat sex offenders and prohibiting judges from reducing sentences on sex crimes involving a minor (PNC, 22 April 2019).

Other protests erupted over the US military's plans to transfer thousands of Marines and dependents from Okinawa to Guam. Construction to support the transfer had been stymied for years due to lack of federal funding, but by 2018–2019, construction was in full swing, with hundreds of acres of limestone forest bulldozed in northwest Guam.

In October 2018, following the demolition of an ancient CHamoru historical area called Magua' on the naval base in Dededo, a protest organized by demilitarization and decolonization activists from Prutehi Litekyan and Independent Guåhan gathered more than 150 demonstrators outside the base gate (KUAM News, 4 Nov 2018). Acting Speaker of the Legislature Therese Terlaje criticized the military for “a continued blatant disregard and erasure of the culture, resources, and four-thousand-year history of the indigenous Chamorro people” (PDN, 31 Oct 2018).

The election signaled increased public concern over US military actions toward Guam. Two activists who had been outspoken members of Prutehi Litekyan won seats as senators in I Liheslaturan Guåhan: Sabina Flores, who had been a water-rights activist and high school science teacher, and Kelly Marsh-Taitano, an instructor at the University of Guam. Leevin Camacho, Guam's new attorney general, had been a leader during the protests that stopped the military's planned use of Págat for its firing range. He won election despite a campaign in which his opponent relentlessly attacked him as a radical (PDN, 7 Jan 2019).

By contrast, newly elected US

representative Michael San Nicolas—a young former Guam senator who unseated longtime powerhouse Madeleine Z Bordallo in the Democratic Party primary election—continued to support the buildup and distanced himself from demilitarization proponents. San Nicolas, known as something of a maverick within his own party, elicited public criticism over perceived slowness to establish a local office and communicate with local constituents from both Bordallo and another former Guam congressional delegate, Robert Underwood (*GDP*, 30 Jan 2019; *PDN*, 1 Feb 2019). In March 2019, San Nicolas opened his Guam office and held a town hall and open house to welcome the community (*GDP*, 19 March 2019).

Guam State Historic Preservation Officer Lynda Aguon cautioned that the military was finding “too much, too frequently, and it’s quite disturbing.” She warned the public that the military was moving too quickly, collecting artifacts where they found them and then proceeding to “wipe [the areas] from the face of the earth” (*KUAM News*, 19 June 2019). Soon after voicing these concerns, Aguon was fired, although the Leon Guerrero administration said the firing had nothing to do with her public comments (*PNC*, 19 June 2019).

A coalition of over twenty Indigenous rights groups, educational nonprofits, and small businesses met with the maga'håga and expressed concern about the potential negative impacts of the military buildup and loss of cultural heritage. Leon Guerrero responded that, as a governor of a territory, she had no control over the military actions: “If we decide

our political status, whatever that may be . . . that’s our strength and the leverage we have if we are going to go out and negotiate on our terms. . . . Some people feel we have no voice in this whole story of militarization, and this whole military buildup, it’s because, I feel, we do not have the political status we need to provide that strength” (*PDN*, 26 June 2019).

Leon Guerrero supported the buildup on Guam because of regional security concerns over China and North Korea (*KUAM News*, 25 June 2019). She sent a request to the military that they pause construction in a specific limited area, where the last adult *serianthes nelsonii*, the endemic fire tree, can be found; however, the military indicated that there would be no pause in construction (*PNC*, 15 July 2019).

The long-debated issue of legalizing marijuana was decided when Leon Guerrero signed into law a bill allowing general adult recreational use (*PDN*, 3 April 2019). The bill required the establishment of a Cannabis Control Board and a testing facility.

The island continued to struggle with the impact of the 2018 Trump Tax Cuts and Jobs Act, which reduced the Government of Guam’s (Gov-Guam) income tax collections by \$36.6 million and caused a shortfall of over \$100 million in revenue for the island government (*GDP*, 29 July 2019). GovGuam ended fiscal year 2018 with a \$10.4 million deficit, despite an increase in the local business privilege tax. Leon Guerrero expressed optimism, saying, “I think at the end of the fiscal year we’ll have the revenues above the projected budget” (*PNC*, 5 July 2019).

A controversial raise in the minimum wage on Guam continued to propel public debate, as Senator Joe San Agustin introduced a bill to raise the minimum wage via two fifty-cent increments from \$8.25 an hour to \$9.25 an hour (*PDN*, 14 May 2019). While cost of living had continued to rise, San Agustin said that wages for many families had not kept pace with inflation. The bill was considered a compromise with business owners.

The Chamorro Land Trust Commission lifted its self-imposed moratorium on granting leases of land (*PDN*, 20 Dec 2018). The commission was established to restore land to Indigenous CHamorus following post-World War II land takings by the US military. It had faced criticism last year for relatives of elected officials and Land Trust board members receiving preferential treatment. Chair “Pika” Fejeran decided it was within her commission’s authority to move forward on a case-by-case basis, despite ongoing legislative oversight.

The local medical community continued to face financial and structural challenges, as Guam Memorial Hospital, the island’s longtime primary public health care facility, lost federal accreditation in 2018 and would not seek reaccreditation until its Medicare and Medicaid shortfalls were resolved (*PDN*, 14 Feb 2019). The hospital was required by law to accept all patients, including those who could not pay or did not have health insurance coverage. At the same time, Guam Regional Medical City, a relatively new local branch of a Philippines-based private medical corporation, announced that it would reduce its presence on Guam (*GDP*, 11 June 2019).

Tensions continued to flare among ethnic groups on-island, as a machete attack committed by members of the Federated States of Micronesia (FSM) community in Mangilao drew public attention (*PDN*, 14 June 2019). Two young men were indicted in the attack that sent one victim to the hospital and left several cars damaged. A series of public safety meetings followed in villages with large populations of FSM migrants (*PNC*, 27 June 2019).

Efforts to perpetuate the Indigenous culture and language on Guam continued, as the longtime CHamoru immersion program Hurao Academy agreed to support an official Guam Department of Education initiative, the Faneyåkan Sinipok CHamoru Immersion Pilot Kindergarten Program, at P C Lujan Elementary School (*PNC*, 7 June 2019). The pilot program was open to thirty-six students. Guam law mandates that all public schools offer Chamorro cultural classes, but this immersion program would go far beyond what the law requires.

Young Guam resident Kaya Taitano found herself in the midst of an international news story over racial tensions in Washington DC when she captured images and videos of conservative white youth confronting Native American elder Nathan Phillips during the Indigenous Peoples March at the Lincoln Memorial on Martin Luther King Jr weekend (*GDP*, 21 Jan 2019). Her videos from the event were viewed by millions around the world.

The US federal government found that war reparations negotiated by former US Representative Bordallo had failed to appropriate proper funds. Guam’s new delegate to Congress, San Nicolas, and new governor,

Leon Guerrero, took up the issue, but they encountered tension when Leon Guerrero announced she would re-prioritize local funds to fulfill war claims (PNC, 20 June 2019).

Local tradition clashed with federal rule when US President Donald Trump signed an \$867 billion farm bill into law, extending the federal ban on cockfighting and dogfighting to Guam and the other US territories (*GDP*, 22 Dec 2018). Public outcry from many local cockfighting fans and farmers delineated the cultural differences between the majority-white United States and the Pacific and Asian cultures of its territory of Guam. The new governor expressed unquestioning support for cockfighting, and decolonization activists encouraged the questioning of US sovereignty over Guam (*PDN*, 7 Jan 2019). By contrast, though dogfighting does occur on Guam, it did not receive similar public attention or concern, nor did the estimated tens of thousands of stray dogs on the island.

A Guam commission was created to work with international efforts to commemorate the world's first documented circumnavigation—that of Ferdinand Magellan and his crew from 1519 to 1522—and first encounter between Europeans and Indigenous Pacific peoples (*GDP*, 8 Sept 2018). In March 1521, Magellan infamously burned a village on Guam, killed a number of people, whose body parts some members of his crew ate, and called Guam an “Island of Thieves” before dying in a conflict with the Indigenous people of the Philippines. The Spanish government intended to sail ships along Magellan's path, stopping at sites such as Guam to

commemorate his accomplishments. The purpose of Guam's commission is to coordinate with any international efforts to ensure that the CHamoru perspective and voices are not lost (PNC, 5 July 2019).

As CHamorus on Guam worked to ensure their voices were heard in international forums, their quest for self-determination received a potential setback in the US court system. A lawsuit over a self-determination plebiscite in Guam that had been fought since 2011 saw a decisive loss in the Ninth Circuit Court of Appeals for GovGuam (PNC, 30 July 2019).

A 1997 Guam law mandated a nonbinding decolonization plebiscite for “native inhabitants” of Guam. This group consisted of CHamorus, as well as members of other ethnic groups—in other words, all those who received US citizenship via the passage of the Organic Act for Guam by the US Congress in 1950, including the descendants of those individuals.

Guam resident Arnold Davis filed a lawsuit against GovGuam, alleging that his constitutional rights were being violated by the plebiscite law. As he was not given citizenship by the Organic Act, he did not meet the “native inhabitant” definition. In 2017, the US District Court of Guam ruled in favor of Davis, determining that the plebiscite law violated the Fifteenth Amendment, which guarantees US citizens the right to vote regardless of race. The Government of Guam subsequently appealed; however, in July 2019, the Ninth Circuit Court of Appeals affirmed the lower court's decision, ruling in a strange logic that the “native inhabitant” category was a proxy for race (even

though it includes people of various ethnicities) and that it was unconstitutional to limit a public vote.

Though Guam is a US territory, the US Constitution is routinely not applied to Guam or is otherwise violated in the way Guam is treated by the United States, most notably due to the fact that US citizens in Guam are not allowed to vote for US president or to have voting representatives in Congress. The federal court upheld the rights of a single person in the territory to vote in a self-determination plebiscite, while ignoring the right of self-determination for an entire people and the voting rights of US citizens in Guam.

In the wake of the court's affirmation, local leaders expressed some hope in the midst of obvious disappointment. The court ruled that the "native inhabitant" category was unconstitutional and prohibited any plebiscite that used such a term, but it did not rule on the constitutionality of seeking redress for colonized peoples. At the following meeting of Guam's Commission on Decolonization, the maga'håga, attorney general, and senators all expressed continuing support for efforts toward CHamoru self-determination (*PDN*, 6 Aug 2019).

According to the Commission on Decolonization's executive director, Melvin Won Pat Borja, "We continue to be shot down at every turn, but it does not change the fact that our people have this desire within them to be self-governing. We have the desire to address our political status" (*PNC*, 31 July 2019). For many years, the ongoing Davis case paralyzed efforts to hold a plebiscite and hindered attempts to educate the community on

Guam's current political status. Time will tell if this potential setback may ultimately galvanize the decolonization movement.

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MARSHALL ISLANDS

For the Republic of the Marshall Islands (RMI), the period under review saw the passing of a number of distinguished traditional leaders, public servants, and community members. Ruben Zackhras died in early January 2019 following a public service career that spanned more than four decades. Elected to nine consecutive terms as senator for Aelōñap̄ap̄ Atoll between 1979 and 2015, Zackhras was among the longest serving members of the Nitijeļā (Parliament). Prior to becoming a senator, he was elected delegate and then president of the Marshall Islands' first Constitutional Convention in 1977, where he led the effort to develop and pass the constitution for

the newly independent Republic of the Marshall Islands. Zackhras also served in numerous cabinet positions over the years and was most recently RMI ambassador to Fiji (*MIJ*, 4 Jan 2019).

In May 2019, the Marshall Islands lost Ministry of Foreign Affairs and Trade Secretary Bruce Kijiner. Prior to that appointment, Kijiner held numerous government posts with the Republic of the Marshall Islands Environmental Protection Agency, the Ministry of Works, Infrastructure, and Utilities, the RMI Embassy in Fiji, and the Majuro [Mājro] Atoll Local Government. Kijiner's father, Thomas Kijiner Sr, is a former senator for Likiep Atoll and the current ambassador to Japan. His brother Thomas Kijiner Jr is first gentleman (*MIJ*, 14 June 2019).

Tomaki Juda, former senator and mayor of Pikinni (Bikini) Atoll and speaker and vice speaker of the Nitijelā, also passed away during this period. One of the last surviving ri-Pikinni ("ri-" means person/people of/from) displaced by the United States in 1946 in preparation for nuclear weapons testing, Juda served as mayor of Pikinni for three decades starting in 1972 and as Pikinni senator from 2000 to 2015. In those roles, he led delegations of ri-Pikinni to Washington DC to testify and negotiate with US government leaders, worked with lawyers to file lawsuits calling on the United States to conduct a comprehensive radiological study after residents were prematurely returned to the irradiated atoll in the early 1970s, and helped secure almost US\$200 million in nuclear compensation from the United States for the people of Pikinni as part of the Compact of Free

Association (COFA) and the Resettlement Trust Fund for the People of Bikini [Pikinni] (KBE Trust Fund) (*MIJ*, 19 Oct 2018). (KBE stands for Kili/Bikini/Ejit [Kōle/Pikinni/Āje], with Kōle Island and Āje Island being the two longest-standing Pikinni resettlement sites.)

Among the other prominent leaders and members of the community who died during this period was Juaer Loeak, longtime mayor of Aelōñlaplap Atoll and brother of Iroojlaplap [Paramount Chief] Kotak Loeak and former President Christopher Loeak (*MIJ*, 24 May 2019). The Reverend Enja Enos, president of the Marshall Islands United Church of Christ and Nitijelā chaplain, died at his home in Hilo, Hawai'i, in March 2019 and was returned to Mājro for burial (*MIJ*, 15 March, 12 April 2019). Arthur Kaylor Kaukon, one of the founders and lead moderators for Kewan Jela, a private Facebook group that has "transformed the nature of Marshalllese political debate" as the "go-to platform for debate on important issues," also passed away (*MIJ*, 15 Feb 2019). According to the group's page in July 2019, Kewan Jela's mission is "to provide or raise public awareness on political issues, social issues and economics [*sic*] issues that affect [Marshall Islanders]." Since its inception in 2013, the site has gained exponential popularity among Marshall Islanders and others living in the islands and the diaspora, with almost twenty thousand members as of July 2019.

This period also saw developments on several key issues outlined in last year's review for the RMI (LaBriola 2019). These include the results of the 2017 Constitutional Convention, the

RMI's position on the United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW), debates around the adoption of a digital decentralized cryptocurrency as legal tender, mounting opposition to the elimination of postal voting for Marshall Islanders living abroad, and ongoing concerns related to the Marshall Islands Trust Fund (RMI Trust Fund) and the KBE Trust Fund, among others.

Although the required referendum on the amendments approved by Constitutional Convention (Con-Con) delegates was initially proposed for late 2018, the referendum had not been scheduled as of July 2019. In April 2019, the Post Constitutional Convention Committee met to launch an educational awareness campaign on the proposed amendments in anticipation of a possible referendum as part of the 2019 general election, although none has been scheduled to date (*MIJ*, 26 April 2019). Also during this period, the RMI announced its decision not to endorse the TPNW, despite voting in favor of the treaty in July 2017 and legal analysis suggesting that signing would not present a conflict of interest with the COFA (*MIJ*, 6 July 2018). Foreign Minister John Silk explained that the decision was largely a response to the failure of the United States and the other nuclear-armed nations to endorse the treaty, rendering it largely ineffectual. Minister Silk highlighted concern that signing the treaty without US endorsement would risk an “inappropriate shift” in responsibility for the environmental and human impacts of nuclear testing from the United States to the RMI government (*MIJ*, 2 Nov 2018).

There were also developments related to the Nitijeļā's February 2018 adoption of a digital currency called the “Sovereign” or “sov” as legal tender (RMI Nitijeļā 2018). Following warnings and expressions of concern by the International Monetary Fund (IMF), the RMI banking commissioner, and the president of the Bank of Marshall Islands that the costs of launching the currency might outweigh the benefits, Minister in Assistance and cosponsor of the sov legislation David Paul announced that the RMI and Israel-based partner Neema Technologies were taking steps to address a number of concerns before moving forward (*MIJ*, 21 Sept 2018). These steps have included the establishment of nonprofit entities to “support and maintain the sov . . . [and investment] projects related to sov” (*MIJ*, 8 March 2019) and “to support the [RMI] government in the establishment, maintenance and implementation of the sov” (*MIJ*, 7 June 2019); adoption of the Yokwe Protocol, which includes measures aimed at ensuring sov security (*MIJ*, 8 March 2019); hiring consultants to advise on the “drafting, design, and issuance of the new digital legal tender” (*MIJ*, 18 Jan 2019) and to develop compliance systems that meet international anti-money laundering standards (*MIJ*, 26 April 2019); meetings with US Department of Treasury and IMF representatives; and outreach efforts to raise awareness about the potential benefits of digital currency (*MIJ*, 19 Oct 2018). Despite these and other steps, the sov continues to face local and international scrutiny and was one of the factors behind a failed vote of no confidence (VONC) against Presi-

dent Hilda Heine's administration in November 2018 (*MIJ*, 16 Nov 2018).

Several other issues played a role in the vote of no confidence, including lingering questions about an illegal and heretofore unexplained withdrawal of approximately US\$1 million from the RMI Trust Fund in 2017 (LaBriola 2019). The Heine administration's opposition to a proposed investment scheme known as the Rongelap [Roñlap] Atoll Special Administrative Region (RASAR) and ongoing concerns about the elimination in 2016 of postal voting for Marshall Islanders living abroad also contributed to divisions in the Nitijelā that culminated in the vote. Debates about the establishment of "Rongelap [Roñlap] Atoll as an investors' paradise" (*MIJ*, 24 Aug 2018) started in June 2018 when Cary Yan, an RMI passport holder since the 1990s and head of the Hong Kong-based World Organization of Governance and Competitiveness (*MIJ*, 7 Dec 2018), donated US\$3 million in supplies for the construction of a new jail and police headquarters in Mājro. The deal was arranged by Minister of Justice Mike Halferty, who did not secure necessary Cabinet approval for the project and was removed from his ministerial post by President Heine soon after (*MIJ*, 29 June 2018). Although Yan claimed the donation was not connected to his plan to transform Roñlap Atoll into a "Silicon Island" (*MIJ*, 2 Nov 2018), debate over RASAR arose in the Nitijelā within weeks of the jail project's collapse. With support from Roñlap Senator and Speaker of the Nitijelā Kenneth Kedi and Roñlap Mayor James Matayoshi, who presented RASAR at

the Asia World Expo in April 2018, Yan's RASAR proposal includes plans to create a special administrative region on Roñlap Atoll similar to Hong Kong's "one country two systems" relationship with China (Smith 2018). The RASAR would include a "state of the art, business, entertainment, transport, education, medical and residential center [*sic*] . . . a Global Economy Research Center, a financial securities exchange center, [and] office space for banking, insurance and other financial services" (*MIJ*, 31 Aug 2018). The plan also includes an international airport, a hospital, an art museum, housing, and other infrastructure that would purportedly stimulate economic growth in the Marshall Islands by making Roñlap a hub for "transportation, commerce, and tourism" (*MIJ*, 31 Aug 2018). In addition to enormous investments by the World Organization of Governance and Competitiveness and others, the plan would require Nitijelā approval of a special economic zone with limited legal and financial oversight by the RMI, together with tax and other incentives for investors (Smith 2018).

In September 2018, a concept paper and draft bill outlining the RASAR plan began circulating and raising red flags among members of the Nitijelā and the Heine administration. Of particular concern were elements of the plan deemed by the attorney general to be either unconstitutional or in violation of RMI law, rumors that members of the Nitijelā had been offered "envelope[s] of cash" in exchange for supporting the proposal, and reports that magazines and websites in Asia had advertised RMI passports and US Social Security numbers in exchange

for investing in RASAR (*MIJ*, 14 Sept, 21 Sept 2018). As a result of these and other concerns, the draft legislation did not get the Cabinet support required for this type of legislation to be introduced to the Nitijeļā (*MIJ*, 2 Nov 2018). In response, RASAR proponents joined forces with several SOV opponents to introduce a VONC motion on 12 November 2018. With Senator Litokwa Tomeing absent for medical reasons, the vote failed to garner the 17 votes required to pass and was defeated in a 16–16 vote tie (*MIJ*, 2 Nov 2018). The vote also signaled the defeat, at least for now, of the RASAR plan.

In addition to RASAR and the SOV, VONC supporters cited “the removal of postal voting” as another reason for their waning confidence in the Heine administration (*MIJ*, 9 Nov 2018). In September 2016, the Nitijeļā passed the Election and Referenda (Amendment)(1) Act 2016 by a slim margin (thirteen to twelve), eliminating postal absentee voting for Marshallese citizens living overseas. The goals were to restrict voting to those residing and paying taxes in the Marshall Islands and to “improve the efficiency, cost, and accuracy of the voting process” (LaBriola 2018). The act’s passage immediately generated dissent among Marshall Islanders living abroad and by the M̄weo Im̄on Irooj (Council of Chiefs), a fourth branch of the RMI government consisting primarily of Iroojlaplap (paramount chiefs) and granted authority by the RMI constitution to request the “reconsideration of any Bill affecting the customary law, or any traditional practice, or land tenure, or any related matter” (RMI Constitution 1979). Despite the

position of the M̄weo Im̄on Irooj and widespread public opposition (*MIJ*, 28 Oct 2016), the Nitijeļā signed the bill into law.

To address public outrage over the end of postal voting, several senators introduced the Election and Referendum (Amendment) Act 2017, which would have reverted the postal voting system to its pre-2016 status by eliminating language restricting eligibility to vote by mail, but the bill did not have enough support to pass (RMI Nitijeļā 2017). With local and national elections looming in November 2019, the restoration of postal voting has remained a top priority for many citizens, especially those living abroad. Absent the will of the Nitijeļā, several Marshall Islanders sought alternative paths to restore what they regard as the constitutional right of all RMI citizens to vote. In March 2019, former Senator Evelyn Konou and Assumption Schools Principal and former Secretary of Education Biram Stege delivered to the Nitijeļā a petition signed by more than eight hundred Marshall Islanders demanding the overturn of the ban on postal voting. In response, Nitijeļā Speaker Kenneth Kedi and eight other senators cosponsored Bill 163, which was aimed at restoring postal voting for qualified citizens living abroad (RMI Nitijeļā 2019). With only sixteen of thirty-three senators present, the bill was voted down (nine to seven) (*MIJ*, 8 March 2019).

In the month following the bill’s defeat, two lawsuits were filed in the RMI High Court citing the unconstitutionality of Election and Referenda (Amendment)(1) Act 2016, also known as Public Law 2016-28. The

first, filed by attorneys Jack Jorbon and Atbi Riklon on behalf of RMI citizen and Honolulu resident Betwel Lekka against Chief Elections Officer (CEO) Benjamin Kiluwe, contends that Public Law 2016-28 violates Article IV, Section 3 of the RMI Constitution, which guarantees universal suffrage for any citizen of the Marshall Islands who: (1) is 18 years or older; (2) is not “certified to be insane”; and (3) has not been convicted of a felony, is not imprisoned, and is not on probation (RMI Constitution 1979). The lawsuit asks the court to rule that the chief elections officer does not have the authority to prevent qualified citizens from voting. According to the lawsuit, Lekka is a qualified voter registered in Jittok-eṅ Ward, Jālwōj Atoll; however, his request for an absentee ballot was denied by CEO Kiluwe because postal ballots are not available for those residing outside the Marshall Islands (MIJ, 5 April 2019).

In mid-April 2019, attorney Tiantaake Beero filed a similar lawsuit on behalf of Evelyn Konou and Anna Lehman against CEO Kiluwe and Attorney General Johnathan Kawakami (MIJ, 26 April 2019). In addition to violating Article IV, Section 3 of the RMI Constitution, the lawsuit states that Public Law 2016-28 violates Article II, Section 12(2), which guarantees all citizens equal protection under the law, as well as Article II, Section 14(3), which states that “no fee may be imposed so as to prevent participation [in the electoral process] by a person unable to afford such fee” (RMI Constitution 1979). The lawsuit asserts that the elimination of postal voting without a viable alternative for nonresidents has created the equiva-

lent of an unconstitutional “fee” because off-island citizens wanting to vote must purchase a plane ticket to return to the Marshall Islands to cast their ballot (MIJ, 26 April 2019). In late May 2019, the attorney general asked High Court Judge Witten Philippo to dismiss the Lekka case, but the request was denied, and the case was cleared to move forward (MIJ, 21 June 2019). As of this writing, the attorney for Konou and Lehman had filed a motion asking the court to issue a summary judgment in lieu of a trial to ensure that a ruling is made before ballots for the 2019 election go to press. Assistant Attorney General Falai Taafaki also filed a motion to consolidate the two cases and move directly to the Supreme Court, which has sole jurisdiction over constitutional matters (MIJ, 12 July 2019).

KBE leadership continued to make headlines during the period under review following the transfer of oversight of the KBE Trust Fund from the United States Department of the Interior Office of Insular Affairs to the KBE Local Government in November 2017 and a withdrawal of US\$11 million from the fund several days later (LaBriola 2019). Since then, KBE Mayor Anderson Jibas and the KBE Local Government have made a series of decisions they say will benefit their community but that have caused alarm for a number of RMI leaders. Among these were the purchases of two landing craft vessels from Indonesia for approximately US\$1 million and an apartment complex in Mājro Atoll for US\$1.3 million, both to service and generate long-term income for the Pikinni community in exile (MIJ, 14 Sept, 21 Sept 2018). In Octo-

ber 2018, the processing and arrival of the two Indonesian vessels resulted in a feud on the floor of the Nitijelā after more than one senator questioned whether the KBE local government had followed proper registration and inspection procedures and asked why one of the vessels had stopped at Jālwōj Atoll before landing at Mājro (the RMI capital) as required by law (*MIJ*, 12 Oct 2019).

In late April 2019, the KBE Local Government bought 283.6 acres of land in the Ka‘ūmana area of Hilo on Hawai‘i Island in Hawai‘i. The primary goals of the acquisition included developing “a portion of the property into individual one-acre lots that can be sold . . . on the open market” and using the revenue from the sales to develop any remaining land for settlement by ri-Pikinni (*MIJ*, 28 June 2019). The people of Pikinni live in exile as a result of US nuclear testing and its ongoing environmental legacies in their home atoll, and they now face the possibility of losing their homes on Kōle and Ājeĵ to sea-level rise. While the project seems at first glance like a worthy investment that will pay off for ri-Pikinni in the long run, questions about the value of the land and the viability of the KBE local government’s development plan have surfaced in the months since the purchase was finalized. For one, the land in question is zoned as agricultural land, which means subdivided lots must be at least one acre, and any development would require a master plan for the land and all adjacent property. What’s more, the previous owner of the acreage, Akalea LLC, was not able to secure Hawai‘i County approval to subdivide the land into individual

plots. Within months of being denied the permit, Akalea sold the property to the KBE local government (Johnson 2019). Residents of neighboring properties had also expressed concerns about Akalea’s plans to develop the land and have started to ring the alarm bells about the impacts of development on a stream that runs through the property and flood patterns in neighboring communities. Despite these and other concerns, Mayor Jibas is confident the project will move forward and provide a long-term home and income for the people of Pikinni (Johnson 2019).

Adoptions of Marshallese children in the United States resurfaced as an issue of concern following the publication of an investigative report by *Honolulu Civil Beat* in November 2018 (Terrell 2018). The report, together with a statement by Senator David Paul on the floor of the Nitijelā in early October 2018, revealed that American lawyers and Marshallese facilitators in Arkansas, Utah, Texas, and the RMI have been using questionable practices to skirt regulations in COFA and RMI law related to travel and the adoption of Marshallese children. COFA Article IV, Section 141 prohibits Marshallese citizens from entering the United States with the intent of giving up a child for adoption (US Congress 2003). This clause was added to the amended compact to address concerns in the 1990s about Marshallese women traveling to Hawai‘i to give up children for adoption and reports “of birth mothers being coerced, bribed, or pressured into adopting out their children” without understanding the implications of their decision within the American

system (Hill and Dugdale 2018b). The RMI government also passed the RMI Adoptions Act 2002, which aims to “provide for a comprehensive set of procedures to govern the adoption” of Marshallese children, and established the RMI Central Adoptions Authority to oversee these procedures (RMI Nitijeļā 2002). Amid renewed concerns about unethical adoption practices in the mid-2010s, the Nitijeļā passed the Adoptions (Amendment) Act 2016 to strengthen oversight of international adoptions and protect “the best interests of children and prevent the abduction, sale, and trafficking of children” (RMI Nitijeļā 2016). Also in 2016, Minister of Internal Affairs Amenta Matthew elicited the help of the Hawai’i Family Court to ensure that any adoptions of Marshallese children in Hawai’i comply with RMI law (LaBriola 2018). Despite these measures, *Honolulu Civil Beat* revealed that several American attorneys and Marshallese “fixers” are going around RMI law and the RMI Central Adoptions Authority by identifying Marshallese women already living in the United States who are willing to give up a child or coaching Marshallese women residing in the Marshall Islands on how to hide their intent to give up a child when traveling to the United States. The result is that as many as nine out of ten adoptions in places such as Washington County, Arkansas, involve Marshallese children (Dugdale and Hill 2018), with private adoption attorneys earning thousands of dollars for every adoption they facilitate (Hill and Dugdale 2018b). While the *Honolulu Civil Beat* reports did result in one Texas lawyer being suspended by the Inter-

country Adoption Accreditation and Maintenance Entity, the US accrediting organization for international adoption agencies, concern is growing that little is being done to curb “black market” adoptions and that the American attorneys involved are not being held accountable (Hill 2019). In contrast, three Marshallese collaborators were charged in March 2019 with human trafficking, unlawful solicitation, and monetary inducement (*MIJ*, 22 March 2019), and several Marshallese birth mothers have been convicted of adoption fraud in Arkansas (Hill and Dugdale 2018a).

The RMI’s nuclear legacy received renewed attention following comments in May 2019 by UN Secretary General António Guterres and a series of reports by the *Los Angeles Times* (Rust and Cole 2019). After meeting with President Heine while in Fiji for a series of meetings focused on climate change, Guterres publicly raised concerns about the Runit Dome, referring to the Ānewetak Atoll nuclear waste facility as a “coffin” (Swenson 2019). Constructed over a large crater formed by the US nuclear test code-named Operation Hardtack I–Cactus in May 1958, the Runit Dome contains 2.58 million cubic feet (73,000 cubic meters) of radioactive material and surface soil taken from several islands in the atoll as part of a US cleanup effort between 1977 and 1980. Recent studies (eg, Hughes and others 2019) and the threat of sea-level rise resulting from climate change have caused alarm among ri-Ānewetak and RMI leaders who believe the dome is leaking into groundwater and seawater, despite US claims to the contrary. To address the ongoing consequences of

US nuclear testing, the RMI National Nuclear Commission and nongovernmental organizations such as Radiation Exposure Awareness Crusaders for Humanity–Marshall Islands (REACH-MI) continue to build capacity and expand programming and outreach efforts (*MIJ*, 1 March, 15 March 2019).

In Hawai‘i and in continental US states, citizens of the RMI, the Federated States of Micronesia (FSM), and the Republic of Palau (Palau) came up against inconsistencies in the application of the REAL ID Act Modification for Freely Associated States Act (US Congress 2018). Although the amended law was intended to make it easier for citizens of the Freely Associated States (FAS) to obtain a full-term, eight-year driver’s license or state-issued identification card compliant with the REAL ID Act of 2005, the amendment had the opposite effect for many FAS citizens, who are now required to present a visa or employment authorization documents (EAD) to renew or obtain a compliant driver’s license or state ID (Hofschneider 2019d). This has proved challenging, as FAS citizens are largely exempt from visa and EAD requirements under the compacts of free association, and the vast majority have neither. Beginning in April 2019, many FAS citizens in Hawai‘i were told they were not even eligible for limited-purpose licenses or state IDs without a visa or employment authorization documents. Others were able to renew or obtain an ID without the extra documentation, resulting in widespread confusion and anxiety. In Hawai‘i, the advocacy group We Are Oceania launched a public

education campaign in May 2019 to address these concerns and to ensure that Marshall Islanders and other FAS citizens have the necessary documents to obtain or renew a license or state ID (Hofschneider 2019a), and Hawai‘i’s Congressional delegation urged the US Department of Homeland Security and US Citizenship and Immigration Services to expedite a solution (Hofschneider 2019c, 2019b).

The RMI made gains in the area of health during this period after joining with the US Centers for Disease Control and Prevention (CDC) to conduct a mass tuberculosis (TB) screening with funds provided through the COFA. After identifying 307 active and 4,897 latent TB cases, nearly 100 percent of people with latent cases and 30 percent of those with active cases have completed treatment, a significant accomplishment for the island nation with one of the highest rates of tuberculosis in the Pacific Islands (Harris Joshua 2019). The ministry also joined with the CDC and the World Health Organization to screen residents of Ebjā (Ebeye) on Kuwajleen Atoll and Mājro for Hansen’s disease, also known as leprosy. To date, the entire population of Ebjā and 75 percent of Mājro residents have been screened, and those found to have the disease have started treatment (*MIJ*, 24 May 2019).

The RMI also continued to lead regional and global efforts in the area of climate change with the September 2018 release of its *Tile Til Eo [Lighting the Way]: 2050 Climate Strategy*, making the RMI the first Pacific nation and the tenth nation globally to establish “a clear framework for progressing towards net zero greenhouse

gas emissions by 2050 [and] transitioning to an economy and society that is resilient and can adapt to the inevitable impacts of climate change” (RMI Government 2018). The plan reaffirms the RMI’s commitment to the Paris Agreement under the UN Framework Convention on Climate Change, outlining a series of recommendations to help ensure climate resiliency and the island nation’s future. In addition to moving its emissions reduction target up five years from 2025 to 2020, the plan outlines a series of goals including transformations to the energy sector, solid waste reduction, steps to decrease dependence on kerosene fuel and private gas-powered vehicles, and the development and centralization of planning and oversight in these and other areas (RMI Government 2018).

The RMI and local governments, schools, and community organizations also took a number of other steps during this period to address climate change. At the national level, the RMI assumed the chairship of the Climate Vulnerable Forum, a global partnership of countries disproportionately impacted by climate change, and hosted the world’s first Virtual Climate Summit in November 2018 (*MIJ*, 30 Nov 2018). The College of the Marshall Islands developed a climate change curriculum (*MIJ*, 21 Sept 2018), Majuro [Mājro] Atoll Waste Company implemented a recycling program (*MIJ*, 8 Feb 2019), and Kathy Jetñil-Kijiner and Kristina (Tina) Stege were appointed as climate change envoys to represent the RMI globally in efforts to gain support for atoll adaptation strategies (*MIJ*, 22 Feb 2019). These efforts were enhanced by climate initiatives sponsored by

nongovernmental organizations. Among these were Jo-Jikum’s Digital Storyteller project, which is aimed at supporting Marshallese youth raising awareness about climate change, and several initiatives sponsored in part by the Marshallese Conservation Society, including implementation of the Reimaanlok Conservation Area Management Planning Framework to help communities develop accelerated localized climate adaptation strategies (Marshall Islands Conservation Society 2019).

These and other issues such as infrastructure, wages, education, health care, outmigration, and the scheduled end of grant funding and access to select US federal programs under the current COFA in 2023 will be major topics of discussion and debate in the next few months as the 2019 election season gets underway. In a joint press conference with President Heine, FSM President David Panuelo, and Palau Vice President Raynold Oilouch, held in Pohnpei on 5 August 2019, US Secretary of State Michael Pompeo indicated that the United States is open to renegotiating the economic provisions of each country’s compact (Pohnpei Public Broadcasting Corporation 2019). In November 2019, RMI voters will decide if their current leaders have proved themselves up to the task—and to the many other challenges and opportunities that will arise in the months and years to come.

MONICA C LABRIOLA

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NAURU

Over the past two years, Nauru has raised its regional and international profile, as the government led by President Baron Divavesi Waqa and Minister for Finance and Justice David Adeang sought to address a range of economic, political, and social challenges at home.

In January 2018, Nauru celebrated its fiftieth anniversary of independence as a sovereign nation. A key part of the anniversary year was hosting the forty-ninth Pacific Islands Forum in September. The government's unity, however, ended with national elections in August 2019, when Waqa lost his seat in the Boe constituency, opening the way for a new era of governance.

Throughout 2018–2019, the Waqa government was engaged in domestic reforms, introducing new economic policies, major changes to superannuation, and fundamental reforms to the courts and judicial system. On the international stage, President Waqa was active, speaking out at the United Nations, chairing the Forum, and strengthening diplomatic and economic ties with Taiwan at a time when the People's Republic of China is increasing its regional influence.

Despite these initiatives, the Waqa government also received adverse international attention for some domestic policies. A focus of criticism has been the government's ongoing support for Australia's refugee policy, with Nauru hosting an offshore asylum seeker processing center. A second issue has been the treatment of the "Nauru 19," a number of senior politicians and community leaders charged with offenses after a 2015

protest. Not surprisingly, a further focus of media criticism has been the Nauru government's combative relations with overseas journalists and restrictions on access for many media organizations, including the Australian Broadcasting Corporation (ABC).

The Micronesian nation of eleven thousand people faces many development challenges. A quarter of the population lives below the national poverty line, according to data from the Asian Development Bank (ADB 2018).

Education standards and truancy continue to be major problems. In 2018, only 60 percent of students attended school for the midyear examinations, and of these, less than half of the students in years 1–8 passed the examinations. Of year 8 students, only 14 percent passed mathematics, 32 percent passed science, and 54 percent passed English (Nauru Bulletin 2018c, 7). The government is seeking to address the poor results through scholarships and teacher training, sending students to the University of New England in Australia to earn teaching credentials and school principals to Fiji, Kiribati, and Marshall Islands for professional training.

Nauru also has some of the poorest health indicators for noncommunicable diseases (NCD) in the Pacific Islands. Nutrition is a central element of the country's 2014–2020 NCD action plan, which includes initiatives to address obesity, diabetes, and a junk-food epidemic. The strategy plan reports that before current initiatives, Nauru ranked second to Afghanistan in the age-standardized mortality rate for these diseases (Government of Nauru 2014, 5).

Dr John Auto, a Solomon Islander who coordinates public health programs for Nauru's health ministry, reported on surveys that have highlighted the difficulty of growing fruit and vegetables and the high cost of importing nutritious, fresh food aboard Nauru Airlines planes: "We have WHO [World Health Organization] standards like 'are there servings of fruit and vegetable in the diet?' But 95 per cent of Nauruans in that survey reported not having the recommended amount of vegetables and fruits" (Auto 2018).

In an interview, Nauru Secretary for Commerce, Industry and Environment Berilyn Jeremiah stated that food production is affected by climate variability and natural disasters affecting the country: "Nauru is susceptible to droughts which, in the past, have had significant impacts on health, food security and the economy, as it can put a strain on our national budget. Enhancing water security is fundamental to reducing vulnerability to climate change. Food insecurity is also a major risk for Nauru, given our dependence on imported foods and its geographical isolation" (Jeremiah 2018).

Nauru's vast resources of phosphate are nearly exhausted. Primary phosphate mining was wound down after shipments in August and September 2018, with the Republic of Nauru Phosphate Corporation (RONPHOS) only able to continue secondary mining of limited resources around limestone pinnacles. Mining Minister Aaron Cook told Parliament in August 2018 that "RONPHOS expects primary phosphate mining to be exhausted by the end of October, with production solely from secondary mining

by December 2018" (Nauru Bulletin 2018c, 5).

The dominant economic, social, and moral issue facing Nauru is the hosting of Australian offshore asylum seeker processing, which continues to be a source of tension in regional and international relations. The presence of hundreds of asylum seekers and refugees in the Nauru Refugee Processing Centre (RPC) has placed an extra burden on the local population and opened the way for Australia to promote structural adjustment policies in Nauru's economy and administration (Maclellan 2013).

Australia first opened offshore processing camps in 2001 under the so-called "Pacific Solution," which closed with the election of a Labor government in 2007 (Maclellan 2002a, 2002b). In June 2011, Nauru signed the instruments of accession to the 1951 Refugee Convention and its 1967 protocols. The camps reopened in 2012 and continue to this day. Four days before Christmas 2012, Nauru's Parliament passed the Asylum Seekers (Regional Processing Centre) Act 2012 to legalize a greater role in processing (Maclellan 2013).

The arrival of hundreds of asylum seekers since 2012 once again placed pressure on Nauru's administration. Seven years on, many have not been resettled, although campaigning by doctors and human rights groups has meant all families with children have now been medically evacuated off of Nauru. As of 28 August 2019, 288 individuals remained (Refugee Council of Australia 2019).

The Australian government has spent more than A\$5 billion (A\$1.00 is approximately US\$.67) on the Manus

and Nauru detention centers since 2012, with the 2018–19 Australian budget allocating a further A\$759.58 million. While much of this money goes to Australian corporations and health providers, the Nauru government relies on revenue from visa fees and administration contracts for the RPC. In October 2018, Finance Minister Adeang told Parliament that the government had raised an extra A\$6 million from hosting asylum seekers and refugees in the 2017–18 financial year, including A\$5 million through the Nauru Regional Processing Centre Corporation and a further A\$1 million through payment of employment tax arrears (Nauru Bulletin 2018c, 3).

Influenced by the Australian government, the Nauru Parliament made a series of legislative changes to refugee legislation in 2018–2019. During the October 2018 parliamentary sitting, Justice Minister Adeang presented the Refugee Convention (Amendment) Bill 2018, which limits the liability of the exercise of powers by the secretary of multicultural affairs and allows the secretary to grant temporary settlement visas and also recognize any declaration, decision, or record determining an asylum seeker under the laws of the country to be recognized as a refugee. A second piece of legislation, the Asylum Seekers (Regional Processing Centre) (Amendment) Bill 2018, changed the definition of a “protected person” under the 2012 legislation that reopened Australia’s detention centers.

Other legislation, the Commercial Operations and Services Fund Bill 2018, allows the government of Nauru to take over commercial operations and services at the RPC. The

Waqa government wanted Eigu Solutions Corporation, a subsidiary of the locally owned Eigu Holdings Corporation, to take over services currently provided by the Australian corporation Canstruct Services International. The legislation allows for the creation of a new special purposes account to allow Australian funding for the RPC to be monitored separate from existing Nauruan treasury budgets.

In February 2019, Nauru’s Parliament passed the Health Practitioners (Overseas Medical Referrals Compliance) Regulations 2019 in an attempt to override Australia’s 2018 “Medevac” legislation. The Australian law established an independent panel of doctors to assess the need to transfer asylum seekers to Australia for medical treatment.

Under an agreement between the Australian government and the Obama administration, the United States agreed to take 1,250 asylum seekers from Australia’s offshore processing centers on Nauru and Manus Island, subject to US vetting processes. Although he criticized this Obama-era deal in his inaugural telephone call with then Australian Prime Minister Malcolm Turnbull (Miller, Vitkovskaya, and Fischer-Baum 2017), President Donald Trump has continued the process.

During 2018 and early 2019, US Resettlement Support Center teams arrived on Nauru to interview and process approved refugees for resettlement in the United States, although people from some Muslim-majority countries will not be accepted. By 28 August 2019, 330 people had left Nauru for the United States. However, another 151 people on Nauru have

been rejected for resettlement by the US authorities—almost half of these (91 people) were from Iran, with others from Sri Lanka, Pakistan, and Somalia (Refugee Council of Australia 2019). They remain in limbo, with Australia rejecting a New Zealand offer to resettle 150 refugees.

The status of asylum seekers and refugees remaining on Nauru—many in their seventh year on the island—has been a source of debate and criticism, with human rights and medical groups regularly reporting on the abuse of detainees by locals and a spiraling health crisis (Amnesty International 2016; Refugee Council of Australia 2018; MSF 2018).

The Waqa government expelled Médecins Sans Frontières (MSF, Doctors Without Borders) on 5 October 2018. The medical nongovernmental organization had been providing psychological and psychiatric health care for both citizens of Nauru and foreign refugees since November 2017, in cooperation with the Nauru Ministry of Health. With growing public debate over Australia's offshore processing, however, the Waqa government told MSF that their services were no longer required and that they must cease activities within twenty-four hours (Government of Nauru 2018). Two months later, MSF released the first independent medical data demonstrating the extreme mental health suffering on Nauru, with almost half of MSF's patients having been diagnosed with psychosis and many requiring psychiatric hospitalization that is not available on Nauru (MSF 2018).

Former chief secretary of the government and Opposition Minister of Parliament (MP) Mathew Batsiua

played a crucial role in establishing the offshore processing program. Today, as a sharp critic of the Waqa government, Batsiua believes that the government has overwhelmingly focused on refugee processing at the expense of investing in permanent industries: “When the numbers dwindle, and they will, the government hasn't paid any attention to our local industry. All the industries that were thriving when they took over—the rehab, the phosphate mining, the fisheries—they are all struggling. In the phosphate industry, the number of buyers has gone down, certainly the tonnage has gone right down, there's a lack of capital equipment and they've had to retrench people” (Batsiua 2018). Researchers Richard Curtain and Matthew Dornan agreed that Nauru's economy is highly vulnerable to shocks, including a decline in fishing license revenue and economic activity that results from the RPC: “Were that Centre to be disbanded in the future, the Nauruan economy—including employment—would be impacted severely. . . . Migration would be unlikely to suffice as an alternative source of employment, given the limited number of Nauruans with post-school qualifications and the current underutilization of unskilled or low-skilled migration pathways for Nauruans to Australia or New Zealand” (Curtain and Dornan 2019, 14). In response to these criticisms, the government points to a series of recent economic reforms, including the creation of an Intergenerational Trust Fund in 2015 to build up a capital base for post-phosphate revenues. Donors like Australia, Taiwan, and—since May 2019—New Zealand have made contributions to

the fund, which held A\$84.4 million as of 30 June 2018.

In July 2018, Nauru Airlines appointed a new chief executive officer, Peter Sheehan. Based in Brisbane, Australia, Sheehan faces a major challenge improving financial performance and customer relations for the troubled airline. A new route to Solomon Islands commenced in 2018, although regular flights to Guam, first mooted in 2017, have yet to be established.

The government also introduced a superannuation scheme on 1 July 2019, in cooperation with the New Zealand fund SuperLife. The re-established superannuation program requires a mandatory contribution of 5 percent from both employers and employees.

The cost of power generation in Nauru is very high due to the heavy reliance on imported fossil fuels. Only 3 percent of Nauru's electricity is provided by renewable energy—a small amount compared to that of other small island states in the region. Based on the Republic of Nauru's Framework for Climate Change and Disaster Risk Reduction and the Nauru Energy Road Map, Environment Secretary Berilyn Jeremiah said the government has set ambitious priorities for 2020: "We aspire to achieve 24/7 grid electric supply with minimal interruptions and to achieve 50 percent of grid electricity supply from renewable energy sources" (Jeremiah 2018).

Nauru also has a number of infrastructure projects in the pipeline, including a proposed submarine Internet cable and proposals for solar power and improved electricity and water supply. Nauru has developed a twenty-year master plan for water

security, but the government lacks the resources to implement it. The Environment Department is seeking to increase the number of reverse osmosis units, install solar water distillation systems in schools, and increase capacity for rainwater collection or household collection. However, in times of drought and water shortage, desalination plants are costly to run and difficult to maintain.

One major achievement was a successful application to the Green Climate Fund (GCF) for port infrastructure funding. At present, many ships have to transfer goods manually from beyond the coral reef, and these transfers can be difficult during storm surges and bad weather. In October 2017, at its meeting in Cairo, the GCF board approved a US\$26.9 million (A\$35 million) grant to Nauru. This sum is 35 percent of an estimated A\$100 million project, with other contributions from the Asian Development Bank (28 percent), Australia (18 percent), and Nauru (19 percent).

When the GCF board made its decision on the port project, there was opposition from some developed countries, which saw the initiative as an economic rather than climate-specific project. Japan and France questioned whether the Green Climate Fund should focus instead on adaptation or emissions reduction. The United Kingdom initially argued against approving the project, but it bowed to lobbying from Australia and other delegates. The UK government officially recorded its reservation to the final resolution, noting that the port was not value for money given the significant cost (MacLellan 2018c).

Minister for Finance Adeang

acknowledged Australia's role in starting down opposition from other countries on the GCF Board: "One of the keys to our success was the assistance of Australia. Australia supported our delegation in Cairo to help make our case that the port genuinely needs to be upgraded due to Nauru's susceptibility to the effects of global warming. This is further evidence of our ongoing mutual cooperation" (Government of Nauru 2017). Environment Secretary Jeremiah argued that there are environmental benefits to reducing the time to unload vessels arriving off the island: "The port is an important development project for us. It'll help with reducing the prices of food and lowering our reliance on fossil fuels, because it will reduce the time for trans-shipment." (Jeremiah 2018).

Nauru hosted the thirteenth annual summit of the Parties to the Nauru Agreement in July 2018 and served as chair of the regional fisheries agency in 2018–2019. President Waqa noted: "Nauru is blessed with vast tuna resources—our waters are rich with skipjack, yellowfin and bigeye and yet so far we have not been able to develop our own fleet of fishing vessels to catch that tuna" (Nauru Bulletin 2018c, 10). The Nauru government then joined with the South Korean fishing company Silla Co Ltd to allow purse seine tuna fishing in Nauru's Exclusive Economic Zone. Under flag of convenience legislation, two fishing vessels, *Naoero Star* and *Naoero Sun*, will now carry the Nauruan flag in a joint venture with the Korean corporation.

At the 2017 Forum in Apia, leaders committed to deregistering any Democratic People's Republic of

Korea vessels currently flagged on Pacific shipping registers, with Australian and New Zealand intelligence agencies identifying illegally flagged North Korean vessels on Nauru's register (MacLellan 2017). With the passage of the Nauru Shipping (Registration of Foreign Vessels) Act 2018, Nauru is seeking to expand its flag of convenience operations, despite concerns that Nauru-flagged vessels have been used by North Korea to evade international sanctions. At a legal conference in Nauru, maritime legal specialist Stefan Pedersen noted that the Shipping Act poses challenges under the UN Convention on the Law of the Sea (UNCLOS): "It's your flag, it's your nation, it's your reputation. You have to ensure that whoever sits in Hong Kong administering your flag does it properly to ensure you comply with those regulations, those requirements under UNCLOS" (Nauru Bulletin 2018b, 2).

Nauru joined the World Bank and International Monetary Fund in 2016 and has now expanded relations with the Asian Development Bank. On 29 October 2018, Finance Minister Adeang signed an agreement with the Asian Development Bank to establish an in-country office in Nauru. This indication of support for the Asian Development Bank reflects renewed concern from Australia and the United States that China's Asian Infrastructure Investment Bank and Export-Import Bank are attracting interest in the Pacific after the failure of private investors to support infrastructure development in many Pacific Small Island Developing States.

A central pillar of the fiftieth anniversary year was the hosting of

the forty-ninth Pacific Islands Forum in September 2018. The gathering of Forum leaders debated the regional “Blue Pacific” agenda and climate, trade, oceans, and security policy. A major outcome was the adoption of the Boe Declaration on regional security, an update of the Biketawa Declaration first adopted at the 2000 Forum in Kiribati. The Boe Declaration looks to an “expanded concept of security inclusive of human security, humanitarian assistance, prioritizing environmental security and regional cooperation in building resilience to disasters and climate change, including through regional cooperation and support” (PIFS 2018a). A crucial provision notes that all leaders “reaffirm that climate change remains the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific and our commitment to progress the implementation of the Paris Agreement.”

Chinese diplomacy took a hit after the unprecedented behavior of a Chinese official during the official Forum dialogue session (MacLellan 2018a). The Chinese delegate demanded the right to speak in preference to Tuvalu Prime Minister Enele Sopoaga, challenged President Waqa as session chair over procedure, and eventually stormed from the room. The dispute followed a pre-Forum decision by President Waqa that the Chinese delegation must travel on personal rather than diplomatic passports: “It so happens that Nauru has no diplomatic relations with China. We have a reciprocal arrangement which has been there for a long, long time where they expect us to travel on our ordinary passports. Ministers

attending even multilateral meetings in China aren’t issued visas but are expected to travel on ordinary passports. They too know that. But we’ve allowed them to come and we’ve issued them a visa” (MacLellan 2018a).

Nauru and Taiwan first established diplomatic relations on 4 May 1980, although their relationship has not always been untroubled, with Yaren recognizing the People’s Republic of China between 2002 and 2005. Since 2006, Nauru has hosted a Taiwanese technical mission involved in agriculture, energy, scholarships, and training. This work has been extended since Taiwan established the International Cooperation and Development Fund. Today, under President Waqa, Nauru remains one of Taiwan’s most active boosters. In June 2018, the two countries agreed to a visa waiver scheme allowing free movement for citizens. In support of Australia’s processing of asylum seekers in Nauru, the Waqa government sought to send refugees to Taipei for medical and psychological treatment rather than allow them to set foot in Australia, even for urgent medical care.

At the end of 2018, Waqa was received with great fanfare during a visit to Taiwan, as he sought to extend programs in health care, energy, agriculture, and culture (*Taipei Times* 2019). Taiwan’s President Tsai Ing-wen made an inaugural state visit to Nauru on 24–26 March 2019 and addressed the Parliament, calling Nauru a “super good friend” of Taiwan (Government of Nauru 2019b). Members of Parliament (MPs) passed a historic resolution rejecting Beijing’s

one China principle and “one country, two systems” framework, while recognizing Taiwan’s sovereign rights. After the furor at the Forum, President Waqa took a veiled swipe at China during his speech to the UN General Assembly in September: “There are those who have their own agendas for their own interests and benefits, and it is most unfortunate when they impose their will and arrogance on the Pacific people. Those who disrespect the conduct and the will of Pacific leaders must understand that they will be disregarded. It is a Forum for the Pacific people and it is imperative that this is understood and respected” (Waqa 2018, 4).

As incoming Forum chair in 2018–2019, President Waqa was active on the international stage, traveling to the fifth Oceans Conference in Indonesia on “Our Oceans, Our Legacy” and the November 2018 Asia-Pacific Economic Community summit in Papua New Guinea. During the September 2018 opening of the UN General Assembly, Waqa raised the challenges faced by Small Island Developing States and joined other Pacific leaders to continue lobbying over climate change and security, with Nauru and Germany cohosting a UN Group of Friends on the issue (Maclellan 2018b). He called on the UN secretary general to appoint a dedicated UN special representative on climate and security, stating that “this mandate should grow over time to include facilitating regional and cross-border cooperation on issues that might be affected by climate change, engaging in preventive diplomacy, as appropriate, and supporting post-conflict situations when climate

change is a risk factor that could undermine stability” (RNZ 2019).

In May 2019, President Waqa chaired a special meeting at the Pacific Islands Forum Secretariat in Fiji with UN Secretary-General António Guterres, who made his first visit to the region with stopovers in Fiji, Tuvalu, New Zealand, and Vanuatu. Waqa has previously highlighted the difficulties for Small Island Developing States within the UN system, noting:

For the smallest countries—the micro-states—conventional pathways to development are not available to us. We simply cannot offer the profit potential that private investors are seeking. Therefore, we must look to public institutions—to the United Nations—to create an environment in which the rest of us can grow and prosper. When viewed through the lens of conventional economics, our lack of scale is a problem. Therefore, if we are to address the challenges of small islands, we have to abandon the conventional wisdom. We’ll have to think about scale differently. Once we take that leap, our small size can become our greatest advantage. (Waqa 2018, 3)

Despite Nauru’s success in accessing funding from the Green Climate Fund, government ministers continued to lobby for Small Island Developing States’ increased access to international sources of finance for adaptation and resilience and for replenishment of the Green Climate Fund after 2020. At a 2018 ministerial meeting of the Alliance of Small Island States, Health Minister Charmaine Scotty stated: “I emphasize that climate finance is the linchpin of the Paris Agreement and that for nations like Nauru, lack of ambition and the political will to address climate change

are not the problem, but rather, lack of resources is the problem” (Nauru Bulletin 2018a, 3).

The past year has seen a special focus on policing and major reforms to Nauru’s court system. Nauru has received extensive support for the Nauru Police Force from Australia, Taiwan, and Fiji. In October 2018, Nauru’s police commissioner renewed a 2015 memorandum of agreement with Fiji to allow Nauru police to train in Suva, with six new officers graduating during the year. However, a burglary of the police armory and the theft of firearms in late 2018 led to widespread concern about the presence of pistols in the community and prompted criticism of the government, with President Waqa also serving as minister for police (Nauru Bulletin 2018a, 2).

Throughout 2018–2019, the controversial prosecution of the Nauru 19 continued. The case involves a group of nineteen protestors arrested and charged after a 2015 rally outside Parliament in response to the expulsion of three MPs who had criticized the government in media interviews. The group included a number of former politicians, including Squire Jeremiah, Matthew Batsiua, and former President Sprent Dabwido. On 21 June 2018, Supreme Court Justice Geoff Muecke ruled that the Nauru government must meet the legal costs of the defendants’ lawyers in the long-running case, amounting to nearly A\$224,000 (US\$163,000). In August, the same judge issued a permanent stay of proceedings, finding that the “executive government of Nauru” did not want the “defendants to receive a fair trial within a reasonable time

as guaranteed to every Nauruan in the country’s constitution, being the supreme law of Nauru” (Pareti 2018). Describing the case as “a shameful affront to the rule of law,” Muecke said the government was “willing to expend whatever resources, including financial resources, as are required to achieve that aim,” including operating an unwritten blacklist to ensure the Nauru 19 were unable to find work on the island, rent houses, or, in some cases, leave the country. For example, the family and doctor of former President Dabwido claimed the Nauru government delayed attempts to travel to Australia for cancer treatment until it was too late, and he died in Sydney in May 2019.

Muecke’s 2018 ruling was overtaken, however, by major reforms to the Nauru court system. The agreement between Australia and Nauru that gave the High Court of Australia jurisdiction over appeals cases was terminated in March 2018 (Gans 2018; O’Sullivan 2018). This agreement allowed applicants in Nauru to lodge an appeal with the High Court of Australia and therefore provided an important oversight mechanism. In place of this mechanism, the Nauru government appointed a panel of respected Pacific Island jurists to serve as the Court of Appeal, including Sir Albert Palmer, chief justice of Solomon Islands; Sir John Muria, chief justice of Kiribati; Michael Scott, former chief justice of Tonga; Vincent Lunabek, chief justice of Vanuatu; Nicholas Kirriwom, from the National and Supreme Courts of Papua New Guinea; and Jiten Singh, previously of the High Court of Fiji. Justice Minister Adeang said the government is proud

of these reforms to the nation's justice system: "The former system which saw only one judge and one magistrate was open to corruption and cronyism, but we have created arguably the most transparent and accountable justice system in the Pacific, and have appointed several highly respected international judges to serve in our court" (Government of Nauru 2018a).

The Court of Appeal held its first sitting in December 2018, presided by its president, Nauru Chief Justice Filimone Jitoko. In June 2019, the new Court of Appeal overturned Justice Muecke's permanent stay of the case against the Nauru 19, opening the way for further litigation (Government of Nauru 2019a).

The Nauru government has responded angrily to international criticism of the harassment of the Nauru 19 and the country's role in refugee processing, as well as allegations of corruption against President Waqa and Minister Adeang. Tense relations with the international media resulted in the introduction of a nonrefundable visa application fee of US\$5,000 for journalists seeking to visit Nauru. This fee serves to discourage media access to report on the welfare of refugees on Nauru, as it is not refunded if a visa is refused.

The government continues to take a forthright position on media relations, fiercely rejecting criticism and defending its record. Nauru uses the Brisbane-based public relations company Mercer PR, founded by former journalist Lyall Mercer, which assists clients "to manage their public messages, achieve real outcomes and develop proactive media strategies. We also assist our clients to minimize

adverse publicity" (Mercer 2019). As media manager, Mercer has disputed reports of refugees in distress and incidents of self-harm, rape, or attempted suicide.

At the 2018 Forum, Minister Scotty told the author: "Unfavorable overseas reporting risks making the Nauruan people afraid of the refugees. All this hyped-up news about the refugees calling Nauru hell on earth and all these kind of things. Nobody wants their country to be called that in the international media. This was making the transition between the locals and the visitors very hard" (Scotty 2018). This anger over international reporting goes back some years—in his 2015 Christmas statement, President Waqa said: "We have taken bold steps to reform our systems of government and strengthen our democracy despite the lies spread by some foreign media like the Australian Broadcasting Corporation, who refuse to recognize the advances we are making and continue their dishonest political campaign of attempting to influence Nauru's domestic politics" (Government of Nauru 2015).

In line with standard practice for the 2018 Forum leaders' summit, Nauru waived the visa fee for accredited journalists. However, it limited the number of media workers who could attend, banned reporters from the Australian Broadcasting Corporation, and introduced unprecedented restrictions on the stories journalists could cover outside of the formal Forum agenda. These "guidelines" highlight the paranoia in Canberra and Yaren over media coverage of asylum seekers and refugees on Nauru, and Television New Zealand

journalist Barbara Dreaver was briefly detained by police after talking with a refugee. Despite these guidelines, most journalists (including the author) wrote stories on the mental health of refugees and were criticized by host President Waqa for reporting “fake news” (Maclellan 2018d).

In a positive change, however, the government has reversed its 2015 ban on the use of Facebook in Nauru. Addressing Parliament in October 2018, President Waqa “urged the public to be sensible and mindful of language and content being used on social media” (Nauru Bulletin 2018c, 1).

After national elections in August 2019, the Nauru Parliament met to elect a new President, with Lionel Aingimea defeating David Adeang twelve votes to six. The election defeat of outgoing President Waqa after six years in office will transform governance in the Micronesian nation, opening a new phase in the country’s regional relationships.

NIC MACLELLAN

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NORTHERN MARIANA ISLANDS

The period in review covers one of the most traumatic events in recent Commonwealth of the Northern Mariana Islands (CNMI) history—and we are not referring to the November 2018 election results, which, for some, were just as distressing. Four months before the general elections, CNMI politicians in power—the “ins”—and those who were not—the “outs”—had, more or less, completed a realign-

ment that would have startled if not dismayed those who still believed that politics should be about “ideals” and “principles.”

US Congressman Gregorio Kilili Camacho Sablan, a longtime CNMI Democrat who was elected as the islands’ first delegate to the US House of Representatives in 2008, was seeking a sixth term. Kilili, as he is known in the CNMI, was aligned with the US Democrats in the US Congress, but he was also a political ally of the late CNMI Republican Governor Eloy S Inos (MV, 31 July 2014). In the 2018 elections, however, Inos’s successor, Ralph Deleon Guerrero Torres, supported the candidacy of a fellow young Republican, CNMI Representative Angel A Demapan (MV, 5 Oct 2017).

On 2 July 2018, Kilili endorsed the gubernatorial candidacy of one of his 2010 election opponents, former Governor Juan Nekai Babauta, a longtime Republican who had decided, after four consecutive election losses (MV, 13 April 2018), to seek office again. This time, Babauta was running as an independent, and his running mate was former Education Commissioner Rita A Sablan, who earlier considered running for governor herself as a Democrat (MV, 13 April 2018). In 2016, Sablan, who supported the losing gubernatorial candidate in 2014, announced her retirement as education commissioner and was succeeded by someone more politically aligned with the governor (MV, 17 Nov 2016).

On 4 July 2018, as if foreshadowing the twin disasters that would soon befall the CNMI’s three major islands, Tropical Depression 10W moved

slowly through the Marianas, prompting the government to postpone the Liberation Day/Fourth of July parade indefinitely (MV, 5 July 2018).

The CNMI Democratic Party, which used to be the islands' other major political group, announced on 10 July 2018 that it was endorsing the Babauta-Sablan ticket and other independent candidates. The last time the local Democrats won a gubernatorial election was in 1993, and the last time a local Democrat won an elective office was in 2007 (MV, 1 Feb 2019).

On 26 July 2018, the governor announced that President Donald Trump had signed into law the Northern Mariana Islands US Workforce Act to extend the temporary foreign contract workers (CW) program for another ten years after December 2019 and to increase the CW cap from 4,999 to 13,000. "Appropriate access to a labor workforce is necessary to ensure robust and healthy economic growth in the Northern Mariana Islands," then-US Interior Secretary Ryan Zinke said (MV, 26 July 2018).

On 26 July 2018, former Lieutenant Governor Diego T Benavente endorsed the Republican ticket of Governor Torres and his running mate, Senate President Arnold I Palacios. The administration had "accomplished a lot and . . . made tough but the right decisions for the entire Commonwealth," said Benavente, who in the 2001 and 2005 elections was the running mate of Torres's opponent, former Governor Babauta (MV, 27 July 2018).

According to Babauta, who first ran for office in 1985 when Torres was six years old, the people wanted change, and they also wanted to "partake in

this supposedly booming economy" (MV, 1 Aug 2018). The Torres-Palacios campaign team replied by denouncing Babauta's "well-established strategy to perpetuate falsehoods, mislead voters, and cover up years of his mismanagement of government resources and trust" (MV, 3 Aug 2018).

One of the islands' high-profile good-government advocates, Tina Sablan, said she and the other independent candidates were "running to take back the government and make it work for all and not for the selected few." First elected to the House of Representatives in 2007, Sablan ran for one of Saipan's two Senate seats in 2009, placing fifth in an eight-person race topped by Torres (MV, 7 Aug 2018).

The Commonwealth Election Commission certified 91 candidates for office in the 2018 polls, but this number did not include a Supreme Court judge and the local Supreme Court chief justice who were seeking retention. CNMI voters would elect a governor, a lieutenant governor, a US congressional delegate, an attorney general, six senators, twenty House members, four mayors, nine municipal council members, and two Board of Education members. Of these candidates, 39 were Independents, 32 were Republicans, 2 were Democrats, and 18 were running for nonpartisan posts (MV, 16 Aug 2018).

For the first time since 1993, there were only two candidates for the CNMI's top elective position, but for Maria Frica T Pangelinan, the Republican governor "is the only choice in this upcoming election" (MV, 20 Aug 2018). Pangelinan is the Commonwealth's first woman senator and the

last Saipan Democrat elected to the Senate.

On 24 August 2018, Governor Torres delivered his State of the Commonwealth address, which touted the accomplishments of the past three years. He said these included “the fastest economic growth in the country in 2016, a year when the local gross domestic product surpassed the \$1 billion mark for the first time in decades” (*MV*, 27 Aug 2018). On 4 September 2018, Froilan C Tenorio, the last Democrat to win a CNMI gubernatorial election, endorsed the candidacy of Republican Governor Torres.

Five days after his State of the Commonwealth address, the governor advised the public to “prepare for the worst conditions.” He was referring to Typhoon Mangkhut, which hit Rota on 10 September 2018. The island sustained significant damage, but there were no reports of death or injury. On Saipan, hundreds sought shelter; there were power outages in many areas, government offices were closed, and classes were suspended (*MV*, 10 Sept 2018).

On 20 September 2018, independent Congressman Kili and his Republican opponent, Representative Demapan, squared off in a debate. Kili did better, his supporters said. Demapan won, his supporters said (*MV*, 21 Sept 2018).

The CNMI made history on 21 September 2018 when it became “the first place in the US to launch a commercial cannabis legalization system through an act of lawmakers—as opposed to by voters with a ballot initiative. . . . The territory is also the first US jurisdiction to go from having

cannabis totally illegal to allowing recreational use without first having a medical marijuana program” (Angell 2018).

On 25 September 2018, the Republican governor, Torres, faced his independent opponent, Babauta, in a spirited debate. Their wives are sisters, but there was no love lost between the two candidates. Torres highlighted the accomplishments of his administration while recalling Babauta’s dismal record as governor. Babauta accused Torres of “breaking the law” and of “corruption,” while Torres said it was Babauta who benefited from a land-exchange deal that earned the former governor US\$1.5 million and allowed the government hospital to “sink” while giving himself a huge pay raise as its chief executive officer. Supporters of each candidate said their candidate “won” the debate (*MV*, 26 Sept 2018).

Three days before the end of fiscal year (FY) 2018, the governor signed the FY 2019 budget amounting to US\$258.1 million, the largest in CNMI history (*MV*, 28 Sept 2018).

Nineteen days before the general elections, the US Department of Commerce’s Bureau of Economic Analysis issued a report indicating that the CNMI’s real gross domestic product (GDP) grew by 25.1 percent in 2017. The bureau said the CNMI’s real GDP was officially at US\$1.32 billion, the highest GDP for the Commonwealth since the bureau started GDP estimates for the US territories in 2002 (*MV*, 19 Oct 2018).

On 22 October 2018, the public was warned that a “tropical disturbance could impact the Marianas by midweek” (*MV*, 22 Oct 2018). The

last time a typhoon hit Saipan was on 2 August 2015, when Soudelor made landfall on the island. Prior to Soudelor, the only other typhoon that had slammed into Saipan was Jean on 11 April 1968 (MV, 28 Aug 2015). Surely, many thought, Saipan would not be hit by another typhoon just three years after Soudelor.

On 24–25 October 2018, the unthinkable happened. Yutu, a category 5 typhoon, “rampaged” through Saipan and Tinian, leaving the islands “mangled” (*Washington Post*, 25 Oct 2018). Yutu killed a forty-four-year-old woman. She had taken shelter in an abandoned building, but it collapsed “during the strongest storm to hit any part of the US this year.” Moreover, “several people were injured and there were reports of people waiting at a hospital to be treated” (*Associated Press* 2018). On 30 October, another forty-four-year-old woman on Saipan died due to inhalation of exhaust fumes from a generator. After the victim’s house was destroyed by Yutu, she sought shelter at Hana Health Massage where she worked. Police said they smelled a strong odor of gasoline fumes when they entered the establishment. “It is believed that the establishment’s generator was used indoor[s]” (MV, 31 Oct 2018).

The Marianas Visitors Authority said the CNMI’s only industry—tourism—would suffer “tremendously” as a result of Yutu (MV, 31 Oct 2018). November 2018 arrivals plummeted by 88 percent (MV, 21 March 2019). “It’s a lot to take in,” a typhoon victim told a reporter from Guam, “so we try to not think about everything at one time because this is what

happens—you cry” (*Guam Daily Post*, 31 Oct 2018).

The general elections set for 6 November 2018 were postponed for a week to give the CNMI government “ample time to restore power in schools and other areas . . . designated to be polling places” (MV, 29 Oct 2018). On 13 November, the Republicans, led by Governor Torres, won the elections. Torres garnered 62 percent of the votes cast—the most received by a gubernatorial candidate in CNMI history. But three of the most prominent and outspoken opposition candidates also won: Congressman Kilili thumped his young Republican challenger by garnering 64 percent of the vote, while independent Representative Edwin Propst topped the Precinct 1 House race on Saipan and independent candidate Tina Sablan finished first in the island’s Precinct 2, beating the Republican Speaker of the House, no less (MV, 15 Nov 2018).

Kilili, a former election commission executive director who served in the CNMI House of Representatives from 1982 to 1986, said it was “the nastiest election so far” (MV, 14 Nov 2018). The tabulation of the votes was also the slowest since 1997, when ballots were still counted manually. The vote-counting machines purchased from Nebraska in 2016 were damaged by Yutu, and the machines borrowed from Guam were programmed differently (MV, 15 Nov 2018).

Almost a month after Yutu, a family physician at the government hospital said many people on Saipan were suffering from stress. Some people complained of headaches, an inability to sleep, and feeling tired all

of the time. People living in a shelter or tent, or who have no roof over their heads, no water, and no power “tend to feel uneasy and under a lot of stress” (MV, 22 Nov 2018). Recovery and restoration efforts continued to be major concerns in the CNMI throughout the remaining days of 2018.

On 6 January 2019, a reelected Republican House member, Frank Dela Cruz of Saipan, suffered a fatal heart attack. He was fifty-six. CNMI officials joined community members in mourning the death of a “passionate and humble public servant” (MV, 8 Jan 2019).

Governor Torres and Lieutenant Governor Arnold I Palacios took their oaths of office on 14 January 2019 at a soccer field in Koblerville—one of the southern villages that bore the brunt of Yutu. Both said they were ready to lead in difficult times (MV, 15 Jan 2019).

In early February, the Torres administration informed lawmakers that there had been a significant decrease in government revenue since the two typhoons battered the CNMI’s three main islands in September and October (MV, 11 Feb 2019). Visitor arrivals in January were down 33 percent (MV, 20 Feb 2019). There would be budget cuts, the governor said (MV, 18 Feb 2019).

In its FY 2020 budget request to the CNMI Legislature, the Commonwealth Casino Commission stated that Imperial Pacific International (IPI), “to date, has paid a little over [US]\$154.8 million in gross gaming revenue tax.” The company had also spent over US\$735.5 million for goods and services involving various vendors on island and paid over US\$87 million

in exclusive license and regulatory fees (MV, 5 March 2019).

On 11 March 2019, the governor announced a US\$12 million budget cut for the remainder of FY 2019 (MV, 13 March 2019). Two days later, the new finance secretary, David D L G Atalig, told lawmakers that the government cash flow was “scary as we are really low on cash.” House Minority Leader Propst noted the “overtime pay that some cabinet members recently received while ‘many ordinary government employees who are in the front-line of recovery have yet to receive theirs’” (MV, 14 March 2019).

February visitor arrivals were down 28 percent, the Marianas Visitors Authority reported (MV, 21 March 2019).

Despite the island’s deteriorating economic conditions, most voters, or at least those who cast their ballots in Saipan’s Precinct 3, elected the governor’s candidate for the House seat vacated by the late Representative Dela Cruz. Republican Marco Peter topped the four-way race. The turnout was less than 50 percent (MV, 25 March 2019).

In March 2019, tourist arrivals were down by almost 40 percent (MV, 23 April 2019). Before April 2019 ended, the administration informed lawmakers that there would be further reduction in the FY 2019 budget, this time in the amount of US\$17.9 million. This was in addition to the US\$12 million budget cut implemented in March 2019 (MV, 24 April 2019).

On 23 April 2019, Speaker BJ Attao prefiled legislation allowing the Marianas Public Land Trust to provide the Commonwealth government with a credit line of up to US\$15

million (MV, 25 April 2019). Independent Representative Tina Sablan had another idea. She said the House should conduct “real oversight” on the government’s financial state and subpoena the governor and the current and former secretaries of the Department of Finance (MV, 30 April 2019).

For House Minority Leader Propst, Typhoon Yutu was not the only reason for the CNMI’s “current economic woes.” He also blamed “runaway government spending, abuse and misuse of public funds, and the failure of a monopoly casino operating on Saipan to pay its fair share of taxes” (MV, 9 May 2019).

Visitor arrivals in April 2019 were down by 19 percent, but the Marianas Visitors Authority said this was “the strongest monthly performance since Super Typhoon Yutu hit the Marianas in October 2018” (MV, 20 May 2019).

On 27 May 2019, *Marianas Variety*’s headlines included the following: “20% Pay Cut for Judiciary”; “[Commonwealth Utilities Corporation] Faces Cash-Flow Crisis”; and “[Senate President] Hocog: Senate to ‘Shut Down’ in August, September.”

On 5 June 2019, a day after the governor indicated that he might implement a sixteen-hour cut in the government’s work schedule if revenue collections did not improve soon (MV, 5 June 2019), the Board of Education declared a fiscal state of emergency for the public school system (MV, 6 June 2019). In the House of Representatives, the seven-member minority bloc proposed the creation of a bipartisan special investigative committee that would conduct an oversight on the government’s financial crisis (MV, 12 June 2019). Public school teachers,

school administrators and Board of Education members met on 11 June 2019 to complain about the “deep” cuts in the education budget. One of the teachers asked lawmakers to “please exercise your oversight function: ask the Office of Management and Budget chief and the Finance secretary where the money went. Subpoena them. Bring the governor here” (MV, 12 June 2019). The following day, Governor Torres invited members of the public to attend a presentation on the CNMI’s current financial status (MV, 13 June 2019).

On 17 June 2019, the Marianas Visitors Authority reported that May arrivals were down 17 percent (MV, 18 June 2019).

On 27 June 2019, Governor Torres, other administration officials, and Bill Roche, deputy regional administrator for Federal Emergency Management Agency (FEMA) Region IX, conducted a well-attended public outreach event that was also livestreamed on Facebook. To prevent a complete shutdown of the government in the tail end of the fiscal year, the governor said his administration had to make a difficult choice: cut spending or let go of at least 542 employees. Roche discussed the high costs of recovery. He said the CNMI had spent US\$87.7 million in response and recovery costs—for which FEMA had reimbursed the Commonwealth US\$72.7 million. For her part, Marianas Visitor Authority Managing Director Priscilla Iakopo said: “Two months following the super typhoon, the CNMI lost 71,366 tourists, \$18.6 million in hotel revenue, \$2.8 million in hotel occupancy tax payments and \$8.4 million in business gross revenue

tax payments. The CNMI government also incurred \$37.9 million in recovery and relief expenditures. The total value of losses during those two months alone amounted to \$181 million” (MV, 28 June 2019).

Before the month ended, the latest “biggest” controversial issue to hit the headlines was the legal battle over Imperial Pacific International’s audited financial information, which had been requested by House Minority Leader Propst. The casino commission wanted to make the audit report public, but the casino investor and its subsidiaries said it contained confidential information protected by law. The CNMI Superior Court issued a temporary restraining order in favor of Imperial Pacific International and scheduled a hearing (MV, 26 June 2019). In a statement, Imperial Pacific International reiterated that it had contributed to the CNMI government over US\$150 million in business gross revenue taxes since opening business in 2015, but it now believed that “it may have overpaid,” and its tax team was working with the Department of Finance “to resolve this issue” (MV, 28 June 2019).

In the CNMI, newswise, there is never a dull moment.

ZALDY DANDAN

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