

## Political Reviews

---

*Micronesia in Review: Issues and Events,*  
1 July 2019 to 30 June 2020

MICHAEL LUJAN BEVACQUA,  
ELIZABETH (ISA) UA CEALLAIGH BOWMAN,  
ZALDY DANDAN, TIARA R NA'PUTI, GONZAGA PUAS

*Polynesia in Review: Issues and Events,*  
1 July 2019 to 30 June 2020

BRIAN T ALOFAITULI, PETER CLEGG, ADRIANO FAVOLE,  
LORENZ GONSCHOR, MARGARET MUTU, CHRISTINA NEWPORT,  
ANDRÉ NOBBS, 'UMI PERKINS, T MELANIE PUKA,  
AMANDA SULLIVAN-LEE, SALOTE TALAGI, TRISH TUPOU,  
FORREST WADE YOUNG

Reviews of Kiribati, Marshall Islands, Nauru, and Palau are not included in this issue.

#### FEDERATED STATES OF MICRONESIA

The period under review focused on issues currently affecting the future of the Federated States of Micronesia (FSM), including those related to the Compact of Free Association (compact) renegotiation, the constitution, health, education, and leadership. The FSM is responding to these issues in light of the overarching question of how much self-reliance it seeks in order to strengthen its future capacity. The pertinent question is thus, how should the FSM renegotiate the compact to attract more financial assistance to survive post-2023?

The FSM is once again going through an intense political and economic transition in preparation for the third compact renegotiation. Since the implementation of the compact in 1986, the United States has provided over US\$2 billion dollars to the FSM government in return for the power to deny third parties access to the islands, ostensibly to preserve regional security but, in reality, to deny any potential enemies access to the FSM for military purposes. Since World War II, US interest in the FSM has always been a strategic military interest, and the compact was negotiated in relation to this (FSM Government 2003, 93-101).

China's increased presence in the

Pacific has forced the United States to reevaluate its future relationship with the FSM. The United States is aware of the fact that if it scales down its financial assistance to the FSM, it will open up opportunities for other regional powers to extend their influence in the region. US Secretary of State Mike Pompeo made a special trip to the FSM on 5 August 2019 to meet with the leaders of the three compact nations and highlight the United States' seriousness in maintaining a security presence in the Micronesian subregion.

Although the compact established a trust fund for the FSM to replace the compact funds after 2023, it is not certain whether the proceeds from it will sustain the federation, particularly with respect to the downturn in the world economy caused by the ongoing Coronavirus Disease 2019 (COVID-19) pandemic. It is predicted that there will be a shortfall of the trust fund by 2023. This has put stress on the nation's leaders and led Chuuk to seek independence in order to handle its own financial affairs (Mori 2012, 8). China, according to many observers, is likely to pay more attention to the FSM post-2023 due to its own interests in the region. It has been argued that China will use a soft-diplomacy approach to win the FSM's political affection, such as by giving financial assistance to improve public infrastructure, offering scholarships, and supplying more grants to upgrade the nation's technological capacity for the

future (Zhang 2011). The key concern for the FSM's future is therefore to preserve and extend its autonomy while withstanding external pressures.

The compact has been the major source of the FSM's funds since 1986, and this has been referred to as being a double-edged sword. On the one hand, it is seen as a savior in that it prevents the FSM from bleeding to death from economic collapse, while on the other hand, it is seen as stifling the FSM's progress both internationally and domestically by creating dependency on US monies. Despite this, Micronesians are acutely aware that reliance on US funding is not economically viable in the long term. Needless to say, the FSM has to perform a balancing act to ensure its own future economic survival (Ilon 2011; Robert 2011).

Compact supporters welcomed US oversight on its spending to stop the misuse of funds (Micronesia Forum 2007). The Joint Economic Management Compact Office, controlled by the United States, has on occasion withheld funds until checks and balances have been put in place by the FSM government. Given this ongoing auditing measure, both the United States and the FSM are studying their next move ahead of 2023. The compact has yet to begin its renegotiation for the third time.

Optimists perceive the compact as a means of maintaining the important connection between the two countries. To them, the FSM should not "cut its nose off to spite its face," even though the United States has been unwilling to compromise on many occasions. The compact, so they argue, is a safety net, as it has provided the financial means

to enable the building of the nation's political and economic future (Naich 2010, 5–6). US presence in the FSM has brought stability to the nation, as well as regional security. Moreover, it has allowed FSM citizens to live, work, and seek education in the United States. The compact also provides opportunities to release population pressure through emigration—an offshoot of which has also benefited FSM families through remittances (Naich 2010, 5–6.).

However, the FSM continues to weigh its options for tapping into alternative funding sources to replace as much of the compact money as possible. This is because some observers have predicted that the FSM is heading toward economic hardship in the years ahead, with a reduction in living standards if renegotiation fails to achieve anticipated results by 2023. Many leaders have expressed fears that the current team of compact negotiators may fail to achieve the results demanded by concerned citizens. One question to consider is whether the FSM should revert back to relying on the sea and the land that sustained them historically. The challenge is of course whether or not the FSM will survive politically without economic assistance from the United States.

The FSM's fourth Constitutional Convention (Con-Con) began in January 2020 to review the nation's constitution. Twenty-four delegates were elected by the four respective states to undertake the task. Unfortunately, the Con-Con was suspended due to the COVID-19 pandemic. Over fifty amendments were put forward, ranging from denying foreign judges

a seat on the FSM Supreme Court to reserving four seats for women in Congress, as well as a plan for increasing revenue sharing among the different jurisdictions. A specific amendment regarding lowering the threshold needed to pass amendments in future referendums from 75 percent to 51 percent is ready to be put to the people. The other amendments will be revisited once the Con-Con resumes (FSM Government 2020a).

Already, the Con-Con has suffered some public setbacks arising from the interpretation of its own governing laws and regulations. At issue is whether or not some of its delegates are qualified to receive financial assistance, since they are already employees of the FSM public service (Jaynes 2020). Other issues include possible court proceedings over contractual payments and nonpayments of other entitlements claimed by its own staff. The problem of when to resume the Con-Con, due to COVID-19, also adds to the uncertainties. The Con-Con has been given limited time to finish its business, otherwise it will be disbanded unless Congress finds a way to extend it. The public is anxious to see some outcomes.

The ongoing debate between leaders over the issue of US security in the Pacific-Asia region per the compact remains a challenge (Naich 2010, 1–6). The primacy of the FSM Constitution over the compact when the compact is at issue has not been fully articulated by FSM officials. Internally, there is a power struggle between the executive and legislative branches of government. The executive branch claims that Congress often usurps the function of its power in relation to the

compact renegotiation. For example, Congress has been involving itself in these negotiations notwithstanding the executive branch's claim that it has never relinquished that power to Congress. Article X section 2(a) and (b) of the constitution, for example, stipulates that the president has the power to "implement the provisions of (the) Constitution . . . and to conduct foreign affairs and defense in accordance with national law" (FSM Government 1990).

Supporters of the United States in the FSM Congress have argued that these sections of the constitution contradict the provisions of the compact, which the FSM must adhere to. For example, article II, section 123(a) of the compact asserts the prime role of the United States over FSM security, stating that "in recognition of the authority and responsibility of the Government of the United States under the Defense and Security Relations, the Government of . . . Title Three, the Government of the Federated States of Micronesia shall consult, in the conduct of its foreign affairs, with the Government of the United States" (FSM Government 2003). This section empowers the United States to assert its right to veto decisions by the FSM government if its conduct of foreign affairs is not aligned with US interests. This is an area of significant debate and tension between FSM legal scholars and political leaders that will likely be tested during the renegotiation.

The compact is a treaty delegating major authority over defense of the FSM to another government, the United States, which has been permitted under the constitution. It is within

this legal context that the United States asserts the primacy of the compact over the constitution, particularly the right to veto decisions by the FSM government in relation to third parties that are perceived to affect US security. However, some legal scholars argue that the United States cannot blindly rely on the compact to pursue its objectives at the expense of Micronesian sovereignty and national interests. This is because the constitution can limit the power of the compact if the compact exceeds the power bestowed by the constitution. Should there be a need to terminate the compact, title IV, article XIV, section 441 can be invoked, as provided by article IX, section 4 of the constitution (FSM Government 1990, 2003).

The constitution is under pressure to accommodate changes that have been evolving since independence that threaten to impact the FSM's integrity and continuity. The FSM should continue to deflect external pressures that purport to rupture its integrity. Its unity is framed by article XIII, section 3 of the FSM Constitution. It is only right that the maintenance of the constitution be taken seriously, otherwise Micronesians will once again be subject to outside dominance.

In addition to issues related to the compact, health and education are challenges, particularly in terms of literacy and noncommunicable diseases. It is the responsibility of the national government to provide quality education and health services to its citizens. This mandate is enshrined in the constitution per article XIII, section 1, which states: "the national government of the Federated States of Micronesia recognizes

the right of the people to education and health care . . . and shall take every step reasonable and necessary to provide these services" (FSM Government 1990).

According to the FSM government, there have been improvements in these two areas. For example, total youth literacy is at 95 percent and increasing, according to a report issued in 2000 (Nimea 2010). However, it remains to be seen whether the type of education offered to FSM youth is relevant. For example, is education about targeting the development of individuals to be good citizens, or is it about the acquisition of skills and knowledge for the competitive job market both at home and overseas? The College of Micronesia is dealing with these issues by offering both academic degrees and vocational certificates for students to choose from, allowing them to determine their educational future (Kellam 2001, 10-12). Having worked as the program coordinator and curriculum designer at the college's Pohnpei campus from 1998 to 2001, I have personal knowledge of these issues. Many students have attained qualifications and then moved to the United States, where the wages are more attractive, either to find work or to continue their education. Many followed their families to start their high school years in the United States and have continued on to college (Kellam 2001, 10-12; COM 2020). Those who chose to remain behind sought employment in the domestic market and continued to live a more traditional lifestyle. The challenge is, therefore, for educators to implement the best practices in education for the nation's future. Thus, there is a call for the decolonization of

the education sector in order to better suit a Micronesian context.

The current global pandemic caused by the 2019 novel coronavirus remains a big challenge. The FSM is one of the few countries in the world that is still free of COVID-19. However, it remains to be seen whether the pandemic will decimate a large portion of the population should it arrive in the FSM. Currently, there is no mechanism to stop it in its tracks. Therefore, the president of the FSM has announced measures against the virus to: (1) prepare Islanders to understand the health issues associated with COVID-19; (2) implement strategies to contain the spread of the virus; (3) minimize the impact of the virus on food security through the utilization of traditional means of production; (4) provide educational tools to enable Islanders to disseminate information using public means and print materials; and (5) collect data for the purpose of social mapping and interpretation of the likely impact of the virus on communities. These steps will better assist health professionals in containing the spread of coronavirus should it arrive on FSM shores in the future.

The FSM Department of Health and Social Affairs has indicated improvement in their capacity to respond to emerging health issues for the period in review. For example, health observers acknowledged an increase in the availability of medical, pharmaceutical, and biomedical assistance to hospitals in the FSM. An increase in funding was also noted as essential for the department's achievements. Health leaders have also noted that there is a need to improve the

health of the population, especially in terms of noncommunicable diseases, such as diabetes, hypertension, and lung cancer, which require special equipment (FSM Government 2012; Puas 2013; Samo 2020). The FSM will continue to advocate the doctrine of a healthy nation through the enhancement and enforcement of its health laws, policies, and regulatory regimes governing the delivery and maintenance of its health infrastructure. A healthy nation depends on the quality of health services at every level of society. There has also been promotion of traditional lifestyles, which can significantly reduce noncommunicable diseases. New programs aimed at educating the population on the benefits of local foods are in progress (Island Food Community of Pohnpei 2013). However, its ongoing success depends on local attitudes, as Western foods are seen as a sign of prosperity and monetary wealth. This is a big challenge in the areas of education and health—to change perspectives at the grassroots level.

Political leadership spans all three levels of government: national, state, and municipal. Emerging conflicts between leaders of these jurisdictions over decisions made by the national government are often met with discord. One such area is the power dynamic between the leaders of the legislative and executive branches of the national government (Hezel 2015). The basis of this conflict is constitutional in nature. For example, the president is selected by the fourteen members of Congress rather than by the voters of the whole nation. This has caused much public dissent, with

many citizens claiming that the president is basically the puppet of Congress, since it is Congress that installs the president.

Article X, section 1 of the constitution states: “the executive power of the national government is vested in the President of the Federated States of Micronesia. He is elected by the Congress for a term of four years by a majority vote of all the members. He may not serve for more than two consecutive terms” (FSM Government 1990). The fourth Constitutional Convention is attempting to amend this particular section so that the president can be voted in by the people. Should this amendment pass, Congress will lose the ability to threaten future presidents with dismissal, for example, when a president does not act in accordance with Congress’s political interests. (FSM Government 2020a).

Women’s lack of participation in the FSM’s highest decision-making process is another issue of concern (FSM Government 2008). Many observers advocate that women should be a part of the decision-making process, as they can offer perspectives that differ from those of men. Moreover, Micronesian communities are largely based on “matrilineality doctrines,” and so it is only natural that women should be involved at the highest levels of government. To address this concern, a proposed amendment to the constitution by the fourth Con-Con has been introduced and is awaiting the next meeting of the Constitutional Convention. The amendment seeks to reserve seats in Congress for women, which would enable women to participate in the legislative process in the national government. Their presence

in Congress would also increase their chances of being elected as FSM president should the amendment calling for direct election by the people fail to make it to referendum. The field of federal politics is dominated by men, evidencing a postcolonial construct that did not consider women’s important roles in traditional communities. Many have claimed that male chauvinism still reigns. Others claim that Congress is not the venue for addressing gender balance (Jaynes 2012).

The FSM is also suffering from a lack of leaders representing the new generation. The old leaders continue to rotate government seats and are not necessarily in tune with the latest or best practices. The introduction of voices from a younger generation may help to reinvigorate the FSM’s political landscape. Retiring the older generation of leaders may provide opportunities for the next generation, including women, to take up future challenges.

GONZAGA PUAS

### References

All URLs accessed 6 October 2020.

COM, College of Micronesia. 2020. Interview with College of Micronesia officials by author, Palikir, Pohnpei, 1 September.

FSM Government. 1990. Constitution of the Federated States of Micronesia [as amended in 1990]. Available from <https://lawlibrary.wixsite.com/fsmsc>

———. 2003. Compact of Free Association Amendments Act of 2003. Available from <http://www.uscompact.org/files/index.php?dir=FSM%20Publications%2FCcompact%20Documents>

———. 2008. Fifteenth Congress of the

- Federated States of Micronesia. 5th Special Session. <https://www.c fsm.gov.fm/>
- . 2012. Health Progress Report: 2008–2011. Palikir, Pohnpei, January 1.
- . 2020a. 4th Constitutional Convention of the Federated States of Micronesia. <https://constitution.gov.fm/>
- . 2020b. Proposal No. CCPR-4-63: To Amend Article X, Sections 1, 4, 5, and 6 of the Constitution to Provide for Direct Election of the President and Vice President. 4th Constitutional Convention of the Federated States of Micronesia, 10 March. <https://constitution.gov.fm/proposal-no-ccpr-4-63/>
- Hezel, Francis X. 2015. Chuuk Independence: Why and How? Pacific Institute of Public Policy, 2 March. <http://pacificpolicy.org/2015/03/chuuk-independence-why-and-how/>
- Ilon, Epel K (advisor to the president of the FSM). 2011. Interview with author, Palikir, Pohnpei, 13 January.
- Island Food Community of Pohnpei. 2013. Let's Go Local: Culture, Health, Environment, Economy and Food Security. <http://www.islandfood.org/>
- Jaynes, Bill. 2012. Special Seats for Women. *Kaseleblie Press*, 25 September.
- . 2020. FSM Constitutional Convention Sues FSM Department of Finance for Payment of Two Delegates. *Kaseleblie Press*, 19 March. [http://www.kpress.info/index.php?option=com\\_content&view=article&id=1402:fsm-constitutional-convention-sues-fsm-department-of-finance-for-payment-of-two-delegates&catid=8&Itemid=103](http://www.kpress.info/index.php?option=com_content&view=article&id=1402:fsm-constitutional-convention-sues-fsm-department-of-finance-for-payment-of-two-delegates&catid=8&Itemid=103)
- Kellam, Henry H. 2001. Social Sector: Education, Part I: Education: Background Analysis: Understanding the Educational System in the FSM, September.
- Micronesia Forum. 2007. The Compact is a Done Deal—Our Leadership Should Start Thinking about Economic Development. <http://www.micronesiaforum.org/index.php?p=/discussion/241/the-compact-is-a-done-deal-our-leadership-should-start-thinking-about-economic-development>
- Mori, Manny (president of the FSM). 2012. State of the Nation Address, 18 May.
- Naich, James. 2010. Sustaining the Spirit of the Compact Partnership: Comments on the US Report on the First Five Years of the Amended Compact of Free Association. Washington, DC: Embassy of the Federated States of Micronesia.
- Nimea, Fabian (director of the Office of Statistics, Budget and Economic Management, Overseas Development Assistance, and Compact Management [SBOC]). 2010. Interview by author, Palikir, Pohnpei, January.
- Puas, Gonzaga. 2013. Review of the Current Health Protection Practises in the FSM: Law, Regulation and Policy Regimes. Palikir, Pohnpei, 30 July.
- Robert, Lorin (Secretary of foreign affairs of the FSM). 2011. Interview by author, Palikir, Pohnpei, 7 January.
- Samo, Marcus. 2020. Interview by author, Palikir, Pohnpei, 1 September.
- Zhang, Weidong (Chinese ambassador to the FSM). 2011. Interview by author, Palikir, Pohnpei.

## GUÅHAN (GUAM)

The Indigenous people of Guam, or Taotao Guåhan, in the Marianas have survived many typhoons over their four millennia of habitation, including one of the most destructive, Pongsona, as recently as 2002. Some refer to the sheer devastation of new diseases introduced by colonialism, which nearly eradicated the Indig-



enous population in the late 1600s, as a typhoon itself. In 2020, a typhoon of yet another type—Coronavirus Disease 2019 (COVID-19)—hit the island and the rest of the world, and the CHamoru people, along with the other residents, were again called on to show their resiliency in the face of change and danger.

The response to the virulent worldwide pandemic in Guåhan, led by former nurse Governor Lou Leon Guerrero, was signally different from the calamitous and chaotic misadministration of Guåhan's colonizing occupier, the United States. Leon Guerrero repurposed the island's familiar typhoon alert system, Condition of Readiness (COR), as the Pandemic Condition of Readiness (PCOR) and closed down the island's airports and tourism. As of June 2020, the island was still in PCOR-2, and the governor stated that she would observe how Hawai'i handled reopening in August (PIT, 8 July 2020).

The occupation of the US military, with both naval and Air Force bases taking up nearly a third of the island's landmass, once again led to the spread of disease, recalling the near-genocidal colonial past. The visit of thirty-five COVID-19-infected US airmen to local establishments caused alarm, but the people of Guåhan, contrary to colonialist perceptions of Pacific and Asian countries as unclean or disease ridden, easily kept the pandemic under control. Leon Guerrero and medical advisor Dr Felix Cabrera, along with the Department of Public Health and Social Services, instituted contact tracing, which showed limited community spread (PIT, 8 July 2020).

The first death on Guåhan from

COVID-19 was a sixty-eight-year-old woman on 22 March. Shortly thereafter, from 26 March to 2 April, Guåhan briefly became the epicenter of international news when US President Donald Trump verbally attacked Navy Commander Captain Brett Crozier. When hundreds of cases of infection were found on his US aircraft carrier, the nuclear-powered *Theodore Roosevelt*, which docked in Guåhan, Crozier notified admirals of the outbreak in a memo that was released to the press, asking them to unload and quarantine four thousand sailors, over a quarter of whom were eventually found to be infected (WP, 21 May 2020). The memo drew attention to the reality of the pandemic at a time when Trump was pressing to reopen the country for economic reasons.

As of mid-June 2020, there were no new cases of the novel coronavirus on Guåhan, with the total holding at 185, including 5 deaths, 11 active cases, and 169 released from isolation (PDN, 15 June 2020). By contrast, on 29 June 2020, Johns Hopkins University data showed that the total number of confirmed COVID-19 cases in the United States was over 2.6 million and rising—the highest in the world—as contact tracing, testing, and access to personal protective equipment remained limited and politically contentious (JHU, 29 June 2020).

In 2019, mosquito-borne dengue fever returned to the island after seventy-five years; by November, there had been thirteen cases acquired on Guåhan and seven imported cases. In response, the government sprayed schools and homes, cleaned parts of the northern village of Dedediu (Dededo), and held community

informational meetings (*PDN*, 13 Sept 2019).

Guåhan tourism reached new heights in fiscal year 2019, with over 1.63 million visitors for the first time in its history, of which 45 percent were from Korea and 41 percent from Japan—countries that also mostly contained the novel coronavirus when it arose (*PDN*, 21 Oct 2019). The Guam Visitors Bureau reported that the economic impact was an estimated US\$946.5 million, a 52.3 percent increase over the previous year (*PDN*, 21 Oct 2019). However, the COVID-19 pandemic closed airports, hotels, and visitor sites across the island and prompted a quarantine for new visitors. The governor announced in late June 2020 that she would postpone reopening for another month, until 1 August, at which time she would review the number of cases to decide when it was safe to allow tourism again (*PDN*, 26 June 2020).

Guåhan was hit hard by the decline in tourism income, and pandemic unemployment assistance was not processed until late June 2020, with an initial batch of checks totaling over US\$33 million. As of 21 June, 22,274 unemployment claims had been filed, and local employers had reported 31,154 employees losing work due to the pandemic (*PDN*, 21 June 2020).

Governor Leon Guerrero declared 2020 the “Year of the CHamoru,” broadening the traditional Mes CHamoru (CHamoru Month) of February to include year-round celebrations (*PNC*, 27 Feb 2020). The anticipated celebration of CHamoru arts and culture at the thirteenth Festival of Pacific Arts and Culture (FestPac) in Hawai‘i had to be postponed until

2024 due to the coronavirus outbreak. In 2016, around ninety thousand people attended the twelfth FestPac in Guåhan.

Proposed funding of US\$400,000 for the hundred-person delegation to Hawai‘i had stirred controversy on Guåhan, as Senator Joe San Agustin and others criticized the funding sources. Ann Marie Arceo, founder of Hurao Academy, president of the Department of CHamoru Affairs, and head of the 2020 Guåhan FestPac delegation (along with Monica Guzman and Jackie Balbas from the Council on the Arts and Humanities Agency), testified in support of the funding. Senator Kelly Marsh Taitano, who supported the funding, said her bill would help the Indigenous CHamoru people recapture “some of these traditions that have been challenged or lost along the way” (*PDN*, 5 Nov 2019).

The US military continued to draw Indigenous protest as it rejected demands for a pause on destruction of the endangered *Serianthes nelsonii* tree at its proposed live-fire training range, which will be located near ancient archaeological sites in Litekyan (*PDN*, 20 July 2019). Prutehi Litekyan (Save Ritidian), along with other community organizations, protested continuing Marine Corps construction that has resulted in the removal of ancestral human remains and artifacts from their historic sites.

“They are clearing sites as large as twelve football fields of our history,” said Prutehi Litekyan leader Maria Hernandez (*PDN*, 29 June 2020). Hernandez is a member of an Indigenous CHamoru family who has protested military land taking for generations.

The military has drawn residents' criticism since late 2018, when the ancient village Magua' was cleared without proper local oversight. Residents were not informed of construction or invited to comment until after the historic sites had already been cleared. Victoria-Lola Leon Guerrero, a member of Independent Guåhan, described the removal of ancestral remains as an affront to the rights of Indigenous peoples (*PDN*, 29 June 2020).

However, the military's construction funds were diverted by President Trump toward his border wall with Mexico, which Guåhan's delegate to Congress, Michael San Nicolas, said would delay, but not cancel, the military buildup on Guåhan (*PDN*, 4 Sept 2019). A majority of local senators, along with community groups, expressed resistance to the military's unilateral plans, while the Guam Chamber of Commerce nearly unanimously supported the military's plans (*PDN*, 30 Oct 2019).

In July 2019, the US Court of Appeals for the Ninth Circuit issued a decision on the Arnold Davis plebiscite case, which had been fought in court since 2011. Davis, a white expatriate living on Guåhan, had claimed that the government of Guåhan discriminated against him on racial grounds by not allowing him to register for an Indigenous plebiscite on self-determination. Leon Guerrero's administration appealed the decision, but the US Supreme Court refused to hear its arguments, ending the case within the US legal system (*PNC*, 5 May 2020). Governor Leon Guerrero pledged to meet with Melvin Won Pat-Borja, the head of the Commission on Decolonization, to make a plan to move

forward with the plebiscite within the constraints imposed by the US ruling (*GDP*, 7 May 2020).

For nearly a decade, the Davis case has reflected the entrenchment of colonialism in US relations with Guåhan and the occupying power's refusal to release its grip on its military territory and spoils of war. The Indigenous CHamoru people of Guåhan, a Pacific people of ancient Southeast Asian descent, were compared by Davis's lawyer to white Southerners promulgating Jim Crow segregation, although the plebiscite was explicitly neither racially nor ethnically limiting in its language. Additionally, the courts never dealt with the parallel issue of denial of suffrage to all residents of Guåhan, who, as residents of a US territory, are barred from participating in US national elections and have no voting representative in Washington DC, a disenfranchisement far more severe than Davis's claim. This denial stems from the 1901 series of US Supreme Court decisions known as the *Insular Cases*, which were based on explicit racism against so-called inferior "alien races" in Asia and the Pacific.

The self-determination of the Indigenous peoples of Guåhan, like that of the Indigenous peoples of the Philippines and many other places, had been stripped by the US military at multiple points in history, including during the Spanish-American War and the Second World War. However, Indigenous CHamoru leaders have refused to give up the age-old struggle for their inherent human rights.

The death of George Floyd while he was being apprehended by police, which reverberated around the world,

found resonance in Guåhan, as roughly a hundred people gathered on 2 June to protest, with signs saying “Black Lives Matter” and “No Justice, No Peace” (PNC, 2 June 2020). On 8 June, around a hundred members of the medical profession conducted a silent sit-in protest at Skinner Plaza, part of the White Coats for Black Lives movement, for eight minutes and forty-six seconds, representing the time that Floyd struggled for breath and cried out for help as now-fired officer Derek Chauvin pressed a knee to his neck and three others stood by without intervening. Among the protestors at Skinner Plaza was the governor’s daughter, Dr Mariana Cook-Huynh, a family medicine physician, who had helped organize the protest. Many ethnically diverse members of the medical profession on island expressed solidarity with the Black Lives Matter movement in the States and concern over the accessibility of medical services within communities of color (PDN, 8 June 2020).

The year also marked the seventy-fifth anniversary of Liberation Day, yet it was another year without payment of reparations from the United States to those who had endured the brutal Japanese occupation during World War II. Although President Obama signed a war claims bill in 2016, allocating money for reparations, a technical issue stalled the payments (PDN, 30 Sept 2019). In the end, the people of Guam may have to pay their own reparations, as Guam leaders devised a plan to use local funds for the payments. In September 2019, the office of Speaker Tina Muña Barnes revealed that twenty-one war survivors had died while politicians

suspended discussion of reparations, from 19 August to 6 September (PDN, 30 Sept 2019).

Guåhan’s nonvoting delegate to the US Congress, Michael San Nicolas, faced a primary challenger in 2020: former delegate, University of Guam president, and longtime activist Dr Robert Underwood. On 30 June, Underwood announced his candidacy, reminding people of his triumphs during his ten years in Congress, including establishing Guåhan’s war claims commission, and criticizing his opponent for ignoring the voices of the people (PNC, 30 June 2020). This followed nearly two years of conflict between San Nicolas and Underwood, stemming from junior delegate San Nicolas’s surprise victory in 2018 over long-term incumbent Madeleine Bordallo.

During his brief tenure in DC, San Nicolas faced allegations of accepting US\$10,000 in improper campaign contributions exposed by a former aide, which led to a House Ethics Committee investigation. The aide also testified that San Nicolas engaged in a sexual relationship with his acting chief of staff, a subordinate. Since 2018, the House of Representatives has prohibited members from engaging in sexual relationships with staff (RC, 12 June 2020).

San Nicolas was not alone in drawing attention for questionable behavior. The governor’s chief of staff, Tony Babauta, resigned after media reports revealed that he had stayed at a hotel leased to quarantine incoming travelers. Babauta had previously resigned as US Assistant Secretary of the Interior amid scandal in 2013, followed by a report from the Depart-

ment of the Interior's Office of Inspector General that found he had made inappropriate comments to women in the workplace, accepted favors from subordinates, and taken questionable trips while in office (*PDN*, 1 May 2020). Employee complaints about his behavior had initially prompted the investigation.

Since 2016, nearly three hundred sexual abuse lawsuits have been filed against almost two dozen Catholic priests on the island, and the accusations have become "so familiar," one reporter said, that "they no longer make the front page" (*The Guardian*, 29 May 2020). One of the accused, Archbishop Anthony Apuron, was tried by the Vatican, stripped of his title, and banned for life from Guåhan. Former legislator Benjamin Cruz, one of the accusers, stated that Apuron had persuaded his colleagues to defang his 2011 bill on lifting the statute of limitations for child sex abuse (*The Guardian*, 29 May 2020). In 2019, the archdiocese of Hagåtña (Agana) declared bankruptcy in the face of so many lawsuits. The current archbishop admitted the church was still not "audit-able" and declined to release the names of accused priests (*The Guardian*, 29 May 2020).

Disgraced former longtime University of Guam Professor Michael Ehlert, convicted of sexually assaulting two of his students in 2014, saw a petition to be hired again by the university dismissed by the Supreme Court of Guåhan (*PDN*, 30 Dec 2019). He had originally filed the petition with the Superior Court of Guåhan, whose determination was affirmed on appeal by the Supreme Court.

This was not the year's only

reminder of criminal allegations involving the University of Guam, as Professor Thomas Marler was indicted in a scheme to fleece the federal government, allegedly participating in bid-rigging for multiple federally funded projects (*KUAM*, 6 Aug 2019). Despite the scandal, the university continued to employ Marler for several months, until he was allowed to retire with benefits, and then signed a "post-retirement mutual agreement" in which the university would continue to pay for costs related to his work, including editing, statistical services, and publishing (*PDN*, 25 Nov 2019).

The devastation of the coronavirus was matched by the more insidious infection of crime and corruption, all too often rooted within institutions central to the island: the office of the governor at Adelup, the church in Hagåtña, the university in Mangilao, and the seat of colonial power in Washington DC. At the same time, the courage of men and women in coming forward and speaking up about injustice, throughout the island and the US nation-state, had an impact—when those in power would listen. The years to come will show whether justice will truly prevail.

MICHAEL LUJAN BEVACQUA,  
ELIZABETH (ISA) UA CEALLAIGH  
BOWMAN, AND TIARA R NA'PUTI

### References

- GDP*, *Guam Daily Post*. Tamuning, Guåhan. <http://www.postguam.com>
- The Guardian* (US). New York, New York. <https://www.theguardian.com>
- JHU, Johns Hopkins University. COVID-19 Dashboard by the Center for Systems

Science and Engineering (CSSE) at Johns Hopkins University (JHU). <https://www.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>

KUAM, KUAM News. Hagåtña, Guåhan. <https://www.kuam.com>

PDN, *Pacific Daily News*. Hagåtña, Guam. <http://www.guampdn.com>

PIT, *Pacific Island Times*. Tamuning, Guåhan. <https://www.pacificislandtimes.com>

PNC, Pacific News Center. Tumon, Guåhan. <https://www.pncguam.com>

RC, Roll Call. Washington, DC. <https://www.rollcall.com>

WP, *Washington Post*. <https://www.washingtonpost.com>

## NORTHERN MARIANA ISLANDS

Former British Prime Minister Harold MacMillan—so the story goes—was once asked to name the greatest difficulty facing a leader. His (supposed) reply was, “Events, dear boy, events” (Will 2002). During the period in review in the Commonwealth of the Northern Mariana Islands (CNMI), it was just one event after the other.

In the summer of 2019, the Marianas Public Land Trust threw the CNMI government a lifeline by approving a \$15 million loan. The trust manages the government’s earnings from public land leases. With the tourism-based economy bruised and battered by two typhoons that pummeled the three main islands in September–October 2018, the CNMI government needed the money to pay some of its most pressing obligations: pension and bond payments (MV, 1 July 2019).

Two days later, it was reported that for the rest of fiscal year 2019, which would end on 30 September 2019, the government had \$30.3 million left. The austerity measures implemented in April and expanded in May included a reduction in work-hour schedule to seventy-two hours from eighty hours per pay period (MV, 3 July 2019). As in most US territories and insular areas, government is the main employer of local residents in the CNMI (MV, 27 April 2020).

Tourist arrivals were down 11 percent in June 2019 compared to the same period in the previous year, the Marianas Visitors Authority (MVA) said (MV, 18 July 2020). In a board meeting, the tourism agency announced that because the central government wasn’t remitting funds to the MVA, it might suspend some of its promotion and marketing programs in Japan, South Korea, and China—the CNMI’s top three tourism markets (MV, 1 Aug 2020).

In August, it was reported that July visitor arrivals were down 5 percent compared to the same period in the previous year (MV, 15 Aug 2019).

Also in August, disgruntled members of the community—including members of the political opposition and the islands’ delegate to the US Congress, Gregorio Kilili Camacho Sablan—staged a peaceful assembly to “demand answers and action” from the Republican administration of Governor Ralph DeLeon Guerrero Torres. Local Democratic Party chairwoman Nola Hix said it was “time to take action” and that the “people need to find the courage to rise up” (MV, 19 Aug 2019).

Saipan’s lone casino operator, Impe-

rial Pacific International (IPI), paid the remaining \$10.5 million of the \$15.5 million annual casino license fee on 27 August 2019, providing much needed funds for the CNMI government (MV, 28 Aug 2019). But IPI lost its appeal to the US Court of Appeals for the Ninth Circuit, which allowed the public disclosure of the casino investor's income tax information (MV, 28 Aug 2020). In addition, IPI had to pay a \$375,000 fine for late payment of the \$15.5 million casino license fee (MV, 5 Sept 2019).

For its part, the central government said it was expecting to end the fiscal year with a \$19 million shortfall (MV, 6 Sept 2019).

As the Public School System (PSS) struggled to repair its typhoon-damaged schools and address a budget shortfall, Education Commissioner Glenn Muna announced his resignation for "personal reasons" on 12 September 2019 (MV, 13 Sept 2019). For her part, Board of Education (BOE) member MaryLou Ada said the CNMI government should be sued for not remitting funds to the Public School System. "Pay up or we close schools," she added (MV, 13 Sept 2019).

Visitor arrivals were down 16 percent in August, but the administration of Governor Torres was commended by the federally appointed Settlement Fund trustee for "diligently" paying \$1 million each week (MV, 23 Sept 2019). In 2009, a retiree, Betty Johnson, sued the CNMI government for its failure to make mandated payments to the Retirement Fund since 2005. In September 2013, the parties agreed to settle the lawsuit, and the federal court approved a \$779 million consent judgment in case the CNMI government

does not meet its obligations to the Settlement Fund (MV, 24 June 2020).

In September 2019, casino operator IPI was sued by a contractor, Pacific Rim Land Development, LLC, which said that IPI had not paid the \$5.65 million it owed Pacific Rim (MV, 23 Sept 2019). IPI was likewise accused by the US Equal Employment Opportunity Commission of sexual harassment and unfair employment practices. The commission filed the complaint in federal court on behalf of a casino VIP hostess and "other similarly aggrieved employees" (MV, 25 Sept 2019).

Four days before the end of fiscal year (FY) 2019, Governor Torres signed the FY 2020 government budget, amounting to \$148.8 million. It included a provision retaining the seventy-two-hour (instead of eighty-hour) work schedule for the next two months. The amount represented the projected revenue available for government appropriation. In FY 2019, that amount was \$171.5 million (MV, 28 Sept 2018).

The month ended with an announcement that, effective 3 October 2019, Chinese tourists who enter the CNMI through the parole program will only be able to stay in the Commonwealth for fourteen days. Previously, they could stay in the CNMI for up to forty-five days. The new policy aimed to address concerns regarding the "recent increase in Chinese 'birth tourism,'" in which women travel to the CNMI to give birth so their children can have US citizenship (MV, 30 Sept 2019).

Two more lawsuits were filed against casino operator IPI by two companies claiming that IPI had

not paid rent—amounting to over \$290,000, including late charges—for the apartment units it had leased from the plaintiffs (*MV*, 2 Oct 2019).

To be sure, there was some good news in the CNMI during the period in review, and one of them was Super Typhoon Hagibis’s sparing the main island of Saipan from its 203 kilometers/hour (162 mph) winds. “Our prayers were heard,” a CNMI Homeland Security and Emergency Management official said (*MV*, 9 Oct 2019). Another typhoon, Bualoi, was forecast to approach Saipan on 22 October, but it veered north, and an “all clear” was announced at eleven in the morning of the same day (*MV*, 23 Oct 2019).

The forecast for the tourism industry, however, was still not good. The Marianas Visitors Authority reported that September arrivals were down 15 percent, while the FY 2019 arrivals were down 30 percent. But the administration said a Japanese airline, Skymark, would soon provide a daily Narita-Saipan flight service, which many hoped would revive what used to be the CNMI’s top tourism market, Japan (*MV*, 1 Nov 2019).

On Thursday morning, 7 November 2019, the CNMI learned that the Federal Bureau of Investigation (FBI) had raided the governor’s office and other locations on Saipan, including the governor’s home, his siblings’ law offices, and IPI’s finance and human resources offices. In a statement, Governor Torres said he would fully cooperate with investigators. “In every opportunity I have been given to serve this community,” he added, “I have raised my hand and have sworn an oath to uphold the Constitution.

A part of this oath is to respect our system of laws and to allow these processes to take their course.” IPI said it had “nothing to hide,” and that it was a “law-abiding and good corporate citizen” (*MV*, 8 Nov 2019).

Based on documents obtained from the federal court, the search and seizure warrant signed by a federal judge targeted “all documents, records, and property (whether in the form of printed documents or stored in electronic or digital form) that constitute evidence of violations of 18 U.S.C. §§ 1343, 1346, 1349, 1956 and/or 52 U.S.C. §30121” by Governor Torres; his brothers, attorneys Vincent Torres, Victorino Torres, and Joaquin Torres; Alfred Chi-Yam Yue of Marianas Consultancy, LLC; or Ron Li Anderson of Legend Realty (*MV*, 15 Nov 2019). Alfred Chi-Yam Yue was a consultant of IPI (*MV*, 14 Jan 2020), while Ron Li Anderson also worked for the casino investor (Stradbroke 2019). The US laws cited in the search warrant pertain to fraud by wire, radio, or television; scheme or artifice to defraud; attempt and conspiracy; laundering of monetary instruments; and contributions and donations by foreign nationals (*MV*, 15 Nov 2019).

The CNMI’s delegate to the US Congress, Gregorio Kilili Camacho Sablan, said it was “sad and embarrassing for the people of the Northern Marianas to know that our governor is under investigation by the FBI.” Kilili, who many believe will run for governor in 2022, said the people “have a right to be protected from corruption no matter where it occurs; particularly if it’s at the highest office of our Commonwealth” (*MV*, 11 Nov 2019). As of this writing (15



July 2020), there have been no new announcements about the federal investigation.

On 10 December 2020, the six members of the House minority bloc asked Speaker Blas Jonathan Attao to form a “special committee” that would investigate the governor. The Speaker, a party-mate of the governor, tasked the House Committees on Judiciary and Governmental Operations and Ways and Means to look into the governor’s alleged misuse of public funds. In a statement, the governor’s office stated: “The Legislature is within their prerogative to conduct an oversight. This administration has been transparent and has complied to every Open Government Act request, and we are confident that the governor will be cleared of any further concerns” (MV, 13 Dec 2019).

Heinous crimes are rare in the CNMI, but, sadly, they do happen. On the morning of 13 December 2019, the bodies of two women were found inside a Korean restaurant (MV, 16 Dec 2019). The victims were Lim Hua Choi, fifty-three, the operator of Rice Cake Best Food Restaurant, and Ria Na Lim, forty-three, Choi’s employee. Police said both were shot (MV, 17 Dec 2019). As of this writing (15 July 2020), the double-homicide case remains unsolved.

As for casino investor IPI, the hits just keep on coming. During a meeting of the Commonwealth Casino Commission, IPI’s vendors, including construction companies, said the commission should take “disciplinary action” against IPI for not paying its bills. Representative Tina Sablan, a member of the House minority bloc,

reminded the commission that it could revoke IPI’s license (MV, 20 Dec 2019).

As 2019 ended, CNMI officials sounded upbeat about the tourism-based economy, which they believed was already in recovery mode (MV, 31 Dec 2019). Meanwhile, in Wuhan, Hubei Province, China—the CNMI’s second largest tourism market after South Korea—the Wuhan Municipal Health Commission reported a cluster of cases of “pneumonia.” They would later be identified as Coronavirus Disease 2019 (COVID-19) (MV, 1 May 2020).

In January 2020, it was reported that visitor arrivals were up 95 percent in December 2019 compared to the same period in 2018, when Saipan was still cleaning up the mess that Super Typhoon Yutu left behind (MV, 20 Jan 2020). At the island’s international airport, however, the Commonwealth Healthcare Corporation had begun screening arriving passengers for potential cases of coronavirus (MV, 20 Jan 2020).

Before the end of the month, Governor Torres would declare a “state of significant emergency” to, among other things, “strengthen ongoing emergency protocols and quarantine measures at the ports” of entry (MV, 30 Jan 2020). His administration also informed lawmakers that because of the suspension of flights from China, the CNMI government would lose up to \$40 million in projected revenue in FY 2020 (MV, 30 Jan 2020). In February, the administration said the decline in projected revenue would be \$48 million (MV, 10 Feb 2020). New across-the-board budget cuts were announced (MV, 14 Feb 2020).

For its part, the Board of Educa-

tion, which has five members elected on a nonpartisan basis, voted 3–2 to take the administration to court over the Public School System’s budget.

Three BOE members wanted more funding for the Public School System, citing a CNMI Supreme Court ruling on the annual budget. The administration said the Board of Education’s decision “will further exacerbate our ongoing struggles to keep all public services afloat, including educational services and salaries of teachers at PSS” (MV, 27 Feb 2020).

“Prepare for the Worst” was the headline of *Marianas Variety*, the CNMI’s oldest newspaper, on 3 March 2020.

In a letter to US President Donald Trump, Governor Torres said the loss of the CNMI’s two largest tourism markets—China and South Korea—due to the COVID-19 outbreak “should be considered as the unequivocal and complete collapse of the foundations of our private sector in the islands” (MV, 4 March 2020).

In a meeting with the Board of Education, one of the governor’s economic advisors, Matt Deleon Guerrero, said: “We have never been in a position like this with our economy before. And we are just at the onset of this most recent economic crisis. . . . The [small] size and scale of our economy doesn’t give us a whole lot of tools to work with.” He told the BOE members that the CNMI must “brace for what could be terrible circumstances that are going to be painful—we need to start considering what is the appropriate policy that will be able to protect the entirety of the system” (MV, 6 March 2020).

On the same day, Governor Torres declared a price freeze “to protect

CNMI residents during the COVID-19 . . . outbreak and the unexpected economic downturn” (MV, 6 March 2020).

*Marianas Variety*’s news headlines on 12 and 13 March 2020 were no less dreary: “NMI Tourism Revenue Losses: \$50.5M and Counting”; “Labor Official: Hundreds of CW-1 [guest worker] Contracts Terminated”; “MVA: Arrivals down 30% in February”; and “Hotel Occupancy Lowest in Recorded History, says HANMI [Hotel Association of the Northern Mariana Islands].”

In mid-March, Governor Torres declared “a state of public health emergency and a continued state of significant emergency to establish response, quarantine, and preventive containment measures concerning COVID-19.” The governor said he had received notice from Guam “about three confirmed cases [there]. We do not take this lightly.” He said effective immediately, “and until further notice, all government offices and all non-essential government functions are shut down for two weeks” (MV, 17 March 2020).

Eleven days later, the governor’s COVID-19 Task Force and the Commonwealth Healthcare Corporation announced two confirmed COVID-19 cases in the CNMI. The patients were a forty-two-year-old male and a forty-nine-year-old female, and both had been quarantined at Kanoa Resort. One of them traveled from Guam on 12 March, while the other traveled to Tinian on 13 March and returned to Saipan on 14 March (MV, 28 March 2020).

A seventy-year-old man who had “multiple underlying medical con-

ditions” became the CNMI’s first COVID-19 fatality. He was considered a person under investigation on 25 March and was brought to Kanoa Resort, where he passed away on 30 March (MV, 31 March 2020). Test results from the Guam Public Health Laboratory confirmed that he had succumbed to COVID-19 (MV, 2 April 2020).

In April, US President Donald Trump approved the CNMI’s request for a major disaster declaration and authorized additional federal emergency aid to support the islands’ COVID-19 response (MV, 3 April 2020).

Citing safety requirements and COVID-19’s economic impact, which included shuttering most small businesses in the CNMI, *Marianas Variety* said it was “going online only temporarily” starting Monday, 6 April (MV, 3 April 2020). It would resume its print edition on 27 April.

“Tough decisions have to be made,” the governor said. “Revenues are down 50% so we need to make those adjustments now.” He said the CNMI government had to cut personnel costs by 50 percent (MV, 9 April 2020).

In federal court, Saipan casino operator IPI was found in contempt of court for violating two of its previous orders in the lawsuit filed by seven construction workers from China. They have alleged that they were victims of a forced labor and human trafficking scheme while employed by IPI’s former construction contractor and subcontractor, MCC International Saipan Ltd Co and Gold Mantis Construction Decoration (CNMI) (MV, 16 April 2020).

A COVID-19 patient died on 7 April

2020 at the islands’ only hospital. It was the CNMI’s second COVID-19-related death. The patient was seventy-seven years old and had underlying medical conditions (MV, 7 April 2020).

On 18 April 2020, *Marianas Variety*’s founding publisher, Abed E Younis, passed away peacefully at home from natural causes, surrounded by his family. He was eighty-three. “Mr. Younis’ influence in Marianas and Micronesian journalism and history cannot be overstated” (MV, 18 April 2020).

More sad news: Froilan Cruz Tenorio, the CNMI’s fourth governor (1994–1998) and the last Democrat to win a gubernatorial election in the Northern Marianas, passed away on 4 May 2020 in Fort Worth, Texas. He was eighty. Governor Torres said the Commonwealth “will forever remember one of its most devoted public servants as a man who helped pave the way for our islands’ progress.”

COVID-19, its massive impact on the economy, and the rapidly shrinking revenue base of the CNMI government were the top local news throughout May and June 2020. And even though the number of CNMI COVID-19 cases was well below what was initially projected, Governor Torres said his administration would continue to “prepare for the worst” (MV, 4 June 2020). The Federal Emergency Management Agency had projected that by 20 May 2020, the number of sick would reach 6,500, with 470 cases serious enough to require hospitalization (MV, 15 May 2020). As of 21 May 2020, the CNMI had 22 confirmed and 7 active cases. (MV, 22 May 2020)

With the first half of a dreadful

year about to end, Finance Secretary David Deleon Guerrero Atalig informed lawmakers that the CNMI had incurred over \$90 million in revenue loss since Super Typhoon Yutu slammed into Saipan and Tinian on 25 October 2018 (MV, 26 June 2020).

For its part, the Commonwealth Casino Commission ordered Saipan's beleaguered casino investor, IPI, to meet its obligations to private vendors and the CNMI government, to deposit money in reserve for three-month payroll, and to hire a new chief executive officer (MV, 26 June 2020).

Good luck with that.

ZALDY DANDAN

### References

All URLs accessed 1 September 2020.

MV, *Marianas Variety*. Saipan, Northern Marianas. [www.mvariety.com](http://www.mvariety.com)

Stradbroke, Steven. 2019. Imperial Pacific Owner to Unload 5% Stake in Troubled Casino Firm. Calvin Ayre, 20 Nov. <https://calvinayre.com/2019/11/20/casino/imperial-pacific-owner-selling-five-percent-stake/>

Will, George F. 2002. "Events, Dear Boy, Events." *Newsweek*, 27 January. <https://www.newsweek.com/events-dear-boy-events-143481>