

Political Reviews

Micronesia in Review: Issues and Events,
1 July 2014 to 30 June 2015

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FEDERATED STATES OF MICRONESIA

The period covered by this review was one of disruption and transition. The administration of President Emanuel “Manny” Mori wound down after eight years of fitful socioeconomic progress and frequent battles with the Congress of the Federated States of Micronesia (FSM) (Mulalap 2015, 211), but not before grappling with several body blows to the federation: three successive typhoons (including a super typhoon) and a strong push for secession by government officials and other political figures in Chuuk, one of the four states in the federation. To the end of its tenure, the Mori administration also strove to address various challenges of particular relevance for a small island developing state, including the conservation and sustainable use of limited natural resources, the combating of climate change, and the careful tending of fragile economic prospects. As the Mori administration gave way to the administration of President Peter M Christian, uncertainty and hope pervaded the federation, acknowledging the bruised relationships between the executive branch under the Mori administration and the FSM Congress as well as between the national government and

the states of the federation, and signaling a renewed commitment to shoring up the FSM’s economic prospects in anticipation of the termination of the financial provisions of the Compact of Free Association (COFA) between the FSM and the United States in 2023.

The FSM endured a number of disruptions during the period under review, but perhaps the most serious disruption—and certainly the most widely discussed—was a secession push by the state of Chuuk. As befitting a loose federation made up of geographically dispersed and culturally distinct island groups, secession rumors have percolated through the federation since its inception, particularly for the states of Yap and Pohnpei, which are the more fiscally sound members of the federation and which frequently bemoan the financial burdens they shoulder on behalf of their counterparts in Chuuk and Kosrae. Those rumors, however, have yet to gel into concrete actions by the respective state governments. By contrast, the secession initiative in Chuuk took shape over several years through discrete legislative and executive actions and climaxed—for the time being—in a serious push for a plebiscite to formally launch negotiations for an independent republic of Chuuk. The story of that fractious and contentious secession process underscores, among other things, the fragility of the federation, the extreme economic problems in Chuuk, and the

resentments between the FSM national government and the states to which that government is supposed to defer.

The Chuuk State Government formally initiated the Chuuk secession movement by establishing the Chuuk Political Status Commission (CPSC) in 2012, pursuant to Chuuk State Public Law 11-18 (CSL 11-12-08). Twelve individuals were eventually selected as CPSC voting members—ten selected by the five regional groups represented in the Chuuk State Legislature and two selected by the Chuuk State governor—to join the Chuuk State Senate president and the Speaker of the House of Representatives (who were nonvoting, *ex-officio* members). Among the members were Sabino Asor, the current attorney general of the State of Chuuk; Redley Killion, a former FSM vice president; and Kachutosy Paulus, the self-styled “Interim Governor of the Faichuuk Interim Government” (which had long advocated for admission to the FSM as a fifth state) and CPSC chairman (CPSC 2014a).

In accordance with Public Law 11-18, the primary CPSC mandate was to “review and recommend possible political status suitable for long term financial survival” of Chuuk after the expiration of the COFA economic provisions in 2023. The enabling legislation contemplated a range of status options, including Chuuk becoming a US territory or commonwealth or entering into free association with the United States (CSL 11-12-08). However, in early 2014, ostensibly to “accelerate its work and to move in the most practical and realistic direction,” the CPSC decided to focus its efforts on a single recommendation:

Chuuk becoming a fully independent and sovereign republic (CPSC 2014a). Only after arriving at this determination did the CPSC begin formulating a public education program on its sole recommendation for all of Chuuk’s forty municipalities and many communities abroad.

Public Law 11-18 gave the CPSC eighteen months from its inception in January 2013 to conduct its public education program before submitting its final report to the Chuuk State Legislature. In February 2014, recognizing that the CPSC had less than half a year remaining in its original mandate to conduct public hearings, the Chuuk State Government extended the mandate to twenty-five months, thus giving the CPSC approximately an extra year to fulfill its mandate (CSL 12-13-08). Despite that additional time, by November 2014 the CPSC had conducted only about half a dozen public hearings on its recommendation, mostly in Chuukese communities abroad (CSR 2015c). Nevertheless, ostensibly on the basis of those hearings and other internal discussions, the CPSC completed and submitted its final report to the Chuuk State Legislature by the end of November 2014. On 19 December 2014, several months before the CPSC’s mandate for public hearings was set to expire, a joint session of the Chuuk State Legislature accepted the CPSC’s final report with no amendments (CSR 2015d).

The final CPSC report to the Chuuk State Legislature is a bracing catalog of perceived political, legal, and socioeconomic harms suffered by Chuuk as an FSM state. The report dismisses all political status options other than secession as being “imprac-

tical, unrealistic or impossible.” By contrast, the report embraces secession in large part because it views the “existing FSM constitutional scheme [as] a major handicap in solving Chuuk’s serious development needs,” particularly with regard to supposed inequities in the FSM national government’s revenue allocation formulas for the four states as well as Chuuk’s inability to conduct its own foreign affairs in search of overseas development assistance. The report predicts that an independent Chuuk will enter into a bilateral treaty relationship with the United States that contains economic provisions similar to those of the Compact of Free Association, retain its shares of the trust funds established by the compact as well as independently by the FSM national government, and foster broader and more lucrative foreign direct investment in Chuuk. The report claims that the CPSC conducted fifty hearings on its recommendation for secession and that, “with rare exception, public informational hearings revealed strong majority support for a new independent Chuuk.” The report concludes with a roadmap to secession, beginning with a plebiscite in March 2015 to coincide with elections for the FSM Congress, followed (assuming a majority vote in favor of secession in the plebiscite) by the convening of a constitutional convention in mid-2015 and the production of a constitution for an independent Chuuk by October 2015, and culminating with a referendum on the proposed constitution in March 2017 (CPSC 2014b). The Chuuk State Legislature’s adoption of the CPSC’s final report on 19 December 2014 set in motion the planning

for the March 2015 plebiscite. After gestating largely out of the public view for several years, the Chuuk secession movement was hurtling toward a pivotal vote—but it did so at a speed that confounded and infuriated many Chuukese.

After submitting its final report, the CPSC focused on lobbying Chuukese to vote in favor of secession in the March 2015 plebiscite. Jarringly, the expressions of support for Chuuk secession that the CPSC claimed to have received in its 2014 public hearings were practically nonexistent during the CPSC’s lobbying efforts for a favorable plebiscite outcome. In a series of public hearings in late 2014 and early 2015 in municipalities in Chuuk as well as in Chuukese communities abroad, the CPSC members faced strong pushback from Chuukese who complained that the CPSC did not conduct proper public consultations or produce comprehensive economic and legal analyses regarding the implications of Chuuk’s secession before the CPSC submitted its final report. Participants in the hearings were particularly incensed that the question of Chuuk’s secession was to be subjected to a plebiscite in March 2015, just a few short months into the future, with inadequate time for the general Chuukese public to debate the matter (CSR 2014).

Opposition to Chuuk secession swelled and took on numerous forms in the lead-up to the March 2015 plebiscite. A Change.org petition—which eventually garnered 1,500 signatures—was launched in December 2014 decrying the CPSC’s failure to consider all political status options in a comprehensive fashion and calling

on the Chuuk State Legislature and governor to halt the March 2015 plebiscite (Change.org 2014). On 27 January 2015, James T Stovall III, the legal counsel of the FSM embassy to the United States in Washington DC and the foremost legal expert on the Compact of Free Association, submitted a memorandum to President Mori that systematically undercut many of the claims made in the CPSC's final report, particularly with regard to Chuuk's continued entitlements to grant assistance, development programs and benefits, military defense, visa-free entry into the United States, and trust fund share under the compact (CSR 2015a). The FSM Department of Justice buttressed Stovall's memorandum in its own February 2015 memorandum after a prominent Chuukese supporter of secession issued a lengthy rebuttal of Stovall's memorandum; the Department of Justice's memorandum highlighted, among other arguments, the FSM Constitution's prohibition against secession (CSR 2015b). In response to public claims by CPSC members that the United States had held private discussions with the CPSC regarding a compact between the United States and an independent Chuuk, US Ambassador to the FSM Dorothea-Maria Rosen issued a statement in late January 2015 denying that any such discussions ever took place, at least with her knowledge and sanction (KP, 28 Jan 2015).

Perhaps the most striking campaign of opposition to Chuuk secession was waged by President Mori, himself a native of Chuuk. On 27 January 2015, Mori issued a presidential order that created a "Task Force on National Unity" comprising all the members

of his cabinet as well as a number of other high-ranking government officials. In recognition of his "solemn duty to uphold the provisions of the [FSM] Constitution and protect the rights and interests of peoples and citizens of the [FSM]," President Mori ordered the task force to conduct a public education and awareness program for all Chuukese voters on "the legal, political, economic, and social issues" relating to the secession initiative, as well as the "likely consequences and impact to Chuukese citizens and the FSM" should Chuuk secede from the federation. Pointedly, the presidential order also instructed the task force to "promote and advance the principle of unity upon which the FSM Constitution is founded" (FSMPIO, 28 Jan 2015). The task force promptly went to work, holding a number of public meetings with Chuukese communities in the FSM (FSMIS, 3 Feb 2015) and abroad (FSMPIO, 20 Jan 2015) to counter CPSC lobbying efforts. President Mori led those task force meetings and also attended a number of CPSC public hearings in the FSM in January and February 2015, where he questioned the wisdom of the CPSC's recommendation of secession and strongly advocated for the unity of the federation.

On 23 February 2015, Chuuk State Governor Johnson Elimo signed an executive order that severed the plebiscite on Chuuk secession from the March 2015 elections. Governor Elimo's executive order cited the failure of the Chuuk Election Commission to print the ballots for the plebiscite in the manner required by law in time for the elections (KP, 25 Feb 2015). Although the execu-

tive order preserved the right of the Chuuk State Government to hold the plebiscite at a later date, it effectively halted the secession movement's momentum, perhaps indefinitely. The extraordinary efforts of President Mori and his administration, coupled with widespread public dissatisfaction with the conduct of the CPSC's work, succeeded in maintaining the unity of the federation, but the ordeal underscored the persistent political fragility of the federation.

While the FSM grappled with the Chuuk secession movement, it also dealt with disruptive storms of a more literal nature. Tropical Storm Hagupit formed near Kosrae on 29 November 2014 and gradually strengthened into a typhoon as it wove through the outer islands of Chuuk and Yap in early December (KP, 17 Dec 2014). Tropical Storm Noul formed southwest of Chuuk on 30 April and turned into a typhoon on 5 May as it passed over the islands of Yap, buffeting the state with high winds for more than twelve hours (Radio New Zealand 2015).

Neither Hagupit nor Noul could match the devastation wrought by Super Typhoon Maysak. Originating in the Marshall Islands on 23 March as a tropical storm, Maysak intensified into a category 1 typhoon as it reached Chuuk on 29 March. Winds gusting up to seventy miles per hour uprooted trees, knocked down power lines, and damaged approximately 80 to 90 percent of homes in the state (*Mari-
anas Variety*, 31 March 2015). Crops throughout the state were extensively ruined, and freshwater sources were heavily contaminated by debris and saltwater inundation. Tragically, five

people in Chuuk lost their lives under Maysak's howling winds (*Sydney Morning Herald* 2015).

After wreaking havoc on Chuuk, Maysak strengthened into a super typhoon and, beginning on 31 March, proceeded to pummel several islands in the state of Yap, particularly the outer islands of Fais and Ulithi, which experienced wind speeds of up to 160 miles per hour. Ulithi suffered complete crop devastation, total power loss, and extensive debris and saltwater inundation of its freshwater supplies, while Fais suffered somewhat lesser (but still significant) devastation (KP, 2 April 2015). All told, Maysak wrought approximately \$8.5 million in damage to public infrastructure in Chuuk and Yap, caused five fatalities, devastated 80 to 90 percent of food crops and freshwater systems, and affected nearly thirty thousand people—about a third of the FSM population (USAID 2015).

In the aftermath of Maysak's passage through the FSM, Governor Johnson Elimo of Chuuk and Governor Tony Ganngiyan of Yap declared states of emergency for their respective states, and President Mori issued a Declaration of Emergency for both states. On 28 April, pursuant to a formal request from President Mori, US President Barack Obama signed a disaster declaration for the FSM, thereby making programmatic and financial assistance available to the FSM under the Compact of Free Association (White House 2015).

The FSM Congress, at President Mori's request, convened a two-day special session from 9 April to 11 April in which it appropriated \$1.5 million for disaster relief in Yap and

Chuuk. The appropriation was a sharp reduction of the president's original budget request of \$4.8 million, most of which would have gone toward a thirty-day feeding program for the people on the most heavily affected islands in Chuuk and Yap. Members of Congress justified the reduced appropriation by citing the need for a more comprehensive assessment of damage in Chuuk and Yap before Congress could appropriate additional disaster relief (FSMIS, 13 April 2015). However, an extensive situation report detailing Maysak's damage and outlining the needs of the affected populations had actually been completed by the FSM Office of Environment and Emergency Management on 6 April, several days before Congress convened its special session (OEEM 2015). It is unclear whether that report was transmitted to Congress in time for its special session, and if so, whether Congress considered the report to be unsatisfactory or chose to engage in the usual political gamesmanship with the Mori administration.

Super Typhoon Maysak had the dubious distinction of helping to set a meteorological record for the most typhoons ever recorded in the western Pacific in the first quarter of the year (Valentine 2015). Although the science is still unclear on whether climate change leads to more storms, there is wider agreement among scientists that climate change will likely lead to an increase in the intensity of storms and typhoons as ocean water warms and feeds storm systems (IPCC 2013). Indeed, the March 2015 global sea-surface temperature average was the third-highest ever measured in 136 years of record keeping (NOAA

2015b)—a measurement that came on the heels of findings that the 2014 global sea-surface temperature average was the highest ever recorded, despite the absence of El Niño conditions in the Pacific that year (NOAA 2015a).

The devastation of Maysak reaffirmed, to a visceral degree, remarks that President Mori delivered on separate occasions during his last visit to the United Nations as FSM president. On 23 September 2014, Mori participated in the UN Secretary-General's Climate Summit, a high-level meeting focused on generating commitments in anticipation of a new international climate-change agreement in December 2015. Mori delivered remarks that stressed the imperative to "catalyze the ambitious and fast action needed to address the devastating impacts of climate change," including "sea-level rise [and] more frequent and intense typhoons" (FSMPIO, 23 Sept 2014). On 26 September, Mori delivered his final address as FSM president to the General Debate of the UN General Assembly, an annual gathering at which heads of state and government as well as other high-ranking government officials discuss a wide range of issues. Mori's address underscored the many challenges afflicting small island developing states like the FSM, particularly climate change, sustainable development, and the careful management of limited and valuable natural resources. Mori noted a litany of actions taken by the FSM to address climate change and its root causes, including a national energy policy aiming to convert at least 30 percent of the FSM energy infrastructure into renewable energy by 2020; a national climate act that mainstreams climate-

change measures and considerations in every national government policy; and a push for an amendment to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer to phase down the production and use of hydrofluorocarbons and other short-lived but highly potent climate pollutants (FSMPIO, 26 Sept 2014).

President Mori rooted his final UN address in a fundamental conviction: “We are all stewards of God’s Creation here on Earth. The bounties of Mother Nature are priceless. We all bear the obligation to sustainably manage them” (FSMPIO, 26 Sept 2014). The FSM’s efforts to achieve and promote sustainable development in the federation and in the broader Pacific region took various forms throughout the period covered in this review. From 1 to 4 September 2014, Mori led a sizable delegation of FSM government officials and representatives to the Third International Conference on Small Island Developing States, held in Apia, Sāmoa. The outcome document of the conference—the SAMOA Pathway—focused on building “genuine and durable partnerships” between small island developing states and developed countries with regard to sustainable development. President Mori delivered remarks during the conference that encouraged new, additional, and reliable funding and capacity building assistance from the FSM’s partners to aid in the country’s sustainable development efforts, including renewable energy infrastructure development and agricultural production (FSMIS, 25 Sept 2014). In the margins of the conference, Mori joined Palau President Thomas Remengesau Jr and Marshall Islands

President Christopher Loeak in signing the treaty establishing the Micronesian Trade and Economic Community (MTEC). The MTEC’s primary purpose is to promote “sub-regional trade and economic cooperation and integration to support the achievement of sustainable and equitable socio-economic development of its Member States and improve the standard and quality of life of their People.” Citing the challenges of the copra industry in the member states, President Remengesau predicted that the MTEC, if successful, could aid in consolidating raw materials for agricultural production and creating suitable economies of scale for private-sector industries (FSMIS, 4 Sept 2014).

Fisheries continued to command a sizable share of the FSM’s sustainable development efforts, not to mention its annual domestic revenues. The FSM is a Party to the Nauru Agreement (PNA) that manages the sizable tuna stocks controlled by PNA members as well as the stocks in high-seas pockets ringed by the exclusive economic zones of those members. Pursuant to the Nauru Agreement, a fishing vessel must buy so-called fishing days from a PNA member in order to fish in the exclusive economic zone of that PNA member. The PNA establishes a total number of fishing days for all PNA members as well as a minimum rate for each fishing day and then allocates those fishing days to individual PNA members for their sale to fishing vessels. The total number of fishing days is based on the best available scientific evidence about the health of tuna stocks in the waters covered by the Nauru Agreement.

For 2015, the PNA established the

maximum number of fishing days at approximately 46,610 and set a minimum rate of \$8,000 for each fishing day (*KP*, 19 Aug 2014). For 2016, the minimum daily rate will remain the same as in 2015, but the total number of fishing days will decrease by approximately 700 days, in response to concerns about the health of certain tuna stocks (*PNA* 2015b). Through careful stewardship and canny pricing, the Parties to the Nauru Agreement are able to limit the number of fishing days available to fishing fleets and charge appropriately high rates for those days, thereby generating revenues from enforced scarcity. To wit, the FSM earned \$30 million from selling its fishing days in 2013 and approximately \$50 million in 2014, when the minimum rate for each fishing day was \$6,000 (*FSMIS*, 30 Sept 2014). After decades of mismanaging its domestic fishery sector, the FSM has started to generate sizable revenues from its most lucrative natural resource in a steady and sustainable manner.

The FSM's push for the sustainable management of its fish stocks received welcome support from an advisory opinion delivered by the International Tribunal for the Law of the Sea on 2 April 2015. The advisory opinion stated, among other things, that a country or international organization that flags a fishing vessel has a due diligence obligation under international law to ensure that the fishing vessel does not engage in illegal, unreported, and unregulated (IUU) fishing in the exclusive economic zones of third-party countries (*ITLOS* 2015). The tribunal's advisory opinion largely echoed arguments advanced by

the FSM during the written and oral proceedings for the advisory opinion (*ITLOS* 2013). The FSM's participation in the proceedings marked the first time that the country had ever engaged with an international legal tribunal—a testament to the importance that the FSM places on the health of its fish stocks and the need to curb rampant IUU fishing in its national waters.

Another high-water mark in the FSM's sustainable management of its natural environment was the establishment of a nationwide shark sanctuary. Sharks, as apex predators, play crucial roles in regulating marine biodiversity and maintaining the health of marine ecosystems, in addition to generating millions of dollars in tourism revenues (*Pew Charitable Trusts* 2015). After the four states in the federation established shark sanctuaries in their own twelve-nautical-mile territorial seas in the previous four years, the FSM Congress passed legislation on 4 February 2015 that created a national shark sanctuary spanning the FSM's entire two-hundred-nautical-mile exclusive economic zone. Pursuant to the legislation, the commercial fishing of sharks in FSM waters as well as the removal of fins from sharks caught in those waters are absolutely prohibited, and any sharks inadvertently caught in FSM waters by commercial operators must be returned to sea (if alive) or brought to shore (if dead) with all fins attached. Any dead sharks brought to shore will be repurposed as livestock feed for local communities (*FSM Eighteenth Congress*, Bill 18-134). President Mori signed the legislation into law on 25 February 2015, marking the culmination of years of work and advocacy by scientists, conservationists, commu-

nity leaders, and government officials (FSMPPIO, 4 March 2015).

The close cooperation between state and national officials and entities on a matter of mutual interest such as the establishment of a national shark sanctuary belied persisting tensions between the Mori administration and members of the FSM Congress, particularly with regard to congressional appropriations. On 3 March 2015, President Mori exercised a line-item veto on a supplemental budget measure passed by Congress that defunded the 2023 Investment Development Fund, which the Mori administration envisioned to be the primary source of complementary funding for private-sector development initiatives in the FSM (FSMPPIO, 17 March 2015). On 11 March 2015, Mori vetoed, in its entirety, a congressional act to appropriate nearly \$3 million for public projects in the four states of the FSM. President Mori stressed the need for Congress to engage in transparent public hearings and consultations before appropriating funds for public projects, as well as to ensure that appropriations are properly implemented (FSMPPIO, 11 March 2015). Despite Mori's pointed remarks and justifications, Congress overrode both of his vetoes, providing more evidence of the strained relations between the executive and legislative branches of the federation that plagued most of President Mori's administration.

The president's concerns about congressional appropriations stemmed in part from a recent audit report from the FSM Office of the National Public Auditor (FSMONPA) that inspected public projects and social programs funded by Congress pursuant to Public

Law 17-68. According to the 9 February 2015 audit report, out of approximately \$4.2 million appropriated under Public Law 17-68 for public projects and social programs in fiscal year 2013, \$1.6 million went toward public projects "which did not yield any meaningful and lasting public benefits"; almost \$700,000 was used in a manner that "lacked transparency and accountability"; and about \$250,000 was expended in a manner "not in compliance with laws and regulations." In his executive summary for the report, FSM National Public Auditor Haser Hainrick stressed that despite "veto messages year after year, penned by the former and current Presidents, and highlighting the urgent need to refocus Congress appropriation to public projects that support National priorities, . . . it remains business as usual" in terms of congressional appropriations for poorly defined and improperly implemented public projects and social programs. After presenting a litany of expenditures made using funds appropriated for public projects—eg, sacks of rice, cases of chicken, cigarettes, personal home gardens, personal motor vehicles, airline tickets—Hainrick pointedly noted: "People are asking, why is Congress wasting public funds on expenses that are for personal needs rather than for any public purpose?" (FSMONPA 2015).

The audit report triggered strong—even furious—responses from Dohsis Halbert, the Speaker of the FSM Congress. In his initial written response to the findings of the report (which was included in the final version of the report), Halbert questioned whether it was appropriate to blame Congress

for the faulty implementation of public projects, given the fact that allottees rather than Congress members were responsible for the use of appropriations. Halbert then wondered aloud whether the audit report's findings were essentially parroting "political criticism that the Executive [Branch] levies at Congress" (FSMONPA 2015). After the audit report was released to the public, the Speaker issued a follow-up letter that took offense at the pointed language used by Hainrick in his executive summary for the report. Halbert called Hainrick's language "political rhetoric," "inflammatory," and "misleading." And with a conspiratorial flourish, Halbert accused Hainrick of timing the release of the audit report to influence the congressional elections in March 2015—elections in which, according to Speaker Halbert, there would be one candidate who was closely related to a member of the team that produced the audit report (KP, 9 Feb 2015).

It is unclear whether the Speaker truly believed the accusations he levied against Hainrick or was just employing his own form of political rhetoric. Whether the audit report had the effect that Speaker Halbert warned it would have is perhaps slightly clearer: In the March 2015 congressional elections, all the incumbents who ran for reelection won back their seats—except Speaker Halbert, who lost to newcomer Ferny Perman (KP, 9 March 2015).

With the congressional elections complete, the focus shifted to the selection of the next FSM president and vice president as well as the presiding officers and committee chairmen of the FSM Congress. Pursuant

to the FSM Constitution, only the 4 members of Congress elected to four-year terms (as opposed to the other 10 members of Congress elected to two-year terms) are eligible to become president and vice president, as selected by Congress in a private caucus. (There is no direct election of the FSM president and vice president.) As could be expected with such a secretive process, there was rampant speculation among the general public about who would be selected for the executive branch. Such speculation went into overdrive when, on 9 May 2015, in one of his last formal acts in office, President Mori pardoned ten individuals, almost all from Chuuk, including former members of the FSM Congress who had been convicted of crimes relating to the improper use of public funds (FSMIS, 9 May 2015). Several of the individuals pardoned by President Mori are considered power players in Chuukese politics, and it was conceivable that President Mori issued his pardons in part to secure political support in case the four-year Chuukese member of Congress was selected to be president or vice president. Such a selection would vacate the member's four-year seat and require a new election in Chuuk to fill the seat, an election for which President Mori could conceivably stand.

Ultimately, Congress selected Peter M Christian of Pohnpei as president and Yosiwo P George of Kosrae as vice president. The four-year Chuukese member of Congress, Wesley Simina, was selected to be the new Speaker of the FSM Congress, the first time that a four-year member had ever been elevated to the speakership (Simina retains his four-year seat in Congress

during his speakership) (*KP*, 11 May 2015). Whether Simina's selection as Speaker was due to his personal qualifications or a political calculation by Congress to block former President Mori from returning to Congress is a question left for speculation.

With the selection of President Christian and Vice President George—two seasoned veterans of Congress with long histories of government service—Congress signaled its desire to move beyond the sniping between the executive and legislative branches that had characterized much of the Mori administration and to focus on establishing a solid and sustainable economic foundation for the FSM ahead of the scheduled termination of COFA grant assistance in 2023. The initial activities of the Christian administration seemed to comport with that orientation. On 15 May 2015, in his first official meeting with Congress after his elevation to the executive branch, President Christian underscored his administration's commitment to harmony and collaboration in the working relationship between his administration and Congress (*FSMIS*, 15 May 2015). On 11 June, continuing the Mori administration's work on environmental protection and sustainable natural-resource management, President Christian opened a two-day ministerial meeting in Pohnpei of the Parties to the Nauru Agreement by exhorting the ministers to remain strong in their custodianship of the ocean's tuna resources. Alluding to the temptations of "inappropriate generosity by unscrupulous players" in the tuna fishing industry, President Christian challenged the ministers "to be innovative and creative, be willfully strong and continue exploring ways

in which to ensure our most valuable asset can continue to be effectively useful now and for the future" (*PNA* 2015a). And on 17 June, President Christian formally received newly appointed Assistant Secretary Esther Kia'aina of the US Department of Interior during her first official visit to the FSM. In the meeting, President Christian recalled his days as the FSM's lead negotiator in its renegotiation of COFA financial provisions with the United States in 2001–2003 and stressed the FSM's historical commitment to pursuing sustainable economic development, a mission greatly imperiled by severe lags in infrastructural development due in part to strict conditions placed by the United States on infrastructure funding under the compact. Assistant Secretary Kia'aina was noncommittal regarding the easing of infrastructure funding, but she promised to foster a collaborative and good-faith partnership between the FSM and the United States, as envisioned by the compact (*FSMIS*, 17 June 2015).

The Mori administration focused sharply on private-sector development and post-2023 economic planning and also championed environmental protection, but its efforts were sometimes stymied by Congress for various economic and political reasons. With the transition to the Christian administration underway, it remains to be seen whether the efforts of the Mori administration will be expanded or rejected in favor of a new approach. Whatever approach the Christian administration takes will have profound lasting effects for the federation. Assuming that the Christian administration secures a second consecutive four-year term, it will complete its time in office just as COFA financial

provisions expire in 2023—a year that looms large in the FSM as a time of momentous transition and, perhaps, as the ultimate disruptor in the political, social, and economic affairs and fortunes of a fragile federation.

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THE OPINIONS EXPRESSED *in this review* are those of the author and do not necessarily reflect the official views of the government of the Federated States of Micronesia.

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GUAM

The island bustled with activity on many fronts this last year—continuing efforts toward decolonization, electing island leadership, preparing for the role of hosting the 12th Festival of Pacific Arts in 2016, facing ongoing militarization as well as numerous other issues such as the return of the El Niño weather patterns, which has meant once again contending with typhoons on a regular basis.

On 1 August 2014, the United States and the Federated States of Micronesia signed a treaty that formally gave ownership of the deepest part of the Marianas Trench to the Federated States (*MV*, 12 Aug 2014). Guam, as an unincorporated territory—or, according to the United Nations, a non-self-governing territory—was not consulted, even though this treaty affects an area that many have historically considered part of the Mariana Islands. Some of the frustration over Guam's political status is that the people of Guam are generally not included in discussions about what happens in their region, as the island is legally a possession of the United States.

This frustration was manifested in the 2015 State of the Island Address by Guam Governor Edward “Eddie” Baza Calvo; a large portion of his speech was devoted to “unfunded mandates and colonialism” (*Office of Governor*, 16 Feb 2015). Calvo denounced the ways in which Guam, despite being excluded from US democratic processes, is nonetheless subject to essentially all federal laws and decisions. He called for new energy to be infused into the movement for

decolonization on Guam, invoking the legacy of his great-grandfather, who in 1917 gave a speech calling for a similar political status change. Calvo proposed holding a decolonization plebiscite in 2017, the one-hundred-year anniversary of his great-grandfather's speech.

The past two administrations (including Calvo's first term) accomplished very little with regard to moving this process forward. The Commission on Decolonization was formed in 1997; this body is meant to guide the decolonization process locally and to educate those qualified to vote about the three different future political status options for Guam: integration, free association, and independence. The work of the commission has long been hampered by lack of funding. In recent years, international lobbying efforts, website development, public meetings, and a series of high school debates on the topic were all proposed but never implemented.

The rhetoric of decolonization is nothing new, but there were two developments that made the governor's 2015 State of the Island speech significant. First, when advocating decolonization, Calvo broke with a long-standing unwritten rule that the chief executive of the island not express a personal preference on the matter. In the past, governors and other elected officials have avoided expressing their personal choice regarding Guam's future political status and instead stated support for whatever choice the native inhabitants of the island might make. In his speech, Calvo diverted from his prepared remarks and added that he personally supported statehood. He

did note, however, that he considered any status other than the current one an improvement.

Second, whereas in the past the Calvo administration only offered words of support, this year it allocated \$100,000 to the Commission on Decolonization to be used for the development of educational materials and programs to precede a plebiscite on decolonization. Democratic Party members of the Guam Legislature had been critical of Calvo for providing funding only for commission staff members, the majority of whom were detailed elsewhere in the Government of Guam despite being listed as working for the commission. In June 2015, the Commission on Decolonization voted to provide \$30,000 to each of the three political status task forces in order to begin their outreach and advocacy work.

The work of the Commission on Decolonization and the movement for decolonization in general has been overshadowed since 2011 by a lawsuit filed on behalf of Arnold “Dave” Davis, a Caucasian US citizen living on Guam, who has long argued that the plebiscite for political status violates his 14th amendment rights related to voting, as he does not fit the category of “native inhabitant” (Marsh and Taitano 2014, 173). However, “native inhabitant” is not a racial category but rather refers to those who became US citizens via the passage of the Organic Act of Guam in 1950. It is a group that was historically recognized by the United States; while primarily comprising Chamorros, it also includes other ethnicities. Davis’s lawsuit was dismissed “without prejudice” by Guam’s chief district court judge in

2013, meaning it could be filed again, and in May 2015 the US Court of Appeals for the Ninth Circuit ruled that Davis’s case should be heard.

Although the right to self-determination and decolonization is an internationally recognized right, the United States does not recognize Guam’s path of self-determination as an international issue. The US federal government has long argued that the question of Guam’s political status is internal to the United States. Thus the Davis case could have serious ramifications in terms of Guam’s decolonization and whether the process will be forced to conform to narrow US national limits instead of internationally accepted conventions.

The specter of potential unconstitutionality has also had a negative effect on a once-significant breakthrough in moving forward on decolonization. According to international law, the administering power of a non-self-governing territory has the obligation to fund educational campaigns in order to help prepare the colony to take the next step in its political evolution. For decades, the United States has refused not only to acknowledge this responsibility but also to support the process in general.

In 2010, the US Congress passed a law that authorized the US Department of Interior (DOI) to use its technical assistance funding for public education on self-determination in Guam. This money was not guaranteed, but it was authorized as an allowable expense. Obtaining this money has proven difficult, however, and recent statements by DOI officials hint at their hesitancy to provide any support for self-determination educa-

tion because the Department of Justice may become involved if Davis's case claiming unconstitutionality goes forward.

Some excitement swept through the island as issues of being a territory of the US were highlighted in a *Last Week Tonight with John Oliver* episode on HBO (2015). Noted was the visible absence of the US territories of Guam, Puerto Rico, the US Virgin Islands, and American Samoa in virtually all aspects of US democratic processes owing to Supreme Court decisions that were made over one hundred years ago, when segregationist Jim Crow laws were still considered constitutional. Territories have no star on the US flag; no voting representative in Congress; and no real participation in the selection of the US president, who is the commander-in-chief under whom many territorial citizens serve in the US military. While some awareness may have been raised as a result of the HBO episode, a tangible outcome has yet to be seen as of this writing.

One of the dominant events of 2014 was the island's election for governor, lieutenant governor, the Guam Legislature, the US Congress, and a number of local, nonpartisan offices. Keeping people on the edge of their seats was the fact that, just days before the July filing deadline, the Democratic Party team of former Governor Carl T C Gutierrez and attorney Gary Gumataotao jumped into the race to challenge the incumbent Republicans, Governor Calvo and Lieutenant Governor Ray Tenorio. After numerous meetings with the Democratic leaders and the rank and file, Democrats united behind

the Gutierrez-Gumataotao team. In the course of the campaign, the team also garnered the support of former First Lady Joann Camacho, wife of former Republican Governor Felix Camacho (PNC, 15 Sept 2014). Calvo campaigned on his administration's financial record, including the timely payment of income tax refunds, although Gutierrez criticized Calvo for borrowing an additional \$380 million through the bond market with high debt service (MV, 9 Oct 2014).

Aside from the disadvantage of running against an incumbent administration, the Democratic team was also outmatched financially. October campaign expense reports showed the Calvo-Tenorio team had raised \$1.3 million by the midpoint of the campaign, while the Gutierrez-Gumataotao team had only collected \$193,000 (KUAM, 27 Oct 2014). In the series of debates held during the course of the campaign, Gutierrez challenged Calvo to say whether he had given a tax write-off to any of his family's businesses and whether he would agree to an audit of the tax records. The Calvo-Tenorio team vehemently denied the charge and called the allegation "slanderous" (KUAM, 28 Oct 2014). When the votes were totaled, the Calvo-Tenorio team garnered more than 60 percent of the vote (GEC, 25 Nov 2014).

Republicans, however, did not fare as well in the races for the US Congress and the Guam Legislature. In the contest for delegate to the US House of Representatives, incumbent Madeleine Z Bordallo first handily defeated challenger and first-time candidate Matthew Artero in the Democratic primary and then moved on to a land-

slide win against newcomer Republican Margaret “Pudding” McDonald Glover Metcalfe in the general election. Metcalfe had campaigned on issues such as local government reimbursement for shouldering the impact of migrants from neighboring US Freely Associated States, known locally as Compact Impact funding, and the long-pending war reparations for the Guam Chamorros and local residents of Guam who suffered a three-year Japanese occupation during World War II (*MV*, 21 Oct 2014). Both candidates expressed their support for the US military buildup, but with reservations. Bordallo stated she did not support “a buildup at all costs,” while Metcalfe stated that she favored “the least invasive of plans” for the buildup (*KUAM*, 23 Oct 2014).

Democrats also successfully retained their 9-6 majority in the Guam Legislature, though there was some turnover in the membership. Going into the campaign season, Democrats had lost one incumbent with the passing of former Speaker Vicente “Ben” Cabrera Pangelinan. On the Republican side, freshman Michael “Mike” Limtiaco chose not to seek another term. As the votes in the general election were totaled, two other Republican incumbents, Christopher “Chris” M Duenas and Aline A Yamashita, lost their bids for reelection. They were replaced by very familiar public figures: Republicans James “Jim” V Espaldon and Frank F Blas Jr had served previously as senators. New to the Legislature were Republican Mary Camacho Torres, a former Airport and Port Authority general manager and sister of former Governor Felix P Camacho,

and Democrat Dr Nerissa Bretania Underwood, a former superintendent of education and wife of former Congressman Robert A Underwood (*GEC*, 18 Sept 2014). Soon after the general election, Democrats met to select the leadership for the incoming Legislature and decided to retain Speaker Judith “Judi” T Won Pat, Vice Speaker Benjamin J F “BJ” Cruz, Legislative Secretary Tina Rose Muña Barnes, and Majority Leader Rory J Respicio (*KUAM*, 10 Nov 2014).

Nonpartisan elections were also held for other posts. In the race for attorney general, Elizabeth Barrett-Anderson unseated incumbent Leonardo “Lenny” M Rapadas. Barrett-Anderson has previously served as Superior Court judge, senator, and attorney general when it was an appointed position. Also selected were three of the five positions on the Consolidated Commission on Utilities (*CCU*), which supervises the island’s power and water agencies. The current *CCU* Chair, Simon Sanchez, was reelected, and the remaining two seats were filled by new members Francis Santos and George Bamba. Voters also approved the retention of Chief Justice Robert J Torres and Judge Michael J Bordallo and selected half a dozen members of the Guam Education Board, which supervises the public schools (*GEC*, 25 Nov 2014).

Voters in November also agreed to a ballot initiative legalizing the use of medical marijuana. The initiative went through several legal hurdles to get on the ballot, finally requiring a ruling by the Guam Supreme Court. The initiative garnered more than 56 percent of the vote, although it was reported that full implementation would take sev-

eral months (*Huffington Post*, 4 Nov 2014).

In July 2014, a state funeral was held for Senator Ben Pangelinan. He was chair of the powerful Appropriations Committee and had previously served as Speaker. Owing to the passing of Agat Vice Mayor Agustin Quintanilla while in office, a special election to succeed him was held on 6 June 2015; Republican Kevin James Taitague Susuico won a multi-candidate race for the post (GEC, 7 June 2015).

Other prominent members of the community who passed away during the year under review were former Speaker Franklin Joseph Arceo Quitugua, former Senator Jesus “Jess” Q Torres, and former Yona Mayor Vicente “Ben” Bernardo. Guam’s community also lost Anthony “Tony” Ramirez, former administrator and curator of the Guam Museum and advocate for Guam’s culture and history, as well as Joaquin Flores Lujan, known as “Tun Jack,” a traditional Chamorro blacksmith. In 1996, Tun Jack was one of the first cultural artisans to be recognized by the Guam Council on the Arts and Humanities as a Master of Chamorro culture and has been the only person from the Western Pacific region to win a National Heritage Award Fellowship (J Balbas, pers comm, 17 Aug 2015; *MV*, 24 Jan 2015; 33rd Guam Legislature website).

In the field of sports, milestones were reached as Guam topped the medal count at the 2014 Micronesian Games. Held in July in Pohnpei, the event involved ten Micronesian states, territories, and independent nations competing over ten days. Guam scored

42 gold, 27 silver, and 12 bronze medals (Guam National Olympic Committee 2014).

Further, in the lead-up to the much-heralded 2018 FIFA World Cup, two qualifying matches were held in Guam in 2015. In a feat that attracted international notice, Guam’s soccer team prevailed in both contests, defeating first Turkmenistan 1-0 and then India 2-1. The latter match in particular received wide international press coverage due to the disparity in population between India (1.2 billion) and Guam (170,000) (Macquire 2015). This was the first time that Guam has secured any foothold in World Cup qualifying matches. In 2000, the last time Guam participated in the World Cup qualifying heats, it lost to Iran (19-0) and Tajikistan (16-0) (*Times of India* 2015).

As a prelude to Guam’s hosting of the 12th Festival of Pacific Arts (FestPac) in 2016, the 28th Annual Guam Micronesia Island Fair was held in June as a “springboard” for FestPac (GVB, 30 April 2015). In addition to performances by Chamorro dancers and artisans, artists from Palau, Yap, Kosrae, and the Marshall Islands also participated in the three-day event held at Ypao Beach Park (*PDN*, 11 June 2015). At the 2016 FestPac, Guam will host an estimated 2,500 artists from twenty-seven Pacific Island nations and territories and draw some 10,000 others from around the world (Office of Governor, 16 Feb 2015).

The issue of historic buildings in the capitol of Hagåtña was a source of controversy as the Legislature acted to approve a Calvo administration proposal to demolish the vacant Manuel F L Guerrero building.

Opponents of the move called for the building's renovation and preservation, citing its historic significance as well as its economic development potential (see, eg, Cruz 2015). From World War II until relatively recently, the building housed several government functions. In particular, it served as the seat for Guam's first appointed Chamorro governor, the first locally elected governor, and the first cohort of locals serving as heads of government agencies in the 1960s and 1970s. In the 1980s, the governor's office was relocated to Adelup by Governor Ricardo Bordallo, and most government agencies housed in the building moved out over time. Proponents of the demolition proposal cited the high cost and limited utility of renovating the building (*Stars and Stripes*, 6 March 2015). On the positive side, the Historic Preservation Review Board placed the Old Court Building of Hagåtña, presently serving as the Guam Judicial Annex, on the Guam Register of Historic Places, along with the Chagui'an Massacre Site in Yigo, at which forty-five Chamorros had been brutally beheaded during World War II. Another significant act was Guam's passing of Public Law 33-56, which proclaimed 28 June as War Survivor Remembrance Day to honor survivors of the harsh Japanese occupation of Guam during World War II (*MV*, 27 June 2015).

Concerns were raised in May 2015 when a \$65.3 million deficit was reported for the Government of Guam (GovGuam) in fiscal year 2014. Calvo administration officials explained that this was only a paper deficit and not a cash deficit, resulting from large amounts of funds retained in trust

accounts and unbudgeted expenses such as retroactive pay raises and reserves for Guam Memorial Hospital (*PDN*, 6 May 2015). The Legislature's appropriations chair, Vice Speaker Benjamin Cruz, stated that he was not satisfied with the administration's explanation and wanted to see the final audit report for 2014 (*PDN*, 6 May 2015). The issue of the Gov-Guam deficit promised to be a central concern as the Legislature takes up next year's budget during the summer months of 2015.

Plans moved forward for the widely anticipated and debated Guam and Northern Mariana Islands military buildup. The centerpiece of the buildup is the relocation of US Marine units from Okinawa to Guam, for which the Japanese Government has provided \$3.1 billion. The remainder of the funding for the move, estimated at more than \$8 billion, is to come from the US Department of Defense (DOD). US Senator John McCain and others in the US Congress have been skeptical about DOD spending plans and acted to freeze funding pending completion of a master plan, which was submitted to Congress in August 2014. On Guam, opponents of the buildup have questioned the purported economic gains, the infrastructure costs, and the damaging environmental impact related to DOD plans, as well as the disturbance of ancestral sites by proposed military activities. Bringing such concerns front and center were recent instances such as the beaching of three whales in southern Guam during US Navy sonar testing (*KUAM*, 27 March 2015).

Guam's community now awaits the issuance of the DOD Record of Deci-

sion, which will detail its final plans for the buildup (*Stars and Stripes*, 3 Nov 2014). Although it had been expected in March 2015, as of this writing, the Department of Defense has delayed issuance of the Record of Decision to the summer of 2015 (PNC, 18 June 2015). Keeping track of the intensive militarization activity, finding the appropriate DOD informational websites, and wading through the environmental impact assessment documents is an immense task for the community. Adding to this burden, reviewers say that such documents are “woefully inadequate,” “do not conform with the ‘basic principles’ of protective federal legislative requirements such as the National Environmental Policy Act,” and “preclud[e] intelligent review” (*Saipan Tribune*, 2 June 2015). Some community sentiments expressed over the last year mirror these findings. For example, a sign held by protestors at a public meeting stated that, regarding the buildup, there was a “shortage of detailed information and a lack of local involvement in decisions that will affect the island” (PDN, 2 Jan 2015). Island leaders, many in the community, and even outside observers have expressed feeling that each of these deficiencies is an intentional strategy to confuse, overwhelm, and wear down the community to the point of minimizing their ability to provide meaningful input. For several years now, public comments have continuously been sought or have been gathered simultaneously regarding different militarization issues, such as access to traditional medicinal plants and ancestral and historical sites, the bulldozing of pristine limestone for-

est, the development of the island’s National Wildlife Refuge units, and more. Another salient issue is that there appear to be two divergent perceptions of Guam in play: indigenous-local and military. As expressed by one community member, “Guam is our home, not a strategic outpost”—the latter of which appears to many to be the way the military view the Marianas (PDN, 2 Jan 2015).

One outcome of the above controversies has been strengthening solidarity in the Marianas archipelago, crossing modern political divides that result from the historic colonial divvying up of homeland islands. Members of both Guam and Northern Mariana Islands communities have been signing petitions, publishing videos, writing op-ed pieces, and participating in forums such as the University of Hawai‘i’s *Asian-Pacific Law & Policy Journal* forum “Bombs in Paradise: A Legal, Social, and Political Discussion of Militarization in the Pacific,” at which attorney Julian Aguon, legal counsel to the Guam Legislature, served as the keynote speaker (see, eg, Yanger 2015; Cabrera and others 2015; Hofschneider 2015).

While the military buildup plans proceeded, Guam posted record-breaking numbers for tourist arrivals in 2014. In October, it was announced that overall arrivals for the 1 October 2013–30 September 2014 fiscal year reached 1,341,054 visitors (Office of the Governor, 10 Oct 2014). But concerns were raised at the University of Guam’s 6th Regional Island Sustainability Conference about plans to increase tourism to two million visitors by 2020 (Dumat-ol Daleno 2015).

In the months leading up to the US

Supreme Court 5-4 decision in favor of same-sex marriage, the issue was argued publicly and in court on Guam (PDN, 27 June 2015). In April 2015, after a same-sex couple unsuccessfully attempted to acquire a marriage license on the island, Attorney General Elizabeth Barrett-Anderson directed Public Health officials to issue the license, but they refused with the backing of Governor Calvo. The matter was taken to the local US District Court, which ruled in favor of issuing marriage licenses to same-sex couples, making Guam the first US territory with legal gay marriage. This ruling came three weeks prior to the US Supreme Court overturning bans on same-sex marriage nationwide (Bordallo 2015).

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MARSHALL ISLANDS

Several issues took center stage in the Republic of the Marshall Islands (RMI) from July 2014 to June 2015, revealing ongoing tensions between the government's duty to attend to the everyday needs of the Marshallese people and its necessary engagement

with macro-level political, economic, and environmental concerns. These tensions were perhaps most apparent in the Marshall Islands' ongoing lawsuit against the United States and eight other nuclear-armed nations, top leaders' vocal participation in global climate-change discussions, several controversial government expenditures and continuing financial mismanagement, less-than-desirable rankings on several regional and international reports, and increasing outmigration. That said, government leaders, non-governmental organizations, educational institutions, and private citizens made noteworthy efforts to address these issues through governmental and institutional policy, direct action, and participation in local, regional, and international organizations. Meanwhile, the run-up to the 2015 election kicked off in September 2014, with local and national elections scheduled for the third Monday in November—recently designated a national holiday by the Nitijeļā (Parliament). As of this writing, it remains to be seen whom the people of the Marshall Islands will elect to steer their country's course over the next four years.

With the 2015 election looming, a few key issues consistently made headlines during the period under review. Among these were two lawsuits filed in April 2014—one against the United States and eight other nuclear-armed nations (China, France, India, Israel, North Korea, Pakistan, Russia, and the United Kingdom) at the International Court of Justice (ICJ) in The Hague and the other against the United States in a federal district court in San Francisco (Radio Australia 2014; Lawyers Committee on

Nuclear Policy 2015). RMI Minister of Foreign Affairs Tony deBrum initiated the lawsuits in consultation with the US-based Nuclear Age Peace Foundation—a nonprofit, nonpartisan organization that advocates for a world free of nuclear weapons. The lawsuits charged the nine nations with violating international law and failing to uphold the goals of the 1968 Non-Proliferation Treaty, which aims to prevent the spread of nuclear weapons and to promote nuclear disarmament worldwide.

While the “Nuclear Zero Lawsuits” generated widespread attention and the support of the US Conference of Mayors, Archbishop Desmond Tutu of South Africa, and other world leaders, some questioned the lawsuits’ value for the Marshallese people. Among the suits’ most vocal opponents was David Paul, Marshalls Energy Company general manager and one of seven candidates vying for three Nitijelā seats for Kwajaleen (Kwajalein) Atoll—where Minister deBrum has held office since 2007. Despite the Marshall Islands’ nuclear legacy, Paul and others questioned the Marshall Islands’ pursuit of the lawsuits when the Nuclear Claims Tribunal, the Changed Circumstance Petition, and leaking radioactive waste on Ānewetak (Enewetak) Atoll continue to affect the health and well-being of Marshall Islanders. Critics also warned of the lawsuits’ potential impact on the Marshall Islands’ relationship with the United States and expressed concern that activists lacking expertise in disarmament law have used the Marshall Islands to advance their cause through means unlikely to yield desired results. This warning seemed to come true in early February,

when a US district judge granted the US government’s motion to dismiss that lawsuit on the grounds that it was based on speculative harm and that the court lacked jurisdiction on the issue. Meanwhile at The Hague, only three of the nine nuclear-armed nations—India, Pakistan, and the United Kingdom—accepted ICJ jurisdiction in relation to the lawsuit, and China declined to accept the court’s authority.

The Marshall Islands’ ongoing participation in regional and international climate-change debates also captured headlines, particularly in the weeks surrounding UN Secretary General Ban Ki-moon’s Climate Summit in late September 2014. Leading the discussion was RMI President Christopher Loeak, whose “Clarion Call from the Climate Change Frontline” called attention to recent droughts, king tides, and beaches flooded by rising seas. Proclaiming a “full-blown climate emergency,” the president warned that the Marshall Islands is the climate “canary in the coal mine”—if the Marshall Islands is to be devastated by sea-level rise, others will follow (Loeak 2014). The president also pointed to steps recently taken to address climate change, including the adoption of the Majuro Declaration for Climate Leadership during the 44th Pacific Islands Forum in Mājro (Majuro) in September 2013 and successive climate gatherings in New York and Paris in 2015. Among other things, the Majuro Declaration has sought to affirm the Pacific region’s commitment to climate leadership and to inspire swift action at all levels. Noting support for the declaration by the United States, the European Union,

the United Kingdom, and Mexico, President Loeak called on world leaders to come together to “build the greatest climate change alliance the world has ever seen” (Loeak 2014).

College of the Marshall Islands instructor and activist Kathy Jetnil-Kijiner brought the voice of civil society to the forefront of the climate movement with a moving presentation at the opening ceremony of the UN Climate Summit in New York in September 2014. Best known for her spoken word and “slam” poetry performances that address racism, nuclear testing, climate change, and other important issues, Jetnil-Kijiner was selected from over five hundred nominees to speak to more than 140 heads of state and government—and to the world via satellite and social media. In her opening statement, Jetnil-Kijiner introduced the Marshallese bwebwenato (story) of Jebro, whose mother gave him the knowledge and tools he needed to win a race across the ocean; in this way, she implored world leaders to join mothers like her in the race against sea-level rise. Jetnil-Kijiner then used “Dear Matafele Peinam,” a poem and promise to her daughter and all daughters and sons, to remind the assembled leaders of the dangers of ignoring climate change—and of their obligation to support members of civil society who are “marching and chanting” to ensure that island nations have the opportunity to not only survive but also thrive (United Nations 2014).

The performance was met with a standing ovation—an event so rare in the UN General Assembly Hall that officials could not remember one happening since the appearance of the late

Nelson Mandela. Later that month, Minister-in-Assistance Wilbur Heine praised Jetnil-Kijiner for being “the voice for everyone . . . in the Pacific islands” (*MIJ*, 3 Oct 2014); in December, the organization Responding to Climate Change named her “Climate Woman of 2014” (*MIJ*, 12 Dec 2014).

In addition to these high-profile speeches, several educational institutions, nongovernmental organizations, and international allies took concrete steps to address the climate issue. In September, the College of the Marshall Islands announced that it would move toward divesting its endowment fund from fossil fuels and sponsored a series of workshops, events, and an essay and poster contest during “Divestment Week” to educate students, faculty and staff, and the public about divestment. The week’s clear message was that the college should not reap financial gains by investing in companies that profit from the continued use of fossil fuels, the number one contributor to climate change. It remains to be seen whether the RMI government will also take steps to divest its trust fund from the fossil fuel industry.

Other key efforts to address climate change included the Marshall Islands Conservation Society’s initiatives to establish and maintain “no-take” Marine Protection Areas, create bilingual teacher resources on climate science, and work with outer island communities to advance the national conservation plan (called “Reiḡaanlōk” or “looking forward”). Several international partners also provided funds for climate-related projects and initiatives. These included Taiwan’s donation of 105 solar streetlights for Mājro and Ebjā (Ebeye)

valued at \$200,000 and a United Arab Emirates donation of \$5 million for a 600-watt solar-to-grid project. The US Office of Insular Affairs made available \$1 million in grant funds to US insular areas under the Coral Reef Initiative program to help protect and improve the health of coral reefs in these areas, while the US Agency for International Development's Pacific American Climate Fund provided more than \$2 million in grant funding to support climate-change mitigation projects in Mājro, Naṃdik (Namorik), and Roñlap (Rongelap) atolls. Climate change was also the subject of several meetings hosted and attended by Marshall Islands leaders, including the 25th Secretariat of the Pacific Regional Environment Programme in Mājro in late September and the Conference of the Parties climate summit in Lima, Peru, in December.

Despite these and other efforts, severe weather events brought the realities of climate change to the doorsteps of the people of the Marshall Islands. In September, unexpected westerly waves destroyed seawalls, damaged and grounded boats, and flooded homes around Mājro. A month later, high tides and high-energy swells produced king tides, flooding parts of Mājro and other atolls. In December and January, high tides resulted in yet another round of flooding in Ebjā and Mājro and the outer island communities of Kōle, Utrök, Aelok, and Mājeej (Kili, Utrik, Ailuk, and Mejit), where many people were forced to take refuge in school buildings.

Many people in the Marshall Islands and beyond believe that climate change has increased the frequency and severity of these types

of events in recent years, and some have started questioning the Marshall Islands' commitment to climate leadership in the face of these events. One site of controversy was the Marshall Islands shipping registry—the third-largest registry in the world after Liberia and Panama, with 2,580 ships accounting for 108.6 million gross tons flying the Marshallese flag at the end of 2014 (*MIJ*, 13 March 2015). Of these, 183 were oil drill ships and platforms such as the rig *Polar Pioneer*, which was the target of highly publicized environmental protests near Hawai'i and in Seattle in April and June 2015 before it set off for the Arctic to conduct oil drilling. In April, Lagi Toribau of Greenpeace declared that the Marshall Islands' ongoing registration of oil-drilling vessels and platforms runs counter to its otherwise admirable climate stance: "Climate action starts at home, so if [the] Marshall Islands is serious about stopping climate change, we need to get oil rigs and drill ships out of the Marshall Islands ship registry" (Toribau 2015). Although RMI officials initially countered that it is the responsibility of the shipping industry to regulate itself and that deregistration will not solve the problem, Foreign Minister Tony deBrum suggested in May that the Marshall Islands might consider denying oil rig registrations in the future—meanwhile reiterating that tackling the issue will require a global approach (Mathiesen 2015).

One of the Marshall Islands' financial achievements in recent years also raised concern among environmentalists and the fishing industry. In April 2015, Transform Aqorau, chief executive officer of the Parties to the Nauru

Agreement (PNA)—a subregional fisheries management organization with headquarters in Mājro—responded to accusations that PNA members including the Marshall Islands were “undermining [the] sustainability of tuna resources in the western and central Pacific ocean because of short-term greed” (PNA 2015). To be sure, Marshall Islands fishing revenues increased from approximately \$2 million to \$10 million per year in just three years as a result of its membership in the PNA; this income will likely play an important role in supplementing diminishing Compact of Free Association funds through the end of the compact funding cycle in 2023. At the same time, Pacific tuna stocks have declined dramatically in recent years, with bigeye tuna at 16 percent of its original population and skipjack tuna at 50 percent due to overfishing by foreign companies (*MIJ*, 15 Aug 2014). In his response, Aqorau pointed to the positive steps the Marshall Islands and other PNA members have taken toward sustainability and to ensure that they get a fair share of the financial gains from this highly profitable industry. PNA efforts to regulate fishing in its members’ exclusive economic zone waters have included a vessel day scheme that regulates purse-seine fishing and sets a minimum per fishing day price—raised in January 2015 from \$6,000 to \$8,000 per fishing day—with the goal of limiting previously uncontrolled purse-seine fishing to conserve tuna and increase its value. In June, PNA members approved other conservation measures, including a fish aggregating device registration and tracking program, an additional \$1,000 per day fee for the use

of fish aggregating devices, and a plan for a vessel day scheme for longline fishing vessels. The Marshall Islands Marine Resources Authority also issued fines to numerous foreign fishing vessels and companies for reporting violations, failure to observe fish aggregating device closure periods, and obstructing the duties of onboard fisheries observers.

Several controversial financial matters also made consistent headlines during the period under review. Among these was the November 2014 purchase by the government-owned Air Marshall Islands of a used Dornier 228-212 airplane from Nepal-based Tara Airlines for \$2.1 million. The purchase came just a few months after the government lost \$82,000 in a deal to acquire a similar Dornier from a Nairobi-based airline, which fell through after an inspection revealed that the plane’s engines were not compatible with the Dornier currently in use by Air Marshall Islands. Officials hoped the Nepal purchase would enhance the airline’s service by allowing the airline—plagued by perpetual breakdowns and lack of quick access to spare parts in recent years—to provide more frequent and reliable service to and from the outer islands. Minister of Transportation and Communication Thomas Heine secured the deal in late November after an initial inspection showed the aircraft to be in good condition and virtually free of rust and corrosion; soon after the purchase, the Dornier traveled to the Philippines for repairs and a new paint job. Although Air Marshall Islands projected that repairs would take three to four weeks and that the Dornier would arrive in Mājro in mid-January, a detailed

inspection in Manila showed “considerable damage, including corrosion” to the plane’s engines (*MIJ*, 27 Feb 2015). By late June, the plane was still in Manila after having its wing flaps removed and installed on the Mājro-based Dornier to keep that aircraft in service. Elmer Langbata of the Directorate of Civil Aviation revealed at a public hearing that the Manila inspection had in fact revealed several problems—including one that would require “equipment to be fabricated that has an extremely long lead time” (*MIJ*, 26 June 2015). Officials present at the hearing wondered why the government had given Air Marshall Islands a “blank check” to move forward with the purchase without a full inspection.

Another area of concern was the mismanagement of approximately \$2 million donated by ten foreign governments for the 2013 Pacific Islands Forum in Mājro, the spending and allocation of which a recent auditor general’s report found to be in violation of the Marshall Islands Constitution. The report noted several violations of government spending rules in relation to Forum accounts, including payments “of inflated prices for accommodations and Forum preparations” and the overall mishandling of international donations and lack of record keeping for Forum expenditures (*MIJ*, 1 May 2015).

Questions also circulated about unused compact funds and US federal grants for essential education, health, and infrastructure programs and projects. In July 2014, it was reported that the Ministry of Finance would be required to return more than \$1 million in unspent compact funds

to the US Department of the Interior, including money allocated for use by the ministries of health and education and the Marshall Islands Environmental Protection Agency. In September, the Joint Economic Management and Fiscal Accountability Committee (JEMFAC) agreed to a compact budget for 2015 but delayed the allocation of \$23.7 million in funds pending submission of a required and long-overdue “Decrement Management Plan” outlining how the Marshall Islands is addressing annual reductions in compact funding. In October, the United States cut off federal grant funds for the Ministry of Health’s Family Planning program because the ministry did not submit necessary documents or demonstrate a need for the funds. In May 2015, the United States ordered the Marshall Islands to return \$800,000 in compact funds allocated for the design of a new Uliga Elementary School because the land documents submitted were not legally valid and the school could not be built on the selected site. By June 2015, more than \$35 million in compact funds designated for building and infrastructure projects had accumulated over three years and remained inaccessible because the RMI government had not submitted the infrastructure development plan required by the US Department of the Interior.

These are just a few examples of funds lost or withheld for lack of due process and oversight during the past year. And while the Marshall Islands did take steps to address these and other financial shortcomings (including the completion and submission of a decrement plan in mid-September in consultation with Graduate School

USA and the hiring of Beca International of New Zealand to help prepare a draft infrastructure plan), it is difficult to overlook the paradox of these funding and accounting mishaps when juxtaposed with the crises in health, education, and infrastructure that continue to plague the Marshall Islands.

To be sure, just as prevalent as these examples of financial negligence over the past year were indications of the effects of governmental mismanagement on the people of the Marshall Islands. Among these were perpetual shortages of essential medicines and supplies at the Mājro and Ebjā hospitals and outer island dispensaries; the absence of a school lunch program and access to clean drinking water in Ministry of Education schools; the highest rate of teenage pregnancy in the Pacific Islands region; and a capitol building that stands virtually empty after it was declared unsafe in 2013 and evacuated between July and October of 2014. Meanwhile, more than eight hundred people in the Marshall Islands contracted the mosquito-born Chikungunya virus in the first half of 2015, with the vast majority experiencing symptoms including fever, rash, and lingering joint pain (CDC 2015). The United Nations Children's Fund 2013 *Atlas of Social Indicators* for children in the Marshall Islands added lagging rates of childhood immunization, increased incidence of childhood malnutrition, growing high school dropout rates, and escalating violence against women and children as additional areas of concern (UNICEF 2013).

The Marshall Islands received low marks in several other regional and international reports over the past

year. These included the US Department of State's 2014 *Trafficking in Persons Report*, which ranked the Marshall Islands on the Tier 2 Watch List for the second year in a row, and *Country Reports on Human Rights Practices*, which gave the Marshall Islands low ratings due to prison conditions, government corruption, and domestic violence (US Department of State 2014b, 2014a). The World Bank also ranked the Marshall Islands second-to-last among Pacific Island nations for "ease of doing business" in its 2015 "Doing Business Report" (World Bank 2015).

Faced with these poor ratings and reviews, several government entities and nongovernmental organizations took steps to improve the Marshall Islands' image and operations. Notable among these was the formation of the Office of Commerce and Investment, a new commercial arm of the RMI government that seeks to create partnerships with the private sector, generate and implement social and economic development programs and projects, and streamline government processes to ease the business climate in the Marshall Islands. Meanwhile, the nongovernmental agency Women United Together Marshall Islands added human trafficking to its list of key issues that need to be addressed and solved.

The period under review also saw the passing of several traditional and political leaders. Among these were the October 2014 passing of Lerooj (High Chieftess) Lukwor Litokwa, one of four primary traditional leaders of Kuwajleen Atoll and cosigner of the 2011 Land Use Agreement for continued US use of the atoll for the Ronald

Reagan Ballistic Missile Defense Test Site through 2066. Iroojlaplap (High Chief) Rimios Hermios, ranking chief for the northern Ratak atolls stretching from Aur to Utrök, passed in February 2015. Former senator, deacon, and “political gadfly” Alee Alik died in late February (*MIJ*, 6 March 2015). Alik was elected under what turned out to be fraudulent circumstances to the first constitutional Nitijelā in 1979 and represented Mile (Mili) Atoll from the late 1980s into the 1990s; he continued to participate actively in political debates—especially those concerning the constitution—until his death. Longtime Ebjā Mayor Johnny Lemari died in March.

Finally, the 2015 campaign season kicked off in September 2014 amid immediate controversy. Despite efforts by Senator Kessai Note of Jebat Island to pass legislation to shift the candidate nomination deadline to 31 August of a given election year and by senators Ruben Zackhras of Aelōñlaplap Atoll and Kenneth Kedi of Roñlap Atoll to pass legislation to reduce the leave period required for public service employees running for office to three months, the Electoral Administration designated 31 October 2014 as the cutoff date for candidates to submit their applications to run for office—the earliest such deadline in the nation’s history. Although in line with Marshall Islands law, the deadline immediately caused concern among public service employees who would be required to take a thirteen-month leave of absence without pay and relinquish their duties in critical governmental posts in order to stand for election. The impact of the decision was obvious soon after the

31 October deadline, as several top-level public service employees vacated key government positions. Among those to take leave were Secretary of Finance Alfred Alfred Jr; Secretary of Internal Affairs Daisy Momotaro; Chief Secretary Casten Nemra; Office of Economic Policy, Planning, and Statistics Director Fred deBrum; and several ambassadors. These top-level employees—whose positions oversee the day-to-day operations of essential government offices and services, including finance, planning, elections, and foreign affairs—were replaced with interim appointees. Critics of the thirteen-month leave period could not help but wonder whether the rule was further “undermining already weak government services” by replacing highly qualified employees with interim staff for such an extended period (*MIJ*, 2 Jan 2015).

A second source of electoral controversy erupted in mid-November 2014 when the Electoral Administration barred former Peace Corps Volunteer and longtime Trust Liaison for the People of Pikinni (Bikini) Atoll Jack Niedenthal from running for the Nitijelā, citing the Election and Referenda Act of 1980. The Act states that Nitijelā candidates must have been born in the Marshall Islands, possess traditional land rights, and have a mother or father of Marshallese descent with traditional jowi (clan) rights. Niedenthal, who is married to a Marshallese woman, became a naturalized citizen of the Marshall Islands in 2000; he also has land rights on Kōle Island, which is owned by the people of Pikinni Atoll, and is considered a resident of Kōle.

In December, Attorney General

Nathan Brechtefeld denied a request by Niedenthal's attorney David Strauss to declare Niedenthal eligible to run. Strauss argued that the Elections and Referenda Act cannot override the Marshall Islands Constitution, which states that any qualified voter over the age of twenty-one is eligible to run for the Nitijeļā. Whereas Strauss maintained that Niedenthal should be eligible to run because he is a naturalized citizen of the Marshall Islands over the age of twenty-one, Brechtefeld upheld the Electoral Administration's decision to bar Niedenthal from running on the grounds that he does not have a Marshallese parent or a traditional jowi. Niedenthal and his attorney responded with an appeal to the high court, requesting that the court declare Niedenthal qualified to stand for election and rule that the sections of the Elections and Referenda Act of 1980 that make him ineligible are in violation of the constitution and that the chief electoral officer cannot deny candidates deemed eligible by the constitution the right to run for office. In late February 2015, High Court Judge Dinsmore Tuttle ruled on behalf of Niedenthal and the constitution; not only could Niedenthal run, the judge declared, but the section of the Elections and Referenda Act that prescribed eligibility qualifications for candidates was null and void. Niedenthal's candidacy clearly raised larger constitutional questions; foremost among these was whether the Nitijeļā has the authority to restrict eligibility requirements and other rights for Marshallese citizens as established by the constitution. While the high court has ruled that it does not, it remains to be seen

whether the controversy surrounding Niedenthal's candidacy will motivate the next Nitijeļā to move forward with a long-awaited constitutional convention to consider this and other matters of critical importance for the future of governance in the Marshall Islands.

In November 2015, eligible Marshall Islanders will have the opportunity to set the course for these and other important issues by exercising the right afforded them by the Marshall Islands Constitution to elect the candidates most capable of leading their atoll communities and the nation as a whole. In the meantime, many Marshall Islanders continue to exercise the right granted by the Compact of Free Association to vote with their feet and with one-way airline tickets to Hawai'i, Guam, Arkansas, Oregon, and beyond. The 2010 census reported more than 22,000 Marshallese living in the United States, with approximately 1,000 leaving the Marshall Islands each year seeking the health, education, and employment opportunities that many have not found at home (Hixson, Kepler, and Kim 2012). As the 2015 election approaches, it is up to Marshallese voters to look beyond the short-term election season gains of a bag of rice or a case of chicken and to elect those leaders who are committed to ensuring that the Republic of the Marshall Islands and the Marshallese people not only survive but also thrive into the future.

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