

prison sentence. In a third case involving credit cards, the attorney general's office moved to dismiss "with prejudice" criminal charges against former Guam Economic Development and Commerce Authority General Manager Ed Untalan, explaining that they had found no criminal intent involved.

One of Governor Camacho's top advisers, Tony Sanchez, quit his post on Camacho's staff. Months earlier, during his previous tenure as superior court administrator, Sanchez had been indicted in a money-laundering case relating to payments to notorious Washington lobbyist Jack Abramoff.

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Reference

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MARSHALL ISLANDS

The past twelve months in the Republic of the Marshall Islands have been dominated by responses to a variety of crises concerning the national election, continued recognition of the Republic of China (Taiwan), the status of Kwajalein Atoll, the looming energy shortage, and the recently declared state of national economic emergency.

The dominant political event was the national election held on 19 November 2007. For all intents and purposes, however, the election came

nine days earlier, when then-Speaker of the Nitijela (Parliament) Litokwa Tomeing left the United Democratic Party (UDP) and announced his support for, among other initiatives, the Aelon Kein Ad (AKA) party platform to recognize the People's Republic of China. Tomeing, who became Speaker and was prominent in the UDP leadership when it came to power in 2000, was quoted as saying, "Our government needs to change. Our current leaders have lost their steam and they shouldn't be allowed to continue" (MIJ, 2007c).

There was little smooth sailing for the Note administration in the run-up to the election. At the end of July 2007, Minister of Foreign Affairs Gerald Zackios resigned his cabinet position shortly after testifying at a US House of Representatives subcommittee hearing on the Compact of Free Association, although he retained his Senate seat from Arno Atoll. While rumors and speculation abounded as to the reasons behind the resignation, the president's office added to the confusion by letting more than a week pass between acknowledging receipt of the resignation and finally accepting it. In addition, the Note government was perceived as having a "hands-off" approach to problems with the fleet at Air Marshall Islands, the government-owned airline and lifeline for many outer-island residents; rolling blackouts in Ebeye; and an unflattering economic report from the US Department of Interior released in late 2007 (Office of Insular Affairs 2007). Speaker Tomeing's analysis that the Note administration was "a dismal failure" seemed to herald the end of UDP rule (Yokwe Online 2007a).

No one could have predicted the debacle that began on Election Day, 19 November 2007, and did not officially end until 4 January 2008, three days before the new Nitijela was scheduled to convene and choose the next presidential administration. The election itself was fraught with missteps and, in Majuro Atoll (the capital and population center), a bout of bad weather. While election law mandates that polling stations are to be open from 7 AM to 7 PM, only one of the thirty polling places in Majuro was operational by 8 AM. There were a number of reports of polling stations opening up no earlier than noon, and one polling station on Majuro had to be moved at 3 PM to the hospital because the landowner of the original polling place had shut it down, saying he had not been asked permission. At 4 PM, the attorney general ordered twenty-one of the thirty polling stations to remain open for voting until 1:30 AM the next day, although the last reported closing came at 5 AM. During late voting, a number of polling stations had to cease operations temporarily to wait for lights to be installed (Johnson and Chutaro 2007).

Chief Electoral Officer Carl Alik initially blamed the late start in Majuro on the morning rain and the reluctance of the Stevedore Company to set up tents early for fear they would be stolen, although a recent change in the voter registration law was the more likely culprit. For the first time, voters from any island could vote at any polling station; in the past, voters from particular islands were assigned to specific polling places. Election workers at a variety of stations, few of whom had previous

election experience, were also cited for inconsistent application of rules and procedures. In at least two instances, election workers required that voters write their names on envelopes with their ballots stuffed inside, in violation of voters' anonymity rights. Alik ended the envelope labeling in the late afternoon when he became aware of what was happening (Johnson 2007a).

Voting in the outer islands had its share of problems as well. Prior to Election Day, with both Air Marshall Islands planes grounded, ballots had to be sent by boat to various outer islands in time for the election. However, the ballot boxes missed their scheduled departure on 4 November, forcing election officials to rely on a combination of government, private shipping, and private charter boats to deliver and return ballots. On Election Day, Jaluit and Wotje atolls both ran out of ballots. Chief Electoral Officer Alik allowed photocopied ballots to be used, with the stipulation that election workers keep track of how many copies they made (Johnson 2007a). In spite of the problems plaguing Majuro and a number of outer islands, sunny skies and organized election workers on Kwajalein Atoll ensured that voting on Ebeye and neighboring islands went smoothly.

Absentee ballots also encountered a series of setbacks and inconsistencies, most notably in the larger Marshallese communities in Arkansas, Oregon, and Hawai'i. The recent changes to the election law regarding absentee voting mandated that overseas ballots be postmarked by Sunday, 18 November, one day before the election. The attorney general argued that this change in the law ensured that no one

voting in the United States would be able to vote after the polls had closed in the Republic of the Marshall Islands or be influenced by news of the election as it was happening on Monday. However, for the majority of absentee voters residing in the United States this meant having ballots postmarked by Saturday, 17 November, two days prior to Election Day. Contributing to the confusion over the new rule was the statement on the president's Web site that voters should post their ballots "as soon as possible," without providing the actual deadline. What is more, another change in the election law stated that absentee voters had to request a ballot or they would not receive one (*MIJ*, 2007b). All of this was trumped by the late arrival (13 November) of all postal ballots to Springdale, Arkansas, home to the largest community of Marshallese outside the country (Massey 2007).

By 3 December, a total of 1,239 absentee ballots had arrived in Majuro, a far cry from the approximately 2,500 received in the 2003 election. Of the ballots received by the election office, only 621 were considered valid; more than half were immediately deemed "spoiled" for being postmarked after the 18 November deadline (*MIJ*, 2007a). Voters living overseas complained, asking how many ballot requests had been received by the election office, and how and when the ballots were actually mailed (Aenet Rowa, Election blog, comment posted 4 Dec 2007). Additionally, the electoral administration was sued in the high court to force it to count 136 "spoiled" ballots postmarked on the day of the election, but the court responded by ruling that

the objection to the electoral administration's decision did not follow proper administrative procedures (*MIJ*, 2007d).

Counting the votes from the thirty-one ballot boxes in Majuro also proved to be an ordeal, as the number of voters tallied on voter sheets did not always correspond to the number of ballots in a given box. While counting officially began by 5 PM on Tuesday, 20 November, the first full box was not completely counted until 11 AM the following day (Johnson and Chutaro 2007). Confusion over the outcome of the election occurred as results were being announced piecemeal over V7AB (the government radio station), on the Web site of the Office of the President, and unofficially on Yokwe.net, although the numbers were not always the same.

Even on 30 November, ten days later, the confusion continued. The *Marshall Islands Journal* reported that the opposition AKA party had won enough seats to form a new government and the *Journal* endorsed Alvin Jacklick, the UDP senator from Jaluit who had been minister of health in Note's administration, for president. Meanwhile, former President Imata Kabua stated that former Speaker Litokwa Tomeing would be the next president, and advocated for a change in diplomatic recognition from the Republic of China (Taiwan) to the People's Republic of China. While the AKA leaders announced both the formation of a coalition government and a new political party called the United People's Party (UPP), by this time leaders of both parties had lodged complaints with the electoral administration over voter eligibility and ballot

counting. In the meantime, three ballot boxes from Majuro went “missing” and the votes were recounted, resulting in more ballots being cast than the number of voters on the original voter list (Aenet Rowa, Election blog, comment posted on 28 Nov 2007).

On 3 December, after the initial recount of the missing boxes, the United Democratic Party announced that they had secured enough seats and that incumbent President Kessai Note would return for a third term. By 6 December, both absentee ballots and outer-island ballots were selected for recount by the election office, even though that office had never released the original numbers of ballots. The opposition AKA party poll watchers staged a walkout in protest, although the recount continued in their absence (Aenet Rowa, Election blog, comment posted on 7 Dec 2007). The chief electoral officer released the final, unofficial results on 10 December, despite the fact that counting was not yet completed. The last two boxes to be tabulated came from Rongelap and Bikini atolls, which reported no problems on Election Day. However, because of transportation issues, the boxes were shipped by boat to Ebeye and then flown to Majuro, where they arrived on 18 December (Giff Johnson, Election blog, comment posted on 19 Dec 2007).

On Christmas Eve, the unofficial results became official for all atolls except two. Petitions for recounts were filed by incumbent Minister of Justice and Senator Donald Capelle from Likiep, as well as by Maloelap challenger Patrick Langmoir. Both recounts commenced on the evening of 3 January 2008 with the results

finalized the next day. Capelle was reelected by six votes, while incumbent Minister of Transportation and Communications and Senator Mike Konelios from Maloelap was also reelected, by a total of twenty-seven votes (Aenet Rowa, Election blog, comment posted on 4 Jan 2008).

At the urging of Women United Together Marshall Islands, a vocal nongovernmental organization, and at the invitation of the government, the election was monitored by a six-member Pacific Islands Forum election observer team, which stayed in Majuro for a week. Despite the issues surrounding the election, the observer team issued a preliminary statement asserting that “notwithstanding the logistical problems which occurred in Majuro, the voting and counting was conducted in a democratic manner, enabling voters to exercise their will freely” (Yokwe Online 2007b). One member of the team returned to Majuro in January to make final observations, but the visit did not make much difference in the team’s assessment of the electoral process.

On 7 January 2008, the new Nitijela convened as scheduled and selected the new government. Despite the wins by UDP incumbents Donald Capelle and Mike Konelios, the UPP coalition had made inroads with newly elected, independent members of Parliament and secured enough votes for the presidency. It was also reported that incumbent President Kessai Note’s insistence on being the UDP presidential candidate convinced a number of undecided senators to vote for the new UPP coalition. Wotje Senator and former Speaker Litokwa Tomeing was elected the fourth president of

the Republic of the Marshall Islands by a vote of 18-15 over Jabat Senator and former President Note, while Majuro Senator Jurelang Zedkaia defeated Jaluit Senator and former Minister of Health Alvin Jacklick for the position of Speaker. UDP Senator Alik Alik, also from Majuro, was narrowly elected vice speaker over Namu Senator Kaibuke Kabua by a one-vote margin, 17-16 (Johnson 2008c).

The final makeup of the latest Nitijela includes some new faces and some surprising departures. The most notable defeated incumbent was Minister in Assistance and Majuro Senator Witten Philippo, who was unseated by newcomer David Kramer. The ratio of women to men remained steady at 1:32, as Amenta Matthew defeated Hiroshi Yamamura, but Abacca Anjain-Maddison was defeated in her bid for reelection by Kenneth Kedi. Independents Kramer and Matthew, along with Dennis Momotaro, who unseated Mejit incumbent Helkena Anni, were all considered key swing votes in forming the UPP government (Johnson 2008c).

The new cabinet reflects the mix of old and new politicians, including those who tipped the scales in favor of the new UPP government. Perennial incumbent Christopher Loeak was named as minister in assistance; Tony deBrum as minister of foreign affairs; Nidel Lorak as minister of education; Jack Ading as minister of finance; Kejjo Bien as minister of public works; Norman Matthew as minister of internal affairs; Frederick Muller as minister of resources and development; David Kramer as minister of justice; Amenta Matthew as minister of health; and Dennis Momo-

taro as minister of transportation and communications.

Once the new government was in place, the fiery rhetoric surrounding the potential switch of diplomatic recognition from the Republic of China (Taiwan) to the People's Republic of China was replaced with statements of support and gratitude for Taiwan. Indeed, prior to the election Taiwan made a series of explicit overtures in the Republic of the Marshall Islands, the most notable of which was selecting Majuro to play host to the second Taiwan Pacific Allies Summit meeting, held 12-14 October 2007. The Taiwan government not only flew the leaders of Kiribati, Nauru, Solomon Islands, Tuvalu, as well as then-Taiwan President Chen Shui-bian to Majuro for the allies summit by chartered jets, but at the end of the summit the Taiwan government also flew the leaders, including the presidents of the Republic of the Marshall Islands and Palau, to Tonga for the Pacific Islands Forum Leaders meeting (Johnson 2007b).

By the end of January 2008, the debate over diplomatic recognition of Taiwan faded into the background, and the future of the decade-long relationship appeared resolved with a visit from then-Taiwan Vice President Annette Lu to the Marshall Islands (Office of the President 2008b) and President Tomeing's first state visit to Taiwan in March. Taiwan's Vice Foreign Minister Elizabeth Chu and the president of the Taiwan Legislative Yuan, Wang Jin-pyng, celebrated Constitution Day in the Republic of the Marshall Islands in May, and President Tomeing again traveled to Taiwan to attend the inauguration of

Taiwan's new president, Ma Ying-jeou (Office of the President 2008c).

After less than a month in office, the new government also embarked on a campaign of *Armij Mokta* (People First), wherein the president and cabinet interrogated every ministerial cabinet and agency head in the public service and promised a number of real and symbolic changes to governmental operations. For starters, the government would no longer use taxpayer funds to purchase alcoholic beverages for public functions, and nonessential government vehicles were to be sold off (*MIJ*, 2008a).

In this vein, and in an attempt to clear up the confusion over the election and introduce a more transparent governing process, the cabinet appointed an official commission of inquiry into the 2007 election in early February 2008. Headed by the Nitijela's legal counsel, and including four other individuals from the public and private sectors, the commission was given forty-five days to conduct a "fact-finding" mission to determine what had happened during the election and to reconsider the electoral processes and laws (Chutaro 2008b). By the middle of May, after a month of public hearings at the Nitijela, the commission turned its completed report over to the president's office. As of this writing, however, the report has not been made public.

Issues concerning Kwajalein and Ebeye also took center stage on the new government's agenda. Various interpretations of the Kwajalein Land Use Agreement between landowners and the Republic of the Marshall Islands government, as well as the US military's reduction of US and Mar-

shallese personnel there, heightened an already tense situation. At the first meeting between President Tomeing and US Ambassador Clyde Bishop, discussions focused on the lingering dispute between Kwajalein landowners and the national government over rental amounts. According to the Military Operating and Use Rights Agreement (*MOURA*) signed between the United States and Republic of the Marshall Islands governments as part of the second Compact of Free Association in 2003, the United States is entitled to continue operations in Kwajalein until 2066, with the option to extend the agreement an additional twenty years. However, Kwajalein landowners, led by former President Imata Kabua and numerous members of the new government, insist that they were not included by the Note administration in the 2003 negotiations, and further claim that the agreement with the United States actually ends in 2016, the original terms under the first compact (Yokwe Online 2008b).

In April, Ambassador Bishop confirmed that the compact stipulates that if a new land use agreement between the landowners and the government is not reached by 18 December 2008 (five years after the second compact went into effect), nearly \$20 million (the difference in lease payments between the old and new *MOURA*) placed in escrow would be permanently returned to the US Treasury (Johnson 2008b). The official United States response to the Kwajalein landowners' complaint—"we are in the process of developing a plan to provide for the return of assets to the landowners in 2016"—came during two visits to Pohnpei by members of

the US Senate Energy and Natural Resources Committee as well as the US Pacific commander, ostensibly to identify possible relocation sites for the current Kwajalein operation (*MIJ*, 2008c).

At the same time, Kwajalein Commander Colonel Stevenson Reed announced at the end of February 2008 that 89 out of 1,001 Marshallese Kwajalein Range Services workers would be laid off in a round of military base budget cutbacks during the 2008 fiscal year (Yokwe Online 2008a). The layoffs began in April, and came in the midst of a string of bad news for Ebeye. In early February, a series of illegal toilet and sewage connections resulted in an *E. coli* bacterial contamination in Ebeye's freshwater system (Chutaro 2008a). A month later, the government introduced an emergency Ebeye Stabilization Plan along with \$2.3 million provided by the US Department of Interior, intended to fix basic island infrastructure over the next eighteen months (Office of the President 2008a). To complicate matters, in April the government's Ebeye Situation Report 2008 stated that the island's population had doubled since 1980, to an estimated 12,000 residents, effectively producing a population density of 30,000 people per square kilometer (*MIJ*, 2008b).

All of these developments, of course, were overshadowed by the rise in world food and gas prices, which hit the Marshall Islands particularly hard. On 1 April 2008 the biggest-ever increase in the cost of electricity took effect nationwide, climbing 7.5 cents per kilowatt-hour (*MIJ*, 2008f). On 13 May, power rationing began on Jabor,

Jaluit, as electricity was made available for ten hours a day (*MIJ*, 2008e); two weeks later, gas prices leaped to more than six dollars a gallon. June started with an even bigger increase in electricity rates—eight cents per kilowatt-hour (*MIJ*, 2008d)—as well as a report by the Economic Policy, Planning, and Statistics Office stating that the consumer price index for the first three months of 2008 had escalated an alarming 10.2 percent (EPPSO 2008). By 16 June, the Disaster Committee recommended to the cabinet that the government declare a national state of emergency as the utility companies on Majuro and Ebeye anticipated an \$18 million shortfall in 2008. The utilities reported that they needed \$8.5 million in immediate cash to pay for fuel that had recently been delivered by their supplier SK Networks to meet a 10 July payment deadline, as well as to provide a down payment on fuel needed by early August (Johnson 2008a). After a series of delays and deferrals, President Tomeing declared a national state of economic emergency on 3 July. It remains to be seen how the Republic of the Marshall Islands will handle this latest crisis.

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