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

**Federated States of Micronesia**

In his inaugural address two years ago, President Emanuel “Manny” Mori announced to the Federated States of Micronesia (FSM) public that cultural preservation was a top priority for him, and this year has seen his administration move ahead on this promise. In my analysis of this issue in last year’s review, I pointed out that the power of each constituent state to preserve its own cultures is the very essence of FSM federalism (Haglelgam 2009, 115). When the national government elevated the Office of Historic and Cultural Preservation to the level of the cabinet early in the Mori administration, it seemed to violate the spirit of federalism embodied in the national constitution. The impracticality of having the national government control cultural preservation is one reason the national constitution delegates this responsibility to the states. It is more efficient for the people of each state to preserve their own culture or cultures because they know their cultures best, whereas others may rely on stereotypes or misinformation.

Both President Mori and Vice President Alik L. Alik addressed this issue of cultural preservation on different occasions during the year in review. Vice President Alik told the people at the Micronesian Endowment for Historic Preservation meeting in August 2008 that “construction of a cultural center that will house the national archives office and serve as a national museum is in the planning stage” (FSMIS 2008e). In his State of the Nation address to the congress in May 2009, President Mori specifically mentioned a budget request for the construction of a national museum to house the national archives and to serve as the centerpiece of FSM cultural preservation (FSMIS 2009a).

In addition to the question of whether or not the national government has a role in cultural preservation, the administration’s focus on the national museum as a means for achieving this goal is arguably misplaced. Some feel that the best place to preserve living cultures is not in the museum but in the classroom. Knowledge of canoe making and all the necessary skills to sail canoes, for example, could become part of the curriculum in the elementary schools. Preserving cultural skills, knowledge, arts, and songs through classroom learning is already part of the elementary school curriculum in Yap state, and perhaps this model could be emulated in other states.

The national museum argument points to an emerging pattern of national government involvement in state affairs. In July 2008, President Mori and a delegation of national government officials attended the
third annual Mortlocks Leadership Conference in Chuuk State. At the conference, the national delegation “reiterated some issues that are central to Mori’s administration, which include the maintenance and promotion of cultural skills given the global crisis relating to the escalating costs of fuel and food, as well as promotion of quality education in the outer islands” (fsmis 2008c). In addition, the national secretary of education met with the principals of the Moch and Ettal elementary schools.

The FSM President’s Office reported that President Mori was able to convince Chuuk State Governor Simina to appoint a person Mori favors as head of the state’s Department of Administrative Services. The press release further stated that the US Office of Insular Affairs would concur in the joint appointment of the new director by President Mori and Governor Simina. The president’s action appears to be an unconstitutional interference in the internal affairs of a constituent state, as the national constitution clearly states that the only powers the national government has are those expressly granted to it and those that are beyond the power of the states to control. The appointment of the director of the Chuuk State Department of Administrative Services is neither an express power nor a power that is national in character and beyond the power of the state to control. In addition, the president’s action appears to establish a dangerous precedent that future presidents may follow.

On 5 September, President Mori continued a precedent set by the previous administration that is viewed by some as an unconstitutional expansion of the powers of the president. Mori amended Presidential Order 30, which controls the operations of the FSM Infrastructure Planning and Implementation Committee (FSM-IPIC), whose role is to “coordinate and facilitate the implementation of all projects collectively identified in the National Infrastructure Development Plan” (fsmis 2006). The presidential order cites section 1 of article x (the executive article) of the FSM Constitution as the authority that grants the president the power to create the FSM-IPIC (fsmis 2008b). However, section 1 of article x only vests the executive power of the national government in the president, while the executive powers are expressly enumerated in section 2 of article x. Section 2(a) of the executive article expressly delegates to the president the power “to faithfully execute and implement the provisions of this Constitution and all national laws.” Since the creation of FSM-IPIC has nothing to do with section 2(a) of the executive article (ie, there is no national law “to faithfully execute and implement”), the president acted without enabling legislation. Thus, there are accusations that Mori is venturing into the lawmaking arena, an area exclusively delegated to the FSM Congress by section 1 of article ix of the FSM Constitution.

The case cited above represents an apparent pattern of constitutionally questionable actions by Mori that utilize presidential orders and emergency decrees to empower him, among other things, to withdraw funds from the national treasury. Several months ago, through presidential order, Mori reorganized the Project Management
Unit, moving it from the Department of Transportation, Communication and Infrastructure (TC&I) into the Office of the President. The public law that defines the organization of the executive branch specifically locates the Project Management Unit in the TC&I, so by removing the unit to the Office of the President, Mori effectively amended a public law. During the 6th Regular Session of the 15th FSM Congress, in an effort to assert its rightful authority to make laws, the congress adopted Congressional Resolution 15-200 requesting the president put the Project Management Unit back in the TC&I. However, President Mori ignored the intent of the resolution. Finally, when the congress passed Congressional Act 15-80 requiring the president to “properly place the Project Management Unit for the Compact Infrastructure grants under the appropriate department,” the president vetoed the act (FSMIS 2009b). The FSM Congress overrode the veto during its 7th Special Session in May 2009, but so far, President Mori continues to refuse to implement the law.

Ironically, President Mori cited the doctrine of separation of powers, checks and balances, and the unconstitutional nature of the law as the reasons for his veto. In its simplest form, the doctrine of separation of powers allocates lawmaking authority to the FSM Congress, the faithful execution and implementation of laws to the president, and the impartial interpretation of laws to the court. Article X, section 1(a) of the FSM Constitution requires the president to “faithfully execute and implement the provisions of this Constitution and all national laws” (emphasis mine). Clearly the FSM Constitution does not give any choice to the president but to faithfully execute and implement all acts of the FSM Congress once they become public laws, with or without his approval. Anything short of faithful execution and implementation of all public laws can be seen as a violation of the presidential oath of office and an abrogation of his principal duty as president. Furthermore, by declaring the public law unconstitutional, President Mori is seemingly assuming the constitutional role designated for the FSM Supreme Court, which is charged with deciding the constitutionality of congressional acts or public laws. In a way, President Mori’s ongoing turf battle with the FSM Congress has the potential to precipitate a constitutional crisis.

On 3 March 2009, the FSM Congress held its biannual election for the ten two-year term members. Twenty-one candidates ran for the ten seats (FSMIS 2008d). Fourteen candidates ran for the five congressional seats in Chuuk, four ran for the three seats in Pohnpei, two for the single seat in Yap, and the incumbent in Kosrae ran unopposed. The crowded election field in Chuuk produced two incumbent casualties. All incumbents from the other three states retained their seats (FSMIS 2009c).

The Chuuk State elections were marred by an incident at the overseas polling station in Honolulu, when a disgruntled voter who was not on the registration list threw the ballot box around and scattered the poll worker’s
papers. As a result, the polling station was closed and voting halted for the day. As a result of a postelection challenge by gubernatorial candidate Redley Killion, who finished in third place, a revote was conducted for that polling station, but the result remained the same. A runoff was held between the two remaining gubernatorial candidates, Gillian Doone and sitting Governor Wesley Simina; the incumbent retained his seat. In spite of an ongoing post-runoff legal challenge by Doone’s campaign, Simina was sworn in shortly after the election commission certified the results. Eventually, Doone’s legal challenges—which alleged, among other things, that the election commissioners were not independent, that Simina’s campaign bought votes, that poll workers cast ballots for individual voters or handed voters pre-marked ballots, and that the certified result did not match that which the tabulators reported publicly—were dismissed by the supreme court. If anything, this year proved once again that the incumbents still hold an edge in FSM elections.

This March 2009 election was different from previous congressional elections. For the first time, outside election observers representing the Asia Pacific Democracy Partnership were present at polling places in three of the four states. The team of observers issued a terse postelection report congratulating the people for an election free of violence as well as for the high voter turnout, but as of the end of the review period their final report had not been released.

Two of the Federated States of Micronesia’s finest public servants passed away during the review period. Former Vice President Hiroshi Ismael passed away in the morning on 31 July 2008. He was a graduate of the Fiji School of Medicine and spent most of his time at Kosrae District Hospital as a staff surgeon. Ismael represented Kosrae in the 1975 Micronesian Constitutional Convention in Saipan. At the convention, he was a strong advocate for national unity in Micronesia and for a federal system of government to protect the interests and rights of the constituent states. During the political education for the draft constitution, Ismael emerged as a strong voice for approval. In 1987, the FSM Congress elected Ismael as the third FSM vice president. He served one term and returned home. In Kosrae, Ismael again took up his profession as a staff physician in the public hospital. Ismael is survived by his wife, children, and grandchildren (FSMIS 2008a).

Resio Moses passed away on 22 June 2009 at the Pohnpei State Hospital. He was the vice speaker of the FSM Congress when he died. Moses graduated from the University of Akron in Akron, Ohio, and served as a member of the House of Representatives of the Congress of Micronesia. He was appointed district administrator of Ponape (now Pohnpei) before the Trust Territory high commissioner appointed him to head a department in the Trust Territory government. When the Federated States of Micronesia attained self-government in 1979, Moses returned to Pohnpei and became president of the Community College of Micronesia (now College of Micronesia). After a short stint with the college, Moses was elected governor of Pohnpei state. He served two
four-year terms as governor. Moses subsequently served as FSM ambassador to the United Nations and secretary of foreign affairs. He was elected to the FSM Congress in 2003 and won reelection in 2007. He was the vice speaker of the 14th and the 15th FSM Congresses. He is survived by his wife, four children, and grandchildren (Kaselehlie Press 2009).

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GUAM

During a year in which most of the world experienced a major economic downturn, Guam’s political and economic focus was concerned with what promises to be a major boost to the economy yet comes with attendant political and social consequences. To buttress the previously announced relocation of several thousand marines and their families from Okinawa to Guam, Secretary of State Hillary Clinton traveled to Japan to sign an agree-