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MARSHALL ISLANDS

The past twelve months in the Republic of the Marshall Islands (RMI) have been characterized both by the breaking of new political ground—including two votes of no confidence, cabinet shake-ups, and emerging diplomatic prospects—and by the reappearance of entrenched electoral, fiscal, and demographic challenges.

Certainly the most highly anticipated and watched political events of the last year were the two votes of no confidence filed against the administration of President Litokwa Tomeing, heading a coalition government led by the Aelon Kein Ad (AKA) majority party, within his first fifteen months in office. The first no-confidence vote was introduced to the Nitijela (Parliament) by Ebon Senator John Silk of the opposition United Democratic Party (UDP) on 14 October 2008, the last sitting day of the year's parliamentary session. In addition to Silk,

thirteen other UDP members, including former President and current Jabat Senator Kessai Note, signed the motion, although in entering the motion they acknowledged that they lacked the minimum seventeen votes needed to unseat Tomeing. Among the list of reasons for the motion, the United Democratic Party cited deteriorating relations with the United States, the inaction on the part of the Tomeing government to respond adequately to the recent loss of jobs for Marshallese citizens at the US Army base on Kwajalein, failing to support a bill in the US Senate that would have earmarked \$4 million per year for the next fifteen years for health services to Marshallese from nuclear-affected atolls, and the administration's "refusal" to move forward with the newly approved Uliga Elementary School (Chutaro and Johnson 2008).

According to the RMI constitution, the Nitijela must vote within five to ten days after the submission of a no-confidence motion, regardless of whether or not Parliament is in session during that time. Sensing that the United Democratic Party did not have the votes necessary to prevail, Speaker Jurelang Zedkaia, a ruling AKA party member, convened the Nitijela on 21 October; after preliminary opening remarks, UDP chairman Ailinglaplap Senator Ruben Zachras withdrew the motion. The United Democratic Party was further embarrassed by the absence of one of the original signers of the motion, Majuro Senator Wilfred Kendall, who later explained that he failed to attend the meeting as he thought the vote would fail anyway. While significant as only the third no-confidence motion in RMI

history, this motion was also the first to be withdrawn before a vote was taken (Johnson 2008c; Yokwe Online 2008c).

The fourth no-confidence motion, however, proved to be much more provocative as well as more personal, both for the president and for a number of his cabinet members. The events leading up to the vote of no confidence of 18 April 2009 began two months earlier, when Minister of Foreign Affairs and Kwajalein Senator Tony deBrum publicly criticized President Tomeing in an open session of Parliament on 4 February. Citing a lack of confidence in the president's ability to negotiate successfully with the United States on the Kwajalein Land Use Agreement (LUA), deBrum also took a swipe at the president's closest political advisers and described a "cancer in this government" (*MIJ*, 2009l).

On 25 February, President Tomeing sacked deBrum as minister of foreign affairs in response to the public comments made three weeks earlier, and the president assumed the foreign affairs portfolio in the interim (Johnson 2009f). That same day, a letter signed by the fifteen members of the ruling AKA party, including the entire cabinet except for the minister of transportation and communications, Mejit Senator Dennis Momotaro (who was off-island at the time), was sent to the president's office, fervently calling for deBrum's reinstatement in the cabinet. As a result of the rift within the ruling party, the Nitijela session was suspended indefinitely, at the request of the president's office, so that the Speaker could make appropriate seating arrangements reflecting

the removal of deBrum as minister (Johnson 2009b).

When the Nitijela reconvened its session on 10 March, deBrum promptly took his usual ministerial seat next to the president. Prior to the start of the assembly, however, deBrum was approached by the Nitijela clerk and asked to attend a private meeting with Speaker Jurelang Zedkaia and Minister in Assistance and Ailinglaplap Senator Christopher Loeak. Reentering the chamber after ten minutes, deBrum quickly gathered his things and left the Nitijela before the start of the roll call, during which he was addressed as "Senator" rather than "Minister" (*MIJ*, 2009e).

After two weeks of political deadlock and internal wrangling in the president's own party, President Tomeing named UDP party member Senator John Silk as the new minister of foreign affairs on 23 March, marking the first time an opposition member was appointed to the president's cabinet. Three days later, on 26 March, the Nitijela session was again canceled indefinitely. The next day, a vote of no confidence was submitted by Kwajalein senators Iroj Mike Kabua and Tony deBrum, along with five other members of the governing party, forcing Tomeing to cancel an extended trip to Hawai'i and Fiji (Johnson 2009e).

The confusion surrounding the first time a vote of no confidence was filed against a president by members of his own party led to weeks of public speculation as to who would replace Tomeing as president. Much of this speculation was fueled by the country's only print media outlet, the *Marshall Islands Journal*, which reported on several occasions that

the members of the ruling party had enough votes to topple Tomeing and promptly endorsed Minister of Health and Utrik Senator Amenta Matthew, the Parliament's only female member, as the next president (*MIJ*, 2009d).

For his part, Senator Mike Kabua was reported to favor Speaker Zedkaia as the next president (*MIJ*, 2009h); the AKA party leadership, however, was quick to criticize the “what-if” scenarios the *Journal* had been running for three weeks, stating that the party leadership had not yet decided on a replacement for Tomeing (*MIJ*, 2009a).

By the time of the vote, however, all of the conjecturing as to who would replace Tomeing proved unwarranted, as he rather convincingly survived the vote. But Tomeing's victory did not come before a minor constitutional crisis was initiated by Speaker Zedkaia, who set the date for the vote for 22 April, ten “sitting” days after the official motion was filed in Parliament. Since the original proposal of no confidence was “pre-filed” by the original seven signers of the motion when the Nitijela was not in session on 27 March, its official submission did not happen until 8 April, after Parliament had reconvened. On the evening of 17 April, the high court chief justice ruled that the constitution was clear that a vote of no confidence must take place within five to ten calendar days of its submission—not parliamentary “sitting” days as Speaker Zedkaia had argued—meaning that the last day for the vote was the next day, Saturday, 18 April (*MIJ*, 2009g).

The same day of the high court ruling, and one day before the no-confidence vote, Tomeing made a bold move by replacing four more cabinet

ministers with members of the opposition UDP party: Minister in Assistance Christopher Loeak was replaced by Ailinglaplap Senator Ruben Zachras; Minister of Transportation and Communications Dennis Momotaro was replaced by Rongelap Senator Kenneth Kedi; Minister of Resources and Development and Ujae Senator Frederick Muller was replaced by Namdrik Senator Matlan Zachras; and Minister of Public Works and Mili Senator Kejjo Bien was replaced by Ailuk Senator Maynard Alfred (Johnson 2009a).

On the day of the no-confidence vote, Speaker Zedkaia again tried to delay the proceedings by citing the confusion surrounding the official seating of the new cabinet ministers. After an hour and forty-five minutes of debating whether or not to proceed with the vote (which included a discussion of the Speaker's housewarming party that evening as a reason to delay the procedure), the Speaker announced that the motion would move forward (Johnson 2009a). Once the vote was taken, Tomeing survived by a vote of 18 to 14, securing his political authority for perhaps the first time in his administration.

The ability of Tomeing to endure and prevail over an unprecedented two votes of no confidence was vital to the ability of his administration to govern, coming into power as it did after the 2007 election (what many consider to be the worst-run election in RMI history). As one of his first acts as president, Tomeing had called for the establishment of an independent commission of inquiry to evaluate the 2007 election and make recommendations for future elections.

On 12 August 2008, the commission's findings were made public in its report to the Nitijela. The report laid the blame for the electoral mess squarely at the feet of Jaluit Senator Rien Morris, who had been minister of internal affairs at the time, criticizing him for, among other things, interfering in the Public Service Commission (PSC) selection committee's hiring process for the position of chief electoral officer. The report argued that Morris's meddling in PSC affairs led to the appointment of the relatively inexperienced Carl Alik over the selection committee's comparatively more qualified choice for the position (Johnson 2008d).

In addition to pointing the finger at Morris and Alik, the commission of inquiry's report also laid out nineteen recommendations for future elections, including making election day a public school holiday in order to use school facilities as polling stations; ensuring that election day falls on a Tuesday or Wednesday in order to have adequate preparation time instead of the current election day of Monday, which leaves little time to set up on Sunday, a customary day of rest; establishing an independent five-member election commission charged with selecting the chief electoral officer; and providing greater transparency regarding the counting of postal ballots, as well as an advanced deadline for ballots by mail so that they may be counted earlier (COI 2008).

Meanwhile, the Tomeing government was also busy dealing with a variety of fiscal issues that hit the Marshall Islands hard in the wake of the world economic crisis. On 3 July 2008, the government declared a thirty-day state of economic

emergency in order to find ways to overcome an estimated \$18 million shortfall in revenue for the utility companies on Majuro and Ebeye, as well as to secure an immediate \$8.5 million in order to purchase the next shipment of fuel from the country's supplier, SK Networks. As part of the administration's response to the emergency, the government instituted a freeze on spending from the general fund and reallocated resources toward the next payments on fuel (MIJ, 2008b). Additionally, the rise in world food prices hit the country so hard that the Consumer Price Index noted a 33 percent increase in the cost of food (Yokwe Online 2008b). The government and local businesses also cited the alarming rate at which a twenty-pound bag of rice, a local staple, had risen from \$7 per bag to over \$16 per bag in 2008 alone. The government responded by exempting imported rice, milk, flour, poultry, and fruits and vegetables from the import tax. On 17 August, in the midst of the economic crisis, the government acted on a recommendation from the National Disaster Committee and extended the state of economic emergency an additional thirty days (MIJ, 2008b). After seeking consulting assistance from the Asian Development Bank in September, the fuel crisis seemed to dissipate as world oil prices dropped from a high of \$150 a barrel to under \$80 a barrel by mid-October. By March 2009, the Consumer Price Index for food items had declined 15.1 percent since the state of economic emergency period in September (EPPSO 2009), and the economic crisis seemed to have been resolved.

The near-collapse of the US and global financial markets, however,

brought a separate set of challenges. With the severe drop in stock market prices in September 2008, the Marshall Islands Social Security Administration lost \$2.1 million, most of it over the course of only a few days, while the two Bikini trust funds lost 11.3 percent and 9.4 percent, respectively. The biggest hit was taken by the RMI Trust Fund, which lost over \$20 million, or 25 percent of its value, in 2008 (*MIJ*, 2009k; Yokwe Online 2008a). While the trust fund cannot be accessed until the second Compact of Free Association with the United States expires in 2023, there is a worry that the extent of current losses will be difficult to overcome should the Marshall Islands need to utilize those funds in the future.

In February 2009, the government also reported a 30 percent decrease in income taxes collected during the first quarter of fiscal year 2009 (*MIJ*, 2009j). This loss of tax revenue additionally reflected the series of job cutbacks initiated by the Kwajalein Range Services in February 2008, which continued into 2009 and resulted in a 15 percent reduction (approximately 300 jobs) in employment for Marshallese workers (Johnson 2008b).

The situation in Kwajalein seemed to exacerbate apparently strained relations between the Marshall Islands and the United States, as President Tomeing and US Ambassador Clyde Bishop engaged in a public back and forth dialogue that hinted at criticism of the other side's refusal to cooperate (*MIJ*, 2008c). The focus of this debate soon settled once again on the Land Use Agreement (LUA) in effect for Kwajalein. The compact required the RMI government and Kwajalein

landowners to establish a formal agreement by 17 December 2008 (the five-year anniversary of the second Compact of Free Association) over use of the atoll for US military purposes in order to access the \$20 million of US rental payments held in escrow. However, with no agreement imminent between the government and the landowners, and under threat of losing the rent money as it would be permanently returned to the US Treasury, President Tomeing wrote a letter in late November to then-US President George W Bush asking for an extension of the deadline. On 16 December, one day before the deadline, Bush granted Tomeing's request for an indefinite extension in order to produce a new Land Use Agreement, and the rent money was kept in escrow. While Tomeing publicly declared he was optimistic about a new agreement, his then-Minister of Foreign Affairs Tony deBrum stated, "no LUA is in sight" (Johnson 2008a). In February, at the Kwajalein Liberation Day ceremonies, Iroij Imata Kabua, the most powerful Kwajalein landowner, reiterated his stance that there would be no new agreement under the current provisions of the compact (*MIJ*, 2009f).

Meanwhile, as official RMI and US relations seemed to be on the mend after the LUA deadline extension was granted, the Marshall Islands still had no official ambassador to the United States. Originally appointed in April 2008, the RMI nominee, Ben Graham, was unacceptable to the US State Department. The department objected to Graham's dual RMI-US citizenship, citing the complexities of recognizing a US citizen as a foreign diplomat.

In early August, then-Foreign Affairs Minister Tony deBrum brought the issue up with then-US Secretary of State Condoleezza Rice (*MIJ*, 2008d), but on 20 August, the State Department officially rejected Graham unless he would agree to relinquish his US citizenship (*MIJ*, 2008a). In early March 2009, in a surprise move, US Ambassador Clyde Bishop abruptly announced his retirement from diplomatic service effective April 30, leaving his post in the Marshall Islands eight months early (*MIJ*, 2009c). In July, US President Barack Obama nominated Martha Campbell, who had helped establish the first US representative office in the Marshall Islands shortly after the implementation of the first Compact of Free Association in 1987, as Bishop's replacement (*MIJ*, 2009i). For the time being, however, official diplomatic representation for the Marshall Islands and the United States remains characterized by temporary embassy delegations in both Majuro and Washington DC.

Internationally and regionally, however, the Marshall Islands has spent the past year burnishing its diplomatic credentials, most notably (and popularly) by taking part in its first official Olympic Games in Beijing in August 2008. While no RMI athletes earned medals in the games, the act of participation was a point of pride for the Marshallese. In November, the United Nations opened its first three agency offices in Majuro, representing the UNDP, UNICEF, and UNFPA (Johnson 2008e). Perhaps the most important development came in May 2009, when members of the Parties to the Nauru Agreement (PNA) selected Majuro as the PNA regional headquarter-

ters. With Majuro as the location of the PNA Secretariat, RMI government officials hope that investment in the regional fishery agency will have a direct economic effect on the capital, as well as give the Marshall Islands a more influential voice within the organization (Johnson 2009d). Majuro will also play host in July 2009 to the Micronesian Presidents' Summit, as well as the Micronesian Chief Executives' Summit.

A pair of government reports released in June 2009 may dampen the mood in the Marshall Islands, as the population in the capital, Majuro, increased dramatically at the same time that the numbers of one-way departures to the United States jumped sharply in 2008. The *Marshall Islands Journal* reported on a survey published by the Economic Policy, Planning and Statistics Office (EPPSO), part of the RMI President's Office, which described a 25 percent increase in both people and households in Majuro Atoll in the past decade. The report allegedly states that the population in the capital has increased by 8,000 individuals, with a concurrent increase of approximately 1,100 households. The immediate implication of this unprecedented growth for the atoll has been exacerbated by a current water shortage, as a similar percentage of households (26 percent) have been reported as lacking water catchment facilities (Johnson 2009c). In a separate report based on US Department of Transportation statistics, the Economic Policy, Planning and Statistics Office reported that the number of Marshallese leaving the Marshall Islands permanently in 2008 (1,503) was triple the number in 2007

and the highest since 2001. The report blamed the rise in fuel and food costs for the growing number of departing Marshallese. The long-term implications for the country of the high level of out-migration remain to be seen (MIJ, 2009b).

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

In July 2008, rumors began circulating that Lieutenant Governor Timothy Villagomez was under investigation for some unknown federal crime. The FBI called members of the Commonwealth Utilities Corporation (CUC) in to a grand jury. By mid-August, it was rumored that Villagomez had been arrested at a convention of lieutenant governors in New York. This was denied by the administration of Governor Benigno Fitial. However, by Monday, 14 August, both local newspapers had front-page articles about the arrest and indictment of Villagomez, his sister Joaquina Santos, and Secretary of Commerce James Santos, who is married to Villagomez's sister. Also arrested was Tony Guerrero, who was CUC executive director at the time, having succeeded Villagomez. Tony Guerrero immediately accepted a

plea bargain with the federal attorney and agreed to testify against the other three.

At issue was the sale, over several years, of Rydlyme, a chemical used to clean pipes around generators. A company owned by Joaquina and James Santos sold 8,000 gallons of the descaler to the utilities corporation at a 400 percent markup. The federal charges include three felony counts of wire fraud, conspiracy and theft involving federal funds, and bribery. Villagomez, his sister, and her husband were all charged and released on \$50,000 unsecured bonds; Guerrero was released on a \$10,000 unsecured bond. Investigations lasting eight months revealed that only 11 percent of the chemical was ever used. According to the twelve-page indictment, the chemical, which was bought in several installments over several years for about \$300,000, was used only for cleaning floors or was put into storage on Rota and Tinian. Despite the charges, Villagomez remained in office, actively performing his duties as lieutenant governor.

The trial lasted for almost three weeks and incorporated some defense techniques that will probably go down in the annals of jurisprudence as very unconventional. The first was the "mango defense," in which one defense attorney, in his closing remarks, faced the jury from behind a podium and pulled out two mangoes. He presented them to the jury and said that the one in his right hand was a Hayden mango, which was imported from Hawai'i. In the other hand, he held a carabao mango, which was grown locally. The local mango was, of course, sweeter than the imported.