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

**Federated States of Micronesia**

This review covers a portion of the president’s and vice president’s travel; the Micronesia Presidents’ Summit in Majuro, Republic of the Marshall Islands; proposed amendments to the Federated States of Micronesia (FSM) Constitution; the issue of acting President Peter Christian’s return to public life; and several ambassadors’ presentation of credentials.

July 2009 saw both President Emanuel (Manny) Mori and Vice President Alik Alik traveling to foreign capitals. President Mori traveled to Noumea, New Caledonia, to attend the Third France-Oceania Summit on 31 July. Accompanying the president were his wife, Emma Nelson-Mori; Secretary of Foreign Affairs Lorin Robert; and Fabian Nimea, director of the Office of Statistics, Budget and Economic Management, Overseas Development Assistance, and Compact Management (sboc). Vice President Alik traveled to Beijing to meet with the Chinese Vice President Xi Jinping on 9 July. Mr Alik rounded out his visit to China with an inspection of the newly established FSM Embassy at the Jiangoumenwai Diplomatic Compound and a meeting with the embassy staff and FSM students attending various schools in the country (FSM Information Services 2009c, 2009b).

The 9th Micronesian Presidents’ Summit met 16–17 July in Majuro, Republic of the Marshall Islands (RMI). This summit dovetailed with the 11th Micronesian Chief Executives’ Summit, which was held 14–16 July and included state governors of the Micronesian entities. The members of the Micronesian Presidents’ Summit are the presidents of the FSM, the RMI, and the Republic of Palau (RP). Then-RMI President Litokwa Tomeing expressed his view that the people of Micronesia are “helpless victims of global forces such as climate change, financial and economic downturns, and an energy crisis”; he also expressed the hope “that Micronesia will stand up to the challenges and fashion for itself a solid foundation for genuine individual cooperation and support.”

FSM President Mori told the gathering, “Given the multitude of challenges we continue to face, either together or individually, it is in our collective interest to have an inclusive discussion on concrete issues affecting us all and to maximize and explore ways of pooling resources for collective benefits.” He concluded his speech by saying, “After all, it is given that we would achieve much better results by working closely together as one. This naturally would only strengthen our Micronesia region, and would no doubt enhance our Micronesian spirit of partnership and solidarity. We need each other now more than ever.”

RP President Johnson Toribiong
committed himself “with 100% effort to work in full cooperation to build upon the issues of the past summit meetings and find solutions to overcome the challenges [of climate change and energy problems] before them.” He encouraged his colleagues to commit themselves to “work together at every forum.” President Toribiong underlined the importance of cooperation by quoting General Douglas MacArthur, who said, “Defeat is just another word for too late”; Toribiong encouraged his colleagues to heed MacArthur’s advice “and act now, before it’s too late” (FSM Information Services 2009a).

In this summit, the three presidents adopted the theme of the Chief Executives’ Summit, which addressed climate change, energy challenge, and proactive leadership for a resilient Micronesia. It remains to be seen whether the overwhelming support the three presidents expressed for joint effort and collaboration among their respective countries will translate into a united effort to acquire affordable fuel and create a Micronesian group in the Pacific Islands Forum.

President Mori issued a presidential order that three constitutional amendments be put to the voters for ratification in the March 2011 national election for FSM Congress. Two of the proposed amendments originated from the 15th FSM Congress, including one that would repeal the citizenship provision (section 3, article III) of the national constitution, leaving nothing in its place, and another that would provide for four-year terms for all members of congress. The third proposed amendment would clarify who is eligible for the office of the president.

If the citizenship amendment is approved, the assumption is that the FSM Congress will enact a citizenship statute that would allow dual citizenship, but what shape that statute would take, no one currently knows. Voters are being asked to ratify deletion of the citizenship provision without the benefit of seeing the text of the new provision, in effect giving the FSM Congress the power to enact a new citizenship law without voter input. This will be the fourth consecutive attempt to amend the citizenship provision of the FSM Constitution; the same proposal failed to be ratified three times previously.

The push in the FSM Congress for dual citizenship is purportedly based on the desire for FSM citizens serving in the US armed forces to acquire US citizenship and become military officers without losing their FSM citizenship. Since those wishing to acquire US citizenship must go through the naturalization process, which includes a renunciation of all other allegiances and citizenships when taking the oath, some feel that dual FSM/US citizenship is impossible. If this is true (which is arguable), the people who would really benefit from this proposed amendment are the US-born sons and daughters of FSM citizens who currently must renounce their US citizenship if they wish to retain their FSM one. Many observers are wondering whether the FSM Congress is only pushing the dual citizenship issue because it would benefit the US-born children of government officials.

Another possible concern about dual citizenship is that it could allow
non-nationals the right to own land in the FSM. The constitution restricts landownership to citizens and there are fears that allowing dual citizenship would greatly expand the number of people born outside the FSM who qualify as possible landowners. The decisions that the voters will need to make are (1) whether such an important national issue as citizenship should be left to the congress to legislate; (2) whether or not they trust the congress to craft fair and adequate dual citizenship legislation; and (3) whether it is a good idea to open the door for citizens of other countries to acquire FSM citizenship in view of the fact that citizenship is directly linked to landownership.

The second proposed amendment would lengthen the terms of the ten two-year members of congress to four years. The two-year members of the national congress argue that two years is too short for them to carry out their programs. If the 16th FSM Congress is an indicator, no new major legislative initiative was undertaken. In fact, all 39 congressional acts that became public laws during that congress were amendments to existing public laws, and of these 39 public laws, 14 dealt with pork-barrel legislation, that is, government spending intended to benefit legislators’ local constituents in return for their support. The practice of pork-barrel legislation is wasteful and has, in a case where a national FSM senator providing the funds retained final approval of the projects, been ruled by the FSM Supreme Court as a violation of the constitutional doctrine of separation of powers in the national government (Udot Municipality v FSM, 10 FSM Intrm 498 [Chk 2002]). So the argument that the two-year term members need more time to implement their programs is probably more imaginary than real.

To put this proposed amendment in proper perspective, the voters should look at members of congress as elected public guardians with responsibilities and accountability to the general public. Election is the only means to hold the members accountable. As a tool for evaluating the performance of members of congress, the two-year interval of electing the ten representatives in the FSM Congress is appropriate, in my opinion; the people deserve to pass judgment on the performance of their representatives more frequently than every four years. Most observers feel that what prompted this proposed amendment is two-year-term members’ desire for job security and continued access to the substantial financial perks of their position.

The third proposed amendment is necessary “to accurately define who is eligible . . . to become President [and Vice President] of the FSM.” The amendment merely clarifies that only “at-large, 4-year member[s] of Congress are eligible to become President of the FSM” (FSM Information Services 2009f).

In last year’s review, I reported the untimely passing of Resio Moses, who had served as Pohnpei state at-large senator and vice speaker of the FSM Congress (Haglegam 2010). The voters in Pohnpei elected Peter Christian to succeed Moses in a special election held on 20 October 2009. Christian is a veteran of twenty-eight years in the FSM Congress. He is the last member of the 1st FSM Congress who still
remains active in national politics. He was also one of Micronesia’s chief negotiators of the second Compact of Free Association with the United States. Mr Christian brings to the Pohnpei at-large seat his extensive experience in government and business, as well as an explicit ambition to seek the FSM presidency (FSM Information Services 2009e).

On or about 29 September 2009, on behalf of President Mori, Vice President Alik approved the national budget in the amount of $35,278,975. In addition, the vice president approved “three other Congressional Acts into Public Laws for President Mori during the Second Regular Session of the 16th FSM Congress.”

The amount of the national budget presents no problem. The main issue is whether the vice president actually has the constitutional authority to sign congressional acts into public laws on behalf of the president. The presumption is that the vice president can, as “acting president,” perform functions constitutionally delegated to the president. It has been common practice in several past national administrations for presidents to designate vice presidents as well as department heads as acting presidents. But the FSM Constitution is completely silent on presidential authority to designate an acting president. In my opinion, constitutional silence on an issue cannot be interpreted as consent or authorization for action.

In section 1 of the executive article (article X), the FSM Constitution vests executive power of the national government in the president. This section does not vest the president with authority to delegate his executive power to his designee as acting president. In section 2 of the same article, the framers of the national constitution used the adverb “expressly” to vest specific powers in the president. This word means fully and clearly expressed. In other words, it means that the constitutional powers of the FSM president are unambiguously carried out by him and no one else. Clearly, no delegation of authority was contemplated by the framers of the FSM Constitution. If no delegation of authority is allowed, then no one can approve acts of congress but the president.

A related issue concerns when the vice president would become acting president. The vice president is mentioned only four times in the executive article: first, when the office is created; second, with regard to the declaration of vacancy after the election; third, when the vice president assumes the presidency; and fourth, in relation to compensation of the vice president and the president. Constitutionally, the vice president is a president-in-waiting. He assumes office when the presidency is vacant or when the president is declared incapacitated. There is nothing in the constitution about the vice president becoming acting president while a sitting president is still in office (FSM Information Services 2009d).

On 14 June 2010, Robert Kaiwai, the ambassador-designate of New Zealand, presented his letter of credentials to President Mori. The ceremony was attended by Ambassadors Shoji Sato of Japan; Zhang Weidong of the People’s Republic of China; and Susan Cox of Australia, along with William Douglass, who is the deputy chief of
mission of the US Embassy, and President Mori’s cabinet members.

In his statement, Ambassador Kaiwai emphasized the strong relationship his country has with the Federated States of Micronesia as well as New Zealand’s desire to do more on such common issues as climate change and the development of sustainable fisheries. In turn, President Mori expressed the country’s gratitude and appreciation to the New Zealand government for providing assistance in human resource development, maritime aerial surveillance, and community development. In a private meeting after the ceremony, President Mori specifically requested assistance from New Zealand in support of educational reform in FSM (FSM Information Services 2010a).

Later the same day, Yogendra Kumar, ambassador-designate of India, presented his credentials. In his formal statement, Ambassador Kumar “praised FSM’s achievements in political stability with established democratic traditions.” He pointed out that “in this era of globalization, FSM has been able to preserve its unique cultural heritage, which is a testimony to the wisdom of its leaders.” Kumar expressed India’s appreciation of “FSM’s leadership role at the international level in highlighting the dangers of climate change in the region.” Kumar also said that his country is grateful for FSM’s support of its candidacy for both a permanent seat and a non-permanent seat in the proposed restructuring of the United Nations Security Council.

President Mori pointed out that FSM support for India’s bids for membership on the UN Security Council is based on “India’s leadership role as a developing country in terms of South-South Cooperation,” and on India’s influence and respect in the developed world. The president also mentioned that India’s technical assistance “enabled the FSM Coconut Authority to purchase equipment to improve the production of an assortment of coconut-related products.”

In a brief private meeting after the credential presentation ceremony, Ambassador Kumar told President Mori that under India’s Technical and Economic Cooperation Programs, training slots and scholarships are available for FSM mid-level career officials. He informed the president that a portion of the grant provided to the FSM Coconut Development Authority has not been fully utilized and that India can increase the grant for specific projects (FSM Information Services 2010b).

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References

FSM Constitution. Available online via the website of FSMLAW, Legal Information System of the Federated States of Micronesia: http://www.fsmlaw.org/fsm/constitution/


GUAM

Dominating the news for the past year on Guam was the issue of the pending relocation of 8,600 US Marines and their several thousand dependents from Okinawa to Guam, the building of a new aircraft carrier wharf and facilities, and the establishment of a new army ballistic missile defense base over the next few years. At the same time, facilities at Andersen Air Force Base are being upgraded. This combined military buildup has already begun to impact many aspects of the island’s political, economic, and social landscapes as well as the cultural life-ways of its people.

In November 2009, the Department of Defense (DOD) released its official “Draft Environmental Impact Statement” (DEIS) for public comment. The purpose of the 11,000-page document was to detail the impact of the relocation on the local community. The military buildup is expected to occur over a multiyear period with peak activity to be reached by 2014. According to the report, at the buildup’s height, almost 80,000 people will be added to the island’s existing population of 170,000—a population increase of 45 percent. About half of this population growth will be due to “transient workers,” meaning construction workers and other personnel coming to Guam for initial construction and other preparatory activities. Even after these workers have departed, the buildup is projected to push Guam’s population above the 200,000 mark. The report noted that, without the buildup, Guam’s population would not have reached this number for another twenty years. Guam residents responded in force, with 10,000 written comments noting their concerns about various proposed actions (PDN, 1 Jan, 29 June 2010).

One of the more controversial revelations in the report was the federal government’s plan to acquire at least 2,200 acres to add to its current inventory of Guam land. At present, the US government owns nearly one-third of the island—most of which is in DOD hands. Huge tracts of these federal lands, however, are not only unused but also completely undeveloped. According to the environmental impact statement, the additional acreage would be for a number of purposes, including a live firing range in the Pågat/Sasayan area in the northeast part of the island (PDN, 1 Jan 2010). There are community concerns about increased traffic and denial of access to recreational lands as well as the fact that the site includes the Pågat cultural historic site (Guam Bureau of Statistics and Plans 2010). The live firing range is currently planned for a bluff right above this prehistoric indigenous site, which is listed on both the Guam Register of Historic Places and the US National Register of Historic
Places. Pågat contains the remains of ancient Chamorro village structural stone foundations known as “latte” as well as mortars, pottery, and tools dating back to AD 700 (Guam Preservation Trust 2010; Craib ND). In May 2010, the National Trust for Historic Preservation announced that Pågat was on their “11 Most Endangered [US] Historic Sites List.” After this announcement, the DOD point man for the buildup, David Bice, announced that access to the site would be ensured, though this did little to mitigate public concerns (KUAM, 26 May 2010). By mid-2010, the Guam Preservation Trust was considering filing a lawsuit to stop the military’s plans for Pågat (KUAM, 26 July 2010).

Aside from the military’s direct land use plans, University of Guam Richard F Taitano Micronesian Area Research Center Director John Peterson raised concerns about the consequences of the resulting urban sprawl on non-military land and its impact on historic sites (PNC, 22 June 2010).

The DOD land acquisition plans also caused an uproar among local landowners who might lose their land through federal eminent domain proceedings, as well as those who want to keep Pågat open and free from what they feel are culturally insensitive and offensive impacts of a live firing range. Although the process would compensate Pågat landowners on the basis of the fair market value of their land, this was not considered acceptable to landowners, who either did not want to give up their land for various reasons including familial ties to the land, or were not willing to accept a federal court’s determination of its value (KUAM, 29 Dec 2009).

The DOD land acquisition plans also included the dredging of Apra Harbor to make room for berthing nuclear-powered aircraft carriers (PDN, 1 Jan 2010).

Local officials likewise criticized the report for not answering the question of how to upgrade existing island infrastructure to cope with the massive influx. Although the report noted that local tax revenues and employment opportunities would increase significantly, local officials remained concerned about how to fund the requisite $3 billion in new roads, water systems, hospital expansion, and other improvements. Guam officials have consistently stated that the local government cannot possibly afford to pay for this needed infrastructure. Federal officials outside the Defense Department have also voiced this same view.

Commenting on just the water infrastructure needs, one US Environmental Protection Agency (EPA) official was quoted in March as saying that Gov-Guam agencies “cannot by themselves accommodate the military expansion,” and further, “It is not possible and it is not fair that the island bear the cost” (Harden 2010).

The Draft Environmental Impact Statement and the DOD overall plans came under fire from other US government agencies in formal reports. In November, the General Accounting Office, an arm of the US Congress, issued a report noting that the Guam government needed more timely information from the Defense Department about the military buildup (PDN, 1 Jan 2010), and that the buildup would “substantially” tax the island’s infrastructure (Harden 2010). In February, the US Environmental Protection Agency (USEPA) issued its own
report grading the DOD buildup plan as “environmentally unsatisfactory”; further, they said that the plan “should not proceed as proposed” (USEPA 2010, 1, 2). The USEPA report echoed the General Accounting Office’s concerns about the impact on the island’s infrastructure. More alarmingly, the US Environmental Protection Agency stated that the buildup could result in water shortages that would “fall disproportionately on a low income medically underserved population” (USEPA 2010, 3). The agency further stated that the planned buildup would overload sewage-treatment systems and that this might “result in significant adverse public health impacts” (USEPA 2010, 1). The USEPA report additionally criticized plans for dredging Apra Harbor, citing an “unacceptable” impact on seventy-one acres of vibrant coral reef (Harden 2010). Guam’s delegate to Congress, Madeleine Bordallo, also noted, in an address to the Guam Legislature, that the plan lacked provision for the disposition of all the dredging material (Bordallo 2010).

Guam officials also had reservations about the thousands of guest workers to be recruited. The Draft Environmental Impact Statement projected that transient workers brought in from off-island would receive the bulk of the 33,000 new jobs created from the buildup (PDN, 1 Jan 2010). Congresswoman Bordallo spoke for many when she voiced her concern about the lack of comprehensive planning for the housing and health-care needs of these incoming workers. She also stated that she would not support any appropriations or authorizations in Congress that would bring 80,000 people to Guam by 2014 as envisioned in the Draft Environmental Impact Statement (Bordallo 2010).

In response to the environmental impact statement, the Guam Legislature passed Resolution 275, sponsored by Senator Rory Respicio, which set forth the legislature’s position. The resolution criticized the fact that only ninety days were allowed for review of the voluminous document. It also called for a Civil-Military Advisory Council to resolve ongoing problems. The resolution further identified six key problems with respect to the buildup that must be resolved: land acquisitions and use, the proposed dredging of Apra Harbor, health care, sociocultural impacts of the buildup, infrastructure upgrades, and pollution control. In particular, with respect to land, the legislature asserted that the buildup activities must be confined to existing federal land without new acquisitions. In this same vein, Senator Benjamin J Cruz had sponsored a bill requiring a voter referendum before any Government of Guam (GovGuam) lands were ceded to federal control. At the time of this writing, the bill was moving forward in the legislative process but had not been voted on by the full legislature (Bill 66, Guam Legislature).

Concern about the buildup was at the center of the Seventh Meeting of the International Network of Women Against Militarism. This was the first time the group had met on Guam, having previously held conferences in San Francisco, South Korea, the Philippines, and other locales. With the theme of “Chinemma’ Nina’ moolek yan Inarespetu para Direchon taotao” (Resist, Resilience and Respect for
Human Rights), more than a hundred women met 14–19 September 2009 on Guam to discuss their concerns about the buildup, including violence against women, environmental harm, adverse economic impacts, and sociocultural impacts (wgs 2010).

Activists also took the issue of the buildup to the United Nations. In June, a group of Chamorros from Guam and Saipan testified before the UN Special Committee on Decolonization, insisting that the international community pay closer attention to Guam’s continued colonial status as the United States substantially increases its already large military presence on the island (Achakma, 22 June 2010). The delegation, including former Guam Senator Hope Cristobal and members of We are Guahan and Fuetsan Famalao’an (a women’s group), specifically requested that the United Nations send delegates to Guam to investigate the consequences of militarization (PDN, 24 June 2010).

Looming over all these issues was concern about the social impact of such a sharp increase in the island population and, in particular, the impact on the Chamorro culture. The environmental impact statement itself speculated that the expansion of the non-Chamorro population would affect the proportion of Chamorro officeholders as well as the outcome of future Guam plebiscites (Resolution 275, Guam Legislature).

Predictably, concerns about the buildup renewed discussion about Guam’s non-self-governing/colonial status and the limited control that Chamorros, Guam’s indigenous people, have over decisions about their homeland. Representing the sentiments of many, one Chamorro elder, former Senator Carmen Artero Kasperbauer, was quoted in the military daily Stars and Stripes as saying, “We hate being possessions to the federal government. That’s why people are angry.” In a sentiment reportedly shared by most Chamorros, Kasperbauer did not direct her anger at the troops: “I’m not talking about the uniformed military. We love the uniformed military. Our son . . . helped liberate the Kuwaitis. But he can’t help liberate me” (The Nation, 3 May 2010). In perhaps another sign of concern about the status of the Chamorro people and their culture, Governor Felix Camacho in February signed an executive order requiring all GovGuam agencies to use “Guahan” instead of “Guam” (PDN, 17 Feb 2010); Guahan is considered by many to be the name given to the island by the native population prior to European contact in the sixteenth century.

The buildup also factored into other social debates of the community, such as the push to raise the drinking age from eighteen to twenty-one. By the end of June, the measure was on track to become law. Initiatives to raise the drinking age had twice been rejected by voters in recent years (kuam, 02 July 2010). One past opponent of this legislation, Senator Rory Respicio, stated that he now supported the bill, largely due to the implications of having the community absorb thousands of young people of drinking age all at one time as a result of the influx of the marines and other military personnel (pers comm, June 2010). Other local social issues making news and creating controversy were legislative bills to establish civil
unions for same sex couples (PDN, 1 Jan 2010) and to legalize the use of marijuana for medical purposes (Bill 423-30, Guam Legislature).

As elsewhere around the world, Guam had taken a hit as a consequence of the global financial crisis in late 2008. By 2010, the economy was expected to be growing again, largely due to military construction (PDN, 1 July 2010). Over the long term, the business community looked forward to the buildup because it would significantly boost the economy (KUAM, 1 Feb 2010), and there were some indications that delays in the expansion were adversely affecting real estate prices (PNC, 13 April 2010). And yet even among local business leaders who expect a strong economic expansion overall there are concerns that economic activity will be confined to the military bases and may “not spill over to local community” (Now on PBS 2009).

There was good news on the health-care front as the island’s only civilian hospital, Guam Memorial Hospital, received a preliminary accreditation from the Joint Commission on Accreditation of Health Organizations, after it had lost accreditation some twenty-six years ago. The final formal accreditation award was expected in July (PDN, 11 July 2010).

Guam’s public grew increasingly frustrated with the slow pace of constructing a new John F Kennedy High School due to the construction procurement process being challenged in court (KUAM, 19 Feb 2010). The school had been closed years earlier, with students attending classes elsewhere on a temporary basis. Procurement disputes caused construction to be placed on hold as of 30 June 2010 (PDN, 13 July 2010). On a positive note, $83 million in federal funding under the American Reinvestment and Recovery Act (President Barak Obama’s economic stimulus measure) became available for educational capital improvements for the University of Guam, Guam Community College, and the public schools, as well as for government computer systems (KUAM, 26 March 2010).

There were major changes in the leadership of the law enforcement community during the year under review. After a controversial raid on news offices, Chief of Police Paul Suba was asked to resign by Acting Governor Mike Cruz. He was replaced by former Police Chief and Senator Frank Ishizaki, who later returned Suba to duty in his former position as a police captain (KUAM, 14 May 2010). In early 2010, President Obama appointed Guam Attorney General Alicia Limtiaco as US Attorney for Guam and the Northern Mariana Islands (KUAM, 30 April 2010). Governor Camacho appointed John Weisenberger as her successor; he will hold the position until a new attorney general is elected in November (PNC, 18 June 2010).

Considerable excitement was generated in March with news that President Obama would stop by Guam as part of an overseas trip that would take him to Australia and Indonesia. Local leaders and residents were hoping to meet with the president regarding several concerns, including the military buildup (KUAM, 23 March 2010). The “We Are Guahan” organization submitted a petition signed by 11,000 people asking that
Obama speak directly to the people of Guam during his visit (KUAM, 11 March 2010). Unfortunately, the entire trip was twice postponed due to deliberations in Washington regarding national health care reform. Obama was then rescheduled to visit in June, but early that month the White House announced that the trip had been postponed for a third time (Saipan Tribune, 5 June 2010).

Also in March, a special election was held to fill a vacancy in the Guam Legislature caused by the resignation of Democratic Senator Matt Rector. With only 16 percent of the electorate turning out to vote, Republican Tony Ada prevailed in the six-candidate contest (Jamesvw 2010). Despite this, Democrats retained their legislative majority with a 9 to 6 edge (KUAM, 22 March 2010). In 2009, ethics complaints had been filed with the legislature’s Ethics Committee against Rector. The most serious complaints related to a past misdemeanor burglary conviction that Rector did not disclose when he ran for the legislature in 2008. Rector explained that, more than twenty years ago, he and some friends who had been drinking had “stupidly” entered an unlocked door of a closed shopping mall and had subsequently been arrested. But because Rector had filed an affidavit with the Election Commission in 2008 asserting that he had no criminal record, questions were raised as to whether Rector had committed perjury and whether he could legitimately hold office (PDN, 01 Jan 2010). Before the Ethics Committee acted on any of the ethics complaints, Rector resigned (KUAM, 19 Jan 2010). At the end of June 2010, Rector appeared in court and pleaded not guilty to charges of making a false statement under oath and unsworn falsification as a misdemeanor. His trial was set for August 2010 (KUAM, 30 June 2010).

By the end of June, the 2010 race for governor was taking shape. Legislative Minority Leader Eddie Calvo and Assistant Minority Leader Ray Tenorio announced that they were running for the Republican Party (GOP) nomination for governor and lieutenant governor. Although the team of incumbent Lt Governor Mike Cruz and Senator James Espaldon had not yet announced, it was nevertheless clear that they would also be competing in the GOP gubernatorial primary set for 4 September. On the Democratic side there was considerable speculation in June that attorney Mike Phillips might run for governor. However, it soon became evident that the ticket of former Governor Carl Gutierrez and Senator Frank Aguon Jr would run unopposed for their party’s nomination. Gutierrez made it clear that the military buildup will be a central issue in the general election and that he was campaigning as the candidate who would “stand up to the military and the US government” (PDN, 26 June 2010).

Two Chamorros in the military received considerable public notice. The 2010 documentary Restrepo, about US soldiers in Afghanistan, in part featured a Chamorro soldier, Angel Toves (KUAM, 6 July 2010). The year also saw the promotion of the first Chamorro to reach the rank of US Navy Rear Admiral—Peter Aguon Gumataotao, who assumed the post of Commander, US Naval Forces Korea (Bordallo 2010).
Among those who passed away over the last year were Jose R Duenas, former Democratic senator and his party’s 1990 nominee for lieutenant governor; former Judge Cristobal Duenas, who was the first Chamorro appointed to a federal judgeship; former Chalan Pago Mayor Ben San Nicolas; and former Agat Vice-Minor Jesus B Chaco. Businessman John Gerber, who passed away in May, was known for a variety of accomplishments, including the recent founding of a small World War II museum in Maina. Condolence resolutions for all of these were adopted by the Guam Legislature.

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Un dangkolo na si Yu’os Ma’åse
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References


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As the Nitijela met through its regular sixty-day session, it seemed that the government’s priority was the resolution of the land use agreement between the RMI government and Kwajalein landowners, the most prominent of whom is former President and Iroijlaplap Imata Kabua. While Kabua had been instrumental in Tomeing’s rise to the presidency in 2008, continuing frustration over the lack of a land use agreement in Tomeing’s administration seemed to have solidified his administration’s legitimacy during the summer recess, tensions were high even before the regular session of the Nitijela (Parliament) convened in August. The Marshall Islands Journal reported prior to the meeting of the Nitijela that a motion of no confidence was planned but that there were no specifics as to what lay behind such an initiative, nor was information given about whether anyone in either political party was preparing to step in should the vote succeed (MIJ, 21 Aug 2009). Indeed, the rumors surrounding the proposed vote were so vague that the only compelling aspect of such a possibility was that the vote was being considered by a coalition of leaders from both the United Democratic Party (UDP) and Aelon Kein Ad (AKA); the prospects for this third vote of no-confidence against Tomeing in the first eighteen months of his administration (and only the fifth such vote in the nation’s history) seemed to rest entirely on a blurring of political party ideology and a desire simply to remove him from office.

By far the most important event of the last twelve months was the stunning and historic vote of no confidence that ousted President and Iroij Litokwa Tomeing in October 2009. While Tomeing had survived two previous attempts to drive him out of office in October 2008 and April 2009 and seemed to have solidified his administration’s legitimacy during the summer recess, tensions were high even before the regular session of the Nitijela (Parliament) convened in August. The Marshall Islands Journal reported prior to the meeting of the Nitijela that a motion of no confidence was planned but that there were no specifics as to what lay behind such an initiative, nor was information given about whether anyone in either political party was preparing to step in should the vote succeed (MIJ, 21 Aug 2009). Indeed, the rumors surrounding the proposed vote were so vague that the only compelling aspect of such a possibility was that the vote was being considered by a coalition of leaders from both the United Democratic Party (UDP) and Aelon Kein Ad (AKA); the prospects for this third vote of no-confidence against Tomeing in the first eighteen months of his administration (and only the fifth such vote in the nation’s history) seemed to rest entirely on a blurring of political party ideology and a desire simply to remove him from office.

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ernment’s “refusal” to consult with the Kwajalein landowners during the renegotiation of the Compact of Free Association with the United States in 2003 (MIJ, 14 Aug 2009). Ironically, the president at the time, UDP party leader and Jabat Senator Kessai Note, had come to power by toppling Kabua in 1999 and had in turn been ousted by Tomeing (with Kabua’s assistance) in 2007. But lack of movement on the land use agreement, even after the president and members of his cabinet met with Kwajalein landowners in September (MIJ, 18 Sept 2009), and compounded by the bad feelings left over from the most recent vote of no confidence led by Tomeing’s own party in April 2009, seemed to render party politics irrelevant and made the Tomeing administration appear incapable of moving forward on this or any issue.

After weeks of speculation, the motion of no confidence was finally put on the Nitijela agenda on Wednesday, 13 October 2009. The motion was filed by former President and Jabat Senator Kessai Note, along with AKA members Namu Senator Kabi-buke Kabua and Lae Senator Rellong Lemari, and Ujae Senator Frederick Muller of the United People’s Party (or UPP, which represented President Tomeing’s short-lived attempt at coalition politics) (MIJ, 16 Oct 2009). On 21 October 2009, Litokwa Tomeing became the first president in the history of the republic to be ousted by a no-confidence motion, by a vote of 17 to 15 (only Arno Senator Gerald Zackios did not participate in the vote) (MIJ, 23 Oct 2009). The bickering two days prior to the vote, as well as a marathon three-and-a-half-hour debate right before the vote was taken, seemed to confirm the personal nature of the attacks against Tomeing, and at one point tensions between Tomeing and Note rose to such a fever pitch that Majuro Senator and Nitijela Speaker Iroijlaplap Jurelang Zedkaia took the session off the public radio airwaves. To be sure, the opposition to Tomeing ultimately rested not on any particular charges of incompetence or malfeasance, but rather on a vague sense that there was personal animosity between Note, in league with Tomeing’s former allies in the AKA party, and Tomeing himself (MIJ, 23 Oct 2009). After the success of the vote, and in the absence of a leading candidate for president to succeed Tomeing, Speaker Zedkaia named Minister in Assistance and Ailinglaplap Senator Ruben Zackhras acting president.

With a constitutional requirement that a new president be selected within fourteen days of a vote of no confidence and the almost complete erasure of political party affiliation, the person who would succeed Tomeing was practically anybody’s guess. The Marshall Islands Journal suggested that the front-runners were Kessai Note, Ailinglaplap Senator Christopher Loeak, and Jaluit Senator Alvin Jacklick (MIJ, 23 Oct 2009). However, the following Monday, in a 17 to 15 vote, Jurelang Zedkaia, a former AKA party member, with the help of Tomeing and an unprecedented mix of UDP party members, defeated Note (who had allied himself with his traditional opposition in the AKA party) to become the fifth president of the Republic of the Marshall Islands (MIJ, 30 Oct 2009). Jacklick, who had
offered to back Zedkaia with UDP support, ran unopposed for Speaker and won handily, in spite of the fact that two write-in candidates—Minister of Transportation and Communications and Rongelap Senator Kenneth Kedi and “Mr Mickey Mouse”—garnered one vote each (MIJ, 30 Oct 2009).

In the spirit of cooperation, and perhaps recognizing the new political realities of a country whose political parties had just dissolved, President Zedkaia immediately announced that he was retaining Tomeing’s cabinet, with the exception of the minister of justice. Majuro Senator David Kramer, who had held the post under Tomeing, had earlier made it known that he wanted to step down as minister in order to focus on his family’s private business enterprises; Zedkaia named Majuro Senator Brenson Wase as his new minister of justice (MIJ, 30 Oct 2009). In the aftermath of the historic series of events that brought down a president as well as the national party machinery, one thing was clear: the country had faced one of the most precarious political crises in its thirty-year history and, by constitutionally resolving the difficult challenges faced, had emerged stronger for the experience.

Most pressing on the Zedkaia administration’s agenda were the upcoming global climate talks in Copenhagen, Denmark, in December. In the run-up to the talks, and during the same week as the vote of no confidence, Majuro hosted a regional Pacific Climate Change Roundtable that was sponsored by the Secretariat of the Pacific Regional Environment Programme (SPREP) and featured representatives from fourteen Pacific states and territories. The focus of the three-day roundtable was on sea-level rise and greenhouse-gas emissions and their potential impacts on Pacific Islands nations, especially those, like the Marshalls, comprising low-lying atolls (MIJ, 16 Oct 2009). Perhaps the most sobering assessment came from University of the South Pacific climate change researcher Patrick Nunn, who warned that by 2100 states like the Marshalls, Kiribati, the Maldives, and Tuvalu will be uninhabitable, and that the only viable option is to begin plans to move their entire populations by 2050 (MIJ, 23 Oct 2009).

With that grave caution in mind, the Zedkaia administration sent a rather sizable contingent of twelve people from various sectors of the government to attend the global climate change talks in Copenhagen in December, even though most of the international media had already declared that the talks would not yield any substantive results. The week before the talks both Zedkaia and Minister of Foreign Affairs and Ebon Senator John Silk—along with representatives from a number of Pacific states including the Federated States of Micronesia, Kiribati, Palau, and Tuvalu—attended a brief meeting in Germany that Silk described as useful; however, the talks in Copenhagen were characterized as “difficult” by the foreign affairs minister due to the large number of countries represented and the varying agendas in play, as well as the final “non-binding accord” that came out of the talks (MIJ, 8 Jan 2010).

In spite of the disappointment in Copenhagen, President Zedkaia did have at least one major diplomatic victory during the year with the official
state visit of President Ma Ying-jeou of the Republic of China (ROC, or Taiwan) on 22 March 2010, the second such visit by an ROC president in five years. Stopping in Majuro for five hours, President Ma reiterated the “special relationship” between the Marshalls and Taiwan, and highlighted the work done by Taiwanese medical doctors, specifically those working and volunteering in the Marshalls as eye doctors (MIJ, 26 March 2010). While Ma’s visit was brief, it put to rest any questions about the RMI recognition of Taiwan that had surfaced during the 2007 election.

The issue of diplomatic representation with the United States was also resolved in late 2009, after almost a full year of official ambassadorial vacancies on both sides. In August 2009 President Obama’s nominee for ambassador to the Republic of the Marshall Islands, Martha Campbell, was confirmed by the US Senate, while Banny deBrum, who had been RMI ambassador to the United States from 1996 to 2008, was again appointed and confirmed by the Nitijela in September.

With ambassadors in place, issues surrounding the Compact of Free Association between the Marshalls and the United States took center stage in early 2010. In response to a number of articles and editorials in the Marshall Islands Journal that seemed to present misleading observations on the compact, not the least of which was that it would “end” in 2023, Foreign Affairs Minister Silk attempted to clarify the issue by reiterating that the compact itself does not end in 2023, “only the financial package.” Silk went on to suggest that with the Marshall’s current trust fund, the country will be in a better position to negotiate a new financial deal with the United States after the current funding arrangement expires in 2023 (MIJ, 19 March 2010). However, at a public forum held at the College of the Marshall Islands on 22 April 2010, the US ambassador in no uncertain terms disputed Silk’s claim that the United States would even be willing to negotiate a new financial agreement in 2023. Ambassador Campbell stated, “I can say with all certainty at this point in time that there is no intention on the part of anyone anywhere in the government of the U.S. to extend Compact funding past 2023” (MIJ, 7 May 2010). The ambassador went on to explain that the only funding that will continue past that date will be the rental payments for Kwajalein, and those are dependent entirely on the resolution of the land use agreement between the RMI government and the Kwajalein landowners. In June 2010, the US Department of Interior’s Office of Insular Affairs released a five-year review of the RMI-US Compact, and while the fifty-seven page report repeatedly referenced the relationship between the two countries, it also included a troublesome assessment of the lack of progress in the creation of private sector jobs, as well as the inefficacy of appropriate budgeting processes in place in the ministries of health and education (MIJ, 18 June 2010). While the official RMI government’s response to the review was expected at the end of June 2010, it was not available at the time of this writing.

Tied closely to compact issues was the fate of nuclear compensa-
tion claims. On 5 April 2010, the US Supreme Court dismissed the final two pending legal appeals filed by the people of Bikini and Enewetak atolls for “just compensation” for seized property related to the US nuclear testing program in those two atolls in the 1940s and 1950s. The refusal of the court to hear John, Ismael et al v United States and People of Bikini v United States ended an almost thirty-year legal battle over future nuclear compensation claims and ensured that no future legal claims can be made against the United States (Mij, 9 April 2010). For its part, the United States, represented by Solicitor General Elena Kagan, contended that the signing of the original Compact of Free Association in 1986 unequivocally stipulated that the implementation of the compact included the end of all nuclear compensation claims (Mij, 9 April 2010).

Not all hope was lost, however. In May, US Senator Jeff Bingaman (Democrat from New Mexico), chairman of the Senate Energy Committee, introduced the Radiation Exposure Compensation Act, which would give all claimants to nuclear radiation exposure in the Marshall Islands, Nevada, and other sites around the United States a onetime payment of $150,000 (Mij, 7 May 2010). In separate legislation, Senator Bingaman introduced Senate Bill 2941, which would provide for compensation payments to Marshallese workers exposed to nuclear testing at Bikini and Enewetak atolls, as well as continue providing health funding to the 177 Health Program (named after section 177 of the compact) in the amount of $2 million to care for individuals from the four nuclear affected atolls (Bikini, Enewetak, Rongelap, and Utrik) (Mij, 7 May 2010). At the end of June, the bill had passed out of committee with an amended allocation of $4.5 million for the 177 Health Program every year through the end of the current compact funding agreement in 2023 (Mij, 2 July 2010). It now goes to the full Senate and House of Representatives for final passage.

The people of the Marshall Islands, whether living in the Marshalls or abroad, were also challenged by a trio of health-related issues. At the end of July 2009, there were ten confirmed cases of the h1n1 flu virus (popularly misnamed “swine flu”) in the country; by the end of the year, there were 115 cases of the virus and one related fatality, giving the Marshalls the sixth highest rate of infection in the Pacific (Mij, 22 Jan 2010). Coming on the heels of the h1n1 scare was a wave of multidrug-resistant tuberculosis (MDR-TB) cases in the country, and by February 2010 three of the ten individuals infected with the disease died, prompting the Centers for Disease Control to declare the situation in the Marshalls a “public health emergency” (Mij, 5 Feb 2010).

For Marshallese living in Hawai‘i, the state made a bold move in August 2009 to move all citizens of the Freely Associated States (FAS) living in the state who receive public medical assistance (known as Med-quest) off that program and into a more restrictive (and in the state’s view, more fiscally prudent) health program called Basic Health Hawai‘i. Under the new plan, eligible FAS citizens would be limited to a total of twelve doctor visits per year, and treatment would not
include dialysis for diabetes patients or chemotherapy for cancer patients. While those who are blind, disabled, or pregnant, as well as all children, would not be removed from the Med-quest program, the total number of FAS citizens who would be eligible was to be capped at 7,000. The plan was scheduled to go into effect on 1 September 2009, but a series of public protests in Honolulu, as well as a legal challenge, succeeded in holding off implementation of the plan by temporary restraining order until a hearing in October (MIJ, 4 Sept 2009). At that hearing, the proposed plan was placed on hold until 1 July 2010, giving FAS citizens a brief reprieve from the prospect of losing their current health care coverage (MIJ, 30 Oct 2009). In early February 2010, Speaker Jacklick refused a request to convene a Committee of the Whole meeting at the Nitijela for the purposes of hearing testimony from Marshallese living in Hawai‘i to express their concerns and ask for the RMI government’s assistance in the matter. Jacklick was publicly criticized by Kwajalein Senators Tony deBrum and Iroij Michael Kabua for refusing to convene the meeting, but no official hearings were held on the matter in Majuro (MIJ, 5 Feb 2010). It remains to be seen, from 1 July 2010, how the implementation of the Basic Health Hawai‘i plan will affect the well-being of Marshallese and other FAS citizens living in Hawai‘i in the immediate future.

The end of the period under review can best be described as embarrassing for the Marshall Islands on the world stage, as the country was implicated in both the British Petroleum (BP) oil spill in the Gulf of Mexico in April, and a vote-buying scandal involving Japan and the International Whaling Commission (IWC) in June. While the RMI ship registry, under which vessels fly the Marshall Islands flag with a minimum number of safety and inspection requirements, celebrated in February surpassing the Bahamas for third place in total number of ships registered (MIJ, 12 Feb 2010), it soon became a point of concern when it was discovered that the ill-fated Deepwater Horizon oil rig, operated by Transocean and subcontracted by BP for deepwater oil exploration in the Gulf, was registered under the RMI flag. Indeed, the US media picked up on the seemingly incomprehensible international ship registry system, and msnbc’s Rachel Maddow went so far as to feature the Marshall Islands on her news program as bearing some of the responsibility for the oil disaster in the Gulf due to its lax regulatory and safety inspection requirements (MIJ, 21 May 2010). The Marshall Islands also made the top story on the online news blog Huffington Post, under a story titled “Marshall Law, American Disaster” (Hamburger and Geiger 2010b) and earned a rebuke from Stephen Colbert during the “Tip of My Hat, Wag of My Finger” segment of the Colbert Report television program on Comedy Central (Colbert Nation 2010). A story in the Los Angeles Times in June concluded, “Primary responsibility for safety and other inspections rested not with the US government but with the Republic of the Marshall Islands” (Hamburger and Geiger 2010a). While the official response from the RMI government has been almost nonexistent, the Marshall Islands Journal did point
out that after numerous inquiries they could not find anyone in the government who could name the maritime commissioner for the Marshall Islands, the individual charged with administering the RMI ship registry (MIJ, 25 June 2010). It remains to be seen how the Marshalls will fare in any future investigation of the incident, as promised by the Obama administration.

As to the vote of the International Whaling Commission, a report in the Sunday Times of London uncovered an alleged bribery scandal in which Japanese officials attempted to pay off government representatives, including those from the Marshall Islands, with cash, aid, and prostitutes in order to secure votes in favor of reopening commercial whaling at June’s IWC meeting in Morocco (Sunday Times, 13 June 2010). While Minister of Foreign Affairs Silk denied the bribery allegations, the commission barred the Marshalls, along with sixteen other nations, from voting. The reason cited was a failure to pay annual IWC dues, which Silk admitted the Marshalls had fallen behind on, but the stigma of the bribery scandal has placed the country, a traditionally pro-whaling entity, in an uncomfortable position as Palau, also a traditionally pro-whaling nation, came out ahead of the meeting declaring that it would be voting “no” (MIJ, 25 June 2010). It is unclear what the end result of the RMI role in both the BP oil spill and the IWC alleged bribery scandal will be, but they made for an inauspicious end to an already tumultuous period of review.

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References


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The year in review was again one of shock and awe with major crises being confronted with regard to the Retirement Fund, budget process, Commonwealth Utilities Corporation, and US-CNMI relations. Economic development has been sporadic at best. This year’s report continues in the vein of previous reports.

President Obama’s American Reconstruction and Recovery Act resulted in approximately $94 million being directed toward the commonwealth. Some of that has already been applied to road construction, school repairs, and a variety of other projects. This spending has yet to result in any tangible improvements in day-to-day
living, however. Gas prices have continued to fluctuate. As of May 2010 regular gas was around $3.90 a gallon on Saipan and over $5.00 a gallon on Rota. The minimum wage increased by fifty cents last November to $4.55, but another fifty-cent increase, to $5.05, has been delayed until September 2010.

One of the problems handicapping planning in the commonwealth has been the issue of demographics. Since the last census in 2000, when the total population of the commonwealth was pegged at about 70,000 (approximately 40,000 were guest workers), the garment industry has closed down and the economic conditions have driven many local people off island. There has been no way to accurately estimate what the population is at this point. Working estimates go from a low of 50,000 to a high of 60,000. The decennial census, which is taking place as this is being written, will go a long way toward resolving this problem and provide for more rational planning at all levels.

In the area of development, as reported last year (McPhetres 2010), two new hotels signed land leases for major investment programs. The Neo-Gold Wings Casino and Spa on Tinian and the Flame Sako project in the Marpi Area of northern Saipan were promoted as major investments totaling hundreds of millions of dollars. To date, beyond getting their leases approved by the legislature, no progress has been made on either project. However, in May 2010 the Korean investment company on the Flame Sako project did pay their overdue lease payments and promised that they would be going ahead with the resort development. As of this writing, there has been no movement on the part of the Neo-Gold Wings company to pay their outstanding lease rent.

Airline scheduling continued to be a problem, with only intermittent flights arriving from Japan. Only Northwest Airlines had regularly scheduled daily flights between Saipan and Japan. Regularly scheduled flights did come from Korea, which also ferried in Russian and Chinese tourists. Tourism was still way down, partially because of changes in immigration policies following the federalization of immigration in November 2008. This has caused confusion about impending visa regulations.

The implementation of the Covenant Implementation Act (Public Law 110–229), which is commonly seen as the US takeover of immigration in the commonwealth, has resulted in a great deal of confusion and worry in several sectors. The Department of Homeland Security has yet to finalize many of the regulations it is responsible for in the commonwealth while at the same time the US Congress is now facing a major challenge in reforming national immigration laws. Pressure is on Congress to grant special immigration status to persons who have lived legally in the Marianas for five years or longer. The secretary of the interior recommended that these alien workers be allowed to adjust their status and suggested that there are five options under current US law that could be applied: An alien worker could be granted (1) citizenship by act of Congress; (2) permanent residence status (ie, a green card) with a pathway to citizenship through a five-year residence anywhere in the United States or
its territories; (3) permanent resident status leading to US citizenship after a five-year minimum residence in the commonwealth; (4) non-immigrant status similar to that negotiated for citizens of the freely associated states, whereby such persons may live and work in the United States and its territories but without a path to citizenship; or (5) non-immigrant status similar to that negotiated for citizens of the freely associated states, whereby such persons may live and work in the commonwealth only (US Secretary of the Interior 2010, 19).

Nearly everyone agrees that the economy of the Marianas is totally dependent on the availability of foreign labor. However, this availability would be threatened if the workers were free to leave at will or if federal visa regulations handicapped employers trying to obtain necessary workers. Special visas that would apply only to the Northern Marianas but could be obtained by those with “transitional worker status” are currently being established by law.

The Department of Homeland Security’s delay in finalizing regulations has led to a great deal of consternation over how to continue to attract Russian and Chinese tourists, who are presently considered extremely valuable to business on Saipan and Tinian. Previously, under local immigration control, these tourists entered on a CNMI-only entry permit. The Department of Homeland Security had initially planned to require regular tourist visas for visitors from Russia and China, but, realizing how important these tourists are to the CNMI economy and how difficult it is to get visas in their home countries, the department has conceded to allow an advance parole system for potential tourists from those two countries. Tourists must book in advance and seek approval to travel to Saipan without going to a US consulate to get a visa, which would otherwise take months. Russian tourists have been particularly important because they come in family groups, have considerable finances available for local spending, and stay for several weeks at a time. Under the new regulations granting “parole” (essentially an alternative visa waiver program), they can stay on Saipan for up to forty-five days. All they have to do is have their travel agency fax an application showing their name, passport number, family members, and other identifying data to the Homeland Security office on Saipan, which then puts them on a list of eligible tourists at the airport. This system is currently in effect.

The imposition of Public Law 110–229 has also severely curtailed control over foreign workers by the commonwealth departments of labor and immigration. Deportation is now under the exclusive authority of the federal government, and a new federal immigration court has been established that determines the deportability of foreign nationals. However, the commonwealth labor department still believes that it has the authority to terminate work authorizations and submit the names of offenders for deportation. These conflicting positions are being fought over by the federal and commonwealth governments.

Governor Benigno Fitial has challenged the authority of the United States to apply federal immigration and labor laws, citing it as a viola-
tion of the commonwealth covenant. He filed a federal court case in Washington DC shortly after imposition of the law, but the case was recently dismissed. Regardless, the CNMI Department of Labor continues to issue regulations controlling the foreign workers inside the commonwealth and rejects any authority of the federal government in these areas. In May, the CNMI Department of Labor issued regulations requiring all contract workers to register with them at the expiration of their work permits or face deportation. The resulting confusion on the part of the employers and employees has reached a critical state. According to the Saipan Chamber of Commerce, investors are not interested in getting involved in projects in the commonwealth until this issue is resolved and they know who is in charge of labor and immigration. Currently the federal ombudsman is informing workers that the so-called umbrella permits issued by the commonwealth just prior to implementation of the federal law will be honored by the federal government. The permit grants workers permission to remain in the commonwealth until their current entry permits expire, or 28 November 2011 at the latest, and grants them freedom to continue to find employment. The CNMI Department of Labor claims it has reserved the authority to cancel the umbrella permits and to decide who is deportable and who is not. However, under federal law the new federal immigration court has exclusive authority over deportation decisions. Both sides agree that a determination by a federal court is needed to resolve the issue.

One of the more positive things that happened during the course of this year was the successful performance of newly elected Congressional Delegate Gregorio Kilili Sablan. In his first year in Washington he has been instrumental in getting the commonwealth included in a variety of beneficial laws that apply to the states but would not have applied to the Marianas without his intervention. These include providing economic stimulus funding to the Marianas, increasing federal money for scholarships, and having access to a variety of other economic development packages. Sablan is now up for reelection this November, running for a second two-year term. Already, three opposition candidates have surfaced: former Commonwealth Judge Jesus Borja, former Governor Juan Babauta, and former legislator and attorney José Camacho. It appears that the office, which was previously derided as useless since it is a nonvoting delegate, has suddenly become a coveted objective. Borja is running as a Democrat, Camacho is running for the Covenant party, and Babauta will be running as a Republican. Incumbent Sablan was elected as an independent but aligned himself with the Democratic Party in Congress, so the election in November should be very interesting.

As an aside, the Democratic Party of the Northern Marianas hopes to be accepted within the national party. This would give the Democrats the advantages—currently only held by the local Republicans—of receiving resources from the national party for their candidates and of being able to participate in the national party committee.

The decision by the US Depart-
ment of Defense in 2008 to move some 9,000 Marines, their dependents, and civilian staffers to Guam has spilled over into the Northern Marianas (estimates of the total numbers involved vary considerably; see also the Guam review, this issue). An environmental impact statement issued by the Department of the Navy in June 2010 indicated that the Department of Defense has a very strong interest in using part of Tinian and several of the islands north of Saipan as part of their training area. The move from Japan is supposed to be completed by 2014, according to the original plan signed between the Japanese and US governments in 2006. They definitely have plans for Tinian, including a live fire training base. However, much to the chagrin of the people of Okinawa and Tinian, the separate relocation of the Futenma Marine airbase from Okinawa to Tinian, which had been proposed by Tinian and the commonwealth legislature and supported by the people of Okinawa, has been scratched because the US Department of Defense wants to keep that facility in close proximity to the Asian mainland, given the current relationship with North Korea. The people of Tinian and the commonwealth legislature both sent resolutions to the Department of Defense and to the Diet in Japan supporting the proposed move. Japanese Prime Minister Yukio Hatoyama felt forced to resign because he had promised the people of Okinawa he would reduce the American presence on all of Okinawa and relocate Futenma Marine airbase, which is now scheduled to be moved to a less populated area of Okinawa.

The subject of gambling as a panacea for the economy again raised its head. As mentioned in last year’s report, Rota Resort was sold to a Japanese casino investor who plans to put into operation a mini casino in the coming year. The recently passed Rota Casino Act, which allows for any number of casinos on the island, is now operational. So far, the Japanese investor, who has interests in casinos in other parts of the world, is the only one who has shown an interest in Rota; he is talking about bringing in his own airline to shuttle clients directly to Rota from the Chinese mainland, Japan, and other places. Even though no casino is currently on island or even under construction, a Casino Control Commission has been appointed and has received $402,000 from the central government as start-up funding for the board of directors’ salaries and their travel to study casinos in other parts of the world.

Meanwhile, because of questions over the general availability of alien labor and the economic crash, work has stopped on both of the casinos on Tinian that were approved last year. Only one may eventually open when circumstances are improved; the other had its lease terminated by the government for nonpayment. The Tinian Dynasty Hotel and Casino is struggling through. Even one additional casino on Tinian would require a large expansion of the Island’s infrastructure. Additionally, relations with the military—which controls the top two-thirds of the island for ninety-nine years as established by the commonwealth covenant—would need to be ironed out.

CNMI House Speaker Froilan Tenorio, an adamant supporter of
casinos, has introduced legislation to hold a referendum to allow casinos on Saipan. A second referendum initiative on casinos on Saipan is also pending in the legislature. However, a recent survey of travel agencies by the Marianas Visitors Authority representative in Tokyo indicates that most Japanese tourists do not want to see casinos on Saipan; they would rather it remained pristine and free of the casino industry. Casinos have been voted down on Saipan every time they have been brought up. If casinos are approved, competition among five or more casinos on all three islands for the same tourist pool, primarily from Asia, could be a problem.

As noted in last year’s review, the Commonwealth Utilities Corporation was addressing the rolling power outages on Saipan by leasing portable generators while the primary turbines were being overhauled. The overhaul was completed in spring 2010, and now all local generators are functioning at capacity. This has been a welcome respite for the people and businesses who have recently enjoyed consistent power that they have not had for years. However, there is now a fuel crisis. Over the past several years, government agencies including the administration, the public school system, and Northern Marianas College have failed to pay their utility bills in toto or on time, and together they owe over $5 million to the utilities corporation. The month of June 2010 opened with the threat of having to shut down all the generators because there was no money to purchase fuel for the three main islands: Saipan, Tinian, and Rota. It takes $1.3 million a week to fuel the machinery. As of 11 June, a little over $5 million had been collected by reallocating money from different agencies, to pay for fuel for one more month or until a new source of funding is found. The governor has proclaimed another state of emergency to allow him to move funds as he sees fit to meet the demands. It is not known how long this can last, but it cannot continue much longer.

Nothing has changed since last year concerning the status of the Commonwealth Retirement Fund. There are well over $200 million in obligated payments to retirees and $500 million in unfunded liabilities that should have been in the investment fund. Retirees are being paid from the fund’s principal rather than from the interest earned.

The fiscal year began with an estimated revenue of $156 million based on the previous year, but before the fiscal year was two months old, estimated revenues dropped to $136 million. Since there is no new budget, the spending ceiling is still $156 million. Most observers feel that it is going to drop, though, because of reduced revenues. To put this in perspective, in the 1990s when the garment industry was producing at its peak, government revenues peaked at around $250 million. Now, as a result, austerity measures are again being imposed, resulting in shorter workweeks, limited hiring, and reduced budgets. With the fuel crisis and the budgetary crisis, it is rumored (and quite possible) that there will be some agency closings. The first potential payless payday for most government employees was 18 June 2010. More payless paydays have been promised by the Lieutenant Governor Eloy Inos unless the legisla-
tecture adopts severe austerity measures, such as adding payless Fridays twice a month, unpaid holidays, severe cuts in overtime and other extra payments, or a combination of these. On 25 June 2010, as acting governor, Inos announced that payless Fridays will continue to recur unless the legislature enacts such severe measures immediately.

In the area of social issues there is an interesting phenomenon taking place: a form of retribalization. In the process of debating and discussing the impact of enhanced immigration status for contract workers, a certain segment of the indigenous population has begun to form a defensive position in order to prepare for a possible (imaginary?) onslaught of newly naturalized US citizens. These new citizens would consist largely of people who have lived for decades in the Marianas as contract workers as well as their commonwealth-born children, and they may suddenly be gaining the right to vote and participate in the political process. The Office of Indigenous Affairs and the Office of Carolinian Affairs recently cosponsored a peaceful demonstration aimed at showing Congress that the indigenous people of the Marianas do not want to have special privileges given to the contract workers who would suddenly make the Chamorros and Carolinians a minority in “their own” islands. Public meetings are being held throughout the islands to gauge the feelings of the population, and the plan is to communicate those concerns to Congress before it acts on the immigration bill. It should be clear that the local population does not have a unanimous opinion on this issue, particularly those in the business sector, which is dependent on contract workers to survive. However, a sense of insecurity can be felt, both on the part of the contract workers, who are afraid of being without visas and deported en masse after November 2014, and on the part of indigenous people, who fear losing control. The workers have held several peaceful demonstrations, petition campaigns, and other public activities to show Congress that they really want them to act on immigration and the Department of Interior’s recommendations as soon as possible. There is still no indication as to what direction Congress will take on providing improved immigration status for contract workers who have resided in the Marianas for more than five years, as recommended by the Department of the Interior.

As a footnote to this particular issue, in the past six or eight months a law professor in Taiwan, Dr Paul Risenhoover has taken it on himself to file a brief at the International Court of Justice asking it to declare the covenant establishing the commonwealth as colonialism directly depriving the indigenous inhabitants of their inherent Chamorro and Carolinian citizenship (emphasis added). His lawsuit in the Ninth Circuit Court of Appeals on citizenship was thrown out. Risenhoover is dedicated to the idea that the indigenous people are not US citizens but nationals and have been deprived of their indigenous rights. While this is not exactly front-page news, a certain substratum of the population is taking him seriously.

The Marianas Trench Monument became recognized by law on the last day of President George W Bush’s
term of office. In January 2010 a swath of ocean starting with Ura-
cas, the northernmost island of the Marianas chain, down the eastern
side of the Marianas, including the site of Marianas Trench, has become a
national monument closed to commercial fishing and other commercial
activities. Now there is a battle between Guam and the Northern
Marianas as to where the visitor center, called for in the law, will be
located. Delegate Madeleine Bordallo of Guam wants it on her island even
though the people of the Northern Marianas had lobbied for the monu-
ment. So far there is no organization set up to administer the monument.
The location of the visitor center will be determined by Congress.

Two new books are soon to be published about the Marianas. One
by former Supreme Court Judge José Dela Cruz and dealing with the politi-
cal history of the Marianas should be available in July, while the other, based
on a PhD dissertation by Roman de los Santos, is a history of Northern
Marianas educational systems from the Spanish era to the present.

In December 2009, Northern Marianas College underwent a major crisis
when the college president refused to renew the contracts of several key staff
members who had been involved in criticizing her administration. This led
to a movement by students and faculty to have one of the faculty members reinstated and a move by the board of regents to investigate the administra-
tion of the president. The president was dismissed following the results of
investigations by the attorney general’s office and the personnel committee
of the board of regents. One of the

faculty members has since been reinstated. The search is currently on for a
new president.

On 20 November 2009, the Northern Marianas entered the ranks of
victims of mass shootings. A Chinese man who was the caretaker of a
private shooting range “went postal” and for no apparent reason, other
than job dissatisfaction, picked up several semiautomatic rifles, boxes of
ammunition, 410 shotguns, and .22 magnum revolvers and proceeded to
gun down a whole Chamorro family living next door to the shooting
range. Two adults and two children were killed; a third child survived. The
shooter then drove north to Banzai Cliff and sprayed a group of South
Korean tourists with bullets, wounding eight of them, one seriously. He
then went to the edge of Banzai Cliff and shot himself with one of his rifles.
He had tried to destroy all of his personal identification papers by putting
them on the car seat, pouring gasoline over them, and igniting them. When
the police arrived at the van, it was full of smoke, and they had to smash
through the back window to get in.

Total casualties were 11, including 3 from the family, 8 Korean tourists,
and the shooter. Suicide notes indicating that the whole event was premedi-
tated were apparently found placed around the shooting range. When it
became known in the community that somebody, apparently a Chinese male,
was shooting from a car, the whole island of Saipan shut down as rumors
of several Chinese shooters in multiple vehicles ran rampant. It was not until
hours after the final shot was fired on Banzai Cliff that the community qui-
eted down and began moving around.
Every law enforcement agency on the island, both local and federal, was mobilized.

On a lighter note, the Marianas gathered a bit of notoriety (as if we needed more) when the governor, who has chronic back problems, called for his favorite masseuse to come to his house and relieve his pain in the early hours of the morning. By itself this would not be particularly noteworthy; however, the masseuse was in jail after having been arrested by federal authorities with a group of over twenty Chinese attempting to take off from Saipan in a boat and sneak into Guam illegally. When the director of the prisons was informed that her boss was in great pain, she pulled together three other prison staffers and escorted the Chinese female to the governor’s house in the wee hours of the morning. Governor Fitial’s wife was present at all times, as were the guards. When the massage was completed, the prisoner was escorted back to her cell.

This probably would not have made the news except for the fact that she was a federal prisoner and the director of the commonwealth prison did not actually have the authority to move her anywhere without federal concurrence, even if the governor permitted it. Since the husband of the prison director is also serving time in jail, the matter became more complicated. No federal charges were brought against any of the prison staff involved. Shortly after the dust had settled, the prison director was transferred to the office of the governor as a special assistant. Stories of this incident were carried in newspapers around the world and became known as “massagegate.”

A three-day meeting of the chief executives of all of Micronesia (the former Trust Territory of the Pacific Islands) ended on 25 June on Saipan. They reached several agreements on working together on tourism, the environment, climate change, and public health, among other things. At the conclusion of the session, Governor Fitial presented each visitor with a wooden quarter modeled after the one issued by the US Mint featuring the symbols of the Northern Mariana Islands. (At least they did not get wooden nickels.) Their next meeting will be on Kosrae, Federated States of Micronesia.

Readers who have followed this column over the past ten years may be interested to note that former multimillionaire lobbyist Jack Abramoff, who pled guilty to several corruption counts, is now out on parole and has a job at a pizza parlor.

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References

KMCV Television, Saipan.


Saipan Tribune. Daily.

Palau

President Toribiong began the year under review with an “Open Letter to the People,” a sort of economic manifesto, outlining what he plans to accomplish over the course of his administration. Relying heavily on Palau’s National Master Development Plan, the president advocated a shift in economic activity from the public to private sector, strengthening government agencies, identifying financing strategies, revising Palau’s foreign investment law, and gradually reducing the size of government. He concluded, “As our government’s revenues grow due to increased private sector economic activity, and as savings are realized by downsizing of our government, I intend to direct more and more funding into education, health care, public safety, and maintenance of our infrastructure” (TB, 13–18 July 2009, 12).

Vice President Kerai Mariur, who is also minister of finance, remained busy with money matters. The National Emergency Committee, which he chairs, finalized the Palau National Disaster Risk Management Framework. Mariur also worked with emergency specialists from the Centers for Disease Control and Division of Strategic National Stockpile in holding a hands-on, “real emergency” workshop for officials from Palau, the Commonwealth of the Northern Mariana Islands, and the Federated States of Micronesia.

During the year, Toribiong made a key cabinet change, replacing the forthright and assertive Sandra Pierantozzi with Victor Yano, MD, as his minister of state.

A tug-of-war occurred between the Acting Independent Counsel/Special Prosecutor Michael Copeland and the attorney general’s office over the Pacific Savings Bank scandal. As discussed in previous reviews (see Shuster 2007, 2008, 2009), the bank collapsed in November 2006 after being declared insolvent due to insiders’ loans, fraud, and outright theft. At the time the bank was placed under receivership there were some 7,000 depositors, with accounts valued at more than $20 million. Many of these depositors have received payouts from the receiver, who borrowed money from the government of Palau to make the payments; however, since large depositors still have not been compensated, the bank issue has become very sensitive. As acting independent counsel and special prosecutor, Copeland had possession of the assets and work product relating to the 2006 failure of the bank. Copeland and the attorney general accused and counter accused one another of ethics violations in relation to the case. Apparently the issue was resolved when Copeland resigned and departed from Palau in September. What happens to the bank’s remaining 641 depositors, who were cheated of some $18 million, remains to be resolved. They are concerned that payment to the bank’s receiver and collections attorney may eat up a sizable portion of their $18 million. President Toribiong met with the depositors in April 2010 and the depositors welcomed the president’s commitment to revive the bank (TB, 12–18 April 2010, 1, 15).

President Toribiong was busy with many international activities during the year. He met with the other freely
associated states’ presidents in the Republic of the Marshall Islands. They issued a comprehensive communiqué at the conclusion of their meeting that included statements about the Micronesian Center for a Sustainable Future; airport improvements; the Pacific Plan, which emphasizes climate change and energy initiatives; the Hokkaido Declaration, whereby Japan will deliver assistance to be maximized by the Micronesian governments; policies for enhanced mitigation of climate change; and several other matters. Toribiong led his government in discussions with US military officials in the Palau–US Joint Committee meetings, which have taken place nearly every year since 1994. Perhaps the most significant issues discussed were the Uighurs (who were then still in detention at Guantanamo); the Myanmar refugees in Palau; annual security updates to Palau; and the sharing of surveillance information.

In September, Toribiong spoke to the United Nations (UN) and referenced his remarks to ongoing global issues of climate change, environmental degradation, and the global financial crisis (TB, 28 Sept-4 Oct 2009, 1, 15). He emphasized efforts being made by the Micronesian states in Green Energy Micronesia, whereby the Islands are seeking to expand efforts in spreading renewable energy methodologies. He also offered Palau as a national shark sanctuary for the world as a response to shark finning. Finally, Toribiong called for the establishment of an “Organization of Tuna Exporting Countries” (OTEC) to give Island states fair value for their threatened resource and to make tuna fishing sustainable.

While in New York, the president carried out some important courtesy meetings with US Secretary of State Hillary Clinton and former Ambassador Peter Rosenblatt. Interested in gaining the support of Arab nations with regard to the OTEC proposal, Toribiong met with Sheikh Hamad bin Khalifa Al-Thani, the emir of Qatar; Taib Fassi Fihri, the minister of foreign affairs and cooperation for Morocco; and Sheikh Abdullah bin Zayed Al Nahyan, minister of foreign affairs for United Arab Emirates, regarding establishment of diplomatic relations and Palau’s pending support for ratification of the International Renewable Energy Agency. At the end of the year, Toribiong was in Copenhagen for the international climate change conference.

Following on his efforts at the United Nations, in February Toribiong convened a meeting of eight Pacific Island nations’ heads of state for the purpose of discussing a new tuna fishing regime. The pact that the heads of state signed created a cartel to conserve and regulate tuna stocks in the central and south Pacific and to maximize benefits to the member nations. These nations are Parties to the Nauru Agreement (PNA) and signed the treaty in 1982 attempting to control, regulate, and maximize the returns to them from tuna fishing in their waters by boats mainly from Japan, the United States, and Taiwan. The value of the fish taken is estimated to be about $2 billion annually. The Koror declaration establishing the Organization of Tuna Exporting Countries is an agreement designed to increase the economic value and derive greater
In late 2009, Palau received six ethnic Uighurs, who arrived under tight security from the US prison facility in Guantanamo Bay, Cuba. The men, who are from China’s far northwestern Xinjiang Uygur Autonomous Region (also known as East Turkistan), could not return to China because it was highly likely they would be arrested as rebels. Palau agreed to take the men on a temporary basis and was paid some $98,333 per person for resettlement, medical, and translator costs. In Palau the men found freedom, friendliness, and care. They attended special classes in the English language and job training at Palau Community College, but as the months went on, they began to yearn for social life in a Uighur community. Such communities exist in Australia, and President Toribiong has contacted officials there regarding a transfer and permanent resettlement. According to the US-Palau diplomatic agreement, the United States is to work closely with Palau to arrange for the transfer to a third country, with the costs of such transfer borne by the United States. Furthermore, while the Uighurs are in Palau, the republic and the United States shall consult on a regular basis, at least twice annually, and Palau shall provide monthly reports to the United States on the status of the Uighurs, and conduct weekly in-person meetings to verify identification and status (health) of the men. These weekly meetings shall take place for at least one year. The Uighurs have joined a Muslim community of about 300 in Palau.

Republic of China (ROC) President Ma Ying-jeou made his first visit to Palau at the invitation of President Toribiong. He was warmly received and was treated to a baseball game between Palau and a Taipei team, a visit to a rock island and jellyfish lake, a tour of many infrastructure projects built with generous Taiwan funding (especially the impressive national capitol in Melekeok State), and banquets and dinners in his honor. President Ma brought a ninety-member entourage. Fortunately Palau has sufficient first-class hotel accommodations for such a large group of visitors. The bilateral discussions included medical assistance, aquaculture, vocational training, agricultural cooperation, green energy, and cultural exchanges. For discussions on cultural exchanges Ma brought along the minister of the Council of Indigenous Peoples, Sun Ta-chuan. This was President Ma’s first visit to Taiwan’s six Pacific allies, and Palau was the last stop on his homeward journey.

Following on the heels of President Ma’s visit came Taiwan’s Fleet of Friendship, making its ninth visit to Palau. Consisting of the flagship and two frigates, the fleet visited Palau for just two days, 13–15 April. The ships’ combined crews of 813 men included cadets from the ROC Naval Academy, who gained invaluable training during the worldwide voyage.

Palau has been bothered by two international confidence men. James Dugan came to Palau and attempted to enter $22 billion dollars in certificates of deposit into a Palau bank. The certificates were bogus. Dugan was arrested, tried, found guilty, and jailed for six months. He also paid a $10,000 fine and was subsequently
The second con man, Morris Davidson, has been in and out of Palau since 1990. He has cooked up grandiose schemes of huge condominiums and hotels for Peleliu and Angaur islands but has no certificates or permissions to do business in Palau. Davidson befriended the former governor of Peleliu, Jackson Ngiraingas, for whom he provided several all-expense-paid trips to Malaysia to meet various high-ranking officials there. In exchange, Jackson, as a cabinet minister, persuaded President Toribiong to appoint Davidson as Palau’s honorary counsel to Malaysia. Davidson’s alleged wheeling, dealing, and cheating caught the attention of Palau’s Council of Chiefs. These high-ranking traditional leaders wrote to President Toribiong and respectfully requested that the president discharge Davidson, order him to stop his false Internet advertisements about Palau, and investigate Minister Ngiraingas for improper and unethical activities. The president attempted to subdue this issue by relieving Davidson of his honorary title, but the complaining, albeit muted, continues.

Palau’s international friends include Taiwan, Japan, Germany, Malaysia, and Australia. Taiwan has lately provided $10 million in grant assistance and several scholarships. Japan also offers scholarships and, in addition, grant assistance for grassroots projects in health care, elementary education, environmental protection, poverty relief, and public welfare; a steady stream of Japan International Cooperation Assistance (JICA) volunteers; and generous financing to the Palau International Coral Reef Center. Japan has also conducted research on freshwater eels (unagi) and on the ancient coelacanth fish. Germany recently provided a $9,000 grant to Palau’s community health support organization. The former prime minister of Malaysia, the honorable Abdullah Ahmad Badawi, received red-carpet treatment on a visit to Palau 1–3 July 2010, and it is hoped his country will also provide grant assistance to Palau. During annual talks with Australia’s ambassador, Susan Cox, the ambassador assured Palau of her nation’s ongoing support for the Pacific Patrol Boat Program, which has provided funding for two in-country advisors and boat refitting as needed. In recent talks with the ambassador, Palau’s Ministry of Education and Palau Community College sought support for an ongoing education cohort program as well as a Teacher Training Academy.

At the close of the year in review, Palau was set to receive its first resident US ambassador, Helen Reed-Rowe, who as of this writing has been nominated by President Barack Obama but not yet confirmed. Since Palau’s independence in 1994 the US ambassador to the Philippines was also accredited to Palau, with the embassy in Koror being headed by a chargé d’affaires. Reed-Rowe has served in diplomatic posts in the Republic of the Marshall Islands, Jamaica, and Niger, and lately was assigned to the State Department in Washington DC. She is a career member of the Senior Foreign Service.

Palau worked for much of the year to amend the 1994 Compact of Free Association agreement with the United States, as the financial provisions officially expired in September 2009. A one-year extension at current fund-
ing levels was provided to allow time for the negotiations to be completed. Palau and the United States have agreed on a final financial package valued at $250 million over fifteen years, although as of this writing the final agreement has yet to be signed. What appears to be holding up a final agreement is the bickering between bureaucrats in the United States Departments of State and Interior over minor matters that boil down to micromanaging. Toribiong has stated that he will resist all efforts to micromanage his government: “These may seem to be small matters, but if we don’t get them right they will affect us in the long run” (TB, 10–16 May 2010, 7).

The much-anticipated fifty-three-mile compact road on Babeldaob, which Palau accepted, suffered a serious collapse near Ngchesar State during the year. Repair of the 200-foot section damaged by heavy rains will cost at least $2 million. A temporary road has been established around the collapse.

The US State Department gave Palau a Tier 2 rating in a 2010 report regarding Palau’s compliance with the Trafficking Victims Protection Act. The report was critical of Palau because of its weak record in protecting trafficked persons. Trafficking in persons refers to forced labor, sexual exploitation, and modern-day slavery. In 2005 Palau placed on the books a stringent law against trafficking in persons, and four traffickers were successfully prosecuted in 2007. The guilty parties successfully appealed, and the cases have not been pursued after decisions on the appeals. The formerly guilty parties had forced fifteen Filipinas and nine Chinese waitresses into prostitution through food deprivation, confinement, and illegal salary deductions. The State Department’s report stated that Palau offered minimal protective services to victims of trafficking and no long-term protection. Help has been provided for many years by Palau’s Catholic Church. In terms of prevention, the Palau government was found deficient, and the country is not a party to the 2000 UN Trafficking in Persons Protocol. People in Palau realize that there are Palauan individuals who have no business bringing in foreign workers because the latter will be exploited.

The Olbiil Era Kelulau, Palau’s bicameral national congress of thirteen senators and sixteen delegates, was scolded in the press for its poor showing in passage of laws—only a dozen in fourteen months. Furthermore, the state governors complained loudly to the congressmen about the lack of public hearings on major changes in public policy, the 5 percent reduction to the states’ block grant funding, and salary increases given to top executive officials. The governors stated that the congress was neglecting the states (TB, 15–21 Feb, 1, 15). Furthermore, stark differences of opinions plagued the Senate. Harsh words from a spokesman for the Senate majority reflected poorly on that body. At issue was a reshuffling of committee leadership, with the minority (5 versus 8 in the majority) losing some positions. Also, former Senator Santy Asanuma was prevented from attending a session of the Senate’s Committee on Foreign Affairs in late April. This violates a basic right guaranteed by the Constitution of Palau (article 4, section 12):
“A citizen has the right to examine any government document and to observe the official deliberations of any agency of government” (Republic of Palau 1979). Asanuma has filed suit in Palau’s Supreme Court. Such intolerance for an honest minority and a basic constitutional right were very problematical in 1987, Palau’s period of violence and lawlessness.

It appears that Palau is becoming a class society—the rich, the very rich, and the poor. A state by state survey conducted in 2009 and reported in Tia Belau (TB, 28 Sept–4 Oct, 2) reveals that from a total of 3,128 Palauan households, 88 percent earn $20,000 annually or less. A total of 205 families have no income, and 136 of these families reside in Koror, where the cost of living is the highest in Palau. The survey also revealed that 65 families make $50,000 or more and most also live in Koror. Coincidently, a Palau news report revealed that food theft and shoplifting of food are on the rise, with some 80 percent of Koror robberies involving theft of food items.

Tourism, a major money earner for Palau, was off to a very good start in 2010. February arrivals were 6.2 percent above the previous year. Future prospects look very positive because Palau will soon be served by regular flights of Asiana, Korean Air, Continental, Pacific Flyer, Delta, and China Airlines. Palau receives about 80,000 visitors per year and will likely exceed that number for the year under review.

The Palau Ministry of Health is carrying out a major offensive on lifestyle diseases (i.e., noncommunicable diseases). These include cardiovascular diseases, cancers, respiratory diseases, and diabetes. It is estimated that worldwide these diseases kill about 35 million people a year. Furthermore, considerable efforts are being taken to reduce sexually transmitted diseases, tuberculosis, and tobacco use. Palau is a signatory to the Framework Convention on Tobacco Control along with some 168 nations out of 195 eligible. With membership come responsibilities, including the implementation of effective, evidence-based measures to decrease the prevalence of tobacco use. Seminars, conferences, and workshops have been held in Palau regarding these health issues, and there have been numerous announcements, newspaper advertisements, and even road banners. Also during the year under review, the national congress passed a health insurance law, which was signed by the president. Funding for the program will come from 2.5 percent contributions each from employer and employee. The employee’s share will pay for future health insurance bills, while the employer’s share will go toward a medical savings fund. The president recognized that the private-sector employees might find it difficult to contribute their share (TB, 10–16 May 2010).

Maria Hindenburg, dmd, opened Palau’s first private dental clinic in June. With seventeen years of practice, Dr Hindenburg offers a full line of dental services, including cleaning, extraction, root canals, and restorative procedures.

At over twenty years of age, the “Blue Corner Buddy,” a large unicorn fish, was indecently caught and killed in November. The unusual fish was so popular among tourist divers and dive guides that he became the most photographed animal at Palau’s
internationally known Blue Corner dive location. During his life, Buddy became not only a friend to divers but a living treasure as well.

Deaths of people have been costly to Palau this year. Ebilreklai Kimiko Rengul, the female counterpart of Melekeok’s first-ranking chief, Reklai, passed away on 4 July 2009. She died at age 90 and received the accolades of a flag at half-staff and a presidential proclamation in addition to chiefly ceremonies and time-honored traditions. Jonathan Koshiha died in October. A longtime Palauan employee of the Trust Territory government on Saipan and recording secretary of Palau’s first and second constitutional conventions (1979 and 2005), he had extraordinary knowledge of the founding document and its various amendments, which he was always delighted to share with local officials and expatriate visitors.

Redechor Mutsuo Delkuu passed away at age 76 in the Belau National Hospital. As the highest traditional chief of Kayangel Aroll and Kayangel State, he was one of the longest serving members of Palau’s Council of Chiefs. Cristobal Temael also died in December. Temael, who held the chiefly title Esebei-ra-Ibedechang of Ngaraard State, was a caring and generous man, active in both Palau’s Guam and Ngaraard communities.

However, at the funeral in January of Bechek-Idil Riuch Rubeang, the second highest female chief of Ngatpang State, fighting (both verbal and physical) broke out among women as to who should receive the title of the deceased. Senior strong women of the Inglai clan must decide who is to be the new titleholder. Until the offending factions within the clan agree on that issue, tensions will persist.

William V Vitarelli, affectionately known as “Bit” or rubak (respected elder), died in January at his home on Maui at age 99. Now among the “cosmic forces of the universe” (one of his favorite phrases), Vitarelli was the first American educator to come to Palau in 1949, just after finishing a PhD at Columbia University. He took the Trusteeship Agreement’s responsibilities seriously and began many grassroots projects, such as a sawmill, an agriculture produce market, handicraft production, school materials production, boating, and dancing. He was an innovator, a talented artist, and an independent thinker. He assisted Palauans in development efforts and reminded them of their greatness as a people. Perhaps his most memorable achievement, with Ngirchobketang Sechalboi Wasisang, was the founding of the Belau Modekngei School in Ngatpang State in 1974. These two men, characterized as the ends of rainbows, are celebrated whenever Palauans see a rainbow in Palau’s sky.

Saito Baudong, a man of many achievements, was eulogized by former President Tommy Remengesau and former Speaker of the House Ignacio Anastacio. Baudong was a policeman, director of agriculture, member of the first Palau Congress, member of the Ngchesar State Council, and national legislator representing Ngchesar for nineteen years. He passed away in early January and is survived by his wife, 12 children, 33 grandchildren, and 13 great-grandchildren. He held two traditional titles and his funeral generated $65,515, five Palauan mon-
ewe, 136 toluk (turtle shell plates used by women on very special occasions), and one piece of land.

**Rdang-era-Iterir** Feliciano Blailes passed away in February. “Sano” was an agriculture teacher and a skilled caretaker and butcher of farm animals. He retired in 2001 as vice principal of Palau High School and made many contributions to Ulimang, Ngaraard State. He was a superb baseball player, having played for Red Torch in the 1970s when the team won the Palau championship five consecutive years.

Assistance and support for Sano’s funeral and family totaled $63,000 and many pieces of Palauan money.

**Uchel** Singeru Ngirchelui of Meyuns hamlet passed away at 69. He was buried in his clan’s stone platform (odesongel) and left behind his wife, 13 children, 26 grandchildren, and 7 great-grandchildren. As a hamlet chief, he served in the Koror House of Traditional Leaders.

**Kemrek** Nicholas Rechbei, the seventh ranking chief of the village of Ngerous, Ngchesar State, died at age 60. Ceremonies of respect were held at the Koror State Legislature and at the national level as well. The title Kemrek was removed according to Palauan ritual prior to burial.

In March, Helen Kebekol Towai passed away. She was the third ranking member of Ngarachamayong, the Koror council of female chiefs. She was laid to rest in her clan’s stone platform in Koror. Also, Ebil Magdelena Yamada passed away on March 27 at age 84.

**Ngirngesechei** Masao Ueda, a chief of Ngiwal State and former minister of health, died at age 69. He served in former President Kuniwo Namakura’s cabinet from 1992 to 2000. Ueda also was a longtime employee of the Trust Territory government and director of health services. One of his major achievements was the completion of the first grant application for a program for the elderly in Palau. The Old Age Program of today is a direct descendant of that early effort.

Paul Ho, a well-known Chinese businessman from Macau, died unexpectedly in his car outside the Sea Passion Hotel, Malakal. The apparent cause of death was a heart attack. Ho held Portuguese, Canadian, and Chinese passports and normally acted as an honest broker between Palauan businessmen and foreign investors. Ho is credited with arranging for Palauan table tennis players to go to China for training. He assisted investors in building the Papago Hotel, establishing the rock quarry in Ngeremlengui, and persuading China Airlines to fly between Taiwan and Palau. A memorial service for Ho was held at the National Hospital’s Roman Tmetuchl Chapel.

Fermin Kebekol, one of the most gifted and colorful men of Angaur, died at 65. He lived on Saipan for many years and bought a large piece of land near the airport, subdivided it, and sold it to his Angaur friends. He was a songwriter and had composed many famous tunes. Mihaina Rdiall also passed away in April 2010. **Rimud** Moses Sam died at 71; during his years as the director of the Bureau of Arts and Culture, he produced many reference books on Palauan history, traditions, and customs. Lastly, Masuo Kyota was laid to rest in Ngeremlengui State. A leading member of the prominent Kyota fam-
ily, he served as Speaker of the state legislature and as director of the Palau Housing Authority.

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References


tb, Tia Belau (This is Palau). Koror, Republic of Palau. Weekly.