Political Reviews

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

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

With the 2015 election looming, a few key issues consistently made headlines during the period under review. Among these were two lawsuits filed in April 2014—one against the United States and eight other nuclear-armed nations (China, France, India, Israel, North Korea, Pakistan, Russia, and the United Kingdom) at the International Court of Justice (ICJ) in The Hague and the other against the United States in a federal district court in San Francisco (Radio Australia 2014; Lawyers Committee on
Nuclear Policy 2015). RMI Minister of Foreign Affairs Tony deBrum initiated the lawsuits in consultation with the US-based Nuclear Age Peace Foundation—a nonprofit, nonpartisan organization that advocates for a world free of nuclear weapons. The lawsuits charged the nine nations with violating international law and failing to uphold the goals of the 1968 Non-Proliferation Treaty, which aims to prevent the spread of nuclear weapons and to promote nuclear disarmament worldwide.

While the “Nuclear Zero Lawsuits” generated widespread attention and the support of the US Conference of Mayors, Archbishop Desmond Tutu of South Africa, and other world leaders, some questioned the lawsuits’ value for the Marshallese people. Among the suits’ most vocal opponents was David Paul, Marshalls Energy Company general manager and one of seven candidates vying for three Nitijeḷā seats for Kuwajleen (Kwajalein) Atoll—where Minister deBrum has held office since 2007. Despite the Marshall Islands’ nuclear legacy, Paul and others questioned the Marshall Islands’ pursuit of the lawsuits when the Nuclear Claims Tribunal, the Changed Circumstance Petition, and leaking radioactive waste on Ānewetak (Enewetak) Atoll continue to affect the health and well-being of Marshall Islanders. Critics also warned of the lawsuits’ potential impact on the Marshall Islands’ relationship with the United States and expressed concern that activists lacking expertise in disarmament law have used the Marshall Islands to advance their cause through means unlikely to yield desired results. This warning seemed to come true in early February, when a US district judge granted the US government’s motion to dismiss that lawsuit on the grounds that it was based on speculative harm and that the court lacked jurisdiction on the issue. Meanwhile at The Hague, only three of the nine nuclear-armed nations—India, Pakistan, and the United Kingdom—accepted ICJ jurisdiction in relation to the lawsuit, and China declined to accept the court’s authority.

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

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

The performance was met with a standing ovation—an event so rare in the UN General Assembly Hall that officials could not remember one happening since the appearance of the late Nelson Mandela. Later that month, Minister-in-Assistance Wilbur Heine praised Jetnil-Kijiner for being “the voice for everyone . . . in the Pacific islands” (MJJ, 3 Oct 2014); in December, the organization Responding to Climate Change named her “Climate Woman of 2014” (MJJ, 12 Dec 2014).

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

Other key efforts to address climate change included the Marshall Islands Conservation Society’s initiatives to establish and maintain “no-take” Marine Protection Areas, create bilingual teacher resources on climate science, and work with outer island communities to advance the national conservation plan (called “Reimaanlōk” or “looking forward”). Several international partners also provided funds for climate-related projects and initiatives. These included Taiwan’s donation of 105 solar street-lights for Mājro and Ebjā (Ebeye)
valued at $200,000 and a United Arab Emirates donation of $5 million for a 600-watt solar-to-grid project. The US Office of Insular Affairs made available $1 million in grant funds to US insular areas under the Coral Reef Initiative program to help protect and improve the health of coral reefs in these areas, while the US Agency for International Development’s Pacific American Climate Fund provided more than $2 million in grant funding to support climate-change mitigation projects in Mājro, Namdik (Namorik), and Roñḷap (Rongelap) atolls. Climate change was also the subject of several meetings hosted and attended by Marshall Islands leaders, including the 25th Secretariat of the Pacific Regional Environment Programme in Mājro in late September and the Conference of the Parties climate summit in Lima, Peru, in December.

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

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

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

Several controversial financial matters also made consistent headlines during the period under review. Among these was the November 2014 purchase by the government-owned Air Marshall Islands of a used Dornier 228-212 airplane from Nepal-based Tara Airlines for $2.1 million. The purchase came just a few months after the government lost $82,000 in a deal to acquire a similar Dornier from a Nairobi-based airline, which fell through after an inspection revealed that the plane’s engines were not compatible with the Dornier currently in use by Air Marshall Islands. Officials hoped the Nepal purchase would enhance the airline’s service by allowing the airline—plagued by perpetual breakdowns and lack of quick access to spare parts in recent years—to provide more frequent and reliable service to and from the outer islands. Minister of Transportation and Communication Thomas Heine secured the deal in late November after an initial inspection showed the aircraft to be in good condition and virtually free of rust and corrosion; soon after the purchase, the Dornier traveled to the Philippines for repairs and a new paint job. Although Air Marshall Islands projected that repairs would take three to four weeks and that the Dornier would arrive in Majuro in mid-January, a detailed
inspection in Manila showed “considerable damage, including corrosion” to the plane’s engines (MII, 27 Feb 2015). By late June, the plane was still in Manila after having its wing flaps removed and installed on the Mājro-based Dornier to keep that aircraft in service. Elmer Langbata of the Directorate of Civil Aviation revealed at a public hearing that the Manila inspection had in fact revealed several problems—including one that would require “equipment to be fabricated that has an extremely long lead time” (MII, 26 June 2015). Officials present at the hearing wondered why the government had given Air Marshall Islands a “blank check” to move forward with the purchase without a full inspection.

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

Questions also circulated about unused compact funds and US federal grants for essential education, health, and infrastructure programs and projects. In July 2014, it was reported that the Ministry of Finance would be required to return more than $1 million in unspent compact funds to the US Department of the Interior, including money allocated for use by the ministries of health and education and the Marshall Islands Environmental Protection Agency. In September, the Joint Economic Management and Fiscal Accountability Committee (JEMFAC) agreed to a compact budget for 2015 but delayed the allocation of $23.7 million in funds pending submission of a required and long-overdue “Decrement Management Plan” outlining how the Marshall Islands is addressing annual reductions in compact funding. In October, the United States cut off federal grant funds for the Ministry of Health’s Family Planning program because the ministry did not submit necessary documents or demonstrate a need for the funds. In May 2015, the United States ordered the Marshall Islands to return $800,000 in compact funds allocated for the design of a new Uliga Elementary School because the land documents submitted were not legally valid and the school could not be built on the selected site. By June 2015, more than $35 million in compact funds designated for building and infrastructure projects had accumulated over three years and remained inaccessible because the RMI government had not submitted the infrastructure development plan required by the US Department of the Interior.

These are just a few examples of funds lost or withheld for lack of due process and oversight during the past year. And while the Marshall Islands did take steps to address these and other financial shortcomings (including the completion and submission of a decrement plan in mid-September in consultation with Graduate School
USA and the hiring of Beca International of New Zealand to help prepare a draft infrastructure plan), it is difficult to overlook the paradox of these funding and accounting mishaps when juxtaposed with the crises in health, education, and infrastructure that continue to plague the Marshall Islands.

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


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

The period under review also saw the passing of several traditional and political leaders. Among these were the October 2014 passing of Lerooj (High Chieftess) Lukwor Litokwa, one of four primary traditional leaders of Kuwajleen Atoll and cosigner of the 2011 Land Use Agreement for continued US use of the atoll for the Ronald
Reagan Ballistic Missile Defense Test Site through 2066. Iroojḷapḷap (High Chief) Rimios Hermios, ranking chief for the northern Ratak atolls stretching from Aur to Utrōk, passed in February 2015. Former senator, deacon, and “political gadfly” Alee Alik died in late February (Mij, 6 March 2015). Alik was elected under what turned out to be fraudulent circumstances to the first constitutional Nitijelā in 1979 and represented Mile (Mili) Atoll from the late 1980s into the 1990s; he continued to participate actively in political debates—especially those concerning the constitution—until his death. Longtime Ebjā Mayor Johnny Lemari died in March.

Finally, the 2015 campaign season kicked off in September 2014 amid immediate controversy. Despite efforts by Senator Kessai Note of Jēbat Island to pass legislation to shift the candidate nomination deadline to 31 August of a given election year and by senators Ruben Zackhrs of Aelōñḷapḷap Atoll and Kenneth Kedi of Roñḷap Atoll to pass legislation to reduce the leave period required for public service employees running for office to three months, the Electoral Administration designated 31 October 2014 as the cutoff date for candidates to submit their applications to run for office—the earliest such deadline in the nation’s history. Although in line with Marshall Islands law, the deadline immediately caused concern among public service employees who would be required to take a thirteen-month leave of absence without pay and relinquish their duties in critical governmental posts in order to stand for election. The impact of the decision was obvious soon after the 31 October deadline, as several top-level public service employees vacated key government positions. Among those to take leave were Secretary of Finance Alfred Alfred Jr; Secretary of Internal Affairs Daisy Momotaro; Chief Secretary Casten Nemra; Office of Economic Policy, Planning, and Statistics Director Fred deBrum; and several ambassadors. These top-level employees—whose positions oversee the day-to-day operations of essential government offices and services, including finance, planning, elections, and foreign affairs—were replaced with interim appointees. Critics of the thirteen-month leave period could not help but wonder whether the rule was further “undermining already weak government services” by replacing highly qualified employees with interim staff for such an extended period (Mij, 2 Jan 2015).

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

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

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

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