

Political Reviews

*Micronesia in Review: Issues and Events, 1 July 2015
to 30 June 2016*

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FEDERATED STATES OF MICRONESIA

The period covered by this review was one of reckoning for the long-term sustainability of the Federated States of Micronesia (FSM) as a political and economic entity. The FSM engaged in a renewed effort to stimulate economic development, appreciate the fragile natural ecosystems long enjoyed and safeguarded by the people of the FSM, and reexamine the desirability of what is perhaps the country's most consequential bilateral relationship. As the scheduled termination of the major financial provisions of the amended Compact of Free Association (COFA) between the FSM and the United States nears, the FSM's national and state governments—as well as the general populace they serve—grappled with the purpose, promise, and predicaments of the federation and strove, in various ways, to establish a solid foundation for a federation that would be independent in truth as well as in law.

From the outset of his administration, FSM President Peter M Christian exhibited a clear-eyed appreciation of the federation's challenges and shortcomings. During the joint inauguration ceremony on 10 July 2015 for President Christian, Vice President

Yosiwo P George, and the members of the Nineteenth Congress of the Federated States of Micronesia, the president delivered an inaugural address that blamed many of the federation's problems on "the intricacies of tiered governments where there are Municipal, State, and National jurisdictions all vying to serve the same constituents, but often tripping over each other because of unclear delineation of powers, coupled with political ambitions of three levels of legislative bodies." He also noted that the FSM was beset by difficulties stemming from "levels of disagreement between our country and other countries and international organizations whose interests in our affairs are not always compatible with our own." Christian warned his audience that, in the federation's long march toward self-government, "one significant road block that stands out for us is our inability to yet wean ourselves from paternal relationships" (FSMPIO 2015).

President Christian's remarks carried particular resonance in light of the attendees at the joint inauguration ceremony, including dignitaries from the United States, Australia, Japan, and the People's Republic of China as well as representatives from a number of regional and international organizations with long-standing financial and technical programs of assistance for the FSM (Yap Congressional Delegation Office 2015a). Notwithstanding such dire sentiments, the president

devoted much of his inaugural address to exhorting the people and governments of the FSM to work together “to achieve our nation’s goal: to give every citizen of the FSM an opportunity—not just a promise—but a real opportunity to build a better life” (FSMPPIO 2015). In its first full year in office, the Christian administration led the FSM in an effort to achieve that goal, with varying degrees of success.

Financial grant assistance and visa-free entry and residency privileges in the United States are arguably the main benefits that the FSM receives under the amended compact, but in the period under review, those components generated the greatest friction between the FSM and the United States. During the annual meeting of the Joint Economic Management Committee (JEMCO) on 1 September 2015, the United States majority on the committee made cuts of millions of dollars to FSM requests for grant assistance in support of public-sector capacity building, private-sector development, and infrastructure development, including disapproving \$50 million for infrastructure development (FSMIS, 21 Sept 2015). JEMCO’s cuts were not unprecedented, joining a long history of aggressively questioning and reducing grant requests from the FSM, including suspending the bulk of infrastructure grant funding since 2012. The FSM representatives nevertheless sharply criticized the committee’s actions, noting that infrastructure development was key to achieving the dual objectives of “economic sustainability and budgetary self-reliance” under the compact. The US representatives did not relent, arguing instead that the United

States could not release the bulk of the requested infrastructure funding until the FSM produced an updated national Infrastructure Development Plan. The FSM eventually completed and submitted its plan (for fiscal years 2016–2025) to JEMCO in early October 2015, after years of consultations and crafting (FSMIS, 22 Oct 2015). In January 2016, JEMCO voted to approve \$119 million in infrastructure sector grants under the amended compact. Although the approvals were welcome news for the FSM, the administration groused that the grants were for infrastructure-related projects in the education and health sectors and not for other economic development projects not directly related to education and health (FSMIS, 17 Feb 2016). JEMCO signaled that it would entertain the other infrastructure grant requests in future JEMCO meetings, in line with the newly completed FSM Infrastructure Development Plan, but that remains to be seen.

The friction between the FSM and the United States over JEMCO decisions seemed to reach a boiling point as 2015 came to a close. In November 2015, prior to JEMCO approving \$119 million in infrastructure grant funding for the FSM, Senator Isaac V Figir, chairman of the Ways and Means Committee of the FSM Congress, introduced Congressional Resolution (CR) 19-155 requesting that President Christian terminate the amended compact by 2018. The resolution criticized the United States for “abus[ing] its majority” on JEMCO to take actions contrary to FSM interests and accused the United States of treating the compact as an “act of charity by the United States rather than a

treaty between two sovereign nations” (FSM Nineteenth Congress 2015–2017a). In accordance with Title Four of the amended compact and relevant legislation in the FSM, the FSM can unilaterally terminate the amended compact, but only pursuant to a plebiscite in which at least 75 percent of voters from each of at least three of the four states of the federation vote in favor of termination (COFA 2003).

CR 19-155 was the culmination of criticisms that Senator Figir had lodged against the FSM’s relationship with the United States for more than a decade, stretching back to the negotiation of the amended compact from 2001–2003, particularly with regard to the JEMCO process and what he perceived to be the process’s infringement on the sovereignty and dignity of the FSM (*KP*, 30 Nov 2015). Interestingly, the recent resolution mirrored CR 17-61, introduced in 2011 in the FSM Congress by then-Senator Peter Christian—the lead negotiator of the FSM during the negotiations for the amended compact. CR 17-61 was never adopted by the FSM Congress. As of press time, the FSM Congress had not acted on CR 19-155.

Figir’s proposed resolution touched off a firestorm of reactions inside the FSM as well as abroad, including in Guam, Hawai‘i, and other parts of the United States with sizable residential populations of FSM citizens. Perhaps the sharpest flashpoints occurred in Guam, the US jurisdiction nearest to the FSM and therefore a major destination for FSM migrants seeking employment, education, and health care (*PDN*, 8 Feb 2016). In a survey of the FSM population residing in Guam that was conducted by an educator at

the University of Guam and released in late February 2016, nearly all of the 180 respondents disapproved of terminating the amended compact, as requested by CR 19-155 (*GDP*, 29 Feb 2016). Lawmakers in Guam seized on a passage in the resolution that cited a request by the US Senate Committee on Appropriations that the US Department of Homeland Security “consider establishing a pre-screening process and requiring advanced permission for prospective travelers from the Federated States of Micronesia and other Freely Associated States to enter the United States” (FSM Nineteenth Congress 2015–2017a). The Guam Government had made a similar request to the US federal government, in part to screen out FSM migrants who were convicted of crimes in the FSM, and in part to keep out unhealthy FSM migrants who would place significant strains on welfare services in Guam (*PDN*, 5 Dec 2015). CR 19-155 turned into a hot-button political issue in Guam, with Guam Senator Frank Blas Jr, pressing Congresswoman Madeline Bordallo—Guam’s representative in the US Congress—to specify her stance on the resolution and the significant impact its adoption would likely have on Guam (*KUAM*, 14 Dec 2015). Bordallo recalled her recent legislation introduced in the US Congress allocating increased financial assistance from the US federal government to Guam and other US jurisdictions impacted by the influx of FSM migrants, particularly migrants that utilize welfare services in those jurisdictions. Guam seemed to be uniquely positioned to receive any such additional assistance—for one, more than half of the homeless population in Guam at

the beginning of 2016 was from the FSM, especially Chuuk (*GDP* 8 June 2016). Indeed, Guam Governor Eddie Calvo had previously warned the US federal government—particularly the Department of the Interior, which has immediate jurisdiction over Guam and the Freely Associated States (FAS) of FSM, Republic of the Marshall Islands, and Republic of Palau—that Guam had reached a “breaking point” in providing government services to migrants from the FSM and other FAS, including \$50 million per year for the education of the children of migrants from the FAS (*PDN*, 3 July 2015).

In response to strong expressions of bewilderment and disapproval by many FSM citizens who resided in the United States and feared that their visa-free immigration privileges in the United States would be revoked on termination of the amended compact, members of the Christian administration conducted a forum in Guam in February 2016 to explain CR 19-155 and discuss its possible ramifications. The Christian administration was represented by, among others, Lorin S Roberts, the FSM secretary of foreign affairs; Jose Gallen, the FSM attorney general; Leo Falcam Jr, chief of staff for President Christian; and Asterio Takesy, the former FSM ambassador to the United States. While Secretary Roberts assured the forum attendees that the congressional resolution was only a “draft” on which no action had been taken, Chief Falcam warned that the effects of terminating the amended compact would be “fairly far reaching, especially when it comes to immigration and those programs [FSM] citizens can take advantage of when they’re living abroad in the United

States or its territories.” Ambassador Takesy reminded the attendees that the financial provisions of the amended compact are already scheduled to expire in 2023, but even with advance notice of that predetermined termination date, the FSM stood to face an annual fiscal shortfall of about 30 to 40 percent compared to current funding levels; terminating the amended compact prior to 2023 would likely place the FSM in an even deeper fiscal hole (*KUAM*, 22 Feb 2016).

With the prospect of the federation prematurely disassociating itself from the United States, the Christian administration stepped up its efforts to secure financial, technical, and programmatic assistance and investments from foreign entities, including other countries. Vice President George led an FSM delegation in September 2015 to the Second India Forum for Pacific Islands Cooperation, where the government of India presented a donation of \$200,000 to the FSM Department of Resources and Development for the “FSM Integrated Agriculture Census” (*FSMIS*, 14 Sept 2015). In November 2015, Vice President George received executives from Able Overseas Reinsurance Company, a Japanese entity that is one of several captive insurance companies operating in the FSM and generating significant revenues for the FSM (*FSMIS*, 25 Nov 2015). The executives presented a \$10,000 donation to Vice President George to aid FSM recovery efforts from the devastating impacts of Typhoon Maysak in Chuuk and Yap. Beginning in January 2016, in accordance with an air services agreement with the FSM, Nauru Airlines began “same plane” services from Nauru to

Kosrae, Pohnpei, and Chuuk via Kiritimati and the Marshall Islands (*KP*, 29 Dec 2015), thus breaking the effective monopoly that United Airlines had had on commercial flight services in the FSM. And, in June 2016, the FSM joined other Pacific Island countries in negotiating a Pacific Agreement on Closer Economic Relations (PACER-Plus) with Australia and New Zealand in Nadi, Fiji. If adopted and implemented, PACER-Plus will formalize several types of financial and technical assistance that Australia and New Zealand will provide Pacific Island countries for trade-related purposes, include training in customs, conformity assessment, and the implementation of tariff commitments (*FSMIS*, 23 June 2016). Negotiations for PACER-Plus were scheduled to conclude by the end of 2016.

By far the largest non-compact-related donor source for the FSM during the current period was the government of the People's Republic of China. On 18 September 2015, in a signing ceremony attended by President Christian, Vice President George, and other key members of the Christian administration, the Chinese government formally turned over grant assistance of just over \$10 million to the FSM national government, which was earmarked for the purchase of more than a dozen vehicles and various other projects. The amount was the largest-ever grant assistance from China to the FSM, prompting President Christian to characterize the grant as a "sign of friendship and cooperation between the two countries" and a "good gesture of generosity" (*FSMIS*, 29 Sept 2015). On 21 December 2015, China donated medi-

cal equipment and supplies worth over \$130,000 to the Pohnpei State Department of Health Services in a signing ceremony in which the FSM was represented by Secretary Robert (*KP*, 21 Dec 2015). On 25 January 2016, a minister-led delegation from China participated in the 1st China-FSM Economic and Trade Commission in Pohnpei, wherein representatives from China and the FSM signed a memorandum of understanding regarding trade and other economic matters of mutual interest (*FSMIS*, 5 Feb 2016). In March 2016, the ambassador of China to the FSM notified President Christian of a forthcoming support package from China worth approximately \$1.5 million to aid the FSM in its efforts to address drought conditions caused by El Niño; the support package would include seawater-desalination equipment, portable generators, and water storage tanks, marking the largest-ever grant assistance from China to the FSM for disaster-relief efforts (*FSMIS*, 23 March 2016). And, also in March 2016, during a meeting requested by organizers of the 2018 Micronesian Games (to be held in Yap) to solicit donor assistance for the games and arranged by the FSM national government, the Embassy of China to the FSM essentially promised the organizers unrestricted funds, in contrast to the relatively parsimonious responses of the embassies of Japan and Australia and the non-participation of the US Embassy (*ABC*, 2 June 2016). China's growing influence in the FSM was evident, with China wielding economic largesse to strengthen its foothold in the FSM as the United States continues its pivot to Asia under the Obama administration.

While securing donations and investments from the international community, the FSM national government took significant strides in reaping economic benefits from the exploitation of a natural resource that fell under its jurisdiction: tuna fish stocks. The FSM convened a four-day National Fisheries Seminar in late May 2016 that proclaimed, in no uncertain terms, that “fish is our blue gold”—a clear reference to the lucrative annual revenues generated by the sale of fishing licenses by the FSM primarily to foreign fishing operators (FSM Updates, 24 May 2016). The seminar highlighted the intent of the FSM to generate up to \$85 million in annual fishing revenues in the near future, based on the sale of so-called fishing days by the FSM to fishing operators pursuant to the Vessel Day Scheme of the Nauru Agreement—a regional arrangement of eight parties (including the FSM) that, among other things, sets an overall number of fishing days for tuna in the maritime jurisdictions of its parties, establishes a minimum rate to be charged by the parties for each fishing day, and apportions the fishing days among the parties for eventual sale to fishing operators (KP, 15 Nov 2015). The Vessel Day Scheme aims to generate maximum revenues for Pacific Island countries while maintaining adequate conservation levels for the skipjack and bigeye tuna populations in their waters. In 2014, the sale of fishing days generated nearly \$50 million in revenue for the FSM, which was almost 40 percent of the total government revenues that year. The FSM aimed to ensure that such revenues would be utilized to maximize eco-

nomic development, especially as the scheduled termination of the financial provisions of the amended compact in 2023 approaches. After decades of fitful management of its fisheries, the FSM at last seems poised to obtain maximum value for its natural resources.

The success of the FSM and other parties to the Nauru Agreement in generating outsize revenues for their fishing days ran into an unexpected snag when, in November 2015, the United States indicated that it would likely renege on an agreement it signed in August 2015 with the seventeen Pacific Island parties to the Pacific Tuna Treaty (including the parties to the Nauru Agreement), whereby the United States would pay approximately \$90 million to the parties for a certain number of fishing days for US fishing operators (KP, 1 Dec 2015). Specifically, the United States wanted to return nearly 2,000 of the 6,250 fishing days it had originally committed to purchase; the returned fishing days were worth approximately \$23 million (Pacific Islands Forum Fisheries Agency 2015). With the fishing season scheduled to commence on 1 January 2016, and with the US operators failing to make their first-quarter payments by then, the FSM and other Pacific Island parties refused to issue fishing licenses to US operators in time for the opening of the fishing season, thus shutting out the US tuna fleet from the tuna-rich waters of the Western and Central Pacific Ocean—the world’s largest tuna fishery—for the first time in three decades (Yahoo! News 2016). Ultimately, in March 2016, after extensive negotiations between the United States and the

Pacific Island parties to the Pacific Tuna Treaty, the Pacific delegations agreed to the reduction in fishing days proposed by the United States in November 2015 and entered into a new agreement with the United States that locked in payments from the United States for multiple years (RNZ 2016).

As the FSM pursued efforts to secure the long-term sustainable use of its tuna resources, it also pushed the international community to adopt various measures to safeguard natural environments and their resources writ large, particularly from the ravages of climate change. At the 15th Micronesian Presidents' Summit held 14–15 July 2015 in Majuro, Republic of the Marshall Islands (RMI), President Christian joined his counterparts from RMI and the Republic of Palau in exchanging views and information on a wide range of issues, including climate change, sea transportation, fiber optic cable projects, maritime boundary delimitations, and fisheries surveillance operations (FSMIS, 23 July 2015). Although the summit was Christian's first as FSM president, he had been instrumental in initiating the summit process nearly two decades earlier. Drawing on his familiarity with the summit process as well as his personal rapport with his fellow presidents, President Christian secured their agreement to support a push by the FSM for an amendment to the Montreal Protocol to phase down the production and use of hydrofluorocarbons (HFCs), an initiative that the FSM had been championing for the better part of the decade. HFCs—primarily coolants used in refrigerators and air conditioners—are greenhouse

gases that are more potent than carbon dioxide when released into the atmosphere and whose elimination will likely prevent up to 0.5 degree Celsius of average global warming by the end of the current century (IGSD 2016). After years of tough negotiations, state parties to the Montreal Protocol were scheduled to adopt an HFC phase-down amendment in October 2016, thanks in part to efforts by the FSM and many other small island developing states.

In December 2015, President Christian led a sizable delegation from the FSM to Paris for the 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC states parties negotiated and adopted the Paris Agreement, the first universally applicable international agreement to reduce greenhouse gas emissions. While at COP21, President Christian delivered an address that featured a story about a breadfruit tree overhanging a public roadway and damaging passing vehicles. According to the story, the owner of the breadfruit tree and the owner of a car damaged by falling breadfruit discussed the need to trim or remove the breadfruit tree as well as compensate the car owner for damage to his vehicle (KP, 16 Dec 2015). The story—being a clear reference to the historical responsibility of developed countries for the harmful effects of greenhouse gas emissions as well as the necessity of compensating developing countries like the FSM for the loss and damage they suffered due to climate change—mirrored the general tenor of the negotiations during COP21, with developed countries and a number of major-emit-

ter developing countries resisting the assumption of new and burdensome obligations under the Paris Agreement, and with developing countries—particularly small island developing states and the least developed countries—pushing hard for drastic emissions reductions, robust climate financial assistance, and compensation and liability for irreversible coastal erosion and other forms of loss and damage due to climate change. In the last few days of COP21, with many key contentious issues of the Paris Agreement still unresolved, the FSM joined nearly one hundred UNFCCC states parties in unveiling the so-called “High Ambition Coalition,” which included the United States and the European Union (Mathiesen and Harvey 2015). The coalition—which had coalesced over a year of secret talks—played a key role in securing a Paris Agreement that would, among other things, be legally binding, anchor a standalone mechanism for loss and damage, and—in a surprise to many observers of the years-long negotiations for the Paris Agreement—commit states parties to pursue efforts to limit the global average temperature increase to 1.5 degrees Celsius above preindustrial levels (UNFCCC 2015). The 1.5-degrees target was a major goal of the FSM and other small island developing states for the Paris Agreement, in light of the cataclysmic consequences posed by a greater-than-1.5-degree temperature rise, including coastal inundation from sea-level rise and severe weather events. On 22 April 2016, signaling the support of the FSM for the Paris Agreement, President Christian joined representatives from 174 other countries in signing the Paris Agreement at

the UN headquarters in New York—the largest-ever single-day signing of an international instrument (FSMIS, 27 April 2016).

In a sign of the seriousness with which the FSM views climate change, Speaker Wesley S Simina of the FSM Congress established a Special Committee on Climate Change just prior to COP21, pursuant to a congressional resolution (19-139) requesting the committee’s establishment (FSM Nineteenth Congress 2015–2017a). Several members of the FSM Congress were part of the FSM delegation at COP21, including Speaker Simina and Senator Figir, the chairman of the newly established committee (Yap Congressional Delegation Office 2015b). The establishment of the committee indicated a desire by Congress to become more involved in the FSM’s engagement with climate change issues, including on the international stage. Indeed, during the Fourth Regular Session of the FSM Congress in May 2016, Senator Figir questioned why the Christian administration had not yet transmitted the Paris Agreement to the FSM Congress for ratification more than a month after President Christian signed the Paris Agreement (Congress News 2016). Whether the involvement of Congress in climate change matters would complement rather than hinder the efforts of the executive branch remains to be seen.

Perhaps as a preview of the interactions between the FSM Congress and the executive branch on climate change matters, the national government engaged in a controversial back-and-forth in response to El Niño, a cyclical weather phenomenon that severely reduced rainfall and trig-

gered drought conditions in the FSM and many other parts of the world for much of the period under review. This El Niño was one of the strongest in decades, generating intense storms, bleaching coral reef systems, and driving drought conditions throughout much of the world (Thompson 2016). In early February 2016, Pohnpei—normally one of the wettest places in the world—suffered several days of water outages that were blamed on El Niño—caused drought conditions (*KP*, 11 Feb 2016). Similar drought conditions were reported in Chuuk and Yap, particularly their outer islands.

In response to the escalating nationwide drought conditions, President Christian signed a Presidential Emergency Declaration on 18 February 2016. The declaration, among other things, established a National Emergency Task Force to coordinate with state governments on relief efforts, activated a Disaster Relief Fund, and redirected \$200,000 in previously appropriated funds into that fund (FSMPIO 2016). However, on 29 February 2016, the FSM Congress unanimously adopted Congressional Resolution 19-192 (FSM Nineteenth Congress 2015–2017a), revoking the emergency declaration. According to the text of the resolution as well as the attached report (19-08) of the Special Committee to Wait on the President (which raised the issue of the declaration to the Christian administration) (FSM Nineteenth Congress 2015–2017b), Congress chose to revoke the declaration because it was signed before any of the governors of the four states of the federation had made their own emergency declarations in relation to El Niño, and

Congress preferred to defer to state government leadership in emergency relief efforts conducted as part of a coordinated national response (*MV*, 4 March 2016). However, some of the funds diverted into the Disaster Relief Fund by the Presidential Emergency Declaration were originally appropriated as travel funds for Congress. It was plausible that the revocation by Congress was motivated at least in part by the reallocation of congressional travel funds—an act that the president had the legal authority to do pursuant to his powers to issue and implement emergency declarations. In any case, shortly after the revocation, the governors of the four states made their respective emergency declarations, citing severe drought conditions, serious crop damage, and the sharp increase of drought-related disease, among other effects of El Niño (*PDN*, 14 April 2016). Whether the spat between Congress and the executive branch undermined relief efforts in the FSM—even temporarily—was a very real possibility.

In his inaugural address, President Christian expressed an evocative vision of proper governance for his administration, one that recognized the imperative of economic development while appreciating various roadblocks in that mission, including self-inflicted ones. With the tensions between the various levels of government in the FSM threatening coordinated national responses to pressing national and local issues, and with the continuation of the political, economic, and legal association between the FSM and the United States increasingly under fire, the period under review closed with the

FSM reassessing its historical ties to its natural environment and resources, its development prerogatives, and the United States, and preparing for a not-too-distant future in which it will no longer be able to rely on the amended compact to finance the bulk of its annual operations and development needs. Unity in the federation and political dexterity will be critical to navigating those rough waters, just as the ancestors of the FSM people relied on unity and specialized knowledge to navigate the expanse of the Pacific Ocean and settle its far-flung isles. Will such ancient history bear out, or will contentious recent history trump such progress?

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THE OPINIONS EXPRESSED *in this review are those of the author and do not necessarily reflect the official views of the government of the Federated States of Micronesia.*

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GUAM

The year ended on a high note in Guam, as the island had the honor of hosting the 12th Festival of Pacific Arts (FestPac), 22 May–4 June 2016. FestPac, sponsored by the Secretariat of the Pacific Community, is often called “the cultural Olympics of the Pacific.” Close to thirty Island nations come together to share their arts and culture with each other and the rest of the world. More than 2,700 delegates made their way to Guam for the thirteen-day event, which showed the breadth of cultural diversity of the Pacific and the various ways in which Pacific peoples are perpetuating and reinvigorating their heritages.

FestPac experienced early logistical issues. At the opening ceremony, delegates were forced to stand for hours without adequate access to food and water, and problems with meal vouchers, transportation, and accommodations also marred the event (*PDN*, 23 May 2016). These issues were soon eclipsed by the momentousness of the occasion, as FestPac was filled with a multitude of activities including performances, cultural demonstrations, lectures, creative readings, academic conferences, and film screenings. The first-ever Indigenous Language Conference at FestPac offered presentations and networking opportunities for scholars and community activists across the Pacific who were seeking to revitalize or preserve their native languages (*KUAM*, 27 May 2016).

The relationship between Chamorros and FestPac has sometimes been contentious. As Chamorros are the people of the Pacific who have experienced the longest history of