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## MARSHALL ISLANDS

The period under review for the Republic of the Marshall Islands (RMI) has been one of unprecedented events, including the removal of a president and a potential constitutional crisis, the unsatisfactory resolution of numerous issues related to the Compact of Free Association with the United States, a variety of health issues and diplomatic forays that thrust the islands into the global spotlight, and a pair of international incidents that have painted the nation in an unfavorable light in the eyes of the world press.

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.

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 took center stage. In a letter to the editor of the *Marshall Islands Journal*, Kabua complained that his rights as a landowner had been stripped by the RMI gov-

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 Kaimbuke 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 Irojilaplap 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 respite 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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## 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