

Reviews of the Federated States of Micronesia and Guam are not included in this issue because of circumstances beyond our control.

BELAU

Belau's political status issue, campaigning for primary and general elections, allegations regarding the assassination of former President Haruo Remeliik, significant court cases, and a visit of the United Nations Trusteeship Council team to Belau were the major events of 1991-92.

The situation of Belau's political status was virtually intractable during the period under review. A seven-member Belau Working Group, asked to identify with US officials problematic areas of the compact for possible renegotiation, issued its report to President Etpison and leaders of the *Olbiil Era Kelulau* (OEK, Palau National Congress) in August 1991. After discussions with US Ambassador James Wilkinson in Belau, the working group concluded: (1) the United States will not agree to separate its defense and security obligations from the compact agreement. (2) The United States had modified its position on the military land issue; Palau should identify and designate specific land areas that it is willing to give up for United States military use or options for use; compensation would be provided, and those lands would be committed for fifty years, together with denial rights for the United States. (3) Belau should negotiate a reduction of the compact's dura-

tion from fifty to fifteen years, but without a reduction of the US\$70 million trust fund. (4) Belau should negotiate to retain eligibility for federally funded programs, most-favored-nation trading status, authority to arrange air route agreements with Asian and Pacific countries, and technical assistance for improving Belau's telecommunications system.

President Etpison and the congress leaders wrote to the US secretary of state regarding these issues in October 1991. In November the US State Department liaison officer in Koror, Lloyd Moss, responded by noting that Belau's proposals would be reviewed on an interagency basis and that the United States would not favor changes to the compact before an amendment to the Belau constitution. Moss further stated that the United States had not changed its "neither confirm nor deny" policy regarding nuclear-armed military ships and aircraft.

In the meantime, political activists supporting President Etpison launched a petition drive to amend Belau's constitution to allow approval of the compact by a simple majority vote. This initiative, provided for by Article 14 of the constitution, generated some 3300 signatures in support and was submitted to Belau's leadership in April 1992. In September 1991 the House of Delegates of the OEK had authored a bill providing for such an amendment referendum, but the Senate did not respond to the House's effort to move the status issue. In late April 1992, President Etpison transmitted to the

senators a proposed bill for a referendum. Again, the Senate did not respond. Finally, in mid-May, Etpison promulgated Executive Order 111, providing funds and procedures for a constitutional amendment referendum to be held on 13 July 1992. However, a week prior to that date, Ibedul Yutaka Gibbons, the Senate, and others, filed suit challenging the authority of the president to take such action. On 9 July Acting Chief Justice Arthur Ngirakl-song issued his decision supporting the plaintiffs. The 13 July referendum could not be held. The judge ruled that President Etpison's executive order "unconstitutionally usurps the OEK's power to enact enabling legislation which establishes the procedures for a referendum pursuant to Article 14 of the Constitution." Further, the judge ruled that the constitutional right to amend the supreme law of the land via popular initiative is not self-executing, but requires action of the national congress as a separate but equal body to the executive. In short, the president did not have the power to enact legislation by executive order.

The issue continued to brew for another month but without the violence and intimidation of a similar standoff during the furlough period in 1987. The Senate, hoping to get compact concessions from the United States, passed a referendum bill setting up procedures for a vote on 9 February 1993. The House responded with the date of 22 September, the date of the primary election. From the US side, Delegate Ron de Lugo and Representative George Miller (both Democrats) of the House Committee on Interior and Insular Affairs introduced legislation in

the US Congress calling for two changes in the compact: a reduction in the duration of the agreement from fifty to fifteen years and a provision that the United States identify specific land it requires for military purposes. With all thirty of the members of Belau's OEK standing for reelection in November 1992, the legislators felt the pressure of events and finally compromised on a referendum date of 4 November, the same date as Belau's national elections!

As noted, the thirty-two congressional, presidential, and vice presidential seats will be contested in 1992. For the first time since constitutional government began in Belau in 1981, the republic's electorate will participate in both primary and general elections. Only the executive posts will be contested in the primary on 22 September. After several experiences with minority chief executives gaining office with less than a majority—Haruo Remeliik and Alfonso Oiterong with 31 percent in 1980, Thomas Remengesau with 26 percent in 1985, and Ngiratkel Etpison with 26 percent in 1988—the OEK wrote a bill, establishing a primary election for the executive posts, which Mr Etpison signed into law in 1991.

Challenging Etpison, who is 66, are Vice President and Minister of Justice Kuniwo Nakamura, 48, and Attorney Johnson Toribiong, 45. Both younger men were members of the Palau Constitutional Convention and national congress. They are capable, bright, competitive, and have been campaigning hard to make it through the primary. Mr Etpison kicked off his campaign in December 1991 but does not have much to show for four years in

office except stability. That may not be enough against two ambitious, energetic opponents who are adept at discussing issues, and seasoned, skilled campaigners.

For the vice presidency, four candidates have emerged six weeks prior to the primary. Senator Minoru Ueki, 62; Senator Tommy Remengesau, Jr, 38; Governor Moses Uludong, 42; and, unexpectedly, Sandra Sumang Pierantozzi, 39, currently Belau's minister of administration in the Etpison government. All the men have considerable experience in running successful campaigns, and this puts Pierantozzi at a disadvantage. Further, Belauan voters have not traditionally supported women candidates because of the cultural notion that politics is men's business. However, Pierantozzi has a solid record of accomplishment in her ministerial work and as a member of the working group mentioned earlier. She was drafted by a group of women who, if they get organized, can have a major impact at the polls, particularly in the primary where a candidate would need about three thousand votes to get into the general election in November.

Congressional seats are actively coveted in Belau. Candidates will compete for the fourteen seats representing Koror (pop 10,501), Belau's largest island of Babeldaob and its only atoll, Kayangel (pop 3731), and the southern islands of Peleliu, Angaur, Tobi, and Sonsorol (pop 890). Incumbents in the House, on the other hand, will not face such intense competition as is evident in the Senate. Thirty-seven candidates have filed for the sixteen House seats, three of which will be uncontested. An interesting sidelight to these races is the

suit brought by several Koror senators challenging the plan of the 1992 Reapportionment Commission. The plan reduced the number of seats in the Senate from fourteen to thirteen, and rearranged the placement of those seats. Koror lost representation with a reduction from nine to seven seats, but Babeldaob gained one seat for a total of five. This new arrangement so angered the Koror senators that with the help of the speaker of the Koror State Legislature they petitioned the Belau Supreme Court. In July, Associate Justice Sutton ruled in favor of the petitioners, stating that the commission erred fundamentally "in giving voter registration too much weight by basing its plan on population and voter registration" (Civil Action no. 13-92). The incumbents were elated with the decision. Nevertheless, the issue of reapportionment is a very complicated one because Belau is a bunched island group where people are constantly moving. Babeldaob has nearly twice as many registered voters as residents, whereas Koror has three times more residents than voters. The commission considered this dynamic in recognition of both population and registered voters of the sixteen village complexes when devising their formula for reapportionment.

At the close of 1991, President Etpison again issued two pardon orders. He has been criticized for his lack of restraint in this area. The orders were for Paul Ueki and Tadashi Sakuma, who were convicted of the drive-by shooting into the home of former House Speaker Santos Olikong during the violent furlough period of 1987.

In February federal Judge John Gar-

rett dismissed the class-action lawsuit Ibedul Gibbons and others had filed on behalf of all Belauans against the US Department of Interior. Gibbons and others claimed the United States had not fulfilled many of its trusteeship obligations. The dismissal was issued because the plaintiffs lost their attorney and did not find another. The suit was big news in Belau, but was designed to give the Ibedul and his supporters media coverage, and as a mild challenge to secretarial order 3142, which many political leaders claim is inhibitory.

The Palau Supreme Court lost two justices in 1992. Chief Justice Mamoru Nakamura, 52, died of a heart attack in April. He was appointed to his post soon after constitutional government began in 1981, and was highly respected for his careful, calm approach. During the chaotic furlough period of 1987, Nakamura was physically threatened. However, he preserved the integrity of the judiciary and did not bend to political pressure or ugly threats. Judge Nakamura was buried on Peleliu, the island of his birth.

Associate Justice Fredrick O'Brien resigned in early August. He was the subject of a congressional investigation and impeachment proceedings. The legislators were very concerned about the judge's extramarital indiscretions, and after agonizing for two weeks the House decided to end the investigation because they could discover no constitutional grounds for impeachment. Koror's traditional leaders, Ibedul and Bilung were unhappy with a recent land decision by O'Brien and put considerable pressure on legislators who

had land leases granted by the Ibedul, causing a reversal of the House's earlier position. O'Brien ended the affair by graciously resigning.

Bedor Bins was murdered during the violence of the 1987 furlough period. No serious action was taken on the case until after the 1991 investigation of police practices by a joint congressional committee and the employment of a special prosecutor, David Webster. Webster worked assembling evidence but did not have a witness who was personally involved in the conspiracy. As a result, the four men charged with the crime were acquitted on the basis of insufficient evidence.

The first substantial information concerning the 1985 assassination of Haruo Remeliik, the former president of Belau, came with the arrest of John O. Ngiraked, 58, his wife, Emerita Kerradel, Patrick Remarii, and Sulial Heinrick (*Pacific Daily News*, 21 March 1992). In an affidavit filed in the Belau Supreme Court, Remarii confessed that he shot and killed Remeliik in the driveway of Remeliik's home on 30 June 1985, and that Sulial Heinrick assisted him; also that Ngiraked, his wife, and the late Heinrich Ngewakl, stepfather of Sulial, hired the two men to carry out the killing. Ngiraked is from one of Belau's two elite clans and has been prominent in political affairs since the 1960s. He ran unsuccessfully for the presidency of Belau in 1980 and 1988, and served as minister of state in the government of the late President Lazarus Salii. Ngiraked acknowledged his involvement in the three months of violence in 1987, and informed sources in Belau state that he was involved in the 1970 attempted assassination of

Roman Tmetuchl, Ngiraked's political rival for a senate seat in the then Congress of Micronesia. In 1984, prior to Remeliik's reelection, Ngiraked declared that Remeliik's government was one of despair and emptiness and called on the president to resign. Judge Loren Sutton set bail for Ngiraked and his wife at \$25,000 each and ordered the couple to surrender their travel documents and be placed under house arrest. Remarii and Heinrick were already in prison for convictions unrelated to the Remeliik assassination. Special Prosecutor David Webster will take the case to trial in November 1992 but, as in the Bedor Bins case, the veracity of the evidence will be the key element in this sensational case.

The United Nations dispatched a visiting mission to Belau in March 1992 to obtain firsthand information concerning political, economic, and social developments in the world's last trust territory. The mission concluded that many Palauans want resolution of the political status issue as soon as possible and expressed hope that the political status impasse could be resolved speedily "so that the Trusteeship Council and Security Council can proceed to the termination of Palau's Trusteeship status, which is now something of an anachronism" (*Report of the U.N. Visiting Mission to Palau*, p 31).

The mission heard complaints about Secretarial Order 3142 because Palauans viewed it as a "step backward and a limitation on their political status under the 1979 Constitution" (*Report*, p 31). The mission adeptly side-stepped this issue by providing several pieces of good advice to Belau's government and noting that the order would become

obsolete once the status issue is resolved.

The mission was not impressed by Belau's economic situation. It concluded that the national master plan being prepared could be a guide for development, but that possibilities for small-scale rural development projects should not be held up by the approval process. The mission had serious concerns about the debt national and state governments had incurred for capital improvement projects. It recommended greater emphasis on career training for the tourist sector and that a high priority be given to maximizing future revenue from fisheries. Finally, the mission strongly recommended that Belau officials pay close attention to sound non-debt-creating investment in future development projects.

The United Nations visitors noted progress in health care, prison conditions, and the campaign against illegal drugs. They urged the United States to assist Belau in dealing with the long-standing problems of illegal fishing, the survey of land, and adjudication of land claims and disputes. The 1992 trip will likely be the last time the United Nations sends a visiting mission to Belau.

DONALD SHUSTER

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Throughout the year 1991-92 there was a running battle over the authority of the inspector general of the Department of the Interior to audit CNMI income- tax collection. The inspector general claimed to have a mandate