Decolonization came late—when it came at all—to the Pacific islands, and important aspects of the political struggle for self-determination had already been resolved in Africa and Asia. Thus transfer of authority to some of the Commonwealth colonies in the Pacific, for instance, came relatively easily and before some were entirely certain that they were ready for it. In other cases, specifically in the American colonies, the record is quite different. Most American territories continue to this day under American rule, and it must be remembered that as leaders in the old Trust Territory of the Pacific Islands pursued self-government in the 1970s they faced a daunting task. It was not an armed struggle to be sure, but it called for much of the same tenacity, courage, and patience that characterize national liberation movements. When the document that was to become the Federated States of Micronesia’s constitution was drafted in 1975 it was in the context of quite reasonable fears that the U.S. was not going to agree to Micronesian self-government and at a time when the U.S. was actively undermining whatever unity the Micronesians were hoping would provide them with a modicum of strength in their political status negotiations with the U.S. This is the context in which the seemingly odd process through which the FSM selects its President was arrived at; it was fashioned in a most Micronesian manner under what the Micronesians took to be perilous circumstances, and it can only be understood in terms of both that manner and those circumstances. This paper examines these origins, and then considers the subsequent history of the Micronesian presidential system. That system is consistently denigrated
and there have been several attempts to change it; I conclude by asking the question, why hasn’t it been changed?

The FSM President is both Micronesia’s chief of state and head of government; he is the Chief Executive and there is no prime minister. But the President is elected by the FSM Congress from among its own members and not by a popular vote. Few have anything positive to say about this system and many have sought to abandon it in favor of something more conventional, most commonly, direct popular election. I mean to take a fresh look at this process and rather than simply pointing out its deficiencies, I instead ponder its virtues. I consider its precursors in traditional Micronesian politics, its creation at the 1975 Constitutional Convention, and the efforts to revamp it at the 1990 and 2001 Constitutional Conventions. I then attempt to explain its origins and persistence in terms of Micronesian notions of effective checks and balances, and their specific relevance to both the FSM’s relationship with the United States and its internal political tensions, concluding that it was adaptive when it was first hammered out and that it is still perceived as protecting Micronesia from both internal abuses and external interference.

This system has been described as a “hybrid of the U.S. presidential system and the Westminster parliamentary system.” As a consequence of the system’s somewhat unorthodox character, it has been argued that there are insufficient checks and balances on Congress, that Congress, and not the President, is the primary focus of political authority in the FSM, and that it has been failing to provide the country with adequate leadership (Micronesian Seminar 1993:1). Because this system was patched together by Micronesian leaders employing Micronesian political theory to resolve what seemed at
the time to be nearly intractable problems of decolonization, traditional Micronesian political culture and recent colonial history are equally relevant.

**Aspects of traditional Micronesian political systems**

In many ways, chieftainship defines the character of Micronesian government. To be sure, there are many kinds of “chiefs” in Micronesia. Each society has its own forms of government, organized around its own sorts of formal leadership roles. But the underlying principles are everywhere very much the same, and these principles entail two related and overlapping but nonetheless quite distinct categories of chiefs. These are what I am going to call “lineage chiefs” and “territorial chiefs.”

Lineage chiefs are the heads of localized kin groups organized around principles of matrilineal descent. These lineages are localized segments of clans whose members are dispersed over large, sometimes vast, areas. More often than not these chiefs are older men, but women and younger men do sometimes serve. A host of factors go into determining who accedes to these positions, the most important of which are seniority of descent, gender, generational position, chronological age, and personal qualities and skills. Micronesians ordinarily explain that seniority of descent is the single most important aspect, but it would be a mistake to believe that this means that succession is determined by simple genealogy; genealogical status is important, to be sure, but it is clear, empirically, that only occasionally does the genealogically most senior individual actually become chief. In reality a mix of considerations apply, with personal acumen, generosity, and family connections playing leading roles.

Territorial chiefs are leaders of what are usually distinct, geographically demarcated places, whether they are islands, districts or portions of islands, subsidiary
divisions of larger polities, or clusters of islands. They are the chiefs of all the people living within a given territory, which in Micronesian political communities means members of multiple lineages from multiple clans. The authority of this office is generally much more developed that that of lineage chiefs. In some places, people occasionally belong to a local chiefdom other than the one in which they reside and it can thus be argued that local chiefdoms are not entirely geographic in nature; they are, nevertheless, spoken of, conceived of, and for most purposes organized as territorial entities.

Paramount chiefs are those who lead the most extensive polities; they are with few exceptions mature or elderly men. They have local or district chiefs below them and no one above them. The territories over which they reign—paramount chiefdoms—are autonomous and effectively sovereign. Smaller atolls are likely to have a single paramount chief reigning over the entire atoll; most larger islands have several paramount chiefdoms.

It is the case everywhere in Micronesia that territorial chiefs occupy their positions because of their statuses as lineage chiefs of the senior lineages in the places over which they reign. Put another way, chiefs of some descent groups, by virtue of the fact that the lineage they head is the senior group on the island or in the district, etc., are charged with a second and usually more important position: they also serve as leader of all the people in that place. That is, no one is simply or merely a territorial chief, a leader of a place rather than of a group of people.

Although particular lineages normally supply territorial and paramount chiefs, neither these lineages nor the chiefs themselves rule with anything like unbridled
authority. Precisely because the community as a whole depends upon the senior descent group’s head as its leader, community members may well become involved in the senior descent group’s internal affairs, playing some part in making decisions about who is to be its leader and the community’s chief. On Yap, for example, where the legitimacy of clan leadership is a matter for concern, “a chief who is out of harmony with the village and code of right conduct is in serious trouble” and an “incompetent, tyrannical, or deceitful” chief can be removed and a new leader chosen from the pool of legitimate heirs. It is a district chiefdom’s council, and not the lineage itself, that selects, from among the members of the lineage owning the land that provides the chief, the individual who will succeed to the paramount chief’s title (Lingenfelter 1975:75, 114, 118, 123-24).

The lineage which controls a territorial or paramount chief’s title bases its claim to its reigning status on settlement priority—that its ancestors were the first to settle the area—or on historical conquest. While a chief’s authority within his community is tied to the mana of his ancestors, it is the addition of foreign affairs responsibilities—representing the island or community in its relations with other communities—that produces the characteristic form of Micronesian chieftainship. Communities want, or believe that they need, leaders for a variety of reasons, but it is necessary to ask why the form of leadership should be so similar from one society to another. The common form of Micronesian chieftainship derives not only from shared origins but also from the roles that all chiefs play in organizing and focusing relations between communities. Micronesian chieftainship, then, is simultaneously about the internal management of descent groups, management of relations among descent groups within a community, management of the community as a whole, and management of relationships between
different communities. And because survival in Micronesia depends so completely upon relations with other communities and islands, government is very much shaped by the dynamics of these foreign relations.

In addition to the distinct categories and roles of lineage and territorial chiefs, there are in most Micronesian communities multiple other sorts of chiefs, who gain access to their titles in a variety of ways and are charged with a variety of responsibilities. Because they play different roles and are tasked with different responsibilities, the existence of all these different sorts of chiefs serves to provide Micronesian political communities with an array of checks and balances. No one’s authority is unchecked or “absolute.”

Most political decision-making is in fact done in council, by leaders of the communities’ constituent descent groups representing their lineages’ views and interests, and not by a small cadre of hereditary leaders. Andrew Cheyne’s description of 1840s Pohnpei provides an apt illustration.

When a meeting is deemed necessary, messengers are sent to the different chiefs to request their attendance…. The chiefs having assembled, the object of the meeting is laid before them by the King or head chief, and everyone is at liberty to give his opinion. These discussions are at times very animated, especially when they have indulged freely in Kava; and on several of these occasions, I have witnessed violent quarrels between different speakers, which were only prevented from terminating in blows by the interference of the other chiefs. The opinion of the majority on the subject under consideration having been ascertained, the discussion is terminated (Cheyne 1971:182-183).

For matters of great importance on Lamotrek,

where there may be disagreement concerning the proper course of action, a meeting will usually be called of the men on the island…. When the meeting convenes the senior chief will either present the problem or waive this duty to one of the other chiefs. After the opening remarks each of the remaining clans chiefs will discuss his position, then call upon the next senior men to state their feelings…. Each of these individuals will either comment on his position or, if he
has none, pass without discussion. Any man of lesser status, save in the face of violent feelings, would leave his representation to one of the senior clan or lineage heads. At the end of the meeting a decision depends on implied unanimity of opinion. If any disagreement remained such a decision would be postponed until a later meeting (Alkire 1989:35-36)

Day-to-day and year-to-year living on Lamotrek, or any similar island, is consistent enough so that most decision-making situations have been met before in the lives of the individuals involved. A particular course of action, depending on the relevant circumstances, is recognized as the proper course of action by chiefs and most of the inhabitants. The measure of a ‘good’ or ‘bad’ chief, then, is not his ability to provide novel or unusual solutions to old problems, but rather in his ability to initiate and supervise at the proper time those responses which are well known among the inhabitants. The ‘bad’ chief is the individual who delays such action or who hedges in decision-making (Alkire 1989:70-71).

An on Yap it is much the same.

Decision-making on Yap is rarely, if ever, a one-man affair. The power of a chief is tempered always by the power of the puruy ‘council’ of important leaders in the village…. Depending upon the subject of the discussion, word is carried to the village sections and subsections where additional councils are held and decisions are passed on and executed.

In a public council all members of the village may come and listen, but only the ranking estate leaders of the village may talk…. Decisions of the council are reached by consensus. Issues are discussed until public consensus is reached, or until a consensus is deemed impossible and the issue is dropped (Lingenfelter 1975:114-115).

Let me now try to connect these aspects of traditional Micronesian political system and cultures to slightly broader conceptions of government. Many would describe these societies as “feudal.” This does not tell us much, of course. So-called feudal organizations can be focused upon the power and authority of the king or highest ranking liege lord, or they can instead emphasize the prerogatives of local vassals. In precisely the same vein, federal systems can likewise be focused either upon the dominance of the centralized national government or stress the pre-eminence of the local entities. Centralizing and decentralizing dynamics are not inherent in these forms, but are aspects of particular cases. In the same way, the structures of Micronesian chieftainship
are neither inherently centralized nor decentralized; there are continual pulls between lineages and territorial chiefdoms, between local and paramount chiefdoms. In operation, however, there tend to be consistent emphases laid upon dynamics and relationships that place a premium on the relative autonomy of local communities.

Micronesian societies do have well thought-out perspectives on decentralization and means of preserving it. Pohnpei’s core political myths focus upon the abuses of a mythohistorical dynasty, the Sau Deleurs, who ruled the entire island as tyrants. The high point of this saga comes when Pohnpei’s culture hero, Isokelekel, overthrows the tyrants and establishes the modern system of multiple, independent paramount chiefdoms. The overriding theme in these accounts can be summarized in much the same words as Acton’s famous dictum, “Power tends to corrupt, absolute power corrupts absolutely” (Petersen 1990).

Yapese liken their highest leadership to the three stones that support cooking pots over a fire. In this key metaphor, all of Yapese society rests upon the three highest-ranking villages. If one should fail, the pot falls. “This is the basic philosophy of Yapese politics,” Lingenfelter explains. The three paramount chiefs and their villages are all equally important. “None should become so strong as to cause another to fall.” The ‘tha, lines of communication that link together Yap’s geographical and political units, limit and balance the power of the paramount chiefs, who are required to conduct their affairs through subordinate chiefs. The relationship between Yap proper and the atolls linked to it through the sawei plays a significant part as well. “In the context of the Yapese fear of too much centralized power,” Lingenfelter finds that it makes sense for the apex of the exchange system to lie in a relatively minor village, Gatchepar. The exchange goods that
flow in from the outer islands are channeled through a village council, forcing the high
chiefs to depend upon the council for support and thus placing “an effective curb on the
personal power of any high chief” (Lingenfelter 1975:122, 133, 152).

Together the chiefs and their supporting villages maintain a balance of power in Yap politics. Each struggles in his particular sphere to gain advantage over the other, but each is controlled in turn by the other two. The symbol of the pillars for the cooking pots illustrates the interrelatedness of all three. If one fails or becomes weak, the whole system collapses (Lingenfelter 1975:126).

Micronesians are, like any other people, concerned with constituting effective
governments driven by responsible political systems. But they are conscious of how
leaders and governments can be corrupted by the authority invested in them, and thus
take essentially equal and simultaneous steps to restrain, constrain, and limit their leaders.
They do this in a great many ways. Their essentially federal government systems are
among these, distributing power and responsibility among different levels of political
organization. High chiefs are checked or constrained by local chiefs. Territorial chiefs
are offset by lineage chiefs. Chiefs, as executives, are limited by councils. Chiefs are
often paired, so that those with sacred powers are offset by those with secular powers.
And in their personal demeanors and patterns of social interaction, Micronesians cultivate
habits of rectitude and concealment that make it difficult, if not impossible, for chiefs to
assert their authority in ways that would enable them to shape individual outlooks or
beliefs, or allow them to convince the people that chiefs hold greater powers or are able
to exercise them more effectively than they do. Several thousand years of Micronesian
chieftainship have not convinced Micronesians that their chiefs are divinities who must
be unquestioningly obeyed. This is not happenstance; it is a consequence of deliberate
political architecture.
There is, nevertheless, a well-cultivated appearance of order, intended especially
to convince threatening outsiders to reconsider. It has its internal or domestic purposes as
well, but these are generally subordinate to the larger purpose of generating propaganda
for external consumption. Virtually every fine-grained ethnography of Micronesian
societies provides evidence that although people readily acknowledge and celebrate the
potency of their leaders, they also regularly ignore those with whom they disagree or
whose strictures they find burdensome. Most Micronesians are quite capable of insisting
upon the sacred character of their leaders, and asserting their own willingness to obey the
chiefs unhesitatingly, even while nonchalantly doing quite as they see fit.

Nearly every aspect of Micronesian leadership involves some degree of duality or
multiplicity of chieftainship. I reiterate: despite the hereditary aspects of chiefly
succession and the powers ascribed to the chiefs, Micronesians have managed at every
turn to place checks in the way of anyone who would abuse his authority. It seems worth
pointing out here that this is hardly peculiar to Micronesia (or the Pacific). Basil
Davidson observes of many precolonial African societies that

Ruling powers tend by their nature to become oppressive powers; powers which
therefore threaten the balance of social stability. Chiefs and kings were
consequently bound to offend the rules and lead to trouble, sooner or later,
because greed and egotism would attend their power and even the best would fall
by the wayside. A regulatory principle must accordingly express a permanent
distrust of power (1992:84).

These societies have thus developed an “inbuilt distrust of executive power” which draws
upon indigenous political theory. “Power from inheritance should be balanced by power
from appointment. Power from spiritual authority should be shared: among constituent
interest groups, and through the operation of checks and balances” (Davidson 1992:85). This captures quite accurately the Micronesian perspective as well. This returns us to the point at which I started: the underlying principles of Micronesian political organization. Several closely-related principles are relevant here. Seniority of descent and priority of settlement are almost invariably employed to explain the legitimacy of leadership within lineages and among the lineages that make up a community. But it is the case that Micronesians recognize that highly qualified individuals may be chosen to lead lineages even if their genealogical status is not the most senior; such discrepancies are ordinarily dealt with by acting and speaking as if the individuals in question are in fact senior. In establishing just which lineage controls the local or paramount chieftainship an analogous process is employed. Because of typhoons, droughts, wars, and other natural and social phenomena, Micronesian communities have been repeatedly occupied, abandoned, and re-occupied over the past two thousand years. No one can possibly be certain who first settled them. As a gradual, sometimes imperceptible process, the largest lineages, occupying the most land, come to be known as the original settlers and thus gain control of chiefly titles. Together these various tendencies, which are, to be sure, intermittent, reversible, and often over-ridden by other dynamics, have enabled Micronesian societies to achieve an extraordinary degree of success. There is no reason why Micronesian leaders should, or would want to, abandon them when they enter the arena of electoral and bureaucratic politics.

**Modern Micronesian political history**

Following several small-scale and short-lived antecedents, the first real pan-Micronesian legislative body, the Congress of Micronesia (COM), was established in
1965. Most of its members, drawn from all six of the Trust Territory’s districts, already knew one another from their years together at PICS (the Trust Territory’s central high school in Chuuk), the University of Hawaii, and positions at Trust Territory headquarters on Saipan. Working with Norman Meller, a political scientist from Hawaii, who had taught many of them in his classes at the university there, they modeled the body on the U.S. Congress, and created two houses, one based on equal representation for each district and one on proportional, population-based representation. The COM’s first order of business was to begin negotiating the end of American trusteeship, and its membership pushed relentlessly, if couched in Micronesians’ traditionally understated style, for increased self-government. By the end of its first decade it was working with the U.S. administration to set up the original 1975 Micronesian Constitutional Convention, which was largely guided, in turn, by the Micronesian leadership’s experiences in the COM (Meller 1969, 1985).

Because the FSM’s current political system draws as much upon the governmental experiences of the individuals who wrote the original Micronesian constitution as it does upon Micronesian cultural traditions, it is worth briefly considering one significant breach in the continuum between American and Micronesian political processes. Although they were steeped in American constitutionalism, which has been driven from the outset by a two-party system, leaders of the COM never developed a system of political parties. Even though there is nothing in the U.S. constitution referring to parties, American political process relies utterly upon them, as an outgrowth of the antecedent British tradition of court and country and whig and tory oppositions. I draw attention to this point in order to emphasize the continuities here. As new and
revolutionary as the structure of the American system may have seemed at the time, the actual processes of government derived from well-established traditions and precedents, and continued to incorporate the political assumptions, ideas, outlooks, and practices (all of which are aspects of political culture) with which the participants were deeply familiar. That is, whatever the changes in governmental structure, the politicians themselves continued to follow well-established patterns of political behavior.

I am not quite sure why the COM never developed or acquired a system of political parties, but the crucial point is that at its outset the FSM had no party tradition, and it has yet to develop one. The COM’s district (under the Trusteeship) and now state delegations have always functioned as caucuses, and partisan politics in the Micronesian Congress have always been state-centered in nature. It is thus the case that the Chuuk delegation, which is far and away the largest, wields de facto control of the Congress. Under the FSM, the Speaker has nearly always been from Chuuk, and the President of the 1975 Constitutional Convention (and first President of the FSM) was Tosiwo Nakayama, a member of the Chuukese COM delegation and President of the COM’s upper house.

At every juncture in contemporary Micronesian political history the primacy of state delegations, rather than political parties, has been paramount. The 1975 drafting of the Constitution, the initial organization of the FSM government in 1979, the 1990 and 2001 Constitutional Conventions, and subsequent events all turned almost entirely upon differences between and alliances among the state delegations. No matter what format might have been chosen for selecting a president at the 1975 or subsequent Conventions, or might in the future be agreed upon, the simple fact remains that differences between the states vastly overshadow any commonalities of interest across their boundaries.
The COM quite consciously drew upon what its members called the “Micronesian Way,” a phrase familiar to anyone studying politics in the Pacific as a variant of the “Pacific Way.” The Micronesian Way, like its more inclusive cousin, actually means a great many different things in a wide range of contexts and I will not try to define it here. Suffice it say that, among other things, it self-consciously distinguishes itself from a “Western Way” that is perceived (by Micronesians) to rely primarily upon impersonal and rather inflexible rules and concepts; it emphasizes the importance of interpersonal relations, informal talk, and supple interpretations; it attempts to resolve questions and draft legislation by achieving consensus; and it is as susceptible to manipulation and abuse as any other set of principles and styles.

Micronesians ran the COM as Micronesians: they had no alternative since Micronesian patterns of political behavior were the only common ground they had to work upon. While both the COM and the FSM government were originally organized and structured according to Euro-American parliamentary principles and procedures, they were occupied and run by Micronesians, who ran them largely, though by no means entirely, according to Micronesian principles, precepts, and presumptions.

**The 1975 Micronesian Constitutional Convention**

When the Constitutional Convention (ConCon) got underway in July 1975, the Trust Territory’s leaders were “desperately looking” to it to resolve the issue of the Trust Territory’s future political status (Meller 1985:235). The Congress of Micronesia’s negotiations with the U.S. were in disarray, both because of the American government’s insistence upon continued eminent domain control over Micronesian lands, a concession few if any Micronesians were willing to accede to, and the gradual unraveling of the ties
that had bound the Trust Territory’s six districts together. The delegates had no sense of
whether the nation-state they were charged with creating would ultimately include all
those islands that had sent representatives to it. And because they were quite uncertain
about their own strength as a people, they had no idea whether the constitution they
sought to draft would enable them to prevail in their struggle with the U.S. for their own
government’s primacy over any compact or treaty with the U.S. As Pohnpei delegate
Bailey Olter (who later become FSM President) put it, the Micronesians should not have
to remain in the position of having the U.S. tell “us that our Constitution is secondary to a
Compact.” But because there was no constitution, he said, in their negotiations with the
U.S. the Micronesians are “flapping left and right” (Meller 1985:237).

The Marianas District was already well on the way to negotiating a
“commonwealth” status with the U.S. while both Palau and the Marshalls Districts
seemed intent upon entering into separate status negations of their own. It is ironic, then,
that although the Constitutional Convention’s efforts were largely shaped by efforts to
hold Micronesia together, the three recalcitrant districts ultimately went their own ways.
The effort to keep the islands together resulted first in great confusion over just what the
future Micronesian government should look like and then in the peculiar, hybrid form
that relations between the legislature and the executive ultimately took.

The problem can be described, at its base, as this: Palauan leadership insisted that
if their islands were to join a self-governing Micronesian federation it would have to be
organized around a weak central government. This, they said, was the only means of
assuring that Palauans would be in control of Palau. But others feared that a weak central
government would not enable Micronesians to successfully wrest control away from the
U.S. While an array of constitutional articles were slowly hammered out, the crucial issue of what the effective core of the government would actually look like—that is, the character of and the relationship between the legislative and executive branches—could not be agreed upon. The committee charged with this task, the Government Structure Committee, was, in Meller’s words, “ineffective,” and “pondered interminably over what its recommendations ought to be for national legislature and chief executive” (1985:295-296). Debate over unicameral and bicameral legislatures, a single chief executive versus a governing council, and a range of other concerns was repetitious and seemingly without resolution.

Finally, just as it seemed the Constitutional Convention was about to conclude without a completed draft, the delegates decided to abandon, for a time, the parliamentary procedures under which they had been working and shift to a Micronesian format. They went into informal, closed “executive” session, which allowed for indirect, vague, and unlimited discussion. They quickly determined that while a single executive (as opposed to a council) was widely favored there was no consensus how the national legislature should be constituted. When Tosiwo Nakayama, the Constitutional Convention’s president (and probably its most respected member) observed that they seemed to have reached “the feared abyss” of stalemate, the closed executive session decided to create a smaller Special Committee of two delegates from each district, including a chief from each, thus allowing for traditional Micronesian political process to prevail. As Meller tells it, “Recourse to the Special Committee in effect was the Convention harkening back to this pre-contact frame” (1985:298). Working in this way, the committee was able to devise a solution to the question of how to structure authority in their future government.
“Slowly, over the span of two days, the ‘executive or legislature’ version of the classic ‘chicken and egg’ conundrum proved amenable to resolution in a wholly Micronesian way” (Meller 1985:299).

Starting with the premise of single chief executive, they sought a means other than popular election by which to choose the chief executive. The version of a constitution proposed by the Palauans had already suggested that there be two categories of representatives to a unicameral legislature, one from each state for four-year terms and others apportioned by population for two-year terms. This category of four-year representatives was then adapted as a means of furnishing a pool of nominees, one from each state, from which the national congress could name the President and Vice President. When the Special Committee brought this proposed solution to the Convention there was real opposition to it. The allotted time for the Convention was about to expire, however, and there seemed to be no alternative other than failure, which would have meant, in the minds of most Micronesians, that negotiations to end U.S. trusteeship, and achieve Micronesian self-government, would be side-tracked, if not brought entirely to a halt (Meller 1985:300-302). Consensus was achieved, the proposal was accepted, the constitution was completed, and the Micronesians had a format for their government.

Meller, who directed the Constitutional Convention and served as its advisor and eminence grise, as well as its chronicler, made it quite clear in print that the Special Committee’s work was no more than a last ditch, stop-gap measure, and that it displayed no particular originality in arriving at this solution. “In this and all of its other solutions, the Committee displayed little innovation, but served only to facilitate the working out of
compromises based upon proposals already before the Convention,” adding that he “could not forget how the Convention had long teetered on indecision” (1985:300, 308). In later years, in private, he commented to me that if there was any aspect of the 1975 Constitutional Convention he would have liked to have had a chance to do over differently, it would be the structuring of the presidential selection system. Acknowledging the desperate context in which it was designed, he said he had come to believe that it was the single greatest structural problem in Micronesian government, and that it was in need of thorough renovation.

In a 1978 referendum this constitution was approved by Yap, Chuuk, Pohnpei, and Kosrae districts, while voters in Palau and the Marshalls rejected it (the Marianas had already broken away), and it became the law of the land for the Federated States of Micronesia in 1979.

The 1990 FSM Constitutional Convention

The FSM constitution requires that the electorate be asked every ten years whether it wishes to convene a constitutional convention. The first opportunity for it to so came in 1989 and a majority of voters affirmed that one should be called. The first ConCon since the original 1975 Convention got underway in July 1990. As it began, the delegates focused primarily upon the relationship between the national government and the states: what this had originally been designed to be, what it was at the time, and what changes could be effected in it. There were many facets to this overriding question, but the relevant ones in this context were the means of selecting the FSM President, the relationship between the President and the Congress, and the relationship between the FSM and the U.S. government.
Of 104 proposed amendments to the Constitution, 77 (74 percent) were intended either primarily or largely to shift power and/or money from the national government to the states. When 11 technical amendments concerned specifically with details of the transition from trust territory status (and therefore no longer relevant) are excluded, leaving 93 substantive proposals, the figure rises to 83 percent. By a margin of better than four to one, then, the work of the 1990 ConCon consisted of finding ways to provide the four FSM states with greater control over their national government. Of the amendments proposed, however, 13 dealt with selection of the President and Vice President; this was by a large margin the greatest single category of concern.

From the outset there was a pervasive sense, understated and at times subtle, but nonetheless tangible, that the U.S. was continuing to exercise far more influence in Mi than most Micronesians found acceptable. As a means of indicating the nature and impact of this perception, I note one issue in particular. In the course of the ConCon’s committee hearings, the Department of External Affairs (i.e., the FSM’s equivalent of the State Department/Foreign Ministry) was asked to testify; the Acting Secretary of External Affairs was among the ConCon delegates and spoke in both capacities. As a means of explaining that the U.S. government saw itself as retaining ultimate control over the FSM’s foreign policy it was pointed out that any act that the US might construe as a movement in the direction of an alignment with the Nuclear Free Pacific movement would immediately elicit an American demand for discussions, at which the FSM would be informed that it was in violation of the Compact and therefore in danger of losing the funding it secures (i.e., the source of most of the FSM’s income) (Petersen 1993:32-33).
Later, during Committee discussions of this issue, the two antinuclear proposals that had been introduced were permanently tabled. When several delegates urged that at least one of the proposals be reported out of committee, the Chairman replied, “We’re aware of the reasons we’re tabling this in committee. We don’t want to broadcast them.” This pronouncement prompted the ConCon’s only walk-out (albeit an extremely low-key performance).

There was a shared sense that even while the national government was serving to channel American influence, it was the country’s only bulwark against it. Even while there was nearly unanimous agreement that the FSM national government needed to be reined in, there were simultaneous fears that it needed shoring up, a paradoxical outlook that closely mirrored the sense of 1975 ConCon.

Because so many delegates felt uncomfortable speaking openly about their concerns regarding American influence, the more readily apparent issue was the opposition between the individual states and the national government. The delegations from Yap, Pohnpei, and Kosrae “were largely committed to stripping the central government of its power” (Petersen 1993:67). Delegate Yosiwo George, governor of Kosrae, argued that “If it’s in the national interest to weaken national government in order to make better use of resources, then that’s the way to” do it (Petersen 1994:353). Delegate Leo Falcam, a member of the FSM Congress and a delegate to the 1975 ConCon (and later, FSM President),

articulated a widely shared point of view: the 1975 Constitution, he said, had been tailored to make the president and the national government responsible to the states. ‘It was our conscious intent in 1975 to make the national government weak. If this didn’t work, if things are unbearable, if our people are unhappy, then
we should change things. The president is supposed to be weak. If our system is not working as we intended it, then we change it’ (Petersen 1994:341-342).

Before I turn to the key issue of the presidential selection system and the efforts to change it, let me first explain why virtually no changes actually came out of the 1990 ConCon, despite overwhelming agreement that they were absolutely necessary. The FSM’s population distribution is such that Chuuk state includes 51 percent of the entire country’s population, while Yap, Pohnpei, and Kosrae together comprise only 49 percent. Kosrae’s delegation, representing little more than five percent of the FSM population, was adamant that whatever form the shifting of authority from the national to the state governments might take, it would have to ensure that the four states remained co-equals, that is, that “state sovereignty” be absolute. Chuuk’s delegation, on the other hand was almost as steadfast in insisting that authority be proportional to the several states’ population sizes. As one Kosraen put it, “When the Chuukese say something should be done ‘democratically,’ they mean that Chuuk should have the power.”

The issue of executive authority was emblematic in that it also provoked quite antithetical arguments from the two state governors serving as delegates. In asking for direct presidential elections, Governor Moses of Pohnpei (who was also the 1990 ConCon’s President) argued that because of the enormous authority wielded by Congress, the executive branch had lost the ability to control the direction the national government was taking. Kosrae’s Governor George, however, insisted, “I don’t want the President to be able to stop anything” (Petersen 1994:351, 353). That is, Pohnpei’s leadership was lobbying to establish more thorough checks and balances between the legislature and the
executive, while Kosrae’s wanted to create them between the national government and the states.

Two central elements came to the fore as the sequence unfolded. The more obvious was that when President Nakayama finished his second and constitutionally-limited final term three years earlier, there had been a widespread assumption that there was in place an informal “gentleman’s agreement” regarding rotation of the Presidency among the states and that it meant that Pohnpei’s four-year senator would be elected the country’s second President. When John Haglelgam, a young and relatively inexperienced Yap senator, was instead selected by Congress, the action was universally perceived both as having been engineered by the Chuuk delegation and intended as a deliberate slight to Pohnpei and its senator. This incident still resounded in Micronesians minds, and was taken as a clear manifestation of the others’ shared assumption that Chuuk wielded far too much power in Congress. The means of selecting future presidents was a burning national question at the time and there was general agreement (even by some in the Chuuk delegation) that some change was critical to the survival of the federation (Petersen 1994:360).

The second key issue concerning the relationship between the legislature and the executive, at least at during the course of ConCon, was much less obvious. It was, however, hinted at during a committee hearing on proposed amendments intended to restrict abuses of congressional allowances. A representative from the President explained that “it could be politically difficult, if not impossible, for the President to veto appropriations for increases in congressional allowances,” and that “it was therefore appropriate for the Convention to decide this issue.” He described instances in which the
executive branch’s funding had been curtailed in order to assure its responsiveness to Congress, explaining that under the circumstances it was “politically not feasible for the President to veto” the relevant budgetary legislation—“it would be political suicide” for the President, rather than the ConCon, to rein in the misuse of these allowances (Petersen 1994:350). Because the President is elected by Congress out of its own membership, it is generally understood in Micronesia that the president has limited ability to resist the Congress’s will—that is, the checks and balances currently in place are entirely inadequate.

The problem, recognized by everyone involved and never resolved, was that the only alternative that seemed remotely viable was direct popular election of the FSM President. And since the population of Chuuk state constitutes a majority of the entire country’s population, it was (and is) assumed that popular election would enable Chuuk to select the FSM president in every election, which would have simply exacerbated, rather than alleviated, the issue.

At one point a Yap delegate (who was also the FSM’s Secretary of Finance) expressed a common sentiment. Regarding what was perceived as interference by the national government in what were thought to be local prerogatives, he said, “We want to take the reins. We don’t need two drivers anymore.” What should be understood here, however, is that the image of two drivers, and the opposition to it, referred not only to state and national issues within the FSM, but also to the sense that the U.S. had far too much influence on Micronesian affairs, and that it, too, needed to be reined in.

One of the more striking aspects of the 1990 ConCon was the simple fact that it was conducted almost entirely by the state delegations, acting as four separate caucuses
and frequently in opposition to one another, rather than by the 31 delegates working together. While there was evident concern for the FSM as a whole, the individual interests of the states were paramount. This clearly mirrored the current functioning of the FSM Congress, where there are no parties, but only state delegations, and, I assume, was very much a consequence of the situation in Congress. Micronesian constitutionalism was at its outset defined as much by attempts to deal with the breakaway Trust Territory districts as it was by efforts to wrest control of the islands away from the U.S. and put it into Micronesian hands.

Efforts to revise the constitution itself continue to turn on these themes today. A powerful executive is feared as likely to channel far too much American influence. An overweening Congress is seen as a check to executive power, but also as a problem in its own right. Efforts to revise it founder on the fundamentally regional character of Micronesian political process. Rivalries and jealousies among the states—to borrow the Kosraen phrasing, “elements of doubt, fear, mistrust, suspicion”—permeated aspects of the ConCon’s proceedings. I would not characterize these as in any way predominant, but merely the most effective determinants of what ultimately resulted, that is, virtually nothing. In the end, no proposed amendments to the presidential selection system were approved by the ConCon.

The 2001 FSM Constitutional Convention

In 1999 FSM voters mandated a third Constitutional Convention, which convened in November 2001. It sent 14 proposed amendments to a referendum in August 2002, none of which was approved by the necessary three-fourths majority. Most prominent among them was the proposal providing for direct election of the President and Vice
President; it was approved by only 53.7 percent of the 15,000 voters who participated in the referendum (out of 67,000 registered voters). These figures indicate that even though discontent with the FSM’s current electoral system is palpable, there is little real motivation to effect change. The FSM has moved no closer to replacing its hybrid system with a direct election process that it was when the Constitution was first drafted in 1975.

This 2001 direct election amendment specified that the president and the vice president be from different states and run on a single ticket. Victory would require only a 40 percent plurality, with a run-off election if no ticket garnered the necessary votes. In an analysis of the proposed amendments disseminated by the Micronesian Seminar, former FSM President John Haglegam wrote, “Perhaps this proposal is the most significant of all the proposed amendments that came out of the Constitutional Convention. For the first time in the short history of our nation, this proposal will allow the voters to exercise their God-given right to elect their president and vice president.” The present system, he said, “creates an uneven check and balance between the two political branches of the national government. The current joke is that there is too much check and no balance in the national government.”

Haglegam observed that as it now stands, the President is “politically accountable and responsible to the Congress,” and that having him popularly elected “will increase the power of the FSM president vis-à-vis the Congress. In addition, the legitimacy of the presidency will be enhanced and genuine checks and balances between the two branches will exist.” He argued that one of the impediments Micronesia faces is the lack of a party system.
The current arrangement would have worked if our political system were fully developed. If politics were based on political ideology and if political parties were established to aggregate and articulate national interest, then the present arrangement would have worked.

Popular election of the president and vice president might eventually lead to establishment of political parties and an emergence of a new political paradigm based on ideology and concern for public welfare to supplant the current system, which is dominated by the principle of “what is good for my re-election is good for the country.”

Haglelamg, who is from Yap state’s outer islands (and whose wife is from Chuuk state’s outer islands), pointed to “a genuine fear that in a direct election of the president and vice president, voters in Chuuk will always decide the outcome.” Acknowledging the reality of the situation, he suggested that “the large population of Chuuk will always make that state a political force in any kind of election.” It is therefore the case that whether the President is elected by popular vote or by the Congress, Chuuk will always wield enormous influence. Accepting this sway as a given and proceeding to empower the chief executive by giving him all the people as his constituency, rather than just the Congress, he concluded, is a vital step in establishing the checks and balances necessary for a more responsive and responsible FSM national government (Haglelamg 2002:7).

Conclusion

The actual structure of the FSM’s government was, as we have seen, patched together as a makeshift solution to what had seemed an intractable impediment to the drafting of the constitution. The solution the delegates finally arrived at reflected the conditions under which the ConCon labored—that is, the possible disintegration of Micronesia itself and the problem of creating a national government strong enough to negotiate effectively with the U.S. The structure of the FSM government was meant to
be weak enough to convince the break-away districts to remain, yet strong enough to deal with American intransigence. It neither enunciated nor contained any clear-cut principles about how those who would be charged with governing Micronesia should actually go about governing it. In the absence of any new principles intended to provide them with guidance as they set about creating this new government, Micronesia’s leaders simply fell back upon the political culture they had inherited from the Congress of Micronesia, which in turn built upon traditional Micronesian political culture.

When the original 1975 ConCon found itself at an impasse, it fell back upon Micronesian methods and reached a Micronesian conclusion. The delegates designed a constitution with a single chief executive, but then immediately placed impediments to his authority in his path. Given the understandable fears of U.S. power and influence at the time, the checks and balances imposed upon the President’s executive authority were entirely adaptive.

As I have noted, however, this system is now widely thought to be dysfunctional, and two subsequent constitutional conventions have sought to thoroughly revise it, without success. Most obviously, fear of Chuuk state’s population size accounts for the absence of any change in the presidential system, but as Haglelgam points out, Chuuk already wields proportional influence in the FSM’s affairs. I have found myself asking if there are other reasons for maintaining the status quo. I believe there are.

Chieftainship lies at the heart of Micronesian political life. A strong, competent chief with ties to ancestral figures who can assist him or her, and intervene with the supernatural forces that control nature, is a sine qua non of traditional Micronesian government. But Micronesian political culture focuses as well upon the possibilities for
abusing power, and demands that adequate checks and balances be kept in place, to
ensure that chiefs do not become too strong. These are the principles underlying the
assumptions that shaped the Micronesians’ solution to their original constitutional
dilemma.

The immediate context in which the Micronesians shaped a constitutional solution
to the problem of presidential selection was their concern about whether they would be
able to successfully negotiate an end to U.S. rule over their islands. This called for a
unified and relatively strong executive. At the same time, they recognized that the
overwhelmingly superior strength the U.S. would wield in any relationship between them
meant that their chief executive would be forced to channel some degree of American
influence into their country.\textsuperscript{7} Micronesian political theory, therefore, insisted that they
simultaneously fashion an effective means of checking the executive power they were
about to create. Congress was charged with selecting the chief executive from its own
number, thereby maintaining a degree of control over him.

It also seemed necessary to place authority in Congress as a means of ensuring
that the individual states retained effective enough voice in national affairs to guarantee a
decentralized federal system of government. It did not appear at the time that Micronesia
could be held together at all unless it was held together lightly. Empowering the
legislature at the expense of the executive was the logical course to follow.

In other words, the structuring of the Micronesian constitution was at the outset
entirely adaptive. This does not mean, of course, that this format has remained entirely
adaptive as conditions have changed. The key question here, then, is whether conditions
have changed enough to warrant substantial revisions to the presidential selection system.
As we have seen, a good many of the FSM’s leaders and more influential citizens think this would be a good idea. But resistance to such changes has been ample enough to forestall them.

I would argue that the two precipitating factors in these original constitutional processes have not yet altered enough to convince most Micronesians that it is time to implement such changes. First, continuing U.S. interference in Micronesian affairs remains a deep concern; this is not, as we have seen, something people talk openly about, but it is an underlying preoccupation. Second, nothing in Micronesians’ recent experiences has convinced them that their traditional apprehensions about the dangers of concentrated authority are inappropriate or anachronistic. As long as the power of the U.S. lies behind the FSM executive, Micronesians will be inclined to preserve the necessary checks and balances securely in their Congress. They recognize that theirs is not an ideal system, but it is faithful to the requirements of traditional Micronesian beliefs about the nature of power, government, and leadership.

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NOTES

1 Hezel (2004) argues that many of Chuuk state’s political problems stem from the absence of effective territorial chiefs in traditional sociopolitical organization, but to the extent that this may be the case, I would respond, it is more a matter of degree and style than of actual structure.

2 This phenomenon is by no means peculiar to Micronesia—it is encountered in other parts of the Pacific islands—but its ubiquity there seems to make it a particularly definitive Micronesian practice.

3 Claims that some Micronesian chiefs’ authority was “absolute” may be found in the literature but they should not be given much credence.

4 Cheyne actually borrowed a portion of this portrait from a description of political process in Kiribati, but he was a keen observer and I conclude that he lifted it simply because he thought it described Pohnpei as aptly as it did Kiribati.
5 See Meller 1969 for a detailed discussion of political style within the COM.
6 I am mentioning in this discussion only a few relevant examples. Much greater detail can be found in Petersen 1993, 1994, 1997.
7 At the time of the 2003 invasion of Iraq, numerous jokes were made that “the coalition of the willing” was largely composed of “microdot” dependencies of the U.S. like the FSM. Micronesians are not the only ones with doubts about the degree of autonomy the U.S. allows them.