Micronesian Political Structures and American Models: Lessons Taught and Lessons Learned

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The systems of government that have been instituted in the five areas of Micronesia that are associated with the United States reflect different historical patterns unique to each country or territory as well as the influence of significant individuals in the process. For the American territories of Guam and the Commonwealth of the Northern Marianas (CNMI), the nature of the legislative and executive branches closely parallel that of the three branch, republican form of government of the United States. For these two territories, there was no option to step outside of this basic structure as the U.S. federal government insists upon this pattern. The only alterations and variance from this American pattern occurs in the unique legislative system that has developed in both jurisdictions. The nature of the executive branch in the form of a unified Governor/Lt. Governor administration is clearly American in style, substance and operation. Legislative operations and politics have a decidedly different style than most American legislative bodies.

For the freely associated states, their status as independent countries gave them wide latitude to pursue any style of democratic government they could construct. In the formulation of their constitutions, the Republic of Palau (ROP), the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) dealt with various political situations, demands for local autonomy and cultural issues to develop three distinctly different types of executive branches. At one end, the ROP closely approximates the American style of democracy through its strong, directly elected Presidency and bicameral legislature based on internal state recognition. At the opposite end, the RMI decided to adopt a Westminster-styled, parliamentary form of government in which the executive grows out of the legislative branch. This system has been justified as “culture based” and explained as the result of Amata Kabua’s influence in the initial stages of nation-building.

In the midpoint (or perhaps outside points of comparison), lies the Federated States of Micronesia. Having to contend with the demands for local state sovereignty, a federation was adopted. The Congress of the FSM is the basic instrumentality of democracy and the venue through which the political traffic of ethnicity, culture, states rights and international standing are mediated. There is no direct election of the executive as in the United States. There is no Prime Minister who continues to sit in the legislative body as there is the United Kingdom. And while there is only one house in the unicameral FSM Congress, it contains key bicameral features. In many respects, the FSM Congress is a bicameral legislature operating as a unicameral body.

The development and operations of the governmental structures instituted in the five areas of Micronesia “associated”* with the US primarily reflects the unique nature of each
jurisdiction and its history with the US. In the course of developing these systems of governance for the freely associated states, the American model was offered and sometimes entirely rejected. Despite the fact that the political leadership was American educated, when the time came to institute a system of governance, local conditions and a desire to be unique ruled the day over any attachment to an American view of democracy. Even in the American areas of Guam and the CNMI, there are unique features of the legislative operations which step outside of the American mold. In the American areas of the island Pacific, American lessons were taught, but they were not always learned.

- This is an awkward characterization since the CNMI and Guam operate under the direct sovereignty of the United States and the compact states are independent nations although linked to the U.S. in ways which go beyond typical state-to-state relations. Other options include “affiliated with,” “dominated by” or “related to.”

LEGISLATIVE VARIANCES UNDER AMERICAN SOVEREIGNTY

THE TERRITORY OF GUAM AT LARGE

Guam and the CNMI are both unincorporated territories of the United States. In the words of the U.S. Supreme Court, they are “appurtenant to but not a part of the United States.” This means that they are literally property of the U.S. and can be dealt with politically as if they were outside the American system. The U.S. Congress has plenary authority and can apply or withhold portions of the U.S. Constitution to the territories. In actual practice, this means that legislation passed by Congress may or may not include the territories and exemptions are frequently granted. Territorial elected officials typically argue that the Congress treats them less than states when it comes to state-like authority and influence, but more like foreign countries when it comes to handing out benefits. The territorial lament is “heads we win, tails you lose.”

In reality, the relationship is much more nuanced and depends largely on the unique characteristics of each territory. In this way, federal officials can continue to claim that each territory is respected and given unique treatment. There is no federal master plan for territories or widespread acceptance of the fact that these areas are colonial dependencies that operate outside the American democratic principle of “consent of the governed.” The only consent that matters is Congressional.

Guam was taken after the Spanish-American War and was administered for nearly 50 years (except for the Japanese Occupation during World War II) by the U.S. Navy pursuant to a Presidential Executive Order. The passage of the Organic Act brought permanent civilian government to Guam in 1950 along with a unicameral legislature elected at large. The executive branch was headed by a Presidential-appointed Governor and Secretary of Guam. Although hailed at the time as the most forward-looking document for any Pacific island, its main feature was the extensive direct control of the Governor over the administration of the island government. There was nothing unusual about it. It was to be expected in a colonial government that the executive retains most of the checks in the checks and balance between the legislative and executive branches.
Pursuant to federal law, a popularly elected Governor began in 1970. Since then, a unified Governor/Lt. Governor slate has been elected every four years and the political parties have regularly rotated control. Over the years, there have been incremental efforts to redress the imbalance between the legislative and executive authority, but it takes Congressional action and even when Congress acts, contradictory interpretations end up in the Courts. Sole educational authority is no longer vested in the Governor of Guam and the creation of an elected Attorney General in 2002 has further reduced the influence of the executive.

The Guam Legislature is the only legislature under the U.S. flag that is unicameral and elects all of its members at large. Originally, the Organic Act fixed the number at 21. Pursuant to Congressional authorization and a local popular initiative, the number was reduced to 15. At large elections used to mean an extraordinary measure of party unity. The slate of party candidates campaigned as a collective and hoped for “black jack,” meaning a victory for all 21 seats. The Popular (and subsequent, Democrat) Party was able to prevail in this manner several times, whereas the Territorial Party (and successor party, Republicans) have only secured majorities.

With the onset of primaries in 1970, party discipline and unity took a back seat to personal popularity. The end result has been that candidates in effect run against all other candidates or no one in particular, depending upon how you look at it. With no defined benefit for party affiliation, many candidates secretly ask for “bullet votes,” in effect denying fellow party member votes and mathematically boosting their overall vote total.

The effort to create legislative districts was successful for two legislative terms (15th and 16th Legislatures) before it fell to a court challenge. Not surprisingly, the movement for districts was led by the Republican Party and the districts were created so as to assure their majority. The Democrats challenged the districts on “one man-one vote” grounds and prevailed. Although better representation of different parts of the island plays a part in the discussion, the primary factor used today in the discussion over districting is ethnicity. More specifically, the lack of Filipino elected officials in the Legislature has become an issue.

Filipinos number well over 30% of the population and probably at least 25% of the electorate. Because their numbers are concentrated in the north of the island, districting would arguably give them a better chance at getting elected. Under the at large system, three Filipinos have been elected in the past 35 years (although one mixed Filipino-Chamorro emphasizes his Filipino roots and heretofore Chamorro candidates are rediscovering their Filipino ancestry). Of the three, two were Democrats (Umagat and Delfin) and one was Republican (Espaldon). In the two legislatures that were based on districts, Filipino candidates did not perform any better. Caucasians are not normally seen as being handicapped in running for office and several have served in the Legislature.

At large elections today focus more on personal popularity than party labels or ideology. They also allow candidates to select issues that have island wide, topical appeal rather than being based on specific issues or parts of the island. A person may run as the environmental, the educational, the health care or the crime-fighter candidate. Specific qualifications for those issue areas are emphasized and there is generally no adherence to specific policies that are defined by the party or any kind of ideology. The result is that legislative elections appear to be issue-defined but are really policy-bankrupt. For example, educational candidates are elected because they have educational experience, but no one really knows what kind of educational policy they will follow until they serve their term.
This lack of policy clarity leads to a lack of legislative discipline. In the check and balance struggle with the executive which is a natural feature of American government, the legislative branch continues to come out on the short end. Although most of this is traceable to the original Organic Act and the desire to retain federal power through an appointed governor, having legislators with identical constituencies contributes to the lack of discipline and lack of policy definition.

A locally-derived Constitution to replace the congressionally enacted Organic Act may resolve many of these issues. The U.S. Congress has authorized Guam and the Virgin Islands to draft their own constitutions as long as they recognized federal supremacy and follow the American three-branch form of government. However, the drafting of a Constitution in Guam is a controversial topic that is intertwined with political status. Many argue that a political status must first be selected before a Constitution is drafted. It is putting the proverbial cart before the carabao. This was the argument given and accepted by the people of Guam in 1979 when a locally drafted Constitution was rejected by over 80% of the voters. Discussion about having a new constitutional convention has increased in recent months.

THE NORTHERN MARIANAS: ISLAND EQUALITY

Although the majority population of the CNMI originated from Guam in the past two centuries, a different history since the Spanish American War has led to a different political and some say luckier path. The Northern Marianas were taken by Germany before World War I, taken as a League of Nations mandate for Japan subsequently and ended up being part of the Trust Territory of the Pacific Islands administered by the United States. At one time, the islands were eager to “reintegrate” with Guam, but that idea was rejected by Guam in a referendum in 1968. Lingering harsh feelings over the Japanese use of Chamorro interpreters from Saipan during World War II influenced the voting.

The Northern Marianas subsequently moved to become a U.S. territory on its own. The status of “commonwealth” was eventually the consensus objective and once the U.S. was willing to negotiate a separate arrangement, the CNMI came into being. Nearly simultaneously, the remaining Trust Territory was dissolved into three separate entities despite the effort to maintain some semblance of unity in the Micronesian Constitutional Convention of 1975.

The CNMI was a creature of the Cold War. Eager to maintain its military position in the region and protect its forward basing in Guam, the U.S. was willing to bargain a new arrangement with the people of the Marianas that granted the new territory special deals and “exemptions” from restrictions that applied to other territories. These were embodied in the “Covenant” between the United States and the Northern Marianas. The term implied a special relationship that was more than that of other territories, but less than that of a treaty as embodied in the various “compacts” of free association.

This is reflected in the local authority to control minimum wage laws, immigration and land alienation. This authority is absent in Guam. The CNMI is also granted an exemption from the “one man, one vote” test in the formation of its legislative body. The CNMI has a bicameral legislature. The “lower” House of Representatives is based on population with a guarantee that the islands of Tinian and Rota will have at least one member of the body. The “upper” Senate is a nine-member body which represents the three islands of Saipan, Rota and Tinian equally.
The effort to secure equal representation in this body was engineered by Benjamin Manglona from Rota at the last and most critical part of the Covenant negotiations. In late 1974, the Tinian and Rota delegations indicated their desire to be equally represented in the upper house. In January, 1975, the Rota Municipal Council passed a resolution indicating their non-negotiable demands in order to be part of a future commonwealth. The most critical part was equal island representation. The U.S. reluctantly agreed and it became part of the covenant law that established the new Commonwealth.

Each of the three islands elects three senators at large from their respective areas. Saipan has 90% of the population of the CNMI and generates approximately the same proportion of the government’s total revenue. The disproportionate nature of the relationship invites lots of commentary, court litigation and political maneuvering whenever a Saipan elected official gets particularly frustrated by the arrangement. Despite the fact that equal island representation violates “one man, one vote” guidelines applicable to every other legislative body under the U.S. (including Guam where it was used to eliminate districting), the courts have upheld the arrangement as part of the covenant. Apparently, the covenant is slightly above an ordinary federal or local law.

The allocation of the resources favors the smaller islands and their representatives rise to leadership positions in the Senate on a regular basis. Occasional political squabbling and posturing develops from equal island representation. The most recent example is the 80% proposal by Senator Pete Reyes from Saipan. He proposed that since most government revenue is generated by Saipan, no less than 80% should be spent on Saipan with 10% being allocated to each island of Rota and Tinian. He argues that this is still a generous division of resources. Of course, it would be disastrous to the two smaller islands and has no chance of passing the Senate. Current Governor Juan Babauta has already indicated his opposition.

For both Guam and the CNMI, the training ground of local politics has been the legislature. Historically, legislative bodies predated the existence of a locally elected executive. The models for the executive have been essentially colonial and “off-island” whereas the models for the legislative have been seen as democratic and island based. For both entities, the focus on the operations of the legislative branch as the most reflective of the people is understandable. They are also the source of the most obvious variance from the way American legislative bodies currently work. In Guam, this is the continuance of the at large, unicameral body. In the CNMI, it is the equal island representation afforded in the Senate.

To some extent, there has been some attention drawn to the extensive executive powers held by the governors as a result of prior colonial practice. For Guam, this is clearly the case as the legislature frequently complains about the governor’s superior powers. For the CNMI, it is not as clear since the governing document is a locally-derived Constitution that can be changed through local action. Yet, the Governor of the CNMI has extensive executive powers even within the islands that concurrently have Mayors and Councils. Perhaps, the islanders have yet to confront successfully the limitations of the legislative branch and they may have no real alternative executive models to reflect upon. Historically, under direct colonial control, the executives held extensive administrative authority. It is not unreasonable for islanders to expect to hold those same powers once they were elected as executives in their home islands.
THE COMPACTS OF FREE ASSOCIATION

In 1975, Micronesian Constitutional Convention convened to fashion a government that would be consistent with a new and independent status for the Trust Territory of the Pacific. While the negotiations over the compacts of free association would be the venue for discussing external relations, the several constitutional conventions for the freely associated states (except for Palau in resolving the nuclear issue) would be focused on internal considerations. The main concern in 1975 was ensuring that the central government not overwhelms its constituent parts. While the Northern Marianas had already disengaged from the Trust Territory, there was still some hope that a federated system would keep the Marshall Islands and Palau in the fold.

The president of the convention, Tosiwo Nakayama, took extraordinary steps to ensure that the work of the delegates was completed or it would negatively affect the on-going negotiations with the United States. The system of representation that emerged in the proposed Constitution was fashioned by a special committee after reaching a stalemate that almost brought the process to a halt. The result was a patching together of several proposals in a compromise that yielded a federated system with a weak central government and a weak executive dependent upon a new Congress of Micronesia.

The new Congress would have two tiers of members in a unicameral body. Four year terms would be allocated to each state regardless of population. The remaining members would be apportioned by population and would be elected every two years. This had the effect of instituting a unicameral body with bicameral characteristics. Only the four-year members were entitled to serve as President and Vice President. In selecting the executive, each state had one vote. This effort was motivated more by the desire to keep state powers paramount rather than to exercise stronger legislative than executive powers.

The new design did not keep the Marshalls and Palau in the federation. They went their own way regardless of the sincere effort to keep all of Micronesia under one flag. The Palau delegation initially proposed the two tiered system of members in a new congress of Micronesia which simultaneously strengthened states rights while it weakened a future executive. Ironically, they left the federation and formed the only American-styled, strong Presidential system for their new country. The Federated States of Micronesia was thus formed from the remnants of the failed effort to remain united. They inherited the constitution and they have tried to make it work ever since.

MARSHALLING PARLIAMENTARY FORCES

The RMI is the only true parliamentary system operating in the American associated Pacific. Under the Constitution, executive authority in the RMI is exercised by the Cabinet. The Cabinet is headed by a President who in turn must select the Ministers with various portfolios. At a minimum, the President must select ministers in six areas identified in the Constitution. The President is selected by the Nitijela from amongst its members and all ministers must also be members of the Nitijela.

The only real difference between the RMI’s system and the standard Westminster pattern is what happens after a vote of no-confidence. In the RMI system, the Nitijela can select a new President. Failure to do so within 14 days voids the “no confidence” vote. Snap elections and the dissolution of parliament are avoided and the President can remain as head of the government even after a “no confidence” vote. In addition to being called President rather than Prime...
Minister, this method of ensuring executive continuity is more in line with the American approach to legislative-executive relations.

Moreover, in actual practice, the executive of the RMI has functioned in a manner that is understandable by those familiar with American models. The President presides over the executive as would most American elected executives and engages in struggles with the legislative branch that would be atypical in the Westminster model. Political opponents in the Nitijela sometimes get their legislation through and the Nitijela as a whole seeks oversight over executive activities.

These patterns reflect familiarity with American models despite the Westminster framework. This raises the question why the RMI decided to reject the American republican framework. Most observers credit Amata Kabua’s desire to sustain his power and his preference for a parliamentary system which he announced early on in the process dating back to the 1975 Convention. Arguing that the parliamentary system comports more with the “culture” of the Marshallese, the RMI decided to go parliamentary rather than executive.

Ostensibly, the cultural explanation refers to the Micronesian desire to make collective decisions through group discussion rather than through open and frank debate between individuals with separate, but “equal” powers. The desire to avoid “disputatious confrontation” (as noted by Meller) could explain the desire to vest a legislative body with executive authority rather than through open election and open confrontation. A less charitable explanation would be that Kabua knew that he could sustain his powerbase easier through a legislative body in which he was a king-maker and through which he could distribute and withhold resources, notably land.

In either case, the Micronesians (including the Marshallese) made a conscious decision in 1975 to develop their own models with few Americans present and with no U.S. official assistance. Although consultants like Meller were utilized, the desire to deal with local issues in a way that reflected Micronesian ways and ideas was strong. Equally strong was Kabua’s desire to separate and to chart a course towards a parliamentary system. In the formation of their own constitution, the Marshallese hired non-American consultants, most notably Jim Davidson from the Australian National University. Davidson is sometimes credited with moving the Marshalls towards a parliamentary structure. Kabua had probably already marshaled the necessary forces and utilizing Davidson reflected the direction he wanted to pursue.

In recent elections, the developments of stable political factions and political parties have ensured the relative stability of the system that has been developed in the RMI. Of the three compact states, the RMI political parties are starting to develop an ideological as well as interest base for political action. This offers the Marshallese a choice of direction for their nation that is beyond the typical political choice of relatives and special interests common in most island states. The effect on the politics of and the policies developed in the Nitijela should be positive in the long run. The success of parliamentary democracy largely depends upon the development of political parties and a broader basis upon which to develop constituent support than clan or atoll-affiliation. The RMI appears to be moving in that direction.

THE PALAUAN EXECUTIVE: GETTING IT RIGHT

It is no small irony that the former trust territory district that espoused the most concerns about a strong central government and executive ended up with a system of governance that most approximates the American presidential system. The ROP has had the most interesting series of
challenges to the formation of its constitution and the development of the presidency. Between having eight separate plebiscites on the approval of a constitution, the assassination of the country’s first president and the suicide of the second, Palau has faced difficulties that would hamper larger countries with longer and deeper electoral traditions.

The resilience of the people of Palau has manifested itself in the midst of these challenges. Through their elected leaders, they have developed a system of government that has led to the characterization that ROP is the most governed entity in the world. In addition to the national government there are 16 state governments, each with their own legislative apparatus and sense of sovereignty that is manifested in everything from opposition to national legislation to state flags and license plates. If you add the considerable authority maintained through the leadership of the Ibedul and Reklai of the Council of Chiefs, the average Palauan citizen is not only responsible to many levels of government, he has many avenues through which to express his dissatisfaction about the way things are going. And many fully utilize these rights and responsibilities, making Palau one of the most vibrant and active democracies in the world. For a small Pacific island nation with a population of 30,000, government and elected officials are omnipresent.

The national government has a president and vice president who are elected separately. This is the only variance from the American presidential model where the offices are elected as a team. It also has a bicameral national congress in the Olbiil Era Kelulau (OEK). The Senate has eight members that are elected from districts determined by the population. The House of Delegates has one member from each of the 16 states. This reverses the American pattern where the upper house represents entities and the lower house represents the people.

The OEK has considerable legislative authority that includes oversight over the executive through a series of standing committees. The national congress has specific authority to regulate foreign commerce, levy and collect taxes, ratify treaties, regulate ownership and use of natural resources, navigable waters, air space, provide for the national defense and the catch all “to provide for the general welfare, peace and security.” The OEK can also impeach and remove the president and vice president and overturn a presidential emergency declaration by a two-thirds vote.

Given the complexity of the exercise of these powers, the resources it takes to run a bicameral body and the continual confrontation between the president and the congress, there is increased interest in the formation of a unicameral congress. Current President Tommy Remengesau has proposed this amongst five amendments to the constitution that will be voted on this year. The others include term limits for the OEK, dual citizenship for Palauans, a unified executive and uniform compensation for the OEK. Rather than calling for a constitutional convention which he terms costly, Remengesau has opted for this “surgical approach.” In opposition, the OEK has also listed the possibility of a con con on the November ballot.

In his confrontation with the OEK, Remengesau has behaved very much like an American president. Since he does not come from the OEK as in the RMI or FSM, he can go directly to the people for support to deal with the OEK. With the media outlets in Palau, he has a “bully pulpit” that can speak to the reading public. With his independent office and direct election of the presidency, he can appeal directly to the people about the uncooperative and abusive OEK without having to look at the OEK “in the eye.” He travels frequently to Palauan communities in Guam and the U.S. to make his case. His dual citizenship proposal is designed to shore up his off-island constituents who handed him the victory four years ago. Remengesau appears to be practicing the art of political “triangulation” so effectively used by Clinton in the U.S.
The proposals and the inability of the President and the OEK to agree on even how to change the constitution indicates that there is lots of political conversation and contention ahead on how best to fashion the national government of Palau. The American model was adopted with only minor adaptations by the Palauans. The fact that Palau left a federated states structure for Micronesia which their delegation initially proposed is not the only irony. The approval of the Compact of Free Association and the national constitution became entangled as the latter called for a 75% approval of any treaty that allowed for the movement of nuclear weapons or vessels through Palau. This resulted in several court challenges and eight plebiscites before approval was given. In the series of elections, only the last one counts. This delayed the implementation of the Compact in Palau which was different in its terms than that of the FSM and the RMI. The country which followed America the closest also had the most problematic relationship with the U.S., at least in the beginning.

But the irony of the relationship doesn’t’ end there. As Palau contemplates the refashioning of the OEK into a unicameral body, they are near completion of the national capital in Melekeok in the middle of Babeldaob. The structures are stunningly situated overlooking the ocean. The white structures are visible from several miles around in the midst of the empty greenery. The main structure appears to be a replica of the U.S. Capitol in Washington D.C. In perhaps the final act of following the American model, the structure has two wings for two houses of the national congress. I am sure that no matter the outcome of the November election, the Palauan people will get it right even if they opt for a unicameral congress. There is no shortage of ideas or proposals emanating the youngest of the three compact nations in Micronesia

THE FSM- ALL CHECKS AND NO BALANCE

When the four states of Kosrae, Pohnpei, Chuuk and Yap ratified the FSM constitution in 1978, the new nation embarked on an ambitious effort to implement a national constitution that attempted to provide checks and balances between and amongst various structural elements in the new government. There was the effort to check the need for a national government while maintaining state prerogatives. There was the effort to check the desire to create a national congress with the need to reflect states’ rights. There was the effort to check executive power through a strong legislature. There was the concern to check populous state power with small states concerns. The end result of all these efforts was the creation of a national government that featured almost all checks and no balance.

In reality the FSM is the rump state of the ill-starred effort to keep Micronesia under one banner. In the 1975 convention, there was a chance to keep the old Trust Territory districts together in one new entity despite the departure of the Northern Marianas. The structure of the new government needed to address the concern that the more populous states would run the government. The idea that Chuuk because of its population would have power proportionate to its size in the new government was anathema to the smaller states.

The delegates were probably familiar with the model provided by the Federalist Papers in American history and the historical compromises which led the United States from the Article of Confederation to the Constitution. However, in Meller’s terms, they decided to fashion their own unique document that would be “truly autochthonous.” They eschewed the offered assistance of U.S. officials and freely designed a new framework. They also ignored the historical experience of the United States during its confederation period.
STATES RIGHTS

The key elements were the creation of a FSM Congress that would have one member from each state who serves a four year term. The remaining members would be apportioned according to population and serve two year terms. Both chief executives would be selected from amongst the members serving four-year terms in a system where each state had one vote. Special elections would be held subsequently to fill the vacancies. In order to keep the system in tact, a gentleman’s agreement was made to ensure rotation of the presidency amongst the four states.

In order to pass legislation in the Congress, the proposal must pass a gauntlet that allows almost any two states of whatever size a veto. For a bill to pass first reading, it requires the affirmative vote of two-thirds of the entire membership. On second reading, only four votes are cast. Each state has one vote submitted by the chair of the state’s delegation. Presumably, a majority of the delegation is in favor of the bill in order to render an affirmative vote. This system is so protective of the small states, that it has been termed the “fear of Chuuk” system by observers like Fran Hezel of the Micronesian Seminar. Former FSM President John Haglelgam notes that it was the only way to “lure” small state support of the initial constitution.

In combination, the role each state plays in selecting the President and the two tiered nature of passing legislation by the FSM Congress provides evidence that the Congress operates as a kind of bicameral body within the confines of a unicameral legislature. As previously noted, the unique nature of the operation of the national body is shaped more by the desire to secure small state support rather than as a hedge against executive authority.

The FSM constitutional conventions since the first one have had no shortage of proposals to enhance and clarify state authority by each of the four state delegations. Pohnpei and Kosrae are open in their disdain for central authority and Pohnpei representatives frequently discuss secession as a viable option if they don’t get their way.

The true nature of state authority in the FSM was manifested in the process of approving the revised Compact of Free Association with the U.S. in 2003-2004. The terms of the agreement needed to be revised by the end of 2003. The process of negotiations dragged on and there was great concern that the U.S. Congress would not approve the revised agreement before the end of the 2003 session in time for President Bush to sign it and avoid going back to the old funding arrangements. With great relief the process was completed on the U.S. side. Although the urgency to approval was greater on the FSM side in order to realize new funding levels, the FSM Congress still had to submit the document to state legislature approval after Congress itself had affirmed the document. FSM Congressmen had to go to the states to “campaign” for approval by state legislatures. Three of the four states finally approved the document in May 2004.

THE “EXECUTIVE”

There has been much discussion about the difficult, cumbersome and “ineffective” nature of the FSM executive. The President and Vice President of the FSM come from the Congress in a fashion similar to the Westminster system. After the selection, the President and Vice President preside over the executive branch as separate elected officials. This seems similar to the American presidential system. In actual practice, this hybrid approach may be combining the weaknesses of both systems rather than their strengths.
In a traditional parliament, the executives would remain in the legislative body. This would allow them to be players in the legislative process. They could advance their policies through persuasion and through the camaraderie of being members of the same body. They could rely on the majority that put them in office to selectively assist allies and punish opponents. All of this is not available to the President of the FSM (as it is to President Note of the RMI). To begin with they are not selected by the majority of the members of Congress or in accordance with political factions or parties that could assist in a disciplined approach to governance.

Instead, they are selected by representatives of the four states in a process in which state representation is again the main consideration. The politicking is intense but it doesn’t appear to be organized around ideology or factions, but is motivated by personnel compromises and concern about Chuuk. The rotation of the presidency amongst the four states would have provided greater predictability in the process and reduced the intensity of the political maneuvering.

But the rotation has been violated several times and is in a process of reconstruction. The beneficiaries of the compromises have been the selection of two outer islanders from Yap, Hagelgag and Joseph Urusemal as the current President. No one would have thought that likely at the beginning of the nation. However, the Chuukese think of the outer islanders as good compromise candidates since they are ethnic cousins. They have the advantage of being related to the Chuukese, but they are not from Chuuk.

Moreover, the outer islanders occupy the four year seat from Yap as the result of a compromise “suggested” by the two (Yap and Outer Island) Councils of Chiefs in Yap State when the first Vice President of the FSM was Petrus Tun from Yap “proper.” This left the four-year seat vacant and the Chiefs intervened to give the seat to an outer islander in the name of fairness. Since then, outer islanders from Yap have been eligible to become President or Vice President.

Once selected, the FSM executive has to establish a separate identity in order to pursue new initiatives. But he has no where to go but to Congress in order to establish new policies. According to Hagelgag, many in the Congress think of the President as little more than a mouthpiece for them. The President doesn’t have the advantages of the American executive who is directly elected. He cannot appeal directly to the media (which doesn’t exist in the FSM) or the people who elected him in order to advance initiatives. Unlike Remengesau or any American president, Urusemal does not have the opportunity to appeal to broader interests or a national audience. His audience is the short walk between his office and the Congress.

The actual powers of the presidency are extensive and approximate those of an American president. The FSM president even has the coveted “line item” veto that every American President longs for. But the exercise of this authority is dependent upon a political process which is absent in the FSM. Without political parties, without a national audience, without a “bully pulpit” via the media, the FSM president must be an extraordinarily gifted politician in order to move the FSM Congress in a direction they may not want to go. There is no real balance between the two branches but apparently there are lots of checks. Most of these checks come from the states below.

There are a number of conditions that would improve the awkward nature of the FSM presidency. Direct election of the executive team is the most obvious, but it has already been rejected in a national referendum. The development of national political parties would also ensure that policy decisions are broader based and less geographically-constrained. A national purpose
and national ethos must be cultivated within the political process. Haglelgam notes that there is an emerging FSM identity amongst government employees and students. It is the aspirations of young people that will determine the future of the nation. It is still an open question whether the politically-aware young citizen of the FSM aspires to be the Governor of his or her home state or to be a member of the FSM Congress or even President of the country. No one yet says, “In the FSM, anyone can grow up to be President.”

CONCLUSION

In all of the American associated entities, there have been conscious efforts to be different from the American model. For the two territories, these are relatively minor since their freedom of movement is limited. For the three compact states, the diversity of approaches reflects both fascination with and rejection of the American presidential model.

For the entire region, it would be a mistake to simply analyze the emerging systems of government as either being similar to or deviating from the American model. Whenever there is a unique feature of government that has been instituted, there are legitimate, localized reasons for developing in a different direction from that encouraged by American officials or expected as a result of familiarity with American democratic practices.

The biggest and yet most elusive factor is culture. It is almost automatic to see in leadership selection, discourse style and political relationships the cultures of the inhabitants of the islands. While cultural patterns are omnipresent and have to be considered as a factor in political behavior, such patterns are also fairly difficult to track in specific terms. The selection process in the FSM can be seen as a process designed to avoid open confrontation and to avoid abusive behavior by anyone in charge. There is evidence that this desire is culture-based and a long standing practice even when chiefs hold significant power. The same can be said for the RMI, but not for Palau.

Related considerations of ethnic group identity and attachment to home island are equally potent and more easily traced. The legislative operations of Guam and the CNMI are concerned with ethnicity and home island loyalty respectively. Atoll identification can be seen in the nature of the construction of the Nitijela and district identification can be witnessed in the 16 states of Palau. But it is in the FSM where ethnicity and island identification combine with culture for a trifecta of impact on government operations.

The other, more mechanical and historical explanation for many of the unique patterns comes from the legislative training ground for most political leadership. The legislative branch developed in advance of the executive branch in all areas of Micronesia. Local elected officials had their first political experiences in legislatures while expatriates and federal officials functioned as executives. When it came time to devise political systems, there was a natural tendency to focus on the more familiar legislative branch to solve structural issues. For some, it was the desire to retain state prerogatives. For others, it was the motivation to limit the power of the executive which could have been seen as originating from external sources. Palau seems to defy the pattern followed by the other compact states, but it may yet end up there.

In an interesting twist of colonial history and political models, of all the American associated nations, Palau may have the last remaining presidential system. President Gloria Macapagal Arroyo announced on July 2, 2004 that the movement of the Philippines to a parliamentary system will be completed by 2010. Her rationale is that the separation of the two
branches of government is “conflicting by nature.” She points out that the Philippines has the
only presidential form of government in Southeast Asia and characterized it as a “system of the
20th century.” Apparently the FSM and the RMI had already leapfrogged everyone else in
Micronesia into the 21st century. We will see which system ultimately meets the needs of these
new nations and is consistent with the lessons learned from their own experiences as well as from
their association with America.

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