



Micronesian political structures and US models

lessons taught and lessons learned

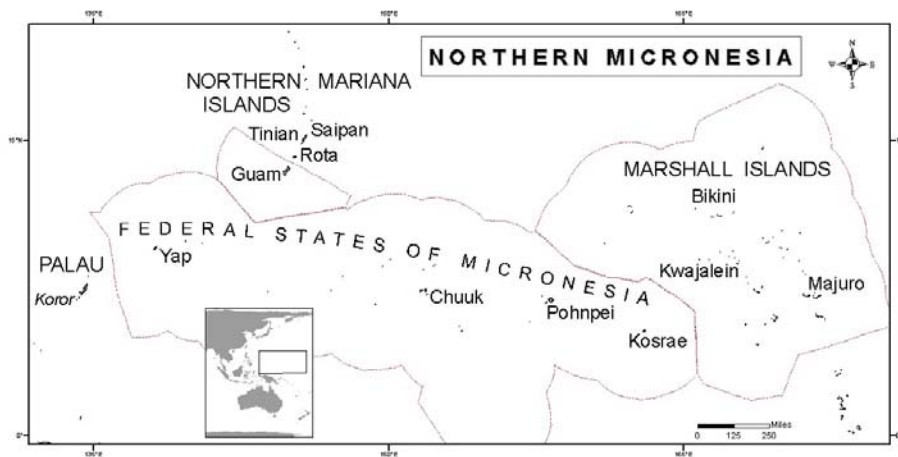
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THE SYSTEMS OF GOVERNMENT INSTITUTED IN THE FIVE MICRONESIAN COUNTRIES/territories that are 'associated with'¹ the United States reflect their different histories and cultures, as well as the influence of significant individuals. In the US territories of Guam and the Commonwealth of the Northern Mariana Islands, the structure of the legislative and executive branches closely parallels that of the three-branch, republican form of government of the US, a structure insisted upon by the US. The only variance from the US template occurs in the unique legislative system developed by each of the territories. While the executive branch, in the form of a unified governor/lieutenant governor administration, is clearly US in style, substance and operation, the legislative operations and politics have a decidedly different style from most US legislative equivalents.

The freely associated states of the Republic of Palau, the Republic of the Marshall Islands and the Federated States of Micronesia obtained wide latitude from the US to pursue any style of democratic government they wished. With different political circumstances, different cultural issues and demands for local autonomy in some jurisdictions, they each developed a different type of

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executive branch. The Palau structure closely approximates that of the US, with a strong, directly elected president and a bicameral legislature. In contrast, the Marshall Islands adopted a Westminster-style parliamentary form of government in which the executive grows out of the legislative branch. In yet another approach, adopted to satisfy demands for local state sovereignty, the Federated States of Micronesia adopted a federation structure. The executive is selected not by direct election (as in the US), but by the legislature, the FSM Congress, from within the legislature. And while it is a unicameral congress, it operates in many respects as a bicameral legislature.



In the development of each of these systems of government, the US model for government was considered. However, although the political leadership was US-educated, local circumstances and a desire to be unique had primacy over any attachment to the US view of democracy. Some states adopted aspects of the US model and others rejected it entirely. Even in the US territories of Guam and the Northern Marianas, there were significant departures from the US model. In sum, US lessons were taught but not always learned in these five US-associated Micronesian states.

Population of US-affiliated Micronesian entities, 1999–2000

Guam	154,805
Commonwealth of the Northern Mariana Islands	69,221
Saipan	62,392
Tinian	3,540
Rota	3,283
Republic of the Marshall Islands	50,840
Palau	19,129
Federated States of Micronesia	107,000
Chuuk	53,000
Pohnpei	34,500
Yap	11,200
Kosrae	7,700

Sources World Bank World Development Indicators online, Guam from US Department of the Interior, <http://www.census.gov/census2000/guam.html>; CNMI from 2000 census (<http://www.census.gov/census2000/cnmi.html>); Marshall Islands from Republic of the Marshall Islands, *1999 Census of Population and Housing, Final Report*, Office of Planning & Statistics, Majuro, 1999; Palau from Eileen O. Tabaranza, 'Palau's Population hits 19,129', *Palau Horizon/PINA Nius Online*, 8 November 2000; FSM from <http://www.fsmgov.org/info/people.html>.

In this paper I outline the development and some features of each of the five systems of government, and explain how and why each deviates from the US model.

The territory of Guam at large

Guam and the Northern Marianas are both unincorporated territories of the United States.² In the words of the US Supreme Court, they are ‘appurtenant to but not a part of the United States’. This means they are literally US property, and can be dealt with politically as if they were outside the US system. The US Congress has plenary authority and can apply or withhold portions of its constitution to the territories. In practice, this means that US legislation may or may not apply to the territories, and exemptions are frequently granted. Territorial politicians typically contend that the US Congress treats them as less than states when it comes to matters of authority and influence, but more like foreign countries when it comes to handing out benefits. The territorial lament is that the federal government says, ‘heads we win, tails you lose’.

In reality, the relationship is much more nuanced and varies according to the characteristics of each territory. Thus, federal officials can claim that each territory is respected and given unique treatment. There is no federal master plan for territories or widespread acceptance that they are colonial dependencies operating outside the US democratic principle of ‘consent of the governed’. The only consent that matters is congressional.

Guam was taken from the Spanish after the Spanish-American War (1898) and administered for nearly fifty years (except during the Japanese occupation in World War II) by the US Navy pursuant to a Presidential Executive Order. The passage of the *Organic Act of Guam* in 1950 brought permanent civilian government to Guam along with a unicameral legislature elected at large. The executive branch was headed by a US presidential-appointed governor and secretary of Guam. Although hailed at the time as the most forward-looking system for any Pacific Island state, 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 is to be expected in a colonial government that the executive retain most of the checks in the checks and balances between the legislative and executive branches.

In reforms made twenty years later, the Organic Act was amended to provide for a popularly elected governor. Since then, a unified governor/lieutenant 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 legislative and executive authority, but this takes US congressional action and, even when Congress acts, contradictory interpretations often end up in the courts. Nonetheless, 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.

Guam has the only legislature under the US flag that is unicameral and elects all its members at large. Originally, the Organic Act fixed the number of members at twenty-one. In response to a popular local initiative, in 1996 the US Congress authorised a reduction in this number to fifteen. At-large elections used to mean an extraordinary measure of party unity. The slate of party candidates would campaign as a collective and hope for 'black jack', meaning a victory in all twenty-one seats. The Popular Party and its successor, the Democrat Party, were able to prevail in this manner several times, whereas the Territorial Party and its successor, the Republican Party, only ever secured majorities.

With the adoption of primaries in 1970, party discipline and unity took a back seat to personal popularity. The 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 electoral benefit from party affiliation, many candidates secretly ask for 'bullet votes', which boost their tally and deny votes to fellow party members.³

In 1978, legislative districts were instituted, with their composition designed to ensure political domination by the Republican Party. However, after two legislative terms, the districts approach was ruled illegal when challenged in court by the Democrats on the grounds that it breached the 'one person, one vote' requirement. Although the need for better representation of different parts of the island is a part of political discussion, the primary focus in recent discussions about districting has been ethnicity. Specifically, the lack of Filipino elected officials in the legislature has become an issue.

Filipinos number well over 30 per cent of the population and probably at least 25 per cent of the electorate. Because their numbers are concentrated in the north of the island, districting would arguably give them a better chance of election. Under the at-large system, three first-generation Filipino-Americans



have been elected to the Guam Legislature since the 1970s (although one mixed Filipino-Chamorro representative emphasises his Filipino roots and heretofore Chamorro candidates are discovering their Filipino ancestry). Of the three, two were Democrats and one was Republican. However, in the two legislatures that were based on districts, Filipino candidates did not perform any better. In contrast to Filipinos, Caucasian candidates are not normally seen as being handicapped and several have served in the legislature.

While at-large elections these days focus more on personal popularity than party labels or ideology, they also allow candidates to campaign on issues that have island-wide, topical appeal rather than on issues relevant to only parts of the island. A person may run as the environmental, the educational, the health care or the crime-fighter candidate. Candidate qualifications for those issue areas are emphasised, but there is generally no promotion of specific policies defined by the party or based on an acknowledged 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 the voters usually do not know what kind of educational policy they will implement until they serve their term.

This lack of policy definition leads to a lack of legislative discipline and weakens the legislature relative to the executive. In the check and balance struggle with the executive, a feature of US-style government, the legislative branch in Guam continually loses out. Although this is mostly due to the structure of the relationship inherited from the original Organic Act, motivated by the US desire to retain federal power through an appointed governor, the lack of discipline and policy definition in the legislature further erodes its power.

A locally derived constitution to replace the congressionally enacted Organic Act may resolve many of these problems. The US Congress has authorised Guam and the Virgin Islands to draft their own constitutions as long as they recognise federal supremacy and adopt the US three-branch form of government. However, the drafting of a constitution is a controversial topic in Guam and intertwined with issues of Guam's political status. Many argue that a political status must be agreed before a constitution is drafted. To do otherwise is putting the proverbial cart before the carabao.⁴ This was the



argument put to and accepted by the people of Guam in 1979, when more than 80 per cent of voters rejected a locally drafted constitution. In 2005, discussion about the need for a new constitutional convention increased, and on 2 December Governor Camacho asked the US Congress to reintroduce legislation to solidify the constitutional process, and announced the creation of the Constitutional Government of Guam Task Force. He labelled this initiative 'Constitutional Self-Government Now, Self-Determination Next!'

The Northern Marianas – island equality

Although nearly all of the ancestors of the Chamorro population of the Commonwealth of the Northern Mariana Islands migrated from Guam during the past two centuries, in CNMI a distinct history since the Spanish-American War has led to a different, and some say luckier, political path. Prior to World War I, the Northern Marianas were ruled by Germany; then they were taken under a League of Nations mandate by Japan; and then after World War II they ended up as part of the Trust Territory of the Pacific Islands administered by the US. 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 (the largest Northern Mariana island) during World War II influenced the voting.

So, the Northern Marianas sought to become a US territory in their own right. The US agreed to negotiate a separate arrangement with them, the status of 'commonwealth' eventually became the consensus objective and the CNMI came into being in 1975. 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 US was willing to bargain a new arrangement with the people of the Northern Marianas that granted the territory special deals and exemptions from restrictions applying to other territories. These were defined in the 'covenant' between the United States and the Northern Marianas. The term covenant implied a special relationship with more autonomy for the CNMI than enjoyed by other



territories (but less than that provided for under a treaty, as exemplified in the various ‘compacts’ of free association). This is reflected in the authority granted to the Northern Marianas to control minimum wages, immigration and land alienation, an authority that Guam does not have. The CNMI was also granted an exemption from the ‘one person, one vote’ test in the formation of its legislative body.

The CNMI has a bicameral legislature: the House of Representatives is based on population, with a guarantee that the islands of Tinian and Rota have at least one member, and the senate is a nine-member body with equal representation for the three islands of Saipan, Rota and Tinian. Equal representation in the senate 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 stating their non-negotiable demands in order to be part of a future commonwealth, the most critical of which was equal island representation. The US agreed, reluctantly, and it became part of the covenant law that established the new commonwealth.

Saipan has 90 per cent of the CNMI population and generates approximately the same proportion of the government’s total revenue. The disproportionate nature of the political relationship among the islands invites lots of commentary, litigation and political manoeuvring whenever a Saipan elected official gets particularly frustrated by the arrangement. Although equal island representation violates ‘one person, one vote’ guidelines applicable to every other legislative body under the US (including Guam, where it was used to eliminate districting), the courts have upheld the arrangement as part of the covenant. Apparently, the covenant has slight primacy over an ordinary federal or local law.

The allocation of government resources favours the smaller islands, and their representatives rise to leadership positions in the senate on a regular basis. This provokes occasional political squabbling and posturing. In 2004 the ‘80% proposal’ was raised by Senator Pete Reyes from Saipan. He proposed that since Saipan generates most government revenue, no less than 80 per cent should be spent on Saipan, with 10 per cent allocated to each of Rota and Tinian. He argued that this was still generous to Rota and Tinian. Such a move



would, however, have been disastrous for the smaller islands and, in part due to opposition from Governor Juan Babauta, it did not prove successful (Juan Babauta, in an interview with the author, 2 July 2004).

For both Guam and the CNMI the training ground for local politics has been the legislature. Because the existence of local 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 legislature have been seen as democratic and island-based. The natural focus is on the legislative branch as more reflective of the people's will since, historically, executives came from somewhere else. Legislatures also show the most obvious variance from US legislature models. In Guam the difference is in the at-large, unicameral body; in the CNMI it is in the equal island representation in the senate.

To some extent, there has been criticism of the extensive executive powers of the governors as a remnant of prior colonial practice. The Guam legislature frequently complains about the governor's superior powers. In the CNMI the discontent is not as obvious since the governing document is a locally derived constitution that can be changed through local action. Yet, the CNMI governor has extensive executive powers over local affairs, even on the islands that have mayors and councils. Perhaps the Islanders have yet to confront the limitations of the legislative branch and have no real alternative executive models with which to compare their system. Because executives held extensive administrative authority when the Northern Marianas were under direct colonial control, it is likely that Islanders elected to executive positions expect to hold those same powers.

The Federated States of Micronesia – all checks and no balance

In 1975 the Micronesian Constitutional Convention convened to fashion a government that would be consistent with a new and self-governing status for the Trust Territory of the Pacific. While negotiations over the compacts of free association would be the occasions 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 issues. The main concern in 1975 was ensuring that the central government would not



overwhelm its constituent states. 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; otherwise, the negotiations with the US for a more independent political status would have been compromised. The system of representation that emerged in the proposed constitution was fashioned by a special committee after the convention reached 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. The design was motivated more by the desire to keep state powers paramount than to limit executive powers.

The proposed design did not keep the Marshalls and Palau in the federation. They went their own way despite the sincere effort to keep all of Micronesia under one flag. Ironically, although it was the Palauans who proposed the two-tiered system for the Congress of Micronesia, which strengthened state rights and weakened the executive, they left the federation and formed the only US-styled, strong presidential system. The Federated States of Micronesia was thus formed from the remnants of the failed effort to remain united.

When the four states of Kosrae, Pohnpei, Chuuk and Yap ratified the constitution of the FSM in 1978, the new nation embarked on an ambitious effort to implement the constitutionally mandated checks and balances between and amongst various structural elements in the government. The cultural and linguistic diversity of the FSM states required attention to state prerogatives at the expense of national authority (a pressure absent in the more culturally homogeneous Marshall Islands and Palau). This motivated efforts to develop a series of checks: to check the need for a national government while maintaining state prerogatives; to check the desire to create a national congress with the need to reflect states' rights; to check executive power through a strong legislature; and to check populous state power with small state concerns. The result was the creation of a national government that featured almost all checks and no balance.



The delegates to the 1975 convention were probably familiar with the model provided by the Federalist Papers in US history and the historical compromises that led the US from the Article of Confederation to the constitution. They decided, however, to fashion their own unique indigenous document, eschewing the offered assistance of US officials and designing a new framework.

The key element of the FSM model is the Congress, consisting of one member from each state serving four-year terms, and other members, the number from each state proportional to population, serving two-year terms. Both chief executives are selected from amongst the members serving four-year terms, with each state accorded one vote. Special elections are held to fill the subsequent vacancies in the Congress. In order to keep the system intact, a gentlemen's agreement was made to rotate the presidency amongst the four states.

Any proposed legislation in the Congress must pass a gauntlet that allows any two states of whatever size a veto. For a Bill to pass first reading requires the affirmative vote of two-thirds of the entire membership. On the second reading only four votes are cast, with each state having one vote submitted by the chair of the state's delegation. Presumably, a majority of the state delegation is in favour 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 (2004). Former FSM president, John Haglelgam, notes that it was the only way to 'lure' small state support for the initial constitution (2004, pers. comm.).

In combination, the role each state plays in selecting the executive and the two-tiered process to pass legislation means that the Congress operates as a bicameral body within the confines of a unicameral legislature. As previously noted, the design of this structure was motivated by the desire to secure small state support, rather than to hedge against executive authority

At the two FSM constitutional conventions held since the 1975 convention there has been no shortage of proposals by each state delegation to enhance or clarify state authority. Pohnpei and Kosrae are open in their disdain for central authority and Pohnpei representatives frequently discuss secession as an option if they do not get their way. The nature of state authority in the FSM

was revealed in the process to approve the revised Compact of Free Association with the US in 2003–2004. The terms of the agreement needed to be revised by the end of 2003. The negotiations dragged on and there was great concern that the US Congress would not approve the revised agreement before the end of the 2003 session in time for President Bush to sign it and avoid reverting to the old funding arrangements. When the process was finally completed on the US side, although the urgency to approve it was greatest on the FSM side (in order to realise the new funding levels), the FSM Congress still had to submit the document for state legislature approval. 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.

There has been much discussion about the difficult, cumbersome and ineffective nature of the FSM executive. The president and vice-president are selected from the Congress, similar to the Westminster practice, but after the selection they preside over the executive branch as separate elected officials, which is similar to the US presidential system. In practice, this hybrid approach may be combining the weaknesses of both systems rather than their strengths. In a traditional parliament, the executives remain in the legislative body. This allows them to be players in the legislative process. They can advance their policies through persuasion and through the camaraderie of being members of the same body. They rely on the majority that put them in office to selectively assist allies and punish opponents. None of this is available to the FSM president.

To begin with, the FSM executive is not selected by the majority of the members of Congress or in accordance with political factions or parties, processes that could assist in a disciplined approach to governance. Instead, the executive is 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 does not appear to be organised around ideology or factions; rather, it is motivated by personal factors and concern about Chuuk.

An agreement to rotate the presidency amongst the four states should have provided great predictability and reduced the intensity of political manoeuvring, but the agreement has been violated several times and in the new millennium is in a process of reconstruction. The beneficiaries of the violations



have been two Outer Islanders from Yap, John Haglelgam and Joseph Urusemal (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 political advantage of being related to the Chuukese, but not from Chuuk.

Moreover, 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 Petrus Tun from Yap 'proper' became the first FSM vice-president. In the name of fairness, the Chiefs intervened to give the vacant four-year seat in Congress to an Outer Islander. 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 the president has nowhere to go but Congress in order to establish new policies. According to Haglelgam, many in the Congress think of the president as little more than a mouthpiece for them (2004, pers. comm.). The president does not have the advantages of the directly elected US and Palau executives: the FSM president cannot appeal to the voters directly or through the media (which does not exist in the FSM) and so does not have the opportunity to appeal to broad interests or a national audience to advance initiatives. The only audience is at the end of the short walk between the president's office and the congressional chamber.

The actual powers of the presidency are extensive and approximate those of a US president. The FSM president even has the coveted 'line item' veto that every US president longs for. But the exercise of this authority is dependent upon a political process 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 to move the FSM Congress in a direction they do not want to go. There is no real balance between the two branches, but there are lots of checks, most of them to satisfy the states.

There are a number of changes that would improve 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 ensure that policy decisions are more broadly based and less geographically constrained. A national purpose and national ethos must be



cultivated within the political process. Encouragingly, Haglelgam notes that there is an emerging FSM identity amongst government employees and students (2004, pers. comm.). It is the aspirations of young people that will determine the future of the nation. However, it is an open question whether the politically aware young citizen of the FSM aspires to be governor of his or her home state or a member of the FSM Congress or even, president. No one yet says, 'In the FSM, anyone can grow up to be president'.

Marshalling parliamentary forces

The Republic of the Marshall Islands has the only true parliamentary system operating in the US-associated Pacific. Under the constitution, executive authority in the RMI is exercised by the cabinet. The cabinet is headed by a president, who appoints ministers to portfolios. At a minimum, the president must select ministers in six areas identified in the constitution. The president is selected by the Nitijela (the lower House in the legislature) from amongst its members and all ministers must also be members of the Nitijela.

The only real difference between the RMI system and the standard Westminster model is what happens after a vote of no confidence. In the RMI system, the Nitijela can select a new president, but failure to do so within fourteen days voids the no-confidence vote. Snap elections and the dissolution of parliament are thus avoided, and the president can remain as head of government even after a no-confidence vote. This method of ensuring executive continuity, as well as the title of president, rather than prime minister, is more in line with the US approach to legislative–executive relations.

Moreover, in practice, the RMI executive functions like the US executive. The RMI president presides over the executive and engages in struggles with the legislative branch that are atypical in the Westminster model. Political opponents in the Nitijela sometimes get their legislation through and the Nitijela as a whole seeks oversight of executive activities. These behaviours reflect the greater familiarity with US models despite the Westminster framework.

This raises the question of why the RMI rejected the US republican framework in favour of a Westminster system. Most observers attribute it to the desire of long-serving Marshallese President Amata Kabua to sustain his power, and his preference for a parliamentary system, which he announced



early on in the process, at the 1975 Micronesian Constitutional Convention. Arguing that the parliamentary system comports more with the 'culture' of the Marshallese, Kabua convinced the nation 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 among individuals with separate but 'equal' powers. The desire to avoid disputes and confrontation could explain the desire to vest a legislative body with executive authority rather than select an executive through open election and confrontation. A less charitable explanation would be that Kabua knew he could sustain his power base more easily 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, in 1975, with few US representatives present and no official US assistance, the Micronesians (including the Marshallese) decided to develop their own model. Although consultants like Meller were used, 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 the Marshall Islands from other Micronesian states and to chart a course towards a parliamentary system. In the formation of their own constitution, the Marshallese hired non-US consultants, most notably Jim Davidson from the Australian National University. Davidson is sometimes credited with moving the Marshalls towards a parliamentary structure. But Kabua had probably already marshalled the necessary forces, and the choice of Davidson simply reflected his decision to move in that direction.

In recent elections, the development of stable political factions and political parties has ensured the relative stability of the RMI system. Of the three Compact states, only the Marshall Islands' political parties are starting to develop an ideological base, as well as an interest base, for political action. This offers the Marshallese a more comprehensive choice of direction for their nation than voters in most Pacific Islands states have. 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 than clan- or atoll-affiliation upon which to develop constituent support. 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 espousing the strongest concerns about a powerful central government and executive ended up with a system of governance that most approximates the US presidential system. The Republic of Palau has had the most interesting challenges to the development of its constitution and presidency. Having endured eight separate plebiscites on the approval of the Compact with the US, the assassination of the country's first president and the suicide of the second, Palau has faced difficulties that would have hampered 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 characterisation of ROP as the most governed entity in the world. In addition to the national government, there are sixteen state governments, each with its own legislative apparatus and sense of sovereignty, which is manifested in everything from opposition to national legislation to their own state flags and licence plates. If you add the considerable authority – maintained through the leadership of the Ibedul and Reklai (the two paramount chiefs) – of the Council of Chiefs, the average Palauan citizen is not only responsible to many levels of government, but has many avenues through which to express any dissatisfaction about the way things are going. And many citizens fully utilise these rights, making Palau one of the most vibrant and active democracies in the world. It is a small Pacific Islands nation with a population of around 20,000, yet government and elected officials are omnipresent.

The national government has a president and vice-president who are elected separately – the only variance from the US presidential model, in which these officials are elected as a team. Palau also has a bicameral national congress, called the Olbiil Era Kelulau (OEK): the senate has nine members, elected from districts determined by population size, and the House of Delegates has one member from each of the sixteen states. This reverses the US pattern, in which the upper house represents entities and the lower house represents the people.



The OEK has considerable legislative authority, which includes oversight of the executive through a series of standing committees. It has specific authority to regulate foreign commerce; levy and collect taxes; ratify treaties; regulate ownership and use of natural resources, navigable waters and air space; provide for national defence; and, the catch-all, 'to provide for the general welfare, peace and security' (*Constitution of the Republic of Palau*, art. IX, section 5, para. 20).⁵ The OEK can also impeach and remove the president and vice-president and overturn a presidential emergency declaration by a two-thirds vote.

Because of the complexity of these powers, the resources it takes to run a bicameral body and continual confrontation between the president and the OEK, there is increased interest in the formation of a unicameral congress. President Tommy Remengesau advanced this in November 2004 as one of five proposed amendments to the constitution, but failed to obtain popular support. The other proposed amendments, which did secure support, included term limits for the OEK, dual citizenship rights for Palauans, a unified executive and uniform compensation for the OEK. Rather than calling for a constitutional convention, which he deemed too costly, Remengesau opted for this surgical approach. Opposing the president, the OEK instead proposed a constitutional convention on the ballot, which was convened and rejected the other four amendments in 2005. Remengesau nevertheless moved ahead towards implementation.

In his confrontation with the OEK, Remengesau behaved very much like a US president. Since he is not selected by the OEK (in contrast to the system in the Marshall Islands and the Federated States of Micronesia), he can go directly to the people for support to deal with the OEK. With media outlets in Palau, he has a 'bully pulpit' from which he can speak to the reading public. With his independent office and direct election, he can appeal directly to the people about the uncooperative and abusive OEK without having to look the OEK 'in the eye'. He travels frequently to Palauan communities in Guam and the US to make his case. His dual citizenship proposal is designed to shore up support from his off-island constituents, who handed him victory in 2001. Remengesau appears to be practising the art of political 'triangulation', effectively used by Bill Clinton during his presidency of the US. The proposals



to amend the constitution and the inability of the president and the OEK to agree on changes indicate there is considerable political conversation and contention ahead on how best to fashion the national government of Palau.

The Palauans adopted the US model with only minor adaptations. It is ironic not only that Palau adopted the model despite proposing a federated states structure for Micronesia, but also that although Palau followed the US most closely in its system of government, it has had the most difficult relationship with the US during the development of its new political status. The approval of the Compact of Free Association and the national constitution became entangled, as the latter required a 75 per cent approval of any treaty that allowed for the movement of nuclear weapons or vessels through Palau. There were several court challenges and eight plebiscites before approval was given. This delayed the implementation of the Compact in Palau and its terms were different from those with the other Compact nations.

But the irony of the Palau–US relationship does not end there. As Palau contemplates the refashioning of the OEK into a unicameral body, it nears completion of the new national capital in the village of Melekeok in the middle of Babeldaob Island. The structures of the new national government buildings are stunningly situated overlooking the ocean, and the white structures in the midst of greenery are visible from several miles away. The main structure appears to be a replica of the US Capitol in Washington DC. In perhaps the final act of following the US model, the structure has two wings for two houses of the national congress.

Even though the proposal to make the OEK a unicameral body narrowly failed in a 2004 plebiscite and no proposal for parliamentary reform came up in the 2005 constitutional convention, there is never a shortage of ideas emanating from the youngest of the three Compact nations in Micronesia.

Conclusion

In all of the US-associated entities, there have been efforts to depart from the US model. For the two territories, the differences are relatively minor since their freedom is limited. For the three Compact states, the diversity of approaches reflects both fascination with and rejection of the US presidential model. However, it would be a mistake to analyse the emerging systems of



government simply in terms of their similarity to or deviation from the US model. Whenever a unique feature of government is instituted, there are legitimate, localised reasons for developing in a direction different from that encouraged by US officials or expected as a result of familiarity with US 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 influence of culture. While cultural patterns are omnipresent, they are also fairly difficult to track in specific terms. The selection process in the Federated States of Micronesia can be seen as a process designed to avoid open confrontation and abusive behaviour by authorities. There is evidence that it is culture-based and derived from long-standing practice, even when chiefs held significant power. The same can be said for the Marshall Islands with its parliamentary system, but not for Palau with its openly competitive system for the selection of the executive.

Related factors of ethnic group identity and attachment to a home island are also potent and more easily tracked. The legislative operations of Guam and the North Marianas are influenced by concerns with ethnicity and home island loyalty respectively. Identification with home atolls can be seen in the structure of the Nitijela on the Marshall Islands, and identification with home district is obvious in the Palauan sixteen-state system. In the Federated States of Micronesia, ethnicity and island identification combine with culture to deliver a threefold impact on government operations.

The other, more mechanical and historical, explanation for many of the unique patterns is the legislative training ground for most of the 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 resolve structural issues. For some, this was motivated by the desire to retain state prerogatives; for others, to limit the power of the executive, seen as deriving from external sources. Palau seems to defy the norm, but it may yet end up also rejecting the US model.

In an interesting twist of colonial history and political models, of all the US-associated nations Palau may be the last to have a presidential system. Philippines President Gloria Macapagal Arroyo announced on 2 July 2004 that the Philippines would adopt a parliamentary system 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 characterises it as a ‘system of the twentieth century’ (*Japan Times*, 4 July 2004). According to this logic, the Federated States of Micronesia and the Republic of the Marshall Islands have leapfrogged everyone else in Micronesia into the twenty-first century. We will see which system ultimately best 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 the US.

Notes

- ¹ ‘Associated with’ is an awkward characterisation since the Northern Marianas and Guam operate under the direct sovereignty of the United States and the Compact states are independent nations, although linked to the US in ways that go beyond typical state-to-state relations. Other descriptors include ‘affiliated with’, ‘dominated by’ or ‘related to’.
- ² Strictly speaking, only the Northern Marianas is an unincorporated territory. It has more authority than Guam on some matters. However, Guam could acquire the same authority through federal legislation and the Northern Marianas could lose that authority through federal legislation. In this sense, they are both unincorporated territories.
- ³ Bullet voting refers to choosing to back only a single candidate, despite having on Guam a block-voting system that entitles each voter to fifteen votes for the fifteen legislators.
- ⁴ A carabao is a domesticated type of water buffalo.
- ⁵ The constitution is available at <<http://www.palauembassy.com/Documents/ConstitutionE.pdf>>.

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