



## On checks and balances within the Federated States of Micronesia's presidential system

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DECOLONISATION CAME LATE – WHEN IT CAME AT ALL – TO THE PACIFIC ISLANDS, by which time many aspects of the political struggles for self-determination had already been resolved in Africa and Asia. Thus the transfer of authority to some of the Commonwealth colonies in the Pacific, for instance, came relatively easily and before all were entirely certain that they were ready for it. In other cases, specifically in the United States colonies, the record is quite different. Much of the overseas territory annexed by the US remains under US rule, and the local leaders in the old Trust Territory of the Pacific Islands who pursued self-government in the 1970s 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 characterise more bellicose national liberation movements.

The document that was to become the constitution of the Federated States of Micronesia (FSM) was drafted in 1975, in the context of quite reasonable fears that the US government was not going to agree to Micronesian self-government. This was at a time, moreover, when the US was actively undermining the unity that Micronesians needed in their political status

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negotiations with the US. In this context the seemingly odd process through which the FSM selects its president was arrived at. Fashioned in a thoroughly Micronesian manner under what the Micronesians took to be perilous circumstances, it can be understood only in terms of both that manner and those circumstances. These origins and the subsequent history of the Micronesian presidential system are examined here. Since that system is consistently denigrated and there have been several attempts to change it, I conclude by asking why, despite the apparent desire for change, it has not been changed.

After the US took them from Japan at the close of World War II, the Micronesian islands north of the equator were constituted as the Trust Territory of the Pacific Islands under United Nations oversight. In the course of two decades of negotiations with the US, the Territory broke apart and groups of islands established themselves as individual political entities. Belau (Palau), the Marshall Islands and the FSM are independent republics 'freely associated' with the US; the Northern Marianas opted for status as a 'commonwealth' of the US. The FSM is made up of four states – Kosrae, Pohnpei, Chuuk and Yap – lying between Belau, the Marianas and the Marshalls (see the map in the Underwood paper in this issue).

The government of FSM has an unusual structure. Micronesia's president is both 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 have it replaced by something more conventional: most commonly, direct popular election. Here I take a fresh look at this system and, rather than merely pointing out its deficiencies, I also ask whether it has any 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 there were in fact adaptive aspects to it when it was first hammered out, and that it is still perceived as protecting Micronesia from both internal abuses and external interference.



The FSM system has been described as a 'hybrid of the US presidential system and the Westminster parliamentary system'. As a consequence of its 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 (Micronesia Seminar 1993:1). Because this system was patched together by Micronesian leaders guided by aspects of indigenous Micronesian political theory to resolve what seemed at the time to be nearly intractable problems of decolonisation, traditional Micronesian political culture and colonial history are equally relevant. When I speak of 'Micronesian political theory' I am referring not to propositions formally articulated by scholars, but to Micronesians' unspoken assumptions concerning both the nature of human society and the principles necessary to provide communities with effective but minimally abusive government. I will explicate these in the following section.

### **Aspects of traditional Micronesian political systems**

Chieftainship defines the character of traditional or indigenous Micronesian government. To be sure, there are many kinds of 'chiefs' in Micronesia. Each of the many quite distinct island societies in the FSM has its own form of government, organised around its own sorts of formal leadership roles. But the underlying principles are very similar, and entail two related and overlapping, but nonetheless quite distinct, categories of chief. These are what I call 'lineage chiefs' and 'territorial chiefs'.

Lineage chiefs are the heads of localised kin groups organised around principles of matrilineal descent. These lineages are localised segments of clans, whose members are dispersed over large, sometimes vast, areas. More often than not, chiefs are older men, but women and younger men do sometimes hold these titles. A host of factors goes into determining who accedes to these positions, the most important of which are seniority of descent, gender, generational position, 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, but only



occasionally does the genealogically most senior individual actually become chief. In reality, a mix of considerations applies, in which personal acumen, generosity and a range of family connections play 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 formally developed than that of lineage chiefs. In some places, people occasionally belong to a local chiefdom other than the one in which they reside and thus local chiefdoms are not entirely geographic in nature; nevertheless, they are spoken of, conceived of and, for most purposes, organised as territorial entities.<sup>1</sup>

Those who lead the most extensive polities are the paramount chiefs, who with few exceptions are fully 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 of the larger islands incorporate several paramount chiefdoms.

In Micronesia, a territorial chief occupies his position because of his status as chief of the senior lineage in the territory in question. Put another way, chiefs of some descent groups – by virtue of the fact that the lineage headed is the senior group on the island or in the district or other defined territory – are charged with a second and usually more important function: they also serve as leader of all the people in that place. That is, no one is merely a territorial chief; he is a leader of a place as well as of a group of people.<sup>2</sup>

Although particular lineages normally supply their communities' 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 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, 123–4).

The lineage that controls a territorial or paramount chief's title bases its claim to reigning status on settlement priority (the notion that its ancestors were the first to settle the area) or on historical conquest. While the chief's authority *within* a community is tied to the *mana* of the chief's ancestors,<sup>3</sup> 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. While communities want (or believe they need) leaders for a variety of reasons, the form of leadership is similar from one society to another because it derives not only from shared origins but also from the role that all chiefs play in organising and focusing relations between communities. Micronesian chieftainship requires 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 among different communities. And because survival in Micronesia – where typhoons, droughts, and other natural phenomena present continual threats to most communities – 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, most Micronesian communities have many other sorts of chief, 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, these different sorts of chief serve to provide Micronesian political communities with an array of checks and balances. No one's authority is unchecked or absolute.<sup>4</sup>

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 upon the subject under consideration having been ascertained, the discussion is terminated. (Cheyne 1971:183)<sup>5</sup>

For matters of great importance on Lamotrek (an atoll in eastern Yap state):

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 clan 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 1989:35–6)

. . .

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 in 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. (ibid.:70–1)

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 *pumy* '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 1975:114–15)

Let me now try to connect these aspects of traditional Micronesian political systems and cultures to slightly broader conceptions of government. Many would describe Micronesian societies as 'feudal'. This does not tell us much, of course. So-called feudal organisations can be focused upon the power and authority of the king or highest-ranking liege lord, or they can instead emphasise the prerogatives of local vassals. In precisely the same vein, federal systems can likewise facilitate dominance of the centralised national government or of the local entities. Centralising and decentralising dynamics are not inherent in these forms, but derive from particular circumstances. In the same way, the structures of Micronesian chieftainship are inherently neither centralised nor decentralised; there are continual pulls between lineages and territorial chiefdoms, and between local and paramount chiefdoms. In operation, however, there tends to be a premium placed on the relative autonomy of local communities.

Micronesian societies have well-thought-out perspectives on decentralisation and on means of preserving it. Pohnpei's core political myths, for example, focus upon the abuses of a mytho-historical 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 summarised in much the same words as Acton's famous dictum, 'Power tends to corrupt and 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,' Sherwood 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 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 complex inter-island exchange system known as *sowe'i* 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 this exchange system to lie in a relatively minor village, Gatchepar. The exchange goods that flow in from the outer islands are channelled 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). In summary, the system prevents the concentration of power in any one person or body:

Together the chiefs and their supporting villages maintain a balance of power in Yap politics. Each struggles in his particular sphere to gain the advantage over the others, 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. (ibid.:126)

Micronesians are, like any other people, concerned with constituting effective governments driven by responsible political systems. But they are quite conscious of how leaders and governments can be corrupted by the authority vested 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. They use an essentially federal government system, distributing power and responsibility among different levels of political organisation. 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 secular powers offset those with sacred powers. Moreover, in their personal demeanour 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 obeyed unquestioningly. This is not happenstance, but a consequence of deliberate political architecture.

There is, nevertheless, a well-cultivated appearance of order, intended especially to convince threatening outsiders to reconsider their threats. 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 or her authority. Of course, this is hardly peculiar to Micronesia (or the Pacific). Basil Davidson observes of many precolonial African societies:

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. (Davidson 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' (ibid.: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 organisation. 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 Micronesians recognise 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 settlements have been repeatedly occupied, abandoned and re-occupied over the past two thousand years. No one can possibly be certain who first settled them. In 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 intermittent, reversible and often overridden 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**

Most of the Micronesian islands experienced a rapid sequence of colonial regimes in the era from the late nineteenth to the mid-twentieth centuries, including periods of rule by the Spanish (who had conquered and transformed Guam's indigenous Chamorro society at a much earlier date), Germany, Japan, and the US. After World War II the US administered the islands as the Trust Territory of the Pacific Islands. 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 the Pacific Islands Central School (the Trust Territory's central high school in Chuuk), the University of Hawai'i, and positions at Trust Territory headquarters on Saipan. Working with political scientist Norman Meller, who had taught many of them in his classes at University of Hawai'i,



they modelled the body on the US 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 US trusteeship, and its membership pushed relentlessly, although in Micronesians' traditionally understated style, for increased self-governance. By the end of its first decade it was working with the US administration to set up the first Micronesian Constitutional Convention, which was largely guided, in turn, by the experiences in the COM of the Micronesian leadership (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 difference between US and Micronesian political processes. Although they were steeped in US 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 US constitution referring to parties, US political process relies utterly upon them, as an outgrowth of the British traditions of Whig and Tory oppositions. I draw attention to this point in order to emphasise the continuities even in the midst of seemingly radical change here. As new and revolutionary as the structure of the US system may have seemed at the time, the actual processes of the new US 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 behaviour.

I am not quite sure why the COM never developed 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 representatives (under the Trusteeship) and now the FSM's state delegations have always functioned as caucuses, and partisan politics in the Micronesian Congress have always been state-centred in nature. Thus, the Chuuk delegation, far and away the largest, under most circumstances wields control of the Congress.



At every juncture in contemporary Micronesian political history, state delegations, rather than political parties, have been paramount. The 1975 drafting of the constitution, the 1979 establishment of the FSM government, 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'.<sup>6</sup> The Micronesian Way, like its more inclusive parent, actually means a great many different things in a wide range of contexts and I will not try to define it here. Suffice it to say that it is contrasted with a 'Western Way' (perceived by Micronesians to rely primarily upon impersonal and rather inflexible rules and concepts); it emphasises the importance of interpersonal relations, informal talk and supple interpretations; it underpins attempts to resolve problems and draft legislation by 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 behaviour were the only common ground they had to work upon.<sup>7</sup> While both the COM and the FSM government were originally organised and structured according to Euro-US 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*

The first Micronesian Constitutional Convention (ConCon) got underway in July 1975. As Norman Meller (who directed, advised and chronicled the Convention) documents, 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 COM's negotiations with the US were in disarray, both because of the US government's insistence upon continued control over



Micronesian lands, a concession few if any Micronesians were willing to accede to, and the gradual unravelling of the ties that had bound the Trust Territory's six districts. The delegates did not know 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 US for their own government's primacy over any compact or treaty with the US. As Pohnpei delegate Bailey Olter (who later became FSM President) put it, the Micronesians should not have to remain in the position of having the US tell 'us that our Constitution is secondary to a Compact'. But because there was no constitution, he said, in their negotiations with the US the Micronesians were 'flapping left and right' (quoted in Meller 1985:237).

The Marianas District was already well on the way to negotiating a 'commonwealth' status with the US, while both Palau (now Belau) and the Marshalls districts seemed intent upon entering into separate status negotiations of their own. It is ironic, then, that although the ConCon was 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 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 difficulty can be described, at its base, as this: the Palauan leadership insisted that if their islands were to join a self-governing Micronesian federation it would have to be organised around a weak central government. This, they said, was the only means of ensuring that Palauans would be in control of Palau. But others feared that a weak central government would not enable Micronesians to wrest control away from the US. While an array of constitutional articles was slowly hammered out, the crucial issue of what the effective core of 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' (1985:295–6). Debates over the relative merits of a unicameral and bicameral legislature, a single chief executive and a governing council, and a range of other concerns were repetitious and seemingly irresolvable.

Finally, just as it seemed the ConCon would 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 favoured, there was no consensus on how the national legislature should be constituted. When Tosiwo Nakayama, the ConCon's president (and probably its most respected member) observed that they seemed to have reached 'the feared abyss' of stalemate, the delegates in the closed executive session decided to create a smaller Special Committee of two delegates from each district, including a chief from each, and use traditional Micronesian political processes. As Meller tells it, 'Recourse to the Special Committee in effect was the Convention's harkening back to this pre-contact frame' (Meller 1985:298). Working in this way, the committee was able to devise a structure for 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' (ibid.:299).

Starting with the premise of a single chief executive, they sought a means other than popular election by which to choose the chief executive. The constitution already proposed by the Palauans had two categories of representatives to a unicameral legislature, one from each state for four-year terms and the others apportioned by population for two-year terms. The Special Committee proposed that the Congress elect the president and vice-president from among the four four-year representatives. When this proposal was put to the ConCon there was strong opposition to it. However, the allotted time for the convention was about to expire, and there seemed to be no alternative other than failure. This would have meant, in the minds of most Micronesians, that negotiations to end US trusteeship and achieve Micronesian self-government would be side-tracked, if not entirely halted (Meller 1985:300–



02). Consensus was achieved, the proposal was accepted, the constitution was completed and the Micronesians had a format for their government.

Meller made it quite clear that the Special Committee's work was no more than a last ditch, stopgap measure and that there was little originality in 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,' he said, 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 done differently, it would have been the structuring of the presidential selection system. Although 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 the constitution was approved by Yap, Chuuk, Pohnpei and Kosrae districts, but rejected by voters in Palau and the Marshalls (the Marianas had already broken away), and it became the law of the land for the Federated States of Micronesia in 1979.

#### *The 1990 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 this came in 1989 and a majority of voters affirmed that one should be called. The first ConCon since the 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 should be made. There were many facets to this overriding issue, but the relevant ones in this context were the means of selecting the FSM president, the relationship between the president and Congress, and the relationship between the FSM and the US government.

Of 104 proposed amendments to the constitution, seventy-seven (74 per cent) were intended either primarily or largely to shift power and/or money from the national government to the states. When eleven technical amendments concerned specifically with details of the transition from trust territory status



(and therefore no longer relevant) are excluded, leaving ninety-three substantive proposals, the figure rises to 83 per cent. Thus by a margin of better than four to one, 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, thirteen 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, although understated and at times subtle, that the US was continuing to exercise far more influence in Micronesia than most Micronesians found acceptable.<sup>8</sup> To indicate the nature and impact of this perception, I note one issue in particular: the nuclear issue. There were two antinuclear proposals before the ConCon with the potential to cause problems for the FSM's relationship with the US. The Department of External Affairs (i.e. the equivalent of the Foreign Ministry) was asked to testify about the proposals. As a way of explaining that the US government intended to retain ultimate control over the FSM's foreign policy, the Acting Secretary of External Affairs (who was among the ConCon delegates and spoke in both capacities) pointed out that:

any act the United States 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 federation [FSM] would be informed that it was in violation of the compact and therefore in danger of losing the funding the agreement secures (ie, the source of most of [the FSM's] income). (Petersen 1994:362)

Later, during committee discussions of this issue, the two antinuclear proposals 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 involving only two delegates) (Petersen 1994:362-3).

There was a shared sense at the ConCon that even though the national government was serving to channel US influence, it was the country's only bulwark against it. Even though 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 that of the 1975 ConCon.

Because so many delegates felt uncomfortable speaking openly about their concerns regarding US 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 go' (Petersen 1994:353). Delegate Leo Falcam, a member of the FSM Congress and a delegate to the 1975 ConCon (and later, FSM President), voiced a widely held view that the 1975 constitution had been designed 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. (quoted in Petersen 1994:341 – 2)

Before I turn to the key issue of the president selection system and the efforts to change it, let me explain why virtually no changes came out of the 1990 ConCon, despite overwhelming agreement that they were absolutely necessary. Chuuk state comprised 51 per cent of the entire country's population at that time, while Yap, Pohnpei and Kosrae together comprised only 49 per cent. Kosrae's delegation, representing little more than 5 per cent 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 each state's authority be proportional to its population size. As one Kosraen put it, 'When the Chuukese say something should be done "democratically", they mean that Chuuk should have the power' (Petersen 1994:346).



The issue of executive authority was emblematic in that it also provoked antithetical arguments from the two state governors serving as delegates. In asking for direct presidential elections, Governor Resio Moses of Pohnpei (who was also the 1990 ConCon's president) argued that because Congress wielded enormous authority, the executive branch had lost the ability to control the direction of the national government. 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 issues came to the fore as the events unfolded. The first and more obvious was the way in which the incumbent president had been selected. When President Nakayama finished his second and constitutionally limited final term three years earlier, it had been widely assumed Pohnpei's four-year senator would be elected the country's second president on the basis of an informal gentlemen's agreement to rotate the presidency among the states. When John Haglegam, a relatively young and, by Micronesian standards, a therefore somewhat 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 Micronesian minds, and was taken as a clear manifestation of the assumption shared by the non-Chuukese that Chuuk wielded far too much power in Congress. The means of selecting 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 for the ConCon, was much less obvious, although it was hinted at during a committee hearing on proposed amendments intended to restrict abuses of congressional allowances. A presidential representative 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 ensure 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' (quoted in 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, recognised by everyone involved and never resolved, was that the only alternative that seemed remotely viable was direct popular election of the FSM president. However, because Chuuk voters outnumber those from other states combined, it was (and is) assumed that popular election would enable Chuukese to select the FSM president in every election, which would have exacerbated rather than resolved the problem.<sup>9</sup>

A Yap delegate (who was also the FSM's secretary of finance) expressed a common sentiment regarding perceived interference by the national government in what were thought to be local prerogatives when he said, 'We want to take the reins. We don't need two drivers anymore' (Tuuth, quoted in Petersen 1994:341). 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 US had far too much influence on Micronesian affairs and that it, too, needed to be reined in.

One of the more significant aspects of the 1990 ConCon was 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 thirty-one 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 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 the original Congress. Micronesian constitutionalism was at its outset defined as much by attempts to deal with the break-away Trust Territory districts as it was by efforts to wrest control of the islands from the US and put it into Micronesian hands.

Efforts to revise the constitution continue to turn on these themes today. A powerful executive is thought likely to channel far too much US influence. An overbearing 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 characterise these as in any way predominant, but merely as most effectively thwarting reform at the convention. In the end, the 1990 ConCon approved none of the proposed amendments to the presidential selection system.

*The 2001 Constitutional Convention*

In 1999 FSM voters mandated a third ConCon, which convened in November 2001. It sent fourteen 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 per cent of the 15,000 voters who participated in the referendum (out of 67,000 registered voters). These figures indicate that even though discontentment with the FSM’s current electoral system is palpable, there is little real public motivation to change it. The FSM has moved no closer to replacing its hybrid system with a direct election process than when the constitution was first drafted in 1975.

The 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 per cent 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 Haglelgam 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. (Haglelgam 2002:18)

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.’ Haglelgam 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.'

Haglelgam 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'. (ibid.:19)

Haglelgam, 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 this situation, he suggested that 'the large population of Chuuk will always make that state a political force in any kind of election.' Therefore, 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 empowering the chief executive by expanding their constituency beyond the Congress to the people, he concluded, is a vital step in establishing the checks and balances necessary for a more responsive and responsible FSM national government (ibid. 19–20).

### Conclusion

The structure of the FSM's government was, as we have seen, patched together as a makeshift compromise to overcome what had seemed an intractable impediment to the drafting of the constitution. The solution reflected the conditions under which the 1975 ConCon delegates laboured – that is, the possible disintegration of Micronesia itself and the difficulty of creating a national government strong enough to negotiate effectively with the US. 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 US



intransigence. It did not contain any clear-cut principles about how those who would be charged with governing Micronesia should actually go about doing so. In the absence of any new principles to provide guidance as they set about creating a new government, Micronesia's leaders relied upon principles from the political culture they had inherited from the Congress of Micronesia, which was in turn built upon traditional Micronesian political culture.

When the original 1975 ConCon found itself at an impasse, it resorted to traditional Micronesian methods and reached a thoroughly Micronesian conclusion. The delegates designed a constitution with a single chief executive, but then immediately placed impediments to the president's authority. Given the understandable fears of US 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 revise it, but without success. Most obviously, fear of Chuuk state's population dominance accounts for the unwillingness to change 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 possibility that power will be abused, and demands that adequate checks and balances be kept in place to ensure that chiefs do not become too strong. These are the principles that shaped the Micronesians' solution to their original constitutional dilemma.

The immediate context in which the Micronesians shaped a system of presidential selection was their desire to negotiate an end to US rule over their islands. This called for a unified and relatively strong executive. At the same time, they recognised that the overwhelmingly superior strength of the US in any relationship with them meant their chief executive would be forced to channel some degree of American influence into their country.<sup>10</sup> Micronesian political theory, therefore, required that they also fashion an effective means



of checking the executive power they were about to create. Congress was charged with selecting the president from its own number, thereby maintaining a degree of control over the chief executive.

It also seemed necessary to locate authority in Congress as a means of ensuring that the individual states retained an effective-enough voice in national affairs to guarantee a decentralised 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 president selection system. As we have seen, many of the FSM's leaders and influential citizens think this would be a good idea. But public resistance to such changes has been ample enough to forestall them.

I argue that the two precipitating factors in the original constitutional processes have not yet altered enough to convince most Micronesians that it is time to implement such changes. First, continuing US 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.

Let me make it clear, finally, that I am not suggesting that Micronesia's presidential system is functioning well. The checks and balances seem overwhelmingly to be in favour of the Congress at this point, and it is obvious that many, probably most, Micronesians are unhappy with the current system. The question is, then, why they have failed to seize the opportunities given them by two constitutional conventions to reconstitute the system. There are many reasons for this, among them Chuuk's demographic clout and general suspicions that any other system might well turn out to be worse. But whatever concern people have about political abuses facilitated by Congress's disproportionate strength would seem to be more than offset by their fears that an executive strong enough to resist Congress effectively



would also be strong enough to channel external interference, and thus pose an even greater threat to them.

As long as Micronesia's fate is tied so closely to the US's will, it is likely that an overly strong Congress, one not sufficiently checked by the executive, will still be reckoned the lesser of two evils. And as long as the power of the US lies behind the FSM executive, Micronesians will be inclined to preserve the necessary checks and balances securely in their Congress. They recognise 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.

#### Notes

- <sup>1</sup> Hezel (2004) suggests that many of Chuuk state's political problems stem from the absence of effective territorial chiefs in traditional sociopolitical organisation, but to the extent that this may be the case, I would respond that it is more a matter of degree and style than of actual structure.
- <sup>2</sup> This phenomenon is by no means peculiar to Micronesia – it is encountered in other parts of the Pacific Islands – but its ubiquity in Micronesia seems to make it a particularly definitive Micronesian practice.
- <sup>3</sup> *Mana* means supernatural force or prestige.
- <sup>4</sup> Claims that the authority of some Micronesian chiefs was 'absolute' may be found in the literature, but they should not be given much credence.
- <sup>5</sup> 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.
- <sup>6</sup> See Meller (1969) for a detailed discussion of political style within the COM.
- <sup>7</sup> That is, the simple fact that the form of government has been transferred from the US to Micronesia does not at all necessarily mean that in its functioning the Micronesian version mirrors the political processes associated with the original US form.
- <sup>8</sup> I am mentioning in this discussion only a few relevant examples. Much greater detail can be found in Petersen (1993, 1994, 1997).
- <sup>9</sup> In the western islands of Chuuk Lagoon, known collectively as Faichuuk, there is a long-running separatist movement seeking statehood status within the FSM. It is entirely possible that a popularly elected Chuukese president would have to factor Faichuuk's demands into their policies and politics, and that creation of a fifth state would result in a new political dynamic for the entire country.



<sup>10</sup> 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 US like the FSM. Micronesians are not the only ones with doubts about the degree of autonomy the US allows them.

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