

# **The Federated States of Micronesia’s Presidential Election System and Proposed Constitutional Analysis: An Analysis**

By L. Sohnel Johnson, LLB

## Formulating a Presidential Election System: A Challenge

One of the most contentious political battles testing the already thinning common ground for unity in the Federated States of Micronesia <sup>[1]</sup> (*hereinafter FSM*) is accentuated by the challenge to formulate a presidential election system that would best suit the diverse cultural and ethnic conditions of the FSM people. Although considerable doubts and criticisms over the present FSM presidential election system have persistently been echoing throughout the four FSM States since the early 1980’s, the first formal challenge was launched during the 1990 FSM Constitutional Convention. <sup>[2]</sup> Recognizing the need to weaken the growing power of the Congress of FSM (*hereinafter Congress*) over the Office of the President of FSM (*hereinafter President*), the 1990 Convention sought ways to diminish such power by proposing that the people should be allowed to directly vote for the president and vice president through a simple majority vote. <sup>[3]</sup> However, emotionally tangled in a web of “distrust and suspicion amongst the States”, the 31 delegates to the Convention not only failed to function as a collaborative body representing one nation and one people, but they could not successfully devise and agree upon a practical selection process for a new presidential election system suitable for the people. <sup>[4]</sup> The disunity within this Convention clearly shows why none of the thirteen different proposals for a new FSM presidential election system were among the 24 proposals that the Convention adopted. <sup>[5]</sup> Glenn Petersen, in his article entitled “The Federated States of Micronesia’s 1990 Constitutional Convention: Calm Before the Storm?”, summed up the overwhelming attitudes of the delegates when he said this:

...it was feared that any attempt to weaken the central government [or Congress] as a means of enhancing the power of the states was likely to result in an equally problematic situation in which the differential sizes and strengths of the states would allow one or two states to dominate the federation at the expense of the others. Such a solution would have replicated—rather than remedied—the problem the delegates had set out to resolve. <sup>[6]</sup>

Eleven years have lapsed since the 1990 Constitutional Convention, yet the restless spirits of the people over the present presidential election system remain persistent. As a result of this, the 2001 FSM Constitutional Convention, which commenced on November 12, 2001 at the nation’s capital in Pohnpei State, adopted a constitutional amendment proposal that does not only propose to allow the people to directly vote for the president and vice president, but has taken a step further and devised a workable selection process for the two offices. This constitutional amendment proposal often referred to as proposal 01-21, was adopted by the Convention on December 22, 2001.

## The Present Presidential Election Systems Versus The Proposed Presidential Election System: Relevant Provisions

Presently, Article X of the Constitution of the Federated States of Micronesia (*hereinafter FSM*

Constitution) prescribes the methods and qualifications for the election of a president and vice president. The relevant sections that proposal 01-21 aims to amend are Sections 1, 4, 5 and 6 under this Article of the Constitution. [7] These sections stipulate the following requirements:

## ARTICLE X

### EXECUTIVE

**Section 1.** The executive power of the national government is vested in the President of the Federated States of Micronesia. He is elected by Congress for a term of four years by a majority vote of all the members. He may not serve for more than two terms.

**Section 4.** A person is ineligible to become President unless he is a member of Congress for a 4-year term, a citizen of the Federated States of Micronesia by birth, and a resident of the Federated States of Micronesia for at least 15 years.

**Section 5.** After the election of the President, the Vice President is elected in the same manner as the President, has the same qualifications, and serves for the same term of office. He may not be a resident of the same state. After the election of the President and Vice President, vacancies in Congress shall be declared.

**Section 6.** If the office of the President is vacant, or the President is unable to perform his duties, the Vice President becomes the President. The Congress shall provide by statute for the succession in the event both offices are vacant, or either or both officers are unable to discharge their duties. [8]

In order to lessen Congress' power over the President, proposal 01-21 proposes the following amendments:

### A PROPOSAL

BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION:

**Section 1.** The executive power of the National Government is vested in the in the President of the Federated States of Micronesia.

(a) The President and Vice President shall be elected by the voters, as provided by statute. Candidates for Presidency and Vice Presidency shall run for their respective offices and be elected on one ticket.

(b) A ticket shall receive not less than a plurality of forty percent (40%) of all the votes cast in the election. If no ticket receives the required plurality, there shall be a run-off election between the two (2) tickets receiving the highest number of votes cast. The ticket which receives the highest number of votes cast in the run-off election shall be elected President and Vice President.

(c) The term of the President and Vice President is four years, unless earlier terminated. No person shall serve more than one term in succession as President.

(d) The Office of the President shall be rotated among the states [sic] until a President has served a term from each of the states. Thereafter, candidates from all states will be eligible as the rotation begins anew.

(e) For purposes of this Article, 'term' means a period of service in Office of not less than two (2) years. A person who becomes president who becomes President and serves for not less than two (2) years shall be deemed not to have served a full term.

**Section 4.** To become President or Vice President, a person shall be thirty (30) years of age or older on the day of the election, a citizen of the Federated States of Micronesia by birth, a resident of the Federated States of Micronesia for fifteen (15) years or more, and shall not have been convicted of a felony.

**Section 5.** The President and Vice President may not be legal residents of the same state.

### **Section 6.**

(a) If the Office of the President becomes vacant before the President has served two (2) or more years in Office, there shall be a special election to fill the vacancy, and the provisions of Section 1 shall apply.

(b) If the Office of the President becomes vacant after the President has served two (2) or more years in Office, the Vice President becomes President.

(c) If the Office of the Vice President becomes vacant, the President shall nominate a candidate who shall be approved by a two-thirds (2/3) vote of all the members of Congress.

(d) The Congress shall provide by statute for the succession in the event both offices are vacant, or both officers are unable to discharge their duties. Such succession shall extend only until a President or Vice President chosen pursuant to this section takes office. [\[9\]](#)

All these provisions will be dealt with in detail later.

### **Scope of this Paper**

Two of the most common practices in the FSM today are that some people often choose to change government systems, rules, laws and even constitutions not because they believe that such a change is warranted but because an individual or a group of people insists that change is necessary; while others, on the other hand, opt not to change rules and laws because they fear they know too little to allow for any change. Although these options are taken on different paths, the end result never changes—more problems arise. These problems are emphasized because it is time eligible voters change laws based on personal understanding and not persuasive propaganda. Therefore, in order to prevent the changing the present presidential election system on unreasonable grounds, a clear understanding over the two presidential election systems is vital. Thus, in order to assist the FSM people in determining a presidential election system that would best suit them as collective Micronesians, this research paper aims to present a balanced picture between the advantages and disadvantages under the present presidential system as well as the proposed constitutional amendment 01-21. Thus, to successfully achieve this aim, this research paper will serve the following fourfold purposes:

- (1) Provide a historical background of FSM. This section will briefly explain the main features that led FSM to become self-governing;
- (2) Provide an in depth comparative analysis of both the present FSM presidential election system and the proposed presidential election system. The analysis over the two systems will not only differentiate how each system works, but the analysis will present some advantages and disadvantages;
- (3) Examine why the proposed presidential election was not ratified during the August 2002 referendum; and
- (4) Provide recommendations that may assist the FSM leaders in formulating and implementing the best presidential election system for their people in the future.

### **Background on the Federated States of Micronesia**

Grasping a general understanding on the background of FSM is crucial because it is this background that traces the development of the present FSM presidential election system.

### **Trust Territory of the Pacific Islands: A Gateway to Self-Government**

The turning point of successive colonial rule <sup>[10]</sup> over the Micronesian islands <sup>[11]</sup> occurred when the United States seized these islands from the Japanese Administration during World War II and agreed to place these islands under the International Trusteeship Agreement of the United Nations in 1946. On April 02, 1947, the United Nations Security Council approved the Trusteeship Agreement for the Former Japanese Mandated Islands <sup>[12]</sup> (hereinafter Trusteeship Agreement). It was later ratified in the United States through the Congressional Joint Resolution <sup>[13]</sup> passed by both Houses of United States' Congress and approved by President Truman on July 18, 1947. Because of the strategic location of the Micronesian islands coupled with the need of preserving international peace and security, these islands, pursuant to Article 76 of the Charters of the United Nations, were recognized as "strategic trust" and placed under United States' Administration. <sup>[14]</sup>

In accordance with the Trusteeship Agreement, the Trust Territory of the Pacific Islands (hereinafter TTPI) was created. TTPI was originally comprised of six districts—Mariana Islands, the Marshall Islands, Palau, Ponape, Truk, and Yap. Kusaie (now Kosrae), which was initially under Ponape, did not become one of the districts of TTPI until January 01, 1977. <sup>[15]</sup>

Although the Trusteeship Agreement granted United States total power over the administrative, legislative, and adjudication affairs in the TTPI, the United States agreed it would promote self-government in these districts. US' promotion of self-government may be illustrated in the following examples:

- Between 1948 and 1963, six district legislatures were chartered in each of the respective districts for the purpose of passing laws to cater for their internal affairs. <sup>[16]</sup>
- In 1956, the TTPI High Commissioner created an Inter-District Advisory Committee. The Inter-District Advisory Committee was also known as "The Council of Administrative Districts of Palau, Yap, Marianas, Truk, Ponape, and the Marshalls". It was comprised of six appointed representative from the six Districts. <sup>[17]</sup> Their tasks include assisting the High Commissioner in developing Trust Territory Government programs and policies. <sup>[18]</sup>
- In 1961, the Inter-District Advisory Committee became the Council of Micronesia. <sup>[19]</sup> Within the Council of Micronesia, a chairman was selected from amongst them. <sup>[20]</sup>

Through the recommendation of the Council of Micronesia to establish a Trust Territory legislature, the Congress of Micronesia, a bicameral body, was created on September 28, 1964. <sup>[21]</sup> The first House, known as the House of Delegates, was comprised of 12 members. <sup>[22]</sup> Two members were elected from each district. <sup>[23]</sup> The second House, known as the General Assembly, was apportioned according to the population of each district. The twenty-one members of the General Assembly were divided as follows:

In the Northern Mariana Islands District, three;

In the Marshall Islands District, four;

In the Palau District, three;

In the Ponape District, four;

In the Truk District, five. [\[24\]](#)

Furthermore, in 1969, the Americans and the Micronesians commenced negotiations to determine the future political status of these six districts.

### **1975 Micronesian Constitutional Convention: A Convention for Whom?**

The convening of a constitutional Convention was another historical step taken by the Micronesian islands towards self-government. The Micronesian Constitutional Convention, created by Public Law No. 5-60 of the Fifth Congress of Micronesia, convened for a total of ninety days between July 12, 1975 and November 08, 1975, at the TTPI Headquarters on Saipan in the Mariana Islands. [\[25\]](#) The sixty elected members—government employees, traditional leaders and private citizens—to the Micronesian Constitutional Convention united to draft the Constitution of Federated States of Micronesia. [\[26\]](#) Ultimately, their goal was to unite the six districts under one political entity.

Although the Micronesian Constitutional Convention established another stepping-stone towards self-government, it nevertheless was staged on a very confusing milieu. For example, despite the fact that the people of the Mariana Islands, through a plebiscite, had overwhelmingly approved a separate political status with the United States on June 17, 1975, six of the nine Mariana Islands' delegates attended the Convention. [\[27\]](#) Their attendance was solely based on precautionary protection against any objection that may arise against their commonwealth status from the United States. [\[28\]](#)

Once the opportunity to negotiate separate political status with the United States was exercised, the idea became very appealing to both Palau and the Marshall Islands. The Palau delegates to the Convention, for instance, made it clear that they “will support the Unity of Micronesia if and only if [all their] terms and conditions are incorporated in the final draft constitution of Micronesia”. [\[29\]](#) Meanwhile in Palau, the district legislature had created the district's own constitutional convention, which promoted a separate political status commission to be later established. [\[30\]](#) While in the Marshall Islands, the rejection over the holding of the Constitutional Convention and the threats for separate district negotiations began when the district legislators and the traditional chiefs were not satisfied by the way Congress of Micronesia dealt with their problems. [\[31\]](#) Although the uncertainty over a united Micronesia continued, the delegates from Mariana Islands, Marshall Islands, and Palau, nevertheless took active roles in formulating the proposed constitution's terms and conditions, especially the terms and conditions relating to the methods for selecting the president and vice president [\[32\]](#) . Therefore, upon careful consideration of the Convention's proceedings, one may easily argue that the problems arising from the present presidential election system may have originated from the fact that very delegates who were entertaining the idea of negotiating separate political status with the United States were the very one's that advocated for the presidential elections system adopted.

### **The 1978 Referendum: A Milestone for Independence**

The 1978 referendum for the adoption of the proposed constitution was held on July 12, 1978, in Marshall Islands, Palau, Ponape, Yap and Kosrae, which had recently become one of the districts. [\[33\]](#) The Mariana Islands did not take part in the referendum because on April 01, 1978, the United States approved their commonwealth status. The results to the referendum may be illustrated in the graph below.

*Report of the United Nations Visiting Mission to Observe the Referendum in the Trust Territory of the Pacific Islands, 1978* (UN Document T/1795, 1979), 57. [\[34\]](#)

The proposed constitution was not ratified by Palau and the Marshall Islands because, as indicated in the graph above, the majority vote requirement was not satisfied. Thus, all the lingering doubts over whether or not Palau and the Marshall Islands would launch negotiations for separate political status were finally made clear. The proposed constitution was nevertheless effected by Kosrae, Ponape (now Pohnpei), Truk (now Chuuk) and Yap when they satisfied the statutory requirement that prescribed that a majority vote from at least four of the District was necessary in effecting the proposed constitution. Thus, forming the Federated States of Micronesia.

Upon the ratification of the FSM Constitution by the four aforesaid Districts, Secretariat Order 3027 from the United States Secretary of the Interior, on October 01, 1978, established separate legislatures for the three polities: Interim Congress of Micronesia, Palau Legislature, and the Marshall Islands Nitjela. [35] The Congress of Micronesia was dissolved on November 01, 1978. [36] However, the Interim Congress of Micronesia did not dissolve until May 10, 1979, when the FSM Constitution came into effect and the first FSM Congress was convened in Kolonia, Pohnpei State. [37] FSM finally became sovereign nation on November 03, 1986.

Having established the FSM's historical background, the paper will now analyze the two presidential election systems.

### **Present Presidential Election System**

The present FSM presidential system is modeled after Washington model, which sometimes is referred to as the executive presidential. Under this model, a president is both the head of state and head of government. This means that all the executive powers are vested in the president. [38]

#### **Statutory Requirements Entailed in the Present FSM Presidential Election System**

**Qualifications:** A person can only be eligible to become a president or vice president of FSM if he, as a member of Congress, [39] is serving a four-year term, a FSM citizen by birth, and a FSM resident for at least 15 years. [40] The president and the vice president, however, must not be from the same State. [41]

To be a member of Congress, an individual must have attained the age of 30 on the day of the election, must have been a FSM citizen for a minimum of 15 years, and must at least be a five year resident of the State he was elected from. [42] In order for an individual to be elected into Congress, he must attain the most votes, as compared to the other candidates. The winning votes do not necessarily have to be a majority of votes. This type of election arrangement is known as "First Past the Post (FPTP)" arrangement.

The fourteen-member Congress consists of two types of members. The first type consists of four at-large members elected from each state on the basis of state equality. [43] These are elected to serve for a four-year term. The second type consists of additional members elected from congressional districts in each state apportioned by population. [44] These members, however, are elected to serve a two-year term. As previously established, the candidates for the presidency and vice presidency can only be chosen from amongst the four members elected at-large from each State.

**Election Procedures:** As mandated under Article X, Section 1 of the FSM Constitution, the FSM president and vice president shall be elected by a majority vote of all members of Congress. [45] Although the elections for the president and vice president are administered separately, their respective elections are always scheduled at the first regular session of each new Congress when the at-large members are elected. [46]

When the nominations for the president are opened, any member of Congress may submit his candidate from any of the four elected at-large members. [47] Upon the closing of the nominations, the election of the president shall be administered through secret ballots. [48] The nominee will become president upon the majority vote of all members of Congress. If, however, none of the nominees under the first ballot receive a majority vote of the fourteen members of Congress, a second secret ballot shall be administered for the two nominees receiving the highest number of votes. [49] Subsequent secret ballots shall be taken until one of the remaining nominees receives the necessary 8 votes. [50] On the other hand, if the nominees are tied for the highest number of votes on the first ballot, the secret ballots shall be repeated until two candidates obtain the highest number of votes on a specific ballot. [51] As voting proceeds for the remaining two candidates, balloting will continue until one candidate receives the necessary 8 votes. [52]

After the election of the president is completed, the members of Congress shall nominate their respective candidates for vice president from the remaining three at-large members. [53] Subsequent to the closing of nominations, the procedures for electing the president shall be adopted until the vice president is elected. [54]

Once the president and vice president are elected, they must vacate their congressional seats. This is done in order to maintain the separation of powers between the executive and legislative branches. [55] To fill these vacancies, special elections will be held in the respective States that the newly elected executives officials came from.

***Vacancy in the Office of the President:*** Provisions under this issue are clear-cut. If the office of the president is vacant or the president can no longer perform his presidential duties, the vice president must become the president. [56]

#### Foreseeable Advantages of the Present Presidential Election System

***Meets the Financial Constraints of the Islands:*** One of the most over-powering factors compelling the 1975 Constitutional Convention Delegates to adopt the present presidential election system stems from the districts' strong reliance on American financial assistance. If one carefully studies the chart [57] below, it will show how much financial dependence on the United States have drastically increased during the Trust Territory Government period. The chart further showed that as United States' financial assistance increased, the lower the amount of exports fell.

One must also keep in mind that during the time the Constitutional Convention was held, negotiations for a future political status with the United States were still ongoing. In addition, the amount of assistance from US after the termination of the Trust Territory Government was very vague. In view of economic situation then, Mr. Lazarus Salii, one of Republic of Palau's Presidents, summed up the districts' economic dependency when he said this in 1976: "We were witnessing the birth of an economy that would soon—and today now is—thoroughly dependent on imported goods, contracted skills, and annual outside aid". [58]

Although, the Journal for the 1975 Constitutional Convention notes that convincing arguments were put forth for the adoption of a president elected by all the people in the Districts, it was rapidly defeated because the Delegates knew that none of their Districts could ever financially accommodate a campaign process that is based on the need to travel between islands that are spread throughout a wide geographical scope. "How can we adopt this form of presidential election when the American Administration has funded everything—food stamp, public health, medicare, medicaid, education, and housing—to name a few—for almost three decades?" None of the delegates could justifiably answer this question. At least under the present presidential election, a person campaigning for a four-year term in Congress need not go

anywhere outside of his District to campaign. If he does win the election, his victory will ensure that when he is elected President, he holds substantial support in at least one State.

Another point raised by the delegates was that if the direct election of president were adopted, only the rich Micronesians would be able to run for the Office of the President. [59] Such system would not be fair to the Micronesians as well as to a middle-class person who would be qualified for the position.

**Compliments Cultural Diversity:** Another determining factor that prompted the adoption of the present presidential election lies in its flexibility to address the diverse cultural setting of each district. That is to say that the present presidential election system eliminates the problem of an eligible voter of another district voting for a presidential candidate from another District. For example, although the people in each of the districts practice a different social stratification system, one thing was for sure—loyalty to the traditional chiefs and strong kinship ties were apparent in all these societies. In Marshalls, Yap, Palau and Pohnpei, for example, the traditional chiefs have always been the guiding authority on all matters, especially political matters. While in Chuuk and Kosrae, for example, the words of the elderly are adhered to without question. Once a traditional leader or elder of a clan approves of a political move, all his followers will gladly follow. Based on historical accounts, one cannot deny that custom and tradition have allowed the people to easily adapt to voting for their leaders in their districts. This is evident in the elections held for the respective district legislatures. However, the idea of implementing an election system that would compel the people to vote for candidates from different districts might not work considering the Micronesian people have never practiced this type of method in selecting their leaders. The 1975 Convention delegates, with the support of their constituencies, concluded that because such an election system was foreign to them, such system was better left alone. [60]

**Promotes Political Equality Among the States:** Because of the vast population [61] rate difference among the districts, equality among the States had to be protected. The direct election of the president was once again defeated under this justification because if this election system were to be adopted, Chuuk, the most populous district, would always dominate the Office of the President. One delegate noted that even if Chuuk does not win, the less populated Districts will nevertheless, be deprived of the presidential seat because the other populated districts will then dominate. [62] Another delegate emphasized that another foreseeable consequence under the direct election system is that the president will promote the wants and demands of his people over the necessities of the federation. [63] Although the delegates admitted that the present presidential election system would not guarantee the candidates from the smaller districts the chance to serve as president, they agreed that there was still a chance. [64]

#### Proven Disadvantages of the Present FSM Presidential Election System

**Fails to Promote State Equality Among the States:** Although the state equality principle was one of issues that the 1975 Constitutional Convention argued in great detail that the present presidential election system would protect, FSM's political arena today dictates otherwise. According to an electronic mail interview with Mr. John R Haglelgam, [65] (*hereinafter President Haglelgam*) he explained that the first members of FSM Congress in 1979 agreed that in order to safeguard the equal opportunity of each State's at-large member to serve as a FSM president, a viable rotation among the States should be determined on basis of the size of the States. In other words, because Chuuk holds the highest proportion of the FSM population, Mr. Tosiwo Nakayama of Chuuk would get the presidency first. Chuuk will then be succeeded by Pohnpei, Yap third, while Kosrae, holding the smallest population rate will go last. President Haglelgam emphasized that a pivotal element to the agreement was that "all the states would serve only one term in the presidency during the first rotation". [66] This agreement came to be known as the "Gentlemen's Agreement" (*hereinafter Agreement*). However, this agreement was dishonored when Tosiwo Nakayama was elected to a second term in 1983. [67] The Agreement was practically considered

null and void when the interviewee was elected as the second FSM President in May of 1987. [68] Since May 10, 1979, Chuuk and Pohnpei have served twice for the presidency; Yap once, while Kosrae--succeeding to the Office due to the then president's incapacity to perform his duties--served only half of a term. Presently, the President is from Pohnpei and not one of his cabinet members is from Kosrae State. Surely, the present presidential election has failed to protect the States' equal opportunity to be represented in the Office of the President and even in the executive branch.

***Weakens Separation of Powers and Checks and Balances:*** One of the most apparent problems of Congress exercising too much power over the president may be lucidly illustrated in their power to make laws without the consent of the president. Firstly, the president does not return the bill within the prescribed time; the bill becomes law as if he approved it. [69] Secondly, even if the President does veto a bill, Congress can still override his veto by having affirmative votes from the three of the four at-large Congressmen. [70] Either way, Congress holds the final decision on whether or not a bill should become law. A great example where this abuse of Congress' overriding power may be found in Congress appropriating funds under what is known as *pork barreling*. Pork barreling may be defined as "government appropriation, bill, or policy that supplies funds for local improvements designed to ingratiate legislators with their constituents" [71]. Because of this, eligible voters often vote for candidates not because the candidate will make a difference for the people of FSM, but because such candidate as done a special project in their small communities. In 1999, present President Falcam attempted to curb this problem of "pork barrel" by vetoing numerous congressional bills set for capital projects on the grounds of inappropriate spending. However, with Congress' constitutional right to override the President's veto, the bills became law. [72]

Another area, which also adds to the deterioration of separation of powers and checks and balances between these two branches, may be illustrated under Section 14 of Article IX. According to Section 14 of Article IX of the FSM Constitution, Congress, needing no other approval from the other two branches, has the power to determine its members' annual salary and allowances. Congress is able to abuse this power because there is no body to scrutinize their decisions. As one person, attending a discussion held by Micronesian Seminar on April 26, 2000, notes: the lack of scrutiny primarily occurs because Congress' proceedings are not published. Furthermore, the country lacks a national newspaper to inform the public on the daily decisions made by Congress. [73] Others may argue that Congress' power to increase their salary and allowances does not really matter because Section 14 of Article IX specifically states, "An increase in salary and allowance may not apply to Congress enacting it". This is true. However, with the power to abuse appropriation of funds to win over constituencies, reality dictates that the same Congressmen have been re-elected time and time again. This problem then takes us back to Congress' power to override the President's veto, as discussed earlier. As long as the present presidential election system is operative, the deterioration of separation of powers and checks and balances between the executive and legislative branch will continue.

***It Enhances Congress' Power over the President:*** As the Congress continues to elect the president he remains accountable to Congress. If the incumbent president desires a second term, he, according to President Haglelgam, must walk a thin line when formulating policies, when considering vetoing legislation, and when considering other sensitive political matters so that he will not offend the members of Congress. [74] President Haglelgam further noted that the incumbent president could not "turn to the public for support because such actions will infuriate the members of Congress even more". [75] It is true that the incumbent president must campaign against the at-large member from his State to regain his at-large seat. However, this obstacle is often minimal because it is often the case that incumbent presidents gets re-elected into Congress. Any threats of ruining his chances for another term are usually avoided at all costs. A good example of Congress' political power over the president may be illustrated in the failure of Jacob Nena's to win his full four-year term in 1999. This move by Congress was not based on merits,

but was based solely on the fact that Nena did not bend to their liking while president, President Haglegam said. [\[76\]](#)

Another area that has left a President at the mercy of Congress is the executive budget. Interestingly, although Congress has the power to increase its salary and allowances, executive budgets still remain subject to the approval of Congress. Thus, even if the President veto's Congress' bill regarding an unwarranted decrease in the executive budget, Congress is at liberty to override the President's veto. The executive budget has been decreased more than once due to Congress' dissatisfaction of the President. These are just some of the many examples that show the overwhelming power Congress holds over the President.

### **Proposed Presidential Election System**

Based on the abovementioned disadvantages of the present presidential election system, a new presidential election system has been proposed.

### **Proposed Statutory Requirements under the Proposed Presidential Election System**

**Proposed Qualifications:** The delegates to the 2001 Constitutional Convention proposes that any individual who has satisfies the following requirements shall be eligible to become the president or the vice president. These requirements are as follows:

- An individual must have attained the age of 30 on the day of the election;
- An individual must be a citizen of FSM by birth;
- An individual must be a resident of FSM for at least fifteen years; and
- An individual must not have been convicted of a felony. [\[77\]](#)

In order to safeguard equal rotation among the States to run for president, all legal residents of the four States will be eligible to run in the first general election. [\[78\]](#) During the second general election, any candidate residing in the State that won the first presidential election will not be eligible to run. [\[79\]](#) This process of elimination will continue until the fourth State has had the chance to be the president. [\[80\]](#) After all the States have served as president, the second rotation will start and all the legal residents of the four States will again be eligible to run for president. [\[81\]](#)

**Proposed Election Procedures:** Under this proposal, the people will be allowed to vote directly for candidates running for the offices of the president and vice president. [\[82\]](#) The two candidates for these offices must be voted on the same ticket. This means that they must win or lose together. [\[83\]](#) These candidate pairs, however, must be from different States. In order to win the general election, a ticket must achieve a plurality vote of forty percent (40%) of the total votes cast. [\[84\]](#) If the required plurality vote of 40% is not reached, a run-off election must be held between the two tickets receiving the highest number of votes. [\[85\]](#) In regards to a president and vice president's term in office, they are entitled to serve a term of four years. [\[86\]](#) However, if the president is incapacitated while in Office, the principle of "one presidential term" must be applied in order to determine who shall succeed to the respective offices. [\[87\]](#) This principle of 'one presidential term' simply indicates that if the president has served more than two years in office, he is believed to have served his full term as president. [\[88\]](#) This principle works like this. If the president dies or is unable to perform his duties before serving two years in office, he has not served a full term. [\[89\]](#) When this happens, a special election will be held in the deceased or incapacitated

president's State and the only eligible candidates for the presidency shall be the residents of that State. [90] If, on the other hand, the president dies or incapacitated after serving more than two years, he will be deemed to have served a full term. [91] Thus allowing the vice president to become the president and will nominate a person to resume the vice presidency. For the purpose of ensuring checks and balance between the two branches, the nomination will be subject to a 2/3 vote of the members of Congress. [92] If both officers are unable to execute their duties, Congress must provide statutory succession requirement to accommodate for this vacancy. [93] Such succession will only be valid until a special election has been held to fill the vacant offices. [94]

### **Foreseen Advantages of the Proposed Presidential Election System**

***Eliminates Inequality Among the States to serve as President:*** The drastic population gap between the four States is still an issue in FSM today. According to the 2000 Census preliminary count carried out by the Office of Insular Affairs in the FSM Department of Economic Affairs, out of the 107,008 total FSM populations 53,595 people reside in Chuuk State. [95] Due to this disparity, many fear that allowing the people to directly vote for the president and vice president would allow Chuuk to dominate even more. [96] In response to this problem, Mr. Haglelgam noted this:

This fear is not entirely unfounded, but I believe the best way to deal with it is to accept the fact that the large population of Chuuk will always make the state a political in any kind of election. It is almost irrelevant in our present discussion here because whether the president and vice president is elected directly by the people of Congress, Chuuk will always have a big influence. [97]

At least under the proposed elimination process under the rotation system, it provides the assurance that all the States will have a turn as the FSM president.

### ***Eliminates Power of Congress over the President:***

If the people are granted the right to directly vote for the president and vice president, the accountability of the president will shift to the people. Once accountability is shifted, the needs of the people, and not the political propoganda of Congress, will prevail. Legislations will be vetoed because they are not warranted. If such legislations are overridden, the President will be in a more comfortable position to report the unwarranted actions of Congress. Above all, there the practice of checks and balances will be stronger between the two branches.

### ***Push for the Creation of Political Parties:***

Because the proposed requirement prescribes two candidates to run for president and vice president under the same ticket, there is a high possibility that candidates will be aiming to work with other candidates sharing their national as well as state priorities. With this practice, the establishment of political parties as well as the sense of belonging by the people are likely to emerge. Political parties are essential in societies that allow the people to directly vote for the president and vice president. Some justifications are as follows:

- Offer a continuous means of organized electoral competition;
- More even party competition will compel the officials to act responsibly, honestly and competently;
- Political parties have a long history of taking stands on key issues, legislation, selecting candidates sharing party related goals, and supporting goals of other constituencies;

- More even party competition, greater voter turnout. [\[98\]](#)

## Possible Disadvantages of the Proposed Presidential Election System

**Financial Demand of this type of Presidential Election System:** There is no question that this type of presidential election system will be costly considering the candidates must travel from island to island in order to render successful campaigns. If it were not for the country's continuing economic struggle, implementing this presidential election system will not be hard. The reality is that FSM is relying heavily on US assistance from the Compact of Free Association. Worse yet, November 3, 2001 marks the end of the fifteen-year term of Compact economic provisions between FSM and USA. Although Section 231 of the Compact allows for the renegotiations of the expired economic provisions two years prior November 03, 2001, the FSM Joint Committee on Economic Negotiations [\[99\]](#) (herein after JCN) and the US Government have presented a proposal and a counter-proposal [\[100\]](#) for the new Compact, respectively. The outcome of both proposals will illustrate in the following table [\[101\]](#) that US is not willing to meet the FSM proposal:

	<b>FSM Proposal</b>	<b>US Response</b>
<b>Yearly US Assistance</b>	\$84 million	\$61 million
<b>Yearly Trust Fund contribution</b>	\$20 million	\$13 million
<b>Final year: US Assistance</b> (year 20, FSM; year 15, US)	\$70 million	\$40 million
<b>Initial Year of Trust Fund</b> (year 21, FSM; year 16, US)	\$70 million	\$25 million

Source: FSM Department of Economic Affairs

According to the Economic Management Policy Advisory Team's (EMPAT) [\[102\]](#), the FSM Government's proposal may be more beneficial than the counter-proposal made by the US Government. EMPAT's prediction will show in the following table that if the US proposal is adopted, FSM economy will suffer greatly before and after financial assistance from US ceases. [\[103\]](#)

Although the Bureau of East Asian and Pacific Affairs in Washington D.C. have reported that the US, during the most recent negotiations, have committed their financial assistance to extending annual economic assistance, for a period of 20 years, to the Government of FSM commencing at \$72 million with a decline of \$1 million thereafter, [\[104\]](#) it cannot be denied that the amendment remains \$12 million shy of the FSM proposal. Thus, with this current development still unraveling, the expenses entailed in the proposed presidential election system will continue to pose the biggest disadvantage under the system.

## Reasons Why the Proposed Presidential Election was not Ratified

In order for Proposal 01-21 to be ratified by the people, 75% of votes cast in three States must be satisfied. According to the referendum statistics compiled by the National Election, this requirement was not met. The following graph will show the outcome of the referendum held on August 27, 2002.

Following are some of the reasons why Proposal No. 01-21 did not obtain the necessary requirement.

### ***Lack of Unity***

The lack of unity among the FSM people to act together as collective Micronesians may be one of the

main reasons why the ratification of proposal 01-21. According to electronic email interview Mr. Aren Palik, delegate representing Kosrae State to the 2001 Constitutional Convention, he noted that the lack of unity stems from the fact that most people were expecting free transportation and food arrangement to be made for them as a payment for them taking time out to vote during the referendum. When none of these were provided, many did not see the incentive to participate. [105] Another element adding to the lack of unity was the lack of support from the government leaders and traditional leaders to help in assisting the people to understand the proposal and the significance of the referendum. [106] Consequently, a question on a personal survey--“Did you vote during the referendum—was distributed electronically by the author to a hundred people in FSM and 80 of the 100-responded “no” because they were busy with other things. The same question was posed to the same number of people living abroad and an overwhelming 70 people said that “no” because they never received their absentee ballots. While another twenty noted that that they were not informed that the referendum was being held on August 27, 2002.

In Chuuk, however, Mr. Palik stated that the lack of educational awareness in that State was due to the lack of transportation and limitation of time, some of the outer islands of Chuuk were not reached by the Education Task Force for Chuuk. [107]

### *Lack of Awareness*

Another factor that supported the unfortunate voting results of the proposal was the delay in the education awareness programs on the proposals. Actually, the education program did not start until one month prior to when the referendum was scheduled. [108] Mr. Palik noted that such an unreasonable delay was due to the Congress’ timing in issuing adequate money for the pre- as well as post convention expenses. [109] He further noted that:

The Convention did not finish until late December 2001. The education programs were stalled until January 2002 when the FSM Congress had to meet to approve a Post Convention budget. However, because FSM National government was in deficit, money for the public education was not readily available. When it was finally approved, it was not enough, thus the public education was limited only to FSM citizens in FSM and not those outside the country. Furthermore, even after the funding was approved, the Education Task Force appointed by the President was not organized until June 2002. With all this, it was impossible for the people to understand the issues well enough to go to the polls. [110]

In addition, a survey was administered to a hundred people living in FSM on the issue of public awareness. Out of 100 people, 76 of them noted that they voted “no” on proposal 01-21 because there was insufficient time to allow them to fully appreciate how the proposed system worked. The same issue was posed to a hundred people abroad and 95 of the people agreed that although there was information about the proposal on the internet, it was still limited. Some of them noted that they did not know whom to call or contact if they had questions about the proposal.

### *Insufficient publication and news coverage on the referendum:*

Mr. Palik noted that another overwhelming disappointment about the August 27, 2002 referendum in Pohnpei was that there was no publication, television advertisements, fliers, no simple reminders or any type of signs emphasizing the importance of the referendum. [111]

## **Recommendations for Consideration**

(1) One of the areas that the FSM leaders must really scrutinize and change is the flexibility of Congress to misuse the powers prescribed under the FSM Constitution. For example, if Congress is to have the power to determine their own allowances and salary. Proceedings concerning this should be publicized in

detail for the people.

(2) Since the present presidential election will remain status quo, the FSM President and the people must find ways to guarantee that Congress publish its proceedings. It is foreseeable that Congress may claim that there is no money to fund such publication. However, such publications are necessary in order to keep them accountable to all the FSM people and not just few people who are benefiting from appropriations.

(3) In order to lessen Congress' power over the President, the people should be allowed to directly vote for the President. Unfortunately, the people did not ratify the proposed presidential election system in August, however, the shortfalls revealed during the referendum should be considered and solved by the unity of the leaders and the FSM people. Let the weaknesses of the 2001 Constitutional Convention and the referendum be the guiding light for the next Constitutional Convention. Unity is the key, and until it is achieved, FSM cannot prosper.

(4) FSM Congress should not wait until a convention is over to determine post funding. Punctuality in planning complements the efficiency and effectiveness in carrying out goal. If FSM Congress truly is for the betterment of the people, such tardiness should not have been entertained in the first place.

(5) The organization of the Education Task Force for each State should also have been readily organized. No evidence points to the reason why the Education Task Forces were organized in a very late fashion, but whatever the reasons may have been, it should not be justified.

## **Conclusion**

Many things have been revealed about the origination of the problems found in the present presidential election system through the historical walk down FSM's situation during the Trust Territory Government and the 1975 Constitutional Convention. Moreover, the advantages and disadvantages under the present presidential election system have been greatly emphasized through the careful analysis of the proposed presidential election system. Factors like inequality among the States to have their qualified residents become president due to the drastic population disparity; the weakening separation of powers between the executive and legislative branch and the increasing power of Congress over the president pose some of the most crucial justifications why the present presidential election system should be changed. It is true that the present presidential election system does complement the economic dependence the FSM States have on US financial assistance and the diverse cultural settings of each State, however, in the absence of checks and balances between the executive and the legislative branch the FSM people will continue to suffer and the country will never prosper.

Sadly, because the proposed presidential election system could not be ratified due to poor planning and management by the Government to adequately educate the people on the proposed constitutional amendments coupled the voters lack of interest to improve the FSM government, the August 27, 2002 referendum was a big failure. However, there is still hope for the FSM people if they are still willing to make changes for the betterment of their country. Throughout the history of FSM, unity among the people has been very hard to attain. However, it is the advice of this writer that FSM people must once and for all unite as one people, one nation and find ways to compromise because it is within this compromise that their similarities may be found. Furthermore, the FSM people must take this to heart:

...we [must] affirm our common wish to live together in peace and harmony, to preserve the heritage of the past and to protect the promise of the future. To make one nation of many islands, we [must] respect the diversity of our cultures. Our differences enrich us. The seas bring us together, they do not separate us. Our islands sustain us, our island nation enlarges us and makes us stronger. Our ancestors, who made no other homes on these islands, displaced no other people. We, who remain, [should continue to] wish no other home than this. Having known war, we [should] hope for peace. Having been divided, we [should]

wish unity. Having been ruled, we [should] seek freedom. [\[112\]](#)

There is still hope as long as there is the will to unite and serve each other.

## **Bibliography**

### **Articles:**

Burdick, AB 'The Constitution of the Federated States of Micronesia' in Ghai, YH (ed) Law, Politics and Government in the Pacific Island States Suva: Institute of Pacific Studies of the University of the South Pacific 1988, 252-283.

Congress of the Federated States of Micronesia 'History of the Congress of the Federated States of Micronesia': Accessed on July 18, 2002 at <http://www.fsmcongress.org>.

Gonzaga, P and Peter, I 'Micronesia in Review: Issues and Events: 1 July 1999 to 30 June 2000' (Spring 2001) 13 Contemporary Pacific 225.

Haglelgam, J.R. 'Analysis of the Fourteen Proposed Amendments to the FSM Constitution (as amended)' 2002: Accessed on July 27, 2002 at <http://www.fsmpio.fm/concon>.

'The FSM Constitution and the 2001 Constitutional Convention' 2001 Accessed on July 27, 2002 at <http://www.comfsm.fm>.

'A Closer Look at the Proposed Amendments to the FSM Constitution' 2001 Accessed on July 27, 2002 at <http://www.micsem.org>.

Hezel, FX., SJ 'A Brief Economic History of Micronesia' in The Past Achievements and Future Possibilities: A Conference on Economic Development in Micronesia. Ponape, 22-25 May 1984. Majuro, Marshall Islands: Micronesian Seminar, 1984.

June 2001. "Feast and Famine: US Assistance for the Next Two Years and the Compact Funding Outlook". [Accessed March 1, 2002 at <http://www.micsem.org>].

Meller, N 'On matters constitutional in Micronesia' (April 1980) XV Journal of Pacific History 83-92.

Micronesian Seminar 'The Taste of Pork: Congressional Fund for Development' 2000: Accessed on July 18, 2002 at <http://www.micsem.org>.

Petersen, G, 'The Federated States of Micronesia's 1990 Constitutional Convention: Calm Before the Storm?' (Fall 1994) 6 Contemporary Pacific 337-369.

Syllabus for PLS 212: American National Government 'Political Parties in Democracy' Accessed on September 11, 2002 at <http://www.cola.wright.edu.htm/>.

### **Constitutional Convention Journals:**

Office of the Convention President, Journal of the Micronesian Convention of 1975, Vol. 1, Saipan, Trust Territory Government Printing Office, 1976, [Accessed on October 15, 2002, at <http://www.vanuatu.usp.ac.fj>].

Office of the Convention President, Journal of the Micronesian Convention of 1975, Vol. 2, Saipan, Trust

Territory Government Printing Office, 1976, [Accessed on October 15, 2002, at <http://www.vanuatu.usp.ac.fj>].

Office of the Convention Secretary, Journal of the Third FSM Constitutional Convention Vol. 1 & 2, 2001, [Accessed on July 15, 2002 at <http://www.fsmpio.fm/concon>].

### **Government Documents:**

Bureau of East Asian and Pacific Affairs, Washington, DC. April 23, 2002. “**U.S. Proposes Amended Compact of Free Association Funding for the Federated States of Micronesia**”. [Accessed April 24, 2002 at <http://www.state.gov>].

Economic Management Policy Advisory Team's (EMPAT). February 2001. “Technical Note: The US Compact Counter Proposal February 2001 [Accessed March 01, 2001 at <http://www.micsem.org>].

FSM Department of Economic Affairs “FSM 2000 Preliminary” in Office of Insular Affairs [Accessed May 14, 2002 at <http://www.pacificweb.org/fsmpreliminaries02.htm>].

Proposal by the Government of the Federated States of Micronesia for Future Economic Assistance by the United States Under the Compact of Free Association November 2000. [Accessed March 05, 2002, at <http://www.micsem.org>].

Proposal by the Government of the United States for Future Economic Assistance to the Federated States of Micronesia, November 2000. [Accessed March 05, 2002, at <http://www.micsem.org>].

### **Interview via Electronic Mail:**

*Personal Interview* via electronic mail with Mr. John R. Haglelgam, October 10, 2002.

*Personal Interview* via electronic mail with Mr. Aren Palik, October 11, 2002.

### **Relevant Laws:**

Constitution of the Federated States of Micronesia, May 10, 1979, [Accessed on July 18, 2002, at <http://www.fsmlaw.org>].

Public Law No. 7-2 1977 (TTPI).

Secretary of the Interior Order No. 2882 1964 (United States) [Accessed on August 01, 2002, at <http://www.fsmcongress.org>].

Secretariat of the Interior Order No. 3027 1978 (United States) [Accessed on August 01, 2002, at <http://www.fsmlaw.org>].

Trusteeship Agreement for the Former Japanese Mandated Islands, 1947 [Accessed on July 31, 2002, at <http://www.fsmlaw.org>].

Joint Congressional Resolution Act of 1947 (United States) [Accessed on July 31, 2002, at <http://www.fsmlaw.org>].

### **Reports:**

FSM Department of Economic Affairs “FSM 2000 Preliminary” in Office of Insular Affairs [Accessed May 14, 2002 at <http://www.pacificweb.org/fsmpreliminaries02.htm>].

*Report of the United Nations Visiting Mission to Observe the Referendum in the Trust Territory of the Pacific Islands, 1978* (UN Document T/1795, 1979).

FSM National Election Department, Director ‘Certification and Declaration of August 27, 2002 Referendum’ 2002.

### **Texts:**

Ghai, Y and Cottrell, J Heads of State in the Pacific: A Legal and Constitutional Analysis Suva: Institute of Pacific Studies of the University of the South Pacific, 1990.

Hezel,FX., SJ Strangers in Their Own Land: A Century of Colonial Rule in the Caroline and Marshall Islands Pacific Islands Monograph Series, No. 13, Honolulu: University of Hawaii Press, 1995.

Meller, N and Meller, T The Congress of Micronesia: Development of Legislative Process in the Trust Territory of the Pacific Islands Honolulu: University of Hawaii Press, 1969.

Meller, N The Micronesian Constitutional Convention Honolulu: University of Hawaii, 1977.

Ranny, A and Penniman, HR Democracy in the Islands: The Micronesian Plebiscites of 1983 Washington, D.C.: American Enterprise Institute for Public Policy Research, 1985.

### **Treaty:**

Compact of Free Association (United State and FSM) 1986 [Accessed March 04, 2002, at <http://www.fsmlaw.org>].

### **ENDNOTES**

[1] The quest for Faichuk, one of the four regions of the Chuuk State, to secede from Chuuk State and become the fifth state of the Federation began in 1979. After a two-decade old aspiration for statehood, 90% of Faichuk voters residing in Faichuk, Guam, Northern Mariana Islands, and Hawaii ratified their constitution on November 28, 2000. On October 01, 2001, the Faichuk interim government was established. *See* Radio Australia ‘FSM Faichuk Statehood Plan Passes Nine to One’ December 01, 2000 at <http://www.pidp.eastwestcenter.org>. Furthermore, Pohnpei State delegates to the 1990 as well as the 2001 Constitutional Convention discussed their peoples’ desire to secede from the Federation and form their own nation. While Yap State delegates noted during the 2001 Constitutional Convention that the people have been entertaining the idea of seceding from the Federation and joining Palau. The grounds for secession are based on strong cultural ties with the Palauans.

[2] G Petersen, ‘The Federated States of Micronesia’s 1990 Constitutional Convention: Calm before the Storm?’ (Fall 1994) 6 Contemporary Pacific, 348-349.

[3] *Id.*, 360.

[4] *Id.*, 361.

[5] *Id.*, 365.

[6] *Id.*, 361.

[7] JR Haglegam, ‘Analysis of the Fourteen Proposed Amendments to the FSM Constitution (as amended)’, 2002, accessed at <http://www.fsmpio.fm/concon>.

[8] Constitution of the Federated States of Micronesia, Article X, Section 1, 4, 5, 6, 1979, accessed <http://www.fsmlaw.org/>.

[9] Third FSM Constitutional Convention, ‘Committee Proposal No. 01-21’, 2001, accessed at <http://www.fsmpio.fm/concon>.

[10] The four imperial powers that successively colonized the Micronesian islands were Spain, German, Japan and the United States. Spain’s colonial powers first began in the Mariana Islands in 1564 and later spread to the Caroline Islands (now Republic of Palau and the Federated States of Micronesia) in 1898. Soon after her defeat in the American-Spanish War, Spain sold the Mariana and Caroline Islands to Germany in 1898. It was also during this time that Germany took control of the Marshall Islands. Eight years after Japan invaded these German-controlled islands in 1914, a League of Nations Mandate allowed Japanese control over these islands. American Administration began during WWII.

[11] Although Micronesia is an area in the Pacific Ocean that includes chains of tiny islands and atolls of the Federated States of Micronesia, Northern Mariana Islands, Marshall Islands, Republic of Palau, Kiribati and Nauru, the term “Micronesia” in this paper will not be referring to Kiribati and Nauru.

[12] <http://www.fsmlaw.org/>.

[13] Act of July 18, 1947, c.271, 61 Stat. 397.

[14] A Ranny *et al*, Democracy in the Islands: The Micronesian Plebiscites of 1983 (1985) 10.

[15] Seventh Congress of Micronesia, ‘Public Law No. 7-2’ 1<sup>st</sup> Session, 1977.

[16] N Meller *et al*, The Congress of Micronesia: Development of the Legislative Process in the Trust Territory of the Pacific Islands (1969) 417-454.

[17] Secretary of the Interior Order No. 2882 1964 (United States), 1.

[18] *Ibid.*

[19] *Ibid.*

[20] *Ibid.*

[21] *Id.*, 1, 5. The first congressional election was held on December 28, 1964 and ended on January 27, 1965. *See* A Ranny *et al*, *supra* note 14, at 14.

[22] *Id.*, Section 6. These members were referred to as ‘Delegates’. *Ibid.*

[23] *Ibid.*

[24] *Ibid.* These members were referred to as “Assemblymen”. *Ibid.*

- [25] Office of the Convention President, Journal of the Micronesian Constitutional Convention of 1975, Vol. 1 (1976) ii.
- [26] *Ibid.*
- [27] N Meller, The Micronesian Constitutional Convention (1977) 8. *See also* AB Burdick, ‘The Constitution of the Federated States of Micronesia’ 1988 254.
- [28] *Ibid.*, 9.
- [29] Office of the Convention President, *supra* note 25 at 73.
- [30] *Loc. cit.*
- [31] *Id.*, 8-9.
- [32] Office of the President, Journal of the Micronesian Constitutional Convention of 1975 Vol. 2 (1976) 101, 103-107, 110-113, 138-142, 146, 150-152, 178-179, 217-218, 228-239, and 345.
- [33] N Meller, ‘On matters constitutional in Micronesia’ 1980 83.
- [34] A Ranny *et al*, note 14, at 14.
- [35] Secretariat of the Interior Order No. 3027 1978 (United States), Section 3 (a) and (c).
- [36] *Id.*, Section 4(b)(3)(d).
- [37] *Id.*, Section 4(b)(2); *See also* Congress of the Federated States of Micronesia, ‘History of the Congress of the Federated States of Micronesia’ accessed at <http://www.fsmcongress.org/>.
- [38] Y Ghai *et al*, Heads of State in the Pacific: A Legal and Constitutional Analysis 1990 6.
- [39] The legislative power of the national government is vested in the FSM Congress. *See* Constitution of the Federated States of Micronesia, Article IX, Section 1.
- [40] Constitution of the Federated States of Micronesia, Article X, Section 4.
- [41] *Ibid.*
- [42] *Id.*, Article IX, Section 9.
- [43] *Id.*, Section 8.
- [44] *Ibid.*
- [45] *Id.*, Article X, Section 1.
- [46] 12<sup>th</sup> Congress of the Federated States of Micronesia, ‘Legislative Process’, Rule 1, Section 15(a), accessed at <http://www.fsmcongress.org>.

[47] Ibid.

[48] Ibid.

[49] Id., Rule 1, Section 15(b).

[50] Id., Rule 10, Section 15(6).

[51] Op cit., Section 15(c).

[52] Ibid.

[53] Id., Section 16(a).

[54] Id., Section 16(b).

[55] Id., Section 17.

[56] FSM Constitution, supra note 39, at Section 6.

[57] These statistics for the chart were taken from FX Hezel, SJ., ‘A Brief Economic History’ 1984 36.

[58] FX Hezel, SJ., Strangers in Their Own Land: A Century of Colonial Rule in the Caroline and Marshall Islands 1995 361, 357.

[59] Office of the Convention President (Vol. 2), supra note 32, 106.

[60] AB Burdick, Supra note 27, 266.

[61] Population statistics during the late 1960’s: Palau: 10,628; Marianas: 10,275; Yap: 6,293; Chuuk: 24,521; Pohnpei: 18,293; and Marshall Islands: 18,205. See N Meller *et al.*, supra note 16, 236.

[62] Office of the Convention President (Vol. 2), supra note 32, 103.

[63] Ibid.

[64] Id., 317.

[65] Mr. John R. Haglelgam was the second President of FSM and the President for the FSM 2001 Constitutional Convention.

[66] Electronic mail interview completed on October 10, 2002.

[67] Ibid.

[68] Ibid.

[69] FSM Constitution, Article X, Section 22 states: “A bill passed by Congress shall be presented to the President for approval. If he disapproves of the bill, he shall return it with his objections to Congress within 10 days. If Congress has 10 or less days remaining in its session, or has adjourned, he shall return

the bill within 30 days after presentation. *If the President does not return a bill within the appropriate period, it becomes law as if approved.* (Emphasis added).

[70] Congress of Federated States of Micronesia ‘Legislative Proceedings’, Rule 8 Section 11, accessed at <http://www.fsmcongress.org/>.

[71] Ibid.

[72] P Gonzaga *et al*, ‘Micronesia in Review: Issues and Events, 1 July 1999 to 30 June 2000’ 2001 200.

[73] Micronesian Seminar ‘The Taste of Pork: Congressional Funds for Development’ 2000, accessed at <http://www.micsem.org>.

[74] Electronic mail interview with Mr. John R. Haglelgam, October 10, 2002.

[75] Ibid.

[76] Ibid.

[77] Third FSM Constitutional Convention, ‘Committee Proposal No. 01-21’, 2001, accessed at <http://www.fsmpio.fm/concon>.

[78] JR Haglelgam ‘A Closer Look at the Proposed Amendments to the FSM Constitution’ 2002, accessed at <http://www.micsem.org/>.

[79] Ibid.

[80] Ibid.

[81] Ibid.

[82] Ibid.

[83] Ibid.

[84] Ibid.

[85] Ibid.

[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Ibid.

[92] Ibid.

[93] Ibid.

[94] Ibid.

[95] Yap: 11,241; Pohnpei: 34,486; and Kosrae: 7,686. FSM Department of Economic Affairs “FSM 2000 Preliminary”.

[96] Op. cit.

[97] Ibid.

[98] Syllabus for PLS 212: American National Government ‘Political Parties in Democracy’ at <http://www.cola.wright.edu.htm/>.

[99] Proposal by the Government of the Federated States of Micronesia for Future Economic Assistance by the United States Under the Compact of Free Association. November 2000.

[100] Proposal by the Government of the United States for Future Economic Assistance to the Federated States of Micronesia. November 2000.

[101] Although this table was formulated by the FSM Economic Affairs, it can also be found in Francis X. Hezel, S.J. June 2001. “Feast and Famine: US Assistance for the Next Two Years and the Compact Funding Outlook” in <http://www.micsem.org>].

[102] EMPAT is an economic advisory team to the FSM President.

[103] Economic Management Policy Advisory Team's (EMPAT). “Technical Note: The US Compact Counter Proposal February 2001 in <http://www.micsem.org>.

[104] Bureau of East Asian and Pacific Affairs, Washington, DC. April 23, 2002. **“U.S. Proposes Amended Compact of Free Association Funding for the Federated States of Micronesia”** in <http://www.state.gov>.

[105] Electronic mail Interview with Mr. Aren Palik, October 11, 2002. Mr. Palik represented the State of Kosrae to the 2001 Constitutional Convention and was elected the Chairman of the Pre-Convention Budget and Finance Committee.

[106] Ibid.

[107] Ibid.

[108] Ibid.

[109] Ibid.

[110] Ibid.

[111] Ibid.

[112] Excerpt from the Preamble of FSM Constitution.

© University of the South Pacific 1998-2006