

## **THE MICRONESIAN EXECUTIVE: THE FEDERATED STATES OF MICRONESIA, KIRIBATI, AND THE MARSHALL ISLANDS**

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For approximately a decade now, three adjacent Pacific Island polities--the Federated States of Micronesia (FSM), Kiribati, and the Republic of the Marshall Islands--have been enjoying the heady experience of exercising self-government under the leadership of their respective executives. Now classed as "independent" nations,<sup>1</sup> they first existed as dispersed individual islands or island clusters under warring chieftains until they came under the colonial rule of different European nations at roughly the same time.<sup>2</sup> Similarly, within the short span of less than a year,<sup>3</sup> they all took the definitive step of severing political ties with their respective administering metropolitan nation.<sup>4</sup> In each, indigenous tradition still exercises an important influence over normal daily activities,<sup>5</sup> and to varying degree custom continues to have a part in government as today practiced. Viewed against the current world panorama of nation-states, all three are minuscule both in population<sup>6</sup> and land area;<sup>7</sup> none possesses enough natural resources or is sufficiently developed economically to enjoy more than a very modest level of living;<sup>8</sup> and all are heavily dependent upon extensive financial aid from external sources to support the governments now functioning.<sup>9</sup> In each, most paid employment is in their public sectors and all are experiencing strong, persistent movements of inhabitants from outer islands to the urbanized centers. Notwithstanding these many comparabilities, when establishing their respective democratic systems of government they opted for distinctive executive forms, each varying in significant ways

both from those of the other two and also from those of the metropolitan governments under which they received their political apprenticeship in modern rule.

### **Constitutional Background**

The drafting of a constitution for the Federated States of Micronesia (FSM) was designed to permit the resulting document to be truly autochthonous: Elected delegates freely chosen by the indigenous inhabitants gradually fitted together its contents without the participation of or direction by any metropolitan administrator.<sup>10</sup> The Marshall Islands' constitution was similarly adopted by elected delegates without American administrators involved; however, before the Marshallese Constitutional Convention met, the staff of the Marshall Islands Political Status Commission (MIPSC) "were widely believed to have a constitution with a parliamentary form already drafted. . . . Despite a lengthy convention, the resulting constitution was mostly drafted by outsiders."<sup>11</sup> In the case of Kiribati, some 165 representatives from all islands, major institutions, and interest groups met informally in 1977 to debate the contents of a Kiribati constitution. The colony's House of Assembly then accepted the report of this convention in principle and added its own modifications. A Constitutional Conference was held the following year in London with the British colonial administration, and this conference then agreed upon the terms finally incorporated into the Kiribati Constitution.<sup>12</sup>

During the writing of the three areas' respective constitutions, there was no question but that Kiribati would opt for a parliamentary system of government. Similarly, the convention that met on Saipan in the Trust Territory gave only perfunctory attention to other than a presidential form. It might be generalized that their long colonial experience had helped to condition each for the action ultimately taken, but how to explain the Marshalls? The Marshallese had undergone the same tutelage with the United States as did the other Trust Territory districts: The FSM, the Commonwealth of the Northern Marianas, and the Republic of Belau all installed presidential systems.

Part of the explanation, at least, appears to lie in the personal leadership of the present president of the Marshalls. Decades ago, Amata Kabua expressed to this author his preference for a parliamentary system as more fitting to Marshallese tradition. "President Kabua is the undisputed leader of the Marshalls, moving into his third term as President. . . . Kabua has been a key figure in Marshall Island politics for

more than 30 years. He was elected to the first Congress of Micronesia, representing the islands there until the Marshalls broke away from Micronesia, and then became the first President of the Marshalls in 1979.”<sup>13</sup> He chaired the MIPSC whose staff, as noted above, was believed to have a preconvention draft ready: “Prior to the opening of the ConCon there was a workshop for the delegates who studied the basics of parliamentary government. . . . The ConCon staff was, according to resolution, supposed to produce two drafts--one parliamentary and the other presidential. The presidential draft was not written.”<sup>14</sup>

Officially the reasons for adopting a parliamentary form of government (as recommended by the MIPSC) was [*sic*] because: a) the leaders’ experience was largely legislative, b) it is more in keeping with the culture, and [*sic*] c) it could work more effectively with the Trust Territory executive branch as represented by a district administrator, and d) it is less expensive than presidential government. All of these propositions were hotly debated.

However there was a compelling reason for a parliamentary form of government which has not generally been discussed publicly. In essence legal advisors said that it would be easier to have an internationally recognized government if the executive could emerge from an already recognized legislative body.<sup>15</sup>

Classificatory categories carry with them the shortcoming of being but gross generalizations, concealing the nuances that differentiate the components. This is particularly true with respect to the three Micronesian polities in the central Pacific. Notwithstanding that parliamentary systems have been installed in two and the FSM system is presidential in form, a chief executive called “president” heads the executive branch of all three. None institutionalizes a separate Head of State, the most common pattern in the Westminster-style systems in the Pacific, which provides ceremonial and umpiring functions for the polity and which can also serve as a brake on action by the prime minister.

To differentiate between these polities all with presidents, Yash Ghai refers to that of the FSM as “executive presidential” and the other as “parliamentary.”<sup>16</sup> But there are other interesting permutations not so easily encompassed with a ready choice of procrustean terms: The president in the FSM must have majority support of the Congress to be chosen but thereafter can continue in office without it, while in the

Kiribati parliamentary system the president depends upon majority support in the Maneaba to continue in office but not initially to gain the post. Under the terms of the Marshallese Constitution, as will subsequently be developed, in this aspect the position of the president of that polity falls somewhere in between the other two. "Although the models of the head of state derived from two metropolitan traditions (the Commonwealth and Washington), the modes of appointment and tenures differ in significant ways from those models."<sup>17</sup>

### **Federated States of Micronesia**

While the delegates to the Micronesian Constitutional Convention on Saipan readily agreed that a presidential system was appropriate for the FSM, there was less concurrence over the means to be adopted for selecting that president. Without political parties and with the vast weight of the FSM population located in Chuuk (Truk) and Pohnpei,<sup>18</sup> a primary election to nominate candidates was considered financially, mechanically, and politically unfeasible. The solution was found in directing each state every four years to elect one senator-at-large (all of the state's other representatives would serve from districts and for only two-year terms) and the Congress then to co-opt the president and vice-president from this select group of senators. Presumably, when casting a ballot for an at-large candidate, each voter would also be conscientiously expressing the opinion that the candidate possessed the attributes necessary for occupying the nation's chief executive posts. Later, when the new Congress convened, by simple majority its members would fill the two executive seats; once sworn in, under the separation of powers principle the two senators would vacate their legislative seats and by-elections would fill them for the balance of the four-year term.

The first two elections of an FSM president occurred without incident. Tosiwo Nakayama from Chuuk, the former president of the Trust Territory Senate whom the delegates had chosen as president of the Constitutional Convention, easily was selected as the first FSM president. Four years later the congressional choice was repeated.<sup>19</sup> However, the awkwardness of the reelection process was disclosed by Nakayama's first having to run for his state's at-large seat in the Congress, disregarding the fact that an incumbent had been elected to fill the vacancy, only then once again to surrender the senatorial post after being rechosen as chief executive. At the third election for president, in 1987, not only was Nakayama now ineligible under constitutional prescription (Art. X, Sec. 1) prohibiting a president from serving more than

two consecutive terms (he chose not to stand for any congressional seat), but this provision had now become virtually tantamount to a preclusion of the same state from capturing the presidency for more than two consecutive terms. At the time Nakayama was co-opted to serve his second presidential term, it was tacitly understood that the next president would come from Pohnpei. The members of the new Congress proceeded to choose a president on the premise that no one from Chuuk ought to be considered eligible. However, the at-large member elected by Pohnpei had previously incurred the strong personal antipathies of some Chuuk members of the Congress. The impasse was resolved by allocating both FSM executive posts to the senators-at-large from the federation's two small states.

At the time the Constitution was drafted, the FSM potentially could have been composed of six, and possibly seven, states, although privately the delegates were already discounting the inclusion of the Marianas and probably held grave doubts about the Marshalls. Even without these districts of the Trust Territory, however, they anticipated that every four years there would be a field of at least four and perhaps five senators available from which to select the FSM's two chief executive officers. They failed to anticipate that the language of the Constitution and practical politics would so narrowly constrict the presidential choice.

### **Kiribati**

While fully familiar with the Westminster practice of designating the chief executive through action of the legislature, the Constitutional Convention that met in Kiribati nevertheless recommended popular election. The colony's House of Assembly adopted this recommendation when it sat in 1978 following the election of its new members, and this was ultimately incorporated into the Kiribati Constitution. The Maneaba (the designation of the parliament under the Constitution) would nominate not less than three nor more than four MPs, as the convention desired to have as many candidates as practically possible so that one commanding political support would not be blocked by action of the MPs.<sup>20</sup> Election would be gained by the candidate for Te Beretitenti (President) who received the largest plurality. The present incumbent, Ieremia Tabai, initially assumed office by virtue of serving as the colony's chief minister when the Kiribati Constitution took effect and being "grandfathered" in. Thereafter, he was elected in 1982 and again in 1983 and 1987. The High Court of Kiribati ruled that the Constitution's

prohibition against a person assuming the office of "Beretitenti after election on . . . more than three occasions" (Sec. 32[5]) did not apply to Tabai in 1987, holding that his becoming president in 1979 was not by "election" but by virtue of constitutional succession.<sup>21</sup> Yet to be determined is whether this limitation will disqualify Tabai from ever again seeking the office of president. Ghai believes that unlike in "the FSM, there is no possibility of [the president] coming back once the three terms have been served."<sup>22</sup>

A term of the president in Kiribati may not extend beyond the maximum life of the Maneaba--four years--and the assumption of office by a successor, and can be ended earlier. By a majority vote of all members of the Maneaba, the president can be removed on a vote of no confidence in him or his Government.<sup>23</sup> Similarly, he ceases to be president when he declares that a vote on a matter before the Maneaba raises an issue of confidence, and the matter is then rejected by a majority of all members (Sec. 33[2(b,c)]). With such removal, however, the members of the Maneaba sign their own death warrant, for the Kiribati Constitution mandates election of a new Maneaba. Unlike in the FSM, an MP assuming the office of president does not vacate his legislative seat; however, should he have been elected to the Maneaba from a single-member electoral district, to assure that district adequate representation it is entitled to elect an additional member at a by-election. The latter situation has yet to occur in Kiribati, but in 1982 President Tabai did lose a vote of confidence. Apparently many of the MPs did not appreciate that in voting against the Government's position they were ending the life of the Maneaba and would have to stand for reelection. So traumatic was this experience that it has yet to be repeated. It is somewhat ironic that in the FSM, where the president's continuance in office does not depend upon support in Congress, his selection requires majority congressional support, while in Kiribati majority support of the Maneaba is essential for the president to complete a term of office but is not a requisite for his selection as one of the candidates. Reference to the applicable provisions of the Marshalls Constitution adds further incongruity.

### **Marshall Islands**

When superficially examined, the executive provisions of the Marshalls Constitution appear to fall within the general thrust of the Westminster model. The vast executive authority is vested in a cabinet of not less than seven members, who are collectively responsible to the Nitijela. As

desired by the president, the cabinet may be expanded to include as many as one-third (eleven) of the Nitijela's membership. The president, who is part of the cabinet, is elected by a majority of the total membership of the Nitijela, and he selects and may remove the other cabinet members. A motion of no confidence in the cabinet, brought by four backbenchers and carried by a majority of the total membership of the Nitijela, results in the president's being deemed to have tendered his resignation from office. At this point the Marshalls Constitution diverges from normal parliamentary convention: If the Nitijela then fails to elect a new president within fourteen days, both the no-confidence vote and the resignation lapse, and the president continues to serve as chief executive. Only if a vote of no confidence has twice been carried and lapsed, and no other president has held office in the interval, may the president use the no-confidence vote to dissolve the Nitijela.<sup>24</sup> The Marshalls thus fits somewhere between the FSM, where no power of dissolution is possessed by its president, and Kiribati, where the president can force a dissolution. However, as Ghai notes, the circumstances in which dissolution may occur in the Marshalls or, indeed, Kiribati, are "very restricted and leave the head of state with little or no discretion."<sup>25</sup> On another note, unlike the other two Micronesian constitutions, the Marshalls Constitution carries no limitation on the number of terms a president may serve.

### **Veto Power**

Of the presidents in the three Micronesian polities, that of the FSM nominally possesses the most potent veto powers. Belying the fact that the FSM Constitution makes express provision for the president to exercise the veto--and, as well, allows the Congress to repass such vetoed legislation--the veto power of the FSM president is not as powerful a weapon as it may appear. Part of the explanation is political, as the president in the FSM lacks a constituency of his own as chief executive that he can mobilize to counter the weight of congressional objection. The balance of the explanation lies in an unanticipated structural anomaly of the FSM Constitution: With only four states in the Federation, the three-state vote requisite for passage on final reading (two-thirds of all state delegations, each delegation with one vote [Art. IX, Sec. 20]) also suffices for the Congress to override a presidential veto (three-fourths of all state delegations, each delegation with one vote [Art. IX, Sec. 1(q)]). Since the proponents of an enacted measure have already shown they have the strength to adopt it notwithstanding the

president's objections, he may well be reluctant to undertake the futile gesture of formal veto, thereby exacerbating congressional resentment.

A search of the available *Journals* of the FSM Congresses (1979-1987) indicates that for this entire period the president vetoed about 8 percent of the bills passed by the Congress (see Table 1). Over and above this, the president showed his disapproval by allowing an additional five measures to become law without his signature and appended express reservation to two that he nevertheless felt constrained to sign.

In Kiribati, the president may withhold assent only to a measure believed to be inconsistent with the Constitution and return the disputed legislation to the Maneaba for amendment. Should the latter fail to remove the feature objected to on constitutional grounds, the president can then refer the bill to the Kiribati High Court to rule on the claimed inconsistency. Other than for this reason, the Kiribati president must assent to all proposed legislation, regardless of whether it incorporates egregious technical error or embarks the nation upon a strongly disapproved policy. Of course, in Kiribati the president always has the reserved option of threatening to make the passage of a measure a matter of no confidence, thus invoking the implicit sanction of automatic dissolution of the Maneaba should it fail to heed his objections. While this constitutes a tacit veto, by its very nature it can be used only sparingly; its effectiveness is overshadowed by the real power exercised by the president of the Marshalls.

The Marshalls Constitution makes no provision for its president to play any role in formally assenting to enactments of the Nitijela. Also, the Marshalls president cannot initiate action that would end in dissolu-

TABLE 1. **Vetoed Bills, 1979-1987**

| FSM Congress   | Bills Passed | Bills Approved | Law Without Signature | Vetoed          | Overridden     |
|--|--------------|----------------|-----------------------|-----------------|----------------|
| 1st: 1979-81   | 158          | 144            | 3                     | 11 <sup>a</sup> | 1              |
| 2d: 1981-82  | 86           | 70             | 1                     | 15              | 4              |
| 3d: 1983-84  | 92           | 87             | 1                     | 4               | 1              |
| 4th: 1985-86   | 91           | 87             | 0 <sup>b</sup>        | 4               | 1              |
| 5th: 1987-<br>(1st Reg. and<br>Spec. Sessions, only) | 14           | 12             | 0                     | 2               | 0 <sup>c</sup> |

<sup>a</sup>Plus 9 suspended by High Commissioner.

<sup>b</sup>But two signed with reservations.

<sup>c</sup>Veto may have been overridden in subsequent session.

tion of the Nitijela should it refuse to follow his expressed views on pending legislation. Nevertheless, the direction he currently exerts over the Nitijela's actions practically assures that measures he openly opposes will not be adopted. It appears that the incumbent president's registering objections to a bill before final passage in the Nitijela constitutes a more effective veto than resort to the formal negation process available to the FSM president after adoption.

### **Political Parties and Organized Opposition**

In none of the three island polities are there well-organized parties with formal grass-root structures, this notwithstanding that two are parliamentary in form and the classic parliamentary model is premised upon the clash between political parties to maintain the system and promote MPs to head the executive branch of government. It was this absence of parties to conduct campaigns for presidential candidates that helped convince the delegates at the Constitutional Convention on Saipan to reject direct election of the FSM president and opt for selection through action of the Congress. At the time the Kiribati and Marshalls constitutions were drafted, their polities' incipient parties might have metamorphosed in the traditional parliamentary mode, but this was not to occur. Instead, the recognized leader in each of these parliamentary systems at the time of independence has continued on as chief executive, heading a loose coalition of MPs, without benefit of any structured political party to sharpen up policy decision making and mobilize public support.

Toward the end of the Gilbert and Ellice Islands Colony period, a Gilbertese National Party had formed with the objective of bettering the position of the Gilbertese population. It sought separation of the Ellice Islands and independence for the Gilbertese. A counterparty (the Christian Democratic Party) opposed it. Once the objectives of the Gilbertese National Party had been achieved, both parties disappeared from the political scene, for there appeared to be no need of organized parties to mobilize support for the choice of chief minister. Rather, Ieremia Tabai, who had led the Opposition in the old Assembly, was one of the four MPs who were nominated for the chief executive post, and he won an absolute majority of the popular vote cast for all candidates for chief minister.<sup>26</sup> With independence, Tabai automatically became president.

The Tabai Government, installed in the independent Kiribati, entered into a fishing agreement with the Soviet Union that badly

divided the nation, particularly incensing the areas of strong Catholic persuasion. Out of this developed a new party, bearing the same name as the old Christian Democratic Party, composed of Catholic members of the Maneaba and the remnants of a discredited trade-union movement. The party failed to gain national credibility, but within the Maneaba its members have tended to play an opposition role.<sup>27</sup> Meanwhile the Tabai Government has been returned to power.

In the Marshalls, as chairman of its Status Commission, Amata Kabua had led the separation movement that defeated the FSM Constitution. Today, the "Commission" remains as a diffuse political identification with which many Marshallese relate. Similarly, the Aniken Dri-Majol (Voice of the Marshalls) had advocated a unified Micronesia and continued as an unstructured, low-keyed opposition in the Nitijela to Kabua and his "Commission." Discredited, its membership today has lost much of its popular support. "While there are occasional opposition groupings and coalitions, there is no organized opposition party. There are no formal political parties in the Marshalls."<sup>28</sup>

Kabua brings to his position as president a traditional status as an important *iroij* (paramount chief) with extensive control over land, "the indigenous basis for social identity" in the Marshalls.<sup>29</sup> This allows him to wield an extraordinary authority not duplicated at the national executive level of the other two polities. Partially because of this, "the distribution of power in the present system of Marshall Islands governance reflects features of the traditional political order and the democratic parliamentary model."<sup>30</sup> Under these circumstances, a formally organized political party is extraneous to Kabua's remaining in political power as president, while the heavy influence of Marshallese tradition mitigates against open expression of discontent and discourages any attempt to mount a party by the fragmented opposition.

### **Separation of Powers: Executive-Legislative Linkage**

When erecting the proposed new Micronesian federation, the delegates to the 1975 Constitutional Convention on Saipan gave relatively little consideration to their decision to adopt a presidential form of government, replete with full complement of checks and balances. Practically all of their governmental experience had been under a presidential-type system, and undoubtedly the formal limitations they incorporated that were designed to counter unbridled executive power loomed to many as basic as the civil liberties they protected in the Constitution's bill of rights. Previously, in the Micronesians' drive to attain self-government,

the district legislatures and then the Congress of Micronesia had been the fulcrum on which they had rested their effort to modify and eventually terminate American rule. Through the legislative institution they had obtained their introduction to Western-style politics, and it had increasingly served them as a brake on the American executive, as well as the means for gaining Micronesian participation in policy setting as the Trust Territory administration gradually, seemingly grudgingly, saw initiative shifting to the elected Micronesian legislators. The delegates to the ConCon were vaguely aware of the parliamentary system as a potential form to be considered--if nothing else, preliminary orientation by staff had attempted to alert them to this alternative--but they (and the staff) possessed limited knowledge of the conventions that facilitated its implementation. This combined with the absence of advocacy for the adoption of a parliamentary form to deny it any serious attention as the Governmental Structure and the Governmental Functions committees each brought forth their respective blueprints for the future FSM government.<sup>31</sup>

Interviews conducted at the end of 1988 with a number of delegates to the FSM ConCon who subsequent to 1975 had served in the executive and legislative branches of the Federated States government tended to reveal a somewhat amorphous satisfaction with its opting for a presidential system, apparently with some under the misconception that its continuance was necessary to offset Chuuk's predominant weight of population from otherwise controlling both executive and legislative branches of the national government. Most volunteered that they were aware of the existence of difficulties in executive-legislative relations within the FSM during the last decade, and a few former delegates were ready to convert completely to a parliamentary form of government and eliminate the separation between the two branches now built into the federal government. One proposal aimed for change just short of abandoning the presidential system by removing the present constitutional impediment preventing congressmen from concurrently holding posts as heads of departments in the FSM executive branch. The seeming parallelism with a parliamentary cabinet is obvious, but lacking would be the bulwarking conventions that collectively help facilitate the functioning of a parliamentary government. A number of other interviewees believed that adopting some of the other structural devices or practices found in a parliamentary government, but retaining the fundamental separation of powers principle intact, would suffice to reduce those difficulties.

The experience of the Marshalls to date demonstrates that mere adop-

tion of a parliamentary form of government would not of itself provide ready solution to the separation of powers problems encountered in the FSM. Despite the parliamentary structure of the Marshallese government, even its president confirmed that in practice it is not fully parliamentary.<sup>32</sup> Other interviewees elaborated upon that observation, disclosing that members of the Nitijela are inclined to follow the legislative process with which they became accustomed under the Trust Territory administration and that legislative-executive relations in the Marshalls are not as completely dissimilar from those in the FSM as terminological differences would imply. Carried over into the Nitijela's process is a wide-ranging system of subject-matter committees that serve both as gatekeepers determining the measures to be returned to the Nitijela floor and as content refiners of those measures they release for floor action. A considerable number of private members' bills are introduced each session, and some are enacted; many of these may end up "ice boxed" in committee, but so does Government-sponsored legislation. That the Kabua Government has agreed upon adoption of a particular policy is no guaranty that it will receive speedy consideration in the Nitijela, be approved as initially submitted, or, indeed, that it will ever be enacted into law.<sup>33</sup> Members have forced adjournment, leaving the Government with its legislative program incomplete. In short, the Government in the Marshalls does not have the control over Nitijela action, nor is it held to the same accountability, as is typical of a more classical Westminster system, such as in Kiribati. There, private members' bills are few in number, a majority of the Maneaba's meeting days are devoted to considering measures originating in the government, the ability of MPs to defer action thereon is limited, and no subject-matter committees exist to diffuse or counter the Government's thrust.

Although the placing of initiative in the Government for proposing public expenditures and raising governmental revenues is a fundamental tenet of a parliamentary system, private members in the Marshalls have nevertheless continued to introduce money measures, only to be reminded that this is now the prerogative of the Government. Also, there apparently is no appreciation in the Marshalls of the symbolic defeat suffered by a parliamentary Government in power should a reduction in an appropriation or a revenue measure be forced upon it against its will. There is nothing in the Marshalls Constitution that prevents the Nitijela from reducing an appropriation, but lacking public comprehension of its significance, resort to this convention would be an empty gesture. While the Marshalls have adopted the structure of a parliamentary system, the polity fails to observe many of the practices and

political conventions necessary to flesh out the skeletal undergirding. It is not surprising, therefore, that the Nitijela's Accounts Committee has yet to devolve into being a critical watchdog of government, scrutinizing it closely and holding it up to public accountability. In short, it seems that the smoother state of legislative-executive relations that prevails in the Marshalls, as compared with the situation in the FSM, rather than being the result of its parliamentary form of government, can be attributed to the traditional status of the incumbent president and the leadership he exerts.

The bettering of communications in the FSM between executive and legislative branches underlay most of the suggestions encountered that propose the grafting of one or more parliamentary devices onto the FSM presidential system. The ability of the president to place a nonmember spokesman on the floor of the Congress, participating in debate, was advanced by some interviewees in the executive branch as constituting a promising means by which to present the president's case more effectively. They envisioned the spokesman as correcting misconceptions voiced on the floor of the Congress, constituting an advantage akin to that enjoyed by the Government in a parliamentary system.<sup>34</sup> Such an innovation, so long as the president's spokesman did not vote, would not violate the separation of powers principle fundamental to the presidential system, and could be instituted by mere change in the standing rules of the Congress. As an aside, in Kiribati the attorney general, who is not an elected MP, sits in the Maneaba and, along with other members of the cabinet, participates in floor debates.<sup>35</sup>

The collective responsibility imposed upon the cabinet members in a parliamentary system was another principle alluded to by interviewees in the FSM as one that could advantageously be grafted onto their polity's presidential system. Somehow, when before committee or in informal discourse with congressmen, department heads seem to forget the executive policy line and speak their department's own position. Here, again, adaptation of parliamentary device would not violate any fundamental tenet of the FSM presidential system. Rather, it may be difficult for a departmental spokesman to resist congressional blandishments to reveal the department's original appropriation requests before they were trimmed by executive staff to fit within the president's budget, especially when the president is perceived as weak. By strengthening the president's powers, particularly financial, the consequences of any such breaking of collective responsibility may be minimized, if not negated.

Within either a parliamentary or presidential system, ultimate control of the public purse is a treasured legislative prerogative not to be

lightly surrendered. Nevertheless, parliamentary systems do curtail what are relatively freewheeling money powers of legislatures in presidential systems. Denial to FSM congressmen of the right to introduce appropriation or revenue bills not endorsed by the executive would be a direct borrowing of parliamentary practice; so, too, would limiting unilateral legislative ability to increase appropriations in or the revenue take of measures sponsored by the executive. Members of the FSM Congress would be unlikely to volunteer the surrender of either power readily, even though constitutional denial of them to the Congress would not constitute abandonment of the presidential system. The FSM Constitution now precludes the Congress from making any appropriation except for legislative expenses, or on the approval of the executive, until the budget is adopted (Art. XII, Sec. 2[b]). Fully consonant would be a prohibition against passing members' bills carrying appropriations without also providing for raising the revenues necessary to meet the proposed expenditures. Such provisions derive in part from the intent to curb legislative excesses, just as constitutional attention in the FSM might be given to putting an end to the innovation of allocating "pork barrel" moneys among individual congressmen for their direct disbursement to constituents. However, all of these constitutional limitations would also have the immediate effect of altering the legislative-executive balance: An FSM president bulwarked by greater discretion in waiving limitations on the money powers of the FSM Congress would in consequence occupy a stronger bargaining position vis-à-vis the members of the Congress than he now enjoys.

### **Conclusion**

Basically, most Micronesians are uncomfortable with disputatious confrontation and take more kindly to settling differences through discussion and even recourse to indirect means. Because of this, the former metropolitan authorities administering Micronesia in the past did the three polities under study a disservice by introducing governmental forms and processes that capitalize upon conflict, force formal divisions, and reach decision through the arbitrary process of counting bodies. Neither the Westminster nor the presidential system fits well with the area's consensus approach to decision making. Some of the Kiribati MPs serve as independents in the Maneaba because they believe that policy should evolve through consultation and consensus, without forming pro- and anti-Government cleavages. Particularly obnoxious to them is the raucous style of debate practiced in the Australian and other British-style

parliaments that exacerbates such cleavage, currently being introduced into Kiribati. Similarly, a lack of fit with Micronesian ways holds for the very form of the presidential government in the FSM, a form that divides governmental powers and requires each branch to be a check on the other. In such a system, those changes designed to facilitate consultation would be consonant with underlying Micronesian cultural norms, and the borrowing of structural forms and political practices from any governmental system that would tend toward that end would appear to be the path most advantageous to pursue.

### NOTES

1. "Independent" is shown in quotation marks as the United Nations Security Council has yet to act on the assertion of the United States that the Trusteeship of the Pacific Islands has been terminated for all but the district of Palau, and that the Republic of the Marshall Islands and the Federated States of Micronesia are now sovereign nations in associated-state relationship with the United States. A number of nations around the world have established diplomatic relations with them, thus recognizing their sovereignty.

The district of the Northern Marianas chose the opposite course of drawing closer to the United States as a U.S. commonwealth. Guam, now an American territory, is moving closer to also becoming a commonwealth. Partially because the remaining Micronesian polity--Nauru--severed colonial ties a decade earlier (1968) and therefore has had a much longer period of political maturation, it also is not included in this comparative survey. (Doubtlessly other major differences counterindicating its incorporation will also suggest themselves to the reader.)

2. The Gilbert Islands became a British protectorate in 1892 and with the Ellice Islands (Tuvalu) were annexed in 1915 as the Gilbert and Ellice Islands Colony. The Germans established a protectorate over the Marshalls in 1886. The balance of Micronesia above the equator was under Spanish rule from about the same time, excepting the Mariana Islands, which Spain had annexed in the sixteenth century.

3. The Kiribati Constitutional Conference held in London at the end of 1978 fixed the terms of the Kiribati Constitution, and independence was declared in 1979. The FSM Constitution was drafted in 1975, but the plebiscite on its ratification was delayed until 1978; the four administrative districts that then approved it thus became integral parts of the federation. Under its provisions the FSM Constitution was to take effect one year after ratification, but this date was pushed up to May 1979. After the Marshall Islands District rejected the FSM Constitution, it drafted its own and then adopted it at a plebiscite in March 1979; constitutional government became effective several months later.

4. At the time of breaking colonial ties, Great Britain was administering the Gilberts, and both the Marshalls and what are now states of the FSM were being administered by the United States.

5. The FSM includes a small indigenous Polynesian population long resident in Pohnpei, and also includes a far greater language and cultural diversity than found in the other two polities.

6. FSM, 90, 407 (1986); Kiribati, 66,000 (1986); Marshalls, 43,335 (1988).
7. FSM, 270 sq. miles; Kiribati, 266 sq. miles (this figure is misleading as the sparsely inhabited Line Islands account for most of the land area); Marshalls, 70 sq. miles.
8. Per capita GDP/GNP (in US\$): FSM, \$761; Kiribati, \$729; Marshalls, \$724. From Pacific Basin Network Project Database, relying on Organization for Economic Cooperation and Development, *Development Cooperation, 1983 Review*; found in Norman Meller, "The Pacific Island Microstates," *Journal of International Affairs* 41, no. 1 (Summer/Fall 1987): 123, table 2. These data conceal the relative affluence afforded by U.S. grants to the two polities in free association with the United States.
9. Official development aid (both per capita and in absolute amounts) for the two associated states far exceeds that of Kiribati.
10. Norman Meller, *Constitutionalism in Micronesia* (Honolulu: Institute for Polynesian Studies, Brigham Young University-Hawaii, 1985). It should be added that the Compact of Free Association negotiated with the United States required the political systems of the FSM and the Marshalls to be "consistent with the principles of democracy," so this can be regarded as a qualification on the statement carried in the text.
11. Daniel C. Smith, "Marshall Islands," in *Politics in Micronesia*, ed. Ron Crocombe and Ahmed Ali (Suva: University of the South Pacific, 1980), 60.
12. Roniti Teiwaki, "Kiribati," in *Politics in Micronesia*, ed. Ron Crocombe and Ahmed Ali (Suva: University of the South Pacific, 1980), 18-21.
13. Giff Johnson, "Marshall Islands," in *Micronesian Politics*, ed. Ron Crocombe and Ahmed Ali (Suva: University of the South Pacific, 1988), 83.
14. Smith, "Marshall Islands," 60.
15. *Ibid.*, 59.
16. Yash Ghai, "The Head of State in Pacific Island States," *Warwick Law Working Papers* 9, no. 1 (September 1986): 1. Interestingly, in the only other Micronesian parliamentary polity, Nauru, a "president" also combines Head of State and chief executive functions, while in the closely adjoining Polynesian polity of Tuvalu a separate governor serves as Head of State.
17. Ghai, "Head of State," 9.
18. The state constitutional convention that met in 1988 changed the name from "Truk" to "Chuuk."
19. David Hanlon and William Eperiam, "The Federated States of Micronesia," in *Micronesian Politics*, ed. Ron Crocombe and Ahmed Ali (Suva: University of the South Pacific, 1988), 98.
20. Taomati Iuta and others, "Politics in Kiribati," in *Micronesia Politics*, ed. Ron Crocombe and Ahmed Ali (Suva: University of the South Pacific, 1988), 19.

21. *In the Matter of Interpretation of the Constitution* (High Court Civil Case No. 15/1987).

22. Ghai, "Head of State," 13. Roniti Teiwaki refers to the Constitution barring "from holding office for more than three *consecutive* terms." Teiwaki, "Kiribati," 19 (emphasis added).

23. I use "him," "his," and "he" in this article only for purposes of brevity and clarity; such pronouns are meant to refer to an individual of either sex. All three states under consideration have universal suffrage and females are eligible to hold office, although no female candidate has been put forward for president to date.

24. Although the Marshalls Constitution also declares that the president may dissolve the Nitijela if no cabinet has been appointed within thirty days after the president has been elected (Art. IV, Sec. 13[1(b)]), another section specifies that should the president fail to submit his cabinet nominations within seven days after election "his election to that office shall have no effect, and the Nitijela shall proceed to elect a President" (Art. V, Sec. 4[3]). The only apparent way these two sections may be reconciled would be in the unusual situation where the president submits the nominations but the speaker fails to carry out his constitutional duty to issue the instruments of appointment.

25. Ghai, "Head of State," 22.

26. Teiwaki, "Kiribati," 20.

27. Iuta and others, "Politics in Kiribati," 32-37 *passim*.

28. Johnson, "Marshall Islands," 82.

29. "Traditionally the *iroij* held absolute power over the land and the people living there even though use rights were inherited by the *kajur* (workers) lineages. The latter were expected to provide the *iroij* with goods and services. This system still survives but the *iroij* have had to moderate their demands. . . ." Leonard Mason, "A Marshallese Nation Emerges from the Political Fragmentation of American Micronesia," *Pacific Studies* 13, no. 1 (November 1989): 25.

30. *Ibid.*, 25.

31. One of the reasons for having these separate committees was to permit the delegates in committee to consider the functions to be performed by government, and their allocation, without anything being inferentially predetermined by the way the convention structured the work of the committees. The Governmental Structure Committee initially recommended a plural executive, with powers equivalent to those of a chief executive in a presidential system. Meller, *Constitutionalism*, 295.

32. Interview with President Amata Kabua, Majuro, Marshall Islands, 23 November 1988.

33. Until recently it was not possible to separate objectively those measures that were Government proposals from those being introduced by a minister under his personal sponsorship. New rules now require a Government proposal to be countersigned by two ministers in addition to the minister charged with the subject matter of the bill.

34. Congressmen interviewed on Pohnpei and Moen, Chuuk, in 1988 asserted that most decisions are made in committee, where the administration has full opportunity to state its case; the additional arguments of spokesmen on the floor of the Congress would only be an idle gesture.
35. An attempt to have the Kiribati courts restrain the attorney general from taking part in the proceedings of the Maneaba was struck down. *Pacific Islands Monthly* 59, no. 12 (December 1988): 32.