

## Local attorney files for release of Nepalese refugees



Indra Ghimire, Hari Timsina, Khadga Bahardur Thapa, and Bishnu Tamang in better quarters.

By *Bill Jaynes*  
*The Kaselehlie Press*

June 14, 2017

**Federated States of Micronesia**—On May 30, local attorney Marstella Jack filed a petition for a writ of habeas corpus at the FSM Supreme court on behalf of four Nepalese refugees who have been detained in the FSM for nearly three years while awaiting resettlement to another country.

Although the Department of Justice (DOJ) declined to comment on anything regarding the refugees in accordance with the wishes of the United Nations High Commission on Refugees (UNHCR), they did provide me with an unaccompanied opportunity to meet with the refugees this afternoon. During that interview the men said that they didn't know Jack was going to take the action that she took on their behalf.

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## FSM Court denies Chief Justice Rodriguez's motion to temporarily stop impeachment proceedings

By *Bill Jaynes*  
*The Kaselehlie Press*

June 8, 2017

**Palikir, Pohnpei**—On June 3, 2017, FSM Associate Justice Larry Wentworth ruled against a motion for a Temporary Restraining Order against the Pohnpei State Legislature. Pohnpei State Chief Justice Benjamin Rodriguez had requested the court to issue the TRO to bar the legislature from continuing an impeachment trial against him while he is simultaneously defending himself on the same charges in both criminal and civil cases.

The written order memorializing the denial of the motion was issued on June 8.

The court first had to consider arguments from both sides regarding the FSM's subject matter jurisdiction. The Legislature contended that Rodriguez had failed to plead any cause of action over which the FSM Supreme Court could exercise jurisdiction. In his complaint, Rodriguez argued that the court has jurisdiction under the FSM Constitution's Article XI, section 6(b). The legislature argued that there is no diversity of citizenship between the parties and Rodriguez's claims did not arise under the FSM Constitution, national law, or a treaty.

The Legislature also argued that, since the legislature's impeachment process is based solely on state constitutional provisions and since the pending civil and criminal cases against Rodriguez are based on his alleged violations of Pohnpei State law, the case cannot be one that arises under FSM national law.

"Rodriguez's complaint, although somewhat vague on the point, alleges that, since he is a criminal defendant, the Legislature's investigation of him for a proposed

See "Rodriguez" on page 6

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# Ocean warming causes unprecedented coral mortality in Kosrae

*Story contributed by Dr. Peter Houk, Selino Maxin, Steven Palik, and Marston Luckymis (University of Guam Marine Lab, Conservation Society of Pohnpei, Kosrae Island Resource Management Authority, and Kosrae Conservation and Safety Organization)*

Many people don't realize that corals are animals living in partnership with tiny plants embedded in their body. These algae are too tiny to see without a microscope, but they provide corals with the colors we see when swimming around, and most important, they provide food for the coral to live. This unique partnership allows corals to thrive in our nearshore waters, form skeletons, and eventually create the reef structures we see. The problem is that this terrific coral-algae partnership is extremely sensitive to changes in ocean temperature.

The Tropical Pacific Ocean experienced a large El Nino event last year that weakened cool ocean currents travelling from east to west along the equator. This caused parts of the central Pacific Ocean to heat up and exceed temperature limits required for corals to live and grow. The 2016 El Nino resulted in unusually high sea surface temperatures bathing the central FSM, and Kosrae in particular. In turn, these warm waters stressed the coral-algae partnership, and removed many of the tiny algae living inside the coral tissue. Because these algae often provide 70% of the essential nutrition to the coral host, most corals can't live long without them, and eventually turn white and die. This death process is called coral bleaching because corals turn bright white at first.

Recent surveys around Kosrae found that warm sea surface temperatures led to a 50-75% loss in living coral. This substantial decline has left many reefs on the eastern side of the island in a state of shock, with less than 15% living coral left in some instances. Reefs on the west side of the island fared a bit better because coral species living there are more tolerant of the warm waters. Disturbances are a natural part of life; we get the flu and a week later we usually recover. The recovery process for coral reefs is a longer, as 7 to 10 years are required for corals to re-grow based upon studies from other islands. However, understanding the recovery process is key for managing the future of our reefs.

Immediately after corals turn white and die, opportunistic turf and macroalgae start to grow on the dead skeletons (grey colors in the photo). These larger forms of algae are typically held in check by herbivorous fish that eat them. However, the recent bleaching event caused a rapid increase in their abundance. In response, our studies documented a near doubling of herbivorous fishes in Kosrae, mostly made up of small surgeonfishes and parrotfishes (see photo below). The growth response of these herbivorous fishes is essential to the recovery of the reefs over the next several years, as they can keep algae in check and allow for the corals to recover. Thus, it is important to ensure that herbivore populations remain high for the next few years. Fishermen may be happy to see the increase in fish following the coral bleaching event, but taking too many herbivores will slow down or even stop the recovery process on the reefs. Consultations will soon begin with communities in Kosrae to improve the management of their coral-reef fisheries. We hope the current bleaching event in Kosrae will be kept in mind throughout this process, so that our reefs and fishes can provide for our livelihoods for years to come.



*Declining coral cover has been observed in Kosrae over the past several years in response to ocean warming events (left). Reefs that used to be dominated by large living corals (middle photo) are now dominated by dead coral skeletons covered with turf and macroalgae (right photo).*

*A school of small herbivorous surgeonfish seen on Malem reefs. Small fishes like these have responded to the coral bleaching event by nearly doubling their populations. While this may look enticing to fishermen in the coming months as they grow larger, it is now very important to fish responsibly so herbivores can help the reefs recovery.*



**Camera donated to Pohnpei Library**

*Pohnpei Fishing Club's President Andy Musrasrik presents a Nikon Camera to Lester Ezekias from the Pohnpei Public Library. The camera was purchased with the proceeds of hot dog sales at PFC fishing tournaments. It will be used for the daily operations of the library. The PPL wants to thank the fishing club for their continued support.*

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Bill Jaynes  
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# Vice-President Yosiwo P. George participated at the turn-over ceremony of the new NMHS Library and Classroom Building

The Honorable Vice-President Yosiwo P. George participated at the Turn-Over Ceremony of the new Nanpei Memorial High School Library and Classroom Building in Kitti Municipality, which was held in the afternoon of May 26, 2017. The new building is funded by the Government of the US to build a new Library and Classrooms to accommodate the increase number of students attending NMHS.

The new NMHS building has a librarian room, a computer lab, a general reading areas and utility rooms. The reading areas have a seating capacity of 52 students while the computer lab has a capacity of 12 students. The second floor has 4 classrooms, 2 restrooms, and custodian room. Each classroom has a capacity of 30 students.

Vice President George expressed that not only this new building is perhaps the best and prettiest in Pohnpei State or beyond but it will require a "standardized school curriculum, a well-resourced and balanced teaching instruction, good school policies and rules, qualified teachers certified by the

National Government and a workable education management plan" to make NMHS the best school in Pohnpei State.

In his statement, Vice President George expressed that he was very proud of this new building because "it is perhaps the only public school facilities in Pohnpei that has a ramp to help students with disabilities in accordance with the Convention on the Rights of Persons with Disabilities (CRPD)." He congratulated Pohnpei State for ensuring that this ramp is built and encouraged other FSM States to follow the example set forth by Pohnpei State.

In his statement, Vice President George expressed his gratitude and appreciation to the people and Government of the United States (US) through Ambassador Robert Riley who attended the turn over ceremony on behalf of the Government of the US.

Vice President George indicated that he was happy to see Lt. Governor of Pohnpei State, the Honorable Reed Oliver, officials from Pohnpei State, and members of the Pohnpei State

Legislature gathered in Kitti to witness the ceremony, which was an indication of great appreciation and thankfulness for the successful completion of the important project.

At the end of his statement, Vice President George conveyed that the FSM National leadership shares the same feeling of pride and appreciation for the completion of the new building. He stated that the new building is and would become a permanent landmark in Kitti Municipality. It would stand not only as a symbol of the strong partnership between FSM and US but also symbolize a strong partnership through the Compact of Free Association. This would also connect the students of NMHS to the rest of the world and open the gateways for students to better cope with connected global society.

Vice President George reiterated that the FSM highly values and enjoys its diplomatic relationship with US, which entered into force in 1986 and that the FSM has remained committed and will continue to work closely with

the US through the Compact of Free Association.

Vice President George concluded his statement by thanking the Nanpei family for their support and commitment to education and promote goodwill for the people of Pohnpei State. He indicated that this school has a rich historical significance; not only it was started during the Japanese Administration, moved around in Kitti Municipality, and ended up in the location where it stand today, but many families came and settled with the Nanpei Family buried within the vicinity of the school – this shows the historical significant of the NMHS.

Vice President George was accompanied to the turn over ceremony by Second Lady Antilise George; Secretary Kalwin Kephas, FSM Department of Education; Secretary Sihna Lawrence, FSM Department of Finance and Administration; Mr. Dohsis Halbert, Special Assistant/Advisor to the President for Micronesian Affairs; and Mr. Herman Semes, Jr, Special Assistant/ Advisor for the Vice President.

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## FSM President Peter Christian addresses the UN Ocean's Conference

May I first offer my heartfelt condolences to the peoples and governments of Afghanistan and of the United Kingdom for the recent barbaric attacks against them, and also to peoples around the world who continue to suffer threats and pains from acts of terrorism, including domestic violence.

Excellencies, ladies and gentlemen,

I start my remarks today with my conclusion. On behalf of the people of Micronesia I ask that we recommit ourselves to do what is right, become more bold and tempered in our resolve to push on to preserve and save the Oceans. Many, if not all, small Pacific Island countries depend on the ocean's rich resources for our sustenance and as a vital source for our nation building.

As such, we must give special consideration to the preservation of the health and quality of the ocean.

Obviously, in recognition of this reality, we have come together as leaders to once again demonstrate our strong stance against wanton recklessness toward the wellbeing of oceans.

As islanders, all of us know how important the ocean is to islands, and how important islands are to those who live on them. We also know that the health of an island is directly related to the health of the Oceans that surround it. For these reasons, we hold great respect for the ocean.

Obviously, Oceans mean a lot to islanders. And as islanders, we are concerned that the ocean has not been well cared for; it has been used as a dumping ground for industrial waste, and polluted by human activities on shores, and from ships that plow the seas. It has been used as a weapons' testing ground; and then left to heal itself.

Co-Presidents,

I know we have come together to show our solidarity once again in the preservation of our valuable oceans. But, it is difficult to speak about the ocean and its well being without thinking about Climate Change and the Paris Agreement.

We are in the age of globalization for business and economic reasons, for welfare and social causes, and for strategic security alliances. Times and circumstances dictate when such happen. The Paris Agreement is testament to one such need to globalize national efforts, and for a noble cause for all nations.

And when I speak about climate change I think of Paris, not so much the glamour of the city but more so about how so many nations joined together for a common good cause. Small or large, everyone's contribution amounted to something more than nothing.

The Paris Agreement is still about inclusiveness, collectivity, and tolerance for every and each nation's own ability to contribute equitably to the cause. The Paris Agreement is not an end in itself, but a dynamic means to an important end.

While some may continue to deny man's culpability for the damaging effects of climate change on islands and islanders, for polluting our oceans no man, no island, no village and no nation can deny that the trash in our Ocean is of man's own doing. And for this, man must clean up his mess.

This, to me, sums up the purpose of why we have come together. Not so much as to ponder who and why, but more so to re-ignite the spirit of cooperation among nations, and to find what we can do, together, to help heal the wounds inflicted by man on the ocean.

The 2030 Agenda for Sustainable Development was laid out as a pathway to a good future. As World leaders, we are required to act; and we do so starting with our most human instinct of self-preservation first as individuals and as a nation state, and then from this individuality of person and state we combine our efforts to build an acceptable global platform, taking our strength and hope in that ...the poor and weak, ...standing with the richer and stronger, together, will find good solutions that may help in the effort to find ways for the most vulnerable to weather the vengeance of the effects of climate change and polluted oceans that have come upon



those of us, while we seek more permanent solutions.

Fellow leaders, ladies and gentlemen, The notion of our-own-people-first is a basic, undeniable element of good leadership. This is not unique to United States Presidents, nor to our American friends. But, taking care of our own first, and working and cooperating with other peoples and nations are quite compatible, and does tend to bring the best out of us.

President Trump leads the world's largest economy. I lead a country whose statistics don't even show up on anyone's economic scale. And, yes, there is a sea of difference between the level of responsibilities for President of the United States and mine, but I dare say that the intensity of our responsibilities toward those who we are first responsible for, are the same. I ask that the United States do what it can afford to do as a nation about climate change and for our Oceans; if not for Micronesians, then for the sake of the United States and Americans.

May God bless us all.  
Thank you.



*Jano graduated Summa Cum Laude*

*Brenda Jano graduated Summa Cum Laude from Creighton University in Omaha, Nebraska on May 13, 2017. She was awarded a Bachelor Of Arts in professional studies. She plans to enter law school. Brenda Jano is the daughter of Martin Jano and Teresa Ann Jano.*



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### REQUEST FOR PROPOSALS (RFP)

The Pacific Community (SPC) invites proposals from Consultants as Projects Development Specialist to strengthen the capacity of the NDA office to develop the identification, design and preparation of concept notes and proposals for submission to the GCF including the establishment of a monitoring and evaluation (M&E) approach to GCF investments in the Federated States of Micronesia, the provision of training and workshops on project design and formulation, and the establishment of procedures for the screening, assessment and approval of project proposals.

The Request for Proposal (RFP) can be downloaded from the SPC website ( <http://www.spc.int/our-work/procurement/> ). For any additional information or clarification on the RFP, send e-mail request to [procurement@spc.int](mailto:procurement@spc.int) . The closing date for submission of proposals is **14th July, 2017 no later than 4.00pm Noumea time**, and the proposals should be emailed to [procurement@spc.int](mailto:procurement@spc.int) .



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VACANCY ANNOUNCEMENT
No. PPAVA07-17

POHNPEI PORT AUTHORITY, A PUBLIC CORPORATION OF THE POHNPEI STATE GOVERNMENT, IS NOW ACCEPTING APPLICATIONS FOR THE POSITION:

POSITION: General Manager
SALARY: \$50,000.00 Per Annum
LOCATION: Pohnpei Port Authority
Dekehtik Island, Pohnpei State
OPENING DATE: June 13, 2017
CLOSING DATE: July 12, 2017

SUMMARY: Under the general direction of the Board of Directors of the Pohnpei Port Authority, the core functions of the job of the General Manager are to lead, plan, coordinate, supervise, direct and implement the overall operations and development strategies for the Authority, with primary aims to improve and expand its growth and productivity, within the context of its mandate to provide modern, reliable, and economical airport and seaport services to meet the needs of Pohnpei state, its citizens and transportation carriers, while assuring compliance with applicable laws and regulations.

DUTIES AND RESPONSIBILITIES: Including the following, in addition to other duties and responsibilities as may be assigned by Board of Directors of the Authority.

1. Assures that the Ports Authority's airport and seaport operations are effectively planned, organized, staffed, maintained and otherwise coordinated. Establishes appropriate objectives and standards to accomplish the purposes of the Ports Authority, and accounts for the results of its operations and business in general. Otherwise directs the Port Authority to provide effective, economical and reliable airport and seaport services to its citizens and transportation carriers in accordance with the Pohnpei Ports Authorities Act of 1991 (State 2L-224-91), other governmental rules and regulations, and within the framework of policies and budgets approved by the Board.

2. Directs the development of objective forecasts of the state's airport and seaport service requirements to allow for the proper design, financing and construction of adequate airport and seaport facilities on a timely basis. Assures that such forecasts are properly prepared and supported by objective budgets, construction and operating plans, and presented for Board approval.

3. Plans and develops the Ports Authority's organization structure and provides for its staffing with qualified individuals. Develops and recommends compensation and benefits programs for Board approval that are economically viable and that will attract and retain a capable work force. Otherwise establishes and preserves a working environment that is conducive to productivity and the safety & health of the Ports Authority's employees.

4. Executes contracts approved by the Board on behalf of the Ports Authority, and enters into other arrangements, as appropriate, that provide for the construction, maintenance, services, concessions and/or the joint use of facilities that are conducive to improved services and economy of the Ports Authority's operations.

5. Assures that revenues and costs of services of the Ports Authority are objectively determined and monitored, and makes recommendations to the Board of Directors as necessary regarding appropriate charges by the Ports Authority's, and associated regulations.

6. Assures that the Ports Authority is adequately financed and that its operations and projects are properly funded. Assures that its obligations are paid in a timely manner as authorized by the Board. Presents recommendations to the Board for the sale of bonds, other funding, the use of proceeds, and the investments of surplus funds accordingly. Otherwise assures that the Ports Authority adheres to accepted, standard accounting practices in conducting its business and operations

7. Serves as an ex officio non-member of the Board of Directors and attends all meetings of the Board. Makes oral and written reports periodically to the Board concerning the operating and financial status of the Ports Authority. Represents the Ports Authority at various government and regulatory hearings to provide information regarding the Ports Authority's operations, business and projects on behalf of the Board and at its request.

8. Keeps the Board of Directors informed as to the needs of the Ports Authority. Otherwise protects the Ports Authority's interests and preserves its assets.

SUPERVISORY RESPONSIBILITIES:

Provide the overall supervision and management of the all senior-level managers of the Authority, which generally include appropriate senior personnel within the Office of the General Manager, Division of Airport, Division of Seaport, Finance Section, Human Resources Section, Marketing Section and the Facility Maintenance & Infrastructure Development Section. Supervision and management includes overall direction, coordination, and evaluation of aforementioned Divisions and Sections.

MINIMUM QUALIFICATION REQUIREMENTS:

At least a Baccalaureate Degree, with Master's degree (M. A.) preferred, in Engineering, Public Administration or Business Administration from an accredited college or university with 5-years related work experience or ten years' related work experience at executive level. Ability to work extended non-traditional hours is required.

HOW TO APPLY:

Application forms can be obtained from the office of the Pohnpei Port Authority at Dekehtik Island, Pohnpei State. Completed applications and resume should be submitted to the same office no later than the closing date of this vacancy announcement. Completed application package must also include two reference letters, official State police clearance and copies of degrees, if readily available. Only short-listed applicants will be contacted.

## ...Rodriguez

*Continued from front page*

impeachment resolution while a criminal case is pending against him, violates his rights under the FSM Constitution (as well as the Pohnpei Constitution), to due process, and thus unfairly prejudiced him. During the oral hearing, he was a bit more explicit and included among the due process rights that were threatened, an allegation that the Legislature's investigation would infringe on his constitutional right against self-incrimination because the Legislature, during its investigation would call him as a witness."

The court concluded that at a bare minimum Rodriguez alleged a case that arose under the FSM Constitution and the Court therefore had jurisdiction.

When weighing a preliminary injunction the court must weigh four factors: 1) the possibility of irreparable injury to the movant; 2) the likelihood of success on the merits of the party seeking injunctive relief; 3) the balance of possible injuries or inconvenience between the parties that would flow from granting or denying the relief, and 4) and impact on the public interest.

After hearing testimony both in the written arguments and orally, the court ruled that it could not issue the injunction.

Justice Wentworth said that the Court could not presume that the Legislature will call Chief Justice Rodriguez as a witness, or that the Legislature would not honor his constitutional right not to be forced to incriminate himself, or that it will, after its investigation impeach him. It may decide to do, or decline to do, any of those things. The court concluded that Rodriguez's prospect of irreparable harm was speculative.

Rodriguez argued that if both the criminal case and the impeachment proceed occur simultaneously, he would then be subjected to essentially two criminal, or semi-criminal prosecutions for the same thing at the same time which would violate his constitutional right to due process.

In support of his argument Rodriguez pointed to the impeachment of former Pohnpei Governor John Ehsa where the governor was impeached first and only later was a criminal prosecution of him initiated. He also pointed to the impeachment of U Chief Minister Welson Helgenberger, who was impeached after the criminal case against him had resulted in a conviction. He argued that both of those incidents were precedents for the proposition that he should not be subjected to a criminal case and an impeachment at the same time.

The court disagreed saying that bills or resolutions of impeachment are not criminal in nature, and impeachment and removal from office is not criminal punishment. While it may have been true that in the cases of Governor Ehsa and Chief Minister Helgenberger were pursued consecutively rather than simultaneously, nothing in those cases requires that it be done that way. It ruled that the Pohnpei Constitution also seems to contemplate that impeachment proceeding may occur before, during, or after a criminal prosecution.

The Court said in this case, the likelihood of success on the merits factor is more important than the likelihood of irreparable harm. "This is because, due to the application of the political question doctrine, Rodriguez's likelihood of success on the merits of his claim appears to be zero."

It said, "under the political question doctrine, when the Constitution contains a textually demonstrable commitment of an issue to a coordinate branch of government, it is a non-justiciable political question not to be decided by a court because of the constitutionally mandated separation of powers... Here the Pohnpei Constitution clearly and demonstrably textually commits the investigation of Pohnpei State government officials, including the Pohnpei Chief Justice... to the Pohnpei Legislature. An impeachment proceeding's procedure, including its timing, is thus also a non-justiciable political question." As example and precedent it pointed to a similar question that came up in the case Nixon vs. the United States and several other legal precedents on the matter.

It ruled that there is no possibility of success on the merits because it involves a non-justiciable political question. "...the equities all favor the Pohnpei Legislature, and the public interest will be served by permitting to the Legislature's investigation of a possible impeachment to proceed. The court will not become involved in monitoring or managing the Pohnpei Legislature's constitutionally assigned duties to investigate, and if warranted, to impeach Pohnpei government officials."



### POHNPEI PORT AUTHORITY

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#### ANNOUNCEMENT

\*\*\*\*\*  
This is to announce to the general public that Pohnpei Port Authority is soliciting bid proposals for leasing 1 unit building located at the east side of Pohnpei international airport terminal building formerly used by Penta Oceania Construction Company.

1. Building size is 20' X 90' or 1,800 square feet.

All interest individual/Companies interested may submit their interest proposal to the attention of Pohnpei Port Authority's Acting General Manager Mr. Pius Roby email address [pbroby@mail.fm](mailto:pbroby@mail.fm) with the following requirements.

1. Purpose usage of the facility.
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All proposals shall be accepted from June 20, 2017 "till July 15, 2017 at 5:00pm.

Pohnpei Port Authority reserves the right to reject any proposal received in connection with the above solicitation.

For more information please feel free and contact the PPA Marketing Division Mr. Luciano Abraham email address [1485sano1957@gmail.com](mailto:1485sano1957@gmail.com), website: [www.ppa.fm](http://www.ppa.fm) or by contacting our phone number 691-320-2793/2682.



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**Pohnpei Port Authority** is soliciting proposals from any Individual or Businesses who are interested in leasing an office space located on the Pohnpei Port Authority fisheries dock. The size of this office space is 430 square feet.

All interested individual/Companies interested in leasing this office space area should submit their interest detail proposal starting on June 20, 2017 and closing on June 30, 2017 no later than 5:00pm.

Pohnpei Port Authority reserves the right to reject any or all proposals received in connection with the above subject advertisement.

Additional information regarding this proposal can always be obtained from the Pohnpei Port Authority Marketing Division at Dekehtik, Pohnpei State, Federated State of Micronesia or by contacting phone no: (691)-320-1793/2682, email [1485sano1957@gmail.com](mailto:1485sano1957@gmail.com) or by contacting us on our website: [www.ppa.fm](http://www.ppa.fm).



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**3G COVERAGE SITES:**

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2. SOKEHS- Kolonia, Dekehtik, Sokehs, Nan Kewi, Dolon, Sekere
3. TELECOM HQ- Downtown Kolonia
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More sites will be announced soon.



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# Ground breaking for Kolonia-China Friendship Center mainly funded by China



June 7, 2017

**Kolonia, Pohnpei**—On June 7, dignitaries from the FSM and from the People’s Republic of China gathered for a ground breaking ceremony for what will be the “Kolonia-China Friendship Centre”.

The Chinese Embassy contributed \$200,000 for the \$285,050.90 project. The remaining funds were contributed by the FSM Congress from project funds.

About 40 distinguished guests including Vice President Yosiwo George, Secretary of Foreign Affairs Lorin Robert, Senator Ferny Perman, Governor of Pohnpei Marcelo Peterson, Speaker of Pohnpei Legislature Fernando Scaliem, and the Mayor of Kolonia, Jose Nicolas attended the ceremony.

In their remarks, Secretary Robert, Governor Peterson and Mayor Nicolas expressed their gratitude to the Chinese Embassy in the FSM and regarded this ceremony as a historic moment for Pohnpei.

In his remarks, H.E. Ambassador Li Jie pointed out that the Centre will provide a place for physical exercise and major events, and will play an important role for enriching the lives of local people. It will also become a new symbol of friendship between the Chinese people and the people of Pohnpei, and the people of the FSM at large.

The new gym will not have walls which will allow for free access to the people of Pohnpei.



VCS Construction Company won the bid for the job which is due to be completed in 150 days.

**THE NEXT ISSUE OF THE KASELEHLIE PRESS WILL BE RELEASED ON: June 19, 2017**  
**Deadline for submission of articles or advertisements for this issue is the end of working hours on: Wednesday June 14, 2017**

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To be used in connection with Automobile tires; Bicycle tires; Casings for pneumatic tires; Covers for tires; Motorcycle tires; Adhesive rubber patches for repairing inner tubes; Inner tubes for bicycles; Inner tubes for motorcycles; Inner tubes for pneumatic tires; Inner tubes for vehicle wheels; Inner tubes for vehicle tires; Luggage nets for vehicles; Pneumatic tires; Repair outfits for inner tubes; Rims for vehicle wheels; Saddle covers for bicycles; Saddle covers for motorcycles; Safety belts for vehicle seats; Brake segments for vehicles; Shock absorbers for vehicles; Ski carriers for cars; Spikes for tires; Studs for tires; Tires for vehicle wheels; Tires solid, for vehicle wheels; Treads for retreading tires; Treads for vehicles (roller belts); Treads for vehicles (tractor type); Tubeless tires for bicycles; Tubeless tires for motorcycles; Valves for vehicle tires; Vehicle wheel tires in International Class 12.

Our abovementioned client has instructed us and wishes us to bring to the notice of the trade and public that they attach singular importance to their abovementioned Trade Mark and that legal action will be taken against any person or persons who act in infringement of the rights of our client.

Any inquiry relative thereto may be referred to ourselves being their agent:

Hilborne, Hawkin & Co.  
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Irvine, California 92606  
United States of America  
Telephone: (714) 283-1155  
Facsimile: (714) 283-1555  
Email: info@hilbornehawkin.com

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August 3, 2017

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College of Micronesia-FSM is accredited by the Accrediting Commission for Community and Junior Colleges,  
 Western Association of Schools and Colleges.

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## 2017 Experiential Learning Program students visited IFCP

The Director and her staff of Island Food Community of Pohnpei were happy to welcome the 2017 College of Micronesia Land Grant Experiential Learning Program-Residence Instructional Insular Areas (RIIA) students to IFCP compound on June 12, 2017. This program brought in 12 students; 3 from Palau Community College, 4 from the University of Guam, 1 from University of Virgin Islands, 3 from American Samoa Community College and 1 from Kosrae Campus, COM/FSM.

IFCP staff shared with students what Island Food Community of Pohnpei is all about; the Mission and the Vision, the work it is doing, most especially the work on NCD (Non-Communicable Diseases). A Power Point presentation on our "Go Local" campaign for promoting local food for its "CHEEF" benefits was given by Outreach Assistant Neilynn Walter. Milling local food crops for flour production was demonstrated by Mr. Konrad Englberger. Students had the opportunity to use the milling machine and they milled dried bananas into flour. The students also had on-

hand experiment of getting their own fresh coconuts from the coconut tree and making their own choice of cool smoothies...ripe bananas, coconuts, ripe papayas and local spinage. Students were also shown how to prepare green bananas and swamp taro for drying and flour processing.

On the following day, June 13, 2107 in the morning a

food tasting panel was organized. Twelve students and three guests participated.

Staff members from the IFCP made different dishes from banana, breadfruit and taro flour.

There were nine dishes: Cookies from taro flour with

*Continued on next page*



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Applications are available for download from our website at: [www.micronesia.emb-japan.go.jp](http://www.micronesia.emb-japan.go.jp)

Deadline for Application: **Friday, June 30, 2017 at 5:00pm** \*applications should be submitted to Embassy of Japan in Pohnpei, FSM

Examinations: **Friday, July 28, 2017** \*applicants will be informed of the schedule once the applications have been submitted.

Place: **Embassy of Japan, One World Plaza 2F**

For further inquiries, please call: 320-5465 or e-mail us at [japanemb-consul@pi.mofa.go.jp](mailto:japanemb-consul@pi.mofa.go.jp)



Continued from previous page

and without skin, pancake from breadfruit flour, with skin and core and without skin and core, crepe from banana flour with skin and without skin, cookies from yellow bananas (Utimwas) with and without skin and lastly bread from breadfruit with skin and core and with skin and core removed.

The results showed that there no significant difference in taste between flour prepared from bananas, taro or breadfruit with skin or with skin removed.

The average score from 13 people was 36 % liked it very much, 44% scored good, 19% was acceptable and 5% was unacceptable. The unacceptable score come from the cookies made from Utimwas banana flour with skin, some people reported itchiness.

Some of the students reported that the flour produced from



**Pohnpei Port Authority** is soliciting to all interested Companies to sponsor and place their advertisement on our Airport Push Carts. Interested companies/Individual can place their advertisement of any kinds including their product and contact numbers at the rate of \$5.00 each push card a month. All proposals shall be accepted starting June 20, 2017 to July 15, 2017 no later than 5:00pm.





**Pohnpei Pott Authority** reserves the right to reject any proposal received in connection with the above sponsorship solicitation advertisement.

For more information please contact the Pohnpei Port Authority Marketing division telephone number 320-2793/2583; Email address: [1485sano1957@gmail.com](mailto:1485sano1957@gmail.com) or [cpretse@gmail.com](mailto:cpretse@gmail.com) or PPA website: [www.ppa.fm](http://www.ppa.fm)

bananas, taro and breadfruit with the skin not removed better tasted.

Students were informed by K. Englberger that some samples were sent to a laboratory in New Zealand and the first results indicated that flour made from produce with skin not removed is higher in vitamins, protein and energy.

**FILED**

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAII      2017 MAY 22 PH 2:52

FC-S No. 16-0039K

M. LAURO, CLERK  
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In the Interest of a male Child, born to MINTERINAFORY on December 10, 2007  
 In the Interest of a female Child, born to MINTERINAFORY on November 17, 2008  
 In the Interest of a female Child, born to MINTERINAFORY on October 20, 2010  
 In the Interest of a female Child, born to MINTERINAFORY on May 31, 2014

SUMMONS

THE STATE OF HAWAII

TO: MINTERIN AFORY  
 Unknown address  
 Pohnpei State, Federated States of Micronesia

YOU ARE HEREBY NOTIFIED that a hearing regarding the above-identified matter will be held in the Family Court of the Third Circuit, South Kohala District Court, 67-5187 Kamamalu Street, Kamuela, Hawaii 96743 on MONDAY, AUGUST 7, 2017 at 10:30 a.m. before the Honorable Presiding Judge of the above-entitled Court;

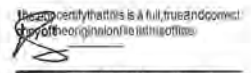
You are hereby advised that if you fail to appear on the date set forth in the notice or to file an answer with the clerk of the Family Court of the Third Circuit, whose mailing address is: South Kohala District Court, 67-5187 Kamamalu Street, Kamuela, Hawaii 96743, further action shall be taken without further notice to you and YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD WHO IS THE SUBJECT OF A PETITION MAY BE TERMINATED AND SUCH CHILD MAY THEN BE PLACED FOR ADOPTION.


At the hearing to which you are being summoned, you have the right to retain and be represented by an attorney. If you cannot afford an attorney, please contact the Family Court regarding the appointment of an attorney to represent you.

DATED: Kailua-Kona, Hawaii,        MAY 22 2017

N. LAURO (SEAL)  
 \_\_\_\_\_  
 CLERK OF THE ABOVE-ENTITLED COURT

DOUGLAS S. CHIN 6465  
 Attorney General  
 JOHN P. POWELL 4290  
 Deputy Attorney General  
 77-6399 Nalani Street, Suite 101  
 Kailua-Kona, Hawaii 96740  
 Tel. No. (808) 327-6260  
 Attorneys for the Department  
 of Human Services

  
This document is a full, true and correct copy of the original file in the office of the Clerk, Third Circuit Court, State of Hawaii



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**ANNOUNCEMENT**

\*\*\*\*\*

This is to announce to the general public that Pohnpei Port Authority is soliciting bid proposals for leasing 1 unit building located at the east side of Pohnpei international airport terminal building formerly used by Penta Oceania Construction Company.

1. Building size is 20' X 90' or 1,800 square feet.

All interest individual/Companies interested may submit their interest proposal to the attention of Pohnpei Port Authority's Acting General Manager Mr. Pius Roby email address [pbroby@mail.fm](mailto:pbroby@mail.fm) with the following requirements.

1. Purpose usage of the facility.
2. Term of the lease.

All proposals shall be accepted from June 20, 2017 "till July 15, 2017 at 5:00pm.

Pohnpei Port Authority reserves the right to reject any proposal received in connection with the above solicitation.

For more information please feel free and contact the PPA Marketing Division Mr. Luciano Abraham email address [1485sano1957@gmail.com](mailto:1485sano1957@gmail.com), website: [www.ppa.fm](http://www.ppa.fm) or by contacting our phone number 691-320-2793/2682.

## ...Refugees

*Continued from front page*

A writ of habeas corpus is a writ requiring a person under arrest to be brought before a judge or into court in order to secure the person's release unless lawful grounds are shown for their detention.

The four men and 13 other Nepalese citizens arrived in the FSM on ramshackle boats with the apparent intention of seeking refugee status in October of 2014. The UNHCR evaluated the individual cases and found that the four who are still in the FSM were genuine refugees.

After lengthy negotiations with the Nepalese government, 13 of the Nepalese citizens were repatriated to Nepal over a year ago with the assistance of the International Organization for Migration. The four who were identified as bona fide refugees voluntarily remain in the FSM.

The FSM has no laws or mechanisms that allow for resettlement of refugees here.

The four men could have been repatriated to Nepal when the others were. Instead they decided to agree to terms that would mean that they would be detained in the FSM until the UNHCR could organize resettlement for them in another country, if possible. They haven't been "prisoners" but they have been "detained". It's a subtle distinction but it amounts to the same end result. They have broken no laws but they are not free. They haven't been for nearly three years now.

"We just want to live like normal people," said 31 year old refugee Indra Ghimire.

"Many treat us like criminals," said Hari Timsina.

But the Nepalese refugees are not criminals. They are UNHCR refugees who have been "housed" at the marine surveillance dock aboard confiscated Vietnamese "blue boats" whose previous occupants could easily be called criminals. For over a year they have lived aboard the hot and rotting, stinking and sinking boats with no standing room except on the deck or on the Dekehtik dock. Hari said that it was nearly impossible to sleep because the boats listed at an angle. When the sun was high, the temperature felt as if they were cooking, while at the same time cooking facilities were scant. They were bitten by bugs including by cockroaches. The vessels were also rat

infested.

Living conditions were tough but the men said that they have had plenty of food. Twice a month, FSM immigration officers transport the men to Ace Office Supply where the UNHCR has set up an account for their supplies. It's a privilege that prisoners are not allowed.

Two of the refugees speak passable English. "She (Jack) said she was going to help and we needed help," Indra Ghimire said today. "It was like asking a blind man if he wants new eyes. We said 'yes', but we didn't know she was going to go against the government. We never wanted that."

Jack said that she had explained to the men what she wanted to do for them and that they verbally agreed. On the basis of that verbal agreement, she filed the writ that argues that the men have violated no laws, that there is no legal basis to detain the refugees and that their detention is arbitrary. As such they should be released into the community immediately.

The petition also accused Secretary of the Department of Justice, Jose Gallen as harboring "racial dislike for the petitioners," as one of the reasons that the refugees have been detained for so long.

The refugees said that the action scares them.

"The UNHCR people told us they were going to help us (to resettle) but that we would have to wait (in the FSM) with no troubles. This feels like trouble," said Hari Timsina.

Khadga Bahadur Thapa, and Bishnu Tamang speak almost no English, but Ghimire and Timsina translated for them. They agreed that they hadn't wanted to "go up against the government".

"The FSM is helping us," said Ghimire. "We are thankful to them for food and for a place to stay, even if (the place) is bad". "I am 31 years old but before I have never been to court. We didn't know we were going to court until we were at the (National Police) office and they told us we had to be in court in a few minutes," he said. "We never signed anything. We just wanted help, but we didn't know what it was. We don't know the law."

Six days before Jack filed the writ on behalf of the refugees, Radio New Zealand published an article about the plight of the refugees. The article featured interviews with Mark Dvorak and Marstella Jack. The photos were

provided by Denise Oen, a teacher at the College of Micronesia FSM. Dvorak and Oen first met the men in Yap and they all became friends there. The men said that Dvorak and Oen are their only friends in the FSM since they haven't had contact with others besides law enforcement officers.

The couple's intentions seem to have been to alert the international community of the hardship the men faced while being detained and to try to affect their release into the community. However altruistic their intentions were, their efforts could potentially do more harm than good. It is not clear if the refugees were told about the potential risk of the help that Jack was offering to provide.

The risk is not that the FSM government will take some sort of retaliatory action against the Nepalese which is what the refugees seem to fear. But if the court rules that the writ should be granted, the FSM could potentially find itself in an untenable position in terms of their hosting agreement with the UNHCR. The FSM maintains that the men's detention is for their own protection and for the protection of the FSM people and is being done under the UNHCR's own published guidelines.

"But for the FSM's role in serving as the host for these individuals while they undergo this resettlement process, they would most likely be in a detention facility in another jurisdiction awaiting resettlement," the government's "Post Hearing Brief" said.

It wasn't a threat. It was a statement of fact. The first alternative for the FSM on their arrival was to charge them with illegal entry into the FSM but they chose instead to help them to gain refugee status.

Of course, some countries have mechanisms in place that allow limited freedom for refugees who are awaiting resettlement. The FSM is not one of those countries. Unfortunately many of the approximately one million refugees each year end up in detainment camps while awaiting the possibility of UNHCR organized resettlement

The FSM's Post Hearing Brief on the petition for a writ says that by agreeing to allow the Nepalese refugees to freely remain in the FSM until such time as the UNHCR is able to locate another jurisdiction in which to resettle them, the FSM has been "acting in the spirit of diplomatic cooperation with the United Nations".

"In doing so," the briefing says, "these four individuals agreed to remain in the FSM subject to certain restrictions, including the type of and amount of contact that they could have with the people residing in the FSM. These restrictions are designed to protect both the citizens of the FSM and the four individuals in question while they are in the FSM awaiting resettlement."

It says that even after repeated visits by representatives of the UNHCR, the refugees "continue to remain in the FSM by their own voluntary choice with the positive sanction of the UNHCR over their living conditions. As part of the terms of these four individuals remaining in the FSM, the FSM and the UNHCR agreed that if the safety of the four refugees, or their living conditions, became an issue, the UNHCR would, in its discretion, transfer the four individuals to another jurisdiction where they would remain in a detention facility pending resettlement in another country. To date, however, no such relocation efforts have been undertaken by the UNHCR."

"Instead, UNHCR continues to explore resettlement options for the four refugees and, in doing so, the UNHCR continues to work with the FSM to ensure that the four refugees may continue to remain in the FSM under the continued observation of the FSM Department of Justice."

Coincident to the filing of the petition for a writ, and the publication of the Radio New Zealand article, a UNHCR representative visited the FSM. During that time, the UNHCR agreed to pay rent for a house for the refugees. They selected the house and the refugees are now off of the stinking, sinking blue boats at the Dekehtik dock and into a house with cute little kittens in their laps. They can receive visitors but all visitors must first be cleared by the FSM Department of Justice.

Their UNHCR resettlement process is continuing, and the Nepalese refugees say that they are willing to wait. They said that the UNHCR told them that resettlement can take a long time. There is no "average amount of time" for a refugee to wait for the possibility of resettlement.

Indra, Hari, Khadga, and Bishnu said this afternoon that they are enthusiastically hopeful.

"Why should we worry? Now we are okay," Hari Timsina said.

# Vital Fishing Tournament breaks Pohnpei Fishing Club participation record

## Pohnpei Fishing Club

June 10, 2017

**Pohnpei**—The Seventh Annual Vital Fishing Tournament took place on Saturday, June 10, 2017. The tournament attracted 39 boats registered, yet another record for participation. Given the number of boats there was a lot of competition. However, the day was gorgeous and really hot which may have affected some of the catch.

The weigh in was at Mangrove Bay, and there was a big crowd in attendance. Music was provided by Chris Johnson to keep everybody in a good mood. The beer helped also. It could have been a logistical nightmare getting all of the boats weighed in, but hats off to the crew from Vital, and the Fishing Club volunteers, Bill, Tina, Cel, Praise and Kumer's guys, who helped to speed the proceedings along.

All prizes were donated by Vital and included gas vouchers both for the winners, and separate gas vouchers for all the participating boats. Everyone also got free t-shirts.

The prizes were based on big fish and also biggest in six species, lady and junior angler.

The following is the breakdown of the prizes won:

### Biggest Fish

- 1st Biggest Fish - \$ 400, Pana Daunakamakama, Yellowfin, 75.4lb
- 2nd Biggest Fish - \$ 300, Alexander Tretnof, Sailfish, 68.1lb
- 3rd Biggest Fish - \$ 240, Alexander Tretnof, Sailfish, 51.1lb
- 4th Biggest Fish - \$ 200, Perdo Jano, Wahoo, 19.6lb
- 5th Biggest Fish - \$ 160, Westcott Panuelo, Wahoo, 15.4lb
- 6th Biggest Fish \$ 140, Welber David, Barracuda, 15.0lb

### Biggest Species:

- 1st Biggest Barracuda \$ 100
- Konrad Engleberger - 13.0lb
- Henry Paul - 13.0lb

- 1st Biggest Trevally - \$ 100
- Chris Edward - 8.6lb
- 2nd Biggest Trevally \$ 40
- Salomon Eperiam - 7.3lb

- 1st Biggest Skip Jack - \$ 100
- Santriko Ioanis Jr - 14.8lb
- 2nd Biggest Skip Jack - \$40
- Ringlen Hadley - 13.7lb

- 1st Biggest Wahoo - \$ 100
- Welber David - 13.2lb

- 1st Biggest Yellowfin - \$ 100
- Spencer Mikel, Jr. - 10.8
- 2nd Biggest Yellowfin - \$ 40
- Myron Yoma - 7.5

- 1st Lady Angler - \$ 100

- Jeannie Nanpei - Skipjack - 12.3lb
- 2nd Lady Angler - \$ 40
- Jeannie Nanpei - Skipjack -12.3lb

- 1st Junior Angler - \$ 100

- Isaiah Hawley - Skipjack - 13.2lb
- 2nd Junior Angler - \$ 40
- Dylan Akinaga - Barracuda - 12.3lb

Some of the bigger fish stayed away from this tourney, but the juniors did really well.

Please note the club has a formal policy that it will not count marlins under 100

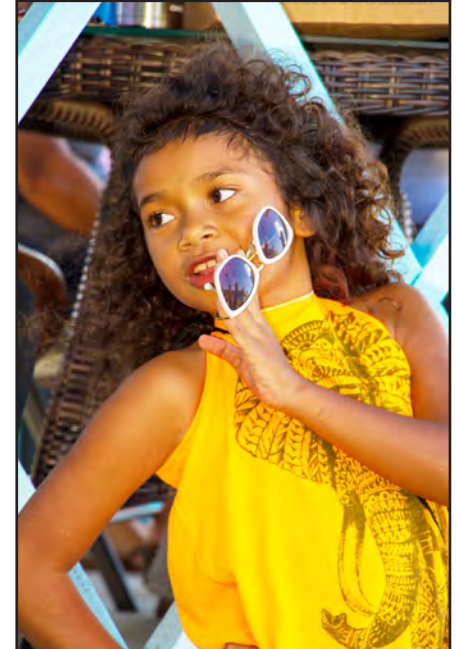
pounds or sailfish under 50 pounds. We had a couple of fish in the tourney that did not meet the requirements.

Vital also provided food for all the fishermen which tasted great. The party rocked on at Mangrove Bay with everyone having a good time.

Vital also provided certificates to each boat registered and competing for fuel in amounts from \$80.00 to \$320.00 based on engine size. Thank you Vital, you made many fishermen and ladies very happy.

It was a great tournament and everyone had a good time.

See you at the next one.





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## Rotary Club of Pohnpei in Partnership with Vital-FSM Petrocorp

# SCHOLARSHIP

### 2017-2018

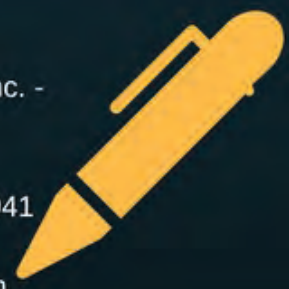


**Priority Fields:** Engineering, Chemistry, Agriculture, and certain Business Fields

Depending on number of applications, all other disciplines are also welcome

## Deadline: July 1, 2017

**Submissions or Queries:** Rotary Club of Pohnpei, Inc. -  
Scholarship Committee  
PO Box 1861  
Kolonia, Pohnpei FM 96941  
Fax (691) 320-5502  
rotarypohnpei@gmail.com



For application, visit  
<http://vitalenergy.fm/news/2017/rotary-annual-scholarship/>

