The Federated States of Micronesia's 1990 Constitutional Convention: Calm before the Storm?

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In July and August of 1990, the Federated States of Micronesia held its second constitutional convention. Assessing the outcome of that convention is no simple matter. Only four amendments, relatively minor in scope, were ultimately approved by the nation's voters, and it appears to many observers that the convention had no impact whatsoever. There is virtually no official record of its proceedings.[1] On the other hand, delegates to the convention proposed 104 amendments, most of them intended to bring about sweeping changes in the nature of the government. This massive attempt to shape a new government was thwarted for largely the same reasons it was mounted—a series of structural and ethnic tensions among the states and between the states and the national government.

Although the convention appears to have accomplished little, it can nevertheless be reckoned a turning point in Micronesian affairs. All who participated in it know that there is at this time very little likelihood of the four FSM states resolving these tensions collectively. Henceforth, each state will probably be making its own preparations for the end of the fifteen-year Compact of Free Association with the United States, which expires in 2001. If the Micronesian federation does eventually splinter (as seems likely), the apparently fruitless convention of 1990 will stand out as an augury of what has gone wrong. This essay tells that story.

Some people argue that any trend toward disintegration in the Federated States of Micronesia is the consequence of a failure of effort and goodwill, and that the nation's leaders must be held directly accountable for their unwillingness to shape a nation in the melting-pot image of the

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United States. I do not agree. As we are now seeing nearly everywhere, the remnant political forms of disintegrating old empires are simply not appropriate for peoples who view themselves as possessing rights to put their own political traditions into practice; they choose not to be saddled with alien and irrelevant models imposed from elsewhere. Multiethnic states are laudable achievements when they treat all members equally, but achieving such equality is a rare accomplishment. The groundswell of interest in dismantling postcolonial nation-states is not merely a response to perceived inequalities, but a positive affirmation of peoples' rights to govern themselves according to their own political principles. The possibility of continued fragmentation in Micronesia cannot be presumed a failure of will (though such failures have occurred) so much as a fairly reasonable response to historical circumstance.

The Historical Background

The term *Micronesian* tends to be interpreted as implying a degree of homogeneity. The old United States Trust Territory of the Pacific Islands comprised a set of islands, however, whose populations have little more in common than do the peoples called Melanesian. Micronesia is, in David Hanlon's word (1989), a "nonentity," no more than a convenient rubric for a place long under the rule of one or two colonial powers. Through a process of exfoliation, the term has in some venues come to denote the Federated States of Micronesia, but that nation has no greater historical claim to the term than do Kiribati, the Marshall Islands, or any of the other entities carved out of this obsolete ethno-cartographical category.[2] Within the country, people tend to speak of themselves in terms of their island of origin (when they classify themselves at all), not as Micronesians. The processes that split apart the Trust Territory are likely to have the same effect here. A brief summary of the historical events that have shaped the area's contemporary polities is in order.

The mid-nineteenth century growth of whaling, trading, and missionary activities introduced the peoples of most of these islands to European interests well before they were claimed as colonial territories. By the later part of the nineteenth century, however, competing German, Spanish, and British claims in the western Pacific (along with some long-standing American interests) led to the imposition of colonial rule. The British took the Gilbert Islands, Germany claimed the Marshall Islands, and the remainder

went to Spain. American conflicts with Spain caused some rearrangements at the end of the century: the United States took Guam, and Germany assumed control of the rest of the islands north of the equator. The US Navy was not entirely happy with this arrangement, which it saw as leaving the Philippines vulnerable to attack, and it began laying plans for conquest of the islands—known as War Plan Orange—almost immediately. The Japanese invaded the German-held islands at the outset of World War One and subsequently were granted control of them as a League of Nations Mandate. Following some of World War Two's fiercest battles, the United States occupied the area, completing a long, slow process of penetration that had begun with the arrival of American missionaries in the 1850s and was abetted by American turn-of-the-century war plans.

After considerable debate, the US government decided to forgo outright annexation of the area and instead claimed it as a United Nations Strategic Trusteeship, the only one of its kind. In the next two decades, the United States undertook little in the way of economic development, but did promote the creation of a series of American-style political institutions culminating in the Congress of Micronesia, which first met in 1965. In response to the worldwide wave of decolonization, the United States came to see that its hold on the islands was ideologically, if not militarily, precarious and sought a diplomatically acceptable means of gaining permanent control. Members of the newly established Congress of Micronesia were not so sure that their peoples' best interests lay in permanent American overlordship, and began a series of negotiations that remains unfinished today, nearly thirty years later. Although the Commonwealth of the Northern Marianas, the Republic of the Marshall Islands, and the Federated States of Micronesia have all entered into agreements with the United States, the last two compacts are of limited duration, and the Marianas government is not content with current American interpretations of their agreement. Belau remains under the administration of the old Trust Territory, trapped in a surreal time warp, voting again and again in a vain attempt to approve impossible terms demanded by the United States.

Dismemberment of the Trust Territory got underway in the mid-1970s, as the United States began to see that its interests in expanding militarily in the islands would best be served by negotiating with individual "districts"—the old administrative units that now constitute either separate political entities or the FSM states. In 1975, perhaps in order to provoke a showdown of sorts, the Trust Territory administration organized a consti-

tutional convention and a referendum on future political status that was intended to advise the convention's delegates on the wishes of the people.

The 1975 Micronesian Constitutional Convention

The first constitutional convention took place in a thoroughly confusing milieu; its history is detailed in Norman Meller's *Constitutionalism in Micronesia* (1985). The Marianas had voted just a month earlier in favor of the covenant that would eventually make them a US commonwealth. Only a few delegates showed up from the Marianas, and their status was uncertain. Meanwhile, a movement to begin separate political-status talks had begun in the Marshalls, accompanied by a partial boycott of the convention. The status of the Marshallese delegates elected under these circumstances was likewise in doubt. The Palauans were also considering separate negotiations, and their delegates made it clear that they were prepared to quit the convention unless the constitution was written to their exact specifications. Though their delegation remained to the end, Palau's voters, like those in the Marshall Islands, did not approve the completed document in the ratifying referendum of 1978. The four districts that did ratify the constitution, Kosrae, Pohnpei, Yap, and Chuuk, became the four states of the Federated States of Micronesia.[3]

This history is critical to an understanding of the 1990 Constitutional Convention, both because of a widespread sentiment that the original constitution had been drafted in response to demands of the Palauans and the Marshallese, who did not become part of the federation, and because the constitution was drafted before the Compact of Free Association with the United States had been agreed on, signed, ratified, and implemented.[4] An item in the original constitution requires that the people be asked, every ten years, if they wish to have a constitutional convention called. Thus in 1989, ten years after the Federated States first began governing itself, the voters approved the constitutional convention that was convened in the following year.

As the 1990 Constitutional Convention got underway, the key issue delegates would have to grapple with appeared to be the very nature of their national government. At the time of the 1975 Constitutional Convention, the character of Micronesia's future political relationship with the United States was still uncertain and had posed a fundamental problem for its delegates. They were unable to make a clearly articulated choice between a

strongly centralized, unitary national government and a decentralized, confederal system with most power lodged in the constituent states. The impasse was resolved by an ad hoc division of powers among the national and state governments (Meller 1985, 242–245). In retrospect, though this was not entirely clear at the time, some of the delegates' hesitancy may have arisen from a troublesome uncertainty over the nature of the status agreement(s) still pending with the United States. It is difficult to assign powers within a government when no one has a clear sense of what that government's powers are likely to be.

The Issues at the 1990 Constitutional Convention

The Federated States of Micronesia was established in 1979 and gradually began taking over the various functions of the Trust Territory administration. The national government soon found that in order to ensure the uninterrupted flow of the compact funding from the United States it had to undertake careful, centralized control of the funds. This gave it far more power over every aspect of the country's fiscal life than had been envisioned by most of those who framed the constitution. The issue of the central government's powers was at the core of the problems delegates hoped to address at the 1990 Constitutional Convention. One of the convention's most telling observations came from a Yapese delegate, Aloysius Tuuth, who at the time was also the nation's secretary of finance. Commenting on tensions between state and national governments over management of health and education, and referring specifically to the states' desires to end the national government's interference in what were seen as local prerogatives, Tuuth said, "We want to take the reins. We don't need two drivers anymore."

The delegates seemed committed to the search for a radical solution to a shared concern that the national government was far more powerful than had been intended. On several occasions delegates spoke frankly about their perceptions. Kosrae's Governor Yosiwo George insisted that the country was "a loose federation" with its authority vested in the states, while Leo Falcam, a Pohnpeian who had been a delegate to the 1975 Constitutional Convention as well, articulated a widely shared point of view: the 1975 Constitution, he said, had been tailored to make the president and the national government responsible to the states. "It was our conscious intent in 1975 to make the national government weak. If this didn't

work, if things are unbearable, if our people are unhappy, then we should change things. The President is supposed to be weak. If our system is not working as we intended it, then we change it."

The ambiguous nature of both the nation's relationship with the United States and its international status added to the discontent delegates brought with them to the constitutional convention. Though the Federated States of Micronesia had been self-governing for eleven years, its political status had still not been entirely resolved—and remains somewhat ambiguous (as does that of the Marshall Islands), despite United Nations approval of the free association relationship and the end of the trusteeship. Although a number of scholars hold that these polities are not genuinely independent and that their sovereignties are compromised by the compact (Firth 1989, 79–83; Smith 1991, 94–100), some politically and legally interested parties are inclined to view them as entirely sovereign, effectively independent, or both (Michal 1993; Stovall 1991). FSM leaders, as we shall see, express divided and sometimes ambivalent opinions about the exact nature of their country's political status, and most Micronesians believe that the United States retains undue influence over their national government. General discontent with the power of the FSM Congress, and the way that Congress exercises it, was bolstered by a sense that the central government serves at least as much to channel American authority as to challenge it. In seeking to curb Congressional powers, a substantial number of delegates (and the people who elected them) were hoping not simply to shift authority from the central government to the states, but to minimize the degree of authority the United States wields over their islands. In asserting that the states no longer needed "two drivers," Yap's Tuuth was speaking not only of power sharing between the state and national levels, but also of the contest between the Federated States of Micronesia and the United States of America.

The fundamental questions facing the delegates had to do not only with their country's internal political life, but with its external relations. Each decision had to be analyzed as a possible reorganization of links among the states, between the states and the national government, between the nation and the United States, between the states and the United States, between the national government and foreign powers, and between the states and foreign powers. For the delegates, the manifold ramifications of each and every potential change increased the difficulty of achieving agreement. Although there was remarkable accord over the need for

changes in relationships between the states and the central government, there was little agreement on the sorts of changes that should be effected in relations among the states themselves.

Despite a shared sense that the national government too often served to channel American influence, the very vagueness of the relationship with the United States also made delegates hesitate to weaken what was still their main bulwark against that country. Any change in the national government might curtail its ability to withstand American interference. In the absence of clear agreement on how to shape internal changes, few delegates were willing to risk weakening the national government's position in that relationship. Nor were they eager to tamper with the central government's role in securing foreign aid from sources other than the United States. The delegates had to decide both how much power to allow the national government and how much to transfer to the four states.

The FSM Congress appears to have recognized the potential threat posed by the constitutional convention. The national population is small and members of Congress are by no means insulated from the people they represent; they knew the general mood. When voters were asked whether they wanted a constitutional convention (on the March 1989 congressional election ballot), 71 percent said yes, sending an unmistakable message to their leaders. In response, Congress, which drafted the legislation establishing the convention, set a number of hurdles in its path.

Although it required the convention to meet in the nation's capital on Pohnpei, Congress refused to allow the delegates use of its own chamber, which was clearly the most convenient site for the convention. After considerable political maneuvering, which included a tentative decision to use the Pohnpei State Legislature's smaller, sparsely equipped chamber, Congress was essentially embarrassed into providing its facilities. The convention's funding allocation stipulated that it was to run for 30 days, with a maximum extension of 15 days, for a 45-day total. This may not at first glance seem problematic, but the amount of time allotted did not allow for this being the first time most of the delegates had worked together. And, unlike 1975, there was no preconvention workshop providing the delegates with an opportunity to achieve at least an initial degree of cohesion. At the level of funding made available, it was necessary to run the convention entirely on an in-house basis, using legal staff from the national and state governments.

Most significant, Congress required that amendments be approved by

consensus—that is, by all four state delegations—on second reading. This requirement nearly caused a still-birth. The first item of business was to change the rules legislated by Congress, lowering the consensus requirement to a three-fourths majority. This in turn stirred up Kosrae, which had insisted on consensus during the congressional hearings that preceded the convention. Having revised their rules, the delegates then asked the FSM Supreme Court to uphold their right to do so. By the time legal briefs had been exchanged between the constitutional convention and the FSM executive branch, *amicus curiae* arguments from Kosrae and the Congress filed, oral arguments heard, and the court had reached a decision—upholding the convention's right to change its own rules—25 of the initially allotted 30 days had already passed. Though committee meetings and public hearings were in full swing during this period, very little had moved forward on the convention floor; the final days were marred by a frenzy of work in which a number of items failed to gain approval largely because of the delegates' confusion and exhaustion. In the end, the consensus issue hardly mattered. The convention's greatest hurdle was the first reading. Of the 31 delegates' votes, 24 were required for passage; because of absences, only occasionally were more than 27 votes cast. The opposition of two or three delegates was often enough to defeat a proposal, and only 24 proposals were ultimately approved.

Though discontent with the central government's powers was the most visible problem, it soon became evident that the constitutional convention was in fact going to serve as a forum for the more critical issue of unity within the federation. Most of the attempts to amend the constitution foundered on oppositions among the states. As the delegates were about to vote on the change in the consensus rule, Kosrae's Governor George delivered a short speech, in which he noted Kosrae's "disappointment and unhappiness" and remarked that the atmosphere was plagued by "elements of doubt, elements of fear, elements of mistrust, and elements of suspicion." Referring to a comment he had made earlier, concerning the Kosrae delegation's mandate for "sovereign recognition of the states," he expressed Kosrae's hope that the convention's work would "strengthen the unity of this nation." Kosrae's hope for unity was couched in its insistence on state sovereignty and a context of fear and distrust—that is, in barely disguised disunity.

At about the same time, a Pohnpeian leader, speaking off the record, explained his people's inclination to leave the Federated States of Micro-

nesia, a sentiment expressed repeatedly at a series of public hearings convened by the state's convention delegation. "We heard it from everyone. They gave us many different reasons—and some were perhaps silly—but they all reached the same conclusion." The main reason for this outlook, he explained, was land and the fear of permitting non-Pohnpeians access to it, given the very limited amount left on the island for the Pohnpeians themselves. The delegation found itself confronting "a dilemma," he said. Though the nation's need for stability inclined them to support unity, they also felt responsible to the people who sent them to the convention. "The others say unity is necessary. Pohnpei says that if there is no unity after ten years of nationhood, then it will never come. If we can work something out, fine; but if there is no agreement, then the die is cast. We are different peoples, speaking different languages, with different cultures." Pohnpei's desire for separation, like Kosrae's insistence on state sovereignty, was charged with a sense that unity was already a lost cause.

In the end, the 1990 Constitutional Convention's underlying theme was disunity. It was unable to resolve its mandate to shift power from the central government to the states because it did not function as a body representing the Federated States of Micronesia, but rather as four separate state delegations negotiating among themselves over what was best for their respective states and not necessarily what was best for their country.

The Delegations

Delegates representing the four states came to the constitutional convention with decidedly differing styles and points of view. The delegations from the two smallest states, Kosrae (with 4 delegates) and Yap (5), demonstrated a relatively high degree of internal cohesion. The two larger delegations, Chuuk (13) and Pohnpei (9), only occasionally achieved unanimity in their deliberations and voting. Kosrae had a clear mandate, and the Chuuk delegates seemed certain of where their state's interests lay, but the charges borne by the Yapese and Pohnpeian delegations were either unspecific, as in Yap's case, or somewhat contradictory, as in Pohnpei's.

Kosrae's position was straightforward. The state's leaders had opposed the convention, and when it was convened they attempted to diminish its effectiveness by arguing strenuously for the consensus rule giving them a veto. As representatives of the smallest and most homogeneous state, Kosrae's delegation took the position that any reorganization or redivision

of power or funding was likely to threaten the principle of state sovereignty—that is, that each state's share be equal to that of each of the others. Kosrae's Governor George was a particularly determined and articulate spokesman for this position.

Chuuk's delegation represented a diametrically opposed tendency within the federation. The population of Chuuk State, according to new census figures first made available during a hearing at the convention (and then only unofficially), is greater than that of the other three states combined.[5] The people of Chuuk Lagoon have long been split into eastern and western factions (the west has consistently pursued status as a separate FSM state), and outlying atolls in the west, north, and southeast have significant differences from, as well as long-standing ties with, the lagoon population. Large size and diversity of interests promote multiple, contradictory tensions. The Chuuk delegation had a difficult time maintaining internal cohesion, given the large number of regional factions within their state.

In general, Chuuk's position was that equitable divisions of power and funding could only be achieved by allocating them on the basis of population. (As one Kosraen summed it up, "When the Chuukese say something should be done 'democratically,' they mean that Chuuk should have the power.") But some of Chuuk's delegates recognized the intimidating effect of this position and worked to defuse it, particularly in the matter of presidential selection, in which several Chuukese delegates deliberately steered clear of proposals providing for election of the FSM president by a simple popular vote.

Yap mixes a relatively small population with marked diversity of interests between the people of Yap island and the peoples of the outlying atolls (collectively known as the Woleai), who speak variants of a language closely related to Chuukese but have long been dominated socially by the Yapese. Located in an area that is as close to Belau, Guam, and the Northern Marianas as it is to the rest of the federation, Yap appears less affected by many of the tensions that concern the others and perhaps for this reason seems more committed to the union. Its delegation came with a series of proposed changes but did not insist on seeing them adopted. The Yapese are well known in Micronesia for their willingness to cooperate with, rather than confront, the other states.

Pohnpei's delegation was possibly the most fractious. Like Chuuk and Yap, Pohnpei State includes different populations, some indigenous to the

main island and others to the outlying atolls, as well as a sizable population of peoples long resident on the main island who trace their ancestries and affinities to the atolls. The first bloc is largely fed up with the federation, while the other two see it as the prime guarantee of their livelihoods. The Pohnpei State delegation was split by these competing concerns and manifested little cohesion. Nonetheless, having the capital located on Pohnpei makes the national government's actions especially visible, and dislike for the government is perhaps greatest in Pohnpei State. The state's relatively large population made it a candidate for favoring decisions and disbursements based on simple population numbers, but its long-standing interest in seeing an independent Micronesia, in opposition to those who had chosen free association, inclined it toward support for the state sovereignty position.[6] Though Pohnpei's secession amendment played only a minor role during the constitutional convention, it may well have a highly significant, long-term impact on the federation's survival.

In the present context, two themes emerge as keys to understanding the convention's dynamics. First were the basically structural tensions between Kosrae and Chuuk: the roughly seven thousand Kosraen people are apprehensive about the political power of the fifty-five thousand Chuukese. These tensions were largely focused on the issue of political control. Kosraens insisted on decentralization and state sovereignty—they wanted the right to make virtually all political, economic, and social decisions on their own—while the Chuukese wanted to ensure that the national government was responsive to their absolute majority within the nation. General agreement among all the delegates that the national government—and more specifically, the Congress—had to be weakened and decentralized was intersected by a competing sense that Chuuk's overwhelming popular vote and its numerical strength in (some would say domination of) Congress permitted it to benefit from the status quo.

Even as everyone spoke on behalf of decentralization, Chuuk's delegation was ambivalent, if not equivocal, about changes in the current state of affairs. At the same time, the other states found themselves confronting the converse of this issue. By weakening the center, some of them feared, they would merely unshackle the full power of Chuuk's absolute majority; even a strong coalition of the other three states could not muster enough votes to challenge Chuuk's numbers. Despite openly expressed agreement on the need for change, the delegates were not at all sure that implementing the changes they were calling for would serve them well.

Second was the matter of enhancing local—state—authority in a number of contested areas. These included, but were by no means limited to, the primacy of local custom, local regulation of access to land, and migration among the states. These items were of considerably more concern to the Yap and Pohnpei delegations, and only marginally engaged the other two states. The Yapese introduced a number of measures intended to protect and preserve local customs, but they eventually decided that any attempt to legislate in areas of custom and tradition would in the long run be more likely to harm than sustain them. Pohnpei, on the other hand, vigorously pursued its quest for state control over migration, judicial prerogatives, and land law. Its delegates introduced a series of proposals intended to enable Pohnpei to prohibit non-Pohnpeians from owning land in Pohnpei and to preclude immigration to their state from the other three. Though a number of Pohnpeians argued trenchantly in favor of these amendments, the measures were quickly shunted aside. The Kosraens worked hard, without success, to remove the Constitution's freedom of religion clause. They had come with vain hopes of establishing their local Congregational denomination as the state religion, and of keeping other sects off the island.

Each of the four state delegations brought with it a markedly different perspective on the nation's future. Convention business was for the most part conducted by four separate states working on their own agendas; only occasionally were problems approached in terms of how they affected the Federated States of Micronesia as a whole. The twenty-four amendments finally approved made it through the complex process largely because they represented no significant threat to any individual state. Although "unity" was a watchword throughout the convention, it was more of a shibboleth than an apt characterization of either what was aspired to or what could be observed in action.

The Proposals

As the number of proposals steadily grew, one delegate expressed a widely shared view: "We're not amending the Constitution, we're writing a new one." Table 1 categorizes the proposals submitted to the 1990 Constitutional Convention.

Of the 104 amendments proposed, 77 (74 percent) were intended either primarily or largely to shift power, money, or both from the national gov-

Table 1. Summary of Delegate Proposals at the 1990 Constitutional Convention

Selection of president and vice president, including specific requirements for rotation among the states and popular elections*	13
Technical language changes resulting from the transition from the trusteeship to the federation	11
Congress, including increases in number of seats, establishing a bicameral congress, and term length*	8
Specific controls over congressional spending*	6
FSM Supreme Court, including term limits and requirements for use of local precedents*	5
Tighter bureaucratic controls, including public auditor, public service commission, and independent prosecutor*	4
Requiring FSM citizenship for membership in Presidential Cabinet, Supreme Court, landownership, and so on	4
Constitutional convention changes	4
Civil rights and legal procedures	3
Other limits on central government, including restatements of revenue sharing, definitions of concurrent powers, and explicit allocation of residual powers to the states*	33
Other revenue-sharing proposals*	3
Miscellaneous other proposals, including secession provisions, nuclear-free provisions, and provisions for establishing a chamber of chiefs†	10
Total	104

Notes: *Proposed amendments entirely or significantly concerned with limiting national government power and/or revenues or enhancing state government power and/or revenues.

†Five of these were entirely or significantly concerned with limiting national government power and/or revenues or enhancing state government power and/or revenues.

ernment to the states. When the 11 technical amendments concerned with the language of transition from trust territory status and the initial establishment of the federation are excluded, leaving 93 substantive amendments, the percentage rises to 83 percent. By a margin of better than four to one, the work of the convention consisted in finding ways to provide

the four states with greater control over their national government. I cannot, in this space, provide an adequate summary of all the proposals. In what follows, I highlight some of those that were particularly representative of the convention's mood, distinctly radical in their intent, or that I think will be especially telling in the long run.

Congressional Allowances

As an indication of the antagonism between the constitutional convention and the Congress, and of the widely shared feeling that one of the major purposes of the convention was to curb Congress, the first proposal submitted was Pohnpei's amendment prohibiting national congresses from raising their own allowances (ie, any increases could only be for future—not current—terms). Testimony during the public hearings explains both why this measure was popular and why, given widespread agreement on the matter, the proposed amendment was defeated.

The FSM president's "personal representative" explained at a hearing that "it could be politically difficult, if not impossible, for the President to veto appropriations for increases in congressional allowances" and that "it was therefore appropriate for the Convention to decide this issue." He described how the executive branch's funds had been at times cut as a consequence of its battles with the Congress and that it was "politically not feasible for the President to veto" budgetary legislation under these circumstances—"it would be political suicide to do something about these allowances." The congressional budget officer testified that the proposal was not strong enough to have the desired effect. "If there is a Constitutional amendment restricting allowances, Congress will find ways to get around it." He then exhorted the delegates to find a more rigorous means of preventing abuses. "If you want to do this, do it differently, do it better, do it stronger."

Members of the committee were strident in their criticisms of these allowances, calling them "additional, non-taxable salary." One pointed out that legislators had been using them for nearly everything except the purposes for which they were originally intended, "including promoting one's own interests—to get elected, for instance." Delegate Tuuth filed a minority report calling for more stringent measures, and suggested that the only truly effective means of halting abuses of congressional financial powers was to explicitly prohibit all allowances; the legislators would have to make do with only their salaries. This dissenting opinion split

what had been a unified position and served, ironically, to defeat a measure on which there had been real accord. When the measure came up for a vote on first reading, the minority report cast doubt on the proposal's adequacy; it was received favorably by only half of those voting and was defeated. A few days later, as the plenary session struggled in its last days to complete all its tasks, the item was recalled to the floor and the minority proposal was substituted for the original. It was too little, too late, however, and in the absence of time for discussion or negotiation the amended proposal received only 17 of the 24 votes it needed for passage.

The Structure of Congress

A number of proposed amendments dealt with the character of Congress itself, either modifying the number of delegates to it or reorganizing it as a bicameral body. Several proposals submitted by Chuukese delegates were intended, via varying formulas, to increase representation in Congress by increasing the numbers of delegates. In committee they argued that Congress had become "a small club" desperately in need of new members. Chuuk's congressional delegation, one continued, was simply too small and there was therefore no diversity of views within it; it was too easy to influence; people were not adequately represented because there were too many people for each representative; not enough time was being given to each law the Congress had to consider. Another pointed out that the number of seats in Congress had been determined in 1965 (when the Congress of Micronesia was first established), and that despite massive population growth there had been no increase in the number of representatives. Kosrae's Governor George, on the other hand, expressed his fear that Micronesia was being "oversaturated with government." The trend at the convention, he said, is to shift authority and responsibility to the states. "Why increase the size of the national government?" Resolution of the issue hinged on the debate—which followed the pattern of so many other convention debates—between Chuuk's push to give greater weight to population and Kosrae's insistence on retaining state equality at the core of the nation's political system.

As the related issues of a bicameral congress and direct presidential elections were interwoven into the debate, the entire project began to falter. Arguing that the executive branch had lost the ability to control the direction the national government was taking, the convention president, Pohnpei's Governor Resio Moses, asked to have direct presidential elec-

tions given closer consideration. He recommended sending the proposals back to committee in hopes that it might find a workable compromise. When his suggestion met with resistance, he responded, "I agree that this approach is a bit unorthodox, but we may reach a compromise—a bicameral legislature with a popular election for president." He convinced the committee to make one more attempt to bring before the plenary session a workable proposal substantially reconstituting the character of the Congress and presidency.

When the committee convened to reconsider the issues, however, nothing had changed. Kosrae and Yap would accept a bicameral congress only if the upper house were constituted on the basis of state equality and voting procedures were stiff enough "to protect the smaller states," as one of them said bluntly. But instituting a bicameral congress would mean that the system of presidential elections would have to be rewritten in any case and the only well-regarded proposal was for direct elections, which the smaller states of course opposed (I discuss the presidential selection system later). On the final night of the convention, into and past the final hour (the clock was stopped at ten minutes before midnight until the convention had completed its work), then, the delegates faced the key questions of reshaping Congress and the presidency. Despite all of their agreement on the need for this reshaping, their own local concerns once more prevented them from arriving at a consensus on *how* to reconstitute the national government. As Governor George explained, he was happy with the unicameral system. It provides for shared responsibility, he said. "The small state has an opportunity to share in the leadership role." But he opposed a bicameral system: "I'm afraid it will lead to election of the president. It could be that one state will be completely left out." Though there was generally good will toward this proposed transformation of the central government, there simply were not enough votes to effect it.

Congressional Allotments

A third set of proposed amendments was intended to address congressional allotments, widely viewed as more attuned to the political needs of the individual representatives than the development needs of either the nation or the states. As one rather cynical Pohnpei State bureaucrat observed, "Is it possible in the system we've learned from Americans to run a government without a pork barrel? Who's going to run for political office if they can't use the system to promote their own cause?" When one

delegate complained that "We don't know where the money's gone," another replied, "Don't know or don't want to say?"

Yap's Delegate Tuuth, finance secretary of the central government, suggested that one means of ensuring compliance with development plans was to specify that appropriations be made only after consultation with each state's governor, who would also be made the allottee of any funds appropriated by Congress. A debate ensued about the value of allowing municipalities to make requests directly to the congressional representatives, without being constrained by the need to gain their governor's approval. At this point Kosrae's Governor George began to argue that any direct link between the local municipalities and representatives to the national government was "an intrusion." The municipalities might like it, he acknowledged, but it only created confusion and disorganization. All budgetary planning must go through the governor, he insisted. When it was suggested that the proposal include wording to the effect that municipalities would submit their requests through the governor, Governor George objected, arguing that it was "overstepping bounds" for the national constitution to deal with the internal operations of a state.

When the committee took up the question of what types of funds should be covered by this proposal, it soon became clear that most of them were thinking in terms of all monies. When one delegate suggested that the only inherently national tasks—that is, those that merited national control—were telecommunications, fisheries, and external affairs, another proclaimed, "I don't want the President to be able to stop anything." Governor George insisted, "We can define a national project. We can narrow national prerogatives down, I know. If it's in the national interest to weaken national government in order to make better use of resources, then that's the way to go." A staff attorney then suggested alternative wording that precluded the national government from appropriating any funds other than those directly requested by the states and everyone exclaimed, "Right!"

When the proposal was taken up by the plenary council, the lone member of the national Congress serving at the convention, Pohnpei's Leo Falcam, immediately remarked that it had been his experience in Congress that municipal leaders did not want governors to control all funding. "If we lump together every state project and have the governor as allottee, we may be restricting other entities within the state." Chuuk's Delegate Pedewon argued that the proposed changes would preclude ongoing communi-

cation between congressional representatives, their constituents, and the governor. If a governor does not pass on requests from a given area, and this communication channel has been disrupted, he said, the people will suffer. (Tensions between municipalities in western Chuuk Lagoon and the state government were, of course, central to the dynamics of Chuuk's participation in the constitutional convention.) Governor George responded, "This proposal is in line with the sovereignty and autonomy of the states." The proposal failed to pass first reading, and two generally popular ideas—preventing members of Congress from receiving allotments and ensuring that appropriations were in line with development plans—were defeated largely because of an attempt to place nearly all fiscal controls—and thus nearly all power—in the hands of the states' governors.

The proposal was later recalled and the committee offered an amendment that required allocations to be made in accordance with state law. Governor Moses, however, was still not persuaded. These problems run through the entire structure of the FSM government, he argued, and have as much to do with the power of the Congress over the president as they do with problems within states. "We must root out this problem altogether," he argued, rather than merely give governors more power within their respective states. Given that he was influential enough to have been selected, without formal opposition, to preside over the convention, his words were heeded, particularly since he, a governor, was opposing increased powers for governors. The measure was then split into two parts and sent back to the committee, where two separate proposals were drafted. The plenary council ultimately passed amendments prohibiting congressional allotments to members of Congress and specifying that "Appropriations for public projects be based upon official development priorities of the recipient governments."

Foreign Investment

Another set of proposals that dealt directly with tensions between the states and the national government concerned control over foreign investment and import and export duties. Yap's delegation had introduced a proposal shifting regulation of foreign commerce from the enumeration powers held exclusively by the FSM Congress to the constitution's article enumerating powers held concurrently by both the national and state governments. Worried about arguments that this proposal could completely

paralyze foreign investment in the nation, the Public Finance and Taxation Committee's chairman then introduced a new proposal that would limit congressional power over foreign commerce by specifying that "authority to permit foreign investors to do business in any of the states shall remain exclusively with each state." By excising the potentially problematical language, the committee was able to forward to the plenary session an important proposal that met with virtually no opposition. Because no delegation found it threatening—it had no obvious links to issues of state equality versus demography, for example—it did not meet with even the minor opposition that worked to scuttle nearly every other proposal threatening to shift power away from the national government to the states.

Import Taxes

A second proposal also addressed the quest for local control over commercial activities, as well as dealing with arguments, made repeatedly throughout the convention, that if the states were to take on increased responsibilities—as they tried to do with most of the substantive proposals they introduced—they would need to have a greater share of Micronesia's revenues. They sought to accomplish this with a proposal that shifted the right to tax imports and income from the exclusive province of the Congress to a power shared concurrently by the Congress and the states.

Throughout the hearings, representatives of the FSM bureaucracy worked hard to convince delegates that giving the states a concurrent right to tax would be a very big mistake. Their arguments fell largely into two categories. On the one hand, they argued, allowing states to levy taxes would result in an unbearable tax burden, because the states would impose too many taxes. On the other, allowing states to tax would produce deadly competition between states seeking to attract foreign business; states that could afford to levy low taxes would lure all the investment, while poorer states that could not afford to forgo taxes would drive away business and be that much poorer. "You may be creating a monster," warned the congressional budget officer.

Governor George responded with veiled indignation, calling attention to an assumption that the states would inevitably proceed to overtax. Throughout the convention he pointed out to national government bureaucrats their tendency to make predictions based on presumptions about the states' greediness and incompetence, reminding them that the

national government had shown itself prone to create precisely the problems they were attributing to the states.

What were probably the most forceful arguments in favor of state control over taxation came from a series of Pohnpeian legislators (one of them a delegate) and bureau heads, who explained during a hearing that taxes were in fact the states' best means of controlling and stimulating development. "Taxes are tools of economic development," one of them declared. The one FSM department head who favored state taxation, a Pohnpeian as it happens, observed that "Congress hasn't been responsive to state needs." Governor George concluded that the current relationship between the ability to tax and the responsibility to develop was "lopsided." "We need to reallocate so that the national government doesn't have so much. There is a need for each state to be able to act on its own needs." In this he was echoing a sentiment expressed throughout the convention: the states had most of the responsibility for development, but none of the power to raise the money necessary to discharge these responsibilities.

As a consequence of arguments it heard in its lengthy public hearings, the committee substantially rewrote the initial proposal. Rather than granting states the right to tax concurrently, they left taxation as one of the powers expressly delegated to Congress and then added, "provided a state may impose a surtax on any national tax, duty, or tariff based on imports." Although the states would be provided a new source of revenue, they would not be free to establish tariffs or levy taxes according to their own needs. This measure, originally introduced by Kosrae, received the bare minimum of votes necessary for passage, with the opposition to it coming from Chuuk. The concerted opposition of the FSM bureaucracy appears to have convinced enough delegates that it would indeed result in competition between the states, and the only thing that seemed to trouble the states more than the national government was the other states.

Maritime Revenues

The attempt to shift power and resources away from the national government again encountered stiff opposition when it came to the matter of dividing up revenues from the nation's waters. Possessing only a few hundred square miles of land set in vast territoral seas, the people of the nation view the surrounding ocean as a source of potential riches. The 1975 Constitution placed control over those waters with Congress, charging it in Article IX, Section 2(m) "To regulate the ownership, exploration,

and exploitation of natural resources within the marine space of the Federated States of Micronesia beyond 12 miles from island baselines." Section 6 of the same article states that "Net revenue derived from ocean floor mineral resources exploited under Section 2(m) shall be divided equally between the national government and the appropriate state government." One of the first items introduced at the 1990 Constitutional Convention was the Pohnpei delegation's proposal to alter this division of revenues, reducing to only 25 percent the amount going to the national government, with the remainder allocated to "the appropriate state government."

In the public hearings that followed, however, it soon became apparent that this proposal was not going to generate any income at all for the states. The head of the national Resources and Development Department explained that although there had been great expectations for the mining of ocean-floor minerals when the original constitution was drafted, none of these projections had been realized. Little technology had been developed to exploit these resources, and given recent changes in global politics, which have been opening access to formerly restricted sources of the relevant minerals, it is not likely that much relevant technological development will occur in the near future.

The proposal provoked the same opposition that had been marshalled against nearly every other proposal the central government's bureaucrats found threatening, and when committee members took it up they had to confront the likelihood that it was not going to raise any money for the states. Even if there were any money, one delegate insisted, the national government would not pass it on to the states. The states need to "be in position to demand it." Another delegate then suggested a major change, calling instead for inclusion of a percentage of all marine resource revenues. The idea was clearly popular, though no immediate decision was made. Discussion then turned to a second element of the problem: should the funds thus generated be divided equally among all the states or allocated to the state from whose waters the resources were harvested? What if, for example, Pohnpeians caught fish in Chuuk's waters? "If the fish move from one state to another while they're being caught, whose are they?"

The proposal the committee finally sent on to the plenary session included both the ocean floor mineral resources specified in the original constitution and "living marine resources" in the revenue sharing, and spe-

cified a division providing "not less than 50 percent of all net revenue" to the states. It did not specify how the states' shares should be allocated, leaving this up to a later "division agreed to by the states, for state development programs." The committee's report asserted that "these resources originally belonged to the states and the Committee wishes to emphasize, still belong to the states." Speaking to the plenary session on behalf of this proposal, Governor George said that in the beginning there had been no Federated States of Micronesia. Then the states came together to form the federation. The states, he insisted, therefore existed prior to the federation.

Several delegates objected to the absence of any reference to municipal governments. One of Yap's delegates asked if the states had the flexibility to give the revenues to a municipality if a state recognized traditional ownership of marine resources.[7] The issue of how the revenue might be divided up was a sensitive one that some of the delegates did not wish to assign to another body. The committee report was sent back to committee, where the explicit reference to living marine resources was struck out and replaced by a simple reference to "Section 2(m)." This action assured that on the ballot that would go before the voters for ratification, there was no mention of the real change entailed—that fishing royalties, which had hitherto been entirely directed to the national government, would henceforth be shared with the states. It also restored a key passage from the original article that had been struck out along the way: the committee decided that these revenues would be divided "between the national government and the appropriate state government."

The amended proposal did not appear nearly as radical as it in fact was. It not only shifted half of all fishing royalties to the states, but in doing so declared that fish and the royalties they produced were inherently assets of the states—that the nation's waters were state waters before they were national waters, a point the committee reiterated in its minutes. When the proposal once again came before the plenary council, it received exactly the twenty-four votes it required and was approved. Opposition to it came largely from Chuuk delegates, for whom the issue was highly problematic. Not only would it reduce the nation's common pool of funding by a staggering amount, but it was clearly a major gain for the state equality position, dividing, as it did, the nation's waters among the states, without reference to the issue of population size or needs. As finally adopted, the proposal was among the more significant changes approved by the 1990 Constitutional Convention.

Tensions among the States

Although the delegates generally agreed that their task was to shift power and revenue away from the national government, they could reach no consensus on how to reconstitute the Federated States of Micronesia. The question of whether to divide the power of the purse strings equally among the four states or distribute it according to population size loomed as the prime impediment. As Denis de Rougemont (1941) long ago pointed out, federations are likely to be successful only as long as no single member is significantly larger or more powerful than the others. If more power were shifted to the states, and then allocated on the basis of population, Chuuk stood to take a dominant—perhaps overwhelming—position within the federation, while Kosrae would become increasingly marginalized. That so few changes—of the large number of radical proposals initially introduced—came out of the convention may be attributed largely to this conflict. In American political history (which is relevant here because the federation's constitutional system is largely patterned after that of the United States, unlike the Westminster system more widely used in the Pacific), this sort of opposition between "states" is usually spoken of as "sectional," but in the Micronesian case I think it is more aptly termed "ethnic." Although the peoples of Micronesia's many islands and island groups have always traded and intermarried with one another, their societies have been developing there for at least two thousand years, and they tend to view themselves in terms of what scholars call distinct ethnic identities. As one delegate had stated at the beginning of the convention, "We are different peoples, speaking different languages, with different cultures."

As already noted, the constitutional convention was made up of four distinct state delegations, not thirty-one Micronesian delegates. Although many of the proposals had as their immediate rationale the weakening of central government, many others were plainly intended to rearrange political relations among the states.

Presidential Selection

Finding an acceptable method of selecting a president has been a persisting problem for the Micronesians. The nation employs a hybrid system to choose its chief executive. Though the Congress has only a single house, each state delegation includes both senators elected from population-apportioned districts for two-year terms and a single at-large senator

elected for a four-year term. From among the four at-large, four-year senators, Congress itself selects a president and vice president (who are then replaced in by-elections). The general understanding in the country has been that the presidency should rotate among the states, but this is not a matter of law. There was also a sense that after Chuuk's Toshiwo Nakayama served the first two terms, Pohnpei's four-year senator would be chosen as the second president. For reasons too complex to detail here, this did not come to pass; Yap's John Haglelegam was chosen, to Pohnpei's considerable dissatisfaction and a widespread assumption that Chuuk's congressional delegation had engineered the switch. Though the so-called gentleman's agreement concerning *rotation* had not been expressly broken, it had been made clear that the large Chuukese congressional delegation possessed enough power to control the office, and the question of selecting future presidents became a burning national question. General agreement existed that some form of guaranteed rotation among the states was critical to the survival of the federation, but disagreement about other aspects of the selection process (manifested in the thirteen different proposals concerning it) kept the delegates from finding common ground.

As with so many other issues, the problem of revising the presidential selection process foundered on the fundamental opposition between population size and state sovereignty. Some felt that power over the process was best removed from Congress by giving it to the people through a simple popular vote. Several Chuukese delegates, however, saw their own state's size and consequent power as possibly the greatest threat to the nation's continued union, and they sought to limit this imbalance and its potential for disruption by proposing a complex formula. This provided for a popular election employing a proportional weighting of votes, which would give each state an equal say in determining the outcome. The complex formula they devised, well meaning though it was, received almost no attention.

Ultimately, attempts to resolve the presidential issue foundered on a lack of trust. The degree of suspicion among the states was perhaps as great as their shared distrust of the national government. The delegates were confounded by what I have already described as one of the convention's inherent dilemmas: it was feared that any attempt to weaken the central government as a means of enhancing the power of the states was likely to result in an equally problematic situation in which the differential

sizes and strengths of the states would allow one or two states to dominate the federation at the expense of the others. Such a solution would have merely replicated—rather than remedied—the problem the delegates had set out to resolve. The Chuukese delegates' repeated references to population equality and Kosrae's preoccupation with state sovereignty made everyone conscious not only of the opposition between them but of the improbability of achieving a resolution agreeable to both.

Secession

Though the proposed amendment permitting secession played a seemingly marginal role in the convention's deliberations, it is instructive to consider its import for questions of Micronesian unity and sectionalism. Given questions about the nation's political status, this issue is particularly troublesome to the people of Pohnpei, who have long been committed to an independent Micronesia. When the secession proposal was briefly taken up in committee, Asterio Takesy, FSM acting secretary of external affairs and a convention delegate, opposed it on grounds that it would make the nation appear unstable and therefore drive away potential investors. Moreover, he continued, the US government would be inclined to view such a measure as a threat to the Federated States of Micronesia's security agreements with the United States under the Compact of Free Association, and if it were enacted he would immediately be called in by the United States for consultations and instructions. At this point one of the constitutional convention's most influential delegates, former FSM President Tosiwo Nakayama asked, "Why do we need this in the Constitution?" A Pohnpeian delegate replied, "Our people asked for it." Nakayama responded, "In other words, there are people here in Pohnpei who would like to secede?" Came the reply, "All of them." The proposal received little support and died in committee.

External Relations

Both Yap and Pohnpei introduced proposals intended to further restrict the right of foreign powers (ie, the United States) to bring hazardous materials and weapons into the Federated States of Micronesia. The original constitution prohibits testing, storage, use, or disposal of "radioactive, toxic chemical, or other harmful substances" within the country "without the express approval of the national government." Like many of the other proposals Pohnpei introduced, this one was intended to transfer a degree

of decision-making authority to the states by requiring that express approval of the relevant state also be granted. Yap's proposal simply deleted the qualifying clause "without express approval of the national government," leaving the remainder of the original article to specify categorically that these materials not be introduced.

The issue provoked one of the constitutional convention's more sensitive discussions. The Compact of Free Association, which the FSM constitution specifies is subordinate to itself, grants the United States authority to determine how best to provide for the federation's security and thereby perpetuates effective American control over the islands. In the course of several meetings of the General Provisions Committee, the FSM Department of External Affairs found itself explaining that any act the United States might construe as movement in the direction of an alignment with the Nuclear-Free Pacific movement would immediately elicit an American demand for discussions, at which the federation would be informed that it was in violation of the compact and therefore in danger of losing the funding the agreement secures (ie, the source of most of its income).

In dealing with this issue, the committee was forced to confront one of the constitutional convention's generally unspoken subtexts: the complex web of control the United States retains over Micronesia. The compact provides the United States with a formal right to interfere in Micronesian affairs in the name of security.[8] But beyond this right to intrude, the United States has the capacity to cut off the compact funding, citing noncompliance, and thereby bring the entire country to a halt. Through a process arranged and managed by the Merrill Lynch investment firm, the Federated States of Micronesia has issued bonds that provide it with funds now, in exchange for guarantees underwritten by later compact payments. Some Micronesian leaders argue that Merrill Lynch uses its fiduciary role to dictate policy to the national government. One member of the committee explicitly cited this arrangement, reminding the other delegates that when he had worked on the bond issue a question had been raised about how secure the payments would be under the compact. The rating of the bonds, he explained, had been affected by the ability of the United States to cut off the funds if the terms of the compact are breached. A number of committee members accepted this state of affairs with apparent equanimity, and the chairman quickly tabled the two antinuclear proposals permanently. This action troubled Pohnpei's representatives on the committee; they asked to have at least one of the proposals reported back to the plenary session, even if it did not carry a favorable recommendation. The

chairman responded, "We're aware of the reasons we're tabling this in committee. We don't want to broadcast them."

Much of the Micronesians' dislike of big government—one of the fears that drove the convention—derives from the national government's ability (if not responsibility) to implement US policy. This episode provided delegates with a perfect example of how US policies get implemented by default. The committee chairman demonstrated precisely the ill-use of authority the Pohnpeians had come hoping to eliminate.

Sovereignty

In a similar vein, another unsuccessful proposal was meant to convince foreign governments that the trusteeship agreement was no longer in effect.[9] Senator Falcam wanted to amend the language of the constitution's article on status transition in order to make it clear that "we are a sovereign nation, with the exception of powers that we voluntarily assign to other nations to take care of. If we don't do this, it may call into question our sovereignty. It may affect powers of the national government and states with respect to the U.S. It is a step declaring that the Trusteeship Agreement is terminated and that the FSM is a sovereign and independent nation." Other members of the committee, however, argued that the Federated States of Micronesia is not an independent nation, and the proposal was dropped.[10] Committee discussions of the last two proposals provide evidence of both the ambiguous nature of the free association relationship with the United States and the delegates' ambivalent feelings about this ambiguity. For some it appears to be convenient and unproblematic; for others it is profoundly disturbing.

Chamber of Chiefs

One of the constitutional convention's more controversial proposals was to establish an FSM Chamber of Chiefs, an episode I have discussed in detail elsewhere (Petersen nd). Kosraens, who no longer have chiefs, resolutely opposed the measure, but it was also called into question by several other delegates. One worried about the effects of codifying customary leadership: "We may unwittingly be putting limits on our traditional leaders' authority." Another argued that the states were the more appropriate place for such bodies, "because no two states have the same customs and traditions. There are subtle differences." The biggest problem, however, was paradoxical. The general sense was that if the chamber's rights and duties were not spelled out clearly, Congress would thwart the conven-

tion's intentions by legislating a subordinate role for the chiefs. But agreement was also widespread that no one—neither the constitutional convention nor the Congress—could tell the chiefs what to do.

Eventually, three of the convention's most influential delegates took charge of the proposal and worked skillfully to resolve resistance to it. This was the only occasion on which I saw parliamentary skills openly brought to bear as a means of solving an otherwise intractable problem, and was evidence of the proposal's significance. The delegates managed to draft phrasing that was simultaneously vague enough to assure that the chiefs themselves would be able to determine the chamber's official role and specific enough to overcome fears that Congress would exercise power over it. By combining a number of different amendments and drafts, they established that its primary role would be "to advise on matters of customs and traditions, to promote and protect customs and traditions, and to promote peace and unity." The role of the national government—the Congress of Micronesia—in creating the chamber would be to "take every step necessary and reasonable to provide" for the chamber's operations.

Ratification

The final proposal submitted to the 1990 Constitutional Convention had the potential to effect greater changes in the Federated States of Micronesia than any other proposal considered, because it was meant to make final ratification of all the other proposed amendments considerably less difficult. The 1975 Constitution requires that constitutional amendments be "approved by three-quarters of the votes cast in each of three-quarters of the states." This proposal amended that figure to a simple majority vote in three-quarters of the states. As finally modified, the amendment also specified that this change would become effective on 3 November 1990; given that the constitutional referendum could not possibly be held until some time in 1991, the 1990 date meant that the change would be retroactive, and the new ratification requirement would apply to the referendum itself.

The proposal came in response to the sense, widely shared among the delegates, that gaining the approval of three-quarters of the voters in three states would be nearly impossible and that the convention was therefore a largely futile effort. Yap's Robert Ruecho' argued that the requirements for ratification were almost impossible to satisfy. "It would mean," he argued, "that having a ConCon every ten years is a waste of time." Two

Kosraen delegates, in keeping with the position they had enunciated throughout the convention—that is, defending the sovereignty of the states, maintaining that none should be required to acquiesce to changes with which they disagreed, and calling instead for consensus—voted against the proposal. It passed 24–2, and thus raised the possibility that the convention's work might ultimately be sanctioned by the voters. Indeed, had forty-nine Kosraens cast their ballots differently on this one item, the outcome of the entire convention would have been far different.

The Ratifying Referendum

The twenty-four proposed amendments approved by the convention, plus two added by the Congress of Micronesia, were presented to voters in a constitutional referendum on 2 July 1991. The national government mounted an educational program in order to help voters understand the implications of the proposed changes. This program, unlike those that have preceded important referendums in the past, was decidedly neutral in content. With few exceptions, the proposals had to have been relatively neutral in order to have made it through the constitutional convention.

The most potent item on the ballot—the final amendment lowering the ratification requirement from a three-quarters majority to a simple majority in three states—was approved in Yap and Pohnpei, but fell a few votes short of 75 percent in Kosrae. As the delegates had foreseen, their work was nearly all for naught. Ultimately, only four amendments were approved by the voters.

None of the proposals finally ratified had much to do with tensions among the states. Rather, all four were products of the convention's other key theme, the states' shared antagonism toward the national government. The first change effected was that the power of Congress to define "major" crimes was limited to control over "national" crimes; that is, the charge is now defined by the nature of the crime, not the severity of the sanctions to be imposed. Second, courts are now required to use Micronesian precedents before turning to American law. Third, the prohibition against indefinite land-use agreements is now limited to noncitizens and governments. And fourth, the national government's role in education and health issues was redefined, so that it is no longer a concurrent power, and its responsibilities in these areas are now enumerated.

Voting patterns among the states were highly varied, reflecting some of the same outlooks manifested at the convention. In Kosrae, every pro-

posed amendment was approved by at least 50 percent of the voters, but only four items received approval by 75 percent or more. In Chuuk, only two amendments were favored by as many as 50 percent of the voters (53 and 54 percent, respectively). In Pohnpei, only four proposed amendments received less than 75 percent approval (and one of these received 74 percent); and in Yap, only three proposals received less than 75 percent of the votes. The Kosraen and Chuukese votes clearly reflected their delegates' views that any change from the status quo could only hurt them.

Conclusion

The Federated States of Micronesia Constitutional Convention of 1990 ended much as it began. In coming to the convention the delegates brought with them a shared sense that "We don't need two drivers anymore." Everyone was eager to see political, economic, and social responsibilities—and the funding to discharge them—transferred from the central government to the states. But tensions among the states nearly paralyzed the entire convention. Most states seemed convinced that change would work against them. No resolution to the dilemma, nor any sort of compromise, was achieved.

The convention served largely to further heighten tensions within the federation, both between the states and the federal government and among the states themselves. In time, I believe, unhappiness with the central government, which has been growing steadily since its inception, will result in a concerted effort, quite possibly accompanied by some violence, to wrest power from it. When this happens, however, relations among the states themselves will have so deteriorated that no new accommodation among them will be found.

When the current Compact of Free Association with the United States expires in 2001, the Federated States of Micronesia may well disintegrate into a series of microstates, even smaller than their present aggregate population of just over one hundred thousand. Most likely the early twenty-first century will see a series of political entities forming in Micronesia on the scale of Tuvalu, Tokelau, or even Niue. Kiribati, Belau, and the Marshall Islands will be representative of the rest of Micronesia. Such fission goes quite against the grain of twentieth-century political thought, conditioned as it has been by the sheer size of a handful of superpowers. But changes in technology may make it possible for statelets to coexist

with giants, even if the quest for power makes it unlikely. The historical trajectory of colonialism, which once strung these islands together like so many gems on an empress's necklace, has passed its apogee; the golden chain has snapped and the stones scatter.

* * *

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I present and analyze aspects of this material in much greater depth elsewhere (Petersen 1993a).

Notes

1 Although stenographers recorded the plenary sessions and made preliminary journals available from its early days, no official journal has ever appeared. I made my own handwritten, verbatim notes at plenary sessions, public hearings, committee meetings, and on other relevant occasions; all quotations appearing here are from these notes.

2 Reports of votes at the United Nations commonly refer to the federation as "Micronesia."

3 Kosrae had been a part of Pohnpei District until shortly before it became the fourth state of the federation.

4 The legal status of the free association agreements was not entirely clear until the United Nations Security Council approved termination of the trusteeship in the Marianas, the Marshalls, and the Federated States in December 1990, shortly after the United States granted the then Soviet Union more than a billion dollars worth of food credits.

5 The 1990 census figures for the Federated States of Micronesia, as reported to the convention delegates, are: Chuuk 54,796; Pohnpei 33,263; Yap 10,782; Kosrae 7,390; total 106,231.

6 A majority of Pohnpeians voted for independence in the 1975 Referendum

on Future Political Status, and in 1983 a majority voted against the Compact of Free Association, calling instead for independence (Petersen 1979; 1985).

7 Questions about traditional ownership of submerged reefs and other marine resources are particularly important in Yap State, where people on the atolls, who are only partly integrated into the society and culture of the big island, are dubious about surrendering authority over these resources to the state government. I thank William Alkire for clarifying these matters for me.

8 In the course of hearings in the US Senate, it was made clear that the US government believes that it retains "full plenary power" over the Micronesians (US Senate 1984, 167).

9 Dealings with the European Community were cited explicitly as having been complicated by the ambiguities of the federation's political status.

10 I deal elsewhere in some detail with these disagreements over the Federated States of Micronesia's legal status (Petersen 1993b).

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Abstract

The Federated States of Micronesia's Constitutional Convention, held in 1990, served as a focus for a variety of discontents. Structural and ethnic tensions among the states of the federation, and between the states and the central government, were the most immediate sources of the 104 amendments proposed to the convention, but the original (1975) Micronesian Constitutional Convention's inability to define either the federation's future political relationship with the United States or the degree of power to be vested in its central government also loomed large as sources of discontent. The vast majority of the proposed amendments were intended to shift power or funds, or both, from the central government to the states, but delegates to the 1990 convention participated almost entirely as representatives of their respective states, rather than on behalf of the nation-state as a whole, and competing sectional interests kept them from achieving any significant agreement. Only four amendments were ultimately approved in the general referendum. Despite this apparent lack of movement toward significant change, the history of the 1990 convention suggests that the Federated States of Micronesia is troubled by an array of fracture lines and will find itself confronted with increasing stresses as it approaches the end of its Compact of Free Association with the United States in 2001.