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Briefing Note



The Marshall Islands Elections of 2007/08

The Republic of the Marshall Islands Presidential election of 7 January 2008 ended eight years of government under the United Democratic Party (UDP), led by Kessai Note, and brought into office a new government led by former Speaker, Litokwa Tomeing. The transition signals the end of one of the Pacific's few governments that rose to power on an explicit 'good governance' ticket, emphasising transparency, opposition to corruption and greater accountability. The election has repercussions for the American missile-defence test site on Kwajalein and for the Marshall Islands 'Compact of Free Association' with the United States. It also potentially had implications for the country's linkages with Taiwan; new President Litokwa Tomeing threatened to switch ties from Taipei to Beijing on the campaign trail prior to the election.

The general election, held on 19 November 2007, was marred by administrative deficiencies, which were exacerbated by the complexity of the Marshallese counting system. The Marshall Islands has elaborate provisions for inter-island voting, enabling citizens to cast votes for island constituencies where they hold land rights even though they do not reside on those islands. Such votes comprise a majority of votes for nearly all of the 22 outer island constituencies (excepting Majuro and Kwajalein). Overseas Marshallese (around 14-15,000 as compared to the resident 52,500) are also entitled to cast votes by postal ballot. If elections are poorly managed, the Marshallese choice of system is likely to generate disputes and public disquiet. If well managed, the system maximises opportunities for citizens to cast ballots, and to re-register to give support to favoured candidates, and through this process participate in important decisions about the formation and programmes of governments.

The Elections Office in the Marshall Islands, for long poorly equipped, has experienced considerable turnover in recent years. It falls under the Ministry of the Interior, rather than being an independent body. At the 2007 polls, controversies arose in relation to ballot box security, procedures for recounts and, above all, the handling of postal ballots. Despite a formal right to vote, 75% of overseas ballots were declared invalid by the Elections Office, owing to late mailing or other procedural deficiencies. The 2007 election acquired the reputation of being the 'worst ever' ('Election Fiasco', *Marshall Islands Journal*, 23.11.2007), although there had also been complaints about the conduct of the previous election in 2003. Senators aligned to the new Aleon Kein Ad (AKA) government initiated a Commission of Inquiry into the 2007 elections in February 2008.



New President Litokwa Tomeing leaves the speakers' podium after his election as President on 7 January 2008

End of the Kessai Note Government

The now deposed government of Kessai Note originally assumed office in late 1999, after a tumultuous era in Marshallese politics. Former President and traditional chief, Amata Kabua, had been the country's undisputed leader from independence in 1979 until his death, in office, in 1996. His nephew, Senator and traditional chief Imata Kabua, then took the reins. But his presidency was beset by political crises, economic downturn and allegations of corruption. The opposition, led by then Speaker Kessai Note, challenged the Imata Kabua government in 1998 using 'conflict of interest' provisions to deny key ministers votes in a successful bid to make gambling illegal. President Imata Kabua was then again challenged, for a second time, in a 'no confidence' motion, which failed to gain majority support within the *Nitijela* (legislative assembly), but which obtained considerable popular support within the country.

In the election of November 1999 the opposition UDP swept to power on a platform of good governance, transparency and accountability. In its early days, the new government tightened up audit procedures, launched prosecutions against those responsible for the misuse of funds and shook up the worst offending ministries and agencies.

However, political commitment to the new reformist programme proved lukewarm and initiatives mainly targeted infractions under the former administration. The Public Accounts Committee, for example, was never able to provide effective oversight of government finances. In addition, the new government quickly alienated some of its key chiefly (Iroj) supporters. These allied with the opposition, still centred around former President Imata Kabua and his family, to support a failed no confidence motion in 2001. Chiefly opposition to the government coalesced around a Kwajalein Negotiation Commission in the run up to the renegotiation of the Marshall Islands' Compact of Free Association with the United States in 2003. Nevertheless, the UDP managed to emphatically win the elections of November 2003, defeating the newly formed AKA.

The key breach, which ensured a different result in 2007, was the breakaway of Speaker of the *Nitijela*, Litokwa Tomeing, in early 2006 over various issues, including Kwajalein, demands for a

review of Compact II, copra prices, and policy towards China. Tomeing, a chief from the eastwards Ratak chain, drew with him several incumbent and aspiring senators, and was embraced as candidate for the Presidency by the AKA shortly before the November 2007 national elections. He won the position by 18 votes to 15 on 7th January. *Tomeing is the second successive Speaker-turned-President, a trend which may be indicative of a striking reversal in the former ascendancy of the executive over the legislature under Amata Kabua.* In 1998, this was occasioned by High Court rulings, based on the doctrine of a 'separation of powers' and the unwillingness of judges to intervene in 'political' matters, which empowered the Speaker to regulate the internal proceedings of the *Nitijela* (during both the gambling and 'no confidence' controversies of 1998). Thus insulated from executive interference, the *Nitijela* leadership – including the Speaker and some of the committee chairs - became 'a new power base that has worked vigorously to put distance between themselves and the President and the Cabinet' (Marshall Islands Journal, 8 April 2006).

Kwajalein & the Compact of Free Association

The newly elected government is unhappy with the 2003 renegotiated Compact of Free Association with the United States (U.S.). Its power base covers Kwajalein, where the U.S. has a \$4 billion missile testing facility, and where landowners still need to sign off on a Land Use Agreement providing the U.S. with continued access until 2066, with renewal options until 2086. For this, the U.S. has promised \$15 million per annum rising to \$18 million per annum after 2014.



Kwajalein airbase

Prominent ministers in the new government, such as Foreign Minister Tony DeBrum, are also unhappy about the terms of the \$60 million per annum Compact II, scheduled to last until 2023, and they want to press the claims of the nuclear-affected atolls of Bikini, Enewetak, Rongelap, Utrik and others in the northern part of the group. These are islands affected by the 67 nuclear tests the U.S. conducted in the Marshall Islands between 1946 and 1958, during which killotonage equivalent to 1.5 times of the Hiroshima bomb was released each day into the atmosphere. The U.S. provided \$270 million in compensation, trust funds, and medical costs for the repercussions of those tests under the first 1986-2001 Compact of Free Association (including the subsequent two-year 'grace period' before a new agreement had to be signed). But the Marshallese government has been pursuing a 'changed circumstances' petition to the U.S. Congress, and Bikini and Enewetak have recently filed suits in the U.S. courts, arguing that the previous deal was based on inadequate scientific understanding of the now known repercussions of atomic testing.

Taiwan and China

The election campaign also featured threats to sever links to Taiwan, and embrace instead a 'one China' policy. However, the week after the election witnessed fervent and expensive Taiwanese lobbying. Promises were made to bail out the struggling Air Marshall Islands, which halted provision of domestic air services in October 2007. When Kiribati, just to the south, had links with Beijing, it allowed the Chinese to build a satellite-tracking station on the island of Tarawa. When it switched to Taipei in 2003, the equipment was hastily removed. The U.S. would be unlikely to tolerate a similar facility in a Chinese-allied Marshall Islands. Despite Litokwa Tomeing's pre-election overtures to China, such a shift is opposed by powerful domestic interests – including the Majuro Chamber of Commerce and the *Marshall Islands Journal*, which both point to substantial economic benefits arising from the Taiwan linkage. Early post-election indications suggested that the new government was using its pre-election threats to secure more lucrative aid commitments from

Taiwan, but new Foreign Minister Tony DeBrum says that the Tomeing administration intends to keep 'options open'.

Coalition Government

The new government is comprised of the AKA, as well as five of the wavering senators, whose loyalties were uncertain until the January 7th Presidential election. These include Nidel Lorak (a former UDP minister), Amenta and Norman Matthew (brother and sister, from the Northern part of the Ratak group), Dennis Momotaro, and David Kramer (the son of the Marshall Islands' most successful expatriate businessman). In the run up to the Presidential election, strenuous efforts were made to get Kessai Note to stand down. It was believed that had UDP senators, such as Ebon's John Silk or Jaluit's Alvin Jacklick, taken up the leadership some of the wavering senators might have aligned with the UDP. The election of UDP Senator Alik Alik to the Vice Speaker position by the slim margin of 17-16 just before Tomeing's 18-15 election as President fuelled speculation that a UDP candidate for President other than Note could have kept UDP in power. However, Kessai Note would not give way. The UDP may now realign under new leadership or fragment.

The new government is, according to some of the allied senators, a 'coalition' government. Although political parties have acquired a notable prominence in the Marshall Islands over recent years - owing to the emergence first of the UDP and then the AKA - Marshallese governments usually prefer to stress claims of broad support rather than emphasising party divisions.

This briefing note was written by Jon Fraenkel, who recently visited the Republic of the Marshall Islands to assist with a United Nations Development Programme 'Induction for New Members of Parliament'. Assistance from Giff Johnson, Editor of the Marshall Islands Journal, is gratefully acknowledged.

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