

Governance in Micronesia: Roles and Influence of Traditional Chiefs

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Introduction

In this paper I will discuss the impact of traditional leaders and the new elite of elected leaders on democratic governance in the Federated States of Micronesia. As used in this paper, democratic governance includes all the processes and practices expected from a constitutionally established government which espoused democratic ideals. Of course, democracy has no fixed meaning. It means different things to different people. As can be discerned from how different countries enshrine the term “democratic” in their names, regardless of their proclaimed national ideological beliefs. There are, however, certain values and practices which are common to democratic societies. These values and practices include, but not limited to the ideals of equal treatment and opportunity for every citizen, majority rule and protection of minority rights, free and open election, and tolerance for people from different social and ethnic backgrounds.

Governance in Traditional Societies

The recruitment base for leadership in traditional Micronesian societies is very narrow. In all cases, it is confined to the members of the chiefly clan. In the clan, the title is passed on to an individual base on fixed customary rules and practices.

In matrilineal societies, the senior male member of the highest ranking matrilineage usually ascends to the chiefly position. Ranking of the lineages are determined by the birth order of the female founders. In other words, age of the founding mother of each lineage determine its rank vis-à-vis other lineages in the clan. In the few Micronesian patrilineal societies, chiefly titles and positions are passed on to the oldest

male in the highest ranking patrilineal lineage in the village. The age of the founding father is an important factor in determining the rank of patrilineal lineages. Individual achievements are recognized, but they do not translate into elevation of individuals to chiefly position. Leadership is exclusively the domain of men. However, in very few matrilineal societies, and in rare cases, a woman may be elevated to the position of leadership. A woman in traditional chiefly position usually appoints a male surrogate to speak and attends meetings on her behalf.

The traditional leaders of high islands in the Carolines usually wielded more power than their counterparts on the low coral islands. As recently as the German colonial administration, the traditional leaders of the high island of Pohnpei had the power to evict their subjects from lands their families occupied; and awarded the confiscated parcels of land to their friends and supporters. The traditional leaders of the low coral islands and atolls do not possess the power to evict their subjects from their lands. The powers of the traditional leaders were exercised beneficently and their rules were, in almost all cases, never oppressive. On few occasion, a traditional leader would order confiscation of land from a family or killing of some people who ignored his order or violated customs. These are usually carried out as form of punishments rather than means of oppression.

Traditional Chiefs under Colonial Rules

In the Caroline Islands, the Spanish colonial period started in 1886 when the Spaniards arrived on Yap Islands Proper to establish their first colony which they named Santa Cristina. The second colony was established on Pohnpei a year later. The Spanish established two administrative centers to administer the Caroline Islands. The Spanish claim in the Carolines was based on right of discovery. The early Spanish explorers had sailed through the Carolines in sixteenth and seventeenth centuries on their way to the Spice Islands; and had sprinkled names like Islas de los Reyes, Barbudos, and Martires.

A year earlier, both Spain and Germany had claimed the Caroline Islands which had brought the two countries to a brink of war in Europe. The Spanish king and Chancellor Bismarck of Germany agreed to solve their dispute through a third party

arbitration. Pope Leo XIII was brought in to arbitrate. The Pontiff confirmed Spanish claim to the Carolines, but recognized German's right to build coaling stations and naval bases. This solution was a compromise intended to please both countries.

The Spanish colonists created their own administrative structures independent of the traditional structures in existence when they arrived. The traditional leaders were consulted from time to time, but they were never actively involved in the governance of the colonies. On Pohnpei, the relationship between the Spanish governor and the traditional leaders was never amicable. Perhaps the relationship could be described as difficult at best. The Pohnpeians eyed the colonists with suspicion and alarm. For their part, the Spanish viewed the Pohnpeians as non-cooperative and deviant of their good intention to civilize the local people. This atmosphere of suspicion, non-cooperative and deviant contributed to the rebellion against Spanish colonial rule. The Spanish colonists left Pohnpei amidst a local war among the districts and were never able to create a colonial administration acceptable to the local population. On Yap Islands Proper, the Spanish governor irked the traditional leader of an important village by allying to traditional chiefs of another village which the former viewed as his rival village. In general, the Spanish colonial rule in the Caroline Islands was not intensive; it failed to touch lives of many Micronesians in the areas outside their colonies.

After its defeat at the hands of United States in the Spanish-American War and losing the Philippines, Guam, Cuba and Puerto Rico as spoils of war, Spain sold the rest of the Mariana Islands and the Caroline Islands to Germany for four and a quarter million dollars or eighteen million marks. The new German colonies in Micronesia were placed under administrative control of the German governor of New Guinea.

The German colonial rule in the Caroline Islands was more intensive and far-reaching than the Spanish. To govern the Caroline Islands, the German created four administrative centers – one on each high island, except Kosrae which was administered jointly with Pohnpei. The German colonists utilized the traditional leaders as liaison with the local population. The German brought changes to the Caroline Islands. To encourage agriculture development, they striped the traditional leaders in Pohnpei of their power to confiscate land from their subjects and instituted a land tenure system based on European model. The German colonists required the traditional leaders to contribute workers to

work on public projects. They had little tolerance for the Micronesian laid back approach to their work. The German took this as a sign of deviance against their rule. In Pohnpei a German foreman for the road project on Sokehs Island flogged a traditional leader who failed to mobilize the local workers. He reduced the wage paid to the workers. This harsh treatment caused the Sokehs' people to rebel against German rule. The rebels killed the foreman and the German district officer. They could have overrun their settlement and kill all the Germans, but the traditional leaders of other districts quick response to an appeal from the acting German district officer for local warriors to protect the colony saved the German settlement. The German executed the leaders of the rebellion, confiscated their land and sent the entire population of Sokehs into exile. German's favorite means of punishment was exile; several local chiefs in other part of the Carolines were sent into exile for defying German rules. The German, however, brought an end to endemic local warfare in the Caroline Islands. German rule brought relative peace to the Caroline Islands. In the outlying areas, the traditional leaders were left to rule their people as they had before the German took control of the Caroline Islands. In general, the intensity of German rule was greater in the administrative centers and weaker in the outlying villages and islands.

The Japanese took control of the Caroline Islands from the German by force at the beginning of WWI in 1914. The Japanese lost no time in establishing administrative apparatus in all the former German administrative district centers. Within two months each of the six administrative districts had a function government.

The League of Nations awarded Micronesia to Japan to administer as a class "C" mandate. Under this mandatory category, Micronesia became an integral part of the Japan Empire. The Japanese were under no obligation to promote social and economic well-being of the indigenous population. The right of self-determination was an option closed to the indigenous Micronesians under the mandatory treaty. The League of Nations did not see fit to protect the political rights and interests of the indigenous Micronesian population; and the Japanese took full advantage of this international blunder to exclude the Micronesians from participation in the administration of their islands.

The Japanese colonial administration created an office of “sosocho” and his deputy called “soncho.” These two positions were actually village chief and assistant village chief. It was their job to liaise with the villagers. Sometimes traditional leaders were actually appointed to occupy these offices. Like the German the Japanese respected the traditional leaders because of the influence they command among their people. The Japanese, however, did not see fit to incorporate the traditional leadership into their system of governance. Other than the positions of “sosocho” and “soncho” no Micronesian was appointed to any higher office. The education system was inadequate to train Micronesians for promotion to higher position in the colonial administration. This was indicative of the Japanese intention not to permit Micronesians to participate in the governance of their islands. They were good as laborers in the phosphate mines, but not as government officials.

The Japanese colonial administration of the Caroline Islands was immediate and so overwhelming to the indigenous population. So much so that by 1940s Japanese immigrants had outnumbered the local population by a ratio of about two to one. Like ordinary Micronesians, the traditional leaders were politically, economically and socially marginalized during the Japanese occupation of their islands. They served no meaningful role in the administration of their islands. But they did, however, retained the respect and influence accorded their traditional positions among their people. The traditional chiefs were the collective voices of their people. They did not challenge Japanese colonial administrators, but they protected their people when trouble aroused.

The United States armed forces captured Micronesia from the Japanese after fighting some of the bloodiest battles of WWII in the Pacific. The United States Navy administered the former Japanese mandated islands from 1945 to 1947. In the latter year, the United Nations entrusted the administration of Micronesia to the United States as a strategic trust under the UN Trusteeship system. The former Japanese Mandate became known as the Trust Territory of the Pacific Islands. In the early years of Trust Territory, the American administrators were forced out of necessity to devise a policy which they referred to as “minimum government.” This policy recognized the fact that it was difficult to administer a far-flung group of islands with little resources. The Pacific war had ended with great costs in lives and money, the military was demobilizing, and the

American government did not want to spend any more of its taxpayers' money than necessary in the Trust Territory.

Perhaps the following remark by the new high commissioner, Admiral Louis Denfield, in 1947 captured the mood of the administering authority and the thrust of this policy of minimum government.

We seek to avoid upsetting the natural and, I might add, superbly happy existence of these natives by endeavoring to introduce into their lives an overdose of what you and I are pleased to call "civilization."... We see no need to interfere unduly with the happy, simple life of these new charges of the American government (Hezel, 1995).

On the surface, it appears that the intention of this policy was to allow the traditional chiefs to govern their people as they had done throughout the ages. But this impression was far from the real intension of the policy of minimum government. This policy applied only to social and economic development, but not to political development. The new colonial master intended to transform the societies in Micronesia into democracies. Subsequent political events made this intention quite clear.

The first election under American administration took place at the municipal level for chief magistrate and council members in 1947. The early American administrators relied heavily on the newly organized municipal governments to provide education. The local governments paid their own teachers; in some municipalities the teachers received their pay in local food stuffs. Some traditional leaders ran for chief magistrates in their respective municipalities. Even when they were not running for chief magistrate, their choice for the office usually got elected. So in one way or another, the traditional chiefs were able to influence politics and governance of their municipalities as they had always done in pre-colonial time. The naval administration appointed American administrators to run the district governments. The departure of the Japanese created an administrative void which the Micronesians were not trained to fill. Some of the American administrators relied on advice of Micronesians, usually the traditional chiefs. So early on in the American administration, the traditional chiefs were able to influence policy

decisions even when they had no formal role in the established structure of the government.

In 1954 when the Trust Territory administration required the chartering of the district legislatures, the traditional leaders were brought in to join the elected representatives to serve as advisors to the district administrators. In all the districts with traditional leaders, conferring law-making power upon the district legislatures was in due course led to the reduced roles and influence of the traditional chiefs. In Pohnpei, the membership in the upper house of the bicameral district congress was reserved exclusively for the traditional leaders. In the other districts, traditional leaders served in one capacity or another in their newly chartered legislatures. In the 1960s these district legislatures were abolished because the High Commissioner had viewed them as undemocratic. When the district legislatures were re-established, the traditional leaders were no longer members. But they continued to command respect and hold sway among their people; and they used the power of their chiefly titles to influence result of elections for the district legislatures.

In 1965 when the Congress of Micronesia was created several traditional leaders were elected as members, at different times. Petrus Mailo, a traditional leader of Weno who was widely respected in Micronesia, served as vice speaker of the House of Representatives. By the middle of 1970s, no traditional leader was elected to either the Senate or the House of Representatives. However, traditional chiefs in some of the districts continued to exert their influence on their people to elect their favorite candidates.

The Traditions and Constitutionalism

By the middle of 1970s, the voters were getting more sophisticated; and henceforth being a traditional leader was not enough to win election to the district legislatures or the Congress of Micronesia. The voters were electing candidates with education and modern world sophistication to represent them. But the traditional leaders were still useful in other political arenas of the day. They were called upon to shepherd their people to assist in the decolonization of the Trust Territory. The Congress of

Micronesia was actively courting the support of the traditional leaders in the series of referenda which were designed to strengthen the position of the Micronesian negotiators in their dealing with American negotiators in the Compact negotiation.

By 1975 when the Micronesian Constitution convened in Saipan, the traditional leaders held seats in only two district legislatures, Palau and the Marshalls. In the former, the traditional leaders had no power to vote; in the latter, the traditional leaders were members by virtue of being elected. However, the traditional leaders who served in the Micronesian Constitutional Convention as non-elected delegates had full voting power. In the Convention, they served useful roles as peace makers. Several times when the Convention reached a crisis point, a select committee of Convention officials and traditional leader-delegates was called upon to deal with the problem. Controversial issues were solved with the assistance of the traditional leaders. However, the traditional leader-delegates came to the Convention without a unified position concerning their roles in the new national government. The traditional leader-delegates from Pohnpei and Chuuk supported an active role for traditional chiefs at the national level. The traditional leader-delegates from Yap wanted the traditional leaders to serve at the district level. They argued that the traditional leaders' role is at the district level where they had ruled their people since time immemorial.

The non-traditional leader-delegates were respectful, but they were perhaps turn-off by strong and provocative language used by one of the traditional leaders who argued that "some people are born to rule and some are born to follow" (Meller, 1985). This bland assertion did not bring new recruits to support the cause of the traditional leaders in the Convention. However, a compromise was reached to authorize the constitutionally created congress to establish "... a Chamber of Chiefs consisting of traditional leaders from each state having such leaders, and of elected representatives from states having no traditional leaders" (FSM Constitution). In recognition of the view expressed by the Yap delegates with respect to the roles of traditional leaders at the district level, the delegates incorporated a provision in the constitution that encouraged the districts to "... provide for an active, functional role for ... (the traditional leaders) in their state constitution" (FSM Constitution). To safeguard against encroachment on traditional leaders' customary roles, recognition and honored, the convention included a provision in the constitution on

traditional rights. Additionally, the delegates included another stipulation which authorized each state to designate one of its two-year term seats in the congress for traditional leaders in that particular state. These provisions put the onus on each of the state to decide the types of role the traditional chiefs should play in governance at the state level. The inclusion of these traditional rights provisions ensured the support of the traditional leaders for the approval of the draft constitution in the convention and during the subsequent referendum. In the Carolines, the traditional leaders' support was crucial in the ratification of the constitution in the referendum of 1978. However, the support of the two high chiefs in Palau was not enough to convince the voters to approve the constitution.

When the states drafted their own constitutions in accordance with provision of the national constitution, only Chuuk and Yap provided active role for their traditional leaders. The voters in Chuuk, however, failed to ratify the draft state constitution due largely in part to the inclusion of the traditional leaders in the proposed structure of the government. In pre-colonial time, the Chuuk Lagoon high islands and the surrounding low coral islands and atolls were never politically linked. In most cases, the traditional leaders controlled their own respective villages. However, begun during the German colonial administration, these islands were grouped into a political unit. The traditional leaders of the Chuuk Lagoon islands do not possess the same authority and power as other high islands leaders in the Carolines. Their traditional power is comparable to that of the traditional chiefs on the low coral islands and atolls. So perhaps the absence of customary basis for the traditional leaders to play active roles in the state government convinced the voters to vote against ratification of the draft constitution. The approval of the state constitution would be tantamount to creating a new role for the traditional leaders; and the voters were not ready to them the new roles in the state government. The rejection of the first proposed Chuuk state constitution was an indication that the voters do not want to expand the roles and power of the traditional leaders beyond customary bound, let alone allowing them to play an active role in the state government.

The new constitution for Chuuk did not incorporate roles for the traditional leaders in the state governance. However, it provides for protection of custom and tradition from challenge on constitutional ground. It also ensures that the constitution

does not encroach on customary role and function of traditional leaders or prevent them “from being recognized, honored, and given formal or functional roles in government” (Chuuk Constitution). Perhaps to appease the traditional leaders, the constitution authorized the state legislature to appropriate funds annually for a traditional leader’s conference. The voters ratified this constitution in a referendum. The result of the referendum clearly shows that the Chuukese want constitutional protection for their custom and tradition, but they do not want to expand the customary power of the traditional leaders to participate in the governance of their state. In other words, the people in Chuuk want their traditional chiefs to remain in their customary role as village chiefs.

The Pohnpei State constitution do not provide for active and functional role of the traditional leaders. However, the constitution provides for protection of “customs and traditions of the traditional kingdoms of Pohnpei” (Pohnpei Constitution). The constitution provides that the “Government of Pohnpei shall respect and protect the customs and traditions of Pohnpei.” It authorizes the enactment of statute to “uphold” customs or traditions. However, legality of a statute can be sustained only if it is reasonable as determine by the Pohnpei Supreme Court and the customs or traditions it seeks to “uphold” actually exist and being practiced regularly. The three conditions imposed on upholding the legality of a statute which seeks to uphold customs or traditions seem to ensure against revival of old and discarded custom and tradition. As with the Chuukese, the Pohnpeians want their constitution to protect their custom and tradition, but they do not want a constitutionally mandated role for the traditional chiefs. The Pohnpeians seem reluctant, perhaps afraid, to allow any possibility of cultural revival to take place. Perhaps they are mindful that cultural revival might just lead to the restoration of the Nahmwarki and Nahnken traditional power to confiscate land from titled individuals and ordinary people.

On the surface this political stance seems surprising since the Nahmwarki and Nahnken of the five traditional kingdoms of Pohnpei still command respect and influence among their people. The traditional titles they bestow on individuals are still prestigious today as in the old days. It would seem that the sway the traditional chiefs still hold among their people could translate into public support for finding roles for them in the

state government. Perhaps these conundrums is not too surprising at all because many leaders in Pohnpei as well as in the other states believe that it would be disrespectful for the traditional leaders to serve in public offices along side the commoners. They would be opened to criticism and ridicule by other leaders who are not their social equals, customarily speaking. It is customarily inappropriate for ordinary people, even in official capacity, to debate with and criticize a traditional leader.

The Kosrae constitution has one vague sentence concerning protection of tradition. This show of little concern for custom and tradition on the part of the Kosraeans is indicative of the fact that, among the four FSM states, Kosrae is the only state that has lost its custom and tradition to the impact of beachcombers, traders, whalers, western diseases and missionaries in the nineteenth century. In pre-colonial time Kosrae was the only high island in the Caroline Islands which had a centralized political system that revolved around a powerful paramount chief that had control over the entire island (Hezel, 1983). A council of high chiefs selected the paramount chief whose royal court was completed with retainers to tend to his needs and warriors to protect him. The American missionaries who arrived in Kosrae in 1852 immediately began to undermine the legitimacy of the paramount chief; and steered the island toward democracy based on the New England brand. By 1870s when almost the entire population had joined the new Church, the Congregation took it upon itself to select the paramount chief. The Church selected Sigrah, a lesser chief who could never ascend the paramount chieftainship, as the paramount chief. When Sigrah demanded more power, the Congregation dismissed him and elected the first commoner to the paramount chieftainship. The Congregation had in effect replaced the council of high chiefs as the king maker of Kosrae. Today the Church plays a prominent role in social and political life of Kosraeans. It is almost a prerequisite for aspiring Kosraean politicians to secure a position in the Church before running for public office. Only a handful of Kosraeans would get elected to public office without first getting a position in the Church.

It should not surprise anyone that the Yap constitution offers the most extensive recognition of customs and traditions; and provides for active and functional role of the traditional chiefs in the state government. The constitution creates two councils of traditional leaders: the Council of Pilung for traditional chiefs of Yap Islands Proper and

the Council of Tamol for the traditional chiefs of the outlying islands and atolls. These two councils are empowered to disapprove a bill which concerns tradition and custom or the role or function of a traditional leader as recognized by tradition and custom. The Councils are the sole judge of whether or not a bill concerns custom and tradition (Yap Constitution). Since the two councils are sole judge of the content of the bills, it has the power to review all legislation; and they can veto any legislation which, in their judgment, violates custom and tradition. The limitation on the exercise of this veto power is the requirement that the two Councils must vote in like manner to veto a bill. In other words, it takes both Councils to vote “no” to veto a legislation. The Councils must act within a month to veto legislations submitted to them. If they fail to act, then the bill will go to the governor for his approval. The two Councils receive and review legislation prior to transmittal to the governor. The legislature cannot override a veto of the two Councils. If the legislature wants to keep a bill alive, it must incorporate the objections of the Councils in the bill; and return it to them for a second time for approval or disapproval. Once the Councils approve a bill, it will then be transmitted to the governor.

It was out of respect for the traditional leaders that delegates to the Yap Constitutional Convention decided not to empower the legislature to override a veto of the two Councils. It would be a serious breach of custom and tradition if the legislature could dominate the Councils. Several unsuccessful attempts were made in the convention to water down or deny the traditional leaders their role in the state government. In the end the traditional leaders in the convention prevailed in preventing any attempt to tamper with the custom and tradition provision in the constitution.

The two Councils have sparingly exercised their constitutionally bestowed power to veto legislation. But in the few cases in which the two councils have exercised their veto power, they have adopted a broad interpretation of their power to veto even appropriation measures. This broad interpretation has more than raised the eye brows of the political leaders in the state; and it has led to the attempts in the current constitutional convention to restrict the veto power of the councils.

The last attempt to create a constitutionally mandated role in governance for the traditional leaders at the national level was during the 1991 FSM Constitutional Convention. As in the 1975 convention, the enabling law for the convention in 1991 had

included the traditional leaders, one from each state, as non-elected delegates with the full authority to participate and vote. The proposal to establish a Chamber of Chiefs was one of the convention's more controversial proposals. To no one surprise, the Kosrae delegation doggedly opposed the proposal. Several delegates also called into question the need of a traditional leader's role at the national level where no such roles exist in custom and tradition. Some delegates worried that this will amount to codification of traditional leadership; and as such, the convention may unwittingly put limits on the traditional leaders' authority. Another delegate argued that because no two states have the same customs and traditions, the appropriate place for the Chambers of Chiefs was at the state government level. However, the main concern was how to craft a constitutional language that would not subject the Chamber of Chiefs to FSM Congress manipulation. In the end the delegates settled on a draft language that would restrict congress role in establishing the Chamber of Chiefs to "... (taking) every step necessary and reasonable to provide" for operation of the chamber (Journal of the 1990 FSM Constitutional Convention). The role of the Chamber of Chiefs was limited to advising the government on matters relating to customs and traditions and promotion of peace and unity. In other words, the Chamber of Chiefs would not directly involve in governance of the nation. In the referendum, this proposal failed to muster the required seventy-five percent approval in two of the four states. The two states that disapproved the proposal did not see any advantage for them in creating a Chamber of Chiefs. In Kosrae, the absence of traditional leaders has made it difficult for them to see any advantage in supporting the creation of the Chamber of Chiefs. Kosrae delegation had strenuously opposed this proposal in the convention. Perhaps the delegates' negative views regarding the creation of the Chamber of Chiefs influence the voters in Kosrae to vote against the proposal. In Chuuk, the other state which disapproved the proposal, perhaps the voters did not feel that an advantage would be gained by their state in approving the proposal to create the Chamber of Chiefs. The Chuukese voters' disapproval of the Chamber of Chiefs is consistence with their votes on the first proposed Chuuk state constitution. As in this proposed constitutional amendment, the first proposed Chuuk state constitution had provided an active and functional role for the traditional leaders. Perhaps the voters in Chuuk balked at creating a new role for the traditional leaders where no foundation exists in custom and tradition.

In the 2002 FSM Constitutional Convention, the traditional leaders were excluded from being members. The national attorney general had argued that it would be unconstitutional to include the traditional leaders in the convention. The exclusion of the traditional leaders disappointed many people; and perhaps was a contributing factor to the disapproval of all the proposals adopted in the convention. The convention did not receive any proposal from the delegates which deal with custom and tradition. With the total absence of traditional leaders from the convention, no delegate was willing to champion their cause. It is noteworthy that few of the delegates are traditional leaders in their villages; and yet, they were not willing to serve as advocates for their peers. Is this ambivalent attitude a result of western education or is it an impact of living under democratic rule? Whatever is the reason, it does not bode well for the future of traditional leaders' active participation in governance at the state and national levels.

Two states are currently having their constitutional conventions to consider possible amendment to their respective constitutions. In Chuuk, the traditional leaders do not participate in the convention. Perhaps the lesson of the first constitutional convention is still fresh in the mind of the Chuukese leaders; and they do not want to jeopardize the approval of any amendment propose by the convention. In Yap the traditional leaders are represented in the convention, but attempts are made to narrowly define the power of the two Councils. It remains to be seen whether the current convention will narrowly define the veto power of the two councils of traditional leaders. This would mean that the power to "judge" which legislative enactments come within the scope of the Councils' competence would be delegated to another branch or agency of the government or a newly created agency. Most Yapese would view a situation like this as disrespectful to the traditional leaders; thus, unacceptable to them. So any attempt to narrowly define the veto power of the Councils might just be rejected by the voters.

Traditional Chiefs and Modern Governance

In this section, I will discuss the roles of traditional leaders in contemporary societies in Micronesia, paying particular attention to the state and national levels. Since Kosrae has lost its custom and tradition, the state constitution did not prescribe any role

for traditional leaders. In the 1992 referendum, the voters in Kosrae had disapproved the proposed national Chamber of Chiefs which the 1991 Constitutional Convention had approved. Clearly the Kosraeans do not see any advantage of creating a new role for the traditional leaders at the national level. They have lived without traditional leaders for over a century. The church has gained influence over politics and social life in Kosrae since the destruction of the chiefly system. It was not a surprise that in the 1991 Constitutional Convention, the Kosrae delegation had argued to exempt the state from the effect of the freedom of religion in the national constitution. To the Kosraeans, the brand of Christianity introduced by the American missionaries have replaced their indigenous custom and tradition; and thus, it should be protected against the encroachment of other religious faiths, Christian or otherwise. It is interesting that the Kosraeans have not put forth the argument that their church leaders should be considered as equivalent of traditional leaders in the other three states.

In Chuuk the traditional leaders have never served a broader role in governance outside of their traditional base at the local village levels. The voters had rejected the attempt to establish a constitutionally mandate function for the traditional leaders in post-colonial period. The traditional leaders still exert little influence on social life, especially with traditional matters. In some villages, the head of the highest ranking clan still select the village chief. But the influence of the traditional chief and the village chief has been moderated to some extent by the emerging political elite. Members of these political elite are the elected heads of the municipal governments. Each municipality has its own constitution drafted pursuant to the state constitution. Each municipality has a mayor, a council and a court. The mayors are the dominant members of this tripartite. These mayors do not supplant the power of the traditional leaders. Their areas of jurisdiction are broader in scope than the traditional leaders who control the villages. In Chuuk Lagoon, the geographical area of each newly created municipality covers all the villages on the island. The members of these new elite are usually educated and supported by the state government through revenue sharing mandated by the state constitution. This financial resource has expanded their power and influence over and above the traditional leaders of the villages in their municipalities. The traditional leaders are still respected by their people, but in most of the municipalities their influence and power have been eclipsed by

those of the elected municipal mayors. In at least one municipality, a powerful traditional leader has won election after election and remained in power for many years. This provides an aberration to the general political trend in the state. It is unlikely that this general trend will reverse itself in the near future. The current constitutional convention has shown no inclination to repeal the constitutionally sanctioned revenue sharing which has provided the financial means for the new political elites to dominate politics and governance in the municipalities. In the areas outside the lagoon, each island forms a municipality. As in the lagoon, the municipalities are duly chartered in compliance with the requirement of the state constitution. Each municipality is headed by an elected official called mayor. These elected mayors have the financial resources which they dole out to their constituents in return for their political support. The traditional leaders lack the resources to compete on even terms with these mayors. On most islands, these elected mayors have supplanted the influence and power of the traditional leaders. The traditional leaders have continued to command the usual respect accorded to them by custom and tradition. As democratic practices take root, the traditional leaders on the outlying islands will lose more power and influence, and perhaps even respect, to the elected municipal mayors.

On at least one island in the northwest region of the state, the municipal charter restricted the eligibility of the office for mayor to only members of the chiefly clan. In other words, only members of the chiefly clan are eligible to run for mayor. On this particular island, the traditional chief has hand-picked his nephew to run for municipal mayor. The voters have no choice but to ratify his wish. Any vote or view expressed to the contrary will be construed as disrespectful to the traditional chief. This form of government and its electoral system are reminiscent of the defunct Soviet system. Whether these chartered municipal governments meet the standard of democracy as required by the national constitution remains to be seen. It is unlikely that anyone on these islands will mount a challenge to test the constitutionality of these municipal charters. The inhabitants of these islands are still custom-bound to support and respect the wish of their traditional leaders. This is a somewhat skewed democratic system, but it is accepted by the people and their traditional leader. On this island, keeping peace and tranquility in

the community is more important than strict adherence to democratic principal and practices.

In sum the traditional governance on the lagoon islands in Chuuk is being overshadowed by the municipal governments. The municipal officials, especially the mayors, are more powerful and influential than the traditional leaders whose traditional political power bases are confined to their respective villages. The financial resources provided to the municipalities by the state government through revenue sharing have helped to enhance the power and influence of the mayors' vis-à-vis the traditional leaders. Even in their respective villages, the traditional leaders are losing their importance. The villagers are looking to municipal officials to provide services, albeit limited in nature, but more than what the traditional leaders can offer.

On the islands in the outlying areas, there is a clash of traditional leaders and the elected municipal officials. The traditional leaders are giving way to the emerging elites who are, in most cases, educated and experience. The third trend is a blend of traditional governance and democracy. The island governments are chartered and organized as required by the Chuuk state constitution. But the eligibility to hold public office is limited to members of the chiefly clan. This requirement allows the traditional chief to control the election and limits the office holder to his own close relative. This is not democracy, but the people accept it as a legitimate instrument of governance. As long as the people and their traditional leaders are happy this somewhat distorted form of democracy will continue to flourish.

As discussed above, Yap provides for an active role, albeit only a veto power, for the traditional leaders in state governance. On cursory glance, the power of the traditional leaders to influence governance seems insignificant. But the two Councils are the judge of which legislative enactments affect custom and tradition; and they have extent their power to veto legislations which have questionably link to custom and tradition. The two Councils have also used their constitutionally established role in the state government to conduct oversight reviews of the state administration policy. The members of the Councils used this review to inform themselves of the happenings in the state government. At the municipal level, Yap state has only one chartered municipality. This municipality elects its mayor. The highest ranked traditional leader in the municipality

got elected as mayor; and served in that capacity uninterrupted for many years. So he combined both the traditional chief's title and the elected mayor's authority. He was the undisputed political figure in the municipality. The people grumbled about him, but no one dare to run against him. When he passed away, his nephew got elected as the mayor of the municipality; and has served in that capacity for many years now. This is an isolated case, but perhaps it gives us a glimpse of what might happen when a modern political structure supersedes a traditional system. In this case the highest traditional chief in the municipality used his power and influence to get elected to office as mayor. He is able to do this because, like all municipalities on Yap State, this municipality is still inculcated in custom and tradition.

In the other municipalities, the traditional social and political structures remained in place; and the traditional chiefs remain at the apex of the social and political system. In the villages, custom and tradition are observed; and the traditional leaders are recognized and respected. The traditional alliances that provide checks and balances and keep peace and harmony in the villages are still part and partial of the culture. One of the hallmarks of Yapese decision-making is the very subtle consultation processes that take place among the traditional leaders outside of meetings. This mode of decision-making is slow and tedious, but when it is completed everyone is on board.

The most significant role for the traditional leaders, individually and collectively as members of the Council of Pilung, is the role they play in state and national elections. The Council of Pilung is an important player in Yapese election. Securing an endorsement of the Council is an important step toward winning state and national elections. Candidates for public offices seek the endorsement of the Council of Pilung as a group, and of individual members. It would be hard for any candidate to win on his or her own. On few occasions, a candidate would win without the support of the traditional leaders. The Council usually stays away from endorsing any candidate in elections that do not involve the whole state. But in state-wide elections, the two traditional chiefs' councils usually communicate with each other about their choice of candidates. Sometimes a break down in communication would occur; and the two Councils would throw their support behind different candidates. Communication between the Councils can be difficult at times because each Council insists on following customary channels.

This has impeded the formation of an efficient way of communication between the two Councils of traditional leaders. The two Councils would have worked more efficiently and effectively had coordination and communication improved. The Councils do not hold joint meeting. Custom and tradition do not permit such joint meeting. The members of the Council of Tamol considered themselves inferior of the two groups. The Councils relied on personal contact between their respective chairmen to share information. In all cases, miscommunication is shrugged off as unfortunate. The two Councils might disagree on issues, but proper decorum is preserved all the time. The Councils never got into confrontation or open disagreement.

In sum the power and influence of the traditional leaders of Yap Islands Proper over social matters and politics in the villages still remain intact. The traditional organizations in the villages remain the main focal point for village social and political activities. Candidates for public office actively seek support of traditional leaders; and their support is crucial for winning elections. The Council of Pilung usually takes active role in state-wide election. The Council shares information with its outer islands' counterpart, the Council of Tamol. But communication is difficult because contacts are made in accordance with custom and tradition. The two chairmen might share information on personal basis. Efficient communication and coordination could improve contact and performance of the two Councils, but custom and tradition have prevented this from happening.

On the islands in the outlying areas of Yap state, the traditional leaders hold sway over social and political lives of their people. As in the past, the people of these small islands look to their traditional leaders to provide peace and tranquility on their islands. The traditional chiefs' words provide the daily order of business for these people. On these islands obedience has high premium social value; and disobedience is frowned upon by the whole population. The culture of these people makes it easier for the traditional chiefs to mobilize support for the candidates they prefer. The chiefs of each island control the vote of their people. They see it as their traditional right to control how their people vote in state and national elections.

The Council of Tamol has provided the outer islands' traditional leaders the political forum to speak with one voice. The decisions of the Council are carried out

without any dissenting voice. Until the last governor's race a little over two years ago, the Council of Tamol was able to control the election of governor and lieutenant governor. During the last election, the Council faced a direct challenge to its control of the vote in the outer islands. A particular candidate for lieutenant governor did not receive the endorsement of the Council of Tamol, but he refused to withdraw from the other political ticket. Had he withdrawn his candidacy, the political ticket supported by the Council would run unopposed. The Council of Tamol was able to overcome this direct challenge to its authority in the outer islands. However, it remains to be seen whether another candidate will defy the wish of the Council again.

It may be argued that the elections in the outer islands are not democratic. But democratic values have not taken roots on these small islands. The people participate in election because the government asks them to elect their representatives. To minimize friction among the islands, the traditional leaders tried to rotate the representation of their election district among the different islands. In few cases, the informal arrangement for rotation of representation would work out initially, but then it would break down because the incumbent refused to step down. In all cases, the break down can be attributable to the fact that the incumbent represents the most populated island in the election and he feels his seat is secured. Perhaps a good example of this informal agreement for rotation of representation among the election districts is the one for the position of lieutenant governor. In 1980 the Council of Tamol agreed that the lieutenant governor position should rotate among the election districts in the outer islands. The rotation started with the election district comprised of Ulithi, Fais, Sorol and Ngulu. The lieutenant governor from this election district served two four-year terms. The position rotated to the election district comprised of Woleai Atoll. The lieutenant governor elected from this election district served two four-year terms and relinquished the position to a representative from the next election district. Two lieutenant governors from this district split the two four-year terms between them. The last lieutenant governor from this particular election district decided to run for another term. He paired up with another candidate for governor from Yap Islands Proper who was not supported by the Council of Tamol. This caused political turmoil in the Council. Few members wanted to allow the voters to decide at the poll. Some argued that this would not be fair to the election district which had not serve

in the lieutenant governor's position. In the end, the Council decided to stick with the rotation as they had agreed to. The election in 2002 was a political landmark in Yap state politics. For the first time since the inception of the state constitutional government in 1980, the election for governor and lieutenant was contested by two political tickets. In the general election, the individual members of the Council of Tamol used their influence with their people to get support for their handpicked ticket. The result of the election was interesting because the ticket which had not receive the support of the Council of Tamol got more votes on Yap Islands Proper, but lost in the outer islands. The difference in the outer islands was sufficient to offset lead the other ticket enjoyed on Yap Islands Proper; and gave the election to the ticket supported by the Council of Tamol. This event illustrates the power and influence of the Council of Tamol in the elections in the outer islands.

On a state-wide basis, a similar informal agreement was made between the Council of Pilung and the Council of Tamol with regard to Yap state representation in the Congress of the Federated States of Micronesia. After the first election in 1979, the two Councils decided that one of the two congressional seats allotted to Yap should be set aside for the outer islands. The Councils wants the outer island to be represented in the FSM Congress. This informal agreement seems to be holding; an outer islander continues to hold the four-year seat in congress. Challenges from Yap Islands Proper candidates have been unsuccessful so far. This informal agreement demonstrates the level of political influence and power the two Councils possess when they cooperate.

I have purposely left the discussion of Pohnpei state to the last because the role of traditional leaders in the governance of this state is unique. When I read the Pohnpei state constitution I was surprised to find that the protection of "custom or tradition" seem restrictive. I was even more surprise that the constitution would not provide for roles, either as participants or advisers, for the traditional leaders in the state government. After talking with Pohnpeian colleagues and interviews with state and municipal officials, it becomes clear why the traditional leaders are not given roles in governance of the state. The traditional leaders still command tremendous respect in their districts, but the Pohnpeians would balk at the suggestion of creating a Chamber of Chiefs for the traditional leaders at the state level. It seems that the Pohnpeians want their traditional

chiefs to continue in their roles as prescribed by custom and tradition. However, they are not willing to create new roles for them in the governance of their state. Some people feel that the act of providing roles, either by statute or through constitution, for the traditional chiefs is disrespectful. While others are afraid that providing roles for the traditional leaders would ultimately lead to codification of “custom or tradition.” If this happens, as the argument goes, then “custom or tradition” would be subjected to the power of the state governor and the legislature. These are valid concerns; and given the tremendous respect the people still accorded their traditional leaders and the prestige attached to traditional titles, it would seem that the traditional chiefs would not encounter any problem in codifying their roles in the state constitution. As I pointed out above, the constitutional protection for custom or tradition seems to guard against any attempt to revive old custom and tradition.

The effect of these conflicting opinions is the exclusion of the traditional leaders from participating in the governance of their state. A colleague confided to me that some traditional leaders opposed a constitutionally mandated role for the state government because they do not want anyone among them who has strong personality to dominate the others. If this statement is true, then the traditional leaders of Pohnpei, at least some of them, are content not to play a role in modern governance.

As required by custom, candidates for political office usually request permission from the traditional chiefs, particularly the “nahmwarki” and the “nahnken,” to campaign in their municipality. This practice is probably a carry over from the time when the traditional chiefs had unquestionable authority in their respective kingdoms. So far the traditional chiefs have always allowed candidates to campaign in their municipalities.

Some Pohnpeians attributed the lost of traditional chiefs authority to the fact that they no longer control land in Pohnpei. This subject is discussed above; and I will just say here as reminder that the German colonial administration divested the traditional leaders of Pohnpei their power to confiscate land from titled individuals and ordinary people.

To summarize the roles of traditional leaders in modern governance in the Federated States of Micronesia, it is fair to point out that no common trend exists. The national constitution allows the four constituent states to prescribe roles of traditional

leaders in their respective constitution. In response, the constitutions of three states have generally included protection and recognition of custom and tradition, but do not provide functional and active roles for the traditional leaders. The traditional leaders in Chuuk are politically marginalized, even in their own villages. They are being overshadowed by the municipal mayors, the new political elites at the local level of government. Kosrae no longer has traditional chiefs; and thus, it understandably provides no role for them at the state or local levels. In Pohnpei, the traditional system coexists with the modern governmental system. The traditional leaders are respected, but they have no roles in modern governance. In Yap state, the traditional leaders still wield political power in the state government and at the local level. The traditional leaders of Yap Islands Proper and their counterparts in the outer islands will continue to influence public policy and politics in their state as long as custom and tradition remain strong in the local communities.

Conclusion

The discussion above shows that traditional chiefs in the Federated States of Micronesia play a marginal role in modern governance, except the traditional leaders in Yap. The traditional leaders' authority is deeply rooted in custom and tradition, which are being eroded by the introduction of western social values and political institutions. The people want to protect their custom and tradition, but they will not create new roles for their traditional chiefs outside of traditional realm. As democratic values and ideals take firm hold, the authority of the traditional chiefs will reduce further. The popular appeal of egalitarian principles of democratic rules will render it impossible for the traditional chiefs to secure governance roles for themselves in Chuuk and Pohnpei. The traditional leaders of Pohnpei will continue to cohabit with new political elites as long as the people accept their role.

The role of traditional chiefs in modern governance in Yap cannot be replicated elsewhere in the Federated States of Micronesia. This system works in Yap because that state is still steep in custom and tradition. The people still look to their traditional chiefs to provide leadership in the communities; and democratic values and ideals mean little to them. But even in Yap, the role of the traditional leaders as enshrined in the state

constitution is not secure. If the attempt in the current state constitutional convention to strictly confine their role to custom and tradition is an indication, then the roles of the traditional chiefs in modern governance in Yap state will still face challenges in the future. It is entirely possible that the younger generation of state leaders in Yap will change the role of traditional chiefs to confine strictly to custom and tradition. These leaders are educated and learned in democratic values and ideals; and they have no strong commitment to preserve the roles of traditional chiefs in the state governance. This should not be interpreted to mean that Yap will discard its traditional chiefs. It means that the traditional chiefs will remain as the guardians of custom and tradition; and state governance will be in the hands of elected leaders.

It might not be possible to untangle modern state governance from the customary authority of the traditional chiefs, but the changing social values and political beliefs of the general public might lead to the dominance of democratic principles. This evolution will naturally sort out the role of the Yapese traditional chiefs in modern governance. And as custom and tradition loses its appeal to the new generations, the authority of the traditional chiefs should diminish further. So the future of traditional governance at the states level in the Federated States of Micronesia is not too rosy. At the national level, it is downright impossible because of opposition from Chuuk and Kosrae. For the Federated States of Micronesia, creating a role for the traditional chiefs to preserve custom and tradition would amount to chasing a phantom because, no matter how one argues it, there is no such thing as national custom and tradition. What the traditional chiefs need to protect and preserve are the various customs and traditions of the four states; so the task would be better handled at the state-level. However, a useful new role of the traditional chiefs might be created to promote national unity. The traditional leaders might be able to bridge the cultural divides that exist among the states in the Federated States of Micronesia. This new role would be more politically useful and nationally relevant than the role of protecting and preserving customs and traditions that do not exist at the national level.

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2. The Constitution of Chuuk State
3. The Constitution of Kosrae
4. The Constitution of Pohnpei State
5. The Constitution of Yap State