

Proposal No.: CC-PR-4-61

Assigned to: Committee on Government
Structure & Functions

PROPOSAL TO AMEND CONSTITUTION

To amend Article X, Sections 1, ^{4, 5, 6} of the Constitution of the Federated States of Micronesia to provide for popular election of the President.

Section 1. The executive power of the national government is vested in the President of the Federated States of Micronesia. ~~He~~ The President and Vice President of the Federated States of Micronesia shall run on a ticket, be elected by the eligible voters, and serve for a term of four years. The President and Vice President ~~He~~ may not serve for more than 2 consecutive terms.

Section 4. A person is ineligible to become President or Vice President unless he is ~~a member of Congress for a 4-year term,~~ a natural born citizen of the Federated States of Micronesia by birth, is at least 35 years upon assumption of office, and a resident of the Federated States of Micronesia for at least 15 years.

Section 5. ~~After the election of the President, the Vice President is elected in the same manner as the President, has the same qualifications, and serves for the same term of office. He may not be a resident of the same state. After the election of the President and Vice President, vacancies in Congress shall be declared.~~ The President and Vice President shall be residents of two different states. If the President is from a "small" state, the Vice President shall be from a "large" state, or vice versa. Determination of which states are "small" or "large" shall be based on the apportionment of membership of Congress.

Section 6. If the office of the President is vacant, or the President is unable to perform his duties, the Vice President becomes President. In the event that the Vice President is unable to perform the duties of the Office of President, then the Speaker of Congress shall become President. In the event all three offices are vacant or all three officers are unable to perform their duties, Congress shall provide by statute for the succession of offices. in the event both offices are vacant, or either or both officers are unable to discharge their duties.

PURPOSE AND INTENT OF AMENDMENT:

One of the major compromises of the Micronesian Constitutional Convention of 1975 related to the manner of electing the President and Vice President. It was agreed that the President and Vice President must be elected by all the (14) members of Congress from among the (4) at-large members representing the states. At the core of the election scheme was a “gentlemen agreement” that the Presidency and Vice Presidency be rotated among the four states. The rationale for the rotation-inspired “gentlemen agreement” was to further strengthen the young nation’s sense of nationhood or national unity by ensuring that all the states will have the opportunity to serve in the top two offices in the land.

The gentlemen agreement scheme was put into practice since the commencement of the FSM constitutional government in 1979. But less than half into the four decades of constitutional government, the logic of the gentlemen agreement has demonstrably been going through “wear and tear.” For instance, in the last 45 years of constitutional governance, one state (Chuuk) has twice held the Presidency for two terms consecutively; one state (Kosrae) has not served a full term of the Presidency (except to serve out the balance of a different state’s presidency; one state (Pohnpei) has sat in the Presidency seat consecutively by two different persons. By the time the 4th Constitutional Convention was convened, the “gentlemen agreement” underlying the present method of electing the President and Vice President seemed to have lost the high fashion that it used to enjoy in the political vocabulary of the FSM national-building process and constitutional evolution.

The primary motivation for the proposed amendment is not in response to a loud outcry for “citizen empowerment,” though it is cognizant of the growing desire for grater citizen participation or expression of interest in the political process. Politically, the FSM continues to be in a state of state or adaptation.

“Participatory democracy” is no longer a cliché reserved remotely for the sophisticated top echelons of the Micronesian political society. The idea that “all people” have the right to vote for their “representatives” in government has spread to all levels of the Micronesian society and may no longer be completely evaded or reversed. In short, the democratizing trends in the Micronesian sovereign community have begun making an impact on the political consciousness of the Micronesians to write such political conviction in their nation’s constitution.

The democratizing trends in Micronesia’s evolving polity on the one hand and the shortcoming of the gentlemen’s agreement conspire to serve as the impetus or strong advocates for the proposed amendment. The following points should also be highlighted or asserted:

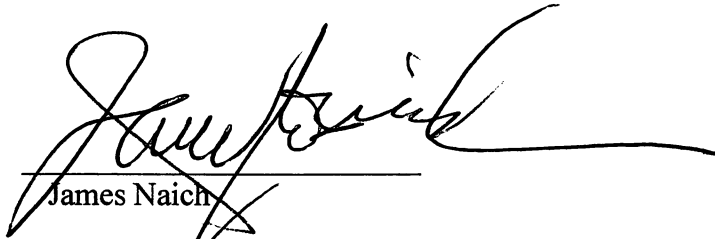
- 1) Guaranteeing the outcome of the election for the President or Vice President is neither appropriate nor desirable. Ensuring equal opportunity in the national leadership of the land remains the noble objective of the nation; hence the desirability of both the “small” and “large” states given equal opportunity – i.e., that the right of the majority must be respected while protecting the interests of the minority.
- 2) The experiences of the past 40-some years have demonstrated the weaknesses and unreliability of “gentlemen’s agreement.” The proposed amendment seeks to formalize what was then viewed to be an agreement among men of goodwill. It simply did not work. It is hoped that the formalization of the opportunity to “co-share” in the leadership of the nation will produce the desired objective.

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- 3) Continued absence of popular election of the President and Vice President further contributes to the argument that the top two leaders of the country are free from being accountable to the people, except indirectly by their representatives in the legislative branch.
- 4) Indirect election of the President and Vice President makes mockery of the separation of three branches of government, thus the mechanism of checks and balances. This is in contradistinction of the direct election of the members of the national legislature.

Introducer:



James Naich

Date:

1/20/20