

Marshall Islands Chamber of Commerce

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Meeting Minutes

Friday, July 24, 2009

Marshall Islands Resort

Meeting called to order by Vice President Mike Slinger at 12:15 P.M. Approximately 40 members and guests were in attendance. The next regular meeting will be on Friday, August 28, 2009, unless changed to accommodate a special program or guest speaker's schedule.

- **Minutes** – approved electronically prior to the meeting
- **Treasurer's Report** - \$3418.98 Bank of Guam balance
- **Guests**

- David Kramer, RMI Minister of Justice

- George Lanwi, RMI National Police Commissioner

- Lawrence J. Kimmel, Ph.D., Political and Economic Officer, US Embassy

- Greg Rosenberg, High Court Summer Intern

- James McCaffrey, New Chamber member representing the RMI Law Society

- **Chamber Vice President's opening remarks**

Welcome to the July Chamber of Commerce meeting. Please join me in welcoming Minister Kramer and Commissioner George Lanwi.

- **David Kramer**

Secretary's note: The answers were supplied in writing and typed verbatim below. The verbal answers, where different, are noted.

Question: Entry permits fall under the Attorney General. There was a workshop as part of an ADB TA for Removing Administrative Barriers to Private Sector Development where members of the Private Sector participated with Labor and Immigration in drafting Bills for new laws for these areas. The mission was to develop laws that would enhance the ability of bringing in alien skilled labor when such skills were not available on the local work force, and to ease movement of tourists, while protecting the RMI borders. There

was a consensus, with a resulting recommendation and report issued by the consultant, Vinstar that was to be the basis of new legislation. The previous Attorney General changed the recommendations resulting in labor and immigration laws that have had the reverse effect of providing unnecessary burdens on the Private Sector that inhibit development. In a meeting with a previous Minister of Foreign Affairs, it was learned that the AG's changes were not made known to the Nitijela before the Bills were passed into law. Certain provisions of the old law, i.e. a registry of citizen labor seeking employment and requiring government to follow the same procedure as private business in hiring aliens, were completely thrown out.

Is there any effort being made to re-evaluate the labor and immigration laws so as to accomplish in part the Removing Administrative Barriers to Private Sector Development? Is there any effort or plan to simplify the procurement of visas for travel to the Marshall Islands?

Verbal: We will be receiving a US Department of the Interior grant to rewrite the Immigration law. This will include online visas.

Question: Uncontrolled, aggressive dogs have been attacking both residents and visitors on Majuro for several years. Tourists have been bitten and have complained but the issue remains unaddressed. Dog attacks on humans constitute a serious public safety, health and tourism issue. Several years ago, the MALGOV police removed aggressive dogs but stopped doing so when told that they were not allowed to kill them and dispose of the carcasses in the dump. So the population of feral dogs continues to increase.

If a local government cannot handle a serious problem like this, does not the national government have an obligation to protect people here in the nation's capital? What, if anything, is the national government doing to address this problem? Are there any laws on the books to address this issue? Do dog owners have any responsibility?

Answer: If the local government cannot handle a serious problem like this, the national government should handle the problem for the protection of the people of the Republic. The national government needs to have a new law in place that is called 'Animal Control Act' so people would know how to deal with their dogs and not letting them go astray and create problems to other people.

Most people raise dogs for security reasons.

Verbal: We're looking at where to dispose of the dogs.

Comments from the floor: Roger Cooper agreed to bury animal carcasses at the present dump. Otherwise the Ministry of Health owns a small incinerator that is used to burn medical waste. There will be a veterinarian clinic later this year for the purpose neutering and spaying pets.

Question: There is local concern regarding smuggling from ships that are at anchor in the Majuro lagoon. There have been incidents of theft and vandalism with visiting yachts. There is a suspicion of illegal refuse dumping in the lagoon. Some locally owned ships do not have the necessary safety equipment or carry too many passengers.

Is it appropriate for the Ministry of Justice to obtain a police patrol boat for the Majuro lagoon to enforce public safety laws?

Answer: The Sea Patrol Division recently has obtained a fiberglass boat after it was donated by MIMRA for the purpose of monitoring and controlling of foreign fishing vessels anchoring in the Majuro Lagoon. Sea Patrol Division enforces the MIMRA's fisheries and laws and regulations. The Australian Navy was generous enough to purchase two twin engines (110 hp. each) gear controls, and navigation aids for the boat. Working on the boat should be finished early next month.

There is legislation in place on boating safety that requires the Ministry of Transportation & Communication to make sure that all boat/vessel owners do comply with the law. That law is too general and it is being reviewed for new amendments.

Verbal: The boat should be in the water by the end of the year.

Question: How can the Chamber assist the Ministry of Justice as far as local businesses coordinating their local resources with National Police patrols for night security?

Answer: It would be a good idea to have businesses allow their security officers assist DPS police officers conduct beat patrol in their premises. This would be another good training opportunity for their security officers.

Question: In the past there were discussions of allowing other atoll local government police forces on Majuro to pool policing in Majuro (Bikini, MajGov, RalGov?). Can this idea be revisited?

Answer: That is an ongoing program where DPS accepts police officers from all local government to send one of two of their police officers to have a on the job training program with DPS. In the past several months we have had local police officers from Utidrik, Ailuk and Namu. As of this meeting one is attending the same program from Wotje.

Question: Is this something that can aid the National Police as far as more coverage on Majuro?

Answer: Yes, this is something that can really aid DPS as far as more coverage on Majuro.

Question: Is there a program for evaluating on the job training?

Answer: Yes, there is a program for evaluation for job performance for all police officers that is done on a quarterly basis.

Question: Any Assistance from US Federal Agencies for training?

Answer: DPS does receive training assistance from US law enforcement agencies. Australia and New Zealand also provide basic and advance for our police officers. Australia and New Zealand are two big supporters for new police academy which will begin September 21, 2009.

Verbal: We're looking at a neighborhood watch program. US Homeland Security just had a man out here training us.

Comments from the floor: There should be officers on foot outside of the clubs at night to prevent underage customers that have been denied entry to the club from causing trouble.

Question: The position of Attorney General, vacant since Posesi Bloomfield left over a year ago, has been advertised a number of times, but there appears to be no progress. What is the Ministry of Justice doing to address this serious issue as more and more items become blocked up in the AG's office?

Verbal: Advertising has gone out several times in the past, and no candidates suitable to the Cabinet applied. The Cabinet then increased the salary offer and advertised again. There is a short list. One candidate has been interviewed. The Chief Secretary that is on extended leave is in possession of the short list.

Question: Is the Ministry of Justice improving its database management system for crimes, vehicle registration, etc? Also, during the registration process, could they distinguish vehicle type by fuel, e.g. diesel truck vs. gasoline truck?

Answer: DPS has a data base system in place that keeps records for crimes and vehicles registration. The system can distinguish vehicle types by fuel (gasoline/diesel).

Question: For the past four years, the U.S. Department of State Human Rights Report on the Marshall Islands has noted sub-standard conditions at the Majuro jail. Specifically, the most recent report states: "Prison conditions did not meet international standards. Lighting, ventilation, and sanitation were inadequate, and there was no program to ensure regular access to outside activity. Security was poor. Some male juveniles were held together with the general prison population. There were no specialized prison facilities for female prisoners, including juveniles; they generally were held under house arrest. Some female offenders were held in a separate police substation. Pretrial detainees were not separated from the general prison population."

Do you agree with the State Department's report? Why or why not? What, if anything, has the Ministry of Justice done to correct the sub-standard conditions at the Uliga

jail? Who is responsible to ensure that the prisoners have access to attorneys, adequate food and drinking water, adequate sanitation, exercise, and health care? How many males and how many females are currently serving sentences at the Uliga jail? What are their ages? How many years has the longest serving inmate been incarcerated in the Uliga jail? What is the longest sentence that is now being served? The previous Minister of Justice told the Journal that a new prison and work camp on Laura had been approved by Cabinet. When will this new prison and work camp be built and what remains to be done to make it a reality?

Answer: We agree with the State Department's Report on the situation of the existing Majuro Jail. We have been trying to obtain funding for the construction of a new facility. The Ministry of Justice is responsible for the problem but it just not have the proper funding for the project.

The land for the construction of the project has been identified and the land lease agreement has been signed and secured with the land owners. When this project is done DPS will have met all the living standards require by a Prison Facility.

Currently the prison population is 48 inmates and all are adults and no females. Their ages range from 19 – late fifty years old. The longest sentence being serve now is 20 years. The shortest sentence is 3 months.

Verbal: There is no question on the condition of the present facilities. Public works now estimates that it will cost \$200,000 plus matching grants to fix the facilities. Our new fire truck chassis is at Elm Motors. Roger Cooper has the rest of the parts. Funding for the Laura prison is a problem. All of our Compact money goes toward building school and public health. We allow those that do not break out to work outside with Public Works.

Question: From time to time the High Court or other legal entities determine that some of our laws need to be revised. On occasion outside legal assistance is obtained, and revised laws are written. I understand that this is the case with a revised and pending new criminal code.

Do you feel that it is the Minister of Justice's responsibility to "take ownership" of this kind of revised legislation and thereby shepherd that legislation through the legislative process?

Verbal: The criminal code has been presented to the Cabinet, and it will be introduced to the Parliament in the August session.

Question: From time to time prisoners are released from the Majuro jail. There is an increasing number of Marshallese people that have committed crimes in the United States being deported.

Do you think that we have an adequate system of public notification regarding the release of violent offenders in Majuro? Are we adequately protecting our judges that have

sentenced some of these offenders? Are we doing everything that we should do to prevent the importation of American gangs?

Answer: DPS is well informed by the US Embassy of any Marshallese deportee(s) from US to RMI. That same information is not shared with the general public and this is something that we need to look into on how the general public should be made aware of.

The judges are protected in their chambers and the premises of the court house. We have police officers that are assigned for that purpose. We have not been able to provide police security to guard their residences. That is another issue we will need to deal with.

We do have a system in place whereby DPS is informed by other law enforcement agencies of criminals movements from one jurisdiction to another.

Question: We constantly hear that the national and local police don't have enough working vehicles or fuel for those vehicles to allow them to respond to reported crimes.

Do you think that government owned vehicles should be made available to the national and local police to allow them to do their jobs instead of being used by government workers for non-work purposes? Do you think that the government should pay for public safety vehicle fuel before it pays for the fuel that is used for other government vehicles?

Answer: Yes, DPS does not have enough police vehicles to provide police service to the communities of the Republic. DPS has applied for a RECD/USDA grants for 10 new police vehicles. The Cabinet has approved its share of the matching to that of the RECD/USDA share.

DPS has had the opportunity when other agencies have offered their vehicles for use by DPS but not on a regular basis. DPS provides fuel/lube and tire repairs when the vehicles are used by DPS. Funding for fuel/lube for police vehicles is included in the Annual Budget.

Verbal: National and local share vehicles when necessary. The DPS budget was exhausted as a result of having to charter ships to transport criminals from the outer islands. The fund has been replenished now.

Question from the podium? Do you think that the government should pay for public safety vehicle fuel before it pays for the fuel that is used for other government vehicles? Yes.

Question: We have heard about violent crimes being committed where it is necessary to obtain crime lab data before the Attorney General may prosecute the offenders.

How many cases are waiting for crime lab data? In how many cases have we not yet sent the evidence to a crime lab for analysis? Is this a problem that needs to be addressed?

Answer: Currently, there is one criminal case that requires its forensic evidence to be analyzed and examined by a crime lab. Guam PD Crime Lab has offered to assist DPS in the analyzing and examining of the said evidence for free when the crime lab is ready. They have just moved into a new crime lab facility and are installing new lab equipment and we have not been able to send the evidence. It would cost more to send evidence to crime lab in the states.

It is a problem when we do not have the proper means to deal with our own case evidences.

Questions and comments from the floor:

1. Jack Niedenthal will supply the Minister with the Labor and Immigration law revisions that were developed by the Chamber of Commerce with the assistance of an ADB technical assistance grant.

Secretary's note: The three Microsoft Word documents that Jack sent to the Minister following the meeting are included with these minutes.

2. Why are there so many unregistered vehicles including taxies many if not all of which don't have insurance? These are people that didn't pass the test, got their vehicles repaired, and then didn't come back to register the vehicle. DPS periodically sets up road blocks to catch these people.

3. Is there a breakdown between DPS and the AG's Office regarding police reports? Most police reports are filed with the AG. There are more cases now. The AG's Office is short staffed.

4. The previous Minister of Justice told us about the design for the Laura prison three years ago. Is that design still adequate? No. The number of beds should be increased. The original cost estimate was \$250,000. That is not nearly enough.

5. One prisoner keeps escaping and then robs the Marshall Islands Resort. Yes, he seems to find a way out.

6. It is apparent that most of the crime is being committed by teenagers. What can we do to work with them to prevent this from happening? There are ongoing programs with organizations such as the Canoe program. This has met with some success. We developed a program to work with young females so that they can avoid pregnancy. This has had some success. We're looking at sports for the troubled areas. From time to time police officers go to the schools to talk to the students. We participate with the Boy Scouts to help teach them.

7. There is a substance abuse NGO that has access to significant funding. But in order to obtain that funding, better DPS data is required. We'll work with you.

8. What should we do about repeat teenage offenders? The new Laura prison would separate juveniles and women from other prisoners.

- **New business**

1. Greg Rosenberg briefly discussed alternative dispute resolution as an alternative to going through the court system. Arbitration does not appear to be used here at present. He is soliciting input from the business community and has drafted a questionnaire for that purpose. On August 24th an official from the Australian Court system will come here to conduct mediation training.

Secretary's note: The Microsoft Word document that comprises this survey is included with these minutes. Please answer the survey and send it anonymously to me. I'll collect the responses and send them to Greg Rosenberg.

2. Mike Slinger deferred further discussion of Chamber grant developments until the next regular Chamber meeting.

3. Ben Chutaro updated Chamber members regarding the status of the Secured Transaction legislation. The laws have been passed. Procedures have been written. The system will use Web based software. Regulations have been promulgated and will now go through the Administrative Procedures process. The Cabinet has to pick either R&D or the Land Registration Authority to administer the program. ADB has to furnish the software.

Meeting adjourned at 1:30 PM.

Minutes prepared by:

Jim McLean