Intangible Cultural Heritage Safeguarding Efforts
in the Federated States of Micronesia

In collaboration with the FSM National Archives, Culture, and Historic Preservation Office
Intangible Cultural Heritage Safeguarding Efforts
in the Asia-Pacific
2013-14

International Information and Networking Centre for
Intangible Cultural Heritage in the Asia-Pacific Region
under the auspices of UNESCO
In Collaboration with the FSM National Archives, Culture, and Historic Preservation Office
The International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO (ICHCAP) has carried out various bilateral projects to safeguard intangible cultural heritage (ICH) with Member States in the region. These projects, in the Centre’s areas of specialisation—information and networking—have acted as stimulants to build ICH information and strengthen solidarity throughout the region.

In this context, ICHCAP initiated the project Field Survey of the Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific Region in 2009. The project aims to collect information on safeguarding systems and policies, ICH inventories, ICH-related organisations, ICH lists, and pending issues regarding ICH safeguarding, and it aims to obtain a grasp on the current situation to discover appropriate measures to promote ICH safeguarding. Since 2009, the project has been carried out in over thirty Member States of the Asia-Pacific region.

In 2013, ICHCAP worked in collaboration with experts and institutes from five countries—Turkey, Japan, India, the Federated States of Micronesia, and the Republic of Korea—to carry out the field survey project. The final report from the project will be used as a resource for states within the region to strengthen their understanding of ICH in other countries in the region. It will also serve as a resource that will help determine the particular needs and provide a direction for new cooperative projects for safeguarding ICH.

In particular, in collaboration with the FSM National Archives, Culture, and Historic Preservation Office, the deputy-director, Mr. Augustine Kohler and co-researchers, Mr. Adam Thompson and Mr. Stefan Krause, cooperated with ICHCAP on the 2013-14 field survey in FSM. Owing to the team’s efforts, we now publish this report on the situation of FSM’s ICH safeguarding efforts.

ICHCAP will continue this project over the next several years to cover all the Member States in the Asia-Pacific region. We would like to express our sincere gratitude to the organisations and individuals who worked together on this field survey project.

Samuel Lee, Ph.D.
Director-General,
International Information and Networking Centre
for Intangible Cultural Heritage in the Asia-Pacific Region
under the auspices of UNESCO
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Asia and the Pacific region is an area rich with various elements of intangible cultural heritage. Intangible cultural heritage has been handed down from generation to generation and has contributed to the development of cultural diversity and the creativity of humanity. Intangible cultural heritage for social development is well recognised as it represents the evolution of historical traditions and the cultural identity of a society embodied in creative expression.

Over time, the form and substance of intangible cultural heritage has become vulnerable to deterioration. In particular, rapid social change and globalisation have made this situation even more pressing. Fortunately, there has recently been an increase in global awareness in relation to the value of intangible cultural heritage and its safeguarding.

In this regard, ICHCAP has created a survey study plan to collect all the necessary information related to current safeguarding systems for intangible cultural heritage in the region. ICHCAP has been preparing this survey since 2008, and 2013 is the fifth year of the implementation of this project.

ICHCAP has collected relevant data from reports, workshop books, meeting resolutions, internet databases, etc. While the information is valuable, in many cases, the data is neither accurate, nor up to date. This is the reason ICHCAP has prepared a new survey to accumulate more current pertinent data.

The field survey was carried out by respected researchers in each country. For this project, ICHCAP developed a questionnaire to guide the research teams conducting the field surveys in each country. The questionnaire encompassed topics pertaining to safeguarding the present system & policy; intangible cultural heritage inventory; information regarding relevant conferences, symposiums and workshops; national and local pending issues and urgent needs within the field of intangible cultural heritage safeguarding.

Lastly, the information and data may be open to the public and ICHCAP will share necessary data with other Member States to support the implementation of the most effective and appropriate practices for the safeguarding of intangible cultural heritage. We expect the project will assist in strengthening regional capacity and solidarity as well as international cooperation for the safeguarding of ICH in the region.
Field Survey Report
I. Background

The Federated States of Micronesia (FSM) is composed of four individual states: Yap, Chuuk, Pohnpei, and Kosrae. Each of these states has unique characteristics. While the national government of the FSM oversees the relationship of the four states with the international community, it does not directly govern the individual states, instead it only provides advice. The result is that each state is its own autonomous entity that should be viewed individually.

The modern political boundaries between these states, however, were not developed strictly according to traditional boundaries. The result is that in some cases such as between Yap and Chuuk, the modern political boundaries appears to be quite arbitrary. The islands of Satawal, Puluwat, and Pulap lie on opposite sides of that political boundary but are culturally linked. In other cases, such as the outer islands of Pohnpei, the atolls of Nukuoro and Kapingamarangi are Polynesian outliers with unique characteristics compared to the atolls of Mwokil and Pingelap.

Nevertheless, all Pacific Islands show some similar characteristics. All at one time used sailing canoes though the exact construction may differ according to specifics such as how the outrigger is connected to the canoe they all follow a similar basic design across Micronesia. The first and greatest challenge, then, of any attempt at a comprehensive field survey of intangible cultural heritage (ICH) of the FSM is to break the larger region of many tiny islands into individual cultural regions in order to define the particular examples of ICH within those regions and to understand how these cultural regions align to the political states.

Island Regions

The island of Yap shows greater similarity to the neighboring island nation of Palau than it does to any other island in the FSM. For example, a trans-boundary World Heritage nomination is currently being developed between the two islands for the stone money found on Yap and the quarries from which it was carved on Palau. Both islands are believed to have been settled 3500 years ago, as were
their northern neighboring islands of the Marianas based on language similarities (Intoh 1997). However, all of the islands to the east of Yap were not settled until 1600 years later according to current radiocarbon dates for Pohnpei (Athens 1990a, Galipaud 2001) and Kosrae (Athens 1990b, 1995). For many hundreds of miles all of these islands are low-lying atolls which were not inhabitable until the time of their settlement 1900 years ago due to changes in sea-level. Over time these atolls were incorporated into the traditional political system of Yap in the form of the Sawei exchange network. This history created the distinct cultures that are now found between Yap and its outer islands.

The volcanic islands of Chuuk, Pohnpei, and Kosrae were also not settled until 1900 years ago. While these islands would have been habitable before this time it seems that it was only after the settlement of the surrounding atolls, which served as stepping stone islands, that the islands were first discovered and colonized by Pacific Islanders. While, the initial colonizing population has been archaeologically identified as being similar to those people that settled the atolls over the following centuries the islands have developed their own unique cultures over time and have experienced even greater change in recent history.

Pohnpei and Kosrae appear to have once been linked together by a common traditional political system accounting for the common monumental architectural seen on both islands at Nan Madol on Pohnpei and Lelu on Kosrae. These two sites show great similarities. They are both ceremonial centers where religious rituals took place. They are fortified cities where the high-ranked people of the island lived including the single paramount chief the Saudelaur in Pohnpei and the Tokosra in Kosrae. Both islands show an ancient use of the plant Piper methysticum, called sakau in Pohnpei, once called seka in Kosrae, and known as kava throughout Polynesia. However, the site of Nan Madol was abandoned roughly 500 years ago when it was conquered by the mythical figure Isokelekel and replaced by a more decentralized two-chief system that exists today with the Nahnmwarki and Nahnken. In contrast, Lelu was still alive when Europeans first arrived in the 1820s and the Tokosra system was only abandoned in the late 1930s. However, the effect of the 1850s smallpox epidemic which killed over 90% of the population and the subsequent missionization in the following decades had the greatest effect on the traditional culture of Kosrae. Today, no one drinks seka and some even claim that it was never drank by ancient Kosraeans, while it is still consumed in Pohnpei with strict ritual protocol.

Languages
The full extent of cultural diversity throughout the FSM is best understood from the language diversification. The majority of languages, with Yapese being the
only exception, fall into the nuclear Micronesian subgroup. Each specific language represents a unique culture, while the those languages that show greater relationships represent cultures from similar ancestral groups that have similar cultural traits that can be grouped together. The greatest shared relationship is held by outer islands who maintained greater contact among themselves over time. Therefore while each of these outer islands may be viewed as individual cultures it is more pragmatic to address them as a group as described above.

Many of these languages specifically those found on the outer islands have less than 1,000 speakers. In July 2013, the Living Tongues Institute for Endangered Languages held a workshop in Pohnpei covering various technologies with which the endangered languages of the FSM could be recorded. Nine talking dictionaries were created during the workshop with 12,000 lexical entries covering the languages of Pohnpei, Pingelap, Kapingamarangi, Nukuoro, Namoluk (dialect of the Mortlocks), Yap, Mwoakilloa, and Kosrae. Additionally, the team visited Mwoakilloa Atoll and conducted interviews about oral history, traditional foodways, fishing, canoe building and navigation. Mwoakilloa has a population of roughly 100 people making its language extremely vulnerable.

**What is the Value of Intangible Cultural Heritage?**

It is important to recognize what the value of intangible cultural heritage is and that such values may differ between the local people who are said to own it and the world which serves to benefit from it. For the local population of these islands ICH represents their identity. For the people of Kosrae their identity is in large part defined by their relationship to the Church that has developed over the past 140 years, a fact that is shared by many Pacific Islands. However, the world community would likely not value this heritage as unique and it is certainly not in danger of being lost.

The world community is far more likely to value the ICH that can be linked to the ancient traditional culture before the influence of Europeans. This unique heritage that developed in semi-isolation has in many instances been lost or effected by the successive influences of Europeans common in the Micronesian region including the Germans, Japanese, and American occupations. However, such heritage that has persisted has only done so because of a deep-rooted attachment by the modern people. For Kosrae this would include ritual surrounding fafa pounding which the Kosraean people also find highly-valuable to their identity. This survey will therefore focus on ICH that is valued by both the local and world populations in order to limit the scope of the survey.
The End of the Compact of Free Association

The financial component of the Compact of Free Association between the FSM and the United States of America is scheduled to end in 2023. Currently, the majority of government funding for the FSM depends on the Compact. Between that time and the present the financial allotment will gradually decrease, placing an increasing level of pressure upon the FSM to find new forms of revenue. Tourism has been proposed as the most viable sector for the FSM to expand its growth. The wealth of unique ICH in FSM offers a resource by which to promote future tourism opportunities.

However, the fragile state of the FSM under the threat of the loss of its major funding source makes it vulnerable to large tourism companies that would seek to take advantage of it. Already, proposals by large tourism companies have been proposed which would minimize the profits being shared with FSM states and maximize the exploitation of the FSM’s unique intangible cultural heritage. Further, the alternatives proposed for tourism within the FSM are few. It is important to find ways to safeguard the ICH of FSM before these large tourism companies take advantage of what has been passed down for generations. The effect of large-scale tourism may be seen in Guam where performances of local dances have been largely abandoned in favor of Polynesian style dances based on the preference of the Japanese tourist market.

The necessary alternative is for sustainable tourism to be developed which allows the local population to define their own Intangible Cultural Heritage and perform and retain it on their own terms. But what is ‘sustainable tourism’? In many cases it is characterized by a smaller number of tourists per year, roughly 50,000 for the entire nation as opposed to numbers in the millions. It is characterized by a specific type of tourist who is respectful of the culture and who is willing to learn and follow cultural protocol. It is characterized by tourists who recognize exhibitions of ICH as part of a modern, living culture rather than a performance solely for their entertainment. However, the regulations necessary to ensure that tourism remains sustainable are harder to define - a challenge that UNESCO and the FSM will face in the coming years.

ICH in the Strategic Development Plan

Strategic Development plans have been completed for the FSM national government, Pohnpei, and Kosrae. These development plans set goals for the development of the state and national economies in preparation for the end of the financial component of the Compact of Free Association.
The Pohnpei Strategic Development Plan places particular importance on the development of heritage tourism under the "World Park" model which views Pohnpei as a living park in which its natural and cultural resources should be protected and shared with the world. It focuses on a sustainable level of development on a smaller scale so as to protect the cultural traditions.

The FSM Strategic Development Plan provides a thorough review of the tourist numbers for the nation. The number of tourist across the nation has not exceeded 20,000 and struggled to stay at this level and has generally fallen while tourist numbers elsewhere in the Pacific are rising. Thus, a poor global economy can not be blamed.

The estimated hotel capacity at 65% occupancy would allow for 42,000 visitors and so the shortfall can neither be blamed on a lack of hotel space. The potential for tourism is great within the FSM. It has rich marine and terrestrial environments as well as historical and cultural features found nowhere else. It is clear that the lack of tourism is due to the under-development of its potential.

In all strategic development plans for the FSM tourism is a major sector to be developed. The inventory of ICH may be utilized as a marketing tool for this development while at the same time helping to ensure its protection. Thus, the continued protection of ICH should be seen as a means of promoting tourism and the economy rather than a hindrance. The development of performances and events for the tourist sector should be accompanied by ICH inventories to prove the sustainability of the investor, much in the same way that historic preservation laws require the cultural resources to be documented before building projects commence by section 106 standards.

### Cultural Events

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<thead>
<tr>
<th>Event</th>
<th>Description</th>
<th>Coordinating Agency</th>
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<tbody>
<tr>
<td>Yap Day</td>
<td>traditional dances, and displays of skills</td>
<td>Yap HPO and Yap Visitor’s Bureau</td>
</tr>
<tr>
<td>Canoe Festival</td>
<td>canoe races and parades</td>
<td>Yap HPO and Yap Visitor’s Bureau</td>
</tr>
<tr>
<td>Chuuk Cultural Day</td>
<td>traditional dances, and displays of handicrafts</td>
<td></td>
</tr>
<tr>
<td>Event</td>
<td>Description</td>
<td>Coordinating Agency</td>
</tr>
<tr>
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<td>----------------------------------------------</td>
</tr>
<tr>
<td>Pohnpei Cultural Day</td>
<td>traditional dances, and displays of handicrafts</td>
<td>Pohnpei HPO and Pohnpei Visitor’s Bureau</td>
</tr>
<tr>
<td>Kosrae Cultural Fair</td>
<td>parade of floats displaying traditional villages, traditional farmers competition</td>
<td>Kosrae HPO and Kosrae Visitor’s Bureau</td>
</tr>
<tr>
<td>Festival of Pacific Arts</td>
<td>cultural event for over 20 different island nations occurring every 4 years</td>
<td>National Archives, Culture, and Historic Preservation Office (NACH)</td>
</tr>
<tr>
<td>Micronesian and FSM Games</td>
<td>competitions of traditional skills and displays of traditional culture in opening ceremonies</td>
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Each of the states has an annual cultural day that is largely coordinated by the state’s historic preservation office and the state visitor’s bureau. These events generally occur over a two day period and include traditional performances of songs and dance in traditional dress, displays of traditional skills, handicrafts, and artifacts. These cultural day festivals have a long history and are well integrated into the annual events. Generally, these cultural days take one to two months of preparation by the different performing groups to ensure their event occurs without fail. They are exciting events for the local participants and the tourists fortunate enough to be there at the time, though advertising of the event outside the island is very limited.

Yap has recently created an additional cultural event, a canoe festival that concentrates more specifically on its heritage of canoe sailing. The incorporation of this additional event shows movement in a positive direction towards creating more displays of intangible cultural heritage.

The Micronesian and FSM Games include competitions in traditional sports such as spearfishing, canoe racing, coconut husking, tree climbing, and other such events. The games are also accompanies by opening ceremonies in which displays of the traditional culture play a large role. Smaller competitions may also
occur on individual islands at different times of the year. Like the cultural day events these games require one or two months of training beforehand.

The FSM did not participate in the 2012 Festival of Pacific Arts in Honiara and maintains only irregular participation in the festival. The cost of travel is a major impediment to participation as is the diversity of culture within the FSM. With so many potential groups capable of representing the FSM it is difficult to choose one particular group and exclude another, an act that would show disrespect to whoever was excluded. The cost of supporting groups from every island then becomes very expensive. It is perhaps more feasible for each individual state to represent themselves and avoid the all or nothing conundrum. The next Pacific Arts Festival will be held in Guam in 2016 much closer to the FSM which should reduce the cost of travel and allow for greater participation.

**Government and Community Groups and Programs**

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<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>state</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wa’agey</td>
<td>traditional sailing club</td>
<td>Yap</td>
</tr>
<tr>
<td>Living History Museum</td>
<td>traditional village for community events</td>
<td>Yap</td>
</tr>
<tr>
<td>Island Food Community of Pohnpei</td>
<td>supports the continued use of traditional foods to preserve a healthy diet</td>
<td>Pohnpei</td>
</tr>
<tr>
<td>Kapingamarangi woodcarvers</td>
<td>handicrafts manufacture</td>
<td>Pohnpei</td>
</tr>
<tr>
<td>Micronesian Seminar at Xavier High School</td>
<td>library of Micronesian history</td>
<td>Chuuk</td>
</tr>
<tr>
<td>Kosrae Museum</td>
<td>Museum of historic artifacts</td>
<td>Kosrae</td>
</tr>
</tbody>
</table>
The table above includes only a sample of the major programs engaged in the preservation of culture. Smaller organizations may be added to this including women’s groups, youth groups, and senior citizens groups that are found on each of the main islands and many of the outer islands. Women’s groups commonly help to produce traditional clothing, especially in Yap. Senior citizens groups are often gone to for information on oral history. Youth groups often perform the dances. On outer islands such groups may exist informally. Therefore a complete list would be extensive.

From the table above though one will see that on Yap and Kosrae currently maintain museums, though the Micronesian Seminar may be seen as a sort of museum for Chuuk. Lacking then is a state museum for Pohnpei, which once existed but was dismantled during the creation of the tuna commission, and a national museum. The creation of a national museum in Palikir, Pohnpei near to the national College of Micronesia campus is advisable. The materials formerly held in the Pohnpei state museum, formerly known as the Lidorkini museum, could be moved to these facilities. If the facilities could provide the modern standard for curation artifacts from over-seas museums could be repatriated once the necessary legislation had been passed. Draft legislation created by the UN exists to help expedite this process.
II. Safeguarding System & Policy

Current Policies in FSM’s Constitution Protecting ICH

Currently, there are articles within the constitutions of the FSM, Pohnpei, Chuuk, and Yap that specifically address traditional rights and the preeminence of traditional leaders and traditions over laws enacted by the Constitution. In most cases the wording of these articles is very general.

<table>
<thead>
<tr>
<th>Article 5 of the FSM Constitution</th>
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<tr>
<td><strong>Section 1.</strong> Nothing in this Constitution takes away a role or function of a traditional leader as recognized by custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles at any level of government as may be prescribed by this Constitution or by statute.</td>
</tr>
<tr>
<td><strong>Section 2.</strong> The traditions of the people of the Federated States of Micronesia may be protected by statute. If challenged as violative of Article IV, protection of Micronesian tradition shall be considered a compelling social purpose warranting such governmental action.</td>
</tr>
<tr>
<td><strong>Section 3.</strong> The Congress may establish, when needed, a Chamber of Chiefs consisting of traditional leaders from each state having such leaders, and of elected representatives from states having no traditional leaders. The constitution of a state having traditional leaders may provide for an active, functional role for them.</td>
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<table>
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<tr>
<th>Article 5 of the Pohnpei Constitution</th>
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<tbody>
<tr>
<td><strong>Section 1.</strong> This Constitution upholds, respects, and protects the customs and traditions of the traditional kingdoms of Pohnpei.</td>
</tr>
<tr>
<td><strong>Section 2.</strong> The Government of Pohnpei shall respect and protect the customs and traditions of Pohnpei. Statutes may be enacted to uphold customs or traditions. If such a statute is challenged as violating the rights guaranteed by this Constitution, it shall be upheld upon proof of the existence and regular practice of the custom or tradition and the reasonableness of the means established for its protection, as determined by the Pohnpei Supreme Court.</td>
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<tr>
<th>Article 4 of the Chuuk Constitution</th>
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<tr>
<td><strong>Section 1.</strong> Existing Chuukese custom and tradition shall be respected. The Legislature may prescribe by statute for their protection. If challenged as violative of Article III, protection of Chuukese custom and tradition shall be considered a compelling social purpose warranting such governmental action.</td>
</tr>
<tr>
<td><strong>Section 2.</strong> Nothing in this Constitution takes away the role or function of a traditional leader as recognized by Chuukese custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles in government.</td>
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Article 3 of the Yap Constitution

**Section 1.** Due recognition shall be given to the Dalip pi Nguchol and their traditional and customary roles.

**Section 2.** There shall be a Council of Pilung and Council of Tamol which shall perform functions which concern tradition and custom.

**Section 3.** Due recognition shall be given to traditions and customs in providing a system of law, and nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom.

However, the Yap Constitution does describe the traditional leadership in greater detail specifically the Council of Pilung and the Council of Tamol which today continue to play an integral role in the governance of the island. Title 5, Chapter 1 of the Yap State Code (See Relevant Laws section) continues on to describe in greater detail the functions and structure of these traditional councils. It should be no surprise then that it is only in Yap where the traditional leaders via the councils described in detail in the Constitution may be seen to have any real effect within the political framework of the State. It is only by defining and integrating the roles of the leadership that such traditions have an effect.

Because the custom and traditions in other states tend to be poorly defined there is greater ambiguity as to how to interpret these articles. At times conflict between the general traditional ways and the prescribed legal order nullify the each other or create a stalemate situation. For example, the ownership of Nan Madol has been in question for decades. Traditionally, the site has been overseen by the Nahnmwarki of Madolenihmw but legally it is the property of that state. The traditional right articles stated above protects the right of the traditional leader while at the same the Pohnpei State Code states that Nan Madol is the property of the state. Because these two statutes are in conflict with one another one or the other are rendered meaningless though exactly which has yet to be resolved. Currently, this situation is being mediated by putting the ownership issue aside with both the traditional and modern political systems working in unison. In many cases this is the only possible answer. Unless, the resolution is stated specifically though the ambiguity of the situation will hinder the efficient protection of cultural sites such as the World Heritage protection of Nan Madol.

Traditional systems of conflict resolution are also practiced alongside the legal system. For example, in Yap a penalty requiring a sum of traditional monies including stone and shell money which is found today only in a limited supply may be required of those guilty of a crime such as fishing in protected waters. In Pohnpei a traditional apology ceremony whereby the entire extended family of a wrongdoer apologizes and debases themselves in front of the family of the victim...
will lead the victim's family to drop any charges. These examples and more will be discussed later in this report.

It is the recommendation of this report that specific examples of ICH including the role of traditional leaders be more narrowly defined and laws include these specific definitions so as to protect specific ICH. In most states of the FSM the state historic preservation office has been charged with this duty. However, given the massive scope of Intangible Cultural Heritage it is difficult for these small, resource-deprived offices to know where to start. The following sections will focus on the specific states and suggest specific examples of ICH for which protection may be addressed.

**Historic Preservation Laws**

Though elements of cultural heritage protection may be seen in the constitutions of the states of FSM as described above they are still lacking in specific regulations. The ratification of historic preservation bills to ensure the protection of historic sites has still yet to be passed in Chuuk and Kosrae despite the presence of historic preservation offices for quite some time. The resulting situation is that many historic preservation offices lack the legal backing to carry out the tasks their office is meant to perform. In Pohnpei their Historic Preservation review board has yet to be ratified by the Governor and no historic sites can be registered until this is done.

The registration of historic sites can be seen as the backbone on which the inventory of intangible cultural heritage will rest. It provides the example on which the inventory process may be based. Until the registry of historic sites is developed it is difficult to imagine the development of a registry of ICH.

**Cultural Research Policy**

The National Archives, Culture and Historic Preservation Office (NACH) has recently drafted a cultural research policy to ensure the benefits of cultural research are shared with the people of FSM without impinging unnecessary hardships that would scare away potential researchers. Individual states such as Yap and Kosrae are currently in the process of developing research policies for their states as well.
FSM Cultural Policy

In 2011, Into the Deep: Launching, Culture and Policy in the Federated States of Micronesia was published and subsequently adopted by the FSM. This cultural policy proposal includes several policy options and objectives to strengthen the role of traditional culture including: establishing educational programs, certifying traditional experts, establishing cultural observatories, establishing copyright legislation, establishing protocols for traditional knowledge sharing, promoting creative industries, and promoting the performing arts.

Subsequent consultation occurred to adopt the cultural policy proposals focused on certain areas.

Policies Concerning Foreign Research

Specific policies should be adopted for the coordination of cultural offices with foreign researchers. Coordination should occur between the National government who will be providing the entry permit and the State Historic Preservation Office which will provide the research permit. Specific conditions of the research permit should state by what method the final product of the research will be submitted to their office for review and authentication. A refundable fee may be mandated to ensure that the research product is submitted whereby the fee is refunded at the time the product is submitted. Careful records should be taken of the researchers and their products by each state and submitted to a master database at the National Archives, Culture and Historic Preservation office (NACH).

Policies Concerning State Compliance with Section 106 Permitting Process

All government offices and private corporations should be held accountable for compliance with section 106 and all applicable protocols to ensure the protection of historic properties from development. Efforts should be made to incorporate all development regardless of funding within a cultural resource management framework and should not be limited to US federally funded projects.

Policies Concerning the Registration of Historic Sites

It should be a priority of historic preservation offices to develop a functioning system whereby historic and cultural resources may be inventoried and registered. While an inventory of historic and cultural resources is a very useful
tool it is only through the registration of historic properties that effective laws may be enforced and funds allocated for preservation measures. Plans for registering historic sites under private ownership should be developed. Traditional chiefs and village leaders should be recognized and empowered to maintain historic properties where they exist.

Policies Concerning the Development of Traditional Societies and Schools

The Cultural Preservation Offices are to recognize and encourage traditional artisan societies and schools, meaning centers of traditional knowledge, within their states. They shall bring attention to these institutes as credible sources of traditional knowledge that are integral to the preservation of traditional culture.

An accreditation system modeling the traditional system should be recognized whereby a commission is established of the traditional experts who will bestow accreditation. Space should be set aside for locations for these traditional schools. Festivals should be supported where the learned traditional skills may be displayed and promoted. Records should be kept on the attendance and meetings held within the schools. Traditional craft production may be incorporated into these traditional schools.

Each state’s historic preservation office should maintain an inventory, or list, of knowledgeable experts in traditional fields to the best of their abilities. This inventory will fulfill requirements by UNESCO for the Intangible Cultural Heritage treaty. It should be recognized that certain crafts such as traditional medicinal healers are more capable of being inventoried than others such as itang.

A plan should be developed for future participation in performing arts festivals. Create competitions for traditional performances. Encourage traditional performances within the planning committees to be valued higher than nontraditional imported dances.

Create label for hand-crafted to promote local production and local inventory businesses. Create website to promote local handicrafts.
Ⅲ. Intangible Cultural Heritage Inventory

1. Yap and its Outer Islands

The main island of Yap proper was settled 3,500 years ago according to current archaeological theory. This settlement occurred 1,500 years before any other island of the FSM and suggests that Yap holds greater similarity to the islands of Palau and those of the Mariannas archipelago including Guam and Saipan. Cultural traits seen in Yap are particularly similar to Palau. In addition, Yap remains one of the most traditional islands within the FSM, along with the outer islands to the east of it. However there is a definite distinction between the main island of Yap and its outer island counterparts. Yap proper is described as the parent of the outer island who are the children. Within the legislative body of Yap there are two traditional councils. One of these, the Council of Pilung governs what occurs on Yap proper and the Council of Tamol serve the outer islands. This distinction in culture may be seen in many aspects of the traditional culture including the traditional dress.

Yap and its outer islands are considered by many to be those most traditional islands within the FSM. As such they maintain several unique ICH. The Yap Historic Preservation Office is in charge of assisting villages and organizations around the island with the protection and continuance of these practices.
**Traditional Canoe Carving and Sailing** is perhaps what Yap and its outer islands are best known. On Yap proper, the traditional canoe club Wa'gey has been established to continue this knowledge. In the village of Wichilap, there lives one of the last master carvers for island of Yap proper. He creates model canoes and teaches

![Figure 2 Yapese Sailing Canoe](image)

**Traditional Navigation**

Traditional knowledge of navigation is only held on a few of the outer islands, such as Satawal and Puluwat (outer island of Chuuk), where it has long been considered to be a sacred art to be passed down only amongst a few. Stories say that the knowledge of navigation first developed on Pulap (outer island of Chuuk) where it was passed down from a giant bird.

**Fish Weirs**

Yap island contains some of the most unique fish weirs in the world. Fish weirs are stone wall constructed in the lagoon that act to attract and trap fish by utilizing the changing tides. While the fish weir itself is a tangible artifact the knowledge of how these fish weirs work is an important element of ICH.

**Woleai’s Written Language**

The history of the Woleai script which contains 99 known glyphs is contentious. Riesenber & Kaneshiro (1960) attributed the script to the introduction of writing systems by European missionaries from 1878-1907 which were subsequently re-interpreted by people of Woleai. Others, however, find similarities between it and the rongorongo script of Rapa Nui based on 15 shared
characters. The rongorongo script was said to be used to assist in remembering chants and was created independently though its history is also ambiguous. Both are unique among the Pacific Islands.

**Traditional House Construction**

The newly-built Yap Living History Museum a complex of five traditionally built houses representing the main house types for the traditional village. Additionally the Yap HPO has assisted many villages in the re-construction of traditional men’s houses including the re-construction of the malal, or dancing ground, where the largest of the stone money is kept.

![Yap Living History Museum](image)

**Figure 3 Yap Living History Museum**

**Traditional Monetary Systems**

The most well-known form of traditional money is the stone money in the shape of large wheels. This money was carved from stone in Palau and possibly some islands to the north and transported to Yap. However many other forms of money exist including shell money, whales teeth, and a myriad of other forms. Currently no complete inventory of the many types of money exist. Traditional money is often displayed before a dance and is used to make amends between people and villages.

**Village Hierarchy**

There is a complex hierarchical system dividing the many villages of Yap. Atop the hierarchy are three paramount villages. The chiefs of these paramount
villages are subsequently the highest chiefs of the islands. Beneath these three are subsequent tiers of five and seven villages leading down to the lower-caste villages. This hierarchy still dictates how villages interact today. The Yap Historic Preservation Office has expressed its desire to record this hierarchy though the final decisions could be contentious.

**Traditional Dances**

There are many traditional dances in Yap, some of which include:

- **Tiyor, or Tam** - performed by young women, it concentrates on soliciting goods from the traditional chiefs and community leaders.

- **Bamboo Dance** - provides male and female dancers with the opportunity to display their agility and strength.

- **Women's sitting & standing dances** - tells the stories of suffering and achievement of an epic event.

- **Men's standing dance (Gaslaw)** - an erotic type of dance that tells the story of suffering and achievement.

- **Marching Dances** - these dances are influenced by the military presence on the island and are usually comedic in nature.

**Traditional Dress**

For the woman, there is a distinction between the outer islands who wear a woven wrap that the young women are taught to make from a young age, called a lavalava, and Yap islanders who wear a dyed grass skirt to be worn with a special black necklace for those women who are of a mature age. Traditional protocol requires that these garments be made on the respective island. This has been a hindrance for outer islanders living on Yap proper who, according to traditional protocol, are not allowed to weave lavalavas. The weaving of lavalava is learned by a young girl at an early age and is an important role in her maturation process allowing her to create her own clothes that represent her own identity. The process itself takes a long time seated at a traditional loom.

For the man, a colorful loincloth is worn called a thu`u. The colors and varieties of cloth worn are representative of his maturation. A young boy begins with only a single red piece of cloth tied around like a loin cloth. As the boy matures additional pieces of cloth are added including a woven black and white wrap. Once a man hibiscus fibers dried in the sun are added. A man will also always carry a basket which contains his betel nut and other items. Traditionally, if a
man enters a village he is not from he is to carry a leaf as a sign that he comes in peace. However, carrying a basket displays the same signal as he is prepared to sit down together and share betel nut and have a discussion. Both sexes go topless.

In many outer islands village mandates state that traditional dress is to be worn all the time. These islands still rely heavily on their traditions to survive on their remote islands. On Yap proper traditional dress is more often worn only during traditional ceremonies.

2. Chuuk and its Outer Islands

Chuuk is the most populated state with 50,000 people living throughout its islands. The main island of Chuuk is uniquely described as an “almost-atoll”. Geologically it has sunk over the course of roughly 13 million years to where its volcanic islands are barely above the surface and are not much different than the coral atolls that surround it in all directions. These islands were never unified under a single chief as in Pohnpei or Kosrae and there was none of the complex competitive food exchanges and other social rituals that were found on those islands. This lack of unity has led to a diverse group of individual islands with specific cultural traits. Chuuk’s culture is very similar to the outer islands of Yap and vis versa. The main social unit is the lineage group, broken into two or three households. The meeting house, or uut was the gathering place and living quarters for unmarried males of the extended family. The cookhouse is a common meeting place for the family to come together. As in Kosrae the church has taken a large role in the culture. However, magic and traditional spirits still exist beneath Christianity in an unspoken manner.

Figure 4 Chuukese Performing at their Cultural Day
**Mortlock’s Tapuanu Spirit Mask**

The Mortlock islands, a group of three atolls lying to the south-east of the main island of Chuuk are well-known for their tapuanu spirit masks and the dances in which these masks would be worn during the performance. The tapuanu meaning “sacred spirit” is the only mask produced in Micronesia. The masks were created and cared for by the soutapuana secret society who met within the falefol ceremonial house and used in beachside and ceremonial house dances. The dance itself was said to be performed to scare away malicious spirits and the mask represents a protective ancestor spirit that could also protect against typhoons and safeguard the food sources for the island, specifically breadfruit. While the use of masks is rare in Micronesia, it is common to islands in Melanesia and Papua New Guinea. As such the use of tapuanu masks may represent a relict from the ancestral cultures that are believed to have settled the islands from island Melanesia to the south. Today, these masks are more commonly seen as a handicraft and memento for tourists and the dances are only rarely performed.

![Tapuanu Spirit Mask from the Mortlock Islands (Smithsonian Archives)](image)

**Figure 5 Tapuanu Spirit Mask from the Mortlock Islands (Smithsonian Archives)**

**Spirit Possession and the Ghost Canoe**

Spirit possession is still common on Chuuk whereby the spirits of dead relatives will take possession of one of their family members, usually a woman, to voice grievances over events that have taken place. Hazel (1993) has described these occurrences as a way for women to voice their grievances in a culture dominated
by the need for cohesion within the family household where few other opportunities exist. As such spirit possession represents an opportunity for women to express their role within the family.

Traditionally, Chuuk had many different spirits. Anulap, the Great Spirit, was regarded as the oldest and most powerful; Lukeilang was the son of Anulap and lord of the realm of spirits and mortals; Olofat was the eldest son of Lukeilang and a trickster. However, there is an abundance of other spirits that embody different natural features such as reefs, mountains, and animals. While most people would deny the belief in such spirits explicitly, many stories are still told of their influence.

Many of these spirits visit people in their dreams. Early ethnographies from the late 19th century tell how a small carved canoe was once hung in the lineage meeting house that served as a vehicle for the spirit. A sou awarawar, a spirit medium would be seated in the midst of the family who chanted the name of the dead relative. The spirit medium would convulse and speak in a special spirit language that would be interpreted. While these early accounts describe spirit possession as a purposeful act more often performed by men, today spirit possession is more often an uncontrolled act performed by women (Hazel 1993).

![Figure 6 Chuukese Ghost Canoe (Smithsonian Archives)](image)

**Love Stick**

The Chuukese love stick is a well-known aspect of traditional Chuukese culture. It is an intricately carved piece of wood in the shape of a small spear. Two identical love sticks would be carved, one smaller than the other. There must not be any other like the two and the design must be kept secret. The smaller of the two would be given to a woman by her suitor. The suitor would then come to visit the
woman at night and thrust his love stick through the wall of the woman’s hut. She could then compare his love stick to her own to ensure that it was indeed the person she thought it was and could then welcome him in.

Love magic still today plays a role in Chuukese society in which the goddess of love, Inemes, plays an important role. Such love magic is held very secret.

While the love stick is more commonly seen as a handicraft it is still a part of Chuukese culture that expresses the rights of women and respect for women within a relationship.

3. Pohnpei and its Outer Islands

Pohnpei is the largest island in the FSM and is the seat of its national government. Roughly 30,000 people live in Pohnpei including people from the surrounding outer atolls of Pingelap, Mwoakilloa, Sapwuafik, and the Polynesian outliers of Kapingamarangi and Nukuoro. Pohnpei is the only island in FSM that maintains its traditional use of sakau, known more generally as kava, and scientifically as *Piper methysticum*. Ancestrally, sakau was also consumed in Kosrae but is no longer. It is believed that the consumption of sakau, or seka as it was called in
Kosrae, ended on Kosrae with the influence of the missionaries in the 1870s. Pohnpei is known for its Nan Madol ruins around which a rich oral history is told. The Lelu ruins on Kosrae are also half of this history, though fewer stories are known on Kosrae. Thus while Pohnpei and Kosrae showed a shared traditional culture in the past their differences at present and the political boundaries lead them to be addressed separately in this report.

Title System

Pohnpei maintains a complex chiefly system with two distinct lines, the Nahnmwarki and the Nahnken. This title system pervades all traditional ceremonies that occur on Pohnpei. Keating (2000) describes how the title system is reinforced in the language, offerings, and concept of space within these ceremonies.

Each of the five municipalities (Madolenihmw, Kitt, Sokehs, Nett, Uh) have their own Nahnmwarki and Nahnken lines. The Nahnmwarki is the high chief and for whom particular respect protocols are maintained. If one visits a Nahnmwarki one must bring a gift, never have one’s head above that of the Nahnmwarki, and one must speak in a particular language of respect which addresses the Nahnmwarki as more than one person as he represents both the entire village. Because of this respect the Nahnmwarki often maintains a more reclusive life. When present at meetings others defer to his judgement. The Nahnken acts as a talking chief who is able to communicate between the high chief and the community. In this way the strict respect is maintained for the Nahnmwarki while allowing for interaction with the community. Beneath the Nahnmwarki and Nahnken are many titles of those who are in-line to move up the hierarchy and each plays roles specific to their title. The chiefly system continues down to include smaller section chiefs who may then report issues upward. This system has developed over the past 500 years to fully incorporate the village.

The Constitution of Pohnpei and the FSM has ordained that these traditional titles and their roles are to be respected. However, the powers of the traditional chiefs and the manner in which they shall interact with the power of the government has never been well stated. As a result the role of the Nahnmwarki and the Nahnken as it relates to the power of government is often ambiguous. It is recommended that the traditional title system be codified and the roles of the traditional chiefs be addressed more specifically within the Pohnpei Code in a manner similar to Yap. This does not require the traditional chiefly system to be fully integrated into the Pohnpei government, something that is likely to be impossible to do. It should also seek to reduce confusion rather than add to it. A council of Nahnmwarkis is difficult because it becomes who has authority and
what respect behaviors are required. However, a council of Nahnken who then consult with their Nahnmwarki would seem to be an appropriate method whereby input from the traditional chiefs could be incorporated into the government sector.

Further, while the government maintains relationships with the international community it is the traditional chiefs that maintain a stronger relationship with the local community. Bridging the gap between the government which is capable of passing regulations and receiving international funding and the traditional chiefs who are capable of actually enforcing those regulations and allowing the funding to be used most efficiently is a very pressing issue. For an example, we may look at the traditional apology ceremony.

**Oral Histories**

164-04 To require the Department of Education to adopt and implement a comprehensive Pohnpeian language, culture, and history of Pohnpei education program; and for other purposes.

Pending Measure for Pohnpei Education & Cultural Affairs committee

Plans have been in preparation for the Pohnpei Department of Education to further incorporate traditional culture into the curriculum, including the traditional history which had previously been passed down orally through stories. Traditional culture had prescribed that such stories should not be told all at once. However, for such stories to be included in textbooks they must be included in full an act that breaks tradition. [For a more detailed discussion see the subsection “Breaking Tradition to Save Tradition”]

Falgout (1992) explains how the value of knowledge differs between the democratic American education system and the traditional Pohnpeian hierarchy. While knowledge that is taught in schools is seen as a basic right for everyone, traditional knowledge is shared more sparingly because it is viewed as the property of specific people within the hierarchy. Thus, while in the school system knowledge may questioned and questions are encouraged, within the traditional system questioning the knowledge of a person is disrespectful. The teaching of oral histories in school requires that this difference in meaning be resolved, a task which is not impossible. When archaeologists speak of the history of the islands they speak in terms of beliefs. They cite evidence in the terms of radiocarbon dates and artifact
assemblages and interpret such evidence into probable theories. Questions are encouraged because it is accepted that no one actually knows. Oral historians, though, speak in unquestioning truths.

There has now been a few accounts written of the oral histories over time including those by Luellen Bernardt (1977) and Masao Hadley (1987), as well as compilations of stories by the Trust Territory Department of Education (1973) and Ashby (1983). All of these are useful texts for the teaching of oral history. Each tells stories which at their time were unquestioned. Yet, today the authority of their authors may be put into question. Even the recent local historian Masao Hadley is questioned because he was from Kitti and not from Madolenihmw and so could never have been told the authentic account of the stories.

The authoritative account of the history will always be held in secret within the community. Written accounts will always be questioned. Within the school system it is already widely regarded that all knowledge should be questioned. Therefore, teaching the non-authoritative accounts of oral history that are to be questioned should not be a problem so long as it is acknowledged that the actual true versions are still held in secret. Any written oral history must acknowledge this difference.

Sakau Bar Regulations

Pohnpei is well known for its traditional use of sakau, more generally known by its Polynesian name kava, or by its scientific name Piper methysticum. Throughout the Pacific kava is generally prepared from a dried powder which is distributed throughout the Pacific islands in a clearly untraditional form. In some islands, such as Fiji and Samoa, fresh kava is used only within highly-ritualized traditional ceremonies. In this way the traditional use and the everyday use are clearly separated.

In Pohnpei all sakau is made from the fresh plant roots and prepared in a traditional style, though the exact situation within which it is drank may exhibit an entire range from strictly traditional to everyday use. Currently, sakau is imbibed from bottles on the side of the road, in sakau bars, during traditional feasts and funerals or as a regular evening occasion. Within each of these occasions tradition plays a role.

Because of water pollution in more recent times it was found that traditional methods of sakau preparation which use local water could spread disease such as cholera. Accordingly, regulations were put in place to control the production of sakau in order to prevent the spread of disease. This is one of few examples where a specific form of ICH has been described by state regulations. While the
purpose of the regulation is to control disease it does account for the traditional method of sakau preparation.

It should be noted, however, that many of the regulations were not found to be enforced for sakau bars.

![Figure 9 Pohnpeian Man Squeezing Sakau](image)

**Traditional Dance**

Traditional dances from Pohnpei include the Lehp, the marching dance, *Kepir*, a stick dance for men, *Wen*, a stick dance for women, *Tokia*, a war dance & *Sapei*. Dancers wear traditional grass skirts and *mwaramwar* headdress made of flowers. Their bodies are coated in coconut oil. Many of these dances may also be seen on the other islands of FSM including Chuuk and perhaps at one time on Kosrae. Pohnpeians are, however, well known for their dances that use a traditional paddle.

**Sapwuahfik’s Council of Traditional Story Tellers**

The island of Sapwuahfik lies west by northwest of Pohnpei. Canoes are still sailed today for the purpose of fishing. A council of elders has been appointed by the village as the keepers of the oral historical knowledge. These accounts would include the record of the massacre by European sailors and Pohnpei warriors.
who killed off the male population in 1837. This event has played a significant role in the identity of the people who now practice a culture that developed during the repopulation by people from Pohnpei that occurred after that massacre (Poyer 1993). There language is a cross between European and Pohnpeian dialects.

**Mwokil's Re-learning to Sail Canoe**

The 1950 documentary entitled Mokil provides a rare glimpse into the traditional culture once practiced on this atoll to the east of Pohnpei. Today that culture has long changed. Efforts are now underway though to teach the youth the art of sailing canoe. The senior citizens organization under the leadership of Ichiro John is running the program and hopes to develop a summer camp for the Mwokilese youth on Pohnpei to return to their home island to learn traditional skills.

**Kapingamarangi Carving**

A large proportion of the carvings created in Pohnpei as well as in Kosrae are made by wood carvers from Kapingamarangi and Nukuoro. These carving follow a rather uniform style and motif, though some new designs are being developed. The most traditional of these is the god and goddess figures from the island.

**1990's Canoe Carving Program**

Throughout the 1990s a program funded by the US National Park Service supported the carving of traditional canoes from each of the islands of Pohnpei and its outer atolls for incorporation into the Lidorkini maritime museum exhibit which existed at that time. Canoes were constructed from Mwoalikiloa, Pingelap, Sapwuahfik, Nukuoro, and a warasap canoe from Pohnpei which was traditionally only used by the Nahnmwarki. Today the museum is no more and the canoes rest in storage. The Mwokilese canoe has been brought out to help to youth the Mwokilese youth on Pohnpei and Mwoalikiloa the art of sailing canoe. These canoes could still be displayed if the proper facilities were acquired.
4. Kosrae

Kosrae is the easternmost island of the Federated States of Micronesia and has no outer island within its political boundaries. It is the smallest population of any of the states at roughly 6,000 people and much of its island still lies in uninhabited forest. In the mid-19th century an epidemic decimated the population killing an estimated 90% of the people leaving the total population at that time at less than 300. This epidemic followed the devastating impact of whalers and pirates from 1820-1840 who introduced alcohol and firearms at that time. The effect of the population loss was a dramatic loss of traditional culture. Following the epidemic, missionaries helped to revitalize the population while introducing Christianity that is now a hallmark of the Kosraean culture. Today many people on Kosrae refer to their culture in terms of the Church. Thus few elements of the traditional ICH survive.

Fafa Pounding

Fafa pounding is the pounding of banana and/or taro into a thick paste. It likely shares a common ancestry to the pounding of poi on Hawaii and other Polynesian islands showing a connection between these islands and Kosrae.
Fafa pounding is perhaps the most revered tradition in Kosrae that dates from a prehistoric origin. For example a fafa pounder has been included on the state flag of Kosrae. It is a major feature of its cultural fair and occurs at funerals and major cultural events. The role of fafa at these events to bring people together under the umbrella of their culture should not be underestimated.

Following strict tradition the fafa pounder should be made of stone, but pounders are also made of wood and cement. The best fafa is said to be made by a stone pounder. It is said that the sound of the pounder hitting the fafa is what tells the preparer when it is done. Numerous examples exist in the Kosraean museum of ancient fafa pounders found at archaeological sites around the island. Following tradition only certain varieties of banana and taro are used to produce fafa. The protocol extends to the type of coconut used for the coconut cream that tops it and even the outer husk of a certain type of coconut is used to squeeze the cream.

Banana Fiber Weaving

The antiquities from Kosrae contained within museums around the world show the excellent skills of banana fiber weaving on the island of Kosrae. Today the traditional knowledge of such a fine art is mostly gone and perhaps retained by only a few elders. Specific banana trees are said to have been used just for their fiber. The fruit of these trees is very small and the trunks thinner, retaining less water and greater fiber. Traditional looms for the weaving of banana fiber into traditional dress called tol can still be found at the Kosrae museum alongside a 130 year old example of the garment. However, it is unlikely that the traditional could be reinvigorated to its full extent.
The Last Remaining Traditional House at the Kosrae Village Resort

The largest traditional house found on the island of Kosrae and the largest collection of traditional houses is found at the Kosrae Village Resort. While houses made of thatch roof and poles are still constructed none can match the size and scope of the main dining area at the Kosrae Village Resort. As such, there is an inherent value in maintaining this large traditional house as an example for people to copy from should other style houses be wish to be produced in the future.
Ⅳ. A Critical Look at ICH

Breaking Tradition to Save Tradition

Perhaps the most well-known example of ICH within the FSM is the knowledge of traditional navigation that is still practiced on the island of Satawal. Across the Pacific traditional navigation using the stars, currents, birds, and a myriad of other natural cues once allowed Pacific Islanders to navigate between the islands. Today, many people in the world recognize the value of the knowledge because of the contributions by Mau Piulug to the Hokulea expedition from Hawaii.

It is important to realize though that by sharing his knowledge of traditional navigation Mau Piulug was breaking a long-held custom that such traditional knowledge should only ever be shared between a father and his son and not with people outside of one’s family.

In ancient times this custom made sense as such knowledge represented power and wealth for the person who held it, when the only way to travel between islands was through knowledge passed down from one’s elders. The islands to which these navigators could travel often contained important resources such as turtle and bird nesting grounds which could ensure the survivability of the island’s people. If everyone were to know how to reach these islands the important resources could potentially be lost to others. The person who could successfully navigate to the islands was in turn revered amongst their people.

Today, however, there are many ways to travel between islands using modern technology including diesel-powered ships, Global positioning systems (GPS), nautical maps and many cases air travel. There is no longer a reason to guard the knowledge of traditional navigation. However, on the islands of Puluwat and Pulap traditional navigation is still a guarded secret within families. In many cases customs continued to be followed though they are no longer rational. For the people of Puluwat and Pulap one may speculate that such knowledge represents a unique identity which those still hold the knowledge do no wish to share. However, it seems more likely that they simply do not share the knowledge out of respect for the custom. Yet it is this custom of keeping knowledge secret which in the end seems most likely to ensure the loss of the ICH.

On Pohnpei similar traditions dictate that story-telling should not be shared too much. It has long been stated amongst the elder story-tellers on Pohnpei that if a
man shares all the knowledge he knows then he is like a cup turned upside down, he will be empty and will pass away shortly after completing his story. For this reason story-tellers in Pohnpei will never tell the full story. One must continue to see the story-teller learning one piece at a time up until the moment of their passing to learn the full oral tradition. Again, in ancient times there was reasoning behind this belief. The title system on Pohnpei and the value of those titles is based upon their historic origin as told in oral history. Therefore, the person who can claim to be the authority on that oral history plays a special role in maintaining the knowledge surrounding the value of those titles. If there are only a few authorities on the oral history and the sharing of such knowledge is strictly controlled it would ensure that there was less confusion and debate over the truth of that oral history.

However, today the island’s youth are inundated with stories within many forms of media outside of their island. Few, if any, have the patience to continually return to the elder story-teller to learn of the oral history in the traditional manner when they could experience other stories from the internet, television, and movie store. Again, customs limiting the sharing of oral history will only function to ensure the loss of the oral history. Within Pohnpei, there has been a couple local historians who have shared their stories with Westerners who have helped to document their knowledge, specifically Luellen Bernadt and his grandson Masao Hadley. However, while some revere the knowledge these historians have shared, many still claim that they were not the best authorities on the oral history and that today there are still people who no more though they refuse to share it. Such claims serve only to deny the legitimacy of the historians who like Mau Piulug have made the decision to share their knowledge for the benefit of the future generations of their people and the world. Given the nature of oral historical knowledge it is easy to simply claim that stories are not true with little evidence or reason. It is commonly cited that Masao Hadley was from Kitti and not Madelonihmw and so could not know the full stories of Nan Madol. Until someone can come forward and say what specific parts of his historical accounts are untrue such claims seem petty. In contrast the traditional navigation knowledge can be more easily verified by repeatedly sailing without any modern technology.

Today, all the youth on the island of Satawal are given the opportunity to learn traditional navigation and all the other traditional skills that are still passed down. Mau Piulug also taught foreigners who came to the island. His son, Master Tony Mau Piulug, is currently assisting the sailing canoe club in Guam called TASA, which stands for Traditions Affirming our Sailing Ancestry, to build a traditional Chamorro voyaging canoe. Such a canoe has not been built since ancient times when the Spanish burned all the canoes and took control of the
island. Master Tony is using bits of knowledge recorded in historic texts to reconstruct the Chamorro design based on his knowledge of the Satawal canoe. Master canoe builders from Puluwat have also come to Guam to help other sailing canoe clubs to build traditional voyaging canoes on Guam.

Yet, still today the oral history of Pohnpei has only a limited role in the education system on Pohnpei. More extreme examples have occurred in the Marshall Islands where textbooks have been banned by the traditional chiefs who still maintain a powerful position in the community because, according to them, the texts misrepresent oral history. Yet, in such cases those who are said to be authorities will only share the knowledge if contracts are signed stating that such shared knowledge will be locked away for 50 years and only published after. If such texts are lost within those 50 years they will then be lost forever.

In Yap, traditional regulations preclude outer islanders from creating their own traditional dress on the island of Yap proper. As more outer islanders migrate to the main island to seek new opportunities, attend college, or to relocate do to the impact of climate change, this traditional regulation will only serve to limit their ability to practice their own culture and lead to the loss of their cultural identity. Traditionally, the regulation can be rationalized as a way for Yap proper to maintain its status in the hierarchy of islands. Today, that regulation is being questioned. Members of the Yap Women's Association who work to maintain the traditional roles and crafts of women have questioned the traditional regulation. They feel it is only a matter of time for the regulation to change.

In summary, it seems at times the only way to fully safeguard traditional knowledge is to break tradition and share it with everyone. Therefore, efforts should be made to support those who are brave enough to do so and to create teaching materials for schools based on the knowledge of those brave enough to share it and to encourage open discussions on the different versions of oral history.

Undefined Exemptions for Traditional and Customary Use

It is important to provide specific guidelines as to what constitutes an example of ICH that is deemed necessary to safeguard and protect for future generations. Examples of ICH should contain specific knowledge passed down throughout generations which represent a valuable resource to the people today. It is not sufficient to simply state that something was done in the past and therefore it should be maintained as ICH.

For example, in many islands shark fishing has been banned due to the effects of commercial fishing on shark populations and the devastating effects of shark-
finning. Such bans are important to preserving the local marine ecosystem and gaining support amongst local populations for the preservation of their natural environment. However, in many cases exemptions are included in the law for traditional and customary use to allow for catching of endangered species, yet the exact nature of customary use is often poorly defined, if at all. In such cases it should not be suitable to exploit traditions and customs to bypass important laws as the value of traditional culture will be lost to such exploitation.

By analogy, one should not be able to claim an exemption to murder simply because one’s ancestors were warriors and cannibals. The same logic should dictate that one can not subvert laws simply because those laws did not exist in ancestral times and traditional culture did not recognize such laws.

This is not to say that legitimate exemptions for traditional and customary use can not occur. Some North American tribes have been given exemptions to whaling laws and are allowed to hunt whales using their traditional methods. These tribes use traditional seal-skin kayaks and floats and traditional wooden spears to hunt whales within their traditional season. The bravery required of men to perform such a hunt is an important step in the rite of passage to become an influential leader in their community. The whale is harvested to feed the entire community binding the tribe together. The hunt itself preserves the traditions of the tribe that are at the heart of their culture.

Similarly, Trobriand Islanders are given an exemption to hunt dugong. The hunt, again, uses traditional methods. A large tower is constructed in the lagoon roughly 20-30 meters high in a traditional method. A young man will stand upon the tower with long spear maybe 5-10 meters long and will wait sometimes days until a dugong swims beneath the tower, at which point he must leap from the tower and drive the spear through the thick skull of the dugong. Again, the hunt itself proves the bravery of the young hunter, the men of the community support the hunter, and the entire community is brought together by the hunt.

In these examples, it is the traditional methods used for the hunt and the rite of passage for the hunter that represent the Intangible Cultural Heritage that is intended to be preserved by allowing the exemption to hunt these endangered species. However, the hunting of protected species by modern methods, which do not play an integral role in the maintenance of the community or its culture, do not represent legitimate exemptions to protective measures to preserve species and ecosystems at risk. Again, simply stating that one’s ancestors hunted sharks and turtles and therefore one should be exempt should not constitute a safeguarding measure for ICH since it can not be demonstrated what elements of ICH are being preserved.
If traditional activities bring greater harm to society than gain than logic should dictate that those traditions should indeed be abandoned. The more extreme case of cannibalism or headhunting serves to prove the point. No one will accept the argument that cannibalism or headhunting should be preserved as ICH, even if, like the examples above, it proves the role of a man within his community. In remote communities of Papua New Guinea, some have reported that the taking of an enemy's head still serves as a rite of passage for a young man. Yet, this would not be acceptable by international standards as a form of ICH.

Further, it is only because the hunting of dugong and whale using traditional methods can be shown to be sustainable that it is allowed. Similarly the hunting of turtles as customary use is typically only allowed within a defined season to ensure its sustainability. Traditionally, protocols were put in place to limit the number of turtles that were caught. The chiefs in power would determine how many turtles were to be caught and when and the catch would be shared amongst the entire community. However, the loss of the chiefly system requires that laws be put in place to take the role of those traditional chiefs. Also traditional methods were often times less successful, limiting the number that could be caught. The introduction of modern technology such as metal hooks, stronger fishing line, and motors now allows far more to be caught. In such cases laws should be put in place to limit the catch in order to preserve marine populations.

A more thought-provoking example is the traditional hunting of fruit bat in Guam and the Mariana islands. Like many Pacific Islanders the indigenous people of Guam, the Chamorros, hunted fruit bat, which on most all Pacific islands may be found throughout the day hanging from trees. They are easily caught. Traditional protocol once controlled the number of fruit bats that were hunted as they were an important source of fat, which is necessary to a healthy diet. Today there are many sources of fat from imported foods, so much so that eating too much fat is now a problem rather than too little. However, the eating of fruit bat became emblematic of the true Chamorro identity and to prove one’s Chamorro roots it became popular to eat large quantities of fruit bat. In many islands the hunting of fruit bat is now banned because of declining populations. The traditional hunting of fruit bat by Chamorros would seem to fulfill a necessary role in protecting the Chamorro identity but the method and rate at which it was caught had changed from its traditional roots.

Returning to the example of sharkfishing, it could be acceptable to allow an exemption if the shark was caught using traditional methods and it could be shown that the hunt played an important role within the culture and the community. This would mean that a traditional canoe was used, that the shark was caught using a lasso of coconut sennit rope, and a shark caller made of coconut shells was used to attract the shark. It could then be demonstrated that
A Critical Look at ICH

the young man who performed such a feat would then be revered throughout the community as a powerful leader. However, the catching of a shark using a motorboat, modern line and hook does not preserve any traditional culture and should not be given exemption as customary use.

A traditional example of shark fishing worthy of such exemption does however, occur in the FSM on the island of Fais one of the outer islands of the state of Yap. The outer islands between Yap and Chuuk still rely heavily on their traditional skills to survive as transportation between the islands is limited to irregular shipping and traditional sailing canoes leaving the islands still relatively remote. Archaeological studies have shown that sharks have been a part of the diet for the people of Fais since the initial settlement of the island at AD 400 (Ono & Intoh 2011). The people on Fais are said to be the only ones who eat sharks today as it is taboo on the other islands. As such the hunting of sharks plays a distinct role in the identity of the people of Fais and represents a legitimate exemption for traditional and customary practice.

Yap Festivals and Tourism Development

Each year on March 1st and 2nd, Yap’s traditional cultural festival known as Yap Day occurs. This two-day festival is marked by traditional dance performances and other displays of traditional culture. The 2014 Yap Day event was the 46th annual celebration. This festival is noted for its colorful displays of traditional dance for which different villages prepare for many weeks before. At the end, the best performing village is announced. The Yap Day celebration itself represents an opportunity to inventory the variety of dances known and practiced at that time.

All local participants are required to wear the traditional dress. Visiting tourists are also encouraged to wear the traditional clothes as well but are not required. In many ways the Yap Day celebration must be both a cultural celebration for the local people to re-instill their cultural traits to ensure the continuance of the authentic culture while still accommodating visiting tourists who wish to maintain their own culture. This is a difficult balance.

For the local the requirement to wear the traditional dress appropriate to the island and age can be a hindrance to their participation in the festival. Several locals expressed a desire to participate but a lack of traditional attire. However, since the purpose of the festival is to maintain traditional culture it is obvious that such restrictions must occur to maintain the authenticity of the event. Yet, the conflict becomes apparent when one witnesses the VIP tent that is composed of tourists who are able to view the festival as guests without participating, a privilege not offered to the local. Their role as guests seems appropriate though
given the nature of the festival and the wish of the Yapese to share their culture with the world. The more shocking aspect though was the freedom with which the tourists at the most recent Yap Day walked around and within the performances. The interaction was tolerated and perhaps even encouraged, most likely because of the small size of the tourists present. However, the possibility of greater numbers of tourist in the future will likely put a greater strain on this interaction.

In 2008, Yap began its annual canoe festival which takes place in the October to November time frame. The addition of this festival allows the Yapese culture to be celebrated even more. While retaining elements of dance similar to Yap Day, the canoe festival focuses strongly on the tradition of sailing canoe which was dwindling in the main island of Yap up until the inception of the festival. The canoe festival is one of the few occasions across the Pacific islands to allow one to witness the site of many sailing canoes traveling at once, an opportunity that promises to bring more tourists in the future.

Tourism development is a major target of economic development across FSM and Yap is clearly leading the way. But as tourism develops it is the growth of the number of visiting tourists that will directly endanger the culture that is being promoted. This conflict will require careful development to ensure that tourism is sustainable. In most cases this would favor a gradual build-up of the tourism industry and tourist numbers. However, given the international exposure of UNESCO, its world heritage list and the ICH list, it is very possible that large tourism companies would approach Yap to rapidly develop tourism in order to monopolize the island. One such effort has already occurred with the ETG development, which is now infamous throughout the island of Yap as an issue that has greatly divided the people there. The promise of large amounts of revenue has greatly won over much of the leadership of the island both governmental and traditional. However, many of the people of Yap have unanswered questions as to what their role will be once the ETG development is complete. What jobs will they have? Will the influx of tourists follow the traditional protocols or, like the VIPs of Yap Day, walk through the villages as they please?

The exact scope of the ETG development has been little known with hotel rooms numbering in the thousands, a conference center, and much more. It is expected that much of the ambiguity is due to on-going negotiations, however, it has fostered much speculation and rumor. Anything on the scale of what is being proposed will be difficult to regulate and it is likely that profits to the state will be minimal.
For now we can only observe what becomes of this example and let it serve to inform future decisions. The role that tourists play in the culture presentations will be an ongoing question. Will tourists have access to every village? Currently, most tourism is concentrated in Colonia and village tours are organized. Otherwise permission is required to enter many of the more important areas of villages. Whether this remains the norm or access changes and how those changes effect the ICH has yet to be seen.

**Collective Ownership between Islands**

Shared cultural traits can be seen across many of the islands of Micronesia including Chuuk, Pohnpei, Kosrae and the Marshall Islands, specifically in types of dance, such as the war dance of Mwoakilloa and the Marshall Islands and the Tokia dance seen in Chuuk and Pohnpei, though many more could likely be included. These shared dances should represent the shared connections between the islands. It is unquestioning that throughout the 2,000 years of these islands history people sailed between the islands sharing dances. The narratives of different clans represent the settlement by different peoples who came from different islands and brought their own cultural traits with them. Over time the cultures of these islands have then blended together as a single Pan-Micronesian culture. However, too often arguments may develop as to which island first created the dance and therefore can claim ownership. These details are lost to history and no definitive proof as to island ownership can be established due to the cultural changes that have effected each island differently over the past one to two hundred years.

These dances like many cultural traits within Micronesia and the Pacific Islands cannot be attributed to one single person, group, clan, or even island. They cross political boundaries. As such the rights concerned with intellectual property will always be a difficult issue to navigate.

**Traditional Medicine**

While most of the islands of Micronesia practice traditional medicine in one form or another, the author has observed that Pohnpei still maintains complex knowledge of traditional medicine. A poultice containing six to seven different plant compounds was observed being applied to a skin rash. While two or three of these plants were named it the exact nature of the medicine is often hidden. A local lady with knowledge of traditional medicine would sell her concoctions infused in coconut oil. If she shared her knowledge her income would be lost. It
should be noted that women often possess particular knowledge in the area of medicine.

The category of traditional medicine is vast. It includes the plants infused in coconut oil that can help treat mosquito bites that are sold at the local market, the lemon juice that can be used as an anti-septic, the guava leaf that is used to stop diarrhea, and much more. The more well-known the knowledge the more it is shared and the less known it is the more guarded.

A complete listing of the plants of Pohnpei and their ethnobotanic uses has recently been compiled (Balick 2009). However, while it includes medicinal uses of plants, this ethnobotany is written from a botanical perspective, and the exact nature of traditional medicine which is still well-guarded.

If such traditional medicinal knowledge is ever expected to be shared the financial benefits of such knowledge must be secured. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, more generally known as the Nagoya Protocol, is the only international agreement that ensures that such financial benefits will be shared with the keepers of traditional medicinal knowledge. Before any inventory of traditional medicinal knowledge may be compiled it is necessary for FSM and the state of Pohnpei to formally sign on to the Nagoya Protocol. This act will then ensure that research performed in traditional medicine will only be performed by legitimate researchers who agree with the need for access and benefit sharing.

**Traditional Apology**

One of the most basic tenets of government is that regulations are made and enforced in order protect the community. The police and other government bodies uphold the laws and regulations and verdicts are decided in the court system. However, within a tight-knit community that still maintains its traditional village system actions are often well known throughout the community and dealt with, without the interaction of government.

For example, if a crime were committed it is likely to be known of by a large portion of the community. It may be reported to the police and often is. However, ways are sought to maintain the harmony of the village without the involvement of legal matters. Traditionally, an apology ceremony will take place to receive closure. The entire extended family of the person who committed the offense will go to the family of the victim and apologize, humble themselves before the victim’s family, and bring sakau. This practice is also performed in Chuuk. The practice ensures that everyone knows what happened and that the family of the
offender will compensate for the crime. In most circumstances once the apology is performed all charges are dropped.

This example shows the power of the community and tradition to continue to enforce its own regulations. While this is a legitimate and effective cultural practice it is often performed under a low profile and separate from government.

In Yap, however, examples may be given where modern regulations have been incorporated into the traditional system. Marine Protected Areas are a modern government regulation, though connections to traditional laws may be found. Traditionally, each village maintains control of its own area within the lagoon and anyone who wishes to fish in such waters must obtain permission from the village. Marine Protected Areas within a village's waters are developed in accordance with the village who then enforces those regulations themselves. Someone who is caught fishing in the protected area may then be required a traditional penalty decided by the traditional chiefs often in the form of traditional money, or be reported to the government authorities who will then charge them their own penalty. Many say that the traditional penalties are the harsher and often the offender is reported to the government office at first and then is given a traditional penalty if they persist. This example shows the ability of the traditional system and the modern government to work together.

In Pohnpei, and Chuuk, traditional apology ceremonies are powerful ways to maintain order within the community. However, to ensure the role of government is maintained there needs to be a close relationship between the community and government offices as described for Yap.

Pohnpei has had difficulties maintaining its watershed areas which have had significant impacts from sakau planters who clear areas of the forest in the uplands. These areas above a certain elevation are demarcated as government lands but traditional ownership based on family ownership is claimed. Land tenure is a difficult issue to resolve across the Pacific islands and any many circumstances the government agencies have had little success protecting watershed areas. The exception is in Madolenihmw municipality where the traditional leadership was incorporated into the process in a bottom-up approach by the Madolenihmw Protected Areas Act of 2002 (Rose 2004). The incorporation of the traditional leadership was seen as Pohnpeians regaining control of their own resources.
V. Conclusions

The inventory of intangible cultural heritage included in this report should not be seen as an exhaustive list, a project that must be on-going and concentrated on individual islets. Rather, the aim of this report has been to provide a brief description of the types of intangible cultural heritage found on the different regions of the FSM and issues related to this heritage. The greatest repositories of ICH in the FSM may be seen in the main island of Yap which maintains a culture quite different from the other islands and more similar to Palau as exhibited in its unique language and history, the outer island of Yap and Chuuk which maintain traditional knowledge of sailing, navigation, and fishing, and Pohnpei, which maintains its traditional title system and the respect ceremonies that support it. These three areas demand particular focus. Further it would appear the greatest potential for tourism development around ICH lies in Yap and Pohnpei.

Some conclusions have presented themselves to help assist in the safeguarding of the ICH in these as well as the other islands of the FSM.

+ The strongest tool for the preservation of ICH is the continuation of cultural festivals. These celebrations are opportunities to document ICH on a large-scale in an efficient manner.

+ The development of performances for the tourist market should be accompanied by an effort to document the nature of its ICH.

+ To ensure the roles of the traditional leadership are respected those roles should be clarified more specifically within legislation. This will both allow traditional leaders to have greater involvement and the government regulations to be better enforced from the bottom up.

+ Traditional and customary use exemptions must be clearly defined in regulations otherwise illegitimate examples of traditional culture may be abused to subvert the law and the exact nature of traditional practices will be lost.
+ The Nagoya Protocol must be ratified if any inventory of traditional medicine is to be created.

+ Certain traditions which preclude the safeguarding of ICH must be reassessed if those traditions are to be survived.

The creation of cultural inventories are difficult given the limited resources of the state governments of the FSM. It is hoped that the conclusions provided above will give the state Historic Preservation Offices an idea of where they can start.
VI. References


VII. Pending Issues

Q1. Is any of the intangible cultural heritage in your country in danger of disappearance or transformation?

(Please include the name of the particular heritage, location, problems encountered, etc.)

The intangible cultural heritage in greatest danger of disappearance is the oral histories. While Yap has remained one of the most traditional islands of the Pacific it still seems that much of its oral history and myths have been lost. Many people and Yap have told me that they once had a rich oral history that took seven days to recount that told of the travels of Pululap and his sons and all the islands they held within their empire. Today there are few if any who can recount the stories in full. In Pohnpei, the oral history is closely guarded as it is in other islands. Because of its secrecy it is difficult to assess how well it is retained. The small atoll of Sapwuahfik offers the best method of retaining such oral histories. It maintains a council of traditional elders who are the keepers of their islands oral history. In this way those who retain the knowledge have been identified and may share the stories between themselves in the manner they see fit.

Q2. What are the reasons the heritage is in danger and what type of safeguarding measures have been taken? Please be specific.

Oral history accounts are in danger most likely because of the influx of modern culture from television. It is difficult to get the younger generation interested in oral history which is passed down in a slow, tedious manner when it must compete with flashy, highly-edited television programming. The incorporation of oral histories into the school curriculum would be a good safeguarding measure, especially if such histories could be written in interesting ways.

Q3. What are the pending issues for safeguarding ICH in your country that you have found through interviews and the field survey?
The most pending issue for safeguarding ICH is for the elements of ICH protected within the state constitutions and state codes to be more clearly defined, specifically the power of the traditional leaders and exemptions to natural resource protection for customary use.

Q4. What kind of problems and difficulties were encountered during the safeguarding projects?

The safeguarding of ICH is not something that can be simply accomplished by funding projects and passing laws. It must be performed and organized with instructors who show great care. In the 1990s several programs were funded to construct traditional canoes. The idea was that elders who retained the knowledge would teach the younger generation. However, I was told that elders constructed the canoe too fast for the younger students to keep up. The master carvers were performing the project for money and wanted to complete the project quickly so they could get paid. It is important to identify people who truly want to pass on the knowledge and not just to pay someone to do the job. Ichiro John, a Mwokilese elder, is one such person who wants to pass on the tradition of sailing canoe.

Another difficulty that is commonly seen is that the oral history and other such ICH are seen as the property of certain individuals and is appropriate to be passed down only by certain people. For example, westerners who compile oral histories, even if based strongly on the accounts of local historians, will be heavily criticized because they are not the appropriate persons to share such knowledge. This challenge is difficult to mediate unless these traditional protocols are softened.

Q5. What future plans are there for the safeguarding of ICH (programme information)?

Currently policies are being developed for Cultural Research and the passing of the Nagoya Protocol. These measures will ensure that research on ICH will be shared with the local people on the island and that profits from that research will be shared as well. This will hopefully encourage local people to share their knowledge more openly knowing that researchers will not take advantage of them, specifically in regards to traditional medicine.

Q6. What type of contributions and cooperation from the international society is needed for the safeguarding of ICH in your country?
The best way in which the international society may fund the protection of ICH is to support the festivals and presentations in which ICH is performed. Participation in the Festival of the Pacific Arts will be a huge opportunity for the FSM to show its pride in its ICH. However, because of the many different islands involved it is often difficult for FSM to support everyone equally. Supporting this and other cultural events should be a starting point for the international community to contribute.

Q7. What role do you expect ICHCAP to play in the safeguarding of intangible cultural heritage in the region in terms of programmes, projects, etc.?

There are several projects currently being proposed that lack organization and funding. Rather than trying to create new projects I feel it is best for ICHCAP to identify on-going projects that show promise, such as revitalization projects focused on sailing canoe and oral history compilations.

Q8. Please include any requests and/or suggestions you have on this matter.

Currently, Dr. Paul Ehrlich is in the process of re-editing a book of Pohnpei’s oral history that he wrote with the late Pohnpeian historian Masao Hadley, entitled Spaces in the Reef of Heaven which covers the legends of Nan Madol. Dr. Ehrlich is planning to publish the book as an ebook available on Kindle. However, the book is worthy of being published in print and should be shared with the College of Micronesia campuses and high schools throughout FSM. Such a publication could launch a project to publish oral histories for use in schools throughout FSM including the documentation of the Pululap legends of Yap. Father Fran Hezel has also proposed to produce a documentary of oral histories of FSM, concentrating on the links between the islands. The production of video accounts of oral histories would create multimedia for use in schools that could compete with the onslaught of western television. Dr. Ehrlich is also working to complete a documentary on Masao Hadley with footage shot before his death. I would therefore propose that ICHCAP consider a project to publish written and audio/visual materials on the oral histories of the islands.

Q9. What should be considered to encourage or to ensure active involvement from the community in safeguarding intangible cultural heritage?
For the community to become involved the project needs to be something that absolutely everyone can be involved in. Projects that are successful in Micronesia are those in which the whole village is incorporated. Projects that focus on just a few people often never get off the ground for fear of alienating anyone. It is also important that each and everyone person is made aware of the project before it occurs and all permissions are received. The preparation for any project is long and tedious, but if everything has been set in order than everyone will work to make it happen. For example, even the publication of the oral histories should include consultation with the traditional chiefs to ask permission for such a publication to take place.
### List of co-researchers

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<tr>
<th>Name</th>
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<th>Affiliation</th>
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<td>Mr Augustine Kohler</td>
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Annex 1 | Relevant Laws
Relevant Articles within National and State Constitutions and Codes

FSM Constitution Article 5: Traditional Rights

Section 1. Nothing in this Constitution takes away a role or function of a traditional leader as recognized by custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles at any level of government as may be prescribed by this Constitution or by statute.

Case annotations: Defendants are not within coverage of FSM Const. art. V, § 1, preserving "the role or function of a traditional leader as recognized by custom and tradition," simply by virtue of their status as municipal police officers. Teruo v. FSM, 2 FSM Intrm. 167, 172 (App. 1986).

Section 2. The traditions of the people of the Federated States of Micronesia may be protected by statute. If challenged as violative of Article IV, protection of Micronesian tradition shall be considered a compelling social purpose warranting such governmental action.

Section 3. The Congress may establish, when needed, a Chamber of Chiefs consisting of traditional leaders from each state having such leaders, and of elected representatives from states having no traditional leaders. The constitution of a state having traditional leaders may provide for an active, functional role for them.

Pohnpei Constitution Article 5: Tradition

Section 1. Customs and Traditions.
This Constitution upholds, respects, and protects the customs and traditions of the traditional kingdoms of Pohnpei.

Case annotations: The court must try to apply the Court Rules of Civil Procedure in a way that is consistent with local customary practice. Hadley v. Board of Trustees, 3 FSM Intrm. 14, 16 (Pon. S. Ct. Tr. 1985).

Judicial decisions, including interpretations of rules of civil procedure, should be consistent with the Constitution and with the Pohnpeian concept of justice. Hadley v. Board of Trustees, 3 FSM Intrm. 14, 16 (Pon. S. Ct. Tr. 1985).
The Pohnpeian custom of "Ke pwurohng omw mwur," according to which one reaps the fruit of one's misdeed, requires the lessor to bear the consequences of his failure to repossess the rented vehicle from the lessee. Phillip v. Aldis, 3 FSM Intrm. 33, 38 (Pon. S. Ct. Tr. 1987).

Customary law takes precedence over the common law, according to Pon. Const. art. 5, § 1; 1 TTC 103; 1 F.S.M.C. 203. Phillip v. Aldis, 3 FSM Intrm. 33, 38 (Pon. S. Ct. Tr. 1987).

The Pohnpei Supreme Court may look to Pohnpeian customs and concepts of justice when there are no statutes governing the subject matter, but it may also draw from common law concepts when they are appropriate. Koike v. Ponape Rock Products, Inc., 3 FSM Intrm. 57, 64 (Pon. S. Ct. Tr. 1986).

The common Pohnpeian custom of assisting a person in need should not be dispensed with in order to allow the defense of contributory negligence or assumption of risk to be raised. Koike v. Ponape Rock Products, Inc., 3 FSM Intrm. 57, 67 (Pon. S. Ct. Tr. 1986).

According to the Pohnpeian view of civil wrongs, if one damages another's property, he must repair or replace it; if one injures another person, he must apologize and provide assistance to the injured person and his family; if one kills another person, he must provide the assistance that the victim would have provided and may have to offer another person to take the place of victim in his family. Koike v. Ponape Rock Products, Inc., 3 FSM Intrm. 57, 70-71 (Pon. S. Ct. Tr. 1986).

The Pohnpei Supreme Court declines to adopt the "collateral source" rule, according to which alternative sources of income available to a victim are not allowed to be deducted from the amount the negligent party owes, because it does not want to discourage customary forms of family restitution. Koike v. Ponape Rock Products, Inc., 3 FSM Intrm. 57, 74 (Pon. S. Ct. Tr. 1986).

Under Pohnpeian state law after confirmation of a customary separation or divorce under 39 TTC 5, the court may order custody and child support under 39 TTC 103. Pernet v. Aflague, 4 FSM Intrm. 222, 225 (Pon. 1990).

Although under historical Pohnpeian customary law only the husband had rights over the children of the marriage, now both parents have rights and responsibilities in connection with a marriage and the court should take this into consideration in determining child custody rights and support payment.

The doctrine of comparative negligence is more consistent with life in Pohnpei in that the doctrine recognizes that injuries and damages are often caused through a combination of errors and misjudgments by more than one person. Nothing in Pohnpei custom absolves a party who caused injury to another from the customary obligations of apology and reconciliation because the injured party's negligence contributed to the injury. Alfons v. Edwin, 5 FSM Intrm. 238, 242 (Pon. 1991).

The Pohnpeian court system has to be extra cautious applying the foreignly developed concepts of criminal justice into its own, so that in adopting or applying such concepts it does so without doing injustice to Pohnpeian culture and traditional values. Pohnpei v. Weilbacher, 5 FSM Intrm. 431, 449 (Pon. S. Ct. Tr. 1992).

The Pohnpeian customary practice of quickly resolving conflict resulting from the commission of an act is closely related to, if not the counterpart of the Western concept of a speedy trial. Pohnpei v. Weilbacher, 5 FSM Intrm. 431, 450 (Pon. S. Ct. Tr. 1992).

**Section 2. Protection of Customs and Traditions.**
The Government of Pohnpei shall respect and protect the customs and traditions of Pohnpei. Statutes may be enacted to uphold customs or traditions. If such a statute is challenged as violating the rights guaranteed by this Constitution, it shall be upheld upon proof of the existence and regular practice of the custom or tradition and the reasonableness of the means established for its protection, as determined by the Pohnpei Supreme Court.

**Yap Constitution Article 3: Traditional Leaders and Traditions**

**Section 1.** Due recognition shall be given to the Dalip pi Nguchol and their traditional and customary roles.

**Constitutional amendment:** New Section 1 was added by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-65, D2 of the 2004 Yap Constitutional Convention.
**Section 2.** There shall be a Council of Pilung and Council of Tamol which shall perform functions which concern tradition and custom.

**Constitutional amendment:** Section 1 was renumbered as Section 2 by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-65, D2 of the 2004 Yap Constitutional Convention.

**Section 3.** Due recognition shall be given to traditions and customs in providing a system of law, and nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom.

Case annotations: Since under Yapese custom a daughter in her adult years may be expected to provide certain services for her mother, the loss of such customary services should be considered in calculating the mother’s pecuniary injury resulting from her daughter's death. Leeruw v. FSM, 4 FSM Intrm. 350, 365 (Yap 1990).

Given that a 19-year old daughter is considered a child under Yapese custom, that the decedent was a 19-year old daughter who up to the time of her death continued to live with her parents in Yap and to perform those household chores expected under custom of young female persons within families in Yap, and that the parents were accompanying their daughter en route to obtain medical services when she died, the daughter was a child within the meaning of 6 FSMC 503. Leeruw v. FSM, 4 FSM Intrm. 350, 366 (Yap 1990).

Constitutional amendment: Section 2 was renumbered as Section 3 by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-65, D2 of the 2004 Yap Constitutional Convention.

**Yap Constitution Article 15: Transition**

**Section 1.** The Legislature [shall] may provide for the codification of traditional laws of the State of Yap [within a reasonable time after the effective date of this Constitution].
**Constitutional amendment:** Section 1 was amended as set forth above (with added language underlined and deleted language bracketed) by a constitutional amendment adopted by Yap State voters on November 7, 2006 and certified by the Yap State Election Commissioner on November 24, 2006. The amendment was set forth in Proposal No. 2004-40, D2 of the 2004 Yap Constitutional Convention.

**Chuuk Constitution Article 4: Traditional Rights**

**Section 1.** Existing Chuukese custom and tradition shall be respected. The Legislature may prescribe by statute for their protection. If challenged as violative of Article III, protection of Chuukese custom and tradition shall be considered a compelling social purpose warranting such governmental action.

**Case annotations:** In Trukese society, the husband, as the head of the household, is responsible for taking care of the family legal matters such as signing of documents, and overseeing all family financial matters. O’Sonis v. Truk, 3 FSM Intrm. 516, 518 (Truk S. Ct. Tr. 1988).

Either the husband or the wife may prosecute or defend a civil action in which one or both are parties, provided that he or she has informed his or her spouse of the representation. O’Sonis v. Truk, 3 FSM Intrm. 516, 518 (Truk S. Ct. Tr. 1988).

Even when the parties have not raised an issue of custom or tradition, the court has an obligation of its own to consider custom and tradition. O’Sonis v. Truk, 3 FSM Intrm. 516, 518 (Truk S. Ct. Tr. 1988).

Since the judicial system and customary settlement in Truk are fundamentally different and serve different goals, the primary concern of customary settlement being community harmony rather than compensation for loss, the use of one should not prevent the use of the other. Suka v. Truk, 4 FSM Intrm. 123, 128 (Truk S. Ct. Tr. 1989).

To the extent that customary settlements are given any binding effect at all, they should be only binding as to those persons that are part of custom; state agencies and non-Trukese persons are not part of that system. Suka v. Truk, 4 FSM Intrm. 123, 129 (Truk S. Ct. Tr. 1989).
Offers or acceptances of customary settlement should neither be used in court to prove liability on the part of the wrongdoer, nor be deemed the same as a legal release on the part of the plaintiff. Suka v. Truk, 4 FSM Intrm. 123, 129 (Truk S. Ct. Tr. 1989).

The traditional remedy for the original landowners in an "ammot" transaction when the grantee no longer used the land for the purpose for which it was given was repossession of the land and nothing more. Wito Clan v. United Church of Christ, 6 FSM Intrm. 129, 134 (App. 1993).

Patrilineal descendants — or afokur — have no rights to lineage land in Chuuk. They only enjoy permissive rights of usage from the members of the lineage. Mere usage of lineage land by afokur does not constitute title of any sort even if the usage lasts a lifetime. Transfer of lineage land to any descendants of male members requires the clear agreement of the Clan. Chipuelong v. Chuuk, 6 FSM Intrm. 188, 196 (Chk. S. Ct. Tr. 1993).

It is an established principle of Chuukese land tenure, that lineage land is owned by the matrilineal descendants and not by the patrilineal descendants or "afokur." Chipuelong v. Chuuk, 6 FSM Intrm. 188, 197 (Chk. S. Ct. Tr. 1993).

The sanction imposed on one who controls and manages the land of a group who does not fairly and according to custom concern himself with the rights of the other members or another member of the group is the censure of the community. In re Estate of Hartman, 6 FSM Intrm. 326, 328 (Chk. 1994).

When the children of a landowner with full title to land inherit the land they form a land-owning group ("corporation"). The senior male, the mwääniichi, is required to manage the property in the interest of the "corporation." The corporation owns the land even if one part or another is allotted to a member for his use. In re Estate of Hartman, 6 FSM Intrm. 326, 329 (Chk. 1994).

Individuals have full title to the improvements (as distinguished from the soil) made upon land owned by a land-owning group or "corporation." In re Estate of Hartman, 6 FSM Intrm. 326, 330 (Chk. 1994).

The property owned in full title by one who dies is inherited by the children of the deceased. Personal property suited for use by women is inherited by daughters and sisters. In re Estate of Hartman, 6 FSM Intrm. 326, 330 (Chk. 1994).
An adoption of an adult may qualify for recognition by the court if done under Chuukese custom. In re Jae Joong Hwang, 6 FSM Intrm. 331, 332 (Chk. S. Ct. Tr. 1994).

Section 2. Nothing in this Constitution takes away the role or function of a traditional leader as recognized by Chuukese custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles in government.

Section 3. The Legislature may appropriate funds annually for a traditional leaders conference.

Section 4. Traditional rights over all reefs, tidelands, and other submerged lands, including their water columns, and successors rights thereto, are recognized. The Legislature may regulate their reasonable use.

Case annotations: The people of Chuuk have always considered themselves to have rights and ownership of the tidelands, and thereby hold the property rights in them, throughout all of the several foreign administrations. These traditional and customary claims came down from time immemorial. Nimeisa v. Department of Public Works, 6 FSM Intrm. 205, 208 (Chk. S. Ct. Tr. 1993).

The Chuuk State Constitution recognizes all traditional rights and ownership over all reefs, tidelands, and other submerged lands subject to legislative regulation of their reasonable use. Nimeisa v. Department of Public Works, 6 FSM Intrm. 205, 209 (Chk. S. Ct. Tr. 1993).

It was the intent of the framers of the Chuuk State Constitution to return the rights and ownership of all reefs, tidelands (all areas below the ordinary high watermark), and other submerged lands to the individual people of Chuuk State. Nimeisa v. Department of Public Works, 6 FSM Intrm. 205, 210 (Chk. S. Ct. Tr. 1993).

The constitutional grant of ownership of the tidelands back to the rightful individual owners, shall be given prospective application only. Nimeisa v. Department of Public Works, 6 FSM Intrm. 205, 212 (Chk. S. Ct. Tr. 1993).

When the language of the Chuuk Constitution does not define the term "tidelands" contrary to the common usage of the word or its accepted legal definition, and the legislative history does not indicate that the framers intended another meaning the court will employ the meaning of the term

The reversion of reefs, tidelands and other submerged lands to private owners granted by art. IV, § 4 of the Chuuk Constitution does not apply to any tidelands that were previously filled or reclaimed. Nena v. Walter, 6 FSM Intrm. 233, 236 (Chk. S. Ct. Tr. 1993).

Tideland is land below the ordinary high water mark. Filled or reclaimed land, by its nature, is not land below the ordinary high water mark, and it cannot be considered tideland or submerged land. Nena v. Walter, 6 FSM Intrm. 233, 236 (Chk. S. Ct. Tr. 1993).

The Chuuk State Constitution, effective on October 1, 1989, recognizes traditional rights over all reefs, tidelands, and other submerged lands. Tidelands, including man-made islands, that were filled prior to this effective date are no longer classed as tidelands and have become dry land. Sellem v. Maras, 7 FSM Intrm. 1, 3-4 (Chk. S. Ct. Tr. 1995).

Tidelands traditionally are those lands from the dry land to the deep water at the edge of the reef, and must be shallow enough for Chuukese women to engage in traditional methods of fishing. Sellem v. Maras, 7 FSM Intrm. 1, 4 (Chk. S. Ct. Tr. 1995).

A deep water passage through a reef too deep for Chuukese women to engage in their traditional fishing methods is not a tideland. While under Chuukese tradition and custom channels may have been owned, the constitution does not recognize traditional rights over channels. The state thus retains ownership of the channels, as was the situation prior to the adoption of the Chuuk Constitution. Sellem v. Maras, 7 FSM Intrm. 1, 5 & n.9 (Chk. S. Ct. Tr. 1995).

Tidelands within the meaning of art. IV, § 4 of the Chuuk Constitution are those marine lands from the shore to the face of the reef that are shallow enough for traditional fishing activity by women. The constitutional recognition of traditional rights in tidelands does not include deep water channels or tidelands that have become dry land prior to the effective date of the constitution, through filling or other activity that raised the level of the marine lands above the mean high tide mark. Sellem v. Maras, 7 FSM Intrm. 1, 7 (Chk. S. Ct. Tr. 1995).
FSM Code Title 26: Historical Sites & Antiquities
Chapter 1. General Provisions

§ 101. Declaration of policy.
It is the policy of the Federated States of Micronesia to protect and preserve the diverse cultural heritage of the peoples of Micronesia and, in furtherance of that policy, to assist in the identification and maintenance of those areas, sites, and objects of historical significance within the Federated States of Micronesia.


Cross-reference: The statutory provisions on Environmental Protection are found in title 25 of this code.

§ 102. Definitions.
Whenever used in this title, unless the subject matter, context, or sense otherwise requires:

(1) "Cultural attribute" means all aspects of local culture, tradition, arts, crafts, all social institutions, forms of expression, and modes of social interaction.

(2) "Historic property" means sites, structures, buildings, objects, and areas of significance in local history, archeology, or culture.

(3) "Historical artifact" means an object produced by human beings 30 or more years previously.

Source: PL 1-48 § 2.

Editor's note: Subsections rearranged in alphabetical order in 1982 edition of this code.

Cross-reference: The statutory provisions on Environmental Protection are found in title 25 of this code.

Chapter 2. Institute for Micronesian History & Culture

§ 201. Authorization.
The Director of Administrative Services shall oversee the identification, conservation, and protection of historic properties and cultural attributes
within the Federated States of Micronesia through the effective administration of funds from various sources. As used herein, “Institute” means the Director of Administrative Services or his designee.

Source: COM PL 3-34 § 2; COM PL 4-1 § 1; TT Code 1970, 67 TTC 252(part); TT Code 1980, 67 TTC 252(part); PL 1-48 § 3(part); PL 5-21 § 3.

Editor's note: Former section 202 on Director and section 203 on Advisory Panel were repealed and sections 204 and 205 were renumbered as sections 202 and 203 by PL 5-21 § 13.

The Institute shall have the following powers and duties:
(1) to provide professional assistance to historic and cultural preservation programs in the several states;

(2) to provide professional guidance regarding historic and cultural affairs and recommendations to all levels of Government and the agencies thereof, as well as to foreign governments and private businesses operating in Micronesia;

(3) to advise the executive and legislative branches of the National Government concerning public and private actions which may affect historic properties or cultural attributes;

(4) to secure and administer grants and private contracts for research and other activities promoting the preservation of Micronesian historic properties and cultural attributes;

(5) to prepare and submit a report at least once a year to the President and the Congress of the Federated States of Micronesia setting forth the activities of the Institute during the period since its last report and its plans for the future;

(6) to establish facilities and acquire equipment and supplies as may be necessary for the effective implementation of its mandate, taking all reasonable steps to guard against unnecessary duplication of facilities and materials at the State and National level;

(7) to establish and maintain a National Archives for the Federated States of Micronesia at the Community College of Micronesia, to be a depository for
documents and other articles of historic or cultural significance and to be made available to scholars and others interested in researching the history and cultures of the Federated States of Micronesia;

(8) to monitor the activities of the National Government and its agencies and private individuals or groups of individuals which could have an impact on historic properties or cultural attributes;

(9) to prepare and promulgate rules, regulations, and guidelines necessary to the effective implementation of this section; and

(10) to engage in such other activities as are not inconsistent with the purposes of this title.

Source: COM PL 3-34 § 2; COM PL 4-1 § 1; TT Code 1970, 67 TTC 252(part); TT Code 1980, 67 TTC 252(part), 254; PL 1-48 § 3(part); renumbered by PL 5-21 § 13.

Cross-reference: The statutory provisions on Environmental Protection are found in title 25 of this code.

§ 203. Cooperative agreements.

(1) The Institute is authorized to enter into cooperative agreements with, and to seek and accept financial, technical, or other assistance from, any agency of the Government of the Federated States of Micronesia, agencies of local or State governments, and educational or scientific institution, any corporation or foundation, any private party, or any foreign government and its agencies, provided such assistance or cooperation is not in conflict with a specific provision contained in a Compact of Free Association between the Government of the Federated States of Micronesia and the Government of the United States of America.

(2) Any agreement or contract with a foreign government or its agencies shall be negotiated in conjunction with the executive branch of the Government of the Federated States of Micronesia and consummated only with the express written permission of the President of the Federated States of Micronesia.

Cross-reference: The statutory provisions on Foreign Relations are found in title 10 of this code.

Chapter 3. Historical Preservation Procedures

The National Government of the Federated States of Micronesia and its agencies, as well as agencies or other parties, public or private, foreign or domestic, operating with the financial assistance or permission of the National Government, shall submit plans and proposals for any undertaking as early as is possible to the Institute for its review and shall conduct such studies or assist the Institute and the appropriate State preservation program in conducting such studies as may be necessary to determine the effects of their undertakings on historic properties and cultural attributes.

Source: PL 1-48 § 4(part).

§ 302. Institute’s review — Responsibilities of Institute.
Whenever the Institute is notified or learns of any activity or proposed activity of the National Government of the Federated States of Micronesia and its agencies, as well as agencies or other parties, public or private, foreign or domestic, operating with the financial assistance or permission of the National Government which may have an impact on historic properties or cultural attributes, it shall take all steps reasonable and necessary to determine the nature and magnitude of the impact such activities are likely to have on the historic property or cultural attribute.

Source: PL 1-48 § 4(part).

§ 303. Institute’s review — Consultations.

(1) Should the Institute determine that significant effects are likely, the Institute shall initiate consultations with the agency or individual engaging or proposing to engage in the activity, other concerned agencies, the coordinators of affected State preservation programs, as well as the public, to clearly identify the historic properties or cultural attributes subject to impact.
(2) It shall be the goal of the Institute to maximize beneficial effects and eliminate or mitigate any harmful effects to Micronesian historic properties or cultural attributes.

(3) Any agency or party, public or private, foreign or domestic, operating with the financial assistance or permission of the National Government, upon receipt of notification that consultation is necessary in the opinion of the Institute, shall enter into such consultation.

(4) Action on the undertaking which is the subject of consultation shall be suspended if there is a threat of immediate and irreparable harm to an historic property or artifact. Any undertaking so suspended shall not be resumed until approval of the undertaking has been given by the President.

Source: PL 1-48 § 4(part).

§ 304. Institute’s review — Submission to President.

If an irresoluble conflict arises between the preservation of historic properties or cultural attributes and the plans of an agency or a party, the Institute and the agency or party concerned shall prepare and submit reports setting forth the facts of the situation and all other relevant facts, opinions, and recommendations to the President of the Federated States of Micronesia.

Source: PL 1-48 § 4(part).

§ 305. President’s ruling.

(1) The President shall review both sides of the conflict and prepare a ruling within seven days resolving the conflict, such ruling to be binding on both the Institute and the agency or party.

(2) The President, in reaching a decision, shall take into account the value of the undertaking in question to the economic and general development of the Federated States of Micronesia or to its defense and the value of the historic property or cultural attribute involved to the maintenance of Micronesia’s cultural integrity and to the scientific and humanistic understanding of Micronesia’s cultures and history.

(3) Upon reaching a decision in any dispute referred to him, the President shall issue a public announcement setting forth the decision and its bases. Such decisions shall be binding on the parties concerned.
Chapter 4. Protection of Artifacts

§ 401. Destruction, transportation, or exportation of historical artifacts prohibited.

(1) No person shall willfully transport any historical artifacts in interstate or foreign commerce without the express written permission of the Governor and two-thirds of the legislature of the State in which such artifacts were found.

(2) No person shall willfully deface, disfigure, disturb, or destroy any historic property within the control and jurisdiction of the National Government of the Federated States of Micronesia without the express written permission of the President and the Speaker of the Congress of the Federated States of Micronesia.

(3) Upon receiving a request for permission to export, deface, disfigure, disturb, or destroy any historic property or artifact with the control and jurisdiction of the National Government of the Federated States of Micronesia, the President shall consult with the Institute and the State or States affected and secure the approval of both, prior to granting such requests. Within one year of the act codified in this section becoming law, the Institute, together with the President, shall make all reasonable efforts to recover and return to the State of origin any and all known historical artifacts, documented or otherwise, which were allowed to be exported out of the Federated States of Micronesia in the past.

Source: PL 1-48 § 6; PL 3-76 § 1.

Cross-reference: The statutory provisions on Environmental Protection are found in title 25 of this code.
§ 402. Penalties.
Any person violating any provision of section 401 of this chapter or the rules and regulations issued pursuant to authority vested by this chapter shall be punished by a fine of no less than $300 nor more than $1,000 for each violation.

Source: COM PL 3-34 § 2; COM PL 4-1 § 1; TT Code 1970, 67 TTC 252(part); TT Code 1980, 67 TTC 252(part); PL 1-48 § 7.

Cross-reference: The statutory provisions on Environmental Protection are found in title 25 of this code.
§101. Appointment and standing members.
The Council of Pilung and Council of Tamol shall file with the Legislature, Governor, and State Court a document or documents certifying the membership of each Council, the manner in which each member was appointed, the date of such appointment, and the traditional standing of each member within the municipality and village of residence. The certified documents shall be filed by the Council on or before September 30, 1979, and within 30 days after any change of membership on a Council or the traditional standing of member on a Council.

Source: YDC §1252, as enacted by YSL 1-6 §2, modified.

Cross-reference: The constitutional provisions regarding councils of traditional leaders and traditions are found in Yap Const., Art. III, sections 1 and 2. Those sections state:

Section 1. There shall be a Council of Pilung and Council of Tamol which shall perform functions which concern tradition and custom.

Section 2. Due recognition shall be given to traditions and customs in providing a system of law, and nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom."

§102. Additional functions.
In addition to those functions exercised by the Council of Pilung and Council of Tamol by virtue of the Constitution of the State of Yap, the Councils shall exercise the following functions as they may concern tradition and custom:

(a) To advise and make recommendations to the Governor and Legislature;

(b) To advise and make recommendations to the departments and offices of the Executive branch of the State Government;

(c) To resolve problems and assist in matters concerning the municipalities and islands of the State; and

(d) To promote and preserve the traditions and customs of the people of the State in a manner consistent with the Constitution of the Federated States of Micronesia and the Constitution of the State of Yap.

Source: YDC §1253, as enacted by YSL 1-6 §2, modified.

Cross-reference: The constitutional provisions on Traditional Leaders and Traditions are found in Yap Const., Art. III.
§103. Operations and rules.
The manner in which the Council of Pilung and Council of Tamol shall operate, including rules of procedure, shall be determined by the respective councils.

Source: YDC §1254, as enacted by YSL 1-6 §2.

§104. Administration.
The Council of Pilung and Council of Tamol may appoint such administrative and clerical assistants as may be necessary and as provided for under appropriations made by the Legislature or funded by another source.

Source: YDC §1255, as enacted by YSL 1-6 §2.

Cross-reference: The constitutional provisions on the Legislature are found in Yap Const., Art. V. The statutory provisions on the Legislature are found in Title 2 of this Code.

§105. Support from State Government.
Officers and employees of the State Government shall cooperate with the Council of Pilung and Council of Tamol, and shall, upon the written request to the Governor from either council, furnish information and other assistance as may be called for in connection with the activities of the councils.

Source: YDC §1256, as enacted by YSL 1-6 §2.

Cross-reference: The statutory provisions on the Executive branch are found in Title 3 of this Code.

§ 106. Compensation and expenses.
Compensation, allowances, per diem, and travel expenses of members of the Council of Pilung and Council of Tamol shall be determined and expended by each council as provided by appropriations made by the Legislature or funded by another source; except that no member of either council who receives compensation as an official or employee of the State Government, State agencies or political subdivisions of the State, may receive compensation as a member of a council.

Source: YDC §1257, as enacted by YSL 1-6 §2, and amended by YSL 4-41 §1, modified.

Cross-reference: The statutory provisions on Public Officers and Employment are found in Title 8 of this Code.
Chapter 4: Historic Preservation

§401. Short title.
This chapter shall be known and may be cited as the "State Historic Preservation Act of 1989".
Source: YSL 2-56 §1, modified.

Commission Comment: The original State Historic Preservation Act was enacted in YSL 1-58. Section 2 of YSL 2-56 repealed that Act in its entirety and provided that its provisions supersede it. Section 1 of YSL 2-56 explain that its provisions make necessary modifications and adjustments to the Act so as to be consistent with the Executive Branch Reorganization Act.

§402. Findings.
The Legislature finds that:
(a) The people of the State have an ancient and distinguished history which have played an important role in the history of Micronesia.

(b) Sites, structures, buildings, objects and areas of historic and cultural significance within the State have been damaged and destroyed, and objects removed from the State.

(c) Traditions, arts, crafts, stories, and songs of historic and cultural significance are in danger of being lost as elders pass away and their knowledge with them.

(d) The spirit and direction of the State are founded upon and reflected in its historic past.

Source: YSL 2-56 §2, modified.

Cross-reference: The constitutional provisions on Traditional Leaders and Traditions is found in Yap Const., Art. III. The statutory provisions on the councils of traditional leaders is found in chapter 1 of this title.

§403. Declaration of policy.
The State Government is empowered by the Constitution of the Federated States of Micronesia and the Constitution of the State of Yap to protect, conserve, and develop objects and places of historic and cultural interest within the State. It is the policy of the State to exercise that power to preserve the sites, structures, buildings, objects, areas, traditions, arts, crafts, stories, and songs of historic and cultural significance for the benefit of present and future generations.

Source: YSL 2-56 §2, modified.
§404. Definitions.
As used in this chapter, unless the context otherwise requires, the term:

(a) "Director" means the Director of Youth and Civic Affairs.

(b) "Division" means the Division of Civic Affairs within the Department of Youth and Civic Affairs.

(c) "Historic property" means any site, structure, building, object or area of significance in the history, archaeology or culture of the people of the State of Yap.

(d) "Traditional culture" means any tradition, art, craft, song, story or technology indigenous to the people of the State of Yap.

Source: YSL 2-56 §2, modified.

§405. Implementation of policy.
(a) The State Government, including its agencies and political subdivisions shall implement a program to identify, protect, preserve, and develop historic properties and traditional culture. The program shall be known and referred to as the "Yap Historic Preservation Program".

(b) The State Government, including its agencies and political subdivisions, prior to permitting, assisting or engaging in any activity which may have an impact on historic properties shall notify the Division of Civic Affairs.

(c) The Division shall take all steps reasonable and necessary to determine the nature and magnitude of the impact such activities are likely to have on historic property or traditional culture. Should the Division determine that significant effects are likely, it shall initiate consultation with any concerned agency, political subdivisions, or person to clearly identify the historic properties or traditional culture subject to impact.

(d) The Division shall maximize beneficial effects and eliminate or mitigate any harmful effects to historic properties or traditional culture.

(e) Any agency, political subdivision or person, upon receipt of notification that consultation is necessary in the opinion of the Division, shall enter into such consultation. Any activity which is the subject of consultation shall cease if there is a threat of immediate and irreparable harm to an historic property or traditional culture.

(f) If an irresolvable conflict arises between the preservation of historic properties or traditional culture and the activity which is the subject of consultation, all parties to the consultation shall submit reports of their
findings and recommendations to the Director of the Department of Youth and Civic Affairs and the Governor.

(g) The Director and Governor shall review the conflict and enter a decision to resolve the conflict. The decision shall be binding upon all parties to the activity which is the subject consultation.

(h) Prior to entering a decision, the Director and Governor shall consider the value of the activity to the economic and social development of the State and the value of the concerned historic property or traditional culture.

Source: YSL 2-56 §2, modified.

Cross-reference: The constitutional provisions on Traditional Leaders and Traditions are found in Yap Const., Art. III. The statutory provisions on the councils of traditional leaders is found in chapter 1 of this title. The statutory provisions on the Executive are found in Title 3 of this Code.

With the approval of the Director of Youth and Civic Affairs, the Division shall have these powers and duties:

(a) Participate in programs and activities of the Institute of Micronesian History and Culture;

(b) Conduct and support archaeological surveys for identification of historic properties;

(c) Acquire and preserve documents and oral statements on the history and traditional culture of the State;

(d) Promote, conduct, and support the restoration, stabilization and maintenance of historic properties;

(e) Conduct studies, surveys, and investigations on public or private activities that may have impact on historic properties or traditional culture;

(f) Promote the establishment of a State Museum and operate or support the operation of the museum;

(g) Promote the establishment of a State Historic Park System and administer or support the administration of the system;

(h) Promote, conduct, and support education programs on historic preservation;

(i) Coordinate public and private activities to preserve historic properties and traditional culture;
(j) Promulgate rules and regulations, subject to the approval of the Governor, necessary for the effective implementation of this chapter;

(k) Receive and administer grants and funds; and

(l) Enter into contracts, to exercise powers and perform duties enumerated in this section, and engage in such other activities consistent with the purposes of this chapter.

Source: YSL 2-56 §2, modified.

§407. Councils of traditional leaders.

(a) The Council of Pilung and Council of Tamol shall advise the Division on matters and activities that concern historic properties and traditional culture.

(b) The Division shall deliver reports on the activities of the Division that concern historic properties and traditional culture to the Council of Pilung and the Council of Tamol upon the request of the council.

Source: YSL 2-56 §2, modified.

Cross-reference: The constitutional provision establishing the Council of Pilung and the Council of Tamol is found in Yap Const., Art. III, Sect. 1. The statutory provisions on the councils of traditional leaders is found in chapter 1 of this title.

§408. Harming or removing historic property prohibited.

No person shall wilfully remove, or cause to be removed, historic property from the State or the public domain, or wilfully deface, disfigure, disturb, damage or destroy such property.

Source: YSL 2-56 §2, modified.

§409. Penalties.

A person who violates any provision of this chapter, or rules and regulations promulgated pursuant to this chapter, shall upon conviction be punished as follows:

(a) If the value of the historic property involved is less than $1,000.00, by imprisonment of not more than one year, or fined not more than $1,000.00, or both; or
(b) If the value of the historic property involved is $1,000.00 or more, by
imprisonment for not more than five years, or fined not more than the
value of the property, or both.

(c) The value of the property involved shall be deemed to be the highest value,
by reasonable standard, of the property.

Source: YSL 2-56 §2, modified.
Cross-reference: The statutory provisions on Crimes and Punishment are
found in Title 11 of this Code.

§410. Severability.
If any provision of this chapter, or amendments thereto, or application thereof
to any person, thing or circumstances is held invalid, the invalidity does not
affect the provisions or application of this chapter, or amendments, that can be
given effect without the invalid provision or application, and to this end the
provisions of this chapter, and the amendments thereto, are severable.

Source: YSL 2-56 §2, modified.

Chapter 5. Tradition Award Fund

§501. Intent of the Legislature.
It is the intent of the Legislature of the State of Yap to encourage the citizens of
the State of Yap to promote, support and preserve Yapese traditions and
customs and heritage. The Legislature intends to create a fund from which
awards would be made to individual municipality, village or community for the
construction and completion of its own traditional men's or meeting house.
This program is designed to provide an incentive for those members of the
respective communities who possess skills and expertise in traditional
construction of men's or meeting houses to pass on such traditional skills and
expertise to the younger generation through usage and actual practice. This
program is beneficial to the State of Yap since it will provide for (1)
preservation of traditions and customs, (2) tourists attraction, and (3) teaching
of traditions and customs.

Source: YSL 2-102 §1, modified.

Cross-reference: The constitutional provisions on Traditional Leaders and
Traditions are found in Yap Const., Art. III. The full text of the Yap State
Constitution is found following the Introduction to this Code.

§502. Creation of Tradition Award Fund.
There is created a fund to be known as the Tradition Award Fund, herein
referred to as the "Fund".
§503. Financial matters and appropriation.

(a) The sum of $100,000.00, or so much thereof as may be necessary, is appropriated from the General Fund of the State of Yap for the purpose of providing funds for initial deposit into the Fund.

(b) The sum appropriated under subsection (a) of this section shall be accounted for in accordance with the provisions of applicable law, including, but not limited to, the State Financial Management Act of 1983, as amended.

(c) The sum appropriated shall be allotted to the Governor or his designee who shall be responsible for ensuring these funds are used only for the purpose specified in subsection (a) of this section and that no obligations are incurred in excess of the sum appropriated. The sum appropriated shall not revert to the General Fund of the State of Yap.

§504. Annual reports.

The Governor or his designee shall file a report with the Legislature each year during its regular session, showing the status of funds appropriated under subsection (a) of section 503 of this chapter, the amount of money in the Fund, and the detail breakdown of all payments made from said Fund.

§505. Authority to disburse funds; procedures.

The Governor or his designee is hereby authorized to award to a municipality, village or community of the State of Yap such sum as may be required, out of the Fund, provided that the municipality, village or community has met the requirements set forth below. The amount to be awarded to a municipality, village or community shall be computed at the rate of $2,000.00 per fathom of the respective traditional house. The requirements are:

(a) Yap Proper:
(1) Identify the "Salap" (architect/engineer) of the construction work. The community through its chief or whoever is traditionally responsible for initiating such construction shall identify the "Salap" for the work.

(2) Determine the exact number of fathoms of the structure. This is the traditional measurement of traditional houses which is called "Ralap" and is determined prior to commencement of construction and without the extensions or the "Rach".

(3) The total amount of the award shall be based on the number of fathoms ("dirii"), and the payment shall be made in three equal parts as follows:

(i) First payment shall be made upon the completion of the roof;

(ii) Second payment shall be made upon the completion of the foundation ("def" or "dayif") and the rest of the required platform ("wunbey", "chabag", etc.).

(iii) Last payment shall be made upon completion of the whole structure, i.e., walls, etc.

(b) Outer Islands:

(1) The planning and designing of the structure, identifying the architect or engineer for the construction, and measuring the structure must all conform to traditional and customary practices and procedures.

(2) Award and actual payments shall be made in similar manner as described in subsection (a)(3); there shall be three equal payments whereby each of the first two is made upon the completion of a major portion of the structure and the final payment made upon the completion of the whole traditional house including all customary requirements.

(3) Notwithstanding the requirement of three equal payments for an award, the payments under this subsection may be combined into one or two payments whenever the traditional and customary construction of such houses consists of one or two major phases.

(c) Additionally, in order for a community to qualify for an award, the community through its municipality chief, or his designee, representing the municipality to the Council of Pilung or Council of Tamol, shall inform the Governor, in writing, the community's intention to construct such houses. Such writing shall include the following:

(1) The kind of traditional house to be constructed;

(2) The measurement of the structure;
(3) The identity of the "Salap", his residence, and the basis for which he has been determined to be the "Salap" of the intended structure; and

(4) The amount of the anticipated award.

Source: YSL 2-102 §1, as amended by YSL 3-58 §1, modified.

§506. Awards; funds disbursement.
The amount of the award shall be paid in three equal payments subject, however, to the following requirements which shall be met before each payment is made:

(a) The municipality chief, who shall also be a member of the Council of Pilung or Council of Tamol, shall present to the Governor a request for payment and a written statement by the chief certifying to the Governor that the requirements under section 505 are met.

(b) The Governor may require any other relevant information which he deems necessary before making an award.
Source: YSL 2-102 §1, modified.

§507. Severability.
If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, such holding shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Source: YSL 2-102 §1, modified.

Chapter 6. Researcher Registration

§601. Title.
This chapter may be known and cited as the "State Researcher's Registration Act."

Source: YSL 4-33 §1 (Section 601), modified.

§602. Findings.
The Legislature finds that:

(a) Throughout the course of the State's recent history, many scholars and scientists from a variety of academic fields have come to Yap State to study its unique society, culture and traditions.
(b) Yap State has always welcomed, and will continue to welcome, such persons, including, but not limited to, anthropologists, archaeologists, marine specialists, historians, lawyers, and other social scientists.

(c) Yap has a strong State interest in ensuring that all such researchers are able to access the data which they need, that they are able to be apprised of any inaccuracies in data collected, that they provide Yap with at least two copies of their final work product, and that they pay Yap a royalty fee on the sale of their final work product.

Source: YSL 4-33 §1 (Section 602), modified.

Cross-reference: The constitutional provision on tradition and custom is found in Yap Const., Art. III. The statutory provisions on Traditional Leaders and Traditions are found in Title 5 of this Code.

§603. Purpose; intent.
It is the intent of the Legislature to require that all researchers, as so defined herein, register with the Division of Civic Affairs to ensure that the State may assist the researchers whenever possible and to provide a mechanism whereby a researcher's data may be confirmed, verified and cross-checked so as to prevent the dissemination of misinformation, and to insure that Yap State receives a royalty payment on each final work product sold.

Source: YSL 4-33 §1 (Section 603), modified.

Cross-reference: The statutory provisions on the Department of Youth and Civic Affairs are found in section 126 of Title 3 (The Executive) of this Code.

§604. Definitions.
As used in this chapter, unless the context otherwise requires, the term:

(a) "Division of Civic Affairs" means the Division of Civic Affairs within the Department of Youth and Civic Affairs.

(b) "Chief" means the Chief of the Division of Civic Affairs under whose supervision and direction the Yap Historic Preservation Program is administered.

(c) "Researcher" means any person actively and exclusively engaged in the full-time academic study of any aspect of Yap State's history, culture, customs, or traditional skills, songs, myths, chants or dances for the purpose of disseminating the results of that study in any tangible medium of expression from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device. "Researcher" shall include, but not limited to, all those persons who are entering the State pursuant to a researcher's entry permit issued in
accordance with the relevant requirements of FSM National law codified at 50 FSM section 103. "Researcher" shall not include any citizen of the FSM, or any employee or agent of the State or FSM national government engaged in such research or study on behalf of the State or national government, or any agency or instrumentality thereof.

(d) "Research" or "study" means the active and direct pursuit of information or data concerning any aspect of Yap's history, culture, customs, or traditional songs, myths, chants or dances by generally accepted methods of eliciting such information or data, including, but not limited to, interviewing State residents, distributing questionnaires among State residents, taking photographs or making audio/visual recordings, digging or excavating and/or examining any area of land or historic property, as defined in chapter 4 of this title, on such land.

(e) "Final work product" means the complete and final work of authorship containing the results of the researcher's study in Yap. In the category of literary works intended for mass circulation, the "final work product" shall be that work of authorship in the form issued by the publisher. In the category of academic dissertations or scholarly articles or papers intended to be submitted for purposes of advanced academic degrees, the "final work product" shall be that work of authorship in the form submitted to the academic institution. In the category of scholarly, academic or scientific articles intended for publication in specialized journals or magazines published on a monthly, quarterly or periodic basis, the "final work product" shall be in the form issued by the publisher. In the category of audio-visual tapes or other such audio-visual recording media, the "final work product" shall be a copy of the tape or other device.

(f) "Royalty fee" means a compensation from the researcher to the State of Yap for the use of Yap's resources in his research and which compensation is ten percent of each final work product sold.

(g) "FSM" means the Federated States of Micronesia.

Source: YSL 4-33 §1 (Section 604), modified.

Cross-reference: The statutory provisions on the Department of Youth and Civic Affairs are found in section 126 of Title 3 (The Executive) of this Code. The constitutional provision on the Council of Pilung and the Council of Tamol is found in Yap Const., Art. III, Sect. 1. The statutory provisions on the councils of traditional leaders are found in chapter 1 of this title.

§605. Registration required; royalty agreement.

(a) All researchers shall, before commencement of the research project, register with the Division of Civic Affairs.
(b) Researchers shall provide the Division of Civic Affairs with the following data:

1. Name and permanent address;
2. Purpose and scope of research;
3. Intended method(s) of research;
4. Intended duration of stay in Yap;
5. Local address in Yap;
6. School, university, foundation or other professional affiliation through which entity or for which entity the research is being conducted and address of such entity;
7. Name and address of publisher, if available;
8. A signed statement by the researcher promising to pay Yap State a ten percent royalty fee on any final work product sold; and
9. Any other data which the Chief believes relevant.

(c) Upon receipt of the data required to be submitted in subsection (b) of this section, the Chief shall inform the traditional leader of the municipality or island where the researcher will be working of the researcher's purpose and scope of study, intended method(s) of research and intended duration of stay in Yap. In the event that the researcher will be focusing on several municipalities or islands, the Chief shall notify the Council of Pilung and/or Council of Tamol, as appropriate.

(d) Upon submission of the data required by subsection (b) of this section, notification required by subsection (c) of this section, and payment of a non-refundable registration fee in the amount of $500.00, the researcher shall be issued a permit to conduct his or her research for a period of one year. Such permits may be automatically renewed for another year by paying a non-refundable renewal fee of $250.00 upon the expiration of the initial one year term.

(e) All researchers shall consult with the Chief and the members of the Councils of Pilung and Tamol to verify, confirm, cross-check and clarify any data derived in the course of their research in the State.

(f) All researchers shall provide the Division of Civic Affairs with at least two copies of their final work product. One copy shall be maintained by the Division of Civic Affairs. The second copy shall be given to the Council of
Pilung, if the research was conducted only in Yap Proper, or the Council of Tamol if the research was conducted in the Outer Island. If the research was conducted in both areas, then the second copy shall also be maintained by the Division.

**Source:** YSL 4-33 §1 (Section 605), modified.

**Cross-reference:** The statutory provisions on the Department of Youth and Civic Affairs are found in section 126 of Title 3 (The Executive) of this Code.

### §606. Deposits to General Fund of the State of Yap.

All funds collected pursuant to the provisions of this chapter shall be deposited into the General Fund of the State of Yap within five days of collection.

**Source:** YSL 4-33 §1 (Section 606), modified.

**Cross-reference:** The statutory provisions on the General Fund of the State of Yap are found in subchapter II of chapter 12 of Title 13 (Taxation and Finance) of this Code.

### §607. Prohibited Acts.

In addition to any other acts which may be prohibited pursuant to any other provision of State law, including those prohibited by 5 YSC 408 and the applicable rules and regulations, it shall be unlawful for any researcher:

(a) To engage in research or study without securing the permit required by section 605 of this chapter; and

(b) To provide false information to the Chief for purposes of Researcher Registration pursuant to section 605 of this chapter.

**Source:** YSL 4-33 §1 (Section 607), modified.

**Cross-reference:** Section 408 of chapter 4 of this title is on harming or removing historic property prohibited. Section 605 of this chapter is on registration required; royalty agreement.

### §608. Penalties.

(a) There shall be a civil penalty of not more than $100.00 for providing false information to the Chief for purposes of Researcher Registration pursuant to section 605 of this chapter.

(b) There shall be a civil penalty of not more than $200.00 for actively engaging in research or study without registering and securing the permit as provided in section 605 of this chapter.
(c) In addition to any other penalty provided herein, the permit of any researcher, who fails to provide the Chief with at least two copies of his or her final work product within two months of the publication of that work of authorship, or who fails to pay a royalty fee within one year of the publication of that work of authorship, shall be immediately revoked and such researcher shall not be entitled to renew or reapply for another permit for a period of ten years.

**Source:** YSL 4-33 §1 (Section 608), modified.

§609. Severability.
If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

**Source:** YSL 4-33 §1 (Section 609), modified.

Yap State Code Title 16: Education
Chapter 1. Traditions and Customs

§101. Culture teachers.
There is hereby created the position of culture teachers. The local school board of each elementary school in the Yap Islands Proper may employ a person as a culture teacher to instruct students in various aspects of Yapese heritage and culture.

**Source:** YDC §3103.

**Cross-reference:** The constitutional provision on education is found in Yap Const., Art. XII, Sect. 2. That section states: "The State Government shall provide for public education and schools. Public elementary education shall be free. Traditions and customs of the people of this State shall be taught in public schools as provided by law." The constitutional provisions on Traditional Leaders and Traditions are found in Yap Const., Art. III. The statutory provisions on Traditional Leaders and Traditions are found in Title 5 of this Code.

§102. Supervision.
The local school board shall have complete supervision of the culture teacher it hires and may remove a culture teacher from his position at any time.

**Source:** YDC §3104.
§1001. Hunting season: wild pigeon.
The season for hunting of wild pigeon shall be from October 1 to December 31 of each year and during that period any person with a valid firearm may hunt wild pigeon. It shall be unlawful for any person to hunt wild pigeon at any other time of the year.

Source: YDC §2200.

Cross-reference: The statutory provisions of the Weapons Prohibition Act are found in chapter 9 of Title 11 (Crimes and Punishment) of this Code.

§1002. Sale of wild pigeon.
Sale of wild pigeon shall be prohibited at all times.

Source: YDC §2201.

§1003. Declaration of wildfire emergency.
The Governor is hereby authorized to declare a period of wildfire emergency and during such an emergency suspend the pigeon hunting season in specific localities threatened by such wildfire emergency.

In considering the declaration of wildfire emergency, the Governor will be guided by such considerations as long periods of extremely dry weather, periods with large number of wildfires occurring in the forests, grasslands, and savannas, or any combination of conditions or circumstances that can reasonably be construed to constitute a period of extreme wildfire danger.

The purpose and intent of suspending hunting during a period of wildfire emergency is to cause fewer people to enter the forests, grasslands, and savannas and by so doing remove one of the possible causes or hazards of causing wildfires.

Source: YDC §2202, modified.

§1004. Protection of coconut crab.

(a) No coconut crab, Birgus latre or “ayuy” whose shell is less than three inches in diameter measured at the base, shall be taken or killed within the State
nor shall any such crabs be taken or killed during their breeding season each year and from June 1st to September 30th nor shall any such crabs be sold commercially in any wholesale or retail store licensed to do business in the State.

(b) Penalties. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100.00, or imprisoned for not more than 30 days, or both.

Source: YDC §2204, as amended by YDL 4-28 §1, modified.

§1005. Protection of turtles.
Turtle meat and turtle eggs shall not be sold commercially by any wholesale or retail store licensed to do business in the State.

Source: YDC §2207, as enacted by YDL 4-28 §2, modified.

§1006. Protection of clams.
The Governor is authorized to declare a harvesting season and to set a size limit for the taking or harvesting of clams. Clam meat shall not be sold commercially by any wholesale or retail store licensed to do business in the State.

Source: YDC §2208, as enacted by YDL 4-28 §3, modified.

§1007. Penalties.
Any person who violates any of the provisions of this chapter, shall, unless a section specifically provides otherwise, be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine of not more than $500.00, or imprisoned for not more than 60 days, or both.

Source: YDC §2209, as enacted by YDL 4-28 §4, modified.

§1008. Prohibited fishing methods.
(a) Except as provided in subsection (b) of this section, no person shall knowingly catch any fish or other marine life by means of explosives, poisons, chemicals or other substances which kill fish or marine life, nor shall any person knowingly possess or sell any fish or other marine life caught by means of explosives, poisons, chemicals, or other substances which kill fish or marine life. The terms "poisons," "chemicals," or
“substances” include but are not limited to hypochlorus acid or any of its salts, including bleaches commonly sold under various trade names, such as Clorox, and bleaching powders, preparations containing rotenone, tephrosin or plant material from Barringtonia asiatica, Coculus ferrandianus, Hura crepitans, Piscidia erythrina, Tephrosia purpurea, and Wilkstremia spp.

(b) The provisions of subsection (a) shall not apply where the Governor has given advance written permission to use the means prohibited, when determined to be in the public interest.

(c) Nothing in this section shall be construed to prohibit any fishing method used under custom and tradition, including use of local roots, nuts or plants.

(d) Criminal penalties. Any offense described as a prohibited act by subsections (a), (b), or (c) of this section, is punishable by a fine of not less than $100.00 or more than $2,000.00, or imprisonment for not less than six months or more than two years, or both.

Source: Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §1 that creates new YDC §2210, modified.

Commission Comment: Reference in subsection (d) to “section 1008(a)” is revised to refer to “subsections (a), (b), or (c)” in line with relettering and renumbering revisions made to this section.

§1009. Protection of trochus.

(a) The harvesting of or in any way intentionally interfering with the growth of trochus in the waters of the State of Yap is prohibited except as provided in this section.

(b) The Governor may designate and vary from year to year an open season or seasons for such period of time as deemed advisable for the harvesting of trochus in the State. The open season may vary in different areas or islands within the State, and may identify certain reefs or sections thereof that shall be closed for the harvesting of trochus, notwithstanding the fact that the season is open. The Governor may place any and all restrictions on the size of trochus to be taken during the open season, and in enforcement of the open season the Governor may punish the harvesting, taking, purchasing, or selling of trochus outside the legal size limits or from a designated
sanctuary. Public notice shall be given of the dates designated for the harvesting of trochus, the restricted sizes, and the reefs or islands that have been declared closed, if any.

(c) The Governor may, if it is deemed advisable, prohibit the harvesting of trochus during any given calendar year or years. Public notice shall be given of the prohibition.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §2 that creates new YDC §2211, modified.

**§1010. Protection of seeded or planted species.**
No person shall take or harvest any species which has been seeded or planted by or on behalf of the State of Yap, knowing or having reason to know that such species was seeded or planted, except where the Governor has given express written permission authorizing the taking or harvesting.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §2 that creates new YDC §2212, modified.

**§1011. Temporary moratorium for protection of species.**
The Governor may, upon convincing evidence that the population of a species, subspecies, or class of marine life is in imminent danger of dropping below a minimum desirable maintenance level, declare a temporary moratorium prohibiting the taking or harvesting of said marine life. The Declaration of Moratorium shall state any and all restrictions imposed on the taking and harvesting of marine life, including, but not limited to, size limitations and areas affected. Public notice shall be given of the moratorium. No person shall violate the Declaration of Moratorium.

**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-23 §2 that creates new YDC §2213, modified.
§1101. Protection of fruitbats.

(a) The taking, hunting, exporting, purchasing or selling of or in any way intentionally interfering with the population growth of fruitbats in the State of Yap is prohibited except as provided in this section.

(b) The Governor may declare an open season for the taking and hunting of fruitbats in the State each year. The open season shall not exceed thirty days, and the time of the year for the open season may vary from year to year. Public notice shall be given of the open season declaration. The open season declaration however, does not permit any person to export, purchase or sell fruitbats.

(c) For purpose of this Section, it shall be rebuttable presumption that all fruitbats found in one's possession outside the open season were taken or hunted in violation of this section except as provided in subsection (e) of this section.

(d) The open season may vary in different areas or islands within the State, and may identify certain areas or islands that shall be closed for fruitbat taking and hunting notwithstanding the fact that the season is open.

(e) The prohibition against the taking and hunting of fruitbats shall not apply to:

1. Those persons whose custom and tradition include taking and hunting fruitbats;

2. Taking and hunting of fruitbats for scientific purposes;

3. Taking and hunting of fruitbats to be used for tourist attractions; and

4. Taking and hunting of fruitbats for pets.

(f) Any person who violates any provision of this section shall, upon conviction, be fined not less than $50.00 and not more than $200.00, or imprisoned for not less than one month and not more than six months, or both.
**Source:** Part C of Chapter 2 of the Yap District Code, as amended by YSL 2-27 §1 that creates new YDC §2206, and YSL 4-6 §1, modified.

**Cross-reference:** The constitutional provisions on Conservation and Development of Resources are found in Yap Const., Art. XIII. Section 1 of Article XIII states: "The State Government shall promote the conservation and development of agricultural, marine, mineral, forest, water, land and other natural resources."
Kosrae State Code Title 11: Land and Environment
Chapter 14. Antiquities

Section 11.1401. Impact review.
Before the Government begins to undertake, assist, participate in, or license action that might affect the land or State waters the Department of Agriculture, Land and Fisheries considers the impact of the action on antiquities and traditional culture, reporting its findings to the Governor, the Legislature, and components of Government involved in the proposed action.

Background
Amended by State Law 7-1.

Section 11.1402. Regulation.
By regulation the Director of the Department of Agriculture, Land and Fisheries states the classes of structures, artifacts, or other objects which constitute State antiquities, and provides for authorization of the use of antiquities for scholarly research, museum display or educational purposes.

Background
Amended by State Law 7-1.
God figure from Kapingamarangi and Nukuoru, still carved today (Pohnpei HPO)
Old Pohnpeian style mat, only a few still know how to make
(Pohnpei HPO)
Eel Trap from Kapingamarangi and Nukuoru, still used occasionally today  
(Pohnpei HPO)
Woven hat made in Pohnpei and Kosrae
(Pohnpei HPO)

Sling Stone, traditional weapon of Pohnpei, Chuuk, Kosrae
(Pohnpei HPO)
Water container
(Pohnpei HPO)
Yap Shell Money
(Yap Day 2014)
Yap Money made from large shells in the shape of a massive tooth
(Yap Day 2014)
Shell Money presentation with whale vertebrae
(Yap Day 2014)
Yapese repairing thatch in traditional attire
(Yap Day 2014)
Inside of newly constructed men's house
(Yap)
Newly constructed men's house with Stone Money (Yap)
Young Yapese woman weaving  
(Yap Day 2014)

Log pulling demonstration  
(Yap Day 2014)
Launching traditional canoe
(Yap)
Men’s traditional grass clothing
(Pohnpei)
Men carrying Yam for Yam Feast  
(Pohnpei)

Pounding Sakau  
(Pohnpei)
Pohnpei paddle dance
(Pohnpei Cultural Day 2012)

Pohnpeian dance paddle
(Smithsonian Archives)
Chuukese stick dance
(2012 Pohnpei Cultural Day)
Woman weaving traditional Lavalava
(Outer islands of Yap)
Finely woven funerary shroud
(Outer island of Yap)
Weather Divining Spirit Totem, still constructed today, for sale as souvenirs, though weather magic is still a part of everyday life. Outer islands of Yap and Chuuk (Smithsonian Archives)
Kosraean woman weaving mat
(2014 Kosrae Cultural Fair)
Boys pounding Fafa aboard float  
(2014 Kosrae Cultural Fair)
Kosraean mat
(2013 Kosrae Cultural Fair)
Weaving demonstration by Kosraean youth
(2014 Kosrae Cultural Fair)
Largest traditional house remaining on island at the Kosrae Village Resort (Kosrae)
Annex 3 | *ICH-related Organizations*
**Governmental Organizations**

**National Archives, Culture and Historic Preservation Office (NACH)**
- Location: Palikir, Pohnpei
- Field of concentration: Historic & Cultural Preservation
- Person in charge: Augustine Kohler, Director of NACH
- Brief description: NACH works as an intermediary between international bodies and the state Historic Preservation Offices

**Pohnpei Historic Preservation Office (HPO)**
- Location: Kolonia, Pohnpei
- Field of concentration: Historic & Cultural Preservation
- Advisory body: Pohnpei Historic Preservation Review Board
- Person in charge: Mordain David, Chief of Pohnpei HPO
- Brief description: the Pohnpei HPO performs permit clearance surveys to ensure public works projects do not effect cultural sites

**Yap Historic Preservation Office (HPO)**
- Location: Colonia, Yap
- Field of concentration: Historic & Cultural Preservation
- Advisory body: Yap Historic Preservation Review Board
- Person in charge: Francis Reg, Chief of Yap HPO
- Brief description: the Yap HPO helps to re-construct Men’s Houses, register historic sites and is currently preparing an inventory of ICH

**Kosrae Historic Preservation Office**
- Location: Tofol, Kosrae
- Field of concentration: Historic & Cultural Preservation
- Advisory body: Kosrae Island Resource Management Authority (KIRMA) Review Board
- Person in charge: Stanton Andrew, Chief of Kosrae HPO
- Brief description: The Kosrae HPO maintains the Kosrae Museum and advises the Kosrae Island Management Authority on cultural resources
Non-governmental organizations

Wa`agey

- Location: Colonia, Yap
- Field of concentration: Traditional canoe & navigation, traditional weaving
- Website: www.waagey.org
- Brief description: Wa`agey is a community-based organization that uses traditional skills to confront the social, economic and environmental challenges faced by the people of Micronesia’s most remote outer islands

- Regina R. Raigetal (CEO)
  phone: 691-952-1705
  email: regina@waagey.org

- H. Larry Raigetal (Project Coordinator)
  phone: 691-950-1151
  email: larry@waagey.org

The Island Food Community of Pohnpei

- Location: Kolonia, Pohnpei
- Field of concentration: Traditional food promotion
- Website: http://www.islandfood.org
- Brief description: The Island Food Community of Pohnpei promotes the consumption of local food instead of imported food to improve the culture, health, environment, economy, and food security of Pohnpei.

- Address: PO Box 1995, Kolonia, Pohnpei 96941
- phone: 691-320-3259
- email: info@islandfood.org