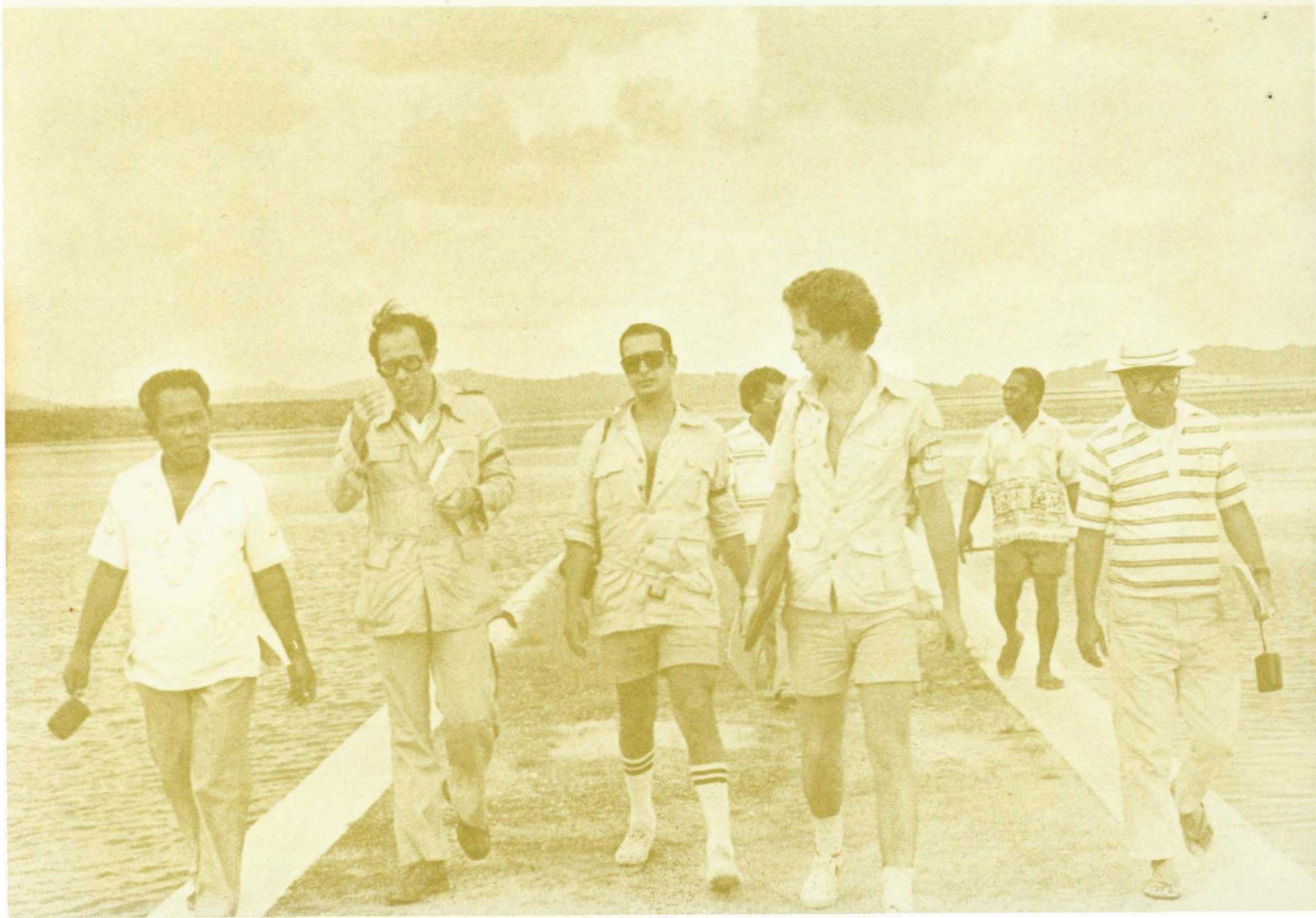


MicronesianReporter

SECOND QUARTER 1978

United Nations Observation Team visiting the municipality of Imeliik. (L-R) Ichiro Moros, United Nations Trusteeship Council President, Pierre Garrique-Guyonaud (France), UN Secretariat, Nour Eddine Driss (Algeria), United Kingdom Mission to UN, Ian Woods (UK), Clarence Takeuchi (T.T. Headquarters), and in the background Raymond Ulechong (Director, Public Affairs, Palau) and Chief Berikul Rengulbai of Imeliik municipality.



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Back Cover: Photo by David Ngirmidol

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This Quarter's Worth

The *Micronesian Reporter's* Second Quarter issue has been delayed for a specific reason. The Editorial Board voted to include an article about the outcome of the July 12 Referendum on the Constitution for the Federated States of Micronesia, and commissioned Sam McPheters to write the article. Recognizing the eminent value of the subject to the readers, students of history and social science, and even for future generations, an attempt was made to include all the relevant information available. We tried to trace the development up to the time of the Referendum, when about 43,000 Micronesian voters went to the polls to choose their political destiny. The issue has been decided, and the reality of that decision is the dawn of a new day. As McPheters says, "Difficult times lie ahead, but so do the rewards. It will be up to the new leaders and the people of the islands to make everything work now that they have expressed themselves."

Who's Who

...in this issue of the Reporter

Samuel F. McPheters is associated with the Division of Political Affairs, Bureau of Public Affairs, as a researcher for Education for Self-Government. He was formerly District Director of Peace Corps in Truk; a school teacher in Alaska, and at one time worked for the Trust Territory Department of Education.

Doctor Thomas F. King is a professional archeologist who was "on loan" from the National Park Services to head the Micronesian Archeological Survey of the Trust Territory Historic Preservation Program. King completed his Ph. D. at the University of California, Riverside in 1976. He has served as director of archeological research units at San Francisco State University, UCLA, and UC, Riverside. He was among the founders of the Society for California Archeology and the Society of Professional Archeologists. He is the author of some 35 books, monographs, and papers on historic preservation and on the archeological study of political organizations.

William H. Stewart is Deputy Director of the Bureau of Resources. He has been with the Trust Territory Government for the last eight years. He has held positions as an industrial economist, Director of Census, Vice Chairman of the Board of Directors of the Micronesia Development Bank, Chairman of Economic Development Loan Fund, and Chairman of the Copra Stabilization Board. Before coming to Micronesia, Stewart worked as a foreign service officer in North Africa and Asia for the Department of State and served as a foreign investment advisor to the Secretary General, Board of Investment, Royal Kingdom of Thailand and the President Director General of the Republic of Tunisia's Development Bank and the National Office of Tourism. He also served as an advisor to the U.S. Corps of Engineers on the \$142 billion Saudia Arabia development plan. He owns a tourist advertising agency in Sarasota, Florida.

Mrs. Elizabeth Udui is Chief of Foreign Investment Branch, Economic Development Division, Bureau of Resources. Mrs. Udui has contributed articles to this magazine in the past, and is a member of its Editorial Board.

Dwight Heine is Special Consultant to the High Commissioner. Recently, Heine represented the Trust Territory Government at the celebration ceremony of the Solomon Islands independence. The story in this quarter issue is a result of that trip. In May this year, Heine was a keynote speaker during the commencement exercise at Oakland City College in Indiana where the college awarded him an honorary doctorate degree in Humanities.

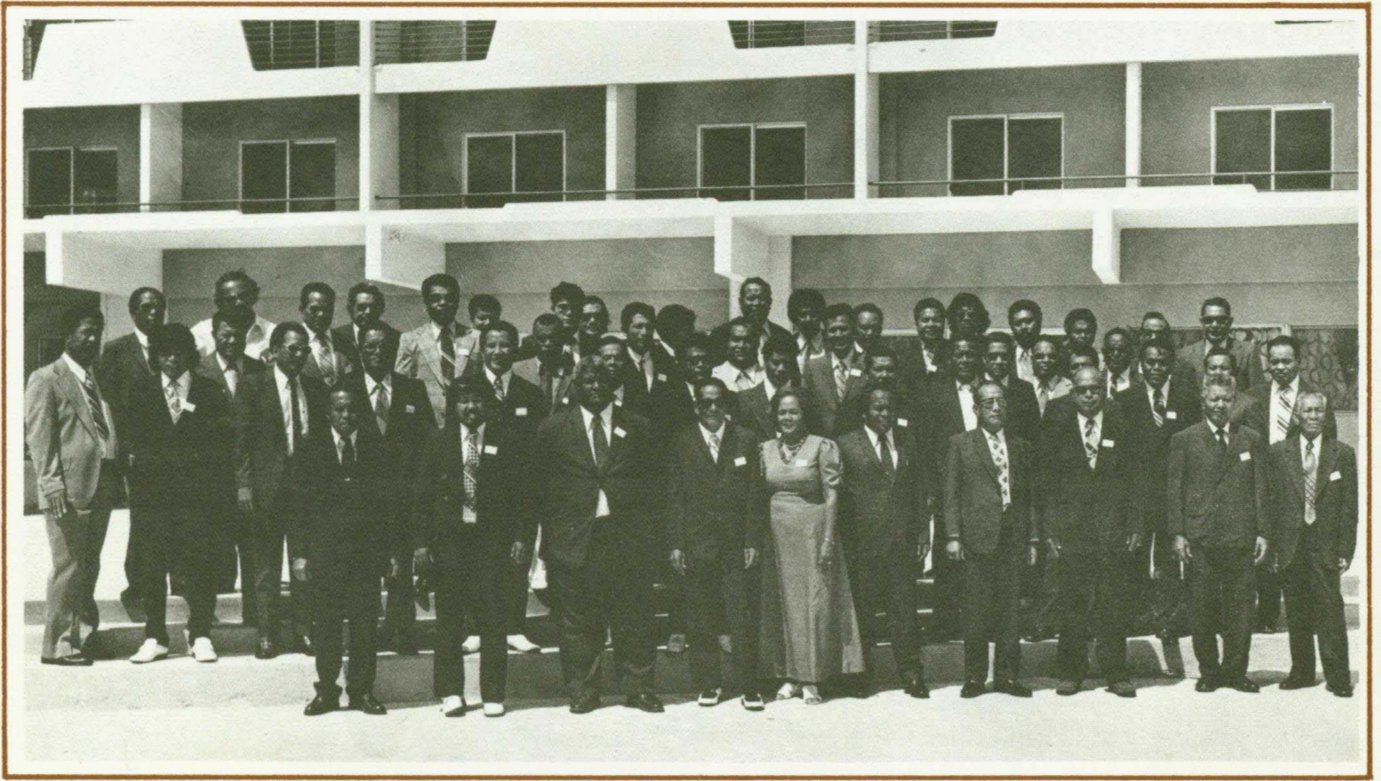
Richard A. Marksbury just completed his term as a Peace Corps Volunteer in Yap District. He is a candidate for a Ph. D. in Cultural Anthropology from Tulane University, Louisiana. For the last two years in Yap, Marksbury witnessed and documented many aspects of Yapese customs. He has contributed an article to this magazine in the past.

Gene Ashby is teaching English Literature and Social Science at the College of Micronesia in Ponape; and **Dirk A. Ballendorf** is the president of the College. Dirk has contributed many articles to the *Micronesian Reporter*.

Francisco Casiano, Antonio Marliol, Nestor Oneism, Leo Raitilug & Inthefanus Risin were senior students at Xavier High School when they produced an essay on "Handling Disputes". Like their fellow classmates who also carried out research projects, these five young intellectuals have accomplished a scholarly work that any Micronesian youth should be proud of. The *Micronesian Reporter* congratulates each of them.

Miss Anne M. Udui is a young poetress in her own right. She has just completed eighth grade at Mount Carmel School in Saipan, and is leaving the islands to attend Mid-Pacific Institute in Honolulu, Hawaii as a freshman. The magazine hopes that she will continue to contribute her poetry from time to time for future editions.

Micronesia's Islands Headed For New Future



by Samuel F. McPhetres

CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA

PREAMBLE

WE, THE PEOPLE OF MICRONESIA, exercising our inherent sovereignty, do hereby establish this Constitution of the Federated States of Micronesia.

With this Constitution, we affirm our common wish to live together in peace and harmony, to preserve the heritage of the past, and to protect the promise of the future.

To make one nation of many islands, we respect the diversity of our cultures. Our differences enrich us. The seas bring us together, they do not separate us.

Delegations from the six districts met on Saipan to draft the Constitution for the Federated States of Micronesia.

Our islands sustain us, our island nation enlarges us and makes us stronger.

Our ancestors, who made their homes on these islands, displaced no other people. We, who remain, wish no other home than this. Having known war, we hope for peace. Having been divided, we wish unity. Having been ruled, we seek freedom.

Micronesia began in the days when man explored seas in rafts and canoes. The Micronesian nation is born in an age when men voyage among stars; our world itself is an island. We extend to all nations what we seek from each: peace, friendship, cooperation, and love in our common humanity. With this Constitution we, who have been the wards of other nations, become the proud guardian of our own islands, now and forever.

RESULTS OF THE VOTING

The outcome of the July 12 Referendum to ratify the Constitution for the Federated States of Micronesia: Palau and the Marshalls voted against the Constitution, and Yap, Truk, Ponape and Kosrae ratified it. The following are the results of the Referendum:

Marshalls	Yes	3,888 (38.5%)	No	6,217 (61.5%)
Palau	Yes	2,720 (44.9%)	No	3,339 (55.1%)
Yap	Yes	3,359 (94.8%)	No	186 (5.2%)
Truk	Yes	9,631 (69.5%)	No	4,225 (30.5%)
Ponape	Yes	5,970 (74.7%)	No	2,020 (25.3%)
Kosrae	Yes	1,073 (61%)	No	685 (38.9%)

The shouting is dying down, the parties and partians are gathering to celebrate or commiserate, the theoreticians and planners are sorting out the results with an eye to the next step and everyone is wondering what is going to happen now.

Public Law 5-60, passed in 1974, established the Micronesian Constitutional Convention and the basic rules for the referendum. Included in those provisions were the means for adoption of the final document. According to the law, any district which rejected the Constitution in the referendum would not be subject to its provision. It also required that at least four of the districts (literally a majority in the law) approve it for it to become effective at all. Since approval and disapproval were to be by simple majorities, the proponents and opponents in all districts, except perhaps for Yap where near unanimity for the Constitution has predominated, began serious campaigning late in the season, just before July 12. The results of the Constitutional Referendum were decided by 43,313 voters. By district, the breakdown of registered voters in round numbers was as follows: Yap — 4,500; Marshalls — 13,000; Truk — 18,000; Palau — 6,500; Kosrae — 2,000; Ponape — 11,000.

Readers familiar with events in the Trust Territory will recall that the Micronesian Constitutional Convention took place between July 12 and November 8, 1975. Several elements were already in play (at that time) which led to the present situation.

First, the Convention, known as the ConCon, took place just as the Northern Marianas was completing its separation from the rest of the Trust Territory and the assumption of U.S. Commonwealth status. The mood



ConCon delegations at work.

in the NMI was contagious and both the Marshalls and Palauan participation in the ConCon was characterized by ambivalence. The delegates from the Marshalls, both elected and appointed were frequently challenged by separatist leaders in their home district on the grounds that they were not representatives of the Marshallese. In fact the election on June 4, 1974 was poorly attended (some say because of a boycott sponsored by the separatists) and the ones elected were pro-unity representatives.

In Palau the delegation represented a fair cross section of the factions in that district but the separatists, or those who would soon become separatists, used every means at their disposal to influence the outcome of the ConCon to the favor of Palau, including the 'seven non-negotiable' demands. While few of the demands were accepted in their full text, they did stimulate efforts at compromise by the other delegations and did in fact influence the outcome of the final proposed Constitution of the Federated States of Micronesia.

It was not long after the ceremonial signing of the Constitution on November 8, however, that many of the Palauan signers indicated their support for separation of Palau, along the lines of the Northern Mariana Islands.

Nonetheless, the proposed constitution was presented to the High Commissioner and formally transmitted to the Congress of Micronesia in December 1975.

From this point on, two divergent levels of activity got under way. The first was the resolution of apparent or perceived conflicts between the constitution and the then draft compact of free association and the second was the program of Education for Self-Government to

educate the population concerning the contents of the documents prior to a referendum to be designated at some point in the future.

CONSTITUTION VS. COMPACT

It was not long before certain difficulties arose. At the end of 1975, progress had been made towards completing the compact of free association. But a sovereignty clause in the compact and Article II of the Constitution seemed to contradict each other. There were other sections of the documents which were considered in conflict also.

(From Former Ambassador F. Haydn Williams, farewell letter to the Congress of Micronesia, cited in ESG NOTES No. 50, July 30 1976). "Williams warned that any attempts to blur the distinction between those two statuses" (independence and free association) or to seek one status in regard to some matters and another status in regard to other matters will "confuse the picture and preclude the prospects of eventual agreement." He said that the new Joint Commission on Future Status and Transition cannot be expected to follow orders to "proceed in opposite directions simultaneously toward two incompatible goals."

No. 51 August 13, 1976 ESG NOTES

During the special session, the leadership of the Congress of Micronesia received a document dated July 14 and distributed by the Congress of Micronesia, describing the conflicts between the proposed Constitution and the draft Compact of Free Association. . . . The document outlines the US position in the conflict and suggests some solution to the various problems.

"Most important of the conflicts, according to the analysis, is the sovereign nature of the Constitution would make it very difficult if not impossible to allocate certain governmental powers to the United States. The Constitution gives the Government of the Federated States responsibilities in foreign affairs, defense and control over making agreements such as the compact. In essence, it is the independence of the constitution which the US feels is inconsistent with the concept of Free Association.

Article IX Section 4: (CFSM)

Section 4. A treaty is ratified by vote of 2/3 of the members of Congress except that a treaty delegating major powers of government of the Federated States of Micronesia to another government shall also require majority approval by the legislatures of 2/3 of the states.

DIALOGUE FOR MICRONESIA

Excerpt from summary of program 56, following the close of the ConCon: "Getting into the political status question, Luke Tman (ConCon floor leader and Yap delegate) said that the Constitution was designed to fit any political status, from Free Association to Independence. The Constitution does not create a political status. It simply sets up the internal government which may then deal with other governments. It is the internal law while the Compact would be the external law governing relations with other nations. (Nov. 12, 1975)

The result of this conflict, or sense of conflict, was that parties in both the U.S. government and Micronesian circles agitated for either a delay in the referendum until the compact could be completed and put to a vote in a plebiscite or revision made in the constitution. On the other hand, the 1976 Congress created the Commission on Future Political Status and Transition with a mandate to renegotiate the Compact into line with the Constitution.

Believed by many to be the final round of status negotiations, the 8th Round of Talks in the early summer of 1976 nearly completed the Compact. But it failed in two key areas, marine resources control and the funding levels of U.S. aid and the method of distribution. This failure allowed the Commission on Future Political Status and Transition to assume the authority for negotiations with their new mandate, but without the full participation of the Marshalls and Palau. From mid 1976 until late 1977, no negotiations took place although there were round table talks in Hawaii and Guam during the summer of 1977.

During the January 1977 session of the Congress, a law was passed (PL 7-31) requiring the High Commissioner to set a date for the referendum in 1978. This delay, according to Congressional documents*, was established to allow efforts at returning the Marshalls and Palau to the All-Micronesian fold.

** And while the Constitution was signed by Micronesia delegates on November 8, 1975, there has been a delay in setting the date for the vote of the people. Both Micronesia and the U.S. were responsible for the delay. First, the U.S. had an interest in seeing that it was delayed in the hopes that a compact could be negotiated which would be more favorable to the U.S. At first, the High Commissioner was supposed to approve a date for the referendum in consultation with the Congress of Micronesia. But the time the High Commissioner was ready to set a date, the Congress suggested a delay. This was because of recent separate movements in Palau and the Marshalls, and the Congress wanted more time in the hopes that Palau and the Marshalls would change their minds. Finally, it was clear that it would not be a good delay the date any longer, and the Congress of Micronesia enacted a bill which the High Commissioner signed, directing the High Commissioner to set a date in 1978. That date is July 12, 1978 (P.5 Congress of Micronesia Political Education Briefing Book, 1978.)*

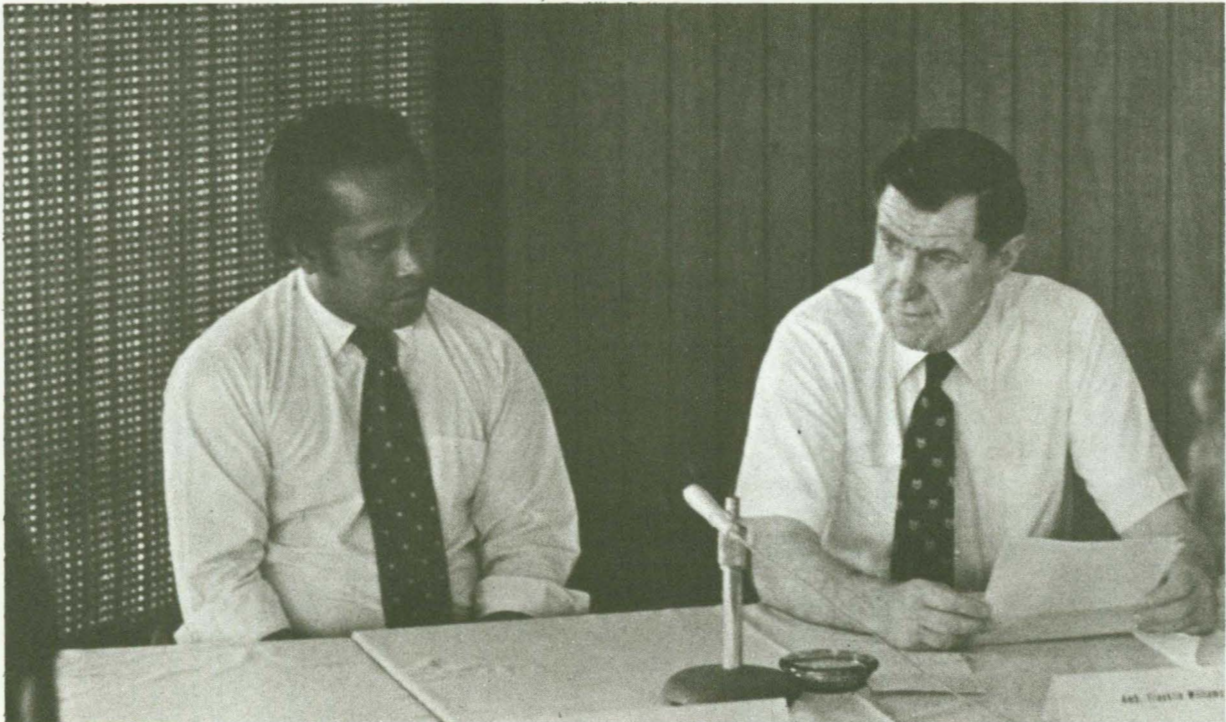
Former Senator Lazarus Salii and Ambassador Haydn Williams led the early Status Negotiation talks by Micronesia and the United States.

Under provisions of the law, Acting High Commissioner J. Boyd Mackenzie declared July 12, 1978 to be the referendum date. He made the proclamation in May 1977.

From that date on, renewed efforts were made to complete the Compact before the referendum. These efforts resulted in formal talks in October in Molokai, Hawaii, under the multi-lateral, bi-lateral format (two tier) where the U.S. recognized the Palau and Marshalls Status Commissions as full negotiating entities for district specific elements of political status negotiations.

* In the August 1977 special session of the Congress, the mandate to renegotiate the compact into line with the proposed constitution was deleted from the duties of the Commission on Future Political Status and Transition by PL 7-63. The new mandate says simply "The Commission shall also . . . (b) renegotiate the existing draft Compact to the extent necessary to conclude satisfactorily the future political status negotiations. (Section 8)

To summarize the elements related to status, a major change of position was taken by the U.S. negotiators at talks in Hilo, Hawaii in the Spring of 1978 resulting in what is now known as "The Eight Principles of Free Association" in which, while still recognizing the possible separation of the Marshalls and Palau through rejection of the proposed Constitution, conflicts between the concept of free association and



the proposed constitution were played down. The U.S. now had expressed its willingness to live with the results of the referendum and negotiate on the basis of the popular vote. In fact, at this writing, it has been made known that a renewed negotiating session has been scheduled for Saipan possibly in September.

**STATEMENT OF AGREED PRINCIPLES OF
FREE ASSOCIATION**
(Hilo Talks)

(1) An agreement of free association will be concluded on a government-to-government basis and executed prior to termination of the United Nations trusteeship. During the life of the agreement the political status of the peoples of Micronesia shall remain that of free association as distinguished from independence. The agreement will be subject to the implementing authority of the United States Congress. .

(2) The agreement of free association will be put to a United Nations observed plebiscite.

(3) Constitutional arrangements for the governance of Micronesia shall be in accord with the political status of free association as set forth in these principles.

(4) The peoples of Micronesia will enjoy full internal self-government.

(5) The United States will have full authority and responsibility for security and defense matters in or relating to Micronesia, including the establishment of necessary military facilities and the exercise of appropriate operating rights. The people of Micronesia will refrain from actions which the United States determines after appropriate consultations to be incompatible with its authority and responsibility for security and defense matters in or relating to Micronesia. This authority and responsibility will be assured for fifteen (15) years, and thereafter as mutually agreed. Specific land arrangements will remain in effect according to their terms which shall be negotiated prior to the end of the Trusteeship Agreement.

(6) The peoples of Micronesia will have authority and responsibility for their foreign affairs including marine resources. They will consult with the United States in the exercise of this authority and will refrain from actions which the United States determines to be incompatible with its authority and responsibility for security and

defense matters in or relating to Micronesia. The United States may act on behalf of the peoples of Micronesia in the area of foreign affairs as mutually agreed from time to time.

(7) The agreement will permit unilateral termination of the free association political status by the processes through which it was entered and set forth in the agreement and subject to the continuation of the United States defense authority and responsibility as set forth in principle five (5), but any plebiscite terminating the free association political status will not require United Nations observation.

(8) Should the free association political status be mutually terminated, the United States economic assistance shall continue as mutually agreed. Should the United States terminate the free association relationship its economic assistance to Micronesia shall continue at the levels and for the term initially agreed. If the agreement is otherwise terminated the United States shall no longer be obligated to provide the same amounts of economic assistance for the remainder of the term initially agreed. An early free association agreement based on the foregoing eight principles shall be pursued by the parties.

The preceding statement of agreed principles for free association was signed by Senator Bailey Olter, Committee on Future Political Status of the Commission on Future Political Status and Transition (CFPST); Senator Amata Kabua, Chairman, Marshall Islands Political Status Commission, (MIPSC); Roman Tmetuchl, Chairman, Palau Political Status Commission, (PPSC); and Ambassador Peter R. Rosenblatt, the President's personal representative to the negotiations on future political status of Micronesia.

The U.S. position renouncing the incompatibility of the two documents cleared the way for full concentration on campaigning for or against the constitution.

CONSTITUTIONAL EDUCATION

At the same time that the status issues were being debated, the Education for Self-Government program was carrying out its responsibilities in various manners.

In compliance with PL 5-60, ESG sponsored the translation of the document into 14 languages and dialects, 12 of which were printed and distributed. The

two Marianas languages were dropped when separation of that district finally became official on April 1, 1977.

Curriculum workshops held each summer included components dealing with developing materials for high school and adult basic education use. Filmstrips, flip-charts, glossaries and posters were developed over the three year period. Radio programs explaining the Constitution and the referendum, ESG NOTES the bi-weekly newsletter and the weekly news digest REPORT TO THE PEOPLE (radio) carried news and information related to the document as well as other standard ESG topics.

These people were responsible for translating the draft copy of the constitution into nine major languages and five dialects in Micronesia.



ESG Task Forces in the districts were very active, and increasingly so as the referendum date came nearer, in carrying out village visits, to hold public discussions and an explanation of the proposed constitution.

Problems were encountered in several districts where some partisan groups either objected to having the impartial program implemented or wanted to use it to their own ends.

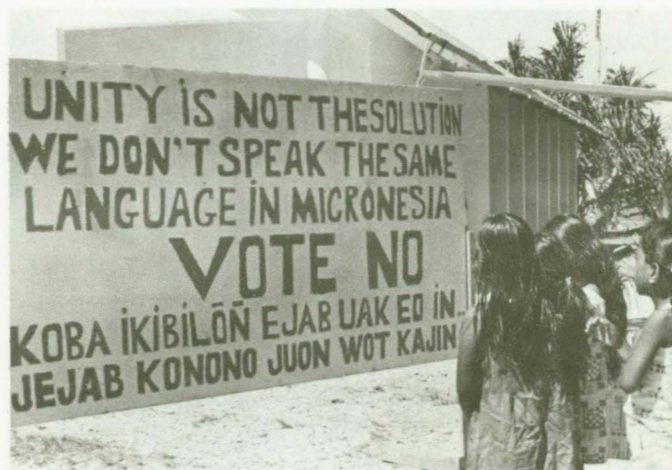
The final analysis, rough as it is at this time, will show that the ESG district staffs did as well as they could given the limitations and handicaps under which they had to operate. But of course, ESG wasn't the only informational force at work in the education campaign prior to the referendum. As battle lines became more and more clearly drawn, the Congress of Micronesia became concerned that the ESG program was not being enthusiastic enough about the Constitution and established its own program in 1978 with PL 7-74.

This program, operating with a budget of over \$194,000, gathered traditional and elected leaders

from around the Territory to discuss the Constitution and Micronesian Unity. Trips to all of the districts by multi-ethnic groups were carried out and public meetings held. Radio and print were used to promote the passage of the Constitution.

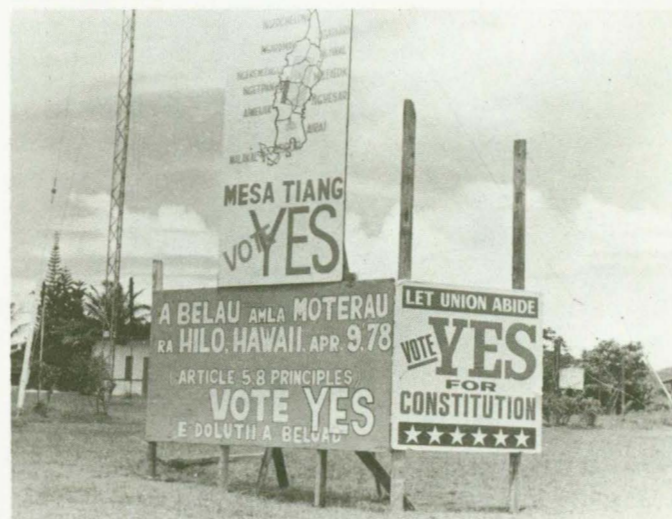
In reaction, the Marshalls and Palau Status Commissions, avowed separatists, through their district legislatures, funded their own education campaigns to promote a *no* vote in the referendum. Posters, radio, meetings and other means were used to explain why the constitution should be rejected by the voters.

And even in some of the central districts, anti-constitution forces gathered strength and influenced voting. In Ponape, a movement to reject the constitution based on fear of losing public land to the new central government got under way just weeks before the vote.



Marshallese children attracted by a campaign sign urging for separation.

In Palau District, a Pro-unity display was erected at the district center of Koror.



In Kosrae, concern over the freedom of religion clause in the declaration of rights stimulated some controversy.

Parenthetically, it is important to note that the ESG and the Congress programs were not the only educational activities taking place relating to the Referendum. Individuals, such as teachers, clergy, students at home and abroad, civic organizations and just interested individuals made important contributions to the overall civic education process prior to the referendum. One important act was that of the Catholic Bishop of the Carolines and the Marshalls, Bishop Neylan, who issued a pastoral letter to all the Catholic Churches urging the parishioners to participate fully in the Referendum.

In Truk, the campaign for Governor under the new Charter for the district overshadowed the referendum and at least one candidates for Governor is said to have campaigned against the constitution.

But it was in the Marshalls and Palau where the situation was the most critical. The anti forces argued that union with the rest of the districts would deprive them of tax revenues, permit alienation of land to other Micronesians, inhibit development and restrict

their ability to deal with outsiders (foreign) for local development. In these two districts the actual contents of the proposed Constitution were not so much an issue as was the principle of unity itself.

This is not to imply, however, that there were no unity forces at work. The Voice of the Marshalls and the pro-unity forces in Palau worked very hard to promote the constitution and Micronesia Unity as the voting results show.

Heavily supported by the Congress of Micronesia, these pro-unity groups went to great lengths to swing over the voters. Posters, radio programs, T-Shirts, chartered ships for outer islands, public meetings and door-to-door campaigning were all used at one time or another.

And, as could have been easily predicted, the campaign rhetoric was inversely proportionate to the time left before the actual voting.

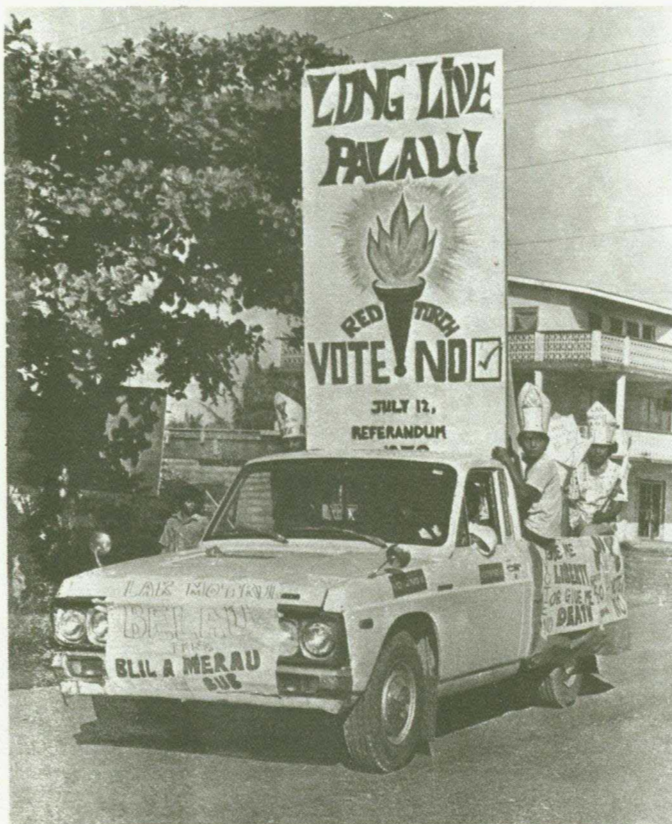
THE REFERENDUM BOARD

Overseeing all this was the newly created Constitutional Referendum Board (CRB) created by PL 7-75 in the January session of the Congress of Micronesia.

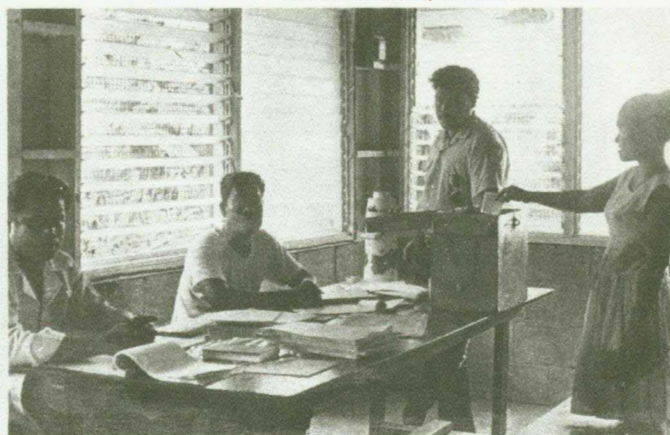
The Board consisted of six members; three appointed by the Congress of Micronesia and three by the High Commissioner. The three Congressional representatives were Representative Luke Tman, Senators Iehsi and Ismael. For the High Commissioner were Neiman Craley, Jr. (later elected Chairman), Tony deBrum and Johnson Toribiong. All major factions were thus represented.

The CRB had as its responsibility the promulgation of new rules and regulations for the conduct of the referendum in order to promote secrecy and fairness in the voting. Several unusual rules were established, including the 'comingling of ballots' in

The "NO" group showing off their sign in a Koror parade before July 12.



Referendum Day arrives on Truk.



order to avoid possible identification of certain island groups with one result or another. It was felt from past experience that a majority group might persecute a minority in a given district once the results were known and that comingling would avoid that threat.

In addition, persons who were not registered voters, although otherwise qualified, could vote. Polling places were set up in Saipan, Guam and Honolulu for the large Micronesian communities in those places and a massive campaign to bring in the absentee vote was undertaken.

In the districts, Special District Referendum Commissioners, generally the District Administrators, were placed directly in charge of the conduct of the referendum assisted by local Referendum Boards.

Over all of this loomed the presence of the United Nations Trusteeship Council Visiting Mission.

Invited by both the Congress of Micronesia and the Administering Authority, the Visiting Mission arrived in Micronesia on the 21st of June, were briefed in Ponape by the Congress of Micronesia and in Saipan by the CRB and the High Commissioner's staff before breaking up into small groups to cover all of the districts prior to the vote and to be in place on July 12 in six district centers and Ebeye in the Marshalls.

The UN group was made up of six official representatives of the Trusteeship Council coming from France and Great Britain. Five staff members accompanied the group. Two of the staff members had been present in the Northern Marianas during the UN observation of the Plebiscite in the Northern Marianas in 1975.

The chairman of the group, Robin Byatt (Great Britain), issued a statement in Saipan clarifying the UN role. He emphasized that the group was simply in the Trust Territory to observe the referendum and not to interfere in any way. The Visiting Mission will return to New York after the vote and file a report with the Trusteeship Council. This report will be the basis of the action to be taken by the Council in determining the effect and legitimacy of the referendum as an act of self-determination by the people of Micronesia.

And so we arrive at July 12, a date awaited for three years on one level and over 300 on another.

The Micronesian Constitutional Convention, convened under the auspices of PL 5-60 as amended, opened its doors on July 12, 1975. The results of the Referendum voting, three years later, will affect for all time the future organization of the islands and be a giant step towards the termination of the Trusteeship, still foreseen for 1981, just 3 more years from now.

Districts which have rejected the Constitution will not be subject to its provisions, districts which adopted

the proposed Constitution of the Federated States must now settle into the difficult but hopefully rewarding task of transition from the present government to that which will be in place one year from now. It will be hard work and painful in some cases. But nation building has never been without its birth pangs. Old rivalries will have to be overcome, difficult decisions will have to be made and everyone will have to make adjustments.

But, on the deeper level, looking at the past 500 years, for the first time Micronesians will be the key decision makers in their own islands. It is for this moment that the trusteeship system was devised. It was for this decision that so many people worked so hard. What is to follow will be somewhat anti-climatic although still of crucial importance.

Determination of political status, as expressed in the concept of free association must still be achieved. Negotiations will resume shortly influenced by the voting results of the referendum.

Termination of the Trusteeship Agreement, still expected around 1981, will be the final act in this process.

Difficult times lie ahead, but so do the rewards. It will be up to the new leaders and the people of the islands to make everything work now that they have expressed themselves.

ARTICLE XVI EFFECTIVE DATE

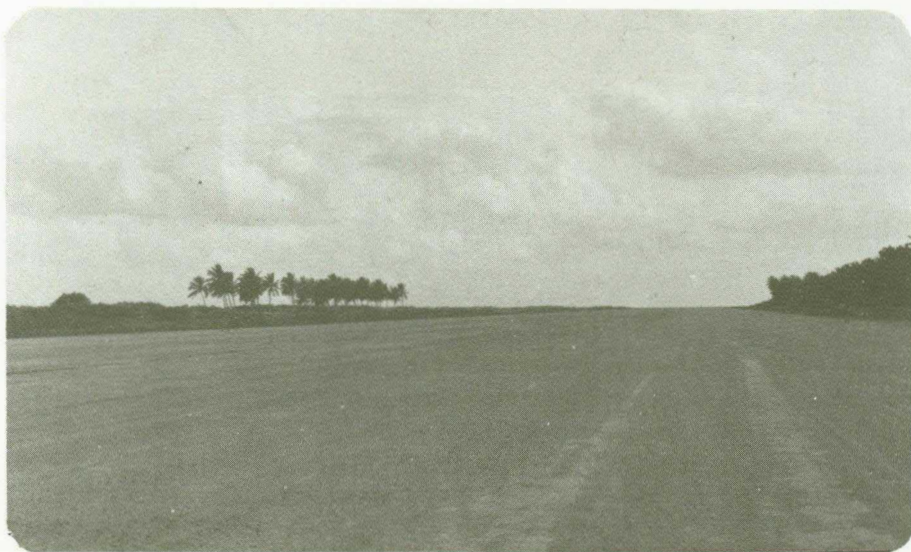
Section 1. This Constitution takes effect 1 year after ratification unless the Congress of Micronesia by joint resolution specifies an earlier date. If a provision of this Constitution is held to be in fundamental conflict with the United Nations Charter or the Trusteeship Agreement between the United States of America and the United Nations, the provision does not become effective until the date of termination of the Trusteeship Agreement. (CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA)

Signing of the eight principles at Hilo, Hawaii.



capital improvements and historic preservation: the case of truk international airport

by Thomas F. King, Ph.D.

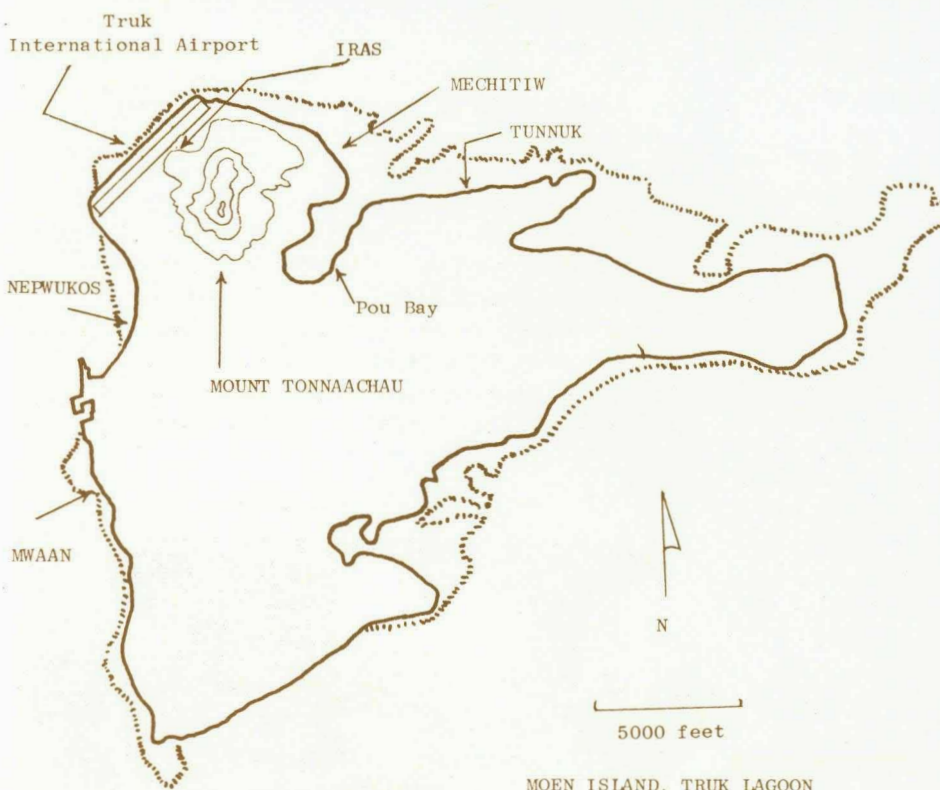


A pilot's eye view of Truk Airport. The old village of Iras was on the left; the present village is on the right.

One of my fellow archeologists recently came for a visit to Saipan, and on the plane he found himself sitting next to a prominent Magistrate from Truk, with whom he was acquainted.

"Why are you going to Saipan?" asked the Magistrate. "To confer with Dr. King" said my colleague. "Ah, I know Dr. King" replied the Magistrate; "He stopped the Airport".

I am flattered, but the credit is not due. I have not stopped the expansion of Truk International Airport — I didn't try to, and it is not (at the moment anyway) stopped. I did help raise, and hopefully resolve, some issues about the Airport's impacts on historic and cultural preservation. These issues need to be aired and understood, not only because I keep hearing disturbing reports like the one described above, but because they are common to many capital improvement projects throughout Micronesia. The purpose of this paper is to air them.



A BRIEF HISTORY OF THE TRUK AIRPORT PROJECT

Expansion of Truk International Airport, originally built by the U.S. Navy as a modest enlargement upon a World War II Japanese bomber strip, has been in the works for many years. Originally planned as a project to be funded by the Federal Aviation Administration, it ran into serious questions by the District Legislature, and was put off for some time. It then became part of the Trust Territory's Capital Improvement Program, administered for the T.T. Government by the Officer in Charge of Construction (OICC), Naval Facilities Engineering Command, on Guam. Although FAA funds were still involved, the bulk of the project's funding was provided as part of the regular CIP budget. An environmental impact statement was prepared on the project, and accepted by FAA in late 1976. The plans have gone through many changes; at present, they call for expansion of the runway from 5100 to 6400 feet in length, relocation of the runway about 150 feet "outboard" or toward the lagoon (northwest), paving the runway and adding other improvements.

When I came to the Trust Territory, charged among other things with helping the government improve its compliance with the National Historic Preservation Act, I was not much worried about Truk Airport. Although the project was to be constructed in the vicinity of Mt. Tonnaachau, which had been placed on the National Register of Historic Places in 1976 at the request of the Truk District Historic Preservation Committee, I assumed that the old Japanese bomber strip was composed

entirely of artificial fill, and the construction would not do real damage to anything of archeological or historical interest. This was apparently what everyone else thought, too; at least, in the environmental impact statement it was specifically reported that the project would not affect any historic properties.

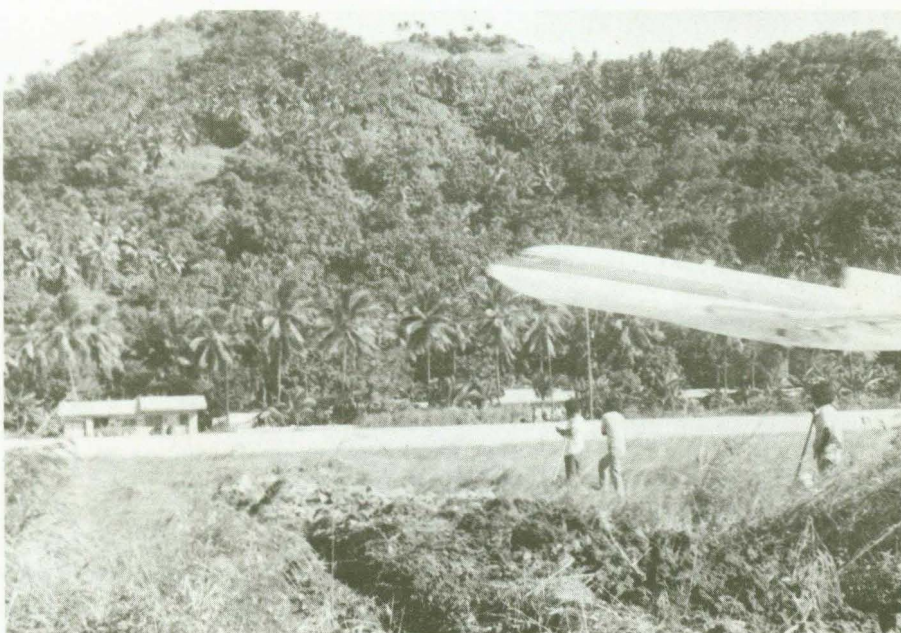
The problem became apparent in October 1977, in two ways. In a brief of opposition to the project, filed with the U.S. Army Corps of Engineers which was then considering issuance of a dredge and fill permit, Micronesian Legal Services Corporation (representing the villages of Iras and Mechitiw) claimed that the project would have impacts on Mt. Tonnaachau, and thus could not be undertaken until the provisions of the National Historic Preservation Act were fulfilled. At more or less the same time, I was in Truk on other business, and was waiting around in the Land Commission office one morning for the man who was to take two scientists from the

Office of Planning and Statistics, my wife, and myself to Tonowas. Naturally we were poking through the maps, and ran into a very interesting one — showing warning lights that were to be built on top of Mt. Tonnaachau as part of the airport project. It was immediately apparent that MLSC had a point. While building on fill near the mountain might not have an impact on it, putting beacons on top of it, and running power lines up it, certainly would. I passed the word on to the Trust Territory Historic Preservation Officer, and strongly suggested that we do a survey of the project area to define exactly what damage might occur if the project was built.

MOUNT TONNAACHAU AND THE LAW

Let me back up for a moment and talk about the National Register, the National Historic Preservation Act, and Mt. Tonnaachau. Mt. Tonnaachau rises immediately southeast of Truk International Airport.

Rising over the wuut of Iras, an Air Mike flight takes off while the archeological crew watches.



Alternatively, it rises from the floor of Truk Lagoon, and the Airport is on its lower above-water slopes. Or, in traditional Trukese interpretation, it is an octopus whose arms stretch far across the Lagoon underwater. In any event, it was to Mt. Tonnaachau that — long ago — Soukachaw came. Soukachaw in some interpretations brought the first people to Truk; in other interpretations he brought law to the Trukese, who previously had been without it. He came from Kosrae or Ponape, or perhaps from the Marshalls; wherever it was the place was called “achaw” by the Trukese. Soukachaw sailed in through Tawanap, a channel through the reef flat at the mouth of Pou Bay, and had his settlement in Mechitiw Village; he established his *wuut* (meetinghouse) on top of (or on the upper slopes of) Mt. Tonnaachau. His son, Souwoniras, also had his *wuut* high on the mountain, and his settlement was at Iras at the northwest foot of the mountain. He brought the whole Lagoon under his sway, it is said.

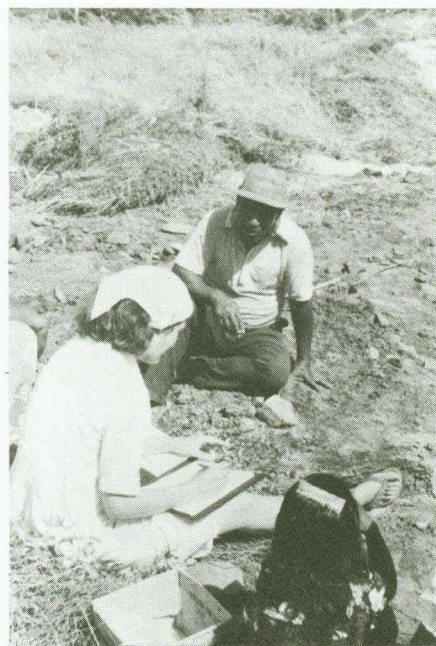
I didn't know all this about Mt. Tonnaachau when I started, and I'm still not sure exactly what the truth is. The form that had been used to nominate the place to the National Register of Historic Places was very vague, but it was apparent that the mountain was very important in Trukese culture. Therefore, it was accepted into the National Register.

The National Historic Preservation Act of 1966, which was applied to the Trust Territory by amendment in 1973, sets up an historic preservation program in each “state” (including the T.T.) and establishes a National Register of Historic Places. Once a property is placed on the Register,

grants can be obtained from the federal government for protecting it, developing it in the public interest (while protecting its historic value), interpreting it for public education, and studying it for the information it contains. At the same time, if a place is on the Register, or eligible to be on it, then before it can be disturbed by a federal agency's actions, the agency must consult with the Historic Preservation Officer and the President's Advisory Council on Historic Preservation, to try to work out ways to reduce the damage. The law does *not* say that you cannot disturb or destroy an historic place; it just says: “Look before you leap” be sure you understand what damage your action will do, and try to work out a way to reduce the level of damage. The Historic Preservation Officer and the Advisory Council are sources of expertise to be consulted in working out such ways, and they in turn are supposed to make sure that the local people and others concerned are properly consulted.

IRAS VILLAGE

A survey was approved, and Ramon Kapileo of the T.T. Historic Preservation Office and I went to Truk to do it. We were greatly assisted by Camillo Noket, Chief of Iras Village, who like Chutaro William, his counterpart in Mechitiw, objects to many aspects of the Airport project but is favorably inclined toward objective studies of its effects. At this point let me introduce my wife, Patricia Parker of the University of Pennsylvania, who lives in Iras while working on her dissertation research in cultural anthropology. Pat was awaiting us when we arrived in Truk, with disturbing news; we might have



In the village of his childhood, Katin tells Pat about old Iras.

more problems with the Airport than we had thought. Her talks with old people in the village indicated that there might be significant archeological remains alongside and under the present runway itself. The runway in short, was not built on fill.

The dig in progress. Ywo Moses and an Iras volunteer carefully “take down” an excavation unit.



The village of Iras has existed for a long time — since the time of Souwoniras, whenever that was. In Japanese times, before the War, it was a string of houses in a handsome grove of coconut palms, breadfruit and citrus trees along a long, sandy beach; behind it was an extensive sand flat that dipped down into taro swamp along the base of Mt. Tonnaachau. Then in about 1940, the Japanese decided that Iras must be sacrificed to the needs of War. Kior, paramount chief of Iras, described what happened:

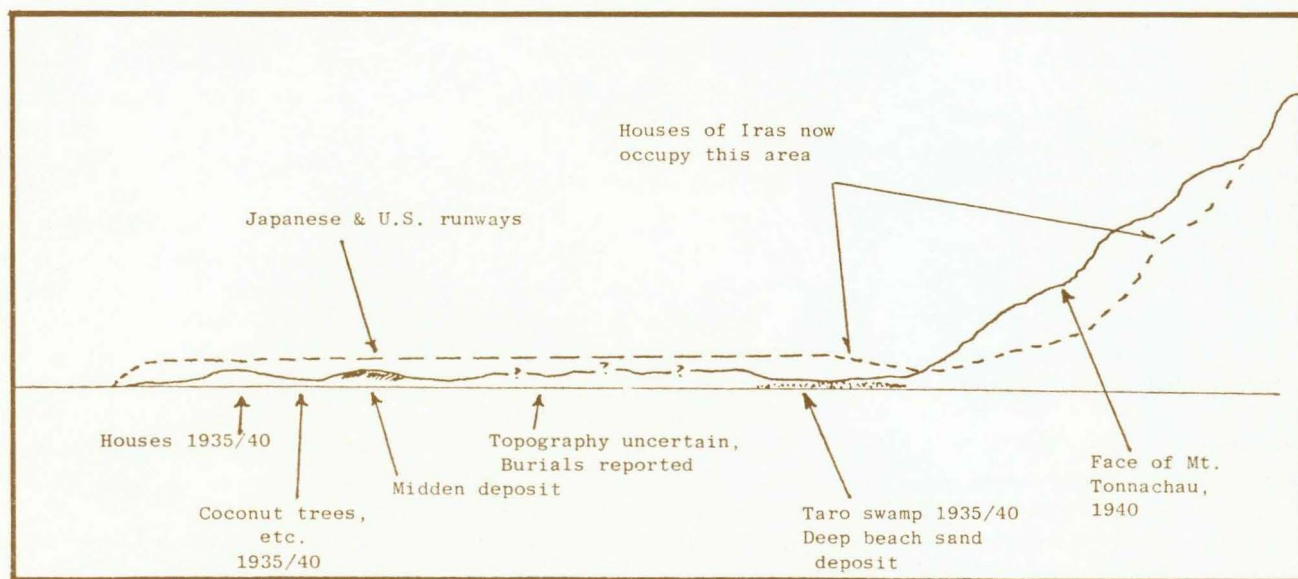
“...the people were told by a Japanese official named Miyatenka that they must leave their lands and take up residence in Tunnuk village. ... The people built rafts to carry themselves and their goods to Tunnuk. While they were making these preparations, the Japanese started to clear their lands. Dynamite was used to destroy the trees, the *imweichos*, the *uts*, the *fanangs* — while the people watched.

“...toward the end of 1948 ... the American Naval Administration gave them permission to return to Iras (Note: to the taro swamp and mountainside, not to the beach). The return was a shock. The Japanese airstrip had covered the land where their *imweichos* and *uts* had formerly been.”(1)

So, Pat insisted, I'd better look under the runway. No easy feat, with Air Micronesia flights landing daily, but luckily the present runway and the old Japanese strip are not in exactly the same place; the old strip is a bit to the northwest, more or less where the new, expanded runway will be, and it's presently open land which we could easily inspect. We had another land area to inspect, too — besides the potential power lines up the mountain. This was the planned quarry expansion area, where basalt rock would be quarried for the project. In addition, we needed to look at the planned dredge area, the big reef flat in

front of Mechitiw Village, where coral would be dredged for fill.

For about a week, Ramon and I stumbled in and out of old Japanese trenches on the mountain, in high grass and dense jungle. We searched the quarry area, and the land northwest of the runway, and we waded the dredge area. Back in Saipan I prepared my report: there are stone structures on Mt. Tonnaachau that might be very old — only excavation could tell us. There are Japanese fortifications in the quarry area; these are not of extreme historical value, but they should be fully inspected and recorded before they are destroyed. There is evidence that something may remain of old Iras Village, alongside the present runway, though it is very hard to tell from the existing surface. We had found nothing of archeological value in the dredge area. Before the Airport is enlarged, the Advisory Council on Historic Preservation will have to be consulted, and a



A cross-section of old and new Iras Village, based on the excavations and other research



Everything must be saved for analysis. Teriuo and Katin shake the screen to catch shells and small artifact.

Memorandum of Agreement should be entered into saying how the historical value of the area will be taken care of. Now, Mr. Magistrate, please note: we did not suggest stopping the project; we said that there were problems, and we suggested ways to resolve them. There is an important principle here that I believe is not always recognized by representatives of any government: the fact that a problem exists with your plan does not mean that it is insoluble, and the fact that someone draws attention to the problem does not necessarily mean that that person is trying to stop you from carrying out your plan.

COMPLYING WITH THE LAW

On January 10, 1978, the Corps of Engineers held a hearing on Moen with regard to the T.T.'s permit application. Of forty or so people who spoke — almost all in opposition to the project — six mentioned the damage that would

be done to historical things. Afterwards, I had an interesting talk with a member of the Attorney General's staff:

"Only six people said anything about historic preservation," he said; "nowhere in the States would we take that to mean that people are really concerned about it."

"But," I replied; "in Truk, historical knowledge is the province of the *itang*, the traditional holders of chiefly knowledge, and it's basically secret. The fact that anybody talked about it at all in public is amazing; each of those people who talked has the strength of ten."

An important point to consider: do public hearings work in Micronesia? I doubt it. The idea of a public hearing rises out of the American experience, the American ethic, of individual initiative — individuals insisting that they be heard in a public forum, raising and arguing issues, defying authority. But in many parts of Micronesia, a public

forum is the last place where anybody will raise an issue — especially an issue that touches on sensitive cultural matters. By relying on American-style public hearings, we come up with a completely artificial, very shallow impression of unanimity on issues about which people are by no means agreed.

In the present instance, most of the people talked about Mt. Tonnaachau; they did not want it disturbed. One woman, however, talked about the reef flat in front of Mechitiw, said that battles had been fought there, and that there were rocks on the reef that were important landmarks. I suggested to the government that we needed to get into a deeper sort of consultation with the villages, to find out more about the concerns of the people and see if they would agree to what we thought might be a reasonable solution to the problem. The Historic Preservation Officer and Deputy High Commissioner agreed, and authorized me to meet with the villages.

Meanwhile, we had worked out a draft memorandum of agreement spelling out what we thought should be done to lessen the impacts of the project. This is in accordance with the published procedures of the President's Advisory Council on Historic Preservation; once the memorandum was signed by the High Commissioner, the Historic Preservation Officer, and the federal agencies involved, including the Advisory Council, the project could go forward subject to the memorandum's terms. The memorandum had three parts:

(1) No warning lights would be placed on Mt. Tonnaachau; this would eliminate the biggest historic preservation concern

expressed by the people, and while it would result in a restriction of night operations it would not make them impossible.

(2) Archeological research would be conducted at the airport and at the quarry site, to salvage information on old Iras Village and the Japanese fortifications, which would otherwise be lost without record.

(3) The government would consult with the villages to identify any historic places in the dredge area, and try to avoid them.

It was this memorandum of agreement that I took to Iras and Mechitiw. It was vital that we get the general concurrence of the people in the memorandum. The Corps of Engineers was holding up its permit pending resolution of the issue, and the FAA was threatening to withdraw its funds if the problem was not resolved. If the villages didn't express their agreement, it was unlikely that the Advisory Council would sign the memorandum, and it would be difficult for the Historic Preservation Officer to do so in good faith.

Chiefs Camillo Noket and Chutaro William of Iras and Mechitiw set up meetings in their *wuuts*. A large number of people attended each meeting, and listened carefully as I explained — with Camillo as translator — what we wanted to do, and asked their opinions. We asked that the people try to separate the issue of historic preservation from their other concerns about the airport — that it would take their land, their reef rights, that it would result in increased noise and dust, etc. The people very conscientiously did this, and the meetings were not allowed to lapse into general criticism of the government and its plans. The



The grave: while the author brushes off the bones, the whole village watches.

people expressed general agreement with the memorandum. They were pleased that there would be no lights on the mountain. They agreed with the plan for archeological research. Their legal counsel, Mike DeAngelo of MLSC, asked that language be inserted stipulating that by agreeing to the memorandum the villages were agreeing only that the government was being responsive to their historic preservation concerns, and that they reserved the right to take legal action with respect to the land issues, reef rights, and other matters; this was agreeable to us. They provided a great deal of new information about the history of the area, and in this discussion the major continuing problem emerged. This was the dredging.

According to the people of Iras and Mechitiw, the reef flat in front of Mechitiw, in its entirety, is an important historical place. At one end of it is Tawanap, the channel through which Soukachaw came to Moen. Along

the edge of it are rocks and coral heads that are linked to Soukachaw, and to Mt. Tonnaachau, as traditional landmarks. On the reef flat itself at least two battles have been fought — one in ancient times, one during the German period — and these are very important in the history of the villages.

They also raised another issue about the reef: it is, of course, the place where they go to fish. They build fish traps in the traditional manner, and fish around them; they gather shellfish and other food from the reef. By dredging a big channel the length of the reef flat, the government would not only be affecting the economy of Mechitiw Village, it would also be destroying the ability of the people to get their food in a traditional manner. What was historic preservation, I was asked, if not the protection of the people's right to maintain their traditional relationship with the land and reef if they so chose?

This was a rather difficult question. The National Historic

Preservation Act does not provide much guidance in answering it, and neither do the procedures of the Advisory Council. But I could reason by analogy: in the United States, it would certainly be regarded as an historic preservation issue if a federal agency proposed to construct an office building in a neighborhood full of historic houses. The issue would not only be that certain of the houses might be destroyed by construction, but that the character of the neighborhood would be changed. This would not mean that the office building could not be built, but it would mean that the federal agency would have to look for ways of protecting the neighborhood's character. It seemed to me that the same sort of issue was involved here, and that the government was obligated to look for ways to enable the people of Mechitiw to go on fishing.

Let me make a parenthetical point here: no one is saying that the people of Mechitiw *have to* go on fishing in a traditional manner. One of the most widely circulated misunderstandings about historic and cultural preservation is that it is an attempt to put people in a museum or a zoo where their ancient ways can be observed forever — to deny people the right to change. This is not true. It is a purpose of historic and cultural preservation to help preserve people's right to maintain their traditions if they wish, and to expose to careful scrutiny the countless actions of modern government that push people toward the abandonment of traditional lifeways whether they like it or not. It seemed to me that this was the situation in Mechitiw: however the village might change in the future, a lot of people wanted to go on getting portions

of their food in a traditional way from the reef; to the extent possible, their right to do this should be preserved.

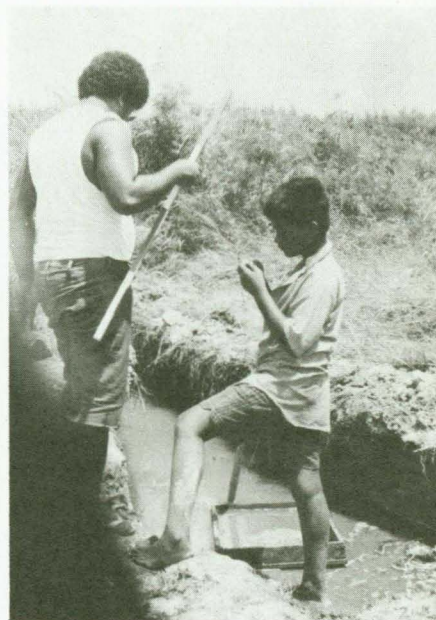
Back in Saipan, I found the government not disagreeable to this principle, but not very enthusiastic about delaying the project while looking for other places to dredge. We added a section to the memorandum of agreement saying that we would explore alternative dredge sites, keep everyone informed of the progress of the search, and use a different dredge site if it proved feasible and prudent to do so. This didn't really satisfy the people of Mechitiw, but it was the best we could do under the circumstances. OICC began looking at the engineering and environmental aspects of various alternative dredge sites, and I returned to Truk to check the alternative sites for historic properties and to see if the villages would now concur in the memorandum of agreement.

I found the position of the villages to be hardening, not so much because they were unhappy with what we were doing about historic preservation, but because they felt that the government had not been responsive to their other concerns. They were suspicious about signing anything that the government placed before them. But their leaders, and their legal counsel, made it clear that their suspicions were not based on the government's actions with respect to historic preservation, so I felt justified in recommending to the Historic Preservation Officer that the memorandum of agreement be executed, allowing the project to proceed.

With Pat's help, I consulted with the Chiefs and other knowledgeable people in the villages of Tunnuk, Nepwukos, and Mwaan about possible dredge

sites on their reefs. Dredging in front of Tunnuk did not look feasible; not only were people doing a lot of traditional fishing there, they had also fought battles and disposed of their dead on the reef in ancient times. At Nepwukos and Mwaan, around the modern port area, the historic preservation problems were of much less importance, and I thought dredging could be done there. OICC, however, discovered that it would be virtually impossible to get enough coral from the port area, and costs would skyrocket. Pat and I had also more carefully explored the Mechitiw reef, however, recording the locations of fish traps and of the landmark rocks. We came up with a plan to change the shape of the dredge area, to concentrate dredging in two previously disturbed areas and maintain a large area of reef flat for Mechitiw's use. OICC set out to investigate the feasibility of doing this.

Along one of the backhoe trenches, Osaichy Sapo, the youngest crew member, examines a find.



Meanwhile, Mike DeAngelo came to Saipan, and a frank exchange of views about all the issues surrounding the airport was begun with the Attorney General. And on February 28, 1978, the final memorandum of agreement was signed by the High Commissioner and by Acting Historic Preservation Officer Clarence Takeuchi, flown to Honolulu for signature by the Corps of Engineers, and then carried to Washington for signature by FAA and the Advisory Council. The FAA money was retained, the Corps issued its permit, and the project could proceed.

REDISCOVERING IRAS

Now it was time to undertake the archeological research. With funds provided by OICC, I returned to Truk and hired two crews from Iras Village. One crew, under the supervision of Katin Nikichinap would clear the jungle on the quarry site and expose the old Japanese fortifications. Most of the members of this crew were from families that owned land on the quarry site, so they would make sure that no valuable plants were disturbed. Since they also knew the land well, they knew where many historic things were that we would otherwise have missed. The other crew worked at the airport, excavating under my supervision. Pat volunteered her services as interpreter and ethnographer, and a group of women from the village prepared food every day for the workers' lunches.

Older people of the village, who remembered how it was before the exodus, took Pat over the land and pointed out where houses, *wuuts*, hearths, stores, and copra sheds had stood; they talked

about how many people lived in each house, how they moved around through time, and how the village organization had changed over the years. Meanwhile, I began excavation with a backhoe, cutting trenches from the edge of the runway out toward the Lagoon. The top 2 feet or so of the ground was clay and basalt rock; it had been brought down from the mountainside by forced labor teams under Japanese supervision, to provide a base for the old bomber strip. Some 200 Trukese had worked on the job, we were told, with shovels, picks, and small wheeled carts running on rails. Under the clay, sure enough, we found the remains of the village. The sand was stained dark brown in places — with charcoal and decayed organic material. It was full of shell and bone, debris of many meals. Occasionally we ran into cooking hearths, still preserved in the sand strata. In other places, disturbance was very evident; the Japanese had pushed the place around a lot, and then it had been heavily bombed. But quite a bit of the old village was left — enough to allow us to learn about its age, its population, the activities of its people, something of its history.

Having found that the remains of the village really were there, we brought in a bulldozer provided by the District Public Works Officer, and stripped off the clay in selected places. Then we dug careful test pits, each 1 meter by 2 meters in size, and located on maps of the site. All the sand was passed through screens, and the excavation went down in controlled, 10-centimeter levels. Artifacts, shells, bones, and other debris went into labeled bags, and any features such as hearths, clusters of rocks, or concentrations of artifacts were

uncovered in place and recorded. We kept careful notes on each pit, and on the soil strata exposed in their walls.

One older woman of the village, Nesema, was employed on the crew, and other women helped her every afternoon, sorting the shells that came out of the excavation and identifying them by their Trukese names, telling Pat how they had been used, where they were gathered, and so on. This was valuable information not only for us, as a basis for reconstructing how people used to relate to their environment, but also for the younger people of the village, who have never gathered or eaten many of the shellfish. Nesema and her friends usually had a cluster of young women and girls around them as they identified the shells and talked about how they and their families had used them.

Meanwhile, above the quarry, Katin and his crew were finding more than we had expected — large Japanese guns, ammunition bunkers, a food storage cave and Japanese rifles, bottles, and other portable artifacts. Although this was surprising to us, it wasn't to the older people on the crew. Katin recalls taking food from the storage cave during the hungry times after the American bombing. He and Kamwotey, another older man on the crew, found a grave that they had been told of as children; we would never have recognized it. All these things were carefully cleared, photographed, and located on maps by Ramon Kapileo, Kkayo Noket of Iras, and a team of land surveyors from the District Land Commission. Toward the end of the project the crew found a prehistoric site, where once a Trukese house had stood on the high rock overlooking the Lagoon.

There was a platform of stones, a dense scatter of shellfish debris, and many artifacts, especially slingstones. This site, like the grave, was on the very edge of the quarry area, and we think it will be possible to save it, so we recorded it carefully and left it alone; we will dig in it only if it must be destroyed by the quarry.

At the airport itself, I was trying to figure out where the oldest part of the village was. We were getting a pretty good sample of the area northwest of the runway, but I suspected that the beach on which Iras had stood had built up in such a way that the oldest deposits should be on the landward side of the runway, against the face of the mountain. To check this, we dug a backhoe trench between the runway and the road, and took many samples of the sand strata we found and recorded there. We had to work quickly because FAA regulations do not permit trenches to stand open so close to a runway during landings and takeoffs. We dug the trench on Monday morning, and had it filled by plane time Tuesday afternoon. The trench showed the usual fill on the surface, but under it was a very pure clay that I suspect was washed down naturally from the mountain. Under this was the remains of a swamp — heavy organic debris, logs, seeds, roots, fibers — and under this was sand. The sand is clearly an old beach, and it is full of shellfish remains. It remains to be seen, through further analysis, whether the shells were deposited by nature or by human beings.

People told us that there were graves under the runway and on the day before the dig ended we found out they were right. At the very bottom of one of our test pits — that is, where there was no

more shell, no more discolored sand, and where we were getting into the water table — we found a human skeleton. Everyone was very excited; at least 75 people were around at all times watching as we scraped the sand off the very fragile bones, photographed the skeleton, took measurements, recorded it, and removed it. All the bones were boxed and taken back to the village for re-burial. Although the skeleton was very old — I think prehistoric — some people thought they had an idea which *wuut* the man (it was a man) was associated with. There was some disagreement about where he should be reburied, because this depended on who he was, which clan he belonged to, and so on.

Finally we packed up the bags of shells, the sand samples, the artifacts, and our notes and photos, and took them to Saipan. Here I am working on analyzing them, submitting samples to laboratories for special studies and converting our raw field data to a form that can be used for future research. Ramon is working on

maps and plans from our field notes, and Pat is working in the village again, refining the maps of the village as it was before the exodus. It will take about a year to get the analysis and report-writing done, and then the report will be published in both Trukese and English. Throughout the fieldwork, I was tremendously impressed by the people of Iras. I have never had a better field crew, anywhere. They understood instantly what the project was about, how to dig carefully and with control, and how to keep records of their work. Things that I've seen U.S. anthropology students take a week to learn, the people of Iras caught on to in an afternoon. They worked long, hard hours under the blazing sun, in the jungle on top of the quarry and in the glaring heat of the coral runway. I hope they got as much out of the experience as I did, and I hope the report we come up with will be a credit to them.

Meanwhile, the contract for building the new airport has been let, and the contractor is getting

The burial exposed.



ready to go to work. We expect to work with him to make sure that what is left in the ground is reasonably well preserved under the new runway, so it will be available for study at some remote future date. We also want to work with the contractor to minimize the possibility that more graves will be encountered, and to make sure that if the quarry must extend into the area where the grave and the prehistoric site are, we can excavate them. None of this, however, should hold up construction.

The construction could be held up because other issues have not yet been resolved. We are still working on the possibility of changing the shape of the dredge area, to leave the reef flat in front of Mechitiw. There are still arguments about land rights and other matters. But except for the question of the dredge area, historic preservation is no longer involved in the arguments between the villages and the government. I hope and believe that the problem of the dredge area is resolvable, and I think the government is doing everything it can to resolve it.

As the bulldozer strips the clay, Nesema is absorbed in picking shells from the screen.



CONCLUSION

So the fact is, Mr. Magistrate, that historic preservation has *not* stopped or even delayed the airport. Instead, the government and the people of the villages have worked together to minimize the damage done by the construction, while the work goes forward. This is a basic principle of historic preservation: people should not have to sacrifice their culture and their history in order to get capital improvements. With compromise and understanding, and careful planning, it should be possible to have both.

But the project could have been delayed, or killed. It almost was; if the FAA had withdrawn its funds, or if the Corps had withheld its permit, it would have been very hard to build the airport. We found ourselves in this unpleasant position because no one had paid proper attention to historic and cultural factors in the original planning of the project. It is notable that, in a list of persons consulted, that appears in the final environmental impact statement, not a single representative of Iras or Mechitiw is listed. To discover public sentiment, public hearings were relied upon, but as noted above, in Truk this is probably the worst possible way to find out what people really think.

My impression, after a year in the T.T., is that many officials look on the environmental planning process preceding a project as merely a procedural hoop that must be jumped through to get on with the work — a mere exercise in bureaucratic paperwork. As a result, the studies that provide the basis for this planning are often slipshod, incomplete, and designed to meet what are seen as imposed U.S. procedural requirements rather

than to really find out what the project may do to the environment. The attitude seems to be that the environmental (including cultural and historical) issues are inconsequential, so we should deal with them as quickly and cheaply as possible, fulfill the legal requirements — at least superficially — and get on with doing what we want. The flip side, of course, is that if a problem does emerge from under the rug, it is almost automatically regarded as fatal, and it is assumed that no one would bring a problem to light unless he or she either wanted to stop the project or had some way to make money out of the deal.

This is not the way it should be. The environmental and historic preservation laws weren't meant to make people jump through legal hoops; they were meant to cause project planners to think about what their projects might do to the world before they go on with them, and to try to resolve any problems that arise. As I think the Truk Airport case indicates, these problems usually *can* be resolved, and of course it is a lot easier to resolve them if you have more lead-time that we did at Truk.

As a person who is interested in Micronesia's future — and as one who flies in and out of Truk a lot — I sincerely hope that in a couple of years planes will be landing on a lengthened, improved, safe runway at Iras. I also hope that this improvement occurs without unnecessarily cutting off Mechitiw and Iras from their natural food supplies and their cultural heritage. If I've contributed to this compromise, I've done my job as an historic preservationist; if I had "stopped the airport", I would have failed in my job.

Development vs. Environment

Truk airport expansion threatens sacred sites

Who would dispute that the world is not better off with say, penicillin than without it? That the technological miracle of, for example, radar is a better method of navigation than the ancient technique of dead reckoning. In order for one area or group of people to benefit fully

ain people embrace t

[illegible]

As one who is admittedly prodevelopment I have been constantly amazed at how quickly certain people embrace the environmental and

ecology movement at the expense of a project that will improve the standard of living of all the people, at least by standards generally accepted by reasonable people who see the value to society of radio communications, docks, airports, roads, electric power and so forth.

Having traveled extensively throughout the developing nations of Africa and Southeast Asia, I have observed that local tradition and culture have been maintained while modern advancement has taken place to improve the standards of living of the people. This requires no small amount of creative and imaginative thinking on the part of government officials in the "art of compromise" . . . but it does occur.

I am beginning to suspect that only in countries wealthy enough to afford the luxury of historical and environmental protection do such controversial issues surface in public or legal debate.

Again, I am reminded of the Temples of Ramses II along the Nile River. These huge structures were moved 690 feet up the slope of a cliff to avoid being inundated by the Aswan Dam, an impoundment designed to increase Egypt's water supply for irrigating much needed agricultural land. The project took 4½ years at a cost of \$40 million to save the 3,200 year old statues. Egypt did not pay to have these ancient edifices moved, the construction effort was made possible by world donations. Egypt wanted the Aswan Dam, and if it inundated this historical treasure. . . . so be it.

Consider the case of the proposed airport beacon for Mount Tonnaachau in Truk and its possible placement atop a sacred mountain. Why should it be a matter of "adopted law" that if it has been determined that the area where this navigational aid is to be located is deemed to be of historical significance that no development can occur . . . not even for the sake of safety for air passengers? Why can't such decisions be left to the local population rather than be influenced by outsiders and their "imported laws and regulations". If the people wish to preserve the mountain in its natural state at the expense of navigational safety . . . fine, close down airport operations at night. Then explain to a distraught parent why an aircraft can't land at night to evacuate his sick child. Or don't place the beacon and continue to permit aircraft to land at night and

pray that the aircraft does not hit the mountain and the wreckage fall from the mountain side onto sleeping Iras village below.

Examine the case of the Tennessee snail darter, a fish measuring no more than 2½ inches long, which was found in the Coytee Springs on the Little Tennessee River near Knoxville. That fish, because it is listed as an endangered species and thus protected by the Endangered Species Act has resulted in halting a multi-hundred-million dollar T.V.A. project which would provide low cost hydroelectric power to hundreds of thousands of people.

I see a definite correlation between what has happened in Tennessee and what could happen in Truk. In my mind, it is a case of failure to accept a "development trade off".

Development does not necessarily erode traditional values . . . the march of time does. To preserve everything for the sake of traditions, is in my view, shortsighted. This thinking led to the decline of China from one of the highest cultural civilizations the World has ever known.

People who are extreme proponents of historical preservation seem to be telling us that a people's dead past is more important than their living future. They would preserve the artifacts and traditions of a minority at the expense of the majority.

Tradition and cultural preservation have often been flaunted as enriching mankind . . . and it does. But you can't eat tradition, it won't buy modern medicine, or provide you with a vehicle of access to other learning experiences as travel will, the latter not being possible without safe landing areas, docks, and radio communication.

I hope the reader of this article, as well as the one discussing the Truk airport, will ask himself . . . is this editorial exercise necessary? But this, dear reader, is the state to which government has evolved . . . two schools of thought each believing in their own conviction . . . and the taxpayer pays for the folly while being subjected to a state of inconvenience as a result of delays caused by the debate.

I could not help but be amused when I was reading an environmental impact statement prepared for a dock project in one of the district centers of the Trust Territory when a statement appeared in the highest jargon of

scientific bovine solid waste that the construction of a dock would result in a crowding influence on some living organisms and perhaps subject them to high levels of stress. The organisms were listed as the cockroach, sand flea, and various assorted gnats and crabs. The report did give these creatures credit for some sense of survival by stating that many could migrate. The authors failed to include the two other alternatives taught in any 10th grade biology class, to wit that they could also adapt to their new condition or die, the three classic choices for survival for any threatened species.

There are, in my opinion, many self-serving bureaucrats in the world who believe that the average person doesn't have the intelligence to decide for himself what he wants to forget as a tradition . . . and what he wants to preserve, be it a snail darter, a sand flea or a historic tradition. So the bureaucrat with his W.P.A. mentality will make such decisions frequently at the expense of a great sum of the taxpayer's money and at no small amount of future inconvenience to the citizens. Laws that influence the outcome of projects are better left for those directly affected to decide whether or not they should be enforced.

To add Mount Tonnaachau to the United States National Register of Historic Places seems to me to be a bit presumptuous if not outright illegal. Truk is not yet a part of the United States and its future relationship with the U.S. will not be determined until July 12th or even later. It has been suggested that this entire issue has been motivated in large part to contribute to the pressure applied by Trukese land owners to obtain more money for their land which is occupied by the Government.

While there is abundant legal precedent for the right of eminent domain to protect the overall welfare of the majority at the expense of the minority such has not been the case with environmental, ecological or historical preservation issues.

Many environmental "purists" simply won't accept compromise on issues and they are frequently in the forefront to halt development in any form. They seem to say "damn the future, let's preserve the past". A "trade off" to them is a dirty word.

Always something has to give, someone or some group has to lose for the benefit of

others. Will a few people be permitted to hold up projects, handicap and inconvenience many? Or will the many prevail over the few?

As one U.S. taxpayer from a nation of 90 million employed I resent the fact that almost 23% of my total income goes to support government activities which include environmental and historical protection in an area such as Micronesia which so desperately needs economic development. Such efforts when legislated by the most developed society in the world and then transferred to one of the most underdeveloped areas such as Micronesia seems to me to border on the ridiculous. The U.S. seems to want to make Micronesia dependent on U.S. handouts since developments are certainly thwarted by the many legislative constraints.

I think we do Micronesians a disservice by imposing on them legislation designed 10,000 miles away to correct a situation in the U.S. that has been 200 years in the making. Indeed, if the United States had to develop in 1776 under the same legislation and regulations which now exist in Micronesia in 1978, I am afraid we would have never made it as a self-sufficient nation.

In conclusion, I would like to state that I am not opposed to preserving tradition, I have fond memories of my grandmother, I still remember her ice box, mud streets, oil lamps, etc. However, I prefer the reefer, paved streets and electricity. If I must dig her up from her final resting place and move her . . . I will, I don't think she would mind the "trade off" for this temporary disturbance. What does all this have to do with Mount Tonnaachau and the navigational beacon? Obviously, it is for the people to decide . . . but if it were my decision, I would vote for the beacon and the future even at the expense of tradition. I think my ancestors would have wanted it that way, particularly if they knew I was subjected to laws promulgated elsewhere for another environment and then applied to Micronesia.

ABOUT THE AUTHOR

William H. Stewart, Deputy Director of the Bureau of Resources has been employed by the Trust Territory Government for eight years. He has held positions as an industrial economist, Director of Census, Vice Chairman of the

Board of Directors of the Micronesia Development Bank, Chairman of the \$5 million Economic Development Loan Fund, Chairman of the Copra Stabilization Board, as well as an international economist assigned to the Honolulu investment office. He is the author of many economic reports, marketing analyses and financial feasibility studies many of which have resulted in substantial investments in Micronesia. Prior to joining the Trust Territory Government, he was a foreign service officer in North Africa and Asia for the Department of State and served as a foreign investment advisor to the Secretary General, Board of Investment, Royal Kingdom of Thailand, and the President, Director General of the Republic of Tunisia's Development Bank and the National Office of

Tourism. He has been a self-employed economic consultant with clients in various Caribbean countries and the Republic of Ghana in tropical Africa.

As a former industrial and economic geographer for the State of West Virginia, he has extensive experience in industrial plant location work. Being a professional cartographer he is the owner of a tourist advertising agency in Sarasota, Florida, and prepared the tourist maps for each of Micronesia's District Centers. He recently served as an advisor to the U.S. Corps of Engineers on the \$142 million Saudi Arabian five-year development plan. He has a keen interest in history and archeology. Bill Stewart ends his residence in Micronesia in August.

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Report on Administration of Foreign Investors Business Permit Act Calendar Year 1977

by Elizabeth Udui

Introduction

The great bulk of private foreign investment in Micronesia is assets of U.S. citizen individuals or companies either investing directly or forming domestic Trust Territory corporations. Foreign capital investment, itself, was not considered seriously as a means to stimulate development in the Territory until 1970 when the Foreign Investors Business Permit Act was passed by the Congress of Micronesia. Since 1947, the United States as administrator of the Trust Territory had maintained a policy which prohibited direct investment in Micronesia on the part of nationals and companies of any other nation than itself. This "most favored nation" policy remained in effect until April 1, 1974, when the U.S. Government lifted all restrictions on foreign investment in the Trust Territory.

What this change in policy meant actually was that individuals and commercial investors from any nation could now apply for a business permit under the Foreign Investors Business Permit Act.

The role of foreign investment in Micronesia takes on increased importance as the U.S. trusteeship draws to an end and Micronesia begins to realize the necessity of development of its private sector in order to provide jobs for its people and revenues to support its government.

The Foreign Investors Business Permit Act

The Foreign Investors Business Permit Act (Title 33 of the Trust Territory Code) became effective in February 1970. Previously business permits had been issued under Public Law 4-22 and earlier under Section 1116 of the 1966 Trust Territory Code.

The primary purpose of the act is to make certain that foreign investment is responsive to local desires and that benefits of growth stimulated by investment are available to the widest possible segment of the population. The law is regulatory in nature. It does not provide investment incentives such as other developing nations employ to induce major scale participation of outside capital and/or expertise.

However, the Trust Territory does have a favorable climate for investment.

... There are no real estate or corporation taxes.

... There are no restrictions on repatriation of dividends, interest and related fees out of the Territory.

... There are low taxes on wages and salaries and gross revenues.

... There is a one and one-half percent Social Security tax on salaries which is matched by the employer.

... Import taxes are low.

... For tax purposes, no distinction is made between Micronesian and foreign companies.

... For purposes of foreign investment, no distinction is made between the United States and other countries.

Activities of Foreign Investment Branch

The Foreign Investors Act establishes procedures for obtaining a permit to do business in the Trust Territory. Prospective investors file applications for business permits with the Director of the Bureau of Resources.

The Director is responsible, in reviewing each application, for ensuring that the investment is consistent with Trust Territory policy and will promote the general welfare and development of the Micronesian people. The Foreign Investment Branch in the Commerce and Industries Division serves as secretariat for purposes of administering the act, in reviewing applications, running credit checks, meeting with prospective investors, preparing necessary documents, etc.

This office helps attract new foreign investment by actively seeking out and contacting potential major investors and promoting favorable foreign contacts in business sectors requiring development in relation to the economic aims sought by domestic governments and enterprises. It also seeks to locate domestic businessmen who might seek joint-venture relationships in their sector of activity. The Branch monitors the progress of newly created foreign and joint-venture enterprises in order to assist in any immediate problems that might be encountered.

In some instances, the Foreign Investment Branch has been instrumental in having prepared proforma feasibility studies and other data collection to assist a sector or industry in locating foreign investment partners. These functions are expected to increase in future years.

In order to administer the law more effectively, to provide as complete information as possible on prospective investors and to assure a *bona fide* relationship, credit and reference checks are run on all applicants.

After initial review to ensure completeness, the application and supporting documents are forwarded to the District Foreign Investment Board or Boards concerned. The District Board reviews each application according to criteria established by law, holds public hearings, and recommends either approval or disapproval of the permit to the High Commissioner through the Director of Resources.

Criteria by which the Boards review the application, and which should be fully covered in any investment proposal, are as follows:

1. Economic need for the services of activity to be performed.

2. Extent to which the operation results in a net increase in exports or a net decrease in imports.

3. Extent to which the operation will deplete the island's natural resources or adversely affect the island's economy.

4. Extent of ownership, management and employment of Trust Territory citizens.

5. Extent the operation will enhance the overall economic well-being of the district without adversely affecting the existing social and cultural values and ethnic conditions of the District.

The application is also reviewed by other bureaus of the government and by the Trust Territory's Environmental Protection Board, if necessary.

When the District Board recommends approval of a permit application, it also indicates terms and conditions under which the permit may be granted. These include duration, scope of business activity, minimum Trust Territory citizen ownership and control, and guarantees of employment and training for Trust Territory citizens.

Permits to do business are issued on a district by district basis, as conditions may vary from district to district and from proposal to proposal. The potential investor is urged to establish personal contact with the Board in the district where he proposes to do business and to gauge the Board's reaction to his investment proposal. Of even more value is a visit to the district for a first hand view of economic potential and meetings with members of the District Board, local leaders and businessmen.

Activities of Foreign Investment Branch

During the year, Branch officials held more than 100 meetings with prospective investors, including between 30 and 40 Japanese groups.

At least 200 responses to written inquiries about investment opportunities were sent out and about 400 actions directly taken were related to foreign business permits.

The office issued an *Investment Guide* and the *Business Directory* and is reissuing *Economic Profiles*, a prospectus on *Ponape Black Pepper* and a Micronesian handicraft promotional brochure.

During the coming year, promotional mailings to hundreds of prospective investors will be carried out for pepper, mariculture, and other investment opportunities.

The office will continue its contacts with various U.S. Embassies for industry promotion and with the Japan-Micronesia Association.

The Chief of the Branch was a member of the Economic Development Projects Committee which determined investment needs in the districts as part of an overall Bureau program to develop new approaches to economic development and stimulation of the private sector.

Status of Permits

During Calendar year 1977, the Office received and processed 35 business permit applications; 16 permits were issued. Applications are counted for each district applied to and some applications were pending from the previous year. Eight were pending at the end of calendar year 1977.

Reasons for disapproval of permit applications

During the year, the District Foreign Investment Boards recommended to the High Commissioner that 11 applications be disapproved. The primary reasons for these disapprovals are listed below:

- ... Lack of complete financial information,
- ... Local firms capable of providing service,
- ... No plans to open business office locally,
- ... District not prepared for cultural and financial impact,
- ... Activities should be reserved for local participation,
- ... Cultural restrictions on fishing on reefs.

Conditions for permits

Most common conditions established by Boards as prerequisite of issuing permits are:

- ... commencement of business operations within a specified time period,
- ... establishment of office facilities in the district,
- ... employment and training of Micronesians,
- ... interest in leasing private land,
- ... formation of a local Trust Territory corporation,
- ... increasing the percentage of stock available for Micronesians,
- ... appointment of a local agent,
- ... submission of reports to Board describing activities.

Calendar 1977 Statistics

One of the ways to determine whether a business was active during the year was through an annual business report as required by Section 10, Title 33 Trust Territory Code. Response to the request for reports was not complete but most of the larger companies are included. Statistics for the Northern Marianas are not included. The number of active foreign investors in the Territory is 52, see Table 1.

Table 2, comparing private investment as of December 1973, 1974, 1975 and 1976, is included for reference purposes. Table 3 shows estimated asset value of businesses for 1977. All investment is attributed to the districts, the "TT-wide" designation is eliminated. Investment has not risen significantly in any district. This may be attributed in part to the worldwide economic recession, limited market opportunities in Micronesia and the uncertainty as to future political status.

Air and sea transportation companies not falling under the Foreign Investment Act are excluded from this report.

Table 3 is presented for information purposes only as many firms did not provide this information.

Northern Marianas

On March 25, 1976, U.S. President Ford signed a Covenant leading towards creation of a Commonwealth of the Northern Marianas. On April 1, 1976, a separate administrative structure for the Northern Marianas was established, separating it from the other six districts of the Trust Territory.

The Northern Marianas no longer designates U.S. citizen-owned businesses as "foreign".

Business permit applications for the Northern Marianas may be filed with the Economic Development Office, Northern Mariana Islands. Filing fee is \$500.

Foreign Investment Policy of Bureau of Resources

Foreign Investment is welcome as it is recognized that many development enterprises can only be undertaken with the vast capital financing that is available to foreign firms.

There has been some fear in Micronesia that opening of investment opportunities may lead to exploitation of resources by foreign firms and could be detrimental to economic, social, and political development.

The Bureau feels that foreign investment should be allowed, but only when ample opportunity is given to Micronesian participation, ownership and management. To this end, the Bureau's policy is:

1. To welcome the United States, Japan, and any other nation to join our projects on an equal basis.

2. To take into full account the effect of the change in foreign investment policy on the rights of Micronesian people in whose resources and lands wealth lies.

3. To encourage maximum Micronesian participation in outside investment on terms which leave the control of lands, resources, and industries in the hands of the Micronesian people.

4. To encourage joint ventures in order for Micronesians to utilize capital, technology, and skills available outside in order to serve their best interests.

5. To continue to regard the analysis and recommendation of the District Foreign Investment Boards which review foreign investment applications as paramount in the final decision on any investment.

Conclusion

Micronesians are faced with a paradox in the area of foreign investment and economic development. On the one hand they wish to completely control their economy; on the

Table 1. Nonindigenous investment in the Trust Territory by location and business sector. Other firms have permits to do business but were not active as of December 30, 1977.

Business Sector	District							Total 1977
	Kos.	Mars.	Palau	Ponape	Truk	Yap	TT-Wide*	
Agriculture, Marine, & Mfg.	1	3	2	--	2	--	--	8
Banking, Finance, Ins. & Real Estate	--	1	2	1	1	1	7	13
Construction and Mining--		1	2	--	--	--	--	3
Services	--	2	1	--	--	--	5	8
Tourism	--	1	2	1	2	--	--	6
Trans. & Comm.	--	1	--	1	1	--	2	5
Wholesale/Retail Trade	--	2	1	1	2	1	2	9
Total	1	11	10	4	8	2	16	52

*Operate in more than one District

other hand, they seek economic and social benefits which can only be obtained through relaxation of restrictions on and active promotion to increase participation of foreign capital and private technical assistance.

Economic development of Micronesia depends on a complex of interrelated economic, social and institutional factors. The realization of economic growth requires specific action which goes beyond the present regulatory process of its laws. As in the case of other small island economies, properly planned and carried out direct investment by foreign companies can be a major factor in alleviating the problem of unemployment and rectifying inequalities in the rate, type, and balance of development by the public sector.

Foreign capital investment has a role in Micronesia through increasing production of goods and services, increasing employment outside the government and raising the general standard of living. All investment must be carried out on a planned basis so as not to completely destroy the fragile island environment. Micronesians should not be

reluctant to benefit from the capital, technology and skills that are available outside the Territory so long as they serve the best interests of the Micronesian people.

Table 2. Estimated Asset Value of private foreign investment in the Trust Territory of the Pacific Islands by sector and district, December 1973, 1974, 1975, and 1976.

Industry	December 1973* (in thousands)	December 1974* (in thousands)	December 1975* (in thousands)	December 1976 (a) (in thousands)
Agriculture & Marine & Mfg.	\$ 4,835	\$ 4,473	\$ 6,141	\$ 4,697
Banking, Finance Insurance & Real Estate	NA	37,934	31,816	146XX
Construction & Mining	1,667	2,424	3,525	1,639
Services	876	567	520	357
Tourism	17,704	20,938	21,110	4,005
Trans. & Comm.	16,675	17,491	17,439	910
Wholesale/Retail Trade	5,853	12,927	16,409	3,589
Total	\$47,610	\$96,754	\$96,960	\$15,343
District				
TT-Wide	\$19,999	\$60,547	\$52,624	\$ 53
Marianas	18,564	26,708	32,870	N/A
Kosrae	-----	-----	-----	2
Marshalls	163	333	313	2,370
Palau	4,556	4,469	6,770	7,523 ^(c)
Ponape	1,134	1,511	1,188 ^(b)	2,318
Truk	3,194	3,185	3,194	2,667
Yap	-----	1	1	410
Total	\$47,610	\$96,754	\$96,960	\$15,343

*Includes bank deposits; underreported, all companies did not file.

(b) includes Kosrae

(a) does not include Northern Marianas

(xx) does not include bank deposits

(c) One large company did not report

Table 3. Estimated Asset Value of private foreign investment in the Trust Territory of the Pacific Islands by sector and district, as of December 1977

Industry	December 1977* (in thousands)
Agriculture Marine & Mfg.	\$ 6,320
Banking, Finance Insurance & Real Estate	646
Construction Mining	1,728
Services	924
Tourism	3,878
Trans. & Comm.	898
Wholesale/Retail Trade	3,679
Total	\$ 18,073
District	
Kosrae	1
Marshalls	\$ 2,843
Palau	9,349
Ponape	2,225
Truk	3,243
Yap	412
Total	\$ 18,073

Table 4. Actual investment in 1977, proposed for 1978 and average annual wages paid by Foreign Investors as of December 30, 1977.

District	Actual 1977 Investment		Proposed investment for 1978		Wages	
	Number of companies reporting	Investment (in thousands)	No. of companies reporting	Investment (in thousands)	No. of companies reporting	Total wages (in thousands)
Kosrae	1	1	1	\$ N/A	1	\$ N/A
Marshalls	11	\$ 2,843	0	---	1	16
Palau	10	9,349	1	328	2	578
Ponape	7	2,225	0	---	0	---
Truk	8	3,243	2	5	2	14
Yap	3	412	0	---	---	---
Total	40	\$18,073	4	\$333	6	\$608

SOLOMON ISLANDS

Independence

Celebration

by Dwight Heine

"How was the Independence celebration?" This was almost always the first question asked by almost everyone who greeted me upon returning from the Independence celebration of the Solomon Islands, which took place in Honiara, the capital of that new nation.

"Self-governing" and/or "Independence" have almost as many meanings as people who are using them in an intellectual discourse or during a mere exchanging of views on the subjects. They are usually linked to other terms such as economy, geography, population, natural resources, defense, liberty, strategic area, freedom and a few others, and they take on coloration as the conversation proceeds and as the shades of meanings of each term come into play.

Two days before Independence, Hon. Peter Kenilorea, the then Chief Minister and on Independence Day (July 7, 1978) became the first Prime Minister, gave his definition of "Independence". He said, "Independence means 'having our own status of nationhood, national identity, dignity and self-respect as a people.'" It is our freedom from another country and people ruling over us and our national affairs." He went on: "It therefore means giving more responsibilities to us." With confidence he continued: "But this is good, for I am sure that the things we achieve through our own responsibility and hard work would be respected and honored far more than what others can and might do for us." He is devout: "So let us go forward, not with fear and shame, but with Almighty God's divine guidance and with courage and determination towards our goal to achieve nationhood. I am confident that we will gain far more from becoming an independent nation than we will lose."

In a ceremony at about 10:00 a.m., July 7th, "Independence Day", the "Union Jack"

was lowered as a lone trumpet played a melancholy tune. It came down slowly and seemingly reluctantly. The two British Army Officers who attended to this task folded it and one of them held it under his right arm while standing at attention. Then two Solomon islanders raised their country's flag. Again a solemn tune was played. But as the Solomon Islands' flag reached the top of the mast, a thunderous sound blared forth as three different bands, with hundreds of instruments, played a very animated tune. At ten-thirty (10:30 a.m.), July 7, 1978 Solomon Islands became an independent state! There were tears streaking down the cheeks of many people, but the writer thinks they were the same kinds of tears shed by mothers on their daughter's wedding day. Tears of mixed emotions. While the people were jubilant, they did not allow themselves to get carried away with merry making. To quote the Prime Minister again, he said, "this will be a big task and we must begin work straight away."

Although July 7th, 1978, was designated the Independence day for the Solomons, this was only for convenience. Actually, the seed of independence sprouted during the early thirties, when some young men organized themselves into a collective bargaining group to seek ways to improve the working conditions of the Solomon Islands workers. That was too radical a move during that period in Solomon Islands' history. Many of them were thrown in jail. The writer met a gentleman from Malaita Island, a paramount chief of this people, who was incarcerated for five years for daring to take such "ridiculous" position. He was one of the key leaders. He is now getting along in age and was not among those who sat in the area reserved for VIPs. But he seemed very happy that he was able to live to see the day when the

dream he shared with his compatriots had been transformed into reality. His nephew, like him, is a leader of his people. It was through his nephew, whom the writer has met on several occasions during the South Pacific Conferences that the writer was able to meet this gentleman. The people of the Solomon Islands asked for better working conditions, better wages, et cetera during the early thirties. Forty years later, they received far more than they had asked for, they got their country back, plus all the improvements such as better education, better health services, a healthy economy, a modern structure of government, and, "... having our own status of nationhood, national identity, dignity and self-respect as a people." (Quotation from the Prime Minister speech).

There are a few things that the Trust Territory and the Solomon Islands have in common. 1) Both were scenes of many big battles during World War II. 2) Both are inhabited by people who speak more than a dozen languages. 3) Both were sighted by Spanish explorers during the 1500's. 4) Both have approximately the same size population. But there are also a few things in which they differ. 1) Solomon Islanders are Melanesians while our people are Micronesians. 2) They were a colony of Great Britain for almost the same length of time we were administered by four different foreign powers. 3) And perhaps because of the above (2) they were able to consolidate their many different groups of people who speak different languages into one nation. 4) "Exports (fob) for the nine months January to September this year reached a new record level of almost SI \$22.1 millions against imports (fob) just under SI \$19.0 million. This gave the Solomons a balance on visible trade of a little over SI \$3.0 million." (Quotation from the Solomon Islands Trade Directory 1978) Let us now take a cursory look at the structure and other arrangements associated with governments, and in this case the Solomon Islands Government.

The Solomon Islands have their own currency, which is the decimal system. One Solomon Islands dollar (SI \$1.00) is at par with the Australian dollar. The writer cashed a one hundred dollar U.S. Traveler Check and they gave him eighty-five (SI \$85.00) Solomon Islands dollars. Their government is modelled

after the British System, the head of State is the Governor General, who is the representative of the Queen of England. The Head of the National Government is the Prime Minister and assisted by nine ministers, holding various portfolios. The members of the cabinet are as follows:

- 1) The Minister of Finance,
- 2) Minister of Works and Public Utilities,
- 3) Minister of Health and Medical Services,
- 4) Minister of Trade, Industry and Labor,
- 5) Minister of Agriculture and Lands,
- 6) Minister of Natural Resources,
- 7) Minister of Transport and Communications,
- 8) Minister of Youth and Cultural Affairs, and
- 9) Minister of Education and Training.

The oldest member is 56 years of age and the youngest is 33, the average age is 40.

What is the size of a nation? Geographers will give it in square miles of land area. Statisticians give it in terms of the size of population and birth and death rates. Economists in terms of the Gross National Product.

Nauru is a very tiny island with a very small population, but in terms of her economic activities, her shipping line and her airline push her borders thousands of miles to the West Coast of USA and run down to Kagoshima, Kyushu in Japan, running southward to Australia and New Zealand and embrace many island groups in both north and south of the equator. She is also blessed with the deposit of phosphate. She has a much needed product by many countries.

Another example is Singapore. She is slightly smaller than Guam, but millions and billions of dollars are parts of their daily vocabulary. What makes Singapore into a economic giant? Her people. They are the most and only important resource of their country.

There are many big and powerful sovereign nations, but not in all of them can one exercise his "freedom of speech" or be able to live in "freedom from fear." There are those who are so wealthy that they go around the world looking for sophisticated weapons that cost billions of dollars to buy. Or, instead of putting their savings in a bank, they buy the bank. Yet, in these same countries, there are

still many poverty stricken people and slavery is still being practiced.

As guest of the Minister of Trade, Industry and Labor, during the "Island Night" (State Ball), the writer was very much interested in listening to him expound on the economy of his country, about what they have done, what they are now doing, and what they are planning to do in the future. His tone of voice and facial expression showed irrespressible enthusiasm and undaunted optimism. But with all the statistics, facts and figures he recited he never forgot to mention the young people of his country. While he talked about them, it came to the writer's mind the hundreds of school boys and girls, who, only a few hours earlier had put on a demonstration of intricate

marching steps, creating different kinds of patterns resembling flowers, letters, different kinds of designs, and yet there was no mistake made, no one was out of step to the tunes of the songs played — there was harmony and balance, an aesthetically pleasing integration of elements. To the writer's mind, the beautiful show performed by those Solomon Islands school boys and girls, symbolized human societies in this intricate world of the 20th century, minus the mistakes and the imperfections.

At exactly twelve-o'clock midnight, the Minister of Trade, Industry and Labor, stood up and shook hands with his guest, "Good-night and God Bless you!" The following day was another busy day for him.

RETURN

*Redil is growing,
see,
Now we've heard
she must go,
Far away to a place called school.
She's been gone all these years.
Without a trace,
is lost and all alone, in a world
new and never known.
Back again,
she seems too strange.
This is the end.
Learned now is an awful fate,
here is help given too late.
We try to . . . understand
but, we can't cope,
with this girl.
Innocent, now guilty
with a
drink and smoke.
Off again
she'll go
but we
who care
shall ever know,
How long one as
she could
bear.*

LIFE

*Everything was
Something has still to become
Anything had finished being
Nothing will dare
Reality's confusion*

LOST

*Wandering through memories,
Stumbling along my faults,
So many of them,
Glancing at experience
I'd really like to forget*



by Anne Udui

Handling Disputes

by Francisco Casiano, Antonio Marliol, Nestor Oneisom,
Leo Raitilug, & Inthefansus Risin

This is the second in a series of research papers called "Town Study Project", produced by senior students attending Xavier High School on Moen, Truk. The first one appeared in the last edition. The Micronesian Reporter is publishing these articles because they deal with issues relevant to and for Micronesia, to give credit to the student writers for their excellent reports, and to give encouragement to other Micronesian students attending high schools and colleges both in Micronesia and abroad that they too may become contributors to the magazine.

INTRODUCTION

During the early part of 1978, our group investigated the ways in which Trukese handle major disputes and conflicts between individuals and/or groups. Our prime objective was to learn if the Western court system is adequate for dispute settlements in the Micronesian, and in particular, Trukese culture. The findings of this paper are based on 17 case histories. We picked out seventeen criminal and civil cases taken from the courthouse records on Moen. These case conflicts ranged from manslaughter to land disputes. The majority of the cases examined involved people from Moen. After researching each court case we would try to interview the parties involved. If unable to do this, we would then interview those people who had reliable secondhand knowledge of the conflicts and the disputants.

We would like to extend our gratitude to the following people and institutions for their assistance: District and High Court Judges, Legal Service Attorney, Moen Municipal Mayor, Police Chief and Staff, and Land Commission Officer. Special thanks is given to the parents, relatives, and friends of the people involved.

TRADITIONAL SYSTEM

In the years before our ancestors came into contact with the Western World, there were no such things as the court and written laws as we have them today. However, violation of customs was considered a crime. In order to understand better how the Trukese custom differs from the Western way of settling disputes, we are first going to look at these customs which, when violated, led into lineage war or dispute. Some of these customs were the breaking of an engagement, eloping, trespassing on taboo areas, and of course, manslaughter.

It was customary that after the burial of a person, his lineage would restrict a piece of land in his memory. When a person trespassed on this land, the lineage of the dead person could either demand lands, food, or some prestigious materials and sometimes could even execute the trespasser or one of his relatives. In cases of elopement, the breaking of an engagement, or the taking of somebody's wife, the offender injured not only the individual, but his relatives as well. This was because the marriage arrangement involved not just the two individuals, but also their families and lineages. Thus, when a person eloped, broke his/her engagement or ran away with the spouse of another, he or she showed a sign of disrespect and insulted the feelings of another lineage. When offended, the clan would not only impose a penalty upon the doer(s), but also on all of his lineage.

Despite the absence of the court or any written laws, our ancestors stressed the idea of working together, of living in harmony, and of cooperation in their communities.

When a dispute occurred between two parties, the traditional leaders would step in to settle the dispute. Unlike in the Western court

system, the traditional leaders did not wait for a complaint to be filed. The leaders from the offender's side would initially approach the offended side with some native goods and talk the matter over. Sometimes the traditional leaders would approach the offended side and if everything seemed alright, they would then make another approach, this time to the offender. This was usually done in serious cases such as manslaughter. During the settlement, the traditional leaders would call all the members of the offended party and the offenders' side to meet together. During this meeting the offender and his family would apologize for what he did. The role of the mediators during the meeting was not to make decisions, but to make sure that no conflict occurred during the settlement. If the mediators acting on behalf of the offender knew that the other side would not readily agree to a settlement, they would then present some prestigious items to the offended party so as to ease their hurt feelings.

These prestigious items could be a turtle shell belt worn around the waist, or perhaps the turtle shell itself that was used as a piece of ring by our ancestors. Once gifts like these were presented to them, the aggrieved party would easily forget their hard feelings and accept the offender's apology. The offenders usually offered lands, food, or material goods. In manslaughter cases the family of the victim could demand a person from the offender's side to work for them. The person would be kept under the surveillance of his chief — either clan chief or island chief.

There were three different kinds of people who could negotiate the settlement: The chiefs (village chief, clan chief, and island chief), first born sons and the Itang (traditional prestigious leaders who could influence the people through their actions and words). All, with the exception of the first born son, could be called upon to handle any kind of settlement. The first born son could not handle inter-island conflicts alone unless he was accompanied by others or he himself was an Itang. He could only handle disputes among his family members or between his family and lineage.

There was no hard and fast distinction between minor cases and serious cases, nor were there set penalties for each crime.

However, minor cases can be distinguished from serious ones by looking at the kinds of settlement involved. For example, in a manslaughter case, the time for the offender's side to make an apology was limited. They could not go to the other side before the funeral, but if they waited for a long period of time, the offended party would assume that they were not concerned about the killing and would prepare themselves for war. Once this happened, not even the leaders from the offended side could stop their party from fighting.

When cases like this occurred, and the traditional leaders from the offender's side still wanted to make an apology, they would bring small children and women along with the prestigious items to the other party. Once the offended party saw the children and the women, they would refrain from attacking, for they could not kill them or the mediators. They would accept them and proceed to settle the dispute. The procedure mentioned previously would then carry on. Once the dispute was settled, the two parties would become friends and again live in harmony.

Nevertheless, the offended side had the option of imposing punishment on the offender or on his clan. If the offender's side made no attempt at reconciliation, the offended party could execute him, one of his relative or one of the people from his island. At times they would publicly disgrace a person by shaving off his hair and giving him a special necklace to wear that would identify him as a criminal. Shaving the head was mostly done to girls who eloped or broke their engagement. Our ancestors, then, did not simply punish a person for the sake of his wrong doing but to maintain peace in the community and to restore harmony between the two groups.

WESTERN COURT SYSTEM

Although the Trukese people still often use their traditional ways for settling disputes, more and more people are using the Western court system. In the Western court system, when a crime is committed the victim notifies the police for help.

If the crime is serious, it is filed and the case is brought before the court. In the court, both defendant and plaintiff are represented by hired lawyers. It is the job of the lawyers to

convince the court—the jury and judge—that the other side are wrong. Witnesses and other material evidence is used in the presenting of both sides of the case.

The judge listens to the evidence given by both sides. He tries to see which side gave reasonable, and sufficient evidence concerning the particular case. It is upon the strength of the evidence presented and the testimony of the witnesses that a verdict is given and judgement passed. The punishment for the offender equals the type of crime he committed. The punishment depends on the crime.

The judge is one of the highest persons in the Western court system. He is the only one besides the District Attorney or the prosecutor who can dismiss a case before a hearing. However, he can not act as a go-between as in the traditional way of settling disputes. His role does not comply with the role of the traditional go-between. However, it could be said that the judge is a go-between in the Western way of settling disputes. Since the major role of a traditional go-between deals with the prevention of continual trouble, it is more or less similar to the role of a judge in the Western court system. The judge tries to give punishment to the offender in order to satisfy the offended side.

The Western court is divided into four levels. The lowest type of court is the community court; next is the district court; then the high court; then above the high court is the appellate court.

The community court handles minor cases, such as disturbing the peace, breaking community rules, etc. Minor cases tried in the community court include fines of no more than \$100, and imprisonment for no more than six months.

The District Court handles such cases as: assault and battery with dangerous weapons, land disputes, petty and grand larceny, and destruction of property. A person who violates the District Court's law may be fined up to \$1000 in civil cases and \$2000 in criminal cases, or receive up to five years imprisonment.

The High Court handles mainly manslaughter cases. However, it can also handle the cases referred to it by the two lower courts. A person sentenced by the High Court is liable to be fined any amount exceeding district

court's and from one month to life imprisonment.

The authority and responsibility of the judges in the two lower courts is almost similar. The only major difference is in the type of cases they handle. The community court judge can handle district court cases during the absence of the district court judge. And the district court judge can handle community court cases during the absence of the community court. The judges of the High Court are also the judges of the Appellate Court. When a case from Truk, for instance is appealed to the Appellate Court, three judges from the high courts in the other districts of Micronesia serve on the Appellate Court, excluding the judge of the High Court in Truk. The decision of the Appellate Court can not be appealed — it is final.

THE TWO SYSTEMS COMPARED

Although, the two systems, traditional and western, have the same purpose of settling disputes, they are essentially different in approach and function. All that the Western system wants is justice, and in all of the crimes, justice has to be done. When a person does something with malicious intent, he has to be tried in the court and the charges against him justified. Both parties are represented by paid men trained in legal matters. These lawyers argue their case before a disinterested judge — a civil servant paid by the government.

On the other hand, the traditional system wants peace and harmony among the people. When an individual is injured, he does not bear the injury alone, but all his lineage shares in the hurt.

There are no court-like proceedings, but the chiefs, Itang, acting as mediators come together with the two parties. These mediators stand between the two sides to reconcile them in such a way that they will not have any more hard feelings toward each other. Once the meeting is finished, the two parties are satisfied with the settlement and no longer bear hard feelings. The hope of this settlement is to bring the individual back into the community and to restore peace and harmony.

The Western system tends to bring bitterness, the separation of people and continual hatred or conflicts between the two

sides, while the traditional system, tries to bring the people back into the community with good relationships.

DISPUTE SETTLEMENT

AS PRACTICED TODAY

The people of Truk today have three alternatives for settling their problems. They can settle their problems either in court, where the judge makes all the decisions, out of court, where both parties are involved in the decision-making, or a combination of both in and out of court settlements.

The following are three sample cases. The cases will be presented and compared in an attempt to determine which of the three means of settlement is more successful.

Sometime in 1970, a fight broke out between Fred and Sam. During the fight, Fred stabbed Sam, and killed him. He was arrested and the complaint was filed. On the day of the trial, Fred was tried, found guilty, and was sentenced to thirty years in jail. The offended side was not satisfied with the court's decision, but neither of the two sides made a move to work out something with the other. Up to now the people on Sam's side and his relatives still want Fred dead. They are waiting for his release, when they will avenge Sam's death.

So we can see from the case we just talked about that, although the court made a judgement on it, it did not sufficiently satisfy the concerned parties. The court did not and could not bring back the good relationship the groups used to have with each other before the case took place.

The following is a case that was settled out of court.

Phil was drunk, and he hit a boy with the car he was driving. He was arrested for the incident. His clan and relatives went and apologized to the offended side. According to one of the old men who went with apologies, they brought along \$300, 70 bags of rice, 20 baskets of taro, and some cases of canned meat. When they arrived they gave a sign, which the Trukese call Itang, to tell the offended side that they came in peace. The offended side accepted the apologies, and the two groups settled the case.

The case was not brought to court. There was no move by the offended party to file a complaint because the offender's side apologized right after the incident took place.

In this case, the offended side accepted the apologies and had the case settled. They restored good relations. Neither party has any more hard feelings for the other.

The next case is about of that handled both inside and outside of court. The inside and outside settlements exist because at times when the court gives a judgement, the people involved do not like it and so they also make an outside settlement.

In one particular case, Thomas stabbed Paul and killed him. The case was taken to court and the court sentenced Thomas to more than six years in jail, but because there was an outside settlement, the offended party asked the court to reduce the sentence to six years only. In the outside settlement, the offender's side went to the offended side with \$175, in cash, \$150 worth of food and clothes. During the time Thomas was serving his sentence, his relatives used to give money to the offended side when they met. This went on until Thomas was released from prison. From then on, the two families developed a better and stronger relationship between them. Thus, the two parties will not have to worry about any further conflicts.

CONCLUSION

When conflicts are settled according to the traditional system the result is an easing of hard feelings between the two parties. Friendship is restored between the two sides, regardless of how serious the injury was to the offended side. The traditional means of settlement satisfies the people. Its main concern is to make the individual become part of the community again. Thus, the welfare of the people as a whole is protected.

In the Western court system, a legal settlement means finding out who is right and who is wrong so that a judgment can be passed on the wrong doer — this is justice according to the west. This has not always proved effective here in Micronesia. Often, when parties are not satisfied with a court settlement they try to amend the court's decision with an out of court settlement. It would seem that by itself the Western court system does not meet the cultural needs of the Micronesians. Only when this system is bypassed or used in conjunction with the traditional methods of settlement are disputes truly settled between people and/or groups.

YAPese CELEBRATIONS: THE MITMIT

by Richard A. Marksbury

Young Yapese beauties performing traditional dance during Rull Day which is held annually on January 1.



Besides being enjoyable to watch, Yapese celebrations are like all large and colorful celebrations in the sense that a great deal of planning and work is necessary for one to be put on. It may require years of work to prepare for a large celebration, which is usually the highlight of a village's activities. There are many different types of celebrations in Yap, varying in the number of participants, dance, food and so on. The type of celebration is determined by the event to be honored of which the list seems infinite. Some celebrations are held in honor of traditional customs while others are done for more modern reasons, such as the celebrating of Yap Day and Rull Day. The visitor to Yap who is lucky enough to be there when a celebration, whether "traditional" or "modern" in scope, is held, will enjoy an experience he will soon not forget.

The general term used to refer to Yapese celebrations is *mitmit*. As was stated above, there are many kinds and types of *mitmit*, which are often known by other more specific names. *Mitmit* vary in size from involving only members of two families to the entire population of Yap. The smaller *mitmit* are usually referred to as *muruwol* while the larger ones are called *guyuwol*. However, *mitmit* is the more common and popular term used to refer to all Yapese celebrations. In other words, all *guyuwol* are *mitmit*, but not all *mitmit* are *guyuwol*. The smaller *mitmit* involving only the members of a few families are held for such events as marriages, child namings, family deaths and so on. In this article, I will be dealing more with the larger *mitmit*, which usually involve the residents of numerous villages.

A large Yapese *mitmit* is actually one step in a very complicated system of exchange. To the uninformed outsider, Yapese celebrations may have the appearance of a fantastic giveaway. This is not the case, however, the items and goods that are "given" away at a *mitmit* are often presented to specific individuals to whom the 'giver' owed a debt. In other words, in Yapese *mitmit* there are those who are the "givers" and those who are "receivers", the hosts and guests respectively. Those who receive goods and valuables must later pay back their debt when they are the givers. For example, if a man is a guest at a *mitmit* and he receives a piece of shell valuables from another man, he must return some shell valuables to this same man when he is in the position of a host. The passing of many years may take place before the debt can be repaid. To fail in the payment of such a debt would result in the loss of prestige.

What are some occasions for a Yapese *mitmit*? In the past, the larger celebrations were usually hosted by entire villages. At one

time, there were 129 inhabited villages in Yap. A village or village-section would host a large *mitmit* to celebrate such things as the completion of a men's house, community house, stone path or platform and so on. It was a manner in which village pride could be displayed. *Mitmit* are also held to honor the death of a high chief, the curing of a chief who had been very sick and also to honor a man who has just become a chief. Any village, high caste or low caste could host a large *mitmit* as long as the residents had the necessary wealth and resources to do so. For the smaller celebrations, there were never any dances performed, however, for the large *mitmit* it is the dances which add to the excitement along with requiring more work and preparation.

The *guyuwol* is a large *mitmit* involving a very special type of dance called *tayor*. In most instances, there is an open invitation to all the people in Yap to attend a *guyuwol* when one is presented. A common reason for a *guyuwol* would be to celebrate the death of an old chief and the succession of a new one. Only *tayor*

Yapese men presenting *machaf* or "Yapese valuables" during a dance on Yap Day held annually in March.



dances are performed at a *guyuwol*, no others are permitted. The *tayor* can only be performed by women. These women are most commonly residents of villages that have very close political connections to the village hosting the celebration. The main purpose of the dance itself is for the women to relate the history of the ties between their villages and the village hosting the celebration. This is done while they dance. The most interesting aspect of this dance is the manner in which it is performed. During the dance and the presentation of the oral history, the dancers may request anything from their hosts that they desire. In return, the residents of the host village must meet their demands or suffer a great deal of embarrassment. Traditionally, the dancers demanded such things as canoes, food, coconut rope, shell and stone valuables and so on. Currently, more manufactured items have begun to replace the local goods. The need to grant these demands is not as sudden as it appears, however. When a *tayor* is to be performed, the host village will send spies to watch the women practice the dance thereby knowing in advance what will be "demanded" from them. Even so, it is quite a costly dance to put on. The items that are demanded by the dancers are placed in the dance area by the male members of the host village and are usually collected by the male relatives of the dancers. I have heard from some Yapese that the reason that more *tayor* are not performed today is that there is a growing fear that the dancers will begin demanding such items as cars and trucks.



For other large *mitmit*, there are also dances performed, but they are not *tayor*. The dances can be performed by either men or women, but never together in the same village. In most cases, some are residents of the host village while others have relatives in the host village. When the dance is to begin, the dancers line up in the danceground which is usually bordered with stone money and is surrounded by a stone platform on which the guests sit. The dancers are always dressed in traditional clothing and have their bodies further decorated with flowers and tumeric. As they line up, and during the dance, their relatives distribute the *ggan ni arche* "bird food". This is done in the following manner: A relative of a dancer will approach the dancer with a string of shell valuables, make a gesture toward the dancer, turn toward the audience and drop the valuables in the lap of a bystander. Today, in addition to the distribution of shell valuables, *lava-lava*, candy, bread, beer, liquor and so on are given away in a similar manner. Needless to say, the guests become quite active at this point. It should be noted that there is a great deal of competition among the "givers" to give away the most goods during the course of the *mitmit*, with enhancement of prestige being the reward. During the course of a large one day celebration, there may be seven dances with goods and valuables being distributed all day. Yapese are supposed to remember what they received from whom so they can pay back their debt at a later time, even though few do it today for the lesser items. During contemporary Yapese *mitmit*, even foreigners are presented with many beautiful items.

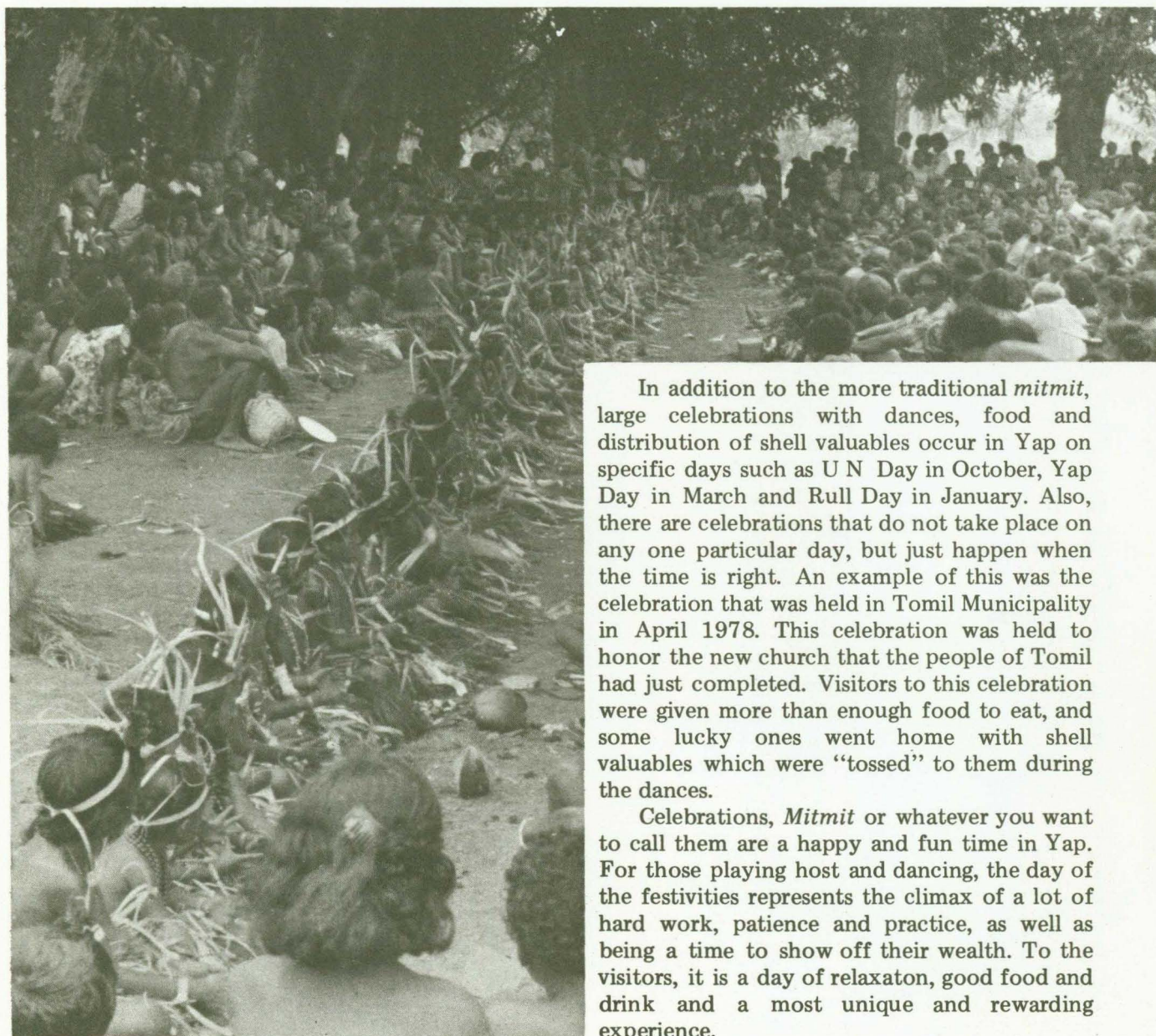
There are few large celebrations in Yap today since so much time and money are required to put one on. Whereas, a few generations back, there may have averaged fifteen *mitmit* a year, there have only been two in Yap in the past four years. One of the main reasons for the increase in cost in hosting a large celebration is that purchased materials are replacing locally made items. In addition, many Yapese have jobs which prevent them from donating a lot of time for the necessary preparation. The more recent *mitmit* in Yap

Young men performing dance during Yap Day celebration.

have been held on weekends so as not to interfere with the work day. Even considering all of these forces of change, the Yapese still manage to perform large celebrations every now and then. Once a village decides to host a *mitmit* the word is rapidly spread. The hosts-to-be must contact relatives in other villages and ask for aid in the collecting of food, valuables, coconuts and fish. Relatives cannot just give what they want, but must donate according to the manner in which they are related to the host. In other words, a man

from a village that was going to host a celebration would receive certain goods from relatives on his wife's side and other types of goods from relatives of his parents. The word *mit* in Yapese means "to hoard, gather or collect for something". Since the word is repeated, *MITMIT*, when referring to large celebrations, it conveys a meaning of how much time and preparation is demanded before one can be presented. By the time the day of the *mitmit* actually arrives, there is usually more than enough food and valuables for all.

Even the youngsters participating in the dances are all decked out in the traditional attire.



In addition to the more traditional *mitmit*, large celebrations with dances, food and distribution of shell valuables occur in Yap on specific days such as U N Day in October, Yap Day in March and Rull Day in January. Also, there are celebrations that do not take place on any one particular day, but just happen when the time is right. An example of this was the celebration that was held in Tomil Municipality in April 1978. This celebration was held to honor the new church that the people of Tomil had just completed. Visitors to this celebration were given more than enough food to eat, and some lucky ones went home with shell valuables which were "tossed" to them during the dances.

Celebrations, *Mitmit* or whatever you want to call them are a happy and fun time in Yap. For those playing host and dancing, the day of the festivities represents the climax of a lot of hard work, patience and practice, as well as being a time to show off their wealth. To the visitors, it is a day of relaxaton, good food and drink and a most unique and rewarding experience.

Palau Revisited

by Gene Ashby and Dirk A. Ballendorf

The attics and archives of Madrid, Berlin, and Tokyo conceal tokens, treasures, and secrets of a Micronesia past. But occasionally they reappear, posing curious questions to a new generation. And so it is with the Prussian poet Gottfried Benn, and his fifty-year old work, *Palau*.

Palau

(translated from the German by David McAleavey)

"The evening is red on the island of Palau
and the shadows are sinking--"
sing (there can't be drinking from
the woman's cups);
the death-birds scream,
the deathwatches tick; soon
night will come, and lemures.

Hot reefs. The eucalyptus loses
its tropic, its palm;
anything that stays, that stands,
wants pulverization
into limbleness,
into the void,
deep in the generative womb
of twilight seas.

The evening is red on the island of Palau
and in the shimmer of shadows
there rises, climbing out of the dusk and dew,
"never and always";
all deaths of the world
are ferryings and fordings,
even your births
are surrounded by strangeness.

Once, with the fat of sacrifice
On a pine framework,
your bed of flames will be carried
like wine to the coasts.
Collapsed, megaliths, and the grave-vaults,
and the great halls, Thor's hammer
while running to the Aesir,
are all decaying together.

As the gods pass away,
and the great caesars,
raised aloft
by the cheek of Zeus:
sing, the world wanders
in its strangest oscillation,
for a long time we have savored
Charon's money under our tongues.

Copulation. Your sea
enlivens sepias, corals;
anything that stays, that rises,
wants to decay;
the evening is red on the island of Palau,
the shimmer of eucalyptus
rises in runes from dusk and dew:
never and always.

Perhaps *Palau* could be better understood if we consider the life of this unusual poet. He was born in Mansfeld, Germany in 1886, worlds away from his Micronesian setting. His academic background was a curious combination of theology and medicine. After completing studies at the Kaiser Wilhelm Academy in Berlin, his professional experience was varied. He practiced medicine for a time in the army, worked in pathological laboratories, in a sanatorium, and served as a physician on cruise ships. His avocation, however, was writing poetry and his first published collection appeared in Germany shortly before World War One.

Benn served as a medical officer in occupied Belgium during the war, and it was a shattering experience for the sensitive physician-poet. As one of his biographers has noted, Benn's "trust in reality" as he had known it, was lost.

During the 1920s Benn continued to write, but with little financial reward for his efforts. His readers, although few in number, were enthusiastic supporters and consisted mainly of liberal intellectuals who admired his stylistic experiments. In the late 1920s he became enamored with National Socialism and the rise of Adolf Hitler. Perhaps the poet saw in Nazism a pattern of order to end a chaotic decade of uncertainty.

Benn achieved critical acclaim by being elected to the Prussian Academy of Arts in 1932. However, he disillusioned many of his admirers by proclaiming his sympathy for the ideas of the rising Nazi party. In time Benn too, became disenchanted with National Socialism as he saw in the new order a suppression of freedom in the arts rather than a Twentieth Century Renaissance.

In 1935 Benn returned to military service, and shortly afterwards was transferred to the Ministry of Defense in Berlin. With tightening Nazi control, Benn's works were banned, his poetry was attacked in the German press, and he was forbidden to publish by the political regime.

Again, he survived the war and continued to practice medicine in the ruins of Berlin. During this time he wrote to a friend: "I've no more plans, no hope, no longings." But things gradually got better and he began to publish again. From 1949 until his death in 1956, and posthumously, all his works, old and new, were issued in volume after volume.

Benn wrote of Palau during the chaotic years of the Weimar Republic, and he never had visited the setting of his poem. But where better to create illusions and to cry in desperation? In the 1920s Palau had a scant 5,000 Micronesians and no Germans. But the

unfamiliar was not unknown, Germany having occupied the area a decade or so earlier.

Is the poet writing of a place as he envisioned it, or is he using Robert Browning's "unsuspected isle in far-off seas" to criticize contemporary Germany? Just what is Benn's Palau? Is it an area "deep in the generative womb of twilight seas"? Is it a land "surrounded by strangeness" where "anything that stays, that rises, wants to decay"? Is it "never and always"? Or is Benn's fantasy a crying out at the desperate social conditions of a turbulent Germany of the 1920s, where "anything that stays, that stands, wants pulverization into limbleness, into the void"? Perhaps only Gottfried Benn could really say.

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A Palauan policewoman standing guard during the Constitutional Referendum in Koror, Palau while the voters cast their votes.

