2011 Field Survey Report

Intangible Cultural Heritage Safeguarding Efforts in the Marshall Islands

In collaboration with Historic Preservation Office, Ministry of Internal Affairs

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United Nations Educational, Scientific and Cultural Organization
International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO
ichcap

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In collaboration with the RMI Historic Preservation Office, Marshall Islands

Preface

The International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region proposed by the Korean government was finally approved as a category 2 centre under the auspices of UNESCO at the 35th session of the UNESCO General Conference last October. Over the course of the next year, the Centre and the Korean government prepared for the establishment of the UNESCO category 2 centre which is intended to become a hub for the safeguarding of intangible cultural heritage in Asia and the Pacific region.

As a well intentioned objective for the future activities of this centre, ICHCAP initiated the 2009 Field Survey Project of the Intangible Cultural Heritage Safeguarding Efforts in the Asia-Pacific Region.

In 2011ICHCAP worked in collaboration with institutions from seven countries which include: Cook Islands, Kyrgyzstan, Lao People's Democratic Republic, Marshall Islands, Pakistan, Sri Lanka, and Tonga to carry out the field surveys. The purpose of the field survey project was to obtain a grasp on the current situation of ICH safeguarding, along with specific details on each country's efforts in inventory making and relevant policies, laws, organisations, etc. The centre will continue this project over the next several years to cover all of the countries within the Asia-Pacific region.

The centre will serve Asia-Pacific Member States as an information and networking centre for the safeguarding of ICH.The final report from the project will serve as a resource that will help determine particular needs and provide direction for new cooperative projects for the safeguarding of intangible cultural heritage. It will also be used as a resource for states within the region to strengthen their understanding of intangible cultural heritage of other countries in the region.

Lastly, I would like to express my sincere gratitude to the institutions and researchers who actively cooperated with ICHCAP on the field survey project.

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Intangible Cultural Heritage in the Asia-Pacific Region
under the auspices of UNESCO

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Introduction

Asia and the Pacific region is an area rich with variouselements of intangible cultural heritage. Intangible cultural heritage has been handed down from generation to generation and has contributed to the development of cultural diversity and the creativity of humanity. Intangible cultural heritage for social development is well recognised as it represents the evolvement of historical traditions and the cultural identity of a society embodied in creative expression.

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

In this regard, ICHCAP has created a survey study plan to collect all the necessary information related to current safeguarding systems for intangible cultural heritage in the region. ICHCAP has been preparing this survey since 2008, and 2010 is the second year of the implementationof this project.

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

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

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

Field Survey Report

Ⅰ. Safeguarding system & policy

1. Cultural Policy

The Historic Preservation Legislation was established in 1991 to protect and safeguard our cultural and historic properties, of oral traditions, and technology and skills that were left behind by our ancestors.

A. Our definition of intangible cultural heritage would be the oral traditions, and technology and skills, and the arts, performing, music, and handicrafts.
B. The title of the law is the **Historic Preservation Legislation**.
C. The Historic Preservation Office under the auspices of the Ministry of Internal Affairs is responsible for the implementation of the act.
D. The legislation was established in the year 1991.
E. There has been no amendment to date.
F. The only article in the Legislation that deals with ICH is Part III, §9 and §10.

Permits for anthropological research may be issued only if the following minimum standards are met:

(1) the research will be conducted by an anthropologist who has demonstrated pertinent experience conducting anthropological field research;
(2) the applicant certifies that he will be guided by the Professional Ethics of the American Anthropological Association;
(3) the permission of the person owning or controlling the land involved, and any required land use of environmental permits, have been obtained, or have been applied for and are pending issuance of the permit;
(4) the applicant's research plan is sensitive to any archaeological, cultural or historic values the research topic may possess;

(5) analysis and curation of specimens of traditional and modern material culture collected during the research shall occur at an institution or other entity meeting the Institutional Standards of the Society of Professional Archaeologists, unless the collection of such limited scope that a full range of curation facilities is not required;
(6) the study is designed to address significant research topics in the natural or social sciences or the humanities, or to provide data that will advance the purposes of the Marshall Islands Cultural and Historic Preservation Plan or a local cultural and historic preservation plan;
(7) the applicant provides an appropriate schedule for the submission of a final report and copies of primary field data, and for the disposition of recovered specimens; and
(8) the applicant agrees to the requirements set out in § 10 of these regulations.

G. The Republic of the Marshall Islands Historic Preservation Office, under the Ministry of Internal Affairs, and in collaboration with the Alele Museum, the Marshall Islands Visitors Bureau Authority, and the Council of Iroij, are all involved in implementing some of the activities in compliance with the legislation.

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While we have our HPO Legislation in place, it is still needed to be amended as to include safeguarding of the intangible cultural heritage. The 2003 UNESCO Convention on Safeguarding of Intangible Cultural Heritage should be ratified and information should be disseminated amongst all Marshallese.

II. Intangible Cultural Heritage Inventory

➢ **National Inventory**

There is no national inventory of intangible cultural heritage in the Republic of the Marshall Islands.

There is no non-governmental inventory of intangible cultural heritage in the Republic of the Marshall Islands.

However, there are some domains regarding intangible cultural heritage recognized and still practiced among people of Marshall Islands.

Pillar of the Land

1. ***Canoe building*** – this is one event that brings a whole community together even if building a canoe for one family. This was the only source of transportation back then. The canoe served two purposes; transporting people to and from one islet to another, or from one atoll to another, and was used for fishing out in the water as fish was the main source of protein for the local people.

   There were three kinds of canoes that were built; *walap,* big failing canoe for as many as 40 people for ocean voices; *tibnel,* a small sailing canoe for 3-4 people for lagoon excursions, and *korkor,* a small paddling canoe

2. ***Bwebwenato/ Inoñ –Marshallese Stories*** – There is an old Marshallese saying, "pitokpeinbubuakjimma" which literally means using the arm of either grandmother or grandfather as pillow. Every evening after dinner, a mat would be laid out so one of the grandparents can start telling stories to the children. This was one way of sharing and passing down knowledge, as well keeping the family tie very strong. There was no television and no electricity, so there was no distraction that put the children anywhere else but with the family.

3. ***Medicine*** – Marshallese used most plants for medicine as there were no doctors. To figure out what plant to use for which ailment, divination is applied. During the workshop, a book on Marshallese medicinal plants was presented to the participants. The *uno* or medicine in this book is the most basic ones used by almost everyone especially for babies and toddlers. The more in depth ones are mostly for adults or more serious diseases that are affiliated with black magic.

   Marshallese believed that evil spirits cause the following diseases, among others: headache, chest pains, coughing, and enchantment of the head. The *anjilik*, or evil spirit, cause disease by sailing by in a canoe and getting into people. To treat such conditions, the sorcerer launches a model canoe made of pandanus leaf while incanting. This patient is then supposed to see the *anjilik* sailing off to Eb, the other world. If that does not happen, then the *anjilik* has already taken the patient's soul.

4. ***Mo (*Taboo)** – can be imposed legally or arbitrarily by the chief. It is urgent if a specific behavior is prohibited in certain areas; accordingly, these areas are placed under a kind of ban. Thus, for example, the path from the chief's hut to the chief's bathing spot (*jiarel)* on the lagoon beach, and the beach in the vicinity of the path, are taboo to subjects. In addition, there is a personal taboo by which all or specific classes of people are forbidden a certain activity. Food taboos are common, e.g., the coconut taboo when many nuts are needed for cutting copra. In this case, a palm frond is attached to a pole. The coconut taboo simultaneously protects against theft. There are also certain fishing areas that are taboo and reserved only for the chief. This was probably another way to prevent overfishing, and to this day these are considered marine-protected areas.

5. **Family and Society (Kinship**) – Kinship terms are based on mother right and others are considered artificial relationships such as:

   1) Adoption (*kakajiriri)*; very widespread. Newborn children were often adopted to protect them from incest. Adopted children become full members of the new family. The rescue of infants whom the mother intended to hurt is also considered adoption. Adoption can also be looked at as one way of securing and tightening the family ties. It is also said that a child doesn't belong to a family only but it belongs to a clan.

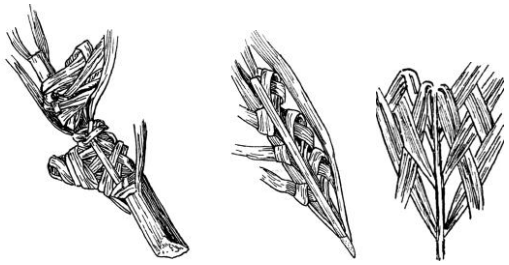
2) Friends (*jera)* – Because the parents, wife, and children of one friend are also considered the parents, wife, and children of the other friend, there exists a marriage prohibition between the children of friends.

3) the relationship of a foster mother (*rikatit),* i.e., wet nurse, of a chief's child, to the child. The woman is considered the mother to the child.

4) The relationship of a person healed of serious illness to the physician, male or female, who is then considered the patient's father or mother.

6. ***Sorcery (anijnij)*** – The ***boē*** of the Central Carolines is called in the Marshall Islands ***bubu.***The decision is made according to whether or not the tip projects, and according to the number that is finally uttered." *Torbailin*, is a type of *bubu* that is applied.

   The people assemble, even women are admitted, but they have to sit still; after this, "*emanetatatkora"* is shouted. It is forbidden for the women to move! Then a young coconut leaf from a sacred place is torn into strips and three of them are knotted. The form is identical to the Carolinian oracles. Here the knots are merely bulkier and larger.



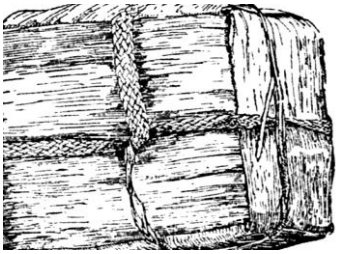
During the knotting process, the man sings, wade in the water, step into the water with your feet, anoint yourself [with oil], anoint your skin [with oil], this is the rule for a secure livelihood." Each strip is then pulled apart on the left shoulder so that the knots tighten. During this the question is posed: Are we permitted to sail, go to war, etc. The strip, which has eight to fifteen knots, is then folded together in the middle, and working out from the center, the knots of each leg are counted of as high as four. Counting is done with special words: for north, *eango*equals one, re; two is lo, three, *tol*; for south, *engerak*equals one, re; two is lo, and three is *tol*.

When conjuring a storm, *jeranlang*, no double figures. Fronds suspended on the mast, on the beach, and incantation recited .

Thus it is a divination method identical, or very similar, to that used in the Carolines, particularly upon the commencement of an ocean voyage, when identifying crimes or enemies, illness, etc.

7. *Play and Sports*:

1) *Balls (anirip*) are made of wide strips of pandanus leaves wrapped into a cube and are secured with a plaited band. Players (children or young people) stand in a circle and knock the ball with their heels to another player; while doing so, the ball is not allowed to touch the ground.



2) *Pinwheels (loriliang*; *lorirrean,lingangenge*, *lingangenje*, *lorideang*) for children consist of a cross plaited together out of two strips of palm leaf which spins in the wind on a handle made of thin palm leaf midrib or similar material.

3) *Nighttime Wrestling (ire*). To challenge, the contestant clicks his tongue in front of the opponent's house; the opponent accepts the challenge by clicking his tongue. Inside the dark house the two attempt to sense the each other's movements with their knees. Each endeavors to bind the other hand and foot so that in this condition he will be ridiculed the next day.

4) Bird Fights (*keir*) using roosters were common. Later, plovers (*kotkot*) were made to fght each other in pits (*nit in kotkot*). However, passion for the sport frequently led to quarrels so that enthusiasm waned and no more bird fights were held.

5) Island Game (*bokerran*). Children dig holes in the beach sand, send one child away, and hide a piece of charcoal in one of the holes. The returnee has to guess which holds the charcoal.

6) Archery. Bows (*libbon*) and arrows (*kajeor*) are not used as weapons, but rather, merely as sports equipment on playgrounds (*umar*, *jikinbuilbuil*).

The target (*mejenkajjik*) is usually an elevated spot at the end of the playground.

7) Sailing Toy Canoes. Sailing toy canoes (*builbuil*, *ṛiwutwut*) is organized by children and adults. The toy canoes (*ṛiwut*) consist of a hull of soft driftwood with the cross-section of the large canoes6, and a curved thin rod, which with the aid of two slanting sticks secures the outrigger boat. The raked mast with forked tip is situated on the center of the outrigger boom. The mast is attached with four poles to the stem, across the boat and onto the lee side of the hull. It supports a triangular sail of pandanus leaves.

8) Kites (*limakák*) consist of a cross tied together out of two palm leaf midribs, onto which is bound a simple, rhomboidal piece of plaited work made out of strips of pandanus leaf. The projecting ends of the crosspiece bear tufts of fiber. Tufts of fiber are also attached to the tail. Kite flying is only a children's game.

8*. Dances (Eb)*. Dances are preferably performed in the evening and on moonlit nights. Prior to that, the oiled male dancers make their appearance at about 4 p.m., and at about 5 p.m., the female dancers. The following kinds of dances are differentiated:

1) *Seated dances* (ebjijet*t*). One man, usually a chief, sits in the center of a circle formed by women. When a chief dances, only noblewomen sit around him. The male dancer sits there, cross-legged and fully adorned, and writhes.
He twists his upper body, shakes his outstretched arms, and rolls his eyes. The women and girls accompany him with singing and a few of them play drums. Sometimes the noble dancer—or even three of them—present "some sort of pantomime of a usually war-related event amidst horrible rolling of the eyes and grimacing" while men and kneeling women perform the dance movements around him. The women can also seat themselves on the ground in two rows with a mat in between them and, accompanied by percussion sticks, dance to a song in the same manner. A seated dance is a dramatic performance. During it, ten men, and opposite them, ten women, formed a circle in which a chief sat back-to-back with a young girl. The dance movements were made by all. Two drums and two shell trumpets blown by men standing outside the circle served as accompaniment to the singing. When the singers in the circle were silent,

the two lead dancers in the center sang, and finally depicted the girl's death and the man's mourning.

2) *Dardak*dance (*tardok*, to advance when dancing) performed standing by two men or two women. The two dancers dance opposite each other, and run or jump to and fro, gesticulating. During this the hands are shaken and the eyes rolled. Sometimes the pair of dancers alternate or yet a third one joins them. The dance ceases with a scream. Apparently *dardak*is a portrayal of demons.

3) Round dances (*buijbuij*, to kick around) performed by one or several groups of male and female dancers. In the case of the more ancient style of *budjebudj*, a chorus of sitting women sings while two rows of young men walk towards each other in single fle. The dancers have their arms raised and make their hands tremble. The two rows step up to each other and make a turn so that now the dancers stand in a double line. Now they begin to sing songs while the women beat drums and also perform standing dance movements. During the *budjebudj*, percussion sticks are also used by women. The dance in which no men participate is called *jimókmok*. When the women's dance movements have become a swaying of the hips and a turning and bowing of the head (*jebolul*), or when the dancers, in rows of men and women, slowly advance and fall back "rocking the upper body back and forth and shifting from one leg to the other," it is said this traces back to a type of round dance introduced by the missionaries.

4) Round dance with sticks *gjorrang*, *jíku*, *káren*, *karan*), performed by men with dance sticks or dance spears. The men take mincing steps in a row, move the sticks and spears as they do so, and spin themselves around from time to time. Frequently several rows of men also weave in and out as in the round dances.

5) War dances, likewise performed by men with spears, are not sharply distinct from the round dances with sticks. First "they form fgures5 and stage sham battles" until the dancers fall back and draw up in a semicircle opposite the drumming women. Then the chiefs jump into the center one after another. Waving spears and leaping with contorted faces, they perform fighting motions.

6) Women's lascivious dances have been very popular, but were seldom performed in the presence of Europeans. During one dance, the girls wore

only one mat in the *lageba*style, and soon let it fall of. Then followed the movement called *bélling*, which consisted of the contraction and accompanying vibrating motion of the abdomen, and a shaking of the buttocks. The movement of the man during coitus was also imitated.

9. ***Tattooing (eo)*** – tattooing primarily serves to beautify the body and is associated only secondarily with religious customs. It is considered a type of confirmation of sexual maturity. It is also said to prevent or conceal wrinkles in an old age. Among men it covers the chest, shoulders, back arms, buttocks and thighs, and only among chiefs, the face as well. Among women it extends to the shoulders and arms, and occasionally also to the thighs. Among the wives of chiefs, however, it also occurs on the fingers and the backs of the hands.

10. ***Foods and Their Preparation***.

Pandanus Fruit. After the keys have been removed from the spadix, with or without the aid of a stick, pandanus fruit are frequently chewed without further preparation. In that case, the fibrous pointed part is first bitten off and the juice expressed with the teeth. This greatly wears down the incisors. Those who shrink from the strain of extraction by chewing or who are no longer capable of it, consume raw sparkling pandanus juice. It is prepared by beating the pandanus keys with a triangular stone. The juice is expressed "by pressing against iron." A Cassis shell was used for this in earlier times. Sparkling pandanus juice is also considered food for convalescents. Another method is order to then scrape out the juice. A special utensil with a Cassis shell is used for this. Usually only one hand is used for scraping. Only when there is a big rush, during the preparation of preserves, for example, is scraping done "Gilbertese style" with both hands. The pandanus keys are scraped off on the sharp edge of the Cassie shell vessel in such a way that the juice collects inside. During the preparation of preserves, however, the juice is permitted to flow out into a pit lines with pandanus leaf mats. By standing a long time, the juice turns into a kind of pulp that is likewise eaten, particularly when coconut water has first been poured over it.

Pandanus Preserves. In the preparation of pandanus preserves, the juice is concentrated in the sun or over a fire. The early steps are identical to those in the case of juice extraction by the usual small-scale method. If people want to prepare preserves in large quantities, however they frequently work under a special protective roof, and in that case can heat coral slabs with a wood fire in a pit in the ground that is two to four meters in diameter. The

hole is filled in with alternating layers of pandanus keys and leaves and is covered with sand and stones. A Tridacna shell for the juice of the cooking fruit can be placed in the bottom of the pit. The oven is opened twelve hours later, or only on the second day. After men have scraped the keys, women then spread the thick juice with a small stick onto a board on which it is left to dry in the sun. In lieu of this, the grate is also used for drying. It is long and narrow and built as high as two meters above the ground. Drying sheds two to four meters high and consisting of one several leaf-covered grates stacked one above the other, with a narrow roof, also occur. Banana or breadfruit leaves are spread out on the stick grating, and the pandanus juice is dried on them. The open fire below is fed with wood, palm leafstalks, and pressed-out pandanus keys.

The pandanus pulp is again brought to a boil and is finally dried in the sun with frequent turning. The flat cakes of pandanus pulp are rolled up around each other on a piece of palm leaf, which is later removed, until the desired size of the preserve is attained. This varies in length from twenty centimeters to three meters, with a diameter of forty centimeters. These rolls are packed in strips of pandanus leaf and spirally wound with sennit. In this manner the preserve is protected from ants, water, and other factors. The shelf life of the preserves is not known for certain, although they do last for at least a year. Then it is used, a piece of the preserve is cut off, soaked, and eaten alone or as an ingredient in other dishes.

Breadfruit. Breadfruits are eaten only if they have not fallen from the tree as overripe windfalls as people want to avoid falling from trees and getting hurt, like the fruit. The seeds are eaten "like chestnuts," but are not roasted on purpose. The flesh of the fruit is eaten only after the peel has been removed with a Cypraea shell and only after the fruit has been roasted on glowing ashes or has been prepared in a dirt-covered earth oven.

Preserved Breadfruit. Preserved breadfruit is made like pandanus preserves, but without using a scraper. It keeps for a significantly shorter period of time than do pandanus preserves. Soaked in water, it is eaten as jinnab. A second method of preservation is the preparation of fermented paste. For this purpose, breadfruits which are not quite ripe are peeled and cut into pieces half the size of a hand. A special net is filled with them and is immersed for one night in saltwater in the lagoon at a depth of approximately three meters. This can also be done using baskets. In the morning the pieces of breadfruit are place on spread-out coconut leaves, and are covered and left in this condition for twenty-four hours. Then, or only

after three days, the soft pieces are crushed by hand, or occasionally with a Tridacna pounder, or are beaten with clubs of Calophyllum or Pemphis wood or the Tridacna beaters used for preparing paste. The pulp is poured into a hole lined with breadfruit leaves. The pulp is again thoroughly kneaded eight days later, and then the leaves in the pit are changed each week. Once a month the contents of the food fermentation pit have to be kneaded thoroughly. Preserved breadfruit keeps for five to six months, even two years if it is properly fermented. The fermented paste removed from the pit as needed each day is blended with coconut cream and is eaten without additional ingredients, or it is mixed with arrowroot flour, etc. It is never eaten raw.

On Mejit (one of the atolls in the Marshalls), particularly large amounts of breadfruit preserves are made for export. Large quantities of preserves are exported from these islands to islands with less breadfruit, such as Likiep, Jaluit, and Utrik. Just as there are various types of pandanus fruits, breadfruit preserve of various flavors are also recognized which have their own special names.

Arrowroot. The harvested tubers are brought to the lagoon beach in palm leaf baskets and are cleaned there in a loosely-plaited fiber bag by washing and walking on them. Then they are pulverized; individually to a reddish pulp on rough reef stones with the aid of a small, rectangular block of coral over a large mat or big leaves. Then the pulp is poured into a sieve that consists of a wooden frame set up on two carrying poles with a bottom plaited like a sieve out of sennit string. The bottom is also covered with prop roots. The sieve is placed over a pit about half a meter deep and one to two meters in diameter that is lined with leaves and a dense pandanus leaf mat. Or, two men lift the sieve by the carrying poles. Seawater is then carefully poured over the pulp so that the filtered starch drips on the mat located below. The fibrous sheath is place in the sieve as an actual filter cloth. Sea water is poured on it, and it is kneaded by hand. Two hours later the filtering is repeated. After the waster has dipped into a hole via leaves or though a fibrous sheath, the lumps of starch flour are placed in a shady spot. Two days later they are pounded again and are dried in the sun for two to three days like the pandanus or breadfruit preserves. This flour is stored wrapped in pandanus leaves or in plaited sacks sewn closed at the top with sennit cross-stitching. About seven baskets of arrow root tubers yield one bag of flour. Arrowroot flour is traded in this form.

Bananas. In order to be storable, bananas are split lengthwise into halves, dried in the sun, and packed in small rolls of leaves.

Coconuts. The water and the soft meat of young drinking nuts are consumed. To more easily free the meat from the shell, informer times the thumbnail of the right hand was permitted to grow long. Thus, the meat could be removed from the shell with a single twist of the thumb. The firm meat of the ripe copra nut is consumed primarily, and less frequently, the coconut water. The sprout which is present instead of the water is eaten raw out of the even older, germinating nut. The tough of meat of the waini is only infrequently eaten raw. The coconut meat is grated into fine shavings on it be means of a twisting motion while the preparer sits on the implement's board. Grating is men's work. The grated is eaten mixed with other foods or is pressed out to produce coconut cream, which is not to be confused with coconut water. Coconut oil is obtained by pressing the coconut in an oil press or by permitting it to ooze out of copra set out in the sun. Coconut oil is used more for anointing the body than for eating.

Taro. Taro is made only into the dish, which is called "brain" on account of its gelatinous appearance. To make it, taro is peeled, cooked, and mashed with the pounder that is also used for breadfruit. Then it is mixed with grated coconut.

Fish. Fish are first gutted; the liver and roe in particular are removed. Then they
are prepared in the following ways:

1) Large fish are cut into pieces which are wrapped in leaves and cooked in a covered earth oven.
2) The fish is roasted uncovered on hot stones. Immediately after the catch, a few fish are also eaten half-cooked as "kuttak."
3) Small, sardine-like fish are not gutted, but rather, are roasted whole on little sticks on flowing ashes
4) Fish are preserved by smoking or are dried in the sun. salting of fish only became known in European times.

Occasionally, a few varieties of fish, for example, bonito, sardines, and flying fish, are also eaten raw. A special dish is prepared from the fresh red roe of the *jebelo* fish.

Porpoises. Porpoises are prepared like large fish. Because of the fat, the islanders even eat long-dead porpoises or those which have been floating at sea. The same is true for sperm whales, in which case the islanders go after those which have been accidentally killed, for they cannot catch live ones.

Turtles. Turtles are first presented to the chief, who selects the choicest morsels. The black fat on the belly between the thighs; and a part of the intestine is considered especially choice. Because the parts of the turtle are considered the mats and food of a legendary person only seafarers or those well-versed in legends are permitted to carve it. The intestines and layers of fat are wrapped in leaves and are placed with the meat in the ground over, which is covered with dirt and the plastron. The meat remains in the oven overnight. No one is allowed to eat any raw fruit before the turtle is eaten, otherwise the teeth are said to become brittle.
Crabs. Crabs, coconut crabs, lobsters, etc., are placed alive on a glowing fire. Occasionally they are also prepared in the ground oven.

Recipes. In the preparation of dishes, the main ingredients are: coconut water, coconut cream, grated coconut, coconut toddy, pandanus juice or pulp, pandanus preserves, fermented breadfruit, preserved breadfruit, arrowroot flour, taro, and fish.

Food for Chiefs. Because chiefs do not supply their own food, their subjects are obliged to cultivate plants, prepare preserves, and fish for them. Even when they have worked for themselves, subjects are required to offer the choicest pieces to the chief. Reserved for him are particular varieties of fish, the head and belly of large fish, turtles, the breadfruit varieties *bataktak*and *bukeral*, particularly sweet pandanus fruit, particularly large coconuts, and the outer bananas in a bunch.

11. Death

Burial
In former times burial was done by submerging the corpse in the sea, or by interring it in a crouched position. Since the introduction of Christianity, burial in the ground in a supine position has become universal. Nowadays wooden coffins lined with cloth and mats are used.

Commoners were formerly wrapped in mats and taken out to sea in a canoe. Iin earlier times the bundled corpses were equipped with a small mast and sail. At sea they were thrown into the water unweighted, and the canoe

sailed back to the island. No one on board was allowed to look back at the corpse. The corpses of prisoners of war who were drowned in the lagoon were likewise taken out to sea and left to drift (Erdland: *kabalok*), but were not wrapped in mats. Slain enemies were also dismembered, covered with leaves, and cremated.

Chiefs and nobility in former times were also wrapped in mats and taken out to sea, although this was only done on the third day after death. Immediately after death, the corpse was prepared against excessive decomposition. For this purpose the intestines were emptied, the anus was stopped with a plug of soft wood, and the nose and ears plugged up with copal. When the corpses of chiefs were lowered into the sea, stones were wrapped in the mats at head and foot so they could be submerged. In the case of nobility and chiefs and their wives, interment on land also occurred; it was denied commoners. The deceased was likewise first prepared and adorned. Then the wake was held for two days and two nights. During it, the deceased's favorite songs were sung and incantations recited. Some chiefs were left lying for days until they decomposed so that many people had the opportunity to see them, and so that the inhabitants of other islands could also pay their respects. On the third day or later, the corpse was borne to the burial place and was placed beside the grave, around which flowers and perfumes were strewn. Each relative of the deceased had to bring two mats, which were distributed among the mourners. In more recent times it became customary for close relatives to bring six yards of cotton cloth and for more distant kin to bring three yards.

First a dance was performed which was customary only for such an occasion. Women beat drums and sang war songs to encourage the soul for its impending journey.Then the face of the deceased was covered with a small mat and the corpse was wrapped in two coarse mats and bound up. Next the deceased was carried around the grave six times. Then the corpse was placed in the grave with the head pointing north, for this position protects against the evil Lajbuineamuen who lives in the north.

The depth of the grave depends upon the rank and sex of the deceased. For chiefs, it is knee-deep, for petty chiefs, up to the hips, and for women, up to the neck. That is in connection with the varying danger of the spirits of the dead. After the corpse is placed in the grave, a relative of the deceased asked for an "attendant" (*wura*), whereupon an adult was seized and buried alongside the chief, either dead or alive. In lieu of an attendant, a canoe could even be destroyed and placed in the grave. Later, when commoners were

also permitted to be buried on land, they received only stones as funerary gifts. The dead chief was committed to the grave with a baste skirt, two clothing mats, and jewelry. On Majuro, whale tooth pendants, shells for necklaces, *Conus*bracelets (also in children's graves) and circular *Trochus*bracelets (Leipzig Museum) were found in graves. The grave is covered with stones with a layer of sand over them the mortuary and ceremony experts (Erdland: *rubik*), who also conducted the interment. Burial mounds are rather low. Frequently they were thrown up alongside the grave itself so the bones could not be found. The burial mound of Chief Ujilan on Arno the largest. It is one meter high, and eight meters in a square. According to its location, it corresponds exactly to the chief's former hut.

Occasionally in earlier times a hut was erected over chiefs' graves. The points ofnarrow spits of reef or concealed places beneath coconut palms which are of thebeaten track are usually sought after as grave sites. In the Ratak Group, the grave wassurrounded with a low stone wall consisting of slabs of coral limestone set onedge, or in lieu of rock, small sticks stuck in the ground (which was done in Ralikalso). In the Ralik Group, however, the grave was marked by a paddle stuck into theground. Usually there was only one paddle at the head, but sometimes there was alsoone at the foot. In 1898 at Enuebing, low graves were found in the shape of acoffin lid heaped up out of coral limestone; a paddle slanted up out of both ends. Thegraves that Kubary saw on Ebon also looked like this. Such graves were found onRonglab in 1910. Some of them were also bordered at the base with a row of largerstones. Only rarely do graves still receive paddles nowadays. According to Jeschke,only seafarers get paddles on their graves. A palm frond marks the grave site as offlimits. On Maloelap in 1910, each of the two halves of the island had its owncemetery. In former times, empty graves were also laid out for travelers. Those absent were mourned, and something from every meal was set aside for them.

Arm and leg bones of the dead were worked into needles used for sewing matsand thatching roofs.

Children, who occasionally in times of emergency were killed by being buriedin the sand, remained buried on land. Implanted stickAs a grave marker for them, animplanted stick with incised rings.

Pillar of the Sea

1. Eoñod - Traditional Fishing Methods.

1) ***Urok***- catching the kuro and lejepjep fish during the day from a canoe using bait: *āāô*or *môr*, consisting of crab tails, etc. a stone near the hood pulls it to the bottom, where the sinker releases itself.

2) ***Iladak***– In this method, the line, attached to the canoe, is jerked by hand and the hook dances across the water. The stronger the wind, the longer the line played out. To catch albacore the hood is made to dance close to the canoe. To the quarry, the hook looks like flying fish. For that reason, a fresh strip of pandanus leaf is tied around the hook in such a way that on each side and end, approximately sixteen centimeters long protrudes like a wing.

3) ***Bobo*** – catching flying fish at night on the lee side of the atoll. The canoe sails or paddles back and forth along the length of the land on the open sea. A coconut torch lures the fish. When they leap, they are caught by a man with a hand net: fishnet at the bow or, if they leap against the sail, they are gathered there. Season December through May.

4) Catching flying fish with a strip of shell consisting of coconut shell pointed at both ends. The fishing tackle is attached without bait to a short line and dances on the surface behind the sailing canoe with an empty coconut shell for a float. In this case, the lure gets stuck crosswise in the fish's mouth. As in *bobo*fishing, they sail up and down that shore, but in the daytime. During this process, special incantations are used.

5) Catching the kiriej fish with the net-like sheath of the young coconut leaf (inbil), is "rolled up into a circle and lowered into the water on a fishing rod." The fish bites into it and is pulled up (dibdak).

6) ***Bŏbbŏ***, spearing fish during the day on the outer reef, also on the shallow lagoon beach, with the fish spear (mári). The impaled fish are strung on cords through the mouth and gills.

7) ***Kabwil,*** killing a certain variety of fish with hoop iron or a machete at ebb tide on the reef. Only at night, as the fish stay still when a torch approaches.

8) ***Kaweet,*** catching octopus in holes in the reef. Women feel around inside for it with a stick and pull out the octopus.

9) Surrounding bonito on the open sea with canoes which drive the fish into the lagoon and into the palm leaf chaser, where they are speared. A chief always initiates this process. The women, who previously were not allowed to be present, nowadays help with stringing the fish.

10) Catching dorado (yellowtail) with a sennit rope floating between two canoes. The school of dorado is surrounded with the line and is driven ashore; the fish do not swim under the rope, but only occasionally leap over it. The fish are either removed from the shallow water with hand nets, or are dragged further onto

Pillar of the Sky

1. Science

Navigation - The knowledge of stars, weather, and sea conditions, and the capacity for making and interpreting sea charts, is reserved only for certain people who usually are members of the *leadakdak*class, or who could even be nobles. Such people are called*rimedo*, master navigators. There are also women among them. Each *rimedo*keeps his teachings secret from the uninitiated, and imparts them only to his favorite children or other people who have special talent for navigation. So raised navigation schools, each of which has its own teachings which the others do not know. The deceased men Laindjin and Ladjedji, whose son, Loane, lived on Jaluit, and were great *rimedo*. The woman Libe was formerly teacher in the Ebon school. A particularly large school existed on Namrik. It was founded by the *ru*clan of Kwajalein. The clan descended from the *rimedo*Legemugij. He adopted Litermelu, who learned all the sea navigation marks from him. The school is named *apdjebeo an Litermelu*after her..

To all appearances, Lagediak was also among the *rimedo*.
*Rimedo*of more recent times include:

- Arenini on Ronglab
- Burido or Labarito (navigator of Muridjil of Maloelap)
- Deli on Arno
- Laumanuan (navigator of Kabua and Loiak)
- Larinine

- Lanenam on Ailinglaplap (son of the *iroj*Lamejirik, but only of the *burak*class)
- Launa, Lanenam's uncle on Kwajalein
- Lowane, Lekoujabue, Lalur, and Loien in the northern Ralik atolls

The chiefs Nelu and Loeak on Jaluit had been pupils of a *rimedo*, while Kabua possessed only meager knowledge. When a *kadjur*approaches a *rimedo*and wants to be instructed, he says "*ledokdjirikmour*" ("Teach me something," literally "Give some life"), whereupon the *rimedo*answers, "If you give little, I give you little; if you give me much, I give you much."

Apprenticeship lasts one to two months, sometimes it lasts two to six months. Instruction commences with an explanation of the sea conditions (swells, choppy seas, etc.) between the islands and in the reading of sea charts. Furthermore, instruction includes an introduction to the astronomy known to the *rimedo*alone, meteorology, and the knowledge of the "sea marks" of the individual atolls and the mnemonic devices that go with them. At the conclusion, a captain's trial voyage (*rubrubjogur*) of the pupil takes place.

2. The Knowledge of Navigators

Geographical Knowledge

Atolls (*ailin*) are precisely distinguished from their individual islands (*ene*). The western side of an atoll is considered the bottom, and the eastern side, the top. The sea between the Ralik and Ratak archipelagoes is designated lolelablab, and that between any two islands, *lomedto*, *lukanlomedto*, *jobejanmedto*). For voyages between various atolls, in addition to the general terms *mödo en jela den* (voyage of arrival knowledge) and *mödoe̲rik̲rik*(small voyage).

There are also the following special terms:
- *meto en al* (sun voyage) for the voyage from Jaluit to Ailinglaplap
- *metoanbue̲r* (tortoiseshell voyage) for the voyage from Jaluit to Ebon
- *meto an aluj*(voyage of looking) for the voyage from Ebon to Namrik
- *mödo ion we̲r* (coral reef voyage) for the voyage from Djalut to Namrik
- *meto an lab* (big voyage) for the voyage from Rongrik to Kwajalein.

Outside of Ralik-Ratak, the following islands are known: Mokil, Pingelap, Ngatik, Kusae (Môt), Ponape, Nauru, Banaba (Baneb), and the Gilbert Islands (Bit). Regular trade with these islands does not occur. However, there are

reports of earlier wars against Ngatik and Mokil, and drift voyaging in particular contributed to knowledge of the islands. It was heard that on a few islands
there lived castaways from "Repith-Urur," i.e., *ṛi-Bituror*("Gilbert Islanders, whom one kills"). The fact that the drinking of palm syrup and palm wine first became known through the Gilbertese, and the presence of various words from their language (*jaṛiṛ*, *jigu*, *jeib*) point to more frequent, although usually involuntary, acquaintance. Through castaways from Oleai, Yap, Lamutrik, and through the canoes of Ralik-Ratak Islanders driven off course to Kusae, Guam, Faraulip, etc., knowledge has been further increased in individual cases. It is suspect that the concept of Eb, the island of spirits in the west, is probably based upon some sort of reference to Yap.

Meteorology

Weather (*lan*) is observed in the evening and one hour before sunrise (*kadujo*; Ratak: *kadu*). It is assumed that individual stars block the east when they are low on the horizon (*turinlan*; Ratak: *turilan*). Thus the trade winds can only blow when the star stands higher, until a new star again blocks the east. Each violent storm is accordingly said to be followed by a relatively calm
period. The occurrence of storms, for example, those occurring when the northeast trade winds change over to the southwest monsoon, is connected with specific stars. Individual stars are also said to bring good wind The phases of the moon are also used for weather prediction. Thus, the waxing moon, the full moon, and also a few days of the waning moon bring good weather. The new moon, on the other hand, brings dark cloudiness. Cloud formation is also carefully observed and insignificance determined according to mnemonic devices.

a)	*Djokola, jokola*	NE trade wind
b)	*Kodu*	E wind
c)	*koduian in aḷ*	ENE wind
d)	*koduirök in aḷ*	ESE wind
e)	*dildilkaang*	NNE by N wind; *dildil*, cat's paw sea)
f)	*lemmarak*	SE by SSE wind
g)	*itokkabilinglallab*	W wind
h)	*kötak/ kétak*	SW wind/SE wind, trade wind
i)	*kedo*	S wind
j)	*an in lur*	wind which calm will follow

k) *an doklik* suddenly shifting wind
l) *an in ion nil* light, rocking wind at sea
m) *an jebualil* intermittent wind in the lee of land
n) *an jenjen in ködo* wind preceding a stif breeze
o) *an injitöbbuenmar*, *an juwiwi*,
p) *an kijek*, *an me̲rik*, *an rebakbak* squalls of various kinds
q) *lirado* violent squall
r) *kiur* stif breeze
s) *ködo en agoblele* light, variable breeze
t) *lan in lairbal* rain with slight breeze
u) *nat* storm
v) *nat in arlaga̲re̲j̲rej* violent storm at sea
w) *nate̲rikimanjabro* storm before the Pleiades rise
x) *̲rabej* violent storms when the Pleiades set
y) *aire* whirlwind, waterspout
z) *̲lan* hurricane

Astronomy

A list of sixty-six star names has been published by Erdland (1914:78–80). All big stars are siblings, and descend from the woman Lidalanger (Liktanur). The eldest son, Antares, and the youngest son, the Pleiades, are such bitter enemies that the one rises only when the other sets. It
is believed that the stars which set in the west return to the east in a canoe by way of a reef which closes of the south. The appearance (*aibuinmij*) of a comet (*ijulogan*, tailed star) is supposed to presage the death of a paramount chief. The following, among others, are important in practical navigation:

a) *limanman*Polaris as constant indication of north; towards the south, visible up to 30 miles south of Jaluit.
b) *auinwolönlan*Zeta Sagittarii and Beta Librae in summertime divide the sky into east and west; the line drawn through the two stars meets Polaris in the north and Hydra in the south; when the north is clouded over, it is a means of determining the direction north.
c) *limanman en an ninjib*Gamma Cepheus guide star for the voyage from Kwajalein to Rongrik.
d) *worwatoen*Alpha CanumVenaticorum guide star for the voyage from Jaluit to Ailinglaplap, named after the reef Wätoen in the Aerok Passage of Ailinglaplap.
e) *boa en an jokdak*Grus of which Gamma Grus is the guide star for the

voyage from Ailinglaplap to Jaluit.

f) *bub* Southern Cross guide stars for the voyage from Djalut to Ebon

g) *lik in boame*Alpha Pavonis guide star for the voyage from Ailinglaplap to Jaluit; during the voyage one sees the star above the western point of Jaluit Atoll

h) *jemenuwe*Ursa Minor (Gamma, Beta, 5 UrsaeMinoris) of which Alpha and Beta UrsaeMinoris are guide stars for the voyage from Kwajalein to Ailinginae.

i) *jabro*the Pleiades indicate storm at the beginning of June if they rise shortly before daybreak. In July if they rise in the east at about 4 a.m., they bring favorable wind. Under the same conditions, Antares (Temur) brings favorable wind for the duration of the trade winds; *medjilep*(*mejeleb*, star of Orion?) brings good wind in February until March; and *tidada*(*jedada*, Gamma, Zeta, and Pi Aquarii) brings favorable wind in February.

To reach another atoll, the course is fixed from a specified point of the atoll of departure and maintained according to the guide star. Because of the star's motion from east to west, another guide star is sometimes taken after a lengthy period of travel. Women are not allowed to cover their faces at sea, for otherwise the stars would not shine.

Observation of the Sea

The most important thing that a *rimedo*has to learn is that which concerns the swells, "knots," the "*nit in kot*," defected swells, currents, and sighting distances. These concepts are recorded in the stick charts and are explained under that heading. The most important types of waves (no) are:

a)	*nôroul*	small swell wave
b)	*jibigra*	(Ratak: *nô jibaba*) wave which is caused by two opposing waves.
c)	*djibekera*	choppiness
d)	*noannedjindjomileng*	small wave
e)	*nô jeb*	heavy swell
f)	*dildil*	cat's paw wave
g)	*nôburo*	two parallel colliding breakers
h)	*no an bal*	breaker
I)	*ibueb*	large breaker *mool*small breaker, calm surf
j)	*lijjino*	heavy surf
k)	*mirmir/lijemirmir*	surf

Of additional importance to the *rimedo*is the observation of low tide (*baat)* and high tide (*ibuij*, *,ebij*) and their efects upon the current near the atolls and the serviceability of passages. During training, special emphasis is also placed on the ability to perceive land or reefs at night by the refections in the ocean water.

Sea Marks

For orientation at sea, *rimedo*become familiar with details of the fight of birds fishing at sea, e.g., how far out the birds fly, and which direction they follow in the evening. Schools of fish, which usually appear in certain places, also serve as indications for seafarers. Finally, drifting objects are also considered signs of the proximity of land and its location. These sea marks are combined with other characteristics of the islands and with the tradition of spirits (*akejab*) who reside on certain islands or sections of islands and who have sea marks for "children." There are special mnemonics for better learning sea marks and characteristics of islands. This is a published detailed list of the sea marks and related mnemonic sayings of the Ralik Group.

Compass Rose and Day's Run

The cardinal directions are usually indicated by means of the names of the winds and swells. In addition to them, there are the following designations:

a)	*rear*	East
b)	*rak*	South
c)	*kabílin-iríḱ*; *kabilingrek*	Southwest
d)	*kabíling*	West
e)	*ean*	North

The following belong to the cardinal directions:

- to East: the original man Lokomran (Barran)
- to South: the original man Lorok (Leoirok) and a large reef
- to West: the original man Irojrilik or the god La-Wulleb
- to North: the original man Lälikiän or Labuineamuen and aswamp.

Distance measurements at sea do not exist, yet in the vicinity of land, reckoning is done with sighting distances, and on the open sea according to the day's runs, which are called *mödo*.

Navigators' Additional [Ancillary?] Knowledge

*Rimedo*are the actual preservers of tradition and the people most knowledgeable about the secular and religious myths. Moreover, *rimedo*have to master a few types of sorcery which are necessary at sea, for instance, the charming of the eastern current (*jelaatak*). For voyages to the northern atolls (Rongrik) they have to use substitutes for several words which are prohibited on these journeys, and they have to encourage the people in their canoe to do likewise. In general, at sea it is forbidden to relate legends, to converse loudly, or to use the substitutes for several words which are prohibited on these journeys, and they have to encourage the people in their canoe to do likewise.

In general, at sea it is forbidden to relate legends, to converse loudly, or to use the ordinary words for food (*kij*or *mane*).

Stick Charts

Stick charts *(meto*) are lashed together out of thin straight and curved palm leaf midribs. Small white marine snail shells (*Cypraea*or *Melampus*) are tied onto them to indicate the islands. Stick charts do not indicate the exact geographical location of the islands, but rather, are supposed to illustrate the sea conditions between islands, above all the swell conditions, in addition to other things important to the course.

A standardized system of stick charts does not exist, and one school does not know the teachings of another. Thus, a stick chart can only be correctly explained by the person who made it, for whom its features have special significance. Another person, who may otherwise be a good seaman but who studied in a different school, cannot understand it without additional information. Yet despite individual differences, the charts are based on common concepts and principles of form.

Stick charts are based on the following concepts:

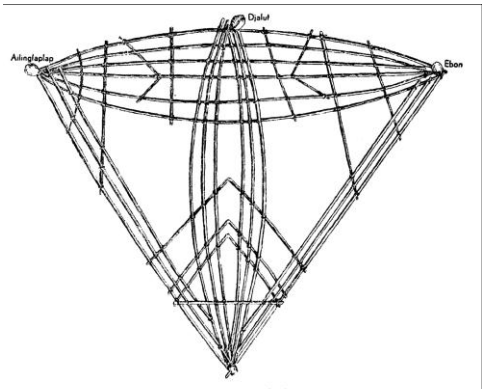


Fig. 65. Special chart.
Hamburg specimen #395:10. One-eighth actual size.

1. The swell (*noun rear*, *drilep*, *rileb*="backbone"; *no in rear*) coming out of the east (*rear*) or ortheast, as the predominant and strongest one, always clearly noticeable at sea. Because the eastern swell is caused by the northeast trade wind, "east" does not mean magnetic east, but rather, the direction whence the swell comes.

2. The swell (*kaelep*; *kalepdakṛilik*, *galipdakṛilik*, *kalep*) coming out of the west (*kabíling*) or southwest, considerably weaker, always discernible only by experienced navigators.

3. The swell (*bungdokerik*; *bung dókrák*) coming out of the south (*rak*) or ke southeast; near the southern islands, almost as strong as the eastern swell; in the north, however, very weak.

4. The weak swell (*bungdokieng*, *kaelepdokieng)* coming out of the north (*eang*, *ean*) or northwest; strong only near the northern islands; imperceptible south of an island.

5. "Knots" (*bot*; *boot*) Erdland: *boj*, *buj*). Of an island, the swell out of the east and west is diverted and forks to the north and south. When the branches of the eastern and western swell cross, the "knots" form as equalization points which arrange themselves in a line called "root" (*okar*, *ogáṛ*) because it leads "to the palm tree" (the island).

In individual cases, the "knots" are named after the island to which they lead, e.g., *butj en Maloelap*. The places where the swells fork are also called "knots". In the case of the eastern swell it is *butj en raer*, and with the western swell, *butj en kapingeilin*(island connection knots?).

6. *Nit in kot(nit in kat*; *nid en kot*), cockfghting pit for plover (*kötköt*), or bird snare. It is the eastern swell at an island or about ten nautical miles behind it (not in front), defected about thirty nautical miles away to the southwest. .

7. *Rolok*(*rolok ,raloq*), the eastern swell defected to the northwest at an island. A canoe which encounters *rolok*on the voyage from east to west has missed the target island, whereas in the case of a voyage from west to east, it has only to follow *rolok*to arrive at the island.

8. *Djur (jur) in okme*, the western swell defected to the northeast or southeast about ten nautical miles in front of an island. As a defected western swell, *djur in okme*is used the same way as *rolok*and *in kot*as a sign of having missed or reached an island.

9. Currents (*áe*), are distinguished as current at sea (*áe)* and current at atoll or in a passage r: *ait*), with the following types:
   a. east-west current: *aetak*; current in the open sea.
   b. west-east current: *aedo*, *abibtu*
   c. north-south current: *aelokieng*, *aarinalok*
   d. south-north current: *aelokerik*, *aaninalok*
   e. current flowing out of the lagoon: *a̧ī̧lik*, *aalik*
   f. current fowing into the lagoon: *a̧ī̧oar,aawar*
   g. outer ring of current: *air*, around an island, caused by tides
   h. inner ring of current: *abang* corresponding to
   i. choppiness in front of a passage: *ei in kabbin do*)
   k. places free of currents (*aamman*; in the reef passage, *aikijek*), and calm water at sea.*medal*).
   l. The currents *jukae,* higher; *ribukáe,* to enter; and *djeldjelatáe,jelat*, to set free, to be free again; *djeldjelat*, to untie knots; *djeldjil*, roll of pandanus leaves; *djeldjelat*.

10. Refected swell on the weather side (*ilíkied*, *ilikiedj*; Erdland: *ligiej*) of an island, e.g., *likiet in Namurek*, "swell fowing backward near Namrik," and *katj in rejib*(*ketj en rejep*), "gorge for fyingfsh," the swell on the weather side refected by the fringing reef, which appears to fow against the swell and forms ripples. A reef passage on the weather side (in the northeast) is called *dorilikiedj*), in contrast to the passage *dorikebin*in the southwest.

11. Large area of choppy sea between the islands (*luguenlamedo* open sea), situated in the center of the cruciform instructional charts. The surrounding areas of the chart are called *aonmedo*, "at sea," and are diferentiated as

aonmedorilik, *aonmedoieng*, *aonmedoirear*, and *aonmedoirek*in the west, north, east and south. Here, too, the canoe encounters high seas.

12. The "gates" (*lema*) of the atoll, i.e., the departure headings used at various seasons
    a. *lemareang* in the north, used at the time when the sun is in its northern position
    b. *itokurearlablab*, *tokurearlablab*, usable when the sun is at its zenith (*bio*) during trade winds, i.e., in March and April, located in the east
    c. *lemarak*, usable during the season of northeast trade winds when the sun is in the south, located in the south.
    d. *itokkabilingrek,* in the southwest (*kabiling*, west; *rek*or *rilik*, south)

Charts are oriented for viewing with south at the top, north at the bottom, east to the left, and west to the right.

There are three kinds of charts.

a. **Instructional charts** (*mattang*, *matang*) for demonstration of the aforementioned concepts for the voyage between two or four islands, or even simply to demonstrate the conditions around a single island.As a chart of two islands, which need not necessarily be named, the chart is a lance-shaped structure which indicates *rolok*, *nit in kot*, *djur in okme*, and the knots and rootswhich lead to the islands (the points), whereas a frame with crosspieces indicates theswells and currents. As a chart of four islands (*medoemenani*) it exhibits the form of a Maltese cross set diagonally in a square frame; at the ends of the cross arms are located the islands (Djalut, Ailinglablab, Ebon, Namrik or others, which need not be named). Only the voyage through the middle of the cross between two opposing islands can be demonstrated. A shortcrosspiece is almost always located on the eastern arm of the cross; it marks theeastern side (*rear*).

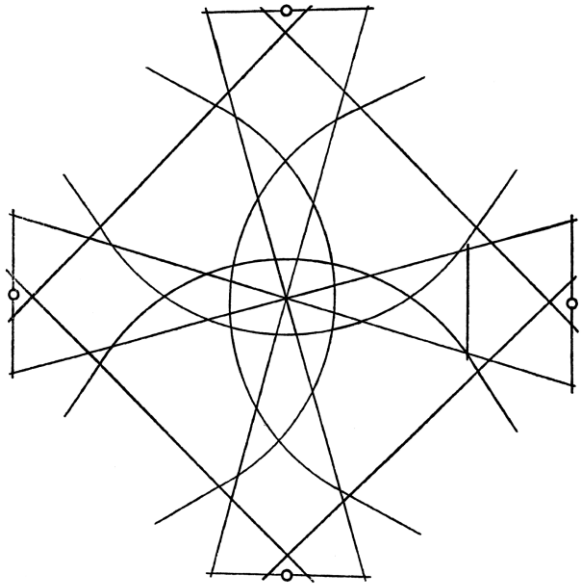


Fig. 68. Instructional chart. Hamburg specimen #391:10. One-eighth actual size.

b. **Summary charts** (*rebbelib*, *rebelip*) of all, or the most important, of the islands of one or both archipelagoes of the Ralik-Ratak Islands, or of the northern or southern part of both chains. Usually only the swells between the islands are indicated, whereas the actual geographic location is of no importance. Additional details on knots, current conditions, sighting distances, etc., are rare.

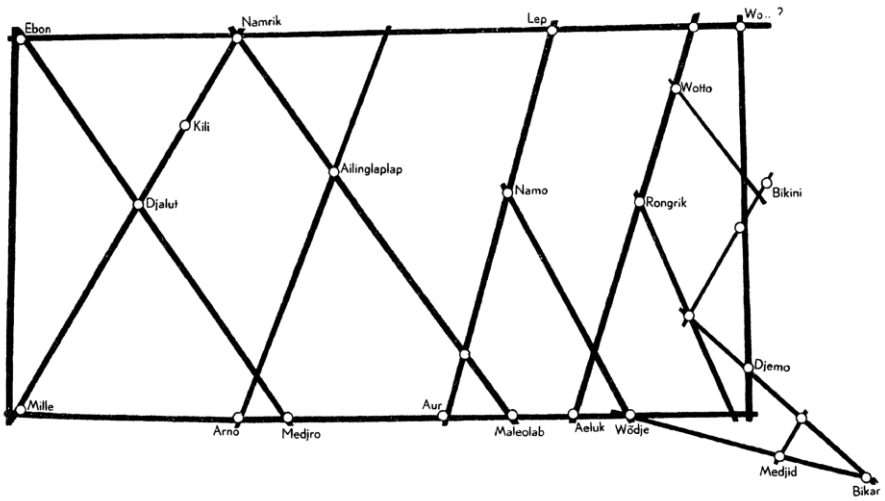


Fig. 69. Summary chart. Hamburg specimen #E 977. One-tenth actual size.

c. **Special charts**, actual *medo*, with detailed representation of the sea conditions between a few islands. They are for use by canoe captains and for their information prior to setting sail, as it is considered scandalous to continue to consult a chart when underway. Various shapes, according to the areas depicted and the methods of the navigator.

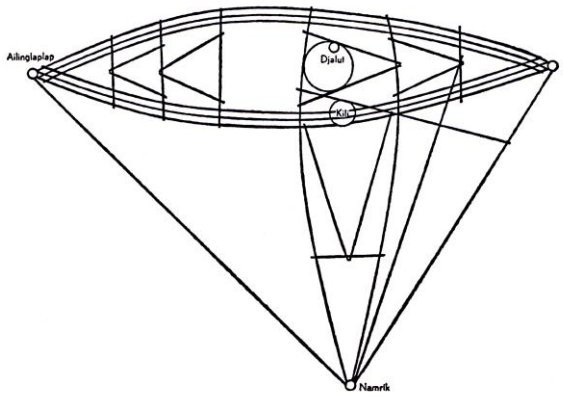


Fig. 70. Special chart. Hamburg specimen #392:10. One-eighth actual size.

Practical Navigation

The rimedo first determines the favorableness of the season, wind, weather, which was closely observed shortly before sailing, and whether the cargo is properly

stowed. The period from May to October is the peak travel season, for at that time the northeast swell prevails. Before setting out, the stick chart is consulted once again for the sea conditions, and the course is set from a point on the island of departure to a point on the destination island. At the same time, the rimedo ascertains which guide star is of importance to this course and for how long. Rilep or ogar are used as sea marks especially during the season of the strong eastern swell; kaeleptakirilik and kaeleptakirear are used for the north-south course, and bungdokerik and bungdokieng for the east-west course.

Once the vessel has been brought onto the correct course heading, the angle that the canoe forms in relation to the swell is noted, and the course is maintained only so long as it can be assumed that the swell is constant. To maintain the correct angle, a man lies down in the front of the canoe and observes the sea from the lowest elevation possible. At night this is quite difficult and usually the eastern swell alone can be perceived.

Depending on the pressure of the sails and the strength of the wind, at the rimedo's behest the crew disperses as living ballast on the canoe and the outrigger frame. To dispel weariness on the voyage, the steersmen sing or recite sayings, and accompanying women drum incessantly. The place on the lee platform is accorded chiefs' families; or the seat in the stern djablap) of the canoe is reserved for the chief alone.

If several canoes sail together, the lead vessel is the rimedo's or chief's. The other canoes follow behind it at intervals of one to two nautical miles. In order to have a wide field of vision, the group of canoes frequently sails in a staggered line. If both a rimedo and a chief are in the fotilla (inej), they either sail together in the first canoe, or the rimedo leads and the chief brings up the rear so as to assist vessels in distress. During the night the blowing of shell trumpets keeps the canoes together. When the first canoe sights land, is usually the case at a distance of seven nautical miles, or ten to fifteen nautical miles, it likewise signals with the shell trumpet. The canoes behind it relay the message.

When it rains, the sails are slackened and covered with protective mats. In the event of prolonged rain, because of considerable drift in places, protracted tacking later has to be resumed until the original course is regained or land is sighted. Even in good weather, but all the more so in bad, water has to be bailed continually.

Often in the case of greater distances, to facilitate navigation the course is set for a reference island, for instance, Wotto on the voyage from Ronglap to Guadjlen. When the reference island is sighted (*likiedjWotto*, weather side of Wotto), a new course (*aora*, to change course) is taken to the destination. On a good voyage, after a certain period, an indication of land (*kamedo*) has to be sighted, for instance, behind Wotto the *no in rear*, which up until then has been hidden, or otherwise later the "line of roots" of the target island; or, at least one day's journey out from the destination, perceptible defected swells such as *rollok*or *djur in okme*have to be encountered. By these means the direction of land can be discerned. An additional sign is the alternation of the *djeldjelatáe*, *ribukáe*, and *djugáe*currents with calm water. If the "line of roots" (*ogar*) has been reached, one sails along it. On the *ogar*, the canoe is not supposed to roll. On the "knots" (*bot*), however, the canoe gale drifts occur when land is missed. In spite of this, it is considered improper to give the *rimedo*any sort of advice, or to keep lookout for land in his stead, or even

diverges slightly from the course. Because the canoes and islands are low, the sighting distance of land is quite short, and thus, frequent wayward voyages and also occasional gale drifts occur when land is missed. In spite of this, it is considered improper to give the *rimedo*any sort of advice, or to keep lookout for land in his stead, or even simply to mention the name of the destination at all. After a wayward voyage, a canoe is taken apart, charmed and reassembled.

In more recent times, because of greater safety, compasses, German nautical charts, and parallel rulers have come into increasing use, and the ancient aids to navigation have fallen into neglect. Instead of ancient canoes, chiefs have frequently acquired schooners.

Time Computation

Time is reckoned by the number of nights, and by months. The month (*allin*, *aling*) corresponds to the lunar cycle, calculating from the earliest waxing phase (*alliniju*). The moon in the west, i.e., the ifrst phase of the moon, is called *djabiroro*; the second, *alingidju*("star moon"); the eighth is termed *alingebunginaiolap*, and the fourteenth (full moon), *djetengel*.

Ⅲ. Relevant Organisations

1. Governmental organisations

A. RMI Historic Preservation Officer

Mission Statement

The mission of the Historic preservation Office is to identify, protect, preserve and promote the cultural, historic and pre-historic resources of the Republic of the Marshall Islands. The Historic Preservation Office informs, educates, and assists public agencies, private organizations, and citizens on the conservation and protection of the cultural resources of the Republic of the Marshall Islands.

Goals and Objectives

1. To educate the public and public officials about the RMI cultural, historic and pre-historic resources and the preservation program by producing, documenting, and publishing educational materials in the newspapers, pamphlets, videos, and radio programs.

2. To maintain an ongoing survey and inventory program by documenting and recording of all archaeological, historical, and traditional sites on all atolls of the RMI. Properties identified in the survey will be entered into the inventory list and will be evaluated according to their level of significance.

3. To continue to register all archaeological and historic sites on all atolls of the Republic of the Marshall Islands.

4. To identify and evaluate the cultural resources of the RMI, including archaeological, historical, and traditional cultural properties.

5. To ensure that all excavation projects (archaeological or others) undertaken by private citizens, USAKA, local businesses, and government agencies are reviewed and supervised, if necessary, before granting permits.

6. To develop a new 5-year plan on historic preservation in the RMI.

The Republic of the Marshall Islands' Historic Preservation Office is located within the Cultural Affairs Division of the Ministry of Internal Affairs. The Historic Preservation Office (HPO) was created by the Historic Preservation Act of 1991, amended in 1992, with the primary responsibility of protecting and preserving the tangible and intangible cultural properties of the Republic of the Marshall Islands (RMI). The HPO operates on the advice and assistance of the Advisory Council on Historic Preservation, a seven-member board that includes government officials and members of the general public. The Chairman of the Council is the Minister of Internal Affairs, who is responsible, among other things, for promoting cultural affairs, and is confirmed by the Cabinet.

In addition to its administrative function, the HPO also conducts other preservation activities; including Archaeological Survey and Inventory, Oral History and Ethnography, and maintaining the RMI Register of Historic Places. In Archaeological Survey and Inventory, the HPO is responsible for conducting nationwide surveys and inventories of historic and cultural properties. This involves the identification, evaluation, and recording of information about historic and cultural properties that are made accessible for development planning and educational purposes. In Oral History and Ethnography, the HPO documents oral history, culture, and traditions of the RMI for both present and future generations. The RMI Register of Historic Places is the official depository or custodian of all registered historic and cultural properties of the Marshall Islands. The Register is also responsible for ensuring the protection of registered properties by conducting close monitoring of registered properties to limit disturbance or damage by development projects.

The HPO receives funding from both the Republic of the Marshall Islands and the U.S. government. Since 1985, the HPO has been the recipient of a Historic Preservation Fund Grant administered by the US National Park Service, Department of the Interior. This grant is provided to the HPO on an annual basis, and is earmarked for program areas including program administration, public education, site nomination and registration, site development, archaeological survey and inventory, and oral history and ethnography. Once every four years, the grantor conducts a program

review to ensure that the aimed goals and objectives have been met satisfactory during previous years, and then provides recommendations for future improvement.

In 1990, the HPO, in cooperation with the Micronesian Endowment for Historic Preservation (MEHP), successfully completed the RMI's portion of the Micronesian Resource Study (MRS) in archaeology and ethnography. The Micronesian Resource Study Project was a pilot project that focused on two primary areas. These were 1) Archaeology, aimed to assist the Micronesian Historic Preservation Programs in conducting archaeological surveys and to provide guidance in the preservation and management of identified highly significant properties; and 2) Ethnography, aimed to develop recommendations for the protection and use of historic and cultural resources. The MRS was completed on time and executive survey reports were submitted. Printing of individual reports from all MEHP respective members was delayed due to lack of funds. Recently funds became available for printing with the help of the National Park Service, Western Regional Office.

Historic Preservation Office

The HPO wishes to welcome our newest team member, JouliaBrodovikova. Joulia will be working with us for a few months organizing, cataloging, and curating artifacts from previous archaeological exvations. We all wish her a warm "i$kwe" and good luck on the new job. Speaking of old jobs, Chief Archaeologist Richard Williamson has signed on for one more year.

National Conference for State Historic Preservation Officers

Historic Preservation Officer, Frederick deBrum, and Assistant Archaeologist, Hemley Benjamin, recently returned from Washington DC for the annual meeting of U.S. State Historic Preservation Officers. While on the trip they met with U.S. senators and congressman, as well as various ambassadors and other dignitaries. One of the accomplishments of the trip was the establishment of a Micronesian Conference set to take place in March 2001 at the prestigious Smithsonian Institute in Washington DC.

Database Project

The HPO is re-organizing the office, and the first thing we are doing is entering all of our reports, books, and articles into a computer database. HPO computer whiz, MoreanWatak, has been in charge of this project from its inception in January- and she is way ahead of schedule. It is now

possible to access the HPO library of information directly from one of our computers. If anyone has any questions concerning Marshallese history or historic preservation, stop by the office and ask Morean for assistance.

Outer Islands Surveys

This category has become a regular in this newsletter. That is because one of the primary duties of the HPO is to survey these islands of ours and record all the sites and stories that are so important to the continuation of the Marshallese way of life. We are always just returning from or getting ready to go on another outer island survey. We are now always in the process of going. The next two trips scheduled are to Aur and Namu Atolls. Besides the regulars who always make the trip, Alele's Assistant Curator Terry Mote will also be accompanying the team. Terry is in the middle of a long-term project studying the jowi's of the Marshall Islands. So everyone in Aur and Namu, brush up on family history so you can answer all of Terry's questions. The trips are scheduled for the middle of July and then August. If anyone has any comment please call the HPO at (692)625-4HPO(4476).

Underwater Surveys

Majuro local, Matt Holly, has been awarded the HPO contract to survey the lagoon of Wotje Atoll. Matt will begin survey in early July and will spend about ten days diving throughout Wotje. If you have any questions or comments on this project, please call the Deputy Historic Preservation Officer, Clary Makroro.

Historic Preservation Program Overview

Pursuant to Historic Preservation Act 1991 (P.L. 1991-111), the RMI Historic Preservation Office (HPO) is charged with the responsibility to educate, inventory, register, document, deny or issue permits, and protect and preserve the cultural heritage of the Republic of the Marshall Islands. FY 2009 will continue its efforts on educating the public about the importance of historic preservation and document outer island surveys.

a. Administration

HPO is responsible for the implementation of approved programs and plans by HPF Grant Program. It is also the responsibility of HPO to ensure that all preservation programs and HPF funded projects are carried out satisfactorily and in accordance with special conditions certification presented under each HPF Grant. HPO has staff and officers composed of the following: Historic Preservation Officer, Deputy Historic Preservation Officer, Anthropologist, Grants Manager, Assistant Archaeologist, and Office Administrative Assistant. Staff Archaeologist position is still vacant.

Proposed Plans

1. To work more closely with the newly established ACHP, relevant government agencies, and local governments, and the cultural resource officers from each outer island.
2. To maintain close contact and working relation with HPOs in Micronesia, Palau, and American Samoa, and National Park Service.
3. To keep track that projects approved for the fiscal year are done according to plan and are with the budget; and,
4. To keep financial and project progress reports updated, and work within Performance based-budget set up within the Ministry of Internal Affairs.

b. Review Board

The Review Board (ACHP) has eight members that are appointed by the President of the Republic of the Marshall Islands. The appointed members are considered to be well informed on historical and cultural matters of the Marshall Islands. The responsibilities of the Board are as follows:

- To give advice to HPO in all matters related to its functions and responsibilities;
- To approve or deny historical and/or cultural properties for inclusion in the RMI National Register;
- To review and approve cultural and historic preservation plans, and,

- To review requests for permit and proposed land use, monitor earthmoving activities and review funding for HPO.

Proposed Plan

- To continue involving the Review Board in all proposed activities and undertakings, for their review and approval.
- As the by-laws have been approved, there is a need to amend some of the articles in the HPO Legislation.

c . Survey and Inventory

- Archaeology
  Survey and inventory program is to perform the conducting and identifying archaeological, cultural and historic properties throughout the islands. This program is also in charge with the task of conducting investigation in advance of development projects.

Proposed Plan

- Conduction reconnaissance surveys of Nadikdik (Knox) Island, Ujae and Lae Atolls.
- Restoration of WWII sites
- Cataloguing of artifacts found on Kwajalein Atoll, and elsewhere in the Marshall Islands.

- Ethnography
  The ethnographical component of the program is for identification, documentation and preservation of Marshallese traditional culture and heritage.

Proposed Plan

- Anthropological surveys of Ebon, Nadikdik (Knox) Island, Ujae, and Ebon.
- Restoration and site developments of traditional sites on Majuro.
- Documentation of old practices of the Marshallese people.

d. Registration

This program has three functions: (1) document historical sites and properties that are important to the Marshall Islands, (2) maintain and monitor of historic properties, and (3) supervise restoration of cultural and historical sites.

Proposed Plan

- Nominate historical and traditional sites to be in the RMI National Register, and US Register of Historical Sites.

e. Project Review

In this program, HPO is in charge of reviewing and evaluating earthmoving activities, provides advice, approves or denies development projects that might have adverse effect on historic or cultural properties.

Proposed Plan

- Develop plans for educational program, and to continue monitoring undertakings that are potential threats to significant sites.

f. Comprehensive Historic Preservation Planning

Under this program, HPO assumes the lead role for developing or formulating national plans for cultural and historic preservation as well as update of these plans. The plans do not only set policies and objectives, but also proposes actions to be implemented. No new cultural plans have been formulated for the past 14 years.

Proposed Plan

- Review existing plans: Kwajalein Historical Preservation Plan, USAKA Environmental Standards and Procedures (UES), MRS Landscape Proposal, Nomination of sites to the National Register.

g. Development (Site Restoration)

Proposed Plan

- Continue Work on the deBrum House in Likiep Atoll.
- Restoration of the first Christian Church in Ebon.
- Restoring and setting up landmarks on traditional sites in Majuro.

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Website: alelemuseum.tripod.com/HPO.html

Ⅳ. Meetings on Intangible Cultural heritage

1. National Workshop on the Safeguarding of the intangible Cultural Heritage in the Republic of the Marshall Islands–

Venue: Nitijela Conference Room
Date: June 14-16, 2011
Note: This workshop was organized by the RMI Historic Preservation Office in collaboration with the Ministry of Education. Josepha Maddison, the Deputy HPO was the organizer for this event.

Pillar of the Land/Pillar of the Sea/Pillar of the Sky (theme) – resources and sources of knowledge skills and livelihood. Our ancestors needed to have had the expertise to be able to grow food, weave/develop cooking and eating utensils, and be able to live in harmony with the environment. They were brave and skilled navigators they needed to knowledgeable. Outside knowledge learned by our young are in conflicts with our Marshallese culture. It is therefore our responsibility to teach our young about our Culture so that they know and they are passionate as they live their lives, as they meet challenges from globalization and climate change. They have to be able to carry on and we can use modern tech to promote our own culture. We need to learn about other cultures as well, just as we are proud, knowledgeable and safeguard our heritage. What other nations are doing to safeguard their heritage will be shared. Need to recognize knowledge, skills, culture… Need to help of each Marshallese to safeguard our heritage.
All together there were twenty-six (26) whom majority came from the outer islands besides Majuro and Ebeye, the two most populated atolls in the Marshalls. These are the official participants and not including the observers totaling up to 53 in numbers. The observers are from other governmental agencies and non-government organizations.

1. Welcome Address – Majuro Atoll Local GovMayor Titus Langrine
2. Remarks – Council of Iroij IroijKotakLoeak, Chairman
3. Special Remarks – UNESCODrVisesioPongi - UNESCO Apia
4. Keynote Address – President, RMI H.E. JurelangZedkaia

5. Kamolol – National Commission, MOEMinister NidelLorak

As it's the custom, the mayor of Majuro is always present in any meeting, workshop, etc., to welcome participants from outside Majuro and outside the Marshall Islands. Majuro is the capitol city of the Republic of the Marshall Islands, and the mayor represents the *Iroij chief), alap (land manager or head of a clan),* and all the people of Majuro. Since the workshop was about culture, it was only fitting to have the Chairman of the Council of Iroij (traditional chief) speak on the subject of ICH. He emphasized the need and urgency of preserving the cultural heritage of the Marshallese people.

Dr. Pongi talked about how there is a need to empower people and their cultures, so they understand themselves and others. The Keynote Address came from the Acting President, Jack Ading, on behalf of the president who was out of the country. Mr. Jack Ading is also the Minister of Finance, elected by the people of his home atoll, and is a member of the President's Cabinet. The last speaker, Minister NidelLorak, is the Minister of Education and the National Commission for UNESCO in the Republic of the Marshall Islands.

RMI Context: globalization and migration – need to be careful of what we need to safeguard and how to safeguard them. *Jobwa* (the traditional sacred dance), *Maan Pa (*martial arts), birds, *bwebwenato (*stories), shells, etc,. Support projects that safe keep and share the knowledge with the younger generation. Traditional sites attached to oral history. Safeguard legendary sites – landscape, fishing grounds, corals, lakes, etc.
Annual surveys of outer islands including archeological sites – list of registry. HPO Act – "*rikapeel*" can apprentice others to pass on traditional knowledge, and need to find these *rikapeel* to promote apprenticeships, and will be compensated. Legislation – resource officers who are partners from throughout the Marshall Islands. Cultural resources officers, CROs out in the communities.UNESCO and community resources to find new ways to transmit intangible cultural knowledge. Change happens. Task is to safeguard. Issues and breadth of intangible cultural heritage. Ratification of convention. Documentation, transmittal, and legislation strategies.

Ⅴ. Pending Issues & Urgent Needs regarding the Safeguarding of ICH

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

The art and skill of Navigation is at the risk of being lost forever. Traditional navigation is rarely used especially in the urban areas. The knowledge of stars, weather, and sea conditions, and the capacity for making and interpreting sea charts is slowly at a risk of total disappearance.
The knowledge was mostly reserved for a group of special people called the rimedo. Even now you rarely hear the rimedo or hear of someone who is a rimedo. There were quite a few women known to have held the title of rimedo. Each rimedo keeps his teachings secret from the uninitiated, and imparts them only to his favorite children or other people who have a special talent for navigation. This would also contribute to the knowledge being almost lost.
In the olden days, not only the navigators have navigational skills but they were also knowledgeable about sea marks and where fresh water lens were located in the ocean depth.

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

With the latest in technology, traditional methods are less in use or not at all. We only have a few of the skilled navigators still alive so we are racing against time to get as much information so can be recorded before being lost. It is written in the HPO Legislation that a title of "Dri Kabeel", someone who possesses traditional knowledge and skills, will be created and shall be bestowed upon Marshallese men and women who are widely acclaimed to be the unsurpassed masters in their fields.

If a person chosen to become a Dri Kabeel accepts that title, that person shall agree to train on apprentice for a minimum of one year and maximum of five years in those skills and the knowledge for which the person has received

that title. After the apprentice has completed the training, the Dri Kabeel may take on an additional apprentice.

Another non-governmental organization that was established some years back, Waan Aelon in Majol (WAM), has been targeting mostly youths-at-risk and dropouts, teaching them how to build canoes and also how to sail them. This has been a successful program so far.

Q3. What are the pending issues for safeguarding ICH in your country that you have found through interviews and the field survey?

There is still a lot of awareness-raising that has to be done, and especially working with the traditional and government leaders and educating them of the importance of safeguarding. Sometimes it takes something to happen before any action can be taken. After the ICH workshop that was conducted last year, resource people was identified, what intangible heritage is at risk were also identified, but there are still lots of work to be done before ratifying the ICH Convention.

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

There were no major problems except for trying to get people to answer some of the questions. It is always difficult to get very detailed comments or answers from people especially in the outer islands. Each family, or can be clan, in the Marshallese culture, has traditional knowledge and skills that are considered secrets so there's always the unwillingness to impart with family "secrets".

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

Since the resource people have been identified, we're going to establish the apprenticeship program and start with navigation. Apprenticeship will last a minimum of one year. Instruction commences with an explanation of the sea conditions (swells, choppy seas, etc.) between the islands and in the reading of sea charts. Furthermore, instruction will include an introduction to the

astronomy known to the rimedo alone, meteorology, and the knowledge of the "sea marks" of the individual atolls and the devices that go with them.

We are going to fund a project with the WAM Program which is to be carried out in some of the outer islands. This has been a very special program that has been working very closely with youth dropouts, and we want to utilize it to carry out our own program.

Q6. What type of contributions and cooperation from the international society is needed for the safeguarding of ICH in your country?

Mostly technical assistance, consultation, and providing IEC (Information, Education, Communication) materials to distribute to the Marshallese population. With collaborative effort of all stakeholders, this will make our campaign more effective, strong, and widespread. Dissemination of information is very relevant and should be consistent to keep and continue the momentum.

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

If we're going to take on projects that will reach all the atolls in the Marshalls, we will need funding from ICHCAP, training on advocacy, and technical assistance. The other populated atolls in the Marshalls are far and scattered all around so it can be a little difficult to reach them.

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

If more training can be offered on the advocacy of this project that will really help. Even though a field survey was done, we still need a lot more to go on before we can really have great results. This is a very broad issue that will require a lot of campaigning that will enable us to achieve our endeavor. Media can also be a very instrumental tool and if we can all work together in writing articles for the newspaper, and also do radio spots or program, and especially create video on safeguarding.

Q9. What should be considered to encourage or to ensure active involvement from the community in safeguarding intangible cultural heritage?

We will have to identify all resource and stakeholders so better result can be reached. One organization cannot do by itself but will need full commitment from all relevant organizations and individuals. We will need a lot of brainstorming in finding what would be the most effective activities that will really get the community interested and involved.

List of co-researchers

Name	Affiliation	Contribution to the Survey
MsJosepha A. Maddison	Deputy Historic Preservation Offier, RMI HPO Ministry of Internal Affairs	Main researcher

Annex 1| ***Historic Preservation Legislations***

Ministry of Internal Affairs
Historic Preservation Office

REPUBLIC OF THE MARSHALL ISLANDS

The full text of all Acts and Regulations Pertaining to Historic Presevation Matters in the Republic of the Marshall Islands

with a Foreword by
The Hon. Brenson S. Wase

a Preface by
Carmen M. Bigler
and an Introduction by
Dirk H>R. Spennemann

MAJURO ATOLL
MAY 1992

This compilation has been financed in part with Federal funds from the National Parks Service, Department of the Interior, United States of America. However, the contents and opinions expressed do not necessarily reflect the views or policies of the National Park Service, the Department of the Interior, or the Government of the United States of America nor does the mention of trade names or commercial products constitute endorsement or recommendation by National Parks Service, the Department of the Interior, or the Government of the United States of America.
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Foreword

The people of the Republic of the Marshall Islands can be proud of their unique national heritage and of the achievements of their ancestors. Their efforts in systematic land Improvement and subsequent management made these atolls as productive as they are. For over 2500 tears they maintained a level of sustainable development for the benefit of their children's generations.

These ancestors left behind a wealth of cultural and historic properties, of oral traditions, and technology and skills.

These cultural and historic resources are a legacy, which we, the present generation, need to safeguard for the benefit of our children's children.

As the Republic of the Marshall Islands enters the world community as a recent new member of the United Nations, there is a strong need for development in this country, if the Republic of the Marshall Islands shall be a truly independent nation.

However, the restrictions in space on the atolls making up our Republic are so that what constitutes prime settlement and development land today, also constituted prime settlement land today, also constituted prime settlement land some 2000 years ago. thus old and new are superimposed on each other, and to a degree in competition. Any new large scale development is likely, one way or the other, to impair the heritage we have been given to manage for the benefit of our children's children.

In addition, western modification brings about wholesale abandonment of the traditional techniques of land management and over time, gradual, but systematic abandonment of customary practices.

In the same way as this country cannot afford that all development be stopped for the sake of its cultural and historical heritage, it cannot afford that all heritage be destroyed without adequate documentation and mitigative efforts.

The Historic Preservation Act of 1991 recognises the need for development and provides for a balance between the need for preservation and the need for development. A series of regulations has been drafted pursuant to his act, providing for the implementation of the provisions of the Act

I am proud to present this compilation of Historic Preservation legislation as it embodies the above and provides our country with the tool to ensure that the past will around for the economic and spiritual benefit of future generations.

The Hon. Brenson S. Wase
Minister of Internal Affairs&
Chairman, Advisory Council for Historic Preservation
Majuro Atoll

May 1992

Preface

The new Historic Preservation Legislation, as compiled in this volume, represents over two years of continuous efforts by the Republic of the Marshall Islands Historic Preservation Office dedicated to the preservation of our magnificent heritage.

The legislation represented in this volume has been prepared by a number of people, whose efforts are hereby acknowledged: we are indebted to the former Legislative Counsel to the Nitijela, Mr.Mark Rosen, and to the Assistant Attorney General and temporary Legislative Counsel to the Nitijela, Mr. Bob Eelkema for working on the bill for the Historic Preservation Act and the subsequent draft regulations. Ms. Elizabeth Harding, Legal Counsel to the RMI Environmental Protection Authority, provided invaluable assistance in commenting on draft legislation. She also deserves unqualified credit for having drafted the EPA Earthmoving regulations with provisions for cultural heritage preservation at a time when the R.M.I Historic Preservation Office was not able to provide such legal protection to the country's heritage.

Our main gratitude goes to Dr. Do 가 H.R. Spennemann, Chief Archaeologist of the HPO, who furnished the drafts of the Nitifela Resolution, the Historic Preservation Act and all regulations promulgated pursuant to that Act and who in close collaboration with the above mentioned legal authorities saw all documents through the legal approval process. He also prepared the present compilation of legislation and drew up the index.

The Advisory Council on Historic Preservation and here especially the previous and present Ministers for Internal Affaris, The Hom. Luckner K. Abner and The Hon. Brenson S. Wase, Supported the legislative efforts and introduced the resolution and the act to the Nitijela and tabled the regulations in Cabinet.

Our final and most important thanks go to the Nitijela of the Republic of the Marshall Islands for considering and passing the Historic Preservation Act 1991 and to the Cabinet for passing the regulations promulgated pursuant to that Act.

Carmen M. Bigler
Secretary for Internal Affairs
& Historic Preservation Officer

Majuro Atoll
May 1992

Introduction

The history of cultural resource management in the Republic of the Marshall Islands falls into four main phases, the German Colonial Administration (1885-1914), the Japanese Administration under the League of Nations Mandate(1914-1945), the U.S. Administration under the United Nations Mandate (1945-1986), and the management by the Republic of the Marshall Islands(1986-).

During the German colonial Administration(1885-1994) the archaeological profession was still in its infancy, even in Germany itself. Although some excavations were undertaken by interested ethnographers, these were very unsystematic. The German missionaries and colonial administrators collected a number of oral traditions and established a grammar and dictionary of the Marshallese language. Missionaries and ethnographers alike, frequently complained about the decrease in knowledge about traditional customs, but undertook not positive action and concerted efforts to preserve the heritage apart from recording it in various degrees of detail.

We are almost uninformed about the period of the Japanese Administration (1914-1945). Several studies were undertaken on the ethnography, but- apparently- no archaeology was conducted and the Japanese did not utilise the potential for research given to them. At appears that there was a west-east gradient of research effort, with most work focusing on Palau and Yap. As far as historic preservation work is concerned, little, of any was done with the exception of the fostering of traditional "handicraft" production. New techniques had been introduced by the Japanese in order to make handicraft another export product in order to increase the economic exploitation of the mandated area.

After the end of World War II the United Nations gave the administration of the Marshall Islands to the U.S. Administration (1945-1986) as a strategic trust. The Marshall Islands formed, together with the Carolines, Truk, Palau and the Northern Marianas(except for Guam) the Trust Territory of the Pacific Islands (T.T.P.I) Given the Japanese incentives during the pre-war era, handicraft production and canoe building were very much alive during and immediately after the war, and the U.S. administration used the handicraft production to allow Marshallese to gain income and to create a new market economy. The U.S. Navy commissioned or supported a number of studies into the contemporary and traditional Marshallese culture in order to understand the cultural implications for their administrative work. Apart from this work, however, no systematic approach to their study and protection Cultural heritage of the Marshall Islands was undertaken, which

contrasts well with the extensive effort put into research of the natural history of the area.

Historic Preservation as a formal concept was introduced in 1967, following the establishment of the U.S. National Historic Preservation Act of 1966 and was handled by the Historic Preservation Office located at Saipan, the administrative centre of the T.T.P.I., while local offices, commonly called Historic Preservation Committees existed in all districts. Thus, a local Historic Preservation Committee existed in Majuro. U.S. legislation extended to the T.T.P.I. and a great amount of contact work was conducted.

For all practical purposes the activities of the head HPO office were concentrated on the western parts of the T.T.P.I. In reviewing the files and available data, there appears to be a distinct gradient of support – or a gradient of local activity and demand for support- running towards the east. During the T.T.P.I. period, the Marshall Islands District received only four major research studies, while the western districts, such as the Marianas received over 15 such studies.

Each of the individual districts, among them the Marshall Islands District had a District Historic Preservation Office, organised as a Historic Preservation Committee. Following the example set by the T.T.P.I. as such, the Marshall Islands District Historic Preservation Office was originally administratively under the Division of Lands and Surveys, Department of Resources and Development and was later placed organisationally under the Department of Island Affairs.

The Marshall Islands were given self-government in1979, and the dissolotion process of the T.T.P.I. with it all administrative structures began, culminating in the Compact of Free Association.

Some Historic Preservation measures started during the first term of the Nitijela: In 1983 the Nitijela had passed the Language Commission Act, which set up a Marshallese language Commission with the brief.

" to investigate methods of preserving, developing and encouraging the use of the Marshallese language, ... to report on such matters to the Cabinet and to the Nitifela... and to recommend action to be taken by the Government." A National Archives Act followed in 1989 (amended in 1992). Neither of these Acts, however, provided any tools for and enforceable protection of the heritage.

One of the major concerns aired at the time the T.T.P.I. was being dismantled was the fear of a Jegal vacuum which might render any effective historic preservation work impossible. Fears expressed were that

i) the existing historic preservation programs would no longer qualify for categorical grants from the U.S. Department of the Interior; this was

seen likely to result in at least serious erosion in the quality of the programs, if not in their demise.

ii) The standards and guidelines of the Department of the Interior would no longer apply to the Micronesian historic preservation programs; this would probably result in a loss of program quality even if funds can be found for the programs.

iii) Historic preservation would no longer have to be considered in advance of land- modifying activities under the authority of section 106 of the (U.S.) National Historic Preservation Act and the U.S. Advisory Council for Historic Preservation's regulations.

After the signing of the Compact of Free Association between the Governments of the United States of America and the Republic of the Marshall Islands the Historic Preservation Program of the R.M.I. entered a new phase. The administration was located in Majiro and could now focus on the needs of the Republic.

At the same time, however, the limited legislative protection the cultural and historic resources enjoyed under the T.T.P.I. was withdrawn. Although the T.T.P.I. code was still in force unless replaced by other national legislation, the provision of the U.S. legislation no longer applied. The T.T.P.I. Code was particularly lacking serious safeguards for the tangible archaeological and historical heritage.

Legal assistance came from the Environmental Protection Authority. Established by act of the Nitijela in 1984 the Republic of the Marshall Islands in 1984 the Republic of the Marshall Islands Environmental Protection Authority's main role is the protection of the natural heritage of the Republic. The Environmental Protection Act of 1984 stipulates that

" The primary purpose of the Authority shall be to preserve and improve the quality of the environment, and to tat end, the following shall be the objectives of the authority:.....to preserve important historical, cultural and natural aspects of the nation's culture and heritage, maintaining at the same time an environment which supports multiplicity and variety of individual choice" (Environmental Protection Act P.L. 1984-31 §19[gl]).

Subject to the act, the Environmental Protection Authority "may in consultation with the [Environmental Protection] Council and any other person or organisation in the Republic or abroad, make regulations with respect to ... the preservation of important historical, cultural and natural aspects of the nation's heritage, and other aspects of the environment which,

in the opinion of the Authority, require regulation" (Environmental Protection Act P,L, 1984-31 §21[2][f]).

The Environmental Protection Authority earthmoving regulations of 1989 include a section on the preservation of the cultural and historic resources of the Republic (see Appendix 4, Target '96, volume 4). Until the passage of the Historic Preservation Act in 1991, the Environmental Protection Authority had been the only government agency with a legal handle to protect the cultural and historic heritage in the Republic. Un closely with the Alele Museum.

In 1990 the Nitijela in its 11thConstitutionalSessionpassedresolution100№, "to provide for the preservation of the cultural and historic heritage of the Republic of the Marshall Islands, with a mandate to set up a Historic Preservation Office and related legislation.

In February 1991 the first ever Republic of the Marshall Islands Historic Preservation Act 1991 was passed by Nitijela in its 11th Constitutional Session. The Act provided the necessary protection for the heritage,set up and office and set out the duties and powers of the office. A series of regulations were drafted pursuant to this act and were proposed for public hearing in October 1991 all of which were approved without alteration by the Republic of the Marshall Islands Cabinet in January 1992:

Regulations Regarding The Conduct Of Archaeological And Anthropological Research In The Republic 1992.

Regulations Governing The Taking And Export Of Arte facts 1992

Regulations Governing The Disposition Of Archaeologically Recovered Human Remains 1992

Regulations Governing Access To Prehistoric And Historic Submerged Resources 1992

The Historic Preservation Act of 1991 and these regulations provide the Republic of the Marshall Islands Historic Preservation Office with the tools needed to manage the rich and unique heritage of the Republic on behalf of our children's children.

Majuro Atoll
Dirk H.R. Spennemann, PHD
Chief Archaeologist of the HPO
&Actiong Deputy Historic Preservation Of
May 1992

NITIJELA OF THE MARSHALL ISLANDS
11thCONSTITUTIONALREGULARSESSION,1990
RESOLUTION № 1 0 0

A R E S O L U T I O N

To provide for the preservation of the cultural and historic heritage of the Republic of the Marshall Islands.

WHEREAS, the Cultural heritage of the Republic represents both the foundations upon which rests modern Marshallese society and the identity of the Marshallese people; and

WHEREAS, the cultural and historic properties and resources of the Republic, which include submerged resources, form a fragile, finite and unrenewable resource that are subject to damage and destruction by patterns of modern land use, development and foreign impact, and which are therefore in need of preservation and proper management; and

WHEREAS, although there is a need for the protection of all cultural and historic properties, such protection in place and unchanged could seriously impede the wise use and development of lands in the public interest, frustrate scientific research, unduly restrict the cultural use of such properties and allow them to fall into disrepair through disuse; and

WHEREAS, such cultural and historic properties may coexist with modern development, and preservation of such properties may involve creative activities other than static protection, including adaptive use, rehabilitation and data recovery: now therefore

BE IT RESOLVED by the people of the Republic of the Marshall Islands through their Nitijela in its Eleventh Constitutional Regular Session, 1990, that the Nitijela request, and it hereby requests, that the Cabinet provide for the creation of a Historic Preservation

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Nitijela of the Marshall Islands 12th Constitutional Regular Session, 1991

An Act

To promote the preservation of the historic and cultural heritage of the Republic of the Marshall Islands.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

PART Ⅰ – PRELIMINARY

Ɛ 1. Short Title
This Act may be cited as the Historic Preservation act 1991.

Ɛ 2. Declaration of intent

(1) The Nitijela finds and declares the following:

(a) the identity of the Republic is provided by the cultural heritage of the Marshallese people, consisting of the heritage of all of the atolls and islands comprising the Republic;

(b) it is the duty of each Marshallese citizen to encourage and actively promote the nation's cultural heritage for the benefit of future generations;

(c) the cultural and historic properties of the Republic, including submerged resources, form a fragile, finite and unrenewable resource of the cultural heritage of the Republic in need of preservation and proper management;

(d) cultural and historic properties can in most cases co-exist with modern development, and preservation of such properties may involve creative activities other than static protection in place and unchanged, including but not limited to adaptive use, rehabilitation and data recovery; and

(e) protection of all cultural and historic properties in place and unchanged could seriously impede the wise use and development of lands in the public interest, frustrate scientific research, unduly restrict the cultural use of such properties, and allow such properties to fall into disrepair through disuse.

(2) It is the intent of the Nitijela that this Act be implemented in a manner that balances the preservation of cultural and historic properties against the needs of development and continuing use of land and other resources.

(3) The guiding principle to be used in the implementation of this Act shall be to foster conditions under which modern society and prehistoric and historic resources in the Republic can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations.

*Ɛ*3 Interpretation

In this Act, unless the context otherwise requires:

(1) "Agency" means any agency of the Government or Local Governments of the Republic, including any independent board or commission.

(2) "Artifact" means any object related to, derived from, or contained in a cultural and historic property that is important in the study, interpretation or public appreciation of such property.

(3) "Council" means the Advisory Council for Historic Preservation created by Section 9 of this Act.

(4) "Cultural and historic property" means any site, structure, district, landmark, building, object, or combination thereof, that:

(a) is included in the Republic of the Marshall Islands National Register of Historic Places;

(b) is determined by the Historic Preservation Office to be eligible for the National Register; or

(c) meets any of the criteria set forth in regulations promulgated in accordance with Section 7(e) of this Act.

(5) "cultural exchange" means the exchange of artifacts, information, practices, ideas, arts, or crafts between the Republic and any other political entity, organization, or institution.

(6) "Cultural heritage: means any aspect of the culture of the Republic as expressed in the oral traditions.

(7) "Cultural Resource Officer" means the local government liaison between the HPO and a local government appointed pursuant to Section 28 of this Act.

(8) "Culture" means the traditions, beliefs, traditional practices. arts, crafts and other social institutions of the people of the Republic, or of a particular community within the Republic.

(9) "Data recovery" means the study of a cultural and historic property, by or under the supervision if qualified scholars with expertise appropriate to the property, and including appropriate analysis and dissemination of study result, in order to recover, understand, and make available information about the property.

(10)"Development" means the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any materials, change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of the size of any structure, including any facility of any private, public, or municipal government or utility, and the removal of any significant vegetation.

(11)"Donation" means the provision of artifacts or other material derived from or related to a cultural and historic property, either permanently or for a fixed period of time, to a nonprofit organization recognition recognized by the Historic Preservation Office on the basis of its cultural significance to the Republic of the Marshall Islands.

(12)"Fund" means the Historic Preservation Fund established under Section 14 of this Act.

(13)"Historic sites" means those cultural resources and terrestrial, intertidal and submarine sites and landscapes that were produced since the advent of written records in the Marshall Islands and that are of archaeological or historical interest.

(14)"HPO" or "Office" means the Historic Preservation Office established under Section 4 of Act.

(15)"Human remains" means any part of the human body which has been part of a burial site, or any other site , and which has been encountered or uncovered in the process of scientific investigations or construction work or otherwise.

(16)"Impact" means any modification in an element of a cultural and historic property that tends to damage or reduce the integrity of that element, and includes both direct and indirect impacts.

(17) "Landmark" means any geographical or geomorphological feature associated with oral traditions or historic events of the Republic.

(18)"Minister" means the Minister having responsibility over the subject matter of Interior and Outer Islands Affairs.

(19)"Mitigation" means the alleviation of an impact on a cultural resource by the means of restoration, rehabilitation or data recovery.

(20) "Oral traditions" means that body of knowledge of the indigenous people of the Marshall Islands about their pas, including their beliefs, traditional practices(including traditional medicine and medical practices), skills, environment, and their spiritual world,

which has been handed down, primarily in spoken form, from generation to generation.

(21)"Permitting" means issuance of a written license or warrant, including any condition, to any person, empowering such person to do some act not forbidden by law, but otherwise not allowed without such authority, or the modification or amendment of any permit or condition thereof subsequent to its issuance.

(22) "Person" means the national government or a local government of the Republic of the Marshall Islands or any agency or department thereof; the Government of the United States of America or any agency or department or any municipality thereof; any sovereign state or nation; any public or private institution; any public or private corporation, association, partnership, joint venture or other legal entity; any lessee or other occupant of property; or any individual, acting singly or as part of a group.

(23) “Plan", depending on the context, means:

(a) the design, specifications, and schedule of a development action;

(b) a national or local cultural and historic preservation plan, developed in accordance with regulations promulgated under Section 7(a) of this Act, designed to ensure that cultural and historic properties are wisely integrated into contemporary land uses and development; or

(c) a plan for treatment of a particular cultural and historic property or group of such properties subject to impact by a development action or actions.

(24) "Prehistoric sites" means those cultural resources and terrestrial, intertidal and submarine sites and landscapes that were produced by the pre-literate, indigenous people of the Marshall Islands and that are of archaeological interest.

(25)"Preservation" means the identification, evaluation, recording, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of a cultural and historic property, or any combination of the foregoing activities.

(26)"Private domestic use" includes the construction of a privately owned restaurant or take-out eating establishment in which less than five hundred(500) aquare meters of ground space.

(27)"Rehabilitation" means the process of returning a property to a state of utility, through repair of alteration, which makes possible an efficient contemporary's significant historical or cultural elements.

(28) "Restoration" means the process of accurately recovering the form and details of a property as it appeared at a particular period of time by removing later work and replacing missing original work.

(29)"Scientific identification" means the study of artifacts other material, and information derived from or relating to a cultural and historic property or properties, for purposes of increasing knowledge about such properties or about topics of scientific or humanistic research. Such study may include destructive activities such as the gassification of samples for radiometric age determination, where appropriate.

(30) "Significance level" means the classification of the significance of a resource for the cultural heritage of the Republic.

(31) "Submerged resources" are those prehistoric or historic sites and artifacts located in the intertidal or subtidal zone within the internal, archipelagic or territorial waters of the Republic as defined in Sections 5, 6 and 7 of the Marine Zones(Declaration) Act 1984(Title 33, Chapter 2 of the Marshall Islands Revised Code).

(32) "Survey" means a systematic, planned effort to identify, record, and evaluate cultural and historic properties, in a manner consistent with applicable professional standards, or the act of conduction such a survey.

(33)"Traditional sites" means those sites, landmarks and locations to which oral traditions of the indigenous people of the Marshall Islands are attached.

(34)"Use" of a cultural and historic property means its use for traditional cultural purposes, for scientific or humanistic study, or for productive contemporary purposes.

PART Ⅱ - HISTORIC PRESERVATION OFFICE

*Ɛ*4. Establishment of Office

There is hereby established within the Ministrty of Interior and Outer Islands Affairs a Historic Preservation Office(hereinafter, "HPO").

*Ɛ*5. Historic Preservation Officer and Staff

(1) The HPO shall consist of the following persons:

(a) a Historic Preservation Officer, who shall be the head of the HPO, and who shall be the Secretary of Interior and Outer Islands Affairs;

(b) a Deputy Historic Preservation Officer who shall be appointed by the Historic Preservation Officer, and who shall be a member of the public service and qualified either by training, experience or education to carry out the purposes of this Act; and

(2) The Historic Preservation Officer may hire such staff, including technical or other advisors, as may be necessary to assist in the performance of the functions of the Office.

(3) The Historic Preservation Officer may divide the Office into such divisions as may be necessary to perform the functions of the Office.

*Ɛ*6. Power and duties of the Historic Preservation Office

The Historic Preservation Office shall:

(1) be responsible for the implementation of this Act, and carry out all laws of the Republic of the Marshall Islands pertaining to cultural and historic preservation and all other applicable laws of the Republic;

(2) issue or deny permits, after review by the Council, for use, access, and development of land containing cultural and historic properties, and for the taking of any artifact of cultural or historical significance from the Republic of the Marshall Islands for cultural exchange, scientific identification, or donation to a bona-fide non-profit organization recognized on the basis of its cultural significance to the Republic;

(3) be responsible for the identification and recording of cultural and historic properties throughout the Republic;

(4) conduct a survey and identification of cultural and historic properties in advance of development;

(5) be responsible for the formulation of national and local cultural and historic preservation plans; and prepare and periodically update the national cultural and historic preservation plan in accordance with regulations promulgate under Section 7(a) of this Act;

(6) develop a program of recording and archiving the body of oral traditions of the atolls of the Republic of the Marshall Islands;

(7) develop and educational program and service for the purpose of making available to the public facts and information pertaining to historic and archaeological sites, buildings, structures and other properties as well as oral traditions significant to the cultural heritage of the Republic;

(8) develop a policy and program for the utilization of cultural and historical properties and information deriving from a study of those properties for the benefits of tourism;

(9) encourage the adoption of measures to ensure that new buildings and infrastructure improvements adapt harmoniously to the spatial organization and setting of cultural and historic properties, and that they take into account the social and cultural activities, ways of life and social relationships, and land tenure practices of the occupants and other user of such properties;

(10) develop, in cooperation with the National Archives, the Council of Iroij and the Ministry of Education, a comprehensive list of items of the traditional material cultural prohibited for export from the Republic;

(11) develop, in cooperation with the National Environmental Protection Authority, historic preservation guidelines for earth-moving contractors and drivers of heavy excavating equipment;

(12) develop rules of conduct and licensing procedures for archaeological and anthropological contractors intending to work in the Republic;

(13) cooperate with the Tourism Office within the Ministry of Resources and Development and with individual tourist agencies and operators to ensure that the local cultural is adequately and accurately represented;

(14) administer this Act in a manner that minimizes paperwork and redundant permit requirements;

(15) seek to coordinate implementation of this Act with the implementation of historic and cultural preservation laws in the United States of America and the Pacific region;

(16) take such measures as are necessary to control the export of artifacts from the Republic in cooperation with other applicable government agencies, and cooperate with authorized officials of other governments in the control of such exportation; and

(17) upon notification by the Historic Preservation Officer or comparable position from another country, take such measures as are necessary to secure and confiscate those artifacts which have been exported illegally from other countries and have been imported to the Republic in cooperation with other applicable government agencies, and cooperate with authorized officials of other governments in the control of such exportation.

*Ɛ*7. Identification of Cultural and Historic Properties

The Minister or his designee shall promulgate regulations, upon the advice and consent of the Advisory Council for Historic Preservation and in accordance with the Marshall Islands Administrative Procedure Act 1979, for

the identification of cultural and historic properties. These regulations shall include, but not be limited to, the following:

(a) establishing national and local cultural and historic and historic properties;
(b) proving for a comprehensive inventory of cultural and historic properties;
(c) recording cultural and historic properties;
(d) providing for survey and identification in advance of development;
(e) establishing criteria for recognition as a cultural and historic property;
(f) classifying the significance levels of prehistoric, historic and traditional sites; and
(g) all other regulations which are necessary with respect to the identification of cultural and historic properties.

*Ɛ*8. Use of cultural and historic properties

The Minister or his designee shall promulgate regulations, upon the advice and consent of the Advisory Council for Historic Preservation and in accordance with the Marshall Islands Administrative Procedure Act 1979, for the use of cultural and historic properties. These regulations shall include, but not be limited to, the following:

(a) establishing a permitting procedure for the protection of cultural and historic properties on public and private lands, and delineating activities exempt from that procedure;
(b) establishing a schedule for the conduct of surveys;
(c) providing for the disposition of archaeologically recovered human remains;
(d) providing for permits for access to prehistoric and historic submerged resources;
(e) providing for the taking and export of artifacts and for their seizure and confiscation;
(f) providing for archaeological and anthropological investigations, and for a schedule governing the conduct of archaeological and anthropological research' and
(g) all other regulations which are necessary with respect to the use of cultural and historic properties.

PART Ⅲ. ADVISORY COUNCIL FOR HISTORIC PRESERVATION

*Ɛ*9. Establishment of Council

There is hereby established the Republic of the Marshall Islands Advisory Council for Historic Preservation (hereinafter the "Council").

*Ɛ*10. Membership; terms; vacancies; compensation

(1) The Council shall consist of the following seven(7) voting members:

(a) the following five(5) ex officio members:

(ⅰ) the Minister of Interior and Outer Islands Affairs, who shall serve as the Chairman of the Council;

(ⅱ) the Secretary of the Ministry of Education or the Secretary's designee;

(ⅲ) the Secretary of the Ministry of Social Services or the Secretary's designee;

(ⅳ) the Secretary of the Ministry of Resources and Development, or the Secretary's designee; and

(ⅴ) the Chairman of the Republic of the Marshall Islands Environmental Protection Authority or the Chairman's designee; and

(b) two(2) members of the general public, who shall be appointed by the President after consultation with the Minister, and who shall be sufficiently qualified in the area of historic and cultural preservation.

(2) The Council shall also consist of two(2) regular nonvoting members, who shall be the Historic Preservation Officer and the Chairman of the Council of Iroij or the Chairman's designee, and who shall serve in an advisory capacity.

(3) The Council shall select from among its voting members a Vice-Chairman.

(4) The Council may seek such assistance from technical or other advisors or government agencies as necessary to assist in the performance of the functions of the Council.

(5) The five ex officio members shall serve for the duration of their tenure in office. The two members of the general public shall each serve for a term of four(4) years, and may be reappointed for one additional term only. Vacancies among the members of the general public shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(6) The members of the Council shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses

incurred for all reasonable and necessary expenses incurred in the performance of their duties. Members traveling on official business shall receive per diem compensation at established Republic rates.

*Ɛ*11. By-laws and procedures

Subject to this Act and any other law, the Council shall determine its own by-laws, which shall provide for:

(a) the number of meetings per year to be held by the Council;
(b) the quorum at and the conduct of meetings of the Council;
(c) the appointment and duties of a Secretary of the Council; and
(d) any other matters relating to the Council and its operations and procedures which it deems appropriate.

*Ɛ*12. Disclosure of, and disqualification for, interest

(1) If a member of the Council has any personal interest in the subject matter of any question before a meeting of the Council, that member:
  (a) shall disclose such interest at the meeting; and
  (b) shall not participate in the deliberations (except as directed by the Council) or in the decision of the Council on the question.
(2) A disclosure under Subsection (1) of this Section shall be recorded in the minutes.
(3) Failure to comply with the requirements of Subsection (1) or (2) of this Section shall invalidate any act or proceeding of the Council taken in relation to the subject matter.

*Ɛ*13. Powers and Duties of the Council

The Council shall:

(1) advise the Minister and the HPO on all matters pertaining to this Act or on any matters referred to the Council by the Minister or the HPO;
(2) determine whether particular properties, groups of properties, or classes of properties should be designated as cultural and historic properties;
(3) review and approve the national cultural and historic preservation plan and revisions of that plan as provided in accordance with regulations promulgated under Section 7(a) of this Act;
(4) subject to Section 31 of this Act, review requests for permits and proposed land uses, monitor exempt activities and review findings of the HPO pursuant to regulations promulgated under Section 8(a) of this Act;

(5) review and approve any and all regulations promulgated under this Act;
(6) review and approve loans and leases under this Act;
(7) participate in the development of curation facilities pursuant to this Act;
(8) from time to time and in consultation with local governments and the HPO, recognize local advisory committees to assist it in its work; and
(9) prepare and publish a written annual report summarizing its activities and reporting on the status of cultural and historic preservation in the Republic of the Marshall Islands, and furnish copies to the President, the Chief Secretary, and the Speaker of the Nitijela.

PART Ⅳ - FINANCE

*Ɛ*14. Historic Preservation Fund

(1) There shall be established a fund which shall be known as the Historic Preservation Fund, hereinafter referred to as "the Fund".
(2) The Fund shall be a fund other than the Marshall Islands General Fund within the meaning and for the purposes of Article Ⅷ, Section 3 of the Constitution of the Republic of the Marshall Islands.

*Ɛ*16. Payments out of the Fund

(1) Payment may be made out of the Fund only for:
  (a) carrying out of the powers and duties of the HPO for the purpose of cultural and historic preservation in accordance with this Act, and regulations promulgated under this Act, and all other applicable laws,
  (b) the costs and expenses of the HPO, including administration;
  (c) working capital and petty cash, and for similar purposes; and
  (d) giving effect to the provisions of this Act and any regulations made under this Act.
(2) The salaries of the Historic Preservation Officer and the Deputy Historic Preservation Officer shall not be made available from the Fund, but shall be a charge upon the Marshall Islands General Fund.
(3) No money may be withdrawn from the Fund except with the authority of the Secretary of Finance together with the Minister, or the Minister's designee, who shall be satisfied that the withdrawal

is made in accordance with this Act and regulations promulgated under this Act, and any other applicable law.

Ɛ17. Bank Accounts

The HPO shall open a bank account or accounts with a bank approved by the Minister of Finance for the purposes provided for in this Act.

Ɛ18.Accounts and records.

(1) The HPO shall maintain proper accounts and records, to the satisfaction of the Secretary of Finance, of The Historic Preservation Fund
   (a) the disposition of monies made out of the Fund; and
   (b) the property and financial transactions of the HPO generally.

(2) The accounts to be laid before the Nitijela by the Minister of Finance under Article VIII, section 5(4) of the Constitution shall include accounts relating to the HPO.

(3) The accounts and records referred to in Section 8 of this Act and Subsections (1) and (2) of this Section shall be audited by the Auditor-General as provided of in Article VIII, Section 15 of the Constitution.

(4) Before the end of the month of June of each year, the HPO shall submit to the Minister a report of the work of the HPO including its property and financial transactions during the previous financial year.

(5) Before submitting the report referred to in Subsection (4) of this section of the Minister, the HPO shall submit the report to the Auditor-General, who shall report to the Minister:
   (a) whether the financial statements in the report are based on proper accounts and records;
   (b) whether the statements in the report are in agreement with the accounts and records and show fairly the financial operation and the state of the affairs of the HPO;
   (c) whether the receipt and expenditure of monies, the acquisition and disposal of assets, and the operations of the HPO during the financial year have been in accordance with this Act; and
   (d) with respect to such other maters arising out of the report as the Auditor-General considers should be reported to the Minister.

(6) The Minister shall cause the report and financial statement of the HPO, together with the report of the Auditor- General and the Minister's own comments, to be laid before the Nitifela within

fifteen (15) days after their receipt by him, or if the Nitifela is not in session, within fifteen (15) days after the commencement of the next session of the Nitijela.

(7) Notwithstanding the provisions of this Section, the Minister may at any time require the HPO to submit to the Minister a report in such form and as to such matters as the Minister deems necessary.

§19. Exemption

The income, property and transactions of the HPO shall not be subject to any tax, rate, charge or impost under any other law.

PART V- ENFORCEMENT

§20. Seizure and confiscation authorized

Airport security personnel, customs officers and any other person authorized by the Minister of Transportation and Communications to make seizures on aircraft or vessels shall have the right to:

Search all luggage and goods leaving the Republic; and

Seize all items that he has reasonable cause to believe to be prohibited for export in accordance with regulations promulgated under Section 8(e) of this Act.

The HPO shall make a determination in writing within thirty (30) days of the seizure of any item seized in accordance with Subsection (1) of this Section as to whether the Seized item was prohibited from export.

Any item found not to be prohibited from export shall be returned to or forwarded to its owner. Any item found to be prohibited from export shall be confiscated by the HPO, and shall remain in the custody of the HPO the await disposition in accordance with this Section.

If an item is confiscated by the HPO, the owner of the item shall have the right to appeal the decision of the HPO th the council within ninety (90) days of the date of the decision of the HPO. The Council shall issue its decision within thirty (30) days of the date of the filing of the appeal, which shall be binding on each of the parties.

The ownership of any item rightfully seized and confiscated pursuant to this Section shall vest in the Government of the Republic, which may deliver the item to the HPO or to any museum or other institution that it deems appropriate, provided that such delivery shall not act to divest the Government of ownership in any item so delivered.

§21. Violation and penalties

Any person who violate this Act, or any regulations, by-laws, permits, requirements or orders issued or made under this Act, shall be liable upon conviction to a fine of not more than ten thousand dollars($10,000) for each separate offense, or to a term of imprisonment not exceeding six (6) months or both. If the violator directly or indirectly has caused the loss of, or damage to, registered historic sites or tangible cultural property, the violator shall be fined an additional amount of money determined by the court to be equivalent to the value of the lost or damaged historic site of tangible cultural property. Each day of continued violation of this provision shall constitute a distinct and separate offense for which the offender may be punished. Equipment used by the violator for the knowing , intentional or willful taking, appropriation, excavation, injury, destruction, or for the transportation of the violator to or from the historic site or the location of the tangible cultural property shall be subject to seizure and disposition by the Republic without compensation to its owners.

Any person who violates this Act, or any regulations, by- laws, permits requirements or orders issued or made under this Act, to the extent that an entire cultural or historical resource is destroyed or impaired to such a degree that it cannot be fully rehabilitated shall be fined the cost of the study and data recovery program which would have been conducted if the violator had complied with the law, which shall be imposed in addition to any other fines imposed under this Act.

If a construction applied for as a private domestic use has in fact not been built for such use, the applicant shall be liable for an amount not exceeding ten thousand dollars ($10,000) but not less than five thousand dollars ($5,000), regardless of whether or not cultural or historic property has been damaged.

All fees and fines, as well as proceeds resulting from the sale of seized equipment, shall be deposited into the Historic Preservation Fund.

§22. Misconduct in public office

A failure to comply with Section 12 of this Act regarding disclosure of and disqualification for interest shall be deemed to be misconduct in office within the meaning of Section 46 of the Criminal Code.

§23. Application of bribery laws

Every member and employee of the Council or HPO shall be subject to the provisions of Section 18 of the Criminal Code with respect to every act in the performance of his duties under the Council or HPO, and any such act shall

be deemed to be an official act within the meaning of the Section 18 of the Criminal Code.

§24. Protection for actions taken

No suit prosecution shall lie:

Against the Council or HPO for any act which in good faith is done or purported to be done by the Council or HPO under this Act or any regulation made under this Act; or

Against any member, officer, servant or agent of the Council or HPO for any act which in good faith is done or purported to be done by him under this Act or any regulation made under this Act or under the direction of the Council or HPO.

Any expenses incurred by the Council or HPO in any suit or prosecution brought by or against the Council or HPO before any court shall be paid out of the Historic Preservation Fund and any costs, fines or damages paid to or recovered by the Council or HPO in any such suit or prosecution shall be credited to that fund.

Any expenses incurred by any such person referred to in Subsection (1)(b) of this Section in any suit or prosecution brought against him before any court with respect to any act which is done or purported to be done by him under this Act, any regulation made under this Act, or under the direction of the Council or HPO shall, if the court holds that such act was done in good faith, be paid out of the Historic Preservation Fund unless such expenses are recovered by him in such suit or prosecution.

§25. Immunity

No writ against person or property shall be issued against a member of the Council or HPO in any action brought against the Council or HPO.

§26. Attorney-General

The Attorney-General may provide legal assistance and representation to the Council or HPO in any suit or prosecution brought by or against the council or HPO or against any member, officer, servant or agent of the Council or HPO, and may, upon the request of the Council or HPO, advise them on matters of law.

PART VI- MISCELLANEOUS

§27. DriKabeel

There is hereby created the title of "Drikabeel" as an official recognition of persons possessing traditional knowledge and skills.

The title shall be bestowed upon Marshallese men and women who are widely acclaimed to be the unsurpassed masters in their fields.

There shall not be two DriKabeel having the same profession, traditional knowledge or skill, until most of the traditional crafts and skills are represented.

The selection process shall be free of any influence by creed, age, birth place or political or genealogical affiliation of the person.

The selection process shall ensure that the number of male and female DriKabeel is approximately the same.

The person shall bear this title until his or her death.

The determination of DriKabeel shall be as follows:

The public shall be invited to make recommendations for people to be considered eligible for the title.

The HPO shall review these recommendations in conjunction with members of the Council of Iroij and other authorities knowledgeable in the field.

The HPO shall prepare a list of candidates eligible for the title, from which the Council shall elect candidates.

The election of candidates shall take into account:

Their knowledge in the skills to be honored;

The applicability of such skills in modern society; and

Their willingness to train young apprentices in such skills to the best of their ability.

If a person chosen to become a DriKabeel accepts that title, that person shall agree to train one apprentice for a minimum of one year and a maximum of five (5) years in those skills and that knowledge for which the person has received that title. After the apprentice has completed the training, the DriKabeel may take on an additional apprentice.

The selection of apprentices shall be conducted in the following manner:

The HPO shall publish advertisements for such apprenticeships inviting applications from young Marshallese men and women;

The HPO, in conjunction with the Council, shall draw up a list of five (5) candidates to serve as apprentices; and

The final decision for the selection of apprentices shall be the responsibility of the respective DriKabeel.

Upon accepting an apprenticeship of a DriKabeel, the apprentice agrees to:

Complete the apprenticeship; and

Use the skills learned for the benefit of the people of the Marshall Islands
The DriKabeel shall receive an annual allowance of one thousand dollars ($1000).
If the DriKabeel and the apprentice agree that the apprentice shall live with the family of the DriKabeel, the family of the DriKabeel shall in addition receive an annual allowance of two thousand dollars ($2000) for each year of the apprenticeship.

§28. Local Government Liaison
There shall be within each local government of the Republic a Cultural Resource Officer who shall be appointed by the head of each local government council, with the advice and consent of each such council, and who shall serve as the liaison between the HPO and each local government.
The Cultural Resource Officer shall work in cooperation with the Local Government Council, the Planning Commission established under the Planning and Zoning Act 1987, and any other national and local government agency as appropriate.
The Minister shall promulgate regulations, upon the advice and consent of the Advisory Council for Historic Preservation and in accordance with the Marshall Islands Administrative Procedure Act 1979, with respect to the functions and duties of Cultural Resource Officers appointed under Subsection (1) of this Section.

§29. Costs and Fees
Except in cases where undue hardship would result, it shall be the sole responsibility of the party or parties whose actions damage a cultural or historic property to bear the costs of avoiding, mitigation or satisfactorily reducing the level of damage to that property.
Except as provided under Subsection (3) of this Section, undue hardship may be claimed in those circumstances where:
The construction applied for is destined for private domestic use only;
The area affected by the construction is 0.5 acres or less; or
The costs of mitigation exceed five (5) percent of the total construction budget.
Undue hardship may not be claimed in circumstances where:
The construction is funded by United States government funds or other overseas aid;
The construction is funded by the national government or any local government of the Republic; or
The Construction is funded by companies with more than thirty (30) percent overseas capital.

If undue hardship is claimed under subsection 2 (e) of this Section, the contractor shall provide five (5) percent of the final and total construction budget to the HPO. The HPO shall conduct the mitigation using the funds provided and additional funds drawn from the Historic Preservation Fund. For purposes of this Subsection, the word "contractor" means the person or organization that has undertaken the construction activities subject to his Act.

§30. Rules and regulations

The Minister or the Minister's designee may promulgate such rules and regulations, in accordance with the Marshall Islands Administrative Procedure Act 1979, as are necessary to carry out the purposes of this Act.

In the promulgation of any rules or regulations in accordance with this Act, the Minister or the Minister's designee shall work in cooperation with the Republic of the Marshall Islands Environmental Protection Authority with respect to its rulemaking powers under Section 21(2) (f) of the National Environmental Protection Act 1984 (Title 35, Chapter 1 of the Marshall Islands Revised Code).

§31. Land use

Before engaging in any land use activities as authorized under this Act, or any regulations, by- laws, permits, requirements or orders issued or made under this Act, the HPO and/or the Council, as appropriate, shall obtain the written approval of the Irijlaplap, Iroijedrik where necessary, Alap and the Senior DriFerbal of such land, who shall be deemed to represent all persons having an interest in that land.

The HPO and/ or the Council, as appropriate, shall work in cooperation and coordination with the following authorities and agencies with respect to any activities affecting the land or sea of the Republic:

The Republic of the Marshall Islands Environmental Protection Authority established under the National Environmental Protection Act 1984;

Local Government Planning Commissions established under the Planning and Zoning Act 1987;

The Republic of the Marshall Islands Marine Resources Authority established under the Marshall Islands Marine Resources Authority Act 1988;

The Republic of the Marshall Island Visitors Authority established under the Tourism Act 1991; and

Any other national or local government ministry or agency, statutory authority or public corporation having been delegated any powers to control or otherwise manage land use or the use of resources within the territorial

sea of the Republic and any other waters in which the Republic, either through the national government or a local government, has jurisdiction.
Before the alienation or disposition of any land in the Republic to or by HPO and/ or the Council, as appropriate, whether by way of sale, mortgage, lease, license or otherwise, the approval of the Iroijlaplap, Iroijedrik where necessary, Alap and the Senior DriJerbal of such land shall be obtained in accordance with Article X, Section1 (2) of the Constitution.

(1) "Council" means the Advisory Council for Historic Preservation created by § 9 Historic Preservation Act 1991
(2) "Cultural and historic property" means any site, structure, district, land mark, building, object, or combination thereof, that:
    (a) is included in the Republic of the Marshall Islands National Register of Historic Places;
    (b) is determined by the Historic Preservation Office to be eligible for the National Register; or
    (c) meets any of the criteria set forth in § 5 of these regulations

Cultural and historic properties may be recognized as such individually or as members and locations can be specified, or as "classes" of like properties whose characteristics can be specified but whose precise total numbers and locations may not be specifiable.

(3) "Cultural heritage" means any aspect of the culture of the Republic as expressed in the oral traditions.
(4) "Cultural Resource Management" means those skills required to survey, classify and evaluate the cultural and historical properties and the cultural heritage of the Republic and to manage these properties and that heritage in accordance with the Historic Preservation Act 1991 and the applicable regulations.
(5) "Cultural Resource Officer" means and individual who has a para-professional training in cultural Resource Management and who is a councils member of one of the certified Local Government of the Republic as defined Article IX of the Constitution of Republic of the Marshall Islands.
(6) "Culture" means the traditions, beliefs, traditional practices, arts, crafts and other social institutions of the people of the Republic, or of a particular community within the Republic.
(7) "Data recovery" means the study of a cultural and historic property, by or under the supervision of qualified scholars with expertise appropriate to the property, and including appropriate analysis and dissemination of study results, in order to recover, understand, and make available information about the property.

(8) "Development" means the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining or extraction of any materials, change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto, or alteration of the size of any structure, including any facility of ant private, public, or municipal government or utility, and the removal of any significant vegetation.

(9) "Historic sites" means those cultural resources and terrestrial, intertidal and submarine sites and landscapes that were produced since the advent of written records in the Marshall Islands and that are of archaeological or historical interest. These sites, mainly from the pre-German, German and Japanese periods preceding the build-up of the military installations for World War II, include but are not limited to the following: house sites, service structures (e.g., cisterns), historic middens, cemeteries, aircraft, shipwrecks, and harbor structures. Sites from World Wall II include bot are not limited to the following: concrete structures(e.g., manshelters, command buildings, cisterns, bomb magazines), gun emplacements, tanks aircraft, vehicles, harbor structures (e.g.,piers, docks), revetments (both soil and concrete), runways (including aprons and taxi ways), concrete lined wells and water cisterns, and submerged resources such as shipwrecks, aircraft wrecks, vehicles, tanks and other war materiel.

(10) "HPO" or "Office" means the Historic Preservation Office established under §4 of the Historic Preservation Act of 1991.

(11) "Human remains" means any part of the human body which has been part of a burial site, or any other site, and which has been encountered or uncovered in the process of scientific investigations or construction work or otherwise.

(12) "Impact" means any modification in an element of a cultural and historic property that tends to damage or reduce the intefrity of that element. The includes:

(a) "direct impacts", which are caused by a given action and occur at the same time and place; and

(b) "indirect impacts", which are caused by a given action and occur later in time or farther removed in distance, but are reasonably foreseeable. Indirect impacts may include, but are not limited to, the inducement of population growth, the inducement of changes

in the density or distribution of land uses, and changes in traffic patterns.

(13) "Interpretation" means making understandable to the general public a cultural and historic property, or the information and artifacts it contains, for purposes of education and enlightenment.

(14) "Landmark" means any geographical or geographical feature associated with oral traditions or historic events of the Republic.

(15) "Oral traditions" means that body of knowledge of the indigenous people of the Marshall Islands about their past, including their beliefs, traditional practices (including traditional medicine and medical practices), sills, environment, and their spiritual world, which has been handed down, primarily in spoken form, from generation to generation.

(16) "Parties" to consultation under the provisions of these regulations means the agency or agencies involved in the action subject to review, the HPO, and any other person, organization, or group with a financial, professional, or cultural interest in the action or property involved.

(17) "Permitting" means issuance of a written license or warrant, including any condition, to any person, empowering such person to do some act not forbidden by las, but otherwise not allowed without such authority, or the modification or amendment of any permit or condition thereof subsequent to its issuance.

(18) "Person" means the Government or a Local Government of the Republic of the Marshall Islands or any agency or department thereof; the Government of the United States of America or any agency or department or any municipality thereof; any sovereign state or nation; any public or private corporation, association, partnership, joint venture or other legal entity; any lessee or other occupant of property; or any individual, acting singly or as part of a group.

(19) "Plan", depending on the context in which it is used, means:

(a) the design, specifications, and schedule of a development action;

(b) the Marshall Islands Cultural and Historic Preservation Plan, or a local cultural and historic preservation plan, developed pursuant to §7 of the Historic Preservation Act 1991, designed the ensure that cultural and historic properties are wisely integrated into contemporary land uses and development; or

(c) a plan for treatment of a particular cultural and historic property or group of such properties subject to impact by a development action or actions.

(20) “Predictive model” means an element of a cultural and historic preservation plan which, on the basis of existing information and extrapolation, predicts the distribution and density of various classes of cultural and historic properties over a given island or other area.

(21) “Prehistoric sites” means those cultural resources and terrestrial, intertidal and submarine sites and landscapes that were produced by the preliterate, indigenous people of the Marshall Islands and that are of archaeological interest. These sites include bot are not limited to the following: artifact scatters, buried gardening features, buried occupation layers, coral slab alignments, coral lined paths, fishtraps \/weirs, fortifications, gardening features, house pavements, house platforms, platforms and enclosures, burials and cemeteries, shell middens and wells.

(22) “Preservation” means the identification, evaluation, recording, documentation, curation, acquisition, protection, management, rehabilitation, estoration, stabilization, maintenance, or reconstruction of a cultural and historic property, or any combination of the foregoing activities.

(23) “Project” means any structure, use, development or other activity subject to review under these regulations, or where the context so indicates, a preservation activity carried out pursuant to these regulations.

(24) “Records” of a preservation activity mean the notes, other documents, photographs, forms, files, electronic records, maps, specifications, and other material describing the activity, its results, the property involved, and any data recovered from or pertaining to the property.

(25) “Regulated activity on private lands” means any use of private lands that is subject to issuance of a permit by any agency, or that is wholly of partly dependent on financial, technical, or other forms of assistance by any agency, including but not limited to those activities requiring permits or assistance under the Coast Conservation Act 1988, the National Environmental Protection Act 1984, any regulations adopted under those Acts, or any other applicable law of the Republic.

(26) “Rehabilitation” means the process of returning a property to a state of utility, through repair or alteration, which makes possible and efficient contemporary use, while preserving or restoring the property’s significant historical or cultural elements.

(27) "Restoration" means the process of accurately recovering the form and details of a property as it appeared at a particular period of time by removing later work and replacing missing original work.

(28) "Republic" means the Republic of the Marshall Islands.

(29)"Scientific identification" means the study of artifacts, other material, and information derived from or relating to a cultural and historic property or properties, for purposes of increasing knowledge about such properties or about topics of scientific or humanistic research. Such as the gassification of samples for radiometric age determination, where appropriate.

(30) "Significant element" of a cultural and historic property means and element integral to the property's cultural or historical significance, the disturbance of which will impair such significance. where pertinent, a significant element may be present in the environment surrounding the property, or in its airspace, as well as or rather than in the property itself.

(31) "Significance level" means the classification of the significance of a resource for the cultural heritage of the Republic. Resources shall be classified as 'very significant' 'significant', 'less significant', 'insignificant' and of 'undermined significance', the criteria for which are set forth in §6 of these regulations.

(32) "Submerged resources" are those prehistoric or historic sites and artifacts located in the intertidal or subtidal zone within the internal, archipelagic or territorial waters of the Republic as defined in §§ 5, 6 and 7 of the Marine Zones (Declaration) Act 1984

(33) "Survey"

(a) When used as a noun, means a systematic planned effort to identify, record, and evaluate cultural and historic properties, in a manner consistent with applicable professional standard; and

(b) When used as a verb, means the act of conduction a survey as defined in paragraph a of this Subsection, whether at a general level, as in the survey of an entire island, or at the level of a particular parcel or tract of land.

(34)"Traditional sites" means those sites, landmarks and locations to which oral traditions of the indigenous people of the Marshall Islands are attached. These sites include but are not limited to the following: places on the reef, patch-reefs, raised micro atolls, tidal pools, channels in the reef and stretches in the landscape. A prehistoric or historic site may also be traditional site.

(35) "Use" of cultural and historic property means its use for traditional cultural purposes, for scientific or humanistic study, or for

productive contemporary purposes. Such use may, in the public interest, require the alteration of the property's significant elements or even its total destruction

(36) "Wartime context", with reference to a cultural and historic property associated with World War II, means the context in which the property was made or used during World War II, as opposed to a context to which it may have been removed after World War II.

PART II- PURPOSE OF REGULATIONS

§4. Survey and Identification in Advance of Development

(1) Public lands shall not be disposed of, nor activities permitted on public or private lands, that might damage cultural and historic properties without first complying with these regulations

(2) Identification of cultural and historic properties in advance of development shall be conducted in a manner consistent with the standard promulgated by the HPO under these regulations.

(3) The results of all surveys to identify cultural and historic properties shall be provided to the HPO for review and approval.

(4) All surveys to identify cultural and historic properties in advance of development shall take into account the urban and regional social, cultural, customary, traditional, historical and environmental contexts of such properties and the economic, social, demographic, and land use effects that the subject development may have if any beyond the boundaries of the development site.

PART III- CRITERIA FOR CULTURAL AND HISTORIC PROPERTY

§5. Criteria for Recognition as a Cultural and Historic Property

In the absence of a formal determination by the HPO, a property shall be recognized as having cultural and historic value if it appears to meet one or more of the following criteria:

(1) Possession of cultural value: the property is viewed by a group people as important in maintaining the group's cultural identity (e.g., a traditional site).

(2) Possession of social value: the property plays and ongoing important role in the social life of a group (e.g., a traditional fishing location).

(3) Possession of interpretive value: the property has current or potential use as an exhibit for educational purposes.

(4) Possession of research archaeological value: the property contains important information pertinent to a significant archaeological research question or questions.

(5) Possession of archival archaeological value: the property represents a class of properties identified in the Marshall Islands Cultural and Historic Preservation Plan, or in a local cultural and historic preservation plan, as containing information that should be preserved for archival purposes.

(6) Possession of architectural excellence: the property is expressive of the work of a master designer or builder, or otherwise is a fine example of the architect's craft.

(7) Possession of architectural representativeness: the property is representative of an important style or period in the Republic's architectural history.

(8) Possession of historical ambience: the property conveys a "sense of place", a character that is perceived by local residents or others as being both "out of the past" and worth retaining.

(9) Possession of aesthetic value: the property is perceived by local residents or others as both "out of the past " and pleasing to the eye.

(10) Possession of particularistic historical value: the property is associated with a particular person or event important in the Republic's history (e.g.,a place significantly associated with the 1994 invasion of the Marshall Islands)

§6. Classification of the Significance Level of Prehistoric, Historic and Traditional Sites

(1) Prehistoric Sites. The levels of significance of prehistoric sites in the Marshall Islands shall be classified as follow:

(a) "Very significant". A prehistoric site is considered to be very significant if:

(i) the resource is the only one of its kind known on the atoll concerned;

(ii) the resource is part of an ensemble of sites, even if the individual sites as such would not be considered to be very significant;

(iii) the resource is rich in cultural artifacts and undisturbed by construction activities;

(iv) the resource is particularly well preserved; or

(v) the resource is connected with oral traditions important beyond the limits of the individual atoll on which the resource is located.

(b) "Significant". A prehistoric site is considered to be significant if:

(i) the resource is the only one of its kind known on the islet concerned;

(ii) the resource is rich in cultural artifacts and relatively undisturbed by construction activities;

(iii) the resource is well preserved; or

(iv) the resource is connected with oral traditions.

(c) "Less significant". A prehistoric site is considered to be less significant if:

(i) the resource is one of many of similar kind on the islet concerned, but does not form part of an ensemble of sites or features; or

(ii) The resource is one of many of similar kind on the islet concerned, but does not form part of an ensemble of sites or features; or

(iii) the archaeological character of the resource is doubtful; and

(iv) the resource is not connected with any oral traditions.

(d) "Insignificant". A prehistoric site is considered to be insignificant if:

(i) the resource is completely disturbed by construction activities or erosion;

(ii) the resource is already largely destroyed; or

(iii) the resource is abundant on the islet concerned, but does not form a part of an ensemble of sites or features, and sufficient well preserved examples of the resource will remian intact

(e) "Undetermined significance". A prehistoric site is considered to be of undetermined significance if little or no detailed survey work has been undertaken. It is a rebuttable presumption that the significance level of any prehistoric site of undetermined significance is "significant"

In the event that a prehistoric site and a traditional site are identical, the traditional character of the site shall take precedence, and the site is automatically classified as "significant" even if the significance level determined on archaeological grounds only is lower.

(2) Historic Sites. The levels of significance of historic sites in the Marshall Islands shall be classified as follow:

(a) "very significant". A historic site is considered to be very significant if:
   (i) the resource is the only one of its kind know in the Republic; or
   (ii) the resource is part of an ensemble of sites, even if the individual sites as such would not be considered to be very significant; or
   (iii) the resource is considered to be a prime example of the workmanship of a particular architect, builder or craftsman; or;
   (iv) the resource is rich in cultural artifacts and undisturbed by construction activities; or
   (v) the resource is particularly well preserved and shows little or no alterations to the original appearance of the structure; or
   (vi) the resource is connected with historic events or persons or oral traditions important beyond the limits of the individual atoll on which the resource is located.

(b) "Significant". A historic site is considered to be significant if:
   (i) the resource is the only one of its kind known on the atoll or island concerned; or
   (ii) the resource is considered to be a good example of the workmanship or a particular architect, builder or craftsman; or
   (iii) the resource is rich in cultural artifacts and relatively undisturbed by construction activities; or
   (iv) the resource is well preserved and shows only limited alterations to the appearance of the original structure; or
   (v) the resource is connected with historic events or persons or oral traditions important for the individual atoll on which the resource is located.

(c) "Less significant". A historic site is considered to be less significant if.
   (i) the resource is considered to be a reasonably good example of the workmanship of a particular architect, builder or craftsman; or
   (ii) the resource is well preserved by show substantial alterations to the appearance of the original structure; or
   (iii) the resource is not well preserved but shows only limited alterations to the appearance of the original structure; or

(iv) the resource is one of many of a similar kind on the atoll or island concerned, but does not from part of an ensemble of sites or features; or

(v) the historic character of the resource is doubtful; and

(vi) the resource is not connected with any oral traditions.

(d) "Insignificant". A historic site is considered to be insignificant if:

(i) the resource is completely disturbed by construction activities or erosion; or

(ii) the resource is not well preserved and shows substantial alterations to the original appearance; or

(iii) the resource is already largely destroyed; or

(iv) the resource is abundant on the atoll concerned, but does not form part of an ensemble of sites or features, and sufficient well preserved examples of the resource will remain intact.

(e) "Undetermined significance". A historic site is considered to be of undetermined significance if little or no detailed survey work has been undertaken. It is a rebuttable presumption that the significance level of any historic site of undetermined significance is "significant".

(3) Traditional Sites. All traditional sites shall be classified as "significant".

PART IV- USE OF CULTURAL AND HISTORIC PROPERTIES

§7 Protection of cultural and Historic Properties

(1) Land shall not be disposed of or used for any activity, without permit, that in the opinion of the Historic preservation Office and the Advisory Council for Historic Preservation might damage cultural and historic property significant to the cultural heritage of the Republic.

(2) The willful removal of artifacts, and the destruction, removal, disturbance, displacement, or disfigurement of any cultural and historic property on public or private lands or in the waters of the Republic, without a permit issued by the HPO, is prohibited; provided that the cultural and historic property has been designated as such, or is eligible for designation as such, by the HPO.

§8. Land Use Activities

(1) The following activities are exempt from the requirements of this section, except as provided in Subsection (2) below:

(a) clearing of vegetation using hand tools;

(b) agricultural activities on lands which have been historically used for such activities, providing such activities do not involve grading or excavation;

(c) hunting, fishing and trapping involving no development;

(d) preservation of scenic, historic, and scientific areas, including wildlife preserves, involving no development;

(e) expansion or improvement of an existing structure, unless the structure has been identified by the HPO as a cultural and historic property, as a contributing element of a cultural and historic property, or as lying within a cultural and historic property that could be damaged by the action;

(f) regarding or paving of already graded land surfaces; and

(g) replacement, acquisition, or improvement of non-structural capital equipment involving no development.

(2) The Council may determine that an activity that would ordinarily be exempt from the requirements of this section must be reviewed in accordance with this section, where it finds after consideration of the activity and of public comments, if any, that the activity may do damage to a cultural and historic property.

§9. Permitting procedure

(1) Any agency or person that may dispose of public lands use or permit use of public lands for a nonexempt activity, conduct or issue a permit for the conduct of a nonexempt activity on private lands, shall comply with the following procedures at the earliest possible stage in planning, Failure to comply until it is too late reasonably to consider alternatives to the cation as planned shall constitute noncompliance with these regulations.

(2) The agency or person responsible for undertaking, assisting, permitting, or reviewing a nonexempt activity (hereinafter, the "agency") shall:

(a) review the Marshall Islands cultural and Historic Preservation Plan and any applicable local cultural and historic preservation plan; and

(b) review the predictive model maintained by the HPO, in consultation with the HPO, to determine the need for and the scope of any survey.

(i) where the HPO has completed a detailed survey of all lands subject to direct and indirect impact, no further survey shall be required except as may be needed to define relationships between any identified cultural and historic properties and the proposed activity.

(ii) Where the predictive model indicates that cultural and historic properties will not be found on any lands subject to direct or indirect impact, no survey shall be required.

(iii) Where the predictive model indicates that cultural and historic properties may be found on lands subject to direct or indirect impact, but a survey has not yet been conducted, a survey shall be required.

(iv) Where there is insufficient information to serve as a reliabled basis for predicting whether cultural and historic properties may be found, a survey shall be required.

(v) IF a survey is not required, and no cultural and historic properties are know, the HPO shall so advise the agency in writing. The agency may then proceed, complying. with Subsection 8 of this section where applicable.

(vi) If a survey is not required, and cultural and historic properties are know on the lands subject to direct or indirect impact, the HPO shall so advise the agency in writing. The agency shall then comply with Subsection 7 or 8 of this section, whichever is applicable.

(vii) If a survey is required, the agency shall:

(A) afford the HPO a reasonable opportunity to conduct a survey, in accordance with the schedule set forth in section 11;

(B) transfer funds, or where applicable require a permittee to transfer funds, to the HPO to conduct the survey in a shorter time period than allowed by section 11. Funds to be transferred include, where applicable, transportation costs, per diem, equipment rental and salaries; or

(C) conduct the survey itself, or where applicable require a permittee to conduct a survey, using supervisory personnel approved by the HPO and in a manner consistent with the standards promulgated by the HPO pursuant to the "Regulations Regarding The Conduct of Archaeological And Anthropological Research In the Republic 1991", and provide the report of the survey to

the HPO for review and approval. If a survey under this Subparagraph (C)is chosen, then the HPO may, at its discretion assign a member of the HPO staff to the survey, the expenses and salaries of whom shall be covered by the agency conducting the survey.

(3) All surveys shall take into account pertinent Republic of the Marshall Islands National Standars, or where such standard have not yet been promulgated, United States Government standards and relevant international recommendations.

(4) If a survey results in the identification of a cultural and historic property subject to direct or indirect impact, the survey report shall contain recommendations for the avoidance or mitigation of such impact, recommendations for the significance of the cultural and historic property in accordance with section 6 of these regulations and, where feasible, recommendations for enhancement of beneficial effects on the property.

(5) If a survey results in the finding that no cultural and historic properties are subject to direct or indirect impact, the HPO upon approving the report shall so advise the agency in writing. The agency may then proceed, complying with Subsection 8 of this section where applicable.

(6) If a survey results in the finding that cultural and historic properties are subject to direct or indirect impact, the HPO upon approving the report shall so comply with Subsection 7 or 8 of this section, whichever is applicable.

(7) Where the HPO finds that a cultural and historic property will be directly or indirectly impacted by the disposal or use of public lands:

(a) The HPO shall report the finding, together with recommendations as to how the anticipated impacts can be avoided or mitigated, to the agency and the Council.

(b) The Council shall review the finding and recommendations of the HPO to determine their consistency with the policies set forth in section 3 of the Historic Preservation Act 1991.

(c) The Council shall request, receive and review the comments of the agency involved in the action, of any potential recipient or user of the lands, and of the public.

(d) The Council may modify the findings and recommendations, or direct of the HPO to do so, in or-der to make them he consistent with the policies set forth in section 3 of the Historic Preservation Act 1991.

(e) Upon determining that the findings and recommendations are consistent with the policies in section 3 of the Historic Preservation Act 1991, the Council shall approve them and so advise the agency.

(f) Upon receipt of the findings and recommendations approved by the Council, the agency shall modify the proposed action to accommodate the recommendations, and shall include the findings, recommendations, and a description of the modifications in any planning and environmental document required for the action, or shall desist from the proposed action.

(g) Should the agency be unable or unwilling to comply with the recommendations, it may consult with the HPO to modify the recommendations, and request their resubmission to the Council. Such consultation shall be guided by the policies set forth in section 3 of the Historic Preservation Act 1991, and shall afford the public a reasonable opportunity to participate.

(8) Where an agency proposes to issue a permit for, or assist, a nonexempt regulated activity on private land, upon receipt of the findings and recommendations of the HPO pursuant to this section, the agency shall:

(a) include the report, or a synopsis thereof approved by the HPO, in any planning and environmental document required for the activity;

(b) make the full report, if any, available to the public at a convenient location; and

(c) publish notice of the availability of the report.

(9) Within thirty (30) days after promulgation of a report or synopsis in an environmental document pursuant to this section, or after publication of notice pursuant to this section, whichever is later, any person may appeal the HPO's findings and recommendations to the Council. An appeal shall be made in writing, in English or in Marshallese, and a copy shall be provided to the HPO. Upon receipt of an appeal, the HPO shall consult with the appellant, the agency, and any other appropriate party, if any, to seek agreement on a course of action that will remove the objection.

(10) Notwithstanding Subsection 9 of this section, the HPO may without consultation recommend to the Council that an appeal be rejected as frivolous, and the Council may reject the appeal as such, if the HPO finds and documents that the standards set forth in section 12 of these regulations are not met by the appeal.

(11) Where the HPO has determined that a cultural and historic property or properties will be directly or indirectly impacted by the proposed action, or if as the result of an appeal it is determined that such a property or properties will be impacted, the parties involved, including but not limited to the HPO, the agency responsible for the action, permit or assistance, and other persons with financial, professional, or cultural interests in the lands or properties involved, shall consult to determine feasible and prudent means, if any, to avoid, mitigate, or satisfactorily reduce the level of impact to the property or properties. Unless the parties mutually agree to a longer time, the consultation shall be completed within thirty (30) days after the close of the comment period provided for in Subsection 9 of this section. Consultation shall be carried out as follows:

(a) The agency responsible for permitting or assisting the activity shall publish notice of the beginning of consultation, advising the public of the location and time of the first consultation meeting and inviting public participation.

(b) The agency or the applicant for a permit or assistance shall provide the HPO with a plan for treating the cultural and historic property or properties subject to impact. This plan shall take into account the property's significance, with reference to section 6 of these regulations, and pertinent national, federal, and international standards and guidelines, and shall be consistent Preservation Act 1991 and the standards set forth in the "Regulations Regarding The Conduct of Archaeological And Anthropological Research In The Republic 1991", as applicable . The plan may include:

(i) provision for preservation of a property in place and unchanged;

(ii) provision for the adaptive use of a property;

(iii) provision for data recovery, including analysis,dissemination of results, and curation of artifacts and records;

(iv) provision for project design to ensure sympathetic treatment of a property's significant elements;

(v) such other provisions as may appropriate to the property and the activity; and

(vi) a rationale, based on the public interest and taking into account the policies set forth in section 3 of the Historic Preservation Act 1991, for destroying or damaging the

property without avoiding, mitigating, or satisfactorily reducing the level of damage.

(c) The parties shall review the plan and consult to determine what changes may be needed, if any, in order to ensure its prudence, feasibility, and consistency with the policies in section 3 of the Historic Preservation Act 1991 and other provisions of law. Consultation shall be directed toward determining feasible and prudent means to avoid, mitigate or satisfactorily reduce the level of damage to the property. Should it be proposed not to pursue such means, the burden of proof shall be on those so proposing to demonstrate why such a proposal is in the public interest.

(d) The HPO shall consult with the Cultural Resource Officer of the local government and the appropriate Iroij, Alap and DriJerbal to solicit their opinions, which shall be incorporated into the plan.

(e) Subject to Paragraph (f) of this Subsection, once the parties have agreed on a plan, they shall indicate their agreement in writing. The plan shall become a binding part of the permitted or assisted activity, and shall be enforced by the agency responsible for issuing the permit or providing the assistance.

(f) If the historic or cultural property affected has a significance level of "significant" or "very significant", the plan agreed upon by the parties shall be submitted to the advisory Council for Historic Preservation for final approval.

(g) The agency responsible for issuing the permit or providing the assistance shall publish the results of the consultation.

(12) Should the parties be unable to agree on a plan, they shall submit a report to the Advisory Council for Historic Preservation. This report, which may contain separate sections prepared by parties holding different opinions, shall outline the consultation undertaken, identify the issues that separate the parties, and offer recommendations including options for the Councils action. The Council shall then decide on the course of action to be taken. The Council's decision shall be binding.

(13) If the HPO, after the completion of these proceedings, has reason to believe that the cultural or historic site is not only "very significant" but of national or international significance, the HPO may, through the Office of the Attorney General, initiate condemnation proceedings for the taking of that property for public use upon the payment of just compensation in accordance with Article II, section 5 of the Constitution.

(14) During the course of construction or land use, should a cultural and historic property be discovered that was not previously identified and considered in accordance with this Act:

(a) Work shall be halted by those responsible for the activity, in the immediate vicinity of the property. Work may continue on elements of the activity that do not threaten the property.

(b) Having halted work, the party responsible for the activity shall contact the HPO and cooperate with the HPO in an on-site inspection.

(c) The HPO shall consult with the party responsible for the activity, to establish interim measures to protect the property as needed with minimum impediment to the construction or land use activity.

(d) The party responsible for the activity shall contact know persons having financial, professional, or cultural interests in the property, if any, and arrange for prompt consultation with these persons and the HPO.

(e) If as a result of this consultation agreement is reached concerning the proper treatment of the property, this agreement shall become a binding part of the activity, which may then proceed in compliance with the agreement.

(f) Should the HPO determine during the on-site inspection that the property falls into a class determined by the Council not to be cultural and historic, or that immediate data recovery or other preservation actions can and should be undertaken and will be effective in preserving the property's significant elements, the HPO may waive the collective requirements of Paragraphs(d),(e) and (f) of this Subsection, contingent upon conduct of the preservation actions, if any , determined by the HPO to be appropriate.

(15) The HPO may at its discretion or at the request of an agency elect to exercise its authorities and responsibilities under this Act on a programmatic basis rather than with reference to individual project. Programmatic consultation shall be carried out in the manner prescribed in this section, but with reference to an entire program rather than to individual actions and projects. Programmatic agreements between the HPO and other persons or agencies shall be submitted to the Council for review and approval, and shall become effective upon approval by the Council. Should agreement not be reached, individual actions under the subject

program shall be reviewed on an individual basis in accordance with this Act.

(16) Where both these regulation and §§106 or 110 of the United States National Historic Preservation Act of 1966, as amended, apply to an action, compliance with both authorities shall be coordinated to the extent feasible.

Cultural and historic properties shall be assumed to be eligible for the United States National Register of Historic Places unless the United States Keeper of the National Register otherwise determines. Where the Council determines that a property, group of properties, or class of properties is not cultural and historic, or the HPO determines that a property subjects to this determination and the objection is not rejected as frivolous pursuant to this section, a question shall be determined to exist and the Keeper of the National Register shall be asked to make a final determination of the property's eligibility for the National Register.

Reports, Plans, recommendations and decisions developed under t hese regulations shall be provided to responsible United States Federal agencies for submission to the United States Federal agencies for submission to the United States Advisory Council on Historic Preservation for review under section 106 or 110 (f) of the United States National Historic Preservation Act of 1966, as amended, whichever is applicable, in a manner consistent with the regulations of the United States Advisory Council on Historic Preservation.

To the extent feasible, parties consulting under these regulations on an activity or program in which a on United States Federal agency is involved shall coordinate their consultation with the involved United States Federal agency and the United States Advisory Council on Historic Preservation, and shall encourage the United States Federal agency to obtain the United States Advisory Council on Historic Preservation comments pursuant to §§106 or 110(f) of the United States Historic Preservation Act of 1966, as amended, during consultation and review pursuant to this section.

Notwithstanding paragraphs (a) to 9d) of this subsection, the applicant has to comply with the provisions of these regulations as set out in subsections (1) to (18) of this section. Failure to comply with any of these provisions shall constitute a punishable offense.

§10. Results of investigations to remain in public domain

The information resulting from the survey, data recovery or any other mitigation process, including the scientific investigation of any artifacts, shall remain in the public domain. Such information, including all records of the survey, excavation and artifacts, shall be curated in accordance with accepted museum and laboratory practice, and published as appropriate.

§11. Schedule for the Conduct of Surveys

Where an agency or other person requests that the HPO conduct a survey under section 9 of these regulations, the HPO shall use the following schedule to determine the time needed to conduct the survey:

On Majuro Atoll: one (1) month per acre or fraction thereof subject to direct or indirect impact.

On other atolls or islands serviced by air transportation: two (2) months per acre or fraction thereof subject to direct or indirect impact.

On all other atolls or islands: three (3) months per acre or fraction thereof subject to direct or indirect impact.

Underwater: negotiable depending on weather conditions, turbidity, depth, location, danger of sharks, and other conditions.

All time limits are subject to extension on the event of typhoons, tidal waves or other natural disasters, or in the event of refusal of a landowner or tenant to grant access to that property.

The agency or person requesting that the HPO conduct a survey shall transfer funds to cover:

Travel costs, including air fare, boat hire, vehicle hire and equipment rental, where applicable;

Per diem if the survey area is not on Majuro Atoll or if the survey requires one or more overnight stays; and

Material expenses related to underwater survey.

§12. Criteria for Appeals

Where an appeal is filed pursuant to section 9 (9) of these regulations, the HPO may recommend to the Council that the appeal be rejected as frivolous if it does not meet the following criteria.

The appeal must present an allegation of fact that contradicts the finding, recommendation, or decision being appealed;

The appeal must present supporting evidence which would tend to establish the validity of the allegation of fact; and

The allegation presented in the appeal must be one that has not previously been received and addressed by the Council.

§13. Costs

Except in cases where undue hardship would result, it shall be the sole responsibility of the party whose actions damage the subject cultural or historic property to hear the costs of avoiding, mitigating or satisfactorily reducing the level of damage.

Unless excluded under Subsection (3) of this section, undue hardship may be claimed in those circumstances where:

The construction applied for is destined for private domestic use only: or

The area affected by the construction is 0.25 acres or less; or

The costs of mitigation exceed five (5) percent of the total construction budget.

Undue hardship may not be claimed in circumstances where:

The construction is funded by United States Federal funds;

The construction is funded by overseas aid;

The construction is funded by the National Government or any local government of the Republic; or

The construction is funded by companies with more than thirty (30) percent overseas capital.

If undue hardship is claimed under Subsection 2 (c) of this section, the contractor shall provide five (5) percent of the final and total construction budget to the HPO. The HPO shall conduct the mitigation using the funds provided and additional funds drawn from the Historic Preservation Office Fund as established under § 14 of the Historic Preservation Act 1991.

Any application for a permit shall be accompanied by:

a statement where the funding for the construction originates. A signed, certified copy of an affidavit filed with the court of the Republic shall constitute such statement; and a receipt for a payment of one hundred dollars ($100) payable to the HPO; or

proof that the intended construction is for private domestic use only. A signed, certified copy of an affidavit filed with the court of the Republic shall constitute such proof. For purposes of this section, “private domestic use” includes the construction of a privately owned restaurant / take out with less than five hundred (500) square meters of ground space; and less than thirty (30) percent overseas capital.

§14. Violations

A person who violates any provision of these regulations or requirement thereunder, shall be subject to enforcement action by the Historic Preservation Office.

Any violation of these regulations constitutes a punishable offense under Section 21 of the Historic Preservation Act 1991.

Republic of the Marshall Islands
Historic Preservation Office

REGULATIONS GOVERNING THE TAKING
AND EXPORT OF ARTIRACTS

PART I- GENERAL PROVISIONS

§1. Authority
These regulations are promulgated by the Republic of the Marshall Islands Historic Preservation Office with the approval of the Minister of Interior and Outer Islands Affairs pursuant to §8(e) of the Historic Preservation Act 1991. These regulations supercede all previous publications

§2. Effective date
These regulations shall come into force one (1) day after their approval by the Cabinet.

§3 Interpretation
In these regulations, unless the context otherwise requires,
The definitions given in section 3 of the Historic Preservation Act 1991 shall apply;
"Records" of a preservation activity mean the notes, other documents, photographs, forms, files, electronic records, maps, specifications, and other material describing the activity, its results, the property involved, and any data recovered from or pertaining to the property.

PART II – TAKING , CURATION AND OWNERSHIP OF ARTIFACTS

§4. TAKING OF ARTIFACTS.
An action taken by any person or agency in compliance with these regulations shall be understood to be permitted by the HPO, and on separate permit shall be required pursuant to this section.
Any person proposing to take an artifact or artifacts from the Republic, or the disturb, displace, or disfigure any cultural or historic property on the land or under the water of the Republic, and who has not complied with the

provisions of the Historic Preservation Act 1991 the "Regulations Governing Access To Prehistoric And Historic Submerged Resource 1991"; the "Regulations Governing Land Modification Activities 1991"; and the "Regulations Regarding The Conduct Of Archaeological And Anthropological Research In The Republic 1991", shall consult with the HPO well in advance of taking the proposed action, to negotiate the terms of a permit.

Upon agreeing on the terms of a permit, the HPO shall submit the terms to the Council for review. The Council shall review the terms in consultation with the HPO, the applicant, and other interested parties, if consistency with the requirements of these regulations and the policies set forth in §3 of the Historic Preservation Act 1991.

Upon approval by the Council, the HPO shall issue the permit, and the activity may proceed, subject to such other conditions as required by law.

Should the HPO propose not to issue a permit, the applicant may appeal to the Council, which shall review the appeal in consultation with the applicant, the HPO, and other interested persons, if any, guided by the requirements of this Act and the policies set forth in section 3 of the Historic Preservation Act1991. The decision of the Council shall be final.

Should the Council decline to approve the terms of a permit, the applicant may negotiate with the HPO to modify the terms and resubmit them to the Council for review and approval.

Permits for the removal of artifacts from the Republic shall be issued only for purposes of cultural exchange, scientific identification, or donation to a non-profit organization whose activities have cultural significance to the Republic. Such organizations include scientific educational institutions and museums that undertake research or teaching in the Republic. Permittees must guarantee that artifacts removed, whether temporarily or permanently, will be properly curated in accordance with accepted museum and laboratory practice, except to the extent that scientific identification may require their modification. With the approval of the HPO and the Council, artifacts may be temporary loaned or leased outside the Republic to persons that are not non-profit organizations, for purposes other than cultural exchange or scientific identification, provided the recipient guarantees their proper curation in accordance with accepted museum and laboratory practice, and submits a firm schedule for their return.

§5. Curation and scientific identification of artifacts

The HPO and the Council shall work with other interested parties to develop appropriate curation facilities for artifacts and other material, records, photographs and documents relating to cultural and historic properties in the Republic of the Marshall Islands. As a rule, artifacts shall be curated as

close as their proper care allows to the community of their origin. Where it is not feasible to curate artifacts within the Republic, the HPO with the approval of the Council may enter into agreements with external organizations to provide curation services.
Scientific investigation of artifacts and specimens involving destructive or radio-metric techniques, including, but not limited to, gasification, thin-sectioning, and neutron activation, is permitted upon approval by the Advisory Council for Historic Preservation on recommendation by the HPO.

§6. Ownership of cultural and historic properties
Nothing in these regulations shall be construed to confer upon the Government of the Republic of the Marshall Islands ownership of artifacts occurring on private lands, or to forbid the maintenance of private artifact collections by residents of the Republic, provided that:
The acquisition of such a collection does not involve the willful destruction, removal, disturbance, displacement, or disfigurement of any cultural or historic property on public or private land or in the waters of the Republic; and
Artifacts in the collection are not removed from the Republic without a permit issued pursuant to this section.
Artifacts recovered from an archaeological excavation on private land pursuant to this section or §9 of the "Regulations Governing Land Modification Activities 1991" shall, at the request of the landowner, be returned to the landowner after their scientific identification is complete.
The information resulting from the excavation and scientific identification of such artifacts shall remain in the public domain. Such information, including all records of the excavation and artifacts, shall be curated in accordance with accepted museum and laboratory practice, and published as appropriate.

PART I II – EXPORT OFN ARTEFCATS

§7. Export of artifacts
The export of artifacts and items of traditional material culture is permitted except for the following:
Any artifact for which a permit for removal is required under §4 of these regulation;
Any item found on, at or in archaeological sites;
Any item of traditional material culture over forty (40) tears old;
Any historical item over forty (40) tears old;

Any item the retention of which is considered to be in the national interest ; or
Human remains from archaeological or historic sites. If the scientific, medical or other study as specified in §4 (2) of the Regulations Governing The Disposition of Archaeologically Recovered Human Remains 1991 cannot be carried out in the Republic, then export may be permitted, provided that the remains be returned at the earliest possible date for re-interment under §4 of these regulations

§8. Export of artifacts.
A person who violates any provision of these regulations or requirement there under shall be subject to enforcement action by the Historic Preservation Office.
The enforcement of these regulations shall be made by in accordance with Section 20 of the Historic Preservation Act 1991.
Any Violation of these regulations constitutes a punishable offense under Section 21 of the Historic Preservation Act 1991.

Republic of the Marshall Islands
Historic Preservation Office

REGULATIONS GOVERNING ACCESS TO
PREHISTORIC AND HISTORIC SUBMERGED RESOURCES

PART I- GENERAL PROVISIONS

§1. Authority
These regulations are promulgated by the Republic of the Marshall Islands Historic Preservation Office with the approval of the Minister of Interior and Outer Islands Affairs pursuant to Section 8 (d) of the Historic Preservation Act 1991.
These regulations supercede all previous publications.

§2. Effective Date
These regulations shall come into force one (1) day after their approval by the Cabinet.

§3. Interpretation
In these regulations, unless the context otherwise requires,
The definitions given in section 3 of the Historic Preservation Act 1991 shall apply;
"Instruction" or "instructed", depending on context, means the conveyance of Historic Preservation information to the applicant by the means of a formal lecture or an educational video.

PART II –LEGISLATIVE FINDINGS

§ 4. Legislative findings and Statement of Policy
These regulations shall be implemented in a manner that balances the preservation of cultural and historic properties against the needs for recreation and tourism. The Historic Preservation Office recognizes the following:
That the identity of the Republic is provided by the cultural heritage of the Marshallese people, which consists in equal parts of the heritage of all individual atolls and islands comprising the Republic, and that it is the duty

of each Marshallese citizen to encourage and promote the nation's cultural heritage for the benefit of future generation;
That the cultural and historic properties and resources of the Republic, including submerged resources, form a fragile, finite and unrenewable resource of the cultural heritage of the Republic in need of preservation and proper management;
That these cultural and historic properties are subject to damage and destruction, both accidental and intentional, by people visiting them, and once they are damaged or destroyed, a part of this finite resource will be lost forever at the expense of the cultural heritage of the Republic;
That, nevertheless, cultural and historic properties can in most cases coexist with recreation and tourism if the visitors abide by the regulations promulgated below.
That experiences in other parts of Micronesia have shown that if not wisely managed the submerged resources can undergo rapid deterioration in direct correlation with the number of people visiting them.
The guiding principle to be used in implementation of these regulations shall be to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations.

PART III- PERMITTING PROCEDURES FOR ACCESS TO SUBMERCED RESOURCES

§5. Restrictions and permits of access to prehistoric and historic submerged resources
Notwithstanding the actual ownership of any submerged resource, access to prehistoric and historic submerged resources shall be permitted only to:
Individuals holding valid certification under these regulations; or
Individuals or groups of people accompanied by a person holding a valid license as an underwater cultural tour operator.
Any applicant meeting the standards promulgated in accordance with Section 6 of these regulations shall be issued a permit valid initially for one year, to be renewable annually, upon payment in accordance with the following fee schedule:
Fifty dollars ($50.00) annually for an individual; and
One hundred and fifty dollars ($150.00) annually for an underwater cultural tour operator.

§6. Standards for the certification of individuals and for the licensing of underwater cultural tour operators

The following minimum standards shall apply to the certification of individuals.

The individual has an understanding of the need for historic preservation of the preservation of the cultural and historic properties of the Republic;

The individual understands the relevant sections of the Historic Preservation Act 1991 and these regulation;

The individual has a specific understanding of the fragility of underwater resources and understands that no such resource or fraction thereof may be damaged, unpaired or removed.

The individual undertakes to be responsible for himself and the dive partner or dive partners.

Upon initial certification, as well as for each renewal the applicant signs an affidavit shown in Annex A.

The following minimum standard shall apply to the certification of tour operators.

The tour operator has an understanding of the need for historic preservation and the preservation of the cultural and historic properties of the Republic;

The tour operator understands the relevant sections of the Historic Preservation Act 1991 and these regulations;

The tour operator undertakes to inform the dive partners whom the tour operator accompanies about

The need for historic preservation and the preservation of the cultural and historic properties of the Republic; and

The relevant sections of the Historic Preservation Act 1991 and these regulations

The fragility of underwater resources and that no such resource or portion thereof may be damaged, impaired or removed.

The tour operator undertakes to be responsible for himself and all dive partners whom the tour operator accompanies

Upon initial certification, as well as for each renewal the applicant signs an affidavit shown in Annex B.

§7. HPO to administer certification

The HPO shall be the permitting agency and shall keep a register of all certifications and applications for certifications

The HPO shall provide the certification of tour operators.

§8. Local Government Councils may impose further restrictions
Any local government may, at its discretion, impose restrictions and permitting procedures for the submerged resources within its jurisdiction that are more restrictive but not less restrictive than those promulgated by the HPO.

§9. Cooperation of diving instructors and diving equipment operators required
Diving instructors residing or practicing in the Republic of the Marshall Islands, or persons operating equipment used to fill SCUBA tanks for rental to persons other than commercial fishermen are required
To post these regulations in a visible, accessible place; and
To inform customers of these regulations.

§10. Violations
The penalties as permitted under section 21 of the Historic Preservation Act 1991 shall apply.
Annex A:
Affidavit for Individual Certification
I (name inserted), resident of (place inserted) holding a valid diving certification (name of organization and number inserted), herewith certify that
I have the "Regulations Governing" The Taking And Export of Artefacts 1991" and the "Regulations Governing Access To Prehistoric And Historic Submerged Resources 1991".
I have been instructed by HPO staff on the need for historic preservation and the importance of preservation of the cultural and historic properties of the Republic of the Marshall Islands.
I understand the fragility of underwater resources and understands that no such resource or fraction thereof may be damaged, impaired or removed.
I will not dive on a submerged resource with a partner not certified in accordance of these regulations
I will abide by the provisions of the "Regulations" Governing Access To Prehistoric And Historic Submerged Resources 1991".
I undertake to do my best to restrain my dive partner from violating the provisions of these regulations.
(Signature and Date)
I (name and title inserted), employee of the HPO, herewith certify that (name of applicant inserted) has been instructed on the need for historic preservation and the importance of preservation of the cultural and historic properties of the Republic of the Marshall Islands. The "Regulations

Governing The Taking And Export of Artefacts 1991" and the "Regulations Governing Access To prehistoric And Historic Submerged Resources 1991" have been explained to the applicant.
(Signature and Date)
Permit №, (number inserted) has been issued on this date by authority of the HPO.
(signature and Date)

Annex B:
Affidavit for certification of a Tour Operator
I (name inserted), resident of (place inserted), being a dive instructor/ tour operator (delete inappropriate) of (name of company inserted), holding a valid diving certification (name of organization and number inserted), herewith certify that
I have understood the "regulations Governing The Taking And Export Of Artefacts 1991" and the "Regulations Governing Access To Prehistoric And Historic Submerged Resources 1991".
I have been instructed by HPO staff on the need for historic preservation and the importance of preservation of the cultural and historic properties of the Republic of the Marshall Islands.
I undertake to inform the dive partners whom I accompany on
The need for historic preservation and the preservation of the cultural and historic properties of the Republic;
The relevant sections of the Historic Preservation Act 1991 and these regulations; and
The fragility of underwater resources and that no such resource or portion thereof may be damaged, impaired or removed.
I will abide by the provisions of the "Regulations Governing Access To Prehistoric And Historic submerged Resources 1991".
I undertake to do my best to restrain my dive partner from violating the provisions of these regulations.
(Signature and Date)
I (name and title inserted), employee of the HPO, herewith certify that (name of applicant inserted) has been instructed on the need for historic preservation and the importance of preservation of the cultural and historic properties of the Republic of the Marshall Islands. The "Regulations Governing The Taking And Export OfArtefacts 1991" and the "Regulations Governing Access To Prehistoric And Historic Submerged Resources 1991" have been explained to the applicant.
(Signature and Date)

Permit №. (Number inserted) has been issued on this date by authority of the HPO
(Signature and Date)

Republic of the Marshall Islands Historic Preservation Office Regulations Governing the Conduct of Archaeological and Anthropological Research in the Republic

PART I – GENERAL PROVISIONS

§1. Authority
These regulations are promulgated by the Republic of the Marshall Islands Historic Preservation Office with the approval of the Minister of Interior and Outer Islands Affairs pursuant to section 8(f) the Historic Preservation Act 1991.
These regulations supercede all previous publications

§2. Effective Date
These regulations shall come into force one (1) day after their approval by the Cabinet.

§3. Interpretation
In these regulations, unless the context otherwise requires,
The definitions given in sections 3 of the Historic Preservation Act 1991 shall apply;
"Archaeologist" mans an individual whose training and experience, including receipt of a postgraduate degree of Master of Arts, Master of Science or Doctor of Philosophy, qualifies that person for the professional practice of architecture as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the Countries of Western Europe.

(1) "Architectural Historian" means an individual whose training and experience, including receipt of a postgraduate degree of Master of Arts, Master of Science or Doctor of Philosophy, Qulifies that person for the professional practice of architectural history as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the Countries of Western Europe.
(2) "Cultural anthropologist" means an individual whose training and experience conform with standards set out in §5 of these regulations.

(3) “Historian” means an individual whose training and experience conform with standards set out in §6 of these regulations.

(a) “direct impacts”, which are caused by a given action and occur at the same time and place; and

(4) “Interpretation” means making understandable to the general public a cultural and historic property, or the information and artifacts it contains, for purposes of education and enlightenment.

(5) “Linguist” means an individual whose training and experience, including receipt of a postgraduate degree of Master of Arts, Master of Science or Doctor of Philosophy, qualifies that person for the professional practice of linguistics as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the Countries of Western Europe.

(6) “Physical anthropologist” means an individual whose training and experience, including receipt of a postgraduate degree of Master of Arts, Master of Science or Doctor of Philosophy, Qualifies that person for the professional practice of linguistics as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the Countries of Western Europe.

(7) “Project” means any structure, use, development or other activity subject to review under these regulations, or where the context so indicates, a preservation activity carried out pursuant to these regulations.

(8) “Records” of a preservation activity mean the notes, other documents, photographs, forms, files, electronic records, maps, specifications, and other material describing the activity, its results, the property involved, and any data recovered from or pertaining to the property.

PART II- REQUIRED QUALIFICATIONS

§4. Qualifications required for an archaeologist

Any archaeologist requesting to work or conduct research in the Republic of the Marshall Islands needs to conform to the following standards.

Archaeologists in supervisory positions

Minimum requirements for any archaeologist in supervisory positions are

The receipt of a postgraduate degree of Master of Arts, Master of Science or Doctor of Philosophy in archaeology, historical archaeology or prehistory, which qualifies that person for the professional practice of archaeology as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the countries of Western Europe.

One half year of full-time professional experience or equivalent specialized training in archaeological administration; and archaeological resource management.
One year of full-time professional experience in
Archaeological research and analysis ;
Archaeological fieldwork including survey, excavation and laboratory analysis.
Four months of full-time experience in a supervisory position in the study of archaeological resources of the Historic or prehistoric period.
Documented ability to carry out research to completion
Staff archaeologists are:
Archaeologists on staff of the Historic Preservation Office;
Archaeologists on staff of investigators on a contract bid under §10 of these regulations
(4)Notwithstanding subsection (1) of this section, archaeological research may be conducted under the supervision of a principal archaeologist, as governed by sections 10(1)(b) and 10(1)(c).
(5) Notwithstanding subsections (3)(a)(ii) to (3)(a)(v) of this section, citizens of the Republic of the Marshall Islands may on a case by case basis be employed as staff archaeologists if only parts of the requirements set out in subsections (3)(a)(ii) to (3)(a)(v) are met as determined by the council.

§5. Qualifications required for an anthropologist.
Any anthropologist requesting to work or conduct research in the Republic of the Marshall Islands needs to conform to the following standards.
Anthropologists in supervisory positions.
Minimum requirements for any anthropologist in supervisory positions are
The receipt of a postgraduate degree of Master of Arts, or Doctor of Philosophy in cultural, social or behavioural anthropology, which qualifies that person for the professional practice of anthropology as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the countries of Western Europe.
One year of full-time professional experience or equivalent specialized training in
Cultural resource management; and
Anthropological and ethnographic collections management, including but not restricted to traditional material culture, visual media, audio media and textual and pictographic records.
Two tears of full-time professional experience in
One year of full-time experience in a supervisory position as an anthropologist.

Documented ability to carry out research to completion.
Anthropologists in supervisory positions are:
The Chief Anthropologist in the Republic of the Marshall Islands;
The principal investigator on a contract bid under §10 of these regulations.
Staff Anthropologists.
Minimum requirements for staff anthropologists are
The receipt of a postgraduate degree of Bachelor of Arts, Bachelor or Science in cultural, social or behavioural anthropology, which qualifies that person for the professional practice of anthropology as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the countries of Western Europe.
One half year of full-time professional experience or equivalent specialized training in
Cultural resource management; and
Anthropological and ethnographic collections management, including but not restricted to traditional material culture, visual media, audio media and textual and pictographic records.
One year of full-time professional experience in
Anthropological research and analysis:
Anthropological field work.
Documented ability to carry out research to completion.
Staff anthropologists are:
Anthropologists on staff of the Historic Preservation Office;
Anthropologists on staff of investigators on a contract bid under §11 of these regulations;
Anthropologists on staff of principal investigators on anthropological research under §10 of these regulations.
Notwithstanding subsection (1) of this section, anthropological research can be conducted under the supervision of a principal anthropologist, as governed by sections 10(2)(b) and 10(2)(c).
Notwithstanding subsections (3)(a)(ii) to (3)(a)(v) of this section, citizens of the Republic of the Marshall Islands may on a case by case basis be employed as staff anthropologists if only parts of the requirements set out in subsections (3)(a)(ii) to (3)(a)(v) are met as determined by the council.

§ 6. Qualifications required for a Historian
Any historian requesting to be employed the historic Preservation Office must conform to the following standards.
Historians in supervisory positions.
Minimum requirements for any historian in supervisory positions are

the receipt of a postgraduate degree of Master of Arts, or Doctor of Philosophy in history, which qualifies that person for the professional practice of anthropology as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada or the countries of Western Europe

At least two years of full- time professional experience in research, writing or interpretation at an academic institution, historic organization or agency, museum or other professional institution;

Substantial contribution through research and publication to the knowledge in the field of pacific History.

One year of full- time experience in a supervisory position in the study of as a historian.

Documented ability to carry out research to completion.

Staff Historian.

Minimum requirements for staff historians are

The receipt of a postgraduate degree of Bachelor of Arts, Bachelor or Science in history, which qualifies that person for the professional practice of history as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the counties of Western Europe.

AT least half a year of full- time professional experience in research, writing or interpretation at an academic institution, historic organsiation or agency, museum or other professional institution;

Substantial contribution through research and publication to the knowledge in the field of Pacific History.

Documented ability to carry out research to completion.

Notwithstanding subsections (3)(a)(ii) to (3)(a)(iv) of this section, citizens of the Republic of the Marshall Islands may on a case by case basis be employed as staff historians if only parts of the requirements set out in subsections (3)(a)(ii) to (3)(a)(iv) are met as determined by the council

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§7. Qualifications required for an Architect or Architectural Historian

Any Architect or Architectural Historian requesting to be employed the Historic Preservation Office must conform to the following standards.

Architects or Architectural Historians in supervisory positions.

Minimum requirements for any Architect or Architectural Historian in supervisory positions are

The receipt of a postgraduate degree of Master of Arts, or Doctor of Philosophy in architecture or architectural history, which qualifies that person for the professional practice of architecture or architectural history as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the countries of Western Europe.

At least two years of full-time professional experience in research, writing or interpretation at an academic institution, historic organsiation or agency, museum or other professional institution;
Substantial contribution through research and publication to the knowledge in the field of traditional, European and Asian architecture in the islands of the Pacific Ocean.
One year of full-time experience in a supervisory position in the study of as a historian.
Staff Architects or Staff Architectural Historians.
Minimum requirements for staff architects or staff architectural historians are The receipt of a postgraduate degree of Bachelor of of Arts Bachelor of Science in architecture or architectural history, which qualifies that person for the professional practice of architecture or architectural history as recognized in the academic institutions of the United States, Japan, Australia, New Zealand, Canada, or the Countries of Western Europe.
At least half a year of full-time professional experience in research, writing or interpretation at an academic institution, historic organsiation or agency, museum or other professional institution;
Substantial contribution through research and publication to the knowledge in the field of traditional, European and Asian architecture in the islands of the Pacific Ocean.
Documented ability to carry out research to completion.
Notwithstanding subsections (3)(a)(ii) to (3)(a)(iv) of this section, citizens of the Republic of the Marshall Islands may on a case by case basis be employed as staff historians if only parts of the requirements set out in subsections (3)(a)(ii) to (3)(a)(iv) are met as determined by the council.

PART III –ARCHAEOLOGICAL AND ANTHROPOLOGICAL RESEARCH

§8. Archaeological Investigations.
Archaeological sites form a limited and unrenewable resource. It is recognized that any archaeological investigation other than survey potentially results in an impairment of this resource. Therefore all archaeological research other than survey is prohibited, unless the property to be excavated
Is threatened with destruction or damage through natural or human forces; or
Is demonstrated to advance the knowledge of the archaeology of the Marshall Islands in such a manner that the results likely to be obtained will advance the management or interpretation of the other resource; .and

Is demonstrated to be more appropriate for the study proposed than are any know available properties that are threatened with destruction or damage.
Permits for archaeological excavation, may be issued only if the following minimum standards are met:
The excavation shall be supervised by an archaeologist who is qualified in accordance with section 4 of these regulations;
The excavation shall be undertaken in a manner consistent with the Standards of Research Performance of the Society of Professional Archaeologists;
The permission of the person owing or controlling the land involved, and any required land use or have been applied for and are pending issuance of the permit;
The applicant's excavation plan is sensitive to any non- archaeological cultural or historic values the property may possess;
Analysis and curation of specimens shall occur at an institution or other entity meeting the Institutional Standards of the Society of Professional Archaeologists, unless the excavation is of such limited scope that a full range of curation facilities is not required;
The excavation is designed to address significant research topics in the natural or social sciences or the humanities, or the provide data that will advance the purposes of the Marshall Islands Cultural and Historic Preservation Plan or a local cultural and historic preservation plan;
An appropriate schedule is provided for the submission of a final report and copies of primary field data;
(h) the property to be excavated fulfils the criteria set out in subsection (1) of this section;
(i) the applicant agrees to the requirements set out in § of these regulations.
(3) The treatment of recovered artifacts and specimens shall be governed by the Regulations Governing The Taking And Export Of Artifacts 1991; and
(4) The treatment of human remains shall be governed by the Regulations Governing The Disposition Of Archaeologically Recovered Human Remains 1991.

§9. Anthropological investigations
Permits for anthropological research may be issued only if the following minimum standards are met:

(1) the research will be conducted by an anthropologist who has demonstrated pertinent experience conducting anthropological field research;
(2) the applicant certifies that he will be guided by the Professional Ethics of the American Anthropological Association;

(3) the permission of the person owning or controlling the land involved, and any required land use or environmental permit, have been obtained, or have been applied for and are pending issuance of the permit;
(4) the applicant's research plan is sensitive to any archaeological topic may possess;
(5) analysis and curation of specimens of traditional and modern material culture collected during the research shall occur at an institution or other entity meeting the Institutional Standards of the Society of Professional Archaeologists, unless the collection is of such limited scope that a full range of curation facilities is not required;
(6) the study is designed to address significant research topics in the natural or social sciences or humanities, or to provide data that will advance the purposes of the Marshall Islands Cultural and Historic Preservation Plan or a local cultural and historic preservation plan;
(7) the applicant provides an appropriate schedule for the submission of a final report and copies of primary field data, and for the disposition of recovered specimens; and
(8) The applicant agrees to the requirements set out in § 10 of these regulations.

§ 10. Schedule Governing the Conduct of Anthropological and Archaeological Research

(1) Any applicant for an archaeological research project shall meet and agree to the following requirements in additions:
  (a) the principal investigator for archaeological research must conform with the standards set forth in Section 4(2) of these regulations;
  (b) if part of the research is to be conducted by a person not holding at least a Bachelor of Arts of Bachelor of Sciences but not Master of Arts or Master of Science in the above fields, the presence of the principal investigator is required for at least seventy-five percent(75%) of the time;
  (c) if part of the research is to be conducted by a person not holding at least a Bachelor of Arts of Bachelor of Sciences in the above fields, the presence of the principal investigator is required for the entire period;
  (d) if the field work to be undertaken is largely of an ethnographic or anthropogical nature, the full-time presence of the principal investigator may be reduce to the discretion of the Council,

provided that the principal investigator shall be present for seventy-five percent (75%) of any archaeology component in the project; and

(e) prior consent of the atoll community or communities studied or worked in has been obtained.

(2) Any applicant for an anthropological research project shall meet and agree to the following requirements in addition to the requirements imposed under § 9 of these regulations:

(a) the principal investigator for cultural anthropological research must conform with the standards set forth in Section 5(2) of these regulations;

(b) if part of the research is to be conducted by a person holding a Bachelor of Arts or Bachelor of Sciences but not Master of Arts of Master of Science in the above fields, the presence of the principal investigator is required for at least seventy-five percent (75%) of the time;

(c) if part of the fieldwork includes archaeological research, subsection (1)(d) of this section applies; and

(d) prior consent of the atoll community or communities studied or worked in has been obtained.

(3) Any researcher applying for an archaeological or anthropological research permit under §§ 8 or 9 of these regulation shall furnish the following documents and undertakings:

(a) upon application, the applicant shall submit the following:

(i) a detailed research proposal;

(ii) documentation that the applicant is financially capable of undertaking the research;

(iii) complete Curriculum Vitae with list of publications and photostats of any documents relating to degrees and photostats of any documents relating to degrees; and

(iv) letter from two references documenting the applicant's good academic standing and bona fide status, as well as stating the applicant's ability to conduct the proposed field work.

(b) The applicant shall sign an undertaking that the applicant:

(i) will report regularly to the HPO;

(ii) will submit an interim report no later than four weeks after the end of the field work, and that the applicant is prepared, if so asked, to report orally to the Council. this oral report shall not be in lieu of a written interim report;

(iii) will submit two copies of the final research report and of any other report and publication deriving from the research to the Council; and

(iv) will hand over the originals of all field notes and plans to the HPO after completion of the research. If the notes are needed for a period exceeding one (1) year after the completion of field work, the applicant shall submit photostats; however, submission of the photostats shall not be in lieu of submission of the originals after the completion of the research. The applicant may impose a temporary ban on these photostats and originals, which is governed by §13 of these regulations.

(c) If the application is approved by the Council, the successful applicant shall pay a deposit of US $1,000, which shall be deposited into a separate savings account at a local bank, with the following specifications:

(i) the deposit and any accrued interest is to be returned once the applicant has submitted two copies of his research to the Council. This deposit does not constitute a research fee but is required to ensure that researcher will comply with the obligation the submit copies of their reports and theses; and

(ii) if the researcher has not submitted copies of the report, thesis or publication within a reasonable period of time after the publication has appeared or the thesis has been accepted, then the Republic shall be entitled to utilize the money to obtain copies of the research. The remaining money shall be returned to the applicant.

(4) Upon receipt of the two copies of the completed research, the Council shall make one copy immediately available to the National Archives. The other copy may be circulated among the members of the Council and shall finally reside in the office of the HPO.

(5) Notwithstanding subsections (1) and (2) of this section, citizens of the Republic of the Marshall Island acting on behalf of the Historic Preservation Office, may on a case by case basis, as determined by the council, be permitted to conduct archaeological or anthropological research if only parts of the requirements set out in subsections (1) and (2) of this section are met.

(6) Citizens of the Republic of the Marshall Islands, or persons acting on behalf of the Historic Preservation Office, may on a case by case basis, as determined by the council, be permitted to conduct

archaeological or anthropological research without providing a $1,000 bond as required under subsection (3)(c) of this section.

PART Ⅳ: ARCHAEOLOGICAL AND ANTHROPOLOGICAL CONTRACT WORK

§11. Contractors License required

(1) Any archaeologist or anthropologist, not on permanent employ by the HPO and intending to work in the Republic needs to hold a valid contractors license as defined in section 12, if

(a) the work is part of a permitting process required under the "Regulations Governing Land Modification Activities 1991;" or

(b) determined on a case-by-case basis by the HPO.

§ 12. Contractors License for archaeologists and anthropologists

(1) Any archaeologist or anthropologist, applying for a contractors license shall be granted such license, if the following minimum standards are fulfilled

(a) the archaeologist or anthropologist complies with §4(2) or §5(2), whichever is applicable;

(b) complete Curriculum Vitae with list of publications and photostats of any documents relating to degrees are submitted;

(c) copies of five (5) different final reports of previously completed projects are submitted;

(d) addresses of at least two customers for whom the contractor has worked in professional capacity are furnished;

(e) the contractor provides an affidavit that originals all fieldnotes, photographs and plans will be surrendered to the HPO for archiving after completion of the contract;

(f) the application fee of US$ 100.00 has been paid.

(2) The contractors license shall be renewed annually.

Any archaeologist or anthropologist or anthropologist, applying for the renewal of a contractors license shall be granted such renewal, if the following minimum standards are fulfilled

(a) the contractor has been previously licensed as an archaeological or anthropological contractor in the Republic of the Marshall Islands;

(b) the previous valid license is not older than 5 years

(c) the renewal fee of US$ 100.00 has been paid; and

(d) none of the clauses stated in subsection (4) of this section apply.

(3) If the contractor has not held a valid contractors license for 5 years, the contractor is required to apply as specified in subsection (1) of this section.

(4) Any contractors license nay be revoked or temporarily suspended, and a renewal of a contractors license may be denied by the HPO, if the contractor

(a) is found in repeated breach of contract;

(b) in breach of ethical conduct as specified by the Society of Professional Archaeologists;

(c) the contractor has more than one uncompleted project outstanding beyond the project's deadline; or

(d) the contractor has not surrendered originals of fieldnotes to the HPO.

(5) The contractor has the right to appeal the HPO's decision to the Council. The Council's decision shall bo final.

PART Ⅴ: OWNERSHIP AND CONTROL OVER FIELDNOTES AND RESEARCH RESURTS

§ 13. Schedule Governing the Temporary Ban on Fieldnotes Deposited with the HPO

(1) Any researcher, required under §10(3)(b)(iv) of these regulations to hand over originals or photostats of fieldnotes and plans to the HPO, may impose a temporary ban on these documents, if the researcher believes that

(a) outside researchers may make use of the data before the researcher has had adequate time to analyse and publish the results;

(b) thefieldnotes need annotation without which the understanding of the notes may be unduly biased;

(c) if the information contained in these fieldnotes is sensitive with regard to the informants, either

(i) because the informants divulged traditionally restricted knowledge with the understanding that further dissemination of that knowledge be restricted;

(ii) because the information contained on the informants or their statements is reveals substantial aspects of their private lives not common to others.

(2) If a temporary ban is imposed, then
  (a) the information shall be placed in a sealed envelope, signed by the HPO. The envelope shall be kept in a locked cabinet;
  (b) If the information thus lodged relates to archaeological sites, then
    (i) the HPO shall not make available that information to persons outside of the HPO;
    (ii) the HPO shall not make available that information to members of the HPO only for Historic Preservation management purposes on a strict need-to-know basis. Members of the HPO cogniscant of the contents of the envelopes shall not divulge the information to persons not indoctrinated;
  (c) If the information thus lodged relates to anthropological observations, then
    (i) the envelope shall not be opened and the HPO shall not make available that information to any person, unless provided with written authorisation from the researcher;
  (d) the HPO shall keep an accurate log to document access to the envelope, documenting every separate access;
  (e) The envelope shall be resealed and re-signed every time it has been opened.
(3) Unless specified, the information contained in the envelope shall become public domain material five (5) years after deposition.
(4) Notwithstanding subsection (3), the researcher may impose a longer ban on the material, not to exceed thirty (30) years, if the information contained conforms with subsection (1)(c) of this section.
(5) If a ban longer than five (5) years is imposed, then the ban shall be reviewed every five (5) years in consultation with the researcher.
  (a) To facillitate this, the researcher shall inform the HPO of any address changes and the HPO of any address changes and the HPO shall keep and accurate log of the researcher's address changes to be kept with the envelope.
  (b) In case of the researcher's death the ban shall be reviewed every five (5) years by the HPO and shall be renewed upon his of her discretion.
(6) Any citizen of the Republic of the Marshall Islands may, on his or her discretion, on any media, with the Historic Preservation Office for safekeeping.

(a) the information shall be placed in a sealed envelope, signed by the HPO and the person lodging the material. The envelope shall be kept in a locked cabinet;

(b) the envelope shall not be opened and the HPO shall not be opened and the HPO shall not make available that information to any person, unless provided with written authorisation from the person lodging the material;

(c) the person lodging the material, or any person authorised in writing by the person originally lodging the material shall be provided with free access to the envelope;

(d) the person lodging the material may at his or her discretion withdraw the envelope at any time;

(e) The HPO shall keep an accurate log to document access to the envelope, documenting every separate access;

(f) The envelope shall be resealed and re-signed every time it has been opened.

§ 14 Violations

(1) A person who violates any provision of these regulations or requirement thereunder, shall be subject to fines under section 21 of the Historic Preservation Act 1991.

(2) Notwithstanding fines to be imposed under section 21 of the Historic Preservation Act 1991, any employee of the Historic Preservation Office who violates §12 (2)(b), (c), or (d) of these regulations shall be subject to disciplinary action under the Public Service Regulations 1984..

Republic of the Marshall Islands HPO Regulations Governing the Disposition of Archaeologically Recovered Human Remains

PART Ⅰ- GENERAL PROVISIONS

§1. Authority

1) These regulations are promulgated by the Republic of the Marshall Islands Historic Preservation Office with the approval of the Minister of Interior and Outer Islands Affairs pursuant to §8(c) of the Historic Preservation Act 1991.
2) These regulations supercede all previous publications.

§2. Effective Date

These regulations shall come into force one (1) day after their approval by the Cabinet.

§3. Interpretation

In these regulations, unless the context otherwise requires, the definitions given in section 3 of the Historic Preservation Act 1991 shall apply.

§4. Burials shall not be disturbed.

(1) It shall be unlawful to disturb, damage or destroy known burials or cemeteries, regardless whether they are marked or not.
(2) Notwithstanding subsection (1), burials may be disturbed if
  (a) Permission has been obtained according to the provisions of the "Regulations regarding the Conduct of Archaeological and Anthropological Research in the Republic"; or
  (b) Permission has been obtained according to the provisions of the "Regulations Governing land modification activities."

PART Ⅱ- DISPOSITION OF ARCHAEOLOGICALLY RECOVERED HUMAN REMAINS

§5. Disposition of archaeologically recovered human remains.

(1) Unmarked human remains which are recovered from time to time and salvaged in the course of development activities, unregulated land modification, or data recovery, or which are found exposed

due to natural erosion of the landscape, and which may be persons of different cultural associations shall be treated with dignity and respect consistent with the cultures of which they were members.

(2) Scientific, medical or other study of human remains shall be conducted for the purpose of ascertaining their actual cultural associations as well as to gain knowledge of past cultures and events, but shall be restricted to the minimum necessary to ascertain cultural or ethnic associations and to address significant research questions.

(3) Notwithstanding Subsection (2) of this section, burials shall be left in place undisturbed to the extent practical. If such burials cannot practically be left undisturbed, removal shall be done with proper archaeological methods and documentation.

(4) In the absence of expressed alternate preferences by persons having ascertainable relationships to the specific remains involved or other justifying circumstances, re-interment in an appropriate and respectful manner shall be considered the normal treatment of human remains removed from their original burial locations. such re-interment shall normally be in a sealed container with information regarding the original location and circumstances marked on the outside of the container and included within the container.

(5) All agencies or person who need permits as stipulated under section 9 of the Regulations Governing Land Modifications Activities 1991 shall make reasonable and good faith efforts in consultation with reasonable and good faith efforts in consultation with the HPO to locate such burials that may be affected by their actions or developments early in th planning process.

(6) Any removal, examination and re-interment, including the costs for an appropriate memorial, shall be at the expense of the agency or person whose project necessitates removal.

(7) The export of human remains is prohibited. If the scientific, medical or other study as specified in Subsection (2) of this section cannot be carried out in the Republic, then export may be permitted, provided that the remains be returned at the earliest possible date for re-interment under Subsection (4) of this section.

(8) The purposed removal, re-interment, destruction or export of human remains by an agency or person from archaeological or historic sites for religious reasons shall require the prior express approval by the HPO.

Republic of the Marshall Islands Existing Historic Preservation Legislation

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Republic of the Marshall Islands Environmental Protection Authority

Earthmoving Regulation1989

PART I- GENERAL PROVISIONS

§1. Authority

a) These regulations are promulgated by the Republic of the Marshall Islands Environmental Protection Authority with the approval of the Minister of Health Services pursuant to Section 21 of the National Environmental Protection Act 1984.
b) These regulations supercede all previous publications and repeal 63 Trust Territory code Chapter 13, Subchapter III, Regulations Concerning the Control of Earthmoving and Sedimentation in the Trust Territory of the Pacific Islands.
c) These regulations have the force and effect of law.

§2. Effective date

These regulations shall come into force 30 days after their approval by the Cabinet.

§3. Interpretation

In these regulations, unless the context otherwise requires:

a) "Accelerated Erosion" means the removal of the surface of the land through the combined action of human activities and natural processes, at a rate greater than would result through the action of natural processes alone.
b) "Accelerated Sedimentation" means the sedimentation resulting from the combined action of human activities and the natural processes
   Resulting from storms, heavy rains, and high winds at a rate greater than would result through the action of natural processes alone.
c) “the Authority” means the Republic of the Marshall Islands Environmental Protection Authority or its authorized representative.
d) “conveyance Channel” means a channel other than an interceptor channel used for the conveyance of water through a project area.

e) “Cultural resource” means an historical, architectural. Archeological or cultural site, remain, or artifact, including any place or object that enhances the knowledge or preservation of the environmental and cultural heritage of the Marshallese people.
f) “Diversion Terrace” means a channel or dike constructed upslope of a project for the purpose of diverting storm water away from the unprotected slope.
g) “Earthmoving” means any construction or other activity which disturbs or alters the surface of the land, a coral reef or bottom of a lagoon, including, but not limited to, excavations, dredging, embankments, land reclamation in a lagoon, land development, subdivision development, mineral extraction, ocean disposal, and the moving, depositing or storing of soil, rock, coral, or earth.
h) “Embankment or Fill” means a deposit of soil, rock, or other material placed by human activity.
i) “Erosion” means the natural process by which the surface of the land is work away by the action of water, wind or chemical action.
j) “Excavation” means a cavity formed by, but not limited to, quarrying, dredging, uncovering, displacing, or relocating soil, coral, or rock.
k) “Interceptor Channel” means a channel or dike constructed across a slope for the purpose of intercepting storm water, reducing the speed of water flow, or diverting it to outlets where it can be disposed.
l) “Land Developer” means any person who is engaged in land development as a principal, rather than an agent or contractor.
m) “Land Development” means the construction, installing, placing, placing, or building of surface structures, land reclamation, navigation channels, harbors, utility lines, piers, shopping centers and malls, causeways, recreational areas, apartment complexes, hotel, schools, roads, parking areas, or any other similar activity.
n) “person” means any individual, corporation, company, association, partnership, agency, authority, commission, foundation, the Republic of the Marshall Islands government or its political subdivisions, or any local, state, or foreign government or municipality, or other institution or entity, whether public, whether public or private.
o) “Sediment” means soils or other surface materials transported by water as the result of erosion, earthmoving activity on a reef or in a lagoon, excavation or fill.

p) "Sedimentation" means the process by which sediment is deposited on the bottom of a body of water, including, but not limited to, rivers, streams, ponds, lakes, lagoons or the tops of reefs.
q) "Sedimentation Retention Boom" means a watertight membrane suspended from floats and weighted to the bottom of water bodies arranged in a manner that will confine sediments to the local area of marine earthmoving activity.
r) "Stabilization" means the proper placing, grading or covering of soil, rock or earth, including the use of vegetation, to ensure their resistance to erosion, sliding, or other movement.
s) "Subdivision" means the division or redivision of a lot tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

*Ɛ*4. Applicability

These regulations shall apply to all earthmoving activities as follows:

Ongoing activities or operations of a continuous nature such as dredging or quarrying in progress on the effective date of these regulations shall be in compliance with these regulations within three months from the effective date.

Construction operations in progress on the effective date of these regulations shall be in compliance with these regulations within three months from the effective date.

All new projects and new operations that begin on or after the effective date of these regulations shall be in compliance with these regulations.

Ɛ 5. General Requirement

All earthmoving activities within the Republic of the Marshall Islands shall be conducted in accordance with these regulations and in such a way as to prevent accelerated erosion, accelerated sedimentation, and disturbance of potential cultural resources. To accomplish this, all persons engaging in earthmoving activities shall design, implement and maintain erosion control, sedimentation control, and cultural preservation measures which effectively prevent accelerated erosion, accelerated sedimentation, and adverse impact on cultural resources.

PART Ⅱ – EROSION AND SEDIMETATION CONTROL PLAN

*Ɛ*6. Plan required

The erosion and sedimentation control measures referred to in regulation 5 of these regulations must be set forth in a plan, which must be available at all times at the site of the actitivy and must be filed with the Authority.

*Ɛ*7. Preparation

The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

*Ɛ*8. Factors

The erosion and sedimentation control plan shall be designated to prevent acceleration of erosion and acceleration of sedimentaion and shall consider all factors which contribute to erosion and sedimentation, including, but not limited to, the following:

The topographic or hydrographic features, or both, of the project area.

The types, depth, slope and area of the soils, coral and reef.

The original state of the area as to plant and animal life.

Whether any coral reef which may be affected by the earthmoving is alive or dead.

The proposed alteration to the area.

The amount of runoff from the project area.

The staging of earthmoving activities.

Temporary control measures and facilities for use during earthmoving activity.

Permanent control measures and facilities for long-term protection.

A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.

*Ɛ*9. Project involving water

If the project involves an earthmoving activity in a lagoon, or a reef, or any body of water, the Authority may require the plan to show existing marine life populations as well as maximum and minimum turbidities.

PARTⅢ – EROSION AND SEDIMENTATION CONTROL MEASURES AND FACILITIES

*Ɛ*10. Control measures and facilities required

The erosion and sedimentation control measures and facilities set forth in regulations 11 and 12 of these regulations shall be incorporated into all earthmoving activities unless the designer of the erosion and sedimentation control plan shows that alteration of these measures or facilities, or inclusion of other measures or facilities, will prevent accelerated erosion and accelerated sedimentation.

*Ɛ*11. Control measures

All earthmoving activities shall be planned in such a manner so as to minimize the area of disturbed land, reef or lagoon.

All sedimentation resulting from underwater earthmoving activities shall be contained, confined and restricted by the best available means in such a manner that turbidities will be kept to a minimum.

All permanent facilities for the conveyance of water around, through or from the project site shall be designed to limit the velocity of flow on the facilities to a speed that will not contribute to erosion.

All slopes, channels, ditches or any disturbed area shall be stabilized as soon as possible after the final grade or final earthmoving has been completed within a section or area of the project.

Where it is not possible to permanently stabilize a disturbed area immediately after the final earthmoving has been completed or where the activity stops for more than 14 days, interim stabilization measures shall be promptly implemented.

Before filling or land development within a body of water or tidal zone, adequate seawalls or breakwater facilities, or both, shall be constructed to safely contain the fill without failure and to prevent accelerated sedimentation.

All runoff from a project area shall be collected and diverted to facilities for removal of sediment.

Runoff from a project area shall not be discharged into the waters of the Republic of the Marshall Islands without effective means to prevent sedimentation.

*Ɛ*12. Control facilities

Sedimentation retention booms shall be used to restrict accelerated sedimentation around earthmoving or earth disturbing activity on reefs or in lagoons in all cases, except when a finding has been made after actual

demonstration that no facilities are needed to prevent accelerated sedimentation. Approval of use of alternate facilities or a finding that no facilities are necessary shall be made in writing by the Authority.

Diversion terraces:

(i) shall be constructed upgrade of a project area to convey runoff around the project area, and shall have sufficient capacity to convey such runoff without overflowing;

(ii) shall be grassed or lined with erosion-resistant materials to prevent accelerated erosion within the channel; and

(iii) shall be designed so that outlet structures reduce the discharge speed to a level that will not cause accelerated erosion and are stabilized before use.

Seawalls and breakwaters to contain fill or reclaimed land shall be sufficiently watertight to prevent accelerated sedimentation, well constructed on a solid foundation, and built to a level at least 2 feet above the highest tide flood level of historical knowledge. These facilities shall be planned, designed and constructed under the direction of a person trained and experienced in building seawalls and breakwater facilities.

Interceptor channels:

(i) may be used within a project area to reduce the speed of flow and prevent accelerated erosion;

(ii) shall convey collected waters to sedimentation basis or to vegetated areas but not directly to streams or other bodies of water; and

(iii) shall be designed so that outlets to vegetated areas reduce the discharge speed to a level that will not cause accelerated erosion.

All conveyance channels shall be grassed or lined with erosion resistant materials or designed to reduce the speed of flow of surface runoff to a level that will not cause accelerated erosion.

Solids separation facilities:

(i) shall have a basin for settling solids out of water that is structurally sound and has sufficient capacity to hold the water what drains into the basin until the solids have settled out;

(ii) shall be designed so that outlet structures allow only adequately settled water to be discharged, and at a rate that will not cause accelerated erosion.

The discharge from construction of fills. Whether by pumps, hydraulic dredges, or any other means, used to construct fills shall be sufficiently treated and sufficiently retained with dikes, levees, seawalls, or other structures so that accelerated sedimentation will not take place in the waters

which receive the effluent. Transmission pipelines transporting fill material shall be maintained in a watertight condition at all times of excavation and fill operation.
Barges, scows, platforms, vessels, or anything used for hauling dredged material operating in the waters of the Republic of the Marshall Islands shall be sufficiently tight and secure that accelerated sedimentation will nit occur by reason of leaking or premature dumping due to faulty mechanisms.

PART Ⅳ – CULTURAL PRESERVATION MEASURES

*Ɛ*13. Cultural preservation measures required
Any person who engages in an earthmoving activity shall prevent adverse impact on potential cultural resources by identifying and preserving all such resources.

*Ɛ*14. Prior determination
Any person who engages in an earthmoving activity, whether or not that activity requires a permit pursuant to regulation 22, shall first make every reasonable effort to determine if a cultural resource may be unearthed, disturbed, or in any way affected by the earthmoving activity.
Efforts to identify potential cultural resources pursuant to subregulation a) may include, but are not limited to, the following:

(ⅰ) inquiries to surrounding traditional landowners;
(ii) inquiries to the Secretary of Interior & Outer Island Affairs, appointed by Cabinet as the Republic of the Marshall Islands Historic Preservation Officer, or to any other officer so designated;
(iii) inquiries to the Ministry of Interior & Outer Islands Affairs Division of Cultural Heritage, or Alele Museum; and
(iv) inquiries to any recognized authority on historic, architectural, archeological or cultural preservation.

*Ɛ*15. Declaration to Authority
When investigation conducted pursuant to regulation 14 reveals that a potential cultural resource may be affected by an earthmoving activity, the person who wishes to engage in that activity shall immediately declare the results of the investigation in the following manner:

(ⅰ) if the earthmoving activity requires a permit pursuant to regulation 22, declaration shall be made on the permit application form; or

(ii) if the earthmoving activity does not require a permit pursuant to regulation 22, declaration shall be made my written instrument to the Authority before earthmoving begins.

*E*16. Adverse impact

If the Authority determines an earthmoving activity may adversely affect a cultural resource, the Authority shall, by written instrument attached to the earthmoving permit or, in the case where no permit is required, by written instrument alone, require the person engaging in the earthmoving activity to design, implement and maintain appropriate cultural preservation measures.

*E*17. Duty to inform

In the event a cultural resource is discovered during the earthmoving process, the person engaged in the earthmoving activity shall inform the Authority by the quickest means available, and in writing, of the discovery.

*E*18. Mitigation

When informed of a discovery pursuant to regulation 17, the Authority shall, in consultation with the person engaging in the earthmoving activity, develop mitigation procedures to limit potential damage to the cultural resource.

Mitigation procedures may include a requirement to stop work temporarily at the earthmoving site so that the full extent of the cultural resource and the potential damage to that resource may be assessed.

Mitigation procedures shall be:

(i) reasonable;

(ii) clearly described by the Authority by written instrument; and

(iii) delivered to the person engaged in the earthmoving activity in a timely manner.

PART Ⅴ – RESTORATION

*E*19. Stabilization

Upon completion of the project shall be stabilized so that accelerated erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.

Ɛ21. Final measures
On completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

PART Ⅵ – PERMITS

Ɛ22. Permit required
Any person who engages in an earthmoving activity within the Republic of the Marshall Islands shall first obtain a permit from the Authority for the proposed activity except that no permit is required for:

(ⅰ) earthmoving activity that involves plowing or tilling for agricultural purposed; or

(ⅱ) earthmoving activity for the purpose of erecting a one or two family residence, or for the purpose of erecting structures associated with them consistent with residential use.

Those persons who qualify under the provisions of subregulation a)

(ⅰ) and (ⅱ) to engage in earthmoving activities without a permit must otherwise comply with all of the provisions of these regulations.

Ɛ23. Application for permit
Application for permits shall be in a form approved by the authority and shall be submitted by the person undertaking the earthmoving activity. In the case of land development, the application shall be submitted by the land developer rather than the contractor or agent.
Applications shall be made no later than 1 month before the proposed earthmoving activity is scheduled to begin.
Applications shall be accompanied by an erosion and sedimentation control plan and such other documents as the Authority may require.
Applications shall be accompanied by a processing fee of $100.00, which is not refundable, except that no fee is required by the government of the Republic of the Marshall Islands.
The Authority may, before issuing or denying a permit, hold a public hearing to determine the facts on which to base a decision.

Ɛ24. Special conditions
The Authority may, upon issuing a permit, impose any conditions or special requirements as it sees fit. All such conditions and requirements shall be listed on a written instrument attached to the permit.

PARTⅦ – ENFORCEMENT

Ɛ25. Violations

A person who violates any provision of these regulations or any permit, requirement or order issued there under, shall be subject to enforcement action by the Authority.

The enforcement action may be any or all of the following:

(ⅰ) revocation of an earthmoving permit;

(ⅱ) the making of a cease and desist order in relation to the subject matter of the violation;

(ⅲ) the imposition of a civil penalty, fixed by the Authority, not exceeding $10,000.00 for each day on which the violation continues;

(ⅳ) the institution of civil proceedings to restrain the violation; and

(ⅴ) any other action authorized by the National Environmental Protection Act 1984 or any other law.

Ɛ26. Public hearing

When the Authority revokes a permit or a cease and desist order is made under regulation 25 b) (ⅰ) or (ⅱ), or both, a public hearing shall be conducted by the Authority to determine the authenticity of the facts upon which the order was made.

Adequate notice of the hearing, and an adequate opportunity to appear and be heaed at the hearing, shall be given to all interested persons.

Ɛ27. Penalty for lack of permit

Any person required to have a permit and engaged in earthmoving activity without a permit shall be subject to a civil penalty of $100.00 per day for each day the earthmoving activity is conducted without a permit.

National Archives Act 1989
(as amended 1992)

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NITIJELA OF THE MARSHALL ISLANDS
10TH CONSTITUTIONAL REGULAR SESSION, 1989
Amended
13TH CONSTITUTIONAL REGULAR SESSION, 1992

An Act

to provide for the establishment of an Office of National Archives to make provision for the custody and preservation of public records; and for matters connected therewith.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Ɛ 1. Short Title

This Act may be cited as the National Archives Act 1989.

Ɛ 2. Interpretation

In this Act unless the context otherwise requires:

"Archivist" means the Archivist appointed under Section 4 of the Act;

"Current Marshall Islands records" means records currently used for the purpose of the institution using such records, other than the purpose of the institution using such records, other than the purposes under this Act;

"Head of the public office" with reference to any public office, means the head of that office or the officer for the rime being discharging the duties and functions of the head of the office;

"Historic Preservation Office" means the office established under Section 4 of the Historic Preservation Act 1991, P.L. 1991-111;

"Historic Preservation Officer" means the Secretary of the Ministry responsible for administration of the Historic Preservation Act 1991;

"Institution" includes any public office;

"Manuscript" means any hand written documents made of paper, copper, silver, gold or any other material except granite;

"National Archives" means the Office of National Archives established under this Act;

"public Archives" or "Archives" means all public records and any other manuscript, document or printed matter kept or deposited at the National Archives for permanent preservation;

"public office" means any ministry, department, office, agency or instrument of any kind of the Government of the Republic of the Marshall Islands and includes any public corporation whose capital is partly or wholly provided by the Government, office of any Local Government Council;

"public record" or "record" means any original or copy of any manuscript paper, letter, register, report, book, magazine, map chart, plan, drawing, picture, photograph, or any other record of part thereof either handwritten, drawn, printed, produced in any other material and officially received or

produced or prepared in any public office in the course of its official functions and includes any cinematograph, film, recording tape, tape, disc or production in any other media received in any public office;
"Printed matter: means any book, magazine, leaflet, newspaper, or any other paper containing information printed by any mechanical or any other process.

PART Ⅰ ANDMINISTRAION

Ɛ 3. Office of National Archives
An office known as the Office of National Archives is hereby established. The Office of National Archives shall be a part of the Historic Preservation Office.

Ɛ 4.Archivist and officers of the National Archives.

(1) The Historic Preservation Officer may appoint a person, by name or by office, to be or to act as the Archivist.
(2) There may also be appointed such other officers and personnel as may be necessary for the purposes of the Office of National Archives.

Ɛ 5.Administration of the Act.

(1) The Office of Historic Preservation is hereby authorized to contract for services to administer to the appointment of persons pursuant to Section 4.
(2) The contractor shall be a person or corporation possessing the qualifications necessary to carry out the functions and duties of the Archivist as described in this Act.
(3) In the exercise of general functions, powers and duties under this Act, the Archivist or any entity contracting to provide the services of Archivist, shall act in consultation with the Historic Preservation Office.

PARTⅡ POWERS AND FUNCTIONS

Ɛ6. Functions of the Archivist

(1)The Functions of the Archivist shall be:
(a) to ensure the conservation and preservation of the existing and future archival resources of the Marshall islands;
(b) to encourage and foster the preservation of all other archival resources relating to Marshall Islands;

(c) to promote, by providing advice and other assistance to institutions, m the keeping of current records in an efficient and economical manner and in a manner that will facillitate their use as part of he archival resources of Marshall Islands;

(d) to seek to obtain, and to have the custody and management of, material not in the custody of a public office that forms part of the archival re-sources of the Marshall Islands and, in the opinion of the Archivist, ought to be in the custody of the Archives;

(e) to accept and have the custody and the management of material that, though not part of the archival resources relating to the Marshall Islands and, ought to be in the custody of the Archives in order to ensure its preservation or for other reasons;

(f) to encourage, facillitate, publicize and sponsor the use of archival material;

(g) to make archival records available or public access in accordance with this Act;

(h) to conduct research, provide advise, in relation to the management and preservation of records and other archival material;

(i) to develop and foster he co-ordination of activities relating to the preservation and use, of archival re-sources of the Marshall Islands and other archival resources relating to the Marshall Islands.

(2) Nothing in this part derogates form the powers and functions of any institution in the Marshall Islands in relation to the keeping of current Marshall Islands records.

Ɛ7.Powers of the Archivist

(1) The Archivist shall have charge of the National Archives and of Archives deposited therein and in addition to the specific functions conferred or imposed on dition to the specific functions conferred or imposed on him by this specific functions conferred or imposed on him by this Act, he shall take all such measures as are necessary for the conservation of Archives.

(2) The Archivist or any other officer of the National Archives authorized by him, shall have the power to do all such things as appear to him to be necessary or expedient for the purpose of the efficient administration of this Act and may, in particular:

(a) establish and control repositories or other facilities to house or exhibit material of the Archives;

(b) undertake the survey, appraisal, accessioning, arrangement, description and indexing of records;
(c) make available and publish lists, indices, guides, inventories, calendars, texts, translations and such other things as may be necessary as aids to the Archives in his custody;
(d) provide for the restoration and conservation of Archives in a suitable manner and make photo-graphic reproductions or make copies, by micro-filming or otherwise, of Archives;
(e) produce or cause to be produced any Archives open to public inspection;
(f) arrange for the publication or sale of material forming part of the archival resources of the Marshall Islands or works based on such material including replicas and copies;
(g) examine any record or any manuscript or document containing references to the Marshall Islands or which has its origin in the Marshall Islands with a view to securing either on loan or by purchase, the original or any copy thereof;
(h) acquire by purchase, donation, bequest, con-tract, or otherwise or take on loan, any record, tract, or otherwise or take on loan, any record, manuscript or document or any other material which in his opinion should be deposited in the National Archives for permanent preservation;
(i) examine any collection of records or printed material in private possession for purposes of listing and recording and render such technical aid or assistance as may be necessary for the conservation and preservation of such records printed material;
(j) train, or assist in the training of persons, for work in connection with records and other archival material; and
(k) hold public exhibitions or expositions of any class or description of Archives, private documents, manuscripts or printed material deposited in the National Archives.

*Ɛ*8.Selection and Transfer of public records.

(1) The Archivist shall have access to any place of de-posit of public records and shall are the power to examine such records with a view to listing and collecting information there from or to take such steps as are necessary for their transfer to the National Archives for permanent preservation.
(2) It shall be the duty of the head of any public office or any other person for being having custody of public records:

(a) to afford the Archivist or any officer authorised by him in writing, all facilities for the examination and selection of such public records for permanent preservation and for the transfer of such records to the National Archives;

(b) to keep in safe custody in such office any class or description of public records selected by the Archivist or by any such other officer pending the transfer of such record to the National Archives; and

(c) to perform such duties in connection with the election and listing of such public records in his custody for transfer to the National Archives as may be required by the Archivist.

PART Ⅲ CUSTODY AND PRESERVATION OF ARCHIVES

*Ɛ*9. Deposit of public records

(1) All public records of the age of twenty-five years or over, other than those which are under enactment required to be held in custody of a specified or public office, which in the opinion of the Archivist are of sufficient value to warrant their preservation, shall be transferred to the custody of the Archivist and be deposited in the National Archives.

provided, however, that the transfer of any public records to the National Archives may be temporarily deferred and such records retained in the office of origin for administrative and other purposes for such period as may be agreed upon by the head of such public office and the Archivist, and in every such case a list of the records so retained shall be transmitted to the Archivist by the head of such office.

(2) where the head of the office responsible for transferring any public records is of the opinion that such records are any public records is of the opinion that such records are of a confidential or secret nature or contains information the release of which may adversely affect the security of the Republic of the Marshall Islands, he may specify the conditions subject to which such records are kept in the National Archives or defer for such period as he may decide. It shall be the duty of the Archivist to comply with such conditions.

*Ɛ*10. Documents relating to any public office to be close down

Where any public office is to be closed down or wound up, the head of such public office shall transmit to the Archivist a complete list of all public records in that office and shall make arrangements to deposit in the National

Archives such records as the Archivist may select or require for permanent preservation in the National Archives.

*E*11.Records of Commissions etc.
It shall be the duty of the Secretary of any Commission of Inquiry, appointed under the commissions of Inquiry Act 1986 or any Committee of Inquiry appointed by a Minister or Government to deposit all records relating to such Commission or committee, as the case may be, at the National Archives within three months of the rendering of the final report of such Commission or Committee.

*E*12. Deposit of public records less than twenty five years old.

(1) The Archivist may allow the deposit in the National Archives, public records of less than twenty five years of age if he considers that they are of sufficient value for deposit.

(2) Any deposit of public records under the provisions of Subsection (1) may be subject to any special conditions imposed by the head of the office making the deposit.

*E*13.Documents in private possession.

(1) Any private individual or the head of any institution in possession of any manuscript or document over twenty-five years of age, being a manuscript or document of historical, cultural or literary value may notify the Archivist of the existence of such manuscript or document.

(2) Such individual or the head of the institution shall afford the Archivist all facilities to inspect such manuscript or document.

(3) Such an individual or head of the institution shall if agreed upon by the Archivist, deposit at the National Archives such manuscript or document either on a permanent or temporary basis, and may specific the conditions subject to which such manuscript or document shall be made available for public inspection or extracts or copies therefrom shall be taken for publication or any other purposes.

*E*14. Public Records not in Archives

(1) The Archivist may, from time to time, inspect any public records that are for the time being in possession or under the control of any public office and give such instruction as to their safe preservation and such advise as to their efficient and economical administration and management as he considers necessary.

(2) Nothing in this section shall be deemed to authorized the Archivist to inspect the contents of any public record:

(a) which by written law are forbidden to be communicated to him; or

(b) which are secret or confidential, except with the consent of the had of the office having the custody thereof.

Ɛ15.Transmission of certain copies or specimen of certain publications to the Archivist.

(1) It shall be the duty of

(a) the head of any public office to transmit to the Archivist a copy of every annual report, statement of account and any other publication issued by such office, within thirty days of such issue;

(b) Controller of Postal Services to transmit to the Archivist a specimen of each new postage stamp first day cover, postal or money order from, aerogram and post card issue by the Controller of Postal Services, within thirty days of such issue.

(c) the Secretary of Finance to transmit to the Archivist a cancelled specimen of any new currency note or coin of every denomination issued by the Government, within thirty days of such issue;

(d) the head of any public office in custody of such document to transmit to the Archivist a copy of every map, plan, chart of other publication issued by the government within thirty days of such issue;

(e) the printer and publisher of every book printed or published in the Marshall Islands to transmit to the Archivist a copy of such book free of charge, within one month from the first day of delivery out of the press or first publication.

(2) For the purpose of paragraph (e) of Subsection (1) above "book" includes every part or division of a book, pamphlet, periodical, newspaper, journal, magazine, review, gazette, or any other publication available or open to inspection by the public.

PART Ⅳ MISCELLANEOUS

Ɛ16. Prohibition of export of certain documents

(1) No person shall except on the written authority of the Archivist export out of the Marshall Islands any public record, document or

manuscript or any other printed matter which is over twenty five years old and which is of historical or cultural or literary value.

(2) The Archivist may in his discretion refuse to issue written authority if he considers that such record, document or manuscript is of such historical, cultural or literary value that its export will not be in the national interest.

(3) Any person aggrieved by the refusal of the Archivist to issue such written authority may appeal to the Resource Protection Officer against such refusal within fourteen days of the communication of such refusal. The decision of Resource Protection Officer shall be communicated within fourteen days of such appeal, and, shall be final and conclusive.

*Ɛ*17.Reproduction of public records

No person shall publish or reproduce whole or any part of the contents of any public record which is in the custody of the National Archives, without the written consent of the Archivist.

*Ɛ*18.Protection and preservation of public records.

(1) No person shall destroy or otherwise dispose of, or authorise the destruction or disposal of any public record that is in his possession or his control except with the written consent of the Archivist given in accordance with this Act.

(2) No person shall destroy or otherwise dispose of, or authorise the destruction or disposal of any public record that is in his possession or his control except with the written consent of the Archivist given in accordance with this Act.

(3) No person shall deface, alter, mutilate or in any other way damage any public record except with the written consent of the Archivist.

*Ɛ*19.Destruction of public records.

The Archivist may authorise the destruction, or destruction after the expiry of such specified time as may be agreed between the Archivist and the head of the public office concerned, of any specified public records or classes of public records that:

(a) by reason of their number, kind or routine nature do not in his opinion possess an enduring value for preservation in the National Archives; and

(b) are not required for reference purposes in public office after action on them is completed, or after expiry of such particular period.

*Ɛ*20. Deposit in the National Archives of public and Private Records
All public and private records received for permanent preservation by the Archivist shall be deposited in the repositories of the National Archives.

*Ɛ*21.Temporary transfer of records.
Except as herein provided, pulic and private records deposited for permanent preservation shall not be removed from the National Archives to any other place for any purpose whatsoever.
Provided however where any public office which transmitted to the National Archives any record, document, manuscript or other thing requires the same for inspection by such office such record, document, manuscript or other thing may be forwarded to such officer by the Archivist for inspection and return within such period as may be specified by him.

*Ɛ*22.Qualifications of Contractor.
Any contractor proposing to undertake the administration of this Act must, either through a business plan if an individual or by-laws if a corporation, make such provisions as may be necessary to give effect to the principles of this Act. such provisions shall in clude, but are not limited to the following:

(a) selection of public records and private documents and manuscripts for permanent preservation;
(b) care and custody of public records in public offices and other institutions;
(c) public access to the public archives the terms and conditions subject to which public archives are open to inspection;
(d) prohibition or restriction of the disclosure of information obtained by the public from public archives;
(e) maintenance of secrecy by officers of the National Archives in respect of any class or description of public archives in respect of which secrecy is required to be maintained by or under any written law; and
(f) destruction of valueless records and documents in public offices.

*Ɛ*23. Copyright.

(1) Nothing in this Act shall derogate from any provision of law relating to copyright in relation anything contained in any public records deposited in the Archives under the provisions of this Act.
(2) Where ay person publishes any work containing any passage from any public record deposited in the Archives, he shall in that

publication acknowledge the source from which that passage is taken.

Ɛ24.Funding.
Funds for the administration of this Act shall be provided through an appropriation to the Historic Preservation Office.

Ɛ25.Regulations.
The Historic Preservation Office may, in accordance with the Marshall Islands Administrative Procedure Act, promulgate regulations that will govern the administration of this Act.

Language Commission Act 1983

NITIJELA OF THE MARSHALL ISLANDS 4THCONSTITUTIONALSESSION

AN ACT

to establish a Republic of the Marshall Islands Language Commission, to encourage the preservation, development and use of the Marshallese Language.

Section 1. Short Title
This Act may be cited as the "Republic if the Marshall Islands Language Commission Act 1983".

Section 2. Reserved

Section 3. The Commission
(1) A Republic of the Marshall Islands Language Commission is hereby established.
(2) The Commission shall consist of a Chairman and such other members as the Cabinet appoints, with the concurrence of the Nitijela expressed by resolution.
(3) The members of the Commission shall be persons well versed in the Marshallese language and culture, and may include also persons with specialized knowledge of the science of linguistics or with experience elsewhere of the type of work that the Commission is established to do.
(4) The commission shall determine its own procedure.
(5) The compensation of the members of the Commission shall be specifically provided by Act.

Section 4. Functions of the Commission
(1) The functions of the Commission are:
(a) to investigate methods of preserving, developing and encouraging the use of the Marshallese language, and to report on such matters to the Cabinet and to the Nitijela through the Minister;
(b) to recommend action to be taken by the Government of the Marshall Islands or by any other person, organization or

authority for the preservation, development and use of the Marshallese language;

(c) to device and, so far as it can, implement an educational program on the Marshallese language, and of the need form and the methods of, its preservation, development and use;

(d) to sponsor and approve standards for uniform spelling of Marshallese words and phrases;

(e) to prepare and publication of, dictionaries and other works on the Marshallese language;

(f) with the approval of a joint committee of the Nitijela and the Council of Iroij, to adopt and publish lists of new words, phrases and grammatical forms that appear to it to be required or desirable for the development and use of the Marshallses language; and

(g) any other functions that are necessary or desirable for the achieving the purpose of this Act.

(2) The Commission may cooperate with, and seek assistance from, universities and other institutions and persons interested in the functions of the Commission and the achievement of the purposes of this Act.

(3) The Commission, with the approval the Cabinet, may solicit and accept grants, donations and other aid from any source for the purposes of this Act.

(4) Grants, donations or aid made or given subject to conditions, or for certain purposes, may be spent or used only in accordance with those conditions or for those purposes.

Section 5.Staff, etc.

(1) There shall be a Secretary to the Commission, and such staff as the Commission needs to perform its functions.

(2) The Secretary and the staff of the Commission shall be members of the Public Service, on either full-time secondment, as arrangement between the Minister and the Commission.

(3) Out of money lawfully available for the purpose, or by arrangement with the Minister, the Commission may obtain the services of specialists and consultants on aspects of its works.

Section 6.Assistance and cooperation.

It is the national duty of the Government of the Marshall Islands(in particular the Ministry of Education), of the news media, of local governments, of

private and public organizations and authorities, and of the people generally to cooperate with the and assist the Commission in its works.

Section .Finance.

(1) A Marshallese Language Trust Fund is hereby established for the specific purposes of this Act.

(2) The Fund is a Fund other than Marshallese Islands General Fund, within the meaning and for the purpose of article Ⅷ, Section 3(2) of the Constitution of the Marshall Islands.

(3) There Shall be paid into the Fund:

  (a) any grants, donations or aid in cash made or given for the purposes of this Act, in accordance with Section with 4(3) of this Act;

  (b) any other amounts received for the purposes of the Commission or of this Act; and

  (c) any amount appropriated by the Nitijela for the purpose.

(4) Money may be paid out of the Fund only:

  (a) for the purposes of the Commission and of this Act; and

  (b) with the authority of the Secretary of Finance, who shall first satisfy himself that the payment is in accordance with this Act.

(5) A delegation under Article Ⅷ, Section 5(1) of the Constitution of the Marshall Islands to expend money out of the Fund is given to the Secretary of Finance.

(6) The secretary of Finance shall maintain proper accounts and records of the Fund, and the accounts to be laid before the Nitijela by the Minister if Finance under Article Ⅷ, Section 5(4) of the Constitution of the Marshall Islands shall include accounts relating to the Fund

Section 8 Reports.

(1) Any report under Section 4(1) of this Act shall be presented by the Minister to the Mitijela, together with his comments or the comments of the Cabinet on it.

(2) the Commission shall, at least once in each year, at such time as is fixed by the Minister, submit to the Minister, for presentation to the Nitijela, a report on progress in the preservation, development and use of the Marshallese language and on measures likely to ensure respect for it, and generally on the operations of the Commission and the administration of this Act, with such recommendations (if any), as it thinks proper.

(3) The Commission may at any other time, and shall if so directed by the Nitijela or the Minister, submit to the Minister a report on all or any aspects of the matters referred to in Subsection (2) of this Section.

(4) The Minister may present to the Nitijela any report under Subsection (3) of this Section, and shall do so if the report was directed by the Nitijela.

Legal History

1966
United States of America Historic Preservation Act is passed.

1967
Trust Territory Code Title 67, Chapter 6 ЄЄ251-256

1983
Language Commission Act 1983 (P.L 1983 –

1984
Environmental Protection Act 1984 (P.L. 1984-31)

1986
Compact of Free Association between the Government of the United States of America and the Government of the United States of America and the Government of the Republic of the Marshall Islands.

1989
National Archives Act 1989 (P.L. 1989-47)

1990
A resolution to provide for the preservation of the cultural and historic heritage of the Republic of the Marshall Islands (H.R. 1990-100)

1991 Historic Preservation Act 1991 (P.L. 1991-111)

1992
Regulations Regarding The Conduct Of Archaeological And Anthropological Research In The Republic 1992
Regulations Governing The Taking And Export Of Artifacts 1992
Regulations Governing The Disposition Of Archaeologically Recovered Human Remains 1992
Regulations Governing Land Modification Activities 1992
Regulations Governing Access To Prehistoric And Historic Submerged Resources 1992
National Archives Amendment Act 1992(P.L. 1992-4)

Index

The following is an index to the Republic of the Marshall Islands Historic Preservation Legislation as contained in this volume. The following abbreviations have been used to facillitate the location of the relevant act or regulation:

ARC— Regulations Regarding The Conduct Of Archaeological And Anthropological Research In The Republic 1992
EPA— Republic of the Marshall Islands Environmental Protection Authority Earthmoving Regulations 1989
EXP— Regulations Governing The Taking And Export Of Artefacts 1992
HPA— Historic Preservation Act 1992
HUM— Regulations Governing The Disposition Of Archaeologically Recovered Human Remains 1992
LAN— Regulations Governing Land Modification Activities 1992
LCA— Language Commission Act of 1983
NAA— National Archives Act 1989 (as amended 1992)
RES— A resolution to provide for the preservation of the cultural and historic heritage of the Republic of the Marshall Islands (1990)
SUB— Regulations Governing Access To Prehistoric And Historic Submerged Resources 1992

Annex 2|***Photographs***

Jobwa (Traditional Dance) Dancers

Women performing a Marshallese Dance

A grandmother giving her baby granddaughter a herbal bath

Clearing of taro pit and replanting

Canoe Race Competition that involves the whole community

Getting the mats out for the dedication of a chief's new home

Family members at a funeral

Making compost from coconut husk

Making small garden the traditional way

Traditional Herbal Medicine

Traditional Navigation - Stick Chart

The Marshallese Hospitality - Mother & Daughter

Traditional fishing method with coconut fronds

Making Kokal (Coconut fi

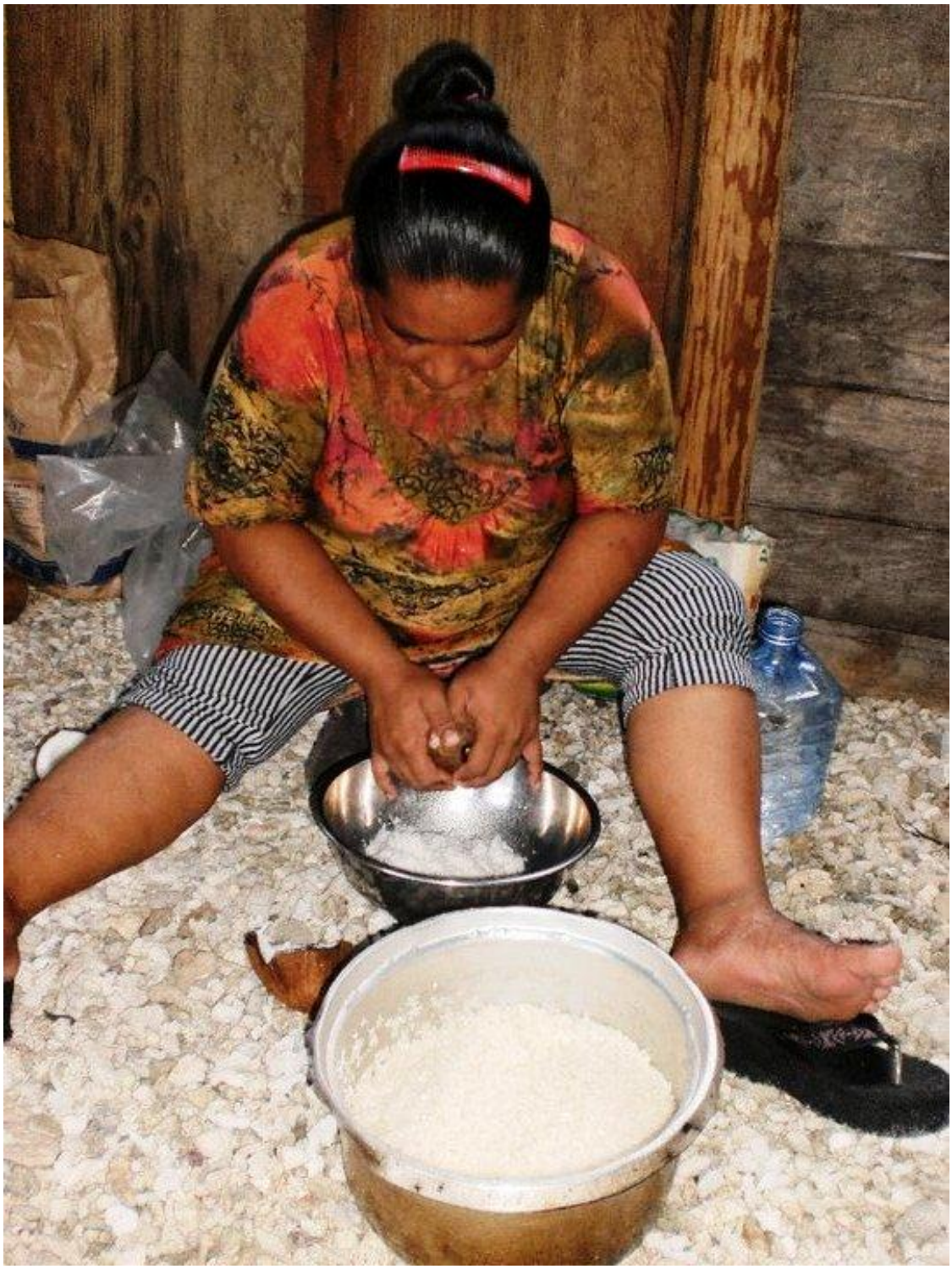
Mothers teaching daughters how to peel breadfruit

Ready for first sail
Celebrating 1st birth day

Roof of coconut fronds

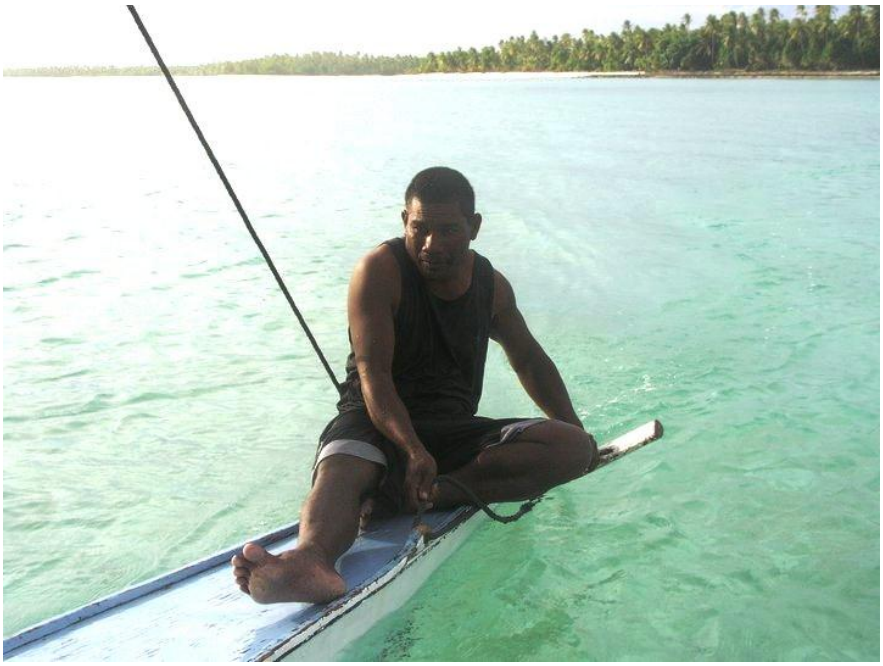
Young girls learning how to make handicraft

Children learning the importance of shoreline protection



Grating coconut

Mother showing daughter how to make banana coconut balls (2)



Sailing the canoe

Making head garlands

Cooking rice with coconut in a an ebbo (coconut fronds) (2)

Outdoor cooking

Ready to set sail in Ailuk

Young boys with toy canoe

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