

IV. A Critical Look at ICH

Breaking Tradition to Save Tradition

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

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

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

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

On Pohnpei similar traditions dictate that story-telling should not be shared too much. It has long been stated amongst the elder story-tellers on Pohnpei that if a

man shares all the knowledge he knows then he is like a cup turned upside down, he will be empty and will pass away shortly after completing his story. For this reason story-tellers in Pohnpei will never tell the full story. One must continue to see the story-teller learning one piece at a time up until the moment of their passing to learn the full oral tradition. Again, in ancient times there was reasoning behind this belief. The title system on Pohnpei and the value of those titles is based upon their historic origin as told in oral history. Therefore, the person who can claim to be the authority on that oral history plays a special role in maintaining the knowledge surrounding the value of those titles. If there are only a few authorities on the oral history and the sharing of such knowledge is strictly controlled it would ensure that there was less confusion and debate over the truth of that oral history.

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

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

island. Master Tony is using bits of knowledge recorded in historic texts to reconstruct the Chamorro design based on his knowledge of the Satawal canoe. Master canoe builders from Puluwat have also come to Guam to help other sailing canoe clubs to build traditional voyaging canoes on Guam.

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

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

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

Undefined Exemptions for Traditional and Customary Use

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

For example, in many islands shark fishing has been banned due to the effects of commercial fishing on shark populations and the devastating effects of shark-

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

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

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

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

In these examples, it is the traditional methods used for the hunt and the rite of passage for the hunter that represent the Intangible Cultural Heritage that is intended to be preserved by allowing the exemption to hunt these endangered species. However, the hunting of protected species by modern methods, which do not play an integral role in the maintenance of the community or its culture, do not represent legitimate exemptions to protective measures to preserve species and ecosystems at risk. Again, simply stating that one's ancestors hunted sharks and turtles and therefore one should be exempt should not constitute a safeguarding measure for ICH since it can not be demonstrated what elements of ICH are being preserved.

If traditional activities bring greater harm to society than gain than logic should dictate that those traditions should indeed be abandoned. The more extreme case of cannibalism or headhunting serves to prove the point. No one will accept the argument that cannibalism or headhunting should be preserved as ICH, even if, like the examples above, it proves the role of a man within his community. In remote communities of Papua New Guinea, some have reported that the taking of an enemy's head still serves as a rite of passage for a young man. Yet, this would not be acceptable by international standards as a form of ICH.

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

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

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

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

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

Yap Festivals and Tourism Development

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

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

For the local the requirement to wear the traditional dress appropriate to the island and age can be a hindrance to their participation in the festival. Several locals expressed a desire to participate but a lack of traditional attire. However, since the purpose of the festival is to maintain traditional culture it is obvious that such restrictions must occur to maintain the authenticity of the event. Yet, the conflict becomes apparent when one witnesses the VIP tent that is composed of tourists who are able to view the festival as guests without participating, a privilege not offered to the local. Their role as guests seems appropriate though

given the nature of the festival and the wish of the Yapese to share their culture with the world. The more shocking aspect though was the freedom with which the tourists at the most recent Yap Day walked around and within the performances. The interaction was tolerated and perhaps even encouraged, most likely because of the small size of the tourists present. However, the possibility of greater numbers of tourist in the future will likely put a greater strain on this interaction.

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

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

The exact scope of the ETG development has been little known with hotel rooms numbering in the thousands, a conference center, and much more. It is expected that much of the ambiguity is due to on-going negotiations, however, it has fostered much speculation and rumor. Anything on the scale of what is being proposed will be difficult to regulate and it is likely that profits to the state will be minimal.

For now we can only observe what becomes of this example and let it serve to inform future decisions. The role that tourists play in the culture presentations will be an ongoing question. Will tourists have access to every village? Currently, most tourism is concentrated in Colonia and village tours are organized. Otherwise permission is required to enter many of the more important areas of villages. Whether this remains the norm or access changes and how those changes affect the ICH has yet to be seen.

Collective Ownership between Islands

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

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

Traditional Medicine

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

should be noted that women often possess particular knowledge in the area of medicine.

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

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

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

Traditional Apology

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

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

offender will compensate for the crime. In most circumstances once the apology is performed all charges are dropped.

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

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

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

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