

# **The Underwater Cultural Heritage of the Marshall Islands; A Discussion of the Resources, the Legislation, the Community, Protection and Preservation**

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## **Abstract**

The unique underwater cultural heritage (UCH) of the Republic of the Marshall Islands (RMI) remains a formidable challenge for management and preservation. The heritage includes traditional sites such as important coral reef heads and Marshallese fish traps, the Japanese and American signature of World War II in the Pacific, and the material evidence of nuclear testing at Bikini Atoll. Last year, Bikini Atoll was inscribed as a World Heritage Site, and Kwajalein Atoll remains a United States National Historic Landmark. Traditional sites continue to be used by Marshallese navigators and fisherman. A widening circle of legislation informs management, including the respective RMI and United States legislation, U.S. military regulations, and global strategies for World Heritage management. Consultation and planning may require involvement from landowners, Irooj (traditional chiefs), mayors, tour operators, developers, the military, local cultural resource officers, and the governing agencies.

Geography and unreliable transport pose a challenge to preservation and protection. The 29 atolls and 5 islands are not easily reachable, requiring collaboration and creativity for survey and monitoring. Threats to underwater cultural resources range from WWII wreck looting to ensuring continued access for fisherman to traditional fish traps at a proposed surf resort. The value of historic preservation often competes with development interests and the immediacy of economic need.

This paper is a discussion of the ways that the Historic Preservation Office approaches the vastness, multiplicity of legislation, range of stakeholders, and challenges that are associated with preservation and protection of the UCH in the Republic of the Marshall Islands. First I present an overview of the geography and the resources, followed by discussion of the various legislation and our actions to address the challenges and build capacity to protect and preserve the UCH in the Marshall Islands.

## **Geography**

A discussion of the preservation of the UCH of the Marshall Islands must begin with an understanding of the vastness of the country. The Marshall Islands are approximately 5000 miles southeast of Japan, and halfway between Hawaii and Australia. The two chains of atolls and islands that make up the Marshall Islands are traditionally referred to as the *Ralik* (eastern) and the *Radik* chain (western). The northwestern atolls were traditionally known as Kabin Meto, or the “far reaches of the sea” or “bottom of the sea” (National Biodiversity Team 2000:10-11).

While the land mass of the 29 coral atolls and 5 islands totals an area of 70 square miles, the Exclusive Economic Zone that differentiates the waters surrounding the archipelago from the rest of Micronesia covers 750,000 square miles. Dry land forms less than 1% of the country’s area. There are 1,225

individual islets and islands that make up the Marshall Islands, and amongst the atolls, a total lagoon area of 4,507 square miles. Of these, Kwajalein Atoll is the largest atoll (and largest in the world) with a lagoon area of 839 square miles and a land area of about 6 square miles (National Biodiversity Team 2000:11). Due to its remote location and large lagoon, Kwajalein is leased by the United States government for use as a military base and ballistic missile testing site.

## **Resources**

The Marshallese are internationally regarded as skilled navigators, peopling the remote atolls after traveling great distances in outrigger canoes reading the swells, ocean currents, and the weather. Traditional sites demonstrate this intimacy with the ocean and include coral reef heads featured in bwebenwato (storytelling), *mo*, and the fish traps that are still in use today. Marshallese Irooj (chiefs) set aside land, lagoon, and ocean areas as *mo*, off limits for harvesting or fishing – this allowed depleted resources to recover before the area was used again, ensuring sustainability. The vast cultural landscape of the country includes these natural resources that have roles in bwebenwato (storytelling), the components of travel (swells, weather) and the basis of survival (healthy biodiversity and the coral reef).

In the 14<sup>th</sup> century, Spanish wayfarers voyaged into Micronesia, and although they didn't occupy the lands, claimed "discovery" of several of the atolls. They were followed intermittently throughout the 1500s – 1700s by more Spanish, British, and Dutch ships. British Captain William Marshall, commander of the *Scarborough* and Thomas Gilbert of the *Charlotte* are credited for discovering the Marshall Islands in 1788.

In 1885 the Marshall Islands became a protectorate of Germany which lasted until 1914. After the outbreak of WWII in Europe, the Japanese succeeded Germany in administration of the Marshalls, and sought to develop Micronesia economically and to begin fortification of the islands in preparation for WWII in the Pacific.

The Japanese fortified Kwajalein, Jaluit, Maloelap, Mili, and Wotje in the 1930s, relocating the residents to other atolls. In 1937, the famous American aviator, Amelia Earhart, and her navigator, Fred Noonan, disappeared on a trans-Pacific flight, and one theory placed her in the Marshalls (Roach 2003).

World War II started in 1941 and the United States gained supremacy in the Pacific, conquering Kwajalein, Majuro and Enewetok Atolls within one month. The U.S. fortified Kwajalein and Enewetok, and took over trusteeship of the Marshall Islands in 1944.

The UCH of the Marshall Islands includes the material signature of the events of World War II. Sunken ships and airplanes characterize the war torn atolls and undoubtedly extend beyond our current scope of investigation. A recent survey of Ujae Atoll, arguably removed from the main areas of WWII activity, revealed an intact Catalina B-5 bomber, typically used for scouting, sunken in the lagoon. Kwajalein Atoll has an extensive underwater WWII story, characterized by new finds in addition to the prestigious wrecks long explored.

The event that placed the Marshall Islands in the global consciousness came after the war. Following the takeover, the United States detonated 23 thermonuclear weapons in the Marshall Islands. Chosen for its remote location, the United States assembled WWII Japanese and U.S. warships into Bikini Atoll's lagoon, fortified the atoll with bunkers, and relocated the Bikinians to neighboring atolls in an epic and unforgettable agreement that they were leaving their homeland "for the good of all mankind and to end all world wars" (Baker and Niedenthal 2009:33) During the first peace time test of an atomic bomb, the fallout from the tests effectively radiated hundreds of Marshallese, Japanese fisherman, and military servicemen.

Due to its outstanding universal value, Bikini Atoll was inscribed as a World Heritage Site in July of last year (2010). Bikini Atoll represents the nuclear age, the introduction of fallout, the first peacetime atomic tests, and serves as an illustration of nuclear colonialism. Bikini testing marked the beginning of the Cold War and motivated a global anti-nuclear movement in the second half of the twentieth century, including the signing of the "Suginami" petition in Japan after a radiated fishing boat distributed radiated tuna into the markets.

The UCH of Bikini stands as a testament to the nuclear testing. In the Bikini Atoll lagoon ten sunken vessels remain from the tests from the U.S. *Saratoga*, which features Helldiver planes and an Avenger torpedo bomber on her deck, to the *Nagato*, a Japanese flagship that assisted in the operation at Pearl Harbour (Baker and Niedenthal 2009:21). The collection of testing targets represents over thirty years of naval design and development of which most of the ships had prestigious roles in WWII prior to the testing (Delgado *et al.*, 1991:143).

## ***Legislation***

The legislation governing the UCH in the Marshall Islands reflects the variety of resources, origin, and ownership. The *Historic Preservation Act of 1991* and the *Regulations Passed Pursuant to the Act* mandate cultural resource management within the country. In addition, United States funded activities in the Marshall Islands are governed by the *U.S. National Historic Preservation Act*. The United States Army at Kwajalein Atoll (USAKA) has three governing documents, and the Bikini World Heritage Site is managed with deference to the recommendations of the World Heritage Committee. The Historic Preservation Office (HPO) which is housed in the building of the Ministry of Internal Affairs<sup>1</sup> works with the local governments, the USAKA, the U.S. National Park Service, and Bikini Atoll Local Government and Management Committee to implement the legislation protecting submerged resources.

The HPO implements the diving permitting procedure in the legislation (Spennemann 1992:85). Visitors traveling to outer islands must get an Outer Island Entry Permit from the Local Government office. The Local Government

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<sup>1</sup> The Ministry of Internal Affairs (IA) is a branch of the federal government located in the RMI capitol, Majuro. IA houses the local government office, women's services, child advocacy, and the Historic Preservation Office.

office in the capitol of Majuro is in contact with the local governments on the outer islands and serves as a hub for communication.

Once the visitors obtain an *Outer Island Entry Permit* and pay a fee to visit the islands (atolls) they wish to visit they are sent to the HPO to obtain a diving permit. The diving permit is \$50USD for individuals and they must be certified divers. The permit contains information about the UCH and serves as an agreement that the diver is aware of the legislation protecting the UCH and will abide by it. Snorkelers are also subject to the agreement. We provide the radio station with the names of the visitors and their activities which are then radioed to the respective atolls. As the diving permit is tied to the *Outer Island Entry Permit* it ensures accountability to the local government about the visitor(s)'s activities.

Due to the breadth of the country the HPO trains Cultural Resource Officers from the outer atolls to assist with the implementation of the legislation. The Mayors of the outer atolls appoint the Cultural Resource Officers who may report back to the HPO should there be problems with visitors and diving.

Additionally, the HPO issues *Dive Tour Operator Affidavits* which place the tour operator as monitor of the responsible party for implementation of the legislation. The dive tour operator pays \$150USD annually for the permit to operate dive tours and the HPO provides historic preservation education to the dive masters and employees of the dive tour operation.

The USAKA operates according to the *Environmental Standards and Procedures for U.S. Army at Kwajalein Atoll Activities in the Republic of the Marshall Islands (UES)* which was enacted in 1995 and are reviewed every two years. The three regulatory documents, the *UES*, the *Document of Environmental Protection (DEP)* and the *Historic Preservation Plan (HPP)* provide the basis for the cultural management on Kwajalein Atoll. The Army has also released policy *CR 200-4*, which prohibits looting and artifact collection on Kwajalein.

Roi Namur and Kwajalein Island were listed as U.S. National Historic Landmarks in 1985 but the boundaries of the listing have to be clarified to assess the designation's effect on the protection of UCH. USAKA representatives have maintained that the designation became null in recent years. The issue remains unresolved and is currently in consultation.

In 2002 the Marshall Islands accepted the *Convention Concerning the Protection of the World Cultural and Natural Heritage*. This is an international treaty that binds the RMI to an agreement to promote and protect cultural and natural heritage. Following Bikini Atoll's inscription as a World Heritage Site in 2010 the RMI is responsible for managing the site in accordance with the general objectives of the Convention, and periodic reporting provides an opportunity to cooperate with the World Heritage Committee to ensure the policies and aims of the Convention are being met.

## **Challenges**

There are several factors that render the UCH vulnerable and present challenges to its protection: unsurveyed and unmapped resources, limited staffing, limited

monitoring, military security, foreign development, and the question of economic and/or resource benefit(s) of underwater resources to visitors and islanders. Additionally, the rising sea levels and eroding shorelines have introduced new resources into the ocean and produced concerns about ownership into the future.

An accurate assessment of the UCH within the 750,000 square miles of the country is still beyond our reach. Of the 29 atolls and 5 islands, 12 remain to be surveyed by the HPO for cultural resources. Underwater surveys have been conducted at Wotje, Maloelap, Bikini, Jaluit, Mili, and Majuro. Like our Micronesian neighbors the remote reaches of the country belie monitoring. While our administrative procedures for diving activities ensure education and communication between the capitol city and outer islands. Implementation of our laws is subject to visibility and reporting.

The HPO is responsible for conducting survey and inventory and funded by the U.S. National Park Service (NPS). Staff capacity is limited and funding can be delayed pending grant reporting. The professional staff are contracted for two years. The office has seen considerable delays in hiring, causing a gap in implementation of the legislation as well as progress towards realizing the extent of the UCH.

Looting remains a problem on the military base of Kwajalein. Limited capacity within the RMI local government office on Ebeye, military security, and a poor understanding of the conditions of the wrecks over time have impeded our office's efforts to investigate complaints. Complaints from divers on Kwajalein have been anonymous for fear of backlash. The HPO has attempted to enlist the Kwajalein Scuba Club to provide monitoring information but questions of ownership over the wrecks and the lagoon as well as the disbelief that there is "anything left" to strip have led to an impasse. The recent dismantling of a rare aircraft below legal dive limits and a formal complaint with "before" and "after" photographs has heightened RMI action; leading to a government to government cooperation to address the problem through legislation and investigation.

Foreign development poses a new challenge to the UCH. Many developers simply don't "see" the resource as a national heritage and RMI's strong land ownership rights can impede implementation of the legislation. A recent development proposal for a surf resort on the outer islet of Berang, in Ailinglaplap Atoll, included leasing the water surrounding the islet for exclusive use by the developer. However, neighboring islanders have frequented the area for fishing, and the northern shore of the islet features historic, possibly prehistoric, fish traps (Wright 2011:31).

During consultation with the RMI Environmental Protection Agency, we questioned whether the waters of the RMI can be leased due to the *Public Lands Act*, which stipulates that "all marine areas below the high watermark are the property of the RMI government".<sup>2</sup> Exclusive use of the waters surrounding Berang Islet requires negotiation with the federal government and a special permit should be sought. In the event that a permit of this type is sought, the

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<sup>2</sup> www.rmicourts.org - Search Public Lands and Resources Act, pdf, Chapter 1, Public Lands, Section 103.

Historic Preservation Office will request that Ailinglaplap residents may continue to use the traditional fish traps as it is an established traditional cultural site protected by the *Historic Preservation Act*. The power of landowners to make agreements regarding their land and shorelines may conflict with historic preservation measures, and requires careful negotiation to ensure protection of the resource.

The interconnectedness of natural and cultural resources should inform protection. In the above example concerning Berang Islet, the developer questioned whether the traps were anything more than “natural reef lines”. The Marshallese have traditionally utilized natural reef formations as traps, abridging the formations by stacking additional reef rock or closing off an area. These areas may not be recognizable as a cultural resource to foreigners.

Traditional sites in the Marshall Islands are defined as the “sites, landmarks and locations to which oral traditions of the indigenous people of the Marshall Islands are attached” (Spennemann 1992:13). As all traditional sites are significant according to the legislation the sites qualify for eligibility to the *RMI National Register*. Traditional sites include landmarks assisting with navigation, coral reef heads, sacred areas, and traditional sites.

Much of the success in the implementation of the legislation regarding the preservation of UCH depends on the investment of Marshallese citizens as it is difficult to inscribe value to historic underwater resources without a recognizable impetus or economic stimulus. Throughout the Marshall Islands WWII artifacts have been reused as household and technical implements; to a lesser degree the same is true for the underwater WWII heritage (Spennemann 2006: 272). However, growing recognition of the benefits of visitors and preserving destinations for cultural tourism as well as education about historic preservation may deter future looting of the wrecks for household use.

The future of the UCH will likely meet more government to government relations as climate change and rising sea levels affect atolls throughout the Pacific Ocean. Shoreline graves have been eroding into the lagoon and ocean for years. Predictions that the atolls will be underwater in the not-so-distant future necessitate discussion about mitigating effects to shoreline resources. There may also be questions of ownership of the UCH should the land they are governed by become submerged.

### ***Capacity Building***

The HPO has addressed many of the challenges to preservation by collaborating with those close to the resources. This includes landowners, divers, snorkelers, fishermen, the scuba club, local governments, and others. Given the remote reaches of the country and the limited capacity to implement corrective measures for violations of the legislation, the HPO emphasizes education and networking.

We work with dive operations to request status reports of the underwater heritage. Most tour operators and dive clubs maintain that stripped wrecks are bad for business and make for a compromised experience. We are attempting to

enlist the Kwajalein Scuba Club to assist with monitoring of the wrecks and provide education to divemasters at Bikini Atoll. Bikini Atoll Local Government has recently allowed diving at the World Heritage Site and manages the exclusive tour operation activities by requiring two Bikinian live aboard monitors, a divemaster in the water, and a monitor on deck of the charter boat to watch the divers as they get on and off the boat. The HPO is creating an educational dive brochure to distribute when issuing dive permits, and to provide to the Marshall Islands Visitors Authority.

The RMI Advisory Council of Historic Preservation (ACHP) provides support to RMI HPO in protection of the heritage. For the past year the HPO has addressed complaints about looting on the military base at Kwajalein. The RMI ACHP, featuring government officials from various ministries, the Council of Irooj, and local non government organizations (NGOs) provides the official support to engage RMI high level officials in government to government relations. The support of the ACHP ensures cultural resource issues are taken seriously.

We also consult with natural resource managers and educators at monthly Coastal Management Advisory Committee (CMAC) board meetings, and collaborate on potential surveys and projects. CMAC features representatives from the Environmental Protection Agency, Marine Resources Authority, non-for-profit conservation, and others. Meeting with CMAC affords the opportunity to build capacity by sharing resources and training as well as to collaborate on understanding the multifaceted impacts of development projects and resource exploitation. The HPO stays abreast of natural resource protection measures and maintains relationships with the stakeholders. Earlier this year HPO staff attended the workshop “Marshall Islands Comprehensive Legislative Review”, as the Marshalls are part of Western and Central Pacific Fishing Commission (WCPFC) and used the opportunity to request insertion of language about protection of the underwater cultural resource.

Given recent local, national and international collaboration we remain optimistic, while it is clear that there are formidable challenges facing effective protection of the important underwater resources of the RMI. Building relationships with the stakeholders and emphasizing education about historic preservation on the outer atolls builds cooperation and capacity. The inscription of Bikini Atoll as a World Heritage Site has opened discussions about protection of the resources at Bikini World Heritage Site and throughout the country. As the field of maritime archaeology expands globally the UCH of the Marshall Islands will continue to gain exposure for its uniqueness and importance. Using creativity and collaboration the HPO will continue its mission of the documentation and protection of the underwater sites recognized as important resources to the cultural history of the Marshall Islands.

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