

TOWN STUDY PROJECT 1992

TOPIC AREA:

MUNICIPAL CONSTITUTIONS

BY:

JOSEPHINE GILIBPIN
FRANCESCA GILİYAG
FRITA FRITZ
WISNEY NAKAYAMA
AND
ANDY GEORGE

ADVISORS:*

MIKE LEE
EVELYN PAUL
WAHYU WIBOWO

Introduction

In the recent past, the people of Micronesia have struggled to keep their identity. Under foreign dominance, they have sought many possible ways to preserve their customs and traditions. Our forefathers, who were the members of the first Congress of Micronesia, eventually saw that the placing of customs and traditions into a constitution was one way to preserve and nourish our Micronesian identity.

Because of the diversity of customs in the Federated States of Micronesia, the states were given the opportunity to emphasize specific customs and traditions in their own constitutions. However, some states were not able to because, even within a state itself, customs and traditions are still varied. Therefore, the municipalities within the state were given the responsibility to draft their own constitutions and to emphasize customs and traditions in their constitutions. Chuuk state, for instance, faced this situation where the state was not able to emphasize customs and traditions in its constitution.

This is where the main focus of this paper begins. We decided to explore in depth the process and formation of the municipal constitutions and find some possible answers to such questions as: Were there any problems that Chuuk state faced in placing customs in its constitution? How did the municipalities try to emphasize customs in their constitutions? Were there problems in placing certain customs in a constitution?

Trust Territory of the Pacific Islands

After the United States Navy's administration of the Pacific islands in the 1940's, the US Department of Interior took responsibility over some of the Pacific islands in 1951. This administration was led by a High Commissioner who worked out of offices in Hawaii and made most of the decisions for the development of the Micronesian islands. The High Commissioner's decisions were then carried out by governors in each of the districts.

At this time, the districts' superior laws, similar to constitutions, were called Charters. The difference between charters and constitutions was that the charters were enacted by the Congress of Micronesia and approved by the High Commissioner but not from public vote or plebiscite. All the Trust Territory districts had their own charters including Truk, Pohnpei, Yap, Palau, Northern Marianas and the Marshalls.

The main purpose for the charters was to give guidelines to the district governments and show how the district governments should run in accordance with certain regulations of the United States government. Therefore, customs and traditions were not included in the charters because that was not the goal for the charters.

The charters' exclusion of traditional or customary rights was one issue that the Municipality, which is the third level of government under the national and state government, now faces. For example, Article II, section 2 in the Truk District Congress

Charter, stated "In the event an Act of the Truk District Congress is in conflict with a municipal ordinance, the Act shall supersede and take precedence over the ordinance." The charters were set up in this manner due to the fact that municipal affairs, such as customs and traditions, and municipal ordinances, were not a primary concern for the Trust Territory government. However, most people wanted their customs, traditions, and municipal ordinances to be recognized in the charters. Therefore, because of the charters' ignorance of what the people wanted, they sought for any possible way to preserve customs and traditions.

In 1975, when the Congress of Micronesia had its first Constitutional Convention (con con), a concern to draw up a new set of laws for the people in the territory was raised among the district representatives. This set of laws was to be called a Constitution. Two of the intentions for drawing up these laws were: to emphasize the power of the Congress of Micronesia and to recognize the value and importance of customs and traditions. These were the primary goals that the Congress chose because of the earlier limitation of basic and traditional rights, especially under the charters. (Information from Tosiwo Nakayama, interview 1992)

Brief explanation of constitution

In a broad sense, a constitution is a body or a set of laws that governs the affairs of a government. Most governments operate under a formal written document or a constitution, but it

does not mean that all the laws or rules for the minor organizations under a government are written down in the constitution. This is due to the fact that usually there are many other simple laws and rules for an organization that are not essential enough to be placed in a constitution.

A constitution also formulates the structures through which a government will operate. A constitution labels the different levels and branches of a government which, in the case of FSM, are the executive, legislative and judicial. A government of this form is created to set up a system of "checks and balances", or to limit one particular part of a government from having excessive power over its people. Therefore, it is necessary to have basic guidelines on the operation of a government through a constitution.

Background of National, State and Municipal Constitution

In 1978, the Micronesian Constitution came into existence and was adopted. At this time, the Micronesian Congress passed an act creating a national convention, which voted for a constitution by a majority vote of the Trust Territory districts (Truk, Ponape, Yap, Northern Marianas, Belau and the Marshalls). Nevertheless, the constitution was amended later in the years because Northern Marianas wanted to become a commonwealth under the United States. Belau also later rejected the constitution because she demanded a nuclear-free zone, but, under the compact of free-association, the US reserved the right to use some islands in Micronesia for military purposes; thus allowing for

the possibility of nuclear weapons in the region. The Marshalls also seceded from the Congress because it felt it was being cheated on the distribution of income from Kwajalein, one of the Marshall islands controlled by US as a military base. Because the money was distributed according to district population, the bigger districts received more money than the Marshalls, making the Marshalls feel cheated. The constitution was ratified and came into effect in 1979 with four districts (Kosrae, Truk, Ponape and Yap) united as the Federated States of Micronesia. (Information from Tosiwo Nakayama)

It was mandated by the FSM Constitution, Article VII, section 1, that there be three levels of government: national, state and municipal. The drafters saw this as an aid to the state and municipalities especially because "they can incorporate some municipal concerns that are not stated in the state or national constitution"¹, stated by Roger Mori. Two particular areas of concern are: customs or traditions, and traditional land boundaries. Therefore, the three levels of governments were established to benefit concerns at the lower levels.

One main goal that the FSM constitution tried to focus on was the preservation of traditional rights. Nevertheless, the drafters realized that placing customs or traditions into the FSM constitution was a very difficult task. While trying to place certain traditions into the constitution, the drafters faced

1. Interview with Roger Mori on March 18, 1992

conflicts of different ideas and desires.

The idea of creating a national chamber of chiefs and making it constitutional was one of the difficulties the drafters faced. All the districts agreed to have a chamber of chiefs exclusive of Pohnpei State. The Pohnpeian people did not want their "Nanmwariki" or traditional chiefs to sit with other state's chiefs. They emphasized that the "Nanmwariki was highest in rank and other chiefs are not worthy of sitting with them,²" stated Tosiwo Nakayama. Sabino Asor stated that it was difficult to have a chamber of chiefs because: "The Con.Con. was composed of young and old, traditional and anti-traditional members. The young ones were strong in going against the chamber of chiefs." In general, customs and traditions were recognized by the national constitution. Article XI, section 11, of the national constitution shows us how customs and traditions are important and recognized in terms of decision making. It states: "Court decisions shall be consistent with this Constitution, Micronesian customs and traditions, and the social and geographical configuration of Micronesia. In rendering a decision, a court shall consult and apply sources of the Federated States of Micronesia." However, specific customs and traditions were not listed out in the FSM constitution because of their diversity. It was, therefore, the responsibility of the states to focus on customs and traditions in their constitutions.

2 Interview with Tosiwo Nakayama on March 16, 1992

In debating and formulating its own constitution, Chuuk State, in particular, tried to emphasize or reserve roles for traditional rights and traditional leaders. In the Chuuk state constitution, Article IV sections 2 and 4 explicitly express the recognition and respect of the traditional rights and traditional leaders of the people. Section 2 states that: " Nothing in this Constitution takes away the role or function of a Traditional leader as recognized by Chuukese custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles in government." Section 4 states: " Traditional rights over all reefs, tidelands, and other submerged lands, including their water columns, and successors rights thereto, are recognized. The legislature may regulate their reasonable use."³

Nevertheless, when the delegates were still in the process of drafting the state constitution, they faced some problems. Rufos Bethewel stated that "customs and traditions cannot be put into the state constitution because of different interpretation of customs."⁴ Because Chuuk State is composed of thirty-nine municipalities, each municipality can interpret a customary practice differently, thus making it difficult for the delegates. One of the interviewees also mentioned that "some of the delegates to the Chuuk State Con.Con. believed that it was the

3. Chuuk State constitution

4 Interview with Rufos Bethewel on March 11, 1992

responsibility of the municipalities to specify concerns about customs."

The diversity of customs in Chuuk can also show how differently the municipalities deal with customs in their constitution. Later on in this paper, we will show the different customs and the different interpretations of customs that some of the municipalities have.

If we take another look in the Chuuk state constitution Article XIII(Municipalities) section 5, it states clearly that "Each municipality shall adopt its own constitution within limits prescribed by this Constitution and by general law. A municipal constitution shall be democratic and may be traditional. The powers and functions of a municipality with respect to its local affairs and government are superior to statutory law. The Legislature shall provide enabling legislation to carry out the purpose of this section."⁵ The second sentence of this section is very problematic because it is not clear whether democracy or tradition is superior, should they come into conflict.

This sentence brings up a lot of questions from many people in Chuuk such as: Are we supposed to follow democracy or tradition? and, What does the word "democracy" really mean? To show the potential conflict or contradictory nature of this sentence, one of the interviewees mentioned that, "we can hardly live when democracy and traditions operate together. A way to

5. Chuuk state constitution Article XIII, section 5

live peacefully without having conflict between democracy and traditions is simply to get rid of one of them and follow only one. It is more likely that democracy will win out. Throughout the world democratic nations have tried to leave both democratically and traditionally, and today none have succeeded in doing so."⁶

The next sentence of this section in the state constitution perhaps expresses more clearly what most of the delegates to the state con. con. wanted. This point was generally agreed on, and so it was then left to the municipalities to draw up their constitution and consider their own particular traditions.

In order to have a better understanding of how municipalities are dealing with customs and traditions, one must take a closer look at municipal concerns, in particular the formation of municipal constitution. For example, one must look at the process of con.con's., and how their education programs are conducted.

Process of Municipal Constitutional Convention

Before a municipal constitutional convention takes place, an ordinance has to be made and passed from the Mayor and his council describing the convention. After this ordinance is passed, then the next step is the election of delegates to the convention. The 39 different municipalities have their own requirements for the qualifications of delegates. For instance,

6. Interview with Alton Higashi on April 7, 1992

some municipalities require delegates who are 35 years old or older whereas some only require citizens who are at least 25 years old. Some municipalities also have their Mayors and traditional chiefs automatically appointed into the convention while some do not. However, among all the requirements, most municipalities share two in common. These requirements are: 1) a delegate to a municipal convention must be a citizen of the Municipality, and 2) a delegate must not be convicted of any criminal act or felony.

After the election of the delegates is done, the delegates then get together for the first convention, which is called the Pre-constitutional convention. This convention usually takes up a day and, during this convention, each delegate comes in with his proposal concerning anything he wants to include in the constitution. It can be about traditions, territory, finance or any other municipal matter.

The election of officers and assignments of delegates to different committees, such as judiciary, executive, legislative and finance, within the convention also takes place during the pre- con. con. The assignments to the various committees are based on the information provided from each delegates' proposals.

Aside from the election of officers and the assignments of delegates to the various committees, the pre- con. con. is also a time set for the delegates to set up what will be taking place during the real convention. For example, they set up the rules of procedures, budget, etc.

High job absenteeism, unfortunately is often one negative effect, in requiring extra work from the delegates for municipal constitutional conventions. Teacher absenteeism, in particular, has been a major problem. For example, about a third of Chuuk High School teachers, who are members of various municipal con.cons., missed classes to join con.con. meetings. Because of not teaching during the con.con. meetings, the students faced problems of making-up for the teachers' absences. High job absenteeism has been a problem because members of con.cons are permitted to miss work for as long as a con.con. is in session and they get paid as teachers and con. con. delegates, at the same time. Therefore, absenteeism is not the only problem but extravagant spending of government money as well.

Regardless of absenteeism, during the actual convention, the committees can either make their own proposals or hold public hearings to come up with their proposals. Public hearings are done by any committee that feels the necessity to have them. They are also done so that people can give their comments to such proposals introduced by the delegates.

When it comes to the introduction of proposals from the various committees during the convention, each committee follows a regular order. This order is listed below:

1. A standing committee introduces its report and proposals.
2. The committee asks the convention to adopt the proposals. The convention has its first reading over the proposals. If adopted, then they

become part of the constitution.

3. A second reading can be made for any amendments to the proposals.
4. If not adopted in the convention, the committee gives public hearings. They get ideas from the people and make amendments to their proposals.
5. The committee, once again, reports its proposals.

When the proposals are all adopted and the similar proposals are categorized together, then the constitution is almost complete. This means that everything is already written down in the constitution, and it only waits for people's approval through a referendum, which is a public vote whether to accept the constitution or not.

Before the referendum is the Education for Self-Government or ESG. During ESG, the convention chooses some people to teach the public about the contents of the constitution. These people are not all neutral to the constitution, however. Sometimes, even delegates to the convention are sent to teach the public about the constitution. For instance, during the Fananu ESG, only delegates to the convention were teaching the people about the constitution "because they are more knowledgeable about constitution"⁷, said a Fananu Con Con delegate. Having delegates teach the people about the constitution is fine. However there

⁷ Interview with Mashichy Ruda (Mayor of Fananu) on March 25, 1992

might be a problem because delegates may be inclined to teach the people primarily about the positive side of the constitution, while overlooking any negative sides. If the public were taught about their constitution by some neutral people, both positive and negative sides of the constitution can be discussed.

Distribution of municipal money

As stated in the state constitution, it is the duty for Chuuk State to aid the municipalities in the drafting of their constitutions and other municipal affairs. In fact, the Chuuk state legislature appropriated some \$768,000 in funds to be given to all the 39 Municipalities to cover the costs of forming and writing their constitutions. \$390,000 from the total amount of the \$768,000 would be appropriated equally to all the 39 Municipalities. This meant that each Municipality was certain to receive at least \$10,000. The amount left from the \$768,000 which is \$378,000 would also be divided among the 39 municipalities but would be appropriated according to municipal population. This appropriation, in addition to the initial \$10,000 given each municipality, based on population is listed below:

<u>Names of Municipalities</u>	<u>Amount appropriated</u>
Eot	\$5,000
Piherarh	\$5,000
Onanu	\$5,000
Onou	\$5,000
Makur	\$5,000

Tamatam	\$5,000
Fono	\$8,000
Siis	\$8,000
Parem	\$8,000
Romanum	\$8,000
Fanapenges	\$8,000
Piis-emwar	\$8,000
Namoluk	\$8,000
Ettal	\$8,000
Kuttu	\$8,000
Oneop	\$8,000
Ta	\$8,000
Onoun	\$8,000
Murilo	\$8,000
Ruo	\$8,000
Fananu	\$8,000
Nomwin	\$8,000
Houk	\$8,000
Pollap	\$8,000
Polowat	\$8,000
Paata	\$11,000
Wonei	\$11,000
Moch	\$11,000
Lukunoch	\$11,000

Satowan	\$11,000
Nema	\$14,000
Udot	\$14,000
Polle	\$14,000
Fefen	\$17,000
Tol	\$17,000
Tonoas	\$17,000
Uman	\$17,000
Weno	\$20,000

Public Concern

"Why is Weno so late to finish its constitution while it receives most of the appropriated money for constitutional purposes?"

Among all the 39 municipalities in Chuuk State, we learned that, as of March, 1992, only five municipalities have finished their constitutions. They are as follow: Fananu, Kuttu, Moch, Fefan and Lukunoch. Regardless of the small funding (\$18,000) Fananu received, it was the first to finish its constitution; whereas Weno, which received \$30,000, has not yet finished its constitution. Because of this, public concern for Weno's constitutional delay arose.

There are several reasons why the ratification of Weno's constitution is late. Roger Mori stated: "The money appropriated

to Weno is sufficient, but the major cause for insufficiency is the very high allowances of the delegates." For example, if Weno were to receive \$30,000, it will only use \$15,000 because the other half becomes the allowance for the delegates. Therefore, the money appropriated for Weno is enough, but most of the money is spent on the forty-two delegates' allowances rather than the necessities for the con.con.

Another problem that the Weno constitutional convention, as well as the other municipalities, face is the expense of necessities for constitutional conventions. Such necessities include papers, computers, xerox machines, pens, and refreshments. Along with the problem of buying these necessities for constitutional conventions was the lack of lawyers and economists. The Weno constitution cannot be drafted unless a lawyer is there to examine the constitution itself. As of March 20, 1992, a lawyer for Weno constitutional convention has been available. The problem that the convention faces now is the salary for the lawyer.

Another delay in the drafting of Weno's constitution has to do with the number of delegates it has for its constitutional convention. "The problem of having forty-two delegates is they often have a quorum of about twenty-eight or over", stated Roger Mori. To specify, to approve individual proposals, it requires a majority of the delegates votes. Nevertheless, the delegates often have different interests. Therefore, it requires a majority vote to pass a proposal, but the passing of proposals is

difficult due to the diversity of a large group of delegates.

The method by which the delegates' issues are proposed is also a hindrance to the ratification of Weno's constitution. Each Weno delegate has the opportunity to propose their issues only once or twice during con.cons. because of the large numbers in their group. In the outer-islands, however, the delegates propose all their issues at the same time, and they are all discussed in one meeting; thus they do not spend too much time on particular issues like the Weno con.cons. Therefore, the method in which the Weno delegates propose their issues takes up a lot of time too.

Lastly, another problem that Weno faces which also contributes to the delay was the fact that Weno island is populated by people from different islands, either lagoon or outer-islands. It is possible that there might be some mixtures in customs and traditions between original Weno customs and the other people's customs from other islands. For example, most citizens of Weno are not original inhabitants of Weno. In fact, it is very difficult to find a original Weno inhabitant. Therefore, the people of Weno often disagree on certain issues in their constitution.

Customs and Traditions

Customs, as one of our interviewees interpreted, "are things that the people have been practicing for so long that they have become part of their lives."⁸ Customs and traditions in Chuuk are

8. Interview with Wesley Simina on March 9, 1992

highly valued and respected. Moreover, due to the fact that Chuuk has a lot of islands and Municipalities apart from each other, customs and traditions are varied. In fact, this is one of the reasons why the Chuuk State government did not specifically identify or outline the Chuuk customs and traditions in its constitution. However, as it is mandated in the Chuuk state constitution, municipalities have the responsibility to emphasize certain customs and traditions that they wish to place in their constitutions.

Uman, one of the most traditional islands in the lagoon, faces this issue more so than "less-traditional islands". It is considered traditional simply because of the fact that it is very conservative with its customs and traditions. For example, some people of Uman wish to emphasize certain traditional rights of elderly women. The authority of women in Uman or even in most of the other municipalities in Chuuk is highly recognized. The power of elderly women is recognized in Uman because when "the municipality of Uman wishes that any municipal law that is to be passed must be decided upon by the elderly women."⁹ Julio Akapito included that, "Women in Chuuk have a reserved power; whereas the men have executive power."¹⁰ This means that women in Chuuk have power that is used when necessary, especially in advising men concerning decisions. Therefore, another advantage

9. Interview with Sabino Asor on March 17, 1992

10. Interview with Julio Akapito on March 24, 1992

of having municipal constitutions is that it makes it possible for municipalities to mention certain customs or traditions in their constitutions.

Another issue concerning municipal constitution is traditional land boundaries. Again in the case of Uman, Sabino Asor stated that, "Uman does not use nautical miles to define its boundaries in its constitution. However, it uses the stars to determine the extent of its boundaries.¹¹" Therefore, because it has its own constitution, Uman can easily emphasize customs in it.

The island of Mokur faces the same issue. Tosiwo Nakayama stated that, "During the Japanese Era, a man was brought to the island, and, until now most of the people of Mokur are descendants of that man. Therefore in Mokur's constitution, it states that only those of that man's family are eligible to become chief of the island.¹²" The man is the traditional owner of the island of Mokur, and his descendants are righteously the chiefs of Mokur. Therefore, Mokur can easily state the issue of chiefs in their constitution.

Placing customs or traditions in a constitution can also depend on the impact of Western influence on a particular municipality. Since the impact of western influence is not as great on the outer-islands, it is not that difficult for them to

11 Interview with Sabino Asor on March 17

12 Interview with Tosiwo Nakayama on March 16

place customs and traditions into their constitution. This is true for Murilo, one of the outer-islands of Chuuk. Because the major means of survival on Murilo is fishing and growing taro and not money, community service is one of the issues that is placed in Murilo's constitution. Filo Doone stated that, "all the inhabitants of Murilo must participate in fishing and working in the taro patch. If one is violative of this law, one receives a penalty in the form of extra labor, but not fine.¹³" Therefore, for Murilo, community spirit is still very much strong. It is not yet hindered by Western influence which makes it easier for customs to be emphasized in their constitution.

Although it is possible to emphasize customs or traditions in municipal constitutions, it is a very difficult task for the delegates of certain municipalities. While trying to place customs into a municipal constitution, it becomes a "fight" between the delegates and public. An example of this issue being debated concerns the chiefly clan in Uman. Sabino Asor stated that, "it has been customary that the chiefs from the chief clan are customarily chosen and not elected. Nevertheless, it has been difficult to make it constitutional because half of the people of Uman agree and half do not agree on the issue.¹⁴" Moreover, it is not the decision of the delegates to make a custom constitutional but it is the people's, and because of the influence of

13 Interview with Filomina Doone on March 25

14 Interview with Sabino Asor on March 17

democracy, it has become a difficult task. Therefore, it depends on how influenced a municipality is by democracy to decide upon the specific customs or traditions that will be stated in their constitution.

Regardless of democratic influence, some municipalities fear to specifically outline customs in their constitutions. It is believed by some delegates that to state customs on paper may take away some of their value and meaning. Because customs change as time goes on, a written custom may be meaningless after it is written down. Julio Akapito included that, "specific customs and traditions should not be written but kept oral, with the exception of formulated issues: land and traditional chief of an island."¹⁵ Land issues can be specifically outlined in a constitution because they do not change, but customary practices change. Therefore, some municipalities fear that a custom will become meaningless when written down in a constitution because of change. Moreover, some municipalities that have this fear specify in their constitutions that their customs and traditions will be decided upon by the traditional leaders from the island rather than having them written down in a piece of paper.

Another fear that some people have is that customs and traditions will be easily amended if they are written down on paper. For example, some people feel that if a custom is in a constitution one can just erase it or change some parts of it

15. Interview with Julio Akapito on April 7, 1992

just as easy as erasing an ordinary sentence and writing another one. However, other people want to have some of their customs and traditions elaborated or even written in the constitution. As one of our interviewees from the outer islands pointed out, the intention for this attitude is so that " We won't lose our identity 16".

Overall, people have understood customs and traditions by memory and/or by oral traditions (folklore). They are understood in people's minds. Most people seem to prefer this way of having customs and traditions understood in mind rather than having them written specifically in the constitution. Congressman Nishima Yleizah clarifies that "customs are hard to be written down one by one in the constitution because there are many of them.17" Sabino Asor also mentions that, "the problem of putting customs and traditions in the constitution is that many different people have different comments on a custom in Chuuk.18"

Most of the customs that are practiced today do not go against the Christian religion. Other than this, those customs that seem improper to be practiced today are no longer in existence. Some examples of the kind of improper customs that are not practiced today because of religion are listed as follows: a) before when a girl gets married, she has to be brought to the

16 Interview with Simion Innocente on March 18

17 Interview with Nishima Yleizah on March 18

18 Interview with Sabino Asor on March 17

chief first before she goes to her husband. b) women were also kept as a property. They were used as gifts or as symbols of money to the people. c) the practice of polygamy. Therefore, religion has had a great impact of customs and traditions in Chuuk.

Compare/Contrast Customs of Outer-islands and Lagoon islands.

In comparing and contrasting customs and traditions of the outer-islands and the lagoon islands, one can see the diversity of customs and how they are maintained in different municipalities. It is more likely that the municipalities try to preserve the outward manifestations of some cultural values. Therefore, by taking a closer view at the differences of customary practices in the different islands in Chuuk, we can see why some islands find it easier while some find it hard to place customs in their constitutions.

Respect for men that is shown through women's actions is one of the similar cultural value throughout all of Chuuk State. Nevertheless, the practice of respect by lagooners and outer-islanders differs in some ways. When a female lagooner meets her male relatives, she can just simply bow and walk pass them. In the outer-islands, a women cannot simply bow, but she has to kneel and let ner brothers or relatives pass before she can proceed. Also, if a female outer-islander encounters a brother on a vehicle, it is also expected of them to kneel until the vehicle

passes. Therefore, respect is a similar custom between the outer-islands and lagoon islands, but their ways of showing respect differ. The difference is what the municipal constitutions have been trying to preserve and distinguish.

The power of males and females is one of the interesting customs in Chuuk State. Furthermore, the powers invested in both sexes is similar between the lagoon and outer islands. The males are held responsible for executing responsibilities. They are in charge of holding clan meetings and speaking in public. The women cannot speak up in order to show respect to the male relatives. Nevertheless, the women are responsible for advising their brothers, and husbands especially on what is to be executed. Therefore, there is a balance between the power of the male and female in the whole Chuuk State.

It is true for the Chuukese men to be advised by their wives. This is due to the fact that, through marriage, the male marries into the female's family. He then does not have much power to command the female's family. He must only listen to what the wife wishes him to suggest to her family. Therefore, women usually have power over their husbands because of the way of marriage in Chuuk.

The practice of marriage also signifies why land is passed down through females throughout Chuuk. When the brothers of the women marry, they marry into another family; whereas females do not marry into another family but remain in their own family. If a male was to inherit land and marries, the land he owns will go

to the family he marries into. The female, on the other hand, can keep the land in her family and not lose it because of her husband's family. Therefore, it is understandable why land is continued through the women in Chuuk.

A similarity in all the municipalities in Chuuk is the traditional chief's clan. In the past, the traditional chief's clan usually had power over the people. As of the 20th century, this is no longer true, especially in the lagoon islands. In some outer-island municipalities, the traditional chief still has power. Unlike the outer-islands, the lagoon chiefs have very little power. The traditional chiefs in the outer-islands have the power in dealing with people. They are in charge of their islands and any decisions to make for the people. For example, Filo Doone stated that, "in the outer-islands, permission to fish on an island's reefs is granted by the chiefs.¹⁹" In the lagoon nevertheless, some mayors are in charge of granting such permission and not the chiefs. Therefore, the lagoon and outer islands have chiefs, but the difference is the power the chiefs granted to them by their constitutions.

Public Survey

The survey results indicate that constitution has been introduced to the people of Chuuk on a minor level. They were not thoroughly educated of the purpose, principles and effects of a constitution. Probably a brief glimpse was also given to them of

19 Interview with Filomina Doone on March 25

the benefits of a constitution. We have come up with this conclusion because most of the people that we talked with only knew that a constitution is a set of laws. Moreover, they seemed to have no ideas concerning why they should have constitutions.

Governmental officials seem to be the only ones who know what a constitution really is. From the surveys, others claim that they know what a constitution is; however, it is obvious that they do not understand the constitution because their answers were irrelevant to what the survey questions were asking.

In addition, some stated that the purpose of a constitution is to grant protection and preservation of customs and traditions. This presumption gives us the idea that the peoples' rights are invested in customs and traditions. In fact, customs and traditions are changing factors of life. We also came to believe that what we practice now and consider as custom might not be practiced twenty years from today. Chuukese people seem to want their customs to be emphasized and preserved in the constitution.

The majority of the people of Chuuk that know a little of what a constitution is are students. 70% of the students that we had interviewed, mentioned that they have learned something about their constitution during their elementary years. Few of these students, however, said that they have learned about their constitution during the first two years in high school. For instance, in one of the survey sheets, a person(attending SCA, age 16) stated that she learned about the constitution when she

was still attending St. Cecilia(an elementary school). In most of the survey papers we gathered from students, they share the same conclusion as the person above.

With regards to the older people, they seemed a little confused as to what a constitution is and its purpose. The overall opinion is that a constitution is "chunap en onuk", meaning supreme law. They only know that it is some kind of law. Moreover, they do not know the whole purpose of the constitution and what the constitution is all about.

With regards to the municipal constitutions, we have found out that some people actually feel that municipalities in Chuuk are not ready yet to have constitution. One of our interviewees from the US mentioned that, "Municipalities in Chuuk are not yet ready for having their own constitution because even some of the delegates do not know the purpose of it." Whereas, some do believe that municipalities should have their own constitution because they have different interests from the state government and also that it is mandated in the state constitution for all municipalities to have their own constitutions.

Conclusion

In conclusion, we have tried to explain what a constitution is in general and how the people of Chuuk understand it. We have also tried to bring up the history and the background of constitution in Micronesia and the laws that applied to customs and traditions during the Trust Territory period as well as afterwards.

Moreover, we have found out that our governments, national, and state, now and-to some degree-before, have tried to preserve customs and traditions in our supreme laws. However, there were and still are some difficulties in placing customs and traditions in the national and the state level. In this paper, we have tried to mention these problems and difficulties and, now, because of these difficulties, both the state and the national governments have authorized the municipalities to be responsible for the preservation of customs and traditions. Nevertheless, the municipalities also face some problems in placing customs and traditions in their constitutions too.

With regards to the municipalities, we have tried to show how a municipal council works and the ways in which ideas, especially about customs and traditions are suggested to be included in the municipal constitutions. Some customs and traditions are challenged as being undemocratic or going against Christian principles and therefore, are sometimes terminated from being included in municipal constitutions.

There is no denying that democracy is a force presently operating in Chuuk. In fact, some Chuukese customs and traditions conflict with some people's notions of democracy in Chuuk. The main idea of democracy that most people have is a type of government that treats every people fairly and equally. Some Chuukese customs, however, may act and serve people in seemingly unequal ways. Therefore, these customs, such as appointed chiefs rather than electing chiefs are undemocratic and

may clash with the idea of democracy.

Along with democracy, Christianity and its ideals are widely established and accepted in Chuuk. This, too, has caused some customs to be stopped from being practiced simply because they are against religious beliefs and doctrines. These conflicts are truly hard to be solved. How can they be solved? Can they be ever be solved?

In the world we live in today, we should worry about what is going on at the present time but also look to our past for guidance. The whole point of preserving customs and traditions in the constitutions is, as we believe to keep us aware of where we, Micronesians, came from and where we are heading.

ACKNOWLEDGEMENT

We, the Government II group, would like to express our heartfelt gratitude to the people, who have given up their time; without them our paper would not have been possible.

Names are as follow:

**Mr.Wesley Simina.....State Legislature
**Mr.Rufos Betewel.....Public Affairs
**Hon.Tosiwo Nakayama.....Former Pres. of the F.S.M.
**Mrs.Filomena Doone.....Public Affairs
**Hon.Jack Fritz.....F.S.M. Speaker
**Hon.Simion Innocenti.....Congressman
**Hon.Nishima Yleizah.....Congressman
**Mr.Naoi Selifis.....Legal Service/Delegate to the
 Weno Municipality
**Mr.Alton Higashi.....Education Dept./Advisor to
 Municipalities on Con-Con
**Hon.Julio Akapito.....State Legislature
**Hon.Roger Mori.....State Legislature
**Mr.Sabino Asor.....Advisor to the Governor
**Hon.Masachiro Christlib....Chuuk State Vice Speaker
**Hon.Freddy Nifon.....Mayor of Weno Municipality
**Hon.Gideon Doone.....Former Governor/Delegate to the
 Weno Municipality
**Hon.Mashichy Ruda.....Mayor of Fananu Municipality
**Lesther Muritok.....Public Affairs/Delegate to Lukuno
 Municipality
**Mr.Marcello Ham.....Delegate to Kuttu Municipality

Names of Schools:

**Berea Christian High School
**Saramen Chuuk Academy
**Chuuk High School
**Xavier High School

Once again we would like to express our sincere appreciation to all these people and schools, mentioned above, for their great dedication and effort. God bless them all!